

Forum (Council, Committee, Assembly): SDG5

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TOPIC (3): The question of legalizing youth gender-affirming care

[Please consult the SDG5 Topic LibGuide for guidance on your research](#)

I. Introduction to the Topic

The question of legalizing youth gender-affirming care stands at the intersection of human rights, healthcare access, and societal acceptance. At the international level, initiatives such as the United Nations Sustainable Development Goals (SDGs) emphasize equality, non-discrimination, and healthcare access for all. Within SDG5 specifically, which focuses on achieving gender equality and empowering all women and girls, the inclusion of gender-diverse youth and their access to necessary healthcare services becomes pivotal. The path to solving this prevailing problem highlights the importance of respecting individuals' rights to self-determination, healthcare, and non-discrimination regardless of their gender identity or expression.

There are diverse approaches that exist, ranging from progressive policies supporting gender-affirming care to regions facing substantial legal and cultural barriers. These regional nuances significantly impact the practical access to care for youth seeking gender-affirming treatments and support. There are also legislative frameworks, cultural norms, and healthcare policies that greatly influence the availability and legality of gender-affirming care for young individuals within many nations that will be further discussed in the timeline provided within this report. Some countries have made significant strides in recognizing and supporting gender diversity. In contrast, others still struggle with legal and societal challenges that hinder access to crucial healthcare services for youth exploring their gender identity. Besides that, community acceptance, healthcare infrastructure, and access to specialized medical professionals shape the practical realities of obtaining gender-affirming care. Understanding and addressing these multi-layered contexts are crucial in navigating the complexities surrounding legalizing youth gender-affirming care and ensuring the fulfillment of SDG5's commitment to gender equality and empowerment.

As society grapples with these issues, it is crucial to consider the perspectives of medical professionals, mental health experts, legal scholars, and, most importantly, the lived experiences of transgender and gender-diverse youth. Striking a balance between autonomy, protection, and informed decision-making is at the heart of the legal and ethical considerations surrounding youth gender-affirming care.

II. Definition of Key Terms & Concepts

Affirmative Care

Affirmative care is an approach within healthcare that focuses on providing supportive, affirming, and non-discriminatory services to individuals exploring or affirming their gender identity. In the context of youth gender-affirming care, an affirmative approach is crucial as it promotes a healthcare environment

that respects and validates the experiences and identities of young individuals. Advocating for affirmative care ensures that healthcare professionals are equipped to provide inclusive, gender-affirming support to youth, fostering an environment conducive to their well-being and self-acceptance.

Gender Dysphoria

Gender dysphoria refers to the distress or discomfort that may occur when an individual's assigned or perceived gender identity differs from the one they identify with. It is crucial in discussions surrounding youth gender-affirming care as it forms the basis for understanding the necessity and importance of such care. Recognizing and addressing gender dysphoria is fundamental to supporting young individuals in their journey toward aligning their gender identity with their affirmed gender, highlighting the necessity of accessible and supportive healthcare services.

Informed Consent

In the context of gender-affirming care, informed consent refers to a model of healthcare that prioritizes the autonomy and decision-making capacity of the individual seeking such care. It signifies that individuals have the right to make informed decisions about their medical treatment after receiving comprehensive information about the potential risks, benefits, and alternatives. This is crucial as it empowers young individuals to actively participate in decisions about their healthcare, ensuring that their voices and choices are respected in the process of accessing gender-affirming treatments.

Legal gender

The gender listed in the population data. It appears on the ID card occasionally and in the passport. In the majority of countries, there are two recognized genders: male and female. There are certain nations, including South Africa, Australia, and Germany, where there are more legal genders. Often, medical professionals use your external genitalia to determine your gender at birth and give you your legal gender.

Gender expression

The way one expresses their gender. They accomplish it by their voice, outfit, body language, etc... Their social gender is reflected in their manifestation of gender. This includes things like hobbies, social standing, and how they handle gender-specific expectations.

III. Key Stakeholders

Human Rights Campaign

Human Rights Campaign (HRC) is a prominent LGBTQ+ civil rights organization in the United States. The HRC has historically been a strong advocate for LGBTQ+ rights, including issues related to transgender and gender non-conforming individuals. The Human Rights Campaign supports gender-affirming care as a fundamental aspect of affirming and protecting the rights of transgender and gender-diverse individuals. The organization, in general, advocates for policies and practices that respect and affirm the diverse experiences and identities within the LGBTQ+ community.

