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SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

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LAW

On hiv/aids prevention and control

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under December 25, 2001 Resolution No. 51/2001/QH10 of the Xth National Assembly, the 10th session;

This Law provides for HIV/AIDS prevention and control.

Chapter I

GENERAL PROVISIONS

Article 1. - Scope of regulation and subjects of application

1. This Law provides for HIV/AIDS prevention and control measures; the care, treatment and support for HIV-infected people and conditions for the implementation of HIV/AIDS prevention and control measures.

2. This Law applies to Vietnamese and foreign agencies, organizations and individuals in Vietnam.

Article 2.- Interpretation of terms

In this Law, the terms below are construed as follows:

1. *HIV* is the abbreviation of the English phrase Human Immunodeficiency Virus, which is the virus that causes the acquired immune deficiency syndrome in human, causing the body to lose the ability to fight disease-causing agents.

2. *AIDS* is the abbreviation of the English phrase Acquired Immune Deficiency Syndrome, which is caused by HIV, normally manifested by opportunistic infections and cancers, and may lead to death.

3. *Opportunistic infections* are infections that happen to a body due to the deficiency of the body's immunity caused by HIV infection.

4. *Stigmatization against an HIV-infected person* is an attitude of contempt or disrespect towards another person because of the awareness or suspicion that such person is infected with HIV or has close relationship with an HIV-infected or suspected HIV-infected person.

5. *Discrimination against an HIV-infected person i*s an act of alienation, refusal, isolation, maltreatment, disgrace, prejudice or restriction of rights towards another person because of the awareness or suspicion that such person is infected with HIV or has close relationship with an 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 behaviors that easily cause HIV transmission.

7. *Exposure to HIV* is the exposure by direct contact with blood or bio-fluids of an HIV-infected person and at risk of getting infected with HIV.

8. *HIV/AIDS epidemiological surveillance* is the regular and systematic collection of information on epidemiological indicators of HIV/AIDS of different risky groups to know temporal trends and results in order to provide information for the planning, prevention, control and evaluation of the effectiveness of HIV/AIDS prevention and control measures.

9. *HIV/AIDS sentinel surveillance* is the collection of information through regular and systematic HIV tests of selected target groups to monitor annual HIV infection rates and trends in order to provide information for the planning, prevention, control and evaluation of the effectiveness of HIV/AIDS prevention and control 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 the prevention of HIV/AIDS transmission and the care for and treatment of HIV-infected persons.

11. *HIV testing* is the application of professional techniques to determine the status of HIV infection in samples of blood or bio-fluid from a human body.

12. *HIV positive* is the result of a test of blood or bio-fluid samples of a human body determined as HIV-infected.

13. *Peer education group* is a group of volunteers to carry out propaganda and motivation activities and assist people in the same plight.

14. *Mobile population group* is those who regularly live far from their families and change their residences and workplaces.

15. *Harm reduction intervention measures in the prevention of HIV transmission* include propaganda, mobilization and encouragement of the use of condoms, clean syringes and needles, treatment of addiction to opium-related substances with substitute substances and other harm reduction intervention measures in order to facilitate safe behaviors to prevent HIV transmission.

Article 3.- Principles in HIV/AIDS prevention and control

1. Combination of social, technical and medical measures in HIV/AIDS prevention and control on the principle of regarding prevention as the major measure and information, education and communication for behavioral change as the key measure.

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

3. Close combination of HIV/AIDS prevention and control with the prevention and control of drug abuse and prostitution, attaching importance to harm reduction intervention measures in the prevention of HIV transmission.

4. Elimination of stigma and discrimination against HIV-infected people and their family members; facilitation of HIV-infected people and their family members to participate in social activities, especially in HIV/AIDS prevention and control.

Article 4. - Rights and obligations of HIV-infected people

1. HIV-infected people have the following rights:

a/ To live in integration with the community and society;

b/ To enjoy medical treatment and healthcare;

c/ To have general education, learn jobs and work;

d/ To have their privacy related to HIV/AIDS kept confidential;

e/ To refuse medical examination and treatment when having treatment of full-blown AIDS;

f/ Other rights as provided for by this Law and other relevant laws.

