

# **LAW 238**

**“LAW OF PROMOTION,  
PROTECTION AND DEFENSE  
OF HUMAN RIGHTS**

**WITH REGARD  
TO AIDS AND THE**

**RULING OF  
LAW No. 238**



## PRESENTATION

The Government of Nicaragua through the Ministry of Education, Culture and Sports (MECD), in collaboration with the Nicaraguan Commission on HIV/AIDS and the Global Fund – financier of the project called Nicaragua, Compromise and Action against AIDS, Tuberculosis and Malaria (NIC-202-GO3-H-00) – concerned about improving the access to information and communication allowing the protection of human rights of the people affected by HIV/AIDS, including their non discrimination by the society at large, make available the Law 238 “Law for the Promotion, Protection and Defense of Human Rights in the presence of HIV/AIDS” and its bylaws, translated to Miskitu, Mayangna and English.

The translation of this document was possible thanks to the support and active participation of the people from the North and South Autonomous Regions, whom contributed with their Knowledge and abilities to a document that reflects the multiculturalism of the country.

Our Nicaraguan Government, represented by the Ministry of Education, Culture and Sports (MECD) kindly thanks all the people, institutions and organizations of the civil society for their collaboration to make widely known the Law 238.

*Miguel Angel García Gutiérrez*

Minister of Education, Culture and Sports



**LAW No. 238**

The President of the  
Republic of Nicaragua

Make it known to the  
people of Nicaragua that:

The National Assembly of the  
Republic of Nicaragua

In use of its powers:

Has dictated the following:

**“LAW OF PROMOTION,  
PROTECTION AND DEFENSE OF  
HUMAN RIGHTS**

**WITH REGARD TO AIDS**

**CHAPTER I****OF THE OBJECT AND SCOPE OF  
THE LAW**

**Article 1.-** The present Law has as objective to guarantee the respect, promotion, protection and defense of human rights, in the prevention of the infection by the Human Immunodeficiency Virus (HIV) and in the treatment of the Acquired Immunodeficiency Syndrome (AIDS).

The foundations of its dispositions are the right to life and health, the human rights expressed in declarations, agreements or conventions contained in Article 46 of the Political Constitution, the ethnic principles of no discrimination, confidentiality and autonomy, which should rule its application and the norms that result from them.

**Article 2.-** The rights and duties consigned

in this present Law are effective for all Nicaraguan citizens and foreign people who live in the national territory: Its dispositions are applicable both to natural and legal people.

## CHAPTER II

### CONCERNING THE RIGHTS

**Article 3.** - In the prevention and control of HIV/AIDS human rights must be secured, non discrimination, confidentiality and personal autonomy.

**Article 4.-** In the exercise of their right to inform, the media will give truthful and scientific information that contributes to the prevention of HIV/AIDS, respecting private life, personal prestige according to Article No. 26 of the Political Constitution and the Rights contained in the present Law.

**Article 5.-** No one will be subject to tests in order to detect de presence of anti-bodies to HIV without knowing and expressed consent. The people who request the practice of such tests will give his/her authorization in written form, personally or through his/her representatives o guardians in their case. For donors of blood this authorization is implicit to the donation.

**Article 6.-** The written authorization referred to in the previous Article of this present Law is not a demand in private or state laboratories where people go to practice their tests voluntarily.

**Article 7.-** The results from the anti-bodies to HIV tests should be communicated in a confidential manner, personal or through a counselor according to the dispositions dictated for such effect. The document with the results can never be used as a publicity element or in any other way different from

the scope of the person's health, except as element of proof in a trial.

**Article 8.-** The investigation with human beings for purposes of prevention and treatment of HIV/AIDS should have the consent of the people involved, who will give their approval with a criteria of independence, without fearing reprisal previous knowledge of the risks, the benefits and the options to his/her disposition.

