

# ABSTRACTS

## ESSAYS

*Zoltán Szente* documents the dismantling of parliamentarism in Hungary and argues that all meaningful powers of the legislative body to check the government have been eliminated. He provides a rich overview of institutional and procedural changes after 2010 which led to a setup that is alien to established standards in constitutional democracies.

*András György Kovács* provides a critical overview of the rules for case allocation established by the former President of the Supreme Court (Kúria), Péter Darák. The author argues that in recent years, while the statutory framework has been modified to meet the basic requirements of the rule of law and international standards of case allocation, the particular rules introduced by the President seriously undermined the former values and violated also the newly adopted statutory provisions. András György Kovács claims that rules for case allocation determined by Darák lacked transparency, intensified hierarchy among court executives by creating informal units of „Grand Chambers”, and provided the possibility for undue human interference.

*Bernadette Somody* and *Péter Stánicz* analyse doctrinal questions in relation to assisted suicide at the occasion of the German Federal Constitutional Court’s 2020 judgment declaring the criminal prohibition of assisted suicide services unconstitutional, and compare it with the Hungarian approach. Striking differences between the Hungarian and German approaches are found, despite the many connections between their constitutional courts regarding fundamental rights, the right to self-determination and restriction of fundamental rights. The authors argue that the reason behind the differences in outcome might be the result of a difference in the courts’ reconstruction of the factual reality of end of life situations.

## FORUM

The Forum section of this issue focuses on parliamentary law. *Gabriella Ilonszki* and *Adrienn Vajda* analyze the weakening of the Hungarian National Assembly based primarily on the developments of the last decade. *Viktor Zoltán Kazai* and *Dániel Karsai* provide an overview of the constitutional review cases initiated by the qualified minority of MPs.

## DOCUMENTS AND COMMENTARIES

In April 2020 the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) published its most recent report on Hungary which is the result of an almost two years long, in-depth inquiry. The CRPD Committee’s conclusion is rather condemning: it finds that Hungary’s laws, policies and practices gravely and systematically violate the rights of persons with disabilities, in particular by the deprivation of their legal capacity and their segregation in residential institutions. *Barbara Méhes* sets out the CRPD Committee’s main concerns regarding the state’s compliance with the UN Convention on the Rights of Persons with Disabilities and its recommendations made to the government. She also reflects on the measures taken by the government since the publication of the report.

*Tamás Dombos* and *Eszter Polgári* analyze a recent judgment of the European Court of Human Rights delivered in the case *Rana v. Hungary*. This decision was the conclusion of a four-year long legal battle. This was the first, but probably not the last case in which the ECtHR examined

the violation of the rights of transgender people in Hungary and ordered the state to pay compensation to the applicant.

#### AFTER DECISION

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

#### RIGHTS DEFENDERS

By presenting the case of the Hungarian journalists who were banned from covering in the Parliament, *Dalma Dojcsák* and *Máté Dániel Szabó* as lawyers of the Hungarian Civil Liberties Union give an overview on the perspectives of strategic litigation in Hungary. In their article they highlight the limitations of the domestic remedies in fundamental rights cases and assess the leeway of the European Court of Human Rights.

#### REVIEW

*Evelin Burján* reviews the edited collection *Time, Law and Change – An Interdisciplinary Study* edited by Sofia Ranchordás and Yaniv Roznai. The book brings together many experts worldwide to discuss the time aspect of legislative progress, interpretation of law, and the rule of law. Divided into four parts, each part considers a different form of interaction between time and law and change: from the perspective of legal scholars who examine the theoretical impact of time on legal interpretation, constitutional change and legislation; from the point of view of judges, who are faced with the constant changes in legislation and who, in this situation, are trying to find the most appropriate way in terms of the principle of legal certainty; from legislators, who are expected to respond quickly to sudden social and political needs; and finally, in terms of technology that poses unprecedented challenges to the legal system.

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