



ISSN Print: 2541-5298
ISSN Online: 2541-6464

SRIWIJAYA

Law Review

Editorial Office: Faculty of Law, Sriwijaya University
Jalan Srijaya Negara, Palembang, South Sumatra 30139, Indonesia.
Phone: +62711-580063 Fax: +62711-581179
E-mail: sriwijalayalawreview@unsri.ac.id | sriwijalayalawreview@gmail.com
Website: <http://journal.fh.unsri.ac.id/index.php/sriwijalayalawreview>

Justice or Controversy? The Case for Chemical Castration in the Republic of Kosovo's Legal Framework

Alban Kryezi^{a*}, Veditje Ratkoceri^b

^{a*} Faculty of Law, University "Ukshin Hoti" Prizren, Republic of Kosovo, Corresponding author Alban Kryezi, email: alban.kryezi@uni-prizren.com

^b Faculty of Law, Southeast European University, Tetovo, Republic of North Macedonia, email: v.ratkoceri@seeu.edu.mk

Article	Abstract
<p>Keywords:</p> <p>Chemical Castration; Child Sexual Abuse; Human Rights; Kosovo; Legal Reform; Recidivism.</p> <p>Article History Received: Feb 5, 2024; Reviewed: Jul 5, 2025; Accepted: Jul 15, 2025; Published: Jul 31, 2025.</p> <p>DOI: 10.28946/slrev.v9i2.3589</p>	<p>This study evaluates a group of citizens' attitudes in the Republic of Kosovo toward the potential inclusion of chemical castration in the Criminal Code as a punitive measure against child sexual abusers. Although chemical castration is not currently part of the Republic of Kosovo's legal framework, growing public concern over increasing cases of child sexual abuse has brought this controversial measure into public and legal discourse. Using a survey-based methodology, the research analyses responses from a demographically diverse group, predominantly composed of young and educated individuals. The findings reveal widespread concern regarding the prevalence of sexual abuse against children. There is a high level of awareness and significant public support for chemical castration, with many respondents viewing it as an effective and preventive measure against sexual violence. However, ethical concerns related to human rights and reproductive health were also raised. Although few respondents reported direct knowledge of child victims, the study highlights several barriers to reporting such crimes, including inadequate institutional and familial support, social stigma, and prevailing conservative attitudes. Overall, the study offers valuable insights for Kosovo's institutions to enhance their strategies in combating child sexual abuse. Understanding public opinion on chemical castration can inform the development of future legal and policy initiatives in this sensitive area.</p>

©2025; This is an Open Access Research distributed under the terms of the Creative Commons Attribution License (<https://creativecommons.org/licenses/by/4.0>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original works are properly cited.

INTRODUCTION

Crime, as a negative and dangerous phenomenon in continuous growth, has encouraged the legal systems of many countries to take adequate measures to protect victims and prevent its further spread. Different societies naturally face various crimes, whose consequences can sometimes be irreversible. In this regard, children are a very sensitive category of society that deserves special care, treatment, and protection from crime. The protection of children from

sexual violence should be and remain one of the primary issues in the criminal policies of any society. Based on the serious nature of sexual abuse or violence and the consequences it brings to children in the physical and psychological aspects, the perpetrators of this crime, in addition to being punished, should also be treated with effective measures to prevent criminal behaviour in the future.

Chemical castration is a process during which medications are used to reduce the production of sexual hormones to influence the reduction of unacceptable sexual criminal behaviour in society. Specifically, chemical castration is a treatment through drugs that is undertaken against sexual abusers of children to suppress or reduce sexual instincts or desire¹. In addition, laws constitute one of the key elements of a state, which are essential to guarantee order, security and well-being of citizens. These laws should be drafted based on the needs of citizens, assessing how they will affect society, especially in terms of crime prevention, and specifically in the context of pedophilia, which is the main focus of this study. Many countries in the world have chosen to include in their legal systems the possibility of applying chemical castration as a form of punishment.

Based on this aspect, the primary purpose of this research is to assess the feasibility of incorporating chemical castration into the legal system of the Republic of Kosovo. In a logical sense, the amendment of the Criminal Code of the Republic of Kosovo regarding the possibility of including chemical castration as a punitive measure is justified in the first place by the fact that many abuses or sexual crimes against children are frequent.

According to official data from the Kosovo Police, 142 cases of sexual violence were reported in 2024, comprising 71 cases of rape and 71 cases of sexual assault. Importantly, approximately 70% of the victims were minors under the age of 18, which equates to around 99 child victims². This statistic highlights the vulnerability of children to such crimes and emphasises the urgent need for strengthened protective measures and reporting mechanisms. However, it is important to note that these statistics may not fully capture the prevalence of sexual violence, as many incidents go unreported due to factors such as distrust in institutions and social stigma. This means that in the Republic of Kosovo, during 2024, approximately 9.5 cases of sexual violence (rape and harassment) were officially reported per 100,000 inhabitants.

Regarding court decisions on chemical castration, it is essential to emphasise that this measure is neither regulated nor practised within the legal framework of the Republic of Kosovo. As such, there are no judicial decisions or precedents concerning its application. Currently, there is no official stance from the judiciary on the inclusion of chemical castration in the legal system, given that it is not foreseen in the existing criminal legislation. Nevertheless, the topic remains a subject of ongoing academic and legal debate, particularly in the context of exploring more effective strategies to reduce recidivism among perpetrators of child sexual abuse. Moreover, several high-profile cases of sexual abuse involving children in Kosovo have generated significant public pressure for the imposition of harsher criminal

¹ Steven Sukamdani Dina Silvia Puteri, Denita Cahyanti Wahono, Rr Jannatul Firdaus, "Chemical Castration from Criminal Law and Human Rights," 2020, 67–80, <https://doi.org/https://doi.org/10.25041/cepalo.v4no1.1910/>.

² Koha, "Kosovo Police with Operational Plan to Prevent Sexual Harassment in the North," 2025, <https://www.koha.net/en/arberi/policia-e-kosoves-me-plan-operativ-per-parandalimin-e-ngacmimeve-seksuale-ne-veri>.

sanctions. This shift in public sentiment could, in the future, contribute to shaping a more receptive institutional attitude towards alternative punitive measures such as chemical castration, provided that such a measure is introduced through a clearly defined legal basis.

Abuse or sexual crimes violate a very sensitive sphere of the individual, the consequences of which are long-term, especially when the victims are children. The physical possibility to protect oneself from such criminal actions, as well as the psychological possibility to cope with the serious spiritual disorders that result from the crime, is very small compared to those cases where adults appear as victims. Exercising an effective war against this crime requires, among other things, reporting such criminal behaviour to the responsible institutions. Various studies indicate the opposite of this, which is that the victim and the family circle are reluctant to report sexual abuse in the respective institutions for many reasons. This occurs due to the concern that the abused children will be stigmatised by the community when their cases are handled by the police or courts, which will increase the moral and social ramifications for the child³. According to another study, victims or family members do not report such crimes due to the lack of trust they have in state institutions⁴. According to a study, victims often decide not to report sexual crimes due to fear of retaliation from the perpetrator⁵. Also, privacy concerns and the fear that reporting will not result in justice are some of the obstacles to not reporting sexual abuse⁶.

In this direction, the research tends to serve as a contribution to the awareness of Kosovar society that sexual abuse of children should be reported to the responsible institutions. The fact that such a crime is not reported means that the perpetrator not only feels no fear but also creates opportunities and space for other victims. Based on the principle that the Law should serve the citizen by making their life easier, this paper aims to conclude what the Kosovar society thinks about chemical castration and whether it should be included in the Criminal Code of Kosovo.

The execution of chemical castration as a punitive measure has prompted various discussions and controversies regarding whether it prevents and fights sexual abuse of children, since its legitimacy has been questioned. This is because such a measure is not ethical and contributes to the violation of human rights. The constitutional provisions guarantee the inviolability of an individual's physical and mental integrity. The legal framework of a modern state must guarantee respect for the dignity of the person during the entire criminal process, as

³ Ragip Halili, "Kriminologjia/Criminology," no. Prishtina: University of Prishtina/Law Faculty (2002).

⁴ and Robin A. Robinson Katalin Parti, "'What Hinders Victims from Reporting Sexual Violence: A Qualitative Study With Police Officers, Prosecutors, and Judges in Hungary'." *International Journal for Crime, Justice and Social Democracy* 10, "International Journal for Crime, 2021, 158–76, <https://doi.org/https://doi.org/10.5204/ijcjsd.1851>.

⁵ and Kenneth J. Ruggiero. Kate B. Wolitzky-Taylor, Heidi S. Resnick, Jenna L. McCauley, Ananda B. Amstadter, Dean G. Kilpatrick, "Is Reporting of Rape on the Rise? A Comparison of Women with Reported versus Unreported Rape Experiences in the National Women's Study-Replication.," *Journal of Interpersonal Violence* 26 4 (2011), <https://doi.org/https://doi.org/10.1177/0886260510365869>.

⁶ and Nicole R. Nugent Lindsay M Orchowski, Lauren Grocott, Katie W. Bogen, Aderonke Ilegbusi, Ananda B. Amstadter, "'Barriers to Reporting Sexual Violence: A Qualitative Analysis Of# WhyIDidntReport.' *Violence against Women* 28, No. 14," no. 14 (2022): 3530–53, <https://doi.org/https://doi.org/10.1177/10778012221092479>.

well as during the execution of the punishment⁷. However, it is difficult to appease the reaction of society, especially those families whose children are victims of the psychological disorders of criminals manifested by pedophilic behaviour.

