



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 87

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

- 22.06.2021, C-719/19, *Staatssecretaris van Justitie en Veiligheid (Effets d'une décision d'éloignement)*, on the right of a Member State national, subjected to a removal measure, to enjoy a new right of residence in the territory of the Member State only after having really ended his residence in such territory;
- 22.06.2021, C-718/19, *Ordre des barreaux francophones and germanophone and others (Mesures préventives en vue d'éloignement)*, on the removal of a Union national and his relatives on grounds of public policy or public security, and on restrictions to the right to move and reside justified when adopted exclusively with regard to the behaviour of the individual and respecting the principle of proportionality;
- 22.06.2021, C-439/19, *Latvijas Republikas Saeima (Points de pénalité)*, on public access to personal data relating to penalty points imposed for road traffic offences, and on data protection;
- 17.06.2021, C-597/19, *M.I.C.M.*, on the systematic registration of persons' IP addresses, and the communication of their names and mail addresses to the holder of intellectual rights or to a third person in order to allow to apply for compensation;
- 15.06.2021, C-645/19, *Facebook Ireland and others*, on the protection of natural persons with regard to the processing of personal data;
- 10.06.2021, C-94/20, *Land Oberösterreich (Aide au logement)*, on the grant of a housing benefit to third-country nationals, who are long-term residents, and can prove the basic command of the language of the Member State, and on the principle of non-discrimination on grounds of ethnic origin;
- 10.06.2021, C-192/20, *Prima banka Slovensko*, on consumer protection and unfair terms in consumer contracts;
- 10.06.2021, C-609/19, *BNP Paribas Personal Finance*, on the protection of the consumer, who subscribed a mortgage loan agreement denominated in a foreign currency and who ignores the unfairness of a term of the contract;
- 10.06.2021, C-901/19, *Bundesrepublik Deutschland () and individuelles"*, on the conditions for granting subsidiary protection and the concept of "serious and individual threat" to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict;
- 10.06.2021, C-921/19, *Staatssecretaris van Justitie en Veiligheid (Éléments ou faits nouveaux)*, on common procedures for granting and withdrawing international protection;
- 10.06.2021, joined cases C-776/19, C-777/19, C-778/19, C-779/19, C-780/19, C-781/19 and C-782/19, *BNP Paribas Personal Finance*, on consumer protection and unfair terms in consumer contracts;

- 03.06.2021, C-326/19, *Ministero dell'Istruzione, dell'Università e della Ricerca – MIUR and others (Chercheurs universitaires)*, on successive fixed-term employment contracts or relationships for university researchers;
- 03.06.2021, C-624/19, *Tesco Stores*, on equal pay for male and female workers and on the concept of "work of equal value";
- 03.06.2021, C-650/18, *Hungary v. Parliament*, on the European Parliament resolution on a proposal calling on the Council of the European Union to determine the existence of a clear risk, from the Member State, of a serious breach of the values on which the European Union is founded;
- 20.05.2021, C-8/20, *L.R.*, on the application for international protection;
- 18.05.2021, joined cases C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19, *Asociația "Forumul Judecătorilor din România"*, on the mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption.

