



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 74

15 May 2019

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 data Protection Supervisor decision of 2.4.2019 on internal rules concerning restrictions of certain rights of data subjects in relation to the processing of personal data in the framework of activities carried out by the European Data Protection Supervisor.

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

of the **Parliamentary Assembly**:

- the Resolution 2281 of 12.4.2019 "Social media: social threads or threats to human rights?";
- the Recommendation 2156 of 12.4.2019 "Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children";
- the Resolution 2280 and the Recommendation 2155 of 11.4.2019 "The situation of migrants and refugees on the Greek islands: more needs to be done";
- the Resolution 2279 and the Recommendation of 11.4.2019 "Laundromats: responding to new challenges in the international fight against organised crime, corruption and money laundering";
- the Resolution 2276 of 10.4.2019 "Stop hate speech and acts of hatred in sport";
- the Resolution 2275 of 10.4.2019 "The role and responsibilities of political leaders in combating hate speech and intolerance";
- the Resolution 2274 and the Recommendation 2152 of 9.4.2019 "Promoting parliaments free of sexism and sexual harassment";
- the Resolution 2273 and the Recommendation 2151 of 9.4.2019 "Establishment of a European Union mechanism on democracy, the rule of law and fundamental rights";
- the Resolution 2272 of 9.4.2019 "Implementation of the Sustainable Development Goals: synergy needed on the part of all stakeholders, from parliaments to local authorities";
- the Resolution 2271 and the Recommendation 2150 of 9.4.2019 "Strengthening co-operation with the United Nations in implementing the 2030 Agenda for Sustainable Development".

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

- 02.05.2019, C-98/18, *T. Boer & Zonen*, on hygiene of food of animal origin and on protection of health;
- 11.04.2019, C-254/18, *Syndicat des cadres de la sécurité intérieure*, on protection of the safety and health of workers and on maximum weekly working time;
- 04.04.2019, C-501/17, *Germanwings*, on consumer protection and on compensation to passengers in the event of denied boarding and of cancellation or long delay of flights;
- 03.04.2019, C-266/18, *Aqua Med*, on consumer protection, on the contractual term conferring territorial jurisdiction and on the right to an effective remedy;
- 27.03.2019, C-681/17, *slewo*, on the concept of "sealed goods which are not suitable for return due to health protection or hygiene reasons and which have been unsealed by the consumer after delivery" and on consumer protection;
- 26.03.2019, joined cases C-70/17 and C-179/17, *Abanca Corporación Bancaria*, on unfair terms in consumer contracts and on consumer protection;
- 26.03.2019, C-129/18, *SM (Enfant placé sous kafala algérienne)*, on the concept of direct descendant of a EU national, on freedom of movement and residence, on the protection of the minor;
- 26.03.2019, C-377/16, *Spain v. European Parliament*, and C-621/16 P, *Commission v. Italy*, both on selection procedures for contract staff of the EU institutions and on discrimination based on language;
- 21.03.2019, C-498/17, *Commission v. Italy*, on the failure of Italy to transpose the directive on landfill of waste;
- 21.03.2019, C-590/17, *Pouvin and Dijoux*, on a mortgage loan and on the concepts of consumer and of seller and supplier;
- 19.03.2019, C-163/17, *Jawo*, and the joined cases C-297/17, C-318/17, C-319/17, C-438/17, *Ibrahim*, all on the transfer of the asylum seeker to the Member State responsible for examining the application for international protection and on the substantial risk of inhuman or degrading treatment on completion of the asylum procedure;
- 19.03.2019, C-444/17, *Arib and others*, on the temporary reintroduction of border control by a Member State at its internal borders and on freedom of movement;
- 14.03.2019, C-372/18, *Dreyer*, on the concept of "social security benefit".