2. HIV-infected people have the following obligations:

a/ To apply measures to prevent the transmission of HIV to other people;

b/ To inform their HIV positive test result to their spouse or fiancé (fiancée);

c/ To observe instructions on treatment with ARVs;

d/ Other obligations as provided by this Law and other related laws.

Article 5.- Responsibilities in HIV/AIDS prevention and control

1. Agencies, organizations and people's armed force units shall, within the scope of their assigned functions and powers, formulate, and organize the implementation of, programs of action for HIV/AIDS prevention and control.

2. The Vietnam Fatherland Front and its member organizations shall propagandize and mobilize the people to participate in HIV/AIDS prevention and control; participate and supervise the implementation of HIV/AIDS prevention and control measures; and organize and carry out campaigns to provide material and mental supports for HIV-infected people.

3. Vietnamese and foreign agencies, organizations and individuals in Vietnam shall implement the law on HIV/AIDS prevention and control.

4. Families shall apply measures to prevent and control HIV/AIDS.

Article 6.- State policies on HIV/AIDS prevention and control

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

2. To support the domestic production of ARVs; to take measures to reduce prices of ARVs.

3. To encourage enterprises, agencies and peoples' armed force units to train and employ HIV-infected people and their family members or to invest resources in HIV/AIDS prevention and control.

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

5. To mobilize and coordinate resources for HIV/AIDS prevention and control suitable to national socio-economic conditions and HIV/AIDS epidemic situation in each period.

6. To support scientific research, experts 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, the rearing of under-six-month babies born to HIV-infected mothers with substitute milk, and support AIDS patients in particularly difficult circumstances.

8. To treat, care for and support people infected with HIV due to occupational accidents.

Article 7.- State management agencies in charge of HIV/AIDS prevention and control

1. The Government shall perform the unified state management of HIV/AIDS prevention and control.

2. The Ministry of Health shall take responsibility before the Government for performing the state management of HIV/AIDS prevention and control.

3. Ministries and ministerial-level agencies shall, within the scope of the respective tasks and powers, coordinate with the Ministry of Health in performing the state management of HIV/AIDS prevention and control.

4. People's Committees at all levels shall perform the state management of HIV/AIDS prevention and control with their respective localities.

Article 8.- Prohibited acts

1. Purposefully transmitting or causing the transmission of HIV to another person.

2. Threatening to transmit HIV to another person.

3. Stigmatizing and discriminating against HIV-infected people.

4. Parents abandoning their HIV-infected minor children; guardians abandoning their HIV-infected wards.

5. Making public the name, address and images of an HIV-infected person or disclosing information on a person's HIV infection to another without consent of that person, except for the case specified in Article 30 of this Law.

6. Falsely reporting HIV infection of a person not infected with HIV.

7. Forcing HIV testing, except for the cases specified in Article 28 of this Law.

8. Conducting transfusion of HIV-contaminated blood or blood products, transplantation of HIV-contaminated tissues or body parts into another person.

9. Refusing to provide medical examination or treatment to a patient for knowing or suspecting that such person is infected with HIV.

10. Refusing to bury or cremate the corpses of dead persons for HIV/AIDS-related reasons.

11. Taking advantage of HIV/AIDS prevention and control activities to make personal profits or to commit illegal acts.

12. Other acts prohibited by the law.

Chapter II

SOCIAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

Section 1. INFORMATION, EDUCATION AND COMMUNICATION ON HIV/AIDS PREVENTION AND CONTROL

Article 9.- Purposes and requirements of information, education and communication on HIV/AIDS prevention and control

1. Information, education and communication on HIV/AIDS prevention and control shall aim at raising awareness, changing attitude and behavior, and fighting stigmatization and discrimination against HIV-infected people.

