

Index

- AAAQ Framework
available, accessible, acceptable 166
- ablation treatment of atrial fibrillation
112
- access to emergency health care
for undocumented migrants 172
- accessions in EU, 2004 and 2007 207–8
- accident and emergency exemption
from charges
UK 173–4
- activation criteria 64, 69
- activation index 60–61, 69, 70
- activation policies 30, 35–8, 44, 95
in Britain, Denmark, Norway, 21–39
Qualification Program (QP) 32–3
Work Assessment Allowance (WAA)
32
- activation regimes in Britain, Denmark,
Norway
convergence in 34–6
- Active Employment Measures Act
2012, Denmark 85
- active labor market programs (ALMP)
65
- Active Labor Market Programs
(ALMP) participation, availability
for work 69
- Active Social Policy Act 1997
Denmark, 29, 35
- Act of Legal Security and
Administration in Social Matters,
Denmark, 1997
dialogue principle 30
- Act on Prohibition of Discrimination,
2005 Norway 208
- ad hoc multiculturalism, Norwegian
prisons 280
- African, Middle Eastern, Asian
undocumented migrants 163
- African National Congress, dominance
136
- aging societies, ‘work line’ importance
36
- Albán Cornejo et al. v. Ecuador* case,
2007
medical malpractice 266
- Andean Program in the Americas 247
- antiretroviral (ARV) drugs for HIV/
AIDS 125
- Argentina, health litigation cases, 123
three-tier structure of health
provision 126–7
union-based health care system 126
- Artavia Murillo y otros v. Costa Rica*
case, 2012
prohibition of in vitro fertilization
271–2
- asylum seekers and health care 162,
166–7
- Atala Riffo and Daughters v. Chile*,
2012
rights violation of private life 271–2
- atrial fibrillation (heart condition)
radiofrequency ablation 106
- authoritative guidelines, lack of
cultural and religious rights of
prisoners 280–81
- autonomy
individual self-determination 5
requirements for occupational
mobility 90–91
- autonomy and integration, opposing
forces 245
- Basic Benefit for Jobseekers, Germany,
2005 93
- basic values of social state, intrinsic
value 56

- Belgium, France, Italy
 - primary and specialist healthcare 175
- benefit duration, maximum 67
 - generous in Belgium, France, Denmark, Switzerland 67
- benefit duration, strictest
 - Slovakia, United States, Korea 67
- benefit exporting, illegal 281–2
- benefit generosity reduction
 - paid employment choice 63
- benefit-receiving, without genuine claim 60
- benefit recipient
 - benefits taken from high-cost to low-cost country 74–5
- Benefits and Wages Database, 2011 66
- benefits for migrants, EU regulations 13
- benefits in form of a service 7
- Beveridge Report (1942), Britain 173
 - for British welfare state 25
 - social insurance system 34, 164–5
- Biomedicine Convention 169–70
- Brazil
 - 1988 Constitution, right to health 127
 - Colombia, significant role of cost considerations 138
 - health litigation cases 123, 127–30
 - right-to-health litigation
 - court cases on medical access 122
- Britain, liberal welfare regime 24–8
- British Job Centre Plus 35
- British Journal of Criminology*
 - ‘Scandinavian exceptionalism’ 205
- British/Norwegian marriage, life in Egypt 231–5
- cardiology 164
 - interpretation of ‘right to treatment’ 107–9
- cardiovascular medical field 103
 - high degree of professional consensus 106
- care-work sector, Germany
 - Posting of Workers Act 53
- Case E-3/12 the Norwegian State, represented by the Ministry of Labour, v. Stig Arne Jonsson* 74
- case law
 - in health protection, education, rights of migrants, persons with disabilities 6
- case material, South Africa
 - strategic litigation, public interest bodies 132
- CEDAW *see* Convention on the Elimination of All Forms of Discrimination Against Women
- Cepeda Vargas v. Colombia*, 2010 270–71
- Charter of Fundamental Human Rights of the European Union (EUCFR) 83
- Charter of the United Nations (1945) 165
- child custody case 221
- children and pregnant women 164, 172
 - access by law in Sweden, Greece, Spain 176
- Christian Trade Union Association, tariff agreements 52
- Christian Unions for Temporary Agency Work 52–3
- Cinco Pensionistas v. Perú*, 2003
 - change in Peruvian law on pensions 267
- citizenship 221
 - and liberty 6
 - in a nation-state, 5
 - rights, extension, 244–5
- citizen rights and imprisonment 294
- civil and political human rights 83
- Civil Aspects of International Child Abduction 232
- ‘civil rights’, rule of law 3
- civil rights, social citizenship 4, 242
- classification matrix 72
- clean water, sanitation, adequate nutrition 166
- Collective Agreements Act
 - Tarifvertragsgesetz*
 - Germany 46
- collective and structural cases
 - courts considering costs 135
- collective bargaining
 - between social partners 55

