

Passed in Parliament this *5th day of July*, in the year of our Lord two thousand and eleven.

MOHAMED LEBBIE,
Officer-in-Charge
Office of the Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

MOHAMED LEBBIE,
Officer-in-Charge
Office of the Clerk of Parliament.

ACT

Supplement to the Sierra Leone Gazette Vol. CXLII, No. 69
dated 3rd November, 2011

SIGNED this *14th day of September, 2011.*

DR. ERNEST BAI KOROMA,
President.



No. 11



2011

Sierra Leone

The National HIV and AIDS Commission Act, 2011.

Short title.

Being an Act to establish the National HIV and AIDS Commission to be responsible for making policies for the prevention, management and control of HIV and AIDS, to provide for the treatment, counselling, support and care of persons infected with, affected by or at risk of HIV and AIDS and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1—PRELIMINARY

Interpretation. 1. In this Act unless the context otherwise requires:—

“AIDS” means Acquired Immune Deficiency Syndrome, a condition characterized by a combination of signs and symptoms caused by HIV which attacks and weakens the body’s immune system making the afflicted person susceptible to other life-threatening infections;

“anonymoustesting” means an HIV testing procedure whereby the person being tested does not reveal the true identity but instead an identifying number or symbol is used which allows the testing centre and tested person to match the tested results with the identifying number or symbol;

“child” means a person below the age of eighteen years;

“Commission” means the National AIDS Commission established by section 2;

“compel” in relation to HIV testing, refers to an HIV test imposed upon a person without his consent, by use of force, intimidation, deceit or any other form of compulsion;

“consent” in relation to the performance of an HIV test means consent—

- (a) given without threat, coercion, mistake or misrepresentation, and
- (b) obtained after providing pre-test information and in a language or manner understood by the person, and to be followed by post-test counseling;

“court” means the High Court;

“Director-General” means the Director-General appointed under section 12;

“health institution” means a hospital, nursing home, maternity home, health centre, dispensary, health post, laboratory, pharmacy or other public or private institution where healthcare services are provided;

“health care provider” means—

- Act No. 12 of 1994. (a) a medical practitioner or dental surgeon registered under the Medical Practitioners and Dental Surgeons Act, 1994;
- Act No. 12 of 2001. (b) a pharmacist or pharmacy technician registered under the Pharmacy and Drugs Act, 2001;
- Cap. 152. (c) a nurse registered under the Nurses Act;
- Cap 153. (d) a midwife registered under the Midwives Act;
- (e) a laboratory technician;
- (f) a community health officer;

and any other person approved by the Minister under section 30;

“healthcare service” rendered to a person means—

- (a) physical or mental examination of that person;
- (b) treatment or prevention of any physical or mental defect, illness or deficiency, in a health institution or any other institution or place where surgical or other medical procedures are performed in relation to any physical or mental defect, illness, deficiency or pregnancy;

(c) provision of pre-test or post-test counseling or any other subsequent counseling services;

“HIV” means Human Immunodeficiency Virus, that weakens the immune system that could lead to AIDS;

“HIV test” means a test which determines whether a person is infected with HIV;

Act No. 1 of 2004.

“local council” means a local council established under the Local Government Act, 2004;

“locality” means the administrative area of a local council;

Act No. 5 of 2000.

“medical insurance” means a health insurance taken under the Insurance Act, 2000;

“medical practitioner” includes a dentist;

“Minister” means the Minister responsible for health and Ministry shall be construed accordingly;

“partner” means a spouse or other person with whom another person is having sexual relationship;

“person living with HIV and AIDS” means a person whose HIV test indicates that he is infected with HIV, but may or may not have developed AIDS;

“positive” in relation to the result of an HIV test, means a result which shows that the person who is tested is infected with HIV;

“post-test counseling” means the process of providing a person who submits to an HIV test with risk - reduction information and emotional support at the time the result is released;

“pre-test counseling ” means the process of providing a person, before undergoing an HIV test, with information on the biomedical aspects of HIV and AIDS and emotional support with respect to the psychological implications of undergoing an HIV test;

“Secretariat” means the National AIDS Secretariat established by section 12;

“testing centre” means a testing centre approved by the Minister under section 30;

“tissue” includes an organ or part of a human body, semen, breast milk and any other substance or secretion, other than blood, extracted from the human body or from a part of the human body;

“uniformed force” means the Sierra Leone Armed Forces, the Sierra Leone Police Force, the Sierra Leone Prisons Service, the National Fire Force and Chiefdom Police;

“wilful transmission” means transmission of HIV through an act done with the purpose of transmitting HIV.

