Ritual circumcision: religious rights of parents are at odds with the best interests of the child

Posted: Fri, 6th Jul 2012 by Dr Antony Lempert

By Dr Antony Lempert, Secular Medical Forum

On 26th June a district court in Cologne made a landmark ruling that parents do not have the right to circumcise their children without a medical reason.

The case centred on a 4 year old boy who was circumcised by a doctor at the request of his Muslim parents in 2010. Two days later the boy suffered bleeding complications from which he later made a full recovery. Charges of grievous bodily harm were brought against the doctor. Although the doctor was acquitted because the law had not been sufficiently clear at the time, the court ruled that it would now be unlawful for circumcision to be performed on a child without a medical reason. Circumcisions for medical reasons or on consenting adults are not affected by this ruling.

Parental consent to religious circumcision was judged to be in conflict with the best interests of the child. The court ruled that the "fundamental right of the child to physical integrity and self-determination outweighed the fundamental rights of the parents", stating that there was an inherent constitutional limit to the religious rights of the parents. The child was too young to give consent and the parents did not have the right to consent on his behalf to a procedure that would lead to his body being 'permanently and irreparably changed' and that could affect his own religious interests later.

Considerations of 'social adequacy' or necessity for him to be a part of his culture were judged inadequate to justify a breach of Germany's basic law – similar to the European Convention on Human Rights (ECHR).

In the same week, significant new evidence emerged in the UK of the serious complication rate from ritual circumcision. It is already well known that circumcision removes one of the most sensitive parts of the penis, affects sexual function for life and will often cause additional side effects such as bleeding, infection, urinary difficulties, and psychosexual difficulties.

As a result of a freedom of information request, it was found that, in one hospital alone in 2011, 11 baby boys needed to beadmitted to the hospital's paediatric intensive care unit with serious, life-threatening complications following circumcision. In this age group there is rarely a medical reason for circumcision so it is likely that all of these babies' lives were threatened by an operation on their normal bodies that they did not need.

In February 2012, a baby boy died in North London as a direct result of bleeding complications two days after a ritual circumcision. In this case the coroner ruled that it was a tragic, 'unforeseen' accident and that the rabbi who performed the circumcision was not to blame.

Religious justifications for ritual circumcision rest on the bankrupt premise that all baby boys born to Jews and Muslims will themselves identify with those religions and that they would want this to have been done to them in childhood. Further, the harms caused by this operation are frequently denied or diminished. Those men who dare to speak out are often humiliated and dismissed or ridiculed for daring to compare the assault on their normal genitals with the suffering of girls and women even though there is a wide spectrum of harm in both girls and boys when their genitals are cut for no therapeutic reason and the ethical principle is identical.

Circumcision apologists and advocates will often say that they have never heard any men complain so they don't believe there can be a problem. There is a problem, and it's time we addressed it.

The German court ruling decision was discussed on BBC One's Sunday Morning Live *show with Samira Ahmed. Dr Antony Lempert appeared on the programme which is available to view until 10am Sunday morning. Here is a link to the show (30 minutes in).*

Visit the Secular Medical Forum website

Dr Antony Lempert

Dr Antony Lempert is chair of the NSS's Secular Medical Forum. The views expressed in our blogs are those of the author and may not necessarily represent the views of the NSS. You can follow him on Twitter @seculant

Religious dogma shouldn't interfere with your healthcare

We campaign to protect patients from the harm caused by the imposition on them of other people's religious values, and advocate for a secular approach to current healthcare issues. Please consider a donation, from as little as £1 a month, to help support our work in this area.

P.S. make sure to check out the related campaigns below.

- Find out more
- Make a donation

- Share on What's App
- Share on Facebook
- Share on Twitter
- Share on Email
- Subscribe to RSS Feed

Tags: Genital cutting

Related Campaigns

-

End forced genital cutting

No child should be subjected to unnecessary genital cutting.

Read More

Related Articles

NSS address urges UN to call for government action on human rights

Religious privilege is undermining rights of UK citizens, NSS tells UN committee. Read More »

Protect human rights from religious imposition, NSS urges UN

NSS tells UN Human Rights Committee religious privilege is undermining rights in education, healthcare and around free speech. Read More »

Religion should not be a roadblock to child safeguarding in healthcare

A new paper highlights barriers to reforming guidance on non-therapeutic circumcision. The author, Dr Antony Lempert, explains why religion is one of the biggest barriers of all. Read More »

NSS defend mayor ousted for questioning religious circumcision

The National Secular Society has teamed up with a men's health charity to raise concerns after a mayor was ousted... Read More »

NSS speaks out at pro-genital autonomy event

The National Secular Society has called for an end to all forms of non-consensual religious genital cutting at the... Read More »