



## On approval of the Rules for applying the compulsory medical measure

### *Unofficial translation*

Order of the Minister of Healthcare of the Republic of Kazakhstan dated December 15, 2020 No. ҚР ДСМ-262/2020. Registered with the Ministry of Justice of the Republic of Kazakhstan on December 20, 2020 No. 21810

#### Unofficial translation

In accordance with clause 2 of article 152 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On Public Health and Healthcare System" **I HEREBY ORDER:**

1. To approve the attached Rules for applying the compulsory medical measure according to the Appendix to this order.

2. To recognize as invalid the order of the Minister of Healthcare of the Republic of Kazakhstan dated June 15, 2017 No. 423 "On approval of the Rules for applying chemical castration" (registered in the Register of State Registration of Regulatory Legal Acts as No. 15399, published on November 15, 2017 in "Yegemen Kazakhstan" newspaper No. 220 (29201)).

3. The Department for Organization of Medical Care of the Ministry of Health of the Republic of Kazakhstan, in accordance with the procedure, established by the legislation of the Republic of Kazakhstan, shall ensure:

1) state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) placement of this order on the Internet resource of the Ministry of Healthcare of the Republic of Kazakhstan after its official publication;

3) within ten working days after the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan submission to the Legal Department of the Ministry of Healthcare of the Republic of Kazakhstan of information about implementation of measures stipulated by subclauses 1) and 2) of this clause.

4. Control over execution of this order shall be entrusted to the supervising Vice-Minister of Healthcare of the Republic of Kazakhstan.

5. This order shall come into force upon expiry of ten calendar days after the date of its first official publication.

*Minister of Healthcare  
of the Republic of Kazakhstan*

*A. Tsoy*

" A g r e e d "  
P r o s e c u t o r

G e n e r a l

of the Republic of Kazakhstan  
----- G. Nurdauletov  
\_\_\_\_\_ 2020

Minister of Internal Affairs  
of the Republic of Kazakhstan  
----- Ye. Turgumbayev  
\_\_\_\_\_ 2020

Appendix to the order  
of the Minister of Healthcare  
of the Republic of Kazakhstan  
dated December 15, 2020  
No. КР ДСМ-262/2020

## **Rules for applying the compulsory medical measure**

### **Chapter 1. General Provisions**

1. These Rules for applying the compulsory medical measure have been developed in accordance with article 152 of the Code of the Republic of Kazakhstan dated July 7, 2020 "On Public Health and Healthcare System" (hereinafter referred to as the Code) and shall determine the procedure for applying the compulsory medical measure in the form of chemical castration.

2. In these Rules, the following basic concepts are used:

1) antiandrogen drug – a drug, which mechanism of action is aimed at reducing the production and release of endogenous testosterone in order to reduce the level of sexual desire ;

2) A person, who is subject to the procedure of chemical castration (hereinafter referred to as the Person) – a person, who is indicated the who is prescribed to take an antiandrogenic drug that reduces sexual desire, on the basis of a court judgment that entered into force;

3) a state of decompensation in persons with sexual preference disorder - a state of irresistible sexual desire in a person who needs medical attention;

4) authorized body in the field of healthcare (hereinafter referred to as the authorized body ) is a central executive body that carries out management and inter-sectoral coordination in the field of health protection of citizens of the Republic of Kazakhstan, medical and pharmaceutical science, medical and pharmaceutical education, sanitary and epidemiological well-being of the population, circulation of pharmaceuticals and medical devices, the quality of healthcare services (assistance);

5) chemical castration is taking drugs by a patient that reduce sexual desire, which is performed in a medical facility on the basis of a court judgment.

3. Applying the compulsory medical measure in the form of chemical castration shall be carried out on the basis of a court judgment in order to prevent the state of decompensation in persons with sexual preference disorder.

4. In accordance with subclauses 3), 5) of clause 1 of article 91 of the Criminal Code of the Republic of Kazakhstan dated July 3, 2014 (hereinafter referred to as the CC RK) the compulsory medical measure in the form of chemical castration in relation of persons over 18 years old, who have committed a criminal offense against the sexual inviolability of minors serving sentences in institutions of the penal system (hereinafter referred to as the institutions of the PS), shall apply on the basis of a court judgement that entered into force.

Compulsory medical measures shall be executed at the place of detention of persons, and in relation to convicted persons to other types of punishment - in a health care organization that provides outpatient psychiatric care.

5. Within three working days from the date of admission of the Person, the administration of the PS institution sends information with a copy of the court decision to the territorial healthcare organization providing outpatient psychiatric care.

6. Upon receipt of the court's judgement, the territorial outpatient clinic (hereinafter referred to as the OC), within 3 working days, shall include the person in respect of whom chemical castration has been assigned by the court decision to the first group of dynamic psychiatric observation at the actual place of residence or registration.

7. A Person in respect of whom a compulsory medical measure in the form of chemical castration has been imposed by the court upon admission to PS institutions shall, within three working days, be registered with a psychiatrist of the medical and preventive treatment facility of the PS.

