

Strasbourg, 20 December 2012

PC-GR-DD (2012) 5 EN

**1st MEETING of the AD HOC DRAFTING GROUP ON DANGEROUS OFFENDERS
(PC-GR-DD)**

17 -19 December 2012

**Council of Europe,
"Agora" – Room / Salle G.02**

SUMMARY MEETING REPORT

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

BRIEF FOREWORD

The PC-GR-DD:

- elected Mr Sławomir Buczma as its Chair;
- adopted the agenda;
- took note of the information provided by the Secretariat on reasons to deal with the issue of dangerous offenders;
- considered the Council of Europe's legal instruments to be taken into consideration in view of a future recommendation in the field of dangerous offenders;
- considered the report prepared by prof. Nicola Padfield on "The sentencing, management and treatment of "dangerous offenders"" and held a discussion on the main items of the report, notably the ways to define dangerousness;
- considered the information presented by the scientific expert to the CP-GR-DD on the current trends in Europe in the field of dangerous offenders;
- held a discussion regarding the ways used in some European countries to identify "dangerous offenders", in particular through clinical assessments by psychiatrists, psychologists and other experts as well as actuarial tools;
- considered and defined the scope, definition and basic aspects of the future non-binding legal instrument on dangerous offenders;
- decided not to consider the issue of juvenile offenders;
- considered to present a preliminary draft recommendation at its next meeting.

1. The Ad hoc drafting group on Dangerous Offenders (PC-GR-DD) held its first meeting in Strasbourg on 17-19 December 2012. 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).

Election of the Chair and Vice Chair

3. The PC-GR-DD elected Mr Sławomir Buczma as its Chair for the duration of the mandate of the ad hoc drafting group.
4. Each representative of the PC-GR-DD introduced herself/himself with a view to getting acquainted.

IV. Information by the Secretariat

5. Mr Carlo Chiaromonte, Head of Criminal Law Division, presented the terms of reference of the European Committee on Criminal Problems (CDPC) which include the elaboration of a non-binding legal instrument on dangerous offenders in 2013.
6. He also presented the terms of reference of the PC-GR-DD as adopted by the Committee of Ministers on 21 November 2012, in particular the three items to be tackled by the non-binding legal instrument (the risk and threat assessment, the treatment and conditions of detention and the measures for the prevention of re-offending); He finally introduced Mr Oscar Alarcón, who will be the Secretary of the PC-GR-DD.

V. Council of Europe related work on dangerous offenders

7. The PC-GR-DD took note of the different Council of Europe legal instruments linked to the area of dangerous offenders, which should be taken into consideration when drafting the non-binding legal instrument.

Preliminary considerations on dangerous offenders

8. The PC-GR-DD took note of the presentation provided by the scientific expert on the current trends and main concerns in Europe in the field of dangerous offenders; it also considered the report prepared by prof. Nicola Padfield on “The sentencing, management and treatment of “dangerous offenders”” and held a discussion on the main items of the report, notably the ways to define dangerousness.
9. The representatives of the PC-GR-DD informed in a *tour de table* of the existing legislation in their national systems in the field of dangerous offenders.
10. The PC-GR-DD considered the means used in different European countries to identify “dangerous offenders”, in particular by using both clinical assessments by psychiatrists, psychologists and other experts as well as actuarial tools.
11. The PC-GR-DD, considered the case-law related to preventive detention (in particular, M v. Germany) as well as the relevant domestic, comparative and international law and practice presented by the Secretariat of the European Court of Human Rights (ECtHR). The participants expressed their interest in the key case-law of the ECtHR on dangerous offenders, and also agreed to invite a representative of ECtHR at its next meetings.

Drafting a recommendation on dangerous offenders

12. The PC-GR-DD agreed on the scope, definitions and some basic aspects of the future recommendation. It considered tackling mainly those offenders convicted for serious sexual or violent crimes who present a high probability of re-offending.
13. In the light of the discussions, the participants considered whether the question of treatment and conditions of detention should be considered; the extent of conditional release (parole); whether the

issue of people with mental disorder should be considered; the effects of risk and needs assessment; not to expressly mention juvenile offenders in the scope of the recommendation;

14. The participants agreed that the question of the measures taken for the prevention of re-offending are closely related to the different stages of the criminal proceedings; in this regard, they also considered distinguishing those measures applied in prison, *inter alia* electronic monitoring, treatment programmes, vocational training, education measures and case-management, as well as those other measures applied during the post-prison stage, *inter alia* surveillance, electronic monitoring, reverse violence alarm, vocational training, multiagency co-operation relationship, working opportunities measures.
15. The PC-GR-DD agreed on the draft skeleton of a future recommendation on dangerous offenders.

