



WMA RESOLUTION ON PROHIBITION OF FORCED ANAL EXAMINATIONS TO SUBSTANTIATE SAME-SEX SEXUAL ACTIVITY

PREAMBLE

1. The World Medical Association's 1975 Declaration of Tokyo strictly forbids medical personnel from engaging in acts of torture or other forms of cruel, inhuman or degrading treatment and requires them to respect the confidentiality of medical information.
2. In addition, the United Nations' "Principles of Medical Ethics Relevant to the Role of Health Personnel, Particularly Physicians, in the Protection of Prisoners and Detainees Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment" prohibits health personnel from "participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment".
3. Since 2011, in at least eight countries, medical personnel have participated in forced anal examinations of men and transgender women who are charged with consensual same-sex conduct.
4. The UN Special Rapporteur on Torture and other forms of Cruel, Inhuman and Degrading Treatment has described forced anal examinations as a form of torture or cruel, inhuman and degrading treatment that is "medically worthless".
5. Furthermore, the Independent Forensic Experts Group, composed of forensic medicine specialists from around the world, has determined that "the examination has no value in

detecting abnormalities in anal sphincter tone that can be reliably attributed to consensual anal intercourse”.

6. The WMA is deeply disturbed by the complicity of medical personnel in these non-voluntary and unscientific examinations, including the preparation of medical reports that are used in trials to convict men and transgender women of consensual same-sex conduct.

7. Although some medical personnel argue that accused persons provide “consent” for such exams, the ability of persons in custody to provide free and informed consent is limited. Even when consent is given freely, medical personnel should refrain from undertaking procedures that are medically worthless, discriminatory and potentially incriminating.

RECOMMENDATIONS

Recognizing that persons who have undergone forced anal exams have described them as painful, humiliating, and amounting to sexual assault, the WMA:

8. Calls on its members, and other medical professionals, to abstain from participation in forced anal examinations;

9. Urges national medical associations (NMA’s) to issue written communications prohibiting their members from participating in such examinations.

10. Urges national medical associations to educate doctors and health professionals about the unscientific and futile nature of forced anal exams and the fact that they are a form of torture or cruel, inhuman and degrading treatment.

11. Calls on the World Health Organization to make an official statement opposing forced anal examinations to prove same-sex sexual activity as unscientific and unethical in violation of medical ethics.

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<https://www.wma.net/policies-post/wma-resolution-on-prohibition-of-forced-anal-examinations-to-substantiate-same-sex-sexual-activity/>