- German system 44, 46, 48
 - metalworking in Baden-Wurttemberg 57
- Colombia
 - 1993 health reform 130
 - court cases on medical access 122
 - health litigation 130–31
- Colombian Constitutional Court
 - dismissive of costs, budgetary implications 131
- Colombian health care system
 - inequities 131
- common law systems, India, South Africa
 - precedent case setting 135
- common law versus civil law 134–5
- communication and religious worship
 - restriction for security reasons 290
- competency of social actors, verification 56
- complex procedures to access IACtHR 262–3
- compound strictness index 69, 70
 - least, Norway, France 71
 - strictest in Slovakia, Turkey, Czech Republic 69–70
- Comunidad Indígena Yakye Axa*, 2005
 - right to property over ancestral land 267–8
- conscientious objection to a job
 - Denmark, Germany, UK, Norway 87–8
- Conservative government, Britain
 - reform of social security system 27
- Constitution 1993, Columbia
 - protection writ (*tutela*) 130
- Constitutional Court, Costa Rica
 - protection writs (*amparos*) 124
- constitutional law, separation of powers
 - legal impartiality 47
- Constitution of World Health Organization (WHO, 1946) 165
- contact officers
 - Norway, importance of relationship with prisoners 190
 - strip-searching for drugs 186
 - work of, instruments of intimacy and control 198
- contracting agency
 - and ‘user’ firm of employee 50
- contractualism 37–9, 287
- contribution-based unemployment
 - benefits 82
 - requirements to seek and accept employment 85
- contributions of non-nationals
 - returnable on leaving 167
- Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, 1950) 9
- Convention No 169 on Indigenous and Tribal People, 1989, 247
- Convention on Human Rights and Biomedicine 169
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
 - access to health care services 168
 - requirements 177–8
- Convention on the Rights of the Child (CRC)
 - access to health care services 168
- convicts with drug problems 183, 184
- Costa Rica
 - court cases on medical access 121–2
 - litigation to obtain treatments 123–6
- cost benefit analyses
 - Patients’ and Users’ Rights Act, Norway 112
- cost considerations
 - discarded in Costa Rica 125
 - health litigation cases
 - arguments for or against 123–4
 - judges’ views 133–4
 - right-to-health litigation 121–43
- cost of health care
 - major obstacle for undocumented migrants 176
- costs of litigation to access IACtHR 263
- Council for Child Protection 229
- Council for Europe Committee of Experts on Social Security (CS-SS)
 - on ‘suitable’ employment 86–7
- Council of Europe
 - international organization 8

- regulations 168
- Resolution 1509 172
- courts, important accountability mechanism
 - to public health system, Costa Rica 125
- criminal justice policy, Norway 16
- cross-border labor mobility 73
- cultural and religious diversity
 - in Norwegian prisons 16–17
- cultural diversity and social citizenship
 - legal professionals 221–38
 - Netherlands and Norway 17
- cultural gender roles, less room in UK 95–6
- custody dispute, Mohamed and Fatima
 - custody of son, question 225–31, 235
- custody of children case 231–5
- customary law 234

- Danish Active Social Policy Act (ASP) 2012 93
- Danish government, ‘Active Line’ 29
- Danish Health Care Act 102
- Danish Job Center 35
- decency and dignity
 - humiliating or immoral work tasks 87–9
- demands on geographical and occupational mobility
 - availability for work 69
- democracy 8, 10, 277
 - deliberative conception 269
- democratic decision-making, national and local level 284
- demographic conditions, adverse 21
- Denmark 28–31
 - unemployment insurance, not compulsory 85
- Department of Work and Pensions (DWP)
 - Jobcentrr Plus 26
- dependency-creating
 - between citizen and welfare-state apparatus 7
- dermatologists 164
- diagnosis and assessments 111–12
- disability benefits 6
 - discretionary powers 149
 - discrimination, protection from 208
 - dismissal protection 51
 - disqualification for benefits
 - for refusal of employment 26
 - distribution of health care
 - regulation according to diagnosis 155
 - diversity in government policies, Norway 205–6
 - drug problems 110
 - drug rehabilitation in Kollen Prison, Norway 187
 - practices, Norway, 16, 184, 188–9
 - drug tests, mandatory, rewards and punishments 187
 - duration index 67
 - maximum period (months) of unemployment insurance 66–7
 - Dutch Council for Child Protection 227, 230
 - Dutch Egyptian case description
 - legal decision on child custody 221
 - living in Netherlands, divorce in Egypt 225–31, 235
 - Dutch law and rights of women 227
 - Dutch lawyer of Mohamed
 - experience in private international law 229–30
 - duty to work, participation in labor market 29
 - D.v. the UK* (1997), case
 - non-deportment of man with AIDS 168–9
 - earnings, insecurity of 91
 - economic competition, ‘work line’ importance 36
 - economic sanctions for unemployed 82
 - economic sustainability 91–2
 - education benefits 6, 103
 - egalitarianism 203–6
 - Egyptian and Dutch law conflict 227
 - Egyptian Islamic law, divorce cases 225
 - Egyptian law and rights of men 227, 232
 - Egyptian personal status law 231–5
 - eligibility criteria for unemployment benefits 85
 - health and safety 87

