

TUNISIA. Act No. 921-71 of 27 July 1992 on communicable diseases. (*Journal Officiel de la République Tunisienne*, No. 50, 31 July 1992, pp. 939-941, as summarized in *International Digest of Health Legislation*, Vol. 44, No. 2, 1993, pp. 221-222.)

This Law repeals all earlier contrary provisions, and in particular the following: the Decree of 27 December 1916 concerning the prophylaxis of the principal contagious diseases; the Decree of 8 May 1941 on the prophylaxis of venereal diseases; and Law No. 69-53 of 26 July 1969 on communicable diseases subject to compulsory notification and disinfection.

Sec. 1 reads as follows:

“1. No person may be subjected to discriminatory measures in the course of the prevention or treatment of a communicable disease.

However, special measures shall be taken, in accordance with the provisions of this Law, by reason of the behaviour of a patient and in order to prevent the spread of a communicable disease.”

Sec. 2 defines “communicable disease” for the purposes of this Law, while Sec. 3 lays down that the communicable diseases to which this Law applies are as specified in the Annexes. Under Sec. 4, preventive, curative, or educational instructions and special measures, appropriate to each of the diseases referred to in Sec. 3 and to which persons suffering from these diseases are subject, may be laid down by order of the Minister of Public Health. These special instructions and measures may not derogate from the fundamental liberties and rights of the persons to whom they are directed. Sec. 6 reads as follows:

“6. Any physician diagnosing or treating a disease that is communicable or liable to become so must:

1. inform the patient of the kind of disease from which he is suffering and all the possible physical and mental consequences thereof, as well as its repercussions on his professional, family, and social life;
2. indicate to the patient the dangers of contamination that would be entailed by behaviour that fails to conform to the prescribed preventive measures; and
3. inform the patient of the duties imposed upon him by the provisions of this Law and of the legal instruments made for its implementation.

In the case of a minor, the information shall be provided to his legal guardian.”

Sec. 7 deals with the procedures for the compulsory notifications to the health authorities of the diseases referred to in Sec. 3 (it being specified that such notification does not constitute a violation of professional confidentiality), while Sec. 8 deals with the notification of deaths caused by these diseases. Under Sec. 9, persons knowingly suffering from one of the diseases referred to in Annex 2 (which includes cholera, yellow fever, leprosy, and HIV/AIDS) are required to undergo examination and treatment by a physician; such persons may be called upon to present medical certificates as proof that they have received appropriate treatment. Sec. 11 lays down that compulsory hospitalization may be prescribed, if persons suffering from one of the diseases referred to in Annex 2 refuse to comply with the provisions of Sec. 9, or if they deliberately behave in a way likely to infect other persons. Secs. 12-16 deal with the modalities of compulsory hospitalization, while Secs. 17-20 lay down penal provisions.