

***Recommendation by the Council for the Administration of Criminal Justice
and the Protection of Juveniles***

- Summary -

The use of libido-inhibiting medicines in the context of placement under a hospital order

Placement under a hospital order (in Dutch 'Terbeschikkingstelling' or tbs) is a court-imposed measure for treating people who have committed a serious offence while suffering from a psychiatric illness or disorder. The aims of tbs are treatment of the disorder and protection of society. Tbs may or may not be imposed in combination with a prison sentence, depending on the person's degree of accountability.

Recommendation to the Dutch Minister of Justice, dated 21 April 2010

The use of libido-inhibiting medicines in the context of treating sex offenders who have been placed under a hospital order has been the subject of debate among practitioners, scientists and lawyers. The main focus is on the effects and side effects, the use of coercion and force on the patient to ensure the use of these medicines, and the imposition of their use as a condition for leave. The issue of coercion and force in relation to the use of libido-inhibiting medicines is a specific element of the discussion of compulsory treatment in general. This discussion is being conducted, for example, within the framework of the Mental Health Act which is currently being prepared. The discussion has not focused on libido-inhibiting medicines as such. The discussion runs the risk of becoming entangled if the issue of *compulsory treatment* is linked to the use of libido-inhibiting medicines to *reduce reoffending* by sex offenders. For the credibility of the discussion it is important that it examines the prescribing of libido-inhibiting medicines exclusively within the framework of treatment based on a hospital order. Although the hospital order *measure* is partly intended to protect society, the *treatment* focuses on the disorder that the patient is suffering from. The actual decision on the details of the treatment is a matter for the practitioner and patient. Politicians or policymakers who link specific treatment to a category of offence are then actually putting themselves in the shoes of the practitioners. An unsound discussion like this was one of the reasons for the misunderstanding in the field that the use of libido-inhibiting medicines is a condition for the granting of leave to sex offenders. By offering this recommendation on the use of libido-inhibiting medicines within the framework of treatment based on a hospital order, the Council intends to clarify these discussion themes.

The Council advises the Minister of Justice to use a policy framework to regulate the use of libido-inhibiting medicines as part of the treatment based on a hospital order.

The Council proposes a policy that

- prevents differences in the legal positions of various patients which result from varying views of practitioners regarding the prescribing of libido-inhibiting medicines;

- creates a situation in which every clinic has knowledge and expertise relating to the diagnoses, effects and side effects of libido-inhibiting medicines;
- ensures that libido-inhibiting medicines are prescribed on the basis of therapeutic grounds in close consultation with the parties involved, and never simply to reduce the risks;
- excludes libido-inhibiting medicines as compulsory medication;
- provides for an extra test in the event that the practitioner wants to impose the use of a libido-inhibiting medicine as a condition for leave.

The Council also advises the Minister to

- have additional research carried out into the effects of libido-inhibiting medicines and their side effects, in particular in the event of long-term use, and
- take action to counteract the misunderstanding that the use of libido-inhibiting medicines is a standard condition for the granting of leave to sex offenders, by providing clear information primarily to those working in the field of tbs.

The recommendation document can be obtained from the secretariat of the Council.

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