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Doc. 13999
09 March 2016

Surgical castration of detained sex offenders in the Czech Republic

Reply to Written question[1]: Written question No. 691 (Doc. 13859)
Committee of Ministers

1. During the examination of the question raised by the Honourable Parlamentarian, the delegation of the Czech Republic informed the Committee of Ministers on recent developments that had taken place in that country in this field, also in the light of the recommendations of the CPT and case law of the European Court of Human Rights. Particular attention has been given to the question of strengthening legal safeguards for its application and to the issue of consent to surgical castration being truly free and informed.

2. Regarding the question dealt with in the CPT and Parliamentary Assembly recommendations, whether patients who are confined to a psychiatric hospital by a court order are capable of making a free decision about their treatment, the Committee of Ministers wishes to draw the attention of the Honourable Parliamentarian to the judgment of the European Court of Human Rights in Dvořáček v. Czech Republic of 6 November 2014. In the judgment, the Court acknowledged that the applicant had faced a difficult choice between taking anti-androgen drugs with the prospect of earlier release from hospital, and being treated by psychotherapy and sociotherapy with the prospect of longer confinement. However, it noted that anti-androgen treatment had been a therapeutic necessity and that the applicant had not been pressured into undergoing it. Therefore, the Court found that there had been no violation of Article 3. Moreover, the Court noted that surgical castration was strictly regulated by the law and was subject to a patient's free and informed consent.

1. Adopted at the 1249th meeting of the Ministers' Deputies (2-3 March 2016).