



## OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

### **Newsletter n. 70**

15 September 2018

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 European Parliament resolution of 12.9.2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded;
- the Amendments adopted by the European Parliament on 12.9.2018 on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market;
- the EU Court of Justice Recommendations to National courts of 20.7.2018, on the factors to be taken into account before making references to the Court for a preliminary ruling, while providing them with some practical indications as to the form and content of a request for a preliminary ruling, on the occultation of names of individuals and the protection of personal data;
- the European Parliament study of 9.7.2018 "The impact of the UK's withdrawal on EU integration".

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

- 7.08.2018, joined cases C-61/17, C-62/17 and C-72/17, *Bichat*, on collective redundancies and the definition of "undertaking controlling the employer";
- 7.08.2018, C-161/17, *Renckhoff*, on the publication online, without the consent of the right holder, of a photograph previously published on another website without any restrictions and with the consent of the right holder, on copyright and related rights;
- 7.08.2018, C-123/17, *Yön*, on the right of residence of family members of a Turkish worker and on the Visa requirement for the admission to the territory of a Member State;
- 7.08.2018, C-115/17, *Clergeau and others*, on the principle of the retroactive application of the more lenient criminal law;
- 7.08.2018, C-472/16, *Colino Sigüenza*, on the prohibition of dismissal by reason of transfer and on dismissals for economic, technical or organisational reasons entailing changes in the workforce;
- 26.07.2018, C-96/17, *Vernaza Ayovi*, on the difference in treatment between permanent workers and temporary workers with a fixed-term contract or contract of indefinite duration in the event of a disciplinary dismissal found "unfair";
- 25.07.2018, C-216/18 PPU, *Minister for Justice and Equality*, on the conditions of execution of a European arrest warrant and right of access to an independent and impartial tribunal;

- 25.07.2018, C-220/18 PPU, *Generalstaatsanwaltschaft (Detention conditions in Hungary)*, on the grounds of the non-execution of a European arrest warrant, among which there is the risk of inhuman and degrading treatments;
- 25.07.2018, C-268/17, *AY*, on the grounds for the refusal to execute a European arrest warrant, among which there is the case of a requested person, who had the status of a witness in previous proceedings concerning the same acts, in the absence of a criminal proceeding and of such decision adopted against her;
- 25.07.2018, C-338/17, *Guigo*, on the protection of employees in the event of the employer's insolvency;
- 25.07.2018, C-404/17, *A*, on the applicant's representations considered to be reliable, but insufficient, having regard to the satisfactory protection offered by the applicant's country of origin;
- 25.07.2018, C-528/16, *Confédération paysanne and others*, on the risks for human health and the environment deriving from genetically modified organisms;
- 25.07.2018, C-585/16, *Alheto*, on the exclusion from the refugee status in the European Union of persons registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);
- 25.07.2018, C-679/16, *A*, on the services provided to people with serious disabilities, while they are resident in another Member State to have access to higher education;

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

- 7.08.2018, C-327/18 PPU, *R O*, on the execution of the European arrest warrant issued by the United Kingdom, which decided to withdraw from the European Union.

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

- 28.08.2018, *Seychell v. Malta* (n. 43328/14), on the violation of article 7 of the Convention (*nulla poena sine lege*): the applicant complained about the discretion of the Attorney General to decide in which court to try him, which had an impact on which punishment bracket would apply;
- 28.08.2018, *Cabral v. Holland* (n. 37617/10), on the right to a fair trial, in particular on the possibility to cross-examine the witness: in this specific case, a key witness, who made statements to the police, had been authorized not to answer to any question of the defence;
- 28.08.2018, *Khodyukevich v. Russia* (n. 74282/11), in which the Court sanctions, for the lack of independence, the conduct of an investigation into the death of the applicant's son, in violation of the procedural aspects of the norms on the right to life and the prohibition of torture;
- 28.08.2018, *Vizgirda v. Slovenia* (n. 59868/08), on the right to a fair trial, in particular with regard to the translation of the acts: during the trial in Slovenia against a Lithuanian national, the acts had been translated in Russian, not in his native tongue;
- 28.08.2018, *Savva Terentyev v. Russia* (n. 10692/09), on the conviction, which was deemed unjustified, for some offensive comments against the police on the Internet;
- 28.08.2018, *Ibragim Ibragimov and others v. Russia* (n. 1413/08 and 28621/11), on the ban on publishing and distributing some Islamic books: the Court found the violation of the right to freedom of expression;
- 28.08.2018, *Somorjai v. Hungary* (n. 60934/13), on the refusal of a request for a reference for a preliminary ruling to the European Union Court of Justice, which was deemed not arbitrary;
- 27.07.2018, *Dridi v. Germany* (n. 35778/11), according to which the summons to appear in court served via public notification was not sufficient under the Convention: the Court held that there had been a violation of the right to a fair trial, in particular the right to defence in person or through legal assistance and to have the necessary time to prepare the defence;

