

Legal Documentation on HIV/AIDS in Vietnam

Date	Reference	Title
August 8, 1988	Ref: 657/BYT-Q§. Hanoi	Decision on Sterilisation Work. Ministry of Health
September 4, 1992	Ref: 937/BYT-Q§. Hanoi	Decision on Blood Transfusion. Ministry of Health
March 5, 1993	Ref: 265/BYT-Q§. Hanoi	Professional Stipulations on Dealing With HIV/AIDS . Ministry of Health
March 11, 1995	Ref: 52-CT/TW. Hanoi	Instructions on the guidance of the prevention and control of AIDS: The Communist Party of Vietnam. The Central Executive Committee
May 31, 1995	Ordinance 52, Hanoi	Ordinance on the Prevention and Control of Human Immuno-Deficiency Virus and Acquired Immuno-Deficiency Syndrome (HIV/AIDS)- Socialist Republic of Vietnam, National Assembly, Standing Committee
April 9, 1996	Ref: 21 TC/HCSN	Ministry of Finance Circular: Guidance to Execute the Management and Budget Use for National HIV/AIDS Program
June 1, 1996	Ref: 34/CP. Hanoi	Government Decree: Guidance to Execute Ordinance on the Prevention and Control of Human Immuno-Deficiency Virus and Acquired Immuno-Deficiency Syndrome - Socialist Republic of Vietnam. The Government of Vietnam
December 24, 1997	Ref.: 1122/1997/Q§-TTg. Hanoi	Government Decree: Decision of the Prime Minister of the Government on the tasks, Authority and organizational structure of the National AIDS Committee and other AIDS Committees at different governmental levels and in different sectors. The Government of Viet Nam
October 26, 1999	Circular No. 128/1999/TT BTC	Guiding the Spending Content and Levels for HIV/AIDS Infection Prevention and Combat National Program
June 5, 2000	Ref. 61/2000/QD-TTg	Setting up the National Committee for Aids, Drug and Prostitution Prevention and Fight

DECISION No. 61.2000/QĐ-TTg OF JUNE 5, 2000 ON SETTING UP THE NATIONAL COMMITTEE FOR AIDS, DRUG AND PROSTITUTION PREVENTION AND FIGHT

THE PRIME MINISTER

Pursuant to the Law on Organisation of the Government of September 30, 1992;

Pursuant to the, Government's Resolution No 05/CP January 29, 1993 on curbing, preventing and fighting prostitution, Resolution No.06/CP of January 19, 1993 on enhancing the direction of the drug prevention, fight and control, Resolution No 20/CP of March 5, 1993 on stepping up the HIV/AIDS prevention and fight and Decree No. 78 /CP of December 12, 1995 on enhancing the management of cultural activities and services, stepping up the elimination of grave social vices;

In order to perfect and strengthen various agencies that assist the Prime Minister in directing and coordinating various branches in the AIDS, drug and prostitution prevention and fight; after reaching agreement with the chairman of the Presidium of the Vietnam Fatherland Front Central Committee; the president of Vietnam Labour Confederation, the president of Vietnam Women's Union and the first secretary of the Ho Chi Minh Communist Youth Union Central Committee;

At the proposal of the minister-chairman of the Government Commission for Organization and Personnel,

DECIDES:

Article 1.- To set up the National Committee for AIDS, Drug and Prostitution Prevention and Fight on the basis of merging the Government's Steering Committee for Social Vices Prevention and Fight, the National Committee for Drug and Prostitution Prevention and Fight and the National Committee for AIDS Prevention and Fight.

The National Committee for AIDS, Drug and Prostitution Prevention and Fight is a joint organization with the function of assisting the Prime Minister in directing and coordinating the AIDS, drug and prostitution prevention and fight.

Article 2.- The National Committee for AIDS, Drug and Prostitution Prevention and Fight has the following tasks:

1. Assisting the Prime Minister in elaborating undertakings, policies, programs and plans on AIDS, drug and prostitution prevention and fight.
2. Assisting the Prime Minister in directing, guiding, urging, supervising and evaluating, activities of the ministries, branches and localities in the performance of the AIDS, drug and prostitution prevention and fighting tasks.
3. Assisting the Prime Minister in organising the coordination among ministries, branches and mass organizations and guiding the direction of the integration and coordination of programs, plans and resources for the AIDS, drug and prostitution prevention and fight.
4. Summing up and periodically reporting to the Prime Minister on the implementation of the AIDS, drug and prostitution prevention and fight work.
5. Assisting the Prime Minister in directing international cooperation activities in the field of AIDS, drug and prostitution prevention and fight.

Article 3.- The National Committee for AIDS, Drug and Prostitution Prevention and Fight is composed of:

1. Chairman: A Deputy Prime Minister.
2. Vice-chairmen:
 - The Minister of Public Security.
 - The Minister of Labour, War Invalids and Social Affairs.

- The Minister of Health.

- 01 representative of the Standing Board of the Presidium of the Vietnam Fatherland front Central Committee.

3. Members:

-01 Vice Minister of Culture and Information

-01 Vice Minister of Education and Training,

-01 Vice Minister of Finance.

-01 Vice Minister of Planning and Investment.

-01 Vice Minister of Justice,

-01 Vice Minister of Agriculture and Rural Development.

-01 Deputy- Director of the Government's Office,

-01 Deputy-Director of the Commission on Ethnic Minorities and Mountainous Areas.

-01 Deputy General Director of Customs.

-01 Deputy-Commander of the Border Guard.

-01 representative of the Secretariat of the Ho Chi Minh Communist Youth Union Central Committee.

-01 Vice President of Vietnam Women's Union.

-01 Vice-President of Vietnam Labour Confederation

Article 4.- The National Committee for AIDS. Drug and Prostitution Prevention and Fight is assisted by

1. A section of the Government Office, which assists the National Committee Chairman in summing up the National Committee's general activities.

