



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 77

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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 study of 15.10.2019 "Freedom of expression, a comparative law perspective - The United States";
- the Report by the European Union Agency for Fundamental Rights of 27.9.2019 "Rights in practice: access to a lawyer and procedural rights in criminal and European arrest warrant proceedings";
- the focus paper by the European Union Agency for Fundamental Rights of 18.9.2019 "Returning unaccompanied children: fundamental rights considerations";
- the European Parliament Resolution of 18.9.2019 on the state of play of the UK's withdrawal from the European Union.

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

of the **Parliamentary Assembly**:

- the Resolution 2310 of 4.10.2019, "Labour migration from Eastern Europe and its impact on socio-demographic processes in these countries";
- the Resolution 2309 and the Recommendation 2165 of 4.10.2019 "Jewish cultural heritage preservation";
- the Resolution 2307 of 3.10.2019, "A legal status for 'climate refugees'";
- the Resolution 2306 of 3.10.2019, "Obstetrical and gynaecological violence";
- the Resolution 2305 of 3.10.2019, "Saving lives in the Mediterranean Sea: the need for an urgent response";
- the Resolution 2303 and the Recommendation 2164 of 2.10.2019, "Protecting and supporting the victims of terrorism";
- the Resolution 2301 and the Recommendation 2163 of 2.10.2019, "Ombudsman institutions in Europe - the need for a set of common standards";
- the Resolution 2300 and the Recommendation 2162 of 1.10.2019, "Improving the protection of whistleblowers all over Europe";

of the **Committee of Ministers**:

- the Recommendation CM/Rec(2019)9 of 16.10.2019, "Recommendation of the Committee of Ministers to member States on fostering a culture of ethics in the teaching profession";

- the Recommendation CM/Rec(2019)8 of 16.10.2019, "Recommendation of the Committee of Ministers to member States with a view to the implementation of the European Landscape Convention of the Council of Europe – Landscape and democracy: public participation";
- the Recommendation CM/Rec(2019)7 of 16.10.2019, "Recommendation of the Committee of Ministers to member States with a view to the implementation of the European Landscape Convention of the Council of Europe – Landscape integration in policies relating to rural territories in agricultural and forestry, energy and demographic transition";
- the Recommendation CM/Rec(2019)6 of 16.10.2019, "Recommendation of the Committee of Ministers to member States on the development of the Ombudsman institution";
- the Recommendation CM/Rec(2019)5 of 16.10.2019, "Recommendation of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training".

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

- 24.10.2019, C-35/19, *Belgian State (Indemnité pour personnes handicapées)*, on tax exemption for disability allowances and free movement of workers;
- 15.10.2019, C-128/18, *Dorobantu*, on the refusal of execution of a European arrest warrant in case of risk of inhuman or degrading treatment due to the conditions of detention in the issuing Member State;
- 09.10.2019, C-489/19 PPU, *NJ (Parquet de Vienne)*, on the concept of "European arrest warrant", on the concept of "issuing judicial authority" and on the minimum requirements on which the validity depends;
- 07.10.2019, C-171/18, *Safeway*, on the retroactive equalization of the normal pension age of the persons previously disadvantaged on grounds of gender;
- 03.10.2019, C-18/18, *Glawischnig-Piesczek*, on the order to Facebook to remove statements identical to the statement previously characterised as illegal, and which amounted to an injury to the honour of the person, and on freedom to provide services;
- 03.10.2019, C-70/18, *A and others*, on the collection, registration and retention of biometric data of Turkish nationals in a central filing system, in order to prevent and combat identity and document frauds and on the right to the respect for private life and to the protection of personal data;
- 03.10.2019, C-302/18, *X () and suffisantes*, on the requirement of having stable, regular and sufficient resources in order to allow a third-country National to acquire the long-term resident status;
- 02.10.2019, C-93/18, *Bajratari*, on the right of residence of a third-country national, who is a direct relative in the ascending line of Union citizen minors with resources formed by income from employment occupied without a residence card and work permit;
- 01.10.2019, C-673/17, *Planet49*, on the use of cookies, the concept of consent of the data subject and on the protection of private life and personal data in the electronic communications sector;
- 24.09.2019, C-136/17, *GC and others (Déréférencement de données sensibles)*, on the protection of individuals with regard to the processing of personal data contained in websites for journalistic purposes or the purpose of artistic or literary expression, on the protection of private life and personal data and on the right to information;
- 24.09.2019, C-507/17, *Google (Portée territoriale du déréférencement)*, on the protection of individuals with regard to the processing of personal data and browser on the internet;
- 19.09.2019, C-467/18, *Rayonna prokuratura Lom*, on the committal to a psychiatric hospital of persons who, in a state of insanity, have committed acts representing a danger to society, on the right to information about one's rights, on the right of access to a lawyer, on the right to an effective remedy and the presumption of innocence;
- 19.09.2019, C-544/18, *Daknevičute*, on a national of a Member State, who ceases to be self-employed because of the physical constraints in the late stages of pregnancy and the aftermath of childbirth and on freedom of establishment;

