



OBSERVATORY ON THE RESPECT FOR FUNDAMENTAL RIGHTS IN EUROPE

Newsletter n. 97

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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 study of the European Parliament of 2.2.2023 “The legislative frameworks for victims of gender-based violence (including children) in the 27 Member States”.

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

- 16.02.2023, C-349/21, *HYA and others (Motivation des autorisations des écoutes téléphoniques)*, on the limitation of the confidentiality of electronic communications, on processing of personal data and protection of privacy;
- 16.02.2023, C-623/20 P, *Commission v. Italy*, on the notice of open competition for the recruitment of administrators in the field of audit and on the restriction of the choice of the second competition language to English, French and German;
- 16.02.2023, C-635/20 P, *Commission v. Italy and Spain*, on the notice of open competitions for the recruitment of administrators' functions as investigators and team leaders and on the restriction of the choice of the second competition language to English, French and German;
- 16.02.2023, C-638/22 PPU, *Rzecznik Praw Dziecka and others (Suspension de la décision de retour)*, on the decision ordering the return of a child;
- 16.02.2023, C-710/21, *IEF Service*, on the protection of employees in the event of the insolvency of their employer;
- 16.02.2023, C-745/21, *Staatssecretaris van Justitie en Veiligheid (Enfant à naître au moment de la demande d'asile)*, on the criteria and mechanisms for determining the Member State responsible for examining an application for international protection and on the best interests of the child;
- 09.02.2023, C-555/21, *UniCredit Bank Austria*, on credit agreements and on consumers' protection;
- 07.02.2023, C-688/21, *Confédération paysanne and others (Mutagenèse aléatoire in vitro)*, on techniques/methods of genetic modification and on the protection of health and environment;
- 02.02.2023, C-372/21, *Freikirche der Siebenten-Tags-Adventisten in Deutschland*, on subsidies for private religious schools;
- 31.01.2023, C-158/21, *Puig Gordi and others*, on the European arrest warrant and on the right of access to a tribunal previously established by law;
- 26.01.2023, C-205/21, *Ministerstvo na vatreshnite raboti () e génétiques par la police*, on the protection of personal data, on the right to effective judicial protection and on the presumption of innocence;

- 19.01.2023, C- 147/21, *CIHEF and others*, on possibility for Member States to adopt restrictive measures on commercial and advertising practices and on the protection of health and of the environment;
- 12.01.2023, C-132/21, *Budapesti Elektromos Művek*, on the right to an effective remedy and on the protection of personal data;
- 12.01.2023, C-154/21, *Österreichische Post (Informations relatives aux destinataires de données personnelles)*, on the protection of personal data and on the right of access to one's own data;
- 12.01.2023, C-280/21, *Migracijos departamentas (Motifs de persécution fondés sur des opinions politiques)*, on the eligibility for refugee status;
- 12.01.2023, joined cases C-323/21, C-324/21 and C-325/21, *Staatssecretaris van Justitie en Veiligheid (Délai de transfert - Pluralité de demandes)*, on the lodging of multiple applications for international protection in three Member States;
- 12.01.2023, C-356/21, *TP (Monteur audiovisuel pour la télévision publique)*, on the prohibition of discrimination based on sexual orientation;
- 12.01.2023, C-395/21, *D.V. (Honoraires d'avocat - Principe du tarif horaire)*, on the contract for the provision of legal services concluded between a lawyer and a consumer and on consumers' protection;

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

- 25.01.2023, T-163/21, *De Capitani v. Council*, on the right of access to documents.

