

**THE 11TH NATIONAL ASSEMBLY
OF THE SOCIALIST REPUBLIC OF VIETNAM**

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

Based on 1992's Constitution of the Socialist Republic of Vietnam which was revised and amended according to the Resolution numbered 51/2001/QH X of the 10th meeting of 10th National Assembly dated 25/12/2001;

This Law hereby regulates HIV/AIDS prevention and control.

**CHAPTER I
GENERAL PROVISIONS**

Article 1: Scope and subjects of stipulation

1. This Law shall regulate measures used in HIV/AIDS prevention and control; regulate care, treatment and support for people infected with HIV/AIDS and required conditions applied in the implementation of HIV/AIDS prevention and control measures.

2. This Law shall apply to local and foreign organizations and individuals in Vietnam.

Article 2: Definition of terms

In this Ordinance, the following terms and expressions should be understood:

1. *HIV* is the acronym of the English expression Human Immunodeficiency Virus, the virus that causes the acquired immunodeficiency syndrome in humans, causing the body to lose the ability to fight disease-causing agents.

2. *AIDS* is the acronym of the English expression Acquired Immunodeficiency Syndrome, and is the Acquired Immunodeficiency Syndrome caused by HIV, manifested by opportunistic infections and cancers, which may lead to death.

3. *Opportunistic infections* are infections to a body due to the deficiency of body's immune system caused by HIV infection.

4. *Stigmatization against a person infected with HIV/AIDS* is an attitude of condescension or of disrespect towards another person due to the awareness or suspicion that the person is infected with HIV/AIDS or has close relationship with a HIV-infected or suspected HIV-infected person.

5. *Discrimination of a person infected with HIV/AIDS* is a behavior of alienation, refusal, isolation, mal-treatment, prejudice or restriction of rights towards another person because of the awareness or suspicion that the person is infected with HIV/AIDS or has close relationship with a HIV-infected or suspected HIV-infected person.

6. *High risk behaviors* are behaviors that easily cause HIV transmission such as unsafe sex, needle/syringe sharing and other risky behaviors.

7. *Exposure to HIV* is the risk of being transmitted with HIV due to direct contact with blood or body fluids of a HIV-infected person.

8. *HIV/AIDS epidemiological surveillance* is the continuous and systematic collection of information on epidemiological indicators of HIV/AIDS of different high-risk groups in order to create temporal trends and results to provide information for the planning, prevention, control and evaluation of the effectiveness of intervention measures.

9. *HIV/AIDS sentinel surveillance* is regular and systematic serum surveillance applied to selected subjects to monitor HIV infection rates annually in order to provide information for the planning, prevention, control and evaluation of effectiveness of intervention measures

10. *HIV/AIDS counseling* is a process of dialogue and provision of necessary knowledge and information about HIV/AIDS prevention and control between the counselor and the counseled, in order to help the counseled make his/her own decisions and resolve problems related to prevention of HIV transmission, care and treatment for people infected with HIV.

11. *HIV testing* is the use of medical techniques to determine the HIV status in samples of blood or body fluid from a human body.

12. *HIV positive* is result of the testing of samples of blood or body fluid from a human body which is determined as infected with HIV.

13. *Peer educator groups* are groups of people who voluntarily gather together to conduct communication, mobilization and support activities for people in similar circumstances.

14. *Mobile groups* are those who regularly live far from their family and change their residence and working place.

15. *Harm reduction interventions in prevention of HIV transmission* include the following measures: communication and mobilization, promotion of the use of condoms and clean needles and syringes, treatment of opioid addiction by substitution, and other harm reduction measures to support safe behaviors to prevent HIV infection and transmission.

Article 3: Directive principles in HIV/AIDS prevention and control

1. Combining social and professional medical measures in HIV/AIDS prevention and control with prevention as the mainstay, in which information, education and communication for behavior change is the key measure.

2. Implementing multi-sectoral collaboration and social mobilization in HIV/AIDS prevention and control; integration of HIV/AIDS control activities into socio-economic development programs.

3. Closely combining HIV/AIDS prevention and control with prevention and control of drugs and prostitution, paying attention to the implementation of harm reduction interventions in prevention of HIV transmission and infection.

4. Ending stigmatization and discrimination against HIV/AIDS infected people and their families; supporting the participation of people infected with HIV/AIDS and their families in social activities, especially HIV/AIDS prevention and control activities.

