

September 2009

Update for paragraph 6.4.7

UK GOVERNMENT'S DELAY IN IMPLEMENTING AN EU RULING ON THE NATIONAL DNA DATABASE

In December 2008 the Grand Chamber of the EU Court of Human Rights held that the UK law governing retention of DNA records violated respect for private life under Article 8 of the European Convention on Human Rights. The Court found that the blanket and indiscriminate nature of the powers of retention of the fingerprints, cellular samples and DNA profiles of persons who were suspected, but not convicted, of offences, as currently applied in England and Wales, failed to strike a fair balance between the competing public and private interests. It was claimed that, in so doing, the UK had overstepped any acceptable margin of appreciation in this regard. Accordingly, the Court argued that the practice constitutes a disproportionate interference with respect for private life and cannot be regarded as necessary in a democratic society.

However, in response, the then Home Secretary, Jacqui Smith, announced a consultation on proposals to delete innocent people's DNA records only after 12 years if they had been accused of a serious violent or sexual offence, or after 6 years for a lesser offence. Helen Wallace, director of the NGO Genewatch UK argued that this was an excessive time to wait for people to have their records wiped clean if they had been acquitted of such offences. 'As long as the Home Office drags its feet on database removals' she said 'people need to stand up for their rights. It is unacceptable to treat everyone who is arrested as if they are a rapist or a murderer.'

The UK human rights and law reform organisation, Justice, also expressed serious concerns over the Government's response to the Court's decision, arguing that:

- proposals to retain for up to 12 years the DNA profiles of persons arrested but not convicted are unjustified and unnecessary. If implemented, we predict they would be held to be as disproportionate as the current blanket retention policy
- it is imperative that the new retention regime be set out in primary legislation, to ensure full parliamentary debate

Website references:

<http://www.genewatch.org/article.shtml?als%5Bcid%5D=564539&als%5Bitemid%5D=564505>

<http://www.justice.org.uk/images/pdfs/Home%20Office%20NDNAD%20cnsln%20response%20july%2009.pdf>

Updates for paragraphs 6.5-6.5.6

The two entries summarised here represent opposing views on the future value of research using human embryonic stem cells.

BARACK OBAMA LIFTS BAN ON US FEDERAL FUNDING FOR EMBRYONIC STEM CELL RESEARCH

During the presidency of George W Bush, federal funding for research entailing human embryonic stem cells was prohibited. The election of Barack Obama as president has signalled several significant policy changes, including that announced in March 2009, which lifted the previous ban on federal funding of embryonic stem cell research.

According to Obama, these stem cells 'have the potential to help us understand, and possibly cure, some of our most devastating diseases and conditions. ...But that potential will not reveal itself on its own. Medical miracles do not simply happen by accident .. but from years of painstaking and costly research ... and from a government willing to support that work.'

He went on: 'in recent years, when it comes to stem cell research, rather than furthering discovery, our government has forced what I believe is a false choice between sound science and moral values. In this case, I believe the two are not inconsistent. As a person of faith, I believe we are called to care for each other and work to ease human suffering. I believe we have been given the capacity and will to pursue this research – and the humanity and conscience to do so responsibly. It is a difficult and delicate balance. Many thoughtful and decent people are conflicted about, or strongly oppose, this research. I understand their concerns, and we must respect their point of view. But after much discussion, debate and reflection, the proper course has become clear. The majority of Americans – from across the political spectrum, and of all backgrounds and beliefs – have come to a consensus that we should pursue this research.'

He concluded: 'I am also signing a Presidential Memorandum directing the head of the White House Office of Science and Technology Policy to develop a strategy for restoring scientific integrity to government decision making. To ensure that in this new Administration, we base our public policies on the soundest science; that we appoint scientific advisors based on their credentials and experience, not their politics or ideology; and that we are open and honest with the American people about the science behind our decisions.'

Website reference:

http://www.whitehouse.gov/the_press_office/Remarks-of-the-President-As-Prepared-for-Delivery-Signing-of-Stem-Cell-Executive-Order-and-Scientific-Integrity-Presidential-Memorandum/

VALUE OF EMBRYONIC STEM CELLS CHALLENGED BY THE SCIENTIST WHO CLONED DOLLY THE SHEEP

Professor Ian Wilmut, one of the scientists who cloned Dolly the sheep, the first cloned mammal, argues that cloned embryos are not required for medical advances since the discovery of induced pluripotent stem cells (iPS). Wilmut abandoned research on human embryonic stem cells (hESC) in 2008. Interviewed on a French website (Genethique) in May 2009 he said: 'If science can offer faster, more interesting and more efficient means, I want to use them.' Although many scientists continue to claim that hESC are needed to study the genetic basis of disease, Wilmut disagrees:

'People do not yet realize that studying inherited diseases on cells obtained by reprogramming is much easier and faster than getting human embryonic stem cells by cloning. The iPS technique to obtain stem cells is now the most efficient technique for researchers, in particular for research on inherited diseases.'

A similar argument is also frequently advanced for using hESC in drug research. But, again, Wilmut disagrees, stating: 'iPS cells are more useful than embryonic cells for this research because, if you take reprogrammed cells from a patient who has an inherited disease you want to study, the advantage is that these cells already carry the characteristics of that person. You do not have to introduce a genetic error. There are many inherited diseases for which we do not yet understand the molecular basis.'

Wilmut's comments thus lend support to the arguments of opponents of embryo research - that hESC are not needed to find cures for serious diseases. And, in particular, they appear to undermine President Barack Obama's recent move to loosen restriction on embryonic stem cell research funding in the USA (see article above).

Website reference (English translation on an Australian site):

<http://ethicalstemcellresearch.blogspot.com/2009/05/read-this-wilmut-king-of-cloning-says.html>