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

- 31.01.2023, *Kreyndlin and others v. Russia* (n. 33470/18), on the failure to conduct effective investigation into the attack against environmental NGO personnel;
- 31.01.2023, *Y v. France* (n. 76888/17), according to which the authorities' refusal to substitute the words "male" with the words "neutral sex" or "inter-sex" on the birth certificate of the claimant would not violate article 8 of the Convention;
- 23.01.2023, Grand Chamber judgment, *Macaté v. Lithuania* (n. 61435/19), on the violation of the Convention, because of a label on a collection of short stories, which defined it harmful for children under 14 years old, since it represented LGBTI characters;
- 19.01.2023, *Machalikashvili and others v. Georgia* (n. 32245/19), on the lack of an effective and thorough investigation into fatal anti-terrorism operation;
- 19.01.2023, *Pagerie v. France* (n. 24203/16), in which the Court established that the measure of home detention adopted against the claimant during the state of emergency in 2015 did not violate the freedom of movement;
- 17.01.2023, Grand Chamber judgement, *Fedotova and others v. Russia* (n. 40792/10, n. 30538/14 and n. 43439/10), according to which Russia's refusal to provide any legal recognition to same-sex couples violated the Convention;
- 17.01.2023, *Hoppen and Trade Union of AB Amber Grid employees v. Lithuania* (n. 976/20), according to which both the trade union and the dismissed employee were not victims of discrimination;
- 17.01.2023, *Valaitis v. Lithuania* (n. 39375/19), according to which there was a clear and positive shift in the prosecution of homosexual hate crimes in Lithuania: the Court deems the Convention was not violated;
- 17.01.2023, *Axel Springer SE v. Germany* (n. 8964/18), according to which the sentence which ordered to publish the correction to an article did not violate the publisher's freedom of expression;
- 17.01.2023, *Cotora v. Romania* (n. 30745/18), according to which the disciplinary proceeding promoted by the Supreme Judicial Council against a judge and the following control carried out by the superior court respected the principle of fair trial provided for by article 6(1) of the Convention;
- 20.12.2022, *Bakoyanni v. Greece* (n. 31012/19), according to which the Parliament's refusal to lift immunity of the Minister of Defence from criminal prosecution for alleged

defamation of Member of Parliament deprived the deputy from the right of access to the court;

- 20.12.2022, *Zemmour v. France* (n. 63539/19), according to which the criminal conviction of Mr. Zemmour for inciting to discrimination and religious hatred towards the French Muslim community did not violate article 10 of the Convention;
- 20.12.2022, *Moraru and Marin v. Romania* (n. 53282/18 and 31428/20), on the violation of article 1 of Protocol 12 on the general prohibition of discrimination in virtue of discrimination on grounds of sex with regard to retirement age in civil service;
- 15.12.2022, *Vasaráb and Paulus v. Slovakia* (n. 28081/19 and 29664/19), which found the trial for homicide unfair following the refusal to hear the witnesses;
- 15.12.2022, *Peradze and others v. Georgia* (n. 5631/16), according to which one lewd slogan did not amount to a sufficient reason to stop people from demonstrating against an urban project: the Court deems the Convention violated;
- 13.12.2022, *Test-Achats v. Belgium* (n. 77039/12), on the violation of the principle of equality of arms in a proceeding in which the claimant Test-Achats had doubts on the court-appointed expert;
- 08.12.2022, *M.K. and others v. France* (n. 34349/18, 34638/18 e 35047/18), according to which the State failed when giving execution to an order of the administrative Court, following an emergency procedure, aiming at organizing and providing for some houses for homeless people and for very vulnerable persons;
- 06.12.2022, *Spasov v. Romania* (n. 27122/14), according to which the owner of a Bulgarian ship, convicted in Romania of illegal fishing in EU waters in the Black Sea, without taking into consideration the rights of the European Union States, had been victim of a refusal of justice;
- 06.12.2022, *K.K. and others v. Denmark* (n. 25212/21) according to which the superior best interest of the child was not sufficiently considered in a case of denial of adoption deriving from rewarded surrogacy;
- 06.12.2022, *Kalda v. Estonia (n. 2)* (n. 14581/20), according to which the ban from voting at the European elections of 2019 did not violate the rights of a prisoner, who had been sentenced to life imprisonment for serious crimes;
- 01.12.2022, *A.D. and others v. Georgia* (no 57864/17), on the imprecision of the Georgian legal framework concerning the legal gender recognition in the civil state acts;
- 13.12.2022, *Florindo de Almeida Vasconcelos Gramaxo v. Portugal* (n. 26968/16), according to which the use of data concerning the mileage of the applicant's company vehicle, collected by a GPS device, in order to dismiss him, did not violate the Convention;

and the decisions:

