



## OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

### **Newsletter n. 81**

15 July 2020

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 Communication of the European Commission of 20.05.2020, on the Brexit agreement and citizens' rights;
- the Regulation (EU) 2020/672 of 19.05.2020 on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the COVID-19 outbreak.

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

of the **Parliamentary Assembly**:

- the Resolution 2331 of 26.6.2020, "Empowering women: promoting access to contraception in Europe";
- the Resolution 2330 and the Recommendation 2175 of 26.6.2020, "Addressing sexual violence against children: stepping up action and co-operation in Europe";
- the Resolution 2329 and the Recommendation 2174 of 26.6.2020, "Lessons for the future from an effective and rights-based response to the COVID-19 pandemic";

we would like to highlight also the following declarations and decisions:

- the Declaration of the European Committee of Social Rights of 29.6.2020 which, in the matter of right to equal pay, finds violations in 14 countries;
- the Decision of the Committee of Ministers of 4.6.2020, *H46-18 Nasr and Ghali v. Italy*, which encourages Italy to ensure that state secrecy will not be used to hamper the effectiveness of investigations and proceedings into serious human right violations.

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

- 25.06.2020, C-24/19, *A and others () and à Nevele*, on the preventive environmental impact assessment for the installation and operation of wind turbines;
- 25.06.2020, C-36/20 PPU, *Ministerio Fiscal (Autorité susceptible de recevoir une demande de protection internationale)*, on the detention of an irregular third-country national and the request for international protection;

- 25.06.2020, C-380/19, *Bundesverband der Verbraucherzentralen und Verbraucherverbände*, on consumer protection in the event of publication, by a professional, of the general terms of sale contracts or services published on one's website;
- 25.06.2020, joined cases C-762/18, *QH v. Varhoven kasatsionen sad na Republika Bulgaria*, and C-37/19, *CV v. ICCREA Banca SpA*, on workers unlawfully dismissed from their duties and reinstated by a court decision and the exclusion of the right to paid annual leave not taken for the period from the dismissal until reinstatement;
- 18.06.2020, C-78/18, *Commission v. Hungary (Transparence associative)*, on national rules imposing on associations receiving financial support sent from other Member States or from third countries legally binding obligations of registration, declaration and publication which can be enforced and on right to freedom of association, to the respect for private life and the protection of personal data;
- 18.06.2020, C-754/18, *Ryanair Designated Activity Company*, on the right of a third-country national, who is a relative of a Union citizen, to entry in a Member State;
- 11.06.2020, C-634/18, *Prokuratura Rejonowa w Słupsku*, on minimum provisions on the constituent elements of criminal acts and penalties involving illicit drug trafficking, on the principle of equality and of non-discrimination and on the principle of legality of criminal offences and penalties;
- 11.06.2020, C-581/18, *ÜV Rheinland LGA Products and Allianz IARD*, on insurance against civil liability and the prohibition of discrimination on grounds of nationality;
- 04.06.2020, C-588/18, *FETICO and others*, on the protection of the safety and health of workers, on weekly rest period and annual leave.

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

- 25.06.2020, Grand Chamber judgment, *S.M. v. Croatia* (n. 60561/14), on the shortcomings in the Croatian authorities' investigations into the case of forced prostitution of the applicant;
- 25.06.2020, *Stavropoulos and others v. Greece* (n. 52484/18), on the practice of certain registry offices in Greece indicating on birth certificates when a child is named by a civil act and not by christening, in violation of the family's right not to have to manifest their religious beliefs;
- 25.06.2020, *Miljević v. Croatia* (n. 68317/13), on the violation of the freedom of expression of the accused of a criminal proceeding, convicted for defamation following statements the applicant had made in his defence in another set of proceedings;
- 25.06.2020, *Tempel v. Czech Republic* (n. 44151/12), on the right to a fair trial, with regard to the repeated remittal of a murder case;
- 25.06.2020, *Moustahi v. France* (n. 9347/14), on the case of some children unlawfully entered in Mayotte, placed in administrative detention together with adults, arbitrarily associated with one of them for administrative purposes and expeditiously returned to the Comoros without a careful and individual examination of their situation, in violation of several articles of the Convention (articles 3, 5, 8, and article 4 of Protocol n. 4);
- 25.06.2020, *Ghoumid and others v. France* (n. 52273/16, 52285/16, 52290/16, 52294/16 and 52302/16), on the case of five individuals, who were convicted of participation in a criminal conspiracy to commit an act of terrorism and after serving their sentences, they were stripped of their French nationality;
- 23.06.2020, *Omorefe v. Spain* (n. 69339/16), on the inability for a mother to retain contact with her son, who had been fostered and then adopted without her consent;
- 23.06.2020, *Vladimir Kharitonov v. Russia* (n. 10795/14), *Flavus and others v. Russia* (n. 12468/15, 23489/15 and 19074/16), *Bulgakov v. Russia* (n. 20159/15), and *Engels v. Russia* (n. 61919/16), on the block of websites in violation of the right to freedom of expression;
- 16.06.2020, *Boljević v. Serbia* (n. 47443/14), on the unlawful refusal to reopen the paternity proceeding dating back forty years;
- 11.06.2020, *Baldassi and others v. France* (n. 15271/16, 15280/16, 15282/16, 15286/16, 15724/16, 15842/16 and 16207/16), on the violation of the right to freedom

