

# ABSTRACTS

## ESSAYS

In his essay Dániel Szilágyi gives an overview of the different approaches to vulnerability. He seeks to answer the question of how these approaches can contribute to our understanding of the role of the state and of political institutions, and in light of these considerations, which conception of equality can provide adequate responses to current challenges of inequalities in the society. The author also aims to address the issue of whether the two major approaches to vulnerability, one that recognizes vulnerability as universal and inherent in the human condition, or the other which understands it as a characteristic of certain social groups, can be reconciled.

Ádám Beöthy argues following Sujit Choudhry that constitution-making can be conceptualized as following two sets of goals: ceasefire and liberal functions. The first aims at preventing direct conflicts, while the second seeks to secure more far-reaching goals of stability and a functioning state. The author discusses three case studies, arguing that South Africa is the closest example where the two sets of function have formed an equilibrium, while the Afghan and the Bosnian cases have been dominated by the more direct concern of ceasing conflict, ultimately undermining liberal constitutional goals.

Bence Kis Kelemen's essay tries to define the framework in which force can be used legally in the international human rights system. Nowadays states find themselves between *Scylla and Charybdis*, since they have to secure the right to life of their citizens, but they have to respect the right to life of terrorists as well. Targeted killing operations are part of contemporary counter-terrorism activities. These operations are usually conducted by remote controlled aircrafts or drones. This analysis deals with the substantial part of the right to life and explores the possibility of extraterritorial application of some human rights treaties.

Dóra Varga-Sabján and Viktória Sebhelyi claim that the current Hungarian legislation as well as the approach of domestic authorities on child prostitution are not in compliance with our international obligations - for instance, with those stemming from "the Lanzarote Convention" - to protect children against sexual exploitation and sexual abuse. In Hungary, criminal proceedings are initiated against minors for "unlawful prostitution", consequently children are treated as criminals instead of victims of sexual violence. The authors highlight the major shortcomings of this punitive approach with regard to human rights and also to psychological health.

Renáta Bedő discusses the issue of the horizontal effect of fundamental rights, focusing on those institutions that can provide protection for human rights in disputes between private parties. The author argues that the current system in Hungary, in which ordinary courts, the ombudsman and other public authorities have jurisdiction for enforcing human rights in private law disputes, fails to provide effective legal guarantees. She encourages courts in particular to become more open and willing to consider human rights concerns as they are the key institutions in this regard.

## DOCUMENTS AND COMMENTARIES

Alexandra Sipos's article examines the decisions of the Equal Treatment Authority (ETA) delivered on complaints regarding the violation of the ban on discrimination based upon sex, sexual orientation and/or gender following the adoption of the Fourth Amendment which has changed Article L) of the Fundamental Law of Hungary. The main question

is whether the ETA's decisions strengthened the concepts put forward by Article L) or whether they were used as a tool to dismantle existing stereotypes on gender, gender identity or sexual orientation.

Ákos Erdős's paper analyzes the changing patterns of drug use among children in Hungary. The analysis shows that there are still significant gaps in prevention and in healthcare developments and the Hungarian legislation is still based on the use of strictly prohibitive and restrictive measures.

#### 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.

#### REVIEW

Nelli Nagy reviews David Miller's book on the political philosophy of migration.