



General Assembly

Distr.: General
14 February 2020

English only

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by National Secular Society, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2020]

* Issued as received, in the language(s) of submission only.

Forced genital cutting (FGC) of male children

Introduction

1. **We call on the HRC and OHCHR to protect all children equally from non-therapeutic genital cutting.**
2. While progress has been made on FGM, FGC on male children is largely dismissed as inconsequential or falsely claimed to have therapeutic value. There is little recognition that this irreversible gross violation of their human rights is practised on millions of boy victims throughout the world.
3. We support a person's most fundamental right to grow up with an intact body and to make their own choices about permanent bodily modifications; these basic rights must not be overridden on the grounds of religion, tradition or culture. Children, and particularly young infants, are obviously incapable of giving consent to such medically unnecessary and harmful procedures. Child safeguarding must take precedence over the desire of adults within a community to express their own or their child's presumed belief through forced cutting of their child's genitals.

International awareness

4. In 2012 in a private meeting with the now former UNCRC Chair Jean Zermatten, the NSS/SMF raised this issue and provided evidence. It received a positive response. In 2013, the concluding observations of the UNCRC for Israel included non-therapeutic circumcision under the heading 'harmful practices' and recommended that Israel monitor the short and long-term complications of the procedure. We are not aware of any follow up.
5. In October 2013, the Parliamentary Assembly of the Council of Europe issued resolution 1952, 'Children's Right to Physical Integrity'¹. Resolution 1952 notes that *'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, among others, female genital mutilation, the circumcision of young boys for religious reasons, early childhood medical interventions in the case of intersex children, and the submission to, or coercion of, children into piercings, tattoos or plastic surgery.'*
6. In the UK in 2015, Sir James Munby, then the most senior judge in the family division of the High Court of England and Wales, noted² the disparity in protection between boys and girls. In his judgment – *Re B&G* – Munby stated that non-therapeutic male circumcision of children constitutes 'significant harm' under the terms of the Children Act and noted that some forms of FGM, which would be illegal under the 2003 FGM legislation, cause considerably less harm to children than non-therapeutic male circumcision which he noted society *still* seemed willing to accept. It is notable in this regard that section 1(5) of the FGM legislation expressly forbids custom or ritual as a mitigating factor when considering non-therapeutic cutting of a female child's genitals.

Breaching the UN Convention on the Rights of the Child

7. The UN Convention on the rights of the child (UNCRC) recommends respect for the right of the child to freedom of thought, conscience and religion, and advises that traditional practices prejudicial to the health of children should be abolished.

8. The preamble to the UN Convention on the Rights of the Child includes the passage: *'Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.'* Regrettably that these wise words have not prevented the FGC of male children going largely unrecognised.
9. Our understanding is that the FGC of all children constitutes an abuse of every child's right to form and express their own belief (article 14 UNCRC), of every child's right to be protected from torture or other inhuman or degrading treatments (Article 37 UNCRC), of every child's right to be protected from traditional practices harmful to children (Article 24 UNCRC), of every child's right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, (Article 19 UNCRC) and of every child's right to be protected from unlawful interference with his privacy (article 16 UNCRC) .
10. Boys born into religio-cultural communities that practise FGC are being abandoned to the unrestricted expression of their parents' beliefs regarding their most intimate body parts. Male children born into these communities are not at all protected from having their genitals surgically altered, often without anaesthetic, in accordance with their parents' or communities' belief system. This is a gross injustice and breach of the Universal Declaration of Human Rights and UNCRC.
11. Those children on whom medically unnecessary genital cutting has been performed will permanently lose a large part of their normal penis (approximately one third of the covering of the adult penis). The penile prepuce is one of, if not the most sensitive parts of a man's body, providing numerous functions in intact men and boys. Healthy intact men rarely choose to lose this part of their anatomy and when they do, often regret it.

Nomenclature

12. In the place of the euphemism 'female circumcision', the World Health Organisation and UNICEF have adopted the term FGM/C to describe all forms of medically unnecessary genital cutting of females regardless of motivation or degree of harm. We propose that the term FGC appropriately describes all medically unnecessary genital cutting of non-consenting people, whilst conceding objections to the dictionary descriptive term⁴ "mutilation", often for religious or cultural reasons.
13. One of the main drivers for the omission to extend protections to boys and men has likely been that adults in traditional conservative Jewish and Muslim communities have practised this form of FGC on children born into their communities for centuries. Their stated justification has been that it is integral to their belief or culture. In so doing, they are assuming that all children born into their community will later choose to adopt both their beliefs and their practices; either that or they have no regard for those who might later choose otherwise. We believe this reasoning as fundamentally flawed, unethical and dangerous.

Principles of medical treatment

14. The debate on the topic of the forced genital cutting of male children has been subject to confusion due to claims by religious and cultural leaders asserting some form of medical benefit for 'religious circumcision' and claiming no or minimal harmful effects. FGC of male children is an anomaly in that it is allowed despite the lack of evidence of benefit, despite the fact that it evidently breaches several articles of the UNCRC, despite the accounts of intact adult

males who cherish their foreskins, despite the evidence of harm and side effects from the procedure, despite the protections offered to females from anatomically similar wounding, and despite the fact that other medical procedures are highly regulated whereas surgery on male children's genitalia is largely unregulated.

15. At birth, transgender people are indistinguishable from cisgender people. An adult transgender woman subjected as a biologically male infant to FGC will no longer possess the sensitive foreskin tissue ordinarily used in sex reassignment surgery to fashion a vagina. Her future choices will have been unreasonably restricted. Existing gender-discriminatory norms fail to protect cismale, transfemale and some intersex people from FGC. We believe that all children should be protected equally.

Conclusion

16. Adults are entitled not to have their genitals touched, let alone surgically altered, without their express consent. Ordinarily, in view of their inherent vulnerability, children are offered additional protections to those given to adults as recognised by the UNCRC. The touching or interfering with children's genitals for reasons other than essential hygiene or medical reasons is a social and legal taboo throughout the world except in this one regard. For male children in most countries of the world, the most intimate part of his body is not at all protected from medically unnecessary surgery dictated by the various beliefs and traditions of his parents or guardians. Increasingly, the victims of this abuse are speaking out and are asking why special exemptions from the usual guaranteed human rights protections have been granted to allow the practice to continue largely unchallenged.
17. The surgical assignation of a child's genitals with his parents' beliefs is a human rights abuse taking place on an industrial scale in most countries, so much so and for such a long time perhaps that some find it difficult to see.
18. **We therefore encourage the HRC to ensure that protections from forced genital cutting encompass all children equally.**

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1 <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20174>

2 *Re B and G (Children) (No 2) [2015] EWFC 3* https://www.judiciary.uk/wp-content/uploads/2015/01/BandG_2_.pdf

3 <https://www.haaretz.com/israel-news/.premium.MAGAZINE-they-felt-pressured-to-get-circumcised-after-moving-to-israel-they-now-regret-it-1.8227063>

4 <https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance>

