



## OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

### **Newsletter n. 55**

15 March 2016

Below are the main updates concerning case-law and acts relevant to the protection of fundamental rights, as published in the web site [www.europeanrights.eu](http://www.europeanrights.eu)

For the acts of the **European Union** we have included:

- the Directive (EU) 2016/343 of the European Parliament and of the Council of 9.03.2016 on the strengthening of certain aspects of the presumption of innocence and the right to be present at the trial in criminal proceedings;
- the European Council Conclusion of 18-19.02.2016, on a new settlement for the United Kingdom within the EU;
- the European Parliament Study of 15.02.2016, "The interpretation of Article 51 of the EU Charter of Fundamental Rights: the Dilemma of Stricter or Broader Application of the Charter to National Measures";
- the European Parliament Study of 28.01.2016, "Fit for Purpose? The Facilitation Directive and the Criminalisation of Humanitarian Assistance to Irregular Migrants";
- the European Parliament Study of 12.01.2016, "The European Social Charter in the Context of Implementation of the EU Charter of Fundamental Rights";
- the European Parliament Study of 15.12.2015, "United Kingdom's Renegotiation of its Constitutional Relationship with the EU: Agenda, Priorities and Risks".

For the **Council of Europe** we would like to highlight the following resolutions and recommendations:

of the **Parliamentary Assembly**:

- the Resolution 2098 and the Recommendation 2087 of 29.01.2016 "Judicial corruption: urgent need to implement the Assembly's proposals";
- the Resolution 2097 of 29.01.2016 "Access to school and education for all children";
- the Resolution 2096 and the Recommendation 2086 of 28.01.2016 "How to prevent inappropriate restrictions on NGO activities in Europe?";
- the Resolution 2095 and the Recommendation 2085 of 28.01.2016 "Strengthening the protection and role of human rights defenders in Council of Europe member States";
- the Resolution 2094 of 28.01.2016 "The situation in Kosovo and the role of the Council of Europe";
- the Resolution 2093 of 28.01.2016 "Recent attacks against women: the need for honest reporting and a comprehensive response";

of the **Committee of Ministers**:

- the Resolution CM/ResCMN(2016)4 of 3.02.2016 on the implementation of the Framework Convention for the Protection of National Minorities by Germany;
- the Recommendation CM/Rec(2016)1 of 13.01.2016 to member States on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality.

For the **Court of Justice**, we added the decisions:

- 1.03.2016, joined cases C-443/14 and C-444/14, *Alo*, on the imposition of a residence condition to a beneficiary of subsidiary protection status;
- 25.02.2016, C-299/14, *García-Nieto*, on the exclusion of nationals of a Member State from the entitlement to certain social assistance benefits during the first three months of residence in the host Member State;
- 23.02.2016, C-179/14, *Commission v. Hungary*, on tax advantages, freedom of establishment and freedom to provide services;
- 18.02.2016, C-49/14, *Finanmadrid E.F.C.*, on consumer protection in case of unfair terms and the principle of *res iudicata*;
- 15.02.2016, C-601/15 PPU, *N.*, on the detention of an asylum seeker when the protection of national security or public order so requires;
- 4.02.2016, C-336/14, *Ince*, on games of chance and freedom to provide services;
- 28.01.2016, C-50/14, *CASTA and others*, on the national legislation authorising regional health authorities to entrust medical transport activities to registered voluntary associations fulfilling the legal requirements, directly and without advertising, on freedom to provide services and the protection of health;
- 28.01.2016, C-375/14, *Laezza*, on betting and gaming, freedom to provide services and freedom of establishment;
- 21.01.2016, C-453/14, *Knauer*, on old-age benefits received in more than one Member State;
- 21.01.2016, C-515/14, *Commission v. Cyprus*, on Cypriot legislation on pension entitlement, which places migrant workers at a disadvantage in relation to those who do not leave Cyprus;
- 21.01.2016, C-335/14, *Les Jardins de Jouvence*, on the concept of supply of services and goods closely linked to welfare and social security work;

and the conclusions of the **Advocate General**:

- 4.02.2016, C-165/14 and C-304/14, *Rendón Marín and CS*, on the right to have the residence permit for a non-EU national with a criminal record, who has the sole care and control of a minor child, who is a citizen of the European Union;
- 2.02.2016, C-47/15, *Affum*, on the condition of third-country nationals illegally staying on the territory and on custodial sentences;

and for the **General Court** the decision:

- 28.01.2016, joined cases T-331/14, T-332/14, T-341/14, T-434/14, T-486/14, *Azarov v. Council*, on the freezing of the assets of five Ukrainian nationals.

