

Forced circumcision of men

Michael Glass

Abstract

The forced circumcision of men is a widely occurring human rights violation. Forced circumcisions often accompany other human rights violations and may occur in clashes between circumcising and non-circumcising cultures or when individuals in circumcising cultures refuse to conform to the prevailing custom. This article documents the forced circumcision of men against their will, shows how evidence of forced circumcision has been downplayed and discounted, and outlines and discusses some measures that could help to reduce its prevalence.

This is a full version of the abridged paper published in the *Journal of Medical Ethics*.

Glass M. Forced circumcision of men (abridged). *J Med Ethics*. doi:10.1136/medethics-2013-101626

Acknowledgments

I wrote the article, with help and advice from others. I wish to acknowledge Dr Julian Savulescu, Brian Earp, Dr Daniel Sidler, Dr Margaret Somerville and one anonymous reviewer for their comments and help. There are also others who are too numerous to name whose suggestions helped me polish this article.

Forced Circumcision

Lying on a blood-stained stretcher, Caleb's face is convulsed in pain. "The Kikuyus circumcised me by force," he says, moments before losing consciousness in the hospital's sweltering heat.[1]

In this article, *forced circumcision* is used to describe the circumcision of men against their will. It touches on the forced circumcision of women and children but it is not about infant circumcision. Any questions about infant circumcision are beyond the scope of this article.

Forced circumcision of men happens in various contexts. It can accompany ethnic cleansing, forced religious conversion and forced conformity to tribal laws. Perpetrators often assume that they have every right to forcibly circumcise men or they use forced circumcision to terrorise others. When individuals and groups forcibly circumcise men, local voices often protest, [2] but not everyone speaks out against the abuse. There was little mention of this issue in ethical and human rights literature before the wave of forced circumcisions in Kenya that followed the 2007 elections. [3]

Men both with and without foreskins can be victimised. To the Nazis, being circumcised was deadly evidence of being Jewish. [4] During the civil war in former Yugoslavia, Muslim men were identified in the same way. [5] However, during the genocide of Armenians at Sumgait, Azeri Muslims identified Armenian men by their foreskins.[6] When human rights organizations, government agencies and the media play down or ignore this victimisation, it protects the abusers and helps perpetuate these violations of human rights.

UNAIDS policy to control HIV states that circumcision must be voluntary. [7] Sub-Saharan Africa, where circumcision is being promoted, has problems with forced circumcision. One report of a mass circumcision program in Rwanda stated, "The program will be voluntary, but those in the army likely will see circumcision promotion as an order." [8] This raises troubling questions about the voluntary nature of such programs. Indeed, in countries with a problem with forced circumcision, abuses of this kind may be expected.

Methodology

Forced circumcision was rarely mentioned in the ethical literature before 2007. My literature review involved screening newspaper and internet reports from 2001 to 2008 and again in 2013. I also surveyed other medical and historical references.

Findings

The findings of this study are categorised by country and the countries are listed alphabetically. I found no instances of forced circumcision of men in North or South

America. Most forced circumcisions happened in countries where circumcision is an accepted part of local culture.

Australia

Late in 1996, 34 year old Irwin Brookdale was drinking with a group of Australian Aborigines on the banks of a river in far north Queensland. After he passed out, a woman in the group felt down his pants, found that he was not circumcised and called on her companions to “make a man out of him.” They attempted to circumcise him with a broken beer bottle. Brookdale ended up in hospital, one of his assailants was convicted of unlawful wounding and Brookdale was awarded \$A10,000 compensation for nervous shock. [9]

India and Nepal

In April 2005, a young Nepalese man escaped from a male brothel in Mumbai, India, and revealed details of the trafficking of underage boys in India and Nepal.

“I spent seven years in hell,” says Raju, now 21, trying hard not to cry. Thapa Magar took him to Rani Haveli, a brothel in Mumbai that specialised in male sex workers and sold him for Nepali Rs 85,000.

A Muslim man ran the flesh trade there in young boys and girls, most of them lured from Nepal.

For two years, Raju was kept locked up, taught to dress as a girl and circumcised. Many of the other boys there were castrated. Beatings and starvation became a part of his life. [10]

Cases of forced circumcisions have stirred up communal tensions. A report from Seoni, central India, stated that a 34 year old mentally ill man was abducted on 2 February 2013, taken to the outskirts of the town, forcibly circumcised and left in the forest. He returned home, bleeding, and his family complained to the police. The Vishwa Hindu Parishad, World Hindu Council, took to the streets in protest over the incident on 7 February and then reportedly pelted the local mosque with stones. Authorities called religious and community leaders together but as tension continued, police imposed a curfew. [11]

Indonesia

In early 2001, Muslim extremists forcibly circumcised Christian men, women and children in Ambon, Indonesia. The *Sydney Morning Herald* reported:

Victims have told the Herald of multiple cuttings with the same knives and razors that caused many to suffer infections.

