



IPRT
Irish Penal Reform Trust

IPRT Briefing on Spent Convictions

Irish Penal Reform Trust

The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort.

IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, building alliances and growing our organisation.

The current situation

In December 2008, the Irish Penal Reform Trust welcomed the introduction of the Spent Convictions Bill 2007 for second stage debate in the Dáil as representing a step in the right direction in supporting ex-offenders in their reintegration into society. Ireland is one of very few remaining jurisdictions in Europe which does not have such a statute on the books and therefore does not allow for the expungement of criminal convictions, no matter what the offence.¹

This situation has far-reaching consequences for those who are sentenced for criminal offences. Individuals with even minor criminal convictions face ongoing restrictions and barriers in employment, training, education, travel, in taking out insurance (therefore experiencing barriers to buying their own home), and in many other areas of life.

Considering that the largest proportion of those who are sentenced by Irish courts receive short-term prison sentences, fines or community-based sanctions for non-violent offences, the lack of possibility to have a criminal conviction expunged after a period of time is a consequence that is disproportionate, and it can be argued that it constitutes additional punishment that lasts a lifetime.

What should change?

IPRT considers that the introduction of spent convictions legislation in Ireland is vital if Irish society is to support people with criminal convictions in their return to their families, communities, and social life. Such legislation is a necessary element in ensuring that the commission of a criminal offence does not lead to permanent barriers to reintegration into society.

In our view, while a welcome development in principle, the Spent Convictions Bill 2007 has serious shortcomings, particularly in relation to the periods of rehabilitation required before the convictions could be expunged (7 years for sentences of imprisonment; 5 years for non-custodial sentences) and the length of sentences (no more than 6 months imprisonment) which would be subject to the legislation.

¹ This applies to adult offenders only. A separate regime of expungement of criminal convictions operates in relation to offences committed by children (anyone sentenced when under 18 years of age) under the Children Act 2001. The introduction of the legislation will mean that a person will not have to declare a spent criminal conviction save in limited circumstances as envisaged by the law.

The lack of progress on the original legislation presents an opportunity to get it right, and a number of amendments should be introduced to address such shortcomings. These should be based on the following principles:

1. The length of the required period of rehabilitation necessary to determine that an offender is resolved to desist from criminal behaviour **must be proportionate to the seriousness of the offence committed**;
2. A presumption should apply that all convicted persons should be able to avail of spent convictions scheme, save for the most serious offences;
3. Categories of employment and training where candidates would be required to disclose spent and unspent convictions should be drawn narrowly and apply where a direct link can be shown between the offence committed and category of employment or training sought (relevance of criminal conviction), or where there is a need to protect children or vulnerable adults; and
4. Spent convictions legislation should introduce the prohibition of discrimination in employment, education and in access to goods and services on the basis of criminal convictions.

What do we call for?

The progress of the Spent Convictions Bill 2007, even in its current form, has stalled – it has not moved in the Dáil since its introduction. This is of serious concern.

Considering the critical importance of spent convictions legislation to the successful reintegration of former offenders, and thereby reducing the likelihood of reoffending, **IPRT calls on the Government and members of the Oireachtas to make work on the Bill an urgent priority, and to ensure that the Bill progresses through the necessary stages of the legislative process during 2011.**

Further information

For more information, please visit **www.iprt.ie** or contact:

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