- 12.01.2023, inadmissibility decision, *Cömert and others v. Turkey* (n. 17231/17), which rejects the claim concerning the death of a demonstrator against the demolition of Gezi Park in Istanbul for not having exhausted all domestic remedies;
- 08.12.2022, inadmissibility decision, *Caldaras and Lupu v. France* (n. 13561/15), *Ciurar and others v. France* (n. 35697/15), *Stefan and others v. France* (n. 36779/16), *Stan v. France* (n. 41969/16), *Sisu and others v. France* (n. 45871/16) and *Margoi and others v. France* (n. 72596/16), on the evacuation of unauthorized camps, in different parts of the region of Paris, where the claimants of Roma origin lived with their families;
- 08.12.2022, inadmissibility decision, *Vlad v. Romania* (n. 122/17), in which the Court found that since 13 January 2021 there was a remedy before the Romanian civil Courts in order to enforce ones rights and obtain a compensation for inadequate detention conditions;
- 30.11.2022, Grand Chamber decision, *Ukraine and The Netherlands v. Russia* (n. 8019/16, 43800/14 and 28525/20), which found partially admissible the claim concerning events in East Ukraine and the downing of the airplane MH17.

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

- the decision of the Supreme Court of Kenya of 24.2.2023, according to which the principle of non-discrimination on grounds of sex, provided for by article 27(4) of the Constitution, also includes the prohibition of discrimination based on sexual orientation;
- the decision of the Supreme Court of Kentucky of 16.2.2023 which confirmed the decision of the Court of Appeal to annul the provisional order of the District Court with respect to the application of two laws in the matter of abortion and aiming, the first one (KRS 311.772 - "the trigger ban"), at preventing anyone from knowingly administering, prescribing, procuring or selling medicines or other substances in order to interrupt pregnancy or to use instruments or procedures for such goal, and the other one (KRS 311.7707-11 - "the heartbeat ban"), at prohibiting abortion in case the heartbeat of the foetus can be detected;
- the decision of the Juzgado 1º Laboral del Circuito Cartagena (Colombia) of 31.1.2023, which recalls the opinions gathered on such issue by an artificial intelligence chatbot (Chat GPT of OpenAI);
- the decision of the South Carolina Supreme Court of 5.1.2023, according to which the "Fetal Heartbeat and Protection from Abortion Act", which prohibits the interruption of pregnancy after more or less the first 6 weeks, introduces excessive restrictions to the woman's right to privacy and therefore is unconstitutional;
- the decision of the Appeals Chamber of the International Criminal Court of 15.12.2022, which confirmed the decision delivered on 6 May 2021 by the Trial Chamber IX which sentenced the accused person – the former commander of the brigade of the *Lord's Resistance Army* – LRA – to 25 years' imprisonment for crimes against humanity and war crimes committed in Northern Uganda between 1º July 2002 and 31 December 2005;
- the order of the Supreme Court of Georgia of 23.11.2022, which admitted the request of suspension of the order issued by the Superior Court of Fulton County, State of Georgia on 15.11.2022, with which such court declared *ex tunc* null sections 4 and 11 of the "Living Infants Fairness and Equality (LIFE) Act", where they provided for the criminalization of the interruption of pregnancy when the foetus heartbeat can be detected and an obligation for the doctor to report in the event of execution of abortion after the heartbeat could be detected, and it blocked its application;
- the decision of the Inter-American Court of Human Rights of 21.11.2022, case *Nissen Pessolani vs. Paraguay*, on the violation of the right to an effective remedy and to an impartial court with regard to the destitution of a criminal prosecutor; the decision of 21.11.2022, case *Dial y otro vs. Trinidad and Tobago*, which found the responsibility of the State in virtue of the automatic application of the death penalty in the cases provided for by *Ley de Delitos contra la Persona*, which the Court deemed arbitrary, as well as for the detention conditions imposed to the convicted person and for the violation of their jurisdictional guarantees; the decision of 18.11.2022, case *Angulo Losada vs. Bolivia*, which finds various violations of the Convention with regard to the sexual abuses committed against a minor, in virtue of the lack, in criminal legislation, of the concept of consent, the lack of measures of enhanced diligence and special protection for the minor and which may prevent the following victimization, and of the excessive length of the proceeding, not yet concluded after 20 years from the violence; the decision of 16.11.2022, case *Brítez Arce y otros vs. Argentina*, on the violation of the Convention following the obstetric violence suffered by the victim and which led to her death; the decision of 15.11.2022, case *Leguizamón Zaván y otros vs. Paraguay*, on the homicide of a journalist and the lack of adequate protection measures by the State, which knew of the risk; the decision of 14.11.2022, case *Bissoon y otro vs. Trinidad and Tobago*, on the responsibility of the State for the excessive length of precautionary detention and the detention conditions incompatible with minimum standards provided for by the Convention; the decision of 8.11.2022, case *Aroca Palma y otros vs. Ecuador*, on the violation of the Convention with regard to the arbitrary use of force by State agents, which led to the death of a person; the decision of 7.11.2022, case *Tzompaxtle Tecpile y otros vs. México*, which analyses the measures of *arraigo* and of precautionary detention, as ruled by Mexican law, deeming them in contrast with several rights provided for by the Convention; the decision of 18.10.2022, case *Valencia Campos y otros vs. Bolivia*, which finds the responsibility of the State for the

