



## Court declares inadmissible this application, which concerns the withdrawal of treatment from a five-year old in a permanent vegetative state, and discontinues interim measure

In its decision in the case of **Parfitt v. the United Kingdom** (application no. 18533/21) the European Court of Human Rights has unanimously declared the application inadmissible.

The decision is final.

### Principal facts

The applicant, Paula Parfitt, is a British national who was born in 1979 and lives in Kent (United Kingdom).

The applicant's five-year old daughter suffers from Acute Necrotising Encephalopathy and is in a permanent vegetative state with no prospect of improvement. On 8 January 2021 the High Court made a declaration to the effect that it would not be unlawful for the hospital caring for the applicant's daughter to withdraw treatment. On 19 March 2021 the Court of Appeal dismissed an appeal, considering that the judge had taken a decision that was in the child's best interests. On 1 April 2021 the Supreme Court refused permission to appeal.

### Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 9 April 2021.

On 12 April 2021 the applicant sought and obtained an interim measure under Rule 39 of the Rules of Court staying the withdrawal of life-sustaining treatment.

Relying on Article 2 (right to life) and Article 8 (right to respect for private and family life), the applicant complained that the withdrawal of life-sustaining treatment would violate her daughter's rights and that the domestic courts had insufficient regard to the family life of mother and child.

The decision was given by a Chamber of seven judges, composed as follows:

Yonko Grozev (Bulgaria), *President*,  
Tim Eicke (the United Kingdom),  
Faris Vehabović (Bosnia and Herzegovina),  
Armen Harutyunyan (Armenia),  
Gabriele Kucsko-Stadlmayer (Austria),  
Pere Pastor Vilanova (Andorra),  
Ana Maria Guerra Martins (Portugal),

and also Andrea Tamietti, *Section Registrar*.

### Decision of the Court

#### Article 2

The Court acknowledged that the relevant regulatory framework in the United Kingdom did not disclose any shortcomings in breach of the domestic authorities' obligation to protect the right to

life. The Hospital Trust had properly approached the High Court to obtain the necessary decision, declarations and orders in the best interests of the patient, and the High Court had taken into account the evidence of 12 highly respected, specialist doctors. The court had given due and careful consideration to the applicant's wishes but had concluded that her daughter's invasive care regime was a continuing burden which brought her daughter no benefit. Notwithstanding the presumption that life should be preserved, the court had considered that it was not in the child's best interests that her life should be prolonged. This decision had been upheld on appeal to the Court of Appeal.

Therefore, having regard to the margin of appreciation afforded to the authorities in such cases, the Court found that the applicant's complaint under Article 2 of the Convention was manifestly ill-founded and should therefore be rejected.

### Article 8

The Court considered that the decisions of the domestic courts had not been "arbitrary". At both levels of jurisdiction the courts' examination had been meticulous and thorough; all concerned had been separately represented throughout; extensive and high-quality expert evidence had been heard; weight had been accorded to all the arguments raised; and the courts had given clear and extensive reasoning to support their conclusions. In doing so, they had had due regard to the best interests of the child, there being a broad consensus both in international law and in the Court's case-law that in all decisions concerning children, their best interests must be paramount. The Court considered that the applicant's complaint under Article 8 of the Convention should also be rejected as manifestly ill-founded.

The applicant's complaints were therefore declared inadmissible. Consequently, the Court discontinued the application of Rule 39 of the Rules of Court.

*The decision is available only in English.*

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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.