- 26.07.2018, *Fröhlich v. Germany* (n. 16112/15), on the legitimacy of the refusal, by the Court, to grant the alleged biological father contact rights and to order the legal parents to provide him with information about the child;
- 26.07.2018, *N.K. v. Germany* (n. 59549/12), on the sentence for domestic violence based on the statements of a victim (corroborated by other statements), who had not been heard, because she refused to give testimony during the trial: the Court found there wasn't any violation of the Convention;
- 24.07.2018, *Negrea and others v. Romania* (n. 53183/07), in which the Court found that, in the matter of family allowances, there had been no discrimination against persons from the Roma ethnic group, but excessive length of proceedings;
- 19.07.2018, *Aleksandar Sabev v. Bulgaria* (n. 43503/08), on the lack of full judicial review, by a court with "full jurisdiction", of the lawfulness of a dismissal of a military intelligence officer;
- 19.07.2018, *S.M. v. Croatia* (n. 60561/14), on the lack of an adequate investigation on trafficking in human beings and exploitation of women for the purposes of prostitution;
- 19.07.2018, *Hovhannisyan v. Armenia* (n. 18419/13), on the lack of an effective investigation on several episodes of violence at work;
- 19.07.2018, *Sarishvili-Bolkvadze v. Georgia* (n. 58240/08), on the lack of a legal way to obtain compensation for non-pecuniary damage, following the death of the applicant's son owing to medical negligence;
- 17.07.2018, *Mariya Alekhina and others v. Russia* (n. 38004/12), according to which Russia committed multiple violations of the Convention for the prolonged pre-trial detention, for the humiliating treatment suffered by the applicants during the hearings (members of the Pussy Riot punk band), found guilty for having sang their protest songs in a cathedral, and for having banned the access to the video recordings of the demonstration;
- 17.7.2018, *Mazepa and others v. Russia* (n. 15086/07), on the persistent inadequacy of the investigation on the death of a journalist (Anna Politkovskaya);
- 10.07.2018, *Vasilevskiy and Bogdanov v. Russia* (n. 52241/14 and 74222/14), according to which the Convention was violated, following the lack of an adequate compensation for illegitimate detention;
- 3.07.2018, *Volokitin and others v. Russia* (n. 74087/10 and others 13), according to which the Convention was violated, following the lack of an effective procedure in order to obtain the reimbursement of a State bond;

and the decisions:

- 26.07.2018, *Guelfucci v. France* (n. 31038/12), in which the Court dismissed the case about the conditions of the forced psychiatric hospitalization and its lawfulness;
- 25.07.2018, with which the Court adopted medical care interim measures for the applicant Mr. Oleg Sentsov, detained in Russia, and called on him to end the hunger strike;
- 10.07.2018, decision of inadmissibility, *Aielli and others v. Italy* (n. 27166/18 and 27167/18), on the re-adjustment of old-age pensions caused by inflation.

On the first of August 2018 Protocol No. 16 to the European Convention on Human Rights has entered into force in respect of the ten Member States that have signed and ratified it: Italy, at the present time, has only signed, but not ratified it.

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

- the decision of the *United States Court of Appeals for the Ninth Circuit* of the 1.9.2018, which found the constitutional illegitimacy of section 9(a) of the Executive Order 13.768 "Enhancing Public Safety in the Interior of the United States", which allowed the Government to revoke federal funds in favour of the so called "sanctuary jurisdictions"; and the order of 18.7.2018, which confirmed the decision of the lower Court on the

