

Using the Human Rights Act to advocate for clients with a disability

Selected disability and mental health case law from other jurisdictions

Section 15: Right to recognition and equality before the law

- ☐ *Parks Victoria* [2011] VCAT 2238
- ☐ *PBU & NJE v Mental Health Tribunal* [2018] VSC 564 (1 November 2018)

Section 16: The right to life

- ☐ *Rabone and Anor v Pennine Care NHS Foundation Trust* (2012) SC (8 Feb 2012)

Section 17: The right to protection from torture and cruel, inhuman or degrading treatment

- ☐ *Davies v State of Victoria* [2012] VSC 343
- ☐ *Certain Children (No 1)* [2016] VSC 796 [169]
- ☐ *Kracke v Mental Health Review Board & Ors (General)* [2009] VCAT 646
- ☐ *PBU & NJE v Mental Health Tribunal* [2018] VSC 564

Section 19: Freedom of movement

- ☐ *AC (Guardianship)* [2009] VCAT 1186
- ☐ *Secretary, Department of Justice v AB* [2009] VCC 1132

Section 23: Taking part in public life

- ☐ *Slattery v Manningham CC* [2013] VCAT 1869

Section 25: The right to privacy and reputation

- ☐ Non-litigated examples of the application of this right: to require provision of a shower curtain, to enable a woman with disability in a group home to shower with privacy and dignity (Vic); to challenge the use of CCTV cameras in the bedroom of a couple with disability (UK).

Section 26: Protection of families and Children

- ☐ Non-litigated example of the application of this right: This right has been relied upon to help to keep families intact with appropriate support and prevented the forced removal of children from parents with disabilities.

Section 29: Right to liberty and security of person

- ☐ *MH6 v Mental Health Review Board (General)* [2008] VCAT 84
- ☐ *KB and others v Mental Health Review Tribunal and Secretary of State for Health* [2002] EWHC 639

Section 36: The right to education

- ☐ Non-litigated example of the application of this right: This right has been relied upon in Victoria to help students with disability to access the supports they need to remain in mainstream schooling.

Section 37: The right to health

- ☐ Example of the potential application of this right: to challenge the denial of access to basic healthcare for people with disability detained in a forensic disability unit or authorised mental health unit.