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Thanks to all of the professionals and people with HIV who have helped us to develop this leaflet.

NOTES

If you are involved in a case, do the following.

- Get confidential advice and support from an HIV organisation.

- Get expert legal advice.

THT Direct - 0808 802 1221 can put you in touch with specialist solicitors.

- Make sure you get expert legal advice as soon as possible and before you speak to the police.

This leaflet describes the law in England and Wales.

- In Northern Ireland the law is similar.

- In Scotland a person may be prosecuted even if they did not pass on HIV.

- Countries in other parts of the world have different laws. There is more information on our website at www.aidsmap.com/about-hiv/hiv-criminalisation-laws-around-world

Undetectable = Untransmittable (U=U)

- When a person is living with HIV and is on effective treatment, the amount of HIV in their body fluids falls drastically, to the point where there is not enough HIV to pass on during sex. This low level of HIV is called an 'undetectable viral load'.

- When someone is undetectable, there is zero risk of HIV transmission to a sexual partner.

For more information on this topic

- Read information from Terrence Higgins Trust: www.tht.org.uk/hiv-and-sexual-health/living-well-hiv/legal-issues
- Read our 'Transmission facts' leaflet.
- Read our 'HIV, sex and the law' page.
- Read our 'HIV & sex' booklet.

For information in other languages

- Visit www.aidsmap.com/languages

For more information about HIV

- Visit our website www.aidsmap.com
- Speak to an adviser at THT Direct **0808 802 1221**

Other titles in The basics series

- Side effects
- Health checks
- How treatment works

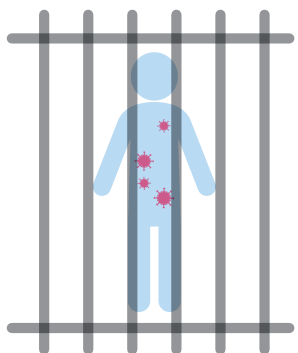
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The basics Transmission and the law

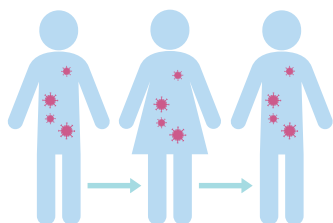
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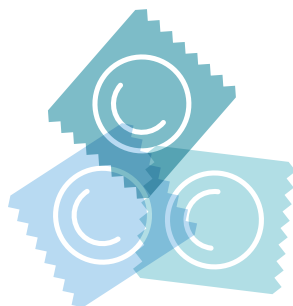
Some people have gone to prison because they have passed HIV on to another person.



The law is only involved in very specific circumstances. HIV has to have been passed on.



So if condoms are used, there should be no problems with the law.

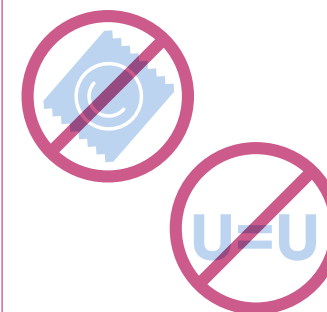


An undetectable viral load also stops HIV from being passed on. There should be no problems with the law in this case.

U=U
Undetectable equals Untransmittable

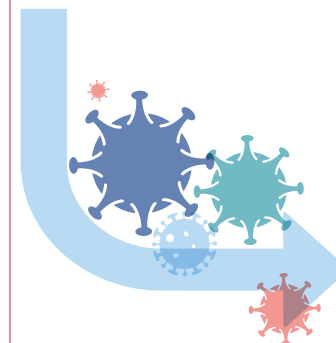
See the 'notes' section for more information.

Most legal cases are of 'reckless' transmission. This doesn't mean that the person passed on HIV deliberately, but that HIV was transmitted and they didn't try to stop it happening.

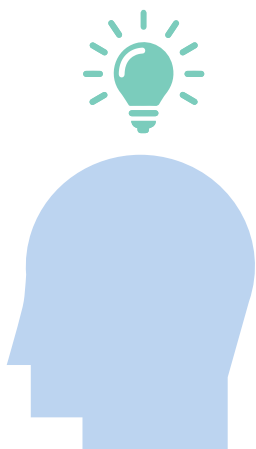


When could someone be convicted of recklessly transmitting HIV?

A person could only be found guilty if, when they have sex, the next five things are ALL true.



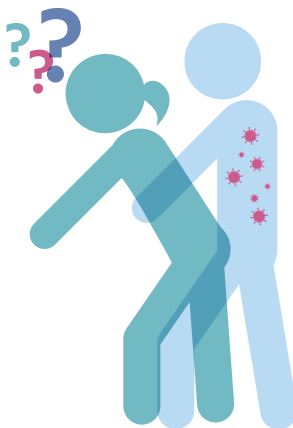
1. They know they have HIV



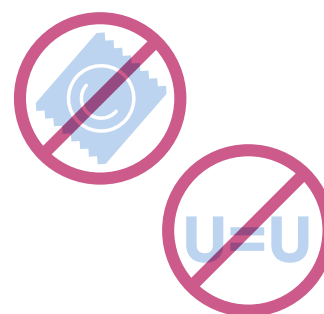
2. They understand how HIV is transmitted



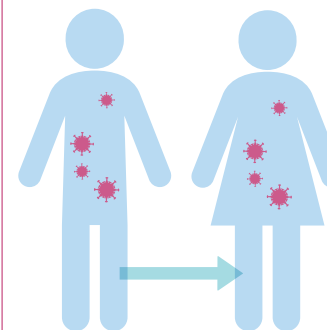
3. The person they have sex with does not know that they have HIV



4. They don't use HIV prevention



5. They definitely pass HIV on to the person they had sex with.



- AND -

- AND -

- AND -

- AND -

Important points

- This is the law in England and Wales. See the 'notes' section for information on the law in other countries.
- The law is only broken if all five of these things are true.
- The law doesn't require you to always use a condom.
- The law doesn't require you to tell all sexual partners that you have HIV.
- A conviction can only happen if HIV is passed on.