2. The standing office for drug prevention and fight based at the Ministry of Public Security, on the basis of the office of the former National Committee for Drug Prevention and Fight.

The standing office for drug prevention and fight has its own stamp and account.

3. The standing office for AIDS prevention and fight, based at the Ministry of Health, on the basis of the office of the former National Committee for AIDS Prevention and Fight. All staff and material bases of the National Committee for AIDS Prevention and Fight are transferred to the Ministry of Health for management.

The standing office for AIDS prevention and fight has its own stamp and account.

The Department for Social Vices Prevention and Fight under the Ministry of Labour, War Invalids and Social Affairs shall also work as the standing office for prostitution prevention and fight.

Article 5.- Specific responsibilities of the member agencies of the National Committee for AIDS. Drug and Prostitution Prevention and Fight:

1. The Ministry of Public Security shall act as the standing body for drug prevention and fight, assume the prime responsibility for and direct the implementation of inter-branch programs and plans on drug prevention, fight and control on the national scale; coordinate with the Ministry of Defense, the General Department of Customs and relevant agencies in detecting, investigating, handling, prosecuting individuals who commit acts of violating the legislation on drug, prostitution and AIDS prevention and fight, concentrate on categorizing drug addicts and prostitutes so as to send them into medical establishments for treatment according to the provisions of the Ordinance on the Handling of Administrative Violations.

2. The Ministry of Labour, War Invalids and Social Affairs: shall act as the standing body for prostitution prevention and fight, assume the prime responsibility for and direct the implementation of inter-branch programs and plans on prostitution prevention and fight on the national scale; organize and manage the medical treatment, detoxification, education, vocational training, job creation and integration into community for drug addicts, prostitutes at medical treatment establishments and in communities.

3. The Ministry of Health: shall act as the standing body for AIDS prevention and fight. assume the prime responsibility for and direct the implementation of inter-branch programs and plans on o HIV/AIDS prevention and fight on the national scale; organize medical examination and treatment of social diseases at health establishments, medical treatment establishments and in communities for drug addicts, prostitutes and HIV/AIDS patients, determine detoxification medicines and plans for drug addicts, manage the production trading and use of addictive medicines and psychotropies for the medical treatment purpose and medicines in support of drug detoxification.

4. Vietnam Fatherland Front: shall assume the prime responsibility for mobilising people of various strata throughout the country to carry out the work of AIDS, drug and prostitution prevention and fight in close combination with the campaign "The entire population unite to build a cultural life"

5. The Ministry of Culture and Information: shall assume the prime responsibility and coordinate with the relevant agencies in disseminating information and propagate about AIDS, drug and prostitution prevention and fight.

6. The Ministry of Education and Training: shall direct and organize the education on AIDS drug and prostitution prevention and control in all schools, colleges and universities.

7. The Ministry of Agriculture and Rural Development: shall assume the prime responsibility and coordinate with the Committee for Ethnic Minorities and Mountainous Areas and the localities in directing the production restructuring in order to replace opium poppy with other plants.

8. The Committee for Ethnic Minorities and Mountainous Areas: shall coordinate with The Ministry of Agriculture and Rural Development in directing the production restructuring in order to replace opium poppy with other plants, coordinate with the Ministry of Public Security, the Ministry of Labour, War Invalids and Social Affairs, the Border Guard Command in directing the drug prevention and fight in mountainous areas and areas inhabited by ethnic minorities.

9. The General Department of Customs: shall coordinate with the Border Guard Command and the Ministry of Public Security in controlling and preventing the illegal transportation of narcotics into and out of Vietnam.

10. The Border Guard Command: shall coordinate with the Ministry of Public Security, the General Department of Customs and relevant branches in controlling and preventing the illegal cross-border transportation of drug, controlling and preventing the cross-border trafficking of women and girls for prostitution.

11. The Ministry of Finance: shall ensure sufficient and timely State budget allocation according to annual plans for the AIDS drug and prostitution prevention and fight, join in checking and supervising the use and settlement of such funding according to current regulations of the State.

12. The Ministry of Planning and Investment: shall coordinate with the Ministry of Finance and the relevant ministries and branches in elaborating annual budget estimates for the AIDS drug and prostitution prevention and fight and at the same time mobilize other resources in service of this work.

13. The Ministry of Justice: shall assume the prime responsibility and coordinate with the ministries, branches and localities in conducting research to perfect the system of legal documents on AIDS, drug and prostitution prevention and fight; organize propagation, dissemination and education on the legislation on AIDS, drug and prostitution prevention and fight.

14. The Government Office shall have to assist the Chairman of the National Committee in coordinating general activities in various fields of AIDS drug and prostitution prevention and sum up the general situation and report it to the Prime Minister.

15. Vietnam Labour Confederation. Vietnam Women's Union. Ho Chi Minh Communist Youth Union: shall coordinate with the ministries, branches, localities and other mass organizations in mobilizing the strength of the entire population for AIDS drug and prostitution prevention and fight.

Article 6.- To set up the Steering Committees for AIDS, Drug and Prostitution Prevention and Fight in various branches and at different levels as follows:

1. The heads of the ministries, ministerial-level agencies, agencies attached to the Government, shall set up the Steering Committees for AIDS, Drug and Prostitution Prevention and Fight on the basis of merging the Steering Committee for Drug Prevention and Fight, the Steering Committee for Social Vices Prevention and Fight and the Steering Committee for AIDS Prevention and Fight, each of which shall be headed by a vice-minister (or an equivalent post) and composed of part-time staff who are on the payroll of the ministry, or branch.

