

# FOR GARTH DANIELS

## Reports to Three U.N. Special Rapporteurs on Torture, Disability and Health.

**From:** GLENN FLOYD [mailto:floydaubrey@bigpond.com]

**Sent:** Wednesday, March 9, 2016 1:01 PM

**To:** 'sr.disability@ohchr.org' <sr.disability@ohchr.org>

**Cc:** VARIOUS

**Subject:** Alleged Violations of Garth Daniels's Fundamental Human Rights by Eastern Health at Upton House Mental Health Clinic 131 Thames St, Box Hill VIC 3128.

### **Ms. Catalina Devandas Aguila, U.N. Special Rapporteur on the Rights of Persons with Disabilities**

#### **'WITHOUT-PREJUDICE'**

Points of law and alleged facts contained herein are for purposes of determining if a case exists against unnamed individuals & organisations for alleged human rights violations and abuses.

Dear Ms. Devandas Aguila;

Australia having fully ratified the [Convention on the Rights of Persons with Disabilities](#) 17 July 2008, now has fully lawful obligations as State signatory to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

We urgently bring this specific case to your attention of alleged serious CRPD convention human rights violations of Garth Daniels who is held in 'we say', unlawful enforced detention at [Eastern Health's Upton House Mental Health Facility 131 Thames St, Box Hill VIC 3128.](#)

We also allege Upton House is violating the CRPD by inflicting, 'we say', brutal enforced treatments involving torture and other cruel, inhuman or degrading treatment or punishment of Garth Daniels.

We accordingly request you urgently demand Australian legal and medical authorities allow you to immediately conduct a visit to Upton House to examine the state of possible violation of the human rights of Garth Daniels, a person with disabilities fully protected by the CRPD. Accordingly we also request you immediately submit a report of your visit and findings, conclusions and recommendations to the Human Rights Council for immediate action specifically in Garth's case.

We seek this immediate investigation under jurisdiction of your new Special Procedures Mandate of Human Rights Council resolution 26/20; where you are clearly mandated to act upon information submitted (and shown hereunder), regarding alleged violations of the human rights of persons with disabilities.

Specifically, under your direct mandate, we seek your immediate examination of our allegations of violations taking place of Garth Daniels human rights, and your technical assistance in support of efforts for his full Human Rights realization and full cooperation with other UN human rights mechanisms and UN entities to advance the rights of Garth Daniels.

As an interim immediate step under your specific 26/20 HRC Mandate, we also request your office to officially immediately act on this information we submit by sending an urgent appeal and communications to Australia to clarify and/or bring this information of alleged Human Rights violations and 'we say' brutal personal abuse of Garth Daniels, to the attention of the highest Australian legal and medical authorities.

**We 'allege and say' specifically in this case:**

Of the gravest concern to me is a series of prima facie 'we allege', most severe human rights violations incidents I witnessed and was party to on this past Thursday 3 March 2016 in Upton House. And I set out the scene for you hereunder, a full summary of the alleged chain of events that took place from 9:30 am at this Eastern Health facility which requested a Mental Health Tribunal Hearing held at this facility.

The Mental Health Tribunal Hearing on 'informed consent' was brought about by Eastern Health against Garth, to inflict enforced 'we say' severely excessive and destructive Electro-Convulsive Shock upon Garth; that 'we say' is draconian and a direct CRPD violation of his fundamental human rights.

I attended the Tribunal hearing as a welcomed family associate of patient Garth Daniels [now getting global public support](#), for the three hour hearing brought, to conduct enforced Electroconvulsive shock and unwanted psychotropic toxic drugging against Garth; in absolute contravention of his lawful and formally stated wishes.

This extreme electroconvulsive intervention shock, triggers a massive grand mal brain seizure and 'we say' under agreed convention, has global recognition as only to be 'forcibly' administered when a patient is deemed to be serious and at extreme risk of death and too psychotic to give informed consent. This condition DOES NOT apply to Garth Daniels.

Furthermore, its curative efficacy is internationally, professionally peer-review DIRECTLY challenged, as utterly ineffective, **with no evidence shown**, for either diagnostic group studied, of any benefits beyond the treatment period **and that the 'severe-risk' cost-benefit analysis for ECT is so poor that its use cannot be scientifically justified;** ([Epidemiologia e Psichiatria Sociale 2010, JOHN READ Department of Psychology, University of Auckland New Zealand and RICHARD BENTALL Department of Psychology, Bangor University, Wales \(United Kingdom\)](#)).

Garth's lawful right to refuse this enforced brutal and debilitating treatment is medically upheld by two independent psychiatrists' opinions (we will provide) that professionally declare Garth is most able to give sound and fully 'informed consent' for accepting or refusing any proposed treatments he chooses. Garth's refusal to consent to the specific forced treatment regime is further reinforced in his Advanced Directive, a lawful document incorporated in the *Mental Health Act 2014(Vic)* of this State of Victoria Australia.

