



**Styre:** Fakultetsstyret ved Det juridiske fakultet  
**Styresak:** 68/23  
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## **NEDLEGGING AV JUS276-2-C HUMAN RIGHTS AND WELFARE POLICIES OG OPPRETTING AV JUS2313 HUMAN RIGHTS AND WELFARE POLICIES OG JUS3513 HUMAN RIGHTS AND WELFARE POLICIES**

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### **Bakgrunn**

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar.

Emneansvarleg Henriette Sinding Aasen har utarbeidd emneskildringane som ligg ved.

Som vedlegg følgjer saka slik ho vart presentert for studieutvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

### **Handsaming i studieutvalet**

Studieutvalet handsama saka i sitt møte den 05.06.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS276-2-C Human Rights and Welfare Policies etter studieåret 2022/2023 og i staden oppretta JUS2313/JUS3513 Human Rights and Welfare Policies som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

### **Merknader frå dekan og fakultetsdirektør**

Dekan og fakultetsdirektør sluttar seg til forslaget frå Studieutvalet.

På denne bakgrunn blir det sett fram følgjande:

### **forslag til vedtak:**

1. JUS276-2-C Human Rights and Welfare Policies blir lagt ned etter studieåret 2022/2023
2. Emna JUS2313 Human Rights and Welfare Policies og JUS3513 Human Rights and Welfare Policies blir oppretta og skal undervisast første gong haustsemesteret 2023.

[Skriv her]

3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS276-2-C Human Rights and Welfare Policies etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS313 Human Rights and Welfare Policies.
4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS276-2-C Human Rights and Welfare Policies i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

05.06.2023  
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Vedlegg:

1. Sak 23/23-4 til Studieutvalet
2. Emneskildring for JUS2313 Human Rights and Welfare Policies
3. Emneskildring for JUS3513 Human Rights and Welfare Policies

## Nedlegging av JUS276-2-C Human Rights and Welfare Policies og oppretting av JUS2313/JUS3513 Human Rights and Welfare Policies

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Henriette Sinding Aasen har utarbeidd dei to emneskildringane som ligg ved.

Mål og innhald er i hovudsak likt for dei to emna, men som tillegg i masteremnet skal studentane også få trening i å gjera ei kritisk evaluering og vurdering av velferdsretten og velferdstenestene i sitt eige land i lys av internasjonale menneskerettar gjennom skriving av ei oppgåve («paper») som utgjer heimeeksamen i emnet. Det forventa læringsutbytet på masternivå inneheld difor ein del ekstra punkt samanlikna med bacheloremnet. Dette er kunnskap, ferdigheiter og kompetanse som ein ventar at studentane på masternivå tileignar seg gjennom arbeidet med den individuelle oppgåva.

Bacheloremnet har ikkje obligatoriske arbeidskrav, medan deltaking på «master classes» inkludert ein presentasjon av oppgåva («paperet») som skal skrivast som heimeeksamen er obligatorisk på masteremnet. Master classes vil i hovudsak bli brukt til studentaktiv læring i form av presentasjonar og tilbakemeldingar på «paperet» som studentane skal skriva som heimeeksamen. Vurderingsforma i emnet på bachelornivå er ein firetimars skuleeksamen, medan vurderingsforma i emnet på masternivå er ein kombinasjon av heimeeksamen som tel 60% av endeleg karakter, og firetimars skuleeksamen som tel 40 % av endeleg karakter. Ordlengda for heimeeksamen er 3000 ord.

Litteraturlistene for dei to emna vert også lagt fram for godkjenning. Litteraturen i emnet på bachelornivå er på til saman 372 sider, medan litteraturen i emnet på masternivå er på 572 sider. Forslaga er i tråd med tilrådingane om mengd litteratur<sup>1</sup>.

### **Overgangsordning og tal på eksamensforsøk**

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretningar og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

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<sup>1</sup> SU vedtok i sak 54/16 at for det integrerte masterprogram i rettsvitenskap ved Det juridiske fakultet gjeld følgjande sidetalsnorm: Hovudlitteraturen skal ha eit omfang på mellom 30 og 60 tekstsider pr. studiepoeng. I same sak uttalte også SU at «Det skal vidare tas hensyn til hvor i studiet emnet er plassert, sånn at hovudlitteraturen i emner som er plassert mot slutten av studiet normalt vil være mer omfattende enn emner tidlig i studiet.» Ut frå dette reknar studiedekanan at eit spesialemne på 5. studieår bør ha opp mot 60 sider hovudlitteratur per studiepoeng, og at eit valemne på 3. studieår bør ha kring 45 sider hovudlitteratur per studiepoeng.

