Research Report

Leiden Model United Nations 2015
~ fresh ideas, new solutions ~

Forum: *Human Rights Council*
Issue: *The bodily integrity of male infants*

Position: *Deputy President*

Introduction

Male circumcision is probably one of the oldest of all surgical procedures. In the absence of any historic, medically confirmed documentation, the origins of the practices have provided much room for speculation but have revealed very few facts. Although the origin of the practice is not entirely clear, it almost certainly began as a religious rite. Currently, approximately one-fifth of the world's male population is circumcised, particularly on religious grounds. One can distinguish several types of male circumcision, of which the simple or routine infant circumcision, which is the removal of the foreskin or prepuce, is the most commonly practiced. In most cases, no anesthesia is used. Regarding the risks of male circumcision, some authors have reported a complication rate as low as 0.06 percent, while at the other extreme rates of up to 55 percent have been quoted.

Every human being has the right to bodily integrity. Removing healthy tissue from an infant is only permissible if there is an immediate medical indication. In the case of infant male circumcision, there is no evidence of an immediate need to perform the procedure. With the option of delaying circumcision providing the largest part of purported benefits, circumcising an infant is an unnecessary violation of his bodily integrity, as well as an ethically invalid form of medical violence. Parental proxy 'consent' for newborn circumcision is invalid.

Definition of Key Terms

Bodily integrity
It is the inviolability of the physical body; it emphasizes the importance of personal autonomy and the self-determination of human beings over their own bodies. It considers the violation of bodily integrity as unethical, intrusive and possibly a crime.

Circumcision
Non-therapeutic circumcision is a radical, irreversible procedure that excises healthy, functional tissue from the body of a child without medical justification and without the consent of the child, which permanently destroys various physiological functions.

Genital integrity
This term refers to the condition of having complete and unaltered genital organs.

Mutilation
It is an act of physical injury that degrades the appearance or function of any living body. According to the children's ombudsmen of the Nordic countries, male

circumcision is a form of genital mutilation.

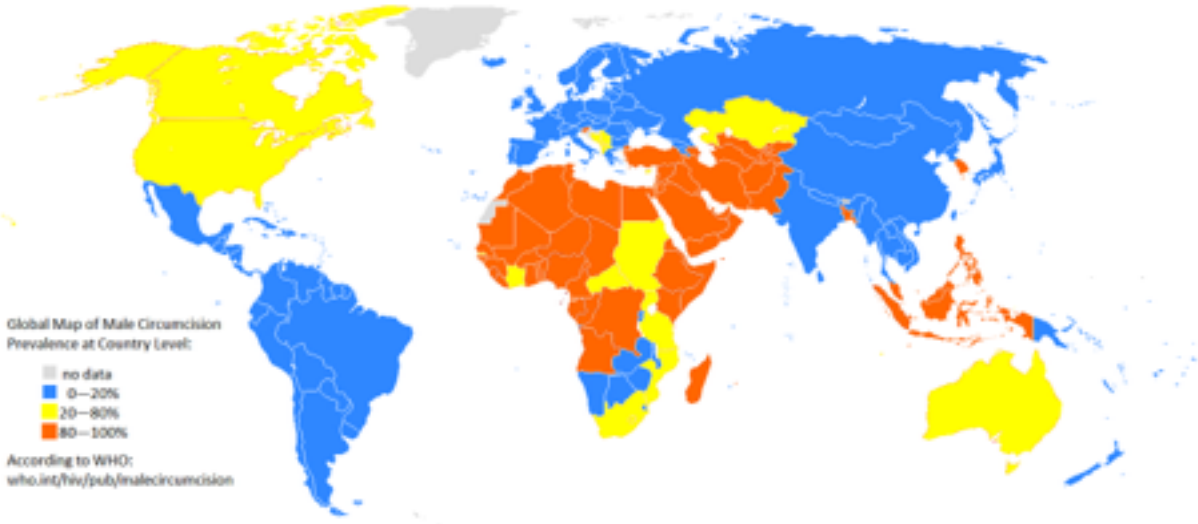
General Overview

The right to bodily integrity is the right to live without being physically harmed or harassed by others. No one should be able to touch, hit or harm our bodies or conduct medical testing on us without our consent. Male circumcision and infant male circumcision both ultimately boil down as a human rights issue. Approximately 30% of males are estimated to be circumcised globally, of whom an estimated two thirds are Muslim. Other common determinants of male circumcision are ethnicity, perceived health and sexual benefits, and the desire to conform to social norms. Neonatal circumcision is common in Israel, the United States of America, Canada, Australia and New Zealand, and in much of the Middle East, Central Asia and West Africa, but is uncommon in eastern and southern Africa, where median age at circumcision varies from boyhood to the late teens or twenties.

