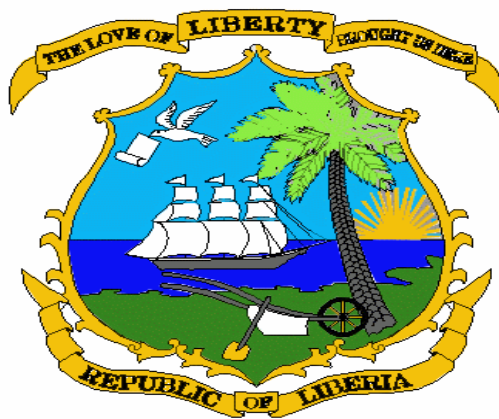


**AN ACT TO ESTABLISH THE NATIONAL AIDS
COMMISSION OF 2010**



APPROVED SEPTEMBER 15, 2010

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MONROVIA, LIBERIA**

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THE NATIONAL AIDS COMMISSION ACT OF 2010

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AN ACT TO ESTABLISH THE NATIONAL AIDS COMMISSION OF 2010

Preamble

WHEREAS, the first case of HIV&AIDS was reported in Liberia in 1985 but the prolonged civil conflict hampered the national response and contributed to the spread of the infection in the population;

WHEREAS, the Government of Liberia established the National HIV&AIDS Control Program (NACP) in 1987, but the lingering civil crisis delayed the implementation of the Government's initial national response;

WHEREAS, the post-civil conflict Government's initiative included the development of the National HIV&AIDS/STI strategic plan under the authority of the Ministry of Health and Social Welfare;

COGNIZANT of the need to prevent and control the spread of HIV&AIDS within the general population, particularly vulnerable women and children and to provide for the care, support, and treatment of persons affected by HIV&AIDS; and

REALIZING the need to enact appropriate laws to guide our national response to this pandemic;

NOW THEREFORE;

It is hereby enacted by the Senate and the House of Representatives of the Republic of Liberia, in Legislature assembled.

**ARTICLE I
PRELIMINARY PROVISIONS**

Section 1.1: Establishment of the Commission

That from and immediately upon the passage of this Act, there shall be established the NATIONAL AIDS COMMISSION of 2010.

Section 1.2: Short Title

This Act to establish the National AIDS Commission of 2010 shall be termed the National AIDS Commission Act.

Definitions

Section 1.3

In this Act, unless the context otherwise required, the following words and phrases shall have the meaning(s) as ascribed to them in this section.

- i. **Acquired Immune Deficiency Syndrome (AIDS)** – refers to a condition characterized by a combination of signs and symptoms caused by HIV which attacks and weakens the body's immune system, making the infected individual susceptible to life threatening infections and diseases;
- ii. **Commission** means the National AIDS Commission;
- iii. **Commissioner** means a member of the Commission;
- iv. **Human Immunodeficiency Virus (HIV)** - refers to the virus which causes AIDS;
- v. **HIV&AIDS Monitoring** - refers to the documentation and analysis of the number of HIV&AIDS infections and pattern of its spread;
- vi. **HIV&AIDS Prevention and Control** - refers to measures aimed at protecting non-infected person from contracting HIV and minimizing the impact of the condition of persons living with HIV;
- vii. **People living with HIV&AIDS** means people living with asymptomatic HIV infection, people living with AIDS and those merely suspected of HIV or AIDS;

ARTICLE II

COMPOSITION AND INDEPENDENCE OF THE NATIONAL AIDS COMMISSION

Section 2.1: Composition

1. The Commission shall be composed of Five (5) Commissioners, including a Chairperson and Vice Chairperson, to be appointed by the President with the consent of the Senate as is provided for by law. No two commissioners shall come from the same county.

Section 2.2 Independence

- (a) The Commission shall be an independent Body of the Government. It shall be financially autonomous, operationally independent and generally free in the

- pursuit of its mandate. It shall however, on an annual basis submit its reports including financial statements to the Legislature and the President of Liberia.
- (b) The Commission shall have perpetual succession, and common seal, and its own name, capable of acquiring and holding property; sue and be sued in its name; and do all things as entity bodies may lawfully do.

