

# ABSTRACTS

## ESSAYS

Mátyás Bódig analyses the doctrinal framework of economic and social rights. When the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights entered into force, the emancipation process of these rights ended in the framework of the UN system. But according to the author, there is a need for further normative improvement in the field of economic and social rights to make the protection of these rights more effective.

Gábor Juhász examines the history of social rights. According to the author, since the Cold War the international community has turned to the principle of the indivisibility of human rights and has tried to find new ways to foster the justiciability of these rights. As a result of this process the shell of social rights is not empty any longer, it is still extremely fragile though. The inside of the shell is not available for the Hungarian reader since Hungary has not ratified any of the international protocols which ensure the possibility of complaints.

Dániel Deák argues, based on his overview of the recent Hungarian developments in tax policy, that the principle of burden sharing has become empty with the disregard of concerns of distributive justice. However, this does not mean that there is a parallel empowerment of the individual, now freed from bonds of solidarity, because the Fundamental Law of Hungary seeks to define what individual work counts as valuable. This situation is aggravated by the lack of constitutional guarantees or the impossibility of their enforcement. Given that both sector neutrality (normally enforceable through the principle of non-discrimination) and good administration is missing, giving up on considerations of distributive justice proves to be a sacrifice without actual effect, not attracting the capital that was sought after in the first place.

## FORUM

Zsuzsa Ferge, Balázs Majtényi and György Majtényi, and Luca Koltai examine the structure, aims, and effects of elements of recent Hungarian social policy, especially the so-called public work scheme. They find worsening trends, deepening divides, and a view of an emerging new Panopticon.

## DOCUMENTS AND COMMENTARIES

Adél Kegye comments on the recent decision of the Curia of Hungary that took an unprecedented turn to allow continuing segregation. The judgment in question fails to address a number of questions that have been established both in Hungarian and in the Strasbourg case law. Outlawing segregation is a member state obligation under EU law, with strictly defined exceptions, yet, the decision failed to consider the case as one of discrimination based on ethnicity, avoiding questions of adequate justification and the possible disadvantages, and instead took the case as it was presented by the defendants: one about religious education. To avoid the conclusion of an illegal practice with the re-opening of a religious, Roma-only school, the judgment treats the question of parental consent liberally and leaves it unclear what we should understand as the actual legally acceptable justification for segregation in these and similar cases. Given the converging tendencies in executive and judicial approaches in favor of upholding educational segregation and the procedural hardships to challenge these decisions before the Constitutional Court and the ECtHR, the article considers the possible role of the European Commission.

## AFTER DECISION

In this column summaries of some of the recent decisions of the European Court of Human Rights, and the Hungarian Constitutional Court are presented.

## PROTECTORS OF RIGHTS

Emőke Both and Krisztina Kovács describe the activities of the BAGázs Public Benefit Organization, carried out in a segregated community in the city of Bag, which are aimed to ameliorate the economic and social status of the locals and to help their integration into the majority of the society. The authors focus mainly on the Legal Clinic Program, which was brought to life for the purpose of serving as a model for the solution of the typical problems in a segregated community, especially those in the areas of social aid, property rights and debt-management.