- emergency or acute care 164
- emergency services, with payment 178
- employment, actively seeking 25
- Employment and Welfare
 - Administration, Norway (NAV) 32–3
- employment conditions, high standards 43
- entitlement
 - ‘employment record test’ 64, 246
 - ownership, access to land and natural resources 248–9
- entitlement index conditions 67–8, 68
- environmental issues, claims, India
 - costs, no consideration 131
- equality
 - before the law, political and social 243
 - Norwegian welfare policy 104
 - personal responsibility 72, 77
- equal treatment 57
 - cultural diversity in prison 280
- equal treatment, non-discrimination
 - in Norwegian prisons 186
- ‘equal treatment of equal cases’ 151–2
- equal treatment rule, EU 2008 51–3
- essential health services 103
- ethnic diversity, threat to legitimacy of welfare state 75–6
- ethnic minority groups
 - misuses of social welfare system 77
- European Committee on Social Rights (ECSR) 6, 83, 84, 94, 170
- European Convention on Human Rights (ECHR) 6, 81, 168, 208
 - criminal convictions and employment 88
 - health protection 169
- European Court of Human Rights (ECtHR) 82, 217
 - non-provision by state, degrading treatment 5
- European Economic Area (EEA) 162
 - agreement 207
 - Norway, Iceland, Liechtenstein 73
- European Employment Strategy, Amsterdam Treaty 82
- European Free Trade Association (EFTA)
 - court judgment 74, 75
- European Health Insurance 162
 - need for, in Norway 174
- European Social Charter (1996 revision) 6, 83, 84, 170
 - regional instrument 9
- European Union (EU) 162
 - adoption of Danish ‘flexicurity’ policy 82
 - international organization 8
 - Norway not a member 207
 - ‘work line’ importance 36
- European Union (EU) Charter
 - right to preventive health care 171
- European Union (EU) countries, different social securities from state 73
- European Union Regulations 171
- European Union (EU) Returns Directive, 2008
 - emergency health care for migrants postponing departure 171
- European welfare states 36, 279
 - relative generosity 77
- evidence-based medical care 151
- ‘exceptionalism’ thesis, Norwegian penal order 199
- Execution of Sentences Act (ESA) 2001, Norway 185, 199, 213
- exercise of discretion 291–2
- fair benefit provision for genuine claim 62–3
- fair distribution of health care 152–3
- fairness evaluation in Kollen prison, Norway 196
- family care obligations 89
 - relevance in UK and Germany 95
- family law provisions and immigration 234
 - Dutch and Norwegian courts 290
- family planning service, free of charge UK 174
- father’s failure to pay maintenance for sons 232–3
- Federal Labor Court, Germany, 2010 52

- federal law in Brazil, May 2011
 - Organic Public Health Law amendment 129
- fertilization medicine
 - cost arguments consideration, Argentina 126
- financing of social security 64
- Finland
 - payment for emergency health care 175
- Finnmark Act 2005, Norway 241–58, 254–7
 - beneficiaries of 252
 - compliance with ILO Convention 248
 - ethnically neutral 254–5
 - ownership and use rights 250
 - Sami indigenous minority 17–18
- Finnmark County
 - ownership and access to natural resources 246
- Finnmark Estate 253–4
 - less concern with ecological sustainability and Sami culture 257
 - northern Norway 17–18
 - ownership rights claims 256
- fixed-term contracts, Germany 49
- foreign citizenship increase in Norwegian prisons 207–8
- foreign workers in construction sector
 - minimum wage 53
- freedom of assembly, civil rights, speech 3–4
- freedom of religion, right
 - Norwegian Execution of Sentences Act 208
- free tariff autonomy
 - collective bargaining, German system 48
- gender equality in Dutch legal practice 235–6
- general eligibility criteria under national law 85
- general minimum wage, none in Germany 53
- generosity index 66
 - unemployment compensation 65–6
- geographical mobility, Norway
 - strictest requirements 89
- German employment system
 - protection and social security 43
- German export economy successful 43
- German labor force, atypical employment 49–50
- German law on equal treatment, wages for Temporary Agency Work (TAW), 2004 52, 55
- German Social Code SGB 2003 85
- German Trade Union Confederation (DGB) 52
 - tariff-based minimum wage for TAW 53
- Germany
 - Arbeitslosengeld* II unemployment benefit 93
 - emergency health care for undocumented migrants 175
- globalization, ‘work line’ importance 36
- global migration 207
- governmental pillar, Norway 31
- Greece, payment for emergency health care 175
- Hague Convention 1980 232
- harassment, reason for voluntary leaving
 - Norway, Italy 87
- ‘Hartz Reforms’ Germany, 2002 and 2005 51
 - labor market policy in Norway 44
- health as fundamental right, India
 - costs, no consideration 131
- health care
 - distribution, impact on social inequalities in health 154–7
 - primary, secondary, tertiary 164
 - provision, standard or individualized 151
 - services, right to 282
 - undocumented migrants 9
- ‘health litigation epidemic’ 14–15
- health litigation, low in South Africa 132
- health rights case, *Soobramoney*, South Africa 132–3

