



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

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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 Regulation (EU) 2024/1689 of 13.06.2024 laying down harmonised rules on artificial intelligence;
- the Annual Report 2024 of the European Union Agency for Fundamental Rights of 05.06.2024;
- the Report of the European Union Agency for Fundamental Rights of 26.03.2024 "European Arrest Warrant proceedings. Room for improvement to guarantee rights in practice";
- the Regulation (EU) 2024/982 of 13.03.2024 on the automated search and exchange of data for police cooperation.

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

- 29.07.2024, C-202/24, *Alchaster*, on the execution of a European arrest warrant issued by a court of the United Kingdom and on the respect for the principle of legality;
- 29.07.2024, joined cases C-112/22 and C-223/22, *CU (Assistance sociale - Discrimination indirecte)*, on the access of third-country nationals, who are long-term residents, to social security, social assistance and social protection measures;
- 11.07.2024, joined cases C-554/21, C-622/21, C-727/21, *Hann-Invest*, on the decision of the court and on the independence of judges;
- 11.07.2024, C-196/23, *Plamaro*, on the application of the directive on collective redundancies also in the event of the employer's retirement;
- 27.06.2024, C-284/23, *Haus Jacobus*, on the time limit for a worker, who became aware of her pregnancy after the expiry of that term, for bringing an action challenging her dismissal;
- 25.06.2024, C-626/22, *Ilva and others*, on the measures for the protection of the environment and human health, on the right to a clean, healthy and sustainable environment and on health protection;
- 20.06.2024, C-296/23, *dm-drogerie markt*, on advertising on biocidal products, on health and environment protection;
- 18.06.2024, C-753/22, *Bundesrepublik Deutschland (Effet d'une décision d'octroi du statut de réfugié)*, on the application for international protection and on the risk of inhuman and degrading treatments;
- 18.06.2024, C-352/22, *Generalstaatsanwaltschaft Hamm (Demande d'extradition d'un réfugié vers la Turquie)*, on the recognition of the status of refugee and on the prohibition of extradition towards the country of origin;

- 11.06.2024, C-646/21, *Staatssecretaris van Justitie en Veiligheid (Femmes s'identifiant à la valeur de l'égalité entre les sexes)*, on the requirements for granting the status of refugee;
- 30.05.2024, C-400/22, *Conny*, on distance contracts concluded by electronic means and on consumer protection;
- 30.05.2024, joined cases C-662/22, C-663/22, C-664/22, C-665/22, C-666/22, C-667/22, *Airbnb Ireland, Amazon Services Europe, Expedia, Google Ireland, Eg Vacation Rentals Ireland, Amazon Services Europe*, on freedom to provide services;
- 16.05.2024, C-27/23, *Hocinx*, on family allowances and equal treatment between resident workers and non-resident workers;
- 14.05.2024, C-15/24 PPU, *Stachev*, on the waiver of the presence or assistance of a lawyer, on admissibility of evidence in a criminal proceeding and on the respect for the rights of the defence and of fairness of the proceeding;
- 08.05.2024, C-53/23, *Asociația "Forumul Judecătorilor din România" (Associations de magistrats)*, on standing of professional associations of judges to bring proceedings, on freedom of association and on the independence of judges;
- 30.04.2024, C-178/22, *Procura della Repubblica presso il Tribunale di Bolzano*, on access to personal data in the electronic communications sector requested by a national authority having competence to prosecute offences of aggravated theft, and on the respect for private life;
- 30.04.2024, C-670/22, *M.N. (EncroChat)*, on the European Investigation Order (EIO) in criminal matters and on gathering evidence;
- 25.04.2024, joined cases C-420/22 and C-528/22, *NW (Informations classifiées)*, on the revocation, for national security reasons, of the permit of stay of a third country national, who raises a child, who is a European Union citizen, and on the right to an effective remedy;
- 25.04.2024, C-484/21, *Caixabank (Délai de prescription)*, on unfair terms in consumer contracts;
- 25.04.2024, C-561/21, *Banco Santander (Départ du délai de prescription)*, on unfair terms in consumer contracts;
- 25.04.2024, joined cases from C-684/22 to C-686/22, *Stadt Duisburg (Perte de la nationalité allemande)*, on the loss of the nationality of a Member State and acquisition of the nationality of a third country and examination of the consequences of the loss of the nationality of the Member State in the light of EU law;
- 18.04.2024, C-359/22, *Minister for Justice (Clause discrétionnaire – Recours)*, on the right to asylum;
- 11.04.2024, C-116/23, *Sozialministeriumservice*, on a Member State national residing and working in another Member State and caring for a family member in the first Member State and on social security;
- 11.04.2024, C-723/22, *Citadines*, on intellectual property and the provision of television sets in a hotel;
- 11.04.2024, C-741/21, *juris*, on the protection of personal data and on the right to compensation for damage caused by data processing that infringes Regulation (EU) 2016/679;
- 09.04.2024, C-582/21, *Profi Credit Polska (Réouverture de la procédure terminée par une décision définitive)*, on consumer protection and on EU principles of sincere cooperation, equivalence, effectiveness and the principle of interpreting national law in conformity with EU law;
- 21.03.2024, C-61/22, *Landeshauptstadt Wiesbaden*, on the compatibility with the respect for private life and the protection of personal data of the obligation for Member States to include two fingerprints in interoperable digital formats in the storage medium of identity cards;
- 21.03.2024, C-714/22, *Profi Credit Bulgaria (Services accessoires au contrat de crédit)*, on consumer credit agreements and on consumer protection;
- 14.03.2024, C-46/23, *Újpesti Polgármesteri Hivatal*, on the power of the national supervisory authority to order the controller or processor to erase unlawfully processed personal data without a prior request from the data subject;

