

LAW OF THE REPUBLIC OF KYRGYZSTAN ON

AIDS PREVENTION

Adopted by Legislative Assembly

Zhogorku Kenesh of the Kyrgyz Republic

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AIDS is a particularly dangerous infectious disease which considering the absence of effective methods of its treatment and specific prevention causes death of an infected person. Control of AIDS is one of the priority issues of the Government's political agenda on public health.

The law determines the procedure for legal regulation of issues related to spread of this disease, provision of social protection against HIV infection to the population of Kyrgyz Republic in accordance with standards of International Law.

SECTION 1. GENERAL

Article 1. Main terms and definitions

The following terms and definitions are used in this Law:

HIV-infection - a disease caused by Human Immune-Deficiency Virus (HIV).

AIDS (Acquired Immune Deficiency Syndrome) - final stage of HIV-infection.

HIV-infected persons - those in whose bodies Human Immune-Deficiency Virus has been detected (HIV-carriers and people suffering from AIDS).

HIV - carriers are people with no clinical signs of AIDS.

AIDS patients are people with various pathological signs caused by deep affection of immune system by human immune-deficiency virus.

Article 2. National AIDS Control policy of the Kyrgyz Republic

National policy of the Republic of Kyrgyzstan on AIDS control is being realised through implementation of the present Law, other laws and legislative acts of the Republic of Kyrgyzstan .

Article 3. The state guarantees:

- regular informing of population, also through mass media, on available HIV preventive measures;
 - epidemiological surveillance of HIV spread on the territory of Kyrgyz Republic; as well as control for safety of medical substances, biological fluids and tissues used for diagnostics, treatment and scientific purposes;
 - accessibility of medical testing for HIV (further HIV-testing), including anonymous with pre- and post-test counselling, as well as ensuring safety of this procedure for both people undergoing testing and those performing it;
 - free provision of comprehensive qualified and specialized medical care to HIV infected people, free supply of medicaments by out-patient and in-patient health establishments, as well as reimbursement of expenses incurred by their travel to and from the place of treatment within Kyrgyz Republic;
 - development of scientific research on HIV;
- introduction of moral and sexual education into curriculum of educational institutions;**
- provision of social and economic support, education, re-qualification and employment to HIV infected people;
 - training of specialists for carrying out activities aimed at prevention of HIV spread;
 - development of international cooperation and regular exchange of information within the frames of international HIV prevention programmes.

AIDS prevention measures are being realized by the Government of Kyrgyz Republic, local state administrations, local authorities.

Institutions, organizations, communities, including international, private persons, including foreign citizens, can participate in the implementation of AIDS control activities. The state guarantees support to juridical and physical persons in their activities aimed at implementation of these programmes.

Article 4. Financing of AIDS prevention activities

Financing of targeted programmes, activities of institutions, services and organizations involved in HIV prevention, treatment and social protection of HIV infected people is realized at the expenses of:

- republican budget, with special allocation of funds and local budgets of the Kyrgyz Republic;
- special funds;
- voluntary medical insurance funds;
- other sources of financing not prohibited by the legislation of the Kyrgyz Republic.

State financing of HIV preventive activities is considered a priority issue with a view of protecting personal and public security.

SECTION II. TESTING FOR HIV, CASE FOLLOW UP

Article 5. Right to AIDS prevention

Citizens of the Republic of Kyrgyzstan, aliens, and stateless persons residing or staying in the Republic of Kyrgyzstan have the right:

- to be tested for HIV with a view to detecting infection by the human immunodeficiency virus and have medical examination in specialised health care units regardless departmental subordination of these units;
- to be informed on the results of such tests and receive recommendations on prevention of further HIV transmission.

This right is ensured by qualified medical assistance, established network of services for AIDS prevention and care.

Persons undergoing HIV-testing are guaranteed safety of medical procedures and confidentiality.

Article 6. HIV testing

Test for HIV is performed in state, communal or private health care services on the basis of the license obtained by them in accordance with procedure established by the legislation of the Kyrgyz Republic.

Issue of HIV certificates to citizens of Kyrgyzstan, aliens, and stateless persons is performed only by state or communal services of public health system.

HIV test is performed on a voluntary basis, excluding the cases provided for in article 8 of the present law, when such tests are mandatory.

A person undergoing test for HIV has the right to the presence of his legal representative during

the test.

HIV testing of children under 16 and of persons legally recognized as disabled can be performed at the request or with the consent of their legal representative, who have the right to be present during test.

Rules for medical testing with a view to detecting infection by the human immunodeficiency virus, registration, medical examination of HIV infected people and their follow up are developed and approved by the Government of Kyrgyz Republic.

Information concerning infection of persons by immunodeficiency virus or AIDS is considered an official secret protected by law.

Staff members of diplomatic and consular missions of foreign states enjoying diplomatic privileges and immunities on the territory of the Kyrgyz Republic can be tested for HIV through their consent. Ministry of Health has to reach prior agreement with Ministry of Foreign Affairs of Kyrgyz Republic on proposals as to testing of such persons.

Article 7. Voluntary HIV testing

HIV testing is to be performed in state, communal or private establishments of public health system on a voluntary basis, at the request of the individual or with his/her consent, and in cases determined in article 6 of the present law - at the request or with consent of his/her legal representative.

Article 8. Mandatory HIV testing.

Donors of blood, biological fluids, tissues and organs are subject to mandatory HIV-testing.

Persons who refused to undergo mandatory HIV testing cannot be donors of blood, biological fluids, organs and tissues.

