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# UNIVERSITY OF PUERTO RICO SCHOOL OF LAW

**VIVIAN I. NEPTUNE-RIVERA, DEAN.**



December 10, 2018

# LEGAL AID CLINIC

- The Legal Aid Clinic section on *Discrimination based on Sexual Orientation and Gender Identity* has been dedicated from its foundation to advance and promote the rights of the LGBTTI+ community through litigation before state and federal courts in Puerto Rico, education and participation in the legislative process.
- The work of the Clinic involves a continuous process of education to provide visibility and voice to the most vulnerable people in the LGBTTI+ community. In addition, it provides a space to train students on gender issues and to discuss the sensibility required for a respectful and effective representation.

# *SEXUAL ORIENTATION AND GENDER IDENTITY LEGAL AID CLINIC*

- Among the cases the Clinic has worked on, include the representation of a woman in the petition for adoption of the biological daughter of her same-sex partner; the recognition of same sex adoption judgments of a child born in Puerto Rico; the name change of transgender women; the employment discrimination claim based on sexual orientation, and the appearance as a friend of the court in the case challenging the statute which prohibited marriage of same sex couples in Puerto Rico.

# *SEXUAL ORIENTATION AND GENDER IDENTITY LEGAL AID CLINIC*

- The Clinic has participated in the legislative process endorsing various bills to prohibit employment discrimination based on sexual orientation and gender identity and to extend protection against domestic violence without regard of the sexual orientation or marital status; both legislations passed in May 2013.
- In March 2015, the Legal Aid Clinic students presented a report before the Inter-American Commission on Human Rights on the state of human rights of the LGBTTI+ community in Puerto Rico.
- It has also participated in the Puerto Rico Police Reform process, reviewing the protocols for the police interventions with the LGBTTI+ community.

# *SEXUAL ORIENTATION AND GENDER IDENTITY LEGAL AID CLINIC*

- In February 2017, the Clinic filed a lawsuit before the US District Court for the District of Puerto Rico challenging the lack of mechanism to correct the gender marker on the birth certificate of a transgender or transsexual person in the case of Rodríguez Rodríguez v. Commonwealth of Puerto Rico.

# PRO BONO PROGRAM

- The Pro Bono Program offers students the opportunity to engage in meaningful client service starting their 1L year.
- *Sexual and Reproductive Rights Pro Bono* promotes solutions to the problem of gender inequality in terms of sexual and reproductive health through the dissemination of information and legal advice. It also seeks to promote discussion about alternative sexual orientations and collaborate with legal works that contribute to the advancement of the rights of LGBTTI people.



# GENDER PERSPECTIVE IN THE ADJUDICATIVE PROCESS

- Decision-making in the administration of justice must be framed in the principle of impartiality. However, stereotyped views on gender can impede true access to justice and lead to unfair decisions that perpetuate inequality. The incorporation of the gender perspective in judicial proceedings aims to break down cultural and structural barriers to the access to justice.
- This course consists in exploring the gender perspective as a methodology for analysis. Applying the gender perspective supposes, on the one hand, identifying the burdens and social advantages that exist for the men and women involved in the judicial process. On the other hand, it involves making decisions aimed at ensuring equality. The course offers a perspective on the various topics, including differences between sex, gender, sexual orientation, gender identity and sexual identity, sexism, gender discrimination, gender violence and sexual violence. Likewise, gender perspective is applied throughout the course as a mean to analyze current programs, policies, laws and controversies.

# SEXUAL ORIENTATION AND THE LAW IN THE ERA OF TRUMP

- The course analyzes recent developments and changes in policies and in case law regarding sexual orientation. The class immerses itself in the analysis of the *Masterpiece Cake* case. Particularly, its possible implications and consequences beyond public accommodations statutes.
- Discussion topics and analysis also include the new administration's position on sexual orientation discrimination in the workplace and the DOJ's and EEOC's conflicting visions and interventions in cases litigated throughout the nation. This analysis includes a discussion of the religious freedom statutes and their interplay with sexual orientation discrimination in the workplace and in public accommodation.
- The class analyzes the historic backdrop that led to the SCOTUS landmark decision in *Obergefell* regarding same sex marriage and states' current efforts to undermine its breadth and scope.