- 14.03.2024, C-536/22, *R Bank Ravensburg-Weingarten*, on credit agreements for consumers relating to residential immovable property and on consumer protection;
- 14.03.2024, C-752/22, *EP (Éloignement d'un résident de longue durée)*, on the status of third-country nationals who are long-term residents and on reinforced protection against expulsion;
- 07.03.2024, C-604/22, *IAB Europe*, on internet and the protection of personal data;
- 05.03.2024, C-755/21 P, *Kočner/ EUROPOL*, on the protection of data and the right to compensation for unlawful treatment;

and for the **General Court** the decision:

- 24.04.2024, T-205/21, *Naass and Sea-Watch/ Frontex*, on access to documents.

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

- 24.09.2024, Grand Chamber judgment, *Fabbri and others v. San Marino* (n. 6319/21, 6321/21 and 9227/21), according to which the fact that no decision was taken in the criminal proceeding on the requests of civil compensation of victims of alleged crimes did not violate the Convention;
- 17.09.2024, *Pindo Mulla v. Spain* (n. 15541/20), on the violation of a woman's right to autonomy, who is a Jehovah's Witness, following blood transfusions decided against her will;
- 03.09.2024, *Shlosberg v. Russia* (n. 32648/22), on the violation of the right to free elections (article 3 of Protocol 1) of a candidate declared ineligible at Duma's elections in 2021 for arbitrary reasons;
- 28.08.2024, *Yasak v. Turkey* (n. 17389/20), in which the Court found that the sentence of the applicant, legally grounded on his belonging to an armed terroristic organization, was foreseeable and his detention conditions were not in violation of the Convention;
- 28.08.2024, *Tsulukidze and Rusulashvili v. Georgia* (n. 44681/21 and 17256/22), on the lack of sufficient guarantees on the impartiality of a judge in some cases concerning dismissals by the Georgian electricity distribution company "Telasi", in violation of article 6(1);
- 28.08.2024, *Pasquinelli and others v. San Marino* (n. 24622/22), according to which the measures imposed on non-vaccinated professional doctors were justified: the Court found the non-violation of the right to private and family life;
- 25.07.24, *Ždanoka v. Latvia (no 2)* (n. 42221/18), according to which the Communist party of the Soviet Union's membership was a legitimate reason for prohibiting a European deputy to stand to the Latvian Parliament: the Court found the non-violation of the Convention;
- 25.07.2024, *Couso Permuy v. Spain* (n. 2327/20), according to which the decision to terminate the investigation on the death of a Spanish journalist in Iraq was not arbitrary;
- 18.07.2024, *Hanovs v. Latvia* (n. 40861/22), which unanimously held that there was violation of articles 3 (prohibition of torture and inhuman or degrading treatments) and 8 (right to the respect for private and family life), combined with article 14 (non-discrimination), in relation to a homophobic attack;
- 18.07.2024, *Djeri and others v. Latvia* (n. 50942/20 and 2022/21), according to which increasing the use of the only State language, Latvian, in compulsory second stage of public and private pre-school education following legislative amendments of 2018 did not lead to discrimination against Russian-speaking pupils;
- 16.07.2024, *Meli and Swinkels Family Brewers N.V. v. Albania* (n. 41373/21 and 48801/21), on the violation of article 6(1) with regard to the lack of grounds in the judgments of the Constitutional Court in two cases: however, according to the Court there was not violation of the Convention in relation to the denied access to the Constitutional Court;
- 09.07.2024, *Savinovskikh and others v. Russia* (n. 16206/19), according to which the termination of custody and foster care agreement of a transgender person in respect of