Therefore, several research will be analysed to understand if this measure is legitimate and does not contribute to the violation of human rights. Chemical castration is part of the legal framework of some countries, starting with the USA, Argentina, Australia, New Zealand, Denmark, Germany, Hungary, Macedonia, etc⁸. Various studies indicate a decrease in the number of sexual abuses of children as a result of the application of chemical castration. Chemical castration has influenced the reduction of sexual crime recidivism, which was offered to sex offenders as part of treatment⁹. The Republic of Kosovo does not have any legal provision that foresees chemical castration as a punishment for sexual abusers of children, so the models of the legal systems of those countries that allow the imposition of this measure will be studied.

RESEARCH METHODS

To collect the necessary data, a survey method was employed, conducted through an online questionnaire that was distributed and monitored. The study included 93 participants, who were randomly selected and represented different demographic groups.

The questionnaire consisted of seven multiple-choice questions and optional open-ended questions. The questionnaire included demographic information, awareness of chemical castration, opinions on its inclusion in the Criminal Code, and perspectives on its effectiveness and human rights implications. The participants were initially asked to provide demographic information, including age, gender, and educational level, to ensure a diverse representation of the population. The data from this part is important for understanding how different social groups may have varying perceptions of the issues in question.

Participants in this questionnaire were asked about: their opinions on the prevalence of sexual abuse of children in Kosovo; personal knowledge if they have heard about chemical castration; personal perception on the inclusion of chemical castration in the Criminal Code of the Republic of Kosovo; the effectiveness that chemical castration can offer in the prevention of sexual abuse; opinions on whether chemical castration violates human rights; the recognition of any child who has been a victim of sexual abuse; and reporting this abuse to the competent authorities.

The data collected from this questionnaire were analysed quantitatively to provide numerical values for different issues related to chemical castration, as well as to create new factual insights in a theoretical sense. The open answers were the subject of qualitative analysis

⁷ Andrada Nour, "Chemical Castration of the Sexual Offender versus Human Fundamental Rights and Freedoms." *Scholars International Journal of Law, Crime and Justice*. Dubai," *Scholars Middle East Publisher* 3, no. 5 (2020), <https://doi.org/https://doi.org/10.36348/sijlcj.2020.v03i05.002>.

⁸ Olga Koshevaliska., "Medical Pharmacologic Treatment (AKA Chemical Castration) in the Macedonian Criminal Code," *Balkan Social Science Review*, 2014, 25–45, <https://js.ugd.edu.mk/index.php/BSSR/article/view/943>.

⁹ Kang Su Cho, and Joo Yong Lee, "Chemical Castration for Sexual Offenders: Physicians' Views," *Journal of Korean Medical Science*, no. 2 (2013): 171–72, <https://doi.org/https://doi.org/10.3346/jkms.2013.28.2.171>.

to identify obstacles to reporting sexual violence. Responses were collected anonymously to ensure unbiased and objective opinions.

The questionnaire was designed in accordance with ethical guidelines, ensuring the consent of the participants, confidentiality, and voluntary participation. They were informed that the answers would be completely anonymous and would be used only for scientific purposes. The collection of data through this method may have some limitations, such as the relatively small number of participants, and their answers may be influenced by their personal preferences rather than their objective opinions.

ANALYSIS AND DISCUSSION

Historical Context of Castration

Historically, castration has been part of the legal systems of different countries and has been implemented to prevent the repetition of sexual behaviours. Committing a criminal act brings consequences not only for the victim in particular, but also for the broader social environment. The repetition of criminal behaviour makes these consequences even more serious, leaving us to understand that the criminal punishment against the criminal has not had the desired effect. In order to prevent the recidivism of sexual abuse against children, castration is used in two forms: physically through surgical procedures and chemically through drugs.

Before it was applied as a criminal punishment to recidivist pedophiles, castration was also used for other purposes. In 2600 BC in Egypt, the value of castrated enslaved people was the highest, since this made them more careful and obedient to their owners. Something similar was also applied to Greek slaves around 500 BC¹⁰. In ancient times, armies often castrated prisoners of war to punish them for being their enemies, while in biblical times, rapists were punished with blinding and surgical castration¹¹.

In 1944, the first attempt at hormonal intervention through pharmacological treatment is reported to have been made when diethylstilbesterol was used to lower testosterone levels in order to reduce sexual activity¹². Well, before the application of chemical castration began, surgical castration was used as a punishment for sex offenders. During the last century, surgical castration has been implemented in several countries, such as the USA, Switzerland, Germany, Denmark, Norway, Estonia, Finland, Iceland, Latvia, and the Netherlands. In 1929, Denmark

¹⁰ Masruchin Ruba'Ib, Henny Yuningsiha, I. Nyoman Nurjayab, Prija Djatmikab, "Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children," *Sriwijaya Law Review*, no. 1 (2020): 62–78, <https://doi.org/http://dx.doi.org/10.28946/slrev.Vol4.Iss2.297.pp62-78>.

¹¹ Vedije Ratkoceri, "Chemical Castration of Child Molesters—Right or Wrong?!", *European Journal of Social Science Education and Research* 4, no. 3 (2017): 70–76, <https://doi.org/https://doi.org/10.26417/ejser.v11i1.p70-76>.

¹² Robert D Miller, "Forced Administration of Sex-Drive Reducing Medications to Sex Offenders: Treatment or Punishment.," *Psychology, Public Policy, and Law*, no. 1–2 (1998): 175–99, <https://doi.org/https://doi.org/10.1037/1076-8971.4.1-2.175>.

introduced the first laws allowing castration for sex offenders¹³. The same, but with a voluntary character, continues to be implemented in California, Florida, Iowa, and Texas¹⁴.

The effect of surgical castration in the aforementioned countries, which has resulted in the reduction of recidivism among sex offenders, prompted American researchers to begin pharmacological experimentation with sex hormones in order to control sexual offenders¹⁵. In 1966, psychologist John Money used the compound medroxyprogesterone acetate (MPA) to interfere with the levels of testosterone chemically, the main male sex hormone, which is associated with the desire for sexual activity¹⁶.

Eleven years later, a treatment similar to the aforementioned medication was started at the University of Texas Medical Branch in Galveston. Such a program soon began to be applied at the American Rosenberg Clinic¹⁷. From 1960 on, not only the USA but most countries began to replace surgical castration with chemical castration. This is made possible through the use of medroxyprogesterone acetate (MPA), the agent of choice in the US, and cyproterone acetate (CPA), the usual agent in Europe, the Middle East, and Canada.

The Concept of Chemical Castration

Sexual abuse includes all those actions and behaviours that violate the moral and sexual integrity of the individual. Accordingly, sexual abuse of children is a form of abuse where the adult uses the child to satisfy his/her sexual desires. Due to the inadequate maturity of the child, this is usually done by force or through fraudulent actions by the adult. Sexual abuse is one of the most serious violations that can be done to the well-being and dignity of a child. Recent studies indicate that the number of sexual abuses of children is increasing significantly.

Table 1: WHO annual report on sexual abuse of children and adults during childhood

Reporting Entity	World Health Organisation
Percentage of Sexually Abused Children	26%
Percentage of Women Sexually Abused in Childhood	1 in 5
Percentage of Males Sexually Abused in Childhood	1 in 13

Table 1 shows that the latest annual report of the World Health Organisation indicates that 26% of children are sexually abused and that 1 in 5 women and 1 in 13 men were sexually abused during their childhood. On the other hand, 120 million girls and women under the age

¹³ Hadley Osran and Linda E Weinberger, Shoba Sreenivasan, Thomas Garrick, "The Impact of Surgical Castration on Sexual Recidivism Risk among Sexually Violent Predatory Offenders," *Journal of the American Academy of Psychiatry and the Law Online*, no. 1 (2005): 16–36, <https://jaapl.org/content/33/1/16/>.

¹⁴ Sigrid Sterckx Thomas Douglas, Pieter Bonte, Farah Focquaert, and Katrien Devolder, "Coercion, Incarceration, and Chemical Castration: An Argument from Autonomy," *Journal of Bioethical Inquiry*, 2013, 393–405, <https://doi.org/https://doi.org/10.1007/s11673-013-9465-4>.

¹⁵ Robert A. Prentky, "Arousal Reduction in Sexual Offenders: A Review of Antiandrogen Interventions," *Sexual Abuse: A Journal of Research and Treatment* 9, no. 4 (1997): 335–47, <https://doi.org/https://doi.org/10.1007/BF02674857>.

¹⁶ Richard G. Bennett and John Money, "Postadolescent Paraphilic Sex Offenders: Antiandrogenic and Counselling Therapy Follow-Up," *International Journal of Mental Health* 10, no. 2–3 (1981): 122–33, <https://doi.org/https://doi.org/10.1080/00207411.1981.11448890>.

