EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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Grand Chamber Panel's decisions

At its latest meeting on 3 November 2025, the Grand Chamber panel of five judges decided to refer the case **S.O. v. Spain** to the Grand Chamber and to reject the requests to refer ten other cases[1].

A legal summary of this case is available in the Court's database HUDOC (link).

Referral accepted

S.O. v. Spain (application no. 5742/22)

The applicant, S.O., is a Venezuelan national who was born in 1956 and lives in Madrid.

The case concerned the removal of Ms S.O.'s nipple and areola, allegedly carried out without her consent, during an operation to save her breasts from cancer, and subsequent court proceedings.

In 2016 S.O. was diagnosed with breast cancer for the second time, this time in her right breast. In January 2017 the Gómez Ulla Hospital in Madrid proposed to her that she undergo breast-conserving surgery. She signed an informed-consent form.

In February of that year S.O. was operated on. Two samples of breast tissue were immediately analysed, and the decision was made to lower the incision and to remove the nipple and the areola.

S.O. complained to the Health Department of the Madrid Autonomous Community in September 2017. She claimed 100,000 euros in compensation, asserting that her nipple and areola had been removed although no cancer had been present there, and that she had given informed consent only to the breast-conserving surgery and the removal of lymph nodes.

In the absence of a reply to her administrative complaint, she took the case to the Spanish courts. However, the Madrid High Court of Justice in September 2020 considered that the consent she had given had been adequate, noting, in particular, that "oncological safety" (seguridad oncológica) had been the primary objective and that the possibility of varying the surgical technique had been included in the information given to S.O.

Relying on Article 8 (right to respect for private and family life), Ms S.O. complained that she had not given valid consent to the removal of her nipple-areola complex.

The application was lodged with the European Court of Human Rights on 21 January 2022.

In its judgment of 26 June 2025, the Court held, unanimously that there had been a violation of Article 8 of the European Convention on Human Rights.

On 3 November 2025 the case was referred to the Grand Chamber at the Government's request.

[1] Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-judges Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise, Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Requests for referral rejected

Judgments in the following ten cases are now final:

Bagirova and Others v. Azerbaijan (application nos. 37706/17 and 5 others), judgment of 24 June 2025 (*Just Satisfaction*)

Ludes and Others v. France (nos. 40899/22, 41621/22, and 42956/22), judgment of 3 July 2025

Á.F.L. v. Iceland (no. 35789/22), judgment of 10 June 2025

A and B v. Malta (no. 4986/24), judgment of 24 June 2025

D.G. and S.G. v. Serbia (no. 61347/21), judgment of 24 June 2025

Al and Demirci v. Türkiye (nos. 34280/17 and 71800/17), judgment of 10 June 2025

Cangı and Others v. Türkiye (no. 2) (no. 65087/19), judgment of 8 July 2025

Demirhan and Others v. Türkiye (nos. 1595/20 and 238 others), judgment of 22 July 2025

Selahattin Demirtaş v. Türkiye (no. 4) (no. 13609/20), judgment of 8 July 2025

Uygun v. Türkiye (no. 9389/19), judgment of 3 June 2025

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