

**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