ARTICLE III

FUNCTIONS OF THE COMMISSION

Section 3.1 The Functions of the Commission shall be:

- (a) To develop policies to respond to HIV and AIDS epidemic and manage its impact in Liberia;
- (b) To develop a National Strategic Framework for the planning, implementing, monitoring and evaluating all HIV and AIDS programs and activities through a multi-sectoral approach;
- (c) To mobilize, coordinate, and expend all resources through an efficient allocation system;
- (d) To play a lead advocacy role for the prevention and control of HIV and AIDS;
- (e) To create strategic linkages between national and international stakeholders in a coordinated response to HIV and AIDS;
- (f) To collect, analyze, disseminate, and share information on HIV and AIDS and its consequences;
- (g) To promulgate rules providing protocols for counseling, testing, caring, supporting and treatment for all members of Most at Risk Populations;
- (h) To develop and publish, in collaboration with key stakeholders, an HIV and AIDS policy for the workplace, whose provisions shall be consistent with this Act and be renewable every two years;
- (i) To promote research, information sharing and documentation on HIV and AIDS prevention and control;
- (j) To promote policy that promotes positive living of people living with HIV and AIDS;
- (k) To promote policies that protect human and communal rights of people infected with and affected by HIV and AIDS in collaboration with the

relevant sectors;

- (l) To advise the government on all matters relating to the prevention and control of HIV and AIDS; and ,
- (m) Monitor compliance with this Act in the prescribed manner.

ARTICLE IV

BOARD OF DIRECTORS, TENURE, AND REMOVAL

Section 4.1 Members of the Board of Directors

The following shall constitute members of the Board of Directors of the Commission:

1. Chairperson, who shall be the President of the Republic of Liberia
2. Vice Chairperson, Minister of Health and Social Welfare
3. Minister of Education
4. Minister of Youths and Sports
5. Minister of Information, Culture, and Tourism
6. Minister of Gender and development
7. Minister of Internal Affairs
8. Minister of Labor
9. The Liberia Council of Churches
10. Liberia Chamber of Commerce
11. The Liberia Bankers Association
12. The Liberia Business Association
13. The Liberia Rubber Planters Association
14. Liberia Federation of Labor Unions
15. The Liberia National Teachers Union
16. The Liberia Muslim Council
17. The Liberia Medical and Dental Association
18. The Liberia Nurses Association
19. The Liberia National Bar Association
20. The Federation of Liberian Youth
21. The Liberia Marketing Association
22. The Liberia Pharmaceutical Association
23. The People Living with AIDS Representative (female)
24. The People Living with AIDS Representative (male)
25. Country Representative of the World Health Organization
26. Country Representative of UNICEF
27. Country Representative of UNFPA
28. A representative of NGOs providing health care services
29. All other persons or organizations as the President may appoint.

Section 4.2: Tenure and Removal of Members of the Board

- a. Each member shall hold office for a period not exceeding three years and shall be eligible for reappointment with the exception of the President, ministers of government, and country representatives of international organizations.
- b. A member shall cease to be a member of the Board if:
 - i. He/she resigns from the Board;
 - ii. If he/she is appointed to such other position that will be inconsistent with his/her membership of the Board;
 - iii. Upon expiry of the three year term and is not reappointed for a further term;
 - iv. If the representing institution for any reason or good cause revokes appointment of such a member;
 - v. The Executive Director shall within two weeks of the passage of this Act, request every institution serving as a member on the Board to designate in writing a person with the authority to vote and make decisions on its behalf as its permanent representative to the Board.
 - vi. If a member is absent from three consecutive meetings of the Commission without cause; in which case the Executive Director shall by letter addressed to the represented entity, request the revocation of the appointment.

ARTICLE V

MEETINGS OF THE COMMISSION

Section 5.1: The Commission shall hold its meetings monthly, provided that the Executive Director, by directive of the Chairperson, may at any time, when deemed necessary, call emergency meetings of the Commission.

Section 5.2 The quorum of the Commission shall be one-third of its membership.

Section 5.3 The meetings of the Commission shall be presided over by the Chairperson; in the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both, the Chairperson shall designate a presiding officer

ARTICLE VI

DISCLOSURE OF INTEREST

Section 6.1: A disclosure in writing is required of a member of the Commission who has any interests in a contract, application, or transaction under consideration by the Commission. Such a member shall recuse himself or herself from the deliberations pertaining to said undertaking.

