

Republic of Equatorial Guinea
Presidency

Decree number 107/2006 issued on the 20th of November, for which urgent measures are being taken to arrest the spread of HIV/AIDS in the Republic of Equatorial Guinea.

* Taking into account the alarming figures revealed by the statistical sources of Ministry of Health and Social Well Being on the HIV/AIDS affected population, as well as the growing tendency of individuals being infected daily who threaten the survival and growth of the population.

* Having proven that HIV/AIDS is the major cause of deaths occurring during the last three years and provided that all Equate Guinean homes and families have experienced first hand the loss of a family member or have had a relative with an HIV+ status, which is leading to dramatic consequences in the family, human, economic, social, and psychological order.

* Having proved that children, adolescents, and women represent the most HIV/AIDS infected population and who equally the largest portion of the population that has experienced more than 75% of deaths during this millennium.

* In this sense and as a proposal of the Presidency of the Government prior to the deliberation of Council of Ministers meeting of **10th of November 2006**

Article One- The Government will increase the budget for the National Program for the fight against HIV/AIDSs, with the goal of installing new units of analysis for the detection of HIV/AIDS in all the national districts, and for services that will be offered free of cost to the entire population.

Article Two- HIV/AIDS treatment shall be offered in all hospitals in the Nation, via dispensing of antiretrovirals free of charges.

Article Three- The Government will promote that the entire population subject itself to HIV/AIDS testing with the goal of prevention and curing/treatment. To this end, the Government will put in place a model pass which will indicate "HIV/AIDS free". The pass will be provided to every person who has taken the exam, and will be renewed every six months.

Article Four- The Government will establish a required HIV/AIDS certificate test to access certain public services. The result of the test will not be reason for denying access to public services.

Article Five- Foreigners who solicit to obtain or renew permanence or residency in the country will have to take an HIV/AIDS test as a necessary requirement for processing their dossiers.

Article Six- Infected individuals, whom are aware of their HIV/AIDS+ status and maintain sexual relationships without use of a condom will be revealed and subjected to competent juries and trials, according to the stipulations in Law number 3/20005 of the 9th of May, on Prevention and Fight against the sexually transmitted diseases, HIV/AIDS and the defense of human rights of infected individuals.

Article Seven- Any HIV/AIDS infected adult, aware of their HIV/AIDS carrier status and who maintains sexual relationships with another person and infects the third party, independently of the penal responsibility, will assume the obligation to support the newly infected party in all aspects of their life.

Article Eight - Prior to treating a sick patient, Traditional Healers should request patient to provide an HIV/AIDS certificate, so as to ascertain whether or not the patient has HIV/AIDS.

Should the Traditional Healer not adhere to the before mentioned obligation, it will lead to the definitive suspension of the Healer's activity. In the event that the sick patient dies or their health deteriorates as a result of the Traditional treatment, responsibilities which exist.

Article 9 - Establishments and beauty salons, including: hairdressers, manicure services, pedicures, tattoo and circumcision should always keep their professional instruments sterilized to avoid the spread of HIV/AIDS infection.

All healthcare personal and other faculty are obliged to sterilize their medical instruments prior to using them with patients. In the same manner, they will conduct the necessary analysis or HIV/AIDS blood tests prior to making transfusions, and they shall at all cost avoid the multiple use of sterilized syringes.

The Ministry of Health and Social Well being inspection services will conduct continual and sporadic control visits regarding the XXX of their work utensils.

Proprietors of establishments or beauty salons and independent services who due to their line of work infect clients as a result of lack of hygiene and sterilization of work instruments shall incur pre-established responsibilities as stipulated in Law No. 3/20005, cited in the fifth article of this Decree.

Article 10- If, as a result of HIV/AIDS, one of the partners/spouses discovers their HIV+ status, the other partner/spouse will be obliged to use a condom.

Article 11- If one of the spouses/partners is found to be HIV+ they should communicate this to their partner-hospital centers will not safeguard the confidentiality of the infected person's HIV+ status.

Article 12- The Government will elaborate an emergency plan for the fight against HIV/AIDS in all of the nation with the implication of all actors: political, economical, social, opinion leaders, and bilateral and multilateral corporations

Additional Disposition:

All Ministers are asked?, from their own area of competency to take all the necessary action for the correct application of all stated in this current Decree.

De-validated Disposition

All dispositions of equal or lesser rank that oppose what has been established in the present decree shall be de-validated

Final Disposition

The present Decree shall enter into vigor from the moment it is published in the national informative channels and in the Official State Bulletin.

This is how I "dispongo" by the present Decree, given in Malabo, on the 20th of November 2006.

FOR A BETER GUINEA
Obiang Nguema Mbasogo
President of the Republic