- health rights litigation 123
 - analysis, cost considerations by judges 136–7
 - cases, growing number in Argentina 126–7
- health rights petitioners, India, privileged class 132
- hip replacements, prioritization of patients 111
- homogenization of population 243
- hospital treatment, free only to residents 173
- household structures, transformation 21
- housing, health, education, employment, social protection, rights
 - European Social Charter (ESC, rev.1996) 9
- human prison conditions in Nordic countries 196
- Human Rights Act 1999, Norwegian law 208
- human rights considerations 96, 165–6, 278–9
- human rights in national courts 82
- human rights instruments, ‘suitable’ employment 86
- human rights of irregular migrants
 - Council of Europe Resolution 1509 169
- human rights principles 172
- human right to health 148
- Hungary, payment for emergency health care 175
- hybrid discretionary practice 189–92
- hybridization
 - justifications for drug rehabilitation 198
 - in penal practice, Norway 16, 186
- hydropower generation from Alta River
- IACtHR *see* Inter-American Court of Human Rights 263
- ICESCR *see* International Covenant on Economic, Social and Cultural Rights
- identification with fellow citizens
 - common civic culture 223, 236
- illegal immigrants, ICESCR rights to health 166–7
- impartiality guarantee, *general norms* 47
- importance of prioritization, health care postponement, risks of ‘high-priority patient’ Norway 105–6
- India health litigation, common law country 131–2
- Indian Supreme Court, health rights jurisprudence 137
- India’s health system and public health policy
 - inequities 131
- Indigenous and Tribal Populations Convention, 1957 247
- indigenous issues and rights 281
 - possible claims 254
 - social conditions of 247
- individualized treatment of prisoners, Norway 191–2
- individual rights 8, 37
 - prioritization of health care 102–19
- individual rights and state interests 279
- individual social rights
 - passive underclass, moral decay, social exclusion 36
- individual welfare issues 10
 - work and personal obligations 89
- informal socialization with prisoners, Norway 187
- institutional obligations and competences 2, 8
- Inter-American Convention on Human Rights 265, 266, 267
- Inter-American Court of Human Rights 18, 261
 - Committee specifications 167
 - dialogic approach of 271
 - difficulty of access to 264
 - elitist exclusive tribunal 268
 - intercultural communication 224
- International Convention of All Forms of Racial Discrimination (UN) 1965) 208

- International Covenant on Economic, Social and Cultural Rights (ICESCR) 83, 162, 165–6, 171–2, 283
- international courts
 impact on juridification as social relations 261
- international courts, social rights
 experiences from Latin America 261–75
- International Covenant on Civil and Political Rights (ICCPR) 83, 217
- International Federation for Human Rights (FIDH) v. France*
 accusation of violation right to medical assistance 170
- international human rights and activation policies 82
- international human rights norms 162–80
 over budget considerations 126
- international judicial bodies 18
- International Labour Organization 63, 247
 Committee of Experts (CEACR) 83, 92, 249–50
 Convention No 102
 conditions for suspension of unemployment benefits 86
 Convention No 168
 jobseeker's age 89
 no address on religious issues 88
 rights of indigenous and tribal 281
- international law and social citizenship 297
- international law, development of
 European Union 2
- international law dimension 8
 democracy and professional discretion 277
- international regulations 166–8
- interviews with drug users, in prison, Norway 188
- Ireland, payment for emergency health care 175
- Islamic divorce 232
- Italy, minimum entry income
- Reddito Minimo di Inserimento (RMI)* 93
 right to social security, Article 38 of Constitution 85
- Job Centers in Denmark 30
- Jobseekers Act 1996, Conservative Party 26–7
- Jobseeker's Allowance (JSA) 1996 26–7, 85
 Britain, 35
 jobseekers in Germany, Norway 90
- job seeking by claimants 64
- Job Strategy 1994 81
- job strategy, Danish, 1970s, 1980s
 unemployment benefits, cash assistance 28
- judges' role in health rights litigation
 views on, in Argentina, Costa Rica, Brazil and Colombia 137
- judicialization
 access to health, harm or positive, for poor 122
 of health, Latin America 121
 role of judges on political domain 285
- juridification 1–3, 157
 and democracy 9–11, 283–91, 297
 five dimensions 153–4
 in health care provision 102, 139
 and international law 8–9, 278–83
 legal instruments in medical work 153–4
 process within European Union (EU) 61
 and professional discretion 291–6
 and professionalism 11–12
 and social citizenship 277–98, 285
 within welfare state 2
- jurisprudence on social rights 261
- knee arthroscopy (orthopedics) for meniscus injury 106
- knee replacements, prioritization of patients 111
- labor costs, minimising 56
- labor immigrants not part of *demos*
 no native sense of solidarity 76

