

# **Finnish Citizen's Initiative**

## **Ban on genital mutilation in boys**

**21 October 2020**

### **Content of the initiative**

We propose to start drafting legislation to ban non-medical circumcision of boys, i.e. genital mutilation. Non-medical circumcision refers to a procedure in which the foreskin of a male child is removed without medical justification. In this case, instead of promoting the child's health, we are talking about religious and cultural traditions of the child's parents.

Circumcision without medical justification for male children irreversibly violates the personal integrity of these children. Non-medical circumcisions also unnecessarily expose male children to complications from the procedure. Non-medical circumcision of boys has been found to meet the characteristics of assault in principle.

Many Finnish and international actors have questioned the legitimacy of boys' non-medical circumcision. In Finland, the Finnish Medical Association, the Finnish Medical Society, Duodecim, and the Finnish Society of Paediatric Surgeons consider non-medical circumcising of boys unnecessary and the harm caused by them to outweigh the benefits. According to the Medical Association, non-medical circumcisions of boys violate the freedom and personal integrity of the individual, and thus conflict with the ethics of the doctor.

Parliament has taken due seriousness the ban on circumcision of girls, i.e. genital mutilation, but personal integrity should also belong equally to boys. The religious and cultural traditions of parents cannot justify trampling on the fundamental rights of male children and impunity for acts that fulfil the hallmarks of abuse. Parliament must also make non-medical circumcision of underage boys punishable by the Penal Act.

### **Arguments**

The committee hearing of the citizens' initiative to ban female genital mutilation considered that, although the provisions on assault in the Penal Code were sufficient, it was still appropriate to reassess the current state. Among other things, the report referred to material changes in the regulatory situation and social conditions in recent decades, such as the emphasis on fundamental and human rights (LaVM 6/2020 vp - KAA 1/2019 vp). This emphasis on fundamental and human rights should be reflected not only in the girls' children, but also in the rights of young children.

In its report, the Legal Affairs Committee stated that non-medical circumcision of boys basically fulfils the characteristics of assault. There is no special justification for non-medical circumcision of boys in Finland (KKO 2008:93). According to Article 7(3) of the Constitution, personal integrity may not be interfered with without the criterion laid down

by law. On this basis, the Committee on Legal Affairs also considered the regulatory needs of boys to have non-medical circumcision, but ultimately did not raise the issue in its draft decision.

In its ruling (KKO 2016:25), the Supreme Court has also found it unsatisfactory in terms of the core principles of criminal law, the equality of persons and the predictability of criminal liability in the current case law regarding the decriminalisation of non-medical circumcisions of boy. Boys' non-medical circumcisions and their permissiveness limits should therefore be laid down at the level of the law.

Legally, non-medical circumcision of boys examines, on the one hand, the child's right to physical integrity and, on the other hand, the religious freedom of the child's parents. According to the Medical Association, a value choice must be made: whether the practice of the tradition of religion is emphasized in circumcision, or the individual's right to bodily integrity ascending from the ethics of medicine, human rights and the Constitution (Medical Association 2013). Children's rights based on ethics, human rights and the law must finally be given priority.

The preliminary work on fundamental rights reform (HE 309/1993 vp) states that actions which violate human dignity or other fundamental rights cannot be carried out on the basis of a pretext to freedom of religion and conscience. The mutilation of human individuals cannot therefore be justified under any circumstances, despite the possible link between the measure and the religious orientation. The parents' right to pursue their religion must therefore not be grounds for performing a procedure that meets the characteristics of the assault on the male child.

The Act on the Medical Use of Organs, Tissues and Cells (101/2001) therefore specifies that non-reactive tissue should not be taken from a minor. The Convention on Human Rights and Biomedical Sciences (24/2010) also prohibits the removal of healthy tissue without the consent or immediate benefit of a person. The Council of Europe has also expressed its concern at the violations of the physical integrity of children, represented by both genital mutilation of girls and religious circumcision of boys (Council of Europe, Parliamentary Assembly Resolution 1952 (2013)).

Since the ritual circumcisions of baby boys are unnecessary from a medical point of view, the health risks they contain must be treated with particular seriousness. Circumcision can cause bleeding, infection, penile death or even the death of a child as an immediate complication. Late complications such as urethra mouth tightness, the need for re-surgery and reduced genital tactile sensitivity are also possible.

Non-medical circumcision of boys has been extensively addressed by the Medical Association in its publication 'Doctor's Ethics' (2013). It states that circumcision surgery always exposes the patient to complications and that circumcision surgery does not bring health benefits other than possibly HIV prevention in developing countries. According to the Medical Association, non-medical circumcision of boys can therefore be assimilated to female circumcision, or genital mutilation. The Medical Association also considers that,

from an ethical and legal point of view, non-medical circumcision violates an individual's freedom and personal integrity, and is therefore incompatible with the ethics of the doctor.

The Ministry of Social Affairs and Health's Action Plan for preventing violence against children 2020-2025 "Non-violent childhood" brings together numerous arguments against non-medical circumcision of boys. According to it, for example, Finnish health care has the prevailing view that non-medical circumcision is an unnecessary procedure. The disadvantages of circumcision surgery are also found to outweigh its benefits.

The aim of the initiative is not to lay down the conditions under which the ritual mutilation of baby boys would be legal, but to categorically make all non-medical circumcision of underage boys prohibited and punishable.

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**Small corrections have been made to the machine translation.**

**The Citizen's Initiative has been filed with the Finnish Parliament, which is required to consider it.**