



Forthcoming Grand Chamber judgment in the case of a voluntary inpatient who committed suicide after leaving his psychiatric hospital without permission

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Fernandes de Oliveira v. Portugal** (application no. 78103/14) at a public hearing at 11 a.m. on 31 January 2019 in the Human Rights Building, Strasbourg.

The case concerns a complaint by the applicant that her adult son, who suffered from mental illnesses and was at the time a voluntary inpatient, committed suicide after leaving the hospital premises without notifying the hospital authorities.

Principal facts and complaints

The applicant, Maria da Glória Fernandes de Oliveira, is a Portuguese national who was born in 1937 and lives in Ceira (Portugal).

Ms Fernandes de Oliveira's son (born in 1964) suffered from several mental illnesses, and was repeatedly admitted to Sobral Cid Psychiatric Hospital in Coimbra. On 2 April 2000 he was admitted as a voluntary inpatient to the same institution because he had attempted to commit suicide. On 27 April 2000 he left the hospital without notifying the hospital authorities and committed suicide by jumping in front of a train.

Ms Fernandes de Oliveira lodged a civil action for damages against the hospital, arguing that her son should have been under medical supervision and that the hospital staff should have prevented him from leaving. Her claim was dismissed by the Coimbra Administrative Court, as was her appeal to the Administrative Supreme Court, on the grounds that the suicide had not been foreseeable and the hospital had not breached any duty of care.

Relying in particular on Article 2 (right to life) of the European Convention on Human Rights, Ms Fernandes de Oliveira complains that the authorities failed to protect her son's life and were responsible for his death. She also complains about the length of the domestic proceedings which she brought against the hospital.

Procedure

The application was lodged with the European Court of Human Rights on 4 December 2014.

In a Chamber [judgment](#) of 28 March 2017, the Court held, unanimously, that there had been a violation of the substantive and procedural aspects of Article 2 of the Convention.

On 18 September 2017 the Grand Chamber Panel accepted the Portuguese Government's request that the case be referred to the Grand Chamber.

A [hearing](#) was held on 7 March 2018.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

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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.