2. The presidents of the People's Committees of the provinces and centrally-run cities (collectively called the provincial level) shall set up the Steering Committees for AIDS, Drug and Prostitution Prevention and Fight by merging the Steering Committee for Drug Prevention and Fight, the Steering Committee for Social Vices Prevention and Fight and the Steering Committee for AIDS Prevention and Fight and the 87 Steering Committee, each of which shall be headed by a president or a vice-president of the provincial-level People's Committee and composed of deputy-heads and other members like the National Committee for AIDS, Drug and Prostitution Prevention and Fight.

The provincial-level Steering Committee for AIDS, Drug and Prostitution Prevention and Fight shall have to assist the provincial-level People's Committee presidents in directing, deploying and coordinating the AIDS, drug and prostitution prevention and fight in their respective localities; the functions and tasks of these Steering Committees and their member agencies are similar to those of the National Committee and its member agencies.

The provincial-level People's Committee presidents shall be responsible to the Prime Minister for the situation of AIDS infection and spread and the situation of drug addiction and prostitution in their respective localities.

3. Depending on the situation of their respective localities, the presidents of the People's Committee of the district and commune levels may set up the Steering Committees for AIDS, Drug and Prostitution Prevention and Fight of the same levels to carry out the AIDS, drug and prostitution prevention and fight in their respective localities.

Article 7- The chairman of the National Committee for AIDS, Drug and Prostitution Prevention and Fight shall issue a Regulation on the work, executive mechanism and relationships between the members of the National Committee, between the National Committee and the Steering Committees of the ministries, branches and localities in order to ensure close coordination and unified direction from the central to local level.

Article 8.- This Decision takes implementation effect 15 days after its signing.

This Decision replaces the Prime Minister's Decisions No. 08/TTg of January 5, 1994 on setting up the Steering Committee for Social Vices Prevention and Fight, Decision No. 686/TTg of August 25, 1997 on setting up the National Committee for Drug Prevention and Fight, Decision No. 1122/1997/QĐ-TTg of December 24, 1997 on the tasks, powers and organizational structure of the National Committee for AIDS Prevention and Fight and of the organizations in charge of the AIDS prevention and fight in various branches and at various levels and other relevant decisions of the Prime Minister.

Article 9.- The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committee of the provinces and cities shall have to implement this Decision.

Prime Minister

PHAN VAN KHAI

The Government of Viet Nam

Ref.: 1122/1997/Q§-TTg

Hanoi, 24 December 1997

**Decision of the Prime Minister of the Government
on the tasks, Authority and organizational structure
of the National AIDS Committee and other AIDS Committees at different governmental levels and in
different sectors**

The Prime Minister of the Government

Pursuant to the Law on Organization of the Government, dated 30 September 1992; Pursuant to the Ordinance on Control of Human Immuno-Deficiency Virus Infection causing Acquired Immune Deficiency Syndrome (HIV/AIDS), dated 31 May 1995; Pursuant to Government Decree No. 34/CP of 1 June 1996 providing guidelines for the implementation of the Ordinance on Control of Human Immuno-Deficiency Virus Infection causing Acquired Immune Deficiency Syndrome (HIV/AIDS); Pursuant to Decision No. 358/CT of 6 October 1990 by the Chairman of the Council of Ministers on establishment of the National AIDS Committee of Viet Nam (now called the National AIDS Committee);

In consideration of recommendations by the Chairman of the National AIDS Committee and the Minister - Chairman of the Government Committee for Organization and Personnel,

makes the following decision

Article 1: The National AIDS Committee, which assists the Prime Minister in guiding and co-ordinating the implementation of HIV/AIDS prevention and care activities, shall assume the following tasks and authority:

- a. Developing relevant strategies, policies and plans for HIV/AIDS prevention and care; playing the lead role in the formulation of relevant legal documents on HIV/AIDS prevention and care in collaboration with related Ministries and organizations .
- b. Working with the Ministry of Health, Ministry of Planning and Investment and Ministry of Finance to plan annual budgets for HIV/AIDS Program and submit them to the Government for approval and distribute the approved budgets to related Ministries, social organizations and localities on the basis of their respective tasks.
- c. Guiding, co-ordinating and monitoring the implementation of HIV/AIDS prevention and care activities in the whole country; Managing and administering the implementation of the HIV/AIDS Prevention and Care Programme in compliance with regulations issued by the Prime Minister on the management of national targeted programmes; Guiding and co-ordinating related Ministries, social organizations and local people's committees to:
 - Closely monitor the spread of HIV/AIDS infection in different areas of the country;
 - Set up an HIV/AIDS Counselling Service Network;
 - Control and give medical treatment, care and counseling services to HIV/AIDS infected;
 - Strengthen technical facilities of the health sector for HIV/AIDS control and ensure the highest safety level of medical services;
 - Conduct research projects and training programmes in order to improve the effectiveness and efficiency of HIV/AIDS control activities.

- a. Acting as a focal point in international relations as well as co-ordination and management of bilateral and multi-lateral cooperation programmes on HIV/AIDS control at the national, local and sectoral levels.
- b. Work with related Ministries and organizations to examine, verify and settle complaints as well as give relevant punishment to violations of HIV/AIDS control regulations.
- c. Making review and assessment of HIV/AIDS prevention and care activities every year and through each stage.

Article 2: The National AIDS Committee shall have its office located in Hanoi. The organizational structure and staffing of this office shall be decided by the Chairman of the National AIDS Committee in consultation with the Government Committee for Organization and Personnel.

Article 3: The National AIDS Committee shall be permitted to use its own stamp bearing the National Emblem and open its own account in local and foreign currencies at the State Bank of Viet Nam.