This forced treatment is brutal because Garth has the deepest fear of it, because it is forced, because it is deeply debilitating and because Garth and two independent consulting psychiatrists state he is utterly capable of giving lawful consent AND HE DOES NOT!

'We say' this is 'Torture and Cruel, Inhuman and Degrading Treatment And Punishment' without informed consent and it must be immediately fully investigated by yourself as Special Rapporteur on the Rights of Persons with Disabilities because 'we say' these enforced treatments are clear violations of Garth Daniels' rights as a person with disabilities.

Two respected psychiatrists' opinions attest that both the intended drug regime and Electroconvulsive shock treatments are deeply counter to Garth's health and wellbeing and Dr. McLaren and Garth's family request Upton House to immediately discharge Garth to Dr. McLaren's professional care. 'We say' the current regime is profoundly violating Garth's human rights and the enforced treatments are utterly destructive to his health and welfare.

The full tribunal adjourned its proceedings to visit Garth in his ward bed, and Garth most respectfully gave evidence and testimony to several people who questioned Garth in great depth, to hear his personal story. To his great credit, Garth endured the greatest anxiety this delegation naturally caused to him, and respectfully submitted his testimony and was duly thanked by the Tribunal Madam Chair, who conducted matters very responsibly.

Due to Tribunal hearing testimony given by Eastern Health, 'we say' there are also several matters of alleged potential professional negligence, misconduct, incompetence and unprofessional standards that I am immediately taking up separately with the Victorian Minister of Health, The Victorian Attorney General, Minter Ellison Law firm (providing legal counsel) and The Law Institute.

We will report the outcomes of this investigation of these alleged incidents if conducted as requested, and if the appropriate investigating bodies confirm our grave concerns on potential professional practice standards breaches are validated; we will advise you accordingly. In addition if violations are found as alleged, we will seek the immediate removal of this treating and legal team and any recommended further 'deemed appropriate' career disciplinary actions if warranted.

These matters concern inter alia 'we say' defamatory remarks made by both psychiatric staff and legal counsel of two members of Garth's lawful representation; 'we say' potentially impugning their character and right to be present and/or represent. This 'we say' attack, appeared to us as prior orchestrated and if so proven; in itself may represent natural justice violations undermining human rights obligations by attempts to subjugate due lawful process. We wish these alleged specific representations made by two specific staff at the Tribunal hearing to be fully investigated. Although these matters do not fall within your mandate remit, if found to have been breaches of lawful MHT procedure and professional practice; they may also directly impinge Garth Daniels' human rights by subjugation of natural justice and of lawful due process he is fully entitled to.

The Upton House treating psychiatric staff official position given of why destructive enforced Electroconvulsive treatments are to continue, **is there are no other options.**

'We say' such a professional enforced treatment viewpoint cannot be sustained as remotely credible, as Garth's informed choice of no shock treatment is a real and preferred option and other chosen medication choices made by Garth are very valid and wanted options, which are his rights.

A senior psychiatric practitioner made the verbatim statement that, Quote: "*Eastern Health (Upton House) has no other effective treatment options other than ECT, as the family refuses to consider clozapine. We believe his (Garth's) current medication regime is ineffective*". Unquote. **Such an admission in our view, 'we say' contravenes both agreed medical conventions on this very high-risk forced medication approach.**

This to us defies understanding under Hippocratic Oath practice not to harm, AND 'we say' may be a potential clear admission of violation of manufacturer's explicit advice on risk warnings and if proven may also constitute both professional malpractice and negligence. We are having this matter separately investigated and will provide written support of this specific point of law to your investigating team's examination. In addition to the foregoing and further, 'we say', over-excessive forced electroconvulsive shock was made that evening and the following morning; which may contravene safe and accepted guidelines for this 'we say' brutal treatment.

After the Tribunal hearing I went downstairs to visit Garth at his and his father Bernard's request. I wished to both emotionally strongly support Garth after this severe ordeal and perhaps assist with very helpful fully voluntary and non-enforced meditative practices for Garth that just merely sooth peoples' emotions. I am a qualified, trained Hypnotherapist and I wanted to give this lovely man some human love that he has been denied and deserves.

My visit to Garth was summarily forbidden, and the reason given after head psychiatric staff were called at my presence, was that Garth was too unwell. This was merely minutes after Garth most legibly participated in the full Tribunal panel hearing he was deemed fully fit for, with numerous strangers to him whom he rightly perceives as negatively impacting his health and emotions and his life.

Garth's deepest need for friends, emotional support, respect and love at this specific time is utterly in Garth's best interests and emotional and health welfare, yet minutes after this harrowing Tribunal meeting Garth endured; he was subjected to 'we say' a draconian instruction banning his fundamental emotional needs of my visit he wanted and enforcing a destructive regime of isolation and physical restraint.