PART II—ESTABLISHMENT OF COMMISSION

2. There is hereby established a body to be known as the National HIV and AIDS Commission. Establishment of National HIV and AIDS Commission.

3. (1) The Commission shall consist of the President as Chairman and the following other members:— Composition of Commission.

- the following:—
- (a) the Ministers responsible for
 - (i) finance;
 - (ii) health;
 - (iii) defence;
 - (iv) local government;
 - (v) information;
 - (vi) education;
 - (vii) social welfare;
 - (b) the Chairman of the Parliamentary Committee on HIV and AIDS;
 - (c) a representative of the Sierra Leone Association of Non-Governmental Organisations dealing with HIV and AIDS issues;
 - (d) two representatives of persons living with HIV and AIDS one of whom shall be woman;
 - (e) a representative of the Inter-Religious Council; and
 - (f) a representative of the Sierra Leone Medical and Dental Association.

(2) The Director-General shall be secretary to the Commission.

Functions of Commission.

4. (1) The object for which the Commission is established is the prevention, management and control of HIV and AIDS.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission to—

- (a) formulate policies for the prevention, control, management and treatment of HIV and AIDS;

- (b) identify obstacles to the implementation of HIV and AIDS control policies and programmes and ensure the implementation and attainment of programme activities and targets;
- (c) mobilize, expedite and monitor resources for the control of HIV and AIDS; and
- (d) foster partnership with national and international development partners and the private sector for the effective implementation of HIV and AIDS interventions.

5. (1) The Commission shall meet for dispatch of business at least once every three months at a place and time determined by the Chairman. Meetings of Commission.

(2) The quorum for a meeting of the Commission shall be seven.

(3) The Chairman shall preside at every meeting of the Commission and in the absence of the Chairman, a member of the Commission elected by the members present from among their number shall preside.

(4) Matters before the Commission shall be decided by consensus.

(5) The Commission may co-opt a person to attend and participate in its meetings but that person shall not take part in deciding a matter before the Commission.

(6) Subject to this section, the Commission shall determine the procedure for its meetings.

6. (1) The Commission shall establish in each District an HIV and AIDS Committee. District HIV and AIDS Committees.

- (2) A District HIV and AIDS Committee shall consist of-
- (a) the Chairman of the local council who shall be the chairman;
 - (b) the Chief Administrator;
 - (c) the Finance Officer;
 - (d) the District HIV and AIDS focal person;
 - (e) the chairman of the health committee of the local council;
 - (f) the District Medical Officer;
 - (g) representatives from the following bodies in the District:-
 - (i) two persons living with HIV and AIDS one of who shall be a woman;
 - (ii) Non-Governmental Organisations in health;
 - (iii) Workers Union;
 - (iv) Inter-Religious Council;
 - (v) Women’s Groups; and
 - (vi) Youth Groups.

- Functions of District HIV and AIDS Committee.
7. A District HIV and AIDS Committee shall perform the following functions:-
- (a) promote the mainstreaming of HIV and AIDS and gender into the governance activities of the local councils;

- (b) facilitate the development of district HIV and AIDS response plans in line with the national strategic plan on HIV and AIDS developed by the Secretariat;
- (c) coordinate the activities of all bodies and persons implementing HIV and AIDS programmes in the locality;
- (d) supervise the activities of the Chiefdom HIV and AIDS Committees in the locality;
- (e) provide quarterly reports of its activities to the Secretariat.

8. (1) A District HIV and AIDS Committee shall meet at least once every month and the quorum for a meeting shall be seven. Meetings of District HIV and AIDS Committee.

(2) A District HIV and AIDS Committee shall regulate the procedure for its meetings and may co-opt any person to advise it at the meeting.

(3) A District HIV and AIDS Committee shall submit a report of each meeting to the Secretariat.