American Pediatric Association (AAP)

The American Academy of Pediatrics (AAP) is a professional organization of pediatricians in the United States. The AAP is dedicated to the health and well-being of infants, children, adolescents, and young adults. The organization provides guidance on various aspects of pediatric healthcare, including issues related to gender and sexual health. Regarding the topic of gender-affirming care, the AAP strongly supports affirming the gender identities of transgender and gender-diverse children and adolescents. The AAP emphasizes the importance of providing comprehensive, gender-affirming healthcare that is inclusive and supportive. This stance aligns with the broader principles of promoting well-being and health equity for all children.

World Health Organisation (WHO)

The World Health Organization (WHO) has recognized the importance of ensuring the health and well-being of transgender individuals, especially the youth community, including access to gender-affirming care. The WHO is a specialized agency of the United Nations responsible for international public health, and it provides guidelines and recommendations to member countries.

Human Rights Council

UNHRC is a subsidiary body of the United Nations General Assembly and plays a vital role in addressing human rights issues, including those related to gender identity and sexual orientation. The council's work involves reviewing and addressing human rights situations, adopting resolutions, and contributing to the development of international standards to safeguard the rights and dignity of individuals worldwide.

IV. Key Issues including Background Information

Autonomy and informed consent

The issue of autonomy and informed consent revolves around the question of at what age individuals can make decisions about their gender-affirming care independently. Some argue that young people can understand their gender identity and make informed decisions, while others may express concerns about the age at which individuals can provide autonomous consent for such medical interventions. Recognizing the autonomy of youth in decisions about gender-affirming care is essential for respecting their rights and mental well-being. Striking a balance between protecting young individuals and respecting their autonomy is critical.

Medical and mental health outcomes

Studies indicate that access to gender-affirming care correlates with positive mental health outcomes for transgender and gender-diverse youth. However, debates exist about the potential long-term effects of certain interventions, raising concerns from some quarters about the safety and appropriateness of such care for young individuals. Understanding and addressing the potential medical and mental health outcomes of gender-affirming care is crucial for crafting policies that prioritize the well-being of youth while addressing legitimate concerns about long-term effects.

Parental rights and involvement

Involvement of parents in decisions related to youth gender-affirming care is a contentious issue. While some argue for the importance of parental consent, others recognize the rights of young individuals to access care without parental approval, especially in situations where parental support may be lacking or harmful. Balancing parental rights with the rights of youth to access gender-affirming care independently is a complex task. Understanding the impact of parental involvement on the mental health and well-being of young individuals is critical.

Cultural and religious perspectives

Cultural and religious beliefs can influence attitudes towards gender-affirming care. According to a report by the Pew Research Center, attitudes toward transgender issues vary widely among religious groups in the United States. Some cultural or religious groups may hold traditional views on gender, leading to opposition to certain interventions. Crafting policies that respect cultural and religious diversity while safeguarding the rights of transgender and gender-diverse youth is essential for societal acceptance and understanding.

Legal and human rights framework

The legal and human rights framework surrounding gender-affirming care varies globally and within countries. According to the Movement Advancement Project, only a limited number of U.S. states explicitly prohibit discrimination based on gender identity in healthcare. Lack of legal protections can hinder access to gender-affirming care.

Issues in Africa

Countries such as DRC have a protective rights or supportive legislation for any type of medical transitional procedures. Gender affirming surgical procedures are illegal in Egypt, Nigeria, and Morocco, medical professionals are also actively prohibited to perform such measures. However, medical procedures such as hormone replacement and surgeries are protected under South African law, however not covered by medical aid.

Issues in Asia

In India, transgender people need to undergo gender-affirming surgery to change their legal gender from male to female or vice versa. In China, a gender determination certificate should be shown as proof of gender-affirming surgery, proof that the family has been notified and agreements. In Japan, sterilization is required for transgender for legal recognition of gender reassignment. However, Gender-affirming surgery is illegal in the UAE.