¹⁷ and W. J. Meyer III L. E. Emory, C. M. Cole, "The Texas Experience with Depoprovera: 1980-1990," *Journal of Offender Rehabilitation* 18, no. 3–4 (1992): 125–40, https://doi.org/https://doi.org/10.1300/J076v18n03_11.

of 20 have been victims of forced sexual abuse¹⁸. The highest rate of sexual abuse occurs in Africa with 34.4%, followed by Asia and Oceania with 23.9%, while Europe has the lowest prevalence rate of 9.2% (Chime et al., 2021). According to the findings of the 2020 report on the International Sexual Exploitation of Children by the Criminal Police Organization (ICPO-Interpol), 23,564 children were identified as victims of sexual violence¹⁹.

Childhood is one of the most sensitive and important periods in our lives, during which the first steps toward education and well-being are taken in physical, emotional, and social senses. It is precisely sexual abuse, one of the crimes, that is presented as the destruction of a healthy childhood, accompanied by long-term physical and psychological consequences. Sexual abuse causes post-traumatic stress disorders, depression, phobic disorders, suicidal ideation, and suicide attempts²⁰.

Childhood sexual abuse is associated with higher levels of depression, guilt, shame, self-blame, eating disorders, somatic disturbances, and anxiety²¹. The serious mental condition caused by sexual abuse affects the disorder of adequate childhood development, since they mainly face depression. The feeling of inferiority and labelling by society, as well as the feeling of shame, further worsen the child's psychological state. In order to protect children from this crime, many countries are committed to incorporating chemical castration into their legal system as a measure that would be more suitable for the treatment of pedophiles.

What is Chemical Castration?

The protection of children as a sensitive category of society from sexual abuse should be one of the main objectives of contemporary states. A very disturbing element in a social environment, in general and in criminal Law in particular, is recidivism. The fact that a deviant or an abuser, whose actions in this particular case represent the phenomenon of pedophilia, has continued with sexual abuse is an indicator that, in the first place, indicates the abuser's psychological disorder.

According to the American Psychiatric Association, in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders, pedophilic disorder is presented as a persistent sexual interest in prepubescent children²². Given that these people suffer from such a psychological disorder, even punishment would not be an appropriate solution since it would be difficult to ensure its preventive and re-socialising effect in general. Therefore, a considerable number of countries have accepted chemical castration as a medical treatment to fight

¹⁸ Bengü Berkmen, "Examining the Awareness Levels of Parents on Child Sexual Abuse," *Journal of Indian Association for Child*, no. 4 (2022): 348–57, <https://doi.org/https://doi.org/10.1177/09731342231156498>.

¹⁹ Gunawan Widjaja, and Mellisa Efiyanti, "The Implementation of Chemical Castration Sanctions against Convicts of Child Sexual Crimes in Indonesia by Doctors.," *Journal of Legal, Ethical and Regulatory*, no. 24 (2021), <https://www.abacademies.org/articles/the-implementation-of-chemical-castration-sanctions-against-convicts-of-child-sexual-crimes-in-indonesia-by-doctors-11059.html>.

²⁰ Prajakta Patkar Kalpana Srivastava, Suprakash Chaudhury, P. S. Bhat, "Child Sexual Abuse: The Suffering Untold," *Industrial Psychiatry Journal*, no. 1 (2017): 1–3, https://doi.org/https://doi.org/10.4103/ipj.ipj_83_17.

²¹ Kathleen L. Ratican, "Sexual Abuse Survivors: Identifying Symptoms and Special Treatment Considerations," *Journal of Counselling & Development*, no. 1 (1992): 33–38, <https://doi.org/https://doi.org/10.1002/j.1556-6676.1992.tb02167.x>.

²² Kerensa Hocken Craig A Harper, Rebecca Lievesley, and Nicholas J. Blagden, "Humanizing Pedophilia as Stigma Reduction: A Large-Scale Intervention Study," *Archives of Sexual Behavior*, no. 2 (2022): 945–60, <https://doi.org/https://doi.org/10.1007/s10508-021-02057-x>.

pedophilia. Chemical castration is a pharmacological medical treatment during which, through the use of medications, the aim is to reduce a person's sexual desires or instincts. In this way, the ability to engage in inappropriate and unacceptable sexual behaviour by the Law and society is also reduced.

Chemical castration is a medical treatment that uses anti-hormonal drugs to block the release of hormones, resulting in a noticeable decrease in testosterone levels and sexual desire in men. Chemical castration consists of periodically giving the drug, usually in the form of an injection, which suppresses sexual desire. Chemical castration is simply a hormonal treatment to eliminate the sexual desire of the abuser²³. Chemical castration is the process of controlling pathological sexual behaviour by reducing androgen levels through pharmacological intervention, which results in the reduction of sexual thoughts²⁴. In this way, a healthy well-being will be guaranteed for the child, and his/her rights will be guaranteed as proclaimed by international acts.

During the process of chemical castration, abusers undergo therapy through the use of drugs whose purpose is to suppress sexual desires by interfering with the reduction of testosterone levels. One of these drugs is Medroxyprogesterone acetate (MPA), also known by the brand name Depo-Provera, which suppresses testosterone production in men. This treatment is suitable for the rehabilitation programs of sexual abusers in private clinics, hospitals, or even in penitentiary institutions²⁵. In most cases, the reduction of sexual behaviors or fantasies is observed after one to two months²⁶. The treatment with this drug affects the brain to believe that the body has enough testosterone, preventing its continued production²⁷.

An important feature in the framework of chemical castration is counselling in terms of mental health regarding the duration of this treatment. Such counselling can be done within the family or social groups, and it is precisely the rehabilitation programs that try to teach the abusers to control their thoughts and behaviours to be more aware and reduce the rate of recidivism²⁸. As with any medical pharmacological therapy that, in addition to the goal of improving health, has its own side effects, the use of this drug can also have side effects on the

²³ Martin P. Kafka and Peer Briken, "Pharmacological Treatments for Paraphilic Patients and Sexual Offenders," *Current Opinion in Psychiatry*, no. 6 (2007): 609–13, <https://doi.org/https://doi.org/10.1097/YCO.0b013e3282f0eb0b>.

²⁴ Wolfgang Berner and Andreas Hill, Peer Briken, Christian Kraus, Kerstin Strohm, "Differential Pharmacological Treatment of Paraphilias and Sex Offenders.," *International Journal of Offender Therapy and Comparative Criminology*, no. 4 (2003): 407–21, <https://doi.org/https://doi.org/10.1177/0306624X03253847>.

²⁵ Samantha Pandick Vaillancourt, "Chemical Castration: How a Medical Therapy Became Punishment and the Bioethical Imperative to Return to a Rehabilitative Model for Sex Offenders.," *PhD Diss. Wake Forest University*, 2012, https://wakespace.lib.wfu.edu/bitstream/handle/10339/37658/Vaillancourt_wfu_0248M_10359.pdf?sequence=1.

²⁶ Florence Thibaut Frederico and Duarte Garcia, Heloise Garcia Delavenne, Alessandra de Fátima Almeida Assumpção, "Pharmacologic Treatment of Sex Offenders with Paraphilic Disorder," *Current Psychiatry Reports*, 2013, 1–6, <https://doi.org/https://doi.org/10.1007/s11920-013-0356-5>.

²⁷ Peter J Gimino III., "Mandatory Chemical Castration for Perpetrators of Sex Offenses against Children: Following California's Lead," *Pepperdine. Law. Review*, 1997, 67–105, <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1456&context=plr>.

²⁸ WFSBP Task Force on Sexual Disorders Florence Thibaut, Flora De La Barra, Harvey Gordon, Paul Cosyns, and John MW Bradford, "The World Federation of Societies of Biological Psychiatry (WFSBP) Guidelines for the Biological Treatment of Paraphilias," *The World Journal of Biological Psychiatry*, no. 4 (2010): 604–55, <https://doi.org/https://doi.org/10.3109/15622971003671628>.

person to whom it is administered. Some of the side effects that the person may face may be weight gain, fatigue, testicular atrophy, dyspnea, hypertension, thrombosis, insomnia, and increased blood sugar²⁹.

Another medication is also used in the treatment of sexual abusers to reduce sexual behaviours, desires, and instincts. It is about cyproterone acetate (CPA), which is available in the form of pills given every day or in the form of an intramuscular injection given every two weeks, and this drug reduces sexual desire within one to two weeks³⁰. Patients who underwent treatment with this medication showed a reduction in anxiety and nervousness³¹. Side effects of this herb can include weight gain, headaches, depression, muscle cramps, and liver dysfunction³².

The Legal Nature of Chemical Castration

The variation in the legal nature of chemical castration is influenced by the different legal systems that apply it across states. Despite the difficulties in determining the legality of chemical castration, it can be understood through the way it is treated in different jurisdictions: in some states, it is considered a form of punishment, while in others, it is a medical treatment.

The administration of chemical castration as a form of treatment can be voluntary, which will only be legal if a person is convicted of certain criminal offences and consents to undergo such treatment. The second solution offered defines the discretionary character of the legal provision on which chemical castration can be considered as a punishment option in addition to other punishments that can be imposed on the perpetrator. If it is pronounced as punishment, then the offender must undergo treatment. Third, the legal provision can be mandatory, and chemical castration can be pronounced like any other punishment³³.

From various studies, we can see the discussions and controversies surrounding the most suitable solution for chemical castration, as well as whether it should be considered a treatment within the framework of security measures or as a form of punishment. In principle, it may seem appropriate to define chemical castration as a form of punishment and incorporate it into the system of criminal sanctions. However, this includes ethical issues that do not precede this decision to foresee chemical castration as a punishment.