Article 4: Rights and obligations of people infected with HIV/AIDS

1. People infected with HIV/AIDS have the following rights:

- a) Integrated life within the community and society;
- b) Treatment and health care;
- c) Education, vocational training, employment;
- d) Protection of privacy and confidentiality with respect to HIV/AIDS;
- e) Refusal of examination or treatment in the last phase of the disease;
- f) Other legal rights as provided by this Law and other related legal provisions.

2. People infected with HIV/AIDS have the following obligations:
 - a) Implementation of measures to prevent the transmission of HIV to other people;
 - b) Informing his/her HIV-positive test result to his/her spouse or fiancé;
 - c) Adherence to ARV treatment regulations;
 - d) Implementation of other obligations provided by this law and other related legal provisions.

Article 5: Responsibilities in HIV/AIDS prevention and control

1. State offices, political organizations, units and institutions belonging to the people's armed forces, within the scope of their designated functions, tasks and authority, shall be responsible for formulating and organizing the implementation of HIV/AIDS prevention and control programs of action,

2. Vietnam Fatherland Front and its member organizations shall be responsible for implementing HIV/AIDS control; propagandizing, communicating, mobilizing and educating the people to participate in HIV/AIDS prevention and control; conducting campaigns to provide material and mental support for HIV infected people.

3. Vietnamese organizations and individuals, foreign organizations and individuals in Vietnam shall be responsible for implementing the Law's regulations on HIV/AIDS prevention and control.

4. Families shall be responsible for applying measures to prevent and control HIV/AIDS.

Article 6: State policy on HIV/AIDS prevention and control

1. To encourage national and foreign organizations and individuals to cooperate and support in all forms of HIV/AIDS prevention and control; to encourage the development of self-care models organized by HIV-infected people.

2. To encourage the manufacture of domestic HIV/AIDS medicines; to implement measures to reduce prices of HIV/AIDS medicines to meet the requirements of prevention and control of HIV/AIDS in emergency situations.

3. To encourage business sectors, institutions and organizations to train and recruit HIV infected and affected people and/or invest in HIV/AIDS control.

4. To mobilize the participation of the whole society and the financial and technical support of domestic and foreign organizations and individuals in HIV/AIDS prevention and control.

5. To mobilize and coordinate resources for HIV/AIDS control based on the socio-economic conditions and HIV/AIDS situation in the country at each stage.

6. To support scientific research, expert exchange and training, and technology transfer in HIV/AIDS prevention and control.

7. To support the prevention and control of mother-to-child HIV transmission, especially providing nutritional support to newborns less than 6-months-old born to an HIV-infected mother.

8. To protect and care for the health of people infected with HIV/AIDS due to occupational accidents when performing assigned duties.

Article 7: State administrative management for HIV/AIDS prevention and control

1. The Government shall exercise unified management of HIV/AIDS prevention and control throughout the whole country.

2. The Ministry of Health shall be responsible to the Government to implement State management of HIV/AIDS prevention and control.

3. The Ministries and ministerial-level organizations are responsible for collaborating with the Ministry of Health to implement State management of HIV/AIDS prevention and control.

4. The People's Committee at all levels shall carry out State administration of HIV/AIDS prevention and control within their localities.

Article 8: Behaviors strictly prohibited

1. Purposefully transmitting or trying to transmit HIV to another person.

2. Threatening to transmit HIV to another person.

3. Stigmatizing and/or discriminating against people infected with HIV/AIDS.

4. Parents or guardians abandoning underage children infected by HIV.

5. Publicizing the name, age, address, images of a person infected with HIV/AIDS or disclosing information about someone's HIV infection to others without consent of that person, except in cases mentioned in Article 30 of this Law.

6. Falsely reporting HIV/AIDS infection about a person uninfected with HIV/AIDS.

7. Compulsory HIV testing other than cases provided in Article 28 of this Law.

8. Transfusion of HIV-contaminated blood or blood products, transplantation of tissues or body parts contaminated with HIV to another person.

9. Refusing to provide examination or treatment to a person on the grounds that this person is or suspiciously infected with HIV/AIDS.

