



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 2 May 2013

PC-GR-DD (2013) 3 EN

**2<sup>nd</sup> MEETING of the AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS  
(PC-GR-DD)**

**24 - 26 April 2013**

**Council of Europe Office in Paris**

55, avenue Kléber

**Room "Paris 1"**

**SUMMARY MEETING REPORT**

**Document prepared by the Directorate General  
Human Rights and Rule of Law**

**BRIEF FOREWORD**

**The PC-GR-DD:**

- adopted the agenda;
- took note of the information provided by the Secretariat;
- welcomed the first preliminary draft recommendation on dangerous offenders, in particular taking into consideration the short time-frame within which it has been prepared;
- took note of the comments made by the Bureau of the CDPC on the preliminary draft recommendation on dangerous offenders;
- examined in detail the first preliminary draft recommendation and in particular:
  - considered the scope, definition and basic principles of the draft recommendation on dangerous offenders;
  - decided that this recommendation should not apply to children or to persons suffering from a mental disorder who are not under the responsibility of the prison system;
  - considered the introduction of a reference to the existing Council of Europe recommendations on probation rules and also to the European Prison rules within the draft recommendation;
  - reached a common agreement on the definition of treatment, secure preventive detention and preventive supervision;
  - agreed to further develop some subjects in the commentary of the draft recommendation.
- took note of a presentation made by the Russian Federation delegation on the penal system in Russia;
- agreed to examine the preliminary draft commentary of the draft recommendation on dangerous offenders at its next meeting.

1. The Ad hoc drafting group on Dangerous Offenders (PC-GR-DD) held its second meeting in Paris on 24-26 April 2013. The list of participants is appended to this report (Appendix II).

**I. Opening of the meeting and adoption of the agenda**

2. The agenda was adopted (see Appendix I).

**III. Information by the Chair and the Secretariat**

3. Mr Sławomir Buczma, Chair of the ad hoc drafting group, welcomed all the participants and asked those representatives who were not present at the first meeting of the group to introduce themselves.
4. Particular thanks were given to the representative of Austria, who participated in the meeting without defrayal of expenses by the Council of Europe.
5. The Chair also welcomed the presence of the observers to the ad-hoc drafting group, in particular the representatives of the CPT, Mr James McManus, and the Chair of the PC-CP, Mr André Vallotton,. He also welcomed and thanked the representative of Penal Reform International, Mr John Podmore, for taking part in the meeting.
6. Mr Carlo Chiaromonte, Head of Criminal Law Division, presented the terms of reference of the European Committee on Criminal Problems (CDPC) which included the elaboration of a non-binding legal instrument on dangerous offenders in 2013. He also recalled the terms of reference of the PC-GR-DD, as adopted by the Committee of Ministers on 21 November 2012 and in particular the three items to be tackled by the non-binding legal instrument (risk and threat assessment, the treatment and conditions of detention and the measures for the prevention of re-offending).

**IV. Presentation of the preliminary draft recommendation on Dangerous Offenders**

7. The PC-GR-DD:
  - took note of the presentation provided by the Chair and the scientific expert on the preliminary draft recommendation on Dangerous offenders;
  - took due account of the comments made by the Bureau of the CDPC on the preliminary draft non-binding legal instrument on dangerous offenders;
  - examined in detail each provision of the preliminary draft recommendation on Dangerous offenders;
  - agreed on the scope, definitions and basic principles of the future recommendation. It considered tackling mainly those offenders who have been convicted of a very serious sexual or a very serious violent crime against person(s) and who present a high likelihood of reoffending with further very serious sexual or very serious violent crimes against person(s);
  - reached a common agreement on the definition of treatment, secure preventive detention and preventive supervision;
  - decided that this recommendation should not apply to children or to persons suffering from a mental disorder who are not under the responsibility of the prison system;
  - considered the risk and needs assessment;
  - identified the measures to be set up by the competent authorities in preventive supervision;
  - developed some rules on risk management;
  - decided to introduce a reference to the existing Council of Europe recommendations on probation rules and also to the European Prison rules within the future non-binding legal instrument;

- discussed the necessity of co-ordinating the actions of various agencies and supported multi-agency co-operation among prison administration, probation workers, social and medical services and law enforcement authorities.

8. In the light of the discussions, the participants considered that, in the framework of risk assessment, an appropriate plan should be implemented. It should include, *inter alia*, rehabilitative and restrictive measures to reduce the likelihood of reoffending in the long term, measures to support the individual when addressing personal needs, contingency measures to respond promptly to indications and mechanisms to respond to indications of positive changes.
9. The PC-GR-DD agreed on the different headings and subheadings of the future recommendation on dangerous offenders.