In the biggest city in the islands, Ambon, church and other groups have gathered evidence that 3,928 villagers on at least six islands have been forced

to convert to Islam under the threat of death, torture or destruction of their homes.

They believe that local Muslim clerics, possibly under duress from extremists, circumcised almost all the converts.

Moderate Muslim leaders have condemned the forced conversions and circumcisions, saying they are contrary to Islamic teachings.

The Muslim Governor of Maluku, Saleh Latuconsina, this week [27 January 2001] led an investigation team to the island of Kesui, 420 kilometres south-east of Ambon City, after receiving an official report in late December confirming villagers there converted to Islam against their will and were circumcised. [12]

Muslim authorities were right to condemn this human rights abuse. Kostantinus Idi described what happened to him:

"I could not escape," he said. "One of them held up my foreskin between pieces of wood while another cut me with a razor ...the third man held my head back, ready to pour water down my throat if I screamed. But I couldn't help but scream and he poured the water. I kept screaming aloud and vomited. I couldn't stand the pain."

Idi said one of the clerics urinated on his wound, saying it would stop infection.

"All of the men at the house were cut using the same razor," he said. That night they circumcised about 60 men. I was bleeding all over and had nothing to cover my wound. I was told to take a bath but it kept bleeding until the next day. I could not imagine any greater pain. One of my friends got infected and was taken to hospital when we arrived in Ambon." [12]

Christina Sagat, a female victim, also described what happened to her. She contrasted her experience with that of the men:

At first the woman soaked her fingers in the water and then inserted them into my vagina as she looked for the clitoris. After she found it, she pulled it out, took out the kitchen knife and cut it. That hurt very much. I shed tears. They left just like that without giving me any medication.

I was lucky, I had some money and went to the store immediately to get antibiotics. I know the men suffered more than us women. The circumcision hurt them more than it did to us because their scars could not heal fast. Several of the men I knew got serious infections after suffering from severe bleeding.

My scar healed quite fast, but the sad, humiliated feeling stayed until today." [13]

Sagat observed that the men suffered more than the women from infections and

bleeding and took longer to recover. The *Sydney Morning Herald* reporter revealed the suffering of both sexes but the paper gave far more prominence to the woman's story. Letters that followed[14] denounced female genital mutilation but were silent about the men.

Iraq

In Iraq in 2003, Mandaean men in Falluja were forcibly circumcised. Charles Haberl gave this account of what happened:

... the thirty-five families who composed the community were ordered at gunpoint to adopt Islam shortly after the fall of the Saddam regime. The men were forcibly circumcised and the women were married off to Muslim men. Those who resisted were summarily executed.[15]

In 2007 the US Committee on International Religious Freedom heard that Mandaean boys were being kidnapped, forcibly circumcised and forcibly converted to Islam. Here is an excerpt from the testimony given to the Committee:

Forced conversion is happening in an alarming degree. Boys are being kidnapped, forcibly circumcised - a major sin in the Mandaean religion - and forcibly converted to Islam. Young girls has been kidnapped, raped, forced to marry Muslims. Family receives threats demanding that they either pay jiziah ransom or leave the area.

In one a recent incident, a young Mandaean man was stopped while trying to escape to Syria. He was asked about his identity. And when it was known that he was a Mandaean, he was taken to a nearby local prison. He was beaten, tortured, and was asked to convert or be killed. He converted. However, the gang asked him to prove it by killing a Shi'a prisoner. He refused and started crying. And the gang then cut his genitalia and threw him near a highway. And he was saved by a passing car.[16]

Kenya

In August 2002 a Kenyan man was stripped naked, frog-marched to a nearby river and forcibly circumcised by traditional circumcisers as an excited crowd watched. When police tried to intervene, the crowd started stoning them. The district police commissioner was shocked at the incident and ordered police to crack down on traditional circumcisers.[17]

In November 2005, the Kenyan Human Rights Commission announced that it would seek prosecutions against politicians for inciting such violence. In one instance, a cabinet minister had said, "Those who are not circumcised should be taken for a circumcision ceremony." The Commission said this amounted to an incitement to violence.[18]

In August 2006, when two elderly men were forcibly circumcised, the police made several arrests and the local police chief announced that no one would be allowed to harass uncircumcised men. [19] However, in the bloodbath that followed the 2007 election there were more forced circumcisions. The *Los Angeles Times* reported:

In the recent tribal violence triggered by a disputed Dec. 27 election, circumcision checks have been conducted by roaming gangs of killers hunting for Luos. And the threat of forced circumcision has been used to terrify Luo men.

The number of such assaults so far appears small. The hospital here in Limuru, 30 miles [48km] northwest of Nairobi, confirmed that two cases of forced circumcision were treated after Sunday's violence, which saw members of the larger Kikuyu tribe evict hundreds of Luos from their homes. One case involved an adult, the other a 4-month-old.[20]

Caleb, whose words I quoted at the beginning of this article, gave this account before losing consciousness:

"A group of eight men with pangas (machetes) entered. They asked for my ID," he says, explaining that his attackers wanted to see his name and determine which tribe he belonged to.