### CHAPTER III

#### CONCERNING THE PREVENTION

**Article 9.-** The initiatives of fight against AIDS driven both by public and private organizations will promote the participation of the people who live with HIV, in the communities or in their organizations.

**Article 10.-** The public and private entities

who due to their nature carry out functions of information, communication or formal or non-formal education, will include in their plans of prevention of HIV/AIDS for all the population, focusing their contents and messages according to the cultural differences or their behaviors.

**Article 11.-** The public or private entities involved in the struggle against HIV/AIDS will promote the specialization of human resources and investigations, with the purpose of updating their focus and policies to the advances in the knowledge of this pandemic. Policies related to the same will be included in the institutional planning concerning training and development of human resources.

**Article 12.-** All methods of prevention of sexually transmitted disease, scientifically accepted, will be widespread and the people will have access to the same.

**Article 13.-** The corresponding associations and group of professionals should share among its members actualized scientific information, measures and norms of protection related to HIV/AIDS, as well as ethical principles and deontological norms.

**Article 14.-** Sanitary education directed to personal at hospitals, banks of blood, clinical laboratories, public or private medical clinics will include scientific information, ethical and human norms to be observed with the people from the moment they request the test of anti-bodies to HIV.

**Article 15.-** Preventive education actions will be promoted and services related to HIV/AIDS directed specifically to population of rehabilitation centers, penitentiary and mental health.

**Article 16.-** It is an obligation of the State or of the private enterprises to take measures,

universal norms and means of bio-security to prevent health personnel workers from being infected with HIV.

**Article 17.-** The sanitary authorities will keep information about incidences and prevalence of the HIV/AIDS, guaranteeing the person's privacy.

**Article 18.-** Drugs, substances of any nature and the medicines for the treatment of HIV/AIDS should be duly approved by competent institutions of the country of origin and must be authorized by the Ministry of Health and administered under Medical supervision.

## CHAPTER IV

### OF THE PEOPLE WHO LIVE WITH HIV/AIDS

**Article 19.-** The State will promote services of attention to the people who live with HIV/

AIDS, that will secure counseling, advise, support and treatment, individually or in group. This attention could be at hospital, at home or ambulatory and it will be designed to take care of their physical, psychological or social needs.

**Article 20.-** The authorities will secure the rights and inherent guarantees to the human condition of the people who live with HIV/AIDS, interned in rehabilitation centers, mental health or deprived from their freedom, giving them the necessary dispositions.

**Article 21.-** The people who live with HIV/AIDS have right to move freely within the national territory.

**Article 22.-** The people who live with HIV have a right to work and they can carry out tasks according to their capacity. The infection of HIV cannot be considered as an impediment to contract nor as a cause to terminate labor relation.

**Article 23.-** The working people who live with HIV/AIDS will receive the social security benefits, according to the dispositions of the competent authorities, that guarantee what is established in the Law of Social Security and its Ruling.

**Article 24.-** The people who live with HIV/AIDS and their children have right to an education. They cannot be denied access to education centers.

**Article 25.-** The people who live with HIV/AIDS have right to practice sports and to participate in activities of recreation. They will be included in the general measures of health, sport and in those pertaining to HIV/AIDS prevention.

**Article 26.-** The people who, living with HIV, request it, will receive information, counseling and services of reproductive health and family planning.

**Article 27.-** The people who lives with HIV/ AIDS will not be obligated nor coerced to share information to the health personnel about his/her private life or his/her sexual contacts.

**Article 28.-** Whenever intern hospital assistance is necessary for people with AIDS, their isolation cannot be justified, except when it is for the benefit of the persons, in order to protect them from other infections.

**Article 29.-** The competent authority will guarantee medical assistance to people who live with HIV/AIDS. In case of refusal, a deontological expedient should initiate.

**Article 30.-** The people with AIDS, have right to receive warm human attention, that will permit them to have a dignified death. No one should be discriminated during their funeral services because of dying from AIDS.