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

- 30.04.2019, *Kablis v. Russia* (n. 48310/16 and 59663/17) and *Elvira Dmitriyeva v. Russia* (n. 60921/17 and 7202/18), on the restrictions on the right to protest, which violated the applicants' rights to freedom of expression, to freedom of assembly, to liberty and security, to an effective remedy and to a fair trial;
- 30.04.2019, *T.B. v. Switzerland* (n. 1760/15), on the violation of the Convention, since the placement of the applicant in the security wing of the prison had no legal basis;
- 30.04.2019, *Repcevirág Szövetkezet v. Hungary* (n. 70750/14), on the non-violation of the right to a fair trial with regard to the court's refusal to refer the question to the European Union Court of Justice for a preliminary ruling;
- 29.04.2019, *A.M. v. France* (n. 12148/18), on the non-violation of the Convention in the event of deportation of the applicant to Algeria with no risk of inhuman and degrading treatments;
- 16.04.2019, *Csonka v. Hungary* (n. 48455/14), on the violation of article 3 for ill-treatment during the police questioning;
- 16.04.2019, *Lingurar v. Romania* (n. 48474/14), on the police discriminatory conduct against a Roma family;
- 16.04.2019, *Bokova v. Russia* (n. 27879/13), on the violation of the applicant's right to property with regard to the conviction against her husband, even though she had inherited the house before her husband's criminal activity, and on insufficient procedural safeguards against arbitrariness;

- 16.04.2019, *Kamoy Radyo Televizyon Yayincilik ve Organizasyon A.Ş. v. Turkey* (n. 19965/06), on the right to property and in particular on the retroactive application of a law in a trademark protection case, which is deemed in contrast with the Convention;
- 16.04.2019, *Alparslan Altan v. Turkey* (n. 12778/17), on the detention of a judge of the Turkish constitutional court, deemed unlawful and in breach of the Convention;
- 11.04.2019, *Sarwari and others v. Greece* (n. 38089/12), on the violence committed by the police on the applicants – who were Afghan nationals – during the search of a fugitive and on the subsequent violation of article 3 of the Convention;
- 11.04.2019, *Harisch v. Germany* (n. 50053/16), on the refusal to refer the case to the European Union Court of Justice, which would not involve the violation of the Convention because it had sufficient reasons;
- 11.04.2019, *Guimon v. France* (n. 48798/14), on the refusal to allow the applicant, who was imprisoned for terrorist offences, to travel to a funeral parlour to pay her last respects to her deceased father, which would not violate the rights provided for by the Convention: the refusal was justified on the grounds, firstly, of the crimes she had committed and of her membership of ETA and, secondly, because it was impossible to organise a reinforced security escort within the time available;
- 9.04.2019, *V.D. and others v. Russia* (n. 72931/10), on the return of a child to his parents, which was deemed in accordance with the Convention: the Court, instead, deemed in breach of the Convention the automatic refusal of the right to visit to the foster family;
- 9.04.2019, *Tarak and Depe v. Turkey* (n. 70472/12), on the detention of an eight-year-old child in the police station, which was deemed arbitrary and in breach of the Convention;
- 9.04.2019, *I.M. v. Switzerland* (n. 23887/16), on the insufficient examination of the refusal of the renewal of the permit of stay and of the order of expulsion of a Kosovar applicant on grounds of a crime committed twelve years before, regardless of his present 80% disability and his dependence on the family residing in the host Country;
- 9.04.2019, *Tomov and others v. Russia* (n. 18255/10, 63058/10, 10270/11, 73227/11, 56201/13 and 41234/16), in which the Court found several violations of the Convention with regard to the conditions of the transport of prisoners in Russia;
- 9.04.2019, *Navalnyy v. Russia (No. 2)* (n. 43734/14), on the house-arrest order and other restrictions imposed to an opposition activist – Mr. Navalnyy – which violated his right to liberty, to security and freedom of expression and limited the exercise of his guaranteed rights;
- 4.04.2019, *G.S. v. Bulgaria* (n. 36538/17), according to which Bulgarian authorities shouldn't have extradited a Georgian applicant towards Iran, where he could have run the risk of inhuman and degrading treatments;
- 4.04.2019, *Hodžić v. Croatia* (n. 28932/14), on the confinement in a psychiatric hospital ordered with a proceeding, which was deemed unfair on grounds of the refusal to hear the expert commissioned by the prosecution, of the impossibility to challenge his conclusions or to gain proof in his favour;
- 28.03.2019, *Kereselidze v. Georgia* (n. 39718/09), which found the violation to the right to an effective remedy for the amendment, without a hearing, of the starting date of several detention sanctions, which would unduly extend the detention;
- 26.03.2019, *Anoshina v. Russia* (n. 45013/05), on the violation of the right to life owing to the poor compensation recognized to the applicant, following the murder of her brother by a police officer while he was being held in a sobering-up centre;
- 21.03.2019, *O.S.A. and others v. Greece* (n. 39065/16), on the violation of the prohibition of inhuman and degrading treatments and of the right to a prompt decision on the lawfulness of the detention of the applicants, who were Afghan nationals seeking for asylum;
- 19.03.2019, *Mart and others v. Turkey* (n. 57031/10), which found the violation of the right to freedom of expression of the three applicants, who had been convicted in criminal proceedings for disseminating propaganda in favour of an illegal organisation (the MKLP, the Marxist-Leninist Communist Party);
- 19.03.2019, *Høiness v. Norway* (n. 43624/14), according to which the domestic courts' refusal to impose civil liability on an Internet forum host after vulgar comments about Ms

