



Konovalova v. Russia

Application No. 37873/04, Â§ 1, ECHR 2014

Country: Russia

Region: Europe

Year: 2014

Court: European Court of Human Rights European Court of Human Rights

Health Topics: Health information, Hospitals, Informed consent, Medical malpractice, Sexual and reproductive health

Human Rights: Right to bodily integrity, Right to privacy

Facts

Ms. Konovalova, a Russian citizen, experienced contractions due to her pregnancy and was taken to S. M. Kirov Military Medical Academy Hospital. After she was admitted to the gynecology ward, she was given a booklet issued by the hospital that contained a notice stating, "We ask you to respect the fact that medical treatment in our hospital is combined with teaching for students studying obstetrics and gynaecology. Because of this, all patients are involved in the study process." At 9:00 AM, a doctor determined that Konovalova's contractions were premature and that she was suffering from fatigue. He put her in a drug-induced sleep that lasted until 12:00 PM. At 2:00 PM, the doctor again determined that her contractions were premature and prescribed anti-contraction medication to suppress labor. At 3:00 PM, Konovalova was told that her delivery was scheduled for the next day and that medical students would attend it. At 10:00 PM, she was put in another drug-induced sleep until 8:00 AM. Doctors found traces of meconium in her amniotic fluid, which indicated a risk of hypoxia, and was prescribed medicine to improve blood flow to the placenta. At 9:00 AM, doctors decided to conduct a vaginal delivery. Konovalova claimed that she then objected to the presence of medical students in the delivery room. Konovalova gave birth in the presence of doctors and medical students, who had been given information about Konovalova's state of health and medical treatment. The baby was diagnosed with light asphyxia at birth and moved into a special care unit for several weeks before going home.

Konovalova lodged a complaint with the hospital and sought compensation for damage allegedly caused by measures taken to delay birth. The hospital administration undertook an internal inquiry and issued a report that stated that the delivery had been conducted appropriately and that Konovalova had been notified upon admission to the hospital of the possible presence of students during labor. The hospital dismissed Konovalova's request. Konovalova sued the hospital and sought compensation as well as a public apology for the intentional delay to her labor and the non-authorized presence of third parties during the birth. The District Court ordered an expert examination of the case, and experts determined that the presence of the public could not have affected her labor, that the measures taken by the doctors were medically appropriate, and that there was no evidence that the birth was intentionally delayed in order to allow medical students to view the birth. The District Court therefore ruled that there were no grounds to find that the doctors inflicted damage or suffering on Konovalova, and that the hospital did not owe her any compensation.

Konovalova filed an application with the European Court of Human Rights alleging violations of Article 8 of the European Convention on Human Rights ("Convention"), which protects the right to private and family life, and Article 3, which prohibits torture and inhuman or degrading treatment.

Decision and Reasoning

The Court held that the presence of medical students was a breach of the patient's Article 8 rights. It stated that the concept of "private life" under Article 8 of the Convention is broad and covers an individual's physical integrity. The presence of the medical students and the fact that the students had access to the patient's confidential medical information constituted an interference with the patient's private life. Furthermore, because the patient was suffering from stress and fatigue due to two drug-induced sleeps and prolonged contractions, it was unclear whether she had the ability to make an informed decision under the circumstances. The Court also considered the vagueness of the notice in the hospital's booklet (the notice did not specify the extent to which medical students would be involved), the purported lack of alternative arrangements in case a patient refused to allow medical students to observe, and the manner in which the information was presented, which made medical student involvement seem mandatory.

The Court rejected the Konovalova's Article 3 claim, which contained allegations of mismanagement and intentional delay to birth. The Court reasoned that the allegations were unsubstantiated given that a report made by medical experts noted no medically inappropriate treatment by the hospital staff.

Decision Excerpts

“[T]he concept of ‘private life’ is a broad term not susceptible to exhaustive definition. It covers, among other things, information relating to one’s personal identity . . . and generally extends to the personal information which individuals can legitimately expect to not be exposed to the public without their consent . . . It also incorporates the right to respect for both the decisions to become and not to become a parent and, more specifically, the right of choosing the circumstances of becoming a parent.” Para. 39.

“Moreover, Article 8 encompasses the physical integrity of a person, since a person’s body is the most intimate aspect of private life, and medical intervention, even if it is of minor importance, constitutes an interference with this right. Turning to the circumstances of the instant case, the Court notes that given the sensitive nature of the medical procedure which the applicant underwent on 24 April 1999, and the fact that the medical students witnessed it and thus had access to the confidential medical information concerning the applicant’s condition (see paragraphs 16 above), there is no doubt that such an arrangement amounted to ‘an interference’ with the applicant’s private life within the meaning of Article 8 of the Convention” Paras. 40-41.

“Furthermore, the Court would note that the applicant learned of the presence of medical students during the birth the day before, between two sessions of drug-induced sleep, when she had already been for some time in a state of extreme stress and fatigue on account of her prolonged contractions (see paragraphs 6-16 above). It is unclear whether the applicant was given any choice regarding the participation of students on this occasion and whether, in the circumstances, she was at all capable of making an intelligible informed decision.” Para. 47.