[Skriv her]

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS276-2-C etter haustsemesteret 2022, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3513 Human Rights and Welfare Policies.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS276-2-C og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

**SU uttalar:**

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS276-2-C Human Rights and Welfare Policies etter studieåret 2022/2023 og i staden oppretta JUS2313/JUS3513 Human Rights and Welfare Policies som skal undervisast første gong haustsemesteret 2023, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

***Vedlegg: Emneskildringar***

[Skriv her]

## **Course description, *Human rights and Welfare Policies (JUS2313)* – elective course (Bachelor level)**

### **ECTS CREDITS**

10

### **LEVEL OF STUDY**

Bachelor

### **FULL TIME/PART TIME**

Full time

### **TEACHING SEMESTER**

Autumn.

### **PLACE OF INSTRUCTIONS**

Faculty of Law, University of Bergen

### **COURSE COORDINATOR**

Professor Henriette Sinding Aasen

### **OBJECTIVES AND CONTENT**

The overall objective of this course is to provide students with knowledge of human rights law and its application on domestic welfare law and policies. Securing access to healthcare, education, work, and social security are important responsibilities of modern welfare states, addressing essential human needs and determinants of a dignified living. While the nature, content and scope of socio-economic human rights and obligations are at the center focus, civil human rights (autonomy, liberty, privacy) are explored insofar relevant for analyses of how to understand and balance different rights and state obligations in the field of socio-economic human rights and welfare policies.

### **KNOWLEDGE**

By the end of the course, students are expected to have knowledge of

- human rights law and underpinning core values
- notions and significance of universality and relativity
- relationship between different rights
- state obligations, especially related to socio-economic human rights
- core content of rights and state obligations
- the duty of non-discrimination

[Skriv her]

- negative and positive aspects of rights and state obligations
- conflicting rights and duties in welfare law and policies.

### **SKILLS**

By the end of the course, students should be able to:

- explain the content of central human rights instruments and sources
- identify and apply relevant sources and arguments in human rights assessments of welfare law and policies
- identify conflicting rights and obligations in welfare law and policies, and to discuss how to balance them.

### **GENERAL COMPETENCE**

After successful completion of the course, students should have general competence in

- human rights law and analysis, especially in the field of socio-economic human rights
- academic legal discourse
- critical thinking and legal assessments of domestic welfare law and policies

### **REQUIRED PREVIOUS KNOWLEDGE**

Two years of law studies.

### **RECOMMENDED PREVIOUS KNOWLEDGE**

Good level of English language

### **SUBJECT OVERLAP**

Combined with JUS276-2-A Human rights law: Special Focus on Economic Social and Cultural Rights, JUS276-2-C Human rights and welfare policies or JUS3513 Human rights and welfare policies this course will generate no new credits.

### **THIS COURSE COMBINES WELL WITH**

JUS250-2-D Velferdsrett

JUS23XX/JUS35XX Health and human rights in the welfare state

### **ACCESS TO THE COURSE**

The course is available for the following students:

- Admitted to the five-year programme in law
- Exchange students at the Faculty of Law

[Skriv her]

The pre-requirements may still limit certain students' access to the course.

### **TEACHING AND LEARNING METHODS**

Lectures and seminars

### **COMPULSORY ASSIGNMENTS AND ATTENDANCE**

None

### **FORMS OF ASSESSMENT**

Four-hour digital school exam. [Information about digital examination.](#)

#### **Exam language**

Exam question: English

Answer: English.

### **EXAMINATION SUPPORT MATERIAL**

#### **Support materials allowed during exam**

See section 3-5 of the [Supplementary Regulations](#) for Studies at the Faculty of Law at the University of Bergen.

In addition: Course compendium supplied by the Faculty of Law.

#### **Special regulations about dictionaries**

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up more than two physical volumes is forbidden.