ARTICLE VII

STAFF, COMMITTEES AND DEPARTMENTS OF THE COMMISSION

Section 7.1: The Commission shall employ an Executive Director through the normal vetting process.

Section 7.2 The Commission shall have powers to employ such members of staff as it may deem fit for the purpose of smooth execution of the Commission's functions and objectives.

Section 7.3: Without prejudice to the generality of section 7, the Commission shall have powers to hire any consultant or short time staff for any particular purpose.

Section 7.4 The Commission shall pay such salaries and allowances to its staff as it may determine from time to time which may be necessary to attract, retain, and motivate.

Section 7.5 The Commission shall have powers to establish such committees, departments or divisions as it may deem fit in order to facilitate the smooth execution of its functions.

ARTICLE VIII

SECRETARIAT, DUTIES AND ALLOWANCES

Section 8.1: **The Secretariat**

- (a) There shall be a Secretariat of the Commission.
- (b) The Secretariat of the Commission shall be under the Executive Director and assisted by the head of each department or division as may be established under Article VII of this Act.

Section 8.2 **Duties of the Secretariat**

(a) It shall be the duties of the Secretariat to conduct daily affairs of the Commission under the directions of the Executive Director.

8.3 **Allowances/Salaries**

(a) Allowances and salaries shall be proposed by the Secretariat and approved by the Commission.

FUNDING, BOOKS OF ACCOUNTS AND & AUDIT AND REPORTS OF THE COMMISSION

9.1 **Funding the Commission**

Sources of funding for the Commission shall be as follows:

1. Such amounts as may be appropriated by government through the national budget.
2. Donations, gifts, grants, loans, or bequests and sums as may be payable to the Commission.
3. Sums acquired in the course of performing its functions under the Act.
4. Any other lawful source of funding

Section 9.2: **Commission Books of Accounts and Audit**

1. The Commission shall keep through the Secretariat proper books of accounts and records as are ordinarily kept by government departments, recording sources of income and expenditures.
2. The Accounts of the Commission shall be audited annually.

Section 9.3: **Commission Annual and other Reports**

1. The Commission shall prepare in every fiscal year an annual report that shall detail the activities of the Commission for the previous year.
2. The annual report shall be submitted to the President of Liberia and the Legislature

ARTICLE X

Section 10.1 This Act shall take effect upon the publication into handbills

ANY LAW TO THE CONTRARY NOTWITHSTANDING

2010

**FIFTH SESSION OF THE FIFTY SECOND LEGISLATURE OF THE
REPUBLIC OF LIBERIA**

SENATE’S ENGROSSED BILL No 3 ENTITLED:

“AN ACT TO ESTABLISH THE NATIONAL AIDS COMMISSION OF 2010

On motion, bill read. On motion, the bill was adopted on its first reading and sent to Committee room on Thursday, February 18, 2010 at 11:50 GMT.

On motion, bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the bill constituted the third reading and the Bill was adopted, ordered engrossed and passed into the full force of the law today, Thursday, March 11, 2010 at 14:20 GMT.

SECRETARY, LIBERIAN SENATE, R.L.

2010

**FIFTH SESSION OF THE FIFTY SECOND LEGISLATURE OF THE
REPUBLIC OF LIBERIA**

HOUSE’S ENDORSEMENT TO SENATE ENGROSSED BILL No. 3 ENTITLED:

“AN ACT TO ESTABLISH THE NATIONAL AIDS COMMISSION OF 2010”

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted the third reading and the Bill was adopted, ordered engrossed and passed into the full force of the law today, Monday, August 30, 2010 at 13:01 GMT

CHIEF CLERK, HOUSE OF REPRESENTATIVES

**FIFTH SESSION OF THE FIFTY SECOND LEGISLATURE OF THE
REPUBLIC OF LIBERIA.**

SCHEDULE OF THE SENATE’S ENROLLED BILL NO:3 ENTITLED:

“AN ACT TO ESTABLISH THE NATIONAL AIDS COMMISSION OF 2010”

**PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.**

APPROVED THIS 15 DAY OF September A.D. 2010

AT THE HOUR OF 8:15 P.M.

THE PRESIDENT OF THE REPUBLIC OF LIBERIA