V. Timeline of Resolutions, Treaties, and Events

Date	Description of event
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- 1933 *Vienna Declaration and Programme of Action*
- This landmark document recognized the importance of protecting the human rights of all individuals, regardless of their gender identity, and set the stage for future international discussions on LGBTQ+ rights.
- 2000 *Yogyakarta Principles*
- Formulated by international human rights experts. These principles outlined the application of international human rights law about sexual orientation and gender identity, emphasizing the rights of individuals to gender-affirming care.
- 2010 *Malate vs. Metropolitan Manila Development Authority (MMDA)*
- Highlighted the intersection of legal recognition and access to gender-affirming care. The court ruling affirmed the right of transgender individuals to access medical procedures related to gender transition.
- 2011 *World Professional Association for Transgender Health (WPATH) Standards of Care*
- This document provided guidelines for healthcare professionals regarding gender-affirming care and reflected evolving international perspectives.
- 2012 *AAP Policy Statement on LGBTQ Youth*
- Emphasizing the importance of providing comprehensive healthcare for LGBTQ youth, including gender-affirming care. This marked a formal recognition of the unique healthcare needs of transgender and gender-diverse youth.
- 2016 *United Nations Independent Expert on Sexual Orientation and Gender Identity (IE SOGI)*
- This appointment marked a significant step in addressing human rights violations against LGBTQ+ individuals globally.
- 2017 *HRC Healthcare Equality Index*
- This initiative evaluates and recognizes healthcare facilities for their LGBTQ-inclusive policies and practices, and also encourages healthcare providers to adopt more affirming practices for transgender and gender-diverse individuals.
- 2018 *WHO ICD-11 Depathologization*
- The WHO depathologized transgender identities. This move reflected a commitment to destigmatizing gender diversity and aligning global health

classifications with human rights principles.

- 2020 *AAP Policy Statement on Gender-Affirming Care*
Explicitly supporting gender-affirming care for transgender and gender-diverse youth. This statement reinforced the importance of affirming healthcare practices for the well-being of these individuals.
- 2021 *HRC Advocacy for Equality Act*
The Equality Act addresses discrimination based on sexual orientation and gender identity, including in healthcare, signaling ongoing efforts to protect the rights of transgender individuals.
- 2022 *WHO Guidelines on Gender-Affirming Care*
The WHO releases updated guidelines on gender-affirming care, providing evidence-based recommendations for healthcare professionals globally. These guidelines contribute to shaping international standards for gender-affirming healthcare.

VI. Possible Challenges & Solutions

Autonomy and informed consent

Balancing the autonomy of transgender youth with concerns about decision-making capacity calls for a nuanced approach. Advocates might propose legislation ensuring informed consent processes that involve both youth and parents, fostering collaboration while considering the evolving capacity of individuals as they progress through adolescence.

Medical and mental health outcomes

To address concerns about medical and mental health outcomes, proponents can highlight existing studies demonstrating positive impacts on mental health. A balanced solution involves ongoing research to monitor long-term effects while providing access to gender-affirming care based on current evidence, prioritizing the immediate mental health needs of transgender youth.

Parental rights and involvement

Balancing parental rights and the rights of transgender youth involves establishing clear guidelines for involvement, considering exceptions where parental support may be detrimental. This approach ensures a nuanced and inclusive pathway for youth to access gender-affirming care independently when necessary.

Cultural and religious perspectives

Addressing cultural and religious perspectives on gender-affirming care requires respectful dialogue and cultural competence within healthcare systems. Advocates may stress the importance of policies

transcending biases, while individuals with conservative views seek accommodations for conscientious objections, fostering spaces for respectful conversations.

Legal and human rights framework

Crafting a legal framework for gender-affirming care necessitates comprehensive protections that explicitly prohibit discrimination. A potential solution involves legislation that safeguards the rights of transgender youth without infringing on others' rights, promoting a legal framework that upholds equality and inclusivity.

VII. Recommendations for Resolution Writing including Research

When drafting resolutions on the legalization of youth gender-affirming care, delegates should begin by thoroughly researching their country's existing policies, legal frameworks, and cultural attitudes towards gender identity and healthcare. Understand the context and recent developments related to LGBTQ+ rights within your country so that you can fully grasp the background information regarding this topic.

The issue for this topic is especially controversial among countries, as whether or not the gender status is legal itself remains different. The main contrasting example would be Thailand and Iran. Thailand is a country that performs the most gender affirming surgery and hormone therapy by jurisdiction, often interacting with other facets of the legal status of transgender people.

Consider engaging with stakeholders such as healthcare professionals, advocacy groups, and legal experts to gain diverse perspectives. While articulating your country's stance, be mindful of the global diversity of perspectives on this issue and seek common ground or compromises that respect cultural and legal differences. Collaborate with countries sharing similar views to build coalitions, fostering international cooperation for comprehensive and inclusive resolutions.

