

## **The suggested draft law of the acquired ) IV- immunodeficiency syndrome (AIDS**

On Saturday 16-9-2006, the National Society for Human Rights (NSHR) has organized a workshop regarding the rights of the AIDS patients and it showed its willingness for cooperation with the competent authorities for formulating a law that will ensure the rights of citizens suffering from AIDS in the kingdom of Saudi Arabia within the absence of effective laws in this field. In addition, during the workshop held on Saturday 27-10-2007 in the Society's office in Riyadh, the suggested draft law of AIDS has been discussed. To illustrate, they discussed the articles of the law which consisted of 16 articles about the AIDS patient's rights. The NSHR has adopted the idea of issuing a law concerning AIDS. It has also released a preliminary draft law to be displayed before the specialists and those who are working in the health sector to tell their opinion about it and put it into consideration during making the final copy for the draft law before sending it to the competent authorities to study and adopt it. Moreover, the Shoura Council, in its session held on 9-12-2012, has voted on the .final draft law copy  
:Here are the articles of the draft law

:(Article (1

AIDS disease is considered one of the common diseases. With considering all the preventive precautions and measures that are mentioned in the health professions .act, the procedures related to this law should be implemented for AIDS prevention

:(Article (2

All the concerned governmental authorities should assure the importance of - fighting the AIDS and showing the means of its transmission and urging avoiding .them

Establishing a national center or office in the Ministry of Health for avoiding the - common diseases that will be entrusted to assure the infection of AIDS and to treat those who are infected and avoid its transmission. In addition, all the doctors in the medical governmental institutions and the private sectors have to refer those who are suspected or infected with the disease to the place that the office or the center determines with considering the importance of giving the appropriate and immediate .health care for those patients

:(Article (3

It is not permitted for any doctor ,who check patients to assure whether being infected or not by AIDS, to disclose the secret of the patient's infection except for those whom the patient choose or for the competent governmental or medical .authority

In addition, taking the patient's written approval is a must and in case of his refusal, - a report should be written and sent to the competent authority according to the .regulations

In all cases, the competent governmental authority has the right to check any one - whom it suspects his/her infection, even if he/she rejected, so as to be sure that

he/she is not suffering from the disease and to give him/her the appropriate medical care and to prevent the disease transmission .  
Moreover, it is not permitted for any doctor or any medical authority to refuse giving - the appropriate medical care for any AIDS' patient and they should refer him/her to .the nearest competent medical authority if they cannot help him/her

:(Article (4

:The Ministry of Health should take the necessary procedures such as  
Checking those who are coming from infected countries in order to be sure a-  
.that they are not infected  
Checking those who are coming to stay in the Kingdom in order to be sure b-  
.that they are not infected  
The Regulations set the procedures and conditions that should be followed in making  
.the required check-up and its consequences

:(Article (5

According to the recommendations of a competent medical committee, which the minister of health decides its formation and competence determination, it is permitted to isolate the infected patient in order to treat him/her. Moreover, the medical committee can determine following up the patient's medical case , instead of his/her isolation, in accordance to the procedures determined by the Ministry of Health which  
.assure avoiding the disease transmission  
The Minister of Health has to determine the isolation places and the requirements that should be met and it is also permitted to ask the help of the Ministry of Interior to delegate some security men for health monitoring or isolation if needed without  
.affecting the AIDS patients' rights

:(Article (6

Under the provisions of Article (3) of this law, all the employees working in the health sector in the Kingdom should maintain the confidentiality of the patients' private information and should not disclose their secrets except for the authorities that the  
.regulations determine

:(Article (7

It is permitted to transfer the foreign infected patients to their own countries or to the country they choose and be sure that they receive the necessary medical treatment  
.until they leave the Kingdom

:(Article (8

The patients' family should inform the educational authorities about his/her infection to take the necessary precautions in order to prevent the disease transmission and  
.give him/her the necessary health care if needed

:(Article (9

If one of the spouses is infected with AIDS, the competent medical authority should  
.immediately inform the other spouse in person

:(Article (10

The AIDS patient should inform the competent authority in the Ministry of Health about his/her infection and he/ she should commit to the preventive procedures and guidance determined by the competent medical authorities as well as prevent the .disease transmission to others

:(Article (11

As an exception from travel ban cases determined by law, it is not permitted to prevent the AIDS patients from travelling abroad for receiving medical treatment but he/her should go to the competent medical authority, after returning back, to check .and follow –up his/her medical case

:(Article (12

In order to apply the disease prevention procedures, getting out the corpse of an infected person after burial, in the permitted cases, is not permitted except in the .presence of a competent doctor from the concerned medical authority

:(Article (13

Unless the deliberate transmission of the disease is proven, it is not permitted to prevent AIDS patients from completing their education or to be dismissed from work .because of their infection

If it is proven the inability of the infected, working in a private or governmental authority, to work, he/she should be referred to retirement and given not less than two-third of the salary. Besides, in case of working in a place where the transmission of the disease is possible, they should be transferred to another job with the same .financial benefits

:(Article (14

Those who violate the provisions of articles (3),(6),(8),(9)and(10) of this law, their - imprisonment, as a legal punishment, should not be more than six months and the fine should not exceed five thousands riyal or one of those penalties with considering .any other severe penalty under another law

Those who know their infection with AIDS and unintentionally caused its - transmission to another one, their imprisonment should not be more than five years if .there is no more severe penalty

The imprisonment of the infected person with others is not permitted without taking - the necessary precautions to assure preventing the disease transmission to other prisoners and without giving him/her the necessary medical care for his/her medical .case

The foreign infected prisoners should be transferred to their own countries and if - they are in debt and claim insolvency, their case should be considered in no more .than three months

:(Article (15

After coordinating with other governmental authorities that offer the medical services .in the Kingdom, the Minister of Health should issue the regulations of this law

:(Article (16

The implementation of this law should be after sixty days from its publication in the  
.official newspaper