



National Assembly

Law

on

The Prevention and Control of the Speed of  
HIV/AIDS



National AIDS Authority



**National Assembly**  
**Law on the Prevention and Control of HIV/AIDS**  
**Preah Reach Kram**

NS/RKM/0702/015

**We**

**Preah Bat Samdech Preah Norodom Sihanouk Reach Harivong Uppheaktosocheat  
Visothipong Aka Moha Boras Roat Nikarodom Thoammoek Moha Reachea Thireach  
Borommaneath Borombapit Preah Chau Krong Kampuchea Thippadei**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/1198/72 dated 30 November 1998 on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on the organization and functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0702/015 on the promulgation of the Law on the prevention of and fight against the spread of HIV/AIDS;
- Having seen Sub-decree No. 20 ANKR.BT dated 30 April 1996 on the organization and functioning of ministries and state secretariats;
- Having seen the proposal presented by Samdech Prime Minister of the Royal Government of the Kingdom of Cambodia

**Hereby Promulgate**

The law on the Prevention and Control of HIV/AIDS that the National Assembly adopted at its 8<sup>th</sup> plenary session of the 2<sup>nd</sup> legislature on 14 June 2002 and that the Senate approved its entire forms and concepts at its 7<sup>th</sup> plenary session of the 1<sup>st</sup> legislature on 10 July 2002 has the following provisions:

**CHAPTER 1**  
**General Provisions**

**Article 1.**

The goal of this law is to determine the prevention and control of the spread of HIV/AIDS in the Kingdom of Cambodia.

## **Article 2.**

AIDS is a communicable disease caused by the HIV virus and recognized as having no territorial, social, political, and economic boundaries. There is no medicine yet to cure this disease. The spread of this disease has had serious impact on security, stability, and socioeconomic development, which requires the State to take multi-sectoral approaches to:

1. Promote public awareness of all the citizens about the cause and process of transmission, consequences, preventive means, and control of the spread HIV/AIDS through education program and publication campaign nationwide.
2. Prohibit all sorts of discrimination against any individuals suspected of having or known to have HIV/AIDS
3. Promote universal precautions against methodologies and practices that can cause the risk of HIV/AIDS transmission.
4. Take pertinent measures to deal with factors exacerbating the spread of HIV/AIDS.
5. Promote HIV/AIDS infected individuals' potential role to disclose their information and experiences to the public.
6. Incorporate HIV/AIDS prevention and control program as a priority program in the national development plan.

## **CHAPTER 2 EDUCATION AND INFORMATION DISSEMINATION**

## **Article 3.**

The State shall promote some practices as below:

1. To organize the inclusion of knowledge about HIV/AIDS in school. This education shall comprise the teaching about the cause and transmission process as well as the prevention of the consequences of HIV/AIDS and other sexually transmitted diseases, focusing particularly on life skill in line with social morality in the form of incorporating it into curriculum of all educational establishments, including village and non-formal educations.
2. To organize workshops and trainings on the prevention and control of HIV/AIDS for other various teachers and trainers to be assigned to teach the topic.
3. To organize the provision of counselling on HIV/AIDS education by diverse communities, associations, and organizations.

## **Article 4.**

The State shall organize the incorporation, through medical doctors and health officials, of HIV/AIDS education as part of health services provision. Knowledge and capability of these health officials shall be further motivated in the information dissemination skills and HIV/AIDS education.

The education on and dissemination of information about HIV/AIDS and additional training are also the duties of private sector health care providers, contributing to the prevention and control of the spread of HIV/AIDS.

Additional training shall incorporate the discussion of code ethic issues pertaining to HIV/AIDS, especially of confidentiality preservation and individual rights protection.

#### **Article 5.**

The State shall organize gratis dissemination of information and art performance programs on HIV/AIDS education through the media for public knowledge.

This dissemination should make use of appropriate methodologies and timeframe to ensure effectiveness.

#### **Article 6.**

The State shall organize special HIV/AIDS education, focusing on young girls and housewives, and pay important attention to women's roles in society and to the gender issue.

#### **Article 7.**

The State shall make HIV/AIDS education documents available to tourists and passengers stopping over at international checkpoints. This educational document should be printed in Cambodian and in other languages according to necessity.

