



European Court accepts request by Ukraine's Supreme Court for an advisory opinion on whether a nun's cell can qualify as her home

The European Court of Human Rights has accepted a request (no. P16-2025-001) for an advisory opinion under Protocol No. 16 to the European Convention on Human Rights submitted by Ukraine's Supreme Court on 21 August 2025.

In its request, Ukraine's Supreme Court has asked the European Court of Human Rights to provide guidance on the Convention issues arising in a case pending before it concerning a dispute between a monastery of the Ukrainian Greek Catholic Church and a former nun over her right to live in a convent owned by the monastery. She left the convent in 2017 in a context of conflict within the religious community.

The request raises issues regarding the right to reside in a monastery of a person who used to belong to a religious order and whether the dispute should be resolved by the national courts.

The request was accepted by a five-judge panel of the Grand Chamber on 15 September 2025. At this stage only the question of the admissibility of the request, as such, was decided by the Panel.

The advisory opinion requested will be provided by the Grand Chamber, comprising 17 judges, constituted in accordance with Rule 24 of the Rules of Court.

The time-limits that have been set for submissions in these proceedings are indicated below.

[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. The advisory opinions are not binding. The Court has delivered [seven advisory opinions](#) since Protocol No. 16 came into force on 1 August 2018. For more information see the [FAQ](#).

Facts

The advisory opinion requested relates to a dispute pending before Ukraine's Supreme Court between a monastery of the Ukrainian Greek Catholic Church and F., a former nun.

F. was a member of a religious community of sisters from 2004.

From 2011 she resided in a convent owned by the monastery, and was officially registered at that address.

F. left the convent in 2017, due to conflict and differences of opinion with the leaders of the religious organisation. She has since repeatedly attempted to return, in vain because the locks have been changed.

Before the national courts, the monastery has sought to have it recognised that F. had lost the right to live in the convent, while F. has maintained that the religious organisation is obstructing her use of those premises – arguing that she has no other housing and her belongings remain there.

The case has been through several stages. The lower courts dismissed the religious organisation's claim and upheld F.'s counterclaim. They essentially found that the dispute could be examined by the civil courts and did not interfere with the religious organisation's internal affairs. The case is currently pending before Ukraine's Supreme Court, with the monastery arguing that the dispute should be treated as falling within the scope of canon, not national law.

Ukraine's Supreme Court has stayed the proceedings before it and is now asking for guidance from the European Court on issues raised by the case.

Questions submitted in the advisory opinion request

"1. Do the premises of religious buildings – monasteries (monastic cells) – constitute a "home" within the meaning of Article 8 (right to respect for the home)?

2. Does the national court's jurisdiction extend to disputes concerning the right of a former nun to use the premises of a monastery, where such right arose from an oral agreement with the monastery based on its purpose and the nun's admission thereto, but was terminated as a result of the nun leaving the disputed premises due to a conflict and differences of opinion with the leaders of the religious organisation?"

Grand Chamber Panel decision

The request for an advisory opinion was introduced on 21 August 2025. It was accepted by the Panel of the Grand Chamber on 15 September 2025. At this stage only the question of the admissibility of the request, as such, was decided by the Panel. When the Panel accepts the request, a Grand Chamber is constituted in accordance with Rule 24 of the Rules of Court to deal with the request and to deliver the advisory opinion.

Subsequent procedure and time-limits

The President of the Court has invited the parties to the domestic proceedings before Ukraine's Supreme Court to submit written observations by 31 October 2025.

He decided that the Government of Ukraine and the Commissioner for Human Rights must inform the Registrar in writing by 15 October 2025, should they wish to exercise their right under Article 3 of Protocol No. 16 to submit written observations, which must be filed with the Court by 31 October 2025.

Any other Contracting Party or any other interested person wishing to intervene as a third party in these proceedings (Rule 44 § 7) must request leave to do so by 15 October 2025. If leave is granted, the written observations must be filed with the Court by 31 October 2025 at the latest.

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Protocol No. 16 allows the highest courts and tribunals, as specified by the member States that have ratified it, to request 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.

The aim of Protocol No. 16 is to enhance interaction between the Court and national authorities and thereby reinforces the implementation of Convention rights and freedoms by the requesting courts in their adjudication of pending cases.

An advisory opinion may only be sought in the context of a case pending before the requesting court. The acceptance or refusal of a request is left to the Court's discretion. A panel of five judges decides whether to accept the request, giving reasons for any refusal.

Advisory opinions, which are given by the Grand Chamber, are not binding. The Panel and the Grand Chamber include *ex officio* the judge elected in respect of the High Contracting Party to which the requesting court or tribunal pertains. Judges are entitled to deliver a separate opinion.

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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.