



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 12 December 2012

PC-GR-DD (2012) 1 EN

**AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS
(PC-GR-DD)**

BACKGROUND DOCUMENT

Document prepared by the Secretariat of
the Directorate General Human Rights and Rule of Law (DG1)

The treatment of long-term and ‘dangerous’ offenders is becoming an increasingly important issue in many Council of Europe member states, and thus for the European Committee on Crime Problems (CDPC)¹, with concerns on a number of different levels.

Following the conclusions of the 14th Conference of Directors of Prison Administration (CDAP), (Vienna, 19-21 November 2007), the Council for Penological Co-operation (PC-CP)² decided to carry out a study on the concept of dangerous offenders.

In June 2009, the Ministers of Justice of the Council of Europe invited the European Committee on Crime Problems (CDPC) in co-operation with other competent bodies of the Council of Europe:

- *to examine existing best practices in member states, in full respect of human rights, related to:*
 - a) *the assessment of the risk of re-offending and the danger to victims and society posed by perpetrators of acts of domestic violence;*
 - b) *the supervision and treatment of such perpetrators in serious and repeated cases, in closed settings and in the community, including surveillance techniques;*
 - c) *programmes and measures aimed at helping perpetrators improve self-control and behaviour management and, where possible, repairing the harm done to victims*³.

The PC-CP considered this resolution at its 62nd meeting (21-23 September 2009) and shared the opinion of the CDPC Bureau that this study should be carried out within the framework of the planned study on the concept of dangerous offenders and their supervision and treatment.

A report was drafted by Professor Nicola Padfield entitled “*The sentencing, management and treatment of ‘dangerous’ offenders*”, which was presented to the CDPC at its meeting on 7 June 2010. It describes in a very precise manner the situation in Europe and explains the possible risks and dangers should there be a misbalance between the public interest and the need to safeguard against the abuse of individual rights.

A Roadmap setting out the work of the CDPC in the field of dangerous offenders was submitted to the CDPC in December 2011 where the decision was taken to prepare draft terms of reference for a restricted drafting group of experts on dangerous offenders.

In March 2012, the Bureau of the CDPC approved the above-mentioned draft terms of reference and instructed the Secretariat both to send them to all CDPC delegations for approval by written procedure and to submit them to the Committee of Ministers for adoption.

After lengthy negotiations, the terms of reference of the Ad hoc Drafting Group on Dangerous Offenders (PC-GR-DD) were finally adopted by the Committee of Ministers on 21 November 2012.

¹ Set up in 1958, the European Committee on Crime Problems (CDPC) was entrusted by the Committee of Ministers the responsibility for overseeing and coordinating the Council of Europe’s activities in the field of crime prevention and crime control.

² The Council for Penological Cooperation is a standing advisory body to the European Committee on Crime Problems.

³ Resolution N° 1 on prevention and responding to domestic violence.