July 2026

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 States Parties 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.

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[1].

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 submits to the Court a request for 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.

[1] Chart of signatures and ratifications

The President of the Court may also invite the parties to the domestic proceedings to intervene, as well as any High Contracting Party or person.

How is the advisory opinion delivered?

The advisory opinion is delivered by the Grand Chamber, giving reasons.

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.

The Court has examined twelve requests for advisory opinions. Four have been rejected; eight gave rise to an advisory opinion. Three requests, which the Court has accepted for examination, are currently pending. These requests were submitted by Ukraine's Supreme Court (Request P16-2026-001), by the Constitutional Court of Luxembourg (P16-2026-002) and by Slovenia's Supreme Court (P16-2026-003).

Advisory opinions delivered by the Court

10 April 2019: Advisory opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother, requested by the French Court of Cassation - Request no. P16-2018-001

29 May 2020: Advisory opinion concerning the use of the "blanket reference" or "legislation by reference" technique in the definition of an offence and the standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law, requested by the Armenian Constitutional Court - Request no. P16-2019-001

8 April 2022: Advisory opinion on the assessment, under Article 3 of Protocol No. 1 to the Convention, of the proportionality of a general prohibition on standing for election after removal from office in impeachment proceedings, requested by the Lithuanian Supreme Administrative Court - Request no. P16-2020-002

26 April 2022: Advisory opinion on the applicability of statutes of limitation to prosecution, conviction and punishment in respect of an offence constituting, in substance, an act of torture, requested by the Armenian Court of Cassation - Request no. P16-2021-001

13 July 2022: Advisory opinion on the difference in treatment between landowners' associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and landowners' associations set up after that date, requested by the French *Conseil d'État* - Request no. P16-2021-002

13 April 2023: Advisory opinion on the procedural status and rights of a biological parent in proceedings for the adoption of an adult, requested by the Supreme Court of Finland - Request no. P16-2022-001

14 December 2023: Advisory opinion as to whether an individual may be denied authorisation to work as a security guard or officer on account of being close to or belonging to a religious movement, requested by the *Conseil d'État* of Belgium - Request no. P16-2023-001

5 March 2026: Advisory opinion on whether a nun's cell can qualify as her home – Request no. P16-2025-001.

Requests for advisory opinion rejected

14 December 2020: Decision on a request for an advisory opinion under Protocol No. 16 concerning the interpretation of Articles 2, 3 and 6 of the Convention, requested by the Supreme Court of the Slovak Republic - Request no. P16-2020-001

19 February 2024: Decision on a request for an advisory opinion under Protocol No. 16 concerning the interpretation of Article 4 of Protocol No. 7 to the Convention, requested by the Supreme Court of Estonia - Request no. P16-2023-002

28 June 2024: Decision on a request for an advisory opinion under Protocol No. 16 concerning the interpretation and application of Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention, requested by the High Court of Cassation and Justice of Romania - Request no. P16-2024-001

20 December 2024: Decision on a request for an advisory opinion under Protocol No. 16 concerning the interpretation and application of Article 8 of the Convention, requested by the High Court of Cassation and Justice of Romania - Request no. P16-2024-002

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

Advisory opinions

Updated Guidelines on implementation of advisory opinion procedure under Protocol No. 16 to the Convention (press release of 24 October 2023)

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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.