In the criminal law literature, it is well known that the rehabilitative and resocialising goals of sentencing the offender dominate. Additionally, the punishment also contains retributive elements, as it limits human rights in either a physical or financial sense, depending on the type

²⁹ Matthew V Daley, "A Flawed Solution to the Sex Offenders Situation in the United States: The Legality of Chemical Castration for Sex Offenders," *Ind. Health L. Rev.*, 2008, 87–121, <https://mckinneylaw.iu.edu/ihlr/pdf/vol5p87.pdf>.

³⁰ Elizabeth Pitula, "An Ethical Analysis of the Use of Medroxyprogesterone Acetate and Cyproterone Acetate to Treat Repeat Sex Offenders," 2010, <https://doi.org/https://doi.org/10.7916/D8028ZJH>.

³¹ Anne Pawlak John M.W. Bradford, "Double-Blind Placebo Crossover Study of Cyproterone Acetate in the Treatment of the Paraphilias," *Archives of Sexual Behavior*, 1993, 383–402, <https://doi.org/https://doi.org/10.1007/BF01542555>.

³² James Cass John Bancroft, Gavin Tennent, Kypros Loucas, "The Control of Deviant Sexual Behaviour by Drugs: I. Behavioural Changes Following Oestrogens and Anti-Androgens," *The British Journal of Psychiatry*, no. 586 (1974): 310–15, <https://doi.org/https://doi.org/10.1192/bjp.125.3.310>.

³³ Hal Tilemann, "Review of Laws Providing for Chemical Castration in Criminal Justice," *Pasar Minggu (South Jakarta): Institute for Criminal Justice Reform*, 2016, https://icjr.or.id/wp-content/uploads/2016/06/paper-ICJR_ResearchNote_CC_CM.pdf.

that is pronounced. In this case, the development and acceptance of the concept that chemical castration is accepted as a punishment and not as a treatment in the framework of security measures in criminal legislation means the acceptance of corporal sanctions in the system of criminal sanctions due to the artificial suppression of sexual desire, which would be against the coherent goals of contemporary criminal Law³⁴.

It is not only the ethical issues mentioned above that should be taken into account when deciding whether chemical castration should be part of the criminal sanctions system or not. Criminal Law protects a considerable number of legal values, one of which is the sexual integrity of a very sensitive category of society, such as children. In order to exercise efficient protection against the sexual integrity of children and to prevent recidivism, in principle, it would be quite appropriate to pronounce chemical castration as a mandatory punishment and not as a voluntary medical treatment.

However, certain issues must be taken into consideration before implementing this solution in the state criminal sanctions system, specifically in the Republic of Kosovo's criminal sanctions system. A child abuser may have different reasons that push him/her to commit deviant criminal behaviour. A number of sexual acts against children are committed by those who have a degree of mental retardation, as a result of which they are unable to distinguish inappropriate behaviours³⁵.

The application of chemical castration as punishment to these individuals would conflict with the concept of criminal liability, because a perpetrator is convicted of a criminal offence if they are aware of their actions and understand the consequences they cause in social life. For this category, the mandatory imposition of chemical castration would also conflict with the purposes of punishment, because as long as these people are not charged with criminal liability, even punishment would not affect preventing or repeating sexual abuse against children.

Therefore, in the majority of countries that allow chemical castration, its implementation is voluntary, and the person who accepts this treatment is either sentenced to a lighter sentence or given the possibility of parole. According to the results of research regarding the definition of chemical castration as a treatment or punishment, the same turns out to be more effective when it is requested voluntarily by the offenders³⁶.

Chemical Castration and Human Rights

The issue of chemical castration is quite complex and often involves controversies that refer to human rights. Some of the authors mention the benefits that society can have from chemical castration because they see it as one of the appropriate ways to reduce sexual abuse. The rest of the authors offer disturbing arguments that chemical castration contributes to the violation of human rights. Facing this situation are the rights of a very sensitive category of society. If a child is a victim of sexual violence, the consequences are very serious, and the time for

³⁴ Olga Koshevaliska, "Medical Pharmacologic Treatment (AKA Chemical Castration) in the Macedonian Criminal Code," *Balkan Social Science Review*, 2014, 25–45, <https://js.ugd.edu.mk/index.php/BSSR/article/view/943>.

³⁵ Audrey Moog, "California Penal Code Section 645: Legislators Practice Medicine on Child Molesters," *Journal of Contemporary Health Law & Policy*, 1998, 711–37, <https://scholarship.law.edu/cgi/viewcontent.cgi?article=1299&context=jchlp>.

³⁶ Maggie Hall, "Treatment or Punishment: Chemical Castration of Child Sex Offenders," *The Conversation*, 2014, <https://theconversation.com/treatment-or-punishment-chemical-castration-of-child-sex-offenders-25495>.

physical and especially mental rehabilitation takes a long time. Creating a balance between the protection of society on the one hand and efforts not to punish criminals cruelly while respecting their rights and dignity remains a challenge for legislative authorities.

In the case of sexual abuse, the child experiences an impact with profound negative consequences in terms of life well-being. The depression and trauma experienced by a sexually abused child will be felt for a long time, and the time needed to improve the child's health and emotional state will be very long³⁷. This study supports the theory that the severity of punishment must be in balance with the worst harm caused by the perpetrator. Therefore, all the evidence must be carefully considered so that an innocent person is not declared guilty, as this would violate legal certainty.

Various international acts, such as the Universal Declaration of Human Rights, the Convention against Torture and other Cruel, Inhuman, and Degrading Treatment or Punishment, the European Convention on Human Rights, or even the International Covenant on Civil and Political Rights, guarantee and raise the level of the international community in the prohibition of torture or other inhumane treatments, respect for private and family life, as well as the right of every person to marry and create a family.

Chemical castration has been criticised specifically for the violation of these rights, specifically the right to bodily integrity, since it interferes with the hormonal aspect of the person and violates his/her autonomy to control his/her body. It is considered cruel or degrading treatment which violates the private life of the individual and deprives him/her of the right to marry and create a family³⁸.

Suppose chemical castration is considered a torturous act, punishment, or inhumane or degrading treatment for the person subjected to it. In that case, the intervention through castration should reach a minimum level of severity. This level is determined based on the nature, duration, and effects caused by chemical castration. This hormonal therapy is considered not to reach that level of severity and to turn into torture or cruel treatment because the effects of the use of drugs during this treatment are not permanent³⁹.

Chemical castration can be considered necessary from a medical point of view since the English courts have accepted this hormonal therapy for the treatment of the mental disorders of child abusers⁴⁰. The main advantage of this treatment is that if, due to the change of circumstances as a result of the presentation of new evidence, the position of the abuser in the criminal procedure system also changes, chemical castration can be stopped without any harmful effects. If compared to the length of prison as punishment and the possibility that chemical castration offers abusers to leave prison without any mutilation or exercise of

³⁷ Steven Sukamdani Dina Silvia Puteri, Denita Cahyanti Wahono, Rr Jannatul Firdaus, "Chemical Castration from Criminal Law and Human Rights," *Cepalo*, no. 1 (n.d.): 67–80, <https://doi.org/https://doi.org/10.25041/cepalo.v4no1.1910/>.

³⁸ Supid Arso Hananto Sapto Hermawan, "Contestation of Chemical Castration Punishment for Child Sex Offenders: Case in Indonesia," *UUM Journal of Legal Studies (UUMJLS)* 13, no. 2 (2022): 25–49, <https://doi.org/https://doi.org/10.32890/uumjls2022.13.2.2>.

³⁹ Lisa Forsberg, "Anti-Libidinal Interventions and Human Rights," *Human Rights Law Review* 21, no. 2 (2021): 384–408, <https://doi.org/https://doi.org/10.1093/hrlr/ngab001>.

⁴⁰ Ibid.

violence, it is considered a very rational alternative⁴¹. What would help state institutions to guarantee protection from claims that chemical castration is cruel treatment is a professional evaluation by a licensed health care professional for sexual disorders to determine if the abuser exhibits dominant tendencies of such a disorder. Psychological evaluation can defend the argument that chemical castration is a necessary medical treatment and not a cruel or degrading punishment⁴².

In relation to the fact that chemical castration reduces a person's autonomy to make decisions about their own body, the reduction of sexual desire can make that person more able to resist his/her urges or even more able to control their thoughts. Thus, the individual can think and act freely in accordance with socially acceptable behaviors⁴³. The individual's right to reject interventions in his/her body is guaranteed. But chemical castration can be accepted without any opposition when it serves to achieve legitimate goals, such as protecting the abuser's own health when suffering from a mental disorder, preventing crime, and maintaining public order⁴⁴. The abuser may invoke the inviolability of bodily integrity, but it is his/her sexual behaviour that makes some of their rights no longer qualify as protected rights.

The right to marry and to create a family is another right that, according to some arguments, is violated by chemical castration. Chemical castration in some people can even have the same effect, making it impossible for them to have sexual ability and desire, as well as the possibility of having children. In the context of English law, this right cannot be interpreted as a violated right because there are some circumstances in which the sexual offender would not be able to have a family, since, according to the care procedures or Orders for the Prevention of Sexual Harm, if they have children, they would be taken from care institutions⁴⁵.

