

This factsheet features information on how and whether to tell your sexual partners you have HIV and on the legal aspects of not disclosing your HIV status and the transmission of HIV. For prior considerations on how to tell your family, friends and flatmates please consult [Infovihtal #72 Announcing you have HIV](#).

A complex decision

Telling a sexual partner of you have HIV can be stressful if you or the person whom you tell are unsure about HIV transmission. Many people with HIV have been rejected by their sexual partners for this reason.

Your sexual partners' expectations regarding sex and HIV may not be very realistic. They may assume that everyone with HIV will disclose their status and may not feel that condoms and lubricant are safe, despite the scientific data.

Telling a new sexual partner

As with anyone else, it is worth thinking about why you want to tell a sexual partner. The reasons for telling or not telling them might depend on the type of relationship you want to have. Will you be with this person just once or do you want a long-term relationship?

It might also depend on the type of sexual relationship you want. If the risk of transmitting HIV is very low, a lot of people do not see any reason why they should reveal their HIV status. Others however consider that disclosure makes it easier to take informed decisions about sex. To find out about the risk of transmitting HIV you can consult [InfoVIHtal #76 HIV Transmission facts](#) and [InfoVIHtal #77 HIV Transmisión and viral load](#).

Despite the legal implications, many people with HIV do not feel the need to tell their partners and think that everyone should assume responsibility for their own health individually.

Timing is important with sexual partners.

It might be hard to talk about HIV when you have just met someone, but putting it off may cause problems later. If your partner finds out later and does not accept it, this may be a cause of conflict between you.

If you have just met someone, you may think you do not know them well enough to anticipate their reaction or to judge whether they will respect your privacy. If you are in a bar or at a party, it might not seem the right place to talk about HIV. Some people prefer a calmer environment or to meet later to talk about it.

Some people bring the subject of HIV up casually and observe the other person's reaction. If it is negative, they do not waste any time and decide not to go any further.

Telling your current partner

Si acabas de ser diagnosticado con VIH y ya estás en una relf you have just been diagnosed with HIV and you are in a relationship, the question is whether (or not) to tell your

partner. The news may bring new concerns and pressures to the relationship. Your partner may worry about his or her health and want to take the HIV test or rethink the type of sexual relations you have.

Some people are faced with particularly difficult situations. Perhaps you live with your partner and are afraid of losing your home, have relationship problems or are subject to physical or verbal violence.

Telling previous sexual partners

Whether you tell former sexual partners about your HIV status depends on a host of factors such as: the type of relationship you had, the type of sexual relations you had, whether you think they wish to know about it and whether you want them to know about it and take any respective measures.

Sharing this information with past sexual partners is nevertheless a sensitive matter. You might conclude that you contracted HIV from one of them but they may think it was you who endangered their health. It is therefore hard to know who is right.

Legal considerations

In addition to the stress and rejection that may be entailed in telling sexual partners –both current and past- that you are HIV positive, there are some legal implications.

In Spanish criminal law there is no specific article that considers the transmission of HIV an offence. However, Spanish courts have sometimes –on around twelve occasions in the last fifteen years– considered transmission HIV a felony assault.

For this to be the case, the following circumstances must be applicable:

- Your sexual partner is unaware you have HIV.
- You do not reveal your HIV status.
- Neither condoms nor other preventive measures were used during penetrative sexual intercourse.
- Your partner was infected during sexual intercourse.
- Your partner brings charges against you.
- You are the only person who could have been responsible for transmitting HIV.

If you wish to know more about legal aspects or require legal advice on the matter, you may contact HIV/AIDS Human Rights Watch of the RED-VIH Network at <http://observatorioreredvih.org/> or write to observatorio@redvih.org.