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

a/ Being accurate, clear, simple and practical;

b/ Being relevant to the targeted audiences, their education level, age, gender and traditions, culture, ethnic identity, religion, social morals, beliefs and customs;

c/ Being non-discriminatory, not affecting gender equality and not using negative information on or images of HIV-infected people.

Article 10.- Contents of information, education and 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 for and treat HIV-infected people.

2. Impacts of HIV/AIDS on human health and life and national socio-economic development.

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

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

5. Responsibilities of agencies, organizations, people's armed force units and communities in HIV/AIDS prevention and control.

6. Harm reduction intervention measures to prevent HIV transmission.

7. Fighting of stigmatization and discrimination against HIV-infected people.

8. The Party's line and guidelines, the State's policy and laws on HIV/AIDS prevention and control.

Article 11.- Targeted audiences of information, education and communication on HIV/AIDS prevention and control

1. Everyone is entitled to have access to information, education and communication on HIV/AIDS prevention and control.

2. The following subjects shall be given priority access to information, education and communication on HIV/AIDS prevention and control:

a/ HIV-infected people and their family members;

b/ Drug users, sex workers;

c/ People who have sexually transmitted diseases;

d/ Homosexual people;

e/ Mobile population group;

f/ Pregnant women;

g/ People living in remote, deep-lying areas or areas with particularly difficult socio-economic conditions.

Article 12.- Responsibility for information, education and communication on HIV/AIDS prevention and control

1. Agencies, organizations and units shall, within the scope of their respective tasks and powers, inform, educate and communicate knowledge of HIV/AIDS prevention and control.

2. The Ministry of Health shall assume the prime responsibility for, and coordinate with other concerned agencies in, providing accurate and scientific information on HIV/AIDS.

3. The Ministry of Culture and Information shall direct the mass media to regularly disseminate information and conduct communication on HIV/AIDS prevention and control, and integrate HIV/AIDS prevention and control programs into other information and communication programs.

4. The Ministry of Education and Training shall assume the prime responsibility for, and coordinate with the Ministry of Health, the Ministry of Labor, War Invalids and Social Affairs and concerned ministries and branches in, developing curricula and teaching contents on HIV/AIDS prevention and control; to combine HIV/AIDS prevention and control education with sex and reproductive health education; and direct education establishments within the national education system to provide education on HIV/AIDS prevention and control.

5. The Ministry of Labor, War Invalids and Social Affairs, the Ministry of Public Security and the Ministry of Defense shall, within the scope of their respective tasks and powers, assume the prime responsibility for, and coordinate with other concerned ministries and branches in, directing information, education and communication on HIV/AIDS prevention and control in medical treatment establishments, educational establishments, reformatories, social relief establishments, prisons and detention houses.

6. People's Committee at all levels shall organize information, education and communication on HIV/AIDS prevention and control for their local people.

7. The mass media shall give priority to the time and length of radio and television programs and the content, length and position of news and articles in printed, visual and electronic press on information, education and communication on HIV/AIDS control and prevention according to regulations of the Ministry of Culture and Information. Such information, education and communication on HIV/AIDS prevention and control shall be conducted free-of-charge, except when it is arranged under contracts signed with the national target program on HIV/AIDS prevention and control or with financial supports of domestic or foreign organizations and individuals.

Section 2. MOBILIZATION OF FAMILIES, ORGANIZATIONS AND INDIVIDUALS IN HIV/AIDS PREVENTION AND CONTROL

Article 13.- HIV/AIDS prevention and control in the family

1. Families shall conduct communication and education on HIV/AIDS prevention and control and proactively take measures to prevent HIV transmission.

2. Voluntary HIV testing is encouraged for couples before getting married or having a baby and for pregnant women.

3. Families of HIV-infected people shall rear, care and provide moral support to HIV-infected people so as to help them live in the integration with their families, community and society; and for collaborating with agencies, organizations and communities in HIV/AIDS prevention and control.