"They slashed me and they circumcised me by force. I screamed a lot and cried for help: 'Mum, I don't want to die far away from home,'" he says.[1]

Caleb complained that the police arrived on the scene but failed to help him. Instead, they made away with the machetes and other weapons left behind by the Kikuyu gang and left him in a pool of blood.[1]

Caleb also had machete wounds; others fared far worse. Forced circumcisions were often "outright penile amputations performed with rusty machetes by angry mobs." [1]

Caroline Anyango's husband ran for a councilor position on Odinga's Orange Democratic Movement ticket in 2007, so he was an obvious target for Kikuyu mobs.

On 26 January 2008 a group of 20 men broke down the door of their home, found Anyango's husband hiding in a bedroom, and sliced off his foreskin with a machete.

"We were all forced to watch, including the children," said Anyango, who asked that her name be changed for fear of reprisals. "They were saying that until all the Luos are circumcised they can't take part in the political process."

Her husband managed to break free and ran from the house. But the mob, with about 20 more waiting outside, chased him to an old water-filled quarry about 200 metres away.

"Anyango had a clear view as her husband's genitals were chopped off entirely".

At that point her husband threw himself into the quarry. His body has never been recovered. [21]

In 2008, Muthoni Wanyeki, writing in *Feminist Africa*, commented on the forced circumcision—and in some cases castration—of Luo men in Kenya, describing it as sexual violence.[22]

The International Criminal Court ruled that the forced circumcisions in Kenya that followed the 2007 elections were not “other forms of sexual violence,” the category used for atrocities such as sexual slavery and forced prostitution. They ruled in March 2011 that the crime should fall under “other inhumane acts,” a separate category of crimes that cause “great suffering” or “serious injury to body or to mental or physical health.”

Advocates for victims of sexual violence disagreed.

“Brigid Inder, executive director of Women's Initiatives for Gender Justice (WIGJ), a Hague-based group that monitors the ICC, said she saw the reclassification as part of a troubling trend -- one in which the court has failed to fully address the sexual violence components of mass crimes.”

According to Women’s Initiative for Gender Justice research, judges dismissed 33 per cent of sexual violence charges at the confirmation stage for reasons such as inadequate filing, insufficient evidence and occasionally following questionable rulings from judges. Brigid Inder said,

“There is no other category of charges which consistently faces these challenges before the ICC,” ...[21]

The International Criminal Court’s ruling has implications that will be considered later in this article.

Traditional circumcision customs put such pressure on young people that it is questionable if all freely agree to be circumcised. In 2002, one 18-year-old Kenyan attacked the circumciser immediately after his circumcision. The circumciser had to flee for his life.[23]

South Africa

South African forced circumcisions need to be understood in the context of abuses with tribal circumcisions. In 1995, in Eastern Cape Province, complications from traditional circumcisions caused more than 40 deaths, 40 mutilations and over 1,000 hospital admissions.”[7] In the first two weeks of the circumcision season in 2005, there were 5 deaths there. One traditional surgeon was arrested. He had circumcised 28 boys with one unsterilised knife.[24] In March 2008, 87 boys were rescued from illegal initiation schools in Eastern Cape. Sixty-seven of them were hospitalised, eight in a critical condition. Four died of dehydration and septic wounds. The police opened

murder cases.[25] In the week ending 1 July 2008, another 11 boys in Eastern Cape died.[26] In 2009, 91 died in the year.[27] In May 2013, up to 33 initiates died in one two week period.[28]

Criminal gangs have been implicated. In 1999, a woman who was feared throughout her district controlled a gang of kidnappers. The gang abducted young people, forcibly circumcised the boys and extorted ransoms from their parents for their release. Some young people were killed; those who talked were threatened with death. The bodies of some of those kidnapped were found in shallow graves. The decomposed body of one victim was found with his genitals cut off. A local police officer said as many as 10 teenagers had been snatched every day.[29]

In July 2004, 22 year old Litha Ntshoza was seized by relatives, dragged to a field, stripped naked and forcibly circumcised. There was an outcry, but not from everyone. Litha's father said the forced circumcision was for his own good. When Litha fled, bleeding and naked, from the initiation, two policemen returned him to the tribal ceremony and tribal authorities fined Litha's father because Litha ran away.[30]

One South African traditional leader spoke out against forced circumcision. In November 2002, 30 men abducted and forcibly circumcised a 48-year-old Port Elizabeth man. Chief Mwelo Nonkonyana, the provincial chairman of the Congress of National Traditional Leaders of South Africa, said that traditional leaders would never tolerate hooligans demeaning the custom of circumcision. He called for those who abducted the man and the traditional surgeon who forcibly circumcised him to be prosecuted. [31][32]