#### **VI. Other business**

10. Mr Evgeny Gnedov, Head of the Operative Department, Federal Penal Service of the Russian Federation, made a presentation on the penal system in Russia and focussed in particular to the penitentiary system and the treatment of dangerous offenders.
11. The PC-GR-DD decided to present a preliminary draft commentary on the draft recommendation at its next meeting as a basis for discussion.
12. The next meeting of the PC-GR-DD was scheduled for September 2013 (dates TBC).

## APPENDIX I

Strasbourg, 24 April 2013

PC-GR-DD (2013) OJ EN

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

Paris, 24 April 2013, 9h30 a.m. - 26 April 2013, 1 p.m.

Council of Europe Office in Paris  
55, avenue Kléber

Room "Paris 1"

### AGENDA

<b>1. OPENING OF THE MEETING</b>	
<b>2. ADOPTION OF THE AGENDA</b>	
	PC-GR-DD (2013)OJE
<b>3. INFORMATION BY THE CHAIR AND THE SECRETARIAT</b>	
3.1 Report of the last meeting of the PC-GR-DD	<a href="#">Summary meeting report</a>
3.2 Terms of reference of the European Committee on Crime Problems (CDPC)	<a href="#">CDPC ToR</a>
3.3 Terms of reference of the Ad hoc Group on Dangerous Offenders (PC-GR-DD)	<a href="#">PC-GR-DD ToR</a> <a href="#">PC-GR-DD (2012)1</a> <a href="#">PC-GR-DD (2012)3</a>
<b>4. DRAFTING OF A RECOMMENDATION ON DANGEROUS OFFENDERS</b>	
4.1 Presentation by the Chair of the PC-GR-DD and the scientific expert on the preliminary draft recommendation on Dangerous offender	<a href="#">PC-GR-DD (2013) 1</a>
4.2 Note of the Bureau of the European Committee on Crime Problems (CDPC), 11-12 April 2013	<a href="#">PC-GR-DD (2013) 2</a>
4.3 Discussion	
<b>5. COUNCIL OF EUROPE PREVIOUS WORK ON DANGEROUS OFFENDERS</b>	
5.1 Recommendations and Resolutions	<a href="#">Resolution (62)2</a> <a href="#">No. R (82) 17</a> <a href="#">Rec(2003)22</a> <a href="#">Rec(2003)23</a> <a href="#">Rec(2006)2</a> <a href="#">CM Rec (2010)1</a>

5.2	Report on “The sentencing, management and treatment of “dangerous” offenders” by Nicola Padfield	<a href="#">PC-CP (2010) 10 rev 5</a>
5.3	European Court of Human Rights case law	<a href="#">ECtHR Case law</a>
<b>6.</b>	<b>OTHER BUSINESS</b>	
6.1	Dates and place of the next meeting of the PC-GR-DD	
6.2	Other	

## APPENDIX II

### LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

#### **Members of PC-GR-DD / Membres du PC-GR-DD**

##### **Poland / Pologne**

Mr Sławomir Robert BUCZMA, **President /Président**  
Judge detached to the Ministry of Justice  
Criminal Law Department  
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##### **Belgium/ Belgique**

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##### **Croatia / Croatie**

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##### **Czech Republic / République Tchèque**

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General Directorate  
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##### **Denmark / Danemark**

Ms Kim Tobberup ANDERSEN  
Prison Governor

##### **Finland / Finlande**

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Director  
Criminal Sanctions Agency, Region of Western Finland  
Assessment Centre

##### **France**

M. Olivier RABOT  
Adjoint au chef du Bureau de l'exécution des peines et des grâces  
Direction des affaires criminelles et des grâces

Ministère de la justice

**Germany / Allemagne**

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**Greece / Grèce**

Mr Marinos SKANDAMIS  
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General Secretary of Crime Policy, Ministry of Justice  
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**Italy / Italie**

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**The Netherlands / Pays Bas**

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**Russian Federation / Fédération de Russie**

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\* \* \*

**Other participants / Autres participants**

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**European Committee for the Prevention of Torture and Inhuman or Degrading Treatment  
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M André VALLOTTON, **Chair of the PC-CP**/ Président du PC-CP  
Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires  
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**Secretariat GENERAL of the Council of Europe /**  
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**Directorate General Human Rights and Rule of Law /**  
*Direction générale Droits de l'Homme et Etat de Droit*

Mr Carlo CHIAROMONTE, Head of Criminal Law Division / *Chef de Division du Droit Pénal*

Mr Oscar ALARCÓN JIMÉNEZ, Co-Secretary of the CDPC, Secretary of PC-GR-DD / *Co-Secrétaire du CDPC, Secrétaire au PC-GR-DD*

**Interpreters / Interprètes**

Ms Shan BENSON  
Ms Jeanne DISDERO  
Ms Léa OUEDRAOGO