9. (1) The Commission shall establish in each Chiefdom a Chiefdom HIV and AIDS Committee. Chiefdom HIV and AIDS Committees.

- (2) A Chiefdom HIV and AIDS Committee shall consist of-
- (a) the Paramount Chief who shall be chairman;
 - (b) a Member of Parliament from a constituency in the chiefdom;
 - (c) the Chiefdom Speaker;
 - (d) the Chiefdom treasury clerk;
 - (e) the Chiefdom HIV and AIDS focal person;
 - (f) the Community Health Officer for the Chiefdom;
 - (g) a representative each of-

- (i) traditional healers;
- (ii) civil society;
 - two persons living with HIV and AIDS one of whom shall be a woman;
- (iii) Non-Governmental Organizations in health;
- (iv) the Inter Religious Council;
- (v) Women's Groups; and
- (vi) Youth Groups.

Meetings of
Chieftom
HIV and AIDS
Committee.

10. A Chieftom HIV and AIDS Committee shall meet at least once every month and the quorum for a meeting shall be seven.

Functions of
Chieftom
HIV and AIDS
Committee.

11. (1) A Chieftom HIV and AIDS Committee shall perform the following functions:—

- (a) promote the mainstreaming of HIV and AIDS and gender into the governance activities of the Chieftom Council;
- (b) facilitate the development of chieftom HIV and AIDS response plans in line with the National Strategic Plan on HIV and AIDS developed by the Secretariat;
- (c) coordinate the activities of all bodies and persons implementing HIV and AIDS programmes in the Chieftom and provide quarterly reports of its activities to the District HIV and AIDS Committee.

PART III—EMPLOYEES OF COMMISSION

12. (1) The Commission shall have a secretariat which shall be known as the National HIV and AIDS Secretariat. Secretariat of Commission.

(2) The Secretariat shall be headed by the Director-General who shall be a person with qualification and experience in the management, administration and matters relating to HIV and AIDS.

(3) The Director-General shall be appointed by the President on the recommendation of the Minister, subject to the approval of Parliament and on the terms and conditions that the President may determine.

13. The Director-General shall be responsible to the Commission for— Functions of Director-General.

- (a) implementing the Commission's policies on HIV and AIDS;
- (b) the day-to-day administration and management of the Commission;
- (c) the formulation and implementation of operational plans and programmes relating to the functions of the Commission as the Commission may approve;
- (d) supervising and disciplining the other employees of the Commission;
- (e) performing other duties specified in this Act or as the Commission may determine.

14. (1) The Commission shall, on the recommendation of the Director-General and on terms and conditions it may determine, appoint other staff that the Commission may require for the effective discharge of its functions. Other staff of Commission.

(2) Public officers may be seconded or otherwise give assistance to the Commission.

PART IV—FINANCIAL PROVISIONS

Funds of Commission. **15.** The activities of the Commission shall be financed from funds consisting of—

- (a) monies appropriated by Parliament for the purposes of the Commission; and
- (b) loans, grants, gifts and donations from any person or organization for the purposes of the Commission.

Financial year of Commission. **16.** The financial year of the Commission shall be the same as the financial year of Government.

Accounts and audit. **17.** (1) The Commission shall keep proper books of accounts and proper records in relation to the accounts.

(2) The books and accounts of the Commission shall each year be audited by the Auditor-General or an auditor appointed by him and a report of the audit shall be submitted to the Commission.

Annual report of Commission. **18.** (1) The Director-General shall, within three months after the end of each financial year, submit for the approval of the Commission an annual report of the activities, operations and finances of the Commission for that year.

(2) An annual report shall include—

- (a) a copy of the audited accounts of the Commission together with the audit report on the accounts;
- (b) any other reports made to or requested by the Chairman of the Commission.

(3) A copy of the annual report approved by the Commission shall be sent to the Minister who shall lay it before Parliament not later than four months after the year to which the report relates.

PART V—EDUCATION AND INFORMATION ON HIV AND AIDS

19. (1) The Commission shall endeavour to promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV and AIDS through a comprehensive nationwide educational and information campaign through the various Ministries, Departments and Agencies. Commission to promote education and information on HIV and AIDS.

