Law of the Republic of Kazakhstan ‘Preventing AIDS’

Law on Preventive Measures Against AIDS-Text of Law

954KO220A Almaty SOVETY KAZAKHSTANA in Russian 27 Oct 94 p 3 FBIS-USR-94-122

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Article 1. Concept of AIDS

AIDS-acquired immune deficiency syndrome-is an especially dangerous infectious disease that is linked with infection with the human immune deficiency virus [HIV].

Article 2. Agencies, Institutions, and Organizations That Carry Out AIDS Prevention and Treatment

The agencies, institutions, and organizations that carry out, with the support of the mass media and public associations, the prevention and treatment of AIDS include: the Republic of Kazakhstan Ministry of Health; public health sections and departments; centers to pre-vent and fight AIDS; blood transfusion stations; the Republic of Kazakhstan Ministry of Internal Affairs; and other ministries and departments.

The state assumes the obligations of carrying out a series of necessary measures and the legal protection of citizens in implementing this Law. Persons who are guilty of violating this Law bear respon-sibility in conformity with the legislation that is in effect.

Article 3. Centers to Prevent and Fight AIDS

The republic center and the oblast and city centers to prevent and fight AIDS are special-type specialized prevention and treatment institutions that carry out a series of diagnostic-and-treatment, preventive, and anti epidemiological measures that are aimed at the prompt recognition and treatment and the prevention of the spread of AIDS.

Article 4. Financing of Measures to Prevent and Fight AIDS

The financing of measures to prevent and fight AIDS is carried out at the expense of the republic and local budgets and voluntary contributions by enterprises, organizations, and institutions regardless of the form of ownership, public associations and citizens, donations, philanthropic aid, as well as funds from international foundations.

Citizenship to Receive Medical Examination for AIDS

Citizens of the Republic of Kazakhstan, as well as foreign citizens and persons without citizenship who are residing or are located on territory of the republic, have the right to voluntary, confidential, anonymous medical examination in state public health institutions to detect infection with HIV.


Citizens of the Republic of Kazakhstan, foreign citizens, and persons without citizenship are obliged to undergo medical examination in the event that there are sufficient grounds for assuming that those persons may be infected with HIV.

The grounds and procedure for sending citizens for examination and treatment are regulated by Republic of Kazakhstan Law entitled "Protecting the Health of the Nation in the Republic of Kazakhstan."

Employees of diplomatic, representational, and consular institutions of foreign states and other persons who enjoy, on the territory of the Republic of Kazakhstan, diplomatic privileges and immunity are examined for infection with HIV only with their consent. The recommendation concerning the necessity of examining them is first coordinated by the Republic of Kazakhstan Ministry of Health with the Republic of Kazakhstan Ministry of Foreign Affairs.

Persons infected with HIV are informed of this in writing by public health institutions that have established the fact of infection. Those persons are obliged to observe measures to prevent the spreading of the disease which have been established by the Republic of Kazakhstan Ministry of Health.

Foreign citizens residing on the territory of the republic, in the event that they refuse examination or preventive observation, or in the event of infection with HIV or with AIDS, are deported from the Republic of Kazakhstan.

Foreign citizens whose husband or wife is a citizen of the Republic of Kazakhstan are not subject to deportation.

Article 7. Social Protection of Persons Infected With HIV

Citizens of the Republic of Kazakhstan and persons without citizenship, in the event of infection with HIV, have the right to free medical support, out-patient and in-patient assistance in state public health institutions, and the compensation of expenses involved in traveling back and forth at the expense of the public health institutions at the place of residence. For children up to the age of 16 years who are infected with HIV or who are AIDS patients, a state monthly grant in aid is established in the amount of 80 percent of the minimum wage.

Uninterrupted work longevity is preserved for one of the parents in the event that he or she cancels a labor contract in order to take care of children aged up to 16 years who have been infected with HIV or who are AIDS patients.
Children or adolescents who are infected with HIV or who are AIDS patients are provided with instruction in school or other educational institutions.

