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Children's right to physical integrity

Reply to Recommendation¹: Recommendation 2023 (2013)
Committee of Ministers

1. The Committee of Ministers has carefully examined Recommendation 2023 (2013) on "Children's right to physical integrity". It has communicated it to the relevant bodies of the Council of Europe.²
2. The Committee of Ministers would underline that the practices mentioned in Resolution 1952 (2013) are by no means comparable, as female genital mutilation is clearly prohibited by international law. It falls within the scope of Article 3 of the European Convention on Human Rights and, under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, is among the most serious violations of human rights of girls and women. It can, in no way, be put on an equal footing with practices such as the circumcision of young boys for religious reasons, the practice of which is not the subject of similar legal provisions. Whilst the resolution does warn that there are distinctions to be made, the Committee of Ministers notes that the formulation of this text is susceptible to cause confusion.
3. The Committee of Ministers notes that protection for children against the risks of non-medically justified operations and interventions is provided by existing international instruments, which address, *inter alia*, the participation of children in decisions concerning their welfare, and the role of their parents. These include, in particular the United Nations Convention on the Rights of the Child and Council of Europe instruments, such as the European Convention on the Exercise of Children's Rights (ETS No. 160), Articles 7 (right of children and young persons to protection) and 17 of the European Social Charter (right of children and young persons to social, legal and economic protection) as well as Recommendation Rec(84)4 on parental responsibilities, Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18 and the 2010 Guidelines on Child-Friendly Justice. The Committee considers that, for the present, further standard-setting work is not required.
4. Finally, the Committee of Ministers would inform the Assembly that in 2013 a certain amount of information was collected, through the delegations of the Bioethics Committee (DH-BIO), on the legal situation of member States regarding male circumcision. In the replies received, it could be noted that many countries pay particular attention to the conditions in which such interventions are carried out in order to limit any risks to the health and well-being of the child. The Committee of Ministers would like to stress the importance of this question.

1. Adopted at the 1195th meeting of the Ministers' Deputies (19 March 2014).

2. The Steering Committee for Human Rights (CDDH), the European Committee on Legal Co-operation (CDCJ), the Governmental Committee of the European Social Charter and of the European Code of Social Security and the European Committee on Social Rights (ECSR).

