

Panel 8:  
Unterbringung und Zwangsbehandlung  
Deprivation of Liberty and Involuntary  
Medical Treatment

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## Section 1906 BGB

(1) It is admissible for the custodian to put the person under custodianship in accommodation that is associated with deprivation of liberty only as long as this is **necessary for the best interests of the person** under custodianship because

1. by reason of a mental illness or mental or psychological handicap of the person under custodianship there is a danger that he will kill himself or cause substantial damage to his own health, or
2. to **avert the threat of substantial damage to health**, an examination of the state of health of the person under custodianship, therapeutic treatment or an operation is necessary without which the accommodation of the person under custodianship cannot be carried out and the person under custodianship, by reason of a mental illness or mental or psychological handicap, **cannot recognise the necessity of the accommodation or cannot act in accordance with this realisation.**

(2) The accommodation is admissible only with the **approval of the custodianship court.** Without the approval, the accommodation is admissible only if delay entails risk; the approval must thereafter be obtained without undue delay. The custodian must terminate the accommodation if its requirements cease to be satisfied. He must notify the custodianship court of the termination of the accommodation.

3) If medical treatment in accordance with subsection (1) no. 2 is inconsistent with the **natural will of the person** under custodianship (coercive medical treatment), the custodian **may only consent to it if**

1. the person under custodianship **cannot recognise the necessity** of the medical treatment or cannot act in accordance with this realisation, because of a mental illness or of a mental or psychological handicap,
2. **previous attempts** were made **to convince the person** under custodianship of the necessity of the medical treatment,
3. the coercive medical treatment in the context of accommodation under subsection (1) is **necessary for the best interests of the person** under custodianship, **in order to avert the threat of substantial damage to health**,
4. the substantial damage to health **cannot be averted by any other measure** which is reasonable for the person under custodianship, and
5. the **anticipated benefit of the coercive medical treatment considerably outweighs the anticipated adverse effects**.

[...]

(3a) Consent to the coercive medical treatment **requires the consent of the custodianship court**. The custodian is to revoke consent to the coercive medical treatment if the preconditions therefor cease to apply. He is to inform the custodianship court of the revocation.