10. Refusing the burial or cremation of a dead person for reasons related to HIV/AIDS.

11. Taking advantages of HIV/AIDS control activities for profit or illegal behaviors.

12. Other behaviors that are prohibited by the law.

CHAPTER II SOCIAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

SECTION 1 INFORMATION-EDUCATION-COMMUNICATION ON HIV/AIDS PREVENTION AND CONTROL

Article 9: Purpose and requirements of information-education-communication on HIV/AIDS prevention and control

1. The provision of information-education-communication on HIV/AIDS prevention and control shall be with the purpose of raising awareness, changing behavior, fighting discrimination and stigmatization.

2. The provision of information-education-communication on HIV/AIDS prevention and control shall meet the following requirements:

- a) Accurate, clear, simple and practical;
- b) Relevant to targeted audience, education level, age, gender and ethnicity, traditions, culture, ethnic identity, religions, social morals, beliefs and customs;
- c) Being non-discriminatory, not affecting gender equality and not making negative reference to HIV infected people.

Article 10: Contents of information-education-communication on HIV/AIDS prevention and control

1. Causes of HIV infection, routes of HIV transmission, measures to prevent HIV transmission and measures to care and treat HIV/AIDS infected people;

2. Impacts of HIV/AIDS on human health, life and socio-economic state;

3. Rights and obligations of individuals, families and people infected with HIV/AIDS in HIV/AIDS prevention and control;

4. HIV testing, care, support and treatment methods and services designated for HIV-infected people;

5. Responsibilities of offices, institutions, organizations and communities in HIV/AIDS prevention and control.
6. Harm reduction interventions used in HIV/AIDS prevention and control.
7. Anti-stigmatization and anti-discrimination.
8. The Party's lines and guidelines, the State's policy and legislation on HIV/AIDS control.

Article 11: Audiences of information-education-communication on HIV/AIDS prevention and control

1. Everyone has the right to access to information-education-communication on HIV/AIDS prevention and control.
2. The following audiences will be prioritized access to information-education-communication on HIV/AIDS prevention and control:
 - a) People infected with HIV/AIDS and their families;
 - b) Drug users, commercial sex workers;
 - c) People who have sexually transmitted diseases;
 - d) Homosexuals
 - e) Mobile populations;
 - f) Pregnant women;
 - h) People who live in poverty-stricken areas.

Article 12: Responsibility for implementing information-education-communication on HIV/AIDS prevention and control

1. State offices, the people's armed forces and other organizations, within their respective functions, tasks and authority, shall be responsible for conducting information, communication and education of knowledge of HIV/AIDS prevention and control.
2. The Ministry of Health shall be responsible for presiding over, and coordinating with other relevant organizations in the provision of accurate and science-based information on HIV/AIDS.
3. The Ministry of Culture and Information shall be responsible for directing the mass media organizations to regularly disseminate information on and propagandize HIV/AIDS prevention and control, integrating information on prevention and control of HIV/AIDS in to other information programs, and shall be held responsible for the accuracy of provided information.

4. The Ministry of Education and Training shall be responsible for presiding over, coordinating with the Ministry of Health and related ministries and sectors to develop curricula and contents for teaching about HIV/AIDS; to combine HIV/AIDS and sex education; and to direct educational facilities in the national education system to implement education on HIV/AIDS prevention and control.

5. The Ministry of Labor, Invalid and Social Affairs, Ministry of Public Security, Ministry of National Defense shall be responsible for presiding over, coordinating with other related ministries and sectors to implement IEC on HIV/AIDS control in treatment-education-social working facilities, correctional detention facilities, educational and teaching-bringing-up facilities.

6. The People's Council and People's Committee at all levels shall be responsible for organizing the implementation of information-education-communication on HIV/AIDS prevention and control for the people within their locality.

7. The mass media shall be responsible for giving priority to information-education-communication on HIV/AIDS prevention and control. IEC is provided free of charge, except the following cases: IEC implemented according to contract signed with National HIV/AIDS Program; national and international individuals and organizations.

SECTION 2

MOBILIZATION OF FAMILY, ORGANIZATIONS AND INDIVIDUALS IN HIV/AIDS PREVENTION AND CONTROL

Article 13: HIV/AIDS prevention and control in the family

1. Family members shall be encouraged to conduct communication and education on HIV/AIDS on their own, with special attention to children's sex education.

2. Voluntary HIV testing shall be encouraged for couples before marriage, couples planning to have a baby, and pregnant women.

