

## Summary

The presented thesis deals with Protective sexological treatment and with topic related issues, discusses in detail the anchoring of the Institute of protective treatment in the legislation of the Czech Republic (the substantive and procedural part), which is a better outline of the whole problem with the use and knowledge of forensic disciplines such as forensic psychiatry, forensic sexology and psychology.

Protective treatment is an institute of criminal law, one of the types of protective measures, forms irreplaceable part of the Czech system of criminal sanctions. Purpose of imposing and exercising protective treatment is protection of society from dangerous offenders, who have committed acts harmful to society on the basis of mental disorder, sexual deviance, reliance on alcohol or on addictive substances, and therapeutic effects on the personality of the offender in the sense of minimization of their dangerousness for the future.

Whereas the protective treatment belongs to a separate category of criminal penalties, which are protective measures, beginning of this thesis is devoted to defining the concept and purpose of protective measures, are listed here essential principles for imposing them in the context of protective treatment, compared sentences and protective measures, it is pointed out their common and different features) and also described historical development of protective measures, especially in the Czech Republic.

Protective treatment requires the court in criminal proceedings for the reasons and subject to all legal conditions which are listed in Criminal Code, either obligatory or optional. Protective treatment may be imposed on four categories of offenders – and insane during his stay at large for the company to dangerous offenders, reducing sane offenders, offenders who committed crimes in a state committed by a mental disorder, and offenders who abused addictive substances, and committed crimes under the influence or in a connection of her abuse. Protective treatment may be imposed separately, abandonment of punishment or in addition of punishment. Statutory prerequisites for imposition of protective treatment are discussed in light of applicable case law. Not omitted the issue of expert assessment, because psychiatric expert opinion (examination of mental status of the accused) is the main means of proper evidence in deciding of the imposition of protective treatment.

The performance of protective treatment carried out in these phases: order of protective treatment, own performance protective treatment in the form of institutional or out-patient with possibility to changes in both directions depending on the development of the mental state of the patient, release from protective treatment or in the event of inability to achieve its

purpose in alcoholics and drug addicts premature termination, whereas if before the initiation of performance of protective treatment passed away the reason for which was imposed, the court refrains from its exercising. Location of performance of protective treatment are catchment psychiatric hospitals, the ambulance and in the case of persons also sentenced to imprisonment item specialized departments for protective treatment in prisons. Duration of protective treatment is fixed at two years with repeated elongation, however always only two more years. The time limitation of duration of protective treatment taken place with effect from 01/01/2009, wherewith are involved some problems, at what autors refers. Below dedicates to protecting the rights of persons under protective treatment, where states some decisions of European Court of Human Rights on this issue.

In practise the protective treatment is divided into psychiatric treatment, alcoholism, drug and sexological, which is the central theme of this work. Protective sexological treatment is imposed on offenders of sex offenses, who have committed such a crime under the influence of disorder of sexual preference – paraphilia (sexual deviance), therefore the reader learns as well about sexual behavior of persons sufering from forensic relevant sexual deviations. The relationship between sexual deviance and sexual delinquency but is not straightforward. It is reported that only 10-15% of sex offenses are committed by deviants to all intents and purpose. Which crimes are considered sex offenses and how sexual deviants participate in the commision of this offenses, is next issue of this paper, whereas is outlined the problems of the expert assessment of sex offenders. Expert sexologist must consider whether the offense was committed or not with deviant motivation, because medical intervention in the form of protective therapy in the treatment of sexual offenders is justified only in the case of persons suffering from disorder of sexual preference. The treatment program of deviant sex delinquents is based on a comprehensive approach combining various therapeutic methods, such as psychotherapy, pharmacotherapy, surgical treatment and sociotherapy. In the view of criticis of administering castration in the treatment of sex delinquents by human rights defenders, the author adverts to ethical and legal aspects of this surgery. Below also approximates the performance of protective sexological treatment in psychiatric hospital Bohnice and in specialized department in prison Kuřim. Than presents the results of her own study, consisting in studying the case file (analysis the judgments and expert's opinions) of set a certain number of offenders, who exercise protective sexological treatment in a psychiatric hospital Bohnice, states criminological characteristic of these offenders, namely especially in terms of their age, intellectual skills, education, professional

career, educational environment, sexual socialization, psychopathology, criminal career, analysis their crimes. Includes are also the case reports, which are drawn from specific cases.

Currently debated issue, which related to the topic of this paper, is sexual delinquency of persons under fifteen years, respectively treatment of child offenders, who have committed inhuman acts under the influence of mental disorder. These child offenders are highly dangerous to the public without appropriate treatment their serious mental disorder. Contemporary legislation does not impose protective treatment to offenders under the age of fifteen. On behalf of the protection of society it is necessary to adopt the appropriate amendment to the law, which would allow to imposing protective treatment of mentally disturbed child offenders. The amendment has already prepared the Department of Justice and its text is here also analyzed.

Not least is outlined the problems of highly dangerous aggressors and sexual deviants. These extremely dangerous offenders were placed to perform protective treatment in psychiatric hospitals, where they did not cooperate, defeat the medication, threaten others patients, medical staff and in case of escape also the general public. As a solution to this complicated situation was chosen introduction of new type of protective measures security detention. The Criminal Code allows change protective treatment into security detention and vice versa, but in application practice arises a question, whether it is possible to change protective treatment, which was imposed before the entry into effect of new legislation (i. e. before 01/01 2009), of security detention, therefore autor deals with differend perspectives on this ambiguous legal question. In fine points to practical shortcomings associated with the institute protective treatment, especially sexological, and suggests some of possible solutions *de lege ferenda*.