Article 4: The implementation arrangements for AIDS prevention and care at different governmental levels and in different sectors shall be as follows:

- Ministries, ministry-equivalent organizations, Government's offices, mass and social organizations which are closely related to AIDS prevention and care shall respectively establish their own AIDS Committee headed by a Vice Minister (or a holder of an equivalent post) and employing full-time staff who are also permanent staff of those respective Ministries, organizations and offices.
- Provinces and cities (under the direct management by the Central Government) shall respectively establish their own AIDS Committee. Its Chairman is a Deputy Chairman of the respective Provincial/City People's Committee; its Vice Chairman is the Director of the respective Provincial/City Department of Health; and its full-time staff are also permanent staff of the Department of Health or other member departments or organizations of the Provincial AIDS Committee.
- Districts and provincial towns/cities shall respectively establish their own AIDS Committee headed by a Deputy Chairman of the District People's Committee and employing either full-time or part-time staff who are permanent staff of the member bodies of the District AIDS Committee. AIDS prevention and care at the commune level shall be guided by the Chairman or Vice Chairman of each commune people's committee and carried out by the commune health staff as their part-time jobs.
- The functions, tasks and authority of AIDS Committees at different governmental levels and in different sectors shall be decided by the Chairman of the people's committee at each corresponding level and the Head of each corresponding sector in accordance with the guidelines issued by the National AIDS Committee.
- This decision shall be effective 15 days from the date of its signature. All previous regulations which contradict with the ones stipulated in this decision shall be null and void.

The Chairman of the National AIDS Committee, Ministers, Heads of ministry-equivalent organizations, Heads of Government's offices and Chairmen of Provincial/City People's Committees shall be responsible for implementing this decision./.

Prime Minister, Phan Van Khai (signed)

SOCIALIST REPUBLIC OF VIETNAM
National Assembly's Standing Committee

ORDINANCE ON THE PREVENTION AND CONTROL OF HIV/AIDS

HIV/AIDS is a dangerous pandemic of the century, a great danger for the health, the life of humans and the future of race and ethnic groups, HIV/AIDS has a socio-economic impact on every country:

In order to prevent and control HIV/AIDS, to protect the health of the people and to safeguard the race;

In pursuance of Article 91 of the 1992 Constitution of the Socialist Republic of Vietnam.

In pursuance of the Law on protection of Public Health

In accordance with the Resolution of the National Assembly, 9th legislature, at its 6th session on law making in the 1995;

This ordinance provides for the prevention and control of HIV/AIDS

CHAPTER I
GENERAL PROVISIONS

Article 1.

The prevention and control of HIV/AIDS is the responsibility of every individual, every family and of the whole society.

The State shall adopt policies and timely measures to ensure the effectiveness of the prevention and control of HIV/AIDS.

Article 2.

In this Ordinance the below- cited terms shall have the following meanings:

1. HIV is a virus causing the acquired immuno-deficiency syndrome in humans. HIV can be transmitted by sexual relation, blood or from mother to infant during the pregnancy childbirth and breast- feeding period.
2. AIDS is the final stage of the HIV infection process that damages the immune system, makes the organism unable to resist pathogens and leads to death.
3. Opportunistic infections are the infection occurring on the occasion when the organism is immuno-deficient by HIV infection

Article 3.

State offices, Fatherland Front and its member organisations, economic and social organisations, units of people's armed forces and all citizens, foreign organisations and individuals in Vietnam must implement the prevention and control of the HIV/AIDS according to regulations by the law.

Article 4.

HIV/AIDS affected people are protected against discrimination but must implement preventive measures against disease transmission to protect the community health according to regulations by the law.

Article 5.

The government shall exercise unified management of HIV/AIDS prevention and control.

The state offices in conjunction with Fatherland front of Vietnam and its member organisations, social organisations must carry out information, education and communication activities to educate people in the prevention and control of HIV/AIDS.

Article 6.

The government of Vietnam shall adopt policies to encourage organisations, individuals in the country, foreign organisations and individuals to carry out any form of cooperation or assistance in the prevention and control of HIV/AIDS.

CHAPTER III
Preventive measures against HIV/AIDS

Article 7.

Information, Education, Communication are essential measures to raise people's awareness and to implement preventive measures against HIV/AIDS transmission. Mass media and social organisations shall be responsible for participating in the HIV/AIDS prevention and control

Article 8.

Education of HIV/AIDS prevention must be introduced in schools with contents appropriate for each type of schools, suitable to education level, age, gender, custom and habits of ethnic groups.

Article 9.

State offices, Fatherland Front and its member organisations, economic and social organisations, units of people's armed forces shall be responsible for implementing preventive measures against HIV/AIDS in the community including:

- d. Mobilisation, education of risk persons to implement measures for preventing the transmission of HIV/AIDS.
- e. Communication, education of knowledge on the prevention of HIV/AIDS to every people
- f. Organisation, promotion of health care and moral support to people affected by HIV/AIDS.
- g. Raising professional level for volunteers in the prevention and control of HIV/AIDS

Article 10.

Everyone shall be responsible for implementing preventive measures against the transmission of HIV/AIDS to protect oneself, one's family and the society; for participating to activities of prevention of the transmission of HIV/AIDS in the family and the community.

Article 11.

1. Everyone shall communicate, encourage and educate members of one's family to implement regulations on the prevention and control of HIV/AIDS.
2. Every member of the HIV/AIDS affected person's family shall be responsible together with the society for health care, moral support to the HIV/AIDS affected persons so that they can be intergrated in the casual life of their family and community.

Article 12.

1. Everyone must actively prevent the transmission of HIV/AIDS through sexual relations and intravenous drug use.
2. All acts of prostitution (related to prostitutes and their clients), intravenous drug use and other practices susceptible to HIV/AIDS transmission are strictly prohibited.

Article 13.

Physicians and health workers at health facilities shall be responsible for implementing technical regulations in dealing with HIV/AIDS infections in terms of prevention, consultation, treatment and provision of health care and family planning services.