3. Each member of the family shall be responsible for actively applying measures to prevent HIV transmission, ensuring gender equality in the family.

4. The family of persons infected with HIV/AIDS shall be responsible for providing love, care and moral support to the person infected with HIV/AIDS so as to

help the person infected with HIV/AIDS live in integrated within the family and community.

5. People infected with HIV/AIDS shall be responsible for informing their spouse about their HIV positive test result, and for applying measures to prevent HIV transmission.

Article 14: HIV/AIDS prevention and control in the work place

1. The employer shall be responsible for:

a) Organizing the communication and education of HIV/AIDS prevention and control measures and anti-stigma and discrimination in the organization or unit;

b) Arranging works suitable for the health and professional competence of HIV-infected laborers;

c) Facilitating employees' participation in HIV/AIDS prevention and control activities;

d) Carrying out other responsibilities related to HIV/AIDS prevention and control according to regulations as provided for by law.

2. The employer is not allowed to:

a) Terminate the job of an employee or create difficulties on the ground that this person is or suspiciously infected with HIV/AIDS;

b) Force a healthy employee to transfer from the job he/she has been doing on the ground that this person is or suspiciously infected with HIV/AIDS;

c) Refuse to give a salary raise to or to promote a person, or not ensure the legalized rights or benefits on the ground that this person is or suspiciously infected with HIV/AIDS.

d) Request employees to have HIV tested or to ask a job applicant or an employee for an HIV test result, to refuse to hire an applicant because he/she is infected with HIV, except in cases mentioned in item 3, Article 28 of this Law.

Article 15: HIV/AIDS prevention and control in educational facilities belonging to national educational system

1. Educational and training facilities shall be responsible for organizing the educational activities for students on HIV/AIDS prevention and control integrated with sex, reproductive health education and conducting other HIV/AIDS prevention and control activities.

2. Educational and training facilities are not allowed to:

- a) Refuse to admit a student because under the suspicion or awareness that the person is infected with HIV/AIDS;
- b) Apply disciplinary action, or expel a student because of the suspicion or awareness that the person is infected with HIV/AIDS;
- c) Separate, limit or forbid students participating in school activities of the awareness or doubt that the student is infected with HIV/AIDS;
- d) Request student to be tested for HIV or to ask an applicant for an HIV test result.

Article 16: HIV/AIDS prevention and control among mobile populations

1. The People's Committee of commune/ward/district's town shall be responsible for organizing the communication and propaganda activities on HIV/AIDS prevention and control to new residents coming from other areas.

2. Owners of hotels, guest houses, parking, bus and coach stations, ports and other tourist and cultural, social service facilities shall be responsible for collaborating with the local organization in charge of HIV/AIDS prevention and control to conduct HIV/AIDS prevention and control communication and to implement interventions to prevent HIV/AIDS infection to their customers.

3. The head of the disease quarantine office at each border gate shall be responsible for organizing the HIV/AIDS prevention and control communication for entry, exit and transit passengers.

4. Labor's export businesses shall be responsible for regularly organizing the I.E.C activities on HIV/AIDS prevention and control for every worker and trainee.

Article 17: HIV/AIDS prevention and control in communities

1. The People's Committee of a commune/ward/district town shall be responsible for:

a) Organizing HIV/AIDS prevention and control activities in the communities, educating people on caring and support for HIV-infected people, developing good traditions of the family, the clan, the original village and the cultural identity of Vietnamese people;

b) Organizing care and support for people infected with HIV/AIDS, and facilitating people infected with HIV/AIDS to integrate in the community;

c) Promoting the role of village patriarchs, heads of village and hamlets, heads of residential clusters, heads of clans, religious leaders, elderly people and people with prestige in the community in the mobilization of the people in HIV/AIDS prevention and control.

d) Formulating and developing the model of culture family and culture-healthy village or residential cluster.

e) Implementing communication on anti-stigmatization and anti-discrimination against HIV infected people and their families.

2. Residential clusters, hamlets shall be responsible for:

a) Communicating, motivate and educate families in the cluster to participate in and implement regulations on HIV/AIDS prevention and control;

b) Integrating HIV/AIDS prevention and control activities into public campaigns, sport, culture and music events in the community, training courses, talk sessions and other social events.

c) Implementing anti-stigma and anti-discrimination against HIV infected people and their families.