- of expression for the criminal conviction of activists involved in the BDS campaign boycotting products imported from Israel;
- 09.06.2020, *Erliche and Kastro v. Romania* (n. 23735/16 and 23740/16), on the non-violation of the right to freedom of thought, conscience and religion by the Romanian authorities, who provided sufficient resources for "Kosher" meals to meet the needs of two Jewish prisoners;
  - 09.06.2020, *Drašković v. Montenegro* (n. 40597/17), according to which the authorities breached the right to private and family life of a widow, who wished to exhume the husband's remains and move them to Bosnia and Herzegovina;
  - 02.06.2020, *N.T. v. Russia* (n. 14727/11), according to which Russia should modify the reform of the legislation which automatically places life prisoners under strict imprisonment regime;
  - 02.06.2020, *A and B v. Romania* (n. 48442/16), on the non-violation of the right to life with regard to the witness protection program;
  - 02.06.2020, *Association Innocence en Danger and Association Enfance et Partage v. France* (n. 15343/15 and 16806/15), on the inadequate measures taken by the French authorities to protect an eight-year old child from parental abuse;
  - 28.05.2020, *Farzaliyev v. Azerbaijan* (n. 29620/07), on the conviction to pay compensation in civil proceedings on the base of a criminal proceeding of which he had not been promptly informed;
  - 26.05.2020, *Makuchyan and Minasyan v. Azerbaijan and Hungary* (n. 17247/13), according to which the authorities of Azerbaijan – who should have executed the conviction, pronounced abroad, against an officer for the crime of racial hate – unlawfully decided to give the applicant, upon his return, the presidential pardon and to promote him;
  - 26.05.2020, *Aftanache v. Romania* (n. 999/19), on the lack of an effective investigation into the refusal by the ambulance paramedics to administer usual insulin treatment to a diabetic in precarious condition, and on the arbitrary and unlawful police custody for six hours;
  - 26.05.2020, *P.T. v. Republic of Moldova* (n. 1122/12), on the unnecessary disclosure of sensitive information in a certificate, which could be requested in a variety of situations;
  - 26.05.2020, *Mándli and others v. Hungary* (n. 63164/16), on the lack of sufficient safeguards with regard the decision to suspend the applicants' Parliament accreditation as journalists, after they had tried to interview deputies outside the designated areas for such work;
  - 14.05.2020, *Mraović v. Croatia* (n. 30373/13), on a rape proceeding, which was held *in camera*, in order to protect the victim, although she had given interviews in national newspapers;
  - 14.05.2020, *Hirtu and others v. France* (n. 24720/13), on the clearance of a Roma encampment where the applicants had been unlawfully living for six months and on the disproportion of the measure;
  - 12.05.2020, *Sudita Keita v. Hungary* (n. 42321/15), on the protracted obstructionism to regularise a stateless person;
  - 12.05.2020, *Korostelev v. Russia* (n. 29290/10), on the reprimand received by a Muslim prisoner, who prayed during the night, in violation of the penitentiary regulation;
  - 07.05.2020, *Vardosanidze v. Georgia* (n. 43881/10), on the death from carbon monoxide poisoning following the reconnection of improperly installed gas-operated water heater despite the warning from the gas company;
  - 05.05.2020, *Kövesi v. Romania* (n. 3594/19), on the impossibility for the public prosecutor to challenge her revocation, ordered after she had criticized some legislative changes in corruption law;
  - 05.05.2020, *Ignatencu and Romanian communist party (PCR) v. Romania* (n. 78635/13), on the rejection by the courts of the application to register the political group as a political party, considered as the continuation of the communist party, which was disbanded in 1989 because of its totalitarian regime;

and the advisory opinion:

- 29.5.2020, requested by the Armenian Constitutional Court (n. P16-2019-001), on the use of "legislation by referral" for the definition of an offence and on the criteria in order to compare criminal law at the time of the fact and the one into force after.

