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Lack of legislation on spent convictions in Ireland

Written question No. 676 to the Committee of Ministers

by Mr Michael McNAMARA, Ireland, Socialist Group

Mr Michael McNamara,

To ask the Committee of Ministers if,

(a) the absence of any legislation in Ireland whereby persons can have a previous conviction regarded as 'spent' and not have to declare them in applications for employment generally, education, licensing, insurance, etc;

(b) draft legislation in Ireland which excludes all sentences of 12 months or more from a process by which a person can have a previous conviction regarded as 'spent' and not have to declare them in applications for employment generally, insurance, etc;

(c) draft legislation in Ireland which excludes from a process by which a person can have a previous conviction regarded as 'spent', all applicants for work or activities relating to children or vulnerable persons, even convictions which are not of a sexual nature or could not demonstrate a potential to pose a threat to children or vulnerable persons;

(d) a requirement in draft legislation in Ireland to declare previous convictions in applications for insurance where such convictions have no relation to the activity in respect of which an application has an insurable interest and is seeking insurance cover;

are compatible with its Recommendation No. R (84) 10 on the Criminal Records and the Rehabilitation of Convicted Persons and case-law of the European Court of Human Rights, including *M.M v the United Kingdom* (judgment of 13 November 2012).