Changes in laws governing circumcision[33][34] might have made a difference to the way that police respond to these abuses. Early in 2005, when relatives seized a man and forcibly circumcised him, the police rescued him and arrested and charged the man's wife and other family members with assault.[35] An advocate for the traditional leaders then argued that both the man and his family were acting within their rights and it was up to the court "to weigh which right overrides the other." He said that traditional leaders were fighting to change the "Westernized" constitution "to consider traditional values." [36] However, in July 2005, when a 35-year-old man who was forcibly circumcised died, the police treated it as murder.[37]

In 2007, 18 year old Bonani Yamani was pressured into being circumcised. However, three months later he was forcibly recircumcised. In January 2008, he took legal action against his father and the traditional circumcisers who forcibly circumcised him and then forced him to eat the skin cut from his penis.[38] Yamani demanded an apology from those who had done this to him and—to prevent the same thing from happening again—a declaration from the court that the forced circumcision was unconstitutional.[38] When the case came to court in December 2008, the judge declared, "Forget about standing up for rights We are dealing with a family here and reconciliation is most important." The proceedings were then postponed to 2009 to allow the legal representatives of the Traditional Leaders to consult with their clients as they were not in court.[39]

The judgment finally came on 13 October 2009. The court found that the forced circumcision amounted to unfair discrimination and harassment and that that

circumcision is unlawful unless done with the full consent of the initiate. The local tribal chairperson also apologised for the action of a previous chair who had said that Yamani should be ostracized by the community.[40]

The South African Children's Act of 2005 says:

(8) **Circumcision** of male children under the **age** of **16** is prohibited, except when—

(a) **circumcision** is performed for religious purposes in accordance with the practices of the religion concerned and in the manner prescribed; or

(b) **circumcision** is performed for medical reasons on the recommendation of a medical practitioner.

(9) **Circumcision** of male children older than **16** may **only** be performed—

(a) if the child has given consent to the **circumcision** in the prescribed manner;

(b) after proper counselling of the child; and

(c) in the manner prescribed.

(10) Taking into consideration the child's **age**, maturity and stage of development, every male child has the right to refuse **circumcision**.[41]

These provisions and the court finding over the Yamani case might induce traditional leaders to reconsider the idea that families or communities have a right to force circumcision on those who refuse it.

Pakistan

Kavita Daiya commented on the violence that became commonplace during Partition (1947).

In addition to literature, memoirs and verbal accounts of Partition are replete with incidents of castration and both voluntary and forced conversion of men, women and children. As is also vividly depicted in Khushwant Singh's *Train to Pakistan*, castrating the man became a way of emasculating and humiliating the ethnic community and foreclosing its reproduction. To address the anxiety of the masculine other's "proper" ethnic identity, forcing men (before killing, castrating or converting them through circumcision) to strip in order to examine whether they were circumcised or uncircumcised was seen to be the ultimate, foolproof test of whether they were Muslim or Hindu/Sikh. Forced circumcision, shaving facial and head hair (for Sikh men), and shaving off the Hindu Brahmin's traditional , short, plaited hair (on an otherwise bald head) were routine Muslim conversion tactics for men and boys.[42]

In Pakistan in 2004, Peter Jacob, the secretary of the (Catholic) Justice and Peace Commission of Lahor, reported, "Young non-Muslim men have been forced to convert and circumcised against their will." [43] There was a similar complaint in

April 2013 about the forced conversion and circumcision of young Christian men and boys.

"In the last five years, there have been up to 400 to 500 conversions of Christians," said Peter Jacob ... something equally horrifying: I know of forcible circumcision of young men in Punjab and one in Baluchistan. Where are we going, one asks?"[44]

In May 2013, Pakistani fishermen reported that the ears of around 20 Pakistani fishermen were cut in retaliation to an incident of forced circumcision of Indian fishermen in Pakistan.[45]

The Sudan

A 2003 report stated that Islamist forces from Khartoum forcibly circumcised and raped both boys and girls in the Darfur region of Sudan.

A former slave writes of "the rape of girls and boys alike, the forced circumcision of boys and girls, often with them fully conscious and screaming and having to be held down by many people. Sodomy and sadistic torture are common. Living hell."[46]

Stephanie Beswick's field data confirms these and other abuses.