#### **Article 8.**

The State shall organize providing information and educational documents to Cambodian workers, diplomatic officials, and public servants as well as arranging for their participation in workshops dealing with the cause, transmission process, prevention, and consequences of HIV/AIDS prior to their overseas departure.

#### **Article 9.**

All institutions, enterprises, and handicrafts shall collaborate with the National AIDS Authority to organize HIV/AIDS educational programs at worksites by incorporating the topic on confidentiality preservation at workplaces and on attitude toward HIV/AIDS carriers.

Along with the HIV/AIDS education, all the institutions, enterprises, handicrafts shall also organize plans, in accordance with their work mandates, to contribute to the control of the spread of AIDS.

**Article 10.**

The State shall mobilize strengthening the participation of citizens, families, diverse organizations, monks, clergy, and most vulnerable groups in organizing the provision of information and education on HIV/AIDS at all levels throughout the Kingdom of Cambodia.

**Article 11.**

Materials or substances for the prevention of the spread of HIV/AIDS from purchase or donation shall be attached, as necessary, with educational documents printed in Cambodian and other languages in which there are instructions on the correct use of the materials or substances and their effectiveness against the spread of HIV/AIDS.

**Article 12.**

All publicity or commercial advertisements endorsing the treatment and preventive method against HIV/AIDS, contrary to the measures prescribed by the National AIDS Authority and medical techniques, are strictly prohibited.

**CHAPTER 3**  
**Safe Methodologies and Practices**

**Article 13.**

Methodologies and practices shall comply with the National AIDS Authority's guidelines.

The National AIDS Authority shall consult and coordinate with the Ministry of Health and relevant expert entities to set and disseminate guidelines on universal precautions against HIV/AIDS transmission, especially during normal, cosmetic, dental, embalming, tattooing, or other similar operations.

**Article 14.**

All the uses of blood, tissues, or organs shall undergo prior HIV test.

**Article 15.**

No laboratory or institution is authorized to keep blood, tissues, or organs for use without undergoing prior HIV test.

**Article 16.**

Relatives or recipients of donated blood, tissues, or organs have the right to request retesting prior to blood transfusion, tissue graft, or organ implant, unless it is an emergency.

**Article 17.**

Blood, tissues, and organs infected with HIV shall be destroyed in the most correct way according to hygienic principle. If need be, HIV-infected blood, tissues, or organs could be accepted only for scientific research purpose.

**Article 18.**

Those, who are aware that they themselves carry HIV/AIDS, are strictly forbidden from transmitting them intentionally to other people.

**CHAPTER 4  
TESTING AND COUNSELLING**

**Article 19.**

HIV/AIDS test shall be carried out on a voluntary basis, with prior consent given directly by the concerned person. As regards concerned persons who are minor, written consents from their legal guardians are required.

If a written consent from a legal guardian cannot be obtained, the HIV/AIDS test can be carried out only with the minor's consent, should this test be performed in his interest.

As regards insane persons, the State shall take care of them.

**Article 20.**

It is strictly prohibited that HIV/AIDS test is required as a prerequisite, before and after authorization is granted for employment and study in varied educational establishments, for the exercise of the freedom of residency and of movement, and for the provision of medical or other services.

**Article 21.**

Forced HIV/AIDS test is authorized only in case there is a court order.

**Article 22.**

All HIV/AIDS tests shall be carried out anonymously.

The Ministry of Health shall organize providing mechanisms for HIV/AIDS test, ensure anonymity, and preserve medical confidentiality in the testing process.

**Article 23.**

All HIV/AIDS testing sites can provide this service only with the Ministry of Health's authorization. The ministry shall collaborate with the National AIDS Authority to set and maintain a becoming service standard.

**Article 24.**

All HIV/AIDS testing sites shall offer pre-and post-testing counselling to people requesting HIV/AIDS test. The counsellors shall be sufficiently competent according to the standard prescribed by the Ministry of Health.

**Article 25.**

The National AIDS Authority and the Ministry of Health shall team up to organize and enhance the HIV/AIDS testing capability of all legally authorized testing sites as well as ensuring the training of expert staff to provide this service at all HIV/AIDS testing sites.