Article 14.- HIV/AIDS prevention and control in the workplace

1. The employer shall:
a/ Organize propaganda and education on HIV/AIDS prevention and control measures and anti-stigmatization and anti-discrimination against HIV-infected people in the agency, organization or people's armed force unit;
b/ Arrange jobs suitable to the health and professional qualification of HIV-infected laborers;
c/ Facilitate employees' participation in HIV/AIDS prevention and control activities;
d/ Have other responsibilities related to HIV/AIDS prevention and control in accordance with law.
2. The employer may not:
a/ Terminate the labor or job contract of an employee or cause difficulties to this person in his/her work on the ground that such person is infected with HIV;
b/ Force a physically fit employee to change the job he/she has been doing on the ground that such person is infected with HIV;
c/ Refuse to give a salary raise to or to promote an employee, or fail to ensure his/her legitimate rights or benefits on the ground that such person is infected with HIV;
d/ Request a job applicant to have an HIV test or produce an HIV test result, or refuse to recruit a person on the ground that such person is infected with HIV, except for the case specified in Clause 3, Article 28 of this Law.

Article 15.- HIV/AIDS prevention and control in education establishments within the national education system

1. Education establishments shall organize education for students and learners on HIV/AIDS prevention and control integrated with sex and reproductive health education, and conduct other HIV/AIDS prevention and control activities at their establishments.
2. Education establishments may not:
a/ Refuse to admit a student or learner on the ground that such person is infected with HIV;
b/ Discipline or expel a student/learner on the ground that such person is infected with HIV;
c/ Separate, limit or forbid a student or learner from participating in the establishment's activities or services on the ground that such person is infected with HIV;
d/ Request a student, leaner or a candidate to have HIV tested or produce an HIV test result.

Article 16.- HIV/AIDS prevention and control among mobile population groups

1. People's Committees of communes, wards or townships shall organize propaganda about HIV/AIDS prevention and control among new residents coming from other areas.
2. Owners and managers of accommodation service business establishments, parking lots, bus and coach stations, ports and other tourist and cultural, social service establishments shall collaborate with local agencies in charge of HIV/AIDS prevention and control to conduct propaganda about HIV/AIDS prevention and control and to implement appropriate harm reduction intervention measures to prevent HIV/AIDS transmission for their service users.
3. Heads of medical quarantine offices at border gates shall organize propaganda about HIV/AIDS prevention and control for people on entry, exit or in transit.
4. Agencies and organizations engaged in sending Vietnamese people to work or study abroad shall regularly organize propaganda and education on HIV/AIDS prevention and control for every laborer and trainee.

Article 17.- HIV/AIDS prevention and control in communities

1. People's Committees of communes, wards or townships shall:
a/ Organize HIV/AIDS prevention and control activities in the communities, education on care and support for HIV-infected people, develop good traditions of the family, the clan, the home village and the cultural identity of Vietnamese people;
b/ Organize care and support for HIV-infected people and their family members, and facilitate HIV-infected people to integrate into the community and society;
c/ Promote the role of heads of street population groups, heads of residential clusters, village patriarchs, heads of villages or hamlets, heads of Front working boards, heads of clans, religious dignitaries, elderly people and prestigious people in the community in the mobilization of the population in HIV/AIDS prevention and control.
d/ Formulate and develop models of cultured family and street population groups, residential clusters, hamlets and villages in connection with HIV/AIDS prevention and control.
e/ Organizing propaganda about anti-stigmatization and anti-discrimination against HIV-infected people.
2. Street population groups, residential clusters, hamlets and villages shall:
a/ Conduct propaganda about, mobilization and education for families in the area to participate in and implement regulations on HIV/AIDS prevention and control;
b/ Integrate HIV/AIDS prevention and control activities into public campaigns, sports, cultural and art events in the community and other social activities;
c/ Fight stigmatization and discrimination against HIV-infected people and their family members.
3. The State shall encourage relatives, neighbors and friends of HIV-infected people to provide moral support for, take care of, assist and facilitate HIV-infected people to integrate into the community and society.

