



What is a request for an advisory opinion?

Protocol No. 16 to the European Convention on Human Rights allows the highest courts and tribunals, as designated by the member States which have ratified this text, to request the European Court of Human Rights to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or its protocols.

It thus makes it possible to enhance the interaction between the Court and national authorities and thereby reinforce implementation of the Convention, in accordance with the principle of subsidiarity.

This document is for press use and does not bind the Court.

What is Protocol No. 16 to the European Convention on Human Rights?

[Protocol No. 16](#) extends the jurisdiction of the European Court of Human Rights, enabling the Court to give advisory opinions in response to requests from the highest courts or tribunals of States Parties to the Convention.

It was opened for signature on 2 October 2013 and entered into force on 1 August 2018, following its ratification by France on 12 April 2018.

As matters stand, on 8 April 2019, twenty-two States have signed the Protocol and twelve have ratified it.

[Status of signatures and ratifications](#)

Who can request advisory opinions and what can they concern?

The highest national courts or tribunals of a High Contracting Party may request the Court to give an advisory opinion.

These requests concern questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention or its protocols.

It should be noted that the requesting court or tribunal may seek an advisory opinion only in the context of a case pending before it. It must give reasons for its request and must provide the Court with the relevant legal and factual background to the pending case.

How does the procedure work?

One of the highest courts or tribunals designated by the High Contracting Party at the time of ratification of Protocol No. 16 sends a letter to the Court requesting an advisory opinion relating to a case pending before it. A five-judge panel of the Grand Chamber meets to decide whether or not to accept the request. If the panel refuses the request it must give reasons.

Which judges make up the Grand Chamber panel?

The panel which decides whether to accept the request for an advisory opinion is made up of five judges. The judge elected in respect of the High Contracting Party to which the requesting court or tribunal pertains sits as an *ex officio* member of the panel. He or she will also be among the seventeen judges sitting in the Grand Chamber which delivers the advisory opinion.

For further details see Rule 24 of the [Rules of Court](#), entitled “Composition of the Grand Chamber”.

Can other interveners take part in the proceedings?

The Commissioner for Human Rights of the Council of Europe and the relevant High Contracting Party have the right to submit written observations and to take part in any hearing that is held.

The President of the Court may also invite any High Contracting Party or person to submit written observations or to take part in the hearings.

How is the advisory opinion delivered?

The advisory opinion is delivered by the Grand Chamber, giving reasons. If the opinion is not unanimous, any judge may issue a separate opinion.

The advisory opinion is sent to the requesting court or tribunal and to the High Contracting Party to which the court or tribunal pertains. It is published on the Court’s HUDOC website.

Advisory opinions are not binding.

Further information can be found via the following links on the Court’s website:

[Protocol No. 16](#)

[Explanatory Report](#)

[Additional information](#)

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.