excessive use of force by the police during house searches, for tortures and violence suffered by the persons in a second moment detained, including physical and verbal abuses against women and minors, and for the violation of jurisdictional guaranteed and of the principle of presumption of innocence; the decision of 18.10.2022, case *Cortez Espinoza vs. Ecuador*, on the violation of the right to freedom for several cases of arbitrary precautionary detention and the lack of adequate jurisdictional guarantees; the decision of 17.10.2022, case *Flores Bedregal y otras vs. Bolivia*, which finds the responsibility of the State for the forced disappearance of Flores Bedregal, which took place in July 1980 during the military coup d'état; the decision of 4.10.2022, case *Huacón Baidal y otros vs. Ecuador*, which confirmed the friendly settlement agreement (*acuerdo de solución amistosa*), signed by the State and the victims' representatives, concerning the responsibility of the State for the violation of the rights to life, personal integrity and the right to an effective remedy, in relation to the extrajudicial execution of two persons by State agents; the decision of 4.10.2022, case *Benites Cabrera y otros vs. Peru*, concerning the dismissal of 184 employees of the Congreso de la República in 1992, following the dissolution of Parliament by President Fujimori and the subsequent "process of rationalization of the staff", without giving explanations and the possibility of carrying out legal actions; and the decision of 7.9.2022, case *Mina Cuero vs. Ecuador*, on the violation of several rights of the Convention in relation to the disciplinary proceeding promoted against a police agent.