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

- 11.06.2021, *Yacheva and Ganeva v. Bulgaria* (n. 18592/15 and 43863/15), on the refusal, deemed discriminatory, to give the applicant family-allowance payments, since she was a single mother of children born from an unknown father;
- 27.05.2021, *J.L. v. Italy* (n. 5671/16), on "secondary victimization" of a victim of a gang rape through sexist stereotypes in the judicial decision;
- 27.05.2021, *Jessica Marchi v. Italy* (n. 54978/17), on the termination of the temporary foster placement of a child, which pursued the legitimate aim of protecting the child's interests: according to the Court there was no violation of the Convention;
- 25.05.2021, Grand Chamber judgment, *Big Brother Watch and others v. the United Kingdom* (n. 58170/13, 62322/14 and 24969/15), on the British mass-surveillance regime, deemed in contrast with the Convention, in particular since it does not contain sufficient protections for confidential journalistic material;
- 25.05.2021, Grand Chamber judgment, *Centrum för Rättvisa v. Sweden* (n. 35252/08), on insufficient safeguards in bulk signals-intelligence gathering: according to the Court there is a risk of arbitrariness and abuse;
- 20.05.2021, *Beg S.p.a. v. Italy* (n. 5312/11), on the lack of impartiality of the arbitration panel, because of the close ties of one of its members to a party in a commercial dispute;
- 20.05.2021, *Amaghlobeli and other v. Georgia* (n. 41192/11), according to which the journalists are not released from the duty to obey the law when investigating: the Court found that the right to freedom of expression was not violated;
- 20.05.2021, *Lapshin v. Azerbaijan* (n. 13527/18), on the failure to conduct an effective investigation and to provide a satisfactory and convincing explanation;
- 18.05.2021, *Valdís Fjölnisdóttir and others v. Iceland* (n. 71552/17), on the refusal to recognize the parental link between a minor born abroad via surrogacy and the parents, who are not biologically related to him, but in presence of a family life in the applicants' relationship: according to the Court the right to the respect for family life was not violated;
- 18.05.2021, *Öğreten and Kanaat v. Turkey* (n. 42201/17 and 42212/17), on pre-trial detention of two journalists who published on *Wikileaks* emails from the account of the then Turkish Energy Minister;
- 18.05.2021, *Manzano Diaz v. Belgium* (n. 26402/17), on the Advocate-general's submissions presented for the first time orally at the hearing, without having been sent to the applicant in advance;
- 18.05.2021, *Ibrahim Tokmak v. Turkey* (n. 54540/16), *Naki and Amed Sportif Faaliyetler Kulübü Derneği v. Turkey* (n. 48924/16), and *Sedat Doğan v. Turkey* (48909/14), on sports and financial sanctions imposed, without adequate reasoning, by the Turkish Football Federation on account of statements to the media or posted on social media: according to the Court there was violation of the Convention;

- 11.05.2021, *Penati v. Italy* (n. 44166/15), on the proceeding related to the murder of a child committed by the father during a meeting organised by the authorities: according to the Court there was no violation of the Convention;
- 11.05.2021, *Caamaño Valle v. Spain* (n. 43564/17), on the deprivation of the right to vote of a person with a mental disability, justified on the basis of a thorough and individualised assessment carried out by National jurisdictions;
- 11.05.2021, *Kilin v. Russia* (n. 10271/12), on the case of a second instance hearing in camera: according to the Court article 6 of the Convention was violated;
- 07.05.2021, *Xero Flor w Polsce sp. z o.o. v. Poland* (n. 4907/18), on the ascertained serious irregularities, which influenced the election to the Constitutional Court of a judge who had been on the bench which had examined the claim to the Constitutional Court lodged by the applicant company;
- 27.04.2021, *Tókéš v. Romania* (n. 15976/16 and 50461/17), in which the Court found that the judicial decisions failed to examine the facts in depth and lacked sufficient reasoning with regard to the violation of the right to freedom of expression of the applicant, who is a politician and belongs to the Hungarian minority in Romania and had been elected as a member of the European Parliament in respect of Hungary;
- 22.04.2021, *F. O. v. Croatia* (n. 29555/13), on the reaction, found inappropriate, of national authorities with regard to harassment by a high school teacher against a student;
- 20.04.2021, *Kuzmina and others v. Russia* (n. 66152/14), on the issue of the norms concerning undercover agents: the Court found the violation of the Convention and established that the State must reform the investigation procedures;
- 15.04.2021, *K.I. v. France* (n. 5560/19), on a case of expulsion of a refugee whose status had been revoked, in which the Court found the violation of article 3 of the Convention.
- 13.04.2021, *Murat Aksoy v. Turkey* (n. 80/17), which recognizes the violation of the Convention (right to freedom and security and right to freedom of expression) because of the preventive detention of the applicant, the journalist Murat Aksoy, following the publication of several articles criticizing the Government;
- 13.04.2021, *Ahmet Hüsrev Altan v. Turkey* (n. 13252/17), on the denial of the right to access to the case file, which restricted the possibility for him to effectively challenge the allegations against him and dispute the preventive detention;
- 13.04.2021, *E.G. v. Republic of Moldova* (n. 37882/13), on the failure to enforce the sentence imposed on a sex offender: the Court found the violation of articles 3 and 8 of the Convention;
- 08.04.2021, Grand Chamber judgment, *Vavříčka and others v. the Czech Republic* (n. 47621/13 and other five), on the first judgment of the Court on compulsory childhood vaccination: the Court found the violation of the Convention.
- 06.04.2021, *Venken and others v. Belgium* (n. 46130/14 and other four), in which the Court reviews the progress since its *W.D v. Belgium* pilot judgment: the 5 applications related to the compulsory confinement of the applicants in the psychiatric wings of ordinary prisons. The applicants alleged that they had not received therapeutic care that was appropriate to their mental-health condition and complained of the lack of an effective remedy in order to bring about a change in their situation;
- 06.04.2021, *Handzhiyski v. Bulgaria* (n. 10783/14), on the violation of the right to freedom of expression;
- 06.04.2021, *Tsonyo Tsonev v. Bulgaria (n° 4)* (n. 35623/11), on the right not to be tried or punished twice for the same offence (article 4 of Protocol 7 to the Convention);
- 01.04.2021, *A.I. v. Italy* (n. 70896/17), on the violation of the right to the respect for private and family life caused by the ban on contact between the applicant and her children during adoption proceedings;

