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LANZAROTE CONVENTION

CONVENTION DE LANZAROTE

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Convention du Conseil de l'Europe sur la protection des enfants contre l'exploitation et les abus sexuels

Compilation of Replies to Question 7 of the Thematic Questionnaire and to Question 10 of the General Overview Questionnaire

Compilation des réponses à la Question 7 du Questionnaire Thématique et à la Question 10 du Questionnaire « Aperçu Général »

The full replies submitted by States and other stakeholders are available at:

Les réponses intégrales des Etats et autres parties prenantes sont disponibles ici :

www.coe.int/lanzarote

Introduction

During its 7th meeting (9 December 2013, see §13 of the report as well as its Appendix III)[1], the Committee decided that the Secretariat should compile the replies to the General Overview and Thematic Questionnaires.

This document is aimed at responding to this request by compiling replies to question 7 of the Thematic Questionnaire and to question 10 of the General Overview Questionnaire.

If when replying to this question, States referred to another of their answers in both the General Overview and Thematic questionnaires, their replies will where possible, also be included in this compilation.

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Lors de sa 7e réunion (9 décembre 2013, voir §13 du rapport ainsi que son annexe III[2]), le Comité a décidé que le Secrétariat devait compiler les réponses au Questionnaire « Aperçu Général » et au Questionnaire Thématique.

Le présent document vise à répondre à cette demande en compilant les réponses reçues à la question 7 du Questionnaire Thématique et à la question 10 du Questionnaire « Aperçu Général ».

Si, en répondant à cette question, les Etats se réfèrent à des réponses données à d'autres questions du Questionnaires Général et Thématique, leurs réponses seront, dans la mesure du possible, également incluses dans cette compilation.

[1] The 7th meeting report is online at:
http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_en.pdf
[2] Le rapport de la 7e réunion est en ligne ici :
http://www.coe.int/t/dghl/standardsetting/children/T-ES(2013)12Report7thMeeting_fr.pdf

Question 7 of the TQ: Preventive intervention programmes or measures

Which measures have been taken to ensure that persons, especially those forming a part of a child‘s circle of trust, who fear that they may commit offences of sexual abuse established in accordance with the Convention, have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? (**Article 7, Explanatory Report, para. 64**).

Question 7 du QT : Programmes ou mesures d’intervention préventive

Des mesures ont-elles été prises pour que les personnes qui craignent de commettre l’une des infractions établies conformément à la Convention, en particulier lorsqu’elles font partie du cercle de confiance d’un enfant, puissent si nécessaire accéder à des programmes ou des mesures d’intervention efficaces destinés à évaluer et prévenir les risques de passage à l’acte ? Dans l’affirmative, veuillez préciser (**article 7, Rapport explicatif, par. 64**).

Question 10 of the GOQ: Preventive intervention programmes or measures

a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);

b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
   - who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
   - how the appropriate programme or measure is determined for each person;
   - whether there are specific programmes for young offenders;
   - whether persons have a right to refuse the proposed programme/measures?

Question 10 du QAG : Programmes ou mesures d'intervention préventive

a. Quelles mesures législatives ou autres ont été prises pour s'assurer que les personnes qui craignent de commettre l'une des infractions établies conformément à la Convention peuvent accéder à des programmes ou mesures d'intervention efficaces destinés à évaluer et à prévenir les risques de passage à l'acte ? Veuillez préciser à quelles conditions, s'il y a lieu (**article 7, Rapport explicatif, par. 64**) ;

b. Quelles mesures législatives ou autres ont été prises pour s'assurer que les personnes poursuivies ou condamnées pour l'une des infractions établies conformément à la Convention, puissent avoir accès à des programmes ou mesures d'intervention efficaces (**articles 15 à 17**) ? Veuillez en particulier indiquer :
   - qui a accès à ces programmes et mesures (condamnés, personnes faisant l'objet de poursuites pénales, récidivistes, jeunes délinquants, personnes qui n'ont pas encore commis d'infraction ?) ;
   - comment le programme ou la mesure approprié est déterminé pour chaque personne ;
   - s'il existe des programmes spécifiques à l'intention des jeunes délinquants ;
   - si les personnes concernées ont le droit de refuser le programme ou la mesure proposé.

Relevant extracts from the Lanzarote Convention and its Explanatory report

Lanzarote Convention, Article 7 – Preventive intervention programmes or measures

1. Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with this Convention may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.

Explanatory report

64. The negotiators wanted to provide for the possibility for people who are afraid that they might actually go ahead and behave in such a way that constitutes an offence of a sexual nature against children, as well as persons who have committed such offences but have not been brought to the attention of the authorities, to benefit, if they so wish, from an intervention programme or measure. The provision, which applies to people who are not being investigated or prosecuted or serving a sent-ence, and is preventive in purpose, is best included in the chapter on preventive measures. As in the case of the intervention programmes and measures provided for in Chapter V, the negotiators did not wish to impose specific models on States Parties, which must simply "ensure" that these programmes or measures are available to the people referred to in Article 16, should they wish to take advantage of them, and assess, in each particular case, whether the person applying may benefit from them.

Lanzarote Convention, Articles 15, 16 and 17 / Chapter V - Intervention programmes or measures

Chapter 15 - General principles

1. Each Party shall ensure or promote, in accordance with its internal law, effective intervention programmes or measures for the persons referred to in Article 16, paragraphs 1 and 2, with a view to preventing and minimising the risks of repeated offences of a sexual nature against children. Such programmes or measures shall be accessible at any time during the proceedings, inside and outside prison, according to the conditions laid down in internal law.

2. Each Party shall ensure or promote, in accordance with its internal law, the development of partnerships or other forms of cooperation between the competent authorities, in particular health-care services and the social services, and the judicial authorities and other bodies responsible for following the persons referred to in Article 16, paragraphs 1 and 2.

3. Each Party shall provide, in accordance with its internal law, for an assessment of the dangerousness and possible risks of repetition of the offences established in accordance

with this Convention, by the persons referred to in Article 16, paragraphs 1 and 2, with the aim of identifying appropriate programmes or measures.

4. Each Party shall provide, in accordance with its internal law, for an assessment of the effectiveness of the programmes and measures implemented.

Article 16 - Recipients of intervention programmes and measures

1. Each Party shall ensure, in accordance with its internal law, that persons subject to criminal proceedings for any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, paragraph 1, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair and impartial trial, and particularly with due respect for the rules governing the principle of the presumption of innocence.

2. Each Party shall ensure, in accordance with its internal law, that persons convicted of any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, paragraph 1.

3. Each Party shall ensure, in accordance with its internal law, that intervention programmes or measures are developed or adapted to meet the developmental needs of children who sexually offend, including those who are below the age of criminal responsibility, with the aim of addressing their sexual behavioural problems.

Article 17 - Information and consent

1. Each Party shall ensure, in accordance with its internal law, that the persons referred to in Article 16 to whom intervention programmes or measures have been proposed are fully informed of the reasons for the proposal and consent to the programme or measure in full knowledge of the facts.

2. Each Party shall ensure, in accordance with its internal law, that persons to whom intervention programmes or measures have been proposed may refuse them and, in the case of convicted persons, that they are made aware of the possible consequences a refusal might have.

Explanatory report

Article 15 – General principles

101. The provisions in this chapter are an important feature of added value in the Convention. In order to prevent the sexual exploitation and abuse of children the negotiators considered it necessary to draw up provisions designed to prevent repeat offences against children by means of intervention programmes or measures targeting sex offenders. They agreed on the need for a broad, flexible approach focusing on the medical and psycho-social aspects of the intervention programmes or measures offered to sex offenders, and the non-obligatory character of the interventions or measures offered.

Regarding the non-obligatory character of the care, this means that these programmes are not necessarily part of the penal system of sanctions and measures but can instead be part of the healthcare and welfare systems. The scheme set up under Chapter V should not interfere with national schemes set up to deal with the treatment of persons suffering from mental disorders.

102. Psychological intervention refers to several therapeutic methods, for example cognitive behavioural therapy or therapy applying a psycho-dynamic approach. Medical intervention principally refers to anti-hormone therapy (medical castration). Finally, social intervention concerns measures set up to regulate and stabilise the social behaviour of the offender (for example, a prohibition on going to certain places or meeting certain persons), as well as structures facilitating re-integration (such as assistance with administrative matters, job search).

103. In view of the wide range of measures that could be implemented and States' experiences in this area, the negotiators sought to ensure that this provision was highly flexible, particularly by means of frequent reference to the Parties' internal law. The provisions in Chapter V therefore merely set out some fundamental principles, without going into details of the measures or programmes to be introduced. On the other hand, it is up to the States Parties to assess, on a more or less regular basis, the effectiveness and results of the programmes and measures implemented and their scientific relevance.

104. The fundamental principles set out in the three articles of Chapter V are as follows:

- persons undergoing intervention programmes or measures must give their prior consent: no intervention programme or measure may be imposed on them;
- the intervention programmes or measures should be available as soon as possible, to increase the chance of success;
- there should be arrangements for assessing the dangerousness of the persons concerned and the risk of their re-offending;
- arrangements should be made for evaluating the intervention programmes and measures;
- special attention should be paid to the persons concerned who are themselves children;
- the various services responsible, in particular the healthcare and social services, the prison authorities and, with due regard to their independence, the judicial authorities must be co-ordinated.

Article 16 – Recipients of intervention programmes or measures

105. Article 16 identifies three categories of persons to whom intervention programmes or measures should be offered:

- persons prosecuted for any of the offences established in accordance with the Convention;
- persons convicted of any of the offences established in accordance with the Convention;
- children (persons under the age of 18) who sexually offend.

106. It should be remembered that Article 7 also provides for access to intervention programmes and measures for people referred to in paragraph 64 of this report.

107. In the case of persons prosecuted but not yet convicted, the negotiators considered that it should be possible to offer them the benefit of (but not impose) intervention programmes or measures at any time during the investigation or trial. Taking into account the principle of the presumption of innocence, the negotiators took the view that no link should be established between acceptance of an intervention measure and the decisions taken in the course of the proceedings, and that it was up to the persons concerned to decide freely whether or not they wished to benefit from such a measure. Article 16, paragraph 1, refers to the safeguards guaranteed by the rights of the defence, the requirements of a fair trial and the need to observe the rules relating to the principle of the presumption of innocence. In implementing these provisions, Parties are asked to ensure that the prospect of a reduced sentence does not constitute undue pressure to undergo intervention programmes and measures.

108. "Convicted" persons are persons who have received a final judgment of guilt from a judge or court.

109. Article 16, paragraph 3, contains a provision specifically concerning intervention programmes or measures that could be offered to children who have committed sexual offences, to respond to needs linked to their development and treat their sexual behavioural problems. The intervention programmes and measures must be adapted for minors.

Article 17 – Information and consent

110. Article 17 lays particular emphasis on the need to obtain the full consent of persons to whom intervention programmes or measures are offered, for it appears that the success of these depend, in most if not all cases, on the adherence of the person concerned to the measures or programmes implemented. Paragraph 1 emphasises that full consent implies free and informed consent, which presupposes that the person concerned has been informed of the reasons for his or her being offered an intervention programme or measure.

111. The consent requirement means that the persons concerned must be free to refuse the programme or measure proposed, as stated in paragraph 2. In the case of convicted persons, however, the States' domestic law may stipulate that certain measures to suspend or alleviate sentences (e.g. suspended sentence or conditional release) are conditional upon participation in an intervention programme. Conditional release is defined in the Appendix to the Committee of Ministers' Recommendation Rec(2003)22 on conditional release (parole) as "the early release of sentenced prisoners under individualised post-release conditions". In the circumstances, the persons concerned must be fully informed of the consequences of their refusing, such as the inapplicability, by law, of the measure alleviating the sentence.

Extraits pertinents de la Convention de Lanzarote et de son rapport explicatif

Convention de Lanzarote, Article 7 – Programmes ou mesures d'intervention préventive

1 Chaque Partie veille à ce que les personnes qui craignent pouvoir commettre l'une des infractions établies conformément à la présente Convention puissent accéder, le cas échéant, à des programmes ou mesures d'intervention efficaces destinés à évaluer et à prévenir les risques de passage à l'acte.

Rapport explicatif

64. Les négociateurs ont entendu prévoir la possibilité pour les personnes qui craignent de commettre des passages à l'acte de comportements constituant des infractions de nature sexuelle à l'encontre des enfants, ainsi que celles qui ont commis de telles infractions lorsque ces dernières n'ont pas été portées à la connaissance des autorités, de bénéficier, si elles le souhaitent, d'une mesure et d'un programme d'intervention. S'adressant à des personnes qui ne font l'objet d'aucune procédure d'enquête, de poursuite ou d'exécution d'une peine, et répondant à un objectif de prévention, cette disposition trouve naturellement sa place dans le chapitre consacré aux mesures préventives. Comme pour les programmes ou autres mesures d'intervention prévus au chapitre V, les négociateurs n'ont pas estimé souhaitable d'imposer aux Etats Parties des modèles précis. Ces derniers doivent simplement « veiller » à ce que ces programmes ou mesures existent au profit des personnes visées à l'article 16 qui souhaiteraient en bénéficier, et évaluer, au cas par cas, si la personne qui en fait la demande peut en bénéficier.

Convention de Lanzarote, Articles 15, 16 and 17 / Chapitre V – Programmes ou mesures d'intervention

Article 15 – Principes généraux

1. Chaque Partie prévoit ou promeut, conformément à son droit interne, des programmes ou mesures d'intervention efficaces pour les personnes visées à l'article 16, paragraphes 1 et 2, en vue de prévenir et de minimiser les risques de réitération d'infractions à caractère sexuel sur des enfants. Ces programmes ou mesures doivent être accessibles à tout moment de la procédure, en milieu carcéral et à l'extérieur, selon les conditions définies par le droit interne.

2. Chaque Partie prévoit ou promeut, conformément à son droit interne, le développement de partenariats ou autres formes de coopération entre les autorités compétentes, notamment les services de santé et les services sociaux, et les autorités judiciaires et autres en charge du suivi des personnes visées à l'article 16, paragraphes 1 et 2.

3. Chaque Partie prévoit, conformément à son droit interne, d'effectuer une évaluation de la dangerosité et des risques de réitération éventuels d'infractions établies conformément à la présente Convention des personnes visées à l'article 16, paragraphes 1 et 2, dans le but d'identifier les programmes ou mesures appropriés.

4. Chaque Partie prévoit, conformément à son droit interne, d'effectuer une évaluation de l'efficacité des programmes et mesures d'intervention mis en œuvre.

Article 16 - Destinataires des programmes et mesures d'intervention

1. Chaque Partie prévoit, conformément à son droit interne, que les personnes poursuivies pour l'une des infractions établies conformément à la présente Convention, puissent accéder aux programmes ou mesures mentionnés à l'article 15, paragraphe 1, dans des conditions qui ne soient ni préjudiciables ni contraires aux droits de la défense et aux exigences d'un procès équitable et impartial, et notamment dans le respect des règles qui régissent le principe de la présomption d'innocence.

2. Chaque Partie prévoit, conformément à son droit interne, que les personnes condamnées pour avoir commis l'une des infractions établies conformément à la présente Convention puissent accéder aux programmes ou mesures mentionnés à l'article 15, paragraphe 1.

3. Chaque Partie prévoit, conformément à son droit interne, que des programmes ou mesures d'intervention soient mis en place ou adaptés pour répondre aux besoins liés au développement des enfants qui ont commis des infractions à caractère sexuel, y compris ceux en deçà de l'âge de la responsabilité pénale, afin de traiter leurs problèmes de comportement sexuel.

Article 17 - Information et consentement

1. Chaque Partie prévoit, conformément à son droit interne, que les personnes visées à l'article 16 auxquelles des programmes ou mesures d'intervention sont proposés, soient pleinement informées des raisons de cette proposition et qu'elles consentent au programme ou à la mesure en parfaite connaissance de cause.

2. Chaque Partie prévoit, conformément à son droit interne, que les personnes auxquelles des programmes ou mesures d'intervention sont proposés puissent les refuser et, s'il s'agit de personnes condamnées, qu'elles soient informées des conséquences éventuelles qui pourraient s'attacher à leur refus.

Rapport explicatif

Article 15 – Principes généraux

101. Les dispositions contenues dans ce chapitre constituent un élément important de valeur ajoutée de la Convention. Dans un objectif de prévention de l'exploitation et des abus sexuels concernant des enfants, les négociateurs ont estimé nécessaire d'établir les

dispositions visant à prévenir la répétition d'infractions à l'encontre des enfants, grâce à des programmes ou des mesures d'intervention destinées aux auteurs de ces infractions. Ils sont convenus de la nécessité d'une approche large et souple mettant l'accent sur des composantes « psycho médico-sociales » des programmes ou mesures d'intervention proposées aux auteurs, et le caractère facultatif de cette prise en charge. Pour ce qui concerne ce dernier point (caractère facultatif de la prise en charge), cela signifie que ces programmes ne font pas nécessairement partie du système pénal de sanctions et mesures, mais peuvent en revanche faire partie des systèmes de santé et d'assistance sociales. Le schéma prévu au chapitre V ne devrait entraver les plans établis au niveau national qui s'occupe du traitement des personnes souffrant de troubles mentaux.

102. L'intervention psychologique fait référence à plusieurs méthodes thérapeutiques, comme par exemple la thérapie cognitivo-comportementale ou des approches psycho-dynamiques. L'intervention médicale fait principalement référence au traitement hormonal (castration chimique). Enfin, l'intervention sociale concerne aussi bien les dispositifs mis en place pour encadrer et équilibrer le comportement social de l'auteur (par exemple, l'interdiction de fréquenter certains lieux ou personnes), qu'un travail structuré favorisant la réinsertion (par exemple la mise en ordre administrative, recherche de travail).

103. Compte tenu de la diversité des mesures susceptibles d'être mises en œuvre et des expériences menées par les Etats dans ce domaine, les négociateurs ont entendu conserver à cette disposition une large flexibilité, notamment par une référence fréquente au droit interne des Parties. Ainsi, les dispositions du chapitre V se contentent de poser quelques principes fondamentaux, sans entrer dans le détail des mesures ou programmes susceptibles d'être mis en œuvre. En revanche, il revient aux Etats Parties d'évaluer, plus ou moins régulièrement, l'efficacité et les résultats des programmes et mesures mis en œuvre et d'en mesurer la pertinence scientifique.

104. Les principes fondamentaux énoncés dans les trois articles du chapitre V sont les suivants :

- les personnes soumises aux programmes ou mesures d'intervention doivent donner leur consentement préalable et aucun programme ou mesure ne peut leur être imposé ;
- les programmes et les mesures d'intervention doivent être disponibles le plus tôt possible pour en accroître les chances de réussite ;
- des mécanismes doivent fournir une évaluation de la dangerosité des personnes concernées et des risques de récidive de ces personnes ;
- des mécanismes d'évaluation des programmes et mesures d'intervention doivent être mis en place ;
- une attention particulière doit être accordée aux personnes concernées qui sont elles-mêmes mineures ;
- la nécessité de prévoir une coordination entre les différents services compétents, et notamment les services de santé, les services sociaux, les autorités pénitentiaires et, dans le respect de leur indépendance, les autorités judiciaires.

Article 16 – Destinataires des programmes et mesures d'intervention

105. L'article 16 identifie trois catégories de personnes auxquelles des programmes ou des mesures d'intervention doivent pouvoir être proposés :

- les personnes poursuivies pour l'une des infractions établies conformément à la Convention ;
- les personnes condamnées pour l'une des infractions établies conformément à la Convention ;
- les enfants (personnes âgées de moins de 18 ans) auteurs d'une infraction à caractère sexuel.

106. Il convient de rappeler que l'article 7 ouvre également le bénéfice des programmes et mesures d'intervention aux personnes visées au paragraphe 64 de ce rapport.

107. S'agissant des personnes poursuivies, non encore condamnées, les négociateurs ont estimé que des programmes ou mesures d'intervention doivent pouvoir leur être proposés (mais non imposés) à tout moment au cours de l'instruction de l'affaire ou du procès. Compte tenu du bénéficie de la présomption d'innocence, les négociateurs ont estimé qu'aucun lien ne doit être établi entre l'acceptation d'une mesure d'intervention et les décisions prises au cours de la procédure et qu'il appartient aux personnes concernées de décider librement si elles souhaitent ou non en bénéficier. Le paragraphe 1 de l'article 16 rappelle ainsi les garanties des droits de la défense, les exigences du procès équitable et le respect des règles régissant le principe de la présomption d'innocence. Dans la mise en œuvre de ces dispositions, les Etats sont invités à veiller à ce que la perspective d'atténuation de la peine ne constitue pas une pression indue pour se soumettre à des programmes et mesures d'intervention.

108. S'agissant des « personnes condamnées », celles-ci s'entendent des personnes définitivement reconnues coupables par un juge, une cour ou un tribunal.

109. Le troisième paragraphe de l'article 16, introduit une disposition spécifique dédiée aux programmes ou mesures d'intervention qui pourraient être proposés à des mineurs auteurs d'infractions à caractère sexuel pour répondre aux besoins liés à leur développement et traiter leurs problèmes de comportement sexuel. Les programmes et mesures d'intervention doivent être adaptés aux mineurs.

Article 17 – Information et consentement

110. L'article 17 insiste particulièrement sur l'exigence du plein consentement des personnes auxquelles des programmes ou mesures d'intervention sont proposés. Il apparaît en effet que l'adhésion de la personne concernée aux mesures et programmes mis en œuvre conditionne, dans la plupart des cas sinon dans la totalité, le succès de ces derniers. Le paragraphe 1er souligne que, pour pouvoir être entier, ce consentement doit être libre et éclairé, ce qui suppose que la personne concernée soit informée des raisons qui conduisent à lui proposer un programme ou une mesure d'intervention.

111. Cette exigence du consentement emporte pour conséquence que la personne concernée doit pouvoir librement refuser les propositions qui lui sont faites, ce que rappelle le paragraphe 2. Cependant, lorsqu'il s'agit de personnes condamnées, le droit des Etats peut prévoir que l'insertion dans un programme d'intervention conditionne l'octroi de certaines mesures de suspension ou d'aménagement de la sanction pénale, telles que le sursis ou la libération conditionnelle. Cette dernière est définie dans l'Annexe à la Recommandation Rec(2003)22 du Comité des Ministres concernant la libération conditionnelle : « on entend par libération conditionnelle la mise en liberté anticipée de détenus condamnés, assortie de conditions individualisées après leur sortie de prison. » Dans ces conditions, la personne doit être pleinement informée des conséquences qui s'attacheraient pour elle à un refus éventuel, telles que, en droit, le rejet de la mesure d'aménagement.

COMPILATION
of replies / des réponses[3]

I – States to be assessed in the 1st monitoring round / Etats devant faire l'objet du 1er cycle de suivi

ALBANIA / ALBANIE

Did not reply to this question / N'a pas répondu à cette question

AUSTRIA/AUTRICHE

Men counselling centres, which are subsidized by the Federal Ministry of Economy, Family and Youth offer counselling and therapy to all men who fear that they may commit any of the offences established in accordance with the Convention free of charge.

A special programme (LIMES) for young men who committed sexual offenses is also supported by the Federal Ministry of Economy, Family and Youth.

Question 10 of the General Questionnaire

a)

1. Men counselling centres, which are subsidized by the Federal Ministry of Economy, Family and Youth offer counselling and therapy to all men who fear that they may commit any of the offences established in accordance with the Convention free of charge.

A special programme (LIMES) for young men who committed sexual offenses is also supported by the Federal Ministry of Economy, Family and Youth.