(2) The educational and information campaign shall employ scientifically proven methods, focus on the family as the basic social unit, be age-appropriate and shall be carried out—

- (a) in all schools and other educational institutions;
- (b) in prisons, remand homes and other places of confinement;
- (c) among the uniformed forces; and
- (d) at all places of work and in all communities in Sierra Leone.

(3) In conducting the educational and information campaign, the Commission shall ensure the involvement and participation of persons and groups or bodies affected by HIV and AIDS, including persons living with HIV and AIDS.

(4) Any person who disseminates information on HIV and AIDS prevention using erroneous and false publicity and solicitations through any means of communications commits an offence.

HIV and AIDS to be in curriculum of educational institutions.

20. (1) The Ministry responsible for education, utilizing official information provided by the Ministry, shall integrate instructions on the causes, modes of transmission and ways of preventing and protecting against HIV and AIDS and other sexually transmitted diseases in subjects taught in public and private schools at primary, secondary and tertiary levels, including formal and non-formal systems, but the integration shall not be used for the sale or distribution of birth control devices.

(2) The formulation and adoption of the appropriate course contents, scope and methodology at each educational level shall be determined after consultation with the relevant stakeholders.

(3) Where the integration of HIV and AIDS education is not feasible or appropriate at any level, the Ministry responsible for education shall design modules of HIV and AIDS prevention and control, including life skills education.

(4) The Ministry responsible for education, after consulting the Ministry, shall ensure that every teacher or instructor of an HIV and AIDS prevention and control course is adequately trained and duly qualified to teach the course.

HIV and AIDS education as healthcare service.

21. (1) HIV and AIDS education and information dissemination shall form part of the delivery of healthcare services by healthcare providers.

(2) The training of healthcare providers shall include education on HIV-related ethical issues such as confidentiality, informed consent and the duty to provide treatment and support.

HIV and AIDS education in workplaces.

22. (1) The Government shall ensure the provision of basic and accessible information and instruction on HIV and AIDS prevention and control to—

- (a) employees of all Government Ministries, Departments, Agencies and local councils;

(b) employees of private and informal sectors.

(2) Information provided under subsection (1) shall cover issues such as confidentiality in the workplace and attitudes towards HIV-positive employees and workers.

23. Every local council, in collaboration with the Ministry, shall conduct educational and information campaigns on HIV and AIDS within its administrative area.

HIV and AIDS information in localities.

PART VI—SAFE PRACTICES AND PROCEDURES

24. (1) Any person who offers to donate any tissue shall, before the donation undergo an HIV test.

Testing of donated tissue.

(2) No health institution shall accept a donation of any tissue unless the donor has undergone an HIV test and the result is negative.

(3) Notwithstanding subsections (1) and (2), the proposed recipient of donated tissue or the immediate relatives of the recipient shall have the right to demand a second HIV test on the tissue before a transplant or other use of the tissue is made and the second test shall, except in the case of emergencies or life-threatening situations, be carried out.

25. (1) All donated blood shall, as soon as practicable after donation, be subjected to two HIV tests with an interval of a minimum of six weeks between the tests.

Testing of donated blood.

(2) Any blood tested under subsection (1) which is found to be HIV positive shall be disposed of in accordance with the guidelines on the disposal of medical waste, as soon as reasonably practicable after the result is obtained.

26. (1) The Minister shall, after consultation with the relevant registered professional associations of healthcare providers, prescribe guidelines on—

Guidelines on surgical and similar procedures.

- (a) precautions against HIV transmission during surgical, dental, delivery, embalming and similar procedures; and
- (b) the handling and disposal of cadavers, body fluids or wastes of persons with HIV to prevent transmission of HIV.

(2) The Minister shall at all times ensure the provision of protective equipment such as gloves, goggles and gowns to all healthcare providers and other personnel exposed to the risk of HIV infection.

(3) The Minister shall at all times ensure the provision of post exposure prophylaxis to healthcare providers in public health-care institutions and other personnel exposed to the risk of HIV infection.

Penalty for unsafe practices and procedures.

27. (1) Any person who, in the course of professional practice, knowingly or negligently causes another person to be infected with HIV through unsafe or insanitary practices or procedures contrary to this Act or any prescribed guidelines commits an offence.