Notwithstanding intended 'we say' brutal and excessive and unnecessary further planned electroconvulsive shock executed upon Garth later that evening, visits of friends and family especially at this time of grueling and harrowing treatment were in his full emotional, health and wellbeing interest; consequently 'we say' my summarily forbidden visit was unconscionable conduct.

'We say' Garth was brutally denied this obligation to provide support we and the State have to him and his terror is order of magnitude compounded by the fact that these practitioners had Garth in four point sensory deprivation and restraint, languishing in forlorn loss of hope with everything taken from him.

Sensory deprivation through isolation and restraint itself causes massive psychologically aberrant psychosis symptoms as a treatment through the directly caused emotional distress. Such extreme further enforced treatments upon Garth after enduring the Tribunal process related anxieties, naturally would have compounded such pressures on garth by orders of magnitude.

The renowned [Cochrane Schizophrenia Group, Editorial group: Publication Issue 6, 2012 on 'Seclusion and restraint'](#) for people with serious mental illnesses (Eila ES Sailas, Mark Fenton) reports:

- No controlled studies exist that evaluate the value of seclusion or restraint in those with serious mental illness. There are reports of serious adverse effects for these techniques in qualitative reviews. Alternative ways of dealing with unwanted or harmful behaviours need to be developed. Continuing use of seclusion or restraint must therefore be questioned from within well-designed and reported randomised trials that are generalisable to routine practice
- Seclusion and restraint are suggested to prevent injury and reduce agitation, but the use of seclusion and restraint can have substantial deleterious physical and more often psychological effects on both the patient and the staff (Fisher 1994). The isolation and restraint and denial of liberty and contacts conditions inflicted upon Garth last Thursday are those that 'we say' should theoretically only be inflicted upon the most extreme cases of actual/imminent spontaneous criminal violence by the pathologically criminally insane and involving police. Such law enforcement responses are only for crimes, and we are fully aware your committee exists solely because these profoundly gross mistreatments are regularly made by psychiatric staff and are profound human rights violations.

Leaving this facility, I wept in horror of what is being done to Garth. There is worldwide recognition that these very common enforced treatments are utterly destructive and reveal that very low level psychiatric staff have far greater deprivation and power of attorney declarative powers that far exceed any elected ministers of the crown.

This is anathema to human rights justice itself and deeply destructive and an utterly flawed power regime imbalance that clearly demonstrates grossly inadequate civil statutes with civil rights protections; allowing mass-scale human rights violations and abuses. That precisely is why you exist.

For a U.N. committee to be formed and titled 'Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' relating specifically to psychiatric practice **is a profound indictment of the imbedded evil of this horrific psychiatric system.**

And for a UN high office role of enforcement titled Special Rapporteur on the Rights of Persons with Disabilities to be appointed speaks to widespread psychiatric global human rights violations and abuses under the current utterly flawed legal and medical framework. This system and its vilest globally recognized practices is demonstrated to be causing global pandemic harm and extreme levels of violence and suicides and early and imminent, unwarranted death.

We note your Human Rights Council resolution 26/20 mandate confers your powers to receive and investigate and exchange information and communications on violations of the rights of persons with disabilities and consequently make concrete recommendations on how to better promote and protect the rights of persons with disabilities, including on how to promote development that is inclusive of and accessible to persons with disabilities. We therefore request your full investigation of this matter as reported under this important mandate.

In addition, we seek your full cooperation and liaison with the [UN Special Rapporteur](#) on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. We will write separately to that Special Rapporteur's office requesting their full cooperation with your office under its mandate. This is to ensure that the right to health for Garth contains both freedoms and entitlements which includes his right to control his health, including his right to be free from current enforced medical treatment and experimentation.

This case 'we say' displays blatant violation of Garth's inviolable human rights by the Eastern Health Upton House psychiatric facility, specifically his rights as a person with disabilities. We also say actions violates Garth's rights to health which contains both freedoms and entitlements which includes the right to control one's health, including the right to be free from non-consensual medical treatment and experimentation.

We say this case demonstrates Garth's human rights are blatantly violated where Garth's assessed capability of making fully informed consent for his own treatment is utterly verified by two independent professional psychiatrists and where Garth steadfastly refuses these brutal enforced treatments against his lawful instruction..

Therefore, the continued enforced treatments of brutal electro shock, enforced prolonged four point restraint and isolation and deprivation of liberty and 'we say' utterly inappropriate intended enforced medication of toxic psychotropic drugs (with debilitating destructive side-effects on Garth) 'we say' profoundly violates Garth's fundamental human rights under the UN CRPD Convention.

I therefore request you as Special Rapporteur on the Rights of Persons with Disabilities, commence an immediate investigation of this case to determine if these alleged events as reported constitute human rights violations against Garth Daniels.

