

November 5th 2020

To whom it may concern,

We are writing to you as representatives of UISCE, the National Advocacy Service for People who use Drugs in Ireland. UISCE works to ensure that the Human Rights of the community of People who use Drugs in Ireland are protected and we advocate to promote that their voices are being heard in all decision-making spaces.

We are writing this letter as part of the Review of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

UISCE welcomed the Spent Convictions legislation that was signed into law in February and commenced end April 2016. The organisation recognises the importance of this legislation as a step in the right direction to address the challenges that people face when entering the workforce, education, volunteering positions, getting insurance or even travelling.

Due to the limitations of the current Spent Convictions legislation, especially in regards to minor drug possession offences, people in Ireland face ongoing challenges associated with having a criminal record. Currently, only one conviction can become spent, leaving people with multiple minor offences with a life sentence after their time has already been served.

Over the last few years, Ireland has experienced a natural shift in perspective regarding drug use and addiction. In 2017, we welcomed the new *National Drug Strategy: Reducing Harm, Supporting Recovery 2017-2025*, a health-led response to drug and alcohol use in Ireland. As a country, we are moving away from the criminality of drug use, and toward a more pragmatic, evidence-based approach. This move is key in reducing the frequent stigma and discrimination faced by people who use drugs. Furthermore, in 2019 the government announced a new *Health Diversion Approach* to drug possession for personal use. This came after tireless work from the community, voluntary and statutory sectors, as well as activists and, of course, people with lived experience.

UISCE believes that the current legislation for Spent Convictions is not aligned with the progression established by the aforementioned documents. From our professional experience working with the community of people who use drugs we understand that more than one conviction for minor drug possession can be common. From both our professional and personal experience, we see the detrimental effect that this can have on every part of a person's life.

Currently, having more than one drug possession charge means that the convictions on someone's record can never become spent. Thus, people are not only experiencing the discrimination and stigma associated with drug use, but also face a myriad of challenges in accessing employment, education, volunteer positions and travelling.

Drug use is not a criminal issue. People who use drugs are not criminals. This is supported by the current National Drug Strategy, as well as the introduction of a Health Diversion Approach for drug possession for personal use. In this line, UISCE demands a new Spent Conviction legislation that recognises prosecution for minor drug offences does not discourage the use of drugs, but does promote discrimination, stigmatisation, and has great negative impacts on both the mental and physical wellbeing of the prosecuted.

All minor drug possession offences should be automatically removed from the person's record, regardless of the amount and how long has passed since the charges. This would also be a key component in supporting a health-led approach.

In conclusion, along with the above stated demands, evidence given and government supported precedent, UISCE calls for a review of the current spent convictions legislation as well as a full decriminalisation of drug possession in the Republic of Ireland.

Many thanks
Kindest regards



María Otero



Lynn Jefferys