It is not allowed to fire, to refuse to hire, to refuse to admit into preschool institutions or educational institutions, or to infringe upon other rights or lawful interests of persons who are infected with HIV or who are AIDS patients, or to infringe upon the housing or other rights of their parents or relations.

**Article 8. Measures to Prevent Infection With AIDS With Respect to Individuals and Occupations**

Medical and pharmaceutical workers and workers in the personal services sphere who are infected with HIV are to be removed from the execution of their official duties and to be transferred to another job. Persons who are infected with HIV are prohibited from being donors of blood, tissues, or organs.

**Article 9. Responsibility For Infecting Someone With HIV**

The deliberate placing in danger of infection or the infecting of another individual with HIV by a person who knew about the fact that he had that disease results in responsibility in accordance with the legislation that is in effect.

**Article 10. Responsibility of Individuals for Negligent Execution of their Professional Duties**

Medical workers and workers in the personal services sphere who have taken a negligent attitude toward their professional duties which results in the infecting of other individuals with HIV are brought to the responsibility that has been established by legislation.

**Article 11. Observance of Medical Secrecy**

Medical workers and other persons who, as a result of the execution of their official duties, have learned information about persons who are infected with HIV or who are AIDS patients are required to keep that information a secret that is protected by law.

**Article 12. AIDS as an Occupational Disease**

The infecting of medical and pharmaceutical workers, as well as workers at scientific-research institutes and in the personal services sphere during the execution of their official and professional duties is considered to be an occupational disease.

**Article 13. Insuring Medical and Other Workers Against Occupational Infection With HIV or AIDS**

Medical and other workers the execution of whose official duties can lead to the contracting of AIDS as an occupational disease are subject to mandatory state insurance. In the event of infection, disease, disablement, or death as a result of AIDS, they are paid a lump-sum grant in aid in conformity with Republic of Kazakhstan Law entitled 'The Protection of Labor.'
The right to this grant in aid is also enjoyed by persons whose infection with HIV or AIDS occurred as a result of the improper execution of duties by medical workers or workers in the personal services sphere.

**Article 14. Benefits Payable to Medical Workers Employed in the Prevention and Treatment of AIDS**

Medical workers, employees and technical workers at centers to prevent and fight AIDS, other public health institutions and departments, and medical and scientific-research institutes who are directly engaged in preventive, diagnostic-and-treatment, and scientific-research work with AIDS, have the right to work a reduced 6-hour work day, an additional paid vacation lasting 24 working days, and additional hazardous work pay in the amount of 60 percent of the established wages.

[Signed] N. Nazarbayev, president of the Republic of Kazakhstan
Almaty, House of Parliament 5 October 1994 No. 176-XIII

**Decree on Enactment**

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[Decree: "Decree of the Republic of Kazakhstan Supreme Soviet, `Procedure for Implementing Republic of Kazakhstan Law Entitled `Preventing AIDS'""]

[FBIS Translated Text] The Republic of Kazakhstan Supreme Soviet decrees:

1. To implement Republic of Kazakhstan Law entitled "Preventing AIDS," effective the day of promulgation.

2. To establish that, pending the putting of the Republic of Kazakhstan legislation into conformity with the Law "Preventing AIDS," the acts of Republic of Kazakhstan legislation that are in effect are to be applied insofar as they do not contradict this Law.

3. The Republic of Kazakhstan Cabinet of Ministers is instructed, within a two-month period:

4. to put the Government's decisions into conformity with the Republic of Kazakhstan Law entitled "Preventing AIDS";

5. To guarantee the review and cancellation by Republic of Kazakhstan ministries and state committees of their normative acts that contradict the Republic of Kazakhstan Law entitled "Preventing AIDS";

6. To take urgent steps to reinforce the material-technical base of the centers to prevent and fight AIDS;

7. To search for the necessary appropriations, including those in currency, for providing the centers to prevent and fight AIDS and blood transfusion stations with laboratory equipment;

8. To review the question of building a Republic center to prevent and fight AIDS.