Høiness had been posted on the forum was legitimate: the judges had acted within their discretion, when seeking to establish a balance between the right to private life and to freedom of expression;

- 14.03.2019, *Kangers v. Latvia* (n. 35726/10), which found the violation of the right to a fair trial and to the presumption of innocence, since the applicant was found guilty of a repeat offence while his appeal against a first charge for the same crime was still ongoing;
- 12.03.2019, *Guðmundur Andri Ástráðsson v. Iceland* (n. 26374/18), which found the violation of the right to a fair trial and to an independent and natural judge owing to the appointment of judges in violation of National law, for the exercise of discretionary power by the government;
- 12.03.2019, *Drélingas v. Lithuania* (n. 28859/16), according to which the conviction for the arrest of two Latvian partisans in 1956 did not amount to the violation of the principle *nulla poena sine lege*, after the Supreme Court explained that the applicant had to have been aware that he could be prosecuted for genocide;
- 12.03.2019, *Ali Gürbüz and others v. Turkey* (n. 52497/08), which found the violation of the right to freedom of expression, owing to several prolonged criminal proceedings brought against the proprietor of a newspaper, subsequently acquitted, for having published anonymous statements of organisations characterised as terrorist under Turkish law, regardless of the actual content of the articles;
- 12.03.2019, *Petukhov v. Ukraine (No. 2)* (n. 41216/13), which found the violation of the prohibition of inhuman and degrading treatments for the lack of prospect, for those who are sentenced to life imprisonment, of release on parole or the possibility of a review of the sentence, or to lodge a claim against possible abuses or, like in the specific case, to have adequate medical assistance: the Court held that the State should reform its system of reviewing whole-life sentences;
- 5.03.2019, *Bogonosovy v. Russia* (n. 38201/16), according to which the court's failure to examine the case of the applicants, who wanted to maintain contact with their granddaughter after her adoption, led to the violation of the right to private life;
- 5.03.2019, *Yavaş and others v. Turkey* (n. 36366/06), according to which the reduction by almost 50% in the old-age pension of the applicants, owing to an adaptation following a budgetary deficit, who paid their contributions to the medical insurance and pension fund of an insurance company, which was transferred to the Social Security Authority, did not amount to a violation of the Convention;
- 5.03.2019, *Uzan and others v. Turkey* (n. 19620/05), which held the violation of the right to property, following the attachment measures ordered against the property of the children of the managers and against some employees of the bankrupt bank.