two minors on account of his diagnosis of “transsexualism” and change of gender identity is in violation of the Convention;

- 09.07.2024, *Selçuk v. Turkey* (n. 23093/20), according to which Turkish authorities did not violate their duties during the suicidal attack in Ankara on 10 October 2015: according to the Court there was no violation of the Convention;
- 04.07.2024, *Rustamkhanli v. Azerbaijan* (n. 24460/16), on the violation of the right to private and family life and of the right to property in a case of search of documents by tax authorities;
- 04.07.2024, *Gravier v. France* (n. 49904/21), in the matter of presumption of innocence: the Court recognized the violation of article 6(2) of the Convention;
- 20.06.2024, *Suprun and others v. Russia* (n. 58029/12), according to which limiting the access to archives on repression during the Soviet era would violate the applicant’s freedom of expression;
- 20.06.2024, *Spišák v. Czech Republic* (n. 13968/22), which deemed discriminatory the different treatment on grounds of age imposed onto persons in pre-trial detention;

and the decisions:

- 19.09.2024, decision of inadmissibility, *Morelli v. Italy* (n. 23984/19), on the obligation for self-employed workers, who manage their own business, to sign on two social security systems of the National Social Security: according to the Court, the intervention by the legislator was legitimate for overriding reasons in the general interest of protection of the State’s financial stability, and therefore the application pursuant to article 6 was manifestly unfounded;
- 12.09.2024, decision of inadmissibility, *Longo v. Italy* (n. 35780/18), according to which, in the Italian legal system, the order to demolish an illegal construction has a remedial and not punitive nature: the Court unanimously found the application inadmissible;
- 20.06.2024, decision of inadmissibility, *Morabito and others v. Italy* (n. 32829/19 and 45 other applications), with which the Court found inadmissible doctors’ applications concerning the difference of their salary following the late transposition of a European Directive.