For the **European Court of Human Rights** we would like to highlight the judgments:

- 1.03.2016, *K.J. v. Poland* (n. 30813/14), on the violation of the right to private and family life, following the national court's refusal to order the return of the daughter to her father: the case concerns a mother, who, during the proceeding for the divorce, run away with her daughter from England to Poland and for two years did not allow the father to see his daughter; the national court found that the 3 years old child, having lived all her short life with her mother, would have been damaged by the return to England;

- 23.02.2016, *Mozer v. Moldova and Russia* (n. 11138/10), according to which Russia shall respond for the violation of the right of the accused person, who was detained unlawfully and in inhuman conditions in the Moldova Region of Transnistria;
- 23.02.2016, *Nasr and Ghali v. Italy* (n. 44883/09), on the abduction and extraordinary rendition by the CIA agents of Imam Abou Omar (who obtained the status of political refugee in Italy) and his transfer to Egypt, in violation of several rights provided for by the Convention;
- 23.02.2016, *Civek v. Turkey* (n. 55354/11), according to which the authorities failed to protect the life of a woman, who complained about the her violent husband and the domestic violence she suffered;
- 23.02.2016, *Çam v. Turkey* (n. 51500/08), on the refusal to enrol a blind student in a music academy, which violated the right to education and to non-discrimination;
- 23.02.2016, *Pajić v. Croatia* (n. 68453/13), on the refusal of a residence permit on the grounds of family reunification to a woman, who had a stable relation with another woman, who was living in Croatia, which was deemed a discriminatory treatment;
- 16.02.2016, *Soares de Melo v. Portugal* (n. 72850/14), on the order to be taken into care and the procedure for adoption for six of the seven children of the applicant, which violated her right to private and family life: the applicant was in a difficult situation and, according to the Court, the placement order was not appropriate to the legitimate aim pursued nor necessary in a democratic society;
- 4.02.2016, *Isenc v. France* (n. 58828/13), according to which French authorities failed to protect the right to life of the prisoner, who killed himself in prison;
- 2.02.2016, *Di Trizio v. Switzerland* (n. 7186/09), on non-discrimination on the grounds of sex and the right to the respect for private and family life in the event of the refusal to continue to pay the applicant a 50% disability allowance after the birth of her twins: the allowance was stopped, because the applicant would not have been able to work in any case after the birth of the twins;
- 2.02.2016, *N.Ts. v. Georgia* (n. 71776/12), on the right to private and family life: according to the Court, the national judges should not have ordered the return of three children to their father, without taking their emotional state of mind into consideration;
- 2.02.2016, *Sodan v. Turkey* (n. 18650/05), on the violation of the right to private and family life and the right to a fair trial in the event of the deputy prefect's transfer from the capital to the province, following a report on his conduct, which pointed out that his wife wore an Islamic veil and that he himself had an introverted personality;
- 26.01.2016, *Alpar v. Turkey* (n. 22643/07), on inhuman or degrading treatment suffered during an identity check and the subsequent questioning at the police station;
- 21.01.2016, *De Carolis and France Télévisions v. France* (n. 29313/10), on the conviction of defamation against a television channel for broadcasting a documentary on the alleged responsibilities of Saudi high officials in the events of 9/11 of 2001;
- 21.01.2016, *Ivanovski v. Macedonia* (n. 29908/11), on the unfairness of the proceeding against the President of the Constitutional Court, following the statements made by the Prime Minister, while the proceeding was still pending;
- 21.01.2016, *L.E. v. Greece* (n. 71545/12), on the lack of effectiveness of the authorities initiatives, following the report for human trafficking by a Nigerian woman, who was forced into prostitution, in violation of article 4 of the Convention;
- 19.01.2016, *Gořmuš and others v. Turkey* (n. 49085/07), on the search and confiscation operations carried out in order to identify the journalist source, in violation of article 10 of the Convention;
- 19.01.2016, *Kalda v. Estonia* (n. 17429/10), on the refusal to grant the prisoner the access to internet websites containing legal information;
- 12.01.2016, *Borg v. Malta* (n. 37537/13), on the violation of the Convention, because the national law did not provide for any legal assistance during pre-trial investigations;
- 12.01.2016, *Szabó and Vissy v. Hungary* (n. 37138/14), according to which the Hungarian legislation on secret anti-terrorist surveillance does not have sufficient safeguards against abuse;
- 12.01.2016, *Gouarré Patte v. Andorra* (n. 33427/10), on non-retrospective application of a milder sentence, in violation of article 7 of the Convention;