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

- the decision of the *Supreme Court of the State of Kansas* of 26.4.2019, according to which the right of personal autonomy, provided for by the constitution of the State, includes the right to abortion: therefore the Court confirmed the decision of the Court of Appeal, which had temporarily suspended the execution of the "Senate Bill 95", which bans abortion through the "dilation and evacuation" method (D&E);
- the decision of the *United States Court of Appeals for the Sixth Circuit* of 4.4.2019, according to which the norms of the "House Bill 2", which demand doctors, before carrying out an abortion, to hear the foetal heartbeat, to do an abdominal ultrasound exam and show and describe the images to the patient, are compatible with the right to freedom of speech provided for by the First Amendment;
- the decision of the *United States District Court for the Middle District of North Carolina* del 25.3.2019, which recognized the constitutional illegitimacy of the "North Carolina General Statutes, Section 14-45.1(a)", where it bans abortion after the first 20 weeks of pregnancy;
- the decision of the *Appeals Chamber of the United Nations Mechanism for International Criminal Tribunals* of 20.3.2019, case *Prosecutor v. Radovan Karadžić*, which amended the duration of the sanction decided by the court of first instance against the accused

- person – former President of the Serb Republic of Bosnia and Herzegovina and Supreme Commander of the armed forces – for genocide, crimes against humanity and violations of the laws and customs of war, transforming 40 years imprisonment into life sentence;
- the orders of the United States District Court Western District of Kentucky Louisville Division of 20.3.2019 and of 15.3.2019, which temporarily suspended the execution of the “House Bill 5”, aiming at preventing abortion on grounds of the sex, race, colour, nationality or disability of the baby, and of the “Senate Bill 9”, which bans abortion as soon as the foetal heartbeat can be heard;
 - the decision of the Inter-American Court of Human Rights of 6.3.2019, case *Muelle Flores vs. Perú*, on the violation of the right to an effective remedy, in combination with the right to property and the right to social security, because of the failed execution by the State of the decisions, which had established that the claimant had the right to receive unpaid pension contributions; and the decision of 5.2.2019, case *Villaseñor Velarde y otros vs. Guatemala*, on the lack of adequate investigations by the State on repeated episodes of intimidation suffered by a female judge, in violation of the right to personal integrity and the principle of independence of the judges.

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

- **Belgium:** the decision of the Cour constitutionnelle n. 53/2019 of 4.4.2019, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of article 26(2)(c) of the (EC) Regulation 1099/2009, concerning the protection of animals at the time of killing, in combination with articles 10, 20, 21 and 22 of the EU Charter of Fundamental Rights; the decision n. 49/2019 of 4.4.2019, in the matter of procedures for the recovery of social security credits by the national office of social security, which recalls the norms of the EU Charter of Fundamental Rights and of the ECHR and the jurisprudence of the Court of Strasbourg; the decision n. 44/2019 of 14.3.2019, in the matter of fight against terrorism and protection of the professional secrecy, which also recalls the norms of the ECHR and the jurisprudence of the Court of Strasbourg; the decision n. 41/2019 of 14.3.2019, which judges on the constitutional legitimacy of certain articles of the law of 30 march 2017, which amends the law of 30 November 1998 on intelligence and security services (“*Loi organique des services de renseignement et de sécurité*”), establishing the partial illegitimacy also in the light of the norms of the ECHR and of the jurisprudence of the Court of Strasbourg; and the decision n. 36/2019 of 28.2.2019, in the matter of foster care, which recalls the jurisprudence of the Court of Strasbourg;
- **France:** the decision of the Cour de cassation n. 399/2019 of 18.4.2019, which, in the matter of dispossession for public utility, holds the violation of article 1 of Protocol n. 1 to the ECHR; the decision n. 559/2019 of 3.4.2019, which, in a case of forced labour concerning a twelve years old child and the compensation of the damage, recalls articles 4 of the ECHR, 5 of the EU Charter of Rights and the UN Conventions on the Rights of the Child (New York Convention) and the ILO Convention on forced labour; the decision n. 558/2019 of 3.4.2019, which, in the matter of discrimination concerning the treatment of fixed-term employees (deemed grounded) operated by a collective agreement, recalls the jurisprudence of the Court of Justice and articles 20 and 21 of the EU Charter of Rights; the decision n. 757/2019 of 26.3.2019, which, in the matter of European arrest warrant for the extradition to Slovenia, recalls articles 3 and 13 of the ECHR and articles 4, 47 and 52 of the EU Charter of Rights and the necessity to assess whether the extradition may lead to serious risks of inhuman and degrading treatment during detention;
- **Germany:** the order of the Bundesverfassungsgericht (Federal Constitutional Court) of 18.2.2019, which, in the light of the European legislation on a case of sharing of the internet connection, establishes that the parents are not obliged to report which child has violated the copyright, illegally downloading material from the internet;
- **Great Britain:** the decision of the United Kingdom Supreme Court of 6.3.2019, which admits the claim for compensation lodged by the father of a man killed, in violation of

