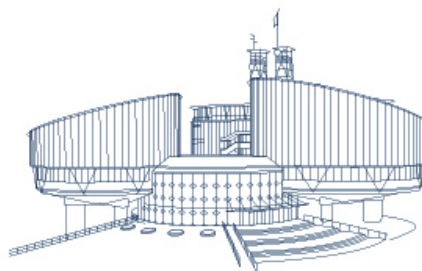


PRESS RELEASE

FORTHCOMING DELIVERY OF AN ADVISORY OPINION IN RESPONSE TO A REQUEST FROM THE CONSTITUTIONAL COURT OF THE GRAND DUCHY OF LUXEMBOURG

ECHR 252 (2026) 13.10.2026

Press release issued by the Registrar of the Court



The European Court of Human Rights will deliver an advisory opinion (P16-2026-002) at a public hearing on Tuesday 20 October 2026 at 10.30 a.m. in the Human Rights Building, Strasbourg.

The delivery will be broadcast live on the Court's [YouTube channel](#).

The request was made in the context of disciplinary proceedings brought against a former lawyer of the Luxembourg Bar who was disbarred for life by the Disciplinary and Administrative Board of Appeal. Having failed to appear in person before the disciplinary bodies, as required by section 26(11) of the Law of 10 August 1991, the Board of Appeal found against her by default and her counsel was refused leave to represent her in her absence.

Members of the public wishing to attend the delivery should submit a [request here](#). Journalists should contact the Press Unit at echrpess@echr.coe.int.

Protocol No. 16 enables member States' highest national courts and tribunals to ask the Court to give advisory opinions on questions of principle relating to the interpretation or application of the rights and freedoms defined in the European Convention or its Protocols. Advisory opinions are not formally binding. For more information see the [FAQ](#).

Background to the opinion

In May 2013, F.C., a lawyer, resigned from the Luxembourg Bar. Subsequently, on an unspecified date, disciplinary proceedings were brought against her by the Bar Association for acts committed while she was still a member of the Bar.

In July 2023 she was disbarred for life by default by the Disciplinary and Administrative Board. She appealed to the Disciplinary and Administrative Board of Appeal (*Conseil disciplinaire et administratif d'appel* – "CDAA"). The hearing was set for 6 November 2024 after being adjourned five times, including twice at F.C.'s request.

On the day of the hearing, F.C. did not appear in person before the CDAA. The CDAA refused to grant leave to her counsel to represent her in her absence and to put forward arguments in her defence. It based its decision on section 26 of the Law of 10 August 1991, which provided that "the

respondent lawyer [was to] appear in person. He or she [could] be assisted by counsel. Should he or she fail to appear in person, a decision [would] be given by default, with no possibility of applying to set aside that decision and rehear the case”.

The CDAA, ruling on the merits in F.C.’s absence, upheld the first-instance decision to disbar her for life. F.C. appealed to the Court of Cassation, arguing, in particular, that section 26 of the Law of 10 August 1991 was unconstitutional, as it imposed a significant, unjustified restriction on the right to a fair hearing and on defence rights.

On 16 October 2025 the Court of Cassation referred a question to the Constitutional Court for a preliminary ruling.

On 27 February 2026 the Constitutional Court decided to request an advisory opinion from the Court and to adjourn its preliminary ruling pending the Court’s reply.

Questions asked in the request for an advisory opinion

“A. Does the [European Convention on Human Rights] guarantee to a professional facing proceedings before a disciplinary authority the right to be not only assisted but also represented by a lawyer?

B. Can the national legislature require a professional facing proceedings before a disciplinary authority to appear in person before that authority, or does such a requirement infringe the rights guaranteed by the [Convention]? Does the obligation for a professional facing disciplinary proceedings to appear in person before the disciplinary authority pursue a legitimate aim, in particular with regard to the nature and procedural requirements of disciplinary proceedings, in that it makes it possible to ensure the professional’s presence before the disciplinary authority with a view to direct interaction with its members, to impose disciplinary sanctions on that professional, to avoid failures to appear, to ensure efficient case resolution and the proper administration of justice, and to prevent delaying tactics?

C. Are the [Convention] rights infringed where a decision is given by default and there is no remedy in respect of that decision on questions of both fact and law, whether these circumstances are taken together or in conjunction with the obligation for the professional facing disciplinary proceedings to appear in person before the disciplinary authority and the impossibility of being represented by a lawyer instead? Is there a reasonable relationship of proportionality between, on the one hand, the delivery of a default decision and the absence of any remedy in respect of that decision on questions of both fact and law – whether these circumstances are taken together or in conjunction with the obligation for a professional facing disciplinary proceedings to appear in person before the disciplinary authority and the impossibility of being represented by a lawyer instead – and, on the other, any legitimate aims as may be identified in the answer to question B?

D. Are the answers to question C

- subject to the disciplinary authority’s power to grant one or more limited, duly justified adjournments?
- different depending on whether the matter is being heard at first instance or on appeal?
- dependent on whether the appeal decision is in turn subject to a cassation appeal limited to points of law?”

Proceedings before the Court

The request for an advisory opinion was submitted on 2 March 2026. It was accepted by the Panel of the Grand Chamber on 11 May 2026.

The composition of the Grand Chamber was determined on 18 May 2026 in accordance with Rules 24 § 2 (g) and 94 § 1 of the Rules of Court.

The parties to the domestic proceedings were invited to submit written comments to the Court (Article 3 of Protocol No. 16 and Rule 94 § 3). F.C. and the Luxembourg Bar Association availed themselves of that opportunity.

The Luxembourg Government decided to exercise their right to intervene in the proceedings.

Copies of the submissions received were transmitted to the Constitutional Court.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int.

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Press contacts

✉ echrp@echr.coe.int | tel.: +33 3 90 21 42 08

Media enquiries are welcome by email or phone.

Inci Ertekin (tel.: +33 3 90 21 55 30)

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.