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

- the decision of the *United States District Court for the District of Columbia* of 30.6.2020, which quashed the interim final rule "Asylum Eligibility and Procedural Modifications", jointly issued on 16 July 2019 by the Department of Justice and the Department of Homeland Security, aiming at disqualifying aliens arriving at the southern border from receiving asylum unless they have already unsuccessfully sought similar protection in another country;
- the decision of the *Supreme Court of the United States* of 29.6.2020, which found the constitutional illegitimacy of the "Louisiana's Act 620", where it provided for the obligation for doctors, who practice abortion, to have "admitting privileges" in a nearby hospital, not more than 30 miles away from the clinic where the abortion was practiced, since it amounted to an unjustified obstacle to the right to abortion; the decision of 18.6.2020, which judged against the decision of the Department of Homeland Security of 2017 to cancel the program "Deferred Action for Childhood Arrivals" ("DACA"), which allows irregular immigrants, arrived in the United States as children, to request the postponement of their expulsion and obtain a work permit; and the decision of 15.6.2020, according to which the norms of the Title VII of the Civil Rights Act of 1964 aiming at prohibiting any form of discrimination at the workplace on grounds of sex may be applied also in the event of dismissal of a person for being gay or transgender.

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

- **Belgium:** the decision of the *Cour constitutionnelle* n. 81/2020 of 4.6.2020, which, also recalling the ECHR and the jurisprudence of the Court of Strasbourg, found the constitutional illegitimacy of article 3 of the Decree of the French Community of 31 March 1994, which defines the neutrality of the Community's teaching, where it allows schools to introduce the prohibition for students to wear clothes, jewelry or badges reflecting a political, philosophical or religious opinion; the decisions n. 80/2020 of 4.6.2020 and n. 38/2020 of 12.3.2020, both on the constitutional illegitimacy of article 4(2) of the law of 19 March 2017, which created a fund for legal aid, which recall the norms of the ECHR and the jurisprudence of the Court of Strasbourg; the decision n. 64/2020 of 7.5.2020, in the matter of filiation and attribution of the surname to the child, also in the light of the norms of the ECHR and of the jurisprudence of the Court of Strasbourg; the decision n. 58/2020 of 7.5.2020, which judges on the constitutional legitimacy of article 330 of the Civil Code, as modified by the law of 19 September 2017, with regard to the concept of fraudulent recognition (in the matter of filiation), i.e. exclusively aiming at obtaining advantages in the matter of right to stay, and the power of the registrar and of the public prosecutor, also applying the jurisprudence of the Court of Strasbourg; the decision n. 41/2020 of 12.3.2020, which partially quashed article 4 of the law of 27 February 1987 on benefits to disabled persons, where it subjected the benefit to the requirement of having been residing for at least 10 years in the State and at least for 5 years consequently, because in contrast with the norms of the Regulation (EC) 883/2004 on the coordination of social security systems; the decision n. 39/2020 of 12.3.2020, in the matter of occupation of other persons' inhabited properties, which also recalls the norms of the ECHR and of the European Social Charter and the jurisprudence of the Court of Strasbourg; and the decision n. 34/2020 of 5.3.2020, which quashed the law of 28 June 2015, amending the law of 31 January 2003 on the progressive phasing out of nuclear energy, which provided for a ten-year postponement of the date established for the decommissioning of certain

nuclear power plants, in the light of the judgment of the Court of Justice *Inter-Environnement Wallonie ASBL* (C-411/17);