- 12.01.2016, *Party for a Democratic Society (DTP) and others v. Turkey* (n. 3840/10), on the illegitimate dissolution of the party, which upheld the pacific solution to the Kurdish question, deemed as a support to terrorism;
- 7.01.2016, *Jaksövski and Trifunovski v. Macedonia* (n. 56381/09 and 58738/09), on the lack of impartiality of the State judicial council in the proceedings for professional misconduct against the judges;
- 7.01.2016, *Gerovska Popčevska v. Macedonia* (n. 48783/07), on the lack of impartiality and independence of the State judicial council in the proceeding for professional misconduct against the judge;
- 7.01.2016 *Bergmann v. Germany* (n. 23279/14), on the detention of a person of unsound mind in an adequate institution, where therapeutic treatments were guaranteed, which was deemed legitimate;
- 5.01.2016, *Frumkin v. Russia* (n. 74568/12), on the authorities failure to communicate with the organisers of the demonstration, in order to guarantee a peaceful meeting, in violation of the obligation to guarantee the respect for freedom of assembly (the access to the assembly was blocked by the police).

For the **extra-European area** we have included:

- the decision of the *Federal Court of Vancouver* of 24.02.2016, which deemed arbitrary the prohibition to self-produce marijuana for therapeutic reasons and in violation of article 7 of the Canadian Charter of Rights and Freedoms (Right to life, liberty and security);
- the decision of the *United States Court of Appeals for the Fifth Circuit* of 24.02.2016, which reversed the previous decision of the district court, removing the temporary suspension of the execution of the State Law in the matter of abortion, as amended in order to provide for the obligation for doctors, who practice abortion, to have admitting privileges in a nearby hospital, which must be not more than 30 miles away from the abortive clinic and guarantee obstetric and gynaecological assistance;
- the decision of the *United States Court of Appeals for the Fourth Circuit* of 01.02.2016, which excluded the applicability of the Alien Tort Statute, in order to recognize the jurisdiction of American courts with regard to violations of international law committed against a Somali national outside the American territory, in the light of the decision of the USA Supreme Court in the case *Kiobel v. Royal Dutch Petroleum Co.*;
- the decision of the *Supreme Court of the United States* of 25.01.2016, which recognized retroactive effectiveness to the decision in the case *Miller v. Alabama*, in which the Supreme Court found the constitutional illegitimacy of the life sentence with no possibility of parole for minors convicted for homicide;
- the decision of the *Court of Appeals of the State of Kansas* of 22.01.2016, according to which, in the light of the relevant case-law, the Constitution of the State of Kansas recognizes the right to abortion: therefore, the Court stated that there is a substantial likelihood that the Kansas Unborn Child Protection from Dismemberment Abortion Act, aiming at prohibiting the method for abortion called D&E, i.e. "dilation and evacuation", is constitutionally illegitimate;
- the decision of the *Ontario Superior Court of Justice* of 14.01.2016, which deemed the orders "tower dump" – i.e. orders by the authorities to obtain from providers data of mobile phones coming from certain repeaters and in a precise period of time – to the claimants as in contrast with article 8 of the Canadian Charter of Rights and Freedoms (protection against illegitimate search and seizure), also dictating specific guidelines in such matters for the police and the courts;
- the decision of the *Inter-American Court of Human Rights* of 25.11.2015, case *The Kaliña and Lokono Peoples vs. Suriname*, which found the State responsible, according to articles 3, 21, 23 and 25 of the Convention, for the lack of legal recognition of the juridical personality of the indigenous peoples of Kaliña and Lokono and the violation of their right to collective property and effective remedies; the decision of 23.11.2015, case *Quispialaya Vilcapoma vs. Perú*, which found the State responsible for the violation of Valdemir Quispialaya's right to personal integrity, since he lost his eye after he was

