

# ABSTRACTS

## ESSAYS

On 26 March 2007, a group of human rights experts launched the Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity (the Yogyakarta Principles). The Principles are intended as a coherent and comprehensive identification of the obligation of States to respect, protect and fulfil the human rights of all persons regardless of their sexual orientation or gender identity. In their writing Michael O'Flaherty and John Fischer seek to situate them within the contexts of (a) the actual situation of people of diverse sexual orientations and gender identities, and (b) the applicable international human rights law as it stands today. Thus situated, the Yogyakarta drafting process and the outcome text are examined. The final section of the article comprises a preliminary review of the impact and dissemination of the Principles.

Renáta Uitz and Orsolya Salát's essay tries to reveal what role the notion of autonomy plays in cases concerning gay people's rights, and on what grounds courts give protection to individual autonomy in constitutional debates, and where they draw its limits. On the basis of comparative examination it is difficult to turn the principal dedication to autonomy into practical results in the vindication of constitutional claims. According to the authors claims of fundamental law worded in the language of autonomy tend to be less successful than classical proposals of political law or anti-discrimination.

## INTERVIEW

Gábor Halmai made an interview with Balázs Birtalan, the founder of Five Bread Christian Community for Homosexuals.

In this column we also publish the edited version of the discussion about the situation of fundamental rights after the transitions in Central Europe. The event was held in February 2008 on the occasion of the 10<sup>th</sup> anniversary of *Fundamentum*.

## FORUM

I. Here we deal with the rights of sexual minorities, more specifically with legal and moral debates concerning homosexuality.

II. Mikós Hollán's response to Mátyás Bencze's essay on the constitutional interpretation of criminal courts published in *Fundamentum* 2007/3 draws the conclusion that the notional system employed in the research is fundamentally debatable. According to Mátyás Bencze, Hollán's criticism only means that his standpoint in certain cases has to be corrected or complemented, he does not have to give up all his original typology.

## AFTER DECISION

We repeatedly give a selection of the latest human rights decisions of the European Court of Human Rights and the Hungarian Constitutional Court. Besides we present a brief summing up of the decisions of the German Constitutional Court in transsexual cases, together with the decision of the Supreme Court of the United States of America on the habeas corpus rights of foreigners held captive in Guantánamo.

## PROTECTORS OF RIGHTS

Here we present Ágnes Lux's writing on the European experience of gay pride parades, and we also give the position of Hátér Society for the Gay on the draft of the Civil Code under construction.

## REVIEW

In *Review* we present two greatly debated books of American historian Jan T. Gross: *Neighbours*, first published in Polish in 2000, in English one year later, then in Hungarian in 2004; and *Fear*, published in 2006. The first deals with the anti-semitism of Polish citizens in the second World War, the latter with their anti-semitism after 1945.