and the decisions:

- 22.04.2021, decision of inadmissibility, *Parfitt v. the United Kingdom* (n. 18533/21), concerning the decision of the national court, according to which the withdrawal of

treatment from a five-year old in a permanent vegetative state was not illegal and had been taken in the child's best interest;

- 23.03.2021, decision of inadmissibility, *M.T. v. the Netherlands* (n. 46595/19), on the transfer towards Italy of an asylum seeker and of his underage daughters, in application of the Dublin III Regulation, and considering the recent amendments to the Italian legislation in such matter.

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

- the decision of the Trial Chamber of the *International Residual Mechanism for Criminal Tribunals* of 30.6.2021, case *Prosecutor v. Jovica Stanišić and Franko Simatović*, which sentenced both accused persons to 12 years' imprisonment for crimes against humanity and violations of laws and customs of war committed by Serbian forces after the conquest of the city of Bosanski Šamac in April 1992; and the decision of the Appeals Chamber of 8.6.2021, case *Prosecutor v. Ratko Mladić*, which sentenced the accused person – former Chief of Staff of the Army of Republika Srpska – to life imprisonment for genocide, crimes against humanity and violation of the laws or customs of war;
- the decision of the *United States Court of Appeals for the Fourth Circuit* of 16.6.2021, which confirmed the decision of the District Court of 25 March 2019 on the constitutional illegitimacy of the legislation of North Carolina in the matter of abortion (North Carolina General Statutes § 14-44 and § 14-45);
- the decision of the *High Court of Judicature at Madras* of 7.6.2021, on non-discrimination on grounds of sexual orientation, which outlined temporary guidelines aiming at the recognition and protection of the rights of the LGBTQIA+ community;
- the decision of the *Federal Court of Australia* of 27.5.2021, according to which the Ministry of the Environment has a duty to take reasonable care to avoid personal damages to children, deriving from carbon emissions in the atmosphere, while deciding whether to approve the project of coal extraction;
- the decision of the *Trial Chamber IX of the International Criminal Court* of 6.5.2021, case *The Prosecutor v. Dominic Ongwen*, which sentenced the accused person – former commander of one of the brigades of the Lord's Resistance Army (LRA) – to 25 years' imprisonment for crimes against humanity and war crimes committed in North Uganda between the first of July 2002 and 31 December 2005; the decisions of the *Appeals Chamber* of 31.3.2021, case *Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, which confirmed the acquittal issued by the Trial Chamber against the accused persons of crimes against humanity committed in Cote d'Ivoire in 2010 and 2011; and the decision of 30.3.2021, case *Prosecutor v. Bosco Ntaganda*, which confirmed the decision of the Trial Chamber VI of 8 July 2019, which had sentenced the accused person for war crimes and crimes against humanity committed in the province of Ituri (Democratic Republic of Congo) in 2002-2003;
- the order of the *District Court of Shawnee County, Kansas Division Three* of 7.4.2021, which found the constitutional illegitimacy of the "Senate Bill 95", aiming at prohibiting abortion through the "dilation and evacuation" method (D&E), permanently blocking its application;
- the order of the *United States District Court for the District of South Carolina, Columbia Division* of 19.3.2021, which blocked the execution of the "South Carolina Fetal Heartbeat and Protection from Abortion Act", which provides for, among other norms, the prohibition of abortion whenever the heartbeat is detected;
- the decision of the *Inter-American Court of Human Rights* of 16.2.2021, case *Bernal vs. Perú*, which excludes the responsibility of the State for the violation of the right to an impartial judge and to an effective remedy with regard to a disciplinary proceeding, which led to the destitution of the judge.

