
Queensland's planned mandatory laws will lead to human rights abuses

Wednesday, 24 February, 2010

Human rights abuses will increase in Queensland if proposed, strict mandatory sentencing laws, tabled today in parliament, are passed, the Australian Lawyers Alliance has warned.

The proposed laws would see anyone accused of assaulting a police officer or emergency services worker given mandatory jail terms of three months regardless of any mitigating circumstances.

"This is a blinkered approach to justice, Australian Lawyers Alliance director and criminal barrister, Greg Barns, said.

In order for judgement to be fair it must, by its very nature, take into consideration all evidence and circumstances pertaining to each individual case," Mr Barns said.

"In Western Australia, where these laws have already been introduced, problems are already occurring where judges are unable to take individual circumstances in to consideration when determining just punishment and young people are going to jail to serve veritable apprenticeships in crime under hardened criminals."

"Such knee-jerk, poorly-planned laws only raise the stakes for everyone involved, opening up opportunities for human rights abuse on one side of the fence and desperation and determination to avoid jail, with negative results, on the other."

"Take for example a situation where a police officer acts inappropriately towards a woman and she struggles to free herself, scratching the police officer's face. Should she be thrown in jail?" Mr Barns asked.

"One of Australia's most marginalised groups and most incarcerated per head of population - Indigenous people - will also be put at greater risk," he said.

"Previous Northern Territory laws – the three strikes and you are out policy - resulted in imprisonment percentages for Aboriginal people being as high as that of the previous apartheid system in South Africa.

The Aboriginal youth suicide rate is also one of the highest in the world. Is this what we want?" he queried.

"These new laws stop judges applying discretion according to circumstance. Every situation is new and comes with its own factors that must play a part in any judgement.

Taking away such prudence and finely-tuned judgement can only result in more people in jail who shouldn't be there and more lives put at risk, unnecessarily," Mr Barns said.

"The opposition is using these laws to win votes by being tough on crime, when real crime rates can only be effectively reduced by preventative measures such as drug rehabilitation and breaking cycles of poverty," he said.

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