3. The State encourage friends, families, relatives, and neighbors of HIV infected people taking care of and supporting HIV infected people to integrate into the society and community.

Article 18: HIV/AIDS prevention and control in treatment-education-social working facilities, correctional and detention facilities, educational and teaching-bringing-up facilities

1. Supervisors at correctional and detention facilities, Directors of treatment-education-social labor facilities, educational and teaching-and-bringing-up facilities shall be responsible for organizing education and communication on HIV/AIDS control, implementing measures to prevent HIV transmission among managed participants.

2. The Prime Minister shall stipulate the administrative work, care, counseling, and treatment of people infected with HIV and prevent the spread of HIV, implementing the stipulations of item 1 of this Article.

Article 19: Religious, charity, non-governmental, humanitarian and other organizations participating in HIV/AIDS prevention and control

The State shall encourage religious, charity, non-governmental, humanitarian and other organizations to participate in providing care and treatment for people infected with HIV/AIDS, children abandoned due to their HIV/AIDS infection or parent's HIV infection; and in HIV/AIDS prevention and control activities.

Article 20: People infected with HIV/AIDS participating in HIV/AIDS prevention and control

1. HIV-infected people are entitled to participate in harm-reduction intervention activities to prevent HIV transmission.

2. The State shall encourage and facilitate people infected with HIV/AIDS to participate in:

a) Peer education, self-help groups, clubs and other formulations of people infected with HIV/AIDS as regulated for by law;

b) Communication activities and harm reduction activities related to HIV/AIDS;

c) Activities to support and care for HIV/AIDS infected people;

d) Contribution of ideas for the formulation of policies, legislations and programs related to HIV/AIDS.

e) Other HIV/AIDS prevention and control activities.

SECTION 3

OTHER SOCIAL MEASURES

IN HIV/AIDS PREVENTION AND CONTROL

Article 21: HIV/AIDS harm reduction interventions

1. Harm reduction interventions in HIV/AIDS prevention and control are implemented among populations having high risk behaviors through programs and projects subject to economic-social conditions

2. The Government shall issue regulations on the implementation of harm reduction interventions in prevention of HIV/AIDS transmission.

Article 22: HIV/AIDS counseling

1. Everyone has the legitimate right to access HIV/AIDS counseling services.

2. Health facilities are responsible for organizing counseling on HIV/AIDS in accordance with regulations issued by Minister of Health.

3. The State encourages the formation of HIV/AIDS counseling by organizations and individuals.

The Ministry of Health shall issue detailed regulations on standards, conditions and scope of activities of HIV/AIDS counseling facilities.

4. Pre and post test counseling is implemented in accordance with Article 26 of this Law

Article 23: Integration of HIV/AIDS prevention and control program with other socio-economic programs

1. HIV/AIDS prevention and control shall be one of the prioritized objectives of socio-economic development programs of different authority levels and different sectors.

2. The Government shall be responsible for directing ministries, sectors, mass organizations and authorities at different levels in integration of HIV/AIDS prevention and control activities into hunger eradication and poverty reduction programs, vocational training programs, tuberculosis and sexual transmitted infection control, and other socio-economic development programs.

CHAPTER III
**MEDICAL AND TECHNICAL MEASURES
IN HIV/AIDS PREVENTION AND CONTROL**

SECTION 1
HIV/AIDS epidemiological surveillance

Article 24: HIV/AIDS epidemiological surveillance

1. HIV epidemiological surveillance includes HIV-testing and HIV sentinel surveillance, with the purpose of identifying HIV prevalence and HIV/AIDS infection distribution in population groups, to monitor temporal trends of HIV prevalence, to identify groups at high risk of HIV infection in order to develop interventions, and to identify changes in forms of HIV transmission and predict HIV infection situation so as to plan effective prevention and control.

2. The Ministry of Health shall regulate details, procedures and methods of HIV epidemiological surveillance.

Article 25: HIV testing in sentinel surveillance

1. Authorized health facilities are allowed to conduct HIV testing for groups designated for sentinel surveillance.

2. HIV testing in sentinel surveillance shall be conducted anonymously.

3. Testing personnel and testing facilities shall be responsible for keeping confidential the testing results of people who have been HIV tested and for single purpose use of epidemiological surveillance.