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

- the advisory opinion of the *International Court of Justice* of 19.7.2024, requested by the United Nations’ General Assembly with Resolution 77/247 of 30.12.2022, on the legal consequences deriving from Israel’s policies and practices in the Occupied Palestinian Territories, including East Jerusalem; the order of 24.5.2024, case *Application of the Convention on the prevention and punishment of the crime of genocide in the Gaza Strip (South Africa v. Israel)*, which modified its own order issued on 28.3.2024, in which the Court confirmed the measures concerning Israel with the order of 26 January 2024, requesting also the cessation of any military offensive, or other action, in the Governorate of Rafah, which may inflict to the Palestinian Group in Gaza life conditions which would lead to its total or partial destruction; and the order of 30.4.2024, case *Alleged breaches of certain international obligations in respect of the occupied Palestinian territory (Nicaragua v. Germany)*, which rejected the request of Nicaragua to impose provisional measures against Germany, in particular the suspension of its military support to Israel, on grounds of alleged violations of the Convention on Genocide;
- the decision of the *Kosovo Specialist Chambers* of 16.7.2024, case *The Specialist Prosecutor v. Pjetër Shala*, which sentenced the accused person, former member of the Kosovo Liberation Army, to 18 years’ imprisonment for war crimes committed in 1999 in the metal factory in Kukës (Albania);
- the decision of the *Community Court of Justice of the Economic Community of the West African States (ECOWAS)* of 10.7.2024, which recognized Nigeria as responsible for the violation of the rights to security, freedom of expression, reunion and assembly, and to

an effective remedy, and the violation of the prohibition of torture and of inhuman and degrading treatments, with regard to the army's violent repression during the demonstration in Lekki on 20 October 2020;

- the two decisions of the Supreme Court of the State of Kansas of 5.7.2024, with which the Court annulled some norms in the matter of interruption of pregnancy for violation of the right to personal autonomy provided for by the Constitution of Kansas: recalling its previous decision of 2019, the Court confirmed that such right includes also the right to abortion;
- the decision of the International Criminal Court of 26.6.2024, case *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, which sentenced the accused person, police officer of Ansar Eddine and Al Qaeda in the so-called Islamic Maghreb, for war crimes and crimes against humanity committed in Timbuktu (Mali) between April 2021 and January 2013;
- the decision of the High Court of Namibia of 21.6.2024, which stated the constitutional illegitimacy of the crimes of sodomy and sexual crimes against nature, repealing the norms which included such crimes;
- the decision of the Constitutional Court of Uganda of 3.4.2024, which rejected the claim lodged in order to declare the total nullity of the "Anti-Homosexuality Act 2023" and prevent its entry into force, repealing certain section;
- the decision of the Inter-American Court of Human Rights of 18.3.2024, case *Cuéllar Sandoval y otros vs. El Salvador*, on the responsibility of the State for the forced disappearance of three persons, including a human rights defender, in 1982 during the period of the national armed conflict, and for impunity for such facts; the decision of 8.3.2024, case *Aguirre Magaña vs. El Salvador*, on the violation of the right to an effective remedy with regard to the lack of diligence and the excessive length of the criminal proceeding concerning the explosion of a grenade in the car of a judge, who became disabled after that episode; the decision of 26.1.2024, case *Asociación Civil Memoria Activa vs. Argentina*, which recognized the responsibility of the State for the violation of the rights of the victims of the attack in 1994 on the *Asociación Mutual Israelita Argentina's* headquarters, in particular for the lack of the necessary diligence in the investigations and the judicial proceeding, and for the limits imposed to the right to have access to information; the decision of 29.11.2023, case *Gutiérrez Navas y otros vs. Honduras*, which recognizes the violation of the principle of independence of judges and the right to an effective remedy for the arbitrary and unlawful removal of judges of the Supreme Court by the Congreso Nacional on 12 December 2012; the decision of 27.11.2023, case *Habitantes de la Oroya vs. Peru*, which found the State responsible for the violation of the rights of the Oroya inhabitants to a healthy environment, to health, to life and personal integrity, because of water, air and soil's contamination deriving from mining and metallurgy activities on the territory and because of the lack of regulation of such activities; another decision of 27.11.2023, case *Viteri Ungaretti y otros vs. Ecuador*, on the violation of the rights of the captain of a vessel, kept in solitary confinement and removed from office, for having reported alleged episodes of corruption within the army; another decision of 27.11.2023, case *Honorato y otros vs. Brazil*, on the State's violation of the Convention with regard to the extrajudicial execution of 12 persons in March 2002 by the military police; the decision of 16.11.2023, case *Tavares Pereira y otros vs. Brazil*, on the disproportionate use of force, in violation of the Convention, by the military police against farm workers during a public demonstration, which also caused the death of a demonstrator; and the decision of 18.10.2023, case *Miembros de la Corporación Colectivo de Abogados "José Alvear Restrepo" vs. Colombia*, which recognized the international responsibility of the State for the violation of the rights of the non-governmental organization's members for the defence of human rights *Corporación Colectivo de Abogados "José Alvear Restrepo"* and of their relatives, because subjected to arbitrary intelligence activity with consequent risks for their life and personal integrity, and which pushed some of them to move for security reasons.

