

Islamic Republic of Afghanistan

Number: 16838
Date: 18/01/2007

Dear Sarwar Danesh, The Minister of Justice:

The Law on Public Health which has been enacted in 8 chapters and 34 Articles based on approval number 34 date 08.01.2007 of Ministers' Council, and endorsed by my side as a legislative decree number 97 date 17.01.2007, is sent to you in order to be published in official gazette.

Hamed Karzai
The President of
Islamic Republic of Afghanistan

Decree
Of the President of Islamic Republic of Afghanistan
Regarding Enforcement of Law on Public Health

Number: 97
Date: 17/01/2007

Article 1:

I, hereby, enforce the law on public health which is approved in 8 chapters and 34 Articles by approval number 34 date 08.01.2007 of Ministers' Council, pursuant to the provision of Article 79 of Afghanistan Constitution.

Article 2:

The Minister of Justice and the Minister of Parliamentary Affairs are obliged to present this law to the parliamentary in 30 days from the date of the first parliamentary session.

Article 3:

This legislative decree is effective from the date of enforcement and shall be published to the Official Gazette.

Hamed Karzai
The President of
Islamic Republic of Afghanistan

Index of the “Public Health Law”

Chapter One

General Provisions

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Chapter Six

Law on Public Health

Chapter One General Provisions

Bases

Article 1:

This law has been enacted according to the provisions stated in articles 52, 53 and 54 of

- (2) Red Cross and other social organizations shall cooperate with the Ministry of Public Health in ensuring sanitary of residence of the country, in case unexpected incidences occur.
- (3) Issues related to environmental hygiene shall be organized in a separate document.

The basic duties of the Ministry of Public Health

Article 5:

The Ministry of Public Health shall take the following actions in order to ensure health of the residents of the country:

1. Protective measures in order to prevent and decrease the spread of flowing diseases with more consideration to medical care for child and the mother.
2. Providing medical and protective first aid services.
3. Precautions for providing protective medical care and environmental hygiene for employees of governmental and non-governmental organizations.
4. Supervision of irrigation networks and drinkable water and quality food stuff for residents of the country.
5. Conducting medical trainings and spreading information and awareness for improvement of individual sanitary level and protect against dangerous flowing diseases.
6. Develop and extend medical facilities of clinics, hospitals, medical centers and pharmacies.
7. Procurement of medical instruments and medical substances for coping with medical needs of the residents of the country and providing medical facilities in this area.
8. Develop and evolution of medical employees' training system, increase professional level of the doctors and extend scientific researches in different fields of prevenenevleend evol fes if4(e)10.7governna8. 4Proioheift He
- 8.

- (2) Incumbents of places and organizations stated in paragraph (1) of this Article are obliged to follow the medical instructions provided by the Ministry of Public Health.

Supervising Sale of Medical Services

Article 7:

Providing Medical First Aid

Chapter Three

Preventive and Treatment Services

Providing Medical Services

Article 16:

Medical services shall be provided for all people through Medical organization networks by presenting first Aid in the fields of protecting health, improvement of health, restoration of health, treatment of patients and rehabilitation.

Duties of Industrial Organizations

Article 17:

Governmental industrial organizations and private sectors are obliged to take steps for preventing on-site injuries, rampancy of diseases and restitution of work ability, in collaboration with public health organizations.

Providing Emergency Assistance

Article 18:

Medical Services shall be provided without any discrimination and considering the priority, for victims of unexpected incidents and people who need emergency assistance, by the nearest health organization.

The use of legal medical substances

Article 19:

Doctors and pharmacist can use medical substances included in legal medicine list, while doing their jobs regarding prevention, diagnose and treatment of diseases.

Obtain Agreement for Surgical Operations

Article 20:

Surgical Operations and application of complex diagnosing methods for treatment and realization of disease, shall be occurred the soonest after a written agreement of the patient and if the patient is not in the lawful age or has a mental problem, it shall be done by agreement of parents, relatives or official guardian.

In emergency cases in which any delay in diagnosing and treatment can put the life of the patient in a danger, and obtaining the parents, legal guardian or relatives agreement is not available, the surgical operation shall happen after written approval of Doctors' Council without agreement of the patient.

Medical Mandatory measures

Article 21:

Public Health Offices and directorates shall notice special measures for maintaining public health against dangerous flowing diseases, psycho diseases and addictions to narcotics. When needed, people affected by those diseases shall be admitted to the hospital by force.

Statement for Providing Medical Services

Article 22:

Statement for providing medical services for all employees including newly recruited employees in industrial and services organizations of the country, and provision of health certificates shall be prepared by the Ministry of Public health.

Chapter Four Protection of Child and the Mother

Medical Care for Child and Mother

Article 23:

The ministry of public health is obliged to take the following measure in order to protect the health of child and mother:

1. Establishment of medical services organizations, centers for child and mother protection and maternity hospitals.
- 2.

- (3) The schedule for check up and other medical care for infants in orphanages, children in schools and kindergartens shall be organized by the ministry of public health in collaboration with the ministry of education and other related directorates.

Chapter Five

Providing Medical Preventive and anti-Epidemiological Services

Following Preventive Precepts

Article 25:

- (1) The ministry of public health provides appropriate conditions for preventive and anti-epidemiological services for people with considering required measures, the related issues of which shall be organized in a separate legislative document..
- (2)

Determination of medical effectiveness

Article 28:

Medical substances are produced by drug manufacturers, permitted by the ministry of public health after determination of medical and pharmacological effectiveness of the product.

Organization of issues related to medicine

Article 29:

Issues related to selection, production, distribution, supply, stocking and appropriate use of the medicine in the country is organized by a special law.

Chapter Seven

Chapter Eight

Miscellaneous Provisions

Neglecting and Carelessness

Article 32:

If a medical employee neglects or stays careless while treating patients which causes the patient a physical or psychological detriment, the perpetrator is considered to be responsible and shall be prosecuted according to provisions of the law.

Regulations

Article 33:

- (1) The ministry of public health can prepare and process regulations in order to implement the provisions of this law in a better way.
- (2) In case the provision stated in the paragraph (1) of this article is violated, violators will be dealt with in accordance to the provisions of the related regulations.

Enforcement

Article 34:

This law shall be effective from the date of