SECTION 2
COUNSELLING AND TESTING

Article 26: Pre- and post-test counseling

1. Counseling should be provided to all cases of HIV testing before and after testing.
2. Only trained and authorized people shall be allowed to conduct pre- and post-test counseling.
3. HIV testing facilities shall be responsible for organizing pre- and post-test counseling.

Article 27: Voluntary HIV testing

1. HIV testing shall only be conducted on the voluntary basis of the person to be tested.
2. The person who voluntarily seeks HIV testing must be 16 and older with full civil behavioral capacity.
3. HIV testing of persons under 16 years old or incompetent persons may only be conducted when there is written voluntary informed consent of his/her father, mother or the legalized guardian.

Article 28: Compulsory HIV testing

1. Compulsory HIV testing shall be conducted in the case that there is an official request for justice and legal purposes, or a decision of a criminal investigation department, the People's Prosecution Institute or People's Court at all levels.
2. The Minister of Health is responsible for the issuance of regulations on compulsory HIV testing, in necessary cases, for the purpose of diagnosis and treatment.
3. The Government shall stipulate the list of occupation and professions requiring HIV testing before recruitment.
4. Costs for undergoing HIV testing for cases listed in item 1 of this Article will be covered by the State.

Article 29: Testing facilities meet full criteria and conditions for confirming HIV positive cases

1. Only testing facilities satisfying required criteria and conditions, acknowledged and authorized by the Ministry of Health, are eligible to confirm HIV

positive cases and will be held legally responsible for the results that have been informed.

2. The Ministry of Health shall regulate the detailed criteria, conditions, procedures and steps for certifying a testing facility eligible to confirm HIV positive cases.

Article 30: Informing of HIV positive testing result

1. "Positive" test results shall only be released to following persons:

- a) Tested person;
- b) His/her spouse; his/her parent(s) or legalized guardian(s) if the tested person is underage or lacks typical behavioral competence.
- c) Authorized persons who are responsible for informing "HIV positive" test results and providing counseling to tested persons;
- d) Those who are responsible for providing care and treatment for HIV infected people in health facilities, including: the head of medical department or ward where the HIV infected people are being treated; authorized staff and health care personnel in health establishments who directly involve in treatment and care for HIV infected people;
- e) Directors, medical officers and staff who are directly involved in treatment and care for HIV infected people kept in prisons, educational facilities, and centers for treatment -education-social labor;
- f) Authorized persons from organizations stated in item 1 Article 28 of this Law.

2. Persons stated in item 1 of this Article shall be responsible for the confidentiality of "HIV positive" test results, except the tested person stipulated at point a, item 1 of this Article.

3. The Ministry of Public Health shall regulate detailed procedures and responsibilities for disclosing "HIV positive" test results.

SECTION 3 OTHER MEDICAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

Article 31: Safe blood transfusion

1. All blood bags and blood products must be screened and tested for HIV before use, even in emergency cases.

2. HIV screening must be conducted using registered diagnostic bio-products and agents permitted for use by the Ministry of Health.

3. The Ministry of Health regulates HIV/AIDS screening, filing of test results, and isolation and disposal of blood samples, HIV infected blood and medical samples.

Article 32: Prevention and control of HIV in health services

1. Medical establishments are responsible for complying with Ministry of Health's regulations on disinfection, sterilization and waste disposal when performing surgical procedures, injection, and acupuncture so as to prevent cross-transmission of HIV within health facilities.

2. The Ministry of Health shall regulate the detailed procedures for disinfection, sterilization and waste disposal related to HIV/AIDS.

Article 33: Prevention and control of HIV in social service facilities

Social services facilities that use percutaneous (skin and mucous membrane) medical devices with risks of bleeding shall be responsible for compliance with the Ministry of Health's regulations on disinfection and sterilization.

Article 34: Prevention and control of sexually transmitted diseases related to HIV

1. HIV/AIDS prevention and control shall be conducted closely with prevention and control of sexually transmitted diseases.

2. The Ministry of Health shall regulate the monitoring of sexually transmitted diseases and responsibilities of state and private health facilities in control of HIV transmission through sexual routes.

Article 35: Prevention and control of Mother-to-Child HIV transmission

1. Voluntary HIV testing for pregnant women shall be free-of-charge.

2. HIV infected women shall be enabled to approach measures to reduce HIV transmission from mother to child.

3. HIV infected women who are pregnant or breast-feeding are entitled counseling services and prophylactic treatment to prevent transmission of HIV.

