



## Grand Chamber hearing concerning the suicide of a patient who escaped from a psychiatric hospital

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 7 March 2018 at 9.15 a.m.** in the case of **Fernandes de Oliveira v. Portugal** (application no. 78103/14).

The case concerns the complaint that the applicant's adult son, who suffered from mental disorders, committed suicide as a result of negligence at the psychiatric hospital he was in.

*The hearing will be broadcast from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

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

Ms Fernandes de Oliveira's son (born in 1964) suffered from mental disorders, and was repeatedly admitted to Sobral Cid Psychiatric Hospital in Coimbra. On 1 April 2000 he was admitted to the same institution, because he had attempted to commit suicide. On 27 April 2000 he left the premises 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, claiming that her son should have been under medical supervision and that the hospital staff should have prevented him from leaving the premises. 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.

### Procedure

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

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 the life of her son and were responsible for his death. She also complains about the length of the proceedings she brought against the hospital before the domestic courts.

In its Chamber [judgment](#) of 28 March 2017, the European Court of Human Rights 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.

<sup>1</sup> 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-member 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.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido Raimondi (Italy), *President*,  
Angelika Nußberger (Germany),  
Linos-Alexandre Sicilianos (Greece),  
Helena Jäderblom (Sweden),  
Robert Spano (Iceland),  
Luis López Guerra (Spain),  
Işıl Karakaş (Turkey)  
Paulo Pinto de Albuquerque (Portugal),  
Branko Lubarda (Serbia),  
Yonko Grozev (Bulgaria),  
Síofra O’Leary (Ireland),  
Carlo Ranzoni (Liechtenstein),  
Mārtiņš Mits (Latvia),  
Armen Harutyunyan (Armenia),  
Alena Poláčková (Slovakia),  
Pauliine Koskelo (Finland),  
Jolien Schukking (the Netherlands), *judges*,  
Péter Paczolay (Hungary),  
Tim Eicke (the United Kingdom),  
André Potocki (France), *substitute judges*,

and also Françoise Elens-Passos, *Deputy Registrar*.

## Representatives of the parties

### Government

Maria de Fátima da Graça Carvalho, *Agent*,  
Ana Garcia Marques and António José Pires Preto, *Advisers*;

### Applicant

Ana Pereira de Sousa, *Counsel*,  
Catarina Botelho and Carlos Fernandes da Silva, *Advisers*.

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### Press contacts

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel: +33 3 90 21 42 08

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

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Patrick Lannin (tel: + 33 3 90 21 44 18)

**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.