



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIFTH SECTION

Applications nos. 38985/25 and 22961/26
Maria de la Paz LOPEZ RUEDAS and Others against Spain
and Enith MATEUS GONZALEZ and Others against Spain
lodged on 5 December 2025 and 9 June 2026 respectively
communicated on 20 August 2026

SUBJECT MATTER OF THE CASE

The applications concern the authorities' alleged failure to protect the applicants' relatives who were healthcare workers, contracted COVID-19 at workplace and died in April 2020.

Shortly after the World Health Organisation (WHO) declared COVID-19 a pandemic, on 14 March 2020 the Spanish Government approved Royal Decree no. 463/2020 declaring a state of alarm for the management of the health emergency caused by COVID-19. Under Article 12 of the Decree, all public health authorities and personnel in Spain were placed under the direct Minister of Health's authority as necessary to protect persons, property, and places, while regional and local authorities continued to manage healthcare services within their remit.

A. The circumstances of the applicants' relatives' deaths

In application **no. 38985/25**, the applicants are the widow and two daughters of M., who in 2020 worked as a nurse of a primary care unit in the Integrated Care Management (ICM) in Puertollano of the Castilla-La Mancha Health Service.

In late March 2020 M. contracted COVID-19 while working and providing healthcare to a patient. On 26 April 2020 he died in a hospital following multiple organ failure and cardiorespiratory arrest.

In application **no. 22961/26**, the applicants are the widow, son and daughter of G., who in 2020 worked as a paediatrician for the ICM in Puertollano of the Castilla-La Mancha Health Service.

In late March 2020 G. contracted COVID-19 while working and providing healthcare to a patient. On 15 April 2020 he died in a hospital following multiple organ failure, severe bilateral pneumonia, kidney failure, and severe global respiratory failure.

B. Labour inspection report

The Provincial Labour Inspectorate of Ciudad Real conducted an inspection to assess the ICM's compliance with occupational health and safety regulations, including the protective measures made available to workers to mitigate the risk of exposure to the virus and compliance with regulations on the protection of workers against biological hazards. In October 2020 the inspectors concluded that (i) the ICM's failure to comply with occupational health and safety regulations had had a direct impact on the chain of events leading to M.'s and G.'s death; and (ii) the ICM had failed to properly assess the risk of the employees' exposure to COVID-19; to plan adequate collective protective measures to reduce exposure to the virus; to ensure workers had been aware of the risks involved in caring for patients by providing appropriate, sufficient, adequate and necessary training; and to provide M. and G. with sufficient and adequate personal protective equipment and guidance on its use, removal and disposal in accordance with established protocols, and ensure it had been properly recycled.

C. National Social Security Institute's findings

Based on the above labour inspection report, the National Social Security Institute (NSSI) held the Castilla-La Mancha Health Service responsible for a lack of health and safety measures at work, which resulted in M.'s and G.'s deaths in work-related accidents. The NSSI found that the authorities failed to provide evidence of: (i) a COVID-19 biological risk assessment or relevant procedures; (ii) adequate provision of appropriate personal protective equipment for all workers; (iii) adequate training and information for workers on COVID-19 exposure risk or protocols for the use and removal of personal protective equipment, waste management and collective disinfection; and (iv) effective implementation of hygiene measures for the washing, decontamination, and disposal of work clothing and protective equipment.

In case no. 38985/25, in 2021 the NSSI accordingly ordered a 50% increase of the social benefits due to M.'s widow (namely, widow's pension, death grant and lump-sum compensation).

In case no. 22961/26, the NSSI ordered a 50% increase of the social benefits due to G.'s widow (namely, widow's pension, death grant and lump-

sum compensation) and to G's daughter (namely, orphan's pension and lump-sum compensation).

D. Subsequent court proceedings

In both cases, in 2020 the applicants lodged claims for pecuniary liability against the Castilla-La Mancha regional health service and the Ministry of Health, Consumer Affairs and Social Welfare. As no reply followed, the applicants lodged a judicial claim for pecuniary liability in which the same authorities, together with the insurance company S., were named as co-defendants. They argued that the respondent authorities had failed in their duty to provide the hospital staff with the necessary protective equipment to carry out their work in the early days of the spread of the COVID-19 under minimum safety conditions to prevent infection, including to supply appropriate protective masks.

