



National  
Council of  
Ethics for the  
Life Sciences

**124/CNECV/2023**

**OPINION ON DRAFT BILL NO. 705/XV/1 -  
REINFORCES THE PROTECTION AND PRIVACY  
OF CHILDREN AND YOUTHS  
IN INTIMATE SPACES WITHIN THE SCHOOL**

May 2023



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**Executive Summary**

The Parliamentary Standing Committee on Constitutional Affairs, Rights, Freedoms and Guarantees has sent the National Council of Ethics for the Life Sciences (CNECV) a request for an opinion on the assessment, in ethical terms, of Draft Bill no. 705/XV/1<sup>a</sup> (CHEGA political party) - Reinforcing the protection and privacy of children and young people in the spaces of intimacy within a school context. The Draft Bill makes two proposals to amend Law no. 38/2018, of 7 August, on the right to self-determination of gender identity and gender expression and the protection of the sexual characteristics of each person.

In its previous reflection (Opinion 120/CNECV/2022), the CNECV had already stated that, regardless of the logistics to be implemented concerning bathrooms and changing rooms in schools, the priority is to ensure the privacy, safety and the tranquillity and well-being of all members of the educational community and to ensure non-discrimination, particularly of people with gender incongruity.

The CNECV, considering the ethical principles of autonomy and non-discrimination, from which derive the duties to respect the individuality and the right to gender identity and expression of all members of the educational community, in particular young students who experience an intense period of physical and psychological transformation, and human rights, among which those of privacy and security, from which derive the duty to establish the necessary and sufficient material conditions for the safeguarding and enjoyment of the aforementioned rights,

is of the opinion that:

1. in a school environment, the maintenance of gender-characterised toilet and shower facilities is ethically acceptable, provided that there are non-characterised spaces that the educational community can access freely.



2. In pre-school education and in schools that already have sanitary facilities and changing rooms without gender criteria, it is not justifiable to legally impose the construction of male and female facilities.

3. It will be the school management's responsibility to resolve any possible conflicts. Any solution found must ensure the privacy and safety of all children and youths and the non-discrimination of people on the basis of gender expression and identity.

This opinion by the CNECV was unanimously adopted at the 277th extraordinary plenary session, held on 9 May 2023.

National Council of Ethics for the Life Sciences

President of the CNECV: Maria do Céu Patrão Neves.

Rapporteurs: André Dias Pereira and Paula Pinto de Freitas.