

## **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

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# 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 constitution in order to protect and cure diseases and provide free sanitary facilities for all residence of the country, ensure and extend medical services and private medical centers, implement effective sanitary programs in different areas such as appropriate offering of medical, protective and remedy services, improvement of individual and environmental hygiene, preventing incidence of flowing diseases and annihilation of them, supporting Child and Mother's health and providing appropriate work related sanitary condition in production and services companies.

### Providing Free Services

#### **Article 2:**

- (1) The Ministry of Public Health shall provide protective instruments and treatment for spreading diseases, natural incidents and medical first aid for all residents of the country.
- (2) Further medical services, limited by government's potentials, shall be provided for a specific charge according to the related legislative document.
- (3) Medical services for foreign people or those who do not have citizenship of Islamic Republic of Afghanistan shall be provided the same as for the residence of the country.

### Activities of Entrepreneurs

#### **Article 3:**

The Ministry of Public health shall grant bustle of private investors in providing medical service, and supervise issues related to them.

### Cooperation of Directorates

#### **Article 4:**

- (1) Medical protection of an individual and environmental hygiene is of basic duties of the Ministry of Public Health, in coordination and mutual agreement with all governmental and non-governmental agencies and residence of the country.

- (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 preventive and treatment medicine.
9. Plan scientific hygienic basics related to people's nourishment.
10. Plan scientific hygienic basics related to children and mothers' health.
11. Collaboration of governmental and non-governmental organizations in order to overcome sanitary complexities in the field of providing medical first aid services.

#### Management of Medical Services

##### **Article 6:**

- (1) Ministry of Public Health and all directorates of public health in provinces are responsible to manage, guide, control and supervise medical multilateral and quality services for all citizens of the country specially people who live together in places like dormitories of higher educational institutions, industrial organizations, kindergartens, jails and prisons.

- (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:**

The Ministry of Public Health shall supervise programs of other governmental organizations and non-governmental sanitary organizations and private sector, for providing sound preventive and treatment services and avoiding spreading diseases in the country.

#### Development of Medical Organizations

##### **Article 8:**

Development and improvement of medical organizations and assignment of geographical location to them, with recruiting of enough medical professional employees according to accepted criteria and development plan of the Ministry of Public Health, shall be planned considering economical, geographical specifications, population and other social properties.

## **Chapter Two Medical Activities and Drug Manufacturing**

#### License of Operation

##### **Article 9:**

- (1) The license for operation in the fields of medicine and drug manufacturing in the Islamic Republic of Afghanistan shall be provided to people who has degree, legal capacity and efficiency in related professional fields, and have the license of the Ministry of Public Health.
- (2) Expat doctors and pharmacists residing in Islamic Republic of Afghanistan shall only be recruited by permission of the ministry of public health, in their professional field, following the provisions of effective laws in the country.

#### Keeping Medical Secrets

##### **Article 10:**

Doctors and other medical employees are obliged to keep medical secrets. In case diseases appear which will put the health of a mass of people in danger, they are responsible to inform related authorities.

### Providing Medical First Aid

#### **Article 11:**

Medical and pharmacy employees are obliged to provide medical first aid in streets, highways, social places and residential areas for people.

### Promote Professional Knowledge

#### **Article 12:**

- (1) Medical and pharmacy employees are obliged to promote their vocational and professional knowledge continuously.
- (2) The Ministry of Public Health is obliged to provide the conditions and required equipments for improving vocational knowledge of medical employees.

### Cooperation of offices and individuals

#### **Article 13**

Governmental and non-governmental organizations and other citizens of the country, considering any available possibilities, are obliged to assist medical employees in performing their specialized duties.

### Private Medical Operations

#### **Article 14:**

Medical operations in doctors' offices, clinics, hospitals, medical laboratories and other personal sanitary centers are regulated according to a separate legislative document.

### Offending to perform the tasks

#### **Article 15:**

When medical employees and drug manufacturers offend from performing their specialized duties, they shall be put to judicial pursue, according to provisions of law.



## **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. Conducting check up of pregnant women, caring for proper growth of fetus and providing medical first aid.
3. Conducting periodical medical check up of children up to the child reaches the age of one year.
4. Family guidance and taking other preventive and treatment measures related to protection of child and mother through authorities of medical organizations.

### Providing Sanitary Conditions for Children

#### **Article 24:**

- (1) The Ministry of Public Health provides required conditions in orphanages and schools for protecting health and soundness, physical and psychological improvement of children.
- (2) The volume of lessons, work and teaching methods for children and teenagers shall be organized by the ministry of education with the agreement of the ministry of public health.

- (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) It is a duty of every governmental and non-governmental organization, industrial and private sector office to follow procedures for preventing environmental pollution, improving work and living conditions and protecting against flowing diseases.
- (3) It is duty of the Ministry of Public Health and its related directorates to control the application of the provisions of legislative documents regarding preventive medical services and other medical precepts in this area.
- (4) Person who violates the provisions of legislative document and medical precepts stated in paragraph (3) of this article, shall be pursued by judicial authorities.

#### Protective Advertisements

##### **Article 26:**

The ministry of public health is obliged to broadcast and publish protective advertisements for residents of the country with the cooperation of the ministry of education, youth and culture, Hajj, the Red Cross, municipalities and other social service organizations.

## **Chapter Six**

### **Issues related to Pharmacy**

#### Sale and Use of Medicine and Medical Instruments

##### **Article 27:**

- (1) The sale of medicines is done through public and private pharmacies and medical protective and treatment organizations, for all people.
- (2) Public and private sector pharmacies and medical protective and treatment organizations are obliged to only sale and use medicine and medical equipments which are included in the list of legal medicine.

### 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 Medical Assessment**

### Medical Assessment Commission

#### **Article 30:**

- (1) An authorized Medical Assessment Commission shall be established in the Ministry of Public Health in order to determine the extend of lose of work power (lose of working capability), verify the continuation period of disease (after defectiveness), short term or permanent capacity lose, recommend vocational transfer of defective people to other careers, and determine the period of restoration of working capacity in patients.
- (2) Working method of the medical assessment commission stated in paragraph (1) of this article shall be prepared by the ministry of public health with cooperation of the ministry of social affairs, martyrs and defectives.
- (3) Ministries, directorates and organizations are obliged to apply and follow the instructions given by the assessment commission stated in paragraph (1) of this article.

### Forensic Medical Assessment

#### **Article 31:**

Forensic Medical Assessments are conducted through specialized medical organizations in the capital city and other provinces of the country based on decisions of police, attorney and the court, in accordance to the provisions of the law.

## **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 its endorsement and published in the Official Gazette, with enforcement of this law, the law on public health published on Official Gazette number 535 date 06/07/1983 and the law on public health enforced by decree number 582 date 14/6/2000 and other provisions which are in contrary with this law, are nullified.