**CAPITULO V****OF ITS APPLICATION**

**Article 31.-** Created the Nicaraguan Commission of AIDS (CONISIDA), integrated by delegates of legal persons, public or private, interested in offering attention and focus efforts in the struggle against AIDS.

**Article 32. -** The Nicaraguan Commission of AIDS (CONISIDA) will be under the present Law and the ruling to which effect will be dictated and will be made up of :

- a) A delegate from the Ministry of Health who will preside.
- b) A delegate from the Ministry of Education, Culture and Sports.
- c) A delegate from the Ministry of Labor.
- d) A delegate from the Ministry of the Interior.

- e) A delegate of the Social Security Institute
- f) Two delegates for the Non Governmental Organizations (NGO's) who promote the prevention and attention of AIDS.
- g) A delegate from the Health Commission at the National Assembly
- h) Three delegates (one for each of the Human Rights commissions)
- i) A delegate from the most represented organization of the health workers.

**Article 33.** - The Nicaraguan Commission of AIDS (CONISIDA) will have among its objectives:

- a) Establish actions that go towards prevention of HIV/AIDS.
- b) To see that the present Law is applied, its ruling and internal norms.

- c) To pass judgment about the design of strategies and policies of prevention, support, attention and control of HIV/AIDS.
- d) Promote and provide inter-institutional, non-governmental and international coordination.

**Article 34.-** The General Budget of the Republic must include a special financial consignment which will be created for that effect, with the objective of supporting the tasks of the commission. The commission can negotiate funding with the private enterprises and the international community in order to finance its activities.

**Article 35.-** The governmental institutions, in coordination with the commission, will dictate the necessary measures for the prevention of HIV/AIDS, encouraging the participation of the State entities, the associations and organizations from the

civil society, private enterprises and society as a whole.

**Article 36.** - The Nicaraguan Commission of AIDS is the executive organism of the present Law; as such, it has the faculty to control, supervise its fulfillment and to impose ethical sanctions according to its Rule.

**Article 37.** - The presumed transgressors, before being sanctioned, must be heard, receiving any type of proofs that are presented, within 6 days after they are informed.

Against the resolution there is time for an appeal before the Ministry of Health within 48 hours after being informed. In the writing on the appeal the offense that proceed must be expressed. The Ministry of Health will dictate resolution within a term of 10 days with which the administrative channel is exhausted.

**Article 38.-** The use of blood and its by-products are prohibited for commercial purposes. The blood and organs banks will be authorized and supervised by the Ministry of Health.

**Article 39.-** The present Law abolish any Law, Decree, Ruling or administrative agreement that opposes it and it will be ruled by the President of the Republic within the time established by the Political Constitution.

**Article 40.-** The present Law will be valid from the moment of its publication through any means of written social communication, without harming its later publication through the Official Newspaper (LA GACETA).

Given in the city of Managua, in the Hall of Sessions of the National Assembly, on the twenty six day of the month of September of the year nineteen hundred and ninety

six. Adolfo Jarquín Ortel, President of the National Assembly for the Law. Jaime Bonilla, Secretary of the National Assembly, Secretary.

### **THEREFORE**

Use as a Law of the Republic, Publish it and Execute it. Managua, fourteenth of October of nineteen hundred and ninety six. Violeta Barrios de Chamorro, President of the Republic of Nicaragua.

**RULING OF THE  
LAW No. 238**

**LAW OF PROMOTION, PROTECTION AND  
DEFENSE OF HUMAN RIGHTS  
WITH REGARD TO AIDS**

**DECREE NATIONAL ASSEMBLY No. 2378**

**THE PRESIDENT OF THE  
REPUBLIC OF NICARAGUA**

HEREBY MAKE KNOWN TO THE  
NICARAGUAN PEOPLE THAT:

THE NATIONAL ASSEMBLY OF THE REPUBLIC  
OF NICARAGUA

IN USE OF ITS POWERS:

HAS DICTATED

The following:

**RULING OF THE LAW No. 238  
LAW OF PROMOTION, PROTECTION AND  
DEFENSE OF HUMAN RIGHTS  
WITH REGARD TO AIDS**

**CHAPTER I**

**Article 1.-** The present Ruling has as its purpose establish the norms of application and interpretation of the Law No. 238 “**LAW OF PROMOTION, PROTECTION AND DEFENSE OF HUMAN RIGHTS WITH REGARD TO AIDS**”.

