

First Case for Advisory Opinion under Protocol No. 16



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News

On 3 December 2018, the Grand Chamber panel of five judges accepted a request for an advisory opinion under Protocol No. 16. This is the **first case** (received on 16 October 2018 from the French Court of Cassation) since the entry into force of Protocol No. 16 to the ECHR on 1 August 2018 (see euclid 2/2018, p. 109). The case raises questions on legal mother-child relationship and compliance with the requirements of Article 8 of the Convention when registering the birth of a child born abroad to a surrogate mother.

Protocol No. 16 allows the highest courts and tribunals to request the ECtHR 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. An advisory opinion may be requested only in the context of a case pending before a domestic court. A panel of five judges decides whether to accept or reject the request. The advisory opinions given by the Grand Chamber provide reasons and are not binding.

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