As long as chemical castration does not affect the permanent loss of the person's ability to enjoy reproductive health, there can be no question of a violation or infringement of the right. If it is determined that the abuser can stop the treatment, then the testosterone level will be restored along with the physical effects, and during the treatment, if necessary, the dose can be adjusted to avoid total impotence⁴⁶. According to the study developed by Forsberg (2021) regarding hormonal interventions against human rights, there can be no question of a violation of the right, even when chemical castration affects the loss of the reproductive capacity of an offender.

⁴¹ Kenneth B Fromson, "Beyond an Eye for an Eye: Castration as an Alternative Sentencing Measure," *NYL Sch Journal of Human Rights*, 1993, 311–37, https://digitalcommons.nyls.edu/journal_of_human_rights/vol11/iss2/4/.

⁴² Zsófia Németh-Szebeni, "Ethical Analysis of the Possible Introduction of Chemical Castration as a Criminal Sanction," *Lex Prudentium Law Journal*, no. 1 (2023): 27–44, <https://doi.org/https://doi.org/10.61619/lexprudentium.v2i1.23>.

⁴³ Sigrid Sterckx, Thomas Douglas, Pieter Bonte, Farah Focquaert, Katrien Devolder, "Coercion, Incarceration, and Chemical Castration: An Argument from Autonomy," *Journal of Bioethical Inquiry* 10 (2013): 393–405, <https://doi.org/https://doi.org/10.1007/s11673-013-9465-4>.

⁴⁴ Conor Duggan Omer Khan, Michael Ferriter, Nick Huband, "Pharmacological Interventions for Those Who Have Sexually Offended or Are at Risk of Offending," *Cochrane Database of Systematic Reviews*, 2015, <https://doi.org/https://doi.org/10.1002/14651858.CD007989.pub2>.

⁴⁵ Lisa Forsberg, "Anti-Libidinal Interventions and Human Rights," *Human Rights Law Review*, no. 2 (2021): 384–408, <https://doi.org/https://doi.org/10.1093/hrlr/ngab001>.

⁴⁶ Elizabeth M Tullio, "Chemical Castration for Child Predators: Practical, Effective, and Constitutional," *Chapman Law Review*, no. 2 (n.d.): 191–220, <https://digitalcommons.chapman.edu/chapman-law-review/vol13/iss1/7>.

This is because chemical castration does not limit or prohibit other ways of creating a family, such as adoption or reproduction, enabling the person to store sperm before undergoing chemical castration. Chemical castration should not be seen in the way that it is in a disproportionate position in relation to the right in question, only because it limits the person's ability to create a family, because imprisonment is also considered to be one of the ways that limits the offender's ability to create a family⁴⁷. The results of another research study determine that chemical castration does not violate human rights, since the purpose of its application is the rehabilitation of the perpetrator in a psychiatric and social sense. In this way, an attempt is made to improve the perpetrator's mental health and his/her social side so that he/she return to life and society as a useful member of the community⁴⁸.

In the following, the research also mentions other factors that should be considered as indicators that chemical castration is not a violation of human rights. The sexual abuser is recidivist in nature; the victim can be traumatised for the rest of his/her life, as victims of sexual violence, they may in the future become perpetrators of sexual acts against children, and there are possibilities that children, as victims of sexual abuse, end up as victims of human trafficking⁴⁹. These are some of the reasons that allow the use of chemical castration, and which should contribute to the fact that chemical castration does not conflict with human rights.

Extended Overview of the Derogable and Non-Derogable Aspects of Chemical Castration

The potential introduction of chemical castration as a criminal sanction for individuals convicted of child sexual abuse raises complex legal and ethical questions, particularly concerning its compatibility with fundamental rights. A key distinction in this context is between derogable rights and non-derogable rights. Derogable rights are those that can be lawfully restricted or suspended under certain conditions, typically in situations of national emergency or for the protection of other rights and interests, provided that the Law prescribes the limitation, necessary in a democratic society, and proportionate to the legitimate aim pursued. Examples of derogable rights relevant to this issue include the right to private and family life, the right to bodily integrity, and the right to make autonomous decisions regarding one's medical treatment. In theory, a state could argue that limiting these rights through the implementation of chemical castration, particularly if applied voluntarily or with procedural safeguards, serves the greater public interest in preventing reoffending and protecting vulnerable victims.⁵⁰

However, the debate becomes significantly more sensitive when considering non-derogable rights, which are absolute and cannot be restricted under any circumstances, even during states of emergency. Chief among these is the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in Article 3 of the European

⁴⁷ Lisa Forsberg, "No Title," *Op. Cit.*, n.d.

⁴⁸ Muridah Isnawati Aulya Dwisudarini, "Juridical Review of Chemical Castration Action In The Perspective of Criminal Law And Human Rights," *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, no. 3 (2021): 305–21, <https://doi.org/https://doi.org/10.55173/yurisdiksi.v17i3.92>.

⁴⁹ Ibid.

⁵⁰ Animesh Srivatsava Sarvesh Kasaudhan, "Jurisprudence of Non-Derogable Rights," *Journal of Advanced Research on Law and Governance*, 2023, 68–79, https://journals.ekb.eg/article_342476_52fb09bae52d3b8565476ba476dc8434.pdf.

Convention on Human Rights (ECHR)⁵¹ and Article 7 of the International Covenant on Civil and Political Rights (ICCPR)⁵². These protections are also reflected in the Constitution of the Republic of Kosovo, which in Article 27 guarantees that no one shall be subjected to torture, cruel, inhuman, or degrading treatment or punishment⁵³. In this regard, mandatory or coercive forms of chemical castration may be found to constitute a violation of non-derogable rights if they cause severe physical or psychological suffering, or if they are implemented without full, informed, and voluntary consent.

Furthermore, jurisprudence from the European Court of Human Rights has repeatedly emphasised that even well-intentioned security or criminal justice measures must be consistent with human dignity and fundamental rights. For instance, in cases concerning medical treatment imposed on prisoners, the Court has scrutinised whether such interventions amount to degrading treatment, especially when lacking adequate medical justification or consent⁵⁴. Therefore, if chemical castration were to be introduced in the Republic of Kosovo, it would require the establishment of strict legal, medical, and ethical safeguards to ensure compliance with international human rights standards. There should be voluntary participation, independent medical assessment, judicial oversight, and the right to withdraw consent, to minimise the risk of violating non-derogable rights and to uphold the principles of human dignity and bodily autonomy.

Demographic Distribution of Participants

A total of 93 participants took part in this study, who were categorised based on age, gender, and educational level to understand the perceptions of Kosovar society regarding the possibility of including chemical castration in the Criminal Code of Kosovo. The categorisation of the participants in the three variables noted above provides diverse information on certain legal issues, specifically in the case of chemical castration in Kosovo. In this way, the knowledge gained through the questionnaire is deepened, and a detailed analysis of the respondents is offered.

Table 2: Demographic profile of survey participants (n = 93)

Demographic data	Frequency	%
Gender		
Male	47	50.5
Female	46	49.5
Age		
18-25 years old	56	60.2
26-35 years old	7	7.5
36-45 years old	15	16.1
46-55 years old	11	11.9
56 and above	4	4.3
Educational level		

⁵¹ Council of Europe, *European Convention on Human Rights*, 1950, https://70.coe.int/pdf/convention_eng.pdf.

⁵² UN General Assembly, *International Covenant on Civil and Political Rights*, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁵³ Constitution of the Republic of Kosovo, *Pristina: Official Gazette of the Republic of Kosovo*, 2008, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.

⁵⁴ *Herczegfalvy v. Austria*, *European Court of Human Rights*, no. 10533/83 (1992), [https://hudoc.echr.coe.int/eng#%7B%22itemid%22:\[%22001-57781%22\]%7D](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-57781%22]%7D).

Elementary school	1	1.1
High school	8	8.6
Bachelor level	69	74.2
Master level	12	12.9
Doctoral level	3	3.2
93 participants		

Source: Author's elaboration.

Based on Table 2 on the demographic distribution of the participants, we notice that fifty point five per cent (50.5%) are men, while forty-nine-point five per cent (49.5%) are women. Categorising them by age, we see that sixty point two per cent (60.2%) belong to the 18-25 age group. The participants in the age group 26-35 years make up a smaller percentage of seven point five per cent (7.5%), while those in the age group 36-45 years make up sixteen point one per cent (16.1%) of the respondents. The categories of the oldest age groups, 45-55 years and 56 years and older, indicate relatively lower participation, with eleven-point nine per cent (11.9%) and four-point three per cent (4.3%).

Regarding the educational level of the respondents, most of the participants, or seventy-four-point two per cent (74.2%), have completed the bachelor's level. The distribution of participants at other educational levels is diverse. Master's level participants make up twelve-point nine per cent (12.9%) of the respondents, while three-point two per cent (3.2%) of the participants have completed doctoral studies. Respondents who have completed secondary education make up eight point six per cent (8.6%) of the respondents. Only one point one per cent (1.1%) of the participants have a primary school education level.

Survey Findings on Child Sexual Abuse and the Possible Involvement of Chemical Castration in Kosovo

The results obtained through the survey present a comprehensive examination of the public opinions of Kosovar society regarding the issue of sexual abuse and the possible inclusion of chemical castration as a punitive measure in Kosovo. The selected questions explore some aspects of the public's knowledge, attitudes, and moral dilemmas regarding child sexual abuse. The results presented in the table are an overview of the opinions of Kosovar society on the acceptability of chemical castration as a possible obstacle to sexual crime against children and the ethical issues related to its execution.

