



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 56

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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

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

- the European Parliament Resolution of 14.04.2016 on the 2015 report on Turkey;
- the European Parliament Study of 10.03.2016 "Organised Crime and Corruption: Cost of Non-Europe Report";
- the European Parliament Study of 1.03.2016 "The evidentiary effects of authentic acts in the Member States of the European Union, in the context of successions".

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

of the **Parliamentary Assembly**:

- the Resolution 2115 of 22.04.2016 "Forced migration: a new challenge";
- the Resolution 2114 of 22.04.2016 "The handling of international public health emergencies";
- the Recommendation 2091 of 22.04.2016 "The case against a Council of Europe legal instrument on involuntary measures in psychiatry";
- the Resolution 2113 of 21.04.2016 "After the Brussels attacks, urgent need to address security failures and step up counter-terrorism co-operation";
- the Resolution 2111 of 21.04.2016 "Assessing the impact of measures to improve women's political representation";
- the Resolution 2110 and the Recommendation of 20.04.2016 "Intellectual property rights in the digital era";
- the Resolution 2109 of 20.04.2016 "The situation of refugees and migrants under the EU-Turkey Agreement of 18 March 2016";
- the Resolution 2108 of 20.04.2016 "Human rights of refugees and migrants – the situation in the Western Balkans";
- the Resolution 2107 of 20.04.2016 "A stronger European response to the Syrian refugee crisis";
- the Resolution 2106 of 20.04.2016 "Renewed commitment in the fight against anti-semitism in Europe";
- the Resolution 2105 of 19.04.2016 "Evaluation of the partnership for democracy in respect of the Palestinian National Council";
- the Resolution 2103 of 19.04.2016 "Preventing the radicalisation of children and young people by fighting the root causes";

- the Resolution 2101 of 4.03.2016 "Systematic collection of data on violence against women";
- the Resolution 2100 of 4.03.2016 "The libraries and museums of Europe in times of change";

of the **Committee of Ministers**:

- the Recommendation CM/Rec(2016)5 of 13.04.2016 on Internet freedom;
- the Recommendation CM/Rec(2016)4 of 13.04.2016 on the protection of journalism and safety of journalists and other media actors.

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

- 04.05.2016, C-547/14, *Philip Morris Brands and others*, on the labelling of packaged products and the freedom of expression and information;
- 04.05.2016, C-477/14, *Pillbox 38*, on the prohibition of commercial communications and the freedom to conduct a business;
- 28.04.2016, C-191/14, C-192/14, C-295/14, C-389/14 and from C-391/14 to C-393/14, *Borealis Polyolefine*, on greenhouse gas emission allowances and environmental protection;
- 21.04.2016, C-558/14, *Khachab*, on the requirements for the exercise of the right to family reunification;
- 21.04.2016, C-377/14, *Radlinger and Radlingerová*, on debts arising from a consumer credit agreement, on consumer protection and the right to an effective remedy;
- 21.04.2016, C-200/13 P, *Council / Bank Saderat Iran and Commission*, on the freezing of funds of an Iranian bank, the right of the defence and to an effective remedy;
- 19.04.2016, C-441/14, *DI*, on the principle of non-discrimination on the grounds of age, on the significance of the principles of legal certainty and the protection of legitimate expectations and on Member States' liability for breach of EU law;
- 14.04.2016, C-522/14, *Sparkasse Allgäu*, on the obligation for credit institutions to notify the tax authorities of deceased customers' assets for purposes related to the collection of inheritance tax and on freedom of establishment;
- 14.04.2016, joined cases C-381/14 and C-385/14, *Sales Sinués*, on contracts concluded between sellers or suppliers and consumers and the stay of individual proceedings, pending the collective proceedings lodged by a consumer organization on the same subject;
- 12.04.2016, C-561/14, *Genc*, on the national legislation laying down new and more stringent conditions on access to family reunification for a minor;
- 7.04.2016, C-5/15, *Büyüktipi* and C-460/14, *Massar*, both on the free choice of the lawyer for an insured person;
- 7.04.2016, C-284/15, *ONEm and M*, on the unemployment benefit to supplement the income from a part-time employment;
- 5.04.2016, C-689/13, *PFE*, on the principle of primacy of EU law and on the obligation for the courts of final instance to refer questions to the Court of Justice for a preliminary ruling and to ensure that the interpretation of EU law by the Court of Justice is applied;
- 5.04.2015, joined cases C-404/15 and C-659/15 PPU, *Aranyosi and Căldăraru*, on the conditions of detention and the effective risk of inhuman and degrading treatment as grounds for the refusal to execute the European arrest warrant;
- 17.03.2016, C-99/15, *Liffers*, on compensation and the rules for the calculation of damages in the event of violation of intellectual property;
- 17.03.2016, C-161/15, *Bensada Benallal*, on the decision withdrawing a residence authorization of a Member State national, on the right to adversarial procedure and the admissibility of grounds of appeal on a point of law;
- 17.03.2016, C-695/15 PPU, *Mirza*, on the possibility for a Member State to send an applicant for international protection to a safe third Country;

