

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**