- labor immigration, increase
 - after 2004 EU enlargement 76
- labor law 9, 56
 - reflexive regulation 47
- labor market activity
 - European Employment Strategy 13
- labor market policy in Norway 31
- labor market reforms, Germany 43–4
- Labour Market Reform Act 2012, Italy 85
- language and religion, for minorities in prison
 - no guiding principles for officers 209–10
- language barriers in prison 207
- Latin American judges
 - courts view of health authorities
 - inefficiency 136–7
 - dismissal of cost considerations 134, 138, 288
 - scepticism of government policies 139
- Latin America's social citizenship 262
- law proceduralization 24
 - in Britain, Denmark, Norway 21–39
- laws, implementation of 156
- lawsuits by status of health benefit
 - claimed 130
- legal basis for allocation of health care 103–7, 138
- legal consciousness, types of, 222–4
 - in Norwegian case 233
- legal developments in welfare law 36
- legal instruments for social challenges, Norway
 - Patients' and Users' Rights Act, Norway 117–18
- legal perspective
 - social and philosophical perspectives 3
- legal positivism 262
 - dominant legal approach in Americas 264
- legal professionals 224, 234
 - and cultural diversity 17, 237
 - and lay parties 221–2
- legal regulations
 - based on enforceable individual rights 8
 - cardiologists' attitudes to 114–16
 - of health care coverage 155
 - Norwegian prisons, professional discretion 216
 - prohibitions, obligations, rights 150
 - on socioeconomic factors 158
 - strong versus weak 150
 - legal standing, to access IACtHR 263
 - legitimacy of social actors, verification 56
 - legitimacy threats to population
 - heterogeneity 76
 - liberal welfare regime
 - underdevelopment of individual social rights 36
 - life and health, reluctance to 'price tag' 135–6
 - Lutheran-Protestant norms in Norway 224
- marginal people
 - Finnmark Act 2005, Norway 289–90
- market as welfare pillar, Britain 25
- material law 287
- maternity care, Britain 177
- means-tested benefits, became welfare state 25
- means-tested social assistance system
 - Britain, Denmark and Norway 34, 35
- medical doctors, scope of discretion 292
- medical negligence claims, India
 - costs, no consideration 131
- medical profession
 - discretion on social equality in health 159–60
 - input equality versus outcome equality 151–3
 - interests of collective membership 149
 - knowledge bases for regulation, individuals versus populations 150–51
 - self-regulation 149
- medical professionalism, sociopolitical
 - structure 148

- medical rehabilitation benefit, Norway 31, 33
- microdemocratic perspective
regional Court's detrimental effects 286
- migrants, undocumented
access to European health care 15–16, 162–80
identification documents need 175
no legal rights 162–3
- migrants with set departure date
remaining in country 171–2
- migrant women and children as priority
EU Charter 171
- migrant workers, 167
moving benefit to another country 73
- migration from non-Western countries
later to Norway than Netherlands 224
- migration from non-western to western countries
challenge to social policies 75–6
- minimum level of social protection,
reflexive law 287
- minimum subsistence wage guarantee 57
- minorities
ad hoc accommodation 209–13
ICESCR rights to health 166–7
over-representation in Norwegian
criminal statistics 207–8
vulnerability of, in prison 207
- minority prisoners in Norway
level of accommodation of issues 214–15
need for prison staff guidelines 215–16
- minority religion and language
in Norwegian prisons, problems 217
professional discretion dimension 206
- minority rights in prison 245
professional discretion dimension 206
- monitoring bodies on 'suitable'
employment 86
- moral challenges, of EFTA court
judgment 74
- 'Moral Underclass Discourse' (MUD)
in UK 37
- 'More People to Work' approach,
Denmark 29–30, 35
- Moroccan case of woman giving up
child 230
- morphine death in hospital
state responsibility for 266–7
- multiculturalism, 17, 237
heterogeneous societies 241
- multiculturalism, ad hoc
prison staff approach to cultural and
religious diversity 203–18
problems 213–16
- multicultural societies, transnational
families 222
- Muslim faith practices in prison,
Norway 212
- Muslim man, refusal of newspaper job
objection not accepted 88–9
- Muslim migrants, Islamic laws (Sharia)
222
- Muslim stereotypes, gender inequality
reinforcement 235
- Muslim women in Denmark, not to
wear headwear 88
- national activity requirements for
unemployed
Norway strictest 94–5
- National Agency for Health Protection,
Brazil 129
- national and religious law 233–4
national health care systems, Europe
162
- National Health Service (NHS) 173
charges to Overseas Visitors 173
Constitution, (UK) 102
core principles 165
welfare services 25
- national immigration policies 178
- National Insurance Act, 1946 25
- national law and human rights norms 9,
162–80
- national legislation in Denmark
Unemployment Insurance Act 2011
85

