

Peru: Unprotected health

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Trade accord with US could endanger right to health.

The free trade accord being negotiated between Peru and the United States can weaken the guarantees of protection to health established in international treaties and increase the price of essential medicines to levels out of the reach of millions of Peruvians, warned Paul Hunt, special rapporteur of the United Nations Human Rights Commission for health rights.

Hunt visited Peru in early June to evaluate the government's fulfillment of its obligation to provide Peruvians with services that assure their right to physical and mental health. He urged both governments to take into account this right during the bilateral negotiations.

These negotiations form part of a wider process, begun by the United States in May, that seeks to establish bilateral accords as well with Colombia, Ecuador and possibly later with Bolivia. All of the countries are members of the Andean Community of Nations (CAN).

Venezuela, the fifth member country of the CAN, has been excluded from the plans of economic integration due to the political differences between Caracas and Washington.

Hunt's concerns refer to "TRIPS Plus" accords that the United States tries to include in the bilateral or regional negotiations that it executes outside the World Trade Organization (WTO) and that arise from the US policy of demanding countries that negotiate bilateral accords supplementary concessions, above all in the area of pharmaceutical patents.

TRIPS stands for the agreement on Trade-Related Aspects of Intellectual Property Rights that regulates, among other things, the protection of authors' rights, factory brands, geographic indications, drawings or industrial models and in particular patents, including those on medicines.

Although TRIPS — approved in 2001 in the WTO's IV Ministerial Conference held in Doha, Qatar — confirmed the rights of developing countries to employ measures of safeguards, such as obligatory licenses to produce medicines, it specifically calls on government to provide access medicines for all people.

Hunt said the trade accord with the United States should not restrict Peru's capacity to employ the arrangements of protection for public health included in TRIPS and in the Doha declaration.

The rapporteur mentioned that the Peruvian Constitution enshrines the right to health and at the same time this country has ratified human right treaties linked to health, like the Convention on the Rights of Children and the International Pact on Economic, Social and Cultural Rights.

A crucial aspect of the right to health is the guarantee of access to essential medicines for all people, particularly those who live in poverty, that in the case of Peru includes more than 50 percent of the population, of them 25 percent of whom suffer from extreme poverty. Many Peruvians die from illnesses that can be cured with medical treatments, Hunt said.

Hunt warned that the Peru-US trade accord should improve — instead of further impede — the access to essential medicines, especially for persons in the situation of poverty. The study urges the United States to create international trade adjustment assistance programs in countries that may be displaced by trade liberalization.