Article 18.- HIV/AIDS prevention and control in educational establishments, reformatories, medical treatment establishments, social relief establishments, prisons and detention camps

1. Managers of educational establishments, reformatories, medical treatment establishments and social relief establishments and superintendents at prisons and detention camps shall organize propaganda about HIV/AIDS prevention and control, management, care for, counseling and treatment of HIV-infected people at their establishments.
2. The Prime Minister shall stipulate the management, care for, counseling and treatment of HIV-infected people and the prevention of HIV transmission at the establishments mentioned in Clause 1 of this Article.

Article 19.- Participation of social organizations in HIV/AIDS prevention and control

The State shall facilitate religious, non-governmental and other organizations to establish humanitarian and charity establishments to care for and treat HIV-infected people and carry out other HIV/AIDS prevention and control activities.

Article 20.- Participation of HIV-infected people in HIV/AIDS prevention and control

1. HIV-infected people are entitled to participate in HIV/AIDS prevention and control activities.
2. The State shall encourage and facilitate HIV-infected people to participate in:
a/ Peer education groups, clubs and other forms of activities organized by HIV-infected people in accordance with the provisions of law;
b/ Propaganda activities and harm reduction intervention measures to prevent HIV/AIDS transmission;
c/ Activities of supporting and caring for HIV-infected people;
d/ Contributing ideas for the formulation of programs, policies and laws concerning HIV/AIDS;
e/ Other HIV/AIDS prevention and control activities.

Section 3. OTHER SOCIAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

Article 21.- Harm reduction intervention measures to prevent HIV transmission
1. Harm reduction intervention measures to prevent HIV/AIDS transmission shall be implemented among target groups with risky behaviors through programs and projects suitable to socio-economic conditions.
2. The Government shall provide for the organization of implementation of harm reduction intervention measures to prevent HIV transmission.

Article 22.- Counseling on HIV/AIDS prevention and control
1. Everyone is entitled to access HIV/AIDS prevention and control counseling services.
2. Medical establishments shall provide counseling on HIV/AIDS prevention and control in accordance with regulations of the Minister of Health.
3. The State shall encourage organizations and individuals to set up HIV/AIDS prevention and control counseling organizations.
The Minister of Health shall issue regulations on conditions for the establishment of HIV/AIDS prevention and control organizations and the contents of their operation.
4. Pre- and post-test counseling on HIV/AIDS prevention and control shall be provided in accordance with Article 26 of this Law.

Article 23.- Integration of HIV/AIDS prevention and control activities into socio-economic development programs
1. HIV/AIDS prevention and control is one of the prioritized objectives of socio-economic development programs.
2. The Government shall direct ministries, branches and local administrations to integrate HIV/AIDS prevention and control activities into hunger eradication and poverty alleviation programs, vocational training and employment generation programs, tuberculosis prevention and control, reproductive heath, sexually transmitted infections prevention and control, and other socio-economic development programs.

Chapter III

MEDICAL TECHNICAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

Section 1. HIV/AIDS EPIDEMIOLOGICAL SURVEILLANCE

Article 24.- HIV/AIDS epidemiological surveillance
1. HIV/AIDS epidemiological surveillance includes HIV testing and HIV sentinel surveillance, aiming to identify HIV prevalence rates 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 identify changes in forms of HIV transmission and predict the HIV infection situation.
2. The Minister of Health shall issue detailed regulations on procedures and methods of HIV/AIDS epidemiological surveillance.

Article 25.- HIV/AIDS sentinel surveillance
1. When conducting HIV/AIDS sentinel surveillance, competent medical establishments may conduct HIV tests of target groups according to regulations of the Minister of Health.
2. In HIV/AIDS sentinel surveillance, HIV tests must be conducted by anonymous HIV-testing method.
3. HIV-testing staff and establishments shall keep confidential test results and only use test results for HIV/AIDS epidemiological surveillance and scientific research purposes.

Section 2. HIV COUNSELING AND TESTING

Article 26.- Pre-test and post-test HIV counseling
1. Counseling shall be provided to all cases of HIV testing before and after testing.
3. HIV-testing establishments shall organize pre-test and post-test counseling.
3. Only staffs who have been trained in counseling on HIV/AIDS prevention and control may provide pre-test and post-test counseling.

