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HUMAN RIGHTS AND MALE CIRCUMCISION: A CRITICAL ANALYSIS▪ Bhavya Jain¹**ABSTRACT**

Male circumcision, the surgical removal of the foreskin, is a widely practiced procedure, with an estimated 30-35% of males worldwide circumcised. The practice is rooted in various cultural, religious, and medical reasons. However, in recent years, there has been growing controversy surrounding male circumcision, particularly in the context of human rights.

This paper will critically analyze the issue of male circumcision and its implications for human rights. It will explore the various arguments for and against the practice, examine the relevant international human rights law, and consider the ethical implications of circumcision.

INTRODUCTION

The practice of male circumcision has long been a subject of debate and controversy, especially when examined through the lens of human rights. On one hand, proponents argue that male circumcision is a culturally accepted norm and may have certain health benefits. On the other hand, critics say that male circumcision violates an individual's right to bodily autonomy and can result in physical and psychological harm.

However, the practice of male circumcision has faced less resistance compared to female circumcision due to its cultural acceptance and historical norms. The relatively benign effects of male circumcision, when compared to more extreme forms of female genital mutilation, often lead to dismissals of the idea that a human rights framework applies to male circumcision. However, it is essential to recognize that the debate on this issue is ongoing, with many voices expressing skepticism about the practice, even within religious communities. Moreover, the argument of respecting a child's autonomy and right to an open

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future continues to gain traction. This suggests that the tide may be turning as more people question the ethical and human rights implications of infant male circumcision.

Furthermore, the inability of infants to give informed consent raises ethical concerns, as they rely on adults to make decisions about their bodies on their behalf. Therefore, there is a growing movement advocating for the circumcision decision to be postponed until the person undergoing the procedure is old enough to provide consent. While male circumcision may have cultural and perceived health benefits, it also raises ethical concerns regarding bodily autonomy and the inability of infants to give informed consent. In light of these debates and considerations, parents must be provided with accurate and comprehensive information to make an informed choice regarding male circumcision.

However, it is essential to recognize that the debate on this issue is ongoing, with many voices expressing skepticism about the practice, even within religious communities. However, it is essential to recognize that the debate on this issue is ongoing, with many voices expressing skepticism about the practice, even within religious communities. In conclusion, while the practices of male circumcision may have cultural and perceived health benefits, they also raise significant ethical concerns about bodily autonomy, informed consent, and potential human rights violations.

In conclusion, the practices of male circumcision raise significant questions about human rights violations.

Arguments in Favor of Male Circumcision

Proponents of male circumcision cite several potential health benefits, including:

Reduced risk of sexually transmitted infections (STIs), including HIV: Several studies have shown that circumcision can reduce the risk of STIs, including HIV, by up to 60%. This is thought to be because the foreskin is a moist, warm environment that is particularly susceptible to infection.

Lower incidence of urinary tract infections: Circumcision can also reduce the risk of urinary tract infections (UTIs) in infants and boys. This is because the foreskin can harbor bacteria that can cause UTIs.

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Decreased risk of phimosis (tightening of the foreskin) and paraphimosis (inability to retract the foreskin): Phimosis and paraphimosis are both non-life-threatening conditions, but they can be painful and inconvenient. Circumcision can eliminate the risk of these conditions.

Potential reduction in penile cancer risk: Some studies have suggested that circumcision may reduce the risk of penile cancer, but the evidence is not conclusive.

Arguments Against Male Circumcision

Opponents of male circumcision argue that it is a violation of bodily integrity and a form of child abuse. They contend that the procedure is unnecessary, irreversible, and performed without the consent of the child. They also argue that the potential benefits of circumcision do not outweigh the risks and that there are other, less invasive methods of achieving the same health outcomes.

Violation of bodily integrity: Bodily integrity is the right to control one's body, free from interference or harm. Circumcision is a permanent and irreversible procedure that is performed without the consent of the child. Opponents argue that this violates the child's right to bodily integrity.

Form of child abuse: Child abuse is defined as any action or inaction that results in harm to a child. Opponents of circumcision argue that it is a form of child abuse because it is a painful and unnecessary procedure that is performed without the child's consent.

Unnecessary procedure: Opponents argue that circumcision is not an essential medical procedure and that there are other, less invasive methods of achieving the same health outcomes. For example, they point to studies that have shown that regular foreskin care can reduce the risk of STIs and UTIs.

Disproportionate impact on vulnerable populations: Circumcision is disproportionately practiced on boys from specific cultural and religious groups. Opponents argue that this creates a form of discrimination and perpetuates harmful stereotypes.