- 17.03.2016, joined cases C-145/15 and C-146/15, *Ruijsenaars and Jansen*, on the rights of air passengers;

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

- 7.04.2016, C-160/15, *GS Media*, on copyright and the hyperlink to a public third-party website that contains photographs published without the consent of the right holder;
- 16.03.2016, C-484/14, *Mc Fadden*, according to which the operator of a shop, hotel or bar, who offers a Wi-Fi network free of charge to the public is not liable for copyright infringements committed by users of that network;

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

- 16.03.2016, T-100/15, *Dextro Energy / Commission*, on consumer protection and the right to health.

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

- 26.04.2016, Grand Chamber Judgment, *İzzettin Doğan and others v. Turkey* (n. 62649/10), on the rejection of the request made by a number of Turkish nationals belonging to the Alevi faith for the provision of a religious public service, in violation of their right to freedom of religion;
- 26.04.2016, Grand Chamber Judgment, *Murray v. the Netherlands* (n. 10511/10), on the violation of article 3 of the Convention, since the applicant, who was serving a life imprisonment sentence and suffered from mental health problems, was detained without any realistic possibility of review: in particular, the Court ruled that, although the applicant had been considered in need of particular health treatment, he never received any specific health care, therefore the risk of recidivism and the impossibility of a review were the consequence of the lack of an adequate medical treatment;
- 26.04.2016, *Cumhuriyet Halk Partisi v. Turkey* (n. 19920/13), according to which the law on the inspection of political parties' expenditure was unclear, in violation of the right to assembly and association;
- 26.04.2016, *Novikova and others v. Russia* (n. 25501/07, 57569/11, 80153/12, 5790/13 and 35015/13), on the violation of freedom of expression of the applicants, who had been unlawfully arrested and persecuted for breaches of public "assembly" rules, while they had merely voiced their opinion in a non-violent manner;
- 21.04.2016, *Ivanova and Cherkezov v. Bulgaria* (n. 46577/15), according to which the demolition of a residential house, built without permit, would be unjustified without taking the residents' circumstances into account, in violation of their right to the respect for private and family life;
- 12.04.2016, *R.B. v. Hungary* (n. 64602/12), on the lack of an effective investigation on the threats and insults during a Roma demonstration in Hungary, in violation of the right to the respect for private and family life;
- 31.03.2016, *Seton v. United Kingdom* (n. 55287/10), according to which the use as evidence of an absent witness's telephone recording did not make the applicant's trial unfair, in view of other decisive evidence;
- 30.03.2016, Grand Chamber Judgment, *Armani Da Silva v. United Kingdom* (n. 5878/08), according to which the British criminal legal system did not violate the applicant's rights with regard to the investigation on the death of a person killed by the police in the London underground;
- 30.03.2016, *Dimitar Yanakiev v. Bulgaria* (n. 50346/07), according to which the domestic remedies for the enforcement of administrative court judgments apparently became effective after mid-2012 and therefore, since the applicant had applied to the Court long before 2012, there had been a violation of articles 6 par. 1 and 1 of the Protocol 1 to the Convention;
- 29.03.2016, *Gómez Olmeda v. Spain* (n. 61112/12), on the lack of equity of the trial, following the Appeal Court's failure to hold a hearing;

