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THE ADVISORY COMPETENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS IN THE LIGHT OF THE OPINIONS ADOPTED UNDER PROTOCOL NO. 16 OF ECHR: OVERALL ASSESSMENTS AND PERSPECTIVES

The present essay deals with the current state and perspectives of the advisory competence of the European Court of Human Rights as provided for by Protocol no. 16, in the light of the recent opinions adopted by the Court itself. The first part of the article is dedicated to the general overview of the advisory procedure envisaged by the Protocol, through the in-depth analysis of its distinguishing features, namely, its history, origins, objectives, characteristics and lacunas. The second part of the contribution is devoted to the detailed legal examination of the cited opinions, highlighting their positive and negative aspects, also taking into consideration the aims underlying Protocol no. 16. Finally, in the third part of the article, an overall assessment of the application of the advisory instrument at issue is made and its future perspectives are outlined.