article 2 of the ECHR, by the police of Northern Ireland during operations linked to local conflicts, on grounds of the excessive length of the investigation; the decision of the England and Wales Court of Appeal of 3.4.2019, concerning the right to assembly and to freedom of expression in a case in which the Court ordered several bans for the future and towards unidentified individuals (*injunction against persons unknown*), to interfere with the activities of a company; and the decision of 4.3.2019, in which the Court rejects the application of a national, who had convened the English Prime Minister in order to state the illegitimacy of the communication of withdrawal from Europe, which had been notified by her in virtue of the powers deriving from the *EU Notification of Withdrawal Act 2017*; the decision of the England and Wales High Court of 8.3.2019, on the balance between the right to anonymity and the right to freedom of expression, in the case of a woman who, following medical negligence, took legal steps against the national health system, asking at the same time not to disclose her identity to the press; the decision of 12.3.2019, in the matter of causal nexus, in a case which concerned the delay of the first aid, which caused the death of a man; and the decision of 1.3.2019, in which the Court found discriminatory the provision of the *Immigration Act*, which imposes the obligation for the landlord to verify the *immigration status* of the possible candidates, with the consequence that the owners, deeming the Court such obligation as disproportioned, will exclude foreign nationals;

- **Ireland:** the decision of the Supreme Court of 29.1.2019, on the appropriateness and legitimacy of the legislative instrument used by the High Court to impose the forced hospitalization of the defendant in a psychiatric institute, in the light of constitutional guarantees and of the ECHR; the decision of the High Court of 7.3.2019, which analyses the legitimacy of a mortgage and of the following dispossession order, in the light of the norms of Directive 93/13/EEC, concerning unfair terms in consumer contracts, as interpreted by the jurisprudence of the Court of Justice; the decision of 22.2.2019, which rejects the claim against the execution of the arrest warrant issued by the British authorities and grounded on the alleged violation of the claimant's rights also deriving from the withdrawal of the United Kingdom from the EU; the decision of 15.2.2019, on the extension of the validity of the building permit, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of article 6(3) of Directive 92/43/EEC concerning the conservation of natural and semi-natural habitats and of wild fauna and flora (Directive "Habitat"); the decision of 11.2.2019, in the matter of health and security at work, which recalls EU legislation relevant in such matter; and the decision of 4.2.2019, which makes an urgent reference for a preliminary ruling to the Court of Justice in the matter of interpretation of the concept of issuing judicial authority, according to article 6(1) of the Framework Decision 2002/584/JHA concerning the European arrest warrant and the procedures for the transfer of the person between Member States, with regard to the role of the public prosecutor;
- **Italy:** the decision of the Corte costituzionale n. 99/2019 of 19.4.2019, which found the constitutional illegitimacy of the absolute prohibition of house detention for certain categories of convicted persons, also with regard to the guideline of the Court of Strasbourg; the decision n. 50/2019 of 15.3.2019, according to which the requirement of the long-term EU resident permit in order to obtain the social allowance for non-EU nationals is not discriminatory, pursuant to article 14 of the ECHR and supranational norms in such matter; the decisions n. 24/2019 and 25/2019 of 27.2.2019, which hold the illegitimacy of certain norms in the matter of prevention, for contrast with the norms of the ECHR; and the decision n. 63/2019 of 20.2.2019, which, in a case of retroactivity of the more favourable norm for an administrative sanction and in the light of the decision of the Court of Justice, points out that the judge can – also in the event of violation by a national norm both of the EU Charter of Rights and the constitutional norms – choose in any moment, and even after the rejection of the question by the Constitutional Court, the way of the preliminary referral and possibly disregard the national norm; the preliminary referral order of the Corte di cassazione n. 9022/2019 of 1.4.2019, on the right of non-EU nationals to the family allowance, with regard to periods when some members of the family were not residing in Italy, and to the alleged discriminatory profile of the denial of such allowance; the decision n. 8580/2019 of 11.3.2019, which, with regard to the new norms on compensation by *Inail* (National