- **Bosnia and Herzegovina:** the decision of the *Ustavni sud* (Constitutional Court) of 22.4.2020, which found the constitutional illegitimacy and the contrast with the principles of necessity and proportionality provided for by article 2 of Protocol n. 4 to the ECHR, of the orders adopted by the Federal Civil Protection Headquarters during the COVID-19 emergency and which introduced the ban of circulation for persons under 18 years old and over 65; and the decision of 6.2.2020, which found the constitutional illegitimacy of article 69 of the Law on Enforcement Procedure, where it allowed to sell the entire property, within the enforcement procedure, even without the consent of the co-owner, who is not debtor, also in the light of article 1 of Protocol 1 to the ECHR;
- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court) of 9.4.2020, which judged against the extradition of eight Taiwanese nationals towards China, because of the risk to be subjected to ill-treatment, also recalling article 3 of the ECHR and the jurisprudence of the Court of Strasbourg; and the decision of 5.11.2019, in the matter of distance contracts and consumer protection, in the light of article 38 of the EU Charter of Fundamental Rights, of EU legislation relevant in such matter and the jurisprudence of the Court of Justice;
- **Estonia:** the order of the *Vabariigi Riigikohus* (Supreme Court) of 19.5.2020, which has partially quashed an infrastructural project because of the absence of an adequate environmental impact assessment, recalling Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and the jurisprudence of the Court of Justice;
- **France:** the decision of the *Conseil constitutionnel* of 18.6.2020, partially quashing the law aiming at fighting online hate speech ("*Loi visant à lutter contre les contenus haineux sur internet*"), which recalls Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market; the decision of the *Cour de cassation* n. 365/2020 of 24.6.2020, which rejects the request of a mother to establish the rules of the relationship between the father and the child, born during a 10 years' relationship, also in the light of articles 8 and 14 of the ECHR and of the Convention of New York; the decision n. 909/2020 of 24.6.2020, in the matter of compulsory confiscation, which examines the case also in the light of Protocol n. 1 to the ECHR; and the decision n. 275/2020 of 13.5.2020, in the matter of right to be forgotten, which recalls the jurisprudence of the Court of Justice;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Tribunal) of 19.5.2020, which establishes that foreign nationals cannot be electronically intercepted, neither in Germany nor abroad, recalling the EU Charter of Fundamental Rights; the decision of the *Bundesgerichtshof* (Federal Court of Justice) of 25.5.2020, on the right to compensation in the so-called "Dieselgate", which also recalls Regulation (CE) n. 715/2007 and Directive 2007/46/EC; and the decision of the *Verwaltungsgericht Köln* (Administrative Tribunal of Cologne) of 17.2.2020, in the matter of allocation of 5G frequency bands in Germany, which recalls the jurisprudence of the Court of Justice;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 18.6.2020, on the application, to the relationship between brothers and sisters, of the right to family life, provided for by article 8 of the ECHR; and the decision of 25.3.2020, on the legitimacy, in the light of National norms and of the ECHR, of the support given by the English intelligence to the Americans in the investigation ended with the arrest of a man, who, at the end of the trial in the United States, could be sentenced to death penalty; the decision of the *England and Wales Court of Appeal* of 23.6.2020, in the matter of adoption of a minor, taken into care by the social services, against the parents' will; the decision of 5.6.2020, on the expulsion of a foreign national convicted of assault, and the right to family life; and the decision of 22.5.2020, in which the Court deems legitimate, in the light of the child's best interest, the decision of health authorities to vaccinate the child, even in contrast with the parents' will; the decision of the *England and Wales High Court* of 17.6.2020, on the right to freedom and to safety of a minor detained after his arrest; the decision of 15.6.2020, on the exclusion of some workers from social safety nets following the measures adopted during the covid-19 pandemic,

in the light of the norms of the ECHR in the matter of non-discrimination and right to property; the decision of 21.5.2020, on the compatibility of the requirements for foreign citizens regularly resident in the United Kingdom to have access to welfare measures in favour of families, with the national norms in the matter of non-discrimination and articles 14 and 8 of the ECHR; and the decision of 15.5.2020, on the guarantees provided for by article 6 of the ECHR and the obligations deriving from the Counter-Terrorism and Security Act 2015 to English nationals, to whom was given the possibility to return in the Country after having been arrested abroad; and the decision of the England and Wales Family Court of 20.5.2020, in the matter of surrogacy and children's best interest;