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

- **Austria:** the decision of the *Verfassungsgerichtshof* (Constitutional Court) of 10.03.2021, according to which the obligation to give information to health authorities in case of COVID-19 is illegitimate, and it recalls article 8 of the ECHR; and the decision of 10.3.2021, on distance learning, which recalls the ECHR;
- **Belgium:** the decision of the *Cour constitutionnelle* n. 77/2021 of 27.5.2021, on the constitutional legitimacy of certain norms of the Code of Belgian nationality concerning European Union nationals and their family members, in the light of Directive 2004/38/EC and of the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision n. 75/2021 of 20.5.2021, in the matter of environmental impact assessment, which finds the illegitimacy of certain norms of the Walloon Code of territorial development (*Code Wallon du développement territorial*), also in the light of Directive 2001/42/CE; the decision n. 57/2021 of 22.4.2021, of partial annulment of the norms of the law of 29 May 2016 on the collection and conservation of data in the electronic communication sector (*relative à la collecte et à la conservation des données dans le secteur des communications électroniques*), in the light of the jurisprudence of the Court of Justice; and the decision n. 23/2021 of 25.2.2021, which judges on the request of partial annulment of the law of 15 December 1980 on the access to the territory, the residence, the establishment and removal of foreigners, which recalls European legislation, including the norms of the EU Charter of Fundamental Rights, the ECHR and the jurisprudence of the Court of Justice; and the decision of the *Tribunal de première instance francophone de Bruxelles* of 17.6.2021, according to which the respondent parties – the Belgian State, the Flemish Region, the Walloon Region, and the Brussels-Capital Region – in carrying out their environmental policies, violated the claimants’ rights provided for by articles 2 and 8 of the ECHR, for not having adopted all necessary measures in order to prevent the effects of climate changes;
- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court) of 3.11.2020, in the matter of consumers’ protection from non-authorized treatment of personal data, which rejects the claim lodged against the norms of the Law on consumers’ protection (*Zákon o ochraně spotřebitele*), also in the light of article 8(2) of the EU Charter of Fundamental Rights and article 8(2) of the ECHR;
- **France:** the decision of the *Cour de cassation* n. 780 of 22.6.2021 which examines, excluding it, the violation of article 6 of the ECHR concerning the right of the accused person to know in details the alleged facts, starting from the investigation stage, as well as their juridical qualification, which recalls the decision of the Court of Strasbourg in the case *Mattoccia v. Italy*; the preliminary referral order to the Court of Justice n. 402 of 16.6.2021, on a proceeding concerning onerous clauses against consumers; and the decision n. 655 of 4.6.2021, which, in a case of abuse of corporate assets, examines several claims of violation of article 6 of the ECHR; the decision of the *Conseil d’Etat* (Council of State) of 1.7.2021, which requested the Government to adopt supplementary measures, immediately and until 31 March 2022, in order to gain the reduction of greenhouse gas emissions by 40% within 2030, as provided for also by Regulation (EU) 2018/842; the decision of 21.4.2021, on the unlimited and non-selective storage of data for public security reasons, which recalls the most recent decisions of the Court of Justice and article 8 of the EU Charter of Fundamental Rights; and the decision of the *Tribunal administratif de Dijon* (Administrative Court of Dijon) of 11.3.2021, which makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of the norms of Directive 2004/38/EC on the requirement of “sufficient resources” in order to enjoy the right of residence for a period of more than three months;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Tribunal) of 20.5.2021, on the enrollment of a couple of the Frankfurt/Main Jewish community, which recalls article 9 of the ECHR; the order of 29.4.2021, according to which the norms of the Federal Law on climate changes (*Bundes-Klimaschutzgesetz*) are not compatible with the fundamental rights where they do not provide for sufficient guidelines in order to reduce emissions starting from year 2031, and which recalls relevant EU legislation in such matter and the jurisprudence of the Court of Strasbourg and Luxembourg; and another order of 29.4.2021, which rejects the request of execution of the decision of 5 May 2020, by the same Constitutional Court, concerning a