In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

[Skriv her]

**GRADING SCALE**

A-E for passed, F for failed

**ASSESSMENT SEMESTER**

Autumn

**COURSE EVALUATION**

According to the administrative arrangements for course evaluation at the Faculty of Law.

**Course literature, bachelor level, 10 credits (from fall 2023)**

From Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law*, Oxford University Press 2022 (4<sup>th</sup> ed):

Bates, E, History, pp 3-23 (20 pp)

Besson, S, Justifications, pp 23-43 (20 pp)

Dembour, M-B, Critiques, pp 43-63 (20 pp)

Chinkin, C, Sources, pp 65-89, (24 pp)

Megret, F, Special character, pp. 89-106 (17 pp)

Young, K G, Rights and obligations, pp 129-149 (20 pp)

Moeckli, D, Equality and Non-discrimination, pp. 151-169 (18 pp)

Eide, A and Eide, W B, Adequate Standard of Living, pp. 187-209 (22 pp)

Coomans, F, Education and work, pp. 235-257 (22 pp)

Nolan, A, Children's rights, pp 339-359 (20 pp)

Marks, S P, Poverty, pp 622-644 (22 pp)

Rajamani, L, Climate change, pp 644-661 (17 pp).



[Skriv her]

From Toebes et al (eds), *Health and Human Rights. Global and European Perspectives* (Toebes et al eds.) Intersentia 2022:

Aasen, H.S and Hartlev, M, Human Rights Principles and Patient Rights, pp. 53-91 (38 pp)

Hartlev, M, Access to Health, pp 203-221 (18 pp)

Hendriks, A, The Council of Europe, pp 119-163 (44 pp)

Toebes, B. and Cathaoir, K, "The Right to Health: Central Concepts", pp 23-53 (30 pp).

**In total: 372 pp**

[Skriv her]

**Course description, *Human rights and Welfare Policies (Jus3513)* – elective course (Master level)**

**ECTS CREDITS**

10

**LEVEL OF STUDY**

Master

**FULL TIME/PART TIME**

Full time

**TEACHING SEMESTER**

Autumn.

**PLACE OF INSTRUCTIONS**

Faculty of Law, University of Bergen

**COURSE COORDINATOR**

Professor Henriette Sinding Aasen

**OBJECTIVES AND CONTENT**

The overall objective of this course is to provide students with knowledge of human rights law and its application on domestic welfare law and policies. Securing access to healthcare, education, work, and social security are important responsibilities of modern welfare states, addressing essential human needs and determinants of a dignified living. While the nature, content and scope of socio-economic human rights and obligations are at the center focus, civil human rights (autonomy, liberty, privacy) are explored insofar relevant for analyses of how to understand and balance different rights and state obligations in the field of socio-economic human rights and welfare policies. An important objective of the course is to strengthen the student's ability to critically evaluate and assess domestic welfare law and policies in light of international human rights norms.

**KNOWLEDGE**

By the end of the course, students are expected to have solid knowledge and understanding of

- human rights law and underpinning values
- notions and significance of universality and relativity
- relationship between different rights
- state obligations, especially related to socio-economic human rights

[Skriv her]

- core content of rights and state obligations
- the duty of non-discrimination
- negative and positive aspects of rights and state obligations
- conflicting rights and duties in welfare law and policies
- the notion and significance of state's margin of appreciation
- theories of state's complying with socio-economic human rights.

## **SKILLS**

By the end of the course, students should be able to:

- explain and discuss the content of central human rights instruments and sources
- identify and apply relevant sources and arguments in human rights assessments of welfare law and policies
- make independent and critical assessments of state's human rights performance in welfare law and policies
- identify conflicting rights and obligations in welfare law and policies, and to discuss how to balance them
- compare and assess different theories and possible strategies of states to fulfil socio-economic human rights
- contribute to the discussion on how to effectively protect human rights in welfare law and policies

## **GENERAL COMPETENCE**

After successful completion of the course, students should have general competence in

- human rights law, analysis and communication, especially in the field of socio-economic human rights
- academic legal discourse, presentation and writing skills
- critical thinking and independent legal assessments

The course requirement of writing an individual 2000 words paper contributes significantly to achieving the teaching objectives and learning outcomes.