And if violations are proven by your office as alleged; you recommend the UNOHCHR should take immediate appropriate action against Australia for such violations in this case and force immediate remedies to be made and compensations for damages and reparations to be sought and made.

Our reasons for insistence of your immediate intervention and management of this gravest development, is that under Australia's utterly deficient statutes, 'we say' these Upton House events described; demonstrably reveal there are no fundamental CRPD human rights protections whatsoever and all Australian statutes have utterly failed to promote, protect and ensure the full and equal enjoyment of all Garth Daniels' human rights and fundamental freedoms as a person with disabilities, or to promote respect for his inherent dignity.

Furthermore, after the abovementioned described series of events alleged as having unfolded at Upton House, and the utterly enforced ranges of 'we say' brutal psychiatric drugging, electro-shock, deprivation of liberty, excessive four point restraint and isolation regimes imposed; all constitute extremely serious violations.

Consequently, these brutal forces are severely impacting Garth Daniels' Daniels' human rights and fundamental freedoms and health as a person with disabilities, and they do not at all promote respect for his inherent dignity.

Therefore we seek your immediate investigation of matters raised herein under the spirit and intent of the CRPD and we request your immediate action and report in this gravest matter.

And, pursuant to my earlier email (**Sent:** Wednesday, February 24, 2016 12:59 PM) hereunder; I have made further important revisions and I now attached [our final 26 February 2016 'Floyd Amendment'](#) to your document '**Approach of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent'**.

Yours sincerely,

Glenn Floyd

[2004 Australian Senate Endorsed Candidate](#)

[2016 Australian Senate Candidate \(Victoria Independent\)](#)

CC:

- [Dr Yolande Lucire PhD MBBS DPM \(FRANZCP-nonfinancial\)](#)
- [Dr Paula J. Caplan PhD Award winning Nonfiction Author & Playwright - Scholar - Advocate/activist - Speaker](#)
- [Professor Peter Gøtzsche Director of The Nordic Cochrane Centre](#)
- [Tina Minkowitz President & Founder of the Center for the Human Rights of Users and Survivors of Psychiatry](#)
- [Initially NO Board Director Specialist Adviser and Global Ambassador reaches Philanthropy](#)
- [Robert Whitaker Globally Multiply Awarded Investigative Journalist & Author](#)
- [Dr Joanna Moncrieff Division of Psychiatry UCL School of Life and Medical Sciences](#)
- [Dr David Healy Internationally Respected Psychiatrist, Psychopharmacologist, Scientist & Author](#)
- [Dr Peter R. Breggin M.D. Psychiatrist, Multiply Awarded Psychiatrist, Expert Witness](#)
- [Professor Jaakko Seikkula Vice Dean of the Faculty of Social Sciences Department of Psychology University of Jyväskylä](#)

**From:** GLENN FLOYD [mailto:floydaubrey@bigpond.com]

**Sent:** Monday, March 7, 2016 10:18 PM

**To:** 'urgent-action@ohchr.org' <urgent-action@ohchr.org>

**Cc:** VARIOUS & 'Press-Info@ohchr.org' <Press-Info@ohchr.org>; 'nationalinstitutions@ohchr.org' <nationalinstitutions@ohchr.org>; 'civilsociety@ohchr.org' <civilsociety@ohchr.org>;

**Subject:** Urgent appeal: Investigation Of Violations Of The Convention on the Rights of Persons with Disabilities

**Mr. Juan Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
C/O Palais Wilson 52 rue des Pâquis CH-1201 Geneva, Switzerland.**

Dear Special Rapporteur, Mr. Mendez;

The addressed 'Urgent Appeal' report/request hereunder (Monday, March 7, 2016 2:53 AM) to the Office of the United Nations High Commissioner for Human Rights (OHCHR) is intended solely [for your office and UN authority as Special Rapporteur](#); appointed to investigate specific violations under [Article 15 of the Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

**It is utterly inappropriate for any other office, or office bearer of the Office of the High Commissioner for Human Rights (OHCHR) to be involved.**



[The Convention on the Rights of Persons with Disabilities](#) (Australia is signatory to), is established to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

We bring this case of alleged serious CRPD convention violations to your immediate attention as we allege (as cited thereunder); it involves torture and other cruel, inhuman or degrading treatment or punishment of Garth Daniels at [Upton House Mental Health Clinic 131 Thames St, Box Hill VIC 3128](#).

We note under your specific powers, the Special Rapporteur does not require the exhaustion of domestic remedies to act. And when the facts in question come within the scope of more than one mandate established by the Commission, the Special Rapporteur may decide to approach other thematic mechanisms and country rapporteurs with a view to sending joint communications or seeking joint missions.

