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Ministerial Correspondence and Public Enquiries  
Department of Health  
79 Whitehall  
London  
SW1A 2NS

17 December 2016

Dear <name redacted>,

Freedom of Information Act requests

Your ref: TO-1058686

Thank you for your letter of 30 November. I have posted this file on our political party's blog.<sup>1</sup>

Please find attached:

- a detailed critique of your letter
- the letter and FOI request I sent to Amber Rudd, Home Secretary, on 2 November

At least five FOI requests arise naturally from your letter, the context for all of them lies within my critique of your letter.

**FOI#1**

You state:

'The practice of male circumcision is legal in the UK...'

What is the basis for your astonishing claim? In all the FOI responses we've had from government departments in recent years, such a claim has never been made, possibly because it's clearly untrue.

**FOI#2**

You state:

'In England, the Government has no plans to change the law in relation to male circumcision.'

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<sup>1</sup> <https://j4mb.wordpress.com/2016/12/17/one-foi-request-to-the-home-office-leads-to-five-foi-requests-to-the-department-of-health/>

What is 'the law in relation to male circumcision' which you say the Government has no plans to change?

**FOI#3**

You state:

'Any medical procedure must be undertaken in hygienic conditions, with appropriate pain relief and aftercare.'

The word 'must' implies, to my mind, two things, and leads to two related FOI requests:

- that checks are carried out to ensure these things take place, by a body independent to the person carrying out the procedure. What are those checks?
- people who carry out the procedure in other manners – i.e. not 'undertaken in hygienic conditions' and/or not 'with appropriate pain relief' and/or not 'with aftercare' – will be punished. What are the applicable punishments for people who fail to ensure compliance with the stated requirements?

**FOI#4**

You state:

'In some areas clinical commissioning groups, particularly where they feel children are at risk of unsafe procedures, will work with local providers and communities to ensure that a safe and affordable service is available.'

Could you please provide lists of the areas and clinical commissioning groups to which you refer.

**FOI#5**

You state:

'Male circumcision, where it is carried out by a healthcare professional, is regulated by the Care Quality Commission and included under the regulated activity of surgical procedures.'

Where male circumcision is not carried out by a healthcare professionals, what regulations apply? If none, how is this consistent with your statement:

'The role of the NHS is to identify anyone at risk, as well as to offer protection and to make people aware of relevant agencies.'

You cannot be identifying 'anyone at risk', let alone offering 'protection', if circumcisions are carried out by unregistered individuals in environments which you are not monitoring.

Yours sincerely,

Mike Buchanan

Party leader

**Comments on the letter (ref: TO-1058686) sent to Mike Buchanan by <name redacted>, Ministerial Correspondence and Public Enquiries, Department of Health, 30.11.16**

(Mike Buchanan's comments in italics, and highlighted in yellow.)

Dear Mr Buchanan,

Thank you for your letter of 2 November to Amber Rudd about male genital mutilation. As your letter relates to healthcare, it has been passed to the Department of Health and I have been asked to reply.

*My letter (attached) manifestly did not relate to healthcare, and it was absurd for the Home Office to forward the matter to your department. My letter concerned the legality of MGM, and my FOI request consisted of the following:*

- 1. Do you accept that MGM is illegal in the UK? If not, what makes it legal?*
- 2. If you accept MGM is illegal, why are the police not bringing prosecutions?*

The Freedom of Information Act only applies to recorded information such as paper or electronic archive material. As your correspondence asked for general information, rather than requesting recorded information or documentation, it did not fall under the provisions of the Act.

*Are you suggesting that information concerning the legality (or otherwise) of MGM is not 'recorded information' in your department? This is straining credulity. But if true, it is an indicator of the lack of concern about the health of male minors, about which your department should be concerned. You're turning a blind eye to the mutilation of their genitals, and (later in your letter) condoning the use of taxpayers' money to fund these mutilations through clinical commissioning groups.*

The practice of male circumcision is legal in the UK and is not regarded as genital mutilation.

*Your claim that male circumcision is legal in the UK is simply wrong. I refer you to the following from my letter to Amber Rudd:*

*"One of our key campaigning issues is the non-therapeutic circumcision of male minors (Male Genital Mutilation, MGM). A prominent barrister started his presentation at a human rights conference in 2013 with the following:*

*The default position of the criminal law is that circumcision is a crime, and it requires a parliamentary override to stop it being a crime. **There is no such override.** [My emphasis.] The general position of the Common Law is protective of bodily autonomy, and that cannot be trespassed by the state, or by others. The state has the right to enact laws to stop other people from violating those principles. It is the strongest principle of the law that it reserves its strongest penalties for breaches of bodily integrity.*

*MGM also breaches numerous Articles of UN and EU human rights conventions."*

*Performing MGM is clearly inflicting bodily harm on a male minor, who by definition cannot give legal consent. My covering letter contains a FOI request (#1) relating to your claim that MGM is legal in the UK.*

*As for your claim that MGM 'is not regarded as genital mutilation', the arrogance you display here is breathtaking. Male circumcision self-evidently is genital mutilation – for the same reason female circumcision is – and has been referred to as such by campaigners for many years.*

It (MGM) is not comparable to female genital mutilation, which is illegal.

*Four forms of FGM are recognized by the World Health Organization.<sup>2</sup> The harm wrought by MGM is more damaging than the harm wrought by the majority of cases of FGM.*

There are significant differences between the two practices, with very different risks and outcomes.