- suspension of the execution of the Presidential Memorandum of 25 August 2017, aiming at restoring the prohibition, for transgender persons, to serve in the army;
- the decision of the *United States Court of Appeals for the Eleventh Circuit* of 22.8.2018, which confirmed the decision of the District Court, which found constitutionally illegitimate Alabama law on abortion ("Alabama Unborn Child Protection from Dismemberment Abortion Act"), where it prohibited abortion through the "dilatation and evacuation method" (D&E);
  - the order of the *International Court of Justice* of 23.7.2018, case *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, which stated the possible violation by the United Arab Emirates, of certain rights provided for by article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, following the measures adopted on 5 June 2017, i.e. ordering the expulsion of the nationals from Qatar while giving them 14 days to leave the territory of the Country;
  - the decision of the *Inter-American Court of Human Rights* of 25.4.2018, case *Amrhein y otros vs. Costa Rica*, on the alleged responsibility of the State for the lack of a proceeding in order to obtain the complete review of criminal convictions pronounced against seventeen persons: the Court excluded such violation, recognizing instead the responsibility for the violation of the right to freedom with regard the excessive length of the pre-trial detention, imposed to one of those persons; and the decision of 15.3.2018, case *Herzog y otros vs. Brazil*, which found the responsibility of the State for the violation of the right to an effective remedy and to the right to know the truth, in virtue of the lack of investigations, trial and conviction of the persons, who tortured and killed the journalist Vladimir Herzog in 1975, during the military dictatorship, as well as the responsibility for the application of the law on amnesty, prohibited by international law in case of crimes against humanity.

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

- **Belgium:** the decision of the *Cour constitutionnelle* n. 104/2018 of 19.7.2018, in the matter of social housing leasing and fight against social housing frauds, which recalls the norms of the ECHR and the Regulation (EU) 2016/679; the decision n. 97/2018 of 19.7.2018, on the constitutional legitimacy of articles from 19 to 75 of the law of 5 May 2014 on the internment of persons affected by mental disorder, which applies the jurisprudence of the Court of Strasbourg on article 5 of the ECHR; the decision n. 96/2018 of 19.7.2018, which, in the matter of constitutional legitimacy of the law of 29 May 2016 on the collection and storage of data in the electronic communications field, makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of article 15(1) ("Application of certain provisions of Directive 95/46/EC") of Directive 2002/58/EC, concerning the processing of personal data and the protection of privacy in the electronic communications sector, in combination with some norms of the EU Charter of Fundamental Rights; the decision n. 92/2018 of 19.7.2018, which rejects the claim lodged against some norms of the law of 15 December 1980 – as amended by the law of 2015 – on the access to the territory, the residence, the establishment and the removal of foreigners, concerning the claims in the face of the refusal to authorize the residence in the State, recalling the norms of the ECHR; the decision n. 91/2018 of 5.7.2018, which, applying article 5 of the ECHR and the jurisprudence of the Court of Strasbourg, annulled paragraphs 4 and 5 of article 7 of the law of 21 November 2016, concerning certain rights of individuals subjected to interrogation, since they eliminated from the law of 20 July 1990, on pre-trial detention, the possibility to release the accused person in the event of an arrest warrant without a reasoning or lacking of the signature of the judge; the decision n. 87/2018 of 5.7.2018, which rejects the claim lodged, according to constitutional norms, the ECHR, the EU Charter of Fundamental Rights, the Aarhus Convention and Directive 2011/92/EU, against the Flemish decree of 9 December 2016 on the optimization and organization of the proceedings of Flemish administrative jurisdiction, also applying the

