

Dear Mad Reading Folk,

Tim has kindly offered to co-facilitate in February and has suggested some readings and discussion questions on the topic *Legal Challenges to Human Rights Violations*.

Date: Tuesday 21st February

Time: 7-8.30pm AEST (Melbourne time)

Zoom link:

<https://us02web.zoom.us/j/89692454841?pwd=ai9KU2FNWnc4bTZoNWNWVuc2E4YnNpQT09>

Passcode: 024185

Suggested Readings (attached):

- Christopher H. Maylea (2017) *A rejection of involuntary treatment in mental health social work*, *Ethics and Social Welfare*, 11:4, 336-352 (from our own Chris Maylea)
- Two news articles about legal challenges to NZ Government by New Zealand Academics about mental health rights and abuses. From the New Zealand Herald, June 2021. Nov 2022
- ‘New WHO guidance seeks to put end to human rights violations in mental health care.’ World Health Organisation News Release June 2021
- [A New Mental Health Act for Victoria?](#) By Indigo Daya

Suggested discussion questions:

1. International standards of human rights for mental health support the abolition of involuntary treatment, and the freedom for people to determine their own choice of treatment. Should these international standards be incumbent on Australia and if so why?
2. The Victorian government, in response to a recent Royal Commission has released a proposal to reform the Mental Health Act. The reform document claims that its aim is bring the act into alignment with the UN Convention on the Rights of Persons with Disabilities. The proposed new act appears to allow medical professionals to override these rights in a discretionary way. Why is the Victorian government responding to the Royal Commission report and international directives in this way?
3. How do we measure or determine madness and at what point is it reasonable to deprive a person of their rights because of claimed madness ?
4. When, if at all, is it reasonable for a responsible society to physically constrain a person deemed to be mad and under what conditions, by what means and for how long ?
5. When, if at all, is it reasonable for a responsible society to override a mad person's freedom of choice of treatment?
6. What should a responsible societies' response be to the use of mental health treatments where there is significant evidence to suggest these treatments are ineffective or dangerous?

7. Where there is controversy between different experts over the effectiveness or safety of a treatment, how should these controversies best be legally resolved?

8. Two New Zealand academics, Assoc Professors Giles Newton-Howes and Sarah Gordon are seeking to challenge the New Zealand government in the high court over the NZ mental health laws. The basis of this action appears to be that NZ laws are not compliant with international law and the NZ government appears to be dragging its feet in meeting compliance. This is essentially the same situation as in Australia except that Australian mental health laws are implemented on a state by state basis.

Would a legal challenge similar to the NZ effort be justified?

If so, how would one go about initiating such a challenge?

Looking forward to seeing you then,

Mad Studies Melbourne