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

- **Belgium:** the decision of the *Cour constitutionnelle* n. 8/2023 of 19.1.2023, which finds the constitutional illegitimacy, in combination with article 6 ECHR, of article 32decies of the law of 4 August 1996 on the well-being of employees during their course of work, where it does not provide for the possibility for the victims of violence at work to have access, within the criminal proceeding, to the fixed allowance provided for in the proceeding before the labour court; the decision n. 1/2023 of 12.1.2023, on the constitutional legitimacy of article 72 of the law of 15 December 1980 on the entry in the territory, the stay, the establishment and the removal of the foreigners, with regard to the detention of the foreigner in an irregular situation, which recalls articles 5 and 13 ECHR and the jurisprudence of the Court of Strasbourg; and the decision n. 159/2022 of 1.12.2022, which finds the constitutional illegitimacy of article 435 of the criminal procedure code, where it obliges the judge of the preliminary referral to comply with the decision of the Court of Cassation on the legal issue, when he finds that decision in contrast with EU law, as interpreted by the Court of Justice after the decision of the Court of Cassation;
- **Czech Republic:** the decision of the *Ústavní soud* (Constitutional Court), of 19.1.2023, which annulled, also pursuant to article 6 ECHR, the decision of the Municipal Court of Prague, with which such court rejected the request for compensation of the claimant, national of the former German Democratic Republic, for having been injured by a gunshot by the border police while he was trying to cross the border; and the decision of 29.11.2022, which annulled a decision of the Supreme Court for violation of the right to an effective remedy, for having rejected, as inadmissible, the claimant's request of preliminary referral to the Court of Justice of a national norm for alleged contrast with Directive 2009/28/EC, without any other assessment in the merits;
- **France:** the decision of the *Cour de cassation* n. 114 of 15.2.2023, on the protection of minors, which recalls the New York Convention; and the decision n. 126 of 15.2.2023, which excludes the violation of article 8 ECHR in the verification procedure of a national from Madagascar; the decision of the *Conseil d'État* of 3.2.2023, concerning operations of selling of electric energy, which recalls the norms of the Treaties and supranational legislation; and the decision of 29.12.2022, on the revocation of the ban on the sale of cannabis free of narcotic effects, which recalls supranational legislation;
- **Germany:** the decision of the *Bundesverfassungsgericht* (Federal Constitutional Tribunal) of 16.2.2023, which found the constitutional illegitimacy of the norms of the

- Land of Hesse and Hamburg, which authorized the police to process personal data through automated data analysis and automated data interpretation, in violation of the general rights of personality, and which also recalls the jurisprudence of the Court of Justice; and the order of 12.1.2023, which submits to the Court of Justice of the European Union questions concerning the distribution of medicines through a sales platform on the Internet; the order of the *Bundesgerichtshof* (Federal Court of Justice) of 23.2.2023, of preliminary referral to the Court of Justice in the matter of protection of intellectual property on software; and the decision of 15.2.2023, on abuse of rights in insurance contracts, which recalls the jurisprudence of the Court of Justice;
- **Great Britain:** the decision of the *United Kingdom Supreme Court* of 8.2.2023, on the constitutional legitimacy of the North Ireland Protocol, adopted following the withdrawal of the United Kingdom from the European Union; the decision of the *England and Wales High Court* of 11.1.2023, in the matter of extradition and respect for private and family life; the decision of 22.12.2022, in which the Court deems compatible with the right of the parents to give their children an education respectful of their religious or philosophical belief the mandatory teaching of the "Relationships and Sexuality Education"; the decision of 21.12.2022, in the matter of indirect gender discrimination and victims of domestic violence and abuses; and the decision of 17.1.2022, concerning positive obligations deriving from articles 2 and 3 of the ECHR for the Environment Agency and remedies that the courts can impose onto State authorities;
 - **Ireland:** the decision of the *Supreme Court* of 22.12.2022, on the non-transposition, by the State, of the Framework Decision 2008/909/JHA on European arrest warrant, in the light of article 8 ECHR and the jurisprudence of the Court of Justice; the decision of 24.11.2022, which analyses the rights of migrants deriving from the State Constitution and from article 8 ECHR in relation to the decisions of the Minister to refuse a residence and permit and to expel, also in the light of the jurisprudence of the Court of Strasbourg; the decision of 15.11.2022, on the interpretation of article 6(3) of Directive 92/43/EEC ("Habitat Directive"), in the light of the jurisprudence of the Court of Justice; the decision of 11.11.2022, according to which, in virtue of the law in force, the State Constitution would preclude the ratification by the State of the EU-Canada Comprehensive Economic and Trade Agreement ("CETA"), with particular reference to the principles of legislative and legal sovereignty: the Court also stated that amendments to the Arbitration Act 2010 would instead allow the ratification, without any violation of the Constitution; and the decision of 9.11.2022, which makes a reference for a preliminary ruling to the Court of Justice on the application of article 10 (Monitoring) of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment; the decision of the *Court of Appeal* of 3.2.2023, on the possibility – excluded by the Court – that a legal person may request and obtain legal aid, pursuant to the Civil Legal Aid Act 1995, in the light of article 47 of the EU Charter of Fundamental Rights and of article 9(4) of the Aarhus Convention, which also recalls the jurisprudence of the Court of Justice; the decision of the *High Court* of 1.2.2023, on the requirements in order to keep the right to residence for a EU national, who exercised the right to free circulation and is in a state of involuntary unemployment, in the light of the criteria provided for by article 7(3) of Directive 2004/38/EC, as transposed at a national level; and the decision of 5.10.2022, in the matter of compulsory retirement age and compatibility with the norms of Directive 2000/78/EC, establishing a general framework for equal treatment in employment and occupation;
 - **Italy:** the decision of the *Corte costituzionale* n. 5/2023 of 24.1.2023, which excludes the violation of the EU Charter of Fundamental Rights and of article 1 Protocol 1 to the ECHR with regard to the norms providing for the compulsory confiscation of arms in the event of extinction of the crime following to the cash settlement of the sanction or of violation of contraventions; and the decision n. 8/2023 of 27.1.2023, which excludes the violation of article 1 Protocol 1 to the ECHR with regard to the legislation in the matter of repayment of amounts wrongly received from the public administration; the decision of the *Corte di cassazione* n. 5542/2023 of 22.2.2023, on conforming interpretation and on abuse of fixed-term contracts for theatres, which examines the most recent jurisprudence of the Court of Justice in such matter; the decision n. 8963