2. The Federal Ministry for Labour, Social Affairs and Consumer Protection has financed the establishment of the federal working committee of victim-oriented anti-violence-programmes in Austria in 2012 together with the Federal Chancellery, Division for Women, as well as its follow-up in 2013. This working committee aims at the development of uniform standards in the work with perpetrators throughout Austria. Basis for the federal working group's activities is a survey on work with perpetrators in Austria, which has already been carried out, registering Austrian-wide data on competences, cases, funds etc. Additionally, the BMASK supports Men's Counselling Agencies focusing on gender-sensitive work with boys throughout Austria and cooperates with the NGO „White Ribbon“ regarding sensitizing and awareness-raising measures

[3] The replies are reproduced here in the language they were received / Les réponses sont reproduites ici dans la langue où elles ont été reçues.

b)

1. In case a suspected person is released from pre-trial detention the court can give him/her the instruction to undergo either a psychotherapeutic or medical treatment, provided that he/she consents to the instruction (Section 173 par. 5 subpar. 9 of CCP). If an offender is sentenced to imprisonment and the court conditionally suspends the execution of the sentence or if a prisoner is granted conditional release, he/she has to be given instructions by court if this is necessary to deter him/her from committing further punishable acts. Provided hat he/she consents, the convicted person may be instructed to undergo either a psychotherapeutic or medical treatment (Section 51 par. 3 of CC).
According to Section 56 par. 2 of the Execution of Prison Sentences Act prisoners have to be treated with psychotherapy, if this is appropriate to achieve the objectives of the prison sentence.
2. In general all persons convicted to an unconditional sentence have to be treated in accordance to their personal sentence management plan based on a risk and needs assessment. But there is no treatment plan with remand prisoners because the period of detention is usually too short for sentence planning.

1st indent:

The instruction to undergo a therapy according to Section 51 of the CC can be given to persons subject to criminal proceedings who are released from pre-trial detention, to convicted persons subject to suspended sentences or on conditional release. Section 51 of CC also applies to young offenders who reached the age of criminal responsibility (14 years or older).
The treatment according to Section 56 of the Execution of Prison Sentences Act applies to all prisoners.

2nd indent:

The court can commission an expert to determine which programme or measure is appropriate in the individual case. Besides, before every decision about a conditional release of a perpetrator who was convicted for a criminal offence against the sexual integrity and self-determination the court has to commission a comment of the centre for the examination and evaluation of violence and sexual offenders (*Begutachtungsstelle für Gewalt- und Sexualstraftäter – BEST*) according to Section 152 par. 2 of the Execution of Prison Sentences Act. Likewise a comment of the BEST has to be commissioned before the decision on whether the perpetrator shall serve the (rest of the) sentence in the form of electronically monitored house arrest (Section 156d par. 3 of the Execution of Prison Sentences Act). When the execution of the sentence in the form of electronically monitored house arrest is ordered, the perpetrator can be given the instruction to participate in an intervention programme.

3rd indent:

There are specific programmes for young offenders. The Youth Justice Work Agency in Vienna (*Wiener Jugendgerichtshilfe*) for instance offers social educational workshops for juvenile offenders in the Remand Prison Vienna-Josefstadt three times a year; in the Penitentiary for Juveniles in Gerasdorf (preventive) sex education classes held by trained sex pedagogues are offered especially for pre-release preparation.

4th indent:

1. The consent of the person concerned is necessary according to Section 51 par. 3 of the CC for the imposition of the instruction to persons subject to suspended sentences or on conditional release.
2. The refusal to undergo a programme is not formally stated as a right of the prisoners but in fact makes participation in practice not promising. Should the convicted juvenile offender not show adequate compliance with therapeutic interventions or programmes it shall be the task of the professional team or services to carry out the necessary motivational work."

BELGIUM / BELGIQUE

Il existe en Flandre, en Wallonie et à Bruxelles, trois centres d'appui au traitement des délinquants sexuels qui sont comme leur intitulé l'indique des programmes de prévention de la récidive. Ils ont été créés dans le cadre des accords de coopération entre l'Etat fédéral et les entités fédérées concernant la guidance et le traitement d'auteurs d'infractions à caractère sexuel (voir la réponse sous la question 10 du questionnaire général).

Par ailleurs, le service Kaléidos travaille depuis 2001 à la prise en charge spécifique des situations des abus sexuels intrafamiliaux. Outre son travail relatif aux mineurs et à sa famille, ce service a mis en place un travail avec les adolescents auteurs d'abus sexuels. Il importe de pouvoir discriminer les motivations qui ont poussé l'adolescent à transgresser afin de décider de quel type d'aide spécialisée il a besoin pour ne pas risquer de récidiver et de commencer un parcours de délinquant sexuel susceptible de se poursuivre à l'âge adulte. Face à l'horreur des faits commis, tant les adolescents eux-mêmes que leurs parents et les intervenants généralistes oscillent entre le déni de la gravité des faits et la crainte d'une récidive.

I.T.E.R. est un centre ambulatoire d'aide aux auteurs de faits de mœurs pour la Région de Bruxelles. Cette dénomination vient du latin "Iter" signifiant "itinéraire" ou "parcours". I.T.E.R. en abrégé désigne par chacune des lettres (en néerlandais) les objectifs thérapeutiques suivis : maîtrise de l'impulsivité, prévention à la récidive, stimulation de l'empathie et responsabilisation.

Question 10a) du Questionnaire : Aperçu Général

Voir la réponse sous la question b) qui donne un aperçu général pour toutes les catégories des personnes.

Question 10b) du Questionnaire : Aperçu Général

Cadre général :

La Belgique dispose d'une série de dispositions légales établissant des obligations de guidance et de traitement en dehors du séjour en prison, que ce soit en cas de médiation pénale, dans le cadre des différents processus de libération anticipée, en tant que mesure probatoire ou dans l'hypothèse d'une mise à la disposition du gouvernement. L'obligation de suivre une guidance ou un traitement peut constituer une des conditions fixées à la mise

en liberté ou au maintien en liberté d'un délinquant sexuel. Un suivi spécifique des délinquants sexuels est donc envisageable à différents moments de la procédure pénale.

Tout d'abord, le suivi d'un traitement peut être proposé par le procureur du Roi dans le cadre d'une médiation pénale visée à l'article 216ter du Code d'instruction criminelle. Dans ce cadre, le procureur du Roi peut inviter la personne concernée de suivre un traitement médical ou tout autre thérapie adéquate, et à lui en fournir périodiquement la preuve, pour une durée qui ne peut excéder six mois. Le service des Maisons de Justice assiste le procureur du Roi dans les différentes phases de la médiation et plus particulièrement dans son exécution concrète.

« Art. 216ter. § 1. Le procureur du Roi peut, sans préjudice des pouvoirs que lui attribue l'article 216bis, convoquer l'auteur d'une infraction et, pour autant que le fait ne paraisse pas être de nature à devoir être puni d'un emprisonnement correctionnel principal de plus de deux ans ou d'une peine plus lourde, l'inviter à indemniser ou réparer le dommage causé par l'infraction et à lui en fournir la preuve. Le cas échéant, le procureur du Roi convoque également la victime et organise une médiation sur l'indemnisation ainsi que sur ses modalités.

Lorsque l'auteur de l'infraction invoque comme cause de l'infraction la circonstance d'une maladie ou d'une assuétude à l'alcool ou aux stupéfiants, le procureur du Roi peut l'inviter à suivre un traitement médical ou tout autre thérapie adéquate, et à en fournir périodiquement la preuve durant un délai qui ne peut excéder six mois.

Il peut également inviter l'auteur de l'infraction à exécuter un travail d'intérêt général ou à suivre une formation déterminée d'une durée de 120 heures au plus dans le délai qu'il fixe. Ce délai est d'au moins un mois et de six mois au plus.

Le travail d'intérêt général est effectué gratuitement par l'auteur de l'infraction pendant le temps laissé libre par ses éventuelles activités scolaires ou professionnelles.

Le travail d'intérêt général ne peut être effectué qu'auprès des services publics de l'Etat, des communes, des provinces, des communautés et des régions ou auprès d'associations sans but lucratif ou de fondations à but social, scientifique ou culturel.

Le travail d'intérêt général ne peut consister en un travail qui, dans le service public ou l'association désigné, est généralement exécuté par des travailleurs rémunérés.
§ 1erbis. Lorsque dans le cadre de la médiation pénale, l'auteur de l'infraction accepte la proposition du procureur du Roi d'exécuter un travail d'intérêt général, celui-ci communique sa décision pour exécution à la section du Service des maisons de justice du SPF Justice de l'arrondissement judiciaire du lieu de résidence de l'auteur de l'infraction, laquelle désigne sans délai un assistant de justice chargé de la mise en place et du suivi de l'exécution du travail d'intérêt général.

Après avoir entendu l'auteur de l'infraction et tenu compte de ses observations et de ses capacités physiques et intellectuelles ainsi que des éventuelles indications du procureur du Roi, l'assistant de justice détermine le contenu concret des travaux à réaliser, sous le contrôle du procureur du Roi qui d'office ou à la demande de l'auteur de l'infraction, peut à tout moment le préciser et l'adapter.

Le contenu concret du travail d'intérêt général est notifié dans une convention à signer par l'auteur de l'infraction, dont l'assistant de justice lui remet une copie. L'assistant de justice communique également une copie de la convention signée au procureur du Roi.

En cas d'inexécution totale ou partielle du travail d'intérêt général, l'assistant de justice en informe sans délai le procureur du Roi. En ce cas, le procureur du Roi peut convoquer l'intéressé, l'entendre en ses observations et renvoyer le dossier à l'assistant de justice ou décider de clôturer son intervention.

§ 2. Lorsque l'infraction a donné lieu à des frais d'analyse ou d'expertise, les mesures visées au § 1er ne peuvent être proposées que si l'auteur s'engage à payer les frais dans le délai fixé par le procureur du Roi.

§ 3. Lorsqu'une confiscation spéciale peut être appliquée, le procureur du Roi invite l'auteur de l'infraction à abandonner, dans un délai déterminé, les objets saisis qui lui appartiennent; si ceux-ci n'ont pas été saisis, le procureur du Roi peut inviter l'auteur à les remettre à un endroit déterminé.

§ 4. Lorsque l'auteur de l'infraction a satisfait à toutes les conditions, acceptées par lui, l'action publique est éteinte.

L'extinction de l'action publique ne porte pas préjudice aux droits des personnes subrogées dans les droits de la victime ou des victimes qui n'ont pas été associées à la procédure prévue au § 1er à leur égard, la faute de l'auteur de l'infraction est présumée irréfragablement.

§ 5. 1 Le droit accordé au procureur du Roi par le § 1er ne peut être exercé lorsque le tribunal est déjà saisi du fait ou lorsque le juge d'instruction est requis d'instruire.
Le droit prévu au § 1er appartient aussi, pour les mêmes infractions, à l'auditeur du travail, et, à l'égard des personnes visées aux articles 479 et 483, au procureur général près la cour d'appel.

§ 6. L'auteur de l'infraction, convoqué par le procureur du Roi en exécution du présent article, peut se faire assister par un avocat; il ne peut pas se faire représenter.
La victime peut se faire assister ou représenter par un avocat.

§ 7. Le Service des Maisons de justice du SPF Justice assiste le procureur du Roi dans les différentes phases de la médiation pénale et plus spécifiquement dans son exécution concrète. Les agents de ce service effectuent leur mission en collaboration étroite avec le procureur du Roi, qui a le contrôle de l'évolution du dossier.

Par ressort de Cour d'Appel, des agents du Service des Maisons de justice du Ministère de la Justice interviennent pour assister le procureur général dans l'exécution d'une politique criminelle en médiation pénale, pour l'évaluation, la coordination et la supervision de l'application de la médiation pénale dans les différents parquets du ressort du procureur général et pour assister les agents, mentionnés dans l'alinéa 1er. Ils travaillent en collaboration étroite avec le procureur général.

§ 8. Aux niveaux fédéral et local des structures de concertation relatives à l'application de cet article sont créées. Ces structures de concertation ont pour mission de réunir sur une base régulière les instances concernées par l'exécution du présent article afin d'évaluer leur collaboration. Le Roi arrête les modalités de composition et de fonctionnement de ces structures de concertation. »

En cas de détention préventive, la loi du 20 juillet 1990 relative à la détention préventive prévoit que le juge peut dans certains cas laisser un détenu en liberté moyennant le respect de certaines conditions pouvant consister dans le suivi d'un traitement ou d'une guidance (articles 35 et 36 de la loi du 20 juillet 1990 relative à la détention préventive). L'article 35, §1, alinéa 2 prévoit explicitement qu'il peut interdire à l'intéressé d'exercer une activité qui le mettrait en contact avec des mineurs. En vue de la détermination des conditions, le juge

d'instruction peut faire procéder par la section du Service des maisons de Justice du SPF Justice de l'arrondissement judiciaire du lieu de résidence de l'intéressé à une enquête sociale ou un rapport d'information succinct. Le Roi précise les modalités relatives au rapport d'information succinct et à l'enquête sociale.

« Art. 35.§ 1. Dans les cas où la détention préventive peut être ordonnée ou maintenue dans les conditions prévues à l'article 16, § 1er, le juge d'instruction peut, d'office, sur réquisition du ministère public ou à la demande de l'inculpé, laisser l'intéressé en liberté en lui imposant de respecter une ou plusieurs conditions, pendant le temps qu'il détermine et pour un maximum de trois mois.

Il peut interdire à l'intéressé d'exercer une activité qui le mettrait en contact avec des mineurs.

En vue de la détermination des conditions, le juge d'instruction peut faire procéder par la section du Service des maisons de Justice du SPF Justice de l'arrondissement judiciaire du lieu de résidence de l'intéressé à une enquête sociale ou un rapport d'information succinct. Le Roi précise les modalités relatives au rapport d'information succinct et à l'enquête sociale.

Ces rapports et ces enquêtes ne peuvent contenir que les éléments pertinents de nature à éclairer l'autorité qui a adressé la demande au service des maisons de justice sur l'opportunité de la mesure ou la peine envisagée.

§ 2. Toutes les décisions qui imposent une ou plusieurs conditions à l'inculpé ou au prévenu sont motivées, conformément aux dispositions de l'article 16, § 5, premier et deuxième alinéas.

§ 3. Le juge arrête les conditions à imposer. Elles doivent viser l'une des raisons énoncées à l'article 16, § 1er, alinéa 4, 3 et être adaptées à cette raison, compte tenu des circonstances de la cause.

§ 4. Le juge peut également exiger le paiement préalable et intégral d'un cautionnement, dont il fixe le montant.

Il peut motiver sa décision notamment sur la base de sérieux soupçons que des fonds ou des valeurs tirés de l'infraction ont été placés à l'étranger ou dissimulés.

Le cautionnement est versé à la Caisse des dépôts et consignations, et le ministère public, au vu du récépissé, fait exécuter l'ordonnance ou l'arrêt de mise en liberté.

Nonobstant le délai fixé à l'article 35, § 1er, et sans préjudice de l'application de l'article 36, le cautionnement est restitué si l'inculpé s'est présenté à tous les actes de la procédure et pour l'exécution du jugement. Si la condamnation est conditionnelle, il suffit que l'inculpé se soit présenté à tous les actes de la procédure.

Le cautionnement est attribué à l'Etat dès que l'inculpé, sans motif légitime d'excuse, est resté en défaut de se présenter à un acte quelconque de la procédure ou pour l'exécution du jugement. Néanmoins, en cas de renvoi des poursuites, d'acquittement, d'absolution, de condamnation conditionnelle ou de prescription de l'action publique, le jugement ou l'arrêt en ordonne la restitution, sauf prélèvement des frais extraordinaires auxquels le défaut de se présenter aura pu donner lieu.

Le défaut, par l'inculpé, de s'être présenté à un acte de la procédure est constaté par le jugement ou l'arrêt de condamnation, lequel déclare, en même temps, que le cautionnement est acquis à l'Etat.

Le défaut, par le condamné, de se présenter pour l'exécution du jugement est constaté, sur les réquisitions du ministère public, par le tribunal qui a prononcé la condamnation. Le jugement déclare, en même temps, que le cautionnement est acquis à l'Etat.

§ 5. Le juge d'instruction et les juridictions d'instruction ou de jugement disposent des mêmes pouvoirs lorsqu'un inculpé ou un prévenu est mis en liberté.

§ 6. Si les conditions arrêtées conformément au § 3 imposent le suivi d'une guidance ou d'un traitement, le juge d'instruction ou la juridiction d'instruction ou de jugement, invite l'inculpé à choisir une personne compétente ou un service compétent. Ce choix est soumis à l'accord du juge ou de la juridiction.

Ladite personne ou ledit service qui accepte la mission, adresse au juge ou à la juridiction et à l'assistant de justice du Service des maisons de Justice du SPF Justice qui est chargé du soutien et du contrôle, dans le mois qui suit la libération, et chaque fois que cette personne ou ce service l'estime utile, ou sur l'invitation du juge ou de la juridiction, et au moins une fois tous les deux mois, un rapport de suivi sur la guidance ou le traitement.

Le rapport visé à l'alinéa 2 porte sur les points suivants : les présences effectives de l'intéressé aux consultations proposées, les absences injustifiées, la cessation unilatérale de la guidance ou du traitement par la personne concernée, les difficultés survenues dans la mise en œuvre de ceux-ci et les situations comportant un risque sérieux pour les tiers.

Le service compétent ou la personne compétente est tenu d'informer le juge ou la juridiction de l'interruption de la guidance ou du traitement.

Art. 36. § 1. Au cours de l'instruction judiciaire, le juge d'instruction peut, d'office ou sur réquisition du procureur du Roi, imposer une ou plusieurs conditions nouvelles, retirer, modifier ou prolonger, en tout ou en partie, des conditions déjà imposées.

La décision de prolongation des conditions est prise avant l'expiration du temps déterminé par le juge d'instruction conformément à l'article 35, § 1er. A défaut, les conditions sont caduques. Ces conditions peuvent être prolongées pour le délai qu'il détermine et pour un maximum de trois mois.

Il peut dispenser de l'observation de toutes les conditions ou de certaines d'entre elles.

L'inculpé peut demander le retrait ou la modification de tout ou partie des conditions imposées; il peut aussi demander d'être dispensé des conditions ou de certaines d'entre elles.

S'il n'est pas statué par la chambre du conseil sur la demande de l'inculpé dans les cinq jours, les mesures ordonnées sont caduques.

§ 2. Lorsque, en réglant la procédure, la chambre du conseil renvoie l'inculpé devant le tribunal correctionnel ou devant le tribunal de police en raison d'un fait qui justifie l'application d'une condition visée à l'article 35, elle peut, par une ordonnance séparée et motivée conformément à l'article 16, §§ 1er et 5, premier et deuxième alinéas, décider du maintien ou du retrait de ladite condition. Elle ne peut en imposer de nouvelles.

§ 3. Après clôture de l'instruction judiciaire, et sur réquisition du procureur du Roi ou à la requête de l'inculpé, la juridiction de jugement saisie de la cause peut prolonger les conditions existantes, pour

un terme maximum de trois mois et au plus tard jusqu'au jugement. Elle peut également les retirer ou dispenser de l'observation de certaines d'entre elles. Elle ne peut en imposer de nouvelles. »

Dans l'hypothèse où le juge décide, en vertu de la loi du 29 juin 1964, de procéder à la suspension du prononcé de la condamnation ou de surseoir à l'exécution de la peine d'un délinquant sexuel, il peut accompagner cette décision d'une mesure probatoire consistant dans le suivi d'une guidance ou d'un traitement. La loi prévoit l'obligation de demander l'avis d'un service spécialisé dans la guidance et le traitement des délinquants sexuels avant de prononcer une telle mesure.

« Art. 9. Les inculpés et les condamnés auxquels une mesure probatoire a été imposée en vertu des articles 3 et 8 sont en outre soumis à la guidance sociale exercée par des assistants de justice du Service des maisons de Justice du SPF Justice. Cette guidance sociale a pour finalité l'évitement de la récidive par le suivi et la surveillance de l'observation des conditions.

L'exécution des mesures probatoires est contrôlée par les commissions de probation.

« Art. 9bis. Si les inculpés et les condamnés le sont pour un des faits visés aux articles 372 à 377 du Code pénal, ou pour un des faits visés aux articles 379 à 387 du même Code lorsque ceux-ci ont été commis sur des mineurs ou avec leur participation, les juridictions compétentes prennent, avant d'ordonner une mesure probatoire, l'avis motivé d'un service spécialisé dans la guidance ou le traitement des délinquants sexuels.

Lorsque la suspension du prononcé de la condamnation ou le sursis à l'exécution de la peine est subordonné à une mesure de probation consistant dans le suivi d'une guidance ou d'un traitement, la commission de probation, après avoir, le cas échéant, pris connaissance de l'avis motivé visé à l'alinéa premier, invite l'intéressé à choisir un service compétent ou une personne compétente. Ce choix est soumis à l'accord de la commission.

Ledit service ou ladite personne qui accepte la mission adresse à la commission de probation ainsi qu'à l'assistant de justice, dans le mois qui suit le début de cette guidance ou de ce traitement, et chaque fois que ce service ou cette personne l'estime utile, ou sur invitation de la commission, et au moins une fois tous les six mois, un rapport de suivi sur la guidance ou le traitement.

Le rapport visé à l'alinéa 3 porte sur les points suivants : les présences effectives de l'intéressé aux consultations proposées, les absences injustifiées, la cessation unilatérale de la guidance ou du traitement par la personne concernée, les difficultés survenues dans la mise en œuvre de ceux-ci et les situations comportant un risque sérieux pour les tiers.

Le service compétent ou la personne compétente est tenu d'informer la commission de l'interruption de la guidance ou du traitement.

En cas d'une libération anticipée (détention limitée, surveillance électronique, libération conditionnelle, mise en liberté provisoire en vue d'éloignement du territoire ou de la remise) d'un délinquant sexuel, l'article 32 de la loi du 17 mai 2006 relative au statut juridique externe des personnes condamnées à une peine privative de liberté et aux droits reconnus à la victime dans le cadre des modalités d'exécution de la peine prévoit que la décision de libération doit être précédée de l'avis d'un service spécialisé dans la guidance et le traitement des délinquants sexuels. Cet avis doit contenir une appréciation de la nécessité d'imposer un traitement.

« Art. 32. Si le condamné subit une peine pour des faits visés aux articles 372 à 378 du Code pénal, ou pour des faits visés aux articles 379 à 387 du même Code si ceux-ci ont été commis sur des mineurs ou avec leur participation, la demande visée à l'article 29 ou l'avis visé à l'article 30 doit être introduit accompagné d'un avis motivé d'un service ou d'une personne spécialisé(e) dans l'expertise diagnostique des délinquants sexuels.
L'avis contient une appréciation de la nécessité d'imposer un traitement. »

Dans le cadre de la même loi, le refus de suivre une guidance ou traitement est prévu comme une contre-indication à prendre en considération dans le processus de décision d'octroi d'une modalité d'exécution de la peine (voir les articles 25, §1, 5° et 47, §1, 5° de la loi du 17 mai 2006) :

« Article 25, §1. 5° le refus du condamné de suivre une guidance ou un traitement jugés utiles pour lui, ou son inaptitude à le faire, dans le cas où l'intéressé subit une peine pour un des faits visés aux articles 372 à 378 du Code pénal, ou pour des faits visés aux articles 379 à 387 du même Code, si ceux-ci ont été commis sur la personne de mineurs ou avec leur participation; »

Dans le cadre de l'exécution d'une mise à disposition du tribunal de l'application des peines – peine accessoire qui selon le cas doit ou peut être imposée en plus d'une peine d'emprisonnement entre autres pour certain délinquants sexuels, la loi du 17 mai 2006 relative au statut juridique externe des personnes condamnées à une peine privative de liberté et aux droits reconnus à la victime dans le cadre des modalités d'exécution de la peine, prévoit des dispositions similaires relative à l'avis préalable sont prévues :

La même procédure – avis + possibilité d'imposer une suivi comme prévu par la loi du 17 mai 2006, est prévue (Loi du 26 avril 2007 relative à la mise à disposition du tribunal de l'application des peines :

« Article 95/3, dernier alinéa. Si le condamné subit une peine pour des faits visés aux articles 372, 373, alinéas 2 et 3, 375, 376, alinéas 2 et 3, ou 377, alinéas 1er, 2, 4 et 6 du Code pénal, l'avis doit être accompagné d'un avis motivé d'un service ou d'une personne spécialisé(e) dans l'expertise diagnostique des délinquants sexuels. Cet avis contient une appréciation de la nécessité d'imposer un traitement. »

Art. 95/7.§ 1er. Le tribunal de l'application des peines rend sa décision dans les quatorze jours de la mise en délibéré.

