

English court in landmark right-to-die ruling

September 28 2011

An English judge ruled on Wednesday that a brain-damaged, minimally conscious woman should not be allowed to die, in a landmark case about the right to life-supporting treatment.

High [Court](#) judge Scott Baker said it was the first time an English court had been asked to consider whether such treatment should be withdrawn from a patient who was not in a persistent vegetative state but was minimally conscious.

The relatives of the patient, referred to only as M, had argued that she would not have wanted to live in her current condition and applied to the court asking for her food and water to be withdrawn.

Their lawyers argued that, eight years after suffering profound [brain damage](#) from viral encephalitis, she had shown no evidence of improvement.

The 52-year-old, who lives in a care home in northern England, is in a minimally [conscious state](#) -- just above a persistent vegetative state.

The [lawyers](#) for M's relatives said she was unable to consistently communicate or interact with her environment or with others, could not care for herself and suffered pain, distress and discomfort.

But a court-appointed lawyer representing the patient had argued against the relatives' application, saying that she was "otherwise clinically stable".

The local health authority also opposed the move.

In his ruling, Baker said: "The factor which does carry substantial weight, in my [judgment](#), is the preservation of life."

"I find that she does have some positive experiences and importantly that there is a reasonable prospect that those experiences can be extended by a planned programme of increased stimulation," he added.

The judge said all parties agreed that an existing "do not resuscitate" order should continue.

Law firm Irwin Mitchell, which represented M's relatives, said they were "deeply disappointed" but it was "very important" in clarifying that the High Court did have the power to decide on treatment for minimally conscious patients.

They added that the past eight years had been "heartbreaking" for M's family.

"They love her dearly and want only what is best for her, and it has been desperately difficult for them to make this application to court for treatment to be withdrawn," they said.

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