*Of course there are 'significant differences' – dictated by biology, at least – but I appreciate your admission that risks are associated with the unnecessary, unethical, and illegal procedure of MGM.*

The role of the NHS is to identify anyone at risk, as well as to offer protection and to make people aware of relevant agencies. It is essential that everyone who works on the health and social care system does their part to support this vital work to safeguard vulnerable children.

*Vulnerable children other than vulnerable male children, evidently.*

In England, the Government has no plans to change the law in relation to male circumcision.

*My covering letter contains a FOI request (#2) relating to this statement.*

However, mutilation of the male genitalia, other than circumcision and legitimate body piercing, could in some circumstances be covered by laws that cover offences against the person.

Non-therapeutic circumcision is not routinely carried out by the NHS, which normally performs circumcision for medical reasons only. The Department of Health agrees with the General Medical Council, the British Medical Association and the British Association of Paediatric Surgeons that the welfare of infants who are circumcised must be paramount, whatever the reason for undertaking the procedure. Any medical procedure must be undertaken in hygienic conditions, with appropriate pain relief and aftercare.

*My covering letter contains a FOI request (#3) relating to the final sentence in this paragraph.*

In some areas clinical commissioning groups, particularly where they feel children are at risk of unsafe procedures, will work with local providers and communities to ensure that a safe and affordable service is available.

*My covering letter contains a FOI request (#4) relating to this paragraph.*

Male circumcision, where it is carried out by a healthcare professional, is regulated by the Care Quality Commission and included under the regulated activity of surgical procedures.

*My covering letter contains a FOI request (#5) relating to this paragraph.*

I hope this reply is helpful.

*It is indeed helpful, if only for raising more questions than it answers. Thank you.*

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<sup>2</sup> [https://en.wikipedia.org/wiki/Female\\_genital\\_mutilation#Classification](https://en.wikipedia.org/wiki/Female_genital_mutilation#Classification)

Yours sincerely,

<name redacted>

Ministerial Correspondence and Public Enquiries



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Amber Rudd MP  
Home Secretary  
Home Office  
London SW1P 4DF

2 November 2016

Dear Ms Rudd,

### **Freedom of Information request concerning Male Genital Mutilation (MGM)**

I lead the only political party in the English-speaking world campaigning for the human rights of men and boys. In our 2015 general election manifesto we explored 20 areas where the human rights of men and/or boys are assaulted by the actions and/or inactions of the state.<sup>3</sup> In stark contrast, the human rights of women and girls *specifically* are assaulted by the state in no areas.

In July we hosted the second International Conference on Men's Issues.<sup>4</sup> People from 20 countries attended, and the 20 speakers included five women and Philip Davies MP, talking about 'The Justice Gender Gap'.<sup>5</sup> An American speaker talked about The Global Survey of Infant Circumcision Harm,<sup>6</sup> the subject to which I now turn.

One of our key campaigning issues is the non-therapeutic circumcision of male minors (Male Genital Mutilation, MGM). A prominent barrister started his presentation at a human rights conference in 2013 with the following:

The default position of the criminal law is that circumcision is a crime, and it requires a parliamentary override to stop it being a crime. **There is no such override.** [My emphasis.] The general position of the Common Law is protective of bodily autonomy, and that cannot be trespassed by the state, or by others. The state has the right to enact laws to stop other people from violating those principles. It is the strongest principle of the law that it reserves its strongest penalties for breaches of bodily integrity.

MGM also breaches numerous Articles of UN and EU human rights conventions.

It is a fundamental principle of the Common Law, that exemptions to the law are not permissible on cultural or legal grounds. The obvious questions arise, why is the government not seeking to end MGM in the UK, and why are the police not bringing prosecutions against those carrying out MGM?

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<sup>3</sup> <http://tinyurl.com/J4MB2015manifesto>

<sup>4</sup> <http://icmi16.wordpress.com>

<sup>5</sup> <https://www.youtube.com/watch?v=8VoFdG4cSAM>

<sup>6</sup> <https://www.youtube.com/watch?v=8izzCSRhKXs>

We have peacefully protested in the past against MGM outside the Thornhill Clinic in Luton, the leading private circumcision clinic in the country. Luton has a large Muslim population. We've also protested in Golders Green, which has a large Jewish population, and outside the Home Office, the CPS, and in Parliament Square. We plan to carry on with these protests.

MGM is unnecessary, harmful, unethical, illegal, and doesn't even make sense from a religious perspective. It isn't mentioned in the Koran. For Jews, the same 'holy books' which instruct followers to carry out circumcision at eight days (Genesis, Leviticus) also instruct followers to kill adulteresses, homosexuals, blasphemers, and people who disobey their parents. Those are obviously not permitted in Britain today, so why is the butchery of male minors' genitals on religious and cultural grounds still permitted? The answer is simple – because the criminal justice system is failing to protect these vulnerable minors. With your position in relation to the police, you could change that, and give these minors the protection they have long deserved.

On our Vimeo channel we have a section dedicated to videos and audio files in relation to MGM.<sup>7</sup>

My Freedom of Information request consists of the following:

1. Do you accept that MGM is illegal in the UK? If not, what makes it legal?
2. If you accept MGM is illegal, why are the police not bringing prosecutions?

Yours sincerely,

Mike Buchanan  
PARTY LEADER

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<sup>7</sup> <https://vimeo.com/album/3771718>