- **Ireland:** the decision of the Supreme Court of 9.6.2020, on the interpretation of the concept of "child", who is not the biological nor adoptive child of the claimant, according to section 56(9) of the International Protection Act 2015 and for the purposes of family reunification, which recalls EU relevant legislation in such matter and the jurisprudence of the Court of Justice; the decision of 2.6.2020, on the correct transposition of Directive 2004/38/EC in the national legal system and on the concept of "partner with whom the Union citizen has a durable relationship", pursuant to article 3(2)(b), also in the light of the jurisprudence of the Court of Justice; and the decision of 24.2.2020, which makes a reference for a preliminary ruling to the Court of Justice with regard to the compatibility of the general regime of storage of personal data, provided for by the Communications (Retention of Data) Act 2011, with EU legislation and in particular with article 15 of Directive 2002/58/EC; the decision of the High Court of 29.5.2020, on the recognition of the right to social assistance (invalidity allowance) in favour of a dependent relative of a Union citizen, in the light of the norms of Directive 2004/38/EC, as interpreted by the jurisprudence of the Court of Justice; and the decision of 24.4.2020, which makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation and application of article 11 of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;
- **Italy:** the decision of the Corte di cassazione n. 15924/2020 of 26.5.2020, which, in the matter of European arrest warrant issued by Poland, invites to the review of the necessary conditions for a fair trial in the light of the principles established by the two European courts and in virtue of the worsening of the situation with regard to the respect of the rule of law in the country; the order n. 8819/2020 of 12.5.2020, on the obligation of interpretation in *bonam partem* of conventional norms, in the case of asylum seekers, which recalls the jurisprudence of the Court of Strasbourg; and the decision n. 14041/2020 of 7.5.2020, on the legitimacy of the confiscation of equivalent assets, despite the extinction of the crime, which recalls the jurisprudence of the Court of Strasbourg with regard to article 7 of the ECHR;
- **Lithuania:** the decision of the Konstitucinis Teismas (Constitutional Court) of 9.3.2020, which found the constitutional illegitimacy of article 47, paragraph 2, of Law on Courts, in the matter of immunity of judges, also recalling the norms of the ECHR and the guidelines adopted by the Council of Europe and the Commission of Venice; and the decision of 18.12.2019, on the constitutional illegitimacy of a resolution of the Parliament aiming at setting up a parliamentary commission of inquiry and the partial annulment of the statutory norms regulating the composition of such commissions, which also recalls the ECHR and the jurisprudence of the Court of Strasbourg;
- **Portugal:** the decision of the Tribunal Constitucional n. 284/2020 of 28.5.2020, which finds the constitutional illegitimacy of article 225(1)(c) of the Criminal Procedure Code, with regard to the burden of proof in the matter of request of compensation after the application of preventive detention followed by the acquittal, also in the light of the norms of the ECHR and of the jurisprudence of the Court of Strasbourg; the decisions n. 269/2020 of 14.5.2020 and n. 152/2020 of 4.3.2020, in the matter of protection of pay claims in the event of insolvency of the employer, which judge on the constitutional legitimacy of certain norms of law 59/2015 concerning the New Regime of the Wage Guarantee Fund (*Novo Regime do Fundo de Garantia Salarial*), recalling Directives 2008/94/EC and 80/987/EEC and the jurisprudence of the Court of Strasbourg; the decision n. 262/2020 of 13.5.2020, in the matter of regulation of child labour and in particular in the matter of participation of the minor to cultural, artistic or advertising

activities, which analyses the national and international legal system, also recalling the norms of the ECHR, the European Social Charter, the EU Charter of Fundamental Rights and Directive 94/33/EC; and the decision n. 129/2020 of 3.3.2020, which found the constitutional legitimacy of article 9(1) and (2) of law n. 178/86, where it allows the non-compete clause, after the end of an agency contract, for a maximum period of two years, also in the light of the norms of Directive 86/553/EEC;