Article 27.- Voluntary HIV testing
1. HIV testing shall only be conducted on the basis of voluntariness of persons to be tested.
2. Persons who voluntarily seek HIV testing must be full 16 years or older and have full civil act capacity.
3. HIV testing of persons less than 16 years old or persons who have lost their civil act capacity may only be conducted when there is written consent of his/her parent or guardian.

Article 28.- Compulsory HIV testing
1. Compulsory HIV testing shall be conducted in the case that there is an official request for judicial appraisal or a decision of an investigative body, a people's procuracy or a people's court.
2. The Minister of Health shall issue regulations on compulsory HIV testing in certain necessary cases for diagnosis and treatment purposes.
3. The Government shall issue a list of occupations and professions requiring HIV testing before recruitment.
4. Cost of HIV test in the cases mentioned in Clause 1 of this Article shall be covered with the state budget.

Article 29.- HIV-testing establishments meeting all the conditions for confirming HIV positive cases
1. Only HIV-testing establishments which have been recognized by the Ministry of Health to be eligible for confirming HIV positive cases are competent to confirm HIV positive cases and take responsibility before law for the test results.
2. The Minister of Health shall issue detailed regulations on conditions, procedures and order for recognizing HIV-testing establishments to be eligible for confirming HIV positive cases.

Article 30.- Notification of HIV positive testing results

1. Positive HIV test results shall only be informed to the following persons:
a/ Tested persons;
b/ Spouses of tested persons, parents or guardians of tested persons who are minor or have lost their civil act capacity;
c/ Staff members who are assigned to directly provide counseling and inform HIV positive test results to tested persons;
d/ Persons who are responsible for providing care and treatment for HIV-infected people at medical establishments, including heads of medical departments or wards or chief convalescence workers at the establishments where the HIV-infected people are being treated, health workers in medical establishments who are assigned to directly provide treatment and care for HIV-infected people;
e/ Directors, medical officers and staff members who are assigned to directly take care of HIV-infected people kept in medical treatment establishments, educational establishments, reformatories, social relief establishments, prisons or detention camps;
f/ Heads and authorized persons of agencies defined Clause 1, Article 28 of this Law.
2. Persons defined in Clause 1 of this Article shall keep confidential HIV positive test results, except for the case specified at Point a, Clause 1 of this Article.
3. The Minister of Health shall issue detailed regulations on the responsibility and procedures for informing HIV positive test results.

Section 3. OTHER MEDICAL TECHNICAL MEASURES IN HIV/AIDS PREVENTION AND CONTROL

Article 31.- Safe blood transfusion
1. All blood bags and blood products must be tested for HIV before use, even in emergency cases.
2. HIV screening must be conducted using registered diagnostic bio-products permitted by the Minister of Health for circulation.
3. The Minister of Health shall issue detailed regulations on HIV/AIDS screening, filing of test results, and storage and disposal of HIV-infected blood samples, blood bags, blood products and pathological materials.

Article 32.- Prevention and control of HIV transmission in medical establishments
1. Medical establishments shall comply with the Health Ministry's regulations on disinfection, sterilization and waste disposal when performing operations, surgical procedures, injection and acupuncture so as to prevent HIV transmission.
2. The Minister of Health shall issue detailed regulations on regimes of disinfection, sterilization and waste disposal related to HIV/AIDS.

Article 33.- Prevention and control of HIV transmission in social service establishments
Social service establishments that use percutaneous (skin and mucous membrane) injection devices and other devices with risks of causing bleeding in service users shall comply with the Health Minister's regulations on disinfection and sterilization.

Article 34.- Prevention and control of sexually transmitted diseases
1. HIV/AIDS prevention and control shall be conducted in combination with prevention and control of sexually transmitted diseases.
2. The Minister of Health shall issue detailed regulations on monitoring of sexually transmitted diseases and the responsibilities of medical establishments for collaboration in controlling HIV transmission through sexual routes.

