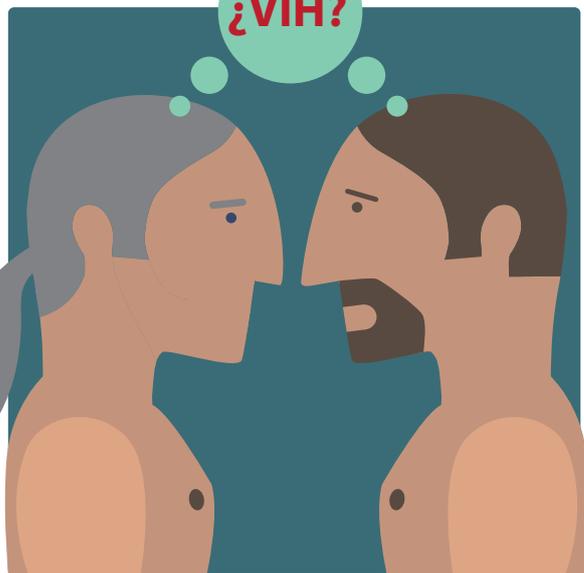


## LEGAL ASPECTS OF HIV TRANSMISSION

¿VIH?



Telling someone else that you have HIV is a complex decision that can be influenced by many things such as the fear of being rejected, the possibility of giving someone else the virus and the legal implications.

**In Spain people with HIV are not legally obliged to inform their sexual partners that they have the virus unless there is a risk of infection for the other person.**

That means you do not have to explain that you are taking every precaution to prevent transmission. This includes although is not limited to using condoms. **Remember that a person with HIV whose viral load is undetectable because of treatment cannot transmit the virus during sexual intercourse, even when not using a condom.**

However, **if there is risk of transmission** –the condom breaks, for example, and the person with HIV is not taking antiretroviral treatment–, the sexual partner must be warned so that both partners can decide if they accept the risk of transmission or try to reduce it by requesting HIV post-exposure prophylaxis at a hospital.

**If HIV is eventually transmitted during sexual intercourse, a legal problem could arise** if the appropriate measures have not been taken or if you did not inform your sexual partner that you have HIV in order to allow them to seek post-exposure prophylaxis or accept the risk.

In this case, **the person who has been infected may take legal action against the person with HIV**, which could lead to economic compensation or even prison.

Similarly, **if it is proven that a person has tried to transmit HIV intentionally to another, this might be considered an offense**, even if the virus was not transmitted.

### REMEMBER

- Remember that if you have any HIV-related legal inquiry you may consult the Legal Practice at:  
<http://www.cesida.org/consultanos/clinica-legal/>

¿VIH?

**gt** grupo de trabajo sobre tratamientos del VIH  
ENTIDAD DECLARADA DE UTILIDAD PÚBLICA  
ONG DE DESARROLLO

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¿TIENES DUDAS SOBRE EL TEMA? PREGÚNTANOS

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