§ 2. Si le tribunal de l'application des peines accorde la libération sous surveillance, il établit que le condamne mis à disposition est soumis aux conditions générales fixées à l'article 55.

Le tribunal de l'application des peines peut soumettre le condamné mis à disposition à des conditions particulières individualisées qui pallient au risque qu'il commette des infractions graves susceptibles de porter atteinte à l'intégrité physique ou psychique de personnes ou qui s'avèrent nécessaires dans l'intérêt des victimes.

Dans le cas où le condamné est mis à la disposition du tribunal de l'application des peines pour un des faits visés aux articles 372, 373, alinéas 2 et 3, 375, 376, alinéas 2 et 3, ou 377, alinéas 1er, 2, 4 et 6, du Code pénal, le tribunal de l'application des peines peut assortir la

libération sous surveillance de la condition de suivre une guidance ou un traitement auprès d'un service spécialisé dans la guidance ou le traitement de délinquants sexuels. Le tribunal de l'application des peines fixe la durée de la période pendant laquelle le condamné devra suivre cette guidance ou ce traitement.

En ce qui concerne les personnes internées, les mêmes principes d'avis préalable et conditions de suivi ou guidance sont prévus par la loi du 1 juillet 1964 de défense sociale à l'égard des anormaux et des délinquants d'habitude :

« Art. 20. Si la mise en liberté est ordonnée à titre d'essai, l'interné est soumis à une tutelle médico-sociale dont la durée et les modalités sont fixées par la décision de mise en liberté.

Si l'interné libéré à l'essai a été interné pour un des faits visés aux articles 372 à 377 du Code pénal, la tutelle médico-sociale visée à l'alinéa 1er comprend l'obligation de suivre une guidance ou un traitement dans un service spécialisé dans la guidance ou le traitement des délinquants sexuels.

La commission invite l'intéressé à choisir une personne compétente ou un service compétent. Ce choix est soumis à l'accord de la commission.

Ladite personne ou ledit service qui accepte la mission, adresse à la commission ainsi qu'à l'assistant de justice désigné pour assurer la tutelle sociale, dans le mois qui suit la libération à l'essai, et chaque fois que cette personne ou ce service l'estime utile, ou sur l'invitation de la commission, et au moins une fois tous les six mois, un rapport de suivi sur la guidance ou le traitement.

Le rapport visé à l'alinéa 4 porte sur les points suivants : les présences effectives de l'intéressé aux consultations proposées, les absences injustifiées, la cessation unilatérale de la guidance ou du traitement par la personne concernée, les difficultés survenues dans la mise en œuvre de ceux-ci et les situations comportant un risque sérieux pour les tiers.

Le service compétent ou la personne compétente est tenu d'informer la commission de l'interruption de la guidance ou du traitement.

Si son comportement ou son état mental révèle un danger social, notamment s'il ne respecte pas les conditions qui lui ont été imposées, le libéré peut, sur réquisitoire du procureur du Roi de l'arrondissement où il est trouvé, être réintégré dans une annexe psychiatrique. Il est ensuite procédé conformément aux articles 14 et 16.

Dans le cadre de cette tutelle, le libéré est en outre soumis à une tutelle sociale, qui est exercée par l'assistant de justice désigné à cette fin par le directeur de la maison de l'arrondissement judiciaire du lieu de résidence du libéré. Cette tutelle permet de garantir une guidance sociale qui a pour finalité l'évitement de la récidive par le suivi et la surveillance de l'observation des conditions. Dans le mois qui suit la libération, cet assistant de justice fait rapport à la commission, et ensuite chaque fois qu'il l'estime utile ou que la commission l'y invite, et au moins une fois tous les six mois. Le cas échéant, il propose les mesures qu'il juge nécessaire.

Art. 20bis. L'avis motivé d'un service spécialisé dans la guidance ou le traitement des délinquants sexuels est requis avant la libération définitive ou à l'essai de tout interné pour un des faits visés aux articles 372 à 377 du Code pénal, ou pour un des faits visés aux articles 379 à 381 et 383 à 387 du même Code lorsque ceux-ci ont été commis sur des mineurs ou avec leur participation.

En cas de libération à l'essai, la commission peut prononcer en outre, pour la période d'épreuve qu'elle détermine au moment de la libération à l'essai, une condition d'interdiction de :
1° participer, à quelque titre que ce soit, à un enseignement donné dans un établissement public ou privé qui accueille des mineurs;
2° faire partie, comme membre bénévole, membre du personnel statutaire ou contractuel ou comme membre des organes d'administration et de gestion, de toute personne morale ou association de fait dont l'activité concerne à titre principal les mineurs;
3° être affecté à une activité qui place l'intéressé en relation de confiance ou d'autorité vis-à-vis de mineurs, comme membre bénévole, membre du personnel statutaire ou contractuel ou comme membre des organes d'administration et de gestion, de toute personne morale ou association de fait. »

Les instances ou personnes qui offre le traitement ou la guidance sont tenu par une obligation de rapportage régulière sur les présences effectives de la personne sur les consultations, sur ses absences injustifiés, la cessation unilatérale de la guidance ou du traitement, les difficultés survenues dans la mise en œuvre de celle-ci et les situations comportant une risque sérieux pour les tiers.

En cas de non-respect, selon les cadres légaux, l'autorité peut intervenir et décider par exemple d'une suspension ou d'une révocation de la mesure (qui peut résulter dans un ré-emprisonnement).

L'accompagnement des délinquants sexuels est une compétence fédérale pour ce qui concerne la politique pénitentiaire mais la gestion des programmes de soins offerts aux détenus est une compétence communautaire. C'est dans ce cadre et dans le but de structurer la collaboration entre les acteurs judiciaires et thérapeutiques dans le suivi des délinquants sexuels que des accords de coopération en matière de guidance et de traitement des auteurs d'infractions à caractère sexuel ont été conclus entre l'Etat fédéral et les entités fédérées.

Il en existe un pour Bruxelles, un pour la Flandre et enfin un pour la Wallonie :

- Loi du 12 mars 2000 portant assentiment de l'accord de coopération entre la Commission communautaire commune, la Commission communautaire française et l'Etat fédéral relatif à la guidance et au traitement d'auteurs d'infractions à caractère sexuel (M.B., 26/07/2000) ;
- Ordonnance du 20 juillet 2000 portant approbation de l'Accord de coopération du 13 avril 1999 entre l'Etat fédéral et la Commission communautaire commune et la Commission communautaire française concernant la guidance et le traitement d'auteurs d'infractions à caractère sexuel (M.B., 15/11/2000) ;
- Décret du 14 décembre 2000 portant approbation de l'accord de coopération entre l'Etat fédéral et la Commission communautaire commune et la Commission communautaire française concernant la guidance et le traitement d'auteurs d'infractions à caractère sexuel (M.B., 23/01/2001) ;
- Loi du 4 mai 1999 portant assentiment à l'accord de coopération entre l'Etat fédéral et la Communauté flamande relatif à la guidance et au traitement d'auteurs d'infractions à caractère sexuel (M.B., 11/09/1999) ;

- Décret du 2 mars 1999 portant approbation de l'accord de coopération du 8 octobre 1998 entre l'Etat fédéral et la Communauté flamande relatif à la guidance et au traitement d'auteurs d'infraction à caractère sexuel (M.B., 11/09/1999) ;
- Loi du 4 mai 1999 portant assentiment de l'accord de coopération entre l'Etat fédéral et la Région wallonne relative à la guidance et au traitement d'auteurs d'infractions à caractère sexuel (M.B., 11/19/1999) ;
- Décret du 1er avril 1999 portant assentiment de l'accord de coopération entre l'Etat fédéral et la Région wallonne concernant la guidance et le traitement d'auteurs d'infractions à caractère sexuel (M.B., 11/19/1999).

Ces accords organisent le suivi des délinquants sexuels dans le cadre des différentes législations qui l'instaurent. Ils prévoient, outre l'installation d'équipes psychosociales spécialisées au sein de certains établissements pénitentiaires, la mise en place d'équipes de santé externes spécialisées dans la guidance et le traitement d'auteurs d'infractions à caractère sexuel et responsables de la prise en charge du traitement, de la formulation d'avis ainsi que des rapports de suivi aux autorités compétentes. Elles sont épaulées par des centres d'appui investis de missions de consultance, d'information et de logistique. Le financement de ces programmes et services dépends des autorités fédérales et communautaires. Ces services offrent une suivi psycho-médicale spécialisé (thérapie) et également des modules de prévention pour des personnes qui cherche d'aide préventivement. Pour ces derniers, il faut néanmoins admettre que l'offre est limitée et que l'existence de l'offre est trop peu connue.

Référence est également fait aux Leerprojecten voor Daders van Seksueel Geweld » (projets de formation pour les auteurs d'infractions à caractère sexuel) qui dispose d'une offre qui s'inscrit dans le cadre d'une mesure judiciaire alternative pour les auteurs au comportement sexuel déviant impliqués dans une procédure judiciaire. Les projets de formation sont subventionnés depuis octobre 1995 par le Ministre de la Justice et relèvent de l'arrêté royal du 17 décembre 2003 relatif à la subvention d'organismes offrant un encadrement spécialisé aux citoyens impliqués dans une procédure judiciaire (projets nationaux). Les projets de formation s'adressent aux auteurs au comportement sexuel déviant, qualifié de « délit » au sens juridique du terme. La guidance se déroule toujours de manière individuelle et sur mesure selon le client. Si cela s'avère souhaitable, les personnes concernées pertinentes sont elles aussi invitées à un entretien. Au cours de la guidance, l'on peut se pencher sur les compétences sociales et personnelles. Le dispensateur de la guidance part du délit et adopte une attitude d'empathie et de confrontation.

En ce qui concerne le traitement psycho-médical en prison, il convient de souligner que le traitement effectif n'est pas une compétence de l'administration fédérale mais bien des Communautés. L'administration fédérale ne prodigue – via le service psychosocial (SPS) – que la 'préthérapie' dans l'enceinte de la prison. Les délinquants sexuels internés ainsi que les délinquants sexuels-condamnés ordinaires atteints de graves problèmes psychiatriques qui sont admis dans une section psychiatrique de la prison sur décision du psychiatre de l'équipe de soins font exception au principe selon lequel l'administration fédérale ne dispense aucun traitement. Ceux-ci sont accompagnés par l'équipe de soins psycho-médicale attachée à la prison. En vue d'un accompagnement et d'un suivi spécifiques, le SPS

inscrit les délinquants sexuels auprès d'instances externes conformément aux accords de coopération conclus avec la Flandre, la Wallonie et Bruxelles.

Il est référé au projet pilot COSA (« Circles of Support and Accountability », ou cercles de soutien et de responsabilité) organisé à l'initiative de la Maison de Justice à Anvers. COSA s'adresse aux auteurs de faits de mœurs qui présentent un risque de récidive moyen à élevé et qui sont libérés après leur détention et suivis dans le cadre des Accords de coopération. Il s'agit d'une toute nouvelle approche en Belgique pour le soutien et le monitoring de délinquants sexuels condamnés. Les cercles sont composés de trois à cinq bénévoles locaux, qui soutiennent sur le plan émotionnel et pratique un délinquant sexuel (la « personne centrale ») dans son parcours de réinsertion dans la société. Les bénévoles sont assistés d'un cercle extérieur de professionnels qui s'occupent de la personne centrale. Un coordinateur de cercle accompagne les bénévoles et sert de trait d'union entre les cercles intérieur et extérieur. L'objectif premier de cette nouvelle approche est d'éviter de nouvelles victimes. Le Service de la Politique criminelle du Service Public Fédéral Justice vient de finaliser début 2014 une étude de suivi des premiers cercles expérimentés. Dès janvier 2014, le projet est poursuivi au sein du Centrum voor Algemeen Welzijnswerk (Centre d'aide sociale) à Anvers. Un deuxième projet est démarré au sein du I.T.E.R. (Centre d'aide aux auteurs) à Bruxelles dans une collaboration entre le Centrum voor Algemeen Welzijnswerk (Centre d'aide sociale) de Bruxelles, le Centrum voor Geestelijke Gezondheidszorg (Centre pour la santé mentale) de Bruxelles et le Leerproject voor Daders van Seksueel Geweld à Bruxelles (projets de formation pour les auteurs d'infractions à caractère sexuel). Les centres d'aide social ont une expérience de travailler avec des bénévoles et avec l'accompagnement des auteurs d'infractions à caractère professionnelle). Dans ce nouveau format, les assistants de justice resteront présents dans le cercle extérieur de professionnels.

En ce qui concerne les mineurs auteurs d'infractions à caractère sexuel, Groupados est une cellule de l'équipe SOS Enfants-ULB (Université Libre de Bruxelles du CHU Saint-Pierre, spécialisée dans l'aide à l'enfance maltraitée. Elle s'adresse à des adolescents qui ont commis des faits qualifiés « abus sexuels » sur d'autres adolescents, sur des enfants ou sur des adultes. L'objectif est de rencontrer chaque jeune de façon très intensive afin de réaliser une évaluation de sa personnalité et d'ainsi proposer, si cela s'avère nécessaire, des pistes de travail spécifiques. Certains jeunes ont la possibilité d'intégrer un groupe thérapeutique.

Le projet Exit de la fédération des centres autonomes d'aide sociale générale s'adresse également à ce groupe cible. EXIT entend avant tout être un projet offrant une issue aux jeunes. Ce projet se penche non seulement sur le comportement sexuel déviant mais également sur l'apparition et la persistance d'un tel comportement. L'on prête attention à l'apprentissage de compétences non seulement sur le plan sexuel mais aussi sur les plans relationnel et social, ainsi qu'à la prise de responsabilités.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Did not reply to this question / N'a pas répondu à cette question

Question 10a) of the General Questionnaire

With a view to assessing and preventing a risk of commitment of criminal act, no legislative measures, nor programmes or measures for effective interventions have yet been established for this type of criminal offence. However, within a network framework of health institutions there are counsel centres engaging specialised experts, who offer adequate psychological treatments to the persons who fear that they may commit one of criminal offence established by the Convention.

Certain schools and local communities have preventive programmes and measures which should be clearly defined and should be mandatory for all subjects of protection.

Question 10b) of the General Questionnaire

By the latest amendments to the Criminal Code of Republic of Srpska[4] the security measures were amended aiming at broadening it by introduction of new security measures, which are in compliance with the basic principles from the Lanzarote Convention as follows:

- Prohibition to approach or contact another person;
- Mandatory psychiatric treatment;
- Removal from joint household

Those amendments created a legal possibility in Republic of Srpska to impose measures for mandatory medical treatment to perpetrator of criminal offence for sexual violence of child, respectively psychological treatment differing from the Federation of Bosnia and Herzegovina and Brčko District, where this measure may be pronounced only to perpetrator who has committed this offence in a state of significantly diminished responsibility. The court may pronounce security measure for mandatory psychiatric and social treatment to a perpetrator of a criminal offence with elements of violence, if it finds based on the previous life of the perpetrator and psychiatric characteristics of his/her personality that there is danger that he/she shall repeat such or similar offence and that the psychiatric and social treatment is required for the elimination of this danger.

This measure of the mandatory psychiatric and social treatment may be applied along with serving a sentence by imprisonment or by community service, or with suspended sentence (Article 62b, para 2) and shall last until reasons for which it was pronounced ceased to exist, but at latest until expiration of imprisonment or community service or expiration of time-limit control with conditional sentence. It shall be executed in the institution for execution of the punishment of imprisonment or in other appropriate institution (Article 62b para 3).

Measures of psychosocial treatment may be pronounced to perpetrator of the domestic offence in compliance with the Law on protection from domestic violence. A goal of protective measures is to prevent domestic violence by its application, to ensure necessary

[4] „Offical Gazette of Republic of Srpska " No. 67/13

health protection and security of victim of the violence, and to remove circumstances that are favourable or seminally impact on commitment of new domestic violence. Non-governmental organisations that have Safe houses for victims of domestic violence have started to work with perpetrator of violence and carry out their programmes for psychosocial treatment. The laws in Entities constituted misdemeanour sanctions for failure to proceed with the pronounced measures. In case that a person who fails to act in accordance with the pronounced legal protective measure as per Federation Law on protection from domestic violence, shall be sentenced with a pecuniary fine in the amount of BAM 1,000.00 to BAM 1,500.00

The Law on protection from domestic violence of Republic of Srpska similarly determines the issue of misdemeanour sanctions for protection against domestic violence. Article 42, para 5 of the mentioned law proscribes for adult perpetrator of domestic violence of child a sentence with pecuniary fine in the amount of BAM 2,500.00 to BAM 7,500.00.

BULGARIA / BULGARIE

Social Protection directorates shall take the appropriate measures in accordance with every specific case**.**

Question 10 of the General Questionnaire

The measures are provided in the Implementation of Penal Sanctions and Detention in Custody Act and its Implementing regulation. The relevant provisions are cited below:

I. Implementation of Penal Sanctions and Detention in Custody Act

PART ONE
GENERAL PROVISIONS. SPECIALISED AUTHORITIES IMPLEMENTING
PENAL SANCTIONS

Chapter Eight
PLACES OF DEPRIVATION OF LIBERTY

Section II
Accommodation at Places of Deprivation of Liberty

Article 55.

(1) Newly admitted persons deprived of their liberty shall be obligated to cooperate upon the conduct of a check of cleanliness and hygiene, a medical examination, and a psychological evaluation.

(2) (Supplemented, SG No. 103/2012) Before expiration of the period for stay at the reception unit, an assessment of the risk of recidivism and the risk of damage shall be prepared for each newly admitted person, as well as an assessment of the personality traits, health status and working capacity and **recommendations for future group or individual work**. The said assessment shall be prepared by the relevant social worker, the medical officer of the prison and the psychologist.

(3) (New, SG No. 103/2012) Mandatory psychological evaluation shall be conducted for persons sentenced to life imprisonment or life imprisonment without commutation, for persons sentenced to more than 10 years' deprivation of liberty, as well as convicts who are assessed by the risk assessment system to pose a "very high" or "high" risk of causing damage. In all other cases, evaluation shall be conducted upon request from a social and correctional-education work inspector which states the reasons thereof.

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Chapter Eleven
SOCIAL AND CORRECTIONAL-EDUCATION WORK

Article 152.

(1) Social and correctional-education work shall be essential tools of resocialisation of persons deprived of their liberty and shall seek to assist the personality change of sentenced persons and the building of skills and abilities for a law-abiding lifestyle in society.

(2) Social and correctional-education work at the places of deprivation of liberty shall include:

1. diagnostic and individual correctional work;
2. (amended, SG No. 103/2012) programmes for intervention, for reduction of the risk of recidivism and of the risk of damage;
3. education, training and qualification of persons deprived of their liberty;
4. creative, cultural and sports pursuits and religious support.

(3) Group and individual social and correctional-education work shall be implemented with persons deprived of their liberty.

Section I
Programmes for Intervention, for Reduction of the Risk of Recidivism
and of the Risk of Damage
(Title amended, SG No. 103/2012)

Article 153.

(1) (Amended, SG No. 103/2012) Sentenced persons, accused persons and defendants shall obligatorily be enrolled in a programme for adaptation to the conditions in prisons or reformatories immediately after they have been admitted to them.

(2) The adaptation programme shall be of a duration of up to three months.

(3) Upon implementation of the adaptation programme, the persons deprived of their liberty shall be provided with information in a language which they understand regarding the objectives and forms of social and correctional-education work at the places of deprivation of liberty.

Article 154.

(1) (Amended, SG No. 103/2012) During his or her stay in the reception unit, every sentenced person shall be enrolled in the adaptation programme; an assessment of the risk of recidivism and the risk of damage, as well as an initial report, shall be prepared.

(2) (Amended, SG No. 103/2012) The initial report shall include:

1. (amended, SG No. 103/2012) an assessment of the risk of recidivism and the risk of damage;
2. causative factors of the risk of recidivism;
3. (amended, SG No. 103/2012) a proposal for remedying personality deficiencies and containing the causative factors of the risk of recidivism and the risk of damage.

(3) (New, SG No. 103/2012) Persons with psychiatric and mental problems for whom it is impossible to carry out the diagnostic activities referred to in Paragraph 1 herein shall be subjected to psychiatric or psychological evaluation.

(4) (New, SG No. 103/2012) Accused persons and defendants who have been placed in a reception unit shall be enrolled in the adaptation programme, and an assessment of the risk of damage shall be prepared for them.

(5) (Renumbered from Paragraph 3, amended, SG No. 103/2012) The rules for assessing the risk of recidivism and the risk of damage shall be endorsed by the Minister of Justice.

Article 155.

(1) The evaluation of the sentenced person shall be modified depending on the behaviour of the person deprived of his or her liberty.

(2) On the basis of the evaluation of the sentenced person, proposals shall be made for:
1. alteration of the regime of service of the sentence;
2. transfer to a prison facility of a lower security type or, respectively, of a higher security type;
3. conditional early release.

Article 156.

(1) (Amended, SG No. 103/2012) After the completion of the adaptation programme, an individual plan for execution of the sentence shall be drawn up for each sentenced person; it shall include intervention activities and programmes for resocialisation of the sentenced person.

(2) The individual plan for execution of the sentence shall be prepared on the basis of:
1 the type and nature of the criminal offence committed;
2. the length of the sentence imposed;
3. (supplemented, SG No. 103/2012) the assessment of the sentenced person and the causative factors of the risk of recidivism and of damage;
4. the initial place assigned by the court for service of the custodial sentence as imposed.

(3) The individual plan for execution of the sentence shall have as an objective:
1. (supplemented, SG No. 103/2012) the enrolment of the sentenced person in programmes and activities for personality change and elimination of the causative factors of the risk of recidivism and of damage;
2. transfer for service of the sentence as imposed to a prison facility of a lower security type;
3. conditional early release.

(4) An annual report on the results of the work under the individual plan for execution of the sentence shall be prepared for each sentenced person.

Article 157.

(1) The specialised programmes for individual and group work shall be implemented by the social and correctional-education work inspectors jointly with the personnel members of the rest of the fields of activity, volunteers and suitably trained outside experts.

(2) The specialised programmes shall have as an objective:

1. to motivate and encourage law-abiding behaviour;
2. to increase the social competence and to build behavioural skills;
3. to overcome dependencies;
4. (repealed, SG No. 103/2012).

(3) Participation of sentenced persons in specialised programmes shall be voluntary. Their co-operation in the resocialisation process shall be encouraged.

(4) The specialised programmes for individual and group work shall be endorsed by the Chief Director of the Chief Directorate of Implementation of Penal Sanctions on a proposal by the Council on Implementation of Penal Sanctions.

Article 157a. (New, SG No. 103/2012)

(1) Before they are released, persons deprived of their liberty shall be enrolled in a specialised programme preparing them for life after release.

(2) The life after release programme shall last between one and three months.