- jurisprudence of the Courts of Strasbourg and Luxembourg; the decision n. 80/2018 of 28.6.2018, which pronounces itself on the claim for the partial annulment of the law of 4 May 2016, on internment and several norms in the matter of justice, applying a consolidated jurisprudence of the Court of Strasbourg; the decision n. 77/2018 of 21.6.2018, on the constitutional legitimacy of the law of 6 July 2016, which amended the judiciary code in the matter of legal aid, which recalls the jurisprudence of the Court of Strasbourg; and the decision n. 76/2018 of 21.6.2018, which annuls the law of 29 January 2016, on the use of videoconferencing in the case of pre-trial detention of the accused person, for violation of the principle of legality provided for by the Constitution of the State, and by articles 7 of the ECHR and 15 of the International Covenant on Civil and Political Rights;
- **Bosnia and Herzegovina:** the decision of the *Ustavni sud* (Constitutional Court) of 15.2.2018, which states the constitutional legitimacy and the compatibility with article 6 of the ECHR, of some norms of the Civil Procedure Code in the matter of decisions *in absentia*, also applying the jurisprudence of the Court of Strasbourg;
  - **France:** the decision of the *Cour de cassation* n. 2053/2018 of 8.8.2018, which, in the light of the Constitutional Council's guideline on the anti-terrorism measures of the last few years, excludes the necessity of a proceeding on points of law by the Constitutional Council for the charge with "crimes against humanity" against the director of a newspaper, with regard to an interview in which he denied the holocaust; and the decision n. 700/2018 of 12.7.2018, which excluded the violation of article 6 of the ECHR, in the case of the sentence against the owner, who rented a house for short periods (without the prescribed authorization) through a web site, even if the same property had already been rented to a company;
  - **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Court) of 12.7.2018, on the constitutional legitimacy of the TV license fee, which recalls many norms of the EU Treaties and the jurisprudence of the two European Courts;
  - **Great Britain:** the decision of the *United Kingdom Supreme Court* of 30.7.2018, in which the Court deals, in the light of the jurisprudence of the ECHR in the matter of private life, with the criterion of proportionality in a case concerning the hand-over of the certificate of the judicial register to potential employers without the person's consent; another decision of 30.7.2018, which confirms the decision of appeal, in which the Court stated that there was no need, according to English law, of the judicial authority's authorization for the decision to suspend artificial nutrition for patients in a vegetative state; the decision of the *England and Wales Court of Appeal* of 24.7.2018, in which the Court finds in contrast with the ECHR – right to non-discrimination combined with the right to property – the norm excluding compensation for the victims of sexual violence and abuse, when they lived in the same house of their torturer; the decision of the *England and Wales High Court* of 2.8.2018, which rejects the *class action* lodged by over 40 thousand Kenyan nationals against the UK Foreign & Commonwealth Office for the behaviour of English soldiers on Kenyan territory, during the Mau Mau uprising in the 50s and 60s, deeming that in this specific case the exception – at the discretion of the judicial authority – of the term of three years to take legal action was not applicable; the decision of 26.7.2018, in which the Court states that the principle of criminal law of "beyond a reasonable doubt" must not be applied to ascertain whether the death of an individual was caused by suicide, since it is sufficient to prove that was committed suicide assessing the whole situation and through a probability test; and the decision of 18.7.2018, in the matter of right to privacy, in a case regarding a well-known person and the BBC, which broadcasted information on an investigation concerning him, deeming that BBC's behaviour was not justified by the right to information;
  - **Hungary:** the decision of the *Magyar Köztársaság Alkotmánybírósága* (Constitutional Court) of 26.6.2018, which found that an international agreement like, in this specific case, the Agreement on a Unified Patent Court (Agreement UPC), within an enhanced cooperation at EU level and aiming at transferring to an international institution, not established by the Treaties of the Union, the jurisdiction on certain cases of private law, withdrawing them from the jurisdiction of national courts, is in contrast with the norms of the Constitution and cannot be promulgated;

