



Recommendation 1020 (1985)¹

Desirability of empowering the European Court of Human Rights to give preliminary rulings at the request of a national court

Parliamentary Assembly

The Assembly,

1. Bearing in mind that the aim of the Council of Europe is to achieve a greater unity between its members, in particular through the maintenance and further realisation of human rights and fundamental freedoms ;
2. Considering it necessary to increase the effectiveness of the European Convention on Human Rights by reducing the length of proceedings before the convention's organs and ensuring uniform interpretation of the convention ;
3. Bearing in mind that the interpretation of the convention in contracting states has already given rise to a considerable amount of case-law ;
4. Observing, however, that the convention does not lay down any procedure for unifying national courts' interpretations and does not provide for preliminary rulings ;
5. Considering that the European Court of Human Rights should be empowered to give preliminary rulings on the interpretation of the convention at the request of national courts ;
6. Considering that such an innovation would make for a more uniform interpretation of the convention ;
7. Aware that such a power would mainly apply to states which have incorporated the convention in their domestic legal systems,
8. Recommends that the Committee of Ministers :
 - a. draw up a protocol to the convention with a view to empowering the European Court of Human Rights to give preliminary rulings at the request of national courts ;
 - b. submit such a protocol to the Parliamentary Assembly for opinion.

1. Assembly debate on 2 October 1985 (19th Sitting) (see [Doc. 5459](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 2 October 1985 (19th Sitting).

