



Forthcoming public delivery in the Grand Chamber case of **Pindo Mulla v. Spain**

The European Court of Human Rights will deliver its ruling in the case of **Pindo Mulla v. Spain** (application no. 15541/20) at a public hearing on Tuesday 17 September 2024 at 11 a.m. in the Human Rights Building, Strasbourg.

The case concerns blood transfusions administered to the applicant, a Jehovah's Witness, during emergency surgery, despite her refusal to undergo a blood transfusion of any kind.

Principal facts

The applicant, Rosa Edelmira Pindo Mulla, is an Ecuadorian national who was born in 1970 and lives in Soria (Spain). She is a Jehovah's Witness. A core tenet of her religious beliefs is her absolute opposition to blood transfusions.

Following medical tests carried out between May to July 2017, Ms Pindo Mulla was advised to have surgery. She subsequently issued two documents – an advance directive, and a lasting power of attorney –, each recording her refusal to undergo a blood transfusion of any kind in any healthcare situation, even if her life was in danger, but that she would accept any medical treatment that did not involve the use of blood. The applicant indicated that she carried the lasting power of attorney document on her person. The advance medical directive was deposited in the official Register of Advance Directives of Castile and Leon and was accessible to Soria hospital via the electronic system used by health professionals in the region. Under the legal framework in Spain, advance directives deposited in the regional registers are to be copied within 7 days to the National Register of Advance Directives, so as to be accessible to health care providers throughout the country.

On 6 June 2018, Ms Pindo Mulla was admitted to Soria Hospital with serious internal bleeding, causing severe anaemia. That evening, a doctor spoke to her about receiving a blood transfusion, which she refused. She expressed her refusal in an informed consent document, which she and the doctor both signed. The document became part of the applicant's medical file at Soria hospital.

The following day, due to haemorrhaging, she was transferred by ambulance to a hospital in Madrid known for its capacity to provide alternative forms of treatment to blood transfusions. She agreed to the transfer, her understanding being that she could be treated there without resort to blood transfusion. She was accompanied by a doctor with her medical records.

During the journey, the doctor warned the doctors at the hospital in Madrid that her condition was very serious. In light of this warning, anaesthesiologists at that hospital contacted the duty judge for instructions on what to do when she arrived. They indicated that she was a Jehovah's witness, that she had verbally expressed her refusal to all types of treatment and that her condition would be very unstable upon arrival. The duty judge, who did not know the identity of the patient, nor her precise wishes, transmitted the doctors' request to a forensic doctor and to the local prosecutor and requested their opinion. Within approximately an hour, based on the information received and those opinions, the duty judge authorised all medical or surgical procedures that were needed to save her life.

Treating the situation as an emergency, the usual consent protocol was not followed at the hospital. Surgery was performed that day and three transfusions of red blood cells were administered to Ms Pindo Mulla, who had not been informed of the duty judge's order, despite it having been

arranged during her journey to the hospital when it was recorded that “she was conscious, orientated and cooperative”, and despite still being fully conscious, as noted in her records, when she was taken to the operating theatre. The applicant, who believed that she was to undergo treatment without blood transfusions, did not reiterate her refusal or refer to any written document stating that refusal. She learned of the precise surgery carried out and of the transfusions the day after the operation.

Ms Pindo Mulla brought proceedings in the national courts, out of principle, to overturn the decision. The decision was upheld on appeal, and her subsequent *amparo* appeal was declared inadmissible by the Constitutional Court.

Complaints

Relying on Articles 8 (right to respect for private life) and 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights, the applicant complains that while her refusal of certain medical treatment had been, in her view, clearly established in many official documents, it was ignored by the national authorities.

Procedure

The application was lodged with the European Court of Human Rights on 13 March 2020. On 16 April 2021 the Spanish Government was given [notice](#)¹ of the application, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 4 July 2023.

The French Government and the European Association of Jehovah’s Witnesses were granted leave to intervene in the written proceedings as third parties.

A public [hearing](#) was held on 10 January 2024.

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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.

¹ In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is notified to a Government can be found in the Rules of Court.