Establishments and workers in aesthetic and other services susceptible to HIV/AIDS transmission shall abide by legal regulations on the prevention and control of HIV/AIDS.

Article 14.

1. Health facilities must carry out HIV testing for all donors of blood, sperm, tissue, or any body parts
2. Blood, blood products, sperm, tissue, organ of any body parts from HIV infected persons are strictly prohibited to use for other people.

Article 15.

Waste of health services related to HIV/AIDS infected person must be treated according to regulations of the Ministry of Health

Article 16.

1. Health facilities shall be responsible for HIV testing for persons who voluntarily ask for HIV detection.
2. State health facilities shall be responsible, at request, to carry out tests for detection of HIV/AIDS in persons at risk of HIV/AIDS infection.

Article 17.

At regular medical examination, authorised health officer of health facilities is empowered to decide to test for HIV/AIDS detection, persons at risks of it.

Article 18.

1. Laboratory workers and laboratory testing facilities of the health sector shall be responsible for confidentiality in terms of name, age, address of the person coming for the detection of HIV/AIDS infection.
2. Only authorised health officer is empowered to inform HIV/AIDS affected person, his wife or her husband or members of his (her) family and the establishment, the organisation, the person in charge of health care of the HIV/AIDS infected person about the result of the test.
3. Public information on the name, the age, the address, the photograph of HIV/AIDS infected person are strictly prohibited, except with his consent to.

Article 19.

HIV/AIDS infected foreigner must declare when entering Vietnam. Declaration procedure shall be stipulated by the government.

Article 20.

1. Physicians and the health workers shall be responsible for taking care of AIDS patients and making the prevention of HIV/AIDS explicit to members of HIV/AIDS infected person's family.
2. Opportunistic infections in AIDS patients related to a specialty shall be treated at this specialty or a specific one.
3. Refusal of examinations, treatment of HIV/AIDS people is strictly prohibited.

Article 21.

The State shall regulate insurance of professional risk at the very beginning for persons who shall directly manage and take care of the HIV/AIDS affected persons at social establishments and for health workers who shall directly examine and treat HIV/AIDS people.

Article 22.

HIV/AIDS people are not permitted to work in some sectors being able to easily transmit HIV/AIDS. The Ministry of Labour, Invalids and Social Affairs in conjunction with the Ministry of Health shall regulate the list of these professions.

Article 23.

If the wife (or the husband) knows that she (he) is HIV/AIDS infected, she (he) must inform her (his) spouse; if not, the health establishment shall be responsible to do it.

Article 24.

1. The intentional transmission of the disease from HIV/AIDS infected person to other people is strictly prohibited.
2. Slanders on HIV/AIDS infection against a non-infected person in order to offend his honour or damage his interest are strictly prohibited.

CHAPTER III
State management of the prevention and control of HIV/AIDS

Article 25.

State management of the prevention and control of HIV/AIDS includes the main following contents:

1. To promulgate legal documents on the prevention and control of HIV/AIDS;
2. To develop guidelines, policies, plans to prevent and control HIV/AIDS;
3. To supervise and check the epidemiological evolution of HIV/AIDS;
4. To organise treatment, health care for HIV/AIDS people;
5. To make preliminary summing up, comprehensive review, to evaluate the effectiveness of HIV/AIDS prevention and control through epidemiological stages;
6. To check, to inspect, to settle complaints, denunciations, to deal with breaches of legislation on prevention and control of HIV/AIDS;
7. To organise international cooperation in the prevention and control of HIV/AIDS, in the global strategy of HIV/AIDS prevention; to organise research and training of cadres to raise the effectiveness of the prevention and control of HIV/AIDS

Article 26.

1. The government shall exercise unified management of the prevention and control of HIV/AIDS through out the whole country.

The National AIDS Committee set up by The Prime Minister to help him in guiding, developing the prevention and control of HIV/AIDS according to the functions and tasks stipulated by The Prime Minister.

2. The Ministry of Health within the scope of its functions and tasks shall implement the state management of the prevention and control of HIV/AIDS in medical field.

3. All ministries, sectors within the scope of their respective functions and tasks shall implement the prevention and control of HIV/AIDS as stipulated by the government

4. The People's committee at all levels shall exercise their state management of the prevention and control of HIV/AIDS at their localities.

**CHAPTER IV
Rewards and dealing with breaches**

Article 27.

Organisations, individuals having good records in the prevention and control of HIV/AIDS shall be rewarded according to stipulations by the State.

Article 28.

1. Those who infringe legal regulations on the prevention and control of HIV/AIDS shall be dealt with administrative or be criminally prosecuted; if the health, the life, the property of others are damaged, they shall compensate according to regulations by the law.
2. Foreign organisations, individuals that infringe legislation on HIV/AIDS prevention and control shall be dealt with according to Vietnamese law, except other stipulations of International Convention the Socialist Republic of Vietnam has signed or participated.

**CHAPTER V
Implementation provisions**

Article 29.

This ordinance shall take effect as from 01 August 1995.
All previous stipulations which contradict this ordinance are revoked.

Article 30.

The government shall regulate in detail the implementation of this ordinance.