## **Chapter 2. Procedure for applying the compulsory medical measure**

8. The medical and preventive treatment facility of the PS, prior to the commencement of the compulsory measure of chemical castration, conducts laboratory and instrumental examination of the person in respect of whom the application of compulsory medical measures in the form of chemical castration is determined by the court judgement in order to determine the assessment of the state of health.

9. The territorial OC shall provide the medical and preventive treatment facility of the PS with an antiandrogen drug.

10. To perform the procedure of chemical castration, the medical consultative board (hereinafter referred to as the MCB) of the organization of primary health care with the participation of endocrinologist, urologist and therapist (general practitioner) within three working days from the date of receipt of information on the use of compulsory medical measures and, based on the results of the examination, shall determine the choice of an antiandrogen drug.

11. The antiandrogen drug shall be administered with periodicity, determined by the instructions for medical use of this drug.

12. The territorial OC shall conduct the procedure of chemical castration to a person in respect of whom the application of compulsory medical measures in the form of chemical castration is assigned by the court judgement.

13. The medical and preventive treatment facility of the PS, at least once every 6 months from the commencement of the first chemical castration procedure, shall organize an examination of the person in relation to whom the chemical castration procedure was performed by the court (determination of the level of hormones, physical data, general clinical tests).

14. Administration of the medical and preventive treatment facility of the PS shall create a special psychiatric commission (hereinafter referred to as the SPC). The SPC consists of doctors: psychiatrist, endocrinologist, urologist and therapist (general practitioner).

The SPC meeting shall be held at least once every six months to decide on the need to extend, change and end chemical castration in accordance with the requirements of article 96 of the CC RK.

15. Six month prior to the expiration of the duration of the term for serving punishment in accordance with clause 3 of article 93 of the CC RK, part 5 of article 26 of the Penal Execution Code of the Republic of Kazakhstan the administration of the PS institution for the appointment of a forensic psychiatric examination and the decision on the presence (absence) of mental disorders and tendencies to sexual violence against persons sentenced to imprisonment for committing a crime against the sexual inviolability of minors shall send materials to the court in accordance with clause 2 of article 30 of the Law of the Republic of Kazakhstan dated February 10, 2017 "On Forensic Science Activity".

Based on the results of the forensic psychiatric examination, the administration of the PS institution shall send an opinion to the court to resolve the issue of assigning, extending, changing or terminating compulsory medical measures.

16. A notice of the release from PS institutions of a person sentenced to imprisonment for committing a crime against sexual inviolability of minors, in respect of whom a compulsory measure of a medical nature has been established by a court decision, shall be submitted to a health care organization that provides outpatient psychiatric care and an internal affairs body at the actual place of residence five working days prior to the release.

17. The territorial OC, within five working days from the date of the release of the person to whom a compulsory medical measure in the form of chemical castration is prescribed by the court judgement, shall carry out registration at the actual place of residence.

18. Territorial OC, shall carry out dynamic observation and provides psychotherapeutic assistance to the person in respect of whom the chemical castration procedure was carried out.

19. The doctor of the territorial OC shall:

1) provide dynamic observation with a frequency of examination at least once a month;

- 2) prescribe psychotropic drug therapy;
- 3) control the use of an antiandrogen drug;
- 4) prepare documents for MCB, SPC meetings;
- 5) provide interaction with OC specialists;

6) draws up an individual schedule for the frequency of administration of an antiandrogenic drug to a person, a copy of which is handed over to the local police inspector who carries out preventive control and registration of this person, or to a medical and prophylactic institution PS, if the person is in prison;

7) within 3 working days send a copy of the approved schedule to the territorial subdivision of the internal affairs bodies for attachment to the materials of the preventive accounting case;

8) in case of evasion of a person from compulsory medical measures, notify the management of the medical organization.

20. The administration of the territorial OC, at the level of regions, the city of republican significance and the capital, shall create an SPC.

The SPC shall consist of doctors: psychiatrist, endocrinologist, urologist and therapist (general practitioner).

The SPC meeting shall be held at least once every six months to decide on the need to extend, change and end chemical castration in accordance with the requirements of article 96 CC RK.

21. On the fact of non-arrival of a person within five working days from the date of release, the healthcare organization providing outpatient psychiatric care shall notify the department of internal affairs bodies in writing.

Subdivisions of the internal affairs bodies shall carry out measures to search for a person and, when locating the location, within three working days, shall inform the health organization, which provides outpatient psychiatric care.

22. If a person evades the required examination, the territorial OC shall notify the territorial subdivision of the internal affairs bodies in writing within 24 hours.

If a person evades chemical castration, the territorial OC, within 24 hours, in writing (in any form) shall notify the territorial subdivision of the internal affairs bodies.

23. After the termination of the chemical castration procedure on the basis of a court decision, the territorial OC shall continue to carry out dynamic observation of the person in accordance with clause 1 of article 176 of the Code.