**CHAPTER 5  
HEALTH AND SUPPORT SERVICES**

**Article 26.**

The State shall ensure that HIV/AIDS carriers obtain gratis primary healthcare services at all the state health networks and shall inspire the private sector's participation as well.

**Article 27.**

The State shall mobilize strengthening the participation of citizens, families, diverse organizations, monks, clergy, and most vulnerable groups, with a view to assisting, caring, and treating HIV/AIDS carriers from all walks of life throughout the Kingdom of Cambodia.

**Article 28.**

The State shall pay attention to boosting vocational training for HIV/AIDS carriers to earn a living with the self-help program. HIV/AIDS carriers shall have the right to take part fully in vocational training and in the self-help program in order to make a living.

**Article 29.**

The State shall pay heed to further enhancing the prevention and control of sexually transmitted diseases, with the aim of helping prevent the spread of HIV/AIDS.

**CHAPTER 6  
MONITORING**

**Article 30.**

The State shall establish a comprehensive HIV/AIDS monitoring program to determine the scope of the citizens' vulnerability, sexual intercourse behavior, and spread of HIV/AIDS.

This program is intended to verify and evaluate the adequacy, effectiveness, and continuity of the measures to prevent and control the spread of HIV/AIDS in the country.

**Article 31.**

All HIV/AIDS testing sites shall establish measures to ensure the preservation of the confidentiality of reports, of personal medical records, and of all the information that may be obtained from various sources in the implementation of the monitoring program. This program shall use a coding system to ensure anonymity.

**Article 32.**

The tracking of HIV/AIDS transmission sources and varied confidential health-related research activities could be further monitored by the Ministry of Health and relevant institutions if those activities do not contradict the general purpose of this law. Collected information shall be kept confidential and preserved in a correct manner.

**CHAPTER 7  
CONFIDENTIALITY**

**Article 33.**

The confidentiality of HIV/AIDS carriers shall be preserved.

Medical professionals, workers, employees, recruitment agencies, insurance companies, data encoders, HIV/AIDS-related record safe keepers, and other duty-bound people shall be advised to earnestly preserve work-related confidentiality, especially the identity and personal status of HIV/AIDS carriers.

**Article 34.**

The preservation of medical confidentiality shall be exempted when:

- a. Reports are required to be made in conformity with the HIV/AIDS monitoring program, as specified in Article 30 of this law.
- b. Information is given to health workers providing direct or indirect treatment or care to HIV/AIDS carriers.
- c. Responding to warrants issued by the court regarding major HIV/AIDS-related issues of any individuals. The confidential medical records shall be placed correctly in sealed envelopes



by the document- keeper after being meticulously checked by the person responsible and then hand delivered to and officially opened by the judge in front of the secret trialjury.

**Article 35.**

HIV/AIDS test results can be provided to:

- a. The person voluntarily requesting HIV/AIDS test.
- b. The legal guardian of a minor undertaking HIV/AIDS test.
- c. The person authorized to obtain these results for the HIV/AIDS monitoring program as specified in Article 30 of this law.
- d. The requirement by the court as specified in clause “c” of Article 34 of this law .

**CHAPTER 8  
DISCRIMINATION POLICY AND ACTIVITIES**

**Article 36.**

Strictly prohibited is the discrimination in any form against any individual at the pre-and post-employment, including hiring, promotion, job assignment, and social life based on being aware or suspicious that the person or his family is infected with HIV/AIDS. Considered unlawful is the dismissal of any individual on the grounds that he/she or his/her family is known or suspected to be HIV/AIDS carrier.

**Article 37.**

All educational and training institutions shall not reject, expel, discipline, isolate, or forbid any pupil/student from participating in receiving benefits or services due to he/she or his/her family being known or suspected to be HIV/AIDS carrier.

**Article 38.**

HIV/AIDS carriers have the full right to stay or travel.

Nobody shall be quarantined, placed in isolation, forbidden to share accommodation or travel, or expelled on the grounds that he/she or his/her family is known or suspected to be HIV/AIDS carrier.

**Article 39.**

It is strictly forbidden to discriminate against the appointment of HIV/AIDS carriers to public position.