At the heart of human rights lies the concept of human dignity, and rights such as those from physical integrity, to the highest attainable standard of physical and mental health, and, in the case of children, the obligation to act in their best interests. Lack of informed consent makes infant male circumcision a violation of human rights. From the relevant literature, it becomes apparent that there are two opposite sides in the debate on routine male circumcision. One side advocates the practice, primarily on a preventative health basis or on religious grounds. American doctors have associated the absence of a foreskin with (partial) prevention of urinary tract infections, penile cancer, cervical cancer in female partners of circumcised men, sexually transmitted diseases and, most recently, of infection with HIV. The other side, however, opposes the practice, primarily on the grounds of human rights and preservation of bodily integrity. If one adheres to the opinion that male circumcision is medically unnecessary, and that consequently the procedure carries an unnecessary danger of complications, certainly where this takes place under unhygienic conditions, it can be argued that the procedure poses a threat to the health of the child. Because of the procedure, without any necessity the natural anatomy and physiology of the child is changed, and this can lead to life-threatening health problems. Male circumcision is also seen by some authors as a threat of the right to life. It also violates four core human rights documents —the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the Convention Against Torture.

While parents and legal guardians provide consent on behalf of children for necessary medical procedures, the removal of healthy, functioning genital tissue from an infant, many years before any purported protections from sexual disease are even relevant, is clearly not a necessary medical procedure. It also ignores doctors' duties to the child to do no harm, and is arguably an inconsistent interpretation of the limitations of parental consent and a breach of the child's human rights. If the purported benefits are, on balance, enough to warrant male circumcision, then this is a decision for which he, whether as an adolescent or an adult, is solely entitled to. Today medical organizations all around the world, including the American Medical

Association (AMA) and the American Academy of Pediatrics (AAP), agree that neonatal circumcision cannot be allowed. Male circumcision is not directly addressed in any declaration of human rights yet. However, it is implicitly addressed variously in other documents, such as: the United Nations Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child, the Born-Alive Infant Protection Act: everyone born is a person; This issue is directly addressed in the study of human rights in Kenya (2005) and in the 2012 statement of the United Nations NGO Council on Violence Against Children.



Major Parties Involved

The National Organization to Halt the Abuse and Routine Mutilation of Males (NOHARMM), an organization whose mission is to raise public awareness of male genital cutting practices and increase public understanding of genital integrity as a fundamental human right.

The National Organization of Circumcision Information Resource Centers (NOCIRC) is an educational, non-profit organization committed to securing the birthright of male, female, and intersex children and babies to keep their sex organs intact.

The World Health Organization (WHO)
The WHO notes that studies have shown that circumcision can help prevent urinary tract infections, penile cancer, some sexually transmitted diseases, such as cancroid and syphilis, HIV, as well as prevent passing on HPV, which causes cervical cancer to female partners. However it also points out that circumcision can cause harm.

Research Report

Leiden Model United Nations 2015

~ fresh ideas, new solutions ~

Timeline of Events

September 2002	Royal Australasian College of Physicians' statement that there is no medical indication for routine male circumcisions
2005	Circumcision and the rights of the Kenyan boy-child
December 2008	The Commissioner for Children, Tasmania, issued a press release calling to directly address circumcision as a human rights issue
2012	International NGO Council raises human rights questions
October 2013	PACE resolution on abolishing assaults on children

Previous Attempts to solve the issue

In 1989, The United Nations Convention on the Rights of the Child stated that infant circumcision circumvents the child's freedom to decide for himself what parts of his body to keep, and his freedom of sexual expression by permanently and unnecessarily diminishing his sexual sensations. This Convention has been ratified by every country in the world except Somalia and the United States of America.

In 1995 an American non-governmental organization, Doctors Opposing Circumcision (DOC), was founded, which aims to support genital integrity for children and to discourage surgical genital modification for cultural practices.

In October 2013, the Parliamentary Assembly of the Council of Europe (PACE) passed a human-rights based resolution which recommends that member states start moving towards abolishing all kinds of physical assaults on children, including non-therapeutic circumcision of children.

There are several international conventions in the bioethics field that explicitly give children protection against unwanted or unnecessary medical procedures. These are the Council of Europe's Convention on Human Rights and Biomedicine (1997), and the UNESCO Universal Declaration on Bioethics and Human Rights (2005).

Possible Solutions

It is difficult to suggesteffective and widely acceptable means of protecting male infants from adults (usually their parents) who want to get them circumcised. The issue is a contentious and highly emotional one, touching on both the relations between parents and their children, and the sensibilities of ethnic or religious minorities who regard circumcision as a requirement of their faith or a necessary mark of their tribal identity. Making the decision to circumcise is one that many parents consider. Nevertheless, it is of utmost importance to raise people's awareness of the consequences of circumcision on male infants. It is significant to acknowledge the right of children to bodily integrity, the right of children to the sexual autonomy of their adult life as well as to ensure that non-therapeutic, ritual circumcision can only be carried out when the person to be circumcised is mature, informed, and able to consent to the procedure.

Useful documents

Circumcision and Human Rights:

http://www.circumstitions.com/Rights.html#UDHR

Declaration on the Rights of the Child:

http://www.cirp.org/library/ethics/UN-declaration/

Convention on the Rights of the Child:

http://www.cirp.org/library/ethics/UN-convention/

International Covenant on Civil and Political Rights:

http://www.cirp.org/library/ethics/UN-covenant/

World Health Organization:

http://apps.who.int/iris/bitstream/10665/43749/1/9789241596169_eng.pdf