



HIV, Sex and Crime

The Cuerrier Case

1. **If you are HIV positive, you should tell anyone you have sex with that you are HIV positive.**
2. **You should tell your partner BEFORE you have sex.**
3. **You should always use condoms during sex.**

Cuerrier

In September 1998, the Supreme Court of Canada ruled in a case called “Cuerrier.” The court said that if you know you are HIV positive and you don’t inform your sex partners before sex, you may be committing a crime.

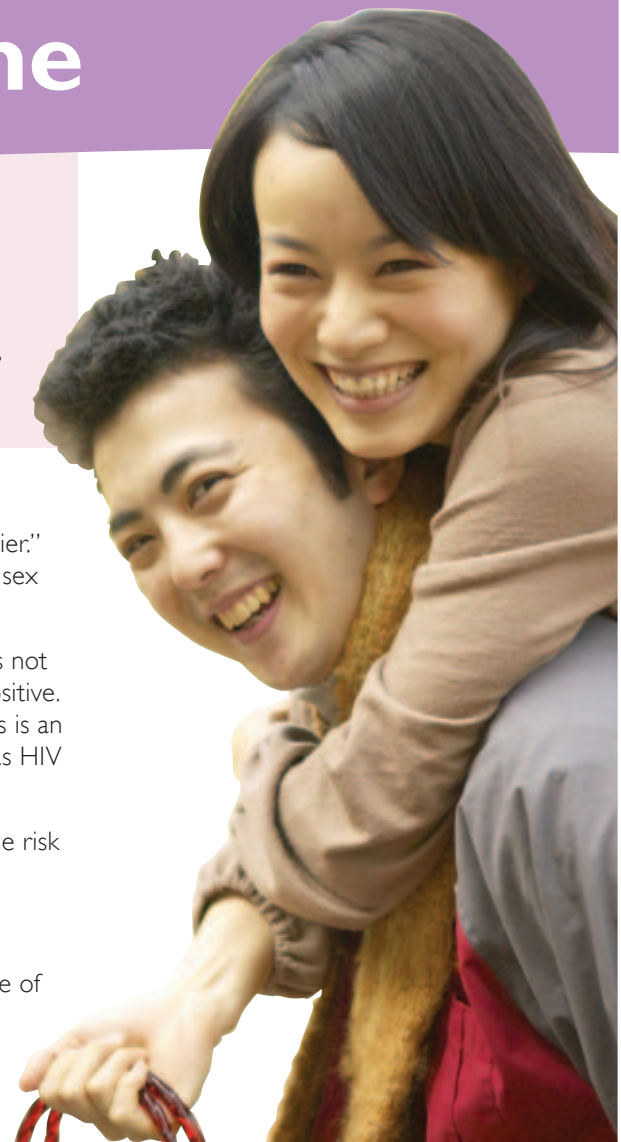
The issue in “Cuerrier” was about consent. The court said that consent to sex is not valid if a person gives consent without knowing that his or her partner is HIV positive. Sex without consent is an assault. So, sex without telling your HIV positive status is an assault. You have the right to go to the police if you believe your sex partner was HIV positive and did not disclose this information to you before consenting to sex.

The Supreme Court also said that very careful use of a condom could reduce the risk so much that it might not be a crime. So, always use condoms during sex.

How to Get More Information

If you have any questions about HIV and the law, the following resources are free of charge:

LEGAL ENQUIRIES:	GENERAL ENQUIRIES:
<p>HIV & AIDS Legal Clinic (Ontario) 65 Wellesley Street East, Suite 400 Toronto, ON M4Y 1G7 Website: www.halco.org Toll free: 1-888-705-8889</p>	<p>Sexual Health Information Line Hamilton: 905-528-5894</p>
<p>Canadian HIV/AIDS Legal Network Website: www.aidslaw.ca Email: info@aidslaw.ca</p>	<p>The AIDS Network 140 King Street East Suite 101, lower level Hamilton, ON L8N 1B2 905-528-0854 Toll Free: 1-866-563-0563</p>



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