

ROMANIA



COUNTRY STATISTICS

Romania has a population of 19.53 million. According to data from UNAIDS (2018) the estimate number of PLHIV is 18,000. The cumulative figure of HIV diagnosis in the country since 1985 is 24,936 with 16,486 people diagnosed still alive (data source: CNLAS – National Commission to Fight against AIDS – 31 December, 2019). The number of PLHIV receiving treatment was 12,088 and 8,336 had an undetectable viral load at the time of reporting (30 June, 2019).

The majority of new cases are among gay men and other MSM (73%) while injecting drug use has been reported in 41% of the new cases in the first six months of 2019.



RELEVANT LEGISLATION USED IN CASES OF HIV-CRIMINALIZATION

Non-disclosure of HIV-status

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

Exposure to HIV and transmission of HIV

Article 354 of the Romanian Criminal Code is HIV/AIDS specific and can be used for both exposure and transmission cases. The earlier version of the law was restricted to sexual transmission of the virus, while under the updated law (2014) all means of exposure or transmission can be criminalized.

Exposure (attempt) is criminalized under Section 5 of Article 354. Transmission of HIV is criminalized under Section 1 (the person knows their HIV-status) or under Section 2 (the person did not know their HIV-status).



CASES OF HIV-CRIMINALIZATION

ARAS is aware of 7 cases from media sources. All 7 persons were found guilty and are imprisoned. There is no further official information about the cases or the sentences.

Information is not available on the investigation process. Court cases in Romania are public, but, upon request, they can be closed from public.



GUIDELINES AND TRAINING ON HIV-CRIMINALIZATION

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



THE ROLE OF MEDIA

Media is very active in cases of HIV-criminalization and negatively influence the general opinion on HIV/AIDS, by presenting the person living with HIV as a criminal. ARAS is usually asked to present its opinion in such cases and they somewhat manage to balance the information regarding HIV/AIDS and the actual case.

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

Drug possession is criminalized in Romania. Hepatitis C treatment is available only for people having medical insurance and unfortunately most PWID do not have one.



INFORMATION ON HIV-CRIMINALIZATION TO PEOPLE LIVING WITH HIV

The information is available on different websites, including the website of the National Union of Organizations of People Living with HIV/AIDS. Regardless of these efforts, unfortunately, still many PLHIV are not rights and legal responsibilities.

What legislation is used in HIV-criminalization cases

- General criminal law
- HIV-specific criminal law

