

HODGE JONES & ALLEN

PRESS RELEASE – Final

25 January 2024

HIGH COURT HEARING ON POOR AIR QUALITY CLAIM AGAINST THREE CENTRAL GOVERNMENT DEPARTMENTS TAKES PLACE TODAY

At a case management hearing today, the High Court will consider the civil claim arising from the illness and tragic death of 9-year-old Ella Adoo-Kissi-Debrah in 2013. The claim is brought on behalf of Ella's Estate against three central government departments¹ for breaches of her rights under the Human Rights Act, including a breach of the right to life.

Ella had a happy childhood in south east London. Her home was close to the South Circular Road in Lewisham. Ella developed asthma just before her seventh birthday. She experienced asthma attacks that left her struggling to breathe and she required frequent hospitalisation. A few weeks after her ninth birthday she suffered a fatal asthma attack.

In December 2020 the Coroner concluded that air pollution contributed to Ella's death. Ella was the first person in the world to have air pollution recorded as a cause of death on her death certificate. The Coroner's findings were the result of her mother Rosamund's determination to uncover possible links between Ella's death and air pollution, particularly the unlawful levels of nitrogen dioxide caused by traffic on the South Circular. Prior to Ella's death, healthcare professionals had not identified air pollution as a potential cause of her ill-health.

Having represented Ella's family at the inquest, Hodge Jones & Allen continue to represent her family in this civil claim.

As this case is ongoing, no further comments will be available at this stage.

– ENDS –

Media contact

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¹ The three central government departments are the Department for Environment, Food and Rural Affairs, the Department for Transport and the Department for Health and Social Care.

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Hodge Jones & Allen – Justice

Hodge Jones & Allen (HJA) solicitors step forward when injustice reigns. They have been fighting for what's right, for approaching 45 years, leading on some of the UK's most notable cases. The firm's Justice legal teams work in Civil Liberties and Human Rights, Criminal Defence, Housing Rights, and Environmental Justice. Jocelyn Cockburn, a longstanding partner in the Civil Liberties department led the HJA legal team on the landmark inquest and the civil claim.

Richard Hermer KC and Kate Boakes of Matrix Chambers and Ravi Mehta and Gayatri Sarathy of Blackstone Chambers also represent Rosamund and her family. The HJA team currently working on the case are Nancy Collins, Ruth Waters-Falk and Siri Beck-Friis.

www.hja.net

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Background

- Ella grew up approximately 25 metres from London's South Circular Road in Lewisham, London. She spent a substantial proportion of each day travelling along or crossing this road and other busy roads, including Lewisham High Street.
- She first experienced respiratory problems in 2009. Between November 2010 and her death in February 2013, she had frequent chronic seizures and coughing attacks. She was taken to Lewisham Hospital A&E on over 30 occasions, including for episodes of collapsed lung, cardiac and respiratory arrest.
- The civil claims arising out of Ella's illness and death were initially brought by Ella's mother, Rosamund and family as well as a claim brought on behalf of Ella's Estate.
- The claim was issued against the Government bodies in December 2020 for breaches of:
 - Articles 2, 3 and 8 of the European Convention on Human Rights ("HRA claims"); and
 - Articles 13 and 23 of EU Directive 2008/50/EC ("Francovich claim").