



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 2 May 2013

PC-GR-DD (2013) 2 EN

**2nd 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

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

| | | |
|-----------|--|---------------------------------------|
| 5.2 | Report on “The sentencing, management and treatment of “dangerous” offenders” by Nicola Padfield | PC-CP (2010) 10 rev 5 |
| 5.3 | European Court of Human Rights case law | ECtHR Case law |
| 6. | OTHER BUSINESS | |
| 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
Ministry of Justice
al. Ujazdowskie 11
PL - 00-950 WARSAW

Belgium/ Belgique

Mr Werner VANHOUT
Adviser-general / Conseiller-général
Federale Overheidsdienst Justitie
Service public fédéral Justice
Directoraat-generaal EPI
Direction générale EPI
Psychosociale Dienst
Service Psychosocial
Willebroekkaai 33, 33 Quai de Willebroeck 1000 Brussel - Bruxelles

Croatia / Croatie

Ms Zvezdana SIMUNDIC – **apologized/excusée**
Head of Unit for Follow-up on Implementation of Inmates' Rights
Head Office of Prison System Directorate
Ministry of Justice of the Republic of Croatia
Ulica grada Vukovara 49, 10000 Zagreb

Czech Republic / République Tchèque

Mr Vaclav JIRICKA
Psychologist
00420 724 301 930
Prison Service of the Czech Republic
General Directorate
Department of Psychology
Soudni 1672/1a

Denmark / Danemark

Ms Kim Tobberup ANDERSEN
Prison Governor

Finland / Finlande

Mr Kimmo HYPÉN
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

Mr Michael SKIRL
Justizvollzugsanstalt Werl
Langenwiedenweg 46, 59457 Werl

Greece / Grèce

Mr Marinos SKANDAMIS
PhD in Criminology
General Secretary of Crime Policy, Ministry of Justice
Transparency and Human Rights
Kanari 28-30 St., PC 26222, Patras

Italy / Italie

Mr Federico FALZONE
Director of the Office of High Security Prisoners of the Directorate general for Prisoners and their Treatment
at the Penitentiary Administration Headquarters in Rome
Largo Luigi Daga 2
0164 Rome

The Netherlands / Pays Bas

Mr Jeroen Adriaan Maria DE JONG
Deputy head legal affairs division / National Agency of Correctional Institutions
Room Z 431
Postbox 30132
2500 GC The Hague

Norway / Norvège

Ms Anne-Li N. FERGUSON
Senior Adviser
National Institution Unit
Norwegian Centre for Human Rights
Faculty of Law
University of Oslo
P.O. Box 6706 St. Olavs plass, N-0130 OSLO

Russian Federation / Fédération de Russie

Mr Evgeny GNEDOV
Head of the Operative Department
Federal Penal Service of the Russian Federation
Ministry of Justice of the Russian Federation
119991, Moscow, Russia, Zhitnaya str., 14, GSP-I

Ms Maria NOVIKOVA
Senior Inspector of the Department for International Cooperation and Protocol Events
Federal Penal Service of the Russian Federation
Ministry of Justice of the Russian Federation
119991, Moscow, Russia, Zhitnaya str., 14, GSP-I

Switzerland / Suisse

Mme Regine SCHNEEBERGER GEORGESCU
Co-responsable du service spécial
(détenus présentant un danger particulier) du canton de Berne
Section d'application des peines et mesures du canton de Berne
Eigerstrasse 73

case postale 5076
3001 Berne

Turkey / Turquie

Mr. Hakan UMUT
Inspector Judge, Directorate General for Prisons and Detention Houses
Ministry of Justice of the Republic of Turkey

United Kingdom / Royaume Uni

Ms Shelley SCOTT – **apologized/excusée**
Shelly Scott
Ground Floor, Grenadier House, 99-105 Horseferry Road
London. SW1P 2DD

* * *

Scientific expert / expert scientifique

Ms Louise Victoria JOHANSEN
Faculty of Law, Copenhagen
Sankt Annæ Plads 4
1250 Copenhagen K.

Consultants /consultants

Prof. Dr. iur. Dr. med. Dr. h. c. mult. Carlos María ROMEO CASABONA
Professor in Criminal Law
UPV-EHU and Director of the Inter-University Chair in Law and the Human Genome
University of Deusto and University of the Basque Country University of the Basque Country
Avda. de las Universidades 24
48007 Bilbao

Ms Yvonne GAILEY
Chief Executive
Risk Management Authority
St James House
25 St James Street
Paisley
PA3 2HQ
United Kingdom

* * *

Other participants / Autres participants

Austria / Autriche

Ms Martina KLEIN
Legal Adviser
Federal Ministry of Justice
Museumstraße 7
A-1070 Vienna

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) / Comité Européen pour la Prévention des Traitements Inhumains ou Dégradants (CPT)

Dr James McMANUS
Member of CPT elected in respect of UK
Heathbank, Coupar Angus Road
BLAIRGOWRIE

PH10 6JY
Scotland
United Kingdom

Council for Penological Co-operation (PC-CP) /
Conseil pour la Coopération Penologique(PC-CP)

M André VALLOTTON, **Chair of the PC-CP/** Président du PC-CP
Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires
Département de la Sécurité et de l'Environnement
Chef de projet
Unité d'appui au Programme d'appui de la réforme du Système pénitentiaire
Ministère de la Justice
c/o DGAPR, rue du 11 Décembre 1960
El Biar
Alger

Penal reform International

Mr John PODMORE
PRI Consultant
PRI Headquarters
60-62 Commercial Street
London E1 6LT
United Kingdom

Secretariat GENERAL of the Council of Europe /
secrétariat GÉNÉRAL du Conseil de l'Europe

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