(2) Notwithstanding the provisions of any enactment to the contrary, a court may, in addition to any penalty imposed for an offence under subsection (1)–

- (a) in the case of an institution, order the revocation or suspension of any business permit or licence in respect of the business of the institution; or
- (b) in the case of an individual, order the cancellation of the registration of the person in respect of the person's profession.

(3) The court may make an order of compensation to the infected person as it may think fit to be paid by the offender.

PART VII—TESTING, SCREENING AND ACCESS TO HEALTHCARE AND SUPPORT SERVICES

28. (1) Subject to this Act, no person shall compel another person to undergo an HIV test.

Prohibition against compulsory testing.

(2) No person shall compel another person to undergo an HIV test as a precondition for or the continued enjoyment of–

- (a) employment;
- (b) marriage;
- (c) admission into any educational institution;
- (d) entry into or travel out of the country; or
- (e) the provision of healthcare, insurance cover or any other service.

(3) Any person who contravenes subsection (1) commits an offence.

29. (1) Subject to subsection (2), no person shall undertake an HIV test on another person except–

Consent to HIV test.

- (a) with the voluntary informed consent written or otherwise, of that other person;
- (b) if that person is a child, with the voluntary informed consent, written or otherwise, of a parent or legal guardian of the child; but a child who is pregnant, a parent or is engaged in behaviour which puts her at risk of contracting HIV may in writing or otherwise, directly give voluntary informed consent to an HIV test;

- (c) if, in the opinion of the medical practitioner who wishes to undertake the HIV test, the other person has a disability by reason of which the person appears incapable of giving consent, with the consent of—
- (i) a legal guardian of that person;
 - (ii) a partner of that person;
 - (iii) an adult offspring of that person; or
 - (iv) the next-of-kin;
- (d) where that other person is required to undergo an HIV test under this Act or in any other enactment.
- (2) For the purposes of subsection(1)—
- (a) a person who offers to donate any tissue shall be deemed to have consented to the HIV test required under section 24;
 - (b) a person who offers to donate blood shall be deemed to have consented to the HIV test required in respect of the blood under section 25.
- (3) Any person who contravenes subsection (1) commits an offence.
- (4) The Government shall—
- (a) through the educational or information campaign conducted pursuant to section 19 encourage voluntary testing of individuals;

- (b) provide a mechanism for anonymous HIV testing and guarantee anonymity in the conduct of such tests.
- 30.** (1) No person shall carry out an HIV test except in a testing centre approved by the Minister under this section. HIV testing centres.
- (2) No person shall carry out an HIV test unless the person is a healthcare provider approved by the Minister for that purpose.
- (3) No person shall provide pre-test or post-test counseling for the purposes of section 31 unless the person is approved by the Minister.
- (4) The Minister may, by statutory instrument, make regulations prescribing—
- (a) the standards and procedures for the approval of testing centres for the purposes of this Act;
 - (b) the standards and procedures for the approval of healthcare providers for the purposes of subsection (2); and
 - (c) guidelines for the provision of pre-test and post-test counseling services at testing centres, including the standards and procedures for approval of persons qualified to provide the services.
- (2) Any person who contravenes any provision of this section commits an offence.
- 31.** (1) Every testing centre shall provide pre-test and post-test counseling to a person undergoing an HIV test and any other person likely to be affected by the results of the test. Pre-test and post-test counseling.

(2) The Minister shall enhance the capacity of testing centres by ensuring the training of competent personnel to provide the services required by this Act to be provided at the centres.

Confidentiality of HIV tests.

32. The results of an HIV test shall be confidential and shall only be released—

- (a) to the tested person;
- (b) in the case of a child, to a parent or legal guardian of the child; but where the child consents to an HIV test directly under paragraph (b) of subsection (1) of section 29, the result shall be released to the child; or
- (c) in the case of a person with a disability which in the opinion of the medical practitioner undertaking the test renders the person incapable of comprehending the result, to—
 - (i) the legal guardian of that person;
 - (ii) a partner of that person;
 - (iii) a parent of that person; or
 - (iv) an adult offspring of that person.

