



## Informal agreement between Council and Parliament for the first European legislation on combating violence against women and domestic violence



On **6 February 2024**, the Council and the European Parliament reached a [provisional agreement](#) on the wording of a **directive on combating violence against women and domestic violence**, which would be **the first piece of legislation at EU level on this subject**. The proposal concerns the **criminalisation of different forms of gender-based violence** such as female genital mutilation, forced marriage and, in the context of cybercrime, the non-consensual sharing of intimate images or manipulated material on the web (cyberflashing), online stalking and online harassment and incitement to hatred or violence, with the provision of related penalties and numerous aggravating circumstances. The directive will also introduce **prevention measures**, aimed in particular at raising public awareness that non-consensual sex is considered a crime, and **victim protection measures**. Formal approval under the ordinary legislative procedure is now awaited.

## Death of Alexei Navalny: EU supports Russia's democratic opposition

On **29 February 2024**, the European Parliament adopted a [resolution](#) condemning political oppression in Russia and the death of opposition leader **Alexei Navalny (the 2021 laureate of the Sakharov Prize for Freedom of Thought)**. The EP also expressed its solidarity with all those in Russia and beyond who, despite the purposefully brutal repression and the severe personal consequences they face, still uphold human values and fight for a democratic and peaceful future for Russia.

On **22 March 2024**, the Council of the EU decided to impose [restrictive measures](#) against 33 persons and two entities linked to the sudden death in a strict penal colony of Navalny. This decision was taken in the framework of the [European Union's Global Human Rights Sanctions Regime](#).

## CJEU: The mandatory insertion in identity cards of two fingerprints is compatible with the fundamental rights to respect for private life and to protection of personal data

On **21 March 2024**, the Court of Justice of the EU, in its judgment *Landeshauptstadt Wiesbaden* ([C-61/22](#)), ruled on the reference for a preliminary ruling by the *Verwaltungsgericht Wiesbaden* (Administrative Court, Wiesbaden, Germany) concerning **the validity of Regulation (EU) 2019/1157 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement**. The Court ruled that the obligation to insert two complete fingerprints into the storage medium of identity cards constitutes a limitation of the fundamental rights to respect for private life and to the protection of personal data, guaranteed by **Articles 7 and 8 of the Charter** respectively. However, such insertion is justified by the objectives of general interest of combatting the production of false identity cards and identity theft and to ensure the interoperability of verification systems. **It is appropriate and necessary to those objectives and is not disproportionate when compared with them.**

By contrast, the regulation in question was adopted on an incorrect legal basis (the EP and Council adopted it on the basis of Article 21(2) TFEU; the correct legal basis is however **Article 77(3) TFEU**) and, therefore, in accordance with the wrong legislative procedure, namely the ordinary legislative procedure, rather than a special legislative procedure requiring, in particular, unanimity in the Council. The Court therefore declared the regulation to be invalid. That being said, the regulation being invalid with immediate effect would be likely to have serious **negative consequences for a significant number of EU citizens and for their safety in the AFSJ**. For that reason, the Court held that the effects of Regulation 2019/1157 must be maintained until the entry into force of a new regulation with the correct legal basis, within a reasonable time and **by 31 December 2026 at the latest**.

## CJEU: An asylum application based on a religious conversion after leaving the country of origin cannot be automatically rejected as abusive

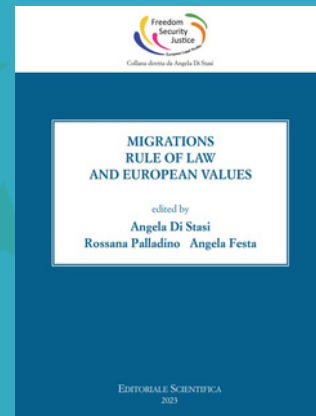
On **29 February 2024**, the Court of Justice of the EU, in its judgment *Bundesamt für Fremdenwesen und Asyl v. JF* ([C-222/22](#)), ruled on the reference for a preliminary ruling by the Austrian Administrative Court concerning the compatibility with Directive 2011/95/EU of the Austrian law making the **granting of refugee status following a subsequent application** subject to the condition that the new circumstance relied on by the applicant, in this case a **religious conversion liable to expose him to the risk of persecution** in the country of origin, constitutes the expression and continuation of a conviction already manifested within that country before departure. The Court ruled in the negative, reasoning that **no presumption can be derived from 2011/95/EU that any subsequent application based on circumstances arising after the applicant's departure from the country of origin is linked to an abusive or instrumental intention**. Therefore, **each subsequent claim must be assessed individually and refugee status must be granted where the credibility of the conversion is established**.

# OUR ACTIVITIES

## “Migration, Rule of Law and European Values”

In December 2023 the Volume '*Migration, Rule of Law and European Values*' edited by **Profs. Angela Di Stasi, Rossana Palladino and Angela Festa** was published. The book is the result of a project devised by some lecturers at the University of Salerno and shared by scholars from Italian and foreign universities and research institutes, and collects the scientific papers presented and discussed by young researchers during the workshop held at the University of Salerno on 25 May 2023.

This Volume is available under an Open Access license: <https://www.fsjeurostudies.eu/files/2023.Migrations.RuleofLaw.EuropeanValues.pdf>

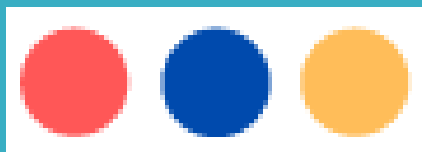


## Administrative and Judicial Protection for Migrants



On **22 March 2024**, a Jean Monnet joint seminar took place on the stages of administrative and judicial protection for asylum seekers, with particular reference to the Italian context. The seminar was introduced by **Professors Francesco Buonomenna, Rossana Palladino and Teresa Russo** and held by **Dr. Francesca Iervolino**, judge of the Specialised Section 'Immigration and Asylum' at the Court of Salerno.

## New activities from March 2024



In March, the teaching activities of the Jean Monnet Module have been started again for the academic year 2023/24 with new cycles of **Hybrid Training Lecture Series** and new workshops as part of the **Undergraduate Course**.

**About:** EU-DRAW is an EU-funded project aiming to promote didactic and study activities, knowledge, and research on the themes of European citizenship, the rights and duties connected to it, as well as on the common rights and values, and on effective actions to assure democracy and the rule of law within the EU, including the EU external action. EU-DRAW will run for 3 years (2022-2025).

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