Our reasons for insistence of your sole management of this gravest development, is that under Australia's utterly deficient statutes, 'we say' these Upton House events described; demonstrably reveal there are no fundamental human rights protections whatsoever and all Australian statutes have utterly failed to promote, protect and ensure the full and equal enjoyment of all Garth Daniels' human rights and fundamental freedoms as a person with disabilities, or to promote respect for his inherent dignity.

Furthermore, after the described series of events alleged as having unfolded at Upton House, and the utterly enforced ranges of 'we say' brutal psychiatric drugging, electro-shock, deprivation of liberty, excessive four point restraint, isolation regimes imposed; all constitute extremely serious violations.

Consequently, these brutal forces are severely impacting Garth Daniels' Daniels' human rights and fundamental freedoms as a person with disabilities, and they do not at all promote respect for his inherent dignity.

Australia has ratified the CRPD Optional Protocol, which means that the CPRD Committee under your investigative powers can look at individual complaints and can conduct inquiries into any alleged grave and systematic violations in Australia under the Protocol.

Therefore we seek your immediate investigation of matters raised herein under the spirit and intent of the CRPD and we request your immediate action and report in this gravest matter.

Yours sincerely,

Glenn Floyd

[2004 Australian Senate Endorsed Candidate](#)

[2016 Australian Senate Candidate \(Victoria Independent\)](#)

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- [Professor Jaakko Seikkula Vice Dean of the Faculty of Social Sciences Department of Psychology University of Jyväskylä](#)

**From:** GLENN FLOYD [mailto:floydaubrey@bigpond.com]

**Sent:** Monday, March 7, 2016 2:53 AM

**To:** 'InfoDesk@ohchr.org' <InfoDesk@ohchr.org>; 'Press-Info@ohchr.org' <Press-Info@ohchr.org>; 'nationalinstitutions@ohchr.org' <nationalinstitutions@ohchr.org>; 'civilsociety@ohchr.org' <civilsociety@ohchr.org>

**Cc:** VARIOUS

**Subject:** Call for to The Committee Against Torture (CAT) monitoring implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its State parties

**Office of the United Nations High Commissioner for Human Rights (OHCHR)**

**Palais Wilson**

**52 rue des Pâquis**

**CH-1201 Geneva, Switzerland.**

**'WITHOUT-PREJUDICE'**

Points of law and alleged facts contained herein are for purposes of determining if a human rights case exists against unnamed individuals for alleged human rights violations and abuses.

Dear High Commissioner,

of the gravest concern to me is a series of prima facie 'we allege', most severe human rights violations incidents I witnessed and was party to on this past Thursday 3 March 2016 in one of Australia's major psychiatric facilities; [Upton House Mental Health Clinic 131 Thames St, Box Hill VIC 3128](#). I set out the scene for you hereunder, of the alleged chain of events that took place from 9:30 am at this Eastern Health requested Mental Health Tribunal hearing at this facility.

I attended the Tribunal hearing as a welcomed family associate of patient Garth Daniels [now getting global public support](#), for the three hour hearing brought by Eastern Health Upton House psychiatric staff to conduct enforced Electroconvulsive treatment and unwanted psychotropic toxic drugging against Garth; in absolute contravention of his lawful and formally stated wishes.

This extreme electroconvulsive intervention shock, triggers a massive grand mal brain seizure and 'we say' under agreed convention, has global recognition as only to be 'forcibly' administered when a patient is deemed to be serious and at extreme risk of death and too psychotic to give informed consent. This condition DOES NOT apply to Garth Daniels.

Furthermore, its curative efficacy is internationally, professionally peer-review DIRECTLY challenged, as utterly ineffective, **with no evidence shown**, for either diagnostic group studied, of any benefits beyond the treatment period **and that the 'severe-risk' cost-benefit analysis for ECT is so poor that its use cannot be scientifically justified;** ([Epidemiologia e Psichiatria Sociale 2010, JOHN READ Department of Psychology, University of Auckland New Zealand and RICHARD BENTALL Department of Psychology, Bangor University, Wales \(United Kingdom\)](#)).

Garth's lawful right to refuse this enforced brutal and debilitating treatment is medically upheld by two independent psychiatrists' opinions (we will provide) that professionally declare Garth is most able to give sound and fully 'informed consent' for accepting or refusing any proposed treatments he chooses. Garth's refusal to consent to the specific forced treatment regime is further reinforced in his Advanced Directive, a lawful document incorporated in the *Mental Health Act 2014(Vic)* of this State of Victoria Australia.

This forced treatment is brutal because Garth has the deepest fear of it, because it is forced, because it is deeply debilitating and because Garth and two independent consulting psychiatrists state he is utterly capable of giving lawful consent AND HE DOES NOT!