Hanoi, 31 May 1995

**For the National Assembly
Standing Committee
Chairman
Signed: Nong Duc Manh**

**DECREE No.34-CP OF JUNE 1st, 1996 OF THE GOVERNMENT GUIDING THE IMPLEMENTATION OF
THE ORDINANCE ON THE PREVENTION AND CONTROL OF HIV-AIDS INFECTION**

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the Ordinance of May 31st, 1995 on the prevention and control of HIV-AIDS infection;

At the proposals of the Minister of Health and the Minister-Chairman of the National AIDS Committee,

DECREES

Article 1.-

1. To enhance information, education and communication in order to raise the knowledge and capability necessary for the entire people to prevent and control HIV-AIDS infection for themselves and for the community. The contents of information, education and communication on the prevention and control of HIV-AIDS infection includes:

- The knowledge on HIV-AIDS, the provisions of law on the prevention and control of HIV-AIDS infection;
- Preventing and combating drug abuse and prostitution so as to prevent HIV-AIDS infection;
- Building a healthy lifestyle and the sense of responsibility of preventing and controlling HIV-AIDS infection among individuals, families and the community;
- Measures to reduce the risk of HIV-AIDS spread;
- The community's responsibility towards the HIV-AIDS infected persons; and their responsibility towards the community.

2. The newspapers, radio and television shall have to frequently organize information, education and communication on the prevention and control of HIV-AIDS infection through their own channels.

The State agencies, social organizations, economic organizations and units of the People's Armed Forces shall have to organize information, education and communication on the prevention and control of HIV-AIDS infection among their officials employees and army men.

Article 2.-

The contents of the anti-HIV-AIDS education designed for the students in schools, universities, colleges, intermediate vocational schools and job-training schools include:

- The basic knowledge about HIV-AIDS infection and the scientific basis of the preventive and controlling measures.
- The impact of the HIV-AIDS epidemic on the economy, society, health and race.
- The situation of HIV-AIDS infection in Vietnam and the programs against HIV-AIDS infection in Vietnam and in the world.
- The legislation on the prevention and control of HIV-AIDS infection.
- The responsibility of all citizens in the prevention and control of HIV-AIDS infection.

The Ministry of Education and Training shall provide concrete guidance on the contents suitable to the students of different educational levels.

Article 3.-

The HIV-AIDS infected persons must not do any act to spread the disease to other persons and must take necessary measures to prevent the disease from spreading to their families and community in accordance with the regulations and guidance of the medical agency, must not donate their blood, semen, tissues, organs or parts of their body to others.

The HIV-AIDS infected persons are not allowed to directly engage in HIV-AIDS transmissible jobs list in the inter-ministerial Circular of the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Health.

Article 4.-

A person who finds himself/herself infected by HIV-AIDS after a test must inform immediately his/her spouse thereof and take measures to prevent the spread of the disease; if not, the medical establishment shall do it.

Article 5.-

1. The directors of hospitals or heads of medical agencies of the district and higher level are entitled to inform the HIV-AIDS infected persons, their spouses or their next of kin and the agency, organization or people responsible for taking care of their health of the results of the tests.

2. The agencies, organizations or individuals who are informed of the results of the tests on the HIV-AIDS infected persons shall have to keep such information secret.

3. The mass media must not carry news revealing the name, age, address and picture of the HIV-AIDS infected person unless it is agreed by such person; if the HIV-AIDS infected person dies, such information must have the agreement of his/her parent, spouse or guardian.

Article 6.-

Responsibility of the families and community towards the HIV-AIDS infected persons:

1. To encourage the HIV-AIDS infected persons to visit the HIV-AIDS counseling centers.
2. Not to have discriminatory or isolative attitudes towards the HIV-AIDS infected persons.
3. To create conditions for the HIV-AIDS infected persons to have access to mental, material and medical care in their families and communities.
4. To urge the HIV-AIDS infected persons, their families and community to take measures to prevent the spread of HIV-AIDS.
5. To help the HIV-AIDS infected persons to have suitable jobs.

Article 7.-

The HIV-AIDS infected persons, when suffering from opportunistic infectious diseases due to the immune deficiency of their body, are entitled to treatment in State medical establishments. Such establishments shall have to receive these patients, and are not allowed to refuse or treat any of these cases in a discriminatory manner.

Article 8.-

1. The heads of the medical agencies of the district and higher level are entitled to request those people likely to get HIV-AIDS to have a test to detect HIV-AIDS infection in accordance with Item 2, Article 16 of the Ordinance on the Prevention and Control of HIV-AIDS infection.
2. The employers must organize regular health checks for their personnel. During these checks, the head of the medical establishment may order, at the suggestion of the doctor directly administering the check, the mandatory tests on the persons susceptible of HIV-AIDS infection.

Article 9.-

The State and private medical establishment shall have to:

1. Provide counselling for the HIV-AIDS infected persons on the prevention and control of HIV-AIDS infection.
2. Abide by the regulations on sterilization in the health clinics, in medical examination and treatment, especially on sterilization of medical instruments.
3. Test or send for testing to detect HIV-AIDS infection the persons who want to donate their blood, semen, organs or parts of their body.
4. Report any detected cases of HIV-AIDS infection to the medical agency of higher level.
5. Guide the autopsy and burial of the dead HIV-AIDS patients as required in other infectious diseases.

Article 10.-

1. HIV-AIDS infected persons are entitled to occupational risk insurance if they get the disease when directly testing, examining, treating and attending to HIV-AIDS patients at the State medical establishment and the clinics set up in accordance with Article 24 of the Ordinance on the Handling of Administrative Violations.
2. The State shall buy occupational risk insurance for the beneficiaries stated in Item 1 of this Article who are working at the State medical establishments and the clinics set up in accordance with Article 24 of the Ordinance on the Handling of Administrative Violations.
3. The Ministry of Finance shall coordinate with the Ministry of Health in stipulating the level of occupational risk insurance and the interest of the beneficiaries.

The ministry of Health shall specify the criteria and conditions for identifying the persons who get HIV-AIDS while doing their job.

Article 11.-

Upon entry into Vietnam the HIV-AIDS infected persons must declare in the medical quarantine form at the first border gate. The Ministry of Health shall provide for the form of medical quarantine.

Article 12.-

The National AIDS Committee shall have to:

1. Work out the strategy, policy and plan for AIDS prevention and control.
2. Guide, direct, and oversee the implementation of the HIV-AIDS prevention and control work throughout the country.