Institute for Insurance against Workplace Accidents and Occupational Disease), establishes the non-retroactivity of the norms in the light of the jurisprudence of the Court of Strasbourg on article 6 of the ECHR; the decision n. 6880/2019 of 7.3.2019, which, in the matter of fixed-term contracts with lyrical bodies, recalls the decision of the Court of Justice in the case *Sciotto*, article 21 of the EU Charter of Rights and establishes the non-retroactivity of the norms prohibiting the conversion of illegitimate fixed-term contracts, also in the light of article 6 of the ECHR; and the decision n. 1681/2019 of 22.1.2019, which excludes the right to adversarial procedure in a proceeding on the recognition of international protection, examining the jurisprudence of the Court of Justice; the preliminary referral order of the *Tribunale amministrativo regionale (TAR) del Lazio* (Regional Administrative Court of Lazio) of 27.03.2019, on the legislation on financial incentives for photovoltaic also with regard to articles 16 and 17 of the EU Charter of Rights, which also recalls the jurisprudence of the Court of Strasbourg; the decision of the *Tribunale di Padova* of 15.4.2019, on the legitimacy of controls on employees, which recalls the most recent jurisprudence of the Court of Strasbourg and articles 7 of the EU Charter of Rights and 8 of the ECHR in the matter of privacy; and the order of the *Tribunale di Firenze* of 18.3.2019, which excludes the prohibition of registration at the town hall for asylum seekers, also in the light of article 14 of the ECHR;

- **Lithuania:** the decision of the *Konstitucinis Teismas* (Constitutional Court) of 11.1.2019, on the interpretation of article 43(1) of the “Law on the legal status of aliens” with regard to the issue of temporary residence permits to foreign nationals, aiming at the family reunification with Lithuanian nationals or persons residing in the State, in the event of marriage or registered civil partnership between persons of the same-sex stipulated abroad, which analyses the norms of the EU Charter of Fundamental Rights, of the ECHR and of Directive 2004/38/EC and the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Spain:** the decision of the *Tribunal Constitucional* of 26.3.2019, according to which when the Supreme Court disregarded a national norm for incompatibility with EU law, without having previously ordered the preliminary referral to the Court of Justice, it violated the right to an effective remedy; the decision of 28.2.2019, which rejected the claim lodged against law 5/2018 on the unlawful occupation of houses (“*ocupación ilegal de viviendas*”), also recalling the norms of EU Charter of Fundamental Rights and of the ECHR and the jurisprudence of the Court of Strasbourg; another decision of 28.2.2019, which judges on the lack of assessment of the possible unfairness of a term included in a mortgage, which lead to the violation of the right to an effective remedy, applying the jurisprudence of the Court of Justice; the decision of 25.2.2019, on the relation between the right to information and the right to the respect for private and family life, which applies the jurisprudence of the Court of Strasbourg; the decision of 14.1.2019, which partially admits the claim lodged against the extradition of the claimant towards the United States, recalling the norms of the EU Charter of Fundamental Rights and of the ECHR and the jurisprudence of the Courts of Strasbourg and Luxembourg; and another decision of 14.1.2019, on the request of legal equivalence between the length of paternity and maternity leaves, which recalls EU legislation and the jurisprudence of the Court of Justice; the decision of the *Tribunal Supremo* of 26.2.2019, which recognizes the aggravating circumstance of discrimination on grounds of gender in a case of family ill-treatment, applying the norms of the Convention of the Council of Europe on preventing and combating violence against women and domestic violence (“Convention of Istanbul”) and the jurisprudence of the Court of Strasbourg; and the decision of 28.1.2019, on the unfair use of a series of fixed-term contracts, which applies the norms of Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP and the jurisprudence of the Court of Justice.