In each case, the *Audiencia Nacional* dismissed the claim against the authorities on grounds of *force majeure*, with similar reasoning. It considered, each time with reference to a previous judgment of the Supreme Court (STS no. 3024/2020 of 8 October 2020) and on the basis of the above-cited Royal Decree no. 463/2020 of 14 March 2020 declaring a state of alarm, that there had been no administrative inaction in a technical sense, but in the early days of the pandemic, Article 12(4) of that Decree was breached insofar as the administration had not supplied the hospitals with the protective equipment necessary for healthcare professionals to carry out their duties under minimum safety conditions. Further, the *Audiencia Nacional* considered applicable the Supreme Court's finding, reached in the above judgment of 8 October 2020 "without making any determination of guilt or attributing responsibility", that, due to the administration's failure to provide such equipment in the early days of the pandemic, the healthcare workers' fundamental rights had been compromised. In that respect, the *Audiencia Nacional* noted from the NSSI decision that the lack of occupational safety measures (assessment, planning, distribution of protective equipment) for healthcare staff at the hospital had resulted in M.'s and G.'s death; and observed that the social benefits due to his family members had been increased accordingly. Referring further to the summary of the *force majeure* criteria reiterated in the Supreme Court's judgment of 31 October 2023 (STS no. 4431/2023) the *Audiencia Nacional* found that the COVID-19 pandemic met the definition of *force majeure*, having taken into account the unforeseeable nature of COVID-19, particularly at the outset of the pandemic, and finding that it was an unusual and unexpected event whose onset and global spread had been unrelated to the activities of public authorities. Lastly, the domestic court decided not to rule on the claim against the insurance company.

In each case, the applicants' appeal on points of law were declared inadmissible by the Supreme Court. Their subsequent *amparo* appeals were also declared inadmissible.

E. Complaints

The applicants in both cases complain under Article 2 the Convention that the authorities' failure to put in place either an adequate legislative and regulatory framework or necessary protective measures resulted in M.'s and G.'s exposure to COVID-19, which led to their death. They further complain under Article 2 (procedural aspect) and Article 13 that no effective investigation in their death was conducted, and that the applicants did not have an effective remedy in respect of their Article 2 complaint.

QUESTIONS TO THE PARTIES

1. Has the right to life of M. and G., the applicants' next-of-kin, as protected under Article 2 of the Convention, been violated in the present case? In particular:

(a) At the relevant time, did the Spanish authorities know, or ought to have known, of the dangers arising from exposure of the applicants' late relatives, health workers, to COVID-19?

(b) In each case, did the authorities discharge their positive obligation under Article 2 of the Convention to protect the right to life of M. and G. and to take all measures within their control to prevent the threat to their life?

(c) With regard to the procedural obligations under Article 2 of the Convention, was there an investigation in the circumstances of M.'s and G.'s death by the domestic authorities, and if so, was it in accordance with the standards of Article 2 of the Convention?

2. Did the applicants have at their disposal an effective domestic remedy for their complaints under Article 2 of the Convention, as required by Article 13 of the Convention? With reference to the contentious-administrative proceedings pursued by the applicants, were these proceedings capable of providing adequate redress in relation to the death of their next-of-kin? Have the applicants exhausted domestic remedies, as required by Article 35 § 1 of the Convention (see *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, §§ 159–160 and 176–177, 25 June 2019) in respect of their complaint under Article 2?

3. The parties are requested to submit, in each case, a copy of the administrative file and the appeal on points of law lodged by the applicants in the contentious-administrative proceedings. They are further invited to inform the Court of any other domestic proceedings the applicants might have brought in relation to their complaint about the alleged violation of their late relatives' right to life, and to submit copies of the relevant judicial decisions.

LOPEZ RUEDAS AND OTHERS v. SPAIN AND MATEUS GONZALEZ AND OTHERS
v. SPAIN – SUBJECT MATTER OF THE CASE AND QUESTIONS

APPENDIX

No.	Application no.	Case name	Applicant Year of Birth Place of Residence Nationality
1.	38985/25	Lopez Ruedas and Others v. Spain	Maria de la Paz LOPEZ RUEDAS 1959 Puertollano Spanish Ana Isabel MONTERO LOPEZ 1993 Puertollano Ciudad Real Spanish Estela MONTERO LOPEZ 1988 Puertollano Ciudad Real Spanish
2.	22961/26	Mateus Gonzalez and Others v. Spain	Enith MATEUS GONZALEZ 1964 Ciudad Real Colombian Lucia Victoria GARRIDO MATEUS 1998 Spanish Nicolas GARRIDO MATEUS 1994 Spanish