3. Coordinate with the Ministry of Health, the Ministry of Planning and Investment and the Ministry of Finance in drawing up annual estimates of expenditures for HIV-AIDS prevention and control, submit them to the Government for approval and allocate the approved funding to the Ministries, branches, social organizations and localities proportionally to their assigned tasks.
4. Coordinate with the Ministry of Health, and the concerned Ministries, branches and social organizations in organizing the counselling network for the prevention and control of HIV-AIDS infection.
5. Acting as intermediary in international cooperation, coordinate and manage bilateral and multilateral cooperation on national, branch and local scales in the prevention and control of HIV-AIDS infection.

Article 13.-

The Ministry of Health shall have to:

1. Work out and submit to the government for issue or issue in accordance with the Ministry's jurisdiction the legal documents on the prevention and control of HIV-AIDS infection.
2. Issue the regulations on epidemiological surveillance and HIV-AIDS tests, the technical regulations on HIV-AIDS infection, transfusion of blood and fluid, donation of semen, regime on sterilization in medical examination, treatment and service, beauty surgery service, regime on disposal medical waste, the tissue graft and transplant of organs or parts of the human body.
3. Organize tests and create favourable conditions for Vietnamese and foreigners in Vietnam to voluntarily have tests to detect HIV-AIDS infection. Provide counseling on the prevention and control HIV-AIDS infection for the persons who come for tests.
4. Coordinate with the concerned Ministries and branches in organizing scientific research and application of the world's scientific and technical advances to the prevention and control of HIV-AIDS infection.
5. Coordinate with the National AIDS Committee and the concerned Ministries and branches in inspecting and supervising the implementation of the provisions of law on the prevention and control of HIV-AIDS infection.

Article 14.-

The Ministry of Culture and Information shall have to:

1. Mobilize and direct the mass media, the cultural, arts composition and performance units in carrying out education and information activities against HIV-AIDS infection.
2. Coordinate with the National AIDS Committee and the Ministry of Health in guiding the contents of the information, education and communication on the prevention and control of HIV-AIDS infection.

Article 15.-

The Ministry of Education and Training shall organize the education on the prevention and control of HIV-AIDS infection in schools and preside over and coordinate with the National AIDS Committee in formulating the curriculum, teaching methods, teaching and learning aids, and compiling educational material on the prevention and control of HIV-AIDS infection in accordance with the provisions in Article of this Decree.

Article 16.-

The Ministry of Labour, War Invalids and Social Affairs shall have to:

1. Coordinate with the National AIDS Committee in the activities against the spread of HIV-AIDS through social evils like prostitution and drug abuse.
2. Coordinate with the Ministry of Health in organizing health care for the HIV-AIDS infected persons in the community.
3. Organize the care for and education of the HIV-AIDS patients in the medical treatment establishments as prescribed in Article 24 of the Ordinance on the Handling of Administrative Violations.

Article 17.-

Every year, the State shall allocate a reasonable percentage of its budget for the anti-HIV-AIDS program.

The Ministry of Finance shall have to:

1. Provide detailed guidance for the use of this allocation after consulting the National AIDS Committee and the Ministry of Health.
2. Coordinate with the Ministry of Planning and Investment, the National AIDS Committee and the Ministry of Health in allocating the annual State budget to the Ministries, branches and localities for the preventing and controlling HIV-AIDS infection.
3. Provide the national anti-AIDS program with sufficient and timely funding according to the budgetary plan already approved by the Government.
4. Supervise and ensure that such funding be used for the right purposes of the anti-HIV-AIDS program and in accordance with the State stipulations.

Article 18.-

The People's Committee at all levels shall have to:

1. Organize the implementation of the provisions of the Ordinance on the Prevention and Control of HIV-AIDS infection, carry out information and education among the people in the locality about the prevention and control of HIV-AIDS infection.
2. Ensure that the HIV-AIDS prevention and control be closely associated with the prevention and combat of prostitution and drug abuse in the locality.
3. Use the budget allocations only for the purpose of preventing and controlling HIV-AIDS infection, call for the community's contributions to fund the prevention and control of HIV-AIDS infection.
4. Mobilize and guide the people to take part in the medical and mental care for the HIV-AIDS patients, ensure that they be not treated in a discriminatory manner and facilitate their integration into the community.

Article 19.-

This Decree takes effect from the date of its signing. The earlier provisions contrary to the provisions of this Decree are now annulled.

Article 20.-

The Minister of Health, the Chairman of the National AIDS Committee, the Ministers, the Heads of the ministerial agencies and the agencies attached to the Government and the Presidents of the People's Committees of the provinces and the cities directly under the Central Government shall have to implement this Decree.

On be half of the Government
The Prime Minister
Vo Van Kiet

Organisational arrangements and operational functions of the National AIDS Standing Bureau (NASB)

Was signed by the Minister of Health, Prof DO NGUYEN PHUONG – Vice Chairman of National Committee for AIDS Prevention and for Drug and Prostitution Control- NCADP, dated 8 February 2001

Chapter I General stipulations

Article 1: This document stipulates basic contents on organisational arrangements and operational functions of the National AIDS Standing Bureau.

Article 2: The National AIDS Standing Bureau (hereby is short for NASB) is an administrative unit which is put under the management of Ministry of Health (MOH) and was established at the Decision Ref 61/QD-TTg dated 5 June 2000 by the Prime Minister with its own legal status, seal, bank account and office in Hanoi. Name of the office: National AIDS Standing Bureau (NASB)

Article 3: During the implementation of national and international programs and projects; in the collaboration of researches which is stipulated at Article 5 of this document, NASB is allowed to receive support (either cash or in-kind) and should be responsible for expenditures in comply with the stipulations of the State and of the Sponsor.