- of 1.3.2023, which compares, in the light of the EU legal system, the power of the European Prosecutor to the ones of the national Prosecutor; the decision n. 49436 of 29.12.2022, in the matter of “prospective overruling”, which excludes the violation of article 7 ECHR; the decision n. 49285 of 27.12.2022, on the measures adopted pursuant to article 41 bis by the probation officer, in the light of the jurisprudence of the Court of Strasbourg; and the decision n. 47802 of 19.12.2022, which excludes the violation of the presumption of innocence provided for by the EU Charter of Rights and by the ECHR by the norms which allow compensation also for the accused person who has been acquitted for the declaration of the limitation period; the order of the *Corte di appello dell’Aquila* of 18.1.2023, which finds discriminatory the call for the allocation of social housing, for having included only third country nationals of long-term residence; the order of the *Tribunale di Vicenza* of 6.2.2023, on the discrimination for the free access to the national health service of third-country nationals; the order of the *Tribunale di Lecco* of 22.6.2022, on the discrimination of a disabled person, which recalls EU legislation and the UN Convention on the Rights of Persons with Disabilities;
- **Portugal:** the decision of the *Tribunal Constitucional* n. 5/2023 of 30.1.2023, which finds the illegitimacy of some norms of the Parliament Decree n. 23/XV, which rule the requirements for the exclusion of criminal liability for medically assisted death, for violation of the principle of certainty of criminal law, also analysing the jurisprudence of the Court of Strasbourg; and the decision n. 829/2022 of 12.12.2022, which finds the constitutional legitimacy of article 2 of the Parliament Decree n. 17/XV, amending the law on the Organization of Criminal Investigations and of law on National Security, also in the light of European Union law;
 - **Spain:** the decision of the *Tribunal Constitucional* n. 151/2022 of 30.11.2022, in the matter of unfair clauses in consumers’ contracts, in the light of the jurisprudence of the Courts of Strasbourg and Luxembourg; and the decision n. 143/2022 of 14.11.2022, on the maximum length of precautionary detention and the calculation of the periods of detention abroad pending the proceeding for the extradition, which recalls the ECHR and the jurisprudence of the Court of Strasbourg; and the decision of the *Tribunal Supremo* of 12.12.2022, which extends the temporary protection, provided for by the Implementing Decision (EU) 2022/382 for a Ukrainian national subjected to an order of expulsion in virtue of the norms of the Agreement of the Council of Ministers of 8 March 2022, with which the scope of personal application of personal protection was also extended to Ukrainian nationals in an irregular situation in Spain before the date of 24 February 2021 and who, because of the war and pursuant the principle of *non-refoulement* also provided for by articles 19 of the EU Charter of Fundamental Rights, could not return to Ukraine;
 - **The Netherlands:** the decision of the *Gerechtshof Den Haag* (Court of Appeal of the Hague) of 14.2.2023, which prohibited the border police from racial profiling in order to select the persons for identity control, also in the light of article 14 ECHR and of article 1 of the Twelfth Additional Protocol to the ECHR and of the jurisprudence of the Court of Strasbourg.