- 29.03.2016, *Kocherov and Sergeyeva v. Russia* (n. 16899/13), on the unjustified restriction of the parental authority of a father on account of his mild mental disability;
- 29.03.2016, *Pačić v. Croatia* (n. 47082/12), on the conviction on grounds of the statements of a witness, who was abroad and could not be questioned;
- 29.03.2016, *Gökbulut v. Turkey* (n. 7459/04), according to which the trial was unfair, because witnesses for the prosecution, whose statements were relied on for a conviction, could not be examined by the defence;
- 24.03.2016, *Korneykova and Korneykov v. Ukraine* (n. 56660/12), on the bad detention conditions of a woman and her child, the inadequate health treatment given to the child in prison and the placement of the pregnant woman in a metal "cage" during the hearings;
- 24.03.2016, *Sakir v. Greece* (n. 48475/09), according to which the authorities failed to carry out an effective investigation on a racist assault on an Afghan national;
- 24.03.2016, *Zherebin v. Russia* (n. 51445/09), in the matter of execution of judgments, the Court ruled that the State shall continue to adopt adequate measures in order to deal with the structural problem of the excessive length of pre-trial detention;
- 23.03.2016, Grand Chamber Judgment, *Blokhin v. Russia* (n. 47152/06), on the lack of adequate medical care for a detained child, in view of re-education, in breach of articles 3, 5 1d) and 6 of the Convention, in particular for not having granted adequate procedural guarantees;
- 23.03.2016, *Kolesnikov v. Russia* (n. 44694/13), on the lack of medical care; the applicant alleged that his health had deteriorated in detention, in particular because he did not undergo tests for the Helicobacter Pylori screening and he had not been given the prescribed medication for treating his ulcer, deeming such treatment as inhuman and degrading;
- 22.03.2016, *Guberina v. Croatia* (n. 23682/13), according to which the authorities' disregard of an handicapped child's needs when applying rules on tax relief was deemed discriminatory;
- 22.03.2016, *M.G. v. Turkey* (n. 646/10), on the difficulties that unmarried or divorced women face to have access to protection measures against domestic violence;
- 22.03.2016, *Pinto Coelho v. Portugal (No. 2)* (n. 48718/11), on the conviction of a journalist for having broadcast the recording of a hearing without any authorization;
- 17.03.2016, *Rasul Jafarov v. Azerbaijan* (n. 69981/14), on the unjustified detention of activists for the protection of fundamental rights in Azerbaijan, in violation of their rights to freedom and safety, which were limited for reasons other than those allowed by the Convention;
- 15.03.2016, *Novruk and others v. Russia* (n. 31039/11), on the discrimination and violation of the right to the respect for private and family life, since the applicants alleged that the entry and residence permit was denied on account of their state of health (HIV-positive): immigration policies must be compatible with human rights;
- 01.03.2016, *Arléwin v. Sweden* (n. 22302/10), on the unlawful refusal of the Swedish courts to judge on the defamation of the applicant, carried out by a UK-based company, although the television programme had been broadcast in Sweden and there the damage had taken place.

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

- the decision of the *Supreme Court of Justice* of Papua New Guinea of 26.04.2016, which deemed unlawful the detention of asylum seekers in the Australian immigration detention and offshore asylum processing centre, created after the Agreements subscribed by the two Governments on Manus island in Papua New Guinea (Manus Island Processing Centre - "MIPC"), for the violation of the right to personal liberty, as provided for by the State Constitution;
- the order of the *United States District Court Southern District of Mississippi Northern Division* of 31.03.2016, which stated the constitutional illegitimacy of Section 93-17-3(5) of the Mississippi Code, where it prohibited adoption by same-sex couples;