Chapter II Functions and Tasks

Article 4: Functions

NASB is an organisation which is put under the management of MOH, with its function is to provide advice to the Minister of Health, Vice Chairman of NCADP

Article 5: Tasks and rights: The National AIDS Standing Bureau (NASB) has the following functions and tasks :
Preparing annual and long-term program and plan on HIV/AIDS prevention and control, submitting to the Minister of Health- Vice Chairman of NCADP for approval and guidance, supervising the implementation of those programs and plans. Organising and expanding international relations in the field of HIV/AIDS prevention and control.

Organising the implementation and coordinating activities between ministries, sectors, mass organisations, Central Province/City People Committees in the field of HIV/AIDS.

Coordinating with relevant bodies in intergrating activites of communication, mobilisation on AIDS and drug, prostitution prevention and control.

Cooperating with relevant ministries/sectors in formulating legal documents on HIV/AIDS related issues.

Implementing tasks on HIV/AIDS prevention and control which are assigned by the Vice Chairman of NCADP and Leader of MOH; reviewing and evaluating activities implmented.

Office management:

- Managing and using resources of NASB so as to be effective. Managing the organisation work, administration, personnel, salary, finance and facilities in accordance with the law.
- Expanding national and international projects to raise financial resources for HIV/AIDS prevention and control.
- Managing human resource and property of the "AIDS and Community" magazine.

Chapter III Organization and personnel

Article 7: NASB has 6 departments:

1. Department for Administration- Personnel- Training
2. Department for Planning.
3. Department for Finance.
4. Department for International Cooperation.
5. Department for Communication and Social mobilization
6. Department for Scientific Research Management on HIV/AIDS.

Chapter IV Finance

Article 10: NASB is a second level financial unit, which is provided with state budget for its activities as a health administrative unit, with independent finance management and its own bank account.

Article 11: NASB's funding sources for its activities include: State budget, International projects/programs, Others sources to be permitted by the State.

Article 12: NASB has the responsibility for organizing, managing and using the above mentioned funding sources in compliance with the State's regulations.

Chapter V Working Relations

Article 13: Working relation with MOH:

NASB is an administrative unit within MOH, under the guidance and management of the Minister of Health.

Article 14: Working relation with NCADP

NASB is an office which assists the Vice Chairman of NCADP, under the direct management of the Vice Chairman of NCADP and the Member of NCADP to be in charge of AIDS work.

Article 15: Working relation with other organizations, sectors and individuals within and outside the health sector:

NASB is an office which assists NCADP in AIDS work; cooperates with other functional bodies of the State in directing AIDS work; cooperates with individuals within and outside the health sector, from central to local levels to implement its functions and duties.

Article 16: Working relation with international organizations and individuals :

NASB is permitted to collaborate with international organizations and individuals in AIDS prevention and control when it is assigned by the Minister of Health in compliance with legal regulations.

INSTRUCTION NO. 52-CT/TW DATED 11 MARCH 1995
BY VN COMMUNIST PARTY ON AIDS PREVENTION

AIDS is a deadly pandemic vigorously developing in the whole country. It was estimated that by the year 2000, the pandemic could be seen in all countries. Asian will be the most serious region where the number of cumulated HIV carriers could reach 30-40 million.

HIV/AIDS penetrated VN and has ceaselessly spreading, especially in Ho Chi Minh City, Khanh Hoa, Quang Nam-Da Nang provinces. Up to 11 February 1995, 2,280 cases were detected HIV positive, among which 131 developed full-blown AIDS and 53 died.

The VN Government and Communist Party realized the risk of HIV/AIDS and gave AIDS prevention on top priority. In order to mobilize the society, the National AIDS Committee was established to coordinate the different ministries, sectors and mass organizations.

In the last time, AIDS prevention activities have obtained certain achievements, however, still not strong and effective enough to control this risk. It was not paid proper attention by a lot of Communist Party and local authorities. HIV transmission becomes more and more serious, while the instructions and management do not meet the requirements.

The Communist Party (CP) all levels are requested by the Secretary Committee of Central Party to implement the following activities:

1. The best and most effective method to prevent and control HIV is a healthy, faithful life avoiding drug and prostitution. IEC activities, thus, are the first ones to provide the Parties/Youth members, especially the adolescents with education on human morality, life style, and the risk of HIV infection. Every person, family, street, commune, office, organization and institute realize their responsibilities to be involved in HIV/AIDS prevention.

CP at all levels have responsibilities for providing instructions to their mass organizations, local authorities and mass media so that the latter could conduct IEC activities to each party branch, Fatherland Front and the community. The role of family should be promoted and strengthened and HIV/AIDS prevention should be closely linked to the establishing "Vietnamese cultured-families".

2. Together with IEC activities, PC guides the local authorities and health facilities to ensure the requirements in terms of safety and sterilization within health services, especially blood-related services. Equipment and professional expertise of health personnel must be improved to provide quality care for the community.

HIV/AIDS interventions should be integrated with the prevention of social evils, firstly drug abuse and prostitution. Solutions No. 05, 06 issued by the Government and the plans by the Committee for the Social Evils must be translated into reality. The Justice, Investigation and Police have to cooperate with the community to timely discover and punish the drug traffickers, producers, users, brothel owners and decoys. All government servants and CP members violating the laws must be sentenced properly.

3. The Chairman or Vice Chairman of provincial people committee is responsible for providing guidelines and mobilizing the participation by the offices and mass organizations located in the area.

A great number of problems rising in the prevention of HIV/AIDS and social evils require specific resolutions and immediate actions in each locality and institute. The secretary of CP, the leaders of the local authorities, sectors, mass organizations have to conduct regular monitoring, inspection and collecting information as well as providing instructions to control HIV/AIDS pandemic.