Field data collected and presented in April 2000 by Stephanie Beswick (2000) reports.... Another Dinka boy told her that an Arab master slit the throats of three slaves who tried to escape. Angeth Deng Piol, Nyibol Deng, and three others reported that they were forced to be circumcised while being a slave. Others have been forced to become prostitutes. Cases of castration and branding are also known according to Beswick ...[47]

Turkey

The Armenian Genocide of 1915 involved the extermination of 1.5 million people. Men were rounded up and hanged, shot or bayoneted. Women, children and the elderly were taken on death marches. Armenian property was seized.[48]

In many cases young Armenian children were spared from deportation by local Turks who took them from their families. The children were coerced into denouncing Christianity and becoming Muslims, and were then given new Turkish names. For Armenian boys the forced conversion meant they each had to endure painful circumcision as required by Islamic custom.[48]

In September 1955, there was an anti-Greek pogrom in Turkey. Turkish writer Aziz Nessim said that there were savage beatings and gang rapes. He wrote

...any male passer-by the Turks considered a Greek was forced to show if he had been circumcised....most of the victims of this atrocity were Greek priests.[49]

In some cases Turks carried out circumcisions on the spot with knives.[50]

Another report stated that most of the Turkish mob that assaulted the Greek community were trucked into the city in advance. Between 13 and 16 Greeks (including two Orthodox priests) and at least one Armenian were killed. Dozens of Greek women were raped and a number of men were forcibly circumcised by the mob.[51]

In 1992 there was a report of the forced circumcision of Yezidi men in Turkish Kurdistan.

The Yezidi religious minority has suffered similar but perhaps even more severe forms of oppression than the Christian communities. Despised by Muslims as “devil-worshippers” and not protected by any form of official recognition, they constituted the most vulnerable community. Adult men were forcibly circumcised, their unshaven moustaches — symbol of their religious identity — cut, their property destroyed and, inevitably, many of their women abducted, forcibly Islamised and married by Muslim neighbours. Yezidis persist in a few districts in Iraq and Syria where they are strong enough to defend themselves. In Turkey, the surviving Yezidi communities were by the 1970s already so weak that the only alternatives that they had were conversion to Islam or flight abroad.[52]

In 2002 there was a report that non-Muslim army recruits in Turkey are physically abused, “insulted as ‘infidels’ or as ‘dirty Christian pigs who won’t even let themselves be circumcised’” and threatened with forced circumcision.[53]

Uganda

The Bagishu tribe of Uganda insists on circumcising all its men whether they want it or not. *Voice of America* reported:

Among the Bagishu, uncircumcised men are treated with contempt; they are not allowed in society and in most cases they are seen as failing to get local women for marriage. This is supported by all the Bagishu including women who often report uncircumcised men to tribal elders. It's considered traditional that no male is to escape the ritual regardless of where he lives, what he does or what kind of security he has.[2]

In 2004 a father of seven was seized and forcibly circumcised after his wife told Bagishu tribal circumcisers that he was uncircumcised. A local official said the authorities could not intervene in a cultural ritual.[54] Other forced circumcisions occurred in September 2006[55] and June 2008.[56] In all these cases, family members of the victims approved of the forced circumcision. Other tribal groups in Uganda and the Ugandan Foundation for Human Rights Initiative[2] regard forced

circumcision as a human rights abuse. The Ugandan Government[57] and the President of the Ugandan Law Society condemned one particular incident,[58] but the victim refused to press charges.[59]

In June 2012, the town of Mbale, Uganda, came to a standstill. A naked man ran through the streets, with more than 50 men in pursuit. The man sought sanctuary with the Resident District Administrator whose guards dispersed the mob. Bamasaba tribesmen forcibly circumcised more than 40 men in two days. Gerald Wambedde, one of their advocates, said, "Since they sleep with our sisters and daughters, we felt they had to be circumcised like the rest of us."

The leader of the exercise, Badru Wasike, put a different spin on it:

"We are helping those who feared getting circumcised through cultural processes. We are aware that circumcised men do not easily get infected with HIV/Aids. Since they love our relatives we want them to be safe."

The forced circumcision raised a wave of protests in the town. Some said the forced circumcisions were inhuman. Keneth Mabonga, a human rights activist, said, "Men were told to unzip on the streets to ascertain whether they had been circumcised. That is not only unfair but also inhuman." [60]

Yugoslavia

Milica Bookman in *The Journal of Peace Research* reported on the break-up of Yugoslavia:

In Yugoslavia, the breakup was extremely violent, producing some two million refugees, over 100,000 killed, and evidence of gang rape, impaling, dismemberment and forced circumcision. These horrors occur against a background of sanctions, political repression, property devastation and nationalist frenzy in which the over-riding principle seems to be 'cleanse or be cleansed'. [61]

The US Department of State reported that Muslim and Mujahedin irregular troops "had routinely performed crude, disfiguring, nonmedical circumcisions on Bosnian Serb soldiers." One 18-year-old Bosnian Serb soldier "was so brutally circumcised that eventually the entire organ required amputation." [62]

Zimbabwe

Masenyani Mandhalele was one of ten Shangaan tribesmen who kidnapped a 59 year old man who was collecting firewood and circumcised him by force. Mandhalele was arrested after two years on the run and sentenced to six years imprisonment for kidnapping and indecent assault. During the ordeal the victim was left naked for 12 days for not being a Shangaan and denied medication and proper food and shelter. [63]

DISCUSSION

This section explains why forced circumcision should be treated as a sexual assault, and when it occurs in the context of war or civil strife it should be regarded as sexual terrorism, a war crime like rape.