- Ireland:** the two decisions of the *Supreme Court* of 31.7.2018, which make a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of the concept of judicial authority, provided for by article 6(1) of the Framework Decision 2002/584/JHA, on the European arrest warrant and the surrender procedures between Member States, with regard to the role of the public prosecutor; another decision of the 31.7.2018, which admitted the request lodged by Facebook within the proceeding *The Data Protection Commissioner v. Facebook Ireland Limited and Maximillian Schrems*, to appeal against the conclusions of the decision of the High Court of 3 October 2017, in which the Court had made a reference for a preliminary ruling to the Court of Justice on the validity of the decisions of the European Commission on standard contractual clauses for the transfer of personal data to third countries; and the decision of 28.6.2018, in the matter of extradition and alleged violation of the rights provided for by article 3 of the ECHR, with regard to an individual affected by the Asperger Syndrome, which analyses also the jurisprudence of the Court of Strasbourg; the decision of the *High Court* of 1.8.2018, which, within the proceeding in which the Court ordered the preliminary referral to the Court of Justice on the execution of a European arrest warrant issued by a Member State, in which there is the evidence of the violation of the rule of law, decided, in line with the decision of the Court of Justice in the case *Minister for Justice and Equality v. LM (C-216/18 PPU)* and in order to take a position on the execution of the arrest warrant, to request to the Polish judicial authority further information in order to assess, in a concrete way, whether the wanted person runs the real risk of breach of the fundamental right to a fair trial; the decision of 27.6.2018, which judges in the matter of "take back" requests, according to the Regulation (EU) n. 604/2013 ("Dublin III Regulation"), recalling the jurisprudence of the Court of Justice; and the decision of 1.6.2018, which judges in the matter of social benefits in favour of disabled children and, in particular, on the constitutional legitimacy and compatibility with article 14 of the ECHR of the norms on the access to the Domiciliary Care Allowance;
- Italy:** the decision of the *Corte costituzionale* n. 166/2018 of 20.7.2018, which finds the illegitimacy of a norm, which subjects the access to the Rent Fund to the requirement of residence for at least ten years in the State and five years in the Region, also for contrast with Union law; the decision n. 161/2018 of 17.7.2018, on the automatic loss of the authorization as carrier in case of conviction for the violation of norms in the matter of social security payments, which excludes the violation of Union law, in particular freedom of establishment, as well as the jurisprudence of the Court of Strasbourg; and the decision n. 149/2018 of 11.7.2018, which found the illegitimacy of a norm which denied benefits, as day-release, to lifers who killed the kidnapped person, also in the light of the Court of Strasbourg's guideline; the decision of the *Corte di cassazione* n. 32692/2018 of 16.7.2018, on the possibility to revoke the confiscation, recalling article 47 of the EU Charter of Fundamental Rights and many decisions of the Court of Strasbourg; and the decision n. 16321/2018 of 21.6.2018, in the matter of vertical effects of Union secondary law, which recalls the jurisprudence of the Court of Justice; the decision of the *Consiglio di Stato* of 25.6.2018, on the legitimacy of the appointment of foreigners as Managers of Italian museums, which recalls the jurisprudence of the Court of Justice and some norms of EU Treaties; the decision of the *Corte di appello di Napoli* of 4.7.2018, on the adoption of a child by two mothers, which recalls the jurisprudence of the Court of Strasbourg on article 8 of the ECHR and on the prohibition of discrimination against homosexual couples; the order of the *Tribunale di Pistoia* of 5.7.2018, on the recognition of a minor as child of two mothers, which recalls article 24 of the EU Charter of Rights; the decree of the *Tribunale di Bologna* of 3.7.2018, which admits the request to register the double surname of a child adopted by two women, also in the light of article 24 of the EU Charter of Rights; the order of the *Tribunale di Pordenone* of 2.7.2018, which raises question of constitutional legitimacy of the norm limiting, for heterosexual couples, the access to medically assisted procreation, also for violation of the norms of the ECHR; and the order of the *Tribunale di Florence* of 26.6.2018, which deems discriminatory the exclusion of non-Italian nationals from the competition for judicial assistants, recalling article 21 of the EU Charter of Rights;

- **Lithuania:** the decision of the *Konstitucinis Teismas* (Constitutional Court) of 20.12.2017, on the balance between the prohibition of unfair commercial practices and the freedom to negotiate of the parties, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of article 148(4) of the Regulation (EU) n. 1308/2013, establishing a common organisation of the markets in agricultural products; and the decision of 19.12.2017, which confirmed the conclusions of the Special Investigation Commission of the Parliament on the proposal for a procedure of impeachment against a deputy for discriminatory and degrading acts committed against assistants and secretaries of the Parliament or candidates to such jobs, also recalling the EU Charter of Fundamental Rights, the European Social Charter, EU anti-discrimination law, the ECHR and the jurisprudence of the Court of Strasbourg;
- **Poland:** the decision of the *Sąd Najwyższy* (Supreme Court) of 2.8.2018, which has made a reference for a preliminary ruling to the Court of Justice on the compatibility of national measures aiming at lowering the pension age of judges and making the extension of the working period subjected to the discretionary decision of the government with the principles of an effective judicial remedy, rule of law, independence and impartiality of the judge, irremovability of judges and non-discrimination, as provided for in the Treaty on the European Union, in the EU Charter of Fundamental Rights and in Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation: the Court also ordered the suspension of articles 37, 39, 111(1) and 111(1a) of the Act on the Supreme Court, pending the decision of the Court of Justice;
- **Portugal:** the decision of the *Tribunal Constitucional* n. 333/2018 of 27.6.2018, which, also applying the jurisprudence of the Court of Strasbourg, confirmed the constitutional legitimacy of article 8(2) of law 5/2008 (according to the version provided for by law 40/2013), where it provides the collection of DNA samples, for criminal investigations and the inclusion in the database, ordered by the judge after the final judgment, of a person convicted of a malicious crime to detention for three years or more; and the decision n. 328/2018 of 27.6.2018, which finds the constitutional illegitimacy of article 2(8) of Law 59/2015, on limitation periods – which cannot be interrupted nor suspended – of requests of payments concerning cases of employers’ insolvency, in the light of the norms of Directives 80/987/EEC and 2008/94/EC, as interpreted by the jurisprudence of the Court of Justice, and also recalling the European Social Charter;
- **Slovenia:** the decision of the *Ustavno Sodišče* (Constitutional Court) of 12.10.2017, according to which, also applying the jurisprudence of the Court of Strasbourg on article 8 of the ECHR, articles 152 and 156a of the Construction Act, concerning the procedures of inspection on illegal buildings, limit, in an inadmissible way, the constitutional right to the respect of the domicile;
- **Spain:** the decision of the *Tribunal constitucional* n. 84/2018 of 16.7.2018, on the application, following an acquittal, of the measure of the internment in a psychiatric centre for a period of maximum twelve years, in violation of the right to freedom of the claimant, which recalls the jurisprudence of the Court of Strasbourg; the decision n. 59/2018 of 4.6.2018, on the violation of the right to an effective remedy and to the presumption of innocence, also in the light of the jurisprudence of the Court of Strasbourg; and the decision n. 58/2018 of 4.6.2018, on the balance between the right to freedom to information and the right to be forgotten, deemed by the Court as an autonomous fundamental right, in face of the possibility to index the claimants’ personal data so to be used in the browser of the digital newspaper library run by *Ediciones El País, S.L.*, in the light of the jurisprudence of the Courts of Strasbourg and Luxembourg; and the decision of the *Tribunal Supremo* of 9.7.2018, which, also applying the jurisprudence of the Court of Justice, established that the State did not fully comply with its obligations deriving from the EU Decisions 2015/1523 and 2015/1601 of the Council of the European Union, which established provisional measures in the area of international protection for the benefit of Italy and of Greece.