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

- **Belgium:** the decision of the *Cour constitutionnelle* n. 67/2024 of 20.6.2024, which, pronouncing itself on the constitutional legitimacy of the law of 16 December 2022 on the organization of the electricity market, makes a reference for a preliminary ruling to the Court of Justice on the interpretation of certain articles of Regulation (EU) 2022/1854, also in the light of the norms of the EU Charter of Fundamental Rights; the decision n. 66/2024 of 20.6.2024, on the legitimacy of article 39/82 of the law of 15 December 1980 on the access to the territory, the stay, settlement and removal of foreigners, with regard to available remedies against the decision refusing the visa for study reasons, which suspends the decision pending the decision of the Court of Justice on a similar case raised with the preliminary referral of the Conseil d'État; and the decision n. 28/2024 of 7.3.2024, which finds the constitutional legitimacy, and the compatibility with the norms of the EU Charter of Fundamental Rights, of the ECHR and the Convention of Istanbul, of article 12 of the Criminal Procedure Code, where it provides for the extension of the extra-territorial competence *in absentia* of national criminal jurisdictions only with regard to certain offences;
- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court) of 24.4.2024, which, also in the light of article 8 of the ECHR and of the jurisprudence of the Court of Strasbourg, annulled the norms which required surgery as a pre-condition to obtain legal gender reassignment, however postponing the enforceability of the decision to 30 June 2025;
- **France:** the decision of the *Conseil d'État* of 13.5.2024, which finds legitimate the funding of the *SOS Méditerranée* France Association for rescue operations at sea of migrants, deeming them not in breach with Union law and the guidelines of European authorities; and of 15.4.2024 on impartiality and independence in administrative judicial decisions; the decision of the *Cour de cassation* of 12.7.2024, on the possible nature of trade union association of the *Union des syndicats gilets jaunes* (USGI), also in the light of the norms of the European Convention of Human Rights; and the order of 3.5.2024, for reference for a preliminary ruling to the Court of Justice concerning discrimination committed in relation to an Agreement between France and Great Britain subscribed before Brexit, which is probably in violation of Union law;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Tribunal) of 24.7.2024, which found partially constitutionally illegitimate the law reforming the electoral system, comparing the reform to the electoral system provided by the European Parliament; and of 28.6.2024 on the execution of a European arrest warrant issued by Hungary against an activist arrested during public demonstrations; the decision of the *Oberlandesgericht Frankfurt am Main* (Court of Appeal of Frankfurt am Main) of 11.7.2024, in the matter of *scraping* (online data collection), which recalls various decisions of the Court of Justice; the decision of the *Landgericht Traunstein* (Regional Tribunal of Traunstein) of 8.7.2024, in the matter of transfer of European nationals' personal data to the United States, which applies the General Data Protection Regulation (GDPR); the order of the *Landessozialgericht Berlin-Brandenburg* (Social Regional Tribunal of Berlin-Brandenburg) of 13.6.2024, which raises the preliminary referral to the Court of Justice with regard to the status of foreign pregnant worker, who asks for social allowance;
- **Ireland:** the decision of the *Supreme Court* of 17.6.2024, on the admissibility, in the criminal proceeding, of evidence – in this specific case telephone traffic related data – gathered on grounds of a legislation which was subsequently found in violation of Union law with regard to the norms of the EU Charter of Fundamental Rights, which apply the jurisprudence of the Court of Strasbourg; and the decision of 7.3.2024, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of the norms of the Trade and Cooperation Agreement between the European Union and the United Kingdom in the matter of surrender pursuant to a European arrest warrant, in the light of the principle of legality of the sanction provided for by article 49 of the EU Charter of Fundamental Rights; the decision of the *Court of Appeal* of 22.4.2024, in the matter of right to stay for more than three months of the divorced spouse of a Union