(3) In implementing the programme referred to in Paragraph 1 herein, an action plan shall be drawn up for every sentenced person, listing realistic, practical steps to cope with the conditions of life in society after release.

Article 158.

Individual work with sentenced persons shall include:

1. provision of information regarding the legal and social status and the possibilities to relax the conditions of serving the sentence;
2. assistance to addressing problem situations and building skills to cope with difficulties;
3. referral to and intermediation with outside organisations for solving particular problems;
4. motivation for active participation and cooperation in the preparation for return to life in society after release.

Section II

Education, Training and Qualification of Persons Deprived of their Liberty

Article 159.

(1) Educational, training and qualifying activities, accessible on an equal footing to all persons deprived of their liberty, shall be implemented at the places of deprivation of liberty.

(2) The participation of persons deprived of their liberty in educational, training and qualifying activities shall be taken into consideration in determining the degree of correction and re-education.

Article 160.

(1) (Amended, SG No. 68/2013, effective 2.08.2013) Schools at the places of deprivation of liberty shall be opened, transformed and closed by the Minister of Education and Science on a proposal by the Minister of Justice. The said schools shall carry out the activity thereof according to the state educational requirements.

(2) The school principals and the teachers at the places of deprivation of liberty shall be appointed according to the procedure, established by the Public Education Act.

Article 161.

(1) The curricula and syllabi shall conform to the state educational requirements for education level.

(2) (Amended, SG No. 103/2012, SG No. 68/2013, effective 2.08.2013) The activity of the schools at the places of deprivation of liberty shall be financed by the state budget through the Ministry of Education and Science.

(3) (Amended, SG No. 68/2013, effective 2.08.2013) A completed education level, an acquired qualification in an occupation or part of an occupation shall be certified by a document, endorsed by the Ministry of Education and Science.

(4) (New, SG No. 103/2012) In order to meet the needs of schools at places of deprivation of liberty, the Ministry of Justice shall provide and make available premises of its own.

Article 162.

(1) Persons deprived of their liberty, who have not attained the age of 16 years, shall be subject to compulsory schooling at the schools at the places of deprivation of liberty.

(2) Persons deprived of their liberty, who are not subject to compulsory schooling, may be enrolled in general educational instruction.

(3) The educational, training and qualification activities at the places of deprivation of liberty shall include:

1. general and vocational education;
2. vocational training;
3. literacy and vocational courses;
4. social education.

(4) The activities, covered under Paragraph (3), shall be implemented in the following forms:

1. daytime;
2. evening courses;
3. extramural;
4. individual;
5. self-managed learning.

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PART FOUR
IMPLEMENTATION OF DETENTION IN CUSTODY AS PRECAUTIONARY MEASURE TO SECURE PERSON'S APPEARANCE

Article 240. Save insofar as otherwise provided for in this Part, the provisions regarding the persons sentenced to deprivation of liberty shall furthermore apply to the accused and the defendants who are detained in custody as a precautionary measure to secure the appearance thereof.*

*** Apparent from the provisions of Art. 240 in respect of detainees, with their consent, given the fact that the case is still pending, the latter can be included in programs and measures for intervention.

II. Implementing regulation on the Implementation of Penal Sanctions and Detention in Custody Act

Part Two "Structure and powers of the General Directorate "Execution of Penalties"

Art. 3.

(1) General Directorate "Execution of Penalties" is a specialized administrative structure of the Ministry of Justice.

(2) The activities of the General Directorate is related to the execution of penalties imposed by the courts with effective legal acts, as well as implementation of the measure of detention in custody, taken under the Criminal Procedure Code.

(3) The General Directorate "Execution of Penalties" operates under par. 2 in accordance with the standards of management performance.

Art. 7. Powers of GD ES are:
....
6. Concerning the general **penitentiary social activities and religious support**:
a) provides methodological guidance and controls activities of general penitentiary social activities and religious support to the prisoners;
b) develops methodological guidelines for the needs of practical action in execution of the sentence of imprisonment;
....
e) provides and supports the organization and implementation of creative, cultural and sports events for understanding of the leisure time by prisoners;
f) prepares comments and opinions, participates in specialized committees in developing the creative, cultural and information, sports and religious activities in prisons, correctional institutions and detentions;
....
k) organizes and coordinates the interaction with non-governmental organizations in the country and abroad, controls the attraction of volunteers for the implementation of socio-educational and religious activities in places of deprivation of liberty;

8. **Relating to specialized activities with offenders:**
a) provides methodological guidance, monitoring and control of the activities for introducing and implementation of specialized programs to work with offenders;
b) organizes and manages activities for psychological care of deprived from liberty;

c) carries out enforcement activities, and updating the assessment of the offender and sentence planning in accordance with good practice; contributes to their implementation in the work of the prison and probation services;
d) participates in the preparation of quality standards for social work and supervises in this direction;
e) organizes and supervises specialized individual and group work with offenders in prisons, correctional institutions and probation services;
f) implements and monitors the implementation of educational and training programs for persons deprived from liberty and sentenced to probation;
g) supervises the implementation of specialized programs for adaptation and preparation for life in liberty;
h) prepares analyses and develops strategies for developing socio correctional activities with offenders;
i) carries out activities in preparation for the life of freedom and interacting with external institutions and NGOs;
j) establishes projects aimed at development of the penitentiary and probation practices, involves in their implementation;
k) analyses of the state of the prison community and subculture;
....

Chapter Four
Social work and educational work

Section I
Diagnostics and individual corrective work

Art. 120.

(1) An individual and group diagnostic activities are carried out in the places of deprivation of liberty, including:

1. Case study and evaluation of the risk of relapse and harm;
2. Psychological examination;
3. Socio-psychological study and analysis of prison groups and communities.

(2) The activities referred to in para. 1 are carried out by inspectors in social work and correctional work, probation inspectors inspectors-psychologists and inspectors-pedagogues by approved methods and in interaction with other employees of the prison or correctional institution.

Art. 121.

(1) An individual corrective work with the convicted is aimed at informing them about their rights and social status and conditions of the penitentiary.

(2) Individual counselling helps reduce internal tensions and affections to overcome readiness to violence and destructive effects of mediation in conflicts, as well as reducing the risk of suicide and self-harm.

(3) Individual and group programs are implemented to improve critical thinking skills, anger management, adaptation to newly living conditions and conditions in the institution and preparation for life in the wild.

(4) Individual work with convicts is consistent with the assessment of the risk of relapse and harm to them, as well as data from the psycho-diagnostics. It helps to motivate convicted at inclusion in specialized programs impact general and vocational training.

(5) The results of individual corrective work are reflected in current reports on each case.

Art. 122.

(1) The psychological diagnostics shall be express and extended. First, the psychological study of newly detained shall be extended and the subsequent – express ones.

(2) The psychological diagnostics mandatory includes an interview, one complex verbal personal methodology and at least projective one. When deployed psychological study than those fixed methodologies applied by two to five additional according to the characteristics of the respondent.

(3) Individual counselling shall be done by inspector-psychologists. The results of psychological assistance shall be rendered in a written report for each case.

Art. 123.

(1) Social work with prisoners is aimed at individual and group career counselling on problems raised of personal, family, health, property or other nature, relating to the treatment and stay in the penitentiary institution.

(2) Social work aims to support convicted for solving various problematic situations and develops skills to deal with difficulties.

Section II

Impact Programme for reducing the risk of relapse and the risk of significant harm

Art. 124.

(1) The impact programs are a form of professional intervention aimed at changing behaviour and personality of the convicted.

(2) Participation of the deprived from liberty in impact programs is voluntary.

Art. 125.

(1) Deprived from liberty are offered special programs for individual and group work according to the profile of the registered needs, objectives in the individual plan of execution of the sentence and the available resources**.**

(2) The specialized programs include:

1. Description of the methods that will lead to changes in attitudes, skills and behaviour of convicted;
2. Descriptions of each session (class) of the program;
3. Evaluation scale for measuring changes;
4. Guidance on administration and supervision of the program;
5. Feedback Form.

(3) Inspectors social activities and educational work, inspector-psychologists and the inspector on probation in prison or correctional institution conducting specialized programs, shall pass a training course.

(4) Each program for group work starts after the strict selection of participants and is led by two employees, and during its implementation, it obligatory shall be supervised by a third officer. The employees who conduct a specialized program for group work shall be supervised at least once a year.

(5) Each group classes is conducted on the basis of pre-existing plan and is recorded after completion.

(6) Where the specialized group work is with drug-addicted deprived from liberty, the participants in the program shall be placed in separate premises.

(7) Upon completion of the program a report shall be prepared that includes analysis and evaluation of the results for the participants in the specialized group work.

(8) Prisoners who have successfully completed a specialized impact program, shall count their working days in accordance with Art. 178, para. 4 of IPSDCA as 16 hours group classes count for three days imprisonment.

Art. 126. (1) In the reception unit for every new sentenced shall be prepare a risk assessment and recommendations for future work.

(2) An extended psychological examination shall undergo all newcomers regardless of the level of risk of recurrence and the damage that they have.

Art. 127.

(1) For sentenced to a punishment of up to six months deprivation from liberty and for defendants shall be made express psychological conclusion and assessment of risk of harm.

(2) After the decree of final judgment, a risk assessment and extended psychological conclusion shall be prepared with the deprived from liberty presents him/herself to the Committee on distribution.

Art. 128.

(1) Each newly admitted deprived from liberty shall be included in compulsory specialized program for adaptation to the conditions of serving the sentence imposed.

(2) The program under par. 1 the deprived from liberty is informed of their rights and obligations, for legal and administrative procedures in the institution, established rules for contacts with other deprived from liberty, staff and the outside world, for the proposed activities and impact programs.

(3) Within the specialized programs for adaptation the deprived from liberty shall go through a total psycho-diagnostics, risk of relapse and harm, and psychiatric examination.

(4) Based on the diagnostic procedures under par. 3 a plan and an initial report on the implementation of the sentence shall be prepared, where the appropriate activities and programs for individual deprived from liberty are stated as well as the sequence of their deployment.

(5) The activities referred to in para. 3 and 4 shall start in the reception unit and are carried out by inspectors social activities and educational work in terms up to three months of the entering of the deprived from liberty in prison, correctional institution or prison hostel together with Inspector psychologist and / or psychiatrist.

Art. 129.

(1) An individual plan for serving of the sentence is prepared based on the evaluation of the convicted and the socio-correctional work is conducted in accordance with the plan.

(2) The sentence plan shall contain:

1. The description of risk needs / problematic areas on which work will be done;
2. Precise objectives corresponding to the specific needs;
3. Concrete definition of the employment, educational, training, cultural-informational, sports and correction measures to achieve the objectives;
4. The responsible official for conducting the measures;
5. Deadlines for implementing the measures.

(3) The individual plan for execution of the sentence identifies measures for the realization together with other officials in prison, correctional institution or prison hostel and representatives of the self-governed bodies.

(4) For every prisoner a replanning shall be done based on the duration of the sentence and the changes in the course of corrective action.

(5) In cases of very high, high and medium to high risk of harm the original individual planning and replanning of serving the sentence is conducted by the respective inspector social activities and educational work together with other employees and with the convicted.

(6) In the low-risk and medium to low risk the re-planning of the sentence is carried out only with the convicted.

(7) Results from the individual plan to prepare an annual report for each convicted.

Art. 130.

(1) The subsequent risk assessment shall be carried out each year or when in the initial risk assessment are outlined the following problems:

1. Overall risk - high and medium to high risk;
2. Crimes involving the use of violence and coercion;
3. Crimes involving organized criminal activity;
4. Abuse with drugs and / or alcohol abuse;
5. Mental and emotional problems;
6. Dangerous and destructive reactions;
7. Low level of basic social and communication skills.

(2) The subsequent risk assessment beyond that under para. 1 shall be accompanied by justification of proposals and decisions in the Commission on the Executing of Sentences in cases under art. 74, para. 1, item 2, 5, 6 and 7 IPSDCA.

(3) In the subsequent assessment under par. 1 and 2 A thorough study of all the factors shall be conducted, focusing on the changes in the whole risk profile and needs compared to the initial assessment of the convicted.

(4) In the rest cases under Art. 74, para. 1 IPSDCA, proposals for individual convicted before the Commission on the Executing of Sentences shall be justified based on the current penitentiary report including the assessment of changes in behaviour.

Art. 131. The justified proposals to the Commission on the Executing of Sentences for or against on one or more grounds under art. 74, para. 1 of IPSDCA shall be prepared by the inspectors social activities and educational work, responsible for specific prisoners' groups.

Art. 132. For deprived from liberty isolated under art. 120, para. 1 of IPSDCA, a team consisted of inspector social activities and educational work, Inspector psychologist and officer of the guards shall monitor and periodically assess the case, which is recorded as a report.

Implementation of Penal Sanctions and Detention in Custody Act

Chapter Fourteen

SPECIAL PROVISIONS ON IMPLEMENTATION OF PENAL SANCTION OF DEPRIVATION OF LIBERTY IN RESPECT OF JUVENILES

Article 186.

The implementation of the penal sanction of deprivation of liberty in respect of juveniles shall have as a prime objective their re-education and their preparation for return to life in society after release.

Article 188.

(Amended, SG No. 68/2013, effective 2.08.2013) An educational board shall be established with each reformatory, whereof the composition, tasks and operation shall be determined by an ordinance of the Minister of Justice and the Minister of Education and Science.

....

Article 190.

(1) The overall activity comprehended in the resocialisation of juveniles deprived of their liberty shall be conducted in conditions of maximising opportunities for contact of the sentenced persons with the outside environment as a whole, with relatives and persons who exert a good influence thereon, with volunteers and representatives of non-governmental organisations.

....

(3) The director of the reformatory may:

1. direct the juveniles to contacts with persons and representatives of charitable organisations, who may facilitate the resocialisation thereof;

....

Article 196.

Save insofar as otherwise provided for in this Chapter, the general provisions shall apply upon implementation of the penal sanction of deprivation of liberty in respect of juveniles.

Implementing regulation on the Implementation of Penal Sanctions and Detention in Custody Act

Chapter seven
Special provisions for the implementation of deprivation of liberty
in regard to a juvenile

Art. 195.

Save insofar as otherwise provided for in this Chapter provisions of the preceding chapters of this Regulation shall apply to juveniles.

Art. 196.

(1) The newly juveniles are accepted by the director of the correctional institution, psychologist and physician. They stay in the reception for the duration from 14 days to a month. Juveniles, who enter for the second and subsequent time or from the arrest stay 10 to 14 days. During this time they become aware with the situation and order in the correctional institution, their personality qualities, criminal infestation, education, educational neglect, marital status and causes of crime are examined.

(2) Based on the assessment by the physician and psychologist and a proposal by the inspector after the expiry of the stay in the reception department juveniles are divided into groups, educational classes and jobs.

CROATIA / CROATIE

Within the framework of the regular health-care system, all persons insured with the Croatian Health Insurance Institute who fear that they might commit any of the criminal offences established in accordance with this Convention have access to the system's primary, secondary, and tertiary health-care institutions. See the answer to question 10a of the General Overview Questionnaire.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

The Health Care Act[5], the Mandatory Health Insurance Act[6], and the Plan and programme of health-care measures covered by mandatory health insurance[7] represent the basic legislation on the health-care system in the Republic of Croatia.

[5] Official Gazette 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 35/12 – Decision of the Constitutional Court of the Republic of Croatia, 70/12 and 82/13.
[6] Official Gazette 80/13.

Within the framework of the regular health-care system, all persons who are insured with the Croatian Institute for Health Insurance and who fear that they might commit any of the offences established in accordance with the Convention have access to the systems' primary, secondary and tertiary health-care institutions.

The Plan and programme of health-care measures covered by mandatory health insurance establishes, subject to available funding and health-care capacities, health-care measures referred to in the Mandatory Health Insurance Act, through the implementation of which measures persons insured with the Croatian Institute for Health Insurance are able to exercise their right to health care covered by mandatory health insurance, the entities obliged to implement health-care measures, and the manner of their implementation.

One of the programmes of health-care measures covered by mandatory health-care insurance in primary health care, more specifically in general practice/family medicine, is the programme of mental health care measures:

1. Improvement and maintenance of adult mental health – by counselling persons at risk in order to develop their abilities to face up to everyday life and overcome crises and to prevent mental disorders.

The body responsible for implementing the said measure is a mental health-care team, i.e., a chosen primary health-care team cooperating with and consulting specialists in psychiatry.

2. Early detection, treatment and rehabilitation of mental disorders affecting persons who have sought help because of mental as well as certain physical health problems coupled with their referral to a chosen psychiatric consultation unit.

The body responsible for implementing the said measure is a mental health-care team, i.e., a chosen primary health-care team cooperating with and consulting specialists in psychiatry.

The profession of medical specialists encompasses more sophisticated measures and procedures for prevention, diagnosis, treatment and rehabilitation.

Measures of specialised-cum-consultative health care are implemented, among other things, through psychiatric treatment.

The services provided by hospitals include diagnosis, treatment and medical rehabilitation, health care, and accommodation and alimentation of inpatients.

Question 10b) of the General Questionnaire

The programme "Prevention of Recidivism and Impulsive Behaviour Control" (PRIBC) for male perpetrators of criminal offences convicted of criminal offences against sexual freedom and criminal offences of sexual abuse and sexual exploitation of children has been implemented within Croatia's prison system since 2005. The said perpetrators undergo group treatment based on psychotherapeutic and psychosocial interventions largely relying on cognitive-behavioural therapy and psycho-education. Meetings lasting 60 to 90 minutes

[7] Official Gazette 126/06 and 156/08.

are held within small and fixed groups of prisoners (8 to 12 of them) once a week during 10 months, i.e., 40 weeks. Each PRIBC group is managed by two persons specially trained to work with perpetrators of the said criminal offences.

The Programme was first implemented only at the Lepoglava Penitentiary. However, in 2008, it was also launched in the Glina Penitentiary and since 2013 it is available in the Zagreb Prison as well.

As a unique mental health facility offering treatment to children suffering from various traumatic experiences, including children who have been sexually exploited and sexually abused, the Zagreb Polyclinic for the Protection of Children has no special programmes for young offenders, but provides both diagnosis and treatment of minors and children with sexual behaviour problems who are most frequently referred for examination by the competent social welfare centre. Where during the child's examination it is revealed that the perpetrator of sexual violence against the child is a minor, i.e., a child with sexual behaviour problems, the competent social welfare centre is recommended to refer this child/minor too for examination and possibly treatment at some mental health facility since it is important to focus on the child's behaviour and not on his/her classification as perpetrator.

The young with risky behaviours may be referred for consultative treatment to prevention of addiction and mental health services of county public health institutes.

Since the measures taken for the purpose of implementing intervention programmes aimed at preventing defendants, perpetrators convicted by a final judgment, and minors from repeating the same criminal offences, have already been expounded in the answer to question 6c) of this questionnaire, we will not repeat here the measures applied within Croatia's criminal law system. However, in view of the provision of Article 17 of the Convention, it should be pointed out that precautionary measures may be imposed where conditions for investigative imprisonment exist. Precautionary measures (enumerated in the answer to question 6c) of this questionnaire) are always ordered by means of a reasoned written order which, pursuant to the provision of Article 98 of the CPA, is accompanied by an oral warning to the defendant that, if he/she fails to comply with the ordered precautionary measure, the said measure will be replaced by investigative imprisonment. Special obligations, some of them being subject to the convicted person's consent, may be imposed on the convicted person in addition to the conditional sentence. Such special obligations concerning certain criminal offences regulated by this Convention which may be imposed only with the convicted person's consent are mentioned in the answer to question 3c) of this questionnaire: special obligation to undergo treatment or continue treatment necessary to overcome a disorder that might act as an incentive to the commission of a new criminal offence, and participation or continuation of participation in psychosocial treatment at health care facilities or legal or natural persons authorised to provide psychosocial treatment (Article 62, paragraph 2, points 4 and 6 of the CA). The said legislation also provides for the statutory obligation that the convicted person be orally informed of the said special obligations (measures) prior to their imposition.

Furthermore, the conditional sentence handed down against the offender may also be coupled with protective supervision or a safety measures. Protective supervision may be imposed on adult perpetrators subject to statutory conditions, while young offenders under the age of 25 years are, in addition to the conditional sentence, community service or conditional discharge, generally imposed protective supervision if they have been sentenced to imprisonment for a term in excess of six months (Article 64 of the CA). In the latter case, the convicted person need not consent to protective supervision (such as, for instance, the protective supervision measure of regularly reporting to the probation officer) but is warned, both orally and in the reasoned part of the judgment (pursuant to the provision of Article 58 of the CA), that the conditional sentence may be revoked if he/she repeatedly fails to discharge the obligations imposed on him/her in terms of protective supervision. The same applies to perpetrators who are imposed a special obligation alongside the conditional sentence.

Where a safety measure is imposed alongside a sentence of imprisonment, it is implemented within the competent penal system. Where it is imposed alongside a conditional sentence, the convicted person's failure to abide by it will also result in the conditional sentence being revoked.

Under the conditions provided for in the Juvenile Courts Act, a minor or a young adult – perpetrator of a criminal offence may be imposed one of the special obligations explicitly set forth in the said Act. The Juvenile Courts Act also requires that the minor be specifically warned of the possibility of his/her being sent to a correctional centre if he/she fails, through his/her own fault, to discharge special obligations. The body responsible for supervising whether these obligations are being fulfilled is the social welfare centre in the county acting under the court's supervision. The law does not provide for the possibility of refusing to abide by special measures.

DENMARK / DANEMARK

See answer to question 10a) of the GOQ.

<u>Question 10a) of the General Questionnaire</u>

In 1986, the Mental Health Services of the Capital Region of Denmark established a Clinic of Sexology. The clinic attends to examination, counselling and treatment of people with sexually adverse thoughts or behaviour which might be caused by psychological, psychiatric, somatic or social issues. Counselling can be given anonymously by telephone by specially trained psychologists or doctors. Treatment includes individual or group therapeutic sessions provided by psychologists or doctors. The Clinic of Sexology is also responsible for ongoing research in relation to new methods of treatment and improved diagnostics. Furthermore, the clinic engages in research regarding criminal offences of sexual assaults and sexual physiology.

In cooperation between Save the Children, the counselling and treatment service Janus Centre and the Mental Health Services of the Capital Region of Denmark, a website called www.brydcirklen.dk has been launched. The website is part of a broader campaign that

aims to prevent sexual abuse of children. The purpose of the campaign is to encourage adults who fear that they may commit offences of this sort to seek anonymous counselling by professional and specially trained psychologists and doctors. The Health and Medicines Authority has funded the campaign with DKK 500,000 in order to enhance the knowledge of the website www.brydcirklen.dk.

As part of the plan "Coordinated measures to protect children against abuse", DKK 24.5m was allocated to the establishment and management of clinics for children and young persons with sexually transgressive behaviour. The purpose is to strengthen the treatment of children and young persons with sexually transgressive behaviour in order to make sure that their behaviour is discontinued so that they do not develop infringing behaviour as adults.

Question 10b) of the General Questionnaire

In 1997, initiatives were taken to intensify the efforts made against sexual offences, in particular sexual offences committed against children. These initiatives resulted in two treatment schemes for sexual offenders: the treatment scheme and the referral scheme.

Under the *treatment scheme*, the convicted person may be given a suspended sentence with a condition of psychiatric sexological treatment for two years in lieu of a prison sentence. The target group of convicted offenders under this scheme comprises persons who would otherwise have received prison sentences of four months up to about 18 months for sexual offences not involving violence or duress. Accordingly, especially offenders who have committed incest and aggravated forms of private indecency fall within this scheme.

The offender must meet various conditions to fall within the scheme. The offender must be suited and motivated for treatment. The offender must have pleaded guilty to the charges in full or in part and must express a need for the treatment. Moreover, the risk that the offender will commit another sexual offence during the treatment period must be low.

