

How does the Legal Clinic service work?

Both private individuals and associations can send queries to the Legal Clinic. Then, depending on the subject matter of the case, these consultations are either sent to the Legal Clinic of the Faculty of Law of the University of Alcalá, or the Legal Clinic for Social Justice of the Faculty of Law of the University of Valencia.

All cases are handled keeping in mind the confidential nature of personal information. **These cases are then examined and reviewed by students and professors** in both face-to-face and remote meetings. Consequently, solutions are proposed, **and within approximately two weeks these are sent to CESIDA so they can be forwarded to the recipient.**

“It is important to ensure that appropriate legal action is taken in response to HIV- related discrimination as well as to encourage the practice of reporting discrimination by individuals that are currently suffering or that have suffered discrimination in accessing the rights conferred to them by Spanish law.”

The services offered by the Legal Clinic cannot be compared with the services offered by a practicing lawyer. The student body, faculty and tutors appointed to resolve queries cannot legally represent individuals before legal and/or administrative institutions; nor are these individuals at liberty to perform any litigation or mediation tasks before any other natural or legal persons. **Given the nature of the work, undertaken completely free of charge and which forms a part of the student's academic education, the submitted reports shall not be liable for any damages that could result from the use of the aforementioned reports in judicial and/or administrative proceedings.** Under no circumstances would you be required to provide due diligence by a licensed practicing lawyer.



COLABORAN



SUBVENCIONADO POR



Secretaría del Plan Nacional sobre el Sida



Rights of people living with HIV and AIDS

In Spain, many people living with HIV and AIDS may feel that they are being discriminated against. As a result of this condition, they may be denied some of their fundamental rights. Some of these include:

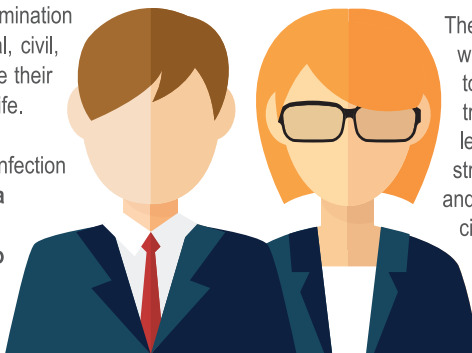


- Breaches of confidentiality regarding medical data,
- Barriers to accessing or keeping employment,
- Difficulties in accessing insurance or financial services,
- Denial of even the most basic social benefits such as health care,
- Exclusion from certain public administration selection processes,
- Restrictions on adoption,
- Constant difficulties encountered in travelling to certain countries as either tourists or workers...

All of the above are examples of infringements that prevent these individuals from being entitled to the same rights on an equal basis as all other citizens.

For this reason, and in order to respond to the epidemic, it is an essential challenge to adopt appropriate measures to eradicate discrimination towards people with HIV and AIDS, to defend their political, civil, economic, social and cultural rights, and in order to facilitate their full integration in the political, economic, social and cultural life.

The stigma and discrimination associated with the HIV infection cannot be compared to other serious diseases. **Both stigma and discrimination lead to significant disparities where the persons affected by the infection are subject to unequal treatment, disparities that cannot be justified given the current scientific evidence and which can be avoided.**



Thus, from a legal point of view, unequal treatment based on a medical condition, resulting from HIV and AIDS, without any reasonable or justifiable basis amounts to discrimination. These differences are a violation of the rights of people with HIV and AIDS that require a legal response aiming to restore the legal good at stake.

Legal assistance against discrimination

The work of the Legal Clinic focuses on HIV and the health inequalities associated with the infection. It aims to provide legal answers in response to the disparities faced as a consequence of this condition.



CESIDA offers this free legal advice service in collaboration with the **Legal Clinic of the Faculty of Law of the University of Alcalá** and the **Legal Clinic for Social Justice of the Faculty of Law of the University of Valencia**.

“If you are facing HIV-related discrimination, report it! If you think you have experienced a situation where your rights have been violated as a result of the HIV infection, you can contact the CESIDA Legal Clinic service via email: clinicalegal@cesida.org”

The methodology behind this concept is educational, which when seen from a human right's perspective, allows students to acquire a better and more practice-oriented legal technical training, involving students in the very own process of learning law. Additionally, spreading awareness, it helps strengthen the effectiveness of the rights of vulnerable groups and promotes the fight for social justice and collaboration with civil society. The students that undertake the clinical work, tackle real cases and situations under the supervision of professors with diverse areas of expertise as well as with practicing lawyers working in collaboration with the clinics.