

CDDH comments concerning Recommendation 2023 (2013) - “*Children’s right to physical integrity*”

CDDH: 79th meeting – 26/26 November 2013 CDDH(2013)R79

1. The CDDH takes note of this Recommendation and of the Parliamentary Assembly’s Resolution on Children’s right to physical integrity, both focused on the issue regarding acts concerning children’s physical integrity, including those not having medical purpose.
2. The CDDH highlights that the practices mentioned in Resolution 1952(2013) are by no means comparable: female genital mutilation, which falls within the scope of Article 3 of the European Convention on Human Rights and which according to the Istanbul Convention is among the most serious violations of human rights of girls and women, cannot be put on an equal footing with practices such as, and notably, circumcision. Even if the Resolution warns that there are distinctions to be made, the CDDH notes with concern that the formulation of this text is susceptible to cause confusion. It therefore suggests that the Committee of Ministers proceed with the greatest caution with respect to the Recommendation and the Resolution.

Recommendation 2023(2013)

Final version

Children’s right to physical integrity

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 1952 \(2013\)](#) on children’s right to physical integrity, welcomes the ambitious work undertaken by the Council of Europe in favour of children’s human rights, which has always followed a comprehensive approach including child protection, the promotion of children’s development and child participation as the main pillars of effective child rights strategies.
2. The Assembly welcomes, in particular, the fact that the Council of Europe’s Strategy for the Rights of the Child already focuses on eliminating all forms of violence against children among its strategic objectives, and strongly encourages the Committee of Ministers to allow this work to continue along the same lines beyond 2015.
3. The Assembly points out, however, that a certain category of human rights violations against children is not yet explicitly covered by any international or European policy or legal instrument: the medically unjustified violations of children’s physical integrity as specified in Assembly [Resolution 1952 \(2013\)](#).
4. With the purpose of reinforcing the protection of children’s rights and well-being at the European level, the Assembly invites the Committee of Ministers to:
 - 4.1. take fully into account the issue of children’s right to physical integrity when preparing and adopting its new strategy for the rights of the child as of 2015, in particular as regards the fight

against all forms of violence against children and the promotion of child participation in decisions concerning them;

4.2. consider the explicit inclusion of children's right to physical integrity, as well as their right to participate in any decision concerning them, into relevant Council of Europe standards and, to this end, to examine in a comprehensive manner in which Council of Europe instruments such rights should be included.