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HIV/Aids: Anyone in high-risk acts must protect partners

New law requires them to take an HIV test, use condoms or inform partner of the risk

By Lim Wei Chean

THE law has been tightened to serve notice to individuals who have reason to believe that their sexual behaviour may put their spouse or partner at risk of contracting HIV/Aids.

The message being sent by changing existing regulations is that 'no one has a right to put others at risk through his irresponsible behaviour', Health Minister Khaw Boon Wan told MPs yesterday.

With the changes, which Parliament approved, an individual who suspects he may have, or has been exposed to a significant risk of contracting the disease, must take reasonable precautions to protect his partner.

He should do so by using condoms, or he can go for an HIV test to get confirmation. Otherwise, he must inform his partner of the risk of contracting HIV.

Doing so means the partner is aware - and is thus in a position to voluntarily decide whether to accept the risk of contracting the disease.

Mr Khaw said the intention of the changes was 'not to go after every HIV-infected person'. The authorities will act only if there is a complaint from 'an aggrieved victim'.

The number of HIV cases here continues to grow, he told the House. There were 237 new HIV cases in 2001 and the number almost doubled to 422 last year.

The main mode of transmission remains through unprotected sex with an HIV-infected person.

The law already requires an HIV-infected person to inform a sexual partner of the risk of contracting HIV. If the partner accepts the risk, no offence is committed.

But that law is effective only if the person knows he is infected, he said.

The concern is that for every known HIV case, there could be one or two other persons who are infected - but who remain undiagnosed.

Hence the need for a change to the law to shift responsibility to those whose behaviour could put their partners at risk.

'What we want to do is to push them to act more responsibly, and not hide behind the ignorance of their HIV status to go on exposing their sexual partners to the risk of HIV infection,' Mr Khaw said.

'Such behaviour is most unacceptable, particularly in relation to the innocent wives of men who visit prostitutes.'

Responding to Madam Halimah Yacob (Jurong GRC) and Dr Lam Pin Min (Ang Mo Kio GRC) who asked what amounted to high-risk behaviour, he said it was 'quite straightforward'.

A man who had unprotected sex with prostitutes or with other men; or unprotected sex with multiple

partners; or who shared needles with other drug addicts 'should have reason to believe he has been exposed to a significant risk of contracting HIV'.

With the changes, the penalty for such an individual found guilty of not informing his partner or taking precautions is a fine of up to \$50,000 and/or a jail term of up to 10 years.

The punishment for an HIV-infected person who has sex without informing his partner or seeking consent has also been upped to a fine of up to \$50,000 and/or a jail term of up to 10 years.

The five MPs who spoke backed the changes. Madam Halimah noted that the rate of voluntary HIV testing is low.

Only 13 per cent of cases were detected this way, whereas 78 per cent were detected when patients were tested for HIV while receiving other medical care. More should be done to encourage voluntary testing, she said.

On Nominated MP Thio Li-ann's query on what constituted 'reasonable precaution' to prevent transmission, Mr Khaw pointed to any one of three things that could be done to avoid running afoul of the law.

These are informing the partner of the risk and getting consent; or undergoing regular HIV testing; or taking reasonable precautions during sex, such as by using a condom.

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