**Legal Environment Assessment on HIV in Moldova**

**Overview and preliminary findings (14 February 2019)**

HIV and AIDS remains a global health emergency that requires a comprehensive response at the global and national levels. As of 01 Jan 2018, there were 11,829 registered cases of HIV infection out of 15,835 estimated cases in Moldova. The prevalence of HIV infection is 210.8 cases per 100 thousand population. The incidence of HIV infection was of 20.7 cases per 100 thousand population.

Recognizing the importance of good health and well-being for sustainable development of the country, the Republic of Moldova has committed to reduce the transmission of HIV and sexually transmitted infections, especially among key populations and mortality associated with HIV, as a national target under SDG #3: Ensure healthy lives and promote wellbeing for all at all ages and promote non-discriminatory laws and policies under SDG #16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

People living with and affected by HIV in Moldova face serious legal and human rights issues, stigma and discrimination and unsynchronized/outdated legislation which remain important barriers to accessing essential services and to the full enjoyment of live. The 2018 Human Rights Perception Study[[1]](#footnote-1) reveals that the right to health is the most violated human right, while the 2018 Stigma Index[[2]](#footnote-2) shows that four out of ten people living with HIV reported experiences of discriminatory treatment in the last 12 months and disclosure of their status to third parties.

Against this background, and building on the 2018 [Supplement](https://hivlawcommission.org/supplement/) of the Global Commission on HIV and the Law, UNDP Moldova initiated a Legal Environment Assessment (LEA) on HIV[[3]](#footnote-3) to analyze the level of compliance of national legislation with international standards and inform subsequent steps including legal amendments to ensure better protection under the law for people living with HIV and key populations at higher risk of HIV[[4]](#footnote-4).

The preliminary LEA findings reveal that despite significant progress achieved during the last years on the legal framework on HIV, further efforts are needed to ensure a practical, standardized and evidence-based focus of national legislation and jurisprudence to support the national response to HIV aimed at the protection of public health and respect for human rights.

Stigma, discrimination and marginalization of people living with HIV, criminalization of HIV transmission and penalization of drug use and sex work remain some of the main legal barriers for accessing HIV prevention, treatment and care services. The national criminal law outlaws the use of drugs in penitentiary settings, limiting the access of users to syringe exchange programmes and methadone substitution treatment, despite their availability in prisons. Personal data protection of people living with HIV is not fully ensured and respected, while the practice of requesting an HIV test during the employment process is still present.

To address the identified legal barriers and human rights issues, the LEA report, to be finalized in 2019, will prepare a thorough overview of the current situation with key findings, provide recommendations for potential legislative changes and will represent a source of information and guidance for national authorities in undertaking sector-wide reforms compliant with international standards and best practices.

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1. <http://md.one.un.org/content/unct/moldova/en/home/presscenter/press-releases/percep_ia-populaiei-privind-respectarea-drepturilor-omului-in-re.html> . Publication of the study is forthcoming. [↑](#footnote-ref-1)
2. <http://md.one.un.org/content/unct/moldova/en/home/presscenter/press-releases/a-fost-lansat_-prima-aplicaie-on-line-de-testare-hiv-in-cadrul-c.html> [↑](#footnote-ref-2)
3. Operational Guide to conduct Legal Environment Assessments (LEAs) on HIV - <http://www.undp.org/content/dam/undp/library/HIV-AIDS/Governance%20of%20HIV%20Responses/UNDP%20Practical%20Manual%20LEA%20FINAL%20web.pdf> [↑](#footnote-ref-3)
4. Including people who inject drugs (PWID), men who have sex (MSM) with and transgender (TG) people, sex workers, prisoners, migrant workers and other [↑](#footnote-ref-4)