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

Articles:

[Gaetano De Amicis](#) “Insights of the Cartabia reform. First considerations on the new ‘European review’”

[Franco De Stefano](#) “The decisions of the Chicclub: the injunction against the consumer after the decisions of the EU Court of Justice”

[Giuseppe Fiengo](#) “Non-opposed injunction with no reasoning against the consumer: looking for the effective remedy”

[Sergio Galleano](#) "Family allowance to the claimant with wife abroad: the Cassation, with the order n. 1425/23, disregards the national norm in contrast with Directive 2011/98"

[Elisabetta Lamarque](#) "Fundamental rights of the minor and best interests of the child"

Notes and comments:

[Alessandro Andronio, Gabriella Cappello](#) "Comment to the ECHR decision in the case *Peradze and others v. Georgia*, on freedom of assembly and of thought"

[Mirzia Bianca](#) "Joined Sections and children born from surrogated mothers: a "system" decision. Some other considerations on the principle of effectiveness in family law"

[Matilde Brancaccio, Gaetano De Amicis](#) "Comment to the ECHR decisions in the case *Sanchez-Sanchez v. the United Kingdom* of 3 November 2022 and in the case *McCallum v. Italy* of 3 November 2022, in the matter of compatibility of life sentence with article 3 ECHR"

[Giuseppe Bronzini](#) "According to the Court of Justice the self-employed worker cannot be excluded from a relation of collaboration because of his sexual orientation, nor such orientation can be the reason for refusing the renewal of the contract"

[Giuseppe Bronzini](#) "Digital rights and principles for the digital decade: the three Presidents sign the common Declaration"

[Giuseppe Bronzini](#) "The European Commission discloses its proposals in order to relaunch the European social dialogue"

[Alessandro Centonze](#) "Comment to the ECHR decision in the case *Macatè v. Lithuania*, 10 November 2022, n. 61435/2019 in the matter of discrimination on grounds of sexual orientation"

[Alessandro Centonze](#) "Comment to the ECHR decision in the case *Valaitis v. Lithuania*, 17 January 2023, n. 39375/19 in the matter of discrimination on grounds of sexual orientation"

[Erasmus Mancini](#) "European Public Prosecutor's Office: legal profile and current developments"

[Erasmus Mancini](#) "Dublin III Regulation: rule of first safe country and floating territory of the State"

Reports:

[Report for the inauguration of the judicial year](#) by the First President Pietro Curzio

[Report for the inauguration of the judicial year](#) by the Prosecutor General Luigi Salvato

Documents:

[Annual Report 2023 by ILGA-Europe](#) "Annual Review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and central Asia", of 20 February 2023

[Report by the High Level Group](#) appointed by the European Commission on the future of social protection and of welfare state in EU, of 7 February 2023

[Corruption Perception Index 2022](#) by Transparency International, of 31 January 2023

[Annual Report by Human Rights Watch](#) "World Report 2023 – Events of 2022", of 12 January 2023

[Round-up 2022](#) by Reporters Without Borders "Journalists detained, killed, held hostage and missing", of 14 December 2022