



**UPDATE ON THE
LAW ON HIV
PAC COORDINATION MEETING
HCMC MARCH 15, 2007**

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**LAW ON HIV/AIDS
PREVENTION AND CONTROL**

- Passed by the National Assembly in June 2006
- Effective 1 January 2007
- Replaces Ordinance of 1995

Content of the Law

- Covers social, technical and medical measures in HIV prevention and control.
- **Rights-based law** which provides for prevention and control measures; care, treatment and support for PLHIV; and conditions for implementation of HIV prevention and control measures.

Strong anti-discrimination provisions

- Protects the right of PLHIV to be free from stigma and discrimination.
- Right to work, equal access to healthcare, education and confidentiality of test results are protected.
- Implementation and enforcement will be critical.

Government now drafting supporting documents

- Implementing Decree
- Guidelines on VCT
- Decision of PM on management, care and treatment of PLHIV in detention centres
- Decision of PM on ARVs
- Decision of PM on list of HIV/AIDS Drugs covered by Health Insurance
- Inter-Ministerial circular of MOH and MOCI on HIV information, communication and education

Decree implementing Law

Drafted by the MOH.

Does not cover all implementation issues raised by the Law, but covers key issues:

- a) Initiation of harm reduction interventions;
- b) Management, distribution and use of ARVs;
- c) Care to HIV positive people;
- d) Integration of HIV prevention activities into social –economic programs; and
- e) Occupations requiring compulsory HIV testing in recruitment.

Participatory process, but outcomes not yet known

- MOH held consultation for stakeholders including international community, local NGOs and PLHIV in Hanoi, December 2006.
- Many participants gave comments and suggestions on terms of Decree
- UN has provided detailed comments to MOH and worked closely with the Legislation Department on sensitive issues

2 key issues of concern with Decree

1. Application of harm reduction interventions in closed settings – condoms and clean syringes not expressly permitted, opiate substitution prohibited in 06 centres.
- Inconsistent with the Law on HIV, VN's international obligations and activities under the Global Fund Round 6 project

2 key issues of concern with Decree

2. Sets out the conditions for occupations that may go on the list of occupations requiring HIV testing of recruits.
 - Conditions are vague, subjective and are not evidence-based.

2 key issues of concern with Decree

- Occupations requiring HIV testing in recruitment must meet 1 of 3 conditions:
 - a) Require the labourers be in especially good health condition;
 - b) Easy for HIV infected people to transmit the disease to other people at work; **or**
 - c) In national defence and security.
- List of occupations will then be prepared by MOLISA and MOH. MOH says the draft list will be circulated for comment.

Status of the Decree

- Decree currently with the Government Office for consideration and discussion.
- UN advocacy on issues of concern have been widely circulated within Government, the Party and NA.
- MOH advises that the Decree will be approved by the PM's Office by end of March 2007.

Access to documents

- Law on HIV/AIDS Prevention and Control on UNAIDS website: www.unaids.org.vn
- Decree will be posted on website when approved
- Current draft available from UNAIDS
- Informal Law and HIV Working Group – membership and emails: brianna@unaids.org.vn

A large red ribbon symbol, commonly used to represent HIV/AIDS awareness, is centered in the background of the text.

QUESTIONS ?

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