

## Anna Skat Nielsen

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**Fra:** Anna Skat Nielsen  
**Sendt:** 27. september 2013 14:05  
**Til:** 'dgI.bioethics'  
**Cc:** Anders Mærkedahl  
**Emne:** Male circumcision  
**Vedhæftede filer:** Brev omskaering.pdf

To the Secretariat,

Enclosed you'll find information on the legal situation regarding male circumcision in Denmark.

Best regards,  
Anna

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**Anna Skat Nielsen**  
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**Fra:** dgI.bioethics [<mailto:dgI.bioethics@coe.int>]  
**Sendt:** 10. september 2013 10:45  
**Emne:** 30/9/13 male circumcision and Art 6

Dear DH-BIO members,

We would like to kindly remind you of the fast approaching deadline for submitting your comments on:

**Male circumcision and Art. 6 of the Convention on Human Rights and Biomedicine**

- Delegations are invited to send written information on the legal situation of the issue in their respective countries **by 30 September 2013.**

Best regards,

The Secretariat.

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Chers membres du DH-BIO,

Nous aimerions vous rappeler la date limite prochaine pour l'envoi de vos commentaires sur :

**Circoncision masculine et article 6 de la Convention sur les droits de l'Homme et la biomédecine**

● Les délégations sont invitées à faire parvenir de l'information par écrit sur l'état de la question du point de vue juridique dans leur pays pour le **30 septembre 2013**.

Cordialement,

Le Secréariat.

Council of Europe (Europarådet) - Pompidou Group  
67075 Strasbourg Cedex Frankrig  
E-mail: [dgI.bioethics@coe.int](mailto:dgI.bioethics@coe.int)

Date: 27 September 2013  
Section: Sundhedsjura og  
lægemiddelpolitik  
Case Officer: SUMANM  
Case No.: 1304459  
Doc No.: 1303919

## **The Danish legal situation on male circumcision**

### Rule of law

Ritual circumcision of boys is not separately regulated under Danish law.

Circumcision - also ritual circumcision without medical indication - is a surgical procedure covered in the Act regarding Authorization of Health Care Professionals and Professional Health Care Practice § 74 pcs.2 (Authorization Act). Pursuant to the provision it is reserved for doctors to perform circumcision. The doctor may apply an assistant according to the Authorization Act § 18, for example a rabbi, provided proper instruction et cetera.

As with other operations should circumcision be the subject of care and conscientiousness as expressed in the Authorization Act § 17. The Danish Health and Medicines Authority has with supervision number 9267/2005 dealt with male circumcision and provided professional guidance on a range of issues relating to circumcision, which helps to fulfill the standard of care and conscientiousness. See the section on professional guidelines below.

Furthermore, being a matter of surgery, section III of the health legislation regarding patients' right to self-determination applies to circumcision. This means that circumcision can take place only in the case of informed consent - for persons under the age of 15 with assigned consent.

There is access to complaints and compensations as stated by the regular rules of the law of complaint and compensation.

### Professional guidelines

On the basis of the Danish Health and Medicines Authority's handling of reported cases regarding doctors performing circumcision of boys, the Board became aware of particular problems associated with such operations and therefore found it necessary to develop guidelines on the circumcision of boys under the age of 18, cf health guidelines No. 9267 of 23 May 2005.

The health guidelines, states among other that circumcision of boys according to the Danish Health and Medicines Authority is a surgery and thereby reserved for doctors to perform in accordance with the Authorization Act.

According to the general rules for assistants, doctors with the right to independently practice may use assistance, and in that context the doctor also needs to demonstrate care and conscientiousness.

The doctor must therefore ensure that the assistant is adequately trained and instructed to perform the surgery, and at the same time take the necessary supervision with the work of the assistant. The doctor must be present under the operation.

Furthermore, the guide lines from the Danish Health and Medicines Authority stipulate demands on information and consent, hygiene, pain relief, surgical technique, postoperative care and record keeping.

#### The Danish Health and Medicines Authority's study on circumcision of boys

The Ministry of Health asked on November 1<sup>st</sup> 2012 the Danish Health and Medicines Authority to investigate the ritual circumcision of boys in more details, due to prolonged public debate.

The purpose of the study was to get an overview on ritual circumcision and the health associated problems that may be involved. Political decisions and initiatives could then be based on the study.

The Ministry of Health received the study at the end of June 2013. The Danish Health and Medicines Authority found no substantial health professional reasons for banning circumcision in general, and therefore no health professional justification to ban ritual circumcision.

#### Initiatives based on the Danish Health and Medicines Authority's study on circumcision of boys

The Ministry of Health has found it useful to monitor this area more closely in order to gain knowledge of late complications and thereby become more informed and well-documented on this subject.

In that contexts the Ministry of Health promoted following initiatives to follow up more closely on ritual circumcision on boys.

##### *Registration on locations for ritual circumcision:*

In the guide lines it will be specified that:

- Ritual circumcision of boys over 2 months has to take place on an established medical facility, and be registered as part of the registration system for private clinics, indicating that the clinic performs ritual circumcision of boys.
- Ritual circumcision of boys up to 2 months is allowed to take place outside of an established treatment facility, as current practices.
- Cooperation with relevant religious communities on issues related to circumcision of boys up to 2 months.

##### *Obligation to report ritual circumcision of the child*

- Each ritual circumcision must be registered centrally. Reporting obligation lies with the doctor and applies to both circumcisions in the home and at a clinic.

##### *Institutional follow-up*

- The Danish Health and Medicines Authority considers whether there is a basis for further updating requirements in the guide lines on male circumcision, in relation to the obligation to provide information and the use of a assistant.
- Complaints on circumcision, which may be received in the next period of time (July 1<sup>st</sup> 2013 to the end of 2015) will be in focus and administrated more closely of The National Agency for Pa-

tients' Rights and Complaints and the Patient Insurance Association who will report to the Ministry of Health early in 2016.

Yours sincerely,

Anders Mærkedahl



## Anna Skat Nielsen

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**Fra:** Anna Skat Nielsen  
**Sendt:** 30. september 2013 16:38  
**Til:** 'WINTER Tatiana'; dgI.bioethics@coe.int  
**Emne:** Letter - wordformat  
**Vedhæftede filer:** Brev til Europarådet Eng. [DOK1303919].DOC; fesdaPacket.xml

Dear Tatiana,

Enclosed you'll find the letter in word.

Best regards,  
Anna

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**Fra:** Anders Mærkedahl  
**Sendt:** 30. september 2013 15:58  
**Til:** Anna Skat Nielsen  
**Emne:** Brev til Europarådet Eng.

Kære Anne

Hermed brevet vedr. omskæring af drenge i word

Venlig Hilsen

**Anders Mærkedahl**  
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Anders Mærkedahl