- 18.09.2019, C-32/18, *Moser*, on migrant workers and family benefits (parental allowance and childcare allowance);
- 18.09.2019, C-366/18, *Ortiz Mesonero*, on parental leave;
- 11.09.2019, C-383/18, *Lexitor*, on credit agreements for consumers and consumer protection;
- 11.09.2019, C-397/18, *Nobel Plastiques Ibérica*, on the existence of a “disability” of a worker and on the prohibition of any discrimination based on a disability;
- 10.09.2019, C-94/18, *Chenchooliah*, on the removal of a third-country national, married to a Union citizen, who returned to the Member State of which he is a national, where he is serving a prison sentence;
- 05.09.2019, C-331/18, *Pohotovost'*, on consumer protection;
- 05.09.2019, C-377/18, *AH and others (Présomption d'innocence)*, on the presumption of innocence.

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

- 29.10.2019, *Hatice Çoban v. Turkey* (n. 36226/11), on the procedural guarantees of the right to expression, with regard to the conviction of a person, following her speech in favour of a terrorist organization;
- 29.10.2019, *Baraliija v. Bosnia-Herzegovina* (n. 30100/18), which imposed to Bosnia-Herzegovina to modify its legislation in order to allow democratic elections in Mostar;
- 24.10.2019, *J.D. and A v. the United Kingdom* (n. 32949/17 and 34614/17), on discrimination against women victims of domestic violence, following the new English legislation on the so called “bedroom tax”;
- 22.10.2019, *Deli v. Republic of Moldova* (n. 42010/06), on the lack of impartiality of the Moldavian judge after a quarrel with the applicant, who was the claimant’s representative;
- 22.10.2019, *Venet v. Belgium* (n. 27703/16), on the late communication to the applicant of the date of the hearing before the Court of Cassation, which lead to his absence and to the impossibility for him to answer to the conclusions of the Advocate General;
- 17.10.2019, *Mushfig Mammadov and others v. Azerbaijan* (n. 14604/08, 45823/11, 76127/13 and 41792/15), on the lack of legislation on civilian service as an alternative to military service in Azerbaijan, which does not allow conscientious objection and therefore violates the Convention;
- 17.10.2019, *G.B. and others v. Turkey* (n. 4633/15), on the multiple violations of the rights of a mother and her three sons during administrative detention in Turkey;
- 17.10.2019, Grand Chamber judgment, *López Ribalda and others v. Spain* (n. 1874/13 and 8567/13), on the right to private and family life of the cashiers of a supermarket of a Spanish chain, secretly filmed by security cameras: according to the Court, the Spanish judges had meticulously considered the rights of the applicants and of the employers, who were suspicious about some thefts, justifying the use of video surveillance;
- 10.10.2019, *Lacombe v. France* (n. 23941/14), on the child’s return to his mother in the United States, which, according to the Court, did not violate the father’s right to the respect for private and family life;
- 10.10.2019, *O.D. v. Bulgaria* (n. 34016/18), in which the Court established that the expulsion of a Syrian soldier, who may suffer inhuman and degrading treatment and run risks for his life in the event of expulsion towards Syria, would be in breach of the Convention;
- 10.10.2019, *Lewit v. Austria* (n. 4782/18), according to which Austrian courts did not adequately consider the complaint for defamation of a survivor of the concentration camp of Mauthausen;
- 08.10.2019, *Margulev v. Russia* (n. 15449/09), according to which the conviction of defamation of the head of an NGO, who had criticized the restoration works of an architectural complex near Moscow, violated his right to freedom of expression;