- the decision of the International Criminal Tribunal for the former Yugoslavia of 31.03.2016, case *Le Procureur c. Vojislav Šešelj*, which acquitted the accused person, the President of the Serbian Radical Party and former Member of the Assembly of the Republic of Serbia, of the crimes against humanity and war crimes, committed by the Serbian army between August 1991 and September 1993; and the decision of 24.03.2016, case *Prosecutor v. Radovan Karadžić*, which sentenced the accused person, former President of the Serbian Republic of Bosnia and Herzegovina and Supreme Commander of the armed forces, to 40 years' imprisonment for genocide, crimes against humanity and violation of the laws or customs of war, committed by the Serbian army during the war in Bosnia and Herzegovina between 1992 and 1995;
- the decision of the International Criminal Court of 21.03.2016, case *The Prosecutor v. Jean-Pierre Bemba Gombo*, which convicted the accused person, former President of the Movement for the Liberation of Congo ("MLC") and Commander in-chief of the Armée de Libération du Congo ("ALC"), of crimes against humanity and war crimes, committed between 26 October 2002 and 15 March 2003 in the Central African Republic;
- the decision of the Court of Appeal of the Republic of Botswana of 16.03.2016, which, confirming the decision by the first instance court, deemed constitutionally illegitimate the authority's decision of not allowing the enrolment in the register of an association for the protection and promotion of LGBTI persons' rights;
- the decision of the United States District Court for the District of Puerto Rico of 08.03.2016, which confirmed the constitutional legitimacy of the norms of the Civil Code, which prohibit same-sex marriages: according to the Court, the introduction of fundamental rights in Porto Rico through the Fourteenth Amendment to the Constitution, is not, unlike other American States, an automatic process and, therefore, the principles stated in the decision of the case *Obergefell v. Hodges* are not applied in such Territory;
- the order of the Supreme Court of Alabama of 04.03.2016, which rejected all the claims and petitions aiming at prohibiting the judges from issuing marriage licenses to same-sex couples, as well as the recognizing of those already issued;
- the order of the United States District Court Southern District of Indiana Indianapolis Division of 29.02.2016, which admitted, for the violation of the Equal Protection Clause of the United States' Constitution, the claim lodged against the directive issued by the Governor of Indiana, which suspended the program of resettlement in the State of Syrian refugees and, therefore, blocked any federal fund in favour of local agencies in order to provide social services for the refugees;
- the decision of the Inter-American Court of Human Rights of 26.02.2016, case *Duque vs. Colombia*, which found the violation of the principle of equality and non-discrimination for the lack of recognition, in favour of the claimant after the death of the partner, of his right to the survivor's pension, since the law at that time excluded same-sex couples;
- the order of the United States Foreign Intelligence Surveillance Court of 24.11.2015, according to which the measures proposed by the Government on the conservation and use, at the end of the transitory period provided for by the USA Freedom Act 2015, of the metadata already collected by the National Security Agency ("NSA") are compatible with the norms of the Foreign Intelligence Surveillance Act ("FISA"), as recently modified.

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

- **Belgium:** the decision of the Cour constitutionnelle n. 57/2016 of 28.04.2016, in the matter of environmental policy, which recalls the European Union law and the jurisprudence of the Court of Strasbourg; the decision n. 42/2016 of 17.03.2016, on the constitutional legitimacy of the decree of the Flemish Community of 25 April 2014, in the matter of financing in favour of disabled persons, which recalls the norms of the European Social Charter; the decision n. 41/2016 of 17.03.2016, which partially