- national, who enjoyed freedom to move, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of article 7(3)(b) of Directive 2004/38/EC; the decision of the *High Court* of 1.8.2024, according to which the lack of guarantee by the State of minimum reception conditions for persons seeking international protection between the end of 2023 and May 2024, lead to the violation of article 1 of the EU Charter of Human Rights; the decision of 22.3.2024, on the designation of South Africa as safe country of origin with regard any request of international protection, which recalls EU legislation relevant in such matter; another decision of 22.3.2024, according to which the designation of the United Kingdom as safe third-country with regard to repatriation of asylum seekers is in contrast with Ireland obligations pursuant to Union law, because of the risks of violation of human rights deriving from the application of the so-called "Rwanda Policy"; and another decision of 22.3.2024, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of article 12(2) of Directive 2004/80/EC relating to a national system of compensation to violent crime victims;
- **Italy:** the decision of the *Corte costituzionale* n. 135 of 18.7.2024, on end-of-life, which recalls the jurisprudence of the Court of Strasbourg; and the decision n. 110 of 24.6.2024, on the power of the judge to compensate the proceeding's expenses, which recalls art. 6 of the ECHR; the decision of the *Corte di cassazione* of 11.4.2024, on the need to have a different sickness period for disabled and non-disabled workers, which recalls the jurisprudence of the Court of Justice and the EU Charter of Fundamental Rights; the preliminary referral order of 14.1.2024, in the matter of anti-discriminatory protection of disabled persons, which recalls the jurisprudence of the Court of Justice and the EU Charter of Fundamental Rights; and the preliminary referral order of 19.12.2023, on anti-discriminatory protection of working mothers in the event of cessation of the holding's activities, which recalls EU legislation; the order of the *Tribunale di Roma* of 14.6.2024, which raises question of constitutional legitimacy with regard to the legislation introduced on the issue of former Alitalia's workers and not applied to the new company Ita, and which reconstructs the jurisprudence of the Court of Justice and of the Court of Strasbourg in the matter of transfer of the undertaking; and the order of the *Tribunale di Padova* of 2.4.2024, which raises question of constitutional legitimacy of national legislation which does not recognize the social allowance for minor children to asylum seekers, and which recalls EU legislation and article 34 of the European Union Charter of Fundamental Rights;
 - **Lithuania:** the decision of the *Konstitucinis Teismas* (Constitutional Court), of 20.5.2024, which found the constitutional illegitimacy of article 3.269 of the Civil Code, where it did not allow 65 years old persons to be designated as guardians of a minor, also recalling the jurisprudence of the Court of Justice on article 24 of the EU Charter of Fundamental Rights, and the jurisprudence of the Court of Strasbourg; and the decision of 14.3.2024, which established that articles 3, 4 and 14 of the Convention of the Council of Europe on prevention and fight against the violence towards women and domestic violence (Convention of Istanbul) are not in contrast with the State's Constitution;
 - **Portugal:** the decision of the *Tribunal Constitucional* n. 425/2024 of 29.5.2024, which establishes the constitutional legitimacy of article 1817 of the Civil Code, where it provides for a term of ten years' limitation period from the legal age or emancipation of the applicant in order to ask for paternity investigation, also recalling the ECHR and the jurisprudence of the Court of Strasbourg;
 - **Slovenia:** the decision of the *Ustavno Sodišče* (Constitutional Court) of 14.2.2024, on the balance between the right to honour and to reputation and the right to freedom of expression, which recalls the jurisprudence of the Court of Strasbourg;
 - **Spain:** the decision of the *Tribunal Constitucional* n. 92/2024 of 18.6.2024, which rejected the constitutional claim lodged against organic law 1/2023, amending organic law 2/2010, on sexual and reproductive health and voluntary interruption of pregnancy, also in the light of the jurisprudence of the Court of Strasbourg; the decision n. 61/2024 of 9.4.2024, on the violation of the right to an effective remedy in relation to the right not to be subjected to torture or inhuman and degrading treatments, in virtue of the applicant's extradition to Morocco and the acknowledgment by the United Nations

