

# The rise of the repressive welfare state: do courts make a difference?

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# Set up

- 1) Central question
- 2) Rise of the repressive welfare state?
- 3) Legislature versus judiciary and the role of ethics
- 4) Three examples
  - a) Work far as forced labour: Caitlin Reilly Supreme Court 2013
  - b) Excessive surveillance and privacy: Netherlands Central Appeals Court 2013
  - c) Fining the homeless: Hungarian Constitutional Court 2012
- 5) Do courts make a difference?

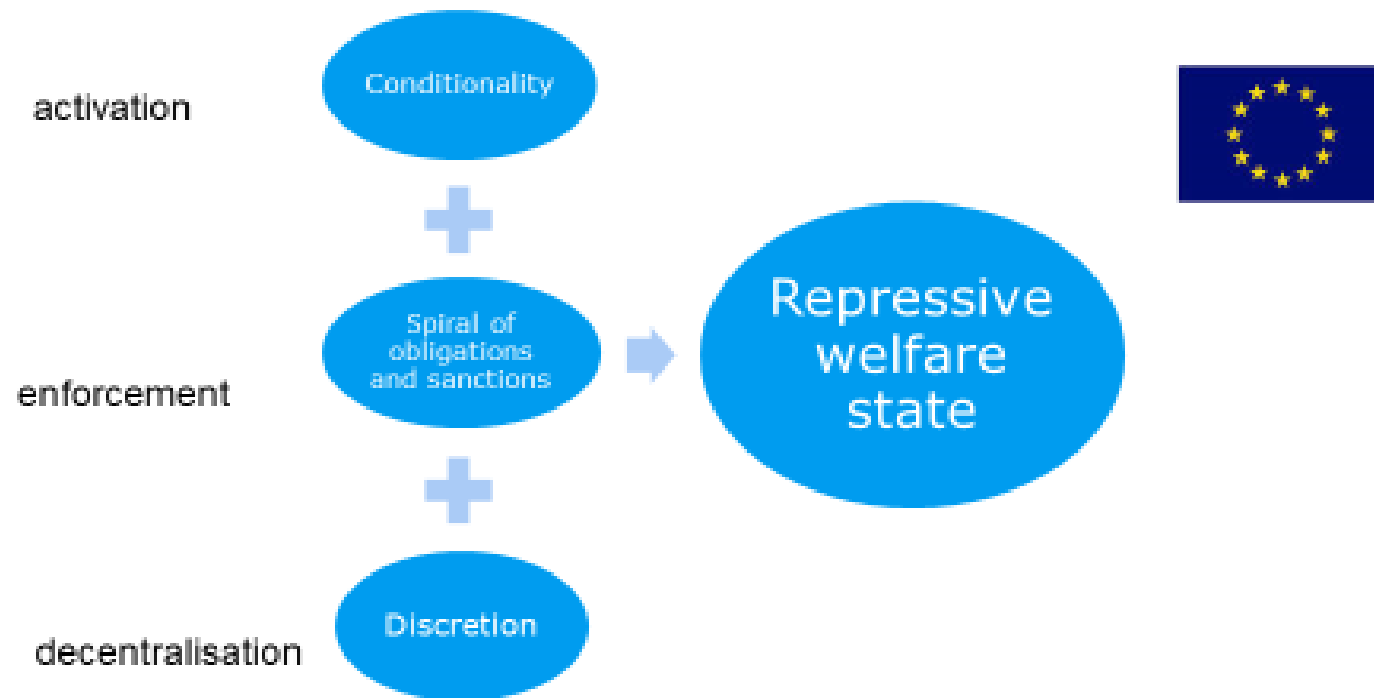
# Rise of the repressive welfare state



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## What is going on?



# Legislature versus judiciary and the role of ethics

Human rights standards

versus

majority rule



# Caitlin v. Secretary of State for Work and Pensions [2013] UKSC 68



# CRvB 2013 Excessive surveillance of social assistance recipients ECLI:NL:CRVB:2013:785



# Fining the homeless: Hungarian Constitutional Court 12 November 2012



Conclusions: legislature and the judiciary, a precarious balance

