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Honourable Judge Sir Anthony Hayden
Judge of the High Court of Justice Family Division
Royal Courts of Justice
Strand,
London,
WC2A 2LL

Case of Alfie Evans, Case No: FD17P00694

Dear The Hon. Mr Justice Hayden,

My name is Dr. Joseph Cook, one of the doctors who is treating Alfie Evans at Alder Hey Children's Hospital. Alfie has a progressive neuro-degenerative disease which is a form of condition that affects the spinal cord and brain.¹ Because of this condition, Alfie is being kept on life support, as he would be unable to breathe on his own if it were to be removed. Alfie's condition is degenerative across all parts of his brain, and so he is extremely unlikely to ever recover, and continuing to provide treatment will only work to prolong his life in its current state. This is why I support the court in taking custody of Alfie, as his parents are preventing the withdrawal of treatment.

Article three, section one of the UNCRC states "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."² It is my opinion that the best interest for Alfie would be to withdraw treatment, as continued treatment would simply prolong his current limited quality of life, because there is currently no way to treat his condition as there is no treatment to regrow cells in the brain and brainstem. It is unfair to keep him alive in a state in which he has almost no use of his brain, and though the parents have a right to a say in the proceedings, the rights and wellbeing of the child must come first.

¹ Alder Hey Children's NHS Foundation Trust, *FAQs Who is Alfie Evans?* (NA)
<<https://alderhey.nhs.uk/application/files/3715/2334/9960/FAQs-FINAL-220318-1.pdf>> [accessed 7 April 2020].

² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.3 -, available at:
https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [accessed 27 March 2020]

Furthermore, article nineteen section one reads “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment”.³ I am of the opinion that allowing Alfie to continue being kept alive in this state is a form of negligent treatment, and that it is the duty of the state to step in in this case to protect his rights. Section two of this article calls for “The establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification”, which should be upheld to prevent situations such as this to occur in future, and to use this case to identify when future cases in which negligent treatment of children is difficult to identify.⁴

My final reference to the UNCRC is Article twenty-three section one which contains the following; “States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.” The line “conditions which ensure dignity” is what leads me to the conclusion that the court should take responsibility of Alfie, as the condition that Alfie is currently in and will continue to be in is not a dignified condition, and he will also be unable to “enjoy a full and decent life”, as the state that he is currently in cannot truly be considered ‘living’.

³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.6 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [access ed 27 March 2020]

⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.6 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [access ed 27 March 2020]

It is also rather unfair on the staff who are treating Alfie, as it is clear to see that he is not going to recover, and the opinions of medical professionals should be heeded when dealing with a case such as this, as doctors deal with cases such as this consistently, and have to make these difficult decisions on how to advise the family of patients. For example, Rachel Clarke, an NHS palliative care doctor has said “let Alfie Evans die with dignity”.⁵ If the opinions of doctors who work with these kinds of cases are not heard then there is no hope of coming to a conclusion which is in the best interest of Alfie.

To conclude, I believe that Alfie’s right to die with dignity is protected under the UNCRC, and is supported by the opinions of multiple medical professionals, and this advice should be heeded when deliberating the outcome of this case.

Respectfully,

Dr. Joseph Cook

⁵Rachel Clarke, *As an NHS palliative care doctor, I say: let Alfie Evans die with dignity* (2018) <<https://www.theguardian.com/commentisfree/2018/apr/26/nhs-palliative-care-alfie-evans-die-with-dignity>> [accessed 8 April 2020].

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