The treatment is given at three out-patient treatment facilities: the Department of Forensic Psychiatry, Middelfart, the Out-Patients' Clinic of Forensic Psychiatry, Aarhus, and the Clinic of Sexology, Copenhagen.

The treatment scheme does not apply to compulsive paedophiles (the group of paedophiles whose sexual orientation is aimed exclusively at children, and whose disorder is compulsive, meaning that the risk of recidivism during the treatment period cannot be excluded) as these persons will not exclusively be treated on an out-patient basis, but must be offered treatment through the referral scheme, see below. Any previous convictions of sexual offences on the part of the person charged will be an argument against including him in the scheme.

The treatment scheme presupposes close cooperation with the social authorities. This also applies to the committees which have to prepare a recommendation for the court when it tries the criminal case (the referral committees).

The target group of convicted offenders falling within the *referral scheme* are sexual offenders with determinate prison sentences of between 30 days and four years (five years for convicted rapists) pursuant to section 210 on incest and Part 24 on sexual offences of the Criminal Code.

Such offenders usually start serving their sentence at the Herstedvester Institution, which is a prison for offenders in need of psychiatric and/or sexological treatment and other offenders. A special unit of this prison – the referral unit – is entrusted with referring the offenders to treatment and observing them. Offenders sentenced to between 30 days and three months will usually not start serving their sentences in the referral unit. However, such offenders may be placed in the referral unit if the unit exceptionally finds, after reviewing the case file, that a targeted treatment effort is manifestly needed. Additionally, offenders sentenced to imprisonment for more than three months, but no more than one year, may be offered external referral in another institution. This may be done if reasons of capacity make placement in another institution appropriate and such placement is not considered inexpedient on treatment grounds. In case of such placement, the inmate is offered a referral consultation with a therapist from the referral unit of the Herstedvester Institution.

Persons who have refused participating in the treatment scheme as an alternative to a custodial sentence, who have not been found suited for that scheme, or who have breached the conditions laid down in the suspended sentence, with the result that the prison sentence must be served, also fall within the referral scheme.

Offenders sentenced to more than four years' imprisonment (five years for rapists) will be placed in the referral unit to the extent found expedient, and otherwise in another unit at the Herstedvester Institution, as this group of offenders will usually have to serve all or most of their sentence at the Herstedvester Institution and therefore falls outside the core target group of the referral scheme.

During the stay in the referral unit, the therapeutic staff assesses whether the offender needs treatment and is motivated for it. If the offender is assessed as suited and motivated for treatment, the offender will, when transferred to the – typically – open (i.e., minimum-security) prison where the remainder of the sentence will be served, be granted leave for treatment at one of the three treatment facilities that also provide the treatment under the treatment scheme.

Sexual offenders who serve all or most of their sentence at the Herstedvester Institution are also given treatment. These are offenders subject to long prison sentences, including persons sentenced to safe custody, who have committed aggravated (repeated) sexual offences. Such inmates are offered psychiatric/psychological treatment.

In the case of certain inmates, the psychiatric/psychological treatment may be combined with libido-suppressing treatment, which is a medicinal treatment that either cancels the production of testosterone or blocks the normal effect of testosterone in the body. This treatment may be offered to inmates who have committed repeated and/or aggravated

sexual offences and where other treatment, including psychotherapy, is considered inadequate to obviate the risk of a new sexual offence.

Treatment may also be given to persons remanded in custody. In 2006, a special waiting unit was established at Vejle local prison for inmates waiting to be transferred to the Herstedvester Institution. This unit has therapeutic staff able to help remand prisoners, including persons charged with sexual offences who express a wish for help or treatment during their custody.

The treatment referred to requires the consent of the offender.

It is rare that young offenders under the age of 18 are convicted of sexual offences. Any treatment of a young offender will be carefully planned in accordance with the offender's needs.

FINLAND / FINLANDE

No specific measures have been taken regarding this group of persons.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

Currently it is possible for the persons who fear that they might commit any of the offences established in accordance to the Convention to seek help through the general public health care. There is also a private organization Sexpo ry, which is organizing therapy for persons who might have such fears. Sexpo ry and Åbo Akademi have recently planned a preventive program for people who have such fears and are currently applying for funding from Finland's Slot Machine Association (RAY), that annually distributes funds to various health and social welfare organisations based on applications.

Question 10b) of the General Questionnaire

Persons that have received a prison sentence may attend a STOP-program (Sex Offender Treatment Program: Core Program, SOTP) in Riihimäki prison. The program lasts for 8 months and is targeted to prisoners that are estimated to have a medium or high risk for reoffending. The risk for reoffending will be assessed before the start of the program. Due to the length of the program it is required that the remaining length of the prison sentence is at least 8 months. Prisoners may apply to the program from all prisons in Finland. The program includes group therapy sessions and aims at changing the understanding and the attitudes of the participants regarding their previous offensive behaviour. Currently a new individual program is being developed that could be used also outside the prison.

An Act on supervised parole (629/2013) includes provisions on medical treatment for sex offenders (translation not available). It is possible to require that the person convicted agrees to commit to medical treatment (and possibly psychological treatment) as part of the requirements for the parole. The effects of the treatment need to be explained to the prisoner before he/she commits to the treatment. The prisoner may withdraw from the

treatment at any point of the parole. This may be a reason for cancelling the supervised parole.

All the measures and treatment programs are voluntary.

Within the health and social sector there is a unit in Tampere that is specialized in treating children that have sexually offended or expressed harmful sexual behaviour towards others. The unit is open for children from around the country.

FRANCE

Voir la réponse à la question 10a) of the QAG.

Question 10a) du Questionnaire : Aperçu Général

L'article 7 de la Convention de Lanzarote rappelle que chaque partie veille à ce que les personnes qui craignent pouvoir commettre l'une des infractions établies conformément à la présente Convention puissent accéder, le cas échéant, à des programmes ou mesures d'intervention efficaces destinés à évaluer et à prévenir les risques de passage à l'acte.

Dans ses observations finales du 22 juin 2009, le Comité des droits de l'enfant de l'ONU avait recommandé à la France d'adopter de nouvelles mesures pour lutter contre la traite des enfants à des fins d'exploitation sexuelle et d'autres formes d'exploitation, et de recueillir des données pour déterminer les actions à entreprendre en cette matière, y compris outre-mer.

L'adoption de nouvelles mesures pour lutter contre la traite des enfants à des fins d'exploitation sexuelle et d'autres formes d'exploitation ne s'avère pas nécessaire puisque l'arsenal juridique français en matière pénale comprend déjà de nombreuses dispositions en vigueur permettant d'assurer la poursuite et la répression des personnes commettant de telles atteintes.

A l'automne 2011, la France a reçu la visite de la Rapporteuse spéciale sur la vente d'enfants, la prostitution des enfants et la pornographie impliquant des enfants, Mme Najat Maalla M'jid. Dans son rapport remis le 29 février 2012, elle s'est félicitée de l'engagement de la France et de sa forte mobilisation sur ce sujet, et a relevé, notamment, la richesse de son arsenal juridique, harmonisé avec les principaux instruments internationaux et régionaux, et un dispositif de prévention et de protection décentralisé performant. Elle a cependant relevé la persistance de certains défis (surenchère législative, tendance répressive, problème des mineurs étrangers isolés et donc vulnérables, fragmentation de la prise en charge des enfants et surcharge des services), et formulé à cette égard un certain nombre de recommandations, auxquelles le Gouvernement accorde une très grande attention

Il convient de rappeler que tout mineur qui se livre à la prostitution, même occasionnellement, est réputé en danger et relève donc du dispositif de protection de l'enfance qui a été réformé par la loi du 5 mars 2007

La loi du 5 mars 2007 a en effet réaffirmé le rôle du conseil général, chef de file de la mise en œuvre de cette politique publique, en précisant notamment l'articulation entre la protection administrative et la protection judiciaire, et en intégrant un volet relatif à la prévention, afin d'intervenir autour des situations de danger le plus en amont possible. Elle a créé dans chaque département une cellule de recueil, traitement et évaluation des informations préoccupantes afin d'améliorer le repérage des enfants en danger : ces cellules sont maintenant généralisées dans tous les départements et des protocoles ont été établis entre les différentes institutions qui interviennent sur le champ de l'enfance en danger pour préciser leur fonctionnement, comme le montre le rapport que le Gouvernement a remis au Parlement sur le sujet

L'aide sociale à l'enfance qui relève de la compétence des départements a pour mission d'apporter un soutien matériel, éducatif et psychologique aux enfants et à leur famille, confrontés à des difficultés susceptibles de mettre en grave danger leur équilibre et de prendre en charge les enfants qui lui sont confiés soit par leurs parents soit par l'autorité judiciaire.

Le dispositif de protection de l'enfance doit être continuellement amélioré. C'est pourquoi, sept ans après la loi de 2007 réformant la protection de l'enfance, l'Etat a engagé fin 2013 une évaluation de la politique de protection de l'enfance dans le cadre de la modernisation de l'action publique. Cette démarche permettra de réaliser un diagnostic partagé avec l'ensemble des acteurs et d'identifier les axes de progrès à mettre en œuvre pour améliorer la qualité de la réponse proposée aux besoins et aux demandes des enfants et de leurs familles.

Soutenir des réponses plus adéquates et plus adaptées aux enfants, leur offrir de nouveaux droits, mais aussi leur garantir un cadre davantage sécurisant, tels sont les principaux objectifs de la prochaine loi relative à la famille qui sera présentée par le Gouvernement au cours du premier semestre 2014.

Question 10b) du Questionnaire : Aperçu Général

L'article 15 de la Convention de Lanzarote prévoit que chaque partie prévoit ou promeut, conformément à son droit interne, des programmes ou mesures d'intervention efficaces pour les personnes qui ont commis des infractions à caractère sexuel sur des enfants. Ces programmes ou mesures doivent être accessibles à tout moment de la procédure, en milieu carcéral et à l'extérieur, selon les conditions définies par le droit interne.

GREECE / GRÈCE

For the time being, there is no comprehensive framework of referral for persons whom fear that they might commit offences related to sexual abuse or exploitation of children and would like to participate in intervention programmes. Still, such individuals can always seek assistance from mental health services and units of psychosocial intervention operated by the Hellenic National Health Service ("ESY") or other public sector relevant services.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

For the time being, there is no comprehensive framework of referral for persons who fear that they might commit offences related to sexual abuse or exploitation of children and would like to participate in intervention programmes. Still, such individuals can always seek assistance from mental health services and units of psychosocial intervention operated by the Hellenic National Health Service ("ESY") or other public sector relevant services.

Question 10b) of the General Questionnaire

Persons subject to criminal proceedings, or convicted for offences related to sexual abuse or sexual exploitation of children or recidivists may attend a treatment programme, as long as they consent to their participation. This does not affect their defence or the presumption of innocence (Penal Code, article 352A par.2). It may take place along with the main sentence imposed or irrespectively. There is no similar explicit provision for young offenders having committed a relevant crime (child sexual abuse or exploitation), though there are several non-custodial measures determined therein (Penal Code, article 122).

ICELAND / ISLANDE

Reference is made to the answer to question 10 a) and 6 c) of the GOQ.

Question 6c of the General Questionnaire

There are no services based on multidisciplinary or interagency cooperation for persons subject to criminal proceedings in Iceland. However, the *Government Agency for Child Protection* (*GACP*) has since 2008 contracted out risk assessment and treatment services for children with inappropriate sexual behaviour, including youth 15 to 18 years of age that are criminally responsible and have committed sexual offences. It should be emphasized that the aim of this therapeutic intervention is not *per se* an alternative to possible criminal proceedings or other measures by the judiciary although it may have impact on decisions with regard to prosecution or sentencing in individual cases.

Following the ratification of the Lanzarote Convention, the *State Agency for Correction* has received budget designed for setting up therapeutic services for convicted offenders of child sexual abuse. The preparatory work is now in progress and at this point in time it is not clear if these services will be accessible before and during the criminal proceedings or limited to the period of incarceration.

Question 10a of the General Questionnaire

There exist no services or programs specifically designed to address the specific needs of persons who fear that they may commit sexual offences against children other that the programme for children and youth with inappropriate sexual behaviour referred to in the answer 6c of this questionnaire

Question 10b of the General Questionnaire

There are no service available designed to address the specific needs of persons convicted or subjected to criminal proceedings for the offences established in accordance with the Convention. These persons have access to the general psychiatric services provided by the *University Hospital* of Iceland or the general social services. Specialized services do not exist other than the assessment and therapy of young offenders referred to in Answer 6.c of this Questionnaire. Only children under the age of 18 that have expressed sexual aggression or other harmful and inappropriate sexual behaviour are referred to the program by the local child protection services. The nature of the therapy offered, including duration, density and follow up is individually tailored and based on risk assessment for recidivism. This is an out-patient program that involves the parents and other family members in supporting and supervising the child. The program is voluntary although the child protection services and/or the judicial system may resort to coercive measure if the individual concern presents serious risks to other children.

ITALY / ITALIE

See answer to question 10 the GOQ.

Question 10 of the General Questionnaire

The Probation judge shall take account of a specific rehabilitation programme with a view to decide whether to grant any benefits. Moreover, provisions exist for a specific psychological treatment aimed at supporting and rehabilitating persons convicted on charges set out under arts. 600-bis, 600-ter, 600-quater.1, 600-quinquies, 609 –bis, 609-octies, 609-quater, 609-quinquies e 609-undecies, and pursuant to arts. 4 bis, comma 1quinquies and art.13 bis of Law 26 luglio 1975, no.354 as amended by art.7 of Law 172/12. http://www.senato.it/leg/16/BGT/Schede_v3/Ddliter/38620.htm

Other relevant provisions are: Art.17 of Law no. 269/98 and Art. 9 "Screening of the juvenile offender's behaviour" pursuant to Presidential Decree 22 settembre 1988, no.448 "Provisions on the criminal proceedings against juvenile defendants" (http://www.normattiva.it/urires/N2Ls?urn:nir:stato:presidente.repubblica:decreto:1988-09-22;448!vig=)

These measures and programmes are addressed to convincts.

The appropriate programme is tailored following a one-year scientific observation of the person's behaviour, pursuant to Law 354/75, as amended by Art.7 of Law no. 172/12 http://www.senato.it/leg/16/BGT/Schede_v3/Ddliter/38620.htm.

As regards juvenile offenders, the treatment programme shall take account of their peculiarities in accordance with the legislation. Specifically, in addition to interviews with the offender and his/her family, interviews are also held with psychologists and psychiatrists and specific activities are performed to support the juvenile offender's empathic relations and sexuality.

Offenders have a right to object to the proposed programme.

Here below is a list of some of the most relevant programmes undertaken in the last years.
In 1997, the Ministry of Justice - Penitentiary Administration Department presented two projects funded by the EU programme STOP. The projects, which started in 1998, were concluded in March 1999 with a transnational seminar. The first one, called WOLF (working on lessening fear), was launched in response to the increase in public attention on the serious issue of child abuse which was due to a series of tragic episodes of sexual abuse, exploitation and violence against children. The second project, called For-WOLF, focused more specifically on the training of social workers and of prison officers dealing with sex offenders. The two initiatives represented for Italy the first opportunity to do research and to exchange information with other States on the issues pertaining to the treatment of sex offenders. Moreover, all the central and local institutions were encouraged to carry out their own researches about sex crimes in general and about their treatment in particular.

Some of the key results of such studies were the increased number of people accused or convicted of child abuse, who represented 2% of the prison population. The lack of specific intramural programmes for the treatment of sex offenders often goes hand in hand with the absence of local services monitoring sexually deviant behaviours. For instance, a survey carried out in Lombardy in the framework of the WOLF project highlighted that public services are available to child abusers who have already served their sentence, or who are subject to measures alternative to imprisonment, only if they have drug or alcohol-related problems or manifest mental disorders.

The absence of points of reference for classifying and monitoring sexually deviant behaviours also negatively influences the ability of magistrates and judges to evaluate and establish the degree of dangerousness of convicts of sex crimes.

Furthermore, several specific hypotheses for the treatment of sex offenders are possible within the enforcement of the sentence. At present there are no therapeutic, community-like, structures, but, on the basis of inter-institutional projects, they could be legitimized to treat offenders who have been sentenced to less than 4 years in prison, or who have less than 4 years left to serve. This would be possible by extending the implementation of art. 4 of the Law no. 165 of 27 May 1998 (“Amendments to art. 656 of the Code of Criminal procedure and to Law no. 354 of 26 July 1975 and its amendments”), which permits house detention not only in the house of residence, but also “in any other private or public treatment, support or reception facility” for convicts “in particularly serious health conditions requiring constant monitoring” (sub-paragraph c). And in fact, for some serious paraphilias, the subjects’ autonomy may be so impaired to determine an actual state of disease.

However, already at present judges can order convicts of sex crimes to participate in treatment programmes. Where adequate facilities and resources are available, it could be suggested to grant defendants pleading guilty and agreeing to undergo therapeutic treatment direct access to alternative forms of punishment soon after conviction. Therefore, the offenders requesting to be treated could avoid detention and serve their sentence in a community, hospital or specialized centre.

Furthermore, it is becoming increasingly apparent that it is necessary to coordinate the treatment programmes for these convicts (sometimes even after the end of their sentence) of the ministerial, national, social services with the local ones. Indeed, the social and mental health services normally do not monitor sex offenders and the ministerial services do not have adequately trained personnel capable of preparing specific treatment plans.
In the boxes below some best practices are presented.

Turin's experimental research project for the psychiatric treatment of sexual disorders in sex offenders

In line with the recommendations and observations of the Parliamentary Committee on childhood, an important initiative has already been carried out in Turin: the experimental research project for the psychiatric treatment of sexual disorders in sex offenders. The initiative was carried out by the Psychiatry Unit of Turin's Mental Health Department, in collaboration with the "San Maurizio Canavese" Hospital, and its goal was to prevent "recidivism of sexual abuse in family nuclei through psychiatric treatment of offenders agreeing to the intervention". The project included the drafting of an "agreement protocol between the bodies carrying out the experimentation and the public prosecutor's office of the Court of Turin". Following the approach described above, the document, which focused in particular on perpetrators of intra-family sexual abuse, allowed them, thanks to a specific agreement with the Surveillance Court, to continue treatment in non-detention facilities even after their conviction (Savoye, 2000).

The first Italian experimental project for the intensive treatment of sex offenders in prison

Recently, some prisons have launched initiatives for the prevention of recidivism of sexual deviance which are unprecedented in Italy. In fact, the first experimental project for the intensive treatment of sex offenders in prison began last September, thanks to the joint funds of the Region of Lombardy and of the Province of Milan. The project is led by an association of professionals from the third sector ("Italian Centre for the Promotion of Mediation") and it is being carried out in a special section of the Penitentiary of Milano-Bollate. The section currently hosts 19 convicts coming from the "protected sections" of Lombard prisons, half of whom perpetrated sex crimes against children. The multidisciplinary team is formed by 14 members (criminologists, psychologists-psychotherapists, psychodiagnosticians, a psychiatrist, educators, an art therapist and a psychomotility therapist) providing the following services:

- Specialized treatment
- Research and result evaluation
- Teaching and training
- Coordination of networking with the agencies involved

The project is targeted at adult sex offenders judged guilty, who have acknowledged their crime and their sexual deviance and who are suitable for treatment. The intervention is structured in two stages, the first one lasting 10 months and the second one lasting 6 months, and it is labelled "Project for the care and treatment of sex offenders in Intensive Treatment Units and in special prison sections".
During the first three months of the first phase, practitioners focus on the denial and minimization of the crime and assess the prisoner's motivation to treatment. An "Individual Treatment Agreement" is then prepared to lay down on the one hand the prisoner's commitments and to identify on the other hand the context, tools and team practitioners who will treat the offender. This Agreement, which defines the timing and aspects of treatment, is the result of a negotiation which reinforces the convicts' motivations and which makes them aware of their role and responsibilities in the treatment.

After this so-called "pre-treatment" phase, the actual treatment begins. The programme, involving about 20 people in each phase, focuses on:
- Cognitive restructuring and teaching of social skills
- Activation of communication
- Seminar on the relationship with one's own body
- Peaceful management of conflicts
- Prevention of recidivism
- Targeted individual meetings

In the second phase, as established by new Regulations on the penitentiary system (Decree no. 230/2000, art. 115, par. 3), a special section is set up to host subjects who have successfully completed the first phase of the treatment, together with "ordinary" prisoners who, after being evaluated by educators, criminologists and psychologists, have been granted the possibility to work outside the penitentiary during the day, and together with young convicts who participate in extramural rehabilitation programmes.
The goal of this phase, which lasts no longer than 6 months, is to undermine the typical prejudices which "ordinary" prisoners have against sex offenders and which, as described above, lead to their separation and isolation in specific, "protected", prison wards. In this way, sex abusers would feel less stigmatized, they would have more self-esteem and they would be able to re-develop their social skills and to relate to other prisoners.
Therefore, in this section the detention conditions are milder (inmates can move more freely and have more opportunities to meet outsiders than in other prison wards), in order to encourage inmates to become more independent and to autonomously organize life in the section.
The Project also includes a preliminary awareness campaign among police officers and it is supervised by the University of Lièges, Institute of Clinical Psychology (Belgium) and by the Pinel Institute of Montreal (Quebec), which have long developed similar initiatives.
This will be the first time that such a specific treatment is provided to perpetrators of sexual abuse in Italy. The project, which will be carried out with the close cooperation of judges, of public prosecutors and of the main public and private institutions and associations protecting children from sexual abuse, is aimed at defining a comprehensive model for the treatment of sex offenders similar to the one for victims, as happens already in other European countries such as Belgium.
In Italy, no other similar projects for the specific treatment of sex offenders have been developed.

Other local projects
Also the district penitentiary of Bologna, in agreement with the superintendency of the Region of Emilia Romagna, has just started a project based on a treatment model which will be defined as the project advances. The penitentiary of Prato, in collaboration with the Region of Tuscany, will implement a treatment programme, although it is still unclear when exactly it will start. Both initiatives follow the indications and recommendations in this sense recently given by the Penitentiary Administration Department.
These new programmes are the outcome of the experience of some isolated professionals who have long worked in "protected" prison sections, as well as of the training initiatives taken by the Penitentiary Administration Department in the framework of the European programme STOP (November 1996), i.e. the aforementioned WOLF project targeted at social workers and police officers dealing with sex offenders, which also included international exchanges and trips to the more advanced European countries in this field.
Furthermore, hearing and support centres have been created near Bari prisons for individual and group support of sex offender prisoners, aiming at recovering and preventing relapses.

As regards young offenders, the Italian legislative framework does not provide specific rules, therefore the general law 66/1996 is applied. The latest statistics indicate that during the period from the 2nd half of 2009 to the first half of 2010, the juvenile sex offenders in the Italian penal system were 329.

In some medium and large-sized towns, the Juvenile Courts give young sex offenders the possibility to have access to psychological evaluation and support services. In general, in the beginning, experts are faced with the minor's aggressiveness and refusal to admit facts. Then, given that they also have to evaluate the characteristics of the family and of the social settings in which the minor lives, it is important to share tasks and responsibilities with other social workers, in order to form a network offering distinct support services to the child and to his/her family. The reasons for the focus on the family dynamics are twofold: to assess whether the family can be a helpful resource for the minor's treatment and to determine whether he/she has also been a victim of intra- or extra-family abuse, thus explaining his/her violent behaviour as a repetition of abuse suffered from other minors or adults.

The families of abusing minors often tend to justify their conduct by maintaining that the victim was "sexually open" or by labelling the behaviour of the minor or of the group as a "mischief". This is a negative attitude which, by relieving the minor of his/her responsibilities, can block the re-educating path undertaken by the social services.