## **REQUIRED PREVIOUS KNOWLEDGE**

Three years of law studies

[Skriv her]

### **SUBJECT OVERLAP**

Combined with JUS276-2-A Human rights law: Special Focus on Economic Social and Cultural Rights, JUS276-2-C Human rights and welfare policies or JUS2313 Human rights and welfare policies this course will generate no new credits.

### **THIS COURSE COMBINES WELL WITH**

JUS250-2-D Velferdsrett

JUS23XX/JUS35XX Health and human rights in the welfare state

### **ACCESS TO THE COURSE**

The course is available for the following students:

- Admitted to the five-year programme in law
- Admitted to the two-year master programme in law
- Admitted to the master's programme in sustainability
- Granted admission to elective courses at the Faculty of Law
- Granted additional right to study following completed master in law degree at UiB
- Exchange students at the Faculty of Law

The pre-requirements may still limit certain students' access to the course

### **TEACHING AND LEARNING METHODS**

Lectures, master classes or paper writing seminars with paper presentations.

Master classes look to go one step further than regular lectures – requiring more in-depth and specific preparation (i.e. reading of specific cases, articles, reports etc.), and charging students with responsibility for teaching and learning from each other through the use of flipped classrooms, group and/or individual presentations and debates.

### **COMPULSORY ASSIGNMENTS AND ATTENDANCE**

It is mandatory to attend the master classes and paper writing seminars, including giving a paper presentation.

### **FORMS OF ASSESSMENT**

Exam only in semesters with teaching.

**The exam consists of two parts:**

[Skriv her]

*1. Paper of max 3000 words.*

Individually chosen topic, approved by the course supervisor.

The paper must be passed in order to sit the school exam. Students who fail the paper will be given an opportunity to hand in a new paper prior to the school exam.

The paper constitutes 60% of the final grade.

*2. Four-hour digital school exam.* [Information about digital examination.](#)

Resit of school exam only when home exam is passed.

The school exam constitutes 40% of the final grade.

**Exam language**

Exam question: English

Answer: English

**EXAMINATION SUPPORT MATERIAL**

**Support materials allowed during exam**

See section 3-5 of the [Supplementary Regulations](#) for Studies at the Faculty of Law at the University of Bergen.

In addition: Course compendium supplied by the Faculty of Law.

**Special regulations about dictionaries**

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example both Norwegian-English and English-Norwegian are considered as one dictionary.
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in two different volumes are also considered as one dictionary (irrespective of publisher or edition).
- Dictionaries as described above cannot be combined with any other types of dictionaries.
- Any kind of combination which makes up more than two physical volumes is forbidden.

[Skriv her]

In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

### **GRADING SCALE**

A-E for passed, F for failed.

### **ASSESSMENT SEMESTER**

Autumn

### **COURSE EVALUATION**

According to the administrative arrangements for course evaluation at the Faculty of Law.

[Skriv her]

**Course literature, master level, 10 credits (from fall 2023)**

From Moeckli, Shah and Sivakumaran (eds), *International Human Rights Law*, Oxford University Press 2022 (4<sup>th</sup> ed):

Bates, E, History, pp 3-23 (20 pp)

Besson, S, Justifications, pp 23-43 (20 pp)

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Chinkin, C, Sources, pp 65-89, (24 pp)

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Coomans, F, Education and work, pp. 235-257 (22 pp)

Nolan, A, Children´s rights, pp 339-359 (20 pp)

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Aasen, H.S and Hartlev, M, Human Rights Principles and Patient Rights, pp. 53-91 (38 pp)

Hartlev, M, Access to Health, pp 203-221 (18 pp)

Hendriks, A, The Council of Europe, pp 119-163 (44 pp)

Toebes, B. and Cathaoir, K, “The Right to Health: Central Concepts”, pp 23-53 (30 pp).

Gustavo Arosemena: *Rights, Scarcity, and Justice. An Analytical Inquiry into the Adjudication of the Welfare Aspects of Human Rights*, Intersentia 2014 (200 pp)

**In total: 572 pp**

[Skriv her]

There is some overlap in the reading material. When writing their individual papers, however, students will need to consider particular sources of relevance to their chosen topic

Additional recommended reading:

General Comment No. 14 (2000) on the right to the highest attainable standard of health (Committee on economic, social and cultural rights)

General Comment No. 20 (2009) on non-discrimination in economic, social and cultural rights (Committee on economic, social and cultural rights)