

# IRELAND



## COUNTRY STATISTICS

Ireland has a population of 4,851,608 (Census 2016). There have been 9,344 HIV diagnoses and the estimated number of PLHIV in 2018 is 7,200. 5,700 people are estimated to be receiving treatment and 5,400 are estimated to have undetectable viral load.

There were 528 new HIV diagnosis in 2018 – rate of 11.1 per 100,000 population. 8% increase in notifications in 2018 compared to 2017. 79% of new cases in 2018 were among males. 32% of people diagnosed with HIV in Ireland in 2018 had been previously diagnosed with HIV in another country.



## CASES OF HIV-CRIMINALIZATION

HIV Ireland is only aware of one case, which has reached the courts. In 2018, a 28-year-old man was convicted under Section 4 Non-Fatal Offences against the Person Act 1997 of causing serious harm to the two women with whom he had unprotected sexual intercourse.

Both women were reported to have subsequently acquired HIV and been unaware of the man's HIV status. Upon conviction, the man was sentenced to 10 years in prison. The case is the only known conviction to date concerning deliberate transmission of HIV in Ireland.



## RELEVANT LEGISLATION USED IN CASES OF HIV-CRIMINALIZATION

### *Non-disclosure of HIV-status*

Non-disclosure of HIV-status is not criminalized in Ireland.

### *Exposure to HIV*

Exposure to HIV can be criminalized under Section 13 of Non-Fatal Offences against the Person Act 1997 - Endangerment.

### *Transmission of HIV*

Exposure to HIV can be criminalized under Section 4 Causing Serious Harm and Section 13 Endangerment of Non-Fatal Offences against the Person Act 1997.



## GUIDELINES AND TRAINING ON HIV-CRIMINALIZATION

There are no guidelines or training provided to professionals involved in HIV-criminalization in Ireland.



## THE ROLE OF MEDIA

The above case involving a man, originally from Africa but living in Ireland was deemed to have been presented relatively objectively in the Irish media. The story hit the headlines for a day or two at the time of the verdict and then again at the time of the sentencing. This was the extent of media reporting of the case.



## INFORMATION ON HIV-CRIMINALIZATION TO PEOPLE LIVING WITH HIV

HIV Ireland has worked with Positive Now (the All-Ireland Network of People Living with HIV) to educate their 350+ affiliates on this issue and have included information on this topic in their 'Living with HIV in Ireland: A Self-Help Guide' which is distributed to HIV clinics around Ireland.

## KEY POPULATIONS MOST AFFECTED BY HIV-CRIMINALIZATION AND OTHER DISCRIMINATING LEGISLATION AND POLICIES

### *Sex Workers*

The Criminal Law (Sexual Offences) Act 2017 criminalises the purchase of sex and is intended to decriminalise those engaged in sex work. The Act does not decriminalise instances of sex workers working together (so-called brothel keeping provisions). This law is due to be reviewed in 2020.

### *Drug use*

The primary legislation under which criminal charges for drugs offences is brought is the Misuse of Drugs Act 1977 and the Misuse of Drugs Act 1984. This legislation has been further amended by the Criminal Justice Act 1999, the Criminal Justice Act 2006 and the Criminal Justice Act 2007.

The Misuse of Drugs Regulations 1988 lists the various substances to which the legislation applies. The Criminal Justice (Psychoactive Substances) Act 2010 covers substances which are not specifically proscribed under the Misuse of Drugs Acts, but which have psychoactive effects.

The main drug offences under which criminal charges are brought are offences of drug possession and possession for the purpose of supply. For example, passing drugs among friends constitutes a supplying offence. Allowing your house or premises to be used for drug misuse is also illegal.

A conviction under the Misuse of Drugs Act can affect future employment prospects and many countries refuse visas to people with drug convictions. Misuse will often invalidate insurance policies, including holiday, vehicle, and health coverage.