

Constitutional Review in Austria and Europe

A comparative analysis of Europe's constitutional courts with a focus on the Austrian *Verfassungsgerichtshof*

From 9th to 13th May 2016, **Dr. Christoph Hofstaetter** from University of Graz, Austria, will give a series of lectures on constitutional review in Austria and Europe.

The lectures shall take place each day Monday to Friday from 19.00 to 20.40.

University of Belgrade and University of Graz shall issue joint certificate of attendance to the students that take the course.

Interested students of both undergraduate and master studies should apply to vukcucic@ius.bg.ac.rs by 25th April 2016. Students are to send their short biography with application. Students shall be informed about admission by 2nd May 2016.

Short description of the Course:

The Austrian Constitutional Court has been a powerful institution in Austria's legal and political system since the Court was established in 1919. As a specialized court, it provides judicial review of norms – the core of every constitutional review. This concept has been developed by Hans Kelsen, who was a famous legal theorist, constitutional law scholar and the "father" of the Austrian Constitution of 1920. Kelsen's constitutional court has inspired many other countries. In this course, we will therefore reveal the origin of the Austrian Constitutional Court and the ideas behind constitutional courts in general. In a next step, the competences and the personal structure of several European constitutional courts will be presented. Constitutional courts (should) also protect the fundamental rights and freedoms of individuals. Whereas the Austrian constitutional Court's former attitude on fundamental rights could be described as "judicial self-restraint", we will examine the change of the court's approach over the past decades. Finally, we will discuss the role of constitutional courts in the remedy system against factual acts by the police and we will also compare the Serbian and the Austrian remedy system concerning these acts. To specify, factual acts comprise every action by the police that does not take the form of an administrative decision or of a general legal act as a regulation (for example the issuance of orders, the temporary seizure of objects, or the detention of persons).