

Strasbourg, 27 September 2013

PC-GR-DD (2013) 6 EN

**3rd MEETING of the AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS
(PC-GR-DD)**

18 - 20 September 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 on the state of play of the draft recommendation on dangerous offenders and its commentary;
- welcomed the draft recommendation on dangerous offenders and its first preliminary draft commentary, in particular taking into consideration the short time-frame within which it has been prepared;
- took note of the comments made by the CDPC on the preliminary draft recommendation on dangerous offenders as well as the comments made by the Registry of the European Court of Human Rights (ECtHR);
- examined in detail the draft recommendation and its preliminary draft commentary and made general comments, in particular:
 - considered and confirmed the scope, definition and basic principles of the draft recommendation on dangerous offenders;
 - considered including references to the existing Council of Europe recommendations on probation rules and to the European Prison Rules in the draft recommendation;
 - reached a common agreement on the definition of violence, treatment and secure preventive detention;
 - agreed to develop further some concrete rules in the commentary of the draft recommendation;

- developed some rules in Part VI of the draft recommendation entitled “*Monitoring, staff and research*” and introduced a new part devoted to the follow-up to be given to this recommendation;
- adopted the draft recommendation and agreed that the Secretariat would fine-tune the commentary of the draft recommendation in light of the discussions held.

1. The Ad hoc drafting group on Dangerous Offenders (PC-GR-DD) held its third and last meeting in Paris on 18-20 September 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 apologised for those representatives who were not present at the meeting.

4. The Chair welcomed the presence of the observers to the ad-hoc drafting group, in particular the Chair of the PC-CP, Mr André Vallotton, and the representative of the CPT, Mr James McManus. He also welcomed and thanked the representative of Penal Reform International, Mr John Podmore, for taking an active part in this last meeting of the group.

5. With a view to properly clarifying to the members of the group all the stages of the drafting process and the methodology to be used during the 3rd meeting, the Chair described the work carried out so far and in particular since the group's 2nd meeting:

- the draft recommendation was presented to the plenary meeting of the CDPC in May where it was welcomed by the members of the CDPC taking into consideration the short time-frame within which the group had prepared it. The members of the CDPC examined and endorsed its content and provided some minor changes, which have been included in the draft recommendation.
- following the 2nd meeting of the group, and in light of the discussions held, some amendments have been introduced in the draft recommendation.
- some written comments to the draft recommendation were received from the representatives of Norway and the United Kingdom. These comments were to be presented and discussed in detail during the current meeting.
- with a view to harmonising the whole recommendation, the Secretariat drafted a document with some proposed amendments which are to be discussed.

IV. Presentation of the preliminary draft recommendation on Dangerous Offenders

1. The PC-GR-DD:

- took note of the presentation provided by the Chair and the scientific expert on the draft recommendation on dangerous offenders and its commentary;
- took due account of the comments made by the CDPC on this draft recommendation on dangerous offenders;

- examined in detail each provision of both the draft recommendation and its commentary;
 - agreed on the scope, definitions and basic principles of the draft recommendation. It confirmed that its aim is to tackle 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 violence, treatment and secure preventive detention;
 - considered the risk assessment principle;
 - identified new measures to be set up by the competent authorities in preventive supervision;
 - developed some rules in Part VI of the draft recommendation entitled “*Monitoring, staff and research*” and introduced a new part devoted to the follow-up to be given to the future recommendation by the CDPC;
 - discussed the necessity of co-ordinating the actions of various agencies and supported multi-agency co-operation among prison administrations, probation workers, social and medical services and law enforcement authorities.
2. In the light of the discussions, the participants considered that the risk management of dangerous offenders should have the long-term aim of their safe reintegration into the community in a manner consistent with public protection from the risk posed by the offender.
 3. The PC-GR-DD agreed on the appropriate order of the different parts, headings and subheadings of the draft recommendation on dangerous offenders and its commentary.

VI. Other business

4. The PC-GR-DD:
 - decided to adopt the draft recommendation on dangerous offenders;
 - requested that the Secretariat further complete the commentary of the draft recommendation according to the comments made during the current meeting.

