



INTERNATIONAL
COMMISSION
OF JURISTS

6 June 2006

Legislation Prohibiting the Storage of Sperm or Ova of Prisoners

“Legislation prohibiting the storage of sperm or ova of prisoners is a gross overreach by government into the judicial sentencing function” said Mr John Dowd AO QC, President, International Commission of Jurists, Australia.

“This will deprive a section of the community who would otherwise be entitled to storage of embryos before undergoing medical treatments such as chemotherapy or radiotherapy which are known to harm fertility. It is an inseparable aspect of that treatment that mitigates against harmful side-effects” said Mr Dowd.

“This legislation panders to the lowest common denominator of prejudice in the community by playing on the misconception that criminality can somehow be linked to one’s genes. The policy rides on the fears and emotions used to justify eugenics as a response to crime, and it has no place in our society” said Mr Dowd.

“The Bill also gives a lie to any suggestion that prisoners are to be rehabilitated. It is a cynical deviation from what should be the principal focus of the criminal sentencing regime - the protection of the community from crime, the reduction of recidivism, and ensuring that offenders do not emerge from prison better criminals than they were when they went in” said Mr Dowd.

“Of course there is a punitive element to criminal sentencing, but it is the deprivation of liberty that is the punishment for crime. Offenders are not sent down so the State can then inflict further punishment whilst gaoled. This is a political stunt designed to demonstrate the government being tough on law and order by depriving the rights of an inevitably unpopular section of the community. It is a return to medieval concepts of punishment for evil” said Mr Dowd.

“The Bill will have retrospective effect so that prisoners already sentenced will be adversely affected. It is an ill-conceived knee jerk reaction to the emotions of an isolated case. The legislation should be withdrawn” said Mr Dowd.

For comments, please contact:

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