Table 3: Survey results on child sexual abuse and attitudes towards chemical castration in Kosovo

Questions	Alternatives	Responses	%
How widespread do you think the issue of sexual abuse of children is in Kosovo?	Not at all widespread	11	11.8
	Somewhat widespread	41	44.1
	Very common	41	44.1
Have you heard of chemical castration as a punitive measure against child sexual abusers?	Yes	41	44.1
	No	52	55.9
In your opinion, should chemical castration be included in the Criminal Code of Kosovo as a punitive measure for sexual abusers of children?	Yes	77	82.8
	No	3	3.2
	Undecided	13	14

Do you think that chemical castration can be a preventive tool for sexual abuse or violence that occurs with children?	Yes	64	68.8
	No	9	9.7
	I am not sure	20	21.5
Do you think that chemical castration violates human rights, namely the right to reproduction?	Yes	24	25.8
	No	33	35.5
	I am not sure	36	38.7
Do you personally know any child who has been a victim of sexual abuse (optional)?	Yes	27	29
	No	66	71
If so, has the case been reported to the competent authorities?	Yes	19	32
	No	40	68

Source: Author's elaboration

At first, the respondents were asked to give their opinions regarding the prevalence of sexual abuse of children in Kosovo. Out of all ninety-three participants, forty-four point one per cent (44.1%) think that this issue is somewhat widespread. In contrast, the same percentage think that sexual abuse is very widespread in Kosovo. A smaller percentage, consisting of eleven-point eight per cent (11.8%), think that sexual crime against children is not widespread.

Asked if they have heard about chemical castration of child abusers, forty-one point one per cent (41.1%) do not know this punishment, while the rest, fifty-five point nine per cent (55.9%), are aware of chemical castration as a punitive measure against child sexual abusers.

Regarding the evaluation of the respondents, whether chemical castration should be included in the Criminal Code of Kosovo, a significant majority of eighty-two-point eight per cent (82.8%) believe that this measure should be included in the legal system of Kosovo. Only three-point-two per cent (3.2%) of the respondents oppose this, while fourteen per cent (14%) are undecided.

Regarding the preventive effect, sixty-eight-point eight per cent (68.8%) think that chemical castration can be a suitable tool to prevent sexual violence against children. In addition to this, the rest, twenty-one-point five per cent (21.5%), are unsure if chemical castration would have a preventive effect. At the same time, only nine-point-seven per cent (9.7%) think that chemical castration does not prevent sexual abuse against children.

The respondents were asked for their opinion on whether the implementation of chemical castration raises ethical concerns, such as human rights, specifically the right to reproduction. On this point, opinions differ, with twenty-five-point eight per cent (25.8%) believing that chemical castration does not violate the right to reproduction. The rest of thirty-five-point five per cent (35.5%) do not agree with this, while thirty-eight-point seven per cent (37.8%) are unsure about this concern.

Through the questionnaire, results were also provided regarding the personal experiences of the respondents and whether they knew any sexually abused children. Twenty-nine per cent (29%) of the respondents claim to know a child who has been a victim of sexual abuse, while a significant majority of seventy-one per cent (71%) do not personally know any sexually abused child.

Since participation in the question on reporting sexual abuse was optional, it was completed by fifty-nine participants. Only thirty-two per cent (32%) of these cases were reported to the competent authorities, while sixty-eight per cent (68%) of the cases were not reported.

According to the participants in this study, the main obstacles to reporting these cases are the lack of support from institutions, the lack of support from family, fear of being labelled by society, as well as the conservative mentality of Kosovar society.

Finally, the participants were able to give any additional opinions about the possible inclusion of chemical castration in the Criminal Code of the Republic of Kosovo as a proper response to child sexual abusers. The opinions expressed suggest that this measure should be implemented as soon as possible in Kosovo and applied particularly to recidivists. However, a comprehensive campaign should be developed beforehand to inform the public about this measure.

Discussion of Findings

The purpose of the questionnaire was to evaluate the perceptions of Kosovar society regarding the inclusion of chemical castration in the Criminal Code of Kosovo. The questionnaire received responses from ninety-three participants. The findings offer a comprehensive description of various perspectives on the issue of chemical castration.

The demographic distribution indicates that most respondents belong to the 18-25 age group, with a fairly balanced distribution by gender and educational level. The dominance of this age group suggests a higher interest in legal matters among young people. It is important to understand how the new generation can support the changes in the criminal code. The attitudes of this age group can provide a more modern and developmental perspective.

There is a noticeable decline in participation in the 26-35 age group. This category can perceive chemical castration as a measure that does not adequately address the needs of Kosovar society, which may reduce their interest in being included in discussions on this topic. In addition, they may think that their contribution may not be important in dealing with policies and legal issues.

The 36-45-year-old and 46-55-year-old age groups make up a relatively balanced population, which, due to personal experiences or social changes, considers it important to reform criminal justice against child abusers. The smallest category of participation is marked by individuals aged 56 years and older. Naturally, individuals in this age group may encounter technological difficulties when participating in the online platform where the questionnaire is distributed.

Younger ages may have knowledge and may understand the importance of the social benefits that pharmacological treatment brings to sexual abusers with children, while older ages may not understand this measure, or they may be prejudiced by it, thus leading to a lower interest on their part regarding participation.

Gender representation or distribution is almost equal, with only a one per cent difference in favour of men. This indicates a balanced representation, which is essential to understanding how both genders see the inclusion of chemical castration in Kosovo's criminal justice system. This balanced gender distribution ensures that the collected opinions are not biased towards one gender only.

A significant majority of the participants, or seventy-four per cent of the total number, have completed bachelor's studies, which proves a relatively high level of education among the participants. This enables them to form critical opinions on complex legal issues, such as

chemical castration. In this way, different opinions are provided since individuals educated on the subject in question can approach it from informed viewpoints.

Participants at higher educational levels, with master's or doctoral studies, add depth to the study, as their answers can offer a more detailed understanding of the implications of including chemical castration in the Criminal Code. Participants with primary and secondary education make up a relatively small group, comprising about ten per cent of all participants. Technological difficulties, the belief that they are less qualified to give opinions, or the complexity of legal issues are some of the obstacles that have contributed to a reduced representation in this category.

The findings indicate that the majority of respondents, namely eighty-eight-point two per cent, accept the prevalence of sexual abuse of children in Kosovar society. This suggests the need for effective measures to fight sexual abuse, such as chemical castration. However, this cannot be taken as a generalisation because official institutional research is needed to understand the prevalence of sexual abuse among children. Several factors can influence such opinions, including media coverage of cases of this crime, personal experiences, or even a lack of trust in state institutions regarding the adequate treatment of these crimes. While the other part thinks that sexual abuse is not widespread at all, they may have limited information, they have confidence in the effectiveness of the laws, and they do not have any direct or indirect personal experience.

A portion of the respondents, which is forty-four point one per cent, indicate that they have heard about chemical castration, indicating a certain level of public awareness. This is for several reasons, including the level of education, awareness raised through campaigns, and being informed through the media. Whereas the other part, which makes up the largest part of fifty-five-point nine per cent, has not heard about chemical castration. This suggests the need for increased institutional awareness in parts of Kosovar society regarding the role and effects of chemical castration.

One of the most important questions in this questionnaire was seeking the opinion of the participants about the inclusion of chemical castration in the Criminal Code of Kosovo. A significant portion of the respondents, or 82.8 per cent, expressed support for the inclusion of chemical castration. This suggests that public support exists for possible changes to the criminal justice system. The main reason that could affect such support could be its role in preventing the recidivism of sexual abuse. The rest are either undecided or do not support the inclusion of chemical castration. This may arise from the ethical concerns that the implementation of chemical castration raises, including its consequences for human health or the illegitimacy of such a measure.

A significant majority of respondents, consisting of sixty-eight-point-eight per cent, believe that chemical castration can serve as a preventive tool for the sexual abuse of children. This may be consistent with the concept that reducing sexual desire by chemical means may prevent individuals with a history of sexual violations from engaging in such behaviours in the future. According to these participants, the implementation of chemical castration can be considered justified. A minority of nine-point-seven per cent think that this measure does not affect the prevention of sexual abuse, while the rest of twenty-one-point-five per cent remain uncertain about the effectiveness of chemical castration. These groups may believe that the

rehabilitation of such offenders can be achieved in alternative ways, rather than through medical interventions.

In relation to the ethical concerns of whether chemical castration violates human rights, the data indicate that a significant part of the respondents are dominated by the uncertainty of thirty-eight per cent and seven per cent. This may be an indication of the lack of information about the specifics of chemical castration or about the balance between human rights and social security from sexual crimes against children. The rest, consisting of thirty-five-point-five per cent, think that chemical castration does not violate human rights. So, for this category, the sacrifice of human rights in the interest of society is reasonable, considering that chemical castration is in accordance with legal principles. In this way, it is acceptable to prioritise the well-being of the victim over the rights of the offender. The last group, consisting of twenty-five-point-eight per cent, think that chemical castration violates human rights. They can see chemical castration as a rude procedure that changes hormonal functions, violating personal integrity and personal autonomy.