The right to seek elective public position or organized promotion shall not be denied to any person by reason that he/she or his/her family is known or suspected to be HIV/AIDS carrier.

**Article 40.**

It is strictly forbidden to discriminate against HIV/AIDS carriers who accept all kinds of credits and loans, including health, accident, and life insurance, if the concerned person has fulfilled technical conditions as a normal citizen.

**Article 41.**

It is strictly forbidden to discriminate against HIV/AIDS carriers in hospitals and in various health institutions.

Nobody shall be denied health care services, be they state or private, or asked for high medical fees due to that person or his/her family being known or suspected of being infected with HIV/AIDS.

**Article 42.**

HIV/AIDS carriers enjoy the rights as normal citizens as stipulated in Chapter 3 of the Kingdom of Cambodia's Constitution.

**CHAPTER 9**  
**National AIDS Authority (NAA)**

**Article 43.**

The National AIDS Authority (NAA) has been established to lead and implement the work of prevention and control of the spread of HIV/AIDS in the Kingdom of Cambodia.

**Article 44.**

The Prime Minister shall be appointed as NAA Chair. In the event that the Prime Minister is unable to directly fulfill this role himself, he can appoint a member of the Royal Government to replace him.

**Article 45.**

The organization and functioning of the National AIDS Authority shall be determined by a sub-decree.

**Article 46.**

The State shall incorporate the AIDS combating program as a priority work in the National Development Program and shall inspire and facilitate the timely allocation of annual budget to enable this program to achieve effectiveness.

The budget of the National AIDS Authority shall be prepared for relevant ministries as well as for provinces and municipalities throughout the Kingdom of Cambodia and classified as the Ministry of Health's appended budget that shall be included in the chapter on priority budgets.

**Article 47.**

To ensure the effectiveness of multi-sectoral response, the National AIDS Authority is tasked with mobilizing resources in and outside the country and coordinating and orienting the utilization of these resources to concerned institutions in accordance with the concrete situation and need of the National Strategic Program Plan.

## **CHAPTER 10 PENALTIES**

**Article 48.**

Any person, infringing Article 12 of this law, shall be punishable with a fine from 500,000 (five hundred thousands) to 1,000,000 (one million) riels and an imprisonment between one month and one year and shall have his/her relevant professional license revoked. In case of recidivism, the penalty shall be doubled. As regards public servants, they shall also be punished with additional administrative penalty.

**Article 49.**

Any person, infringing Articles 13, 14, or 15 of this law, shall be punishable with a fine between 500,000 (five hundred thousands) and 1,000,000 (one million) riels and an imprisonment between 6 (six) months and 1 (one) year. In case of recidivism, the penalty shall be doubled. This punishment excludes the responsibility for civil damages and the revocation of relevant professional license. Concerning public servants, they shall also be punished with additional administrative penalty.

**Article 50.**

Any person, infringing Article 18 of this law, shall be imposed an imprisonment between 10 (ten) and 15 (fifteen) years.

**Article 51.**

Any person, infringing Articles 23, 31, and 33 of this law, shall be punishable with a fine between 50,000 (fifty thousands) and 200,000 (two hundreds thousands) riels and an imprisonment between 1 (one) and 6 (six) months. In case of recidivism, the penalty shall be

doubled. Regarding public servants, they shall also be punished with additional administrative penalty.

**Article 52 .**

Any person, infringing Article 36, 37, 38, 39, 40, or 41 of this law, shall be punishable with a fine 100,000 (one hundred thousands) up to 1,000,000 (one million) riels and an imprisonment between 1 (one) and 6 (six) months. In case of recidivism, the penalty shall be doubled. As regards public servants, they shall also be punished with additional administrative penalty.

**CHAPTER 11  
FINAL PROVISION**

**Article 53 .**

Any provisions contrary to this law shall be annulled.

Done at Phnom Penh Royal Palace on 29 July 2002  
On behalf of the King and in compliance with the royal order

Acting Head of State

KRL 02.07.10253

(Signed and Sealed) Norodom Ranaridh

Presented for signature of His Majesty the King

Prime Minister  
(Signed) Hun Sen

No. 170 CL  
Copied for distribution  
Phnom Penh, 4 August 2002  
Government Secretary General

(Signed) Nadi Tan