Committee for Human Rights – in this specific case – of the violation of article 7 of the International Covenant on civil and political rights, which also recalls article 13 of the ECHR; the decision n. 49/2024 of 8.4.2024, on the violation of the principle of legality of criminal sanction, following the sentence of expulsion of the applicant from the national territory and the prohibition to come back for three years, which recalls EU legislation relevant in such matter and the jurisprudence of the Court of Justice; the decision n. 44/2024 of 12.3.2024, which partially admits the application lodged against law n. 17/2020 of the Parliament of Catalonia, aiming at introducing in the legal system the protection duties deriving from the Convention of Istanbul, with regard to the competence of the autonomous region in the organization and internal functioning of political parties; and the decision n. 28/2024 of 27.2.2024, which annuls the order of the *Audiencia Provincial de Madrid*, with which such court rejected the request of adoption of a minor, conceived through surrogacy, by the spouse of the biological father, for the lack of a reason that considered the minor’s best interest, also recalling the jurisprudence of the Court of Strasbourg; and the order of the *Tribunal Supremo* of 30.5.2024, which makes a reference for a preliminary ruling to the Court of Justice on the interpretation of clause 5 of the Framework Agreement on fixed-term work in relation to national norms on public employment;

- **The Netherlands:** the decision of the *Gerechtshof Den Haag* (Court of Appeal of the Hague) of 19.3.2024, which sentenced the State and the drinking water companies for having maintained the possibility – provided for by the regulations of such companies – to interrupt the supply of drinking water to families with minors in the event of arrears and let the children not having enough water according to the WHO standards, also in the light of articles 3, 8 and 14 of the ECHR; and the decision of the *Rechtbank Den Haag* (District Tribunal of the Hague) of 29.3.2024, which makes a reference for a preliminary ruling to the Court of Justice concerning the application of Directive on Temporary Protection to third-country nationals, read in combination with article 6 of Return Directive.

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

Articles:

The Book of MEDEL’s conference (Magistrats Européens pour la Démocratie et les Libertés) “[Rule of Law in Europe](#)”

Notes and comments:

[Isma Belaïd](#) “The Belgian situation: the non-execution of judicial decisions *by the State of Belgium on asylum matters”

[Rosella Catena](#) “Comment to the decision of the ECHR, Pietrzak and others v. Poland, of 28 May 2024, in the matter of respect for private and family life”

[Sergio Galleano](#) “Comment to the decision of the Court of Justice of 27.6.2024: pregnant worker and respect for procedural time limits for the dismissal appeal”

[Elisabetta Grande](#) “A diabolical endless loop”

[Federico Petrangeli](#) “Judicial review on EU foreign and security policy between “politic or strategic choices” and “daily management” of missions. Comment on the Court of Justice judgment of 10 September 2024 (joined cases C-29/22 and C-44/22 P)”

[Enrica Rigo](#) “For freedom of movement”

[Gaetano Ruta](#) "The European Prosecutor's Office in the frame of the protection of the rule of law"

[Maurizio Veglio](#) "Detention in hotspots"

Documents:

Study by the International Labour Organization (ILO) "[A study on the employment and wage outcomes of people with disabilities](#)", of 27 August 2024

[Political guidelines for the next European commission 2024–2029](#), by Ursula von der Leyen, of 18 July 2024

Amnesty International Annual Report "[The State of the World's Human Rights](#)", of 23 April 2024

[Rule of Law Report 2024](#) by Civil Liberties Union for Europe (Liberties), of 18 March 2024