Of the participants, twenty-one per cent indicated that they personally knew a child who had been the victim of sexual abuse, while a majority of seventy-one per cent reported no such personal connection. This suggests that a significant part of the surveyed population may not have personal experiences related to child sexual abuse. Only thirty-two per cent of the cases were reported to the institutions, while sixty-eight per cent were not reported. This is due to a lack of support from institutions, a lack of support from family, or even a fear of stigmatisation. The findings indicate a lack of awareness regarding the importance of reporting sexual abuse against children.

CONCLUSION

This study aimed to assess how the participants of the survey in the Republic of Kosovo perceive the inclusion of chemical castration as a legal punishment for sexual abusers of children. The main research problems were: (1) the prevalence and social awareness of child sexual abuse in the Republic of Kosovo, (2) public knowledge and attitudes toward chemical castration, (3) opinions on its effectiveness in preventing abuse, and (4) concerns about human rights implications.

The findings indicate that most participants recognise sexual abuse of children as a serious and widespread issue in the Republic of Kosovo. Awareness of chemical castration as a form of punishment is relatively high among respondents. A majority support its inclusion in the Criminal Code, believing that it can help reduce sexual abuse and prevent repeat offences. However, the study also revealed that there are significant ethical concerns. A considerable number of participants think that chemical castration may violate human rights, especially the right to bodily integrity and reproduction. This indicates the importance of conducting a thorough ethical and legal evaluation before adopting such a measure. Additionally, the research found that many cases of child sexual abuse remain unreported. The main obstacles to reporting include fear of stigma, lack of trust in institutions, fear of retaliation, and social conservatism. This lack of reporting creates challenges for protecting victims and effectively prosecuting offenders. In conclusion, the research indicates that while there is strong social support for chemical castration as a means to fight child sexual abuse, legal reforms must

carefully consider human rights standards. Alongside this, efforts to raise public awareness and improve institutional support are essential to encourage reporting and enhance the overall protection of children. Their combined approaches would contribute to a more effective and ethical response to sexual abuse in the Republic of Kosovo.

As is often the case in other studies, this study also has some limitations. One of the main limitations was the lack of relevant literature directly related to studies on the possibility of incorporating chemical castration into the legal infrastructure of the Republic of Kosovo. Another limitation was the small number of participants in the questionnaire created for the Kosovar public. It was predicted that this number would be larger than it actually was, so that the collected opinions reflected the views of a relatively larger number of the population as objectively as possible. However, the lack of willingness to participate in the questionnaire, on the one hand, and technical difficulties, on the other, caused the number of participants to be smaller than planned.

A future paper should aim for larger study groups to provide more complete opinions about the topic in question, including a wider demographic distribution. The future study can compare the perceptions towards chemical castration in Kosovo with those of other countries to understand if social or cultural factors influence these perceptions or if they are practised globally. The research should also include interviews and group discussions to gain a deeper understanding of the reasons behind the participants' perceptions. A more detailed study that analyses the obstacles to reporting sexual crimes, such as lack of institutional or family support as well as stigmatisation, will provide very valuable knowledge for the institutions that deal with these issues.

It is recommended that the competent institutions of the Republic of Kosovo undertake concrete actions to develop official research regarding the prevalence of sexual abuses throughout the country, emphasising in particular the degree of recidivism of these crimes. While this study has demonstrated public support for the inclusion of chemical castration, it should be taken into consideration by legislative institutions when considering legal reforms. Also, it is recommended to organise institutional awareness campaigns to inform the public more widely about the concept of chemical castration, its protective role towards the well-being of children, the ethical issues of this measure, and the importance of reporting sexual abuse to competent authorities.

REFERENCES

- Andreas Hill, Peer Briken, Christian Kraus, Kerstin Strohm, and Wolfgang Berner. "Differential Pharmacological Treatment of Paraphilias and Sex Offenders." *International Journal of Offender Therapy and Comparative Criminology*, no. 4 (2003): 407–21. <https://doi.org/https://doi.org/10.1177/0306624X03253847>.
- Assembly, UN General. "No Title." *International Covenant on Civil and Political Rights*, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.
- Aulya Dwisudarini, Muridah Isnawati. "Juridical Review of Chemical Castration Action In The Perspective of Criminal Law And Human Rights." *YURISDIKSI: Jurnal Wacana Hukum Dan Sains*, no. 3 (2021): 305–21. <https://doi.org/https://doi.org/10.55173/yurisdiksi.v17i3.92>.

- Austria, *Herczegfalvy v.* “No Title.” *European Court of Human Rights*, no. 10533/83 (1992). [https://hudoc.echr.coe.int/eng#%7B%22itemid%22:\[%22001-57781%22\]%7D](https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-57781%22]%7D).
- Berkmen, Bengü. “Examining the Awareness Levels of Parents on Child Sexual Abuse.” *Journal of Indian Association for Child*, no. 4 (2022): 348–57. <https://doi.org/https://doi.org/10.1177/09731342231156498>.
- Craig A Harper, Rebecca Lievesley, Nicholas J. Blagden, and Kerensa Hocken. “Humanizing Pedophilia as Stigma Reduction: A Large-Scale Intervention Study.” *Archives of Sexual Behavior*, no. 2 (2022): 945–60. <https://doi.org/https://doi.org/10.1007/s10508-021-02057-x>.
- Daley, Matthew V. “A Flawed Solution to the Sex Offenders Situation in the United States: The Legality of Chemical Castration for Sex Offenders.” *Ind. Health L. Rev*, 2008, 87–121. <https://mckinneylaw.iu.edu/ihlr/pdf/vol5p87.pdf>.
- Dina Silvia Puteri, Denita Cahyanti Wahono, Rr Jannatul Firdaus, and Steven Sukamdani. “Chemical Castration from Criminal Law and Human Rights,” 2020, 67–80. <https://doi.org/https://doi.org/10.25041/cepalo.v4no1.1910/>.
- Dina Silvia Puteri, Denita Cahyanti Wahono, Rr Jannatul Firdaus, Steven Sukamdani. “Chemical Castration from Criminal Law and Human Rights.” *Cepalo*, no. 1 (n.d.): 67–80. <https://doi.org/https://doi.org/10.25041/cepalo.v4no1.1910/>.
- Europe, Council of. “No Title.” *European Convention on Human Rights*, 1950. https://70.coe.int/pdf/convention_eng.pdf.
- Florence Thibaut, Flora De La Barra, Harvey Gordon, Paul Cosyns, John MW Bradford, and WFSBP Task Force on Sexual Disorders. “The World Federation of Societies of Biological Psychiatry (WFSBP) Guidelines for the Biological Treatment of Paraphilias.” *The World Journal of Biological Psychiatry*, no. 4 (2010): 604–55. <https://doi.org/https://doi.org/10.3109/15622971003671628>.
- Forsberg, Lisa. “Anti-Libidinal Interventions and Human Rights.” *Human Rights Law Review* 21, no. 2 (2021): 384–408. <https://doi.org/https://doi.org/10.1093/hrlr/ngab001>.
- . “Anti-Libidinal Interventions and Human Rights.” *Human Rights Law Review*, no. 2 (2021): 384–408. <https://doi.org/https://doi.org/10.1093/hrlr/ngab001>.
- Frederico Duarte Garcia, Heloise Garcia Delavenne, Alessandra de Fátima Almeida Assumpção, and Florence Thibaut. “Pharmacologic Treatment of Sex Offenders with Paraphilic Disorder.” *Current Psychiatry Reports*, 2013, 1–6. <https://doi.org/https://doi.org/10.1007/s11920-013-0356-5>.
- Fromson, Kenneth B. “Beyond an Eye for an Eye: Castration as an Alternative Sentencing Measure.” *NYL Sch Journal of Human Rights*, 1993, 311–37. https://digitalcommons.nyls.edu/journal_of_human_rights/vol11/iss2/4/.
- Halili, Ragip. “Kriminologjia/Criminology,” no. Prishtina: University of Prishtina/Law Faculty (2002).
- Hall, Maggie. “Treatment or Punishment: Chemical Castration of Child Sex Offenders.” *The Conversation*, 2014. <https://theconversation.com/treatment-or-punishment-chemical-castration-of-child-sex-offenders-25495>.
- Henny Yuningsiha, I. Nyoman Nurjayab, Prija Djatmikab, Masruchin Ruba’Ib. “Philosophical Foundation of Chemical Castration for Offenders of Sexual Violence Against Children.” *Sriwijaya Law Review*, no. 1 (2020): 62–78. <https://doi.org/http://dx.doi.org/10.28946/slrev.Vol4.Iss2.297.pp62-78>.
- III., Peter J Gimino. “Mandatory Chemical Castration for Perpetrators of Sex Offenses against