struck by his military instructor during the military service, also recalling the jurisprudence of the Court of Strasbourg; the decision of 19.11.2015, case *Velásquez Paiz y otros vs. Guatemala*, on the State responsibility, pursuant to the right to life and to personal integrity, in relation to the lack of adequate investigations on the disappearance and death of Claudina Velásquez, also in the light of the increasing phenomenon of gender-based violence in Guatemala; the decision of 17.11.2015, case *García Ibarra y otros vs. Ecuador*, on the right to life in relation to the homicide of a teenager by an officer of the National Police; the two decisions of 08.10.2015, cases *Comunidad Garífuna Triunfo de la Cruz y sus miembros vs. Honduras* and *Comunidad Garífuna de Punta Piedra y sus miembros vs. Honduras*, on the violation of the right to common property of the land to the detriment of the indigenous Garifuna Communities and the consequent right to use and exploit the land, as well as on the obligation to consult the communities on the use of such territory; and the decision of 05.10.2015, case *Ruano Torres y otros vs. El Salvador*, which recognized the State responsibility for the violation of the right to the integrity of the person, presumption of innocence, effective remedies and personal freedom with regard to Ruano Torres, who was arrested and convicted of unlawful restraint. ■

As far as **case law of national courts** is concerned, the following decisions must be highlighted:

- **Belgium:** the decision of the Constitutional Court n. 25/2016 of 18.02.2016, which pronounces itself on the constitutional legitimacy of the *Code de l'inspection, la prévention, la constatation et la répression des infractions en matière d'environnement et de la responsabilité environnementale*, recalling the norms of the ECHR, EU law and the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision n. 22/2016 of 18.02.2016, on the constitutional legitimacy of the law of 5 May 2014 on the internment of persons and its compatibility with the norms of the ECHR, which applies the jurisprudence of the Court of Strasbourg; the decision n. 15/2016 of 03.02.2016, which partially admitted the claim against the law of 10 July 2012 in the matter of electronic communications, in the light of EU law as interpreted by the jurisprudence of the Court of Justice; the decision n. 13/2016 of 27.01.2016, on the legitimacy of the claim in the matter of asylum, as introduced by the law of 10 April 2014, which recalls the norms of the ECHR, the EU Charter of Fundamental Rights and EU law and applies the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision n. 12/2016 of 27.01.2016, in the matter of electromagnetic pollution, in the light of the EU principle of precaution, which also recalls the norms of the ECHR and the European Social Charter; the decision n. 3/2016 of 14.01.2016, on the compatibility of the laws of 25 April 2014 and 8 May 2014 in the matter of justice with the principles of impartiality of the court and presumption of innocence and with the right to an effective remedy, which recalls the jurisprudence of the Court of Justice; the decision n. 2/2016 of 14.01.2016, which, also applying the jurisprudence of the Court of Strasbourg, quashed article 335 of the Civil Code, as modified by the law of 8 May 2014, where it provided for that, in the event of disagreement between the parents or in case there was no choice, the son automatically adopted only the father's surname, for the violation of the principle of equality and non-discrimination; and the decision n. 178/2015 of 17.12.2015, which judges on the compatibility of the measure of the criminal executive procedure (*enquête pénale d'exécution*), introduced in the criminal procedure code by the law of 11 February 2014, which provides for measures to improve the recovery of non-custodial sentences (fines) and court expenses in criminal matters, with constitutional norms and articles 6 and 8 of the ECHR;
- **Bosnia and Herzegovina:** the decision of the *Ustavni sud* (Constitutional Court) of 26.11.2015, according to which, also in the light of the ECHR norms and Protocol 12 to the European Convention, the norms of the Serb Republic of Bosnia and Herzegovina in the matter of Public Holiday are in contrast with the principle of non-discrimination and the right to freedom of religion, as expression of a unilateral will and identity of the Serb people; the decision of 09.07.2015, which rejected the claim lodged, for the



