



## Grand Chamber to examine case concerning blood transfusions given to a Jehovah's Witness against her will

The Chamber of the European Court of Human Rights to which the case **Pindo Mulla v. Spain** (application no. 15541/20) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**<sup>1</sup>.

The case concerns blood transfusions administered to the applicant, a Jehovah's Witness, against her will.

### Principal facts

The applicant, Rosa Edelmira Pindo Mulla, is an Equatorian 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 and the donation and storage of blood and blood products.

Following medical tests carried out in July 2017, Ms Pindo Mulla was advised to have surgery. She subsequently issued three documents – an advance directive, a lasting power of attorney and an informed consent document –, each recording her refusal to undergo a blood transfusion of any kind (full blood, red blood cells, white blood cells, platelets or blood plasma) 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.

On 6 June 2018, Ms Pindo Mulla was admitted to Soria Hospital. The following day, due to haemorrhaging, she was transferred by special ambulance to a hospital in Madrid.

Upon learning that the applicant was a Jehovah's Witness, anaesthesiologists at that hospital contacted the duty judge for instructions on what to do. The duty judge, who did not know the identity of the patient, nor her precise wishes, and in the absence of concrete information on her state of health, authorised all medical or surgical procedures that were needed to save her life.

Surgery was performed that day and blood transfusions were administered to Ms Pindo Mulla, who had not been informed of the duty judge's order, despite still being conscious when she was taken to the operating theatre.

This decision of the duty judge was upheld on appeal and by the Constitutional Court.

### Complaints and procedure

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 clearly established in many official documents, they were ignored by the national authorities.

The application was lodged with the European Court of Human Rights on 13 March 2020.

<sup>1</sup> Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

On 16 April 2021 the Spanish Government was given notice<sup>2</sup> of the application, with questions from the Court. A [statement](#) of facts is available only in English on the Court's website.

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

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

**Press contacts**

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

**We would encourage journalists to send their enquiries via email.**

**Jane Swift (tel.: + 33 3 88 41 29 04)**

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

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

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

Neil Connolly (tel.: + 33 3 90 21 48 05)

**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.

<sup>2</sup> 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 communicated to a Government can be found in the Rules of Court.