

Expert Opinion in the Field of Healthcare, the Branch of Psychiatry, in Regard to the Criminal Offense of Rape According to Sec. 185 of the Criminal Code

Abstract

This thesis focuses on the expert opinion in the field of healthcare, the branch of psychiatry in criminal proceedings held for the criminal offense of rape. Its aim is to familiarize the reader with the legislation in question, provide a comprehensive analysis of selected problems related to the evidence of these expert opinions in criminal proceedings, and offer suggestions for further professional discussion and *de lege ferenda* reflections. The thesis consists of four chapters.

The first chapter deals with expert opinions in general and presents the requirements for their content and form. This chapter also discusses professional competence as one of the conditions for the performance of expert activities and presents and analyses some of the problems arising from the transitional period under Act No. 254/2019 Coll. on Experts, Expert Offices and Expert Institutes in relation to experts in the field of healthcare, branch of psychiatry.

The second chapter discusses the issues that are typically expertly addressed by this expert opinion in the given criminal proceedings. This chapter draws attention to the importance of expert opinion on the effect of the criminal offense of rape, which it grounds, among other things, by the impact of possible discoveries on its extent on the further course of criminal proceedings. It further delineates the nature of the statements made by the examined person in the examination of their mental status. Finally, using an interdisciplinary approach, it presents the process of the mental status examination.

The third chapter focuses on the act of summoning the expert and the specifics associated with it. It deals, among other things, with selected issues of expert opinions given by expert institutes and persons performing expert activities on a one-off basis, also from the *de lege ferenda* perspective.

In the last chapter, the thesis deals with the determination of the requirements for assigning expert opinions in the field of health care, branch of psychiatry in the given proceedings and in this context analyses the nature of the discussion of the expert report of the authority involved in the criminal proceedings with the expert.

Key Words:

Expert Opinion, Mental Status, Rape.