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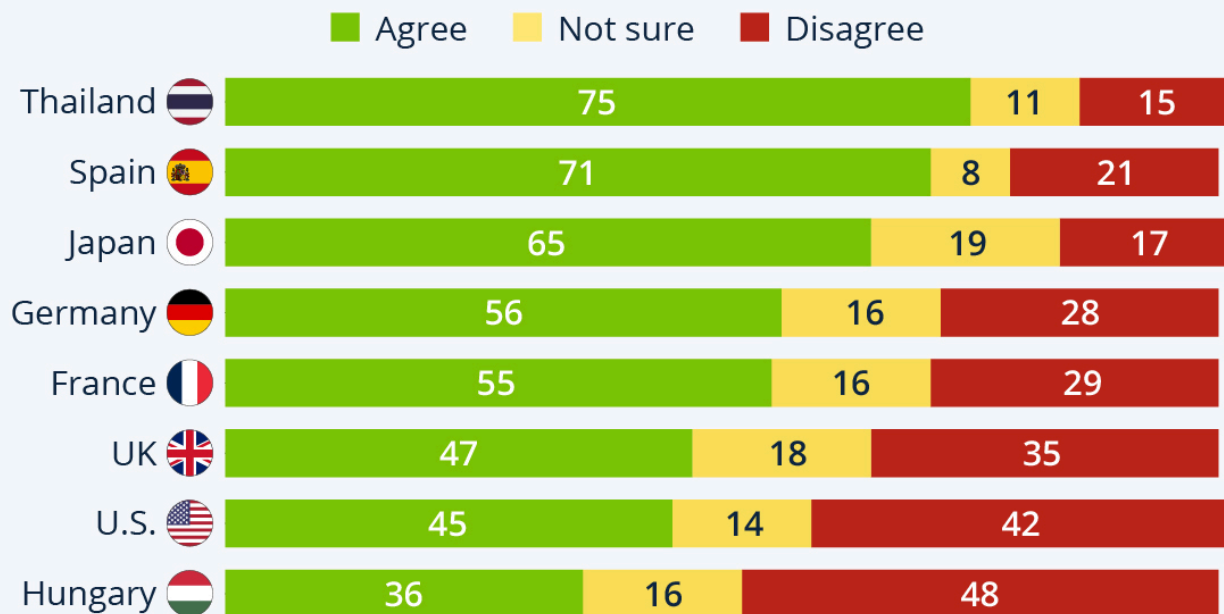
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IX: Additional Resources

Where Countries Stand on Teen Access to Gender-Affirming Care

Share of respondents who agree transgender teens should be allowed to receive gender-affirming care* (in %)



* With parental consent; does not include gender reassignment surgery, but counseling or hormone replacement therapy etc.

22,514 respondents (16-74 y/o) surveyed in 30 countries worldwide; Feb.-Mar. 2023