**Article 1.-** When it is spoken about law in this disposition, it will be understood that it refers to the “Law of Promotion, Protection and Defense of Human Rights in regard to AIDS” and when we speak of Ruling, it will be understood that it refers to the present Ruling.

**CHAPTER II**

**Article 3.-** For the results of this Ruling it will be understood as:

***No Discrimination:*** The attitude that the private and public organizations should observe when dealing with people who live with the HIV/AIDS and that are vulnerable to the epidemic, with the same respect and attention that are given to other people.

***Confidentiality:*** The obligation of all private and public organizations and of all the people who in their activities and profession, who, directly or indirectly have knowledge of these cases, will not publish in public and/or private spaces the name, address, clinical-epidemiological data or others, that would identify the people who live with HIV/AIDS, or that could affect their private, economic, social, political and cultural life.

***Personal Autonomy:*** The acknowledgment and respect of all people natural or legal, to the legal capacity of the people who live with HIV/AIDS to take decisions about their health to preserve their lives, relying on

scientific information, truthful and ethical that are offered by competent private and public organizations.

**Article 4.-** The State institutions, especially the Ministry of Health and the organizations from the civil society, linked to the promotion, protection and defense of human rights in regard to AIDS, will, systematically, offer scientific and truthful information from the perspective of human rights to the different means of social communication.

The means of social communication, the journalists, editors, directors of the media and the natural or legal persons who do not respect the anonymity and privacy of the people who live with HIV/AIDS or refer to them in ways that hurt or harm their human dignity, can be denounced before the Attorney for the Defense of Human Rights or in the common courts according to the nature and seriousness of the fault.

The amount of the fine should be cancelled in the office of the Ministry of Treasury and Public Credit, according to what is established by the Tax Law.

The Ministry of Health should contemplate in its annual budget an amount for the functioning of the Nicaraguan Commission of AIDS (CONISIDA).

**Article 5.-** In order to get a job, study or to receive health service, on the part of the employees or their representatives, in public or private institutions, national and foreign, educational centers at all levels, health centers for primary, secondary or tertiary attention for the government or the civil society. Whosoever solicit or demand these tests from their workers, students, or patients as a condition for the beginning or continuation of a labor relation: the admission and maintenance of the condition of the student

and the admission and hospital attention to the patient, will be sanctioned with a fine from 20 to 60 thousand córdobas with the sustenance of value. The amount of the fine should be informed according to what is established in Article 4 of this ruling.

**Article 6.-** The clinical laboratories and/or epidemiologic, private or public, will not demand those to whom tests are applied to detect HIV/AIDS, their name, address nor information concerning their family. They can only request statistic data, but not personal data, familiar or domiciliary. They must be given the option to identify themselves as they wish or want.

**Article 7.-** It is the obligation of the clinical or epidemiologic laboratories that do tests to detect the HIV/AIDS, to first, offer counselling to the person who is interested; also, after sharing the informations of the

results according to the norms of counselling dictated by the Ministry of Health.

These laboratories should have written information concerning the nature of the tests for the detection of HIV/AIDS, the measures of prevention and scientific information about the medical attention to the people who live with HIV/AIDS to supply it to the counselling office.

**Article 8.-** The result from the HIV/AIDS test can only be delivered to the interested person. However, if there should be a criminal cause against the person who live with the HIV/AIDS because of sex crime, a copy of the same can be delivered to the respective Judge, upon previous request, excepting only those cases foreseen by the Law or in this present Ruling.