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

Articles:

[Giuseppe Bronzini](#) "The enforcement of the Charter of Nice and the implementation of the European social pillar: two convergent ways towards the same aim?"

[Giuseppe Bronzini](#) "The claiming of an *ius existantiae* for European nationals as contrast to sovereign populism"

[Luigi Cavallaro](#) "The Charter and the Courts: brief notes on EUCJ, *Max Planck* and Constitutional Court n. 239/2017, 20/2019 and 63/2019"

[Interview by Roberto Conti to Antonio Ruggeri and Roberto Bin](#) "Judge or judges in postmodern Italy"

[Andrea Crescenzi, Rosita Forastiero, Giuseppe Palmisano](#) "Asylum and the EU Charter of fundamental rights" (Ebook Editoriale Scientifica Napoli, 2019)

[Michele De Luca](#) "Protection in the event of dismissal in the contract with increasing guarantees, after the decision of the Constitutional Court: research of the fair compensation when it is excluded the possibility of reintegration at work"

[Michele De Luca](#) "Appeal in the ordinary trial: inspiring principles and fundamental points of the legislation in the jurisprudence with a regulatory competence"

[Vincenzo De Michele](#) "The decision of the Court of Justice in the case *Rossato* on public precarious employment"

[Elena Falletti](#) "Multiculturalism and fundamental rights: some brief considerations"

[Luigi Ferrajoli](#) "Policies against migrants in violation of human rights"

[Sergio Galleano](#) "Collateral effects of the decision in the case *Sciotto*: the Court raises before the EUCJ the long-standing problem of the stabilization of university researchers"

[Antonella Massaro](#) "Irregular immigration through the sea and the triad: rescuers-traffickers-migrants"

Notes and comments:

[Gualtiero Michellini](#) "Apocalypse of the rule of law in Turkey"

[Daria Passaro](#) "The Italian scenery of the end of life, expectations and drama, in the world of those who are condemned to live"

[Emilio Santoro](#) "The basis of the constitutionalism and the case *Diciotti*: control on the Parliamentary decisions and balance between powers"

[Gabriele Serra](#) "Registration at the town hall and asylum seekers after law n. 113/2018"

[Alessandro Traversi](#) "Artificial intelligence applied to justice: will we ever have a robot as a judge?"

[Maurizio Veglio Asilo](#) "False myths and divinatory powers. This is how the right to adversarial procedure dies. Critical observations to the decision of the Court of Cassation n. 1681/2019"

Reports:

[Giorgio Fontana](#) "Minimum wage, social inequalities and new labour law, between past, present and future"

Documents:

[The "Global Assessment Report on Biodiversity and Ecosystem Services"](#) by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), of May 2019

[The publication of the European Trade Union Institute \(ETUI\)](#), by Valerio De Stefano and Mathias Wouters, "Should digital labour platforms be treated as private employment agencies?", of April 2019