Access to healthcare services.

33. (1) Every healthcare institution, whether public or private and every health management organization or medical insurance provider shall facilitate healthcare services to persons with HIV without discrimination on the basis of HIV status.

(2) The Government shall, to the maximum of its available resources, take steps necessary to ensure access to essential healthcare services including reproductive healthcare services and essential medicines, including paediatric medicines at affordable prices by persons living with HIV or AIDS and those exposed to the risk of HIV infection.

34. Local councils shall provide community-based HIV prevention and care services in collaboration with governmental agencies, non-governmental organizations, persons with HIV and groups most at risk of HIV infection. Community based services.

35. (1) No person shall disclose any information relating to the result of an HIV test or any related assessments to any other person except— Disclosure of information.

- (a) with the written consent of that person;
- (b) if that person is a child, with the written consent of a parent or legal guardian; but any child who is pregnant, married, a parent or is engaged in behaviour with a risk of contracting HIV may, in writing directly consent to the disclosure;
- (c) if that person is unable to give written consent, with the oral consent of that person or with the written consent of the person with power of attorney for that purpose;
- (d) if in the opinion of the medical practitioner who undertook the test, that person has a disability by reason of which the person appears incapable of giving the consent, with the written consent, in order, of—
 - (i) a legal guardian of that person;
 - (ii) a partner of that person;
 - (iii) a parent of that person; or
 - (iv) an adult offspring of that person.

- (e) to a healthcare provider who is directly involved in providing healthcare to that person, where knowledge of the patient's diagnosis of HIV infection or AIDS is necessary or relevant to making clinical decisions in the best interest of that person;
- (f) for the purpose of an epidemiological study where the release of the information cannot be expected to identify the person to whom it relates;
- (g) by order of a court, where the information contained in the medical records is directly relevant to the proceedings before the court;
- (h) if the person to whom the information relates dies, to the Registrar of Births and Deaths appointed under the Births and Deaths Registration Act, 1983.

Act No. 11
of 1983.

Livelihood
programmes.

36. The Government shall make livelihood, self-help and co-operative programmes accessible and available to all persons including children infected with or affected by HIV and all HIV and AIDS and those persons shall not be deprived of full participation in any livelihood, self-help and cooperative programmes because of their health status.

(2) The study shall be guided by the principle that access to health insurance is part of a person's right to health and is the responsibility of the State and society as a whole.

PART VIII—TRANSMISSION OF HIV

Prevention of
transmission
of HIV.

37. (1) A person who wilfully transmits HIV to another person commits an offence and is liable on conviction to a fine not less than twenty million Leones or to a term of imprisonment not less than five years or to both the fine and imprisonment.

(2) No person commits an offence under subsection (1) where the transmission of HIV or exposure to the risk of HIV infection arises out of or relates to—

- (a) an act that poses no significant risk of HIV;
- (b) a person living with HIV who is unaware of his HIV infection at the time of the offence;
- (c) a person living with HIV who lacked understanding of how HIV is transmitted at the time of the alleged offence;
- (d) a person living with HIV who practiced safe sex including the use of condoms;
- (e) a person living with HIV who disclosed his HIV positive status to the sexual partner or other person before any act posing a significant risk of transmission;
- (f) a situation in which the sexual partner or other person is in some other way aware of the person's HIV-positive status;
- (g) a person living with HIV who did not disclose his HIV status because of a well-founded fear of serious harm by the other person or the possibility of transmission of HIV from a woman to her child before or during the birth of the child or through breast feeding of a child.

(3) A healthcare provider providing treatment, care or counseling service to a person with HIV may notify a sexual partner of the person living with HIV where he is requested by the person living with HIV to do so.

(4) A request under subsection (3) shall be in the prescribed form.

(5) On receipt of a request made under subsection (3), the healthcare provider shall, whenever possible, comply with the request.

(6) A healthcare provider who informs a sexual partner as provided in subsection (5) shall not by reason only of that action be in breach of this Act.

PART IX—MONITORING OF PREVALENCE OF HIV

monitoring of prevalence of HIV.

38. The Secretariat shall be responsible for monitoring HIV to determine the magnitude and progression of HIV infection in Sierra Leone, and evaluating the adequacy and efficacy of the counter-measures being employed to combat the spread of HIV.