- National Substance Abuse Program (NSAP) 187
- 'neo-paternalism', Crewe, UK 199
- Netherlands and Norway
 legal comparisons 237
 multicultural legal cases 224
- neutrality of legislation 47–8
- 'new contractualism' 23, 24, 38
- Nordic countries, low rates of imprisonment 183
- Nordic criminal justice policy shift 183
- Nordic penal regime, 'Janus-faced' 205
- Norway
 emergency health care to all 175
 exemption of payment for undocumented migrant children 176
 health care services for undocumented migrants 174–5
 Scandinavian welfare regime 31–4
- Norway and the Netherlands, legal orders 222
- Norway and UK, immigration status, legal or illegal 163
- Norway, a welfare state 102–3
- Norway, Denmark, Sweden, Italy, Spain Beveridge Model 165
- Norway increase in migrant workers from eastern and southern EU 73–4
- Norwegian Act on Social Services Labour and Welfare Administration (SSLWA) 83
- Norwegian British Egyptian case 231–4
- Norwegian Court of Appeal, 2008 divorced couple, transnational marriage 231–4
- Norwegian health care system distinction between national and non-nationals 175
- Norwegian law case 231–5
- Norwegian National Insurance Act (NIA) 1997 85
- Norwegian Patients' and Users' Rights Act 104
- Norwegian prisoners, from Somalia, Nigeria, Middle East, Eastern Europe 208
- Norwegian prison service 185–6
 minority rights and professionalism 209
 protection against discrimination, freedom of religion 204
 staff–prisoner relationships 206
- Norwegian Qualification Programme 93–4
- Norwegian social security system 175
- Norwegian welfare policy, activation 32
- Norwegian White Paper on Power and Democracy, 2
- nutritional advice to socially disadvantaged 156
- N v. the UK* (2008)
 rejection of HIV-positive woman from Uganda 168
- obligations versus social rights 35
- occupational mobility 90–91
- old age benefits 103
- Organisation for Economic Co-operation and Development (OECD) 81, 281
 net replacement rates (NRRs) 65–6
 'work line' importance 36
- orthopedics 103, 106
 interpretation of 'right to treatment' 107–9
- outcome by type of case 129
- ownership and use rights 249
- ownership rights, Sami Parliament 252
- Paraguayan Yakye Axa community 267–8
- part-time jobs (minijobs), Germany 49
- passive smoking in Denmark, employment refusal 87
- Patients' and Users' Rights Act, Norway 14, 103, 106, 107
- patients' rights, 150
 legal regulations, increased 158
- penal hybridization consequences 183–99
- personal responsibility 61, 65
- phone call regime for prisoners, Norway, restriction on languages

- other than Norwegian and English 212–13
- physician's discretionary powers, restriction of 292
- Poland, free health care outside hospitals 175
- policing and peacekeeping
 - core components for prison officers, Norway 212
- policy dimension of unemployment insurance (UI) 60
- political regulation, hierarchical
 - on traditional legislative instruments 46
- political rights 4
 - social citizenship 242
- poor health as barrier 147
- Posting of Workers Act 55
 - Germany, 1996 53
- prayer, accommodation of
 - common sense of staff, need 210
- preference for redistribution 77
- pregnancy, confinement, post-natal period 168
- pregnancy of 'undocumented' migrant 163
- pregnant women, legal access to health care,
 - Norway, Belgium, France, Italy, Sweden 177
- preventive care 153
- price of life, judging 121–43
- Price v. the United Kingdom*
 - degrading treatment of disabled person 5–6
- primary health care for immigrants, free treatment UK 173
- 'principle of normalization' 183
- principle of the social state in German law 48
- prioritization of patients 111
- priority for young athletes or working persons
 - for cardiology, or orthopedic treatment, Norway 110
- priority guidelines, cardiologists'
 - varying opinions 112–16
- priority situation, socio-economic status 152
- prison drug rehabilitation 290
- prisoners
 - adaptation to hybrid regime 193–6
 - from ethnic backgrounds 203
 - health care postponement, risks of 204
 - ICESCR rights to health 166–7
 - minority backgrounds, differential treatment 203, 216
 - personal autonomy 204
 - relations with prison staff
 - right to enjoy freedom of religion 9
- prison officers
 - as 'contact officers'
 - drug rehabilitation practices 184–5
 - as 'street-level' bureaucrats 185
 - work practice upholding order and peace 206–7
- prisons, Norwegian
 - professionalism, personal attitudes, working style 211
- prison staff academy, KRUS, Norway 205, 211, 216
- prison staff negotiation 206
- private international law 229, 231–5
- processing of referrals to treatment, Norway 109–10
- professional and occupational freedom 48
- professional discretion
 - dimension 8, 11, 292–3
 - individual autonomy, tension 277
 - medicine 296
 - prison officers 206
- professional ethics 162–80
- professionalism, discretion and juridification 146–60
- professional judgments on health care, Norway 118
- proof of job search sanctions for refusing job offers 69
- property rights, civil rights 3
- prostitution, unsuitable work 87
- protection for employees, Germany 48
- protection of existing workplaces 57
- protection writs (*amparos*)

- medication or medical treatments
 - delayed 125
- psychiatric treatment and death, clear signs of torture 266
- Public Hearing, Brazil 129
- public interest litigation, India 131
- public social insurance schemes
 - Denmark and Norway 34–5
- public spending reduction 178
- punishment, ‘hybridization’ of, Norway 185

- Qualification Benefit, Norway 93
- Qualification Program (QP)
 - contractualism 34
 - participants to be of working age 32–3
 - reduced working capacity 32

