



Worwa v. Poland

Application No. 26624/95; (2003) 43 EHRR 35

Country: Poland

Region: Europe

Year: 2003

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

Health Topics: Informed consent, Mental health

Human Rights: Right to privacy

Facts

Between 1993 and 1998, the applicant was accused of multiple offenses, including preventing her neighbors from accessing a track to the housing estate, inciting her two daughters to attack their neighbor physically and verbally, threatening her neighbor with a shovel, and doing unauthorized renovation work. In conjunction with the proceedings in the cases against the applicant, she was ordered by the court to participate in multiple examinations to evaluate her mental state. Police were used to arrest the applicant to compel attendance at certain of the appointments. The orders resulted in four examinations with one in 1994 and three in 1996. In March of 1996, the court decided to place the applicant in a psychiatric hospital for further observations. The applicant alleged that the examinations violated her rights under the Convention because: (1) they were in different centres, all at some distance from her home; (2) on multiple occasions she was summoned for an examination and then sent away without being examined as no appointment had been scheduled by the relevant government body; (3) the first two medical examinations, which found her without any loss of mental faculties, were sufficient so that the others were unnecessary; and (4) the examination related to the unauthorized renovation was particularly unnecessary given the insignificant nature of the offense.

The Government responded that all of the reports were ordered in accordance with the appropriate national laws and had been indispensable in the applicable domestic proceedings.

Decision and Reasoning

The Court held that there was a violation of Article 8 (right to private life) of the Convention. The Court did not address the allegation of a violation of Article 5 § 1.

With regards to the right to respect in private life under Article 8 of the Convention, the Court held that the combined conduct of the Government was sufficient to constitute a violation. While it noted that orders for psychiatric reports serve a valid purpose in the judicial process, the Court found that the Government was required to make sure that any measures for determining the accused's mental state respect the balance between the rights of the individual and the proper administration of justice. In the present case, the Court noted that this balance was not preserved due to the applicant being summoned multiple times by the same court in connection with different offenses and being sent home on multiple occasions without being evaluated as the Government had failed to schedule the relevant appointments.

Decision Excerpts