Parliamentary Assembly
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Draft protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms

Parliamentary Assembly

1. Draft Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention"), as submitted to the Parliamentary Assembly in April 2013,[2] provides for the possibility for the highest courts of the High Contracting Parties to obtain, from the European Court of Human Rights ("the Court"), opinions on questions of principle relating to the interpretation or application of rights and freedoms defined in the Convention and its protocols.

2. This additional protocol to the Convention, which must be ratified by 10 High Contracting Parties to the Convention before it enters into force, is likely to:

2.1. strengthen the link between the Court and States' highest courts by creating a platform for judicial dialogue, thereby facilitating the application of the Court's case law by national courts;

2.2. help shift, from *ex post* to *ex ante*, the resolution of a number of questions of interpretation of the Convention's provisions in the domestic forum, saving – in the long run – the valuable resources of the Court; the speedier resolution of similar cases on the domestic plane will also reinforce the principle of subsidiarity.

3. The Assembly is therefore of the view that this draft protocol, as presently worded, should be adopted by the Committee of Ministers and opened for signature and ratification.

1. *Assembly debate* on 28 June 2013 (27th Sitting) (see Doc. 13220, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Chope). *Text adopted by the Assembly* on 28 June 2013 (27th Sitting).
2. Doc. 13167.