program of purchase of securities of the Central Bank, considering that such decision has already been executed since the *Bundestag* (German Parliament) has examined the documentation produced by the European Central Bank on such securities; the decision of the *Bundesgerichtshof* (Federal Court of Justice) of 18.5.2021, on anti-competitive practices of *Booking.com*, which recalls EU norms in such matter; and the decision of the *Verwaltungsgericht Sigmaringen* (Administrative Tribunal of Sigmaringen) of 10.6.2021, on the prohibition of expulsion of a refugee, which recalls the jurisprudence of the Court of Strasbourg on article 3 of the ECHR;

- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 25.6.2021, in the matter of fair trial and access to justice in the light of article 6 of the ECHR, in a case concerning the execution by Libya of the arbitration decision in favour of an English communication service company; another decision of 25.6.2021, on the conditions to invoke the so-called "lawful excuse" – and therefore the protection of articles 10 and 11 of the ECHR – in the criminal proceeding against a group of demonstrators, who obstructed the highway leading to an arms fair; and the decision of 30.4.2021, on the admissibility of new proof in appeal in a case of extradition, towards a European Union State, in which the person risks inhuman and degrading treatments because of life conditions in prisons; and the decision of the *England and Wales High Court* of 28.5.2021, in which the Court rules that the best interest of a two years' old child coincides with the interruption of invasive medical treatments necessary to keep her alive: the Court states that the religious belief of the parents of the child – which must be considered in view of the decision – cannot prevail onto the scientific evidence of a state of deep distress and absence of brain activity;
- **Ireland:** the decision of *Court of Appeal* of 30.3.2021, on the analysis of the rights provided for by article 8 of the ECHR with regard to a residence application made by a Chinese national staying in the territory of the State with a visitor visa, also in the light of the jurisprudence of the Court of Strasbourg; the decision of the *High Court* of 27.5.2021, which makes a reference for a preliminary ruling to the Court of Justice with regard to the interpretation of article 6(3) of Directive 92/43/EEC (Directive "*Habitat*"), in combination with article 41 of the EU Charter of Fundamental Rights; the decision of 19.5.2021, on the identification of the users of an account, which makes a reference for preliminary ruling to the Court of Justice with regard to the interpretation of articles 7, 8 and 11 of the EU Charter of Fundamental Rights and of the norms of the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR); the decision of 14.5.2021, which rejected the claim lodged by Facebook against the decision of the Data Protection Commission to start an investigation, pursuant to the "Data Protection Act 2018" and following the decision "*Schrems II*" of the Court of Justice, in the matter of transfer of personal data by the undertaking; the decision of 30.4.2021, which admits the claim lodged by a Somali national, who enjoyed the right to asylum in Hungary, against the order of expulsion issued on grounds of the absence – amongst other things – of an assessment on the respect of fundamental rights in the country of destination (Hungary), also pursuant to article 3 of the ECHR; the decision of 23.4.2021, on the correct qualification of the minutes of the meetings of the Government in view of the application of the norms of Directive 2003/4/EC on public access to environmental information, which makes a reference for a preliminary ruling to the Court of Justice concerning the interpretation of article 4 of such Directive; and the decision of 19.3.2021, on the legitimacy of the extradition arrangements post "*Brexit*", also in the light of the relevant norms of EU Treaties;
- **Italy:** the decision of the *Corte costituzionale* n. 126/2021 of 21.6.2021, on the alleged violation (excluded by the Court) of the Italian law on basic income concerning the suspension of the right to such benefit in the event of preventive detention, in the light of the EU Charter of Fundamental Rights and of article 6 of the ECHR; and the order n. 97/2021 of 11.5.2021, on the so-called "life imprisonment without parole": the Charter postponed the hearing to 22 May 2022 in order to give the Parliament the opportunity to adopt a measure capable of balancing the rights of the accused persons and the need of security, recalling the guideline of the Court of Strasbourg; the decision of the *Corte di cassazione* n. 13533/2021 of 18.5.2021, which, within a procedural question,