PART X—DISCRIMINATORY ACTS AND POLICIES

Discrimination in the work-place.

39. (1) No person shall be denied access to any employment for which the person is qualified, or transferred, denied promotion or have his employment terminated on the grounds only of his actual, perceived or suspected HIV status.

Discrimination in schools.

40. No educational institution shall deny admission, expel, discipline, segregate, deny participation in any event or activity or deny any benefits or services to a person on the grounds only of the person or parents actual or perceived or suspected HIV status.

Restriction on travel and habitation.

41. (1) A person's freedom of abode, lodging or travel within or outside Sierra Leone shall not be denied or restricted on the grounds only of the person's actual, perceived or suspected HIV status.

(2) No person shall be quarantined, placed in isolation, refused lawful entry or deported from Sierra Leone on the grounds only of the person's actual, perceived or suspected HIV status.

42. No person shall be denied the right to seek an elective or other public office on the grounds only of the person's actual, perceived or suspected HIV status. Inhibition from public service.

43. (1) Subject to this Act, no person shall be compelled to undergo an HIV test or to disclose his HIV status for the purpose only of gaining access to credit or insurance or the extension or continuation of such service. Exclusion from credit or insurance services.

(2) An insurer, re-insurer or health maintenance organization shall, in the case of life and health service insurance cover, devise a reasonable limit of cover for which a proposer shall not be required to disclose his HIV status.

(3) Where a proposer seeks a cover exceeding the no-test limit devised under subsection (2) the insurer, re-insurer or health maintenance organization may, subject to this Act, require the proposer to undergo an HIV test.

(4) Where a proposer elects to undergo an HIV test pursuant to subsection (3) and the results are positive, the insurer or re-insurer may impose a reasonable additional sum to the premium ordinarily levied for the cover sought.

(5) A person aggrieved by a determination as to what is reasonable for the purpose of this section may appeal to the Commissioner of Insurance in accordance with such procedure as may be prescribed and the Commissioner of Insurance shall make a determination on the basis of statistical and actuarial principles and other relevant considerations.

(6) A person aggrieved by a determination made under subsection (5) may appeal within thirty days to the court.

Discrimination in health institutions. **44.** No person shall be denied access to healthcare services in any health institution or be charged a higher fee for any services, on the grounds only of the person's actual, perceived or suspected HIV status.

Denial of burial services. **45.** A deceased person who had AIDS or was known, suspected or perceived to be HIV positive shall not be denied access to any burial services on the grounds only of the deceased person's health status.

Prohibition of denial of access to restaurants and other public places. **46.** No person shall be denied access to a restaurant or other place to which the public has access, by reason only of his HIV status or perceived HIV status.

Prohibition of hate speech etc. **47.** No person shall incite hatred towards, contempt for or ridicule of another person or group of persons on the ground that the other person or group of persons is or are living with HIV or is or are perceived to be living with HIV.

Offence. **48.** Any person who contravenes any of the provisions of this Part commits an offence.

PART XI—RESEARCH

Research. **49.** Subject to section 50, no person shall undertake HIV or AIDS related biomedical research on another person or on any tissue or blood removed from the person unless the research conforms to such guidelines as the Minister may issue.

50. (1) No person shall undertake HIV and AIDS related biomedical research on another person or on any tissue or blood removed from the person except—

- (a) with the voluntary informed consent of that other person; or
- (b) if that other person is a child, with the written informed consent of a parent or legal guardian of the child.

(2) The person whose consent is sought to be obtained under subsection (1) shall be adequately informed of the aims, methods, anticipated benefits and the potential hazards and discomforts of the research.

51. Any person who contravenes any of the provisions of this Part commits an offence.

PART XII—MISCELLANEOUS

52. (1) A person convicted of an offence under this Act which no penalty has been prescribed shall be liable to a fine not exceeding twenty million leones or to a term of imprisonment not less than five years or to both the fine and imprisonment.

53. Subject to this Act the Commission may, by statutory instrument, make regulations—

- (a) for prescribing anything required by this Act to be prescribed; or
- (b) generally for carrying out the purposes of this Act.