'We say' this is 'Torture and Cruel, Inhuman and Degrading Treatment And Punishment' without informed consent and it must be investigated by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent

Two respected psychiatrists' opinions attest both the intended drug regime and Electroconvulsive shock treatments are deeply counter to Garth's health and wellbeing and Dr. McLaren and Garth's family request Upton House to immediately discharge Garth to Dr. McLaren's professional care. 'We say' the current regime is profoundly violating Garth's human rights and the enforced treatments are utterly destructive to his health and welfare.

The full tribunal adjourned its proceedings to visit Garth in his ward bed, and Garth most respectfully gave evidence and testimony to several people who questioned Garth in great depth, to hear his personal story. To his great credit, Garth endured the greatest anxiety this delegation naturally caused to him, and respectfully submitted his testimony and was duly thanked by the Tribunal Madam Chair, who conducted matters very responsibly.

Due to Tribunal hearing testimony given by Eastern Health, 'we say' there are several matters of alleged potential professional negligence, incompetence and unprofessional standards that I am immediately taking up separately with the Victorian Minister of Health, The Victorian Attorney General, Minter Ellison Law firm (providing legal counsel) and The Law Institute.

We also request an immediate formal detailed UNOHCHR investigation of these alleged incidents and if our grave concerns on professional practice standards are validated; we will seek the immediate removal of this treating team and further 'deemed appropriate' career actions.

These matters concern inter alia 'we say' defamatory remarks made by both psychiatric staff and legal counsel of two members of Garth's lawful representation; 'we say' impugning their character to be present and/or represent. This 'we say' attack, appeared to us as prior orchestrated and if so; in itself may represent natural justice violations undermining human rights obligations by attempt to subjugate due lawful process. We wish these alleged specific representations made by two specific at the Tribunal hearing to be fully investigated.

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This to us defies understanding under Hippocratic Oath practice not to harm, AND 'we say' is a potential clear admission of violation of manufacturer's explicit advice on risk warnings and may also constitute both professional malpractice and negligence. We will provide written support of this specific point of law to your investigating team, in addition to where further, 'we say', over-excessive forced electroconvulsive shock was made that evening and the following morning; which may contravene safe and accepted guidelines for this brutal treatment.

After the Tribunal made its decision, I went downstairs to visit Garth at his and his father Bernard's request. I wished to both emotionally strongly support Garth after this severe ordeal and perhaps assist with very helpful fully voluntary and non-enforced meditative practices for Garth that just merely sooth peoples' emotions. I am a qualified, trained Hypnotherapist and I wanted to give this lovely man some love that he deserves.

My visit to Garth was summarily forbidden, and the reason given after head psychiatric staff were called at my presence, was that Garth was too unwell. This was merely minutes after Garth most legibly participated in the full Tribunal panel hearing he was deemed fully fit for, with numerous strangers to him whom he rightly perceives as negatively impacting his health and emotions and his life.

Garth's deepest need for friends, emotional support, respect and love at this specific time is utterly in Garth's best interests and emotional welfare, yet minutes after this harrowing Tribunal meeting Garth endured; he was subjected to 'we say' a draconian instruction banning his fundamental emotional needs of my visit he wanted and enforcing a destructive regime of isolation and physical restraint.

Garth was brutally denied this obligation to provide support we and the State have to him and his terror is order of magnitude compounded by the fact that these practitioners had Garth in four point restraint, languishing in forlorn loss of hope with everything taken from him.

Sensory deprivation through isolation and restraint itself causes massive psychologically aberrant psychosis symptoms as a treatment through the directly caused emotional distress. Such extreme further enforced treatments upon Garth after enduring the Tribunal process related anxieties, naturally would have compounded such pressures on garth by orders of magnitude.

The renowned [Cochrane Schizophrenia Group, Editorial group: Publication Issue 6, 2012 on 'Seclusion and restraint](#) for people with serious mental illnesses (Eila ES Sailas, Mark Fenton) reports:

- No controlled studies exist that evaluate the value of seclusion or restraint in those with serious mental illness. There are reports of serious adverse effects for these techniques in qualitative reviews. Alternative ways of dealing with unwanted or harmful behaviours need to be developed. Continuing use of seclusion or restraint must therefore be questioned from within well-designed and reported randomised trials that are generalisable to routine practice
- Seclusion and restraint are suggested to prevent injury and reduce agitation, but the use of seclusion and restraint can have substantial deleterious physical and more often psychological effects on both the patient and the staff (Fisher 1994). The isolation and restraint and denial of liberty and contacts conditions inflicted upon Garth last Thursday are those that 'we say' should theoretically only be inflicted upon the most extreme cases of actual/imminent spontaneous criminal violence by the pathologically criminally insane and involving police. Such law enforcement responses are only for crimes, and we are fully aware your committee exists solely because these profoundly gross mistreatments are regularly made by psychiatric staff and are profound human rights violations.