Clinically suspected cases and those falling within epidemiological signs determined by the Government of Kyrgyz Republic (if reliable information on them as a possible source of infection is available) are also subject to mandatory confidential HIV testing.

Ministries, departments, institutions and organizations irrespective of their form of property have no right to demand HIV certificates from their staff members and citizens, if this is not contemplated in the rules for HIV testing.

Article 9. Case follow-up

Medical and preventive follow-up of HIV-infected (HIV carriers and AIDS patients) citizens of the

Kyrgyz Republic, aliens, and stateless persons residing or staying on the territory of Kyrgyz Republic is to be performed by state, communal or private establishments of public health system.

Article 10. Deporting of HIV infected foreigners

HIV infected aliens staying on the territory of Kyrgyz Republic are subject to deporting out of Kyrgyz Republic by epidemiological signs in accordance with procedure stated in the legislation of the Kyrgyz Republic.

SECTION III. RIGHTS AND SOCIAL PROTECTION OF PEOPLE WITH HIV/AIDS AND THEIR FAMILIES.

Article 11. Rights of HIV infected persons

People with HIV/AIDS have the right to:

- human attitude from the community side, which excludes humiliation of their dignity;
- demand the information on their health status to be kept confidential;
- be recovered for losses associated with disclosure of information on their HIV status;
- have job they have chosen excluding jobs and posts specified in a special list;
- have a free supply of comprehensive qualified medical care and medicaments;

It is allowed to involve HIV-infected persons in trials of medicines and treatment methods, scientific researches or teaching process, take photos of them or make video films only through their consent.

It is not allowed to refuse access to health care establishments, urgent medical assistance, and infringe upon human rights on the ground of HIV/AIDS status or on the ground of being related to a person with HIV.

Article 12. Social protection of HIV infected people and their families.

Persons infected with HIV as a consequence of inappropriately performed medical procedures are granted pension allowances.

Parents or people taking care of children with HIV/AIDS have the right:

- to stay with their children (up to the age of 14) in hospitals and be relieved from work for this period with payment of temporary incapacity allowance;

- to temporarily incapacity allowance to one of the parents who has to leave the job in order to take care of the sick child under 16, on the condition that he/she resumes his/her duties when the child reaches the above mentioned age.

Mothers having children with HIV/AIDS under the age of 16 have the right to get their annual vacation in summer or any other time convenient for them. In case of absence of a mother this right is granted to a father or other person taking care of the child.

Children with HIV/AIDS under 16 are entitled to a state monthly allowance at the rate of two minimal salaries.

Persons taking care of such children are entitled to attendance allowance according to procedure determined by the legislation of Kyrgyz Republic.

State Department on Education, Science and Culture of the Kyrgyz Republic jointly with Ministry of Health will develop special programmes based on secondary school curriculum and organize teaching of children and adolescents with HIV/AIDS who are undergoing treatment in hospitals, rehabilitation centres or at their homes.

SECTION 5. SOCIAL PROTECTION OF PERSONS EXPOSED TO RISK OF HIV INFECTION WHILE PERFORMING THEIR DUTIES.

Article 13. AIDS as an occupational disease

HIV infection of medical and pharmaceutical personnel as well as other workers whilst performing their professional duties is classified as an occupational disease.

Article 14. State insurance of workers involved in provision of medical care to HIV infected people.

Personnel engaged in provision of medical care to population, laboratory and scientific researches on HIV and production of viral products as well as donors, personnel of social services, Ministry of Internal Affairs and other persons engaged in delivering assistance to people with HIV/AIDS are subject to compulsory state insurance for the case of HIV infection whilst performing their official duties and also for the case of disability and death resulting from HIV-infection. Procedure for compulsory state insurance of specified categories of personnel is determined by the Government of Kyrgyz Republic.

Administration of health services, which staff performs HIV tests, provides medical care to people with HIV/AIDS, have contacts with blood and other substances from HIV infected people is obliged to supply its workers with necessary protective means, ensure their regular testing for HIV.

Article 15. Benefits in labour sphere.

Workers engaged in provision of medical, social and other care to people with HIV/AIDS, involved in laboratory diagnostics of HIV, scientific research associated with use of infected substances, production of biological substances for diagnostics, treatment and prevention of AIDS have the right to supplementary indemnity, early retirement and additional annual leave in accordance to List 1, which comprises professions, posts and indicators, approved by the Government of Kyrgyz Republic.

SECTION V. FINAL STATEMENTS

Article 16. Liability for breach of the present law

Breach of the present law entails administrative, criminal and civil liability in accordance with established legislation.

Article 17. Liability of HIV infected people.

Intentional HIV infection or exposure of another person (persons) to the risk of HIV infection by a person aware of his/her infection entail criminal liability established by legislation of Kyrgyz Republic.

The guilty person reimburses the expenses involved in provision of medical and social assistance to infected person.

Article 18. Procedure for appeal for unlawful acts committed by official persons.

Unlawful acts of official persons, violating the rights of people with HIV/AIDS and their relatives can be appealed through judicial institutions in accordance with the current legislation of Kyrgyz Republic.

Article 19. International collaboration of the Kyrgyz Republic

Procedure for international collaboration of Kyrgyz Republic with other countries on AIDS prevention is determined by the legislation of Kyrgyz Republic.

In case of discrepancy between the rules of International treaties signed by Kyrgyzstan and rules stated in this Law, rules of International treaty come into force.

Article 20. On carrying the present law into effect.

1. To bring the law “On AIDS Prevention in Kyrgyz Republic” into effect since the moment of its issue.
2. The Government of Kyrgyz Republic is to bring its legislative acts in compliance with the present law.

President of the Kyrgyz Republic

A. Akayev