violation of the principle of non-discrimination, against some articles of the Law on the System of State Aid, also recalling the decision of the Court of Strasbourg in the case *Sejdić and Finci*; another decision of 09.07.2015, on the alleged incompatibility of some articles of the Competition Act with the principle of non-discrimination, which recalls the norms of Protocol n. 12 to the ECHR and the jurisprudence of the Court of Strasbourg;

- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court) of 27.10.2015, which recognized the violation of the rights provided for by article 3 of the ECHR in the administrative proceeding for the expulsion of the claimant, applying a rich jurisprudence of the Court of Strasbourg;
- **France:** the decision of the *Conseil constitutionnel* n. 2/2016 of 14.1.2016, which states the legitimacy of norms equalizing, between men and women, the right to transmit the surname to the children, also in the light of the ECHR jurisprudence; the decision of the *Cour de cassation* n. 642/2016 of 9.2.2016, which analyses some video surveillance operations, in the light of the respect for article 6 of the ECHR; and the decision n. 1076/2015 of 15.12.2015, which, in the matter of undue disclosure of information applies article 10 of the ECHR;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Court) of 15.1.2016, on the European arrest warrant, which recalls supra-national law; and the decision of 15.12.2015, which rejects the extradition of an American national, who was sentenced *in absentia*, to Italy, deeming useless the reference for a preliminary ruling to the Court of Justice; and the decision of the *Verwaltungsgericht Potsdam* (Administrative Court of Potsdam) of 4.2.2016, in the matter of right to asylum, which recalls the jurisprudence of the two European Courts;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 27.01.2016, in which the Court ponders on the balance between the guarantee of public hearings and the importance of the protection in certain cases (in the specific case, pursuant to the Mental Health Act 1993, persons affected by serious mental disabilities) of the anonymity of the accused, making the right to anonymity prevailing in order to guarantee more opportunities for the reinstatement of the person in the society; and another decision of 27.01.2016, in which the Court rejects the appeal of a person suspected to be a terrorist, whose bank accounts had been blocked, according to the UN resolution n. 1267 (1999) (which also involved the well-known case *Kadi* of the EU Court of Justice), for the alleged relation with Al-Qaeda: however, the Court limits its assessment on such case, in the light of the difficulties for a national court to deal with such issues and the legitimacy of an order founded on a UN resolution; the decision of the *Court of Session, Inner House* of 19.02.2016, in the matter of assisted suicide: the Court states there is no violation of article 8 of the ECHR in the refusal of the Director of Public Prosecutions (DPP) to publish a guide explaining the cases in which the DPP may take legal action against the person who assisted the suicidal; the decision of the *England and Wales High Court* of 29.01.2016, in which the Court rejects the claim of a heterosexual couple, who complained about the violation of the right to family life and not to be discriminated against regarding the impossibility to accede to the so-called civil partnership, which is limited (although marriage equality was introduced) to homosexual couples; the decision of the *Scottish High Court of Judiciary* of the 23.12.2015, on the rules of the counter-interrogation of minors, who are witnesses in a proceeding, in the light of the ECHR jurisprudence on the principle of fair trial; the decision of the *Court of Session, Outer House* of 9.02.2016, in which the Court states that the right to private life and to privacy of medical information, according to article 8 of the ECHR, guarantees that the claimant will be heard and assisted by a lawyer before the access of the police to any information on his health; and the decision of the *Northern Ireland Court* of 05.01.2016, in which, in the light of articles 9 and 10 of the ECHR, the Court judges on the balance between the freedom of expression and the protection of the community's religious belief, which was offended by a priest during his sermon;
- **Ireland:** the decision of the *Supreme Court* of 17.12.2015, which established that the Belief evidence, pursuant to Section 3(2) of the Offences Against the State (Amendment) Act 1972, is not in contrast with the right to a fair trial, if it is supported by evidence and circumstances which are able to justify the charge, also recalling the