Leaving this facility, I wept in horror of what is being done to Garth. And there is worldwide recognition of these common incidents where very low level psychiatric staff have greater deprivation and power of attorney declarative powers than any elected ministers of the crown. This deeply destructive and utterly flawed power regime imbalance demonstrates grossly inadequate civil statutes with no civil rights protections; allowing mass-scale human rights violations and abuses. That precisely is why you exist.

For a U.N. committee to be formed and titled ‘Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’ relating specifically to psychiatric practice **is a profound indictment of the imbedded evil of this horrific psychiatric system**. This system and its practices is demonstrated to be causing global pandemic harm and extreme levels of violence and suicides and early and imminent, unwarranted death.

The UNOHCHR Subcommittee on *Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* on the rights of persons institutionalized and medically treated without informed consent, has the lawful mandate set forth in *Article 11* of the *Optional Protocol* to directly investigate alleged violations of Australia’s obligations contained therein.

Accordingly I formally request you instigate immediate investigations by your Vice-Chairperson and Rapporteur Ms. Essadia BELMIR of these series of prima facie gravest incidents that occurred at Upton House last Thursday.

The Subcommittee has a mandate to visit places and investigate alleged violations where persons are deprived of their liberty and subjected to enforced treatments and this includes health-care settings, as defined in paragraph 4 of the Optional Protocol. Accordingly, I draw your attention to Australia’s obligations under this august UN Convention it is signatory to; specifically to the:

**Approach of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent**

In this grave matter, in particular I invite your reading of signatory implicit, inferred and implied obligations in Para:

**IV. Duties of States parties:**

“20. State parties are encouraged to review their mental health legislation and public policies with respect to the legality of involuntary interventions for persons with mental disability, with the following objectives:

- (a) Developing **restrictive criteria** for the use of involuntary interventions, **which must include that their use is limited** to cases in which **less intrusive means are not likely to be effective** and the person is incapable to provide informed consent;

(b) **Promoting appropriate measures to provide access by persons with disabilities to the support** they may require in exercising their legal capacity;

(c) Establishing procedures designed to protect the rights of persons with mental disabilities, including impartial judicial or administrative review of decisions regarding findings of incapacity and requests for involuntary hospitalization and involuntary treatment, as well as a system of periodical review of these decisions;

(d) **Providing mechanisms to investigate improprieties and abuses in the use of involuntary interventions, with appropriate penalties”**

This case ‘we say’ displays blatant violation of Garth’s inviolable human rights by the Eastern Health Upton House psychiatric facility where Garth’s assessed capability of making fully informed consent for his own treatment is utterly verified by two independent professional psychiatrists.

Therefore, the continued enforced treatments of brutal electro shock, enforced prolonged four point restraint and isolation and deprivation of liberty and ‘we say’ utterly inappropriate intended medication of toxic psychotropic drugs (with debilitating destructive side-effects on Garth) ‘we say’ profoundly violate his fundamental human rights under the UN Convention.

I therefore request The OPCAT Subcommittee on Prevention of Torture (“SPT”) to commence an immediate investigation of this case to determine if these events as reported constitute human rights violations against Garth Daniels.

And if violations are proven as alleged; the UNOHCHR should take immediate appropriate action against Australia for such violations in this case and force immediate remedies to be made and compensations for damages and reparations to be sought and made.

And, pursuant to my earlier email (**Sent:** Wednesday, February 24, 2016 12:59 PM) hereunder; I have made further important revisions and I now attached [our final 26 February 2016 ‘Floyd Amendment’](#) to your document **‘Approach of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent’**.

I look forward to your immediate action on this very urgent matter.

Yours sincerely,

Glenn Floyd

[2004 Australian Senate Endorsed Candidate](#)

[2016 Australian Senate Candidate \(Victoria Independent\)](#)

CC:

- [Dr Yolande Lucire PhD MBBS DPM \(FRANZCP-nonfinancial\)](#)
- [Dr Paula J. Caplan PhD Award winning Nonfiction Author & Playwright - Scholar - Advocate/activist - Speaker](#)
- [Professor Peter Gøtzsche Director of The Nordic Cochrane Centre](#)
- [Tina Minkowitz President & Founder of the Center for the Human Rights of Users and Survivors of Psychiatry](#)
- [Initially NO Board Director Specialist Adviser and Global Ambassador reaches Philanthropy](#)
- [Robert Whitaker Globally Multiply Awarded Investigative Journalist & Author](#)
- [Dr Joanna Moncrieff Division of Psychiatry UCL School of Life and Medical Sciences](#)
- [Dr David Healy Internationally Respected Psychiatrist, Psychopharmacologist, Scientist & Author](#)
- [Dr Peter R. Breggin M.D. Psychiatrist, Multiply Awarded Psychiatrist, Expert Witness](#)
- [Professor Jaakko Seikkula Vice Dean of the Faculty of Social Sciences Department of Psychology University of Jyväskylä](#)

