

# **REPORT OF THE REGULATORY BOARD OF BRIT MILAH IN SOUTH AFRICA (“THE REGULATORY BOARD”) 2016 - 2018**

## **1 Background**

The Regulatory Board of Brit Milah in South Africa was established by Chief Rabbi Dr Warren Goldstein in 2016. The Regulatory Board acts in terms of the delegated authority of the Chief Rabbi and Head of the Beth Din (Court of Jewish Law), Rabbi Moshe Kurtstag.

This report covers the activities of the Regulatory Board since inception in April 2016. The number of Britot reported are for the calendar years 2016 and 2017.

The Regulatory Board is responsible for:

- 1.1 Ensuring the very highest standards of care and safety for all infants undergoing a Brit Milah and ensuring that this sacred and holy procedure is conducted according to strict Halachic principles (Jewish law);
- 1.2 The development of standardised guidelines, policies and procedures to ensure that the highest standards of safety in the performance of Brit Milah are maintained in South Africa;
- 1.3 Ensuring the appropriate registration, training, accreditation and continuing education of practising Mohalim (plural for Mohel, a person who is trained to perform a circumcision according to Jewish law);
- 1.4 Maintaining all records of Brit Milahs performed in South Africa; and
- 1.4 Fully investigating any concerns or complaints raised regarding Brit

Milah with the authority to recommend and to institute the appropriate remedial action.

The current members of the Regulatory Board are:

- Dr Richard Friedland (Chairperson).
- Rabbi Dr Pinhas Zekry (Expert Mohel).
- Rabbi Anton Klein (Beth Din Representative).
- Dr Reuven Jacks (Medical Officer).
- Dr Joseph Spitzer (Mohel and Medical Adviser).
- Advocate Nathan Segal (Legal Advisor).

### **3. Activities and Achievements of the Regulatory Board**

#### **3.1 Annual Workshops and Continuing Education for Mohalim**

The Regulatory Board has held three workshops since inception; in June 2016, in July 2017 and in August 2018. These workshops have been attended by all Mohalim and the Beth Din.

The first workshop was led by Dr Spitzer, a well renowned Mohel and acting medical officer of the Initiation Society in the United Kingdom, the regulatory body for Bris Milah in England. Also in attendance was Rabbi Baum, an expert Mohel practising in Jerusalem.

The second workshop was also led by Dr Spitzer and the third was conducted by Rabbi, Professor Avraham Steinberg, a paediatric neurologist, chairman of the Board of Mohalim, under the auspices of the Chief Rabbi of Israel and the Ministry of Health, and one of Israel's most recognised and leading Halachic experts in medicine.

### **3.2 Standardised Guidelines, Policies and Procedures**

After much consultation, several iterations and drawing on both local and international best practice, standardised guidelines, policies and procedures covering all aspects of Brit Milah were developed and agreed upon in 2017. Significantly, particular attention was also paid to ensuring appropriate consent, compliance with Republic of South Africa's Children's Act (Act No 38) of 2005 (the Children's Act) and the Protection of Personal Information Act (Act No 4) (POPIA) of 2016.

### **3.3 Establishment of a Website and Digital Recording of Bris Milah**

Given the general paucity of information available and the level of misunderstanding regarding Bris Milah, a website ([www.britmilahsa.co.za](http://www.britmilahsa.co.za)) was created to provide comprehensive information to the broader community and also a platform and portal to communicate any concerns or queries.

The website was designed to have four sections:

- General information and guidance for the general public and community;
- For Mohalim to log on and access forms and Brit Milah registration procedures and guidelines and policies;
- For the administrators, in particular Rabbi Klein, to access the information submitted and the database behind the website for analysis and collation of the data; and
- For the public and community to lodge queries, complaints or compliments. This section allows for an electronic form to be submitted

and an immediate response with the promise of a follow-up response within 24 hours.

Importantly, the website now allows for all relevant information to be submitted online. Once a Mohel is approached by a parent, he will send the registration form to the parents by email. This will also include a parental consent form which is now required by the Children's Act. All subsequent formalities are similarly submitted online, culminating in the issuing of a certificate setting out details of the Brit Milah which has been performed. Full records are then kept on a database.

### **3.4 Accreditation of Mohalim**

All Mohalim that were approved by the Beth Din were requested to undergo an accreditation process in order to be fully accredited by the Regulatory Board.

In order to achieve accreditation, a Mohel is required to demonstrate the following:

1. A South African Police clearance certificate confirming no criminal record;
2. A certificate from the Department of Social Development confirming that his name is not included in Part B of the National Child Protection Register, and pending such certificate an affirmation stating that he has not been convicted of any criminal offence against children (or any other criminal offence);
3. Hepatitis B immunisation and demonstrating immunity to Hepatitis B;
4. A certificate confirming negative HIV status;
5. A letter from a General Practitioner stating that the Mohel is medically fit

- to perform as a Mohel;
6. A letter from an optometrist, or relevant medical professional, that the mohel's is visually fit to perform Brit Milah; and
  7. That the mohel is fully qualified in terms of Jewish Law, to practice as a Mohel.

Mohalim are also required to attend an annual workshop/continuing education session.

Members of The Regulatory Board are also required to provide clearance in terms of a Police Clearance certificate as well as clearance from the Department of Social Welfare.

To date the following Mohalim have attained full accreditation:

- Rabbi Anthony Gerson;
- Rabbi Mathew Liebenberg;
- Dr Dean Gersun;
- Rabbi Micha Kaplan; and
- Dr Moshe Singer.

The following Mohalim are in the process of finalising their accreditation:

- Rabbi Desmond Maizels; and
- Rabbi Baruch Rubanowitz.

Rabbi Suiza has notified the Regulatory Board of his retirement from performing Britot.

## **8. Number of Recorded Britot**

In 2016, 174 Britot were performed and 162 were performed in 2017. The number of Britot performed in 2018 will be provided in early 2019.

During 2018 upgrades allowing full digital submission of all forms, documents and medical notes became live. The Mohalim have migrated over the course of the year to the new system.

Of the 336 Britot performed, reported complications occurred in three cases (0.9% of total Britot performed). With the exception of one case, these were all considered minor and resolved with no complication or need for hospitalisation. In the one case, which occurred a few hours after the Brit Milah, the Mohel was unfortunately on an airline and not able to attend to the child. The child was then taken to a hospital for bleeding that was resolved with stitches applied to the skin, with no further complications.

It is interesting to note that Sunday had the highest number of britot of all the days of the week, with Shabbat being the least common day of the week to undergo a Brit Milah.

## **9. Complaints and Queries**

A total of five complaints were received and investigated over the period under review (1.5% of total Britot performed). One of these complaints related to a Brit Milah conducted prior to the establishment of the Regulatory Board. The nature of the complaints included issues related to communication skills, lack of appropriate information regarding the procedure and concerns related to the surgical technique employed in Brit Milah. All of the complaints were

promptly and thoroughly investigated to the satisfaction of all parties involved. Valuable learnings were gleaned which have been included in the standardised policies and procedure guidelines.

Several queries were also received, mainly seeking further information or clarification, which were attended to satisfactorily.

## **10. Appreciation and Gratitude**

The Regulatory Board would like to express its appreciation and sincere gratitude to all the Mohalim who have given much of their time actively participating in the various workshops, developing the standardised guidelines and protocols as well as their efforts in ensuring they meet the accreditation criteria.

The Regulatory Board acknowledges and thanks the Mohalim for their outstanding contribution to the Jewish community in the preservation and fulfilment of this holy practice.