



## Grand Chamber hearing on informed consent and the scope of the duty on medical professionals to provide appropriate information to patients

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 1 April 2026 at 9.15 a.m.** in the case of **S.O. v. Spain** (application no. 5742/22).

The case concerns an alleged lack of informed consent by a patient to the removal of her nipple-areola complex during oncological breast-conserving surgery.

*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. A recording of the hearing will be available this afternoon on the Court's internet site ([www.echr.coe.int](http://www.echr.coe.int)).*

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

In 2005 the applicant, then a Venezuelan national living in Venezuela, was treated for breast cancer affecting her left breast. In 2016 she was diagnosed with breast cancer affecting her right breast and since October of that year has been treated at the Gómez Ulla Hospital in Madrid.

In January 2017 the hospital's Tumour Committee (a multi-disciplinary team of healthcare professionals who meet regularly to discuss and plan the treatment of cancer patients) suggested that S.O. undergo breast-conserving surgery. She signed an informed-consent form.

In February 2017 S.O. underwent surgery. During the operation, two samples of breast tissue were sent for analysis, and, on receipt of the analysis results, the resection area was extended with its lower margins going beyond the nipple-areola complex, which was also removed.

S.O. complained to the Health Department of the Madrid Autonomous Community in September 2017, arguing, among other things, 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, S.O lodged a civil claim. In September 2020 the Madrid High Court of Justice found 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 in the event of something unforeseen occurring during the surgery had been included in the information given to her.

### Procedure

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

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

<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-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.

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 Spanish Government's request.

The Governments of Ireland, Romania and Slovakia, and the Spanish General Medical Council (*Organización Médica Colegial de España*), were granted leave to intervene in the written proceedings as third parties.

## Composition of the Court

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

Mattias **Guyomar** (France), *President*,  
Arnfinn **Bårdsen** (Norway),  
Ivana **Jelić** (Montenegro),  
Lado **Chanturia** (Georgia),  
Ioannis **Ktistakis** (Greece),  
Jovan **Ilievski** (North Macedonia),  
María **Elósegui** (Spain)  
Raffaele **Sabato** (Italy),  
Davor **Derenčinović** (Croatia),  
Anne Louise **Bormann** (Denmark),  
Sebastian **Rădulețu** (Romania),  
Diana **Kovatcheva** (Bulgaria),  
Alain **Chablais** (Liechtenstein),  
Artūrs **Kučs** (Latvia),  
András **Jakab** (Austria),  
Juha **Lavapuro** (Finland),  
Vasilka **Sancin** (Slovenia), *judges*,  
Canòlic **Mingorance Cairat** (Andorra),  
Lorraine **Schembri Orland** (Malta),  
Sébastien **Biancheri** (Monaco), *substitute judges*,

and also Marialena **Tsirli**, *Registrar*.

## Representatives of the parties

### Government

Heide-Elena **Nicolás Martínez** and José Antonio **Jurado Ripoll**, *Co-Agents*,  
Ángela **Domínguez Bravo**, *Adviser*;

### Applicant

Anna **Arganashvili**, Francesco **Verri**, and Rafael **Cid Rico**, *Advisers*,  
Elena **Rodilla Alvarez**, *Counsel*.

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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.