Article 35.- Prevention and control of mother-to-child HIV transmission
1. Pregnant women who voluntarily have HIV tested shall be provided free HIV test.
2. HIV-infected women shall be facilitated to have access to measures to prevent mother-to-child HIV transmission.
3. HIV-infected women who are pregnant or breastfeeding shall be provided with counseling on HIV/AIDS prevention and control.
4. Medical establishments shall conduct supervision and providing treatment for HIV-infected pregnant women and take measures to reduce mother-to-child HIV transmission.
5. The Minister of Health shall issue detailed regulations on the care for and treatment of HIV-infected women during pregnancy and delivery, and on measures to reduce mother-to-child HIV transmission.

Article 36.- Post-exposure prevention
1. HIV-exposed persons shall be provided with counseling and prophylactic treatment guidance to prevent HIV infection.
2. Those who have been exposed to HIV due to occupational accidents shall be provided with counseling and prophylactic treatment in accordance with the provisions of Article 46 of this Law.

Article 37. - Research, trial and production of HIV/AIDS vaccines, biologicals and medicines
1. The State shall encourage and facilitate researches, trials and production of HIV/AIDS vaccines, biologicals and medicines.
2. People who voluntarily participate in trials of HIV/AIDS vaccines, biologicals or medicines have their legitimate rights and benefits ensured in accordance with law.

Chapter IV
TREATMENT OF, CARE AND SUPPORT FOR HIV-INFECTED PEOPLE

Article 38.- Responsibilities in providing treatment for HIV-infected people
1. Medical establishments shall provide medical examination and treatment for HIV-infected people; in case of treatment with ARVs, they must satisfy all the conditions set by the Ministry of Health.
2. Medical practitioners and health workers shall provide treatment for HIV-infected people and make them understand HIV/AIDS so that they can take care of their own health and prevent transmission of HIV to other persons.
3. HIV-infected people who have opportunistic infections or other HIV/AIDS-related illnesses shall be provided with treatment at the medical department specializing in the type of their infections or illnesses or at a separate department, and shall be treated equally as other patients.
4. The Minister of Health shall issue guidelines for treatment using ARVs.

Article 39.- Access to ARVs
1. HIV-infected people shall be facilitated by the State to have access to ARVs through programs and projects suitable to socio-economic conditions.
2. People who have been exposed to or infected with HIV due to occupational accidents, people who have been infected with HIV due to risks of medical technique, HIV-infected pregnant women and HIV-infected under-six children shall be provided ARVs free-of-charge by the State.

3. ARVs paid with the state budget or sponsored by domestic and foreign organizations and individuals shall be provided free-of-charge to HIV-infected people at HIV/AIDS treatment establishments in the following priority order:

a/ HIV-infected children of between full 6 years and under 16 years old;

b/ HIV-infected people who actively participate in HIV/AIDS prevention and control;

c/ HIV-infected people meeting with particularly difficult circumstances;

d/ Other HIV-infected people.

4. The Government shall issue detailed regulations on the management, distribution and use of ARVs.

5. The Prime Minister shall provide for the application of necessary measures to respond to requirements for ARVs in emergency cases.

Article 40.- Medical insurance for HIV-infected people

1. Medical insurance participants who get infected with HIV have their medical examination and treatment expenses covered by the medical insurance fund.

2. The Minister of Health shall issue the list of ARVs to be paid by the medical insurance fund.

Article 41. - Care for HIV-infected people

1. HIV-infected people shall be taken care of in their families and state-run medical establishments.

2. Abandoned HIV-infected children and HIV-infected people who have no source of reliance or have lost their working capacity shall be taken care of and reared at state-run social relief establishments.

3. Religious, non-governmental and other organizations may establish establishments to take care of HIV-infected people.

4. People's Committees at all levels shall mobilize communities to participate in organizing community-based care for HIV-infected people.

