

# LAW OF MONGOLIA

13 May 2004

Ulaanbaatar

## **LAW ON PREVENTION OF HUMAN IMMUNODEFICIENCY VIRUS INFECTION, AND ACQUIRED IMMUNE DEFICIENCY SYNDROME**

### **CHAPTER ONE**

#### **General Provisions**

##### **Article 1. Purpose of the Law**

1.1. The purpose of this Law shall be to define the powers of the state bodies and local self-administrative organisations, responsibilities of the health organisations, medical doctors and health workers, rights and responsibilities of citizens, and people infected by the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, regarding the prevention of and the fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome; and to regulate the relations with regard to the implementation of the above mentioned powers, responsibilities and rights.

##### **Article 2. Legislation on Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome**

2.1. The legislation on Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome shall consist of the Constitution of Mongolia, Law on Health, the current Law, and other legislative acts enacted in conformity with them.

2.2. If this Law is inconsistent with any international treaty to which Mongolia is a party, then the provisions of the international treaty shall prevail.

##### **Article 3. Definitions of the Law**

3.1. Definitions in this Law shall have the following meanings:

3.1.1. “Human Immunodeficiency Virus” means a virus (retrovirus) that damages only the human immune cells.

3.1.2. “Acquired Immune Deficiency” means appearance of pathology and symptoms/syndrome as a result of the damage of the human immune cells and failure of the immune system.

3.1.3. “Prevention of Human Immunodeficiency Virus Infection and Acquired Immune Deficiency” means set of measurements aimed at eliminating the conditions and causes influenced on the spread of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency; decreasing the spread, and cutting off the dissemination paths of the infection.

## **CHAPTER TWO**

### **Powers of State Bodies and Local Self-Administrative Bodies in the prevention of and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome**

#### **Article 4. Powers of Government**

4.1. The Government shall have the following powers in the prevention of and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome:

4.1.1. to organise the implementation of the Law on prevention of Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, and to supervise it;

4.1.2. to formulate a state policy on prevention and combating of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, and to take measures for its implementation.

4.1.3. to define the works and services restricted for people infected with Human Immunodeficiency Virus or for those having Acquired Immune Deficiency Syndrome.

#### **Article 5. Powers of the Central State Administrative Body in Charge of Health Issues**

5.1. The Central State Administrative Body in charge of health issues shall have the following powers in the prevention of and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome:

5.1.1. to create an agenda to prevent and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, and to organize activities for implementing decisions based upon that agenda;

5.1.2. to be responsible for official data and information regarding the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome;

5.1.3. to approve guidelines on counseling to prevent the spread of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome for persons found to be infected with the virus or to have the Acquired Immune Deficiency Syndrome, for their parents, legal guardians or custodians.

## **Article 6. Powers of Hurals of Citizens Representatives and of Governors**

6.1. Hurals of Citizens Representatives, at all levels, shall take measures for preventing and combating the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome in their respective areas, shall involve citizens, business entities and non-governmental organisations in related educational and awareness activities, and shall take measures to address the economic and social issues in the preventing and combating the virus infection and Acquired Immune Deficiency Syndrome.

6.2. Governors at all levels shall organise the implementation of the Law on Prevention of Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome in their respective areas, and shall supervise the implementation.

## **CHAPTER THREE**

### **Miscellaneous**

## **Article 7. Duties of Health Organisations**

7.1. Health Organisations shall have the following duties in the prevention of and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome:

7.1.1. to take measures regarding the detection and confirmation of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, as well as the treatment of people infected with the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome;

7.1.2. to organise counselling activities to prevent the spread of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome in the respective areas for persons found to have the Human Immunodeficiency Virus Infection

or Acquired Immune Deficiency Syndrome, for their parents, legal guardians or custodians;

7.1.3. to create conditions to prevent the spread of the Human Immunodeficiency Virus Infection through the provision of needles, syringes, and other medical equipment.

7.1.4. shall not use blood, blood derivates, and donor organs with the treatment purpose if the latter are not tested and certified for the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome.

7.2. A person infected with Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome shall be treated in isolation if he or she cannot fulfil the duties set forth in this Law based upon his or her inability or unwillingness to control his or her behaviour.