- quashed the XVII Book of the Code of economic law, as modified by the law of 28 March 2014, which aimed at introducing a juridical basis for a collective legal action for the compensation of damages caused to a group of consumers by a company, in the light of EU law and the jurisprudence of the Court of Justice; the decision n. 35/2016 of 03.03.2016, which, in the matter of organization of working time, analyses the norms of Directive 2003/88/EC, as interpreted by the Court of Justice; the decision n. 34/2016 of 03.03.2016, which quashed articles 17 and 18 of law 25 April 2014, where they provided for the exemption, in favour of public legal entities, from the payment of the *indemnité de procédure*, also recalling the jurisprudence of the Court of Strasbourg; and the decision n. 28/2016 of 25.02.2016, in the matter of personal data processing, which recalls Directive 95/46/EC and the jurisprudence of the Court of Justice;
- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court) of 16.12.2015, on the authorities' obligation to carry out effective investigations, following reports on allegedly serious violations of human rights caused, in the specific case, by the crime of trafficking in human beings, which recalls the EU law in such matter, the norms of the ECHR and the EU Charter of Fundamental Rights and the jurisprudence of the Court of Strasbourg;
 - **Estonia:** the decision of the *Vabariigi Riigikohus* (Supreme Court) of 01.07.2015, on the restrictions on the right to vote with regard to persons convicted to custodial sentences, in the light of article 3 of the Additional Protocol n. 1 to the ECHR and the jurisprudence of the Court of Strasbourg;
 - **France:** the decision of the *Cour de cassation* n. 266/2016 of 17.03.2016, which, in the matter of intellectual property, recalls Directive 2001/29/EC; the decision n. 398/2016 of 17.3.2016, which in the matter of insolvency, recalls the right to fair trial ex article 6 of the ECHR and the EU regulation 1346/2000; and the decision n. 549/2016 of 17.2.2016, which, in the matter of favouritism by public brands, recalls the ECHR norms and the principles of transparency of EU law; and the opinion of the *Conseil d'Etat* of 17.03.2016, on a bill "aiming at establishing new freedoms and protections for undertakings and assets", which recalls EU law;
 - **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Court) of 24.3.2016, in the matter of discounts on medicines applied by pharmaceutical companies in favour of health insurers, which applies the principle of non-discrimination, according to the jurisprudence of the Court of Luxembourg, EU Treaties and the directive in the matter of transparency; and the decision of 9.03.2016, in the matter of European arrest warrant against a Polish national, which suspends the request of transfer for six months, pending the final decision; and the decision of the *Verwaltungsgericht Berlin* (Berlin administrative court) of 10.04.2015, which deals with the issue of the loss of the right to freedom of movement within the Federal Republic of Germany by a Bulgarian national of Turkish ethnicity;
 - **Great Britain:** the decision of the *United Kingdom Supreme Court* of 20.04.2016, in which the Court deems that the power of British authorities to keep in custody European nationals and their relatives before their expulsion does not violate the norms on non-discrimination between European citizens, included the norms of the EU Charter of Fundamental Rights; and the decision of 13.04.2016, on the limits of British courts' jurisdiction with regard to the decisions of the authorities of the Country of origin in the case of two Hungarian minors, in the light of the concept of the child's best interest, as protected by article 24 of the EU Charter of Fundamental Rights; the decision of the *England and Wales Court of Appeal* of 18.04.2016, in which the order not to publish any information on the extra marital life of a well-known person, in violation of his right to private life, was quashed, since the news had been divulged elsewhere and abroad; and the decision of 23.03.2016, in which the Court dwells on the power of the Employment Tribunal to punish discrimination cases regarding the activity of Certification Officers; the decision of the *England and Wales High Court* of 15.04.2016, in which the Court admits the claim of a person, who requested a paternity test regarding a dead person, against the will of the latter's family, because discovering the biological paternity would have given the opportunity of a better assessment of possible risks for his health;