- Children: Following California's Lead." *Pepperdine. Law. Review*, 1997, 67–105. <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1456&context=plr>.
- John Bancroft, Gavin Tennent, Kypros Loucas, James Cass. "The Control of Deviant Sexual Behaviour by Drugs: I. Behavioural Changes Following Oestrogens and Anti-Androgens." *The British Journal of Psychiatry*, no. 586 (1974): 310–15. <https://doi.org/https://doi.org/10.1192/bjp.125.3.310>.
- John M.W. Bradford, Anne Pawlak. "Double-Blind Placebo Crossover Study of Cyproterone Acetate in the Treatment of the Paraphilias." *Archives of Sexual Behavior*, 1993, 383–402. <https://doi.org/https://doi.org/10.1007/BF01542555>.
- John Money, and Richard G. Bennett. "Postadolescent Paraphilic Sex Offenders: Antiandrogenic and Counseling Therapy Follow-Up." *International Journal of Mental Health* 10, no. 2–3 (1981): 122–33. <https://doi.org/https://doi.org/10.1080/00207411.1981.11448890>.
- Joo Yong Lee, and Kang Su Cho. "Chemical Castration for Sexual Offenders: Physicians' Views." *Journal of Korean Medical Science*, no. 2 (2013): 171–72. <https://doi.org/https://doi.org/10.3346/jkms.2013.28.2.171>.
- Kalpana Srivastava, Suprakash Chaudhury, P. S. Bhat, and Prajakta Patkar. "Child Sexual Abuse: The Suffering Untold." *Industrial Psychiatry Journal*, no. 1 (2017): 1–3. https://doi.org/https://doi.org/10.4103/ipj.ipj_83_17.
- Katalin Parti, and Robin A. Robinson. "What Hinders Victims from Reporting Sexual Violence: A Qualitative Study With Police Officers, Prosecutors, and Judges in Hungary". *International Journal for Crime, Justice and Social Democracy* 10." *International Journal for Crime*, 2021, 158–76. <https://doi.org/https://doi.org/10.5204/ijcjsd.1851>.
- Kate B. Wolitzky-Taylor, Heidi S. Resnick, Jenna L. McCauley, Ananda B. Amstadter, Dean G. Kilpatrick, and Kenneth J. Ruggiero. "Is Reporting of Rape on the Rise? A Comparison of Women with Reported versus Unreported Rape Experiences in the National Women's Study-Replication." *Journal of Interpersonal Violence* 26 4 (2011). <https://doi.org/https://doi.org/10.1177/0886260510365869>.
- Koha. "Kosovo Police with Operational Plan to Prevent Sexual Harassment in the North," 2025. <https://www.koha.net/en/arberi/policia-e-kosoves-me-plan-operativ-per-parandalimin-e-ngacmimeve-seksuale-ne-veri>.
- Koshevaliska., Olga. "Medical Pharmacologic Treatment (AKA Chemical Castration) in the Macedonian Criminal Code." *Balkan Social Science Review*, 2014, 25–45. <https://js.ugd.edu.mk/index.php/BSSR/article/view/943>.
- Koshevaliska, Olga. "Medical Pharmacologic Treatment (AKA Chemical Castration) in the Macedonian Criminal Code." *Balkan Social Science Review*, 2014, 25–45. <https://js.ugd.edu.mk/index.php/BSSR/article/view/943>.
- Kosovo, Constitution of the Republic of. "No Title." *Pristina: Official Gazette of the Republic of Kosovo*, 2008. <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.
- L. E. Emory, C. M. Cole, and W. J. Meyer III. "The Texas Experience with Depoprovera: 1980-1990." *Journal of Offender Rehabilitation* 18, no. 3–4 (1992): 125–40. https://doi.org/https://doi.org/10.1300/J076v18n03_11.
- Linda E Weinberger, Shoba Sreenivasan, Thomas Garrick, and Hadley Osrán. "The Impact of Surgical Castration on Sexual Recidivism Risk among Sexually Violent Predatory Offenders." *Journal of the American Academy of Psychiatry and the Law Online*, no. 1 (2005): 16–36. <https://jaapl.org/content/33/1/16/>.

- Lindsay M Orchowski, Lauren Grocott, Katie W. Bogen, Aderonke Ilegbusi, Ananda B. Amstadter, and Nicole R. Nugent. “Barriers to Reporting Sexual Violence: A Qualitative Analysis Of# WhyIDidntReport.’ Violence against Women 28, No. 14,” no. 14 (2022): 3530–53. <https://doi.org/https://doi.org/10.1177/10778012221092479>.
- Mellisa Efiyanti, and Gunawan Widjaja. “The Implementation of Chemical Castration Sanctions against Convicts of Child Sexual Crimes in Indonesia by Doctors.” *Journal of Legal, Ethical and Regulatory*, no. 24 (2021). <https://www.abacademies.org/articles/the-implementation-of-chemical-castration-sanctions-against-convicts-of-child-sexual-crimes-in-indonesia-by-doctors-11059.html>.
- Miller, Robert D. “Forced Administration of Sex-Drive Reducing Medications to Sex Offenders: Treatment or Punishment.” *Psychology, Public Policy, and Law*, no. 1–2 (1998): 175–99. <https://doi.org/https://doi.org/10.1037/1076-8971.4.1-2.175>.
- Moog, Audrey. “California Penal Code Section 645: Legislators Practice Medicine on Child Molesters.” *Journal of Contemporary. Health Law & Policy*, 1998, 711–37. <https://scholarship.law.edu/cgi/viewcontent.cgi?article=1299&context=jchlp>.
- Németh-Szebeni, Zsófia. “Ethical Analysis of the Possible Introduction of Chemical Castration as a Criminal Sanction.” *Lex Prudentium Law Journal*, no. 1 (2023): 27–44. <https://doi.org/https://doi.org/10.61619/lexprudentium.v2i1.23>.
- Nour, Andrada. “Chemical Castration of the Sexual Offender versus Human Fundamental Rights and Freedoms.” *Scholars International Journal of Law, Crime and Justice. Dubai.” Scholars Middle East Publisher* 3, no. 5 (2020). <https://doi.org/https://doi.org/10.36348/sijlcj.2020.v03i05.002>.
- Omer Khan, Michael Ferriter, Nick Huband, Conor Duggan. “Pharmacological Interventions for Those Who Have Sexually Offended or Are at Risk of Offending.” *Cochrane Database of Systematic Reviews*, 2015. <https://doi.org/https://doi.org/10.1002/14651858.CD007989.pub2>.
- Peer Briken, and Martin P. Kafka. “Pharmacological Treatments for Paraphilic Patients and Sexual Offenders.” *Current Opinion in Psychiatry*, no. 6 (2007): 609–13. <https://doi.org/https://doi.org/10.1097/YCO.0b013e3282f0eb0b>.
- Pitula, Elizabeth. “An Ethical Analysis of the Use of Medroxyprogesterone Acetate and Cyproterone Acetate to Treat Repeat Sex Offenders,” 2010. <https://doi.org/https://doi.org/10.7916/D8028ZJH>.
- Prentky, Robert A. “Arousal Reduction in Sexual Offenders: A Review of Antiandrogen Interventions.” *Sexual Abuse: A Journal of Research and Treatment* 9, no. 4 (1997): 335–47. <https://doi.org/https://doi.org/10.1007/BF02674857>.
- Ratican, Kathleen L. “Sexual Abuse Survivors: Identifying Symptoms and Special Treatment Considerations.” *Journal of Counseling & Development*, no. 1 (1992): 33–38. <https://doi.org/https://doi.org/10.1002/j.1556-6676.1992.tb02167.x>.
- Ratkoceri, Vedije. “Chemical Castration of Child Molesters–Right or Wrong?!” *European Journal of Social Science Education and Research* 4, no. 3 (2017): 70–76. <https://doi.org/https://doi.org/10.26417/ejser.v1i1.p70-76>.
- Sapto Hermawan, Supid Arso Hananto. “Contestation of Chemical Castration Punishment for Child Sex Offenders: Case in Indonesia.” *UUM Journal of Legal Studies (UUMJLS)* 13, no. 2 (2022): 25–49. <https://doi.org/https://doi.org/10.32890/uumjls2022.13.2.2>.
- Sarvesh Kasaudhan, Animesh Srivatsava. “Jurisprudence of Non-Derogable Rights.” *Journal of Advanced Research on Law and Governance*, 2023, 68–79.

- https://journals.ekb.eg/article_342476_52fb09bae52d3b8565476ba476dc8434.pdf.
- Thomas Douglas, Pieter Bonte, Farah Focquaert, Katrien Devolder, and Sigrid Sterckx. "Coercion, Incarceration, and Chemical Castration: An Argument from Autonomy." *Journal of Bioethical Inquiry*, 2013, 393–405. <https://doi.org/https://doi.org/10.1007/s11673-013-9465-4>.
- Thomas Douglas, Pieter Bonte, Farah Focquaert, Katrien Devolder, Sigrid Sterckx. "Coercion, Incarceration, and Chemical Castration: An Argument from Autonomy." *Journal of Bioethical Inquiry* 10 (2013): 393–405. <https://doi.org/https://doi.org/10.1007/s11673-013-9465-4>.
- Tilemann, Hal. "Review of Laws Providing for Chemical Castration in Criminal Justice." *Pasar Minggu (South Jakarta): Institute for Criminal Justice Reform*, 2016. https://icjr.or.id/wp-content/uploads/2016/06/paper-ICJR_ResearchNote_CC_CM.pdf.
- Tullio, Elizabeth M. "Chemical Castration for Child Predators: Practical, Effective, and Constitutional." *Chapman Law Review*, no. 2 (n.d.): 191–220. <https://digitalcommons.chapman.edu/chapman-law-review/vol13/iss1/7>.
- Vaillancourt, Samantha Pandick. "Chemical Castration: How a Medical Therapy Became Punishment and the Bioethical Imperative to Return to a Rehabilitative Model for Sex Offenders." *PhD Diss. Wake Forest University*, 2012. https://wakespace.lib.wfu.edu/bitstream/handle/10339/37658/Vaillancourt_wfu_0248M_10359.pdf?sequence=1.