4. Health facilities are responsible for conducting supervision and treatment for HIV infected pregnant women and taking measures to reduce mother-to-child transmission.

5. The Ministry of Health regulates the management, treatment and care of HIV-infected women during pregnancy and delivery, and measures to reduce HIV transmission from mother to child.

Article 36: Post-exposure Prevention of HIV

1. HIV exposed persons shall be provided counseling services and prophylactic to prevent HIV infection.

2. Those who are exposed to HIV due to occupational accidents shall be provided counseling services and prophylactic treatment in accordance with Article 46 of this Law.

Article 37: Research, trial and production of HIV/AIDS vaccines, bio-products and HIV medicines

1. The State shall encourage and facilitate researches, trials and production of HIV/AIDS vaccines, bio-products and HIV/AIDS medicines.

2. People who voluntarily participate in clinical trials of HIV/AIDS vaccine or medicine shall be ensured rights and benefits according to regulations by the law.

CHAPTER IV CARE, TREATMENT AND SUPPORT FOR HIV/AIDS INFECTED PEOPLE

Article 38: Responsibilities in providing treatment to people infected with HIV/AIDS

1. Medical facilities are responsible for examining and treating people infected with HIV; in the case that treatment is in the form of drugs to resist HIV, then the medical facility must meet the standards set by the Ministry of Health.

2. Medical practitioners and health care workers shall be responsible for providing care, treatment and health education for HIV/AIDS infected people so that they are able to take care of themselves and prevent HIV transmission to others.

3. People infected with HIV/AIDS who have opportunistic infections or other HIV/AIDS related illnesses shall receive treatment at the medical department

specialized in the type of that conditions or at a separate department, and shall be treated equally as other patients.

4. The Ministry of Health shall regulate the details of treatments in the form of drugs to resist HIV.

Article 39: Access to HIV/AIDS medicines

1. People infected with HIV/AIDS shall be supported by the State to obtain access to HIV/AIDS medicines through programs and projects suitable to socio-economic conditions.

2. People exposed to and infected with HIV by occupational hazards, people infected with HIV through risks as a health worker, women infected with HIV during pregnancy, and children under 6-years-old infected with HIV are eligible to be supplied with free HIV/AIDS medicines by the State.

3. HIV/AIDS medicines sponsored by national and foreign organizations and individuals shall be provided to HIV infected people free-of-charge at HIV/AIDS treatment facilities, according to the following priorities:

- a) Children from 6 years to 16 years of age who are infected with HIV;
- b) People infected with HIV who actively participate in HIV/AIDS prevention and control;
- c) People infected with HIV who are in especially difficult situations;
- d) Others who are infected with HIV.

4. The Government shall determine the detailed regulations on the management, distribution and use of HIV/AIDS medicines.

5. The Prime Minister shall stipulate the application of necessary measures to meet the demand for domestic HIV/AIDS medicines in emergency cases.

Article 40: Health insurance for people infected with HIV

1. People who currently have health insurance and are infected with HIV shall have all health examination and treatment fees paid by the health insurance fund.

2. The Ministry of Health shall specify the list of HIV/AIDS medicines that health insurance will cover.

Article 41: Care for people infected with HIV

1. People infected with HIV/AIDS shall be provided care in the family, and in medical facilities of the State.

2. Abandoned children infected with HIV, and people infected with HIV without sources to rely on and unable to work shall be cared in social support centers sponsored by the central authority of provinces and cities.

3. The State shall encourage religious, charity, non-governmental, humanitarian and other organizations to set up care facilities for people infected with HIV.

4. The People's Committee at different levels shall be responsible for mobilizing communities to participate in organizing community-based care for people infected with HIV.

5. The Government shall stipulate regimes for care of people infected with HIV mentioned in items 2 and 3 of this Article.

Article 42: Application of the law, litigation of criminal affairs, and administration of violations pertaining to people in the final phases of the AIDS

1. People who are being investigated, have evidence against, or are being tried in court and are in the final phases of AIDS shall be entitled a temporary suspension of investigation or temporary suspension of sentence according to the regulations provided by the law pertaining to the litigation of criminal affairs.

