Sak 5/13

JUS250-2-C Human Rights and the Welfare State – endring i emnenavn og emnebeskrivelse

Jus 250-2-C: Health and human rights in the welfare state

Toebes, Hartlev, Hendriks and Rothmar Herrmann (eds): Health and Human Rights in Europe (Intersentia 2012). 310 pages

Aasen, Halvorsen and Barbosa da Silva (eds): Human Rights, Dignity and Autonomy in Health Care and Social Services: Nordic Perspectives (Intersentia 2009): All chapters except chapters 1, 4, 7 and 9. 111 pages

Pages all together: ca 420.

Health protection, human rights and rights of patients and vulnerable groups in society are essential aspect of modern welfare state law. In this course, the right to health and health-related rights are explored in depth, including reproductive rights, with a particular focus on the European human rights instruments, institutions and case-law. Individual rights as well as governmental responsibilities with regard to various health-related issues are discussed. The objective is to give the student knowledge and understanding of the background and content of European human rights law in this regard. The European Convention on Human Rights and Fundamental Freedoms (ECHR) and relevant case-law of the European Court of Human Rights (ECtHR) will be analysed, in addition to other European human rights instruments and monitoring bodies, such as the European (revised) Social Charter (ESC) and Committee (CESC). International treaties and sources will be included in order to supplement the European legal sources. State practice and examples from national law will be introduced in order to illustrate human rights challenges, dilemmas and possible solutions within the human rights framework, e.g. with regard to access and non-discrimination, the right to life, individual autonomy, euthanasia and abortion.

Learning outcome:

The course should provide the students with good overview and knowledge of the human rights sources in the field of human health, as well as training in human rights discourse and argumentation both orally and in writing in this particular field of the law. Students should obtain good understanding of what the human right to health implies in terms of legal entitlements, duties and responsibilities, and good understanding of the related issues of non-discrimination, autonomy and privacy in this context. In addition, insight in how to arrive at reasonable and balanced decisions when different human rights are in conflict, e.g. the right to health versus the right to reject treatment , and understanding of how the law should protect individuals not able to make autonomous healthcare decisions, are expected learning outcomes.

TIlleggsmerknad fra Sinding Aasen pr e-post 9/1: “Et tilleggsmoment er at med en slik struktur på jus 250-2-C blir det et klarere skille mellom jus 250-2-C og jus 276-2-A, som i dag flyter litt over i hverandre.“