- **Ireland:** the decision of the Supreme Court of 22.02.2016, in the matter of negligence of the State in the implementation of European law, which recalls the jurisprudence of the Courts of Luxembourg and Strasbourg; the decision of the Court of Appeal of 14.03.2016, on the legitimacy of article 9(4) of the Refugee Act 1996, which prevents the asylum seeker from looking for an employment or working in the period of time before the final decision on his claim, which recalls European Union law, the EU Charter of Fundamental Rights and the jurisprudence of the Courts of Luxembourg and Strasbourg; and the decision of 26.02.2016, which reversed the decision of the High Court of 22.12.2014, in which the Court recognized the State responsibility, according to the case *Franovich* and in the light of the decision of the Court of Justice in the case *Ogieriakhi*, for the wrong application of article 16(2) of Directive 2004/38/EC (right to reside); the decision of the High Court of 11.03.2016, on the rejection of the permit of stay, requested by a Pakistani national married to a British national, who lost his work after less than one year from the beginning of the contract, in the light of article 45 of the TFEU and the norms of Directive 2004/38/EC, as interpreted by the Court of Justice; and the decision of 04.03.2016, on the refusal to extend the permit of stay of a couple of Mauritanian students with a child, who was born in Ireland, in the light of article 8 of the ECHR and the jurisprudence of the Court of Strasbourg;
- **Italy:** the decision of the Corte costituzionale n. 84/2016 of 22.3.2016, which, in the matter of donation of embryos for scientific researches, examines the jurisprudence of the Court of Strasbourg; and the decision n. 52/2016 of 10.3.2016, which, in the matter of Agreements between Religious Denominations and the Italian State (issue raised by an association of atheists and agnostics), deems inapplicable to the present case the EU Charter of fundamental rights and examines the jurisprudence of the Court of Strasbourg; the preliminary referral order of the Corte di cassazione n. 3982/2016 of 29.3.2016, in the matter of non-discrimination of temporary employees, which recalls article 21 of the EU Charter of fundamental rights; the decision n. 5072/2016 of 15.3.2016, in the matter of compensation following the violation of the EU law (Directive on fixed-term contracts), which examines the jurisprudence of the Court of Justice; the decision n. 4114/2016 of 2.3.2016, which, in the matter of penalties imposed by *Consob* on managers of a Bank, examines the decision of the Court of Strasbourg in the case *Grande Stevens*, with regard to the *ne bis in idem* principle; the order n. 8317/2016 of 01.03.2016 in the matter of confiscation, which raises the question of constitutional legitimacy of certain norms of the criminal procedure code for violation of the ECHR; the decision n. 2210/2016 of 4.2.2016, which, in the matter of rights of disabled people, recalls the UN Convention, article 26 of the EU Charter of fundamental rights and the jurisprudence of the Court of Justice; and the decision n. 7914/2016 of 25.01.2016, which, in the matter of debarment, applies the decision of the Court of Justice in the case *Taricco*; the decision of the Corte di appello di Roma of 31.3.2016, which rejects, in the light of the norms of the European Convention on extradition, the extradition to Turkey of a Turkish national on the grounds of the risk of political retaliations; the decision of the Tribunale di Roma of 1.4.2016, which recognizes in favour of a homosexual couple the right to adoption of a child born from a surrogated mother, in the light of the principle of the child's best interest and of the jurisprudence of the Court of Strasbourg on the principle of non-discrimination; the order of the Tribunale di Milano of 11.3.2016, which deems discriminatory some rules on housing benefits for non-EU nationals, recalling the jurisprudence and supra-national principles;
- **Lithuania:** the decision of the Konstitucinis Teismas (Constitutional Court) of 16.12.2015, which, also recalling the norms of Directive 94/22/EC and Recommendation 2014/70/EU, stated the constitutional legitimacy of paragraphs 2 and 4 of article 11 of the Subsurface Law, where they allow to leave hydraulic fracturing wastes in artificial subsurface cavities, if interpreted in conjunction with other laws in which measures for protecting human health and environment are consolidated; and the decision of 09.07.2015, on the legitimacy of the norms in the matter of payments to advocates for the provision of secondary legal aid, which also recalls the jurisprudence of the Court of Strasbourg;

- **Poland:** the decision of the *Trybunał Konstytucyjny* (Constitutional Court) of 09.03.2016, which stated the constitutional illegitimacy of the law of 22 December 2015, which amended the Constitutional Tribunal Act of 25 June 2015, recalling the norms of the ECHR and the EU Charter of Fundamental Rights. Such law was also examined by the Venice Commission in the opinion of 11 March 2016; and the decision of 09.12.2015, on the constitutional legitimacy of the law of 19 November 2015, which amended the Constitutional Tribunal Act of 25 June 2015, with regard to the appointment of the Constitutional Court's judges, as well as the mandate of its President and Vice-President, which applies article 6 of the ECHR;
- **Portugal:** the decision of the *Tribunal constitucional* n. 193/2016 of 04.04.2016, on the relation between the norms in the matter of protection of minors and guarantees of fair trial, which recalls the ECHR and the jurisprudence of the Court of Strasbourg; and the decision n. 106/2016 of 24.02.2016, which defines the content and scope of the norms of the *Lei da Nacionalidade Portuguesa* and *Regulamento da Nacionalidade Portuguesa* on the reasons for the denial of the citizenship (in the specific case, a conviction become final for a crime which could be punished with a maximum sanction of three or more years), which also recalls article 20 of the TFEU and the EU Charter of Fundamental Rights;
- **Spain:** the decisions of the *Tribunal constitucional* n. 50/2016 of 14.03.2016 and n. 22/2016 of 15.02.2016, on the violation of the right to personal freedom, following the involuntary admission to a psychiatric hospital, which apply the jurisprudence of the Court of Strasbourg; the decision of the *Tribunal Supremo* of 05.04.2016, on the right to be forgotten on the internet and the relation between freedom to information and the rights to the protection of personal data and respect of private life, in the light of the decision of the Court of Justice in the case *Google Spain SL and Google Inc v. Agencia Española de Protección de Datos (AEPD) and Mario Costeja González*; and the order of 10.03.2016, which, following the claim lodged on behalf of a minor, referred to the Constitutional Court the question of the constitutional legitimacy of article 1 of law 3/2007, where it provides that only adults can request the change of sex designation and given names on the birth register, recalling the jurisprudence of the Courts of Strasbourg and Luxembourg and supra-national principles.