When the sexual abuse is committed against a brother or a sister, the incest is determined by a dysfunctional family setting which colluded with the perpetration of the violent act. The family is often closed to the external world, which is perceived as dangerous and persecutory, and the relationships are often characterized by the lack of empathy and affection. Therefore, the abuse of siblings may to some extent compensate for the distant relationship with parents, which leaves the children emotionally alone. Sexuality is experienced within the family as a result of the block in development which is due to the early alteration of the system controlling desires and affections.

When the victim reveals the abuse by one of his/her siblings, the family often reacts by denying it and by wishing that everything comes quickly to an end. The difficulties of the family to acknowledge the abuse are increased also by the perpetrator's denial, which leaves the parents faced with a tragic dilemma: should they believe the child victim or the child who perpetrated the abuse but who denies it?

Lastly, it is important to mention that, due to the mission of the Department of Juvenile Justice – Directorate for the implementation of judiciary measures, which implies the development of models of intervention in according to the existing Legislation, in particular to Act 66/1996, Act. 269/1998, Act. 354/75 and following modifications, and, moreover, to D.P.R. 230/00, Act. 165/98, Act. 40/2001, D.P.R. 448/88, D.Lgs. 272/89, D.P.R. 616/77, D.Lgs. 112/98 and Act L. 328/00, all norms which encourage innovative measures in collaboration with ONG and associations in order to implement the child's rights in every sector of Justice, in January 2008, the Department of Juvenile Justice – Directorate for the implementation of judiciary measures, for the Ministry of Justice, signed a protocol with the ONG "Telefono Azzurro".

The Protocol is finalized to develop specific and specialized initiatives to support minors victims or perpetrators of crimes, in particular violence. With the protocol, the Department and Telefono Azzurro recognized the importance of promoting measures of primary, secondary and tertiary prevention through the implementation of actions for sensitizing on the importance of child's hearing in order to understand his/her specific needs, of building up multidisciplinary interventions, of assuring assessment and treatment for the minors victims and authors of crimes.

For minors guilty of sexual abuse, and in general for all criminally responsible minors, except in the most serious cases with a high risk of recidivism and elevated social dangerousness, art. 28 of the Decree no. 448 of 22 September 1988 ("Adoption of provisions on criminal proceedings against juvenile defendants") introduced the so-called "testing procedure". The article also introduced a number of objectives to be pursued concerning the best interest of the minor, his/her educational needs and, even if guilty of a crime, his/her protection. Based on art. 28, the judge can order the stay of proceedings for a maximum of three years: during this period, the minor is treated by the services for minors of the Juvenile Court, in collaboration with the local social services.

During this period of treatment by the social services, the child can also be placed in a community upon decision of the Juvenile Court. In case a particular psychological or psychiatric pathology is detected, the minor may be placed in a special community providing medical, psychological and pedagogic treatment.

The children can also be placed in early reception centres which host them only in the short term, while waiting for the judge's final decision.

The stay of proceedings and the "testing procedure" are based on the interconnection of different roles, professional skills and functions, such as the services of the Juvenile Court, the local social services, the judge, the public prosecutor, the defence attorney, the family and the minor.

The "testing procedure" requires the involvement and active participation of the minor, who identifies, with the help of an adult, a non-institutional pathway to the settlement of the conflict engendered by the criminal act.

In this phase, it is very important to carefully assess the project, which must be adapted to the minor's personality, the type of crime, the extent of the harm caused to the victim, the resources and the degree of awareness of the minor himself/herself.

The essential aspect for the success of the process is that the minor must accept responsibility for his/her actions (even after the initial phase) and be able to understand the social and legal consequences of what he/she did. The trial is suspended by the judge who deems it necessary to evaluate the personality of the minor through this specific procedure.

The “testing procedure” must be characterized by full flexibility, given that changes may be necessary and that the length of this period may be varied; its revocation may instead be ordered due to repeated and serious transgressions to the given prescriptions.

At the end of this “testing period”, a final evaluation is drafted, on the basis of which the judge decides whether to resume the trial or to declare the extinguishment of the offence. At times, the judge may also dismiss charges for the irrelevance of the fact. Therefore, the fundamental objective is to set up a process focusing on the personality and on the educational needs of the minor.

The final evaluation may be positive even if the child or adolescent occasionally contravenes rules, but if the transgressions are serious and reiterated, the evaluation will be negative and the whole project may be suspended. The statistics show that this procedure is very likely to end positively, given that in 80% of cases the punishment is extinguished and that only in 12% of cases there is committal for trial or conviction.

The main elements to be taken into consideration in the evaluation are the development of the minor’s personality and his/her behaviour. However, it is also necessary to take account of all the phases and moments of the “testing procedure”, which are considered all equally important.

The project may last for 36 months at the most.

Several professional figures are involved, primarily the juvenile judge, who has considerable discretionary powers and who has to carefully evaluate the family, social and personal situation of the minor, in order to identify the most appropriate mechanisms and instruments to encourage socialization and maturation. At the end of the “testing procedure”, based on the reports of the services carrying out the project and on the hearing of the minor, the judge assesses the formal results, i.e. observance of the project prescriptions, as well as the material and psychological elements concerning the minor’s assumption of responsibilities and positive evolution of personality.

The public prosecutor plays a key role in the juvenile criminal proceeding, as he/she is appointed by the State to initiate criminal action and he/she monitors and cooperates in the attainment of the “peculiar” interest/duty of the State to reintegrate the minor.

The defence attorney must have specialist knowledge and skills, as he/she is not merely the opposer of the public prosecutor, but also the official and unofficial interlocutor of the minor and of all the other parties involved in the trial.

Other subjects involved in the process are the ministerial and the local social services. The services for minors of the Juvenile Courts are the direct addressees of the orders issued by the judge, whereas the local social services, with their expertise in the educational field, have to check the validity and adequacy of programmes. The social worker appointed by the juvenile judge must respect the guidelines of the Office of Social Services for Minors.

Art. 6 of the Decree no. 448/1988 assigns the services for minors of the Juvenile Courts the role of collaborators of the judge “at any stage and degree of the proceedings”. Their task is to assist the work of the judicial authorities by providing treatment and support to the minor and by giving useful information on his/her personality and living conditions (art. 9 code of criminal procedure for minors).

The initiatives for the prevention of juvenile deviance and the prominence given to the goals of reintegration into society and of re-education vary according to the three levels of prevention:
- primary prevention, whose aim is to eliminate all the factors which can facilitate or cause criminal and anti-social behaviours, through educational, social and institutional initiatives (this kind of prevention is also labelled “social prevention”);
- secondary prevention, whose goal is to identify in advance minors who are more likely to commit illegal acts; special projects are then promoted to reduce the risks that they become part of local illegal circles and have anti-social behaviours (there may also be individual prevention initiatives targeted at young children who are particularly aggressive with peers or adults);
- tertiary prevention, aimed at avoiding and at reducing the risk of recidivism

The “Young Sex Offenders” Project
The “Young Sex Offenders” project originated from the third sector with the aim to define common prevention and intervention strategies. It was promoted in the framework of the EU programme “Hippocrates 2001” and it involved the representatives of the police forces, of the social services and of child helplines from Italy (such as “Telefono Azzurro”), Sweden, Bulgaria and Estonia. The specific goal of the project was to identify best practices for the prevention of sexual abuse by minors, with a twofold significance: on the one hand, to help the potential offender avoid falling into mental and social deviance, besides the inevitable legal punishment; on the other hand, to spare potential victims (often other children and adolescents) the trauma of abuse. The Italian child helpline “Telefono Azzurro” interprets deviant sexual behaviours by minors according to the psychopathology of development model, i.e. as an “externalized” disorder which must be analyzed with a multidimensional approach taking account of the intrinsic and extrinsic conditions of the abusing minor.

LITHUANIA / LITUANIE

Regarding the possibilities of implementation of Article 7 of the Convention, it should be noted that the Ministry of Social Security and Labour, when planning the European Union structural support project for Child Rights Protection 2014–2020, envisaged Investment Priority “8.4. Enhancing access to affordable, sustainable and high-quality services, including health care and social services of general interest”. The priority has to be implemented through the objective to improve children’s protection from sexual abuse and sexual exploitation to be achieved through measures such as “Implementing (adapting) intervention programmes and (or) measures for children who commit criminal acts of sexual character with regard to their age, developmental needs, etc., as well as their implementation”, “Designing and applying a therapy programme for minors who have committed sexual crimes”, “Designing and applying a methodology for risk evaluation of repeated criminal behaviour of minors who have committed sexual crimes”. It is expected

that after these measures are implemented specialised services for girls and boys victims of sexual exploitation and sexual abuse will appear in Lithuania.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

It should be noted that pursuant to Order No. 110 of 9 March 199 of the Minister of Health "On the Basic Price of the Primary Outpatient Mental Health Care Services, Provisions Thereof and Payment Procedure and the Sample Statute of a Mental Health Care Centre and Activities of its Specialists" (a person shall have an possibility of addressing directly (without an appointment card) a mental health care centre and receive primary mental health care services provided by psychiatrist, psychologist, with persons afraid of committing criminal act against children's freedom of sexual self-determination and inviolability being no exception to that).

Question 10b) of the General Questionnaire

As far as the possibilities for the implementation of the Convention with regard to this issue are concerned, it should be noted that the Ministry of Social Security and Labour, while planning the European Union structural support project "Child Rights Protection 2014–2020", specified the investing priority "8.4. Increase of Possibilities for Receiving Affordable, Sustainable and High Quality Services, including Health Care and Universally Important Services". The following objective has been specified for the implementation of the above priority: to improve protection of children from sexual exploitation and sexual abuse, the implementation of which is planned to be performed through the following measures: "Introduction (application) of intervention programmes and/or measures for children who have committed criminal acts of sexual nature, with regard to their age, development needs, etc., and implementation thereof", "Creation and application of a therapy programme for minors who have committed sex offences", "Creation and application of the methodology of the evaluation of the risk of second offence by minors who have committed sex offences". It is expected that upon the implementation of these measures in Lithuania, specialised services for girls and boys who have suffered sexual exploitation and sexual abuse will emerge.

It should also be mentioned that in the course of the implementation of the 2008–2010 National Programme for the Prevention of Violence against Children and Assistance to Children Measure "To Provide Psychological Support to Persons at Imprisonment Institutions and Corrections Inspections, who Have Sexually or in any other Manner Exploited Children", the Prison Department under the Ministry of Justice of the Republic of Lithuania adopted the SeNAT programme (Sex Offender Therapy Programme for Lithuanian Corrections). It is a unique programme both in Lithuania and Eastern Europe aimed at therapy provision for persons who have committed sexual offences against children, although the structure of the programme and the universality of applied methodologies based on the behaviouristic–cognitive paradigm can be applied with regard to persons who have committed sexual offences against adult persons. It can also be applied in group and individual therapy (female or male). The main goal of the SeNAT programme is prevention of second sexual offences and social reintegration of sex offenders. The main objective of the SeNAT programme is to help convicted persons and identify and manage their risk

factors and to teach them how to control these factors in the future. The SeNAT programme is based on common principles of all rehabilitation programmes. Persons can participate in this programme *only upon their request*, and it is intended for women and men, since it is based on changes in schemes of thought and behaviour. The Programme also specifies several specific requirements: convicted persons who do not recognise they have committed a crime, persons who demonstrate very low risk of second offence, as well as persons whose psychopatisation level is very high (as per PCL:SV methodology) cannot participate in the programme. The risk of second offence by a sex offender is established in three categories: low, medium and high. In 2008-2009, institutions subject to the Prisons Department started applying risk evaluation methodologies STATIC-99 and SVR-20 (Sexual Violence Risk) with regard to persons who have committed sexual offences. These methodologies help identify second sexual offence risk. Second offence risk of participants of the SeNAT programme is measured before and after the programme. The second offence risk of persons who do not participate in the programme is assessed when a convicted person is planned to be released from a correction institution on conditional discharge before the term of release, and the results of the assessment are submitted to the court.

It should be noted that, currently, the programme SeNAT and the SRV-20 methodology for assessment of second offence risk are applied only with regard to imprisoned convicted persons. Possibilities of arrested persons for participation in group therapies are not specified in legal acts. Personality research (including risk assessment) is possible only upon the consent of an arrested person.

At present, the Prisons Department seeks to ensure continuous implementation of the SeNAT programme in correction inspections, which control persons released on conditional discharge before the term of release. As far as minors sentenced for imprisonment, Lithuania does not have any special programme for correction of thinking and behaviour of sexual offenders. A cognitive-behaviouristic correctional programme EQUIP aimed at correction of delinquent (and sexually offensive) behaviour is applied with regard to minors. In 2008–2010, data on actions of persons convicted for sexual violence against children were collected in all imprisonment institutions and analysed by applying the STATIC-99 methodology. 47 convicted persons were analysed. The application of the methodology for establishment of sexual violence risk (SRV-20) was also launched. 88 convicted persons were analysed. It should be noted that these methodologies were not applied to analyse women in 2010–2013. In 2010, a research of efficiency evaluation of the programme was performed in the Pravieniškės Correction House No. 2 – Open Prison Colony and Alytus Correction House. In the course of the research it was established that the Programme SeNAT helps increase the convicted persons' self-awareness, self-control, develops their social skills and decision making strategy. The research showed that the analysis of the committed crime, feelings and thoughts helps the convicted persons to form positive early attitudes with regard to situation management and behaviour correction.

LUXEMBOURG

Des programmes spécifiques pour les personnes faisant partie du cercle de confiance n'existent pas

Voir la réponse à la question 10a) of the QAG.

Question 10a) du Questionnaire : Aperçu Général

Il n'existe pas de mesures législatives spécifiques relatives à cette problématique.

Question 10b) du Questionnaire : Aperçu Général

Au Luxembourg, il n'existe pas de programmes spécifiques pour les auteurs de ces infractions. Or, dans certains cas, un détenu condamné pour des faits de viols (récidiviste) peut faire l'objet d'une thérapie spécifique à l'étranger. Un suivi régulier par un psychiatre (pour les mineurs et les majeurs) est mis en place. Chaque personne a le droit de refuser un suivi thérapeutique, sachant qu'un tel suivi constitue souvent une condition obligatoire pour une libération conditionnelle ou un sursis.

MALTA/MALTE

At the moment, no specific intervention programmes or measures designed to evaluate and prevent the risk of sexual offences being committed exist at the moment in Malta. Nevertheless, those persons who approach social services seeking help or are identified as having the potential of being abusive are encouraged to seek counselling and/or therapy to deal with this issue. When a person is identified as having the potential of causing a sexual offence, he is referred immediately to therapy while Child Protection Services ensures the protection from harm of those children around him/her. No mandatory therapy or programmes exist and the need for specific programmes designed at intervening with abusive or potentially abusive persons who perpetrate sexual abuse on children is needed.

No reply to question 10 of the GOQ.

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

In 2010 a cooperation agreement on the project "Ensuring children's right to protection of family violence, abuse and neglect" was signed between the Ministry of Labour, Social Protection and Family and the Association "Partnerships for Every Child".

The overall project goal is to improve the access to qualitative services of social protection, including prevention and protection systems from separation of family, violence, abuse, neglect and exploitation for a number of 100,000 vulnerable children in Moldova.

The Center for Combating Trafficking in Persons of the Ministry of Internal Affairs concluded memoranda of cooperation with the following partners: CNPAC, International Center "La

Strada", the ILO and the Ministry of Labour and Social protection, stipulating various forms of assistance to victims of trafficking, including child victims of violence and sexual abuse, which have basic objectives of legal and psychological assistance and protection of victims of trafficking in human beings especially children, development of social partnership, ensuring access to quality services trafficking victims and prevention of victimization, developing tools and procedures for identification, referral, assistance and protection of victims of trafficking, strengthening professional capacities of human resources, development financing mechanism of protection and assistance to victims of trafficking, victim assistance in setting procedures for returns, etc.

In September 2011 a Memorandum of collaboration for implementation of the project "Free, powerful and protected - towards a better system of child protection in Moldova" was signed between the Ministry of Labour, Social Protection and Family, Ministry of Education, Ministry of Health, Ministry of Internal Affairs, Leova and Orhei District Councils, (NGO) the National Center for Prevention of Child Abuse and (NGO) the Center for Information and Documentation on Child Rights.

The Center for Combating Trafficking has signed Memorandum of cooperation with the following partners:
- CNPAC, International Centre "La Strada", ILO, Ministry of Labour and Social Protection regarding various forms of assistance to victims of trafficking, including child victims of violence and sexual abuse, which have as their objective the protection and psychological and legal assistance to victims of human trafficking, especially of children, development of social partnership, ensuring access to quality services for trafficking victims and prevent victimization, developing tools and procedures for identification, referral, assistance and protection of the victims of trafficking, strengthening professional capacities of human resources, development of funding mechanisms to protect and assist victims of trafficking, support victims of the trafficking in the repatriation procedures etc.

The Ministry of Labour, Social Protection and Family in partnership with the United Nations Children's Fund has elaborated the communication Strategy to prevent and combat violence against children in the Republic of Moldova, that includes the principles of action, relevant general and targets objectives at national level that are orientated to promote the child rights, the ensure the security and protection of children from abuse.

UNICEF, the National Council for the Protection of Children's Rights, MEY and the National Centre for Prevention of Abuse against Children implemented a nationwide communication campaign titled "Childhood without Violence" in 2006 to address these problems.

Also, according to the national legislation, after getting out of the prison, the offenders are subject to a supervision period by the competent authorities and also to recovery programs.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

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UNICEF, the National Council for the Protection of Children's Rights, MEY and the National Centre for Prevention of Abuse against Children implemented a nationwide communication campaign titled "Childhood without Violence" in 2006 to address these problems.

Question 10b) of the General Questionnaire

The Institute for Penal Reform (IRP) is a non-governmental organization with the mission to contribute to the respect of the human rights in the Republic of Moldova by reforming the criminal justice system and supporting the community initiatives.
Our fields of activity are the observance of human rights within the justice system, promotion of the alternatives to detention; piloting and implementing probation, community work and mediation institution; preparation for release social re-integration after release from detention places; monitoring the observance of the rights of the arrested persons; enforcement of the rights of the migrants; provision of legal assistance to persons in detention; promotion of best practices in the field of justice for children; restorative justice; community involvement and activism in the exercise of justice; prevention of juvenile delinquency; torture prevention, etc.

The Institute implemented several activities:
The Evaluation conference: "Preparation for release of detainees and social reintegration of persons released from detention" has been an incentive for a meeting of the representatives of the Soros-Moldova Foundation, the Execution Department (Ministry of Justice), the OSCE Mission to Moldova, the Norwegian Mission of experts for the Promotion of the Supremacy of Law in Moldova (NORLAM), the Department of Penitentiary Institutions and the employees of the 17 Centers for Community Justice. Within the framework of the event the outcomes of the sociological research on the capacities and abilities of social reintegration of ex-detainees have been presented.

Participants to the event have expressed their satisfaction to have cooperated in the course of three years with a view to achieving the objectives set forth within the framework of the "Marginalized groups, social reintegration of ex-detainees" project. The audience of the event termed the implemented activities as successful and welcome in particular for direct beneficiaries of the project, and for the society on the overall.

A round table on the presentation of the draft Guide "The methodology of focusing community resources to the needs of beneficiaries of probation". The event was attended by representatives of the Central Office of Probation (OCP) and probation counsellors offices from Chisinau and territory.

MONTENEGRO

Article 9a of the General Law on Education (Official Gazette of the Republic of Montenegro 64/02, 31/05, 49/07 and Official Gazette of Montenegro 04/08, 21/09 and 45/10) provides that "physical, psychological and social violence, as well as abuse and neglect of children and pupils, corporal punishment and insults, and sexual abuse of children and pupils or employees, or any other form of discrimination under the law" shall be prohibited within the institution. Furthermore, with a view to reducing the number of conflicts, Article 9b

prescribes that "In the procedure of resolving conflicts between children, pupils, parents and employees in the institution, mediators may be engaged, in accordance with the law".

In terms of prevention of bullying among children, the issues related to the prevention of violence were studied in the past period, through the mandatory and elective courses in primary and secondary schools. Within the elective course of "Healthy Lifestyles" for eighth and ninth grade, a separate chapter relates to the prevention of physical and psychological violence. This subject was studied by about 60% of the pupils' population of the corresponding class in the past two years.

The elective course of "Healthy Lifestyles" for the first and second grade of gymnasia will be studied in secondary vocational schools as a cross-curricular programme or free activities in schools.

Civic Education is a mandatory subject in sixth and seventh grade of primary schools. Within this subject, elective topics such as *Abuse and neglect of pupils*, and *Youth violence* have been envisaged.

Civic Education is studied in all four grades of gymnasia.

In cooperation with NGO "Children First", the Ministry of Education organised a seminar "Protecting children from sexual abuse and exploitation", primarily for members of the expert services of preschool educational institutions and primary schools in Podgorica. The seminar on the same topic was also organised for representatives of social and child protection system, health care, and education (Ministry of Education, Education Office, principals of preschool educational institutions and primary schools), police and judiciary. The seminars were organised within the Council of Europe campaign "One in Five" and the Parliament of Montenegro, and were aimed at preventing and combating all forms of sexual violence against children.

As of 2005 / 2006, in cooperation with UNICEF, the Ministry of Education is implementing the project "School without Violence – Safe School Environment", with a view to prevent all forms of violence. Attention is paid to the occurrence of sexual violence as part of the violence in general, through an approach that takes into account the developmental characteristics of children. Topics are not covered explicitly, but in a way understandable to children (body touching that is not pleasant, causing discomfort, anxiety, etc.). The project "School without Violence – Safe School Environment" includes training aimed at increasing the knowledge and awareness of parents, teachers and other school staff about the problems of school bullying. To this end, a manual was prepared for schools, as well as brochures for parents and a questionnaire for schools.

In cooperation with the NGO "Children First", the Ministry of Education conducted a survey on the experiences of children in using the Internet, mobile phones and other modern technologies (April 2011). The survey was conducted on a sample of 1,003 primary and secondary school pupils. Some of the data showed the following: contents with explicit depictions of the bodies of men and women were seen by 69.3%, intercourse by 64%, sexual activities with violent behaviour by 60.4%, while 83.4% of the interviewees were exposed to

unpleasant comments and insults over the Internet. Furthermore, two-fifths of the interviewees (38.3%) stated that they came across a website containing photos showing sexual intercourse, without wishing to do so. One in ten respondents (11.4%) received a message via the Internet that offered pornographic websites while showing sexual content or containing links to such pages. Almost one third of respondents (31.1%) knew that a page was of pornographic nature, prior to entering the website. This is a piece of data that indicates that children already know which website they are going to visit and what awaits them there. An interesting fact is that the children used a computer at home (82.4% of them) when they received an e-mail or opened a website with disturbing / sexual content. At the end of the project, labels with content that show children the risks of using the Internet were prepared, providing information on the helpline that they can use to report the cases of possible violence. The Ministry of Education has recommended to all schools to use the labels in their computer labs, placing them next to each computer, so that instructions for behaviour in the case of the so-called cyber violence are made available to children.

The Ministry of Education is a signatory to the Protocol on the procedures, prevention and protection from domestic violence: procedures and institutional cooperation related to domestic violence and violence against women. In relation to the institutions of preschool, primary school and secondary school education, and the resource centres, procedures and professional measures are envisaged in accordance with the rules of ethics and profession.

