Laura Davidson
International Human Rights Law

"Well regarded in the market, and noted for her academic excellence in human rights and mental health law. She is adept at handling serious medical treatment cases and disputes around the withdrawal of life-sustaining treatments."
Chambers & Partners 2017

"She’s a doughty fighter." Chambers & Partners 2017

"A popular junior with a strong academic grounding in mental health law and human rights. She is frequently instructed in Court of Protection work by health trusts, local authorities and the Official Solicitor." "Extremely good. She is an effective, assertive advocate who is always entirely up to speed with the issues and knows how to get the result for her client." Chambers & Partners 2016

“Highly valued for both her strong commitment to cases and her academic background.” “It is difficult to find someone as grounded as Laura in mental capacity and mental health law, or as practical or positive. She is incredibly hard-working, dedicated and entirely approachable.” “She is very energetic and will go the extra mile.” Chambers & Partners 2015

"An extremely confident advocate who is endlessly energetic."
"A tough opponent who fights hard for her client." Chambers & Partners 2014

"Laura Davidson is a mental health and human rights expert. Sources commend her work for local authorities, and she also acts for trusts, individuals and the Official Solicitor. "Capable and feisty, you are pleased when she is on your side,” said one instructing solicitor." Chambers & Partners 2013

"Laura Davidson is praised for the "technical precision” she applies to her instructions, her warm nature and the "tenacity” with which she approaches every aspect of her work. She is a noted authority on mental health and capacity legislation." Chambers & Partners 2012

Much of Laura’s work involves human rights, which was the focus of her doctoral studies at Cambridge. Questions relating to Article 8 governing the right to privacy, autonomy and bodily integrity frequently arise in her cases, and (more rarely) Article 3 which protects against torture, inhuman and degrading punishment or treatment. For example, she brought a successful damages claim on behalf of an informal patient subjected to unlawful restraint and forcible injection whilst he visited friends on a hospital ward. Matters relating to Article 2 governing the right to life may also arise in the medical treatment cases and health-related inquest work which Laura undertakes. For example, she
successfully challenged the failure of a London Trust to fund cancer treatment for an elderly patient, resulting in a U-turn and the provision of treatment.

A large part of Laura’s practice involves breaches of Article 5 of the European Convention on Human Rights. She receives regular instructions in habeas corpus applications, largely arising out of defects in detention procedure contrary to the requirements of the Mental Health Act 1983. She also has expertise in cases resisting the disclosure of medical records and Data Protection Act cases. Her Court of Protection practice frequently involves questions relating to Article 5 in relation to the Deprivation of Liberty Safeguards (‘DOLS’) under the Mental Capacity Act 2005.

Having written a public law thesis on international mutual cooperation as part of her LLM at the University of Cambridge, Laura subsequently co-authored a book on the topic (Jones on Extradition and Mutual Assistance(London: Sweet & Maxwell), Alun Jones (ed.) (2001) (Part C, chapters 18 and 19). She now advises regularly on international mutual assistance in civil matters, particularly in the realm of forced marriages and the anticipated removal of vulnerable adults from the jurisdiction. Where incapacitated adults have already been removed from the jurisdiction, she advises on the complex network of legislation, treaties, Conventions and international cooperation necessary to secure their return home, including the potential use of worldwide asset freezing orders. Given her expertise in this area,

Laura is one of the Commonwealth Secretariat’s legal experts on its roster for the Commonwealth Fund for Technical Co-operation. She is a Consultant for the government of Rwanda, and in 2013 spent seven months drafting the country’s first mental health law

**Articles**


“Fact-finding hearings in the health and social context” (S.J. Vol.160, No.7, 23rd February 2016 (article considering the law on when fact-finding is necessary in Court of Protection proceedings and in those before a First-tier Tribunal (Mental Health) in the light of In the Matter of AG [2015] EWCOP 78 and AM v Partnerships in Care Limited & Secretary of State for Justice (2015) UKUT 659 (AAC)).


“False Imprisonment Part 2: Are our rights stronger in Europe?”, S.J. Vol. 159, No.27, 14th July 2015 (Second part of article on the implications of Lee Bostridge v Oxleas NHS Foundation Trust [2015]
EWCA Civ 79 for future claims for damages based on Article 5 of the ECHR. Read it here


“Best interests: How the Supreme Court restored the law for incapacitated patients”, S.J., 8th January 2014 (Article on Aintree University Hospitals NHS Foundation Trust v James [2013] UKSC 67 and the concepts of futility and intolerability in medical treatment cases).


“Turning Back the Clock”, S.J. Vol. 156, No.22, 6th June 2012 (Article examining recent case law on deprivation of liberty and whether the familiar dicta of the case of Engel v Netherlands (1976) 1 EHRR 647 should have been applied (Part I)).


“Covert medication”, 158 NLJ, pp.1066-1068, 25th July 2008 (Article on the covert medication of detained patients).

“PVS Patients and Medical Welfare Applications: Wakening the Dead”, Counsel, June 2007, pp.2-4 (Article on recent developments likely to affect High Court applications for the withdrawal of treatment from patients in a permanent vegetative state).


“Maliciously procuring the issue and execution of a search warrant: easier access to a remedy?”, Cambridge Law Journal (1998), 57(2), 238-240 (Case Note and Comment on the Privy Council decision Gibbs v. Rea [1998] 3 W.L.R. 72 in which the state conspired in unlawful conduct to secure a criminal’s return to the jurisdiction).

**QUALIFICATIONS**

**Ph.D (Cantab):** “An examination of the rights of the mentally disordered in English law in the context of Articles 3 and 5(1) of the European Convention on Human Rights and Fundamental Freedoms”

**M.Phil (Cantab):** “An examination of the rights of the mentally disordered offender in the English criminal justice process: public protection, risk and dangerousness”

**LL.M (Cantab):** International Human Rights, Environmental Law, International Commercial Litigation (papers), Public Law (Thesis): “The development of international mutual assistance in criminal matters with particular reference to the letter of request”

Bar Vocational Course, Inns of Court School of Law

**Advanced Dip.Law (Distinction)**

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