Ethical concerns: The ethical implications of male circumcision are complex and contested. Some argue that the practice is a harmless cultural or religious tradition, while others believe

it is a form of child abuse. There is also debate about the extent to which the potential benefits of circumcision outweigh the risks.

Violation of the right to health: The right to health includes the right to be free from unnecessary or harmful medical procedures. Circumcision is not an essential medical procedure, and there are other, less invasive methods of achieving the same health outcomes. For example, studies have shown that regular foreskin care can reduce the risk of STIs and UTIs. Circumcision can also lead to complications, such as bleeding, infection, and scarring.

Violation of the right to informed consent: Informed consent means that a person must be given all the information they need to decide on a medical procedure, including the risks and benefits. In the case of male circumcision, parents or guardians are usually the ones who make the decision, but they may not be fully informed about the risks and benefits of the procedure. This can lead to violating the child's right to informed consent.

Violation of the right to freedom from discrimination: Circumcision is disproportionately practiced on boys from specific cultural and religious groups. This can be seen as a form of discrimination and can perpetuate harmful stereotypes.

Violation of the right to freedom from torture or other cruel, inhuman, or degrading treatment or punishment: The CRC states that every child has the right to freedom from torture or other cruel, inhuman, or degrading treatment or punishment. Circumcision is a painful procedure that is performed on infants who are unable to give their consent. This can be seen as a violation of the child's right to freedom from torture or other cruel, inhuman, or degrading treatment or punishment.

Violation of the right to life: In some rare cases, circumcision can lead to death. This is usually due to complications from the procedure, such as bleeding, infection, or anesthesia complications.

Violation of the right to privacy: Circumcision is a private act that should be decided between a child and their parents or guardians. However, in some cases, governments or religious institutions may mandate circumcision. This can be seen as violating the child's right to privacy.

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International Human Rights Law

The United Nations Convention on the Rights of the Child (CRC) states that every child has the right to "the highest attainable standard of health" and "the right to freedom from torture or other cruel, inhuman or degrading treatment or punishment." These rights are relevant to the issue of male circumcision, as the procedure can be considered both a medical intervention and a form of corporal punishment.

The CRC Committee, the body responsible for interpreting and monitoring the implementation of the Convention, has expressed concerns about male circumcision, stating that it "may constitute a violation of the Convention if it is performed without the informed consent of the child."

In recent years, there have been several legal challenges to male circumcision in Europe. In 2012, a German court ruled that circumcision was a "bodily injury" that could only be performed with the child's consent. In 2018, an Icelandic court ruled that circumcision was illegal unless it was performed for medical reasons. These legal challenges reflect the growing international consensus that male circumcision is a serious issue with significant human rights implications.

Male circumcision has been a topic of ethical scrutiny, with concerns raised about its potential violation of human rights. One primary ethical challenge revolves around the issue of informed consent, primarily when the procedure is performed on infants who cannot provide agreement or dissent. The principle of bodily autonomy, a fundamental aspect of human rights, is questioned, as individuals should ideally be free to make decisions about their bodies.

Additionally, the right to physical integrity is central to human rights, and critics argue that circumcising individuals without their explicit consent may infringe upon this right. The potential discomfort and pain associated with male circumcision, mainly when performed without adequate anesthesia or in less-than-optimal conditions, raise concerns about adherence to the principles of freedom from torture and inhuman or degrading treatment. Comparisons to female genital mutilation highlight potential gender equality issues, prompting a re-evaluation of how cultural practices are weighed against individual rights. In navigating this debate, considerations of cultural relativism come into play, challenging the

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notion that cultural or religious traditions should be exempt from ethical scrutiny when human rights are at stake. The discourse around male circumcision involves a delicate balance between respecting cultural practices, safeguarding individual rights, and weighing perceived health benefits.

Male circumcision exists within the framework of international human rights, drawing attention to various principles enshrined in critical documents such as the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). While there is no explicit international treaty addressing male circumcision, certain human rights principles are pertinent to the discourse. A person's right to life, liberty, and security is relevant, particularly when considering the potential risks associated with the procedure. The right to privacy comes into play, as critics argue that performing circumcision without explicit consent may infringe upon this fundamental right. The principle of bodily integrity is central to discussions, with concerns raised about the permanent alteration of the body without informed consent. Advocates for male circumcision often highlight potential health benefits, aligning with the right to health. Still, critics emphasize the need to balance this with the principles of informed consent and bodily integrity. Non-discrimination, especially regarding gender-based considerations when comparing male circumcision to female genital mutilation, is a crucial aspect of the debate. Children's rights, as outlined in the CRC, emphasize the importance of a child's views and best interests, raising ethical questions about circumcising infants without their explicit consent. Balancing cultural rights with individual human rights adds complexity to the discussion, recognizing the importance of respecting cultural diversity while upholding fundamental principles. The absence of a specific international consensus on male circumcision underscores the ongoing nature of the debate within the context of international human rights.