2. People sentenced by the Court who are in the final phases of AIDS shall be exempted from the penalty or have a reduced duration of penalty, and deferment or temporary deferment of imprisonment under stipulations of the law pertaining to criminal affairs, litigation of criminal affairs, and imprisonment penalty.

3. People sentenced to medical facilities, educational institutions, and treatment facilities who are in the final phases of AIDS shall be granted a deferral or exemption of penalty in these facilities; deferral, temporary suspension or exemption of the remaining period of penalty also follows the regulations of the law pertaining to the administration of violations.

4. The Ministry of Health presides over—in collaboration with the Ministry of Public Security, the Ministry of Justice, the Supreme People's Court, and the Supreme People's Procuracy—the regulations of people in the final phases of AIDS pertaining to items 1, 2 and 3 of this Article.

CHAPTER V

GUARANTEES IN THE IMPLEMENTATION OF HIV/AIDS PREVENTION AND CONTROL MEASURES

Article 43: Resources for HIV/AIDS prevention and control

1. Each year, the State shall allocate an appropriate amount of the national budget to HIV/AIDS prevention and control.
2. The State shall encourage domestic and foreign organizations and individuals to provide financial and technical support to HIV/AIDS prevention and control.

Article 44: Funds for treatment and care for people living with HIV/AIDS

1. Funds for the treatment and care for people living with HIV/AIDS shall be established to support HIV/AIDS prevention and control.
2. [Financial resources for the treatment and care for people living with HIV/AIDS](#) are from charitable, humanitarian funds and shall be formed on the basis of donations of domestic and foreign organizations and individuals.

Article 45: Policies and regulations for people directly involved in HIV testing, management, care and treatment of people infected with HIV/AIDS

People directly involved in HIV testing, management, care and treatment for HIV infected people in state social support institutions, prison, detention facilities, juvenile detention facilities, educational institutions, medical facilities, and treatment institutions will have priority in receiving essential equipments and supplies to prevent HIV infections, and are entitled to occupational incentives and other privileges according to provisions provided by the Prime Minister.

Article 46: Regulations for people exposed or infected with HIV due to occupational accidents

1. People who have had exposure to HIV or who have been infected with HIV/AIDS due to occupation-related accidents shall be eligible to receive incentives and preference regimes in accordance with regulations as provided for by the law.
2. People infected with HIV due to occupational hazards are eligible for free medical examinations and treatments for opportunistic infections, and HIV/AIDS medicines.
3. The Prime Minister shall issue regulations on conditions to define that a person has had exposure to HIV or has been infected with HIV/AIDS due to occupational accidents, and on specific benefit and regimes applied for such people.

Article 47: Training of people who engage in HIV/AIDS prevention and control

1. Medical practitioners, health care workers directly involved in counseling, examining, caring for, and treating people infected with HIV must be trained to improve specialization and professional knowledge.

2. Collaborators, volunteers, educators, and people infected with and affected by HIV/AIDS participating in HIV/AIDS prevention and control should inform others to raise public awareness.

3. The Ministry of Health presides over, in collaboration with Ministry of Education and Training and other related offices and organizations, to organize the training of the people mentioned in items 1 of this Article.

Article 48: International cooperation in HIV/AIDS prevention and control

1. The State of Vietnam will cooperate with other nations and international organizations in the prevention and control of HIV/AIDS on the basis of respecting independence, sovereignty, territorial integrity, and mutual benefits.

2. The State encourages Vietnamese individual and organizations to cooperate with countries and international organizations in prevention and control of HIV/AIDS.

3. The Prime Government shall regulate mechanisms applied in the collaboration with countries sharing borders with Vietnam to direct ministries, sectors and local authorities to implement the control of cross-border HIV/AIDS transmission.

**CHAPTER VI
IMPLEMENTATION PROVISIONS**

Article 49: Implementation Effects

This Law shall come into effect beginning on the 1st day of the 1st month in the year 2007.

The Ordinance on the prevention and control of the virus causing acquired immune deficiency syndrome in humans (HIV/AIDS) of the year 1995 shall become invalid on the day this Law goes into effect.

Article 50. Implementation and Execution

The Government shall implement the execution of this Law.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam on the date ofin month....., 2006.

**ON BEHALF OF THE STANDING COMMITTEE OF THE
NATIONAL ASSEMBLY
CHAIRMAN**

NGUYEN VAN AN