

# SEXUAL CASTRATION AND ITS COMPATIBILITY WITH HUMAN RIGHTS

## ABSTRACT

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The chemical castration very basically is the use of drugs to treat and help manage the risk that sex offenders, and in particular paedophiles, pose to society. Due to the increased climate of public fear of this risk, the governments and scientists make researchs on Protection of Children from Sex Offenders. Those researches tries to explore how the protection of children could be improved and how greater reassurance to the public on the management of sex offenders could be provided. So far, there are several proposals with regard to managing high-risk sex offenders and one of them is the chemical castration.

It is known that, there is a populist opinion on sex offenders and paedophiles which accepts them as the lowest form of humanity. Therefore it becomes very difficult to voice that sex offenders should have access to rights protection. Human rights create a protective zone around persons and allow them the opportunity to further their own valued personal projects without interference from others. All human beings hold human rights and that includes sex offenders, although some of their freedom rights may be legitimately curtailed by the State. International Human Rights Law encapsulates the idea that everyone, no matter who they are and no matter what they have done, is entitled to the protection of human rights. On the other hand the state has a duty to protect the rights of all within its jurisdiction and more importantly the victims of sex offenders, especially vulnerable groups such as children. The state's role is to strike a proper balance between the human rights of offenders and the rights of the victims which is sometimes a very difficult task.

In this paper we apply the concept of human rights to sexual castration for sex offenders whether it violates their human rights. I will briefly analyze the concept of human rights, their structure, and justification and apply the human rights principles to the assessment and treatment of sex offenders. I conclude that a significant advantage of a human rights approach is that it is able to integrate the value and capability aspects of offender treatment.

The paper will also assess the recent changes to law on treatment and other liabilities of sex offenders in Turkey and evaluate whether such treatment for incompetent or competent offenders is a viable option given the Turkey's obligations under the European Convention on Human Rights.