Ethical Implications

The ethical implications of male circumcision are complex and contested. Some argue that the practice is a harmless cultural or religious tradition, while others believe it is a form of child abuse. There is also debate about the extent to which the potential benefits of circumcision outweigh the risks.

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The ethical considerations surrounding male circumcision are further complicated by the fact that the procedure is often performed on infants who are unable to give their consent. This raises questions about the balance between parental rights and children's rights.

Male circumcision raises a host of ethical concerns that touch upon fundamental principles of autonomy, informed consent, and bodily integrity. Perhaps the most prominent ethical challenge is rooted in the issue of informed consent, mainly when the procedure is performed on infants who cannot provide explicit agreement or refusal. This challenges the ethical principle that individuals should have the autonomy to decide about their bodies, especially when those decisions involve permanent alterations. The concept of bodily autonomy itself is at the heart of the ethical implications, as critics argue that individuals should possess the right to control their bodies and decide whether to undergo procedures that bring about lasting changes. The right to physical integrity, another cornerstone of human rights, is questioned when circumcision is performed without explicit consent, as the procedure involves the permanent modification of a part of the body. Ethical considerations extend to the cultural and religious practices surrounding circumcision, with advocates of these traditions emphasizing the importance of cultural and religious freedom. However, critics question whether such practices should be exempt from ethical scrutiny when they potentially conflict with individual rights. Additionally, discussions around the medical benefits and risks associated with circumcision introduce further ethical complexities. While some studies suggest potential health advantages, critics argue that the medical benefits may not warrant the procedure, mainly when performed without the individual's informed consent. Gender equality concerns emerge when drawing parallels between male circumcision and female genital mutilation, prompting ethical reflection on the consistent application of principles across genders. Navigating these ethical implications requires a nuanced approach that respects cultural diversity, upholds individual rights, and carefully considers the procedure's potential medical and health-related aspects.

CONCLUSION

Male circumcision is a complex issue with significant human rights implications. The practice has been defended based on its potential health benefits, but these benefits are often overstated and can be achieved through other, less invasive means. Meanwhile, circumcision

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raises severe concerns about bodily integrity, informed consent, discrimination, and the right to freedom from harm.

In light of these concerns, it is imperative to consider the ethical and legal implications of male circumcision carefully. The practice should not be performed without the child's informed consent, and governments should take steps to protect children's rights from unnecessary and harmful procedures.

The practice of male circumcision has been a subject of controversy for quite some time, with many arguing that it is a violation of human rights. The term MC (male circumcision) is often used in scholarly and public discourse to refer to this practice. In contrast, female genital mutilation/female circumcision (FGC) is the equivalent term for the practice performed on females. Some argue that male circumcision and FGC should be considered together, as they both involve the removal or alteration of genital tissue without the individual's informed consent. On the other hand, some argue that failure to circumcise baby boys can be unethical due to the substantial risk of adverse conditions and diseases that circumcision may prevent. Moreover, cultural relativism may play a role in the international legal framework for human rights, particularly in cases such as female circumcision, which is often defended on artistic grounds. This influence of cultural relativism on human rights law is a critical issue that requires further examination. However, others advocate for an autonomy-based ethical framework for genital modification, which would prioritize the individual's right to bodily autonomy and self-determination. Furthermore, research has indicated that circumcision can reduce the risk of certain medical conditions, such as balanitis, a form of penile inflammation. Nonetheless, it is essential to remember that male circumcision remains a highly debated topic, with some arguing that it violates fundamental human rights such as the right to bodily integrity and autonomy. In contrast, others say it is a necessary procedure that prevents adverse medical conditions and should be considered a human right.

RECOMMENDATIONS

Based on the analysis presented in this paper, the following recommendations are made:

- Further research is needed to assess the potential health benefits and risks of male circumcision.

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- Parents should be provided with accurate and unbiased information about male circumcision to make informed decisions about their children.
- The ethical implications of male circumcision should be carefully considered, particularly the issue of consent.
- The rights of children to bodily integrity and freedom from harm should be respected.



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