



SPANISH ASSOCIATION OF PAEDIATRICS

Statement by the Spanish Paediatric Association in relation to gender diversity in childhood and adolescence: Ethical and legal view from a multidisciplinary perspective[☆]

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Abstract An ethical and legal view of gender diversity in childhood and adolescence is presented from the perspective of the best interest of the child and the principle of protection against vulnerability. The identification of gender diversity in childhood and adolescence is a process that requires support, coordination and a multidisciplinary team that improves care and helps to obtain evidence that is lacking today. Secure, equitable and comprehensive access to care and health care should be guaranteed when required. It is necessary to promote a changing of social outlook, capable of overcoming the stereotypes that lead to discrimination and increase suffering. Respect for gender diversity in childhood and adolescence is a fundamental Human Right. The recognition of a positive value in diversity is an ethical imperative. All of this, without forgetting that we are talking about minors often in contexts of vulnerability, and currently very uncertain, so prudence is the main rule that should guide decision-making.

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PALABRAS CLAVE

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Posicionamiento

Posicionamiento Técnico de la Asociación Española de Pediatría en relación con la diversidad de género en la infancia y la adolescencia: mirada ética y jurídica desde una perspectiva multidisciplinar

Resumen Se realiza una mirada ética y jurídica de la diversidad de género en la infancia y la adolescencia desde la perspectiva del interés superior del menor y del principio de protección frente a la vulnerabilidad. La identificación de la diversidad de género en la infancia y la adolescencia es un proceso que además de acompañamiento exige coordinación y trabajo multidisciplinar que mejore la atención y ayude a obtener mayores evidencias que, a día de hoy, faltan. Se ha de garantizar el acceso seguro, equitativo e integral a cuidados y atención sanitaria en caso de que lo precisen. Es necesario promover un cambio de mirada social, capaz de superar los estereotipos que suponen discriminación y aumentan el sufrimiento. El respeto a la diversidad de género en la infancia y la adolescencia es un derecho humano fundamental. El reconocimiento de un valor positivo en la diversidad constituye un imperativo ético. Todo ello sin olvidar que hablamos de menores en contextos en muchas ocasiones de vulnerabilidad y actualmente de mucha incertidumbre, por lo que la prudencia es la regla principal que ha de guiar la toma de decisiones.

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Introduction

This document, developed by a multidisciplinary group of experts (a primary care paediatrician, paediatric endocrinologists, a child psychologist, members of Boards of Ethics of the Asociación Española de Pediatría [Spanish Association of Paediatrics, AEP] and the Sociedad Española de Endocrinología Pediátrica [Spanish Society of Paediatric Endocrinology, SEEP], and a jurist), aims at presenting a positive perspective on gender diversity in childhood and adolescence with a double aim. First, and as regards health professionals, to promote, where needed, greater quality and compassion in health care delivery through the pursuit of professional excellence and, second, as regards society, to promote the recognition of gender diversity as an essential human right, in an attempt to eradicate the transphobic attitudes that generate a great deal of suffering and to raise awareness on the positive aspects of diversity, dispelling false stereotypes and acknowledging that each human life is a unique, personal and inalienable project that the individual is entitled to configure. We also need to remember that all these aspects are discussed in reference to minors who, at present, are often in situations where they are highly vulnerable and there is significant uncertainty, which requires that, above all, we uphold prudence as the guiding principle in all our decision-making.

Status quo and the proposal of health professionals based on current knowledge

1.1. The demand of care for minors with issues related to gender diversity has increased in recent years in Spain and internationally. This increase could be explained, among other reasons, by a socio-cultural context that promotes greater visibility of both health care resources and gender

rights activism. This is not a new phenomenon, but it seems to be having a greater impact on public opinion of late, as evinced by the recent development and enactment at the national and regional levels of legislation on this matter, while spurring debate in society at large and in academic and scientific circles on how to approach it from the perspective of the best interests of the child and the principle of respect for vulnerability.

1.2. The pathologising and classification of gender variants is the first point of contention. The latest medical classifications (Diagnostic and Statistical Manual of Mental Health Disorders [DSM] and the International Statistical Classification of Diseases [ICD]) have introduced changes in terminology to avoid stigmatising these individuals: transsexuality, gender identity disorder, gender dysphoria (GD). The beta draft of the ICD-11 has changed the latter term to “gender incongruence” and removed these categories from the *Mental and Behavioural Disorders* chapter, including codes associated with trans health care in a new chapter called *Conditions related to sexual health*.¹ The aim of this change is to guarantee the best possible quality of care and the precedence of the best interests of the minor in clinical decision-making, with health professionals acting as guarantors of these interests.

1.3. Gender identity. These new realities pose complex dilemmas as we seem to face a paradigm shift from the binary perception of gender. Identity is constructed by the individual. The development of masculinity or femininity is the result of a process that is forged by the interaction of the individual with the family, society and culture. If we conceive of boys and girls as persons in the making, dependent on their environment, with a marked psychological plasticity and in whom gender identity may not be immutable—that is to say, that there are no guarantees that variations in gender will be permanent in every case²—it is essential that we act with caution, avoid rushed action and the creation

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