7.3. Any health organisation, under any form of ownership, shall be subject to the provisions of this Article.

## **Article 8. Duties of Medical Doctors and Health Workers**

8.1. Medical doctors and health workers shall have the following duties in the prevention of and fight against the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome:

8.1.1. to inform appropriate health organisations upon detecting and diagnosing the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome in accordance with the appropriate regulations.

8.1.2. to counsel a person determined to have the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome, his/her parents, legal guardians or custodians regarding appropriate behaviour and personal care, and the prevention of the spread of the disease.

8.1.3. shall not deprive health care services to any person having the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome.

8.2. Medical doctors and health workers shall be likewise subject to the duties stipulated in Article 7.1.3. of this Law.

## **Article 9. Rights and Duties of Citizen**

9.1. A citizen of Mongolia shall have the following rights:

9.1.1. A citizen of Mongolia shall have the right to be presented with the official certification authorizing a particular health worker or doctor to conduct the physical examination, test and epidemiological control with the purpose to detect the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome.

9.1.2. to undergo tests and examinations for detection and confirmation of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome HIV/AIDS on a voluntary basis;

9.1.3. to receive accurate and objective information on the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, and to have training on methods for preventing the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome.

9.2 A citizen of Mongolia shall have the following duties:

9.2.1. to participate in activities to prevent and combat the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome, as carried out by the state, local self-administrative, health and other relevant organisations;

9.2.2. shall not discriminate legal rights and interests of people determined to be infected with the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome;

9.3. Immigrants, foreign citizens in transit, and stateless persons are likewise subjected to the provisions of this Article.

#### **Article 10. Protection of Rights of Person infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome**

10.1. The rights and freedom of a person infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome shall not be restricted on a basis of the presence of his/her disease, unless otherwise stipulated by law.

10.2. Any form of insult or discrimination of a person infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome shall be prohibited.

10.3. An official or citizen shall be prohibited to divulge an information on people infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome.

**Article 11. Duties of a Person Infected with the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome**

11.1. A persons infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome shall have the following duties:

11.1.1. to provide a health organization with the true and accurate information on the means and cause of infection;

11.1.2. to undergo tests and examinations within the terms required by an appropriate health organization;

11.1.3. to inform a health organization about known Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome when receiving health care services;

11.1.4. to refuse donation of blood, tissues, or organs;

11.1.5. to prevent the spread of the infection, to decline any activity that may cause the spread of the disease, and to take appropriate measures for self-protection and the protection of others against the disease;

11.1.6. to follow strictly advice and instruction provided by respective health organizations, medical doctors, and health workers.

11.1.7. if a person is determined to have the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome he or she shall immediately inform his wife or her husband, or a partner on the disease.

11.2. A citizen of Mongolia who has lived abroad and has been infected with the Human Immunodeficiency Virus Infection or Acquired Immune Deficiency Syndrome shall be obligated to inform the state board organization responsible for hygiene and epidemiological control about his or her condition upon arrival in Mongolia.

11.3. A foreign citizen who is determined to have been infected with the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome shall face deportation in accordance with appropriate legislation if he or she refuses to meet the legal requirements of a health organisation of Mongolia.

**Article 12. Participation of Mass Media, Religious and Non-Governmental Organisations and Business Entities**

12.1. Mass media, religious and non-governmental organisations and business entities shall participate in awareness activities and training carried out for the population

with regard to preventing and combating the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome.

### **Article 13. Liabilities for Offenders of Law**

13.1. An offender of the Law on Prevention of the Human Immunodeficiency Virus Infection and Acquired Immune Deficiency Syndrome who bears no criminal responsibility shall be imposed with the following administrative responsibilities upon the decision of the Governor of a soum, district, bag, or horoo:

13.1.1. for the breach of Article 7.1.3. of this Law a business organisation shall be fined 200,000-250,000 MNT, a medical doctor or health worker shall be fined 20,000-50,000 MNT;

13.1.2. a medical doctor or health worker who is negligent in the duties stipulated by Article 8. of this Law shall be fined 20,000-50,000 MNT.

13.1.3. for the breach of Article 10. of this Law a citizen shall be fined 20,000-50,000 MNT, an official shall be fined 40,000-60,000 MNT, a business entity or organisation shall be fined 200,000-250,000 MNT.

13.1.4. for the breach of Article 11. of this Law a citizen shall be fined 20,000-50,000 MNT.

CHAIRMAN OF  
THE STATE GREAT HURAL

S. TUMUR-OCHIR