jurisprudence of the Court of Strasbourg; the decision of the Court of Appeal of 21.12.2015, on the legitimacy of the evidence gained in an undercover police operation during an investigation for drug pushing: the Court, although criticizing the lack of a behaviour code in such matters, established that in this specific case there was no violation of article 6 of the ECHR; and the decision of the High Court of 19.01.2016, which states the legitimacy of the expulsion order against a Romanian national and of the decision taken following the request for judicial revision, in the light of the norms of Directive 2004/38/EC on the right to move and reside freely within the territory of Member States for EU nationals and their family members;

- **Italy:** the decision of the Corte costituzionale n. 12/2016 of 29.1.2016, which in the matter of compensation for the civil party, in proceedings which do not lead to the conviction of the accused person, examines the jurisprudence of the Court of Strasbourg; the order of the Corte di cassazione n. 2259/2016 of 20.1.2016 in the matter of the possibility to raise ex officio the violation of ECHR norms, which examines the jurisprudence of the Court of Strasbourg and reverts the issue to the joint divisions of the Court of Cassation; and the order n. 11/2016 of 4.1.2016, which in the matter of retroactive civil law on benefits for festivities, examines the jurisprudence of the ECHR, deeming the principle of "equality of arms" not violated; the decision n. 49331/2015 of 15.12.2015, which, in the matter of order to demolish a building and the relation between such order and the conclusion of the proceeding, examines the jurisprudence of the Court of Strasbourg with regard to articles 6 and 7 of the ECHR; and the decision n. 22421/2015 of 3.11.2015, in the matter of dismissal of a disabled person, which recalls the UN Convention in such matter and the jurisprudence of the Court of Justice; the order of the Tribunale di Firenze of 23.1.2016, which disregards the national law in the matter of allowances for numerous families, for contrast with the supra-national law, which was deemed discriminatory for the exclusion of non-EU nationals; the order of the Tribunale di Roma of 13.1.2016, which, in the matter of transfer of the undertaking, examines the Directive on such matter and the jurisprudence of the Court of Justice; and the decision of 03.12.2015, on the right to be forgotten on the internet, which recalls the jurisprudence of the Court of Justice; the order of the Tribunale di Milano of 3.12.2015, which grants subsidiary protection to a citizen of Mali, in the light of the serious situation of the Country; and the decree of the Giudice di pace di Roma (Justice of the Peace of Rome) of 20.1.2016, which, in the matter of refolement, recalls article 7 of the EU Charter of Rights;
- **Lithuania:** the decision of the Konstitucinis Teismas (Constitutional Court) of 26.05.2015, on the constitutional legitimacy of norms in the matter of public housing, which recalls the EU Charter of Fundamental Rights, the ECHR, the European Social Charter and the jurisprudence of the Court of Strasbourg;
- **Portugal:** the decision of the Tribunal constitucional n. 24/2016 of 19.01.2016, on the admissibility in the trial of witnesses' statements to the public prosecutor or to the police during the investigation, in the light of the guarantees provided for by article 6 of the ECHR, which recalls the jurisprudence of the Court of Strasbourg;
- **Slovenia:** the decision of the Ustavno Sodišče (Constitutional Court) of 10.06.2015, which partially abrogated article 74 of the Mental Health Act, on the hospitalization of a person, who was deprived of legal capacity, in a protected ward of a health care structure, applying the norms of article 5 of the ECHR and the jurisprudence of the Court of Strasbourg;
- **Spain:** the decision of the Tribunal constitucional the decision n. 16/2016 of 01.02.2016, on the right to an effective remedy in a proceeding on the international abduction of a minor, which recalls the jurisprudence of the Court of Strasbourg; n. 11/2016 of 01.02.2016, on the violation of the right to personal and family privacy following the authorities' refusal to allow the claimant to cremate the foetus after abortion, in the light of the jurisprudence of the Court of Strasbourg; and the decision of 14.12.2015, on the violation of the principle of *favor libertatis* in the calculation of the sentence, which applies the jurisprudence of the Court of Strasbourg; the decision of the Tribunal Supremo of 18.12.2015, which quashes the decision of the Spanish Consulate in Havana refusing a short stay visa, recalling the jurisprudence of the Courts of Strasbourg and Luxembourg; and the decision of the Audiencia Nacional of