- racial victimization
 - ethnic minority prisoners, Britain 207
- racism in prison 207
- ratification of all conventions
 - except ILO Convention 84
- rational choice reasoning
 - choice of available jobs 63
- ‘redistribution discourse’ (RED) 37
- reduced generosity, retrenchment scheme 64
- reflexive law 22–3, 24, 44, 286–7
 - ‘regulated autonomy’ 46–8
- reflexive regulation 54
 - legal concept 44–5
 - potential conflicts 55–6
 - reforming labor law 45–9
- reflexive regulation of temporary agency work (TAW) 55
- reform in Norway
 - employment and welfare administration 32
- refugees, non-nationals 167
- regular employment relationship (*Normalarbeitsverhältnis*) 43, 49
- regulation of employment conditions by the state,
 - hierarchical 55
 - reflexive 43–58
 - regulation of gainful employment, Germany 43
- regulation of medical profession 148
- regulations for health care, Norway
 - cardiologists’ opinions on 116–17
- rehabilitation in Norwegian prisons
 - dissatisfaction with, from prisoners 196–7
 - relations between staff and prisoners, effect 186
- rehabilitation of offenders, social citizenship 183
- rehabilitative treatment, professional discretion 295
- Reilly, Caitlin, case 96
 - Birmingham university graduate, 2010 81
 - lawsuit on violation of European Convention on Human Rights 81
- religions, adherents (minority)
 - wearing symbols of faith 88
- religious and ethnic minority rights in prison 204
- religious conversion of British father 232
- religious food taboos in prison
 - halal* or *kosher* meat 210
- religious objections, less room for, in UK 95
- religious rituals and values, in prison, Norway
 - avoidance of contempt 210–11
- religious taboos 207
- replacement rate, high, unemployment, opting for 63
- requirement for residence in state 75
- reservation wage, lowest willing to accept 74
- resistance to friendliness of prison officers 193–4
- resource scarcity in South Africa 132–3
- restriction of initial access to benefits 64
- rewards and punishments for behaviour in prison 189, 198
- rights
 - of children, contravention 170
 - doctors’ opinions 109
 - free movement 280

- health care (weak) 293
- health, human right
 - cost considerations, irrelevance of 133–4
- of patients 156
- practise one's religion 280
- social assistance
 - employment and disability benefit 39, 83
 - without individual duties
 - destructive for economic system 36
 - work 83
- rights-to-health lawsuits, Brazil
 - cost considerations, rare 127–8
- R (Imran Bashir) v. The Independent Adjudicator*, 2011 217–18
- Roosevelt, Franklin D., 'Four Freedoms' Speech 1941 164
- rule violations in prison, Norway, drug use 190

- safety garment supply
 - neglect for temporary workers 50
- safety-net principle
 - minimum social standards 56
- Sahara House v. Union of India*, ARV drugs 132
- Sami culture, reindeer husbandry 252–3
- Sami indigenous minority 17–18, 241, 280
- Sami land rights, Alta conflict 246, 250–51
- Sami Parliament 251, 253, 254
- Sami Rights Commission 246–7
- 'Scandinavian exceptionalism' 197–8, 205
- Scandinavian penal system
 - minority-specific rights in Norway 217
- Scandinavian welfare regime 28
 - egalitarianism 205
 - requirements for occupational mobility 95
- Schengen agreement 207
- secondary health care, specialist or hospital care 164
- security for prison staff, Norway
 - versus human rights and freedom of religion 211
- security issues in prison
 - limitation of religious practices 208–9
- separate prisons for foreign citizens, Norway 215
- service production in welfare state 38
- service providers and clients, relationship 38
- Seventh Day Adventist in Norway
 - no work on the Sabbath 89
- shared identity of citizens 223
- skills mastering activities 33
- social and economic rights 262, 265–8
- social and labor law 47
- social and medical problems, activation towards 35
- Social Assistance Act 1993, Norway 31–2, 35
- social assistance beneficiaries 92–3
 - duty to undertake education 29
- social citizenship 4, 39, 82, 95–6, 139–40, 223, 234, 236, 242–6
 - case of the Finnmark Act 241–58
 - conception of 3–6
 - construction 37–9
 - differences 257–8
 - equal opportunities 9–10
 - Germany 43
 - identity 222
 - juridification role 246–8
 - positive relationship between social rights and private autonomy 6–7
 - prisoners 203
 - relation to civil citizenship 37
 - right of compensation 60
 - Sami people in Norway 281
 - social rights 6–8
 - social equality in health 154, 159
 - social exclusion combat, Norway 32
 - social homogeneity 204–6
 - social human rights influence, weak 96
 - (social) human rights instruments 84
 - social individualization 44
 - social inequality in health and social citizenship 15, 152–3, 146–60
 - social insurance, benefits as rights 25