**Article 9.-** The natural or legal persons who carry out investigations about prevention and

treatment of HIV/AIDS in human beings, must explain to them the risks, benefits and options to their disposition. Not complying with this obligation, they will be sanctioned with fines up to fifteen thousand córdobas with sustenance of value.

Concerning clinical investigations for the treatment of HIV/AIDS, they should be evidence that the person who is going to be the object of investigation was sufficiently informed, as well of his/her respective authorization, it should be stated in public document before a Notary. In the case of socioanthropological investigations the signature of the person must be attached in a format pre-established, for which the Ministry of Health should accredit the investigators.

**CHAPTER III****CONCERNING THE PREVENTION**

**Article 10.-** The participation of the persons who live with HIV/AIDS should be guaranteed with the following actions:

1. Promote their integration in working commissions, instances of coordination, networking and others between the State and the civil society at a communal, municipal, regional and national level, as well as the involvement of these persons within their institutions with concrete actions.
2. Support their organization in groups with territorial criteria that facilitate the active integration of these persons according to their interests and capacities.

3. Facilitate their integration in the process of elaboration, implementation, monitoring and evaluation of policies, plans, programs and projects at national and local levels; as well as to support actions of empowering to endow with the necessary tools to increase their capacity of decision taking.

**Article 11.-** The Ministries of Health, of Education, Culture and Sports; of the Family; the Nicaraguan Woman's Institute, the National Commission of the for protection of the Rights of Boys and Girls; the Social Action Secretariat and other public entities, as well as the Nicaraguan Commission of AIDS (CONISIDA), other non governmental organizations, the public and private universities, educational centers of primary and secondary education, the media of communication spoken, written and televised, will include in their contents

and messages for the prevention of HIV/AIDS, the cultural differences, of gender, of ethnicity and generation or of the behavior of the population and according to how it is established in the National Strategic Planning for the Prevention of HIV/AIDS, as an agreeable and joint action between the State and the civil society.

**Article 12.-** The organizations pointed out in Article 11 of the Law, will promote the theme in general of HIV/AIDS.

**Article 13.-** To execute the disposition established in Article 12 of the Law, the governmental and non-governmental institutions will contract spots in radio stations and television and in national daily newspapers; also audiovisuals materials will be elaborated to be distributed on the streets, in schools, work centers in which the population will be informed and educated in a scientific way and from the perspective of

human rights, about the methods of prevention of the sexually transmitted diseases and include in the academic curricula of primary and secondary State education the topic of sexual education in a scientific manner.

**Article 14.-** Every trimester the Ministry of Health will deliver to the associations and professional schools scientific information, ethical and norms of bio-security related to HIV/AIDS.

The respective association will guarantee that such information be received by each one of its members.

**Article 15.-** The Ministry of Health will sanction in a gradual manner with provisional closing until its definitive closure the function of hospitals, blood banks, clinical laboratories or private medical information bureau, if these do not include in their programs of sanitary education, scientific

information, ethical and human norms, to be applied in the attention of persons with HIV/AIDS from the moment of its detection.

**Article 16.-** The directions of the tutalage centers, penitentiaries and mental health, will develop preventive education plans and of services related with HIV/AIDS for its populations with the support of governmental and non-governmental entities linked to the fight against HIV/AIDS.

It correspond the governmental and non-governmental entities linked to the fight against HIV/AIDS to promote actions referred to in Article 15 of the Law.

**Article 17.-** The measures, universal norms and means of bios-security referred to in Article 16 of the Law, will be dictated by the Ministry of Health through ministerial decree. Whichever employer that does not guarantee its employee, the norms of bio-

security dictated by the Ministry of Health, will be sanctioned at a gradual manner with temporal closing until its definitive closing anytime this is violated; the employees can denounce its unfulfillment individually or as a group.

Every center that is dedicated to health work, should have in visible places the norms established by the Ministry of Health (MINSA); these must be known to the personnel that labor in these centers for its respective compliance.