In partnership with UNDP, the Education Office launched an elective course "Healthy Lifestyles", studied in the eighth or ninth grade of primary schools and the first or second grade of gymnasia, within two classes a week. Healthy lifestyles are likewise taught in vocational secondary schools as a cross-curricular area, i.e. certain topics from the field are studied in the framework of the existing curriculum, in the following subjects: psychology, sociology, physical education, biology and chemistry. Within the topics related to *Reproductive health with sex education and prevention of sexually transmitted diseases*, the objectives are implemented that are related to understanding forms of sexual violence and the ways in which they can be prevented and suppressed. The above elective course in primary schools is one of the subjects that most students choose. Approximately 60% of eighth and ninth grade pupils have opted to attend these classes. The situation is similar in gymnasia and mixed schools. As for vocational secondary schools, the topics in this area are taught within the framework of regular subjects.

As part of the implementation of the elective course of "Healthy Lifestyles", the Education Office trained 187 teachers from 95 primary schools in Montenegro, for the realisation of the set objectives, including the thematic area of *Reproductive health with sex education and prevention of sexually transmitted diseases*. Through the training, teachers were familiarised with forms and manifestations of sexual exploitation and sexual abuse. In this manner, teachers were prepared to teach in this area. At the same time, the awareness of what is sexual violence and abuse, and what are its types and how to recognise it in the behaviour and appearance of children was raised.

In cooperation with the NGO "Forum of Educationists of Montenegro", the Education Office implemented four seminars with educationists from primary and secondary schools on the

subject of *child neglect and abuse*. During the implementation of the seminar, special emphasis was put on the sexual exploitation and abuse of children, sexual violence through the use of modern technology, and the risks resulting from uncontrolled use of the Internet and social networks. Seminars have included over 80% of educationists in primary schools and a large number of secondary schools educationists. The aim of the seminar was to raise awareness of violence against children, as well as on the procedures aimed at protection against violence in schools and institutions of social protection, as their partners in the process. Raising the level of knowledge and awareness in primary and secondary schools about what violence is, what are its types and how to recognise it in the behaviour and appearance of the children, together with the proposed organisational and procedural activities, aimed to assist the schools in dealing with violence against children and to ensure a more reliable and more consistent implementation of activities to help children – victims of neglect and abuse. Planned education enables both, schools as the system, and individuals within the system, to achieve safer conditions for safe children's development. Through a multi-sectoral approach to protecting children from abuse and neglect, the school achieves more successful partnerships with institutions that deal with this issue. The seminar paid special attention to child abuse and neglect, risk factors and indicators of recognition of violence in schools, as well as the role of schools in identifying violence. A very interesting area that has been among the topics of training is violence as a result of using modern technology. It has been pointed to the importance of the role of educationists in the prevention of violence in schools.

In order to protect children from all forms of violence and abuse and neglect, and consequently of sexual exploitation and sexual abuse, schools can take certain measures of protection and can establish cooperation with relevant institutions. One of the most important measures is the Protocol on the treatment of child victims of abuse and neglect. In this sense, there are schools that can apply the Protocol on the treatment of child victims of abuse and neglect in correlation between schools and a multidisciplinary operational team within the social welfare centres. This Protocol is dedicated to the care of the child victim within the school and in correlation between the school and a multidisciplinary operational team, with regard to any degree and type of abuse or neglect. A separate part of the Protocol is relating to the sexual abuse and exploitation.

In schools, letterboxes of confidence have been set and marked in a special place in which students can put their complaints against any kind of violence. On the basis of such complaints, the Protocol on the treatment of child victims of all forms of violence, abuse and neglect is activated. The box is opened by associates at school, and they are the first link in addressing all forms of violence in educational institutions.

A survey on the safety of children on the Internet was conducted in accordance with the Action Plan for 2012, for the implementation of the Strategy for Information Society Development 2012-2016, through which it is planned that the Ministry for Information Society and Telecommunications will conduct a survey on the safety of children on the Internet. A survey was conducted among parents of children of this age on their perceptions of Internet use by children. The project "Survey on the safety of children on the Internet" included two target groups – primary school pupils and their parents, and it is therefore the first survey of its kind in Montenegro, which at the same time includes two target groups of

respondents in the context of examining safety on the Internet. Two questionnaires were prepared for the survey, to which answers were provided by 1,073 students and 965 parents, while the methodology used on this occasion contains some of the key indicators for monitoring the safety of children on the Internet used in the 27 EU countries, included in the project EU Kids Online. The survey included pupils from the third to the ninth grade of primary schools, with attention being paid to the equal representation of the number of classes in schools and municipalities, as well as the gender equality of pupils. The survey was conducted in the period from April to May 2012, in three regions, nine Montenegrin municipalities and thirty primary schools. The survey in the southern region included the municipalities of Kotor, Tivat and Bar which makes 23.3% of the total sample. On the other hand, the central region included the municipalities of Podgorica and Nikšić, which represents 39.9% of the sample, while the northern region consisted of Bijelo Polje, Berane, Pljevlja and Rožaje, which makes 36.8% of the sample. The survey among pupils was carried out by the E3 Consulting team and under the supervision the Ministry of Education and form teachers of classes encompassed by the survey.

The Ministry of Education and Ministry for Information Society and Telecommunications continued to work with Telenor at this stage as well, while the new partner on the project "Get Internet, Surf Smart" is NGO "Parents". Cooperation with 25 primary schools in 12 Montenegrin cities with which the activities are implemented has enabled us to properly start building real value system of behaviour in the digital world.

Sixty safe Internet ambassadors conducted about 200 peer education workshops. The workshops on the safe Internet were attended by approximately 4000 pupils of the sixth and seventh grade, as well as some classes of eighth and ninth grade of primary schools.

NGO Prima from Podgorica is implementing a project relating to the prevention of violence on the Internet among young people through workshops with primary and secondary school pupils in Montenegro and the movie "Tagged", which is displayed to them.

"Microsoft" initiated the process of installing Microsoft Live Family Safety on computers in school classrooms. Installation of this programme will ensure that no inappropriate content for children may be displayed on school computers on the Internet. The programme is also used to control and limit access to websites that distract children during classes. Microsoft Live Family Safety programme allows teachers and parents to monitor the behaviour of pupils and children on the Internet.

In cooperation with the Ministry of Education, Telenor LLC has been implementing the project "Connecting Generations", on the topic of safe Internet, with a view to educate pupils about safe Internet use. The project was continued under the name of "Get Internet, Surf Smart".

The pilot phase of the project "Connecting Generations" lasted from February to September 2012, and it aimed to test the activity and reactions, primarily among children, and then parents and teachers, on the concept of peer education in the field of child safety on the Internet. This phase also provided for the possibility to identify problems and needs directly

from the target groups, which was later confirmed by another survey undertaken by the Ministry for Information Society and Telecommunications.

See answer to question 10a) of the GOQ.

Question 10a) of the General Questionnaire

There are still no legislative measures, or programmes or measures of effective interventions to assess and prevent the risk of committing the criminal offence of this type. However, within the network of health care institutions there are counselling centres staffed by highly specialized experts, who provide adequate psychosocial treatments to people, including those persons who fear that they may commit any of the offences established in accordance with the Convention.

Question 10b) of the General Questionnaire

Our legal system provides a variety of security measures, including measures of compulsory psychiatric treatment and referral to specialized psychiatric institutions, imposed by the court in criminal and misdemeanour proceedings to the persons against whom proceedings are instituted, or to those already convicted.

The Law on Protection from Domestic Violence provides for the implementation of psychosocial treatment of perpetrators of domestic violence. There is also a by-law that regulates in detail the implementation of the treatment. The implementation of treatments will begin in the near future, given that the training of experts who will carry out the treatment is planned.

Health care facilities have been recognised as institutions that provide services of psychosocial treatment, involving psychologists, paediatricians, psychiatrists and social workers. The conditions have been created for the health system to be able to implement psychosocial treatment services, provide additional training, and subsequently accept the implementation of internationally recognised and licensed programmes of psychosocial treatment.

In accordance with the answer to question 10, those health care institutions that were not founded by the state may also be involved in providing the services of psychosocial treatment, provided that they have the required licenses and permits, as well as a contract with the Health Insurance Fund of Montenegro.

NETHERLANDS / PAYS-BAS

As described in the answer to question 10A of the GOQ, psychological/psychiatric health care treatments are available in the Netherlands. I would also like to refer to the earlier mentioned campaigns “Stop it Now” and “Beat the Macho”.

The Dutch police service has developed a model which includes penal and other actions to prevent or stop sexual abuse and sexual exploitation of children. At the moment the ideas are being elaborated in the course of a multi-annual project in which the ministries of

Security and Justice and Public Health are implementing the described policies in an action plan entitled "Children Safe" (2012-2016). The prevention of sexual abuse and sexual exploitation of children is part of this action plan, as well as aftercare for victims after sexual abuse, including psychological and other care for abused victims, as well as psychological help for perpetrators in order to prevent recidivism.

In 2012 the Dutch government started a campaign called "A Safe Home is Worth Fighting For" ("Een veilig thuis, daar maak je je toch sterk voor"). The campaign is an amalgamation of the topics of child abuse and domestic violence. People are encouraged to break the circle of violence by seeking advice in case of a suspicion of domestic violence or child abuse at Veilig Thuis: http://vooreenveiligthuis.nl/campagne. The message of the campaign is that violence and abuse in the family circle of trust never stops automatically, but only when someone seeks help.

Question 10a) of the General Questionnaire

In general people who fear that they may commit child sexual abuse offences are eligible for treatment within the psychological/psychiatric health care in the Netherlands.

Because of the many taboos concerning paedophilia it is important to enhance the possibilities for potential child sexual abusers or persons in their direct circle of trust to be able to articulate their need for enrolling in intervention programs. In a pilot project the Dutch internet hotline and a forensic psychological institution started a project ("Stop it now") in which such persons can – at first anonymously – make contact with such a program. Government is subsidizing the start of this project, which will later on have to become self-financing.

Question 10b) of the General Questionnaire

Various treatments aimed at preventing recidivism are available in the Netherlands. Within the judiciary system and in prisons convicted persons and detainees are eligible for forensic psychological or psychiatric help by experts. For convicted persons who are on probation the Probation Office acts in a pivotal role to ensure adequate treatment.

Of course the fundamental rights of persons require that the participation in a treatment may not infringe the rights on fair trial. The Dutch system avails of protocols to take appropriate measures for forensic treatment, even before the issues around evidence are completely cleared and without interfering with the rights of the suspect and the defence attorney. The suspect or convict can frustrate a treatment if during psychiatric evaluations the suspect / convict clearly demonstrates to refuse treatment. In general a report of the psychiatric evaluation will not recommend compulsory treatment and a judge will be very reluctant to impose a sentence which also comprise of a compulsory treatment.

PORTUGAL

Within the Ministry of Justice, the Directorate-General for Social Reinsertion and Prison Services has implemented an Intervention Program Aimed at Sexual Offenders in the Prison Context.

The program resorts to the cognitive-behavioral paradigm attempting to promote cognitive restructuring aimed at behavioral change. Having recourse to group dynamics as a privileged technique, it seeks to identify the cognitive and emotional dysfunctions leading to the criminal action and addresses them in order to induce changes.

As with other high risk specific issues, the intervention with sexual offenders is of high level, in emotional terms, as the individual is confronted not only with the wrongfulness of the act, but also with the consequences it has on the victim and on society.

The follow-up phase has a variable duration and its main objective is to ensure the maintenance and consolidation of the changes experienced during the previous phases. The general objectives of the program are the prevention of crime and recidivism as well as the protection of victims and of the general public.

Summary

Program	**Target Population**	**Issue**	**Length**	**Facilitators**	**Stage of the sentence**
Sexual offenders Program	Convicted for crimes against self-determination and sexual freedom	Sexual offences	Variable 44 minimum sessions 90 Minutes	2 Psychologists	Middle of the sentence

The Criminal Police seek to carry out its preventive work by making available detailed leaflets with information on prevention and advice on how to report this type of crime.
http://www.coe.int/t/dghl/standardsetting/children/RepliesRS_en.asp

Advice is structured in order to meet the needs of children and teenagers, focusing on the prevention of sexual crimes against children by means of new information and communication technologies and in awareness rising to sexual crimes perpetrated through the Internet.

Advice is given on the prevention of risk behaviour among children, both through leaflets and the resources available at the Internet Segura site. Indications on the way to preserve digital evidence and procedures for reporting are given.

Question 10 of the General Questionnaire

The Directorate-General for Social Rehabilitation and Prison Services has, at national level, a programme specifically aimed at the rehabilitation of sexual offenders serving an imprisonment sentence, which uses a group intervention methodology based on the cognitive-behavioural approach to beliefs, attitudes, emotions and deviant perceptions, promoting the definition of personal security plans with a view to prevent recidivism.

It is a programme composed of 44 sessions, 14 of which part of a motivational component opened to non-differentiated groups; the remaining 30 sessions are included in the central intervention component, opened to different groups of offenders.

ROMANIA / ROUMANIE

There are no services or pro-active programs for persons fearing they might commit one of the offences provided for by the Convention, however they can make use without any restrictions to public and private mental health services, the same like any other citizen.

Same reply under question 10(a) of the GOQ.

Question 10b) of the General Questionnaire

In respect of persons convicted for offences provided for in the Convention, the court can order the postponement of the sentence service or the suspension of the sentence service under supervision[8] as ways of enforcement of the penalty which can also include among

[8]SECTION 4
Section 4 - Postponement of the sentence service

ARTICLE 83
Requirements for postponing the sentence service
(1) The court may order the postponement of the sentence service, setting a supervision period, if the following requirements are met:

a) the imposed sentence, including the situations concerning concurrency of offences, is a fine or up to 2 years imprisonment;
b) the offender has never been convicted to prison before, except for the cases provisioned by Article 42 a) and b), or when rehabilitation intervened or the rehabilitation time limit was fulfilled.
c) the offender has expressed the consent to perform unremunerated community services;
d) in consideration to the person of the offender, his conduct prior to the perpetration of the offence, the offender's efforts to remove or remedy the consequences of his/her offence, as well as of the offender's possibilities to redress, the court shall consider that the immediate enforcement of a sentence is not necessary, but his/her supervision for a determined period of time is necessary.
(2) The postponement of the sentence service cannot be ordered if the sentence provisioned by the law is 7 years imprisonment or more or if the offender has eluded the prosecution or trial or attempted to hinder the finding of the truth or the identification and application of criminal liability in respect of the author or other participants.
(3) The postponement of the sentence service also entails the postponement of the fine accompanying the custodial sentence according to Article 62.
(...)
ARTICLE 84
Supervision period

(1) The supervision period is 2 years and shall be calculated from the date when decision ordering the postponement of the sentence service was rendered enforceable.

(2) During the supervision period, the person for whom the postponement of the sentence service was ordered must comply with the supervision measures and the duties imposed according to the terms established by the court.

ARTICLE 85

Supervision measures and duties

(1) Throughout the supervision period, the person being postponed the sentence service shall observe the following supervision measures:

a) to appear before he probations services, at the dates set;

b) to receive the visits of the probation counselor appointed for his/her supervision;

c) to notify in advance any change of address and trip exceeding 5 days, as well as the return;

d) to notify the change of the working place;

e) to notify about information and documents allowing the control over his means of subsistence.

(2) The court may impose on the person for whom the postponement of the sentence service was ordered, compliance with one or several duties:

a) to attend a formal or vocational education course;

b) to perform unremunerated work for the community for a period between 30 and 60 days on the terms set by the court, except for the situation when due to the health status, the offender cannot perform this kind of activity. The daily number of working hours shall be established according to the law on the sentence service;

c) to attend one or several social reinsertion programs developed by the probation services or organized in co-operation with other community institutions;

d) to comply with the measures of control, treatment or medical care;

e) not to communicate with the victim or with the victims' family members, with the persons with whom the crime was committed or with other persons established by court or to approach these persons;

f) not to be in certain places or to go to certain sport or cultural events or other public meetings, as established by the court;

g) not to drive vehicles or certain types of vehicles established by court;

h) not to possess, use or carry any weapons;

i) not to leave Romania territory without the court's consent;

j) not to fill in a position, to practice a profession or to develop an activity which has the nature of the one by means of which the offender committed the crime.

(3) In order to set the duties provisioned in paragraph (2) b), the court shall periodically consult the information made available by the probation services in respect of the concrete possibilities of service existent on the level of the probation services and on the level of other community institutions.

(4) When setting the duty provisioned in paragraph 2 e)-g), the court shall concretely individualize the content of these duties, taking into account the circumstances of the case.

(5) The person under supervision must comply entirely with the civil duties imposed according to the decision, the latest 3 months before the termination of the supervision period.

SECTION 5*)

Suspension of the sentence service under supervision

ARTICLE 91

Requirements for the suspension of the sentence service under supervision

(1) The court may order the suspension of the sentence service under supervision, if the following requirements are met:

a) the imposed sentence, including the one imposed for concurrency of offences, is up to 3 years imprisonment;

b) the offender has not prior convictions exceeding one year imprisonment, except for the cases provisioned in article 42 or for whom rehabilitation occurred or the rehabilitation time limit was fulfilled;

c) the offender has expressed the consent to perform unremunerated community services;

d) in consideration to the person of the offender, his conduct prior to the perpetration of the offence, the offender's efforts to remove or remedy the consequences of his/her offence, as well as of the offender's

other things the convicted person being imposed an obligation like for example participation to one or more programs for social reintegration carried out by the probation office or organized jointly with community institutions, or the convicted person to be subject to measures of control, treatment or medical care;

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possibilities to redress, the court shall consider that the immediate enforcement of a sentence is not necessary, but his/her supervision for a determined period of time is necessary.

(2) when the imprisonment sentence is accompanied by a fine, imposed in accordance with Article 62, the fine shall be paid, even if the service of the imprisonment sentence was suspended under supervision.

(3) The suspension of the sentence service cannot be ordered if:

a) the only penalty applied is a fine;

b) the service of the sentence was previously postponed, but later on it was revoked;

c) the offender has eluded the prosecution or trial or attempted to hinder the finding of the truth or the identification and application of criminal liability in respect of the author or other participants.

(4) It is mandatory to present the reasons the conviction sentence was based on, as well as the reasons leading to the suspension of the sentence service and to draw attention to the sentenced person on his future conduct and the consequences of his acts if committing other offences in the future and not complying with the supervision measures or with the duties incumbent throughout the supervision period

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ARTICLE 92

Supervision period

(1) The period of the sentence service suspension under supervision represents the supervision period for the sentenced person and shall range between 2 and 4 years, not less than the duration of the sentence imposed.

(2) The supervision period is 2 years and shall be calculated from the date when decision ordering the suspension of the sentence service was rendered enforceable.

(3) During the supervision period, the sentenced person must comply with the supervision measures and the duties imposed according to the terms established by the court

ARTICLE 93

Supervision measures and duties

(1) Throughout the supervision period, the sentenced person shall comply with the following supervision measures:

a) to appear before he probations services, at the dates set;

b) to receive the visits of the probation counselor appointed for his/her supervision;

c) to notify in advance any change of address and trip exceeding 5 days;

d) to notify the change of the working place;

e) to notify about information and documents allowing the control over his means of subsistence.

(2) The court may impose the sentenced person to comply with one or several duties:

a) to attend a formal or vocational education course;

b) to attend one or several social reinsertion programs developed by the probation services or organized in co-operation with other community institutions;

c) to comply with the measures of control, treatment or medical care;

d) not to leave Romania territory without the court’s consent;

(3) During the supervision period, the sentenced person shall perform unremunerated community work for 60 to 120 days, according to the terms set by the court, except for the situation when due to the health status; the offender cannot perform this kind of activity. The daily number of working hours shall be established according to the law on the sentence service.

(4) In order to set the duties provisioned in paragraph (3), the court shall periodically consult the information made available by the probation services in respect of the concrete possibilities of service existent on the level of the probation services and on the level of other community institutions.

(5) The person under supervision must comply entirely with the civil duties imposed according to the sentencing decision, the latest 3 months before the termination of the supervision period.

Such obligations can also be imposed by the court against the person who has been released on parole after having served a fraction of the penalty[9].

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[9] SECTION 6

Parole

ARTICLE 99

Requirements for release on parole in cases of life imprisonment:

(1) In the case of life imprisonment, parole may be granted if the following requirements are met:

a) The sentenced person served in 20 years in custody;

b) The sentenced person had a good conduct throughout the entire sentence service;

c) The sentenced person has complied entirely with the civil duties set according to the sentencing decision, except for the case when it was proven that the sentenced person has not had any possibility to comply;

d) The court is convinced that the sentenced person has redressed and may be reintegrated in society.

(2) It is mandatory to present the reasons leading to the granting of parole and to draw attention to the sentenced person on his future conduct and the consequences of his acts if committing other offences in the future and not complying with the supervision measures or with the duties incumbent throughout the probation.

(3) The sentenced person shall be on probation for 10 years, calculated from the date when parole was granted.

ARTICLE 100

Requirements for release on parole in case of imprisonment:

(1) In the case of imprisonment, parole may be granted if the following requirements are met:

a) The sentenced person served at least two thirds of the sentence, if the imprisonment sentence does not exceed 10 years, or at least thro quarters of the imprisonment sentence, but up to 20 years, if the imprisonment sentence exceeds 10 years;

b) The sentenced person is serving the custodial sentence in open or semi-open conditions;

c) The sentenced person has complied entirely with the civil duties set according to the sentencing decision, except for the case when it was proven that the sentenced person has not had any possibility to comply;

d) The court is convinced that the sentenced person has redressed and may be reintegrated in society.

(2) In case of the sentenced person who reached the age of 60 years old, parole may be granted after the service of a half of the sentence period, if the imprisonment sentence does not exceed 10 years or of at least two thirds of the sentence period if the imprisonment sentence exceeds 10, provided that the requirements contained in paragraph (1) b)-d) are met.

(3) In the calculation of the sentence periods provisioned in paragraph (1), the part of the sentence which may be considered, according to the law, as served based on the work performed, shall be taken into account. In this case, the release on parole cannot be granted before the service in fact of at least half of the imprisonment sentence period, when the sentence does not exceed 10 years and of at least two thirds, when the sentence exceeds 10 years.

(4) In the calculation of the sentence periods provisioned in paragraph (2), the part of the sentence which may be considered, according to the law, as served based on the work performed, shall be taken into account. In this case, the release on parole cannot be granted before the service in fact of at least one third of the imprisonment sentence period, when the sentence does not exceed 10 years and of at least a half, when the sentence exceeds 10 years.

(5) It is mandatory to present the reasons leading to the granting of parole and to draw attention to the sentenced person on his future conduct and the consequences of his acts if committing other offences in the future and not complying with the supervision measures or with the duties incumbent throughout the probation.

(6) The time between the date of release on parole and the date when the sentence is considered to be served represents the probation period for the sentenced person.

ARTICLE 101

Probation measures and duties:

Against the person who is prosecuted for having committed such offences the obligation of the person to be subject to measures of control, medical care or treatment, especially for detox purposes, can be ordered on occasion of the issuing of the measure of judicial control[10].

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(1) If the rest of the sentence remaining to be served on the release date exceeds 2 years or more, the sentenced person must comply with the following probation measures:

a) to appear before he probations services, at the dates set;

b) to receive the visits of the person appointed for his/her supervision;

c) to notify in advance any change of address and trip exceeding 5 days;

d) to notify the change of the working place;

e) to notify about information and documents allowing the control over his means of subsistence.

(2) In the cases provisioned in paragraph (1), the court may impose the sentenced person to comply with one or several duties:

a) to attend a formal or vocational education course;

b) to attend one or several social reinsertion programs developed by the probation services or organized in co-operation with other community institutions;

c) not to leave the Romanian territory without the court's consent;

d) not to be in certain places or to go to certain sport or cultural events or other public meetings, as established by the court;

e) not to communicate with the victim or with the victims' family members, with the persons with whom the crime was committed or with other persons established by court or to approach these persons;

f) not to drive vehicles or certain types of vehicles established by court;

g) not to possess, use or carry any weapons.