- Social Insurance Service, integration in Norway 32
- 'Social Integration Discourse' (SID) 37
- 'socialization of medicine' 165
- social law 21–2
- social policy, and labor market policy 21, 32
- social protection, Germany 43
- social rights 3, 60
 - education 4
 - equal opportunities 10
 - health care services 4, 21
 - individuals as clients, not active citizens 7
 - old age, unemployment, disability benefits 21
- social security and welfare legislation
 - genuine or false claims 62
- social security development 77
- social security, high standards 43
 - no discrimination against EU nationals 61
- social security in reflexive law, ensuring 48–9
- social security systems of countries
 - no discrimination against resident EU nationals 73
- Social Service Act 1997, Denmark 29
- social ties, lack of, in prison 207
- social welfare benefits, Additional Protocol 1, 84
- society as homogeneous entity 241
- socioeconomic factors, clinicians' concerns 157
- socio-economic rights litigation, cost considerations 123
- South Africa, *Soobramoney* case 136
- South Africa and India
 - cost elements consideration 134
- South Africa health litigation
 - common law system 132–3
- South African Constitution
 - recognition of health rights 132
 - rights of children to basic health services 133
 - rights of prisoners to medical treatment, 133
- South African Constitutional Court
 - allocation criteria 289
 - principled stance on legitimate role of courts 136–7
 - Soobramoney* case 140
 - staff–prisoner relationships, 185
 - Norwegian drug rehabilitation unit 183–99
 - state law vulnerability
 - migration and globalization cause 236–7
 - stateless persons, non-nationals 167
 - state responsibility 165–6
 - substantive law 24
 - behavior guiding 22–3
 - Superior Inter-American Court 264
 - support for welfare retrenchment 77
 - Supreme Federal Tribunal 128–9
 - suspicion of abuse of welfare 77
 - Swedish regulations, health care as a basic right 178
- tariff autonomy 54
- tax credits 28
- technological developments 44
- temporary agency workers 13, 49, 50
 - coal miners, service workers, chemical workers 54
 - employment periods short 57
 - Germany 49–55
 - precarious risk 49
- Temporary Agency Work Law (TAW) 56
 - (*Arbeitnehmerüberlassungsgesetz*) 50–51
 - reduction of wages and working conditions 54
- temporary disability benefit, Norway 33
- temporary workers, rather than overtime of workers 51
- tertiary care, specialized, consultative care 164
- Thatcher, Margaret, British Prime Minister
 - 'quasi-market' health service 173
 - social security benefits, reductions, 1980 25
- The Drug Conversation, Norway 198
 - control and rehabilitation 194–6

- training education programs 33
- transnational families
 - cases 224–34, 290
 - different legal orders 222
 - plurality of legal systems 234
- travelling time limits for work 90
- treatment for microcephaly, case, Brazil
 - Unified Health System (SUS) 128
- ‘type 1 error’ 63, 65
 - asserting something absent 61
- ‘type 2 error’ 63, 65
 - failure to assert something present 61
- undocumented migrants 280
 - professional discretion 294
 - severe health problems 283
- unemployed and service provider,
 - action plans, Denmark 31
- unemployment and disability benefits 103
- unemployment, atypical and low wage, Germany 44
- unemployment benefits
 - for involuntarily unemployed individuals 61
 - unemployment compensation trade-off 60–78
 - voluntary idleness induction 63
- unemployment compensation scheme 13, 62
- unemployment, high in Europe 21
- unemployment in Germany, atypical employment 44
- unemployment insurance compensation (UI) 60
- unemployment protection schemes, redefinition 44
- United Kingdom
 - health care services for undocumented migrants 173–4
 - payment for secondary hospital care 176
- United Kingdom Jobseekers Act, 1995 85
- United Kingdom Jobseekers’ allowance Caitlin Reilly 81
- United Nations (UN), international organization 8
- United States welfare state, relative meagreness 77
- Universal Declaration of Human Rights (UDHR 1948) 165–6, 83
- universal health care principles 178
- Urologists 164
- vaccination, 153
- victims of rights violations 286
- violence and threat of violence in prison 206
- vocational rehabilitation benefit, Norway 31, 33
- volume of referrals 112
- voting rights 5
- wage levels low 55
- wage, minimum 28
- ‘weak’ rights 6–8
- Weber, Max, on non-neutrality of state 47
- welfare benefits in old age 66
- welfare benefits in unemployment 6
- welfare law proceduralization 36, 287
- welfare legislation 11, 61
- welfare programs
 - ‘type 1 error’ allowing extensive abuse 76
 - ‘type 2 error’ denying welfare 76–7
- Welfare Reform Act (WRA), UK
 - ‘Universal Credit’ 93
- welfare regimes in UK, Norway and Denmark 34
- welfare regulation consequences 8
- welfare rights, individual 6
 - versus democracy 2
- welfare state 1, 5, 6, 21
- ‘Welfare’ White Paper, 1995, Norway
 - aim of work line 31
- White Paper ‘Work, Welfare and Inclusion’, Norway 32
- Work Assessment Allowance (WAA), Norway
 - activity to receive 33–4
- Work Environment Act (WEA), 2005 Norway
 - health and safety 87

- workers' rights of protection, Germany 50
- Workfare in Norway
 - condition for social assistance 31
- workfare state, Schumpeterian 35
- workforce flexibility, 'reflexive regulation' 44
- work-life balance, in social human rights law 89
- work-line policies 31, 82
 - economic sanctions 95-6
- work-oriented claimants
 - non-receipt of benefits 60
- work-oriented welfare agencies 35
- work-related policy goals, welfare law procedures 36
- World Health Organization, universal health coverage' 154
- World Medical Association (WMA) Declaration of Geneva 178
- Ximenes Lopes v. Brazil*, 2006
 - health rights case 265-6
- Youth Allowance Scheme, 1990, Denmark 29, 35

