



We Participate Together For
Our Safety and Society

Selected articles from the Law on the Prevention and Control of HIV/AIDS

FOREWORD

HIV/AIDS is spreading throughout the general population of Cambodia. Thousands of Cambodian people are suffering from HIV/AIDS and forms of discrimination related to their HIV/AIDS status.

This booklet, "We Participate Together for Our Safety and Society," focuses on Cambodia's HIV/AIDS law. The **Law on the Prevention and Control of HIV/AIDS** was enacted by the National Assembly in June 2002. The law is designed to:

- Prohibit all forms of discrimination against PLHAs
- Educate all citizens about the rights of PLHAs
- Promote positive lives for PLHAs
- Reduce the HIV/AIDS epidemic through prevention and control

Each page in this booklet refers to an article in the HIV/AIDS law and highlights articles that are important for increasing public knowledge of PLHAs' legal rights. Please note that an official English translation of the law has not been published.

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Phnom Penh, May 2004

Whose rights do the law on the prevention and control of HIV/AIDS protect?



How can we prevent the HIV/AIDS epidemic spreading?



**PLHAs have the same rights
as all other Cambodian citizens**



Article 42: People with HIV/AIDS have the same rights as all other citizens as stated in Chapter 3 of the Constitution of the Kingdom of Cambodia.

PLHAs have the right to education



Article 37: No educational institution shall refuse admission or expel, discipline, isolate or deny participation, benefits or services to a student on the basis of the actual, perceived or suspected HIV/AIDS status of that student or his/her family members.

**PLHAs have the right to accommodation,
freedom of movement, and freedom of
association**



Article 38: A person with HIV/AIDS shall have full right to the freedom of abode, lodging and travel.

No person shall be quarantined, placed in isolation or refused entry or expulsion due to the actual, perceived or suspected HIV/AIDS status of that person or his/her family members.

PLHAs have the right to employment



Article 36: Discrimination is prohibited in any form in connection with employment, including discrimination in hiring, promotion, assignment of work, or level of pay, based on the actual, perceived, or suspected HIV/AIDS status of a person or a member of his/her family. Any termination from work based on the actual, perceived, or suspected HIV/AIDS status of a person or a member of his/her family is unlawful.

PLHAs have the right to credit and loans services including health insurance



Article 40: Discrimination against a person with HIV/AIDS in accessing credit or loans services including health, accident and life insurance, is prohibited, provided the person can meet the same technical criteria as other citizens who do not have HIV/AIDS.

PLHAs have the right to health care services



Article 41: Discrimination against people with HIV/AIDS in hospitals and other health institutions is strictly prohibited.

No person shall be denied public or private health care services or be charged a higher fee on the basis of the actual, perceived, or suspected HIV/AIDS status of the person or of a member of his/her family.

Discrimination against PLHAs is illegal and is punishable by law



Article 52: Any person who violates Article 37, 38, 39, 40 and/or 41 of the law, shall be punished with a penalty or fine one hundred thousand (100,000) to one million (1,000,000) Riels, and with a penalty of imprisonment for one (1) month to six (6) months. In case of repeated offences, the punishment shall be double. For civil servants, administrative sanctions shall be added.

All HIV/AIDS tests must be performed anonymously



Article 22: All HIV/AIDS testing shall be performed anonymously.

The Ministry of Health shall provide a mechanism for anonymous HIV/AIDS testing, and shall guarantee the anonymity and medical confidentiality during the process of this test.

Compulsory blood tests are illegal



Article 20: It is strictly prohibited to request any compulsory HIV testing undertaken as a pre or post condition to employment, admission to educational institutions, as well as for the exercise of freedom of abode, the right to travel, and the provision of medical services or other services.

Advertisements claiming to cure HIV/AIDS are prohibited



Article 12: All propaganda or commercial advertisements containing misinformation on the treatment or prevention of HIV/AIDS that are contrary to standards set by the National AIDS Authority, and contrary to medical or scientific evidence, are strictly prohibited.

PLHAs should be socially responsible and not transmit HIV/AIDS



Article 18: Any practice or acts by a person who is HIV positive done with intention to transmit HIV to another person or persons is strictly prohibited.

Article 50: Any person who violates Article 18 of this law shall be punished by imprisonment for ten (10) to fifteen (15) years.

Together we can help to prevent the spread of HIV/AIDs and help PLHAs to lead normal lives



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Pfizer Foundation

For more information contact:

CPN+

#62C, St. 450, Toul Tompong II, Phnom Penh
Tel: 023 216 399, 011 816 671, 012 934 777
Email: cpn@camnet.com.kh

HACC

#51BEo, St.384, Sangkat Toul Svay Prey I
Khan Chamcar Morn, Phnom Penh
Tel: 023 217 964, 012 774 373
Email: HACC@online.com.kh

Pact Cambodia

Phnom Penh Center, 3rd Floor (Fourth Level)
Corner Sihanouk (274) & Sothearos (3) Blvd., Phnom Penh
Tel/Fax: 023 217 820, 217 855, 217 856
Email: pact@pactcam.org
Website: www.pactworld.org