

MPS policy on circumcision



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Advice correct as of November 2014

Non-therapeutic circumcision of male children is carried out for religious and cultural reasons and is seen as an initiation into manhood. It is also performed to help prevent the spread of HIV. There is a significant issue related to the standard of the facilities in which the operation is carried out, and because many circumcisions are carried out by traditional healers, there is often also a lack of formal qualifications in circumcision.

Ethical considerations

A doctor can perform circumcisions for religious or medical reasons on males under the age of 16 provided appropriate consent has been obtained. Circumcisions for cultural or social reasons may not be performed on boys younger than 16 even if the boy and his parents consent. Circumcision of boys younger than 16 for traditional initiation into manhood is not legally permissible.

The Children's Act 2005 states: "Taking into account the child's age, maturity and stage of development, every male child has the right to refuse circumcision." The circumcision of males over the age of 16 may only be performed with their informed consent, in an approved setting and after the appropriate counselling. A High Court judgment in 2009 ruled that circumcisions in young males aged over 16 are unlawful without consent of the initiate, bringing the law for adults in line with the Children's Act.

Section 10.2 of the HPCSA's guidance, *Seeking Patients' Informed Consent: The Ethical Considerations*, says, "The South African Constitution provides that 'a child's best interests are paramount in every matter concerning a child'."

Female circumcision is prohibited at any age, and since 2005 has been punishable by imprisonment from three months to life.

Potential difficulties

Doctors need to be aware that the procedure can carry considerable risks to the patient. Common problems associated with circumcision can include:

- Postoperative bleeding
- Infection
- Residual foreskin.

More rarely, complications can include:

- Amputation of the glans penis
- Extensive loss of penile skin
- Damage to the urethra.

On rare occasions, the operation can be carried out inappropriately with a pre-existing congenital condition. There is a high risk of infection, especially when the procedure is carried out using poor equipment in a non-clinical setting. On many occasions, doctors are approached by parents to circumcise their son before he goes through the traditional initiation into manhood. In this situation, you should always ensure that patients and their parents are aware of all the potential risks, and make sure that you have their informed consent, before proceeding.

MPS policy

MPS urges anyone carrying out the operation to ensure they have the necessary skills and experience to do so, and to carry out the procedure with the appropriate facilities and equipment.

If the procedure is not being carried out on hospital premises, then it should be undertaken in an appropriate setting and with surgical facilities. Doctors should always ensure that appropriate consent has been taken and details are recorded in the patient's records. If the patient is below the age of 16 and the circumcision is being carried out for religious or cultural reasons, or is deemed medically necessary, then you should seek consent from the patient's parents and make a note in the medical records.

If you are unsure whether or not to proceed, contact MPS for advice.

Further information

- MPS factsheet, *Consent: Children and Young People* – www.medicalprotection.org/southafrica
- Behrman, T, *Small Children, Big Dangers. Casebook* 19(2), page 16 – www.medicalprotection.org/southafrica
- The Children's Act 38 2005: Section 12(8) – www.doh.gov.za
- HPCSA, *Seeking Patients' Informed Consent: The Ethical Considerations* (second edition) – www.hpcs.co.za
- Judgment in forced circumcision case (October 2009) – www.legalbrief.co.za
- Center for Reproductive Rights, *Female Genital Mutilation: Legal Prohibitions Worldwide* – <http://reproductiverights.org>
- World Health Organization, *Male circumcision for HIV prevention* – www.who.int/hiv

For medicolegal advice please call us on:
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This factsheet provides only a general overview of the topic and should not be relied upon as definitive guidance. If you are an MPS member, and you are facing an ethical or legal dilemma, call and ask to speak to a medicolegal adviser, who will give you specific advice.

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