**From:** GLENN FLOYD [<mailto:floydaubrey@bigpond.com>]

**Sent:** Friday, February 26, 2016 12:55 AM

**To:** 'InfoDesk@ohchr.org' <[InfoDesk@ohchr.org](mailto:InfoDesk@ohchr.org)>; 'Press-Info@ohchr.org' <[Press-Info@ohchr.org](mailto:Press-Info@ohchr.org)>; 'nationalinstitutions@ohchr.org' <[nationalinstitutions@ohchr.org](mailto:nationalinstitutions@ohchr.org)>; 'civilsociety@ohchr.org' <[civilsociety@ohchr.org](mailto:civilsociety@ohchr.org)>

**Cc:** VARIOUS

**Subject:** RE: Human Rights Violations In The State Of Victoria Australia

**Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais Wilson  
52 rue des Pâquis  
CH-1201 Geneva, Switzerland.**

Dear High Commissioner, after additional comments from impacted parties, please see attached [a further 26 February 2016 suggested 'Floyd Amendment'](#) to your document **'Approach of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent'**.

The amendments are both red text additions and ~~text strikethrough~~ removal, intended to form a holistic 'Approach' both consistent with fundamental Human Rights obligations of States' agents and prohibiting the current barbaric human rights violations happening globally; and not addressed by the document as it stands un-amended.



The 'un-amended' document as it stands, merely panders to the existing horrendous acts of barbaric and criminal widespread psychiatric practices easily now perpetrated under all of Australia's current State Mental Health Acts and globally. These human rights violations include and are not limited to: unlawful enforced/excessive psychotropic toxic (and lifelong-destructive) drugging, enforced destructive physical restraint and isolation, enforced massively harming electric shock tortures and criminal removal of enduring power of attorney of citizens by deliberately fraudulently declared 'medical-conditions'.

The un-amended document freely offers both odious false piety to States' political regimes' politicians and executive branch officers and strongly fosters an unethical 'dark-authority' of closing a 'blind-eye' to current devastating human harms they allow under their deeply flawed and corrupt regimes. These destructive impacts are where 'subsector Mental Health Departments' of State Ministerial Health Departments, very far removed from the human rights violations occurring under their delegated responsibilities; occur daily and at pandemic levels.

The Mental Health Acts' powers are written with such 'deliberately concocted' vague and high-level political platitudinous language, State agents and corruptly empowered psychiatric practitioners within their regimes are able to violate all fundamental human rights obligations with legal impunity. In fact, the Acts and regulations and protocols and procedures fully foster and allow clandestine perpetration and concealment of mass-scale barbaric human rights abuses. These statutes' weaknesses and failures are not accidental and are corruptly driven by Medical Association peak bodies' lobbyists parasitically bleeding \$Multi-Billion health budgets at human expense.

The current psychiatric-centric model is responsible for pandemic levels of massive health devastation, death, suicide, violence and the State' agents' laws MUST be brought into alignment with UN OHCHR standards.

The attached suggested amendments to your **'Approach of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the rights of persons institutionalized and medically treated without informed consent'** are made after four years deep consultations with psychiatric-survivors deeply harmed by these fundamental human rights violating destructive psychiatric practices.

These debilitating, harmful practices have developed over time and are led by the destructive false belief in 'alleged' miracle drugs and destructive technology (e.g. Electric-Shock) treatments etc. whereby the total focus is on 'immediate' total behavior halting interventions; AND NOT CURE! These barbaric enforcement interventions are with highly toxic psychotropic drugs with lifelong debilitating side effects (which are now the 3rd leading cause of death after heart disease and cancer) and they are not holistic care.

Regrettably these enforced interventions are also driven by the false notion that isolated treatment of 'organs' for example 'the brain' overrides the person, where support, society, emotions, external trauma causing the emotional state are utterly ignored.

It is also formed by detailed research analysis of thousands of personal psychiatric case notes that definitively show criminal removal of enduring power of attorney of citizens with deliberately fraudulent declared 'medical-conditions' made by State agents' psychiatric-system practitioners.

For a U.N. committee to be formed and titled 'Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' relating specifically to psychiatric practice **is a profound indictment of the imbedded evil of this horrific system**. This system and its practices is demonstrated to be causing global pandemic harm and extreme levels of violence and suicides and early and imminent, unwarranted death.

The suggested amendments are respectfully submitted for consideration by **The Subcommittee**, to be adopted verbatim to further restrain Australian government politicians, ministers, departmental officers and above all psychiatric practitioners from continuing their criminal human rights violations and further spreading the pandemic harms to our communities.

The un-amended document is dangerous, destructive false-piety not at all addressing the fundamental widespread human rights violations and government sanctioned human rights abuses now taking place.

Best regards

Glenn Floyd

[2004 Australian Senate Endorsed Candidate](#)

[2016 Australian Senate Candidate \(Victoria Independent\)](#)