International human rights standards

International human rights standards apply to men and boys. The International Covenant on Civil and Political Rights says, "Everyone has the right to liberty and security of person,"[64] and "No one shall be subjected to torture or to cruel, inhuman or degrading treatment." [65] The foreskin is so richly supplied with nerves that forced circumcision is extremely painful.[66][67][68][69] This makes it cruel and inhuman torture. Forced circumcision is often associated with other human rights abuses, such as rape and religious persecution. Even without other abuses, forced circumcision is cruel, inhuman and degrading treatment that is a direct violation of the liberty and security of the person.

Children and forced circumcision

The International Covenant states, "Every child shall have, without any discrimination ...the right to such measures of protection as are required by his status as a minor..."[70] Despite this, children are also caught up in this human rights abuse.

Fourteen-year-old Raju was lured away from his home in Nepal, forced into prostitution and forcibly circumcised.[71] In the Armenian Genocide, boys were forcibly converted to Islam and circumcised.[48] Indonesian zealots forcibly circumcised children as well as men and women.[72] In Iraq, Mandaean boys were kidnapped, forcibly circumcised and forcibly converted to Islam.[73]

In Kenya, members of an outlawed gang abducted 16-year-old Walter Odondi, blindfolded him and then frogmarched him for half an hour. He heard the sound of machetes being sharpened but when he tried to escape he was thrown down.

"First, they took off my pants, and they started mocking me because I was wearing only my underwear. And they ripped off my underwear using a panga," Odondi recalled recently, using another word for machete.

"When the men had pinned me down, the man with the panga pulled my foreskin out and started to play with it. He would slice it a little, and then he started mocking me, and then he would slice a little more, and then mock me some more.

"This cutting lasted for five minutes, and it was the greatest pain I have ever felt in my life. It felt like a million little pins pricking my manhood." [21]

In Namibia a convicted child rapist forcibly circumcised two boys aged 9 and 8. The children's wounds turned septic and they had to be hospitalised. One of the boys said, "It was very painful. I thought I was going to die." [74]

In Kenya in January 2009, a boy was forcibly circumcised for trespassing into the place of seclusion of his cousin, who had undergone the cut. When the boy's father refused to pay a 'fine' for this offence, the youths invaded the family homestead, destroyed the houses and the crops and defecated all over the compound, warning the family not to return home until the man paid the 'fine'. [75]

Discounting the evidence

Despite the *Sydney Morning Herald's* report of forced circumcisions in Ambon, Indonesia, [12] a later BBC report was headed, "Maluku refugees allege forced circumcision." [72] This ignored the detailed evidence in the *Sydney Morning Herald's* report, disregarded the condemnation of local Muslims and described the abuse as *an allegation*, balancing it against Lascar Jihad's claim that while circumcisions took place, "no-one had been forced to do anything." [72] Even *The Sydney Morning Herald* focused attention on the women who suffered genital mutilation rather than on the suffering of both the men and the women. [12][13] [76]

Some protests against the forced circumcision of men have been treated as a threat to ritual infant circumcision. When a 22-year-old Xhosa man was forcibly circumcised, Dean Ferris, a South African anti-circumcision campaigner, stated that circumcision without consent was "unacceptable and illegal." [77] Rabbi Suiza, registrar of the Jewish Ecclesiastical Court, responded, "to stop circumcision would be to prevent Jews from practicing their religion." [77] Similarly, when a German appeal court upheld a conviction of unlawful personal injury against a Muslim father who had his son forcibly circumcised, the Jewish Telegraphic Agency said, "The case may have repercussions for the practice of ritual circumcision in Germany by Muslims and Jews." [78]

The sensitivity of Jewish authorities must be acknowledged. However, the forced circumcision of adults and even children who have clearly expressed their lack of consent to circumcision raises different questions to those posed by the circumcision of infants. Infants have no conscious memories of the procedure and are not subject to anticipatory dread. Whether these are *morally* decisive differences is the subject of considerable debate. Some scholars argue that infant circumcision is impermissible or a violation of human rights; others argue that it is permissible or beneficial. However forcing circumcision on a child, teenager, or adult male—something that he will experience as an extreme trauma—is an intolerable assault on his dignity, his bodily integrity, and his basic human rights. To ignore such clear human rights violations out of concern that it may reflect on ritual infant circumcision is unacceptable. A concern to defend ritual circumcision of infants, should not be used as a pretext for inaction about the forced circumcision of older males.