**Article 18.-** For the effects of Article 17 of the Law, the epidemiological reports of incidence and prevalence of the HIV/AIDS, as well as investigations and studies that the Ministry of Health carries out, should give trimestral, semestral and annual reports to the Ministries and public entities, as well as to non-governmental organizations, public and private universities, thus guaranteeing

confidentiality; it will not include names, only data as: sex, age, social, cultural and economic conditions. A sanction will be established which will be ruled by the Nicaraguan Commission of AIDS (CONISIDA) and executed by the Ministry of Health.

**Article 19.-** The drugs and medicines to be used in the treatment of the people affected by the HIV/AIDS, according to what is established in Article 18 of the Law, to be administered should be stated in the corresponding health register.

## CHAPTER IV

### OF THE PERSONS WHO LIVE WITH THE HIV/AIDS

**Article 20.-** For the effect of the compliance of Article 19 of the Law. The Ministry of Health through a ministerial agreement in

consensus with the Nicaraguan Commission of AIDS (CONISIDA), will dictate the norms of attention that regulate the services of counselling, advising and support and the hospital, domiciliar and ambulatory treatment.

In the same manner, the counselling, psychological attention and the administration of treatments, will be guaranteed by the Ministry of Health, the Nicaraguan Institute of Social Security and the voluntary non-governmental organizations dedicated to this task, can support these services.

**Article 21.-** The authorities of hospital and penitentiary centers and mental health, will guarantee the human rights of the persons who are intern and/or deprived of their liberty who live with the HIV/AIDS. The Attorney for the Defense of Human Rights will supervise periodically the compliance of these dispositions.

**Article 22.-** For the effects of the compliance of Article 22 of the Law. The persons who, because of living with the HIV/AIDS, have not been contracted or have been dismissed for this cause, can recur to the Labor Office in his or her community, who will be the competent authority to guarantee the compliance of this right, according to how it is established in the Codes of Labor Laws.

**Article 23.-** The working people who are insured under the regime of social security be it State and private national or foreign who live with HIV/AIDS and sicknesses similar to it, are entitled by right to receive all the established benefits without discrimination. In the case of invalidness medically certified, they will proceed to give all the requested benefits within a fixed term no more than thirty days.

**Article 24.-** For the effect of compliance

with Article 24 of the Law, the Ministry of Education, Culture and Sports, is the competent authority to guarantee through its delegations and principals of schools, the right to education and sport for the persons who live with HIV/AIDS and their families.

**Article 25.-** The Ministries of Health; of Education, Culture and Sports; of the Family; of the Nicaraguan Woman's Institute; of the National Commission for the Protection of the Rights of Boys and Girls; the Social Action Secretariat and other public entities, as well as the social groups and the non-governmental organizations that work with HIV/AIDS, are responsible to offer training and information, counseling in sexual and reproductive health to the persons who live with HIV/AIDS, as well as the services of attention, according to the nature of the institution or organization.

**Article 26.-** Those who live with HIV/AIDS could, voluntarily, offer information to the authorities of the Ministry of Health concerning their family. At no time they will be obligated or coerced by no health personnel. If this was to happen they will be sanctioned with a fine from one thousand to five thousands córdobas with the sustenance of value.

**Article 27.-** The health personnel from private and public hospitals who isolate physically and/or emotionally or who reject because of their condition of living people who live with HIV/AIDS and do not offer them the necessary caring according to the established norms of procedures, will be sanctioned with fines from three to five thousand córdobas with sustenance of value, in order to comply with Article 28 of the Law.

**Article 28.-** The Directions of the hospitals and health centers, will be responsible to guarantee integral and human medical assistance, including the adequate treatment of the people living with HIV/AIDS. Infraction to this disposition will be sanctioned with a fine from five thousands to ten thousands córdobas with sustenance of value, without affecting the responsibility that will derive from the deontological expedient (duties and rights) for damages, that the patient might suffer because of lack of attention.

