

ABSTRACTS

ESSAYS

Eszter Polgári argues that the Hungarian Constitutional Court has showed willingness to adopt the human rights standards elaborated by the European Court of Human Rights on the one hand, while the Council of Europe has also tried to shape its relationship with the domestic rights protection mechanisms on the other hand. In her essay Eszter Polgári describes the requirements set by the Council of Europe and analyses whether the jurisprudence of the Hungarian Constitutional Court has been in concert with these requirements.

In her study on the access of the European Union to the European Convention on Human Rights, Petra Bárd investigate the expected impact of the access. She argues that one of the added values of the accession is that it would increase the unity of fundamental rights protection in Europe, emphasize the human rights commitment of the EU. However the study predicts that there will be no legal steps in the short run.

In their essay, Kriszta Kovács, Zsolt Körtvélyesi and Alíz Nagy assess the phenomenon of external ethnic citizenship through the lense of non-discrimination. Sovereign states enjoy a great margin of appreciation in defining the rules of both birthright and acquired political membership. Most states employ some form of cultural affinity-based criteria relating to ethnic identity that differentiate between applicants that seek to acquire the nationality of the state. Indeed, such distinctions seem to be growing with the revival of ethnic and nationalist aspirations that Europe has witnessed for some years.

FORUM

In this column, Judit Tóth, György Szerbhorváth, and Nóra Köves analyze the recent trends in the law of asylum in Hungary.

DOCUMENTS AND COMMENTARIES

Renáta Uitz starts with the analysis of the *Oliari v. Italy* case decided by the European Court of Human Rights concerning the registered partnership of same sex couples, then turns to the decision of the US Supreme Court delivered in its *Obergefell* case on the right to marriage of same sex couples. The author points out the most important similarities and differences of the two judgments, and draws the most relevant conclusions flowing from them.

Gábor Halmai comments on the judgment of the European Court of Human Rights in the case of *Vasiliaskas v. Lithuania* issued on October 20, 2015. The nine member majority of the Grand Chamber decided that the two Lithuanian partisans killed by the applicant as a member of the Soviet army in 1953 were not members of a national, but of a political group. Therefore the killing cannot be considered as genocide.

Tibor Sepsi comments on the judgments of the European Court of Human Rights in the cases of *Delfi AS v. Estonia* and *MTE and Index.hu Zrt v. Hungary*. In the former case the Court decided that liability of an online news portal for the offensive comments posted by its readers can be established, and in the latter case the Court reiterated its principles on liability it had enunciated in *Delfi*.

In his commentary, Balázs Gergely Tóth argues that in 2012, based on the newly adopted legal provisions and the jurisprudence of the Constitutional Court, the admissibility criteria of constitutional complaints were very strict but at least they seemed to be clear for the practitioners.

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

The Constitutional Law Department of the University of Debrecen and the Political Science Department of the Central European University held a conference together on 12-13 January 2016 on the consequences of the transformation of the Hungarian constitutional system.