- 08.10.2019, *Korneyeva v. Russia* (n. 72051/17), according to which two different sentences on the same facts amount to a violation of the Convention: the Government was invited to rule through new laws a structural problem of the legal system;
- 08.10.2019, *Zelikha Magomadova v. Russia* (n. 58724/14), according to which the decision of the Russian authorities to deprive a widow of the parental authority over her six children was "grossly arbitrary";
- 08.10.2019, *Szurovecz v. Hungary* (n. 15428/16), according to which refusing a journalist the access to a reception centre for asylum-seekers, was in breach of the Convention;
- 08.10.2019, *L.P. and Carvalho v. Portugal* (n. 24845/13 and 49103/15), on the infringement of freedom of expression of two lawyers, sentenced for having criticized two judges while acting in their capacity as representatives;
- 03.10.2019, *Fountas v. Greece* (n. 50283/13), according to which amounts to a violation of the Convention the fact that the father of a man shot by the police had not been informed of his son's death before the autopsy had taken place, nor of the criminal investigation or of the separate internal police inquiry;
- 03.10.2019, *Kaak and others v. Greece* (n. 34215/16), according to which the remedies proposed to migrants detained in an emergency reception centre in Greece were neither accessible nor sufficient;
- 03.10.2019, *Pastörs v. Germany* (n. 55225/14), on freedom of expression, according to which holocaust denial cannot be protected by the Convention;
- 03.10.2019, *Nikolyan v. Armenia* (n. 74438/14), according to which the general prohibition, provided for by Armenian legislation, for those who are deprived of legal capacity to have access to the courts, violates the Convention;
- 01.10.2019, *Savran v. Denmark* (n. 57467/15), on an offender with psychiatric illness, who cannot be expelled without sufficient assurances on access to appropriate psychiatric treatments;
- 01.10.2019, *Orlović and others v. Bosnia-Herzegovina* (n. 16332/18), on the protection of property: Bosnia must enforce the decision ordering the removal of a church built on Srebrenica genocide survivors' land;
- 24.09.2019, committee judgment, *Camacho Camacho v. Spain* (n. 32914/16), on the violation of the right to a fair trial – and in particular of the right to adversarial procedure – following the failure to hear the witnesses and the applicant, who had been acquitted by the judge of first instance, by the court of appeal which sentenced him;
- 17.09.2019, *Akdağ v. Turkey* (n. 75460/10), according to which Turkish authorities failed to show that the applicant in police custody had validly waived her right to a lawyer: the Court found the violation of the Convention;
- 10.09.2019, Grand Chamber judgment, *Strand Lobben and others v. Norway* (n. 37283/13), on the insufficient consideration of the rights of the biological family in the proceeding which lead to the decision of removing the parental authority of the mother and allowing adoption of her son;
- 05.09.2019, *Theodorou and Tsotsorou v. Greece* (n. 57854/15), on the violation of the right to marriage because of the late annulment of the marriage between sisters-in-law;
- 05.09.2019, *Rizzotto v. Italy* (n. 20983/12), on the violation of the right to a prompt decision on the lawfulness of the detention on remand in the case of an accused, who had never been heard on an application lodged by himself, because before his arrest the claim, brought by his court-appointed attorney, against the order of detention on remand had been rejected;
- 05.09.2019, *Olewnik-Cieplińska and Olewnik v. Poland* (n. 20147/15), on the lack of an adequate investigation on a kidnapping which ended with the death of the victim, in circumstances which have not been fully clarified after 17 years from the facts.

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

- the decision of the *High Court of the Hong Kong Special Administrative Region* of 18.10.2019, which, also recalling the jurisprudence of the Court of Strasbourg, rejected the claim concerning the constitutional illegitimacy of the prohibition, provided for by

national law, of same-sex marriages and of the lack of initiative by the Government in order to provide a legal framework, different from marriage, for relations between person of the same sex;

