

# Law of Georgia

## On HIV Infection/AIDS

### Article 1 - Purpose and scope of the Law

1. The purpose of this Law is to ensure the health care of physical persons and the safety of the State and the public, and to fulfil the requirements provided for by the international treaties and agreements of Georgia with regard to HIV infection/AIDS.
2. This Law defines the basic principles for taking response measures against HIV infection/AIDS, and matters related to the testing of physical persons for HIV infection, and the care and treatment of persons infected with HIV/ill with AIDS, as well as the rights and obligations of persons infected with HIV/ill with AIDS, and of medical workers.

### Article 2 - Legislation of Georgia on HIV infection/AIDS

The legislation of Georgia on HIV Infection/AIDS includes the Constitution of Georgia, the international agreements and treaties of Georgia, this Law and other legislative and subordinate normative acts of Georgia.

### Article 3 - Definition of terms used in the Law

For the purpose of this Law, the terms used herein have the following meanings:

- a) HIV - human immunodeficiency virus;
- b) HIV infection – a contagious disease, which is caused by human immunodeficiency virus;
- c) AIDS - acquired immune deficiency syndrome;
- d) HIV status - data on HIV infection of a physical person which has been verified as a result of laboratory testing;
- e) service provider institution - a legal person which carries out the following medical activities as provided for by the legislation of Georgia: the diagnostics, treatment, prophylaxis, support/assistance and care of persons infected with HIV/ill with AIDS;
- f) medical institution - a legal person which carries out medical services as provided for by the legislation of Georgia;
- g) harm reduction - an approach which aims to reduce harm caused by a specific type of individual behaviour, by a specific social or medical manipulation, or by an unfavourable environment;
- h) post-exposure prophylaxis - a short-term antiretroviral treatment that reduces the probability of being infected with HIV after potential exposure;
- i) voluntary counselling and testing - a voluntary process of providing information, support and testing which aims to provide persons with an opportunity to make a decision on HIV testing and to help them in the interpretation of test results.

### Article 4 - Coordination of response measures against HIV infection/AIDS

1. The United National Coordination Council ('the Council') shall be established in order to support the implementation of response measures in order to prevent and control the dissemination of HIV infection/AIDS in Georgia and to ensure coordinated inter-agency cooperation.
2. The composition of the Council and the procedures for its activities shall be determined by the statute of the Council which shall be approved by the Government of Georgia.
3. In its activities, the Council shall be guided by the Constitution of Georgia, the international treaties and agreements of Georgia, the laws and subordinate normative acts of Georgia, and the statute of the Council.
4. Within its scope of authority, the Council shall be authorised to coordinate the actions that are agreed between state, local, public and other organisations (institutions), to implement the monitoring of their activities, request the documentation necessary for their operation, find relevant resources for the implementation of measures to prevent and control the dissemination of HIV infection/AIDS in Georgia, promptly respond to matters related to HIV infection/AIDS, participate in the development of legislation related to HIV infection/AIDS, develop relevant recommendations and support the expansion of international cooperation, ensure the review of initiatives and/or matters related to response measures against HIV infection/AIDS within the country at the governmental level, and support a decision making process and the implementation of such decisions.

### Article 5 - State policy in the field of HIV infection/AIDS

The principles of state policy in the field of HIV infection/AIDS shall be:

- a) the development and implementation of state programmes for the prevention and treatment of HIV infection/AIDS;



- b) the protection of the rights of persons infected with HIV/ill with AIDS with regard to the availability of medical services;
- c) notification of physical persons on matters related to voluntary testing for HIV infection, and on the exceptions laid down by the legislation of Georgia, where mandatory testing is permitted by legislation;
- d) notification of physical persons, upon request, via mass media and/or individually, on the prevention, diagnostics, treatment, prophylaxis, support/assistance and care of persons infected with HIV /ill with AIDS, including on the forms of assistance under state programmes and on the opportunities to receive such support ;
- e) the support of universal accessibility to services with regard to providing voluntary counselling and testing for HIV infection, to the prevention, diagnostics, treatment, prophylaxis, support/assistance and care of persons infected with HIV /ill with AIDS;
- f) the protection of the rights, honour and dignity of physical persons and the prevention of discrimination against them with regard to HIV infection/AIDS;
- g) the establishment of universally acknowledged professional and ethical standards in the field of HIV infection/AIDS;
- h) the establishment and implementation of a unified monitoring and evaluation system of response measures against HIV infection/AIDS, the enhancement and/or support of the national system for the epidemiological surveillance of HIV infection/AIDS, and the quality control of medical assistance and therapeutic agents with regard to HIV infection/AIDS;
- i) ensuring the safety of the population through supervision over the observance of universal safety rules and norms in the field of HIV infection/AIDS;
- j) support/assistance in the prevention, diagnostics, treatment and prophylaxis of HIV infection/AIDS and care of persons infected with HIV/ill with AIDS, and assistance in harm reduction;
- k) the development and implementation of state policy on the prophylaxis of the transmission of HIV infection from a mother to a foetus and/or a newborn and accessibility to voluntary counselling services for pregnant women with regard to HIV infection, and the voluntary counselling and testing of pregnant women on the basis of their informed consent by ensuring confidentiality;
- l) the implementation of measures for post-exposure prophylaxis of HIV infection.