05.02.2016, in the matter of internet and copyright, in the light of the decision of the Court of Justice in the case *Nils Svensson and others*.

For what concerns **comments**, we have included the following texts:

**Articles:**

[Vincenzo De Michele](#) "The new *cigo* in the Jobs Act and the incompatibility with EU law of the monopolistic undertaking Inps in the management of social shock absorbers"

[Elena Falletti](#) "The Cultural Impact of Islamic Mass Immigration on the Italian Legal System"

[Sergio Galleano](#) "Overruling and legitimate expectation, harmonisation of the Italian and European legal systems"

[José Luis Gil Y Gi](#) "Social justice and law-making by the ILO"

[Esperanza Macarena Sierra Benítez](#) "The shift from industrial to digital dependency: which subordinate labour law shall we construe for the 21st century?"

[Miguel Ángel Martínez Badenes](#) "Present and Future of Social Rights in the International Field"

[Carolina Martínez Moreno](#) "The international legal framework for the protection of labour rights"

[Jean-Claude Piris](#) "Which Options Would Be Available to the United Kingdom in Case of a Withdrawal from the EU?"

[Allan F. Tatham](#) ""*The Art of Falling Apart?*": Constitutional conundrums surrounding a potential Brexit"

[Tatsiana Ushakova](#) "ILO's law on teleworking: an obsolete statute or is it still applicable?"

**Notes and comments:**

[Gian Guido Balandi and Silvia Borelli](#) "A race beyond the bottom. Some considerations on the Agreement for the United Kingdom in the European Union"

[Daniela Cardamone](#) "Application to the European Court of Human Rights. First part: How to lodge a valid application to the European Court of Human Rights. Analysis of the preliminary phase"

[Roberto Conti](#) "New families and forms of foster care: European jurisprudence"

[Maurizio De Stefano](#) ""*Minimum*' human rights of irregular immigrants"

[Maurizio De Stefano](#) "Law Pinto between the Parliament, Constitutional Court and Court of Strasbourg"



[Elena Falletti](#) "Brief considerations on a claim to the Court of Cassation concerning the registration of a birth certificate of a child with two mothers"

[Lucia Tria](#) "International protection for homosexuals"

### **Reports:**

[Giuseppe Bronzini](#) "The Charter of Fundamental Rights of the European Union as a tool to enhance and protect the rule of law"

[Giovanni Canzio](#) "Inaugural address of the judicial year 2016"

[Domenico Moro](#) "The real reform: European defence model and national debt (the case of Italy)"

[Guido Raimondi](#) "Inaugural address of the judicial year 2016 of the Court of Strasbourg"

[Lucia Tria](#) "'Flexible" public work in the dialogue between the Central European Courts and the Court of Cassation: the so called Community damage"

### **Documents:**

[The Annual Report \(Report 2016\)](#) by the Observatory on the Respect for Fundamental Rights in Europe, published on 7 March 2016

[The Annual Report of the Court of Strasbourg](#) on the jurisprudence of the Court, of January 2016

[The Annual Report of Human Rights Watch](#) "World Report 2016 – Events of 2015", of January 2016

[The document by ASGI](#) "The denied right: from the sea massacre to hotspots", of January 2016

[The memorandum of understanding](#) for the dialogue and collaboration between the Italian Court of Cassation and the Court of Strasbourg, of December 2015