- the order of the United States District Court for the Northern District of Georgia Atlanta Division of 1.10.2019, which suspended the execution of the *Georgia House Bill 481*, a law which provides, among other things, the prohibition of abortion whenever the heartbeat of the baby can be detected;
- the decision of the Appeals Chamber of the United Nations Mechanism for International Criminal Tribunals of 27.9.2019, which rejected the request for the judicial revision of the decision of the court of appeal lodged by the accused person, former Minister of Finance and Economic Planning of the Government of Rwanda, confirming the conviction to 30 years' imprisonment for the crime of direct and public incitement to commit genocide;
- the order of the Supreme Court of the United States of 11.9.2019, which blocked, pending the merits decision of the court of appeal, the orders issued by the United States District Court Northern District of California and the United States Court of Appeals for the Ninth Circuit respectively on 24.9.2019 and on 9.9.2019, which suspended the execution of the joint interim final rule "Asylum Eligibility and Procedural Modifications", jointly adopted by the Department of Justice and by the Department of Homeland Security, and aiming at refusing asylum to those who enter the territory of the United States from the southern border, if they have not previously presented a request for international protection in Mexico or in another third Country;
- the decision of the Inter-American Court of Human Rights of 2.9.2019, case *Gorigoitia vs. Argentina*, which found the violation of the right to an effective remedy in virtue of the lack of complete revision, by the Supreme Court of Mendoza, of the claim lodged against the criminal decision issued against the claimant; and the decision of 30.8.2019, case *Álvarez Ramos vs. Venezuela*, on the balance between the right to freedom of expression and the right to honour of a civil servant, with regard to the conviction for libel issued against the claimant following the publication of an article concerning the alleged misappropriation of funds, which also recalls the jurisprudence of the Court of Strasbourg on article 10 of the ECHR.

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

- **Belgium:** the decision of the Cour constitutionnelle n. 145/2019 of 17.10.2019, which annuls some articles of the Decree of the Flemish Region of 8 December 2017, which modifies certain norms in the matter of planning of the territory, ecology and environment, recalling Directives 2001/42/EC and 2011/92/EU and articles 7 and 8 of the Convention of Aarhus; the decision n. 142/2019 of 17.10.2019, which judges in the matter of filiation and paternity dispute, in the light of article 8 of the ECHR and of the jurisprudence of the Court of Strasbourg; the decision n. 135/2019 of 17.10.2019, which, with regard to a claim for the annulment of the law of 25 December 2016, concerning the processing of passengers' data ("*relative au traitement des données des passagers*") and transposing Directives (EU) 2016/681, 2004/82/EC and 2010/65/EU (partially), makes a reference for a preliminary ruling to the Court of Justice on the applicability of the norms of the Regulation (EU) 2016/679 (General Data Protection Regulation – GDPR), in combination with articles 7, 8 and 52 of the EU Charter of Fundamental Rights, to the national legislation; and the decision n. 122/2019 of 26.9.2019, which judges on the legitimacy of articles 8 and 9 of the law of 11 August 2017, providing different norms in the matter of health ("*portant des dispositions diverses en matière de santé*") with specific regard to the criteria of temporary exclusion of candidates for allogeneic donations of blood and blood products, recalling the norms of Directive 2004/33/EC and the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Bosnia and Herzegovina:** the decision of the Ustavni sud (Constitutional Court) of 5.7.2019, which holds the compatibility of article 433(1) of the Civil Procedure Code,

where it does not allow to appeal, on the basis of facts wrongly ascertained, a decision issued in minor proceedings, with article 13 of the ECHR;

