

**Monday 16<sup>th</sup> May 2005**

## **Statement by the Disability Rights Commission**

### **Leslie Burke vs The General Medical Council in the Court of Appeal**

Mr Burke's case illustrates the position faced by many disabled people with serious long-term health problems and raises key questions about clinical decision making and the choices and rights available to an individual in respect of medical treatment.

The DRC is an interested party because the case involves a very important issue for many disabled people - that of the individual's right to choose - a right which can be overridden by potentially subjective value decisions by a doctor.

Bert Massie, Chairman of the DRC, said:

"The DRC believes that the decision making process can be based on a backdrop of negative assumptions about disabled people - of intolerable suffering or that a particular disability makes life not worth living. These views have led to inappropriate decisions to withhold or withdraw treatment.

"This case will draw a line in the sand between a doctor's clinical decisions on giving or withdrawing treatment and when the disabled patient's choice about their lives must be heard. Hospitals should be a place of care and not a place of fear for disabled people with serious long term health conditions".