- finds more appropriate a clearer interpretation also in the light of the principle of certainty of law in combination with article 6 of the ECHR and of the Court of Justice guideline; and the decision n. 12392/2021 of 11.5.2021, which recalls articles 7 of the ECHR and 47 of the EU Charter of Fundamental Rights in a case of *ius superveniens*; the order of the Tribunale di Torino (Court of Turin) of 22.6.2021, which finds discriminatory the exclusion of third-country nationals, without long-term residence permits, from the benefit for rents, which recalls the EU Directives in the matter of migrants' rights to social assistance; the decision of the Tribunale di Milano (Court of Milan) of 28.5.2021, which, in a case of illegitimate collective dismissal, orders the reinstatement, recalling Directive 98/59/EC, the principles outlined by the Court of Justice on dissuasiveness of penalties aiming at fulfilling the purpose of the Directive and article 30 of the EU Charter of Fundamental Rights; and the decree of 11.5.2021, which found the illegitimacy of the application of the redundancy fund to a disabled worker even in presence of reasonable alternatives, recalling the Convention of New York and Directive 2000/78/EEC;
- **Portugal:** the decision of the Tribunal Constitucional n. 354/2021 of 27.5.2021, in the matter of non-retroactivity of criminal law, which finds the constitutional illegitimacy of the norms of law n. 103/2015, which transposes Directive 2011/93/EU, which provided for the registration on the criminal record, in view of their identification as convicted of crimes against sexual self-determination and minors' sexual freedom, of the persons sentenced before the entry into force of the law, also recalling the jurisprudence of the Court of Strasbourg; the decision n. 318/2021 of 18.5.2021, which rejects most part of the claim lodged against certain articles of the Labour Code, as modified by law n. 93/2019, with regard the extension of the probationary period to 180 days (article 112), the circumstances which may allow very short term contracts (article 142), and the termination of the validity of collective contracts after the extinction of the contracting associations (article 502), also recalling article 30 of the EU Charter of Fundamental Rights and Directives (EU) 2019/1152 and 1999/70/EC; the decision n. 298/2021 of 13.5.2021, in the matter of *ne bis in idem* in the event of the combination of criminal and administrative offences, which also applies the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision n. 175/2021 of 6.4.2021, in the matter of right to appeal against the decisions issued by administrative bodies with regard to competition law, which recalls the ECHR; and the decision n. 123/2021 of 15.3.2021, which found the constitutional illegitimacy of the Parliament Decree n. 109/XIV on medically assisted death, on the basis of non-compliance with the principle of certainty of the conditions provided for by article 2(1) in order to deem medically assisted death as not punishable by criminal law, also recalling the norms of the ECHR and the jurisprudence of the Court of Strasbourg;
 - **Spain:** the decisions of the Tribunal Constitucional of 11.5.2021 and of 22.4.2021, with which the Court rejects the claims lodged, respectively, by Josep Rull i Andreu and Jordi Turull i Negre against the decision of the Supreme Tribunal of 14 October 2019, which sentenced them for the crimes of riot and embezzlement (the second one only concerning Jordi Turull) with regard to the facts of Autumn 2017 connected to the referendum for the autonomy of Catalonia, also recalling the jurisprudence of the Courts of Strasbourg and Luxembourg; the decision of 10.5.2021, on the balance between freedom of expression and right to honour, which also recalls the jurisprudence of the Court of Strasbourg; the decision of 15.3.2021, which, within a disciplinary proceeding ended with the temporary suspension from work of the claimant, finds the violation of the prohibition of discrimination on grounds of disability, also recalling EU legislation and the jurisprudence of the Courts of Strasbourg and Luxembourg; and the decision of 15.2.2021, on the right to non self-incrimination, which analyses the jurisprudence of the Court of Strasbourg in such matter;
 - **The Netherlands:** the decision of the Rechtbank Den Haag (District Court of the Hague) of 26.5.2021, which ruled that Royal Dutch Shell must reduce carbon emissions by 45%, from 2019 levels, by 2030.