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

## Articles:

[Nicola Canestrini](#) "Detention in metallic cages during the hearing is in breach of the accused person's fundamental rights"

## Notes and comments:

[Marco Bignami](#) "From Strasbourg green light to urban confiscation without conviction"

[Piero De Marzo, Alessio Scarcella](#) "Comment on the decision of the ECHR, Grand Chamber, 28 June 2018 (nn. 1828/06, 34163/07 and 19029/11, n. 55385/14), G.I.E.M. v. Italy"

[Franco De Stefano](#) "Comment on the decision of the Court of Cassation 16321/2018"

[Alessandra Galluccio](#) "Life sentence and limits to the access to penitentiary benefits: from the Constitutional Court a warning on the importance of the educational aim of the sanction"

[Marco Gattuso](#) "Court of Appeal of Naples: rainbow children are children of both parents from the moment of birth"

[Ginevra Greco](#) "Museums' managers are not holders of public powers"

[Stefano Greco](#) "NGOs in stormy sea between eastern and western Sicily"

[Raffaello Magi](#) "Comment on the decision of the Court of Cassation n. 32691/2018"

[Guido Montani](#) "A constituent election. The European democracy at a crossroads between barbarism and civilization"

[Angelo Schillaci](#) "Couples of women and medically assisted procreation: law n. 40/2004 returns before the Constitutional Court"

## Reports:

[Audition of the President of the European Central Bank Mario Draghi](#) at the European Parliament of 9 July 2018

Statement by [Maria Grazia Giammarinaro](#), United Nations' Special Rapporteur on trafficking in persons, especially in women and children, of 20 June 2018, during the 38<sup>th</sup> session of the Council for Human Rights

[Emmanuel Macron](#) "*Solemn tribute of the Nation to Simone Veil*"

## Documents:

Report by the [House of Commons](#) "UK adoption of EU external agreements after Brexit", of 24 July 2018



[The policy paper of the Government of the United Kingdom](#) "The future relationship between the United Kingdom and the European Union", of 12 July 2018

[Report by the French Senate](#) "Brexit: a race against the clock", of 12 July 2018

[Annual Report by the Autorità Garante della Concorrenza e del Mercato \(Italian Competition and Markets Authority\)](#) of 12 July 2018

[Report by the Garante per la protezione dei dati personali](#) (Italian Data Protection Authority) on the activity of 2017, of 10 July 2018

[Report by the Special Rapporteur on trafficking in persons](#), especially in women and children, of 14 May 2018

[Report 2018 by the Secretary General of the Council of Europe](#) on the state of democracy, of human rights and rule of law in Europe "Role of Institutions, Threats to Institutions", of 14 May 2018