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

Article 42.- Application of criminal law and criminal procedure law to or administrative handling of full-blown AIDS patients

1. If a person who is being investigated, prosecuted or tried has full-blown AIDS, he/she shall be granted suspension of investigation or suspension of the criminal case in accordance with the law on criminal procedures.

2. If a person who has been sentenced by a court has full-blown AIDS, he/she shall be granted remission of the serving of the penalty, reduction of the penalty-serving term or postponement or suspension of the serving of the imprisonment sentence in accordance with the laws on criminal offenses, criminal procedures and serving of imprisonment sentences.

3. If a person who is subject to a decision on the application of the measure of confinement to a medical treatment establishment, an educational establishment or a reformatory has full-blown AIDS, he/she shall be granted postponement or remission of the serving of such decision or postponement, suspension or remission of the serving of the remaining term in accordance with the law on handling of administrative violations.

4. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Public Security, the Ministry of Justice, the Supreme People's Procuracy and the Supreme People's Court in, issuing detailed regulations on recognition of full-blown AIDS patients under the provisions of Clauses 1, 2 and 3 of this Article.

Chapter V

CONDITIONS FOR GUARANTEEING THE IMPLEMENTATION OF HIV/AIDS PREVENTION AND CONTROL MEASURES

Article 43.- Resources for HIV/AIDS prevention and control

1. Annually, the State shall allocate an appropriate budget for HIV/AIDS prevention and control.

2. The State shall encourage domestic and foreign organizations and individuals to provide financial and technical supports for HIV/AIDS prevention and control.

Article 44.- The fund for support, treatment and care for HIV-infected people

1. The fund for support, treatment and care for HIV-infected people shall be set up and operate in accordance with law to provide support, treatment and care for HIV-infected people.

2. The fund's financial sources shall be raised from contributions and financial donations from domestic and foreign agencies, organizations and individuals.

Article 45.- Regimes and policies for people directly involved in HIV testing, management, care and treatment of HIV-infected people

People who are directly involved in HIV testing, management, care and treatment of HIV-tested people at state-run social relief establishments and medical establishments, reformatories, educational establish-ments, medical treatment establishments, prisons and detention houses shall be given priority in getting necessary equipment and tools to prevent HIV infection, enjoy occupational allowances and other preferences according to regulations of the Prime Minister.

Article 46.- Regimes for people exposed to or infected with HIV due to occupational accidents

1. People who have been exposed to or infected with HIV due to occupational accidents are entitled to regimes as provided for by law.

2. People who have been infected with HIV due to occupational accidents are entitled to free examination and treatment of opportunistic infections and free ARVs.

3. The Prime Minister shall provide for conditions for identifying people who are exposed to or infected with HIV/AIDS due to occupational accidents.

Article 47.- Training and retraining of people engaged in HIV/AIDS prevention and control

1. Medical practitioners and health workers who directly provide counseling, conduct HIV tests or provide care and treatment for HIV-infected people must be provided with professional training and retraining.

2. Collaborators, volunteers, teachers, HIV-infected people and their family members participating in HIV/AIDS prevention and control must be provided with training to improve their capabilities.

3. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Education and Training and other concerned agencies, organizations and units in, organizing training and retraining for people mentioned in Clause 1 of this Article.

Article 48.- International cooperation in HIV/AIDS prevention and control

1. The State shall expand cooperation with other nations and international organizations in the prevention and control of HIV/AIDS on the basis of respect for independence, sovereignty, territorial integrity and mutual benefit.

2. Vietnamese individuals and organizations are encouraged to cooperate with international organizations and foreign organizations and individuals in HIV/AIDS prevention and control.

3. The Prime Minister shall provide for the coordination between ministries, branches and local administrations and equivalent agencies of countries sharing borders with Vietnam in the prevention and control of cross-border HIV/AIDS transmission.

Chapter VI
IMPLEMENTATION PROVISIONS

Article 49.- Implementation effect

This Law takes effect on January 1, 2007.

The 1995 Ordinance on HIV/AIDS Prevention and Control ceases to be effective on the effective date of this Law.

Article 50.- Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 9th session.