- **Spain:** the decision of the *Tribunal Constitucional* n. 42/2020 of 9.3.2020, in the matter of family reunification, which recalls Directive 2004/38/EC and the jurisprudence of the Court of Justice; the decision n. 30/2020 of 24.2.2020, on the lack of judicial control on the unfairness of clauses included in a mortgage loan, which recalls Directive 93/13/EEC on unfair terms in consumer contracts and the jurisprudence of the Court of Strasbourg; and the decision n. 6/2020 of 27.1.2020, on the violation of the right to freedom of expression and information following the refusal by a prison to a prisoner of the possibility to communicate with a journalist, also in the light of the jurisprudence of the Court of Strasbourg; the decisions of the *Tribunal Supremo* n. 722/2020 and 723/2020 of 10.6.2020, which rejected the claims lodged by Carles Puigdemont i Casamajó and Antoni Comín i Oliveres against, respectively, the decision of the *Junta Electoral Central* of 13 June 2020, with which the transmission of the documents of the declaration of the elected candidates to the European Parliament and the provision of credentials were denied, and the two decisions of the *Junta Electoral Central* of 20 June 2019, with which the claimants' oath of obedience to the constitution was denied and the European Parliament was informed of the vacancy of parliamentary seats and of the suspension of all the prerogatives arising from the mandate; and the order of 4.3.2020, which rejected the claims lodged by Carles Puigdemont i Casamajó and Antoni Comín i Oliveres against the orders of 10 January 2020 of the same court, aiming at requesting the suspension of the parliamentary immunity of the claimants and communicating to the European Parliament the validity of the arrest warrant issued against them; and the decision of the *Audiencia Nacional* of 22.11.2019, on the balance between freedom of expression and information and right to the protection of personal data, in the light of the norms of the EU Charter of Fundamental Rights and ECHR and the jurisprudence of the Courts of Strasbourg and of Luxembourg;
- **Switzerland:** the decision of the *Tribunal fédéral* of 5.5.2020, which rejected the claim on the lack of adoption by the authorities of adequate measures aiming at pursuing the objectives of the Agreement of Paris on climate changes, also excluding the violation of several norms of the ECHR;
- **The Netherlands:** the decision of the *Hoge Raad* (Supreme Court) of 21.4.2020, which, also recalling article 2 of the ECHR, explains the circumstances in which a doctor can practice euthanasia on a patient affected by a serious senile dementia, who had expressed such will in a previous written declaration; and a decision of 17.4.2020, on insolvency, which makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of article 5(1) of Directive 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses; and the decision of the *Rechtbank Rotterdam* (District Tribunal of Rotterdam) of 20.3.2020, which makes a reference for a preliminary ruling to the Court of Justice on the validity of article 4(1) of Directive 2014/40/EU, concerning the methods of measurement of the maximum emission levels for tar, nicotine and carbon monoxide for cigarettes.

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

#### **Articles:**

[Antonio Randazzo](#) "The 'meta-principle' of maximization of protection of rights"

[Franco De Stefano](#) "European Union law and constitutional traditions in the dialogue between Courts"

[Sergio Galleano](#) "Precarious work before the Court of Justice. A European laboratory for the protection of work"

[Stefano Visonà](#) "«Increasing guarantees» again to the test"

### **Notes and comments:**

[Elena Boghetic](#) "Comment to the decision of the E.U. Court of Justice, First section, 25 June 2020"

[Gabriella Cappello](#) "Comment to the decision of the ECHR on the case *I. and E. v. Moldavia*"

[Alessandro Centonze](#) "Comment to the decision of the ECHR in the case *SM v. Croatia*"

[Gaetano De Amicis](#) "Comment to the decision of the European Union Court of Justice (Fourth Section) – 11 March 2020 – Pres. M. Vilaras – SF (case C-314/18)"

[Francesca Episcopo](#) "Horizontal effectiveness of fundamental rights subjected to examination by the German Federal Court. Brief notes to some recent decisions of the *Bundesverfassungsgericht*"

[Calogero Ferrara](#) "Victims of torture during the war in the former Yugoslavia: a very important decision of the UN Committee against torture on the responsibility of the State"

[Gabriella Luccioli](#) "The preventive opinion of the ECHR and Italian law in the matter of surrogacy: a non-existent conflict or a conflict which was never solved by the Court of Cassation?"

[Debora Tripiccione](#) "Comment to the decision of the ECHR in the case *Erlich and Kastro v. Romania*"

### **Reports:**

[Lucia Tria](#) "Right to life, right not to be subjected to torture, inhuman and degrading treatment, forced labour and not to be enslaved with regard to migrants"

[MEDEL](#) – Magistrats Européens pour la Démocratie et les Libertés "Justice and Challenges in Times of Pandemic in Europe"

### **Documents:**

[Report to the Parliament 2020](#) by the National Guarantor for the rights of persons detained or deprived of liberty, of 26 June 2020

[Annual Report by the United Nations High Commissioner for Refugees](#) (UNHCR) "Global Trends – Forced Displacement in 2019", of 18 June 2020