(3) The measures provisioned in paragraph (2) c)-g) cannot be ordered to the extent that these duties were not comprised by the complementary penalty of prohibition on the exercise of certain rights.

(4) When ordering the duty provisioned by paragraph (2 d)-f), the court shall individualize concretely the content of this duty, taking into account the circumstances of the case.

(5) The probation measures and duties provisioned in paragraph 2 a) and b) shall be executed from the date of the release for a period equal with a third of the probation period, but not exceeding 2 years, and the duties provisioned in paragraph (2) c) – g) shall be fulfilled throughout the probation period.

(6)

[10] SECTION 3 Judicial control

ARTICLE 211

General requirements

(1) During prosecution, the prosecutor may order measure of judicial control against the defendant, if this precautionary measure is necessary to achieve the objective laid down in Article 202 paragraph (1).

(2) The pre-trial judge, within the pre-trial procedure or the court of law, during trial, may order the measure of judicial control against the defendant, if the requirements laid down in paragraph (1) are met.

ARTICLE 212

Judicial control imposed by the prosecutor

(1) The prosecutor shall order the subpoena of the defendant not held custody or the appearance of the defendant held in custody.

(2) In his/her presence, the defendant shall be informed at once, in the language he/she understands, in respect of the alleged offence and the reasons for judicial measure.

(3) The measure of judicial control may be taken only after hearing the defendant, in the presence of public or chosen defender. The provisions of Article 209 paragraph (6) - (9) shall apply accordingly.

(4) The prosecutor shall order the judicial control by reasoned ordinance, communicated to the defendant.

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ARTICLE 215

Contents of the judicial control

(1) While under judicial control, the defendant must comply with the following obligations:

a) To appear before the prosecution services, the pre-trial judge or before the court of law, anytime summoned;

Programs carried out by probation offices:

- The category of persons who have access to programs includes persons against whom the court has ordered the postponement of the enforcement of the penalty, convicted persons (young people and adults) for whom the court has ordered the Suspension of the sentence service under supervision penalty or who have been released on parole after having served a fraction of the penalty, as well as persons under criminal prosecution and against whom one of the listed precautionary measures has been ordered.

- The way in which the intervention program is established: art. 44, para. 2 of the Regulation provides that „Assistance and counselling shall be performed based on a plan for assistance and counselling adapted to the individual needs of the person. The period of time and the extent to which the needs identified can be covered only by the intervention of the probation office or in cooperation with non-governmental bodies, public and/or private institutions or with natural or legal persons shall be estimated."

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b) To inform at once the judicial authorities who ordered the measure or before whom the case is presented, in respect of the change of address;

c) To appear before the police authority appointed with his/her supervision by the judicial authority ordering the measure, according to the supervision schedule made by the police authority or anytime he/she is summoned.

(2) The judicial authority ordering the measure may order the defendant that, during the judicial control, to comply with one or several duties, as follows:

a) Not to go beyond a certain territorial limit, set by the judicial authority, except upon the prior approval of the judicial authority;

b) Not to go in certain places, set by the judicial authority or to go only in the places set by the judicial authority;

c) To wear a tracking device at all times;

d) Not to return to the family home, not to approach the injured person or his/her family members, other participants in the committal of the offence, witnesses or experts or other persons as decided by the judicial authority and not to communicate with these persons, neither directly not indirectly, whatsoever.

e) Not to practice the profession, occupation or the activity performed while he/she committed the offence;

f) To communicated periodically relevant information concerning his/her means of subsistence;

g) To comply with certain control measures, care and medical treatment, especially for the purpose of detoxification;

h) Not to attend sports or cultural events or other public meetings;

i) Not to drive certain vehicles established by the judicial authority;

j) Not to hold, use and wear any weapons;

k) Not to issue cheques.

(3) The document ordering the judicial control shall provide expressly the duties the defendant must comply with throughout the period of judicial control and shall mention that if violating in bad faith the incumbent duties, the measure of judicial control may be replaced with the measure of house arrest or the measure of provisional arrest.

(4) The supervision of the compliance by the defendant with the duties incumbent upon him/her during the judicial control shall be conducted by the institution, authority or department appointed by the judicial authority who ordered the measure, according to the law.

(…)

(7) If, during the judiciary control measure, the defendant violates in bad faith the obligations incumbent upon him or there are reasonable suspicions that he/she committed a new offence intentionally, for which the criminal prosecution was initiated against him, the rights and freedoms judge, the pre-trial judge or the court of law, upon the prosecutor's request or ex officio, may order the replacement of this measure with house arrest or provisional arrest, in accordance with the law.

(…)

- There are programs with a general character dedicated to children and young people who are in the attention of probation offices, however, there are no programs for those offenders who committed sexual offences. Persons who are under the surveillance of the probation services and who committed offences like the ones provided for in the Lanzarote Convention and who need to be included in specialized intervention programs can be referred to specialists from within non-governmental institutions or organizations which are active in the field.
- If the court orders the above mentioned persons to enrol into a program, the participation to this program is mandatory, whereas not respecting this obligation shall trigger the revocation of the measure (revocation of the suspension of the surveillance measure, parole, postponement of the enforcement of the penalty etc.).

If the convicted person who is in the attention of the probation service requests assistance and counselling, this activity can be ended in the following situations: a) upon request of the person assisted and counselled; b) as a result of the lack of cooperation or improper behaviour of the person assisted and counselled; c) upon expiration of the duration of assistance and counselling (art. 48 of the Regulation for the implementation of the provisions of Government's Ordinance No. 92/2000 concerning the organization and functioning of the probation services).

SAN MARINO / SAINT-MARIN

In relation to risks of offences being committed, no ad hoc legislative measure is specifically envisaged guaranteeing the effectiveness of a preventive intervention.

Cases of mental disorders related to the risk of these kinds of offences being committed fall within the competence of the Mental Health Services, if repeated behavioural abnormalities are involved.

Same reply under question 10a) of the GOQ.

Question 10b) of the General Questionnaire

No specific measure has been adopted to ensure access to intervention programmes designed for persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention.

However, in 2004 the Social Services Centre for adult prisoners was established to promote and implement the humanity and rehabilitation principles of punishments, in accordance with internal rules and international conventions to which San Marino adhered.

The Centre monitors the rehabilitation process during the enforcement of a penalty; it is also responsible for external monitoring and treatment and cooperates for internal monitoring and treatment, which are complementary for the social reintegration of the offender.

The Centre also promotes, urges and organizes cooperation and participation initiatives involving institutions and associations, civil and religious, public and private, as well as

private individuals, designated by law or otherwise authorized and responsible for rehabilitation initiatives. Such initiatives are aimed at the resocialisation of prisoners and internees, persons subject to alternative measures to detention or to programmes fostering contacts between the prison community and the free society; they also combat exclusion, separation and segregation of prisoners.

This is a rehabilitation service for the benefit of the entire prison population (fortunately small, in San Marino), adapted to the needs of each offender and usually well accepted and respected by the parties concerned.

SERBIA / SERBIE

NGO Astra answer:

To the best of our knowledge there are no such intervention programmes in Serbia or measures designed to evaluate and prevent the risk of offences being committed.

Question 10a) of the General Questionnaire

Ministry of Justice:

Under Article 42, of the Criminal Code, Within the framework of the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of punishment is: 1) to prevent an offender from committing criminal offences and deter them from future commission of criminal offences; 2) to deter others from commission of criminal offences; 3) to express social condemnation of the criminal offence, enhance moral strength and reinforce the obligation to respect the law.

Under Article 78 of the Criminal Code, within the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of security measures is to eliminate circumstances or conditions that may have influence on an offender to commit criminal offences in future. Thus, under Article 81 of the CC: (1) The court shall order compulsory psychiatric treatment and confinement in a medical institution to an offender who committed a criminal offence in a state of substantially impaired mental capacity if, due to the committed offence and the state of mental disturbance, it determines that there is a risk that the offender may commit a more serious criminal offence and that in order to eliminate this risk they require medical treatment in such institution. (2) If the requirements referred to in paragraph 1 of this Article are met, the court shall order compulsory treatment and confinement in a medical institution to an offender who in state of mental incompetence committed an unlawful act provided under law as a criminal offence. ((3) The court shall 1. discontinue the measure referred to in paragraphs 1 and 2 of this Article when it determines that the need for treatment and confinement of the offender in a medical institution no longer exist. (4) The measure specified in paragraph 1 of this Article when ordered together with a term of imprisonment may last longer than the pronounced sentence. (5) Time spent in a medical institution by the offender who committed a criminal offence in a state of substantially impaired mental capacity and who has been sentenced to prison shall be credited to serving

of the pronounced sentence. If time spent in a medical institution is less than the pronounced prison sentence, the court shall order, upon termination of the security measure, that the convicted person is remanded to prison to serve the remainder of the sentence or released her on parole. In deliberating to grant parole the court shall, in addition to requirements set forth in Article 46 hereof, particularly take into consideration the degree of success of treatment of the convicted person, his medical condition, time spent in the medical institution and the remaining part of the sentence. Under Article 82 of the CC proscribing a security measure of Compulsory Psychiatric Treatment at Liberty: (1) The court shall order compulsory psychiatric treatment at liberty to an offender who has committed an unlawful act provided under law as a criminal offence in a state of mental incapacity if it determines that danger exists that the offender may again commit an unlawful act provided under law as a criminal offence, and that treatment at liberty is sufficient to eliminate such danger. (2) The measure specified in paragraph 1 of this Article may be ordered to a mentally incompetent perpetrator under compulsory psychiatric treatment and confinement in a medical institution when the court determines, based on results of medical treatment, that his further treatment and confinement in a medical institution is no longer required and that treatment at liberty would be sufficient. (3) Under conditions specified in paragraph 1 of this Article, the court may also order compulsory psychiatric treatment at liberty to an offender whose mental competence is substantially impaired if he is under a suspended sentence or released on probation pursuant to Article 81, paragraph 5 hereof. (4) Compulsory psychiatric treatment at liberty may be undertaken periodically in particular medical institution if necessary for a successful treatment, with the proviso that periodical institutional treatment may not exceed fifteen days in continuity or two months in aggregate. (5) Compulsory psychiatric treatment at liberty shall last as long as there is a need for treatment, but may not exceed three years. (6) If in case referred in paragraphs 1. through 3 of this Article, the offender does not comply with treatment at liberty or abandons it of his own volition, or if despite treatment, danger of committing an unlawful act provided under law as a criminal offence is reasserted, which necessitates his treatment and confinement in an appropriate medical institution, the court may order compulsory psychiatric treatment and confinement in such institution. Under Article 83 of the CC proscribing a security measure of Compulsory Drug Addiction Treatment (1) the court shall order compulsory treatment to an offender who has committed a criminal offence due to addiction to narcotics and if there is a serious danger that he may continue committing criminal offences due to this addiction. (2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or in an appropriate medical or other specialised institution and shall last as long as there is a need for treatment, but not more than three years. (3) When the measure referred in paragraph 1 of this Article is ordered together with a term of imprisonment, duration thereof may exceed the pronounced sentence but its overall duration shall not exceed three years. (4) The time spent in the institution for medical treatment shall be credited to the prison sentence. (5) If the measure referred to in paragraph 1 of this Article is pronounced together with a fine, a suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed three years. 6) If an offender without justifiable reasons fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order coercive enforcement of such measure in an appropriate medical or other specialised institution. Under Article 84 of the CC proscribing a security measure of Compulsory Alcohol Addiction Treatment: (1) The court shall order compulsory treatment to an offender who

has committed a criminal offence due to addiction on alcohol abuse and if there is serious threat that he may continue to commit offences due to such addiction. (2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or an appropriate medical or other specialised institution and shall last as long as there is need for treatment, but may not exceed the duration of the pronounced prison sentence. (3) The time spent in the institution for medical treatment shall be credited to the prison sentence. (4) If the measure specified in paragraph 1 of this Article is ordered together with a fine, suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed two years. 5) If an offender without justifiable reasons fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order coercive enforcement of such measure in an appropriate medical or other specialised institution. Under Article 85 proscribing a security measure of Prohibition to Practise a Profession, Activity or Duty: (1) The court may prohibit an offender from practising a particular profession, activity, or all or certain duties related to the disposition, use, management or handling of another's property or taking care of that property, if it is reasonably believed that his further exercise of that duty would be dangerous. (2) The court shall determine the duration of the measure referred to in paragraph 1 of this Article that may not be less than one more than ten years, calculated from the day the judgement became final, and the time spent in a prison or medical institution where the security measure has been exercised shall not be credited to the term of this measure. (3) If ordering a suspended sentence, the court may order revoking of such sentence if the offender violates the prohibition to practise a particular profession, activity or duty.

Under Article 89a thereof proscribing Restraint to approach and communicate with the injured party: (1) The Court may prohibit an offender from approaching the injured party at a specified distance, from accessing the area surrounding the injured party's residence or place of work, and further harassment of the injured party, i.e. further communication with the injured party, provided it is reasonable to believe that any such further action taken by the offender would pose a threat to the injured party. (2) The court shall determine the duration of the measure specified in paragraph 1 of this Article, which may not be less than six months or more than three years, calculating from the date of final decision, with the proviso that time spent in prison and/or medical institution wherein the security measure was enforced is not calculated into the duration of this measure. (3) The measure referred to in paragraph 1 hereof may be revoked before it has expired should grounds on which it was imposed have ceased to exist.

Question 10b) of the General Questionnaire

Ministry of Justice:

Please, see answer to question 10 (a).

- how the appropriate programme or measure is determined for each person;
- whether there are specific programmes for young offenders;

Ministry of Justice:

Please, see answer to question 10 (a).

- whether persons have a right to refuse the proposed programme/measures?

NGO Astra:

Under the Law on special measures for the prevention of crimes against sexual freedom against minors ("Off. Gazette of the RS", no. 32/2013), special measures are implemented towards the perpetrator of the crime, after serving his prison sentence, for a period of up to 20 years after the serving the sentence of imprisonment.

One of the special measures is mandatory counselling and visiting professional institutions, which means that it is the duty of the offender to visit professional counselling services and facilities in the programme set by the organizational unit of Directorate for Execution of Penal Sanctions responsible for treatment and alternative sanctions.

On the expiration of every four years since the start of implementation of special measures, the court, which issued the verdict in the first instance, ex officio, decides on the need for their further implementation.

The person to whom these measures apply may file request for review of the need for further implementation of special measures also.

We are not aware that these counselling centres were established and that these required measures are implemented in practice.

SPAIN / ESPAGNE

Question 10a) of the General Questionnaire

There is a programme that should be emphasised: the therapeutic and social intervention programme aimed at minors who perpetrate acts of physical, psychological and/or sexual violence, developed by “Márgenes y Vínculos” Foundation with the financial support of the Ministry of Health, Social Services and Equality. It is intended to help minors to overcome psychological and/or family difficulties. It is implemented in the Autonomous Regions of Andalusia and Extremadura.

Another example of good practice financed by the Ministry of Health, Social Services and Equality is the Intervention Centre in Sexual Abuse on Children (CIASI). CIASI is a specialized care centre for underage victims of sexual abuse living in the Autonomous Region of Madrid, their families and underage sexual offenders. Intervention has a multidisciplinary approach and is coordinated with health, social, police, legal and educational services.

Question 10b) of the General Questionnaire

The main programmes to be highlighted are the following:

- Programme for sexual offenders (convicts or on remand) developed by the Directorate General of Prisons of the Ministry for Home Affairs. Intervention follows a protocol with different levels: an expert team interviews the offender on entry, determines the appropriate programme and follows it up. Programmes are voluntary, though the refusal to participate has a negative impact.

- Educational and therapeutic programme for juvenile sexual offenders of the Agency of the Autonomous Region of Madrid for the re-education and reinsertion of offending minors. It provides individual intervention and special care for minors under the age of 18 who have been reported or convicted of sexual assault.

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / « L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE »

Ministry of Education and Science:

Via the current curricula and study programmes, i.e. via the conducted classes, in accordance with children's age, students are regularly educated (informed) on how to recognize in a timely manner a possible perpetrator who might harm them, and are encouraged to talk about the problem openly if such problem does happen.

No reply to question 10a) of the GOQ.

Question 10b) of the General Questionnaire

Ministry of Justice

In Macedonian penitentiary system, in the planned treatment measures and activities are involved convicted persons with penalty of imprisonment, including those convicted for crimes - sexual abuse of children and juveniles to whom is pronounced an educational measure for referral to educational and detention centre.

During the period of admission of inmates in the EDC, by the team of the institution is made an observation of inmates and is conducted different kinds of studies in several aspects, including: criminological-penological, sociological, psychological, medical, pedagogical and other similar studies of the personality of the inmates. During this period a new method is applied - a instrument for assessment of risk of inmates that allows to the professional team to perform prediction of the risk and needs of inmates. Based on the obtained results during the observational period, the expert team prepares Program for treatment for each inmate and is done his classification at the appropriate department, or deployment in the group in order to realize the treatment activities that are planned to be realized during the serving of penalty of imprisonment.

The forms and manners of treatment of inmates are minutely regulated with the Instructions for Forms and methods of treatment of inmates (Official Gazette of RM, no. 173/11).

Furthermore, in order to improve the treatment of inmates, under IPA 2009 project entitled as "Strengthening of the capacity of the organs for implementation of law for the proper treatment of prisoners and retained persons", in progress is for preparation of General Criminogenic Program with special modules for the treatment of prisoners, adaption of the instrument for assessing risk and preparation of a brief tool for rapid screening of convicts.

General criminogenic program treats the dynamic factors that affecting over recidivism and 8-th criminogenic needs of the person. With the inclusion of inmates in the program after successful completion of the program is expected reduction of the dynamic factors which affecting over recidivism among inmates. Before starting with implementation of the program in the prison system, will be perform its evaluation in a pilot Penitentiary Institution and will precede specialized training for staff who will be involved in its implementation.

Regarding to the treatment of juvenile offenders, ongoing is a realization a Project entitled "Improving of the prison conditions for reintegration of juvenile prisoners '' which is focused on the treatment of juvenile inmates in the Ohrid Prison and EDC Tetovo. The project began to be implemented in late 2013 with the support of the Netherlands Helsinki Committee which is focused on minors in certain institutions in Albania, Macedonia and Kosovo within that provides a lot of actions to improve the treatment of minors and will last three years. The project relates to improvement of the skills of the prison staff to work with minors that includes elements of YOUTURN / EQUIP Program.

Also, during the year of 2014 is signed a Memorandum of cooperation between the Department for execution of sanctions, the United Nations Development Program (UNDP) and the Ministry of Education and Science for successful implementation of the project "Promoting sustainable employment III and support of the Government in the implementation of the Operational Plan for active measures of the labour market for 2014". This project aims to facilitate the achievement of the priorities for the development of country within that has a special component to support professional trainings and their implementation in prisons and detention centres. Training for vocational education will be implemented in two facilities: Female department in the PDC Idrizovo and Detention Center Tetovo where juveniles serve educational measure.

All treatment activities carried out in penitentiary institutions, including the engagement of inmates is solely on their voluntary. Employees in the sector for re-socialization in institutions aim to motivate inmates to engage in the planned treatment activities by the possibilities of the institutions where they are serving their sentence.

TURKEY / TURQUIE

The answer to Question 10 of the General Overview Questionnaire includes an explanation regarding this matter.

Question 10 of the General Questionnaire
We have not received any detailed information regarding the ongoing or proposed Intervention programme/measures. On the other hand, in case of an application by persons who fear that they may commit any of the offences established in accordance with the Convention, the Ministry of Health shall provide effective psychological support.

UKRAINE

Did not reply neither to Question 7 of the TQ, nor to Question 10(a) of the GOQ / N'a répondu ni à la Question 7 du QT, ni à la Question 10a) du QAG

Question 10b) of the General Questionnaire
In accordance with provisions of Paragraph five, Article 194 of the CPCU while imposing a measure of restraint not involving custody the investigating judge / court could impose on the suspect / accused the obligation to appear upon each request before court or any other specified public authority and also perform one or more of the obligations the necessity imposing which has been proven by the public prosecutor, namely:

1) appear before the specified official with certain periodicity;
2) not to leave the locality where he or she is registered, resides or stays, without permission of the investigator, public prosecutor or court;
3) inform the investigator, public prosecutor or court on the change of place of residence and/or employment;
4) abstain from communicating with any individual specified by investigating judge, court or communicate with such individual on conditions imposed by investigating judge, court;
5) do not visit places specified by investigating judge or court;
6) undergo treatment for drug or alcohol addiction;
7) make efforts to find a job or to enter an educational institution;
8) surrender his internal ID, foreign travel passport(s) or other documents authorizing leaving and coming to Ukraine;
9) carry an electronic tracking device.

* * *

III – Other stakeholders / Autres parties prenantes

UNICEF (ICELAND / ISLANDE)

Those afraid they might be convicted of sexual abuse or exploitation against children do not have access to any intervention programmes or measures designated to evaluate and prevent offences being committed again.

People can also always seek therapy personally. Parents of children who show inappropriate sexual behaviour can apply for therapy at the child protection agency. Three psychologists offer the treatment and it is paid for by the relevant child protection committee[11].

Question 10 of the General Questionnaire

There have not been taken any legislative measures for those subject to criminal proceedings or have been convicted for offences relating to sexual abuse or exploitation against children. Anyone convicted for sexual abuse or exploitation is offered treatment while in prison, but it is completely voluntary and persons have the right to refuse treatment or programme measures. Many persons do refuse treatment based on that they are falsely accused of sexual abuse or exploitation. There are two psychologists who work for the prisons and according to recent news they do not have time or resources to attend to all sexual offenders.[12] The appropriate programme is determined on an individual basis by the prisoner and the psychologist together. There are no special programmes for convicted young offenders. There has not yet been established a prison for young or child offenders in Iceland.

ECPAT International

In terms of measures to address the demand for sex with children, some initiatives have focused on raising awareness of the client side of commercial sexual exploitation, teaching them to look out for possible signs that a person is a victim of CSEC. In Belgium, for example, since 2004 the government in collaboration with the private sector and NGOs such as ECPAT Belgium, has been implementing the "Stopchildprostitution.be" campaign targeting all Belgians travelling abroad: tourists, businessmen, the army on a foreign mission, the embassy personnel, development-aid workers, and bus and truck drivers.

Some Council of Europe countries have adopted measures to prevent further victimisation, through the implementation of offender management measures, though current national systems vary greatly across Council of Europe states. Whilst some states already have comprehensive management systems dealing with sex offenders, other states have no such arrangements. In recent years, some Ecountries such as Malta have made efforts to develop

[11] Barnaverndarstofa, Sálfræðimeðferð fyrir börn sem óæskilega kynhegðun: http://www.bvs.is/fagfolk/urraedi-barnaverndarstofu/salfraedimedferd-fyrir-born-med-oaeskilega-kynhegdun/

[12] Vísir.is „Ráða ekki við meðferð kynferðisbrotamanna": http://www.visir.is/rada-ekki-vid-medferd-kynferdisbrotamanna/article/2012702279969

"sex offenders registers" while others have adopted barring systems to prevent offenders from working with children and other vulnerable people (for example, Germany and Denmark)[13].

There is a paucity of programmes to address the demand for sex with children. Basic research that would enable target-oriented and target-group specific preventive measures is still needed. New areas/aspects which would require further analysis include, inter alia, prostitution of boys, "independent youth prostitution", link between child labour and CSEC, CSE of children with disability, "sexting" and sexual offending among youth, etc.

[13] Altamura, A. The rights of child victims of commercial sexual exploitation in practice at EU and Member States' levels. ECPAT International's Journal Series n. 3, July 2012. Accessed on 27 August 2013 from: http://www.ecpat.net/ei/Publications/Journals/ECPAT%20Journal_July2012.pdf