Source: Ipsos

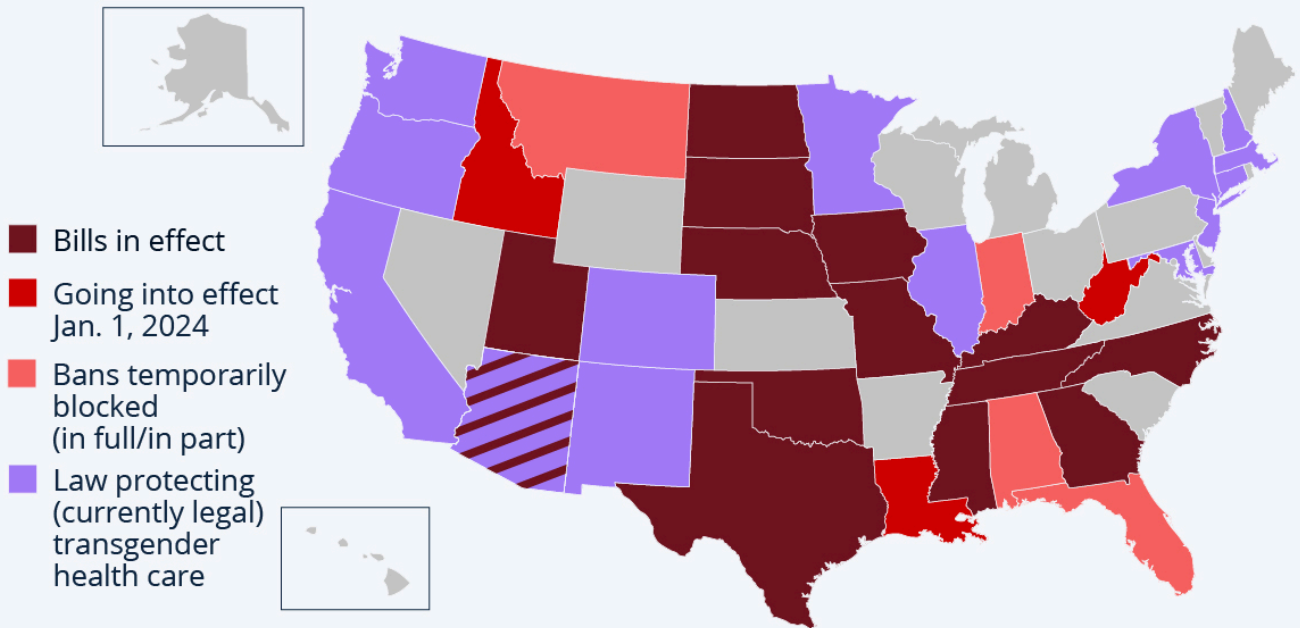


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Where Countries Stand on Teen Access to Gender-Affirming Care

Where Gender-Affirming Care for Minors Is Being Outlawed

U.S. states banning/limiting gender-affirming health care for patients younger than 18 (as of Nov. 13, 2023)



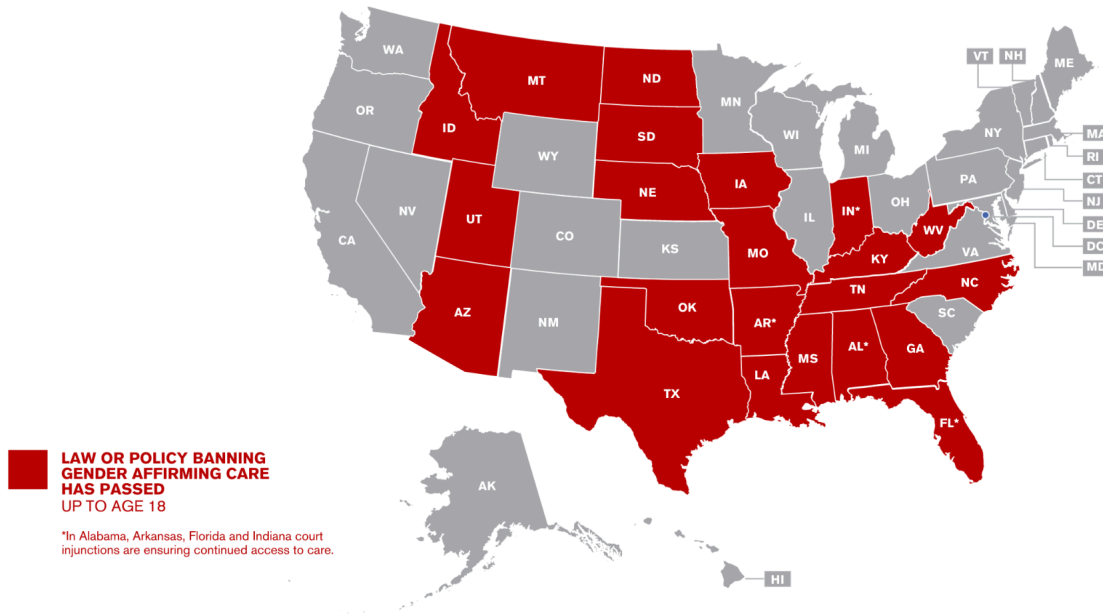
Arizona: Surgical care outlawed, rest protected.
 Arkansas: Ban permanently blocked, ability to sue provider remains.
 Source: Movement Advancement Project



Where Gender-Affirming Care for Minors Is Being Outlawed



Gender-Affirming Care Bans Impacting Youth



Attacks on Gender Affirming Care by State

Impact of bans on gender-affirming care for LGBTQ+ adults

Survey of over 14,000 U.S. LGBTQ+ adults conducted April to June 2023

Share who say that bans on gender-affirming care ...

Make them feel less safe



Impact their or loved ones' physical/mental health



Impact of bans on Gender-affirming care for LGBTQ+ adults