- **Estonia:** the decision of the *Vabariigi Riigikohus* (Supreme Court) of 11.6.2019, which, also applying the jurisprudence of the Court of Strasbourg, stated the constitutional illegitimacy of article 94(5) of the Imprisonment Act, where it imposed the absolute prohibition of long visits to prisoners, for the violation of the right to the respect for family life;
- **France:** the decision of the *Cour de cassation* n. 812/2019 of 10.10.2019, on consumers' rights with regard to air transport, which recalls EU directives and the jurisprudence of the Court of Justice; and the decision n. 648/2019 of 4.10.2019, which recognizes the bond between "mother of intention" and female children (over 18 years old) after having requested (for the first time) the opinion provided for by Protocol n. 16 to the ECHR;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Court) of 17.09.2019, concerning the German decision to support France, pursuant to article 42(7) of the Treaty on the European Union (but not in military operations "aiming" at fighting the so called "Isis" or "Islamic State"): after the terrorist attacks of 13 November 2015 in Paris, Member States of the European Union guaranteed their support to France and, on 17 November 2015, during a meeting of the Council of the European Union in which France referred to article 42(7), confirmed their support and assistance. With this decision the Court rejected the claim on conflicts of competence between bodies of the State lodged by the political party *Die Linke*; the decision of the *Oberverwaltungsgericht Nordrhein-Westfalen* (Administrative Court of Appeal of North Rhine-Westphalia) of 12.07.2019, according to which the principle of neutrality of the web obliges internet service providers to deal with all data in the same way: the Court, recalling EU law in such matter and wide extracts of the decisions of the Court of Justice, ordered the deactivation of the streaming service "StreamOn"; and the decision of the *Verwaltungsgericht Düsseldorf* (Administrative Court of Düsseldorf) of 25.7.2019, in the matter of right to asylum, which applies the principle of burden of proof and recalls Directive 2011/95/EU;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 16.10.2019, in which the Supreme Court reforms, also in the light of articles 10 and 14 of the ECHR, the decision of the Court of Appeal, which deemed that the "judge" could not be qualified, according to the relevant legislation, as a "worker", therefore he could not benefit from the so-called whistleblowing protections, i.e. a protection recognized to those individuals who, in the exercise of their profession, report crimes; and the decision of 24.9.2019, in which the Court finds the illegitimacy of the suspension of the Parliament's activities by the Government of the Prime Minister Johnson; the decision of the *England and Wales Court of Appeal* of 2.10.2019, in the matter of processing of personal data and compensation for the violation, by Google, of the norms on the conservation of personal data, in the light of article 8 of the EU Charter of Fundamental Rights; and the decision of 21.8.2019, in which the Court deems legitimate the prohibition to protest, outside health clinics where abortion is practised, for the protection of women's right to self-determination, pursuant to article 8 of the ECHR; the decision of the *England and Wales High Court* of 3.10.2019, in which the Court confirms the legitimacy, in the light of article 14 of the ECHR, of equalization between men and women of the pension age; the decision of 25.9.2019, in which the Court states that a FTM person, whose gender is recognized as male and who has given birth to a child, must in any case be registered as mother in the birth certificate; and the decision of 4.9.2019, on the compatibility of computer systems of facial recognition with the protection of personal data; the decision of the *Upper Tribunal* (Immigration and Asylum Chamber) of 14.10.2019, in which the Court, in a proceeding in matter of family reunification, according to the Immigration (European Economic Area) Regulations 2006, established that Northern Ireland citizens must consider themselves as British nationals from the birth, unless they renounce: the Court established that the norms of the Good Friday Agreement 1998 in the matter of citizenship – according to which all the people of Northern Ireland have the birthright to identify themselves and be accepted as Irish or British or both, as they may so choose – are not automatically

applied in the national legal system in absence of an explicit norm; and a decision of 10.4.2019, with regard to the right to appeal against the denial of a permit of stay for foreign cohabitants with and/or relatives dependant on citizens of the European Economic Area;