Cultural blindness can cloud people's understanding that a threat to circumcise by force is an abuse of human rights. When older boys in Kirani High School in Meru, Eastern Kenya, bullied and threatened 18 younger boys who were not circumcised,

the Principal sent the younger boys home to be circumcised.[79] This effectively endorsed the action of the school bullies. Fortunately, the Kenyan Education Minister, George Saitoti, said the action of the Principal was uncalled for and against ministry regulations. "We abhor such a practice and we shall not give any chance to this kind of primitive action in our schools," he said.[79] This was a forceful assertion of the rights of the students.[80]

Islam

The Koran states, "There shall be no compulsion in religion,"[81] but according to an Islamic jurist, Ibn Abdan (circa 1100 CE), one of the duties of the "Mutasib" (the censor) was to ensure that Christian priests were circumcised "- by force, if necessary." [82] When Muslim troops conquered Iran, many Iranians converted to Islam to avoid being enslaved. "There are accounts of Muslim rulers forcing mass circumcision on the newly converted males to make sure they had truly become Muslims." [83] On one occasion, Tipu Sultan of Mysore forcibly circumcised several thousand Indian Christians.[84] He also forcibly circumcised British soldiers captured at the Battle of Pollilur in 1780.[85]

However, these human rights abuses are not the only face of Islam. In the attacks against Mandaeans in Falluja, Ali Khamenei, Supreme Jurisprudent of Iran, issued a fatwa reaffirming that the Mandaeans are a "People of the Book," which meant that they were entitled to some protection. However, in June 2003, shortly before he was assassinated, Ayatollah Muhammad Bakir al-Hakim, leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), issued a fatwa stating that the Mandaeans were unclean and could be killed without penalty or punishment.[86] Similarly, moderate Muslims condemned the forced conversion and circumcision of Christians in Ambon in 2001, and this human rights abuse was investigated and confirmed by the Governor of Maluku, Saleh Latuconsina.[12]

The Koranic teaching that there should be no compulsion in religion could be used to counter Muslim zealots. However, the most effective voices to speak against forced circumcisions by Islamists may come from the protests of mainstream Muslims.[12]

Sexual assault?

A woman who inserts her fingers into another woman's vagina, pulls out that woman's clitoris and cuts it with a kitchen knife has committed a sexual assault.[13] When traditional circumcisers strip a man naked and forcibly circumcise him in front of an excited crowd[17] or when relatives seize a man, drag him to a field, strip him naked and forcibly circumcise him[30] it is sexual assault. So is feeling down a man's pants and then attempting to circumcise him with a broken beer bottle,[9] or urinating on a circumcision wound on the pretext that it aids healing,[12] or assailants stripping the clothes off a 16-year-old boy and playing with his foreskin as they cut it off, little by little.[21] Forced prostitution is sexual assault and so is forced circumcision and castration. [71] [10]

Forcing people to drop their pants to reveal their religious or ethnic identity is also an indecency. Whether it is Nazis looking for Jews, Turks looking for Greeks, Azeris looking for Armenians or Kikuyus looking for Luo, this form of indecent dealing needs to be prosecuted as sexual assault. The very act of branding such behaviour in this way sends a powerful message to the community that it is to be condemned.

Dealing with forced circumcision as sexual assault distinguishes it from circumcision with consent, acknowledges the nature and seriousness of the assault and deals with it as the crime that it is.

The International Criminal Court ruling on forced circumcision, 2011

Chief Prosecutor Luis Moreno-Ocampo, who pursued crimes against humanity charges against six prominent Kenyans over the post-election violence referred to above, moved to charge the crime under "other forms of sexual violence," the category used for atrocities like sexual slavery and forced prostitution. However, the judges disagreed. As noted before, they ruled that the crime should fall under "other inhumane acts." Robbie Corey-Boulet stated:

The distinction is by no means strictly academic, according to local advocates for sexual violence victims, who argue that labeling forced male circumcision as a form of sexual violence could raise awareness of the crime and make comprehensive treatment more widely available. [21]

The pre-trial chamber blocked an appeal against that ruling in early April 2011.

Brigid Inder [the executive director of The Hague-based Women's Initiatives for Gender Justice, introduced above] said that this judicial decision was a "misstep" and a "wrong classification".:

"In our view, what makes these acts a form of sexual violence is the force and the coercive environment, as well as the intention and purpose of the acts," she said. "It isn't simply about the injuries and suffering, although clearly these are also aspects of these crimes. But the forced circumcision of Luo men... has both political and ethnic significance in Kenya and therefore has a specific meaning. In this instance, it was intended as an expression of political and ethnic domination by one group over the other and was intended to diminish the cultural identity of Luo men."

Inder said Ocampo had failed to stress these points in his filings, simply stating that the acts are "sexual in nature" without elaborating. She said the onus was now on prosecutors "to argue their facts more effectively".[87]

The judges clearly saw that forced circumcision was unacceptable and a human rights abuse. Where they drew the line was at seeing the assaults as *sexual violence*. Local activists disagreed.

Judith Okal, a senior programme officer at the Federation of Women Lawyers in Kenya, FIDA, said that while perpetrators of forced circumcision do cause great suffering and injury – in line with the "other inhumane acts" category –

they also intend to exert “power dominance” over their victims. She said the latter means that the crime should be classed as sexual violence.

“If it’s not classified as a sexual crime, then it’s not getting the weight it deserves,” she said.