**Article 29.-** The Nicaraguan Commission of AIDS (CONISIDA) and the municipalities, must guarantee that there exist sensibilization, on the part of the personnel from funeral agencies and responsible for cemeteries who will be the instances who should not deny funeral service and they will guarantee this for the persons who die as a consequence of HIV/AIDS and therefore, will control that

there will not be discrimination during the funeral services.

No person who lives with HIV/AIDS nor his/her family should be affected physically or psychologically by a natural or legal person.

It is an obligation of the persons who live with HIV/AIDS to follow the health measures given by the competent organizations in order to avoid infecting people who do not have this sickness.

## CHAPTER V

### OF ITS APPLICATION

**Article 30.-** The Nicaraguan Commission of AIDS (CONISIDA) will be presided by a representative of the Ministry of Health, having the responsibility of organizing a technical office, whose facilities and

technical personnel will be provided by the Ministry of Health.

The delegates of the different institutions represented in this instance will be invested with responsibility and authority.

**Article 31.-** The Nicaraguan Commission of AIDS (CONISIDA), must integrate one delegate of the persons who live with HIV/AIDS, according to how it is established in Article 9 of the Law 238. The Commission will have ordinary meeting every month, previous convocation and extra-ordinarily whenever it is decided by its President or it is requested by at least half plus one of its members.

The Nicaraguan Commission of AIDS (CONISIDA), in the following three months after this Ruling is in operation, must approve its Ruling for Organization and Functioning.

**Article 32.-** The budget of the Nicaraguan Commission of AIDS (CONISIDA), will be included as a special financial item, in the amount of the yearly budget that is assigned to the Ministry of Health, without affecting the contribution organizations of international cooperation. The budget should be planned, executed and evaluated by all the members of the Commission and controlled by the Internal Auditing of the Ministry of Health, for its effects to give compliance to Article 34 of the Law.

**Article 33.-** For effects of Article 35 of the Law, the delegates of the different private or public organizations, who are a part of the Nicaraguan Commission of AIDS (CONISIDA), should be assigned freely by the Organization that they belong and for three years in the exercise of their representation, without affecting their being substituted even before the ending of their period, to the discretion of the organizations

that they represent. The Commission must promote the participation of all the society in the prevention of HIV/AIDS.

The Nicaraguan Commission of AIDS (CONISIDA), following the three months after this Ruling is in operation, must approve its Ruling for Organization and Functioning.

**Article 34.-** The Nicaraguan Commission of AIDS (CONISIDA), will have an ethical- technical body that will control the compliance of the Law, its Ruling and other normative about HIV/AIDS, they can attend in any public or private center previous identification and write respective records of procedin and dictate reccomendations to repair the unfullfilment of the legal norms of the Law and the Ruling; the same way, they will send the records to the Commission so the respective expedient be opened.

**Article 35.-** Once the Nicaraguan Commission of AIDS (CONISIDA) agree to upon an expedient for the presumed infractors they will be make known of the charges that are derived from the records of inspection, in order that within a period of time of six days they answer what they have and present proofs of discharge if these exist. Once this period of time is concluded the Commission will dictate resolution within a period of thirty days, applying in the sanctions the following: warning, fines o dismissals, according to the criteria of the authority in charge of applying the sanctions.

**Article 36.-** The present Ruling will have validity from the the moment it is published in the GACETA , Official Daily Newspaper.

Given in the city of Managua, in the Court of Sessions of the National Assembly, on the twentieth days of the month of October of the year nineteen ninety nine.

***IVAN ESCOBAR FORNOS***  
President of the National Assembly.

***VICTOR MANUEL TALAVERA HUETE***  
Secretary of the National Assembly

**THEREFORE:**

Be it published and executed. Managua, twenty six of November of the year nineteen ninety nine. **ARNOLDO ALEMAN LACAYO, PRESIDENT OF THE REPUBLIC OF NICARAGUA.**