- **Ireland:** the decision of the *Court of Appeal* of 30.7.2019, on the interpretation of the concept of “dependent relative” in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of Member States, which applies the jurisprudence of the Court of Justice; and the decisions of the *High Court* of 18.10.2019 and of 20.9.2019, which found the invalidity of EU Ministry Regulations (Environmental Impact Assessment) (Peat Extraction) Regulations 2019 and Planning and Development Act 2000 (Exempted Development) Regulations 2019 because in contrast with EU Directive on environmental impact assessment and with “Habitat Directive”, recalling the jurisprudence of the Court of Justice;
- **Italy:** the decision of the *Corte costituzionale* n. 222/2019 of 24.10.2019, on *ne bis in idem*, which recalls the jurisprudence of the Court of Strasbourg and article 50 of the EU Charter of Rights; and the decision n. 221/2019 of 23.10.2019, on the refusal to a couple of married women to access to medically assisted procreation, which excludes the violation of the ECHR by the Italian legal system; the decision of the *Corte di cassazione* n. 41736/2019 of 10.10.2019, in the matter of renewal of the trial, which examines the jurisprudence of the Court of Strasbourg; the decision n. 24698/2019 of 3.10.2019, which, in the matter of applicability of *ius superveniens* in a tax proceeding, examines the guideline of the Court of Strasbourg; the decision n. 24779/2019 of 3.10.2019, in the matter of retroactive civil norms, which examines the jurisprudence of the Court of Strasbourg; the decision n. 24224/2019 of 30.9.2019, on article 6 of the ECHR and on its importance at a European level; and the decision n. 24082/2019 of 26.9.2019, on *ne bis in idem*, which recalls the guideline of the two European Courts; and the order of the *Tribunale di Padova* of 4.10.2019, in the matter of surveillance of workers through detective agencies, which recalls the jurisprudence of the Court of Strasbourg;
- **Latvia:** the decision of the *Satversmes Tiesa* (Constitutional Court) of 23.4.2019, in the matter of right to education, which found the constitutional illegitimacy of Sections 2 (“Amendments to the General Education Law”) and 3 (“Amendments to the Education Law”) of the law of 22 March 2018 with regard to the regulation of the teaching language in local and State schools, also recalling article 2 of the First Additional Protocol to the ECHR and the jurisprudence of the Court of Strasbourg;
- **Norway:** the decision of the *Høyesterett/Høgsterett* (Supreme Court) of 10.9.2019, which deemed applicable article 311 of the Criminal Code, concerning the depiction of sexual abuse of children or depiction which “sexualises” children, to the import of an inflatable doll with a minor’s features: the Court rejected the claimant’s objections based on the incompatibility of such norm with article 7 of the ECHR (*Nulla poena sine lege*);
- **Portugal:** the decision of the *Tribunal Constitucional* n. 498/2019 of 26.9.2019, which, also recalling the jurisprudence of the Court of Strasbourg, rejected the claim lodged against articles 7, 8 and 9 of law 5/2002 – concerning the confiscation of goods, following the conviction, which are supposed to be the gain of the criminal activity – and founded on the violation of the principle of presumption of innocence in virtue of the reversal of the burden of proof; and the decision n. 464/2019 of 18.9.2019, which judges on the constitutional legitimacy of articles 3 and 4 of organic law 4/2017 on the access to basic data and data on the location of devices, as well as traffic data, by intelligence services (*Serviço de Informações de Segurança* (SIS) and *Serviço de Informações Estratégicas de Defesa* (SIED)), recalling the EU legislation relevant in such matter, the norms of the EU Charter of Fundamental Rights, the ECHR and the jurisprudence of the Courts of Strasbourg and Luxembourg;
- **Spain:** the decision of the *Tribunal Supremo* of 14.10.2019, which sentenced Oriol Junqueras Vies, former vice-president of the *Generalitat de Catalunya* and president of the political party *Esquerra Republicana de Catalunya* (ERC), and 8 other Catalan political leaders to sanctions between 9 and 13 years’ imprisonment for the crimes of

sedition and embezzlement (sentencing 3 other accused persons to one year and eight months' interdiction for the crime of disobedience), with regard to the facts of autumn 2017 linked to the referendum for the autonomy of Catalonia; with an order of 14.10.2019, the Court issued a new European and International arrest warrant against Carles Puigdemont, former president of *Generalitat*, for the same crimes; and the decision of 11.9.2019, on the unfairness of a clause of anticipated resolution (*cláusula de vencimiento anticipado*) included in a reverse mortgage contract, which applies Directive 93/13/EEC, on unfair terms in consumer contracts and the jurisprudence of the Court of Justice.

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

Notes and comments:

[Roberto Conti](#) "Ruggeri, common judges and interpretation"

[Interview by Roberto Conti to Giovanni Fiandaca](#) "Life imprisonment without hope: throw away the keys or think?"

[Francesco Florit](#) "Rule of Law o Rule of Courts?"

[Piero Gaeta](#) "Wittgenstein's ladder: dialogues between Courts, common judge and *primauté* of the Constitutional Court"

[Giuseppe Santalucia](#) "Comment on the decision n. 41736 of 2019 of the Italian Court of Cassation"

[Lucia Tria](#) "Interpretation of the decisions of the EU Court of Justice and of the ECHR"

[Andrea Venegoni](#) "Comment on the decision n. 24698/2019 of the Italian Court of Cassation"

Reports:

[Speech by Chantal Arens, first President of the French Court of Cassation](#), at the opening of the Conference of the Presidents of the Supreme Courts of the Member States of the Council of Europe of 12 and 13 September 2019

[Elena Boghetic](#) "Merits decision in civil matters by the Supreme Courts"

[Speech by François Molins, attorney general at the French Court of Cassation](#), at the opening of the Conference of the Presidents of the Supreme Courts of the Member States of the Council of Europe of 12 and 13 September 2019

Documents:

[Special Report by the United Nations' Intergovernmental Panel on Climate Change \(IPCC\)](#) "The Ocean and Cryosphere in a Changing Climate", of 24 September 2019

[Study by the European Foundation for the improvement of Living and Working conditions \(Eurofond\)](#) "Platform work: Maximising the potential while safeguarding standards?", of 23 September 2019