



Request for interim measures refused in case concerning the withdrawal of life sustaining treatment

The European Court of Human Rights (the President) has today decided not to indicate interim measures in the case **A.B. and Others v. the United Kingdom** (application no. 37412/22).

The case concerned the withdrawal of life sustaining treatment from a 12-year-old boy, A.B., who suffered catastrophic hypoxic ischaemic brain injury in April 2022.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

The request was made by the parents of A.B., in their own names and on his behalf.

A.B. suffered catastrophic hypoxic ischaemic brain injury on 7 April 2022 and is currently in hospital in the United Kingdom. His doctors considered that many of the signs and symptoms that they could see and evaluate clinically pointed strongly towards A.B. having sustained brain stem death. The Hospital Trust issued proceedings in the Family Division seeking a declaration that it was lawful to undertake brain stem testing and to withdraw mechanical ventilation.

Brain stem testing was not successfully carried out but on 15 July 2022 the High Court considered whether mechanical ventilation and other life sustaining treatment should continue. The court proceeded on the premise that A.B. was alive and that it should consider where his best interests lay. However, it concluded that, “on the most compelling of evidence”, the continuation of ventilation was not in A.B.’s best interests. Permission to appeal was subsequently refused by the Court of Appeal and the Supreme Court.

On 28 July 2022 A.B.’s parents approached the United Nations Committee for the Rights of People with Disabilities (UNCRPD), which asked the British authorities on 29 July 2022 to “refrain from withdrawing life-preserving medical treatment”. However, on 30 July 2022 the Hospital Trust indicated that in the absence of any further stay granted by the domestic courts, it would implement the plan to withdraw life sustaining treatment on or after 2pm on 1 August 2022.

On 1 August 2022 the Court of Appeal rejected an application by A.B.’s parents for a stay, either pending the determination by the UNCRPD of the complaint or, in the alternative, until the court could obtain further information from the UNCRPD as to how long it would need to consider the complaint. On 2 August 2022 the Supreme Court of the United Kingdom refused an application by A.B.’s parents for permission to appeal against that decision.

On 3 August 2022 the applicants made a request to the Court under Rule 39, asking it to issue an interim measure preventing the hospital from withdrawing life-sustaining treatment. They argued, among other things, that the State's failure to honour the interim measure given by the UNCRPD breached Article 2 of the Convention, read alone or together with Article 14 of the Convention.

The applicants also lodged a substantive application with the Court in which they relied on Articles 2 (right to life), 6 (right to a fair trial), 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 34 (right of individual petition).

The Court (the President) today decided not to issue the interim measure sought. It also decided to declare the applicants’ complaints inadmissible. Having regard to all the material in its possession

and in so far as it had jurisdiction to examine the allegations made, the Court considered that the conditions of admissibility provided for in Articles 34 and 35 of the Convention were not fulfilled. It further indicated that this decision did not constitute an acknowledgement by the Court that it, either in fact or in law, had jurisdiction to hear the case under Article 35 § 2 (b) of the Convention (which provides that the Court shall not deal with any application that is substantially the same as a matter that has already been submitted to another procedure of international investigation or settlement).

Therefore the Court will not interfere with the decisions of the national courts to allow the withdrawal of life-sustaining treatment from A.B. to proceed.

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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.