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

Articles:

[Paolo Coppola](#) "Cassation: Joined Divisions, decision n. 5072/16. Many uncertainties, doubts and perplexities"

[Jesús Cruz Villalón](#) "Recent guidelines of the jurisprudence of the European Union Court of Justice"

[Jean-Louis Dayan](#) "Social Europe in crumbs?"

[Caroline de la Porte, Patrick Emmenegger](#) "The Court of Justice of the European Union and fixed-term workers: still fixed, but at least equal"

[Christophe Degryse](#) "Digitalisation of the economy and its impact on labour markets"

[Chiara Ferretto](#) "Notary importance of homosexual marriages celebrated abroad"

[Aristea Koukiadaki, and others](#) "Joint regulation and labour market policy in Europe during the crisis"

[Eva Garrido Pérez](#) "The guideline of the European Union Court of Justice in the matter of right to information and consultation, with particular regard to collective dismissals"

[Pedro Gómez Caballero](#) "Security and health at work in the EU jurisprudence"

[José Manuel Gómez Muñoz](#) "Freedom to conduct a business, competition and social norms of the European market"

[Laurent Vogel](#) "The machinery of occupational safety and health policy in the European Union. History, institutions, actors"

Notes and comments:

[Luca Baiada](#) "Court of Florence and war crimes: evolutionary seeds take root"

[Daniela Cardamone](#) "Application to the European Court of Human Rights: processing an application (second part)"

[Vincenzo De Michele](#) "Interpretation in conformity, disregarding of norms, principle of equality and non-discrimination: through the Charter of Nice the Court of Justice states again the primacy of Union law and the stability of the European judicial system"

[Vincenzo De Michele and Sergio Galleano](#) "The right to an effective remedy in labour law proceedings"

[Antonella Di Florio](#) "From the new concept of damage to a damage which can be compensated without any limits"

[Elena Falletti](#) "The unique status of filiation under art. 315 of the Civil Code and the removal of second-parent adoption from the law on civil partnerships"

[Sergio Galleano](#) "Court of Cassation and correct application of art. 47 of the Charter on fair trial. The decisions 25677/15 and 1222/16"

[Maria Rosaria Marella](#) "From the right to co-parenting to law Cirinnà: a raid in the foundations of family law"

Reports:

[Laura Boldrini](#) "Lecture Altiero Spinelli"

[Roberto Cosio](#) "Reference for a preliminary ruling to the Court of Justice: towards a European regulatory competence"

[Luigi Ferrajoli](#) "Two kinds of policies and guarantees in the matter of fight against terrorism"

[Simone Gaboriau](#) "What is happening in the European countries: national responses to the challenge of international terrorism"

[Giovanni Salvi](#) "Knowledge of jihadist terrorism. Investigative means and techniques"

[Paolo Grossi](#) "Report on the work of the Italian Constitutional Court for 2015"

[Franco Ippolito](#) "International terrorism, security policies, fundamental rights: the role of law and the judges' effort"

[Sergio Mattarella](#) "More Europe does not only mean more solidarity, but also more security. This is our common great responsibility"

[Lucia Tria](#) "The case of open lists: a question of dignity"

Documents:

[The paper drafted at the end of the seminar organised by Fondazione Lelio e Lisli Basso](#) on April 18, 2016, "The fight against terrorism in Europe. What the EU does (not do) and what it should do"

[The Comment by the Italian Unione delle Camere Penali](#) "Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and on the right to be present at the trial in criminal proceedings: more shadows than light", of 18 March 2016

[The Annual Report of the Inter-American Court of Human Rights 2015](#), presented on 17 March 2016

[The Opinion of the Venice Commission](#) with regard to the proposals in Poland for the amendment of the Constitutional Court, of 11 March 2016

[The Report of the Senate](#) "Fight against terrorism: a priority for the European Union", of 4 March 2016