# EMPLOYMENT DISCRIMINATION BASED ON SEXUAL ORIENTATION

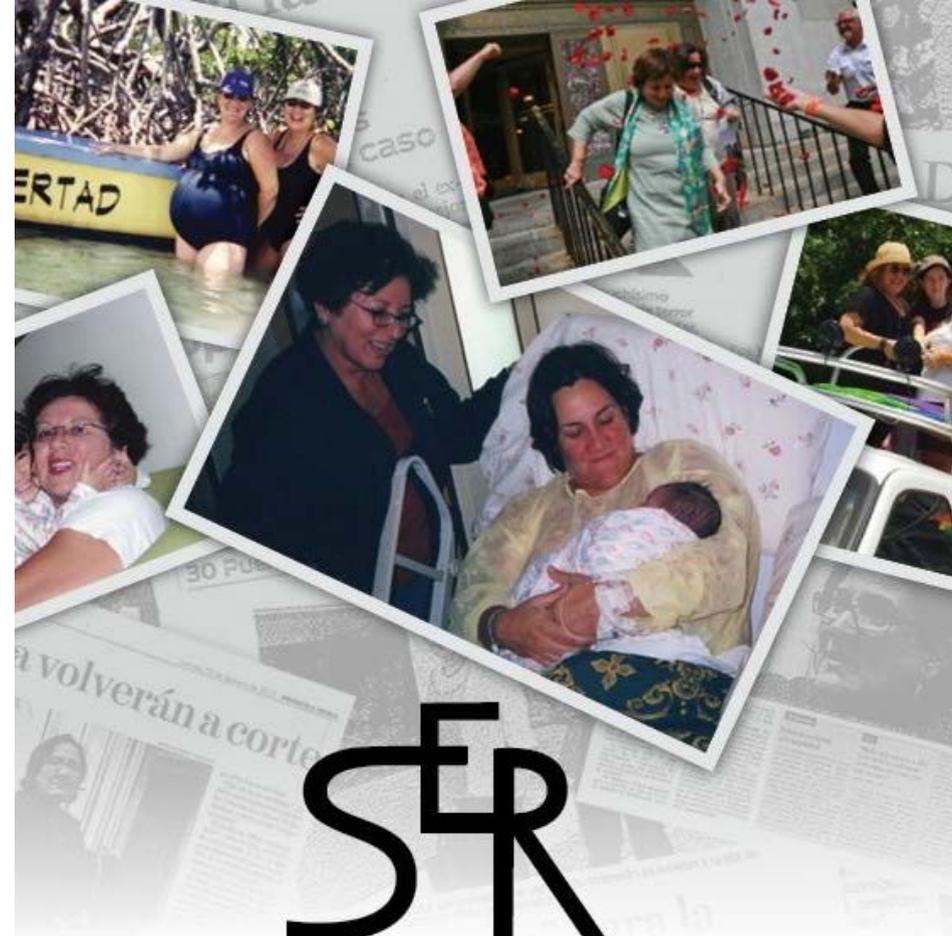
- The seminar studies the recent legislation that prohibits discrimination based on sexual orientation and gender identity in employment in Puerto Rico.
- Issues related to discrimination and work harassment based on sexual orientation and gender identity, the prohibitions of the law, administrative guidelines on the subject, among other issues, are discussed.
- These topics and the subject of sexual orientation are explored in a theoretical context emphasizing the study of constitutional concepts, the development of the legal theory of privacy and intimacy and the relationship of theory with practice.

# SAME SEX ADOPTION





PRESENTATION OF THE DOCUMENTARY *SER FAMILIA*  
AT THE UNIVERSITY OF PUERTO RICO SCHOOL OF  
LAW, 2018.



# SER FAMILIA

DESAFÍO POR HACER VALER A TODAS LAS FAMILIAS

# PARTICIPATION IN THE LEGISLATIVE PROCESS



**MEMBERS OF THE CLINIC AT THE INTERNATIONAL  
COMMISSION ON HUMAN RIGHTS IN WASHINGTON D.C., 2014.**