*Law of Georgia No 3617 of 24 September 2010 – LHG I, No 50, 24.9.2010, Art. 326*

*Law of Georgia No 3554 of 1 May 2015 - website, 18.5.2015*

#### **Article 6 - Testing of physical persons for HIV infection**

1. The citizens of Georgia and persons permanently or temporarily residing or staying in the territory of Georgia, and aliens and stateless persons, shall have the right to services related to voluntary counselling and testing for HIV infection, including the right to services related to voluntary counselling and testing for HIV infection in an anonymous and confidential manner. The procedure for informing the parents or legal representatives of minor patients from 14 to 18 years old, regarding positive results revealed during the diagnostics of HIV infection/AIDS, shall be defined by an order of the Minister of Labour, Health and Social Affairs of Georgia in accordance with the Law of Georgia on Patients' Rights.
2. The testing of physical persons for HIV infection shall be conducted after receiving their voluntary and informed consent thereto.
3. Testing for HIV infection shall be mandatory for:
  - a) blood donors and donors of blood components;
  - b) organ donors and donors of parts of organs;
  - c) tissue donors;
  - d) ovum and sperm donors.
4. Medical institutions shall be authorised to test a new-born for HIV infection without a parent's consent in cases where the HIV status of a parent is unknown, or if he/she refuses to be tested for HIV infection and where there are reasonable grounds for believing that he/she may be infected with HIV.
5. Other cases for mandatory testing for HIV infection shall be defined by the legislation of Georgia.

*Law of Georgia No 3610 of 28 May 2015 - website, 4.6.2015*

#### **Article 7 - Diagnostics, treatment, prophylaxis, support and/or assistance and care of persons infected with HIV and/or ill with AIDS**

1. The State shall ensure the timeliness and continuity of the diagnostics, treatment, prophylaxis, support and or assistance and care of persons infected with HIV and/or ill with AIDS within the scope of obligations envisaged by state programmes, and in accordance with professional standards acknowledged in the country.
2. Persons infected with HIV and/or ill with AIDS shall have the right to personally select a medical service provider and to change such provider at any time, and to refuse treatment and/or terminate ongoing medical services.



3. The diagnostics, treatment, prophylaxis, support and/or assistance and treatment of persons infected with HIV and/or ill with AIDS shall be conducted in accordance with the National Clinical Practice Recommendations (Guidelines).

#### **Article 8 - Obligations of service provider institutions and personnel**

1. The diagnostics, treatment, prophylaxis, support and/or assistance and care of persons infected with HIV and/or ill with AIDS shall be implemented by service provider institutions.

2. Service provider institutions are obliged to provide full information on health status to persons who have been tested for HIV infection in accordance with the established procedure, unless such persons refuse to receive such information. Matters related to refusing to provide persons with information or to limiting the volume of information to be provided to such persons shall be regulated by the legislation of Georgia.

3. Service provider institutions are obliged to provide persons, together with their diagnosis, information on ensuring measures to prevent the dissemination of HIV infection/AIDS, which shall be mandatory for the safety of others, and any violation of such measures shall incur liability under the legislation of Georgia.

4. Service provider institutions are obliged to offer persons and, in the case of their informed consent, provide them with, consultations before and after their testing for HIV infection.

5. Service provider institutions which implement the diagnostics, treatment, prophylaxis, support/ assistance and/or care of persons infected with HIV and/or ill with AIDS are obliged to maintain records as provided for by the legislation of Georgia.

6. Service provider institutions which implement the diagnostics, treatment, prophylaxis, support/assistance and/or care of persons infected with HIV and/or ill with AIDS are obliged to request information from persons infected with HIV and/or ill with AIDS on those person(s) with whom they have had contact which might pose a risk from the epidemiological point of view.