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

Articles:

[Giuseppe Bronzini](#) "Ban on dismissals in Italy and its compatibility with union law"

[Giuseppe Bronzini](#) "Minimum wage in the post pandemic scenery. What can we learn from the crisis?"

[Sergio Galeano](#) "Working time and worker's on call duties, the Court of Justice on 9 March 2021 defines the scope of Directive 2003/88"

Notes and comments:

[Roberta Barberini](#) "Ryanair's airplane hijacked from Belarus"

[Marina Castellaneta](#) "*Bundesverfassungsgericht*, belly button of sovereigntism or flywheel for a supportive Europe?"

[Rossella Catena](#) "Comment on the ECHR decision, Fifth section, 1 April 2021, Sedletska against Ukraine"

[Alessandro Centonze, Deborah Tripiccion](#) "Comment on the ECHR decisions, case Centrum för rättvisa v. Sweden, 25 May 2021, claim n. 164/2021; ECHR, Grand Chamber, Big Brothers Watch and others v. the United Kingdom, 25 May 2021"

[Linda D'Ancona](#) "Secondary victimisation: the ECHR decision"

[Maria Laura Lepore, Fausta Fanizza](#) "Humanitarian protection still subjected to examination by the United Sections"

[Stefano Giubboni, Nicole Lazzerini](#) "Social assistance of foreigners and strange doubts of the Court of Cassation"

[Filipe Marques](#) "Defence of the rule of law in Europe, dialogue between Tribunals and the populist trap"

[Giuseppe Martinico, Leonardo Pierdominici](#) "Reconsider Cilfit? Comparative considerations on the conclusions of the Advocate General Bobek in the case *Conorzio Italian management*"

[Gualtiero Michelini](#) "Dublin, Luxembourg, Brussels. The Italian Courts question the EUCJ on the criteria for the identification of the EU State competent in the matter of claims for international protection"

[Paolo Ponzano](#) "Reform of the European Union: from European Union to Federal Union"

Documents:

[Proposal of amendment to the Rome Statute of the International Criminal Court](#) by the Independent Expert Panel for the Legal Definition of Ecocide in order to include the crime of ecocide, of 22 June 2021

[Report of the United Nations High Commissioner for Human Rights](#) "Lethal Disregard: Search and rescue and the protection of migrants in the central Mediterranean Sea", of 25 May 2021

[Annual Report 2021 by the Secretary General of the Council of Europe](#) "State of Democracy, Human Rights and the Rule of Law – A democratic renewal for Europe", of 11 May 2021

[Report by the Council of Europe Commissioner for Human Rights](#) "A distress call for human rights. The widening gap in migrant protection in the Mediterranean", of 9 March 2021