



Doc. 13297 – Compendium of written amendments

(Final version)

Children's right to physical integrity

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A. Draft Resolution

1. Many legislative and policy measures have been taken by Council of Europe member States in recent decades to improve the well-being of children and their protection against any form of violence. Nevertheless, children continue to be harmed in many different contexts.
2. The Parliamentary Assembly is particularly worried about a category of violation of the physical integrity of children, which supporters of the procedures tend to present as beneficial to the children themselves despite clear evidence to the contrary. This includes, amongst others, female genital mutilation, the circumcision of young boys for religious reasons, early childhood medical interventions in the case of intersexual children and the submission to or coercion of children into piercings, tattoos or plastic surgery.
3. According to the United Nations Convention on the Rights of the Child (UNCRC), in all actions concerning children, comprising every person under 18, whether 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 States are required 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" (Article 3).
4. The Council of Europe has been actively promoting children's rights and child protection since 2006 through its Strategy for the Rights of the Child, and in which "Eliminating all forms of violence against children" can be found as one of four strategic objectives.
5. The Assembly itself has adopted numerous texts drawing attention to various forms of violence inflicted upon children in bad faith (sexual violence in different contexts, violence in schools, domestic violence, etc.). It continues to fight against different forms of violence inflicted upon children via different promotional activities and campaigns (domestic violence, sexual violence). However, it has never looked into the category of non- medically justified violations of children's physical integrity which may have a long-lasting impact on their lives.
6. The Assembly strongly recommends that member States promote further awareness in their societies of the potential risks that some of the above mentioned procedures may have on children's physical and mental health, and take legislative and policy measures that help reinforce child protection in this context.
7. The Assembly therefore calls on member States to:
 - 7.1. examine the prevalence of different categories of non-medically justified operations and interventions impacting on the physical integrity of children in their respective countries, as well as the specific practices related to them, and to carefully consider them in light of the best interests

Amendment 5

Tabled by Ms Nursuna MEMECAN, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Valeriu GHILETCHI, Mr Sabir HAJIYEV

In the draft resolution, paragraph 2, second sentence, delete the words "the circumcision of young boys for religious reasons".

of the child in order to define specific lines of action for each of them;

- 7.2. initiate focused awareness-raising measures for each of these categories of violation of the physical integrity of children, to be carried out in the specific contexts where information may best be conveyed to families, such as the medical sector (hospitals and individual practitioners), schools, religious communities or service providers;
- 7.3. provide specific training, including on risks of and alternatives to certain procedures, as well as the medical reasons and minimum sanitary conditions that should be fulfilled when performing them, to various professionals involved, in particular medical and educational staff, but also, on a voluntary basis, religious representatives;
- 7.4. initiate a public debate, including intercultural and interreligious dialogue, aimed at reaching a large consensus on where the limits with regard to violations of the physical integrity of children are to be drawn according to human rights standards, and at striking a balance between the rights and the best interest of the child and the rights and religious freedoms of parents and families;

Amendment 4

(If adopted, amendment 1 falls)

Tabled by Ms Nursuna MEMECAN, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Sabir HAJIYEV, Ms Nermina KAPETANOVIĆ

In the draft resolution, delete paragraph 7.4.

Amendment 1

(Falls if amendment 4 is adopted)

Tabled by Mr Geraint DAVIES, Mr Joe BENTON, Lord Donald ANDERSON, Mr Ian LIDDELL-GRAINGER, Sir Alan MEALE, Mr David CRAUSBY, Mr Michael CONNARTY

In the draft resolution, paragraph 7.4, replace the words: "where the limits with regard to violations of the physical integrity of children are to be drawn according to human rights standards, and at striking a balance between the rights and the best interest of the child and the rights and religious freedoms of parents and families;" with the following words: "the rights of children to protection against violations of their physical integrity according to human rights standards;"

- 7.5. take the following measures with regard to specific categories of violation of children's physical integrity:
 - 7.5.1. publicly condemn the most harmful practices, such as female genital mutilation, and pass legislation banning these, thus providing public authorities with the mechanisms to prevent and effectively fight these practices, including through the application of extraterritorial "legislation or other measures to establish jurisdiction" for cases where nationals are submitted to female genital mutilation abroad, as specified in Article 44 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

- 7.5.2. clearly define the medical, sanitary and other conditions to be ensured for practices which are today widely carried out in certain religious communities, such as the non-medically justified circumcision of young boys;
- 7.5.3. undertake further research into rare phenomena such as intersexuality or DSD (differences of sexual development) to ensure that all children concerned may benefit from operations according to the highest medical and ethical standards and the current state of the medical art, and be submitted to them at an age appropriate for their specific DSD symptoms;
- 7.6. promote an interdisciplinary dialogue between representatives of various professional backgrounds, including medical doctors and religious representatives, so as to overcome some of the prevailing traditional methods which do not take into consideration the best interest of the child and the latest state of medical art;
- 7.7. raise awareness about the need to ensure the participation of children in decisions concerning their physical integrity wherever appropriate and possible, and to adopt specific legal provisions to ensure that certain operations and practices will not be carried out before a child is old enough to be consulted.

Amendment 6

Tabled by Ms Nursuna MEMECAN, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Valeriu GHILETCHI, Mr Sabir HAJIYEV

In the draft resolution, paragraph 7.5.2, delete the words "such as the non-medically justified circumcision of young boys".

Amendment 2

Tabled by the Committee on Social Affairs, Health and Sustainable Development

In the draft resolution, replace paragraph 7.5.3 with the following paragraph:

"undertake further research to increase knowledge about the specific situation of intersex people, ensure that no-one is subjected to unnecessary medical or surgical treatment that is cosmetic rather than vital for health during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to persons concerned, and provide families with intersex children with adequate counselling and support."

Amendment 3

Tabled by Ms Nursuna MEMECAN, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Sabir HAJIYEV, Ms Nermina KAPETANOVIĆ

In the draft resolution, delete paragraph 7.6.

Amendment 7

Tabled by Ms Nursuna MEMECAN, Mr Şaban DİŞLİ, Ms Tülin ERKAL KARA, Mr Valeriu GHILETCHI, Mr Sabir HAJIYEV

In the draft resolution, paragraph 7.7, delete the words "and to adopt specific legal provisions to ensure that certain operations and practices will not be carried out before a child is old enough to be consulted".

B. Draft Recommendation

1. The Parliamentary Assembly 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 amongst 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 ... (2013) on "Children's right to physical integrity".
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. fully take 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.