7. If persons infected with HIV and/or ill with AIDS fail to fulfil the requirements defined in Article 11(2) of this Law, service provider institutions which implement the diagnostics, treatment, prophylaxis, support/assistance and/or care of persons infected with HIV and/or ill with AIDS, are obliged to notify a spouse and/or a sex partner of such persons with regard to the HIV positive status of such persons as provided for by the legislation of Georgia, if the identity of the spouse and/or sex partner is known.

#### **Article 9 - Confidentiality of information on persons infected with HIV and/or ill with AIDS**

1. Service provider institutions that implement the diagnostics, treatment, prophylaxis, support/assistance and/or care of persons infected with HIV and/or ill with AIDS, as well as any legal and natural person who has been informed about persons infected with HIV and/or ill with AIDS, are obliged to protect the confidentiality of such information.

2. Service provider institutions are obliged to protect the confidentiality of information available on persons infected with HIV and/or ill with AIDS for the whole lifetime of persons infected with HIV and/or ill with AIDS and after the death of such persons.

3. The disclosure of confidential information on persons infected with HIV and/or ill with AIDS by service provider institutions shall be permitted if:

a) there is informed consent from persons infected with HIV and/or ill with AIDS;

b) there exists the preliminary written consent of persons infected with HIV and/or ill with AIDS with regard to the disclosure of information in the case of their death;

c) in other cases provided for by the legislation of Georgia.

4. The disclosure of information on persons infected with HIV and/or ill with AIDS shall be permitted for educational and scientific purposes, if data during the use of such information is presented so as to make it impossible to identify persons.

5. Persons infected with HIV and/or ill with AIDS shall have the right to personally determine person(s) to whom information on their HIV status may be provided.

#### **Article 10 - Rights of persons infected with HIV and/or ill with AIDS**

1. It shall not be permitted to limit the civil, political, social, economic and cultural rights and freedoms of persons infected with HIV and/or ill with AIDS only on the basis of their HIV positive status, except for the cases provided for by the legislation of Georgia. It shall not be permitted to limit the generally acknowledged human rights, freedoms and guarantees of persons infected with HIV and/or ill with AIDS, which are not mentioned in this paragraph, but derive from the principles of the Constitution of Georgia and the international treaties and agreements of Georgia.

2. It shall not be permitted to dismiss persons infected with HIV and/or ill with AIDS from work or to refuse to recruit such persons only on the basis of their HIV positive status, except for activities where there is a high risk of infecting persons who have contact with such persons. A list of mentioned activities shall be approved by the Ministry of Labour, Health, and Social Affairs of Georgia.

3. Persons infected with HIV and/or ill with AIDS shall have the right to receive full information from medical service providers on the opportunities to receive medical services, on the types of medical services, and fees, and the accompanying risks and possible effectiveness of such services, and on the identify of medical service providers and their professional experience.



#### **Article 11 - Duties and responsibilities of persons infected with HIV and/or ill with AIDS**

1. Persons infected with HIV and/or ill with AIDS shall be responsible for creating a threat of infecting persons and transmitting AIDS to other persons as provided for by the legislation of Georgia.

2. Persons infected with HIV and/or ill with AIDS who know about their HIV positive status are obliged to inform their spouse and/or sex partner about their HIV infection in a prescribed manner.

#### **Article 12 - Measures to be taken in relation to the entry of this Law into force**

1. Within six months after the entry of this Law into force, the Ministry of Labour, Health and Social Affairs of Georgia shall develop and approve all relevant legal acts necessary for the entry into force of this Law.

2. Within six months after the entry of this Law into force, the Government of Georgia shall ensure:

a) the development and approval of the statute of the United National Coordination Council established to support the implementation of measures for the prevention and control of the dissemination of HIV infection and/or AIDS in Georgia and to ensure coordinated inter-agency operation;

b) the development and implementation of a united monitoring and evaluation system of response measures against HIV infection and/or AIDS.

#### **Article 13 - Acts declared as null and void**

Upon the entry into force of this Law, the Law of Georgia #683 of 21 March 1995 on Human Immunodeficiency Virus/AIDS Prophylaxis (the Parliamentary Gazette of Georgia, 1994-1995, No 23-26, Art.557) shall be declared null and void.

#### **Article 14- Entry into force of the Law**

This Law shall enter into force upon its promulgation.

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**17 November, 2009**

**No 2042 \_II 6**