APPENDIX I

Strasbourg, 18 September 2013

PC-GR-DD (2013) OJ_EN

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

Paris, 18 September 2013, 10h a.m. - 20 September 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-D(2013)OJ_EN
3. INFORMATION BY THE CHAIR AND THE SECRETARIAT	
3.1 Report of the last meeting of the PC-GR-DD	PC-GR-DD (2013) 2 EN
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 of the draft recommendation on Dangerous offender	PC-GR-DD (2013) 1_rev6 PC-GR-DD (2013) 5
4.2 Presentation by the Chair of the PC-GR-DD and the scientific expert of the preliminary commentary to the recommendation on Dangerous offender	PC-GR-DD (2013) 4
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 Other	

APPENDIX II

Strasbourg, 18 September 2013

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3rd MEETING of the AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS (PC-GR-DD)

3^{ème} REUNION du GROUPE DE REDACTION AD HOC SUR LES DELINQUANTS DANGEREUX (PC-GR-DD)

18 September / septembre 2013 (10:00 am) – 20 September / septembre 2013 (1:00 pm)

Paris, Council of Europe office, 55 av. Kléber / Room 1
Paris, Bureau du Conseil de l'Europe, 55 av. Kléber / Salle 1

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

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

Poland / Pologne

Mr Sławomir Robert BUCZMA, **President /Président**
National Expert
General Secretariat of the Council of the European Union

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

Croatia / Croatie

Ms Zvezdana SIMUNDIC
Head of Unit for Follow-up on Implementation of Inmates' Rights in the Head Office of Prison System
Directorate
Ministry of Justice of the Republic of Croatia

Czech Republic / République Tchèque

Mr Vaclav JIRICKA
Psychologist
Prison Service of the Czech Republic
General Directorate
Department of Psychology

Denmark / Danemark

Ms Kim Tobberup ANDERSEN **apologised / excusé**
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

Greece / Grèce

Mr Marinos SKANDAMIS
PhD in Criminology
General Secretary of Crime Policy, Ministry of Justice
Transparency and Human Rights

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

The Netherlands / Pays Bas

Mr Jeroen Adriaan Maria DE JONG **apologised** / *excusée*
Deputy head legal affairs division / National Agency of Correctional Institutions

Norway / Norvège

Ms Anne-Li N. FERGUSON
Senior Adviser
National Institution Unit
Norwegian Centre for Human Rights
Faculty of Law
University of 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
Mr Ivan TARANENKO
Chief specialist of Department for International Cooperation and Protocol Events
Federal Penal Service of the Russian Federation
Ministry of Justice of the Russian Federation

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

Turkey / Turquie

Mr. Hakan UMUT

Title: Inspector Judge, Directorate General for Prisons and Detention Houses, Ministry of Justice of the Republic of Turkey

United Kingdom / Royaume Uni

Ms Claire WIGGINS **apologised** / *excusée*

Head of Public Protection Partnerships

Offender Management and Public Protection Group

Grenadier House

* * *

Ms Louise Victoria JOHANSEN, **Scientific expert** / *expert scientifique*

Faculty of Law, Copenhagen

Sankt Annæ Plads 4

1250 Copenhagen K.

Prof. Dr. iur. Dr. med. Dr. h. c. mult. Carlos María ROMEO CASABONA, **Consultant** / *consultant*

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

Ms Yvonne GAILEY, **Consultant** / *consultant* **apologised** / *excusée*

Chief Executive

Risk Management Authority

St James House

* * *

Other participants / Autres participants

Austria / Autriche

Ms Martina KLEİN

Legal Adviser

Federal Ministry of Justice

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

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

Penal Reform International

Mr John PODMORE

PRI Consultant

PRI Headquarters

SECRETARIAT GENERAL OF THE COUNCIL OF EUROPE /
SECRETARIAT GENERAL DU CONSEIL DE L'EUROPE

DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW /
DIRECTION GENERALE 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