Parliamentary Assembly
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COUNCIL OF EUROPE
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Children's right to physical integrity

Motion for a resolution
tabled by the Committee on Social Affairs, Health and Sustainable Development

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This motion has not been discussed in the Assembly and commits only those who have signed it

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The United Nations Convention on the Rights of the Child provides that “in all actions […] undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” and requires States, amongst others, to take "all appropriate […] measures to protect the child from all forms of physical or mental violence, injury or abuse, […] while in the care of parent(s), legal guardian(s) or any other person who has the care of the child". In several European countries, however, recent political debates seem to suggest that a child’s human right to physical integrity is insufficiently protected.

Irreversible injuries of various kinds and degrees inflicted upon children seem to be increasingly socially acceptable, such as in the case of piercings or tattooing applied to minors who are not capable of taking enlightened decisions or are not aware of the long-term consequences on their health. In other cases, such as in circumcisions of young boys, physical integrity is often harmed in unsafe and unhealthy conditions. Some physical and functional injuries – such as female genital mutilation– are so grave that they warrant criminal prosecution.

The Parliamentary Assembly expresses its position of principle that children’s right to physical integrity should be given priority in line with international law. It is concerned about medically unjustified interferences with children’s physical integrity, in particular when undertaken without associating qualified medical staff and on the basis of decisions taken by parents who were not fully aware of the risks of such interventions. The Assembly calls upon member States to take committed political action through awareness-raising campaigns, and to examine possible legal action to be undertaken without criminalising families, or professionals acting in good faith, for minor injuries, and including criminalisation for major injuries.