



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 9 April 2012

**DRAFT TERMS OF REFERENCE  
RESTRICTED GROUP OF EXPERTS  
ON  
DANGEROUS OFFENDERS  
2012 - 31 December 2012**

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Name of Committee: **Restricted Group of Experts on Dangerous Offenders**

Category: subordinate body

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods*

Terms of Reference valid from ... 2012 until 31 December 2012

**Main tasks**

1. Under the authority of the European Committee on Crime Problems (CDPC), the Restricted Group of Experts shall prepare a non-binding legal instrument on dangerous offenders.
2. The Restricted Group of Experts shall, in particular, examine the following issues:
  - risk and threat assessment of dangerous offenders in criminal proceedings which could result in detention due to the danger posed by the offenders,
  - treatment and conditions of detention of dangerous offenders,
  - measures for the prevention of re-offending by dangerous offenders to the extent that such measures are covered by the criminal justice system.
3. The Restricted Group of Experts shall limit its work to offenders deemed to represent a threat to society, notably because of their personality, the violent character of the criminal offence(s) which they have committed, and the risk of re-offending.
4. Other issues related to dangerous offenders, in particular with regard to offenders whose dangerousness is determined by their involvement in organised crime and/or terrorism, should not be examined as a matter of priority by the Restricted Group of Experts, but shall be the subject of future work by the CDPC.
5. In its work, the Restricted Group of Experts should take into account the relevant jurisprudence of the European Court of Human Rights and best practices of member states. The experts may also consult the report by Professor Nicola Padfield entitled "sentencing, management and treatment of "dangerous" offenders" commissioned by the CDPC.
6. The Restricted Group of Experts shall report to the Bureau of the CDPC on a regular basis. The Bureau of the CDPC may issue instructions to the Restricted Group of Experts with regard to its work.

<b>Pillar / Sector / Programme (s)</b>
<p><b>Pillar</b> : Rule of Law.  <b>Sector</b> : Common standards and policies.  <b>Programme</b> : Development and implementation of common standards and policies.</p>
<b>Expected result (s)</b>
<p>Expected result 1. "Standards are prepared on dangerous offenders" :  Draft non-binding legal instrument concerning dangerous offenders to be considered by the Committee of Ministers in 2013, after validation by the CDPC.</p>
<b>Composition</b>
<p><u>Members:</u></p> <p>16 representatives of member states of the highest possible rank, with recognised expertise in the field of criminal law and treatment of dangerous offenders appointed by the Steering Committee on Crime Problems (CDPC) on a proposal of the respective member states and 1 scientific expert appointed by the Secretary General. The composition of the Committee will reflect an equitable geographic distribution amongst the member states.</p> <p>The Council of Europe will bear the travel and subsistence expenses of the 16 representatives and of the scientific expert.</p> <p>Other member states may designate representatives without defrayal of expenses.</p> <p>Members of the committee designated by Governments of member states shall have one vote each. The scientific expert appointed by the Secretary General shall not have the right to vote.</p> <p><u>Participants:</u>  The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> <li>- The Parliamentary Assembly;</li> <li>- The European Court of Human Rights;</li> <li>- The Office of the Commissioner for Human Rights;</li> <li>- The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);</li> <li>- The Council for Penological Co-operation (PC-CP).</li> </ul> <p>The following may send representatives without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> <li>- The European Union ;</li> <li>- the states with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) ;</li> <li>- United Nations Office for Drugs and Crime (UNODC);</li> </ul> <p><u>Observers:</u></p>

The following may send representatives without the right to vote and without defrayal of expenses:

- relevant International Organisations;
- civil society and representatives of professional communities (to be determined).

### **Working methods**

#### **Meetings:**

16 members (+ 1 scientific expert), 3 meetings, 3 days

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Meetings per year	Number of Days	Members	Plenary	Secretariat (A, B)
3	3	16 + 1 = 17		0.5 A ; 0.5 B