Okal likened forced circumcision to the rape of men and boys, which, prior to the 2006 Sexual Offences Act, fell under rarely-enforced sections of the penal code addressing “unnatural offences”, in particular obtaining “carnal knowledge of any person against the order of nature”. [88]

She went on to argue that even the use of the term *sexual violence* had practical implications:

“Now that we have a law that specifically talks about sexual violence, it makes it easier for men to report,” she said, referring to the 2006 legislation.

There are currently no laws against forced male circumcision in Kenya, despite the fact that tribes whose menfolk are not circumcised have been vulnerable to the crime since long before the 2007 poll.

As a result, Okal said, there is no “proper mechanism” to assist male victims of forced circumcision, a claim borne out by the experience of Onyango, who stayed for just one night at a clinic – where he received an anti-tetanus injection, surgical stitches and medicine to alleviate his pain – before going home to recover on his own.

Okal said classifying forced circumcision as sexual violence could lead to the development of resources that would help Onyango and those who suffered even more cope with their ordeals. [88]

Another activist saw a sexual violence classification as having an educative role in Kenya.

Agnes Leina, programme manager at the Center on Violence Against Women in Kenya, COVAW, said a sexual violence classification would also raise awareness about the crime and thus do much to prevent its recurrence.

“It will be very beneficial because every election forced male circumcision occurs,” she said. “People are living in fear of it.” [88]

I believe that the following aspects of forced circumcisions demonstrate beyond any doubt the sexual nature of the attack:

- Forced circumcision is inherently violent as it is inflicted against the victim’s will.
- Forced circumcision involves exposing the victim’s genitals. This itself is an indecent act.

- Forced circumcision is an assault is to the victim's genitals. It is hard to see how this could *not* be classed it as a *sexual* assault.

A legal precedent from 2012

In July 2012 in Zimbabwe, Masenyani Mandhalele was sentenced to six years imprisonment for kidnapping and indecent assault for abducting and forcibly circumcising a man.[63] This case could set a clear precedent for treating forced circumcision as sexual violence.

Forced circumcision as sexual terrorism and a war crime

Rape and sexual violence are acknowledged to be serious problems in war.[89] A report from the Agence France-Presse noted that forced circumcision was used a terrorist tactic in the civil conflict in Kenya in 2008[1] and the same was true of ethnic and religious conflicts in Indonesia, Pakistan, The Sudan, Turkey and Uganda. Acknowledging and condemning the use of forced circumcision in war and civil conflicts will help to brand it as sexual terrorism and a war crime.

Challenging impunity

The idea that people have every right to circumcise men against their will in the name of tradition or religion must be challenged. Increasing public awareness of this crime is essential in creating a climate in which forced circumcision is unacceptable. Legal changes in South Africa, and the strong stand of the Kenyan Human Rights Commission and the Ugandan Foundation for Human Rights Initiative against forced circumcision send a clear message against forced circumcision.

Stopping forced circumcisions

Acknowledging that forced circumcision is a widespread and serious human rights abuse is the first step towards stopping it.

Acknowledging that forced circumcision often accompanies forced conversion, ethnic cleansing and genocide will sensitise the world community just as acknowledging the prevalence of rape in war is helping to bring condemnation on this abuse.

Stopping strip searches for determining circumcision status

The mark of circumcision has been used to target Jews and Muslims in times of civil strife just as the presence of a foreskin has been used to target others. Strip searches to determine circumcision status are more than an invasion of privacy. They are indecent acts in themselves.

Classing this strip searching as an indecent act could deter such behaviour and support the rights of all men, whether circumcised or not.

The role of human rights organisations

Some organizations concerned with human rights are recognising that forced circumcision is a problem. Other aid, welfare agencies and refugee tribunals must also recognise this human rights abuse and take appropriate action.[7]

Implications for mass circumcision promotion

Where mass circumcision is being promoted to reduce the spread of HIV, UNAIDS policy insists that there must be no compulsion. As circumcision is being promoted in areas with a record of forced circumcision the policy against compulsion must be enforced. There is already a warning that the Rwandan army is likely to take the UNAIDS recommendation as an order[8] and force men to be circumcised. While everyone has a right to information about HIV and AIDS prevention, there ought to be no compulsion in medicine. If a man says no to circumcision, his decision must be respected.

Conclusion

No man should be circumcised against his will. Forced circumcision cannot be justified by culture or religion. Reports of forced circumcision must not be dismissed as sporadic incidents but recognised as a human rights violation and part of a pattern of sexual abuse. Cases of forced circumcision should be treated as sexual assaults and the assailants punished accordingly. Where forced circumcision happens in the context of war or civil strife, it must be seen, as with rape, as sexual terrorism and a war crime.

We accept that people should not be mistreated for being circumcised; the same ethic applies to those who are not. It is vital to understand what leads to these abuses and it is necessary to take prompt and effective action against the perpetrators.

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