Other business

16. The PC-GR-DD took note of the work plan to be followed for the presentation of the non-binding legal instrument. It decided to present a draft preliminary recommendation at its next meeting as a basis for discussion.
17. The next meeting of the PC-GR-DD was scheduled for 24-26 April 2013.

APPENDIX I

Strasbourg, 17 December 2012

PC-GR-DD (2012) OJ EN

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

Strasbourg, 17 December 2012, 10 a.m. - 19 December 2012, 1 p.m.

Agora, Room G02

AGENDA

1. OPENING OF THE MEETING	
2. ADOPTION OF THE AGENDA	PC-GR-DD (2012)OJE
3. ELECTION OF A CHAIR	
4. INFORMATION BY THE SECRETARIAT	
4.1 Terms of reference of the European Committee on Crime Problems (CDPC)	CDPC ToR
4.2 Last meeting of the Bureau of the European Committee on Crime Problems, 4-5 October 2012	List of Decisions
4.3 Terms of reference of the Ad hoc Group on Dangerous Offenders (PC-GR-DD)	PC-GR-DD ToR
4.4 Background document prepared by the Secretariat on the reasons to deal with the issue of Dangerous Offenders	PC-GR-DD (2012)1
5. COUNCIL OF EUROPE RELATED 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
5.4 Discussion	

6. PRELIMINARY CONSIDERATION ON DANGEROUS OFFENDERS

6.1 Presentation by the scientific expert on the current trend and main concerns in Europe in the field of Dangerous Offenders

6.2 Presentation by each member of the Ad hoc drafting Group on Dangerous Offenders of any (legislative) measure existing in his/her country of origin on Dangerous Offenders

[PC-GR-DD \(2012\)3](#)

6.3 Discussion

7. DRAFTING OF A RECOMMENDATION ON DANGEROUS OFFENDERS

7.1 Main items to be included in the forthcoming recommendation

7.2 Discussion

8. OTHER BUSINESS

8.1 Forthcoming meetings of the PC-GR-DD

8.2 Other

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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

Belgium/ Belgique – apologised/excusé

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
Tel. : 02 542 85 49- 495 58 77 59
Fax : 02 542 85 10
werner.vanhout@just.fgov.be

Croatia / Croatie

Ms Zvezdana SIMUNDIC
Zvezdana Šimundić, lawyer
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
Ulica grada Vukovara 49, 10000 Zagreb
Tel: +385 1 3714 118
Fax:+385 1 3714 577
zvezdana.simundic@uzs.pravosudje.hr

Czech Republic / République Tchèque

PhDr. Vaclav JIRICKA
Psychologist
00420 724 301 930
Prison Service of the Czech Republic
General Directorate
Department of Psychology
Soudni 1672/1a
P. O. Box 3
14067 PRAHA 4
vjiricka@grvs.justice.cz
vaclav.jiricka@volny.cz

Denmark / Danemark

Ms Kim Tobberup ANDERSEN
Prison Governor
Tel: +4572556205
kim.andersen@kriminalforsorgen.dk

Finland / Finlande - apologised/excusé

Mr Kimmo HYPÉN
Director
Criminal Sanctions Agency, Region of Western Finland
Assessment Centre
P.O. Box 50,

SF-20251
Fax: +358 (0)29 5684860
Tel: +358 (0)29 5684500
Mobile: +358 (0)50 59924550
kimmo.hypen@om.fi
arke.lsr@om.fi

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
Tel : 01.44.77.65.13
Fax : 01.44.77.65.53
olivier.rabot@justice.gouv.fr

Germany / Allemagne - apologised/excusé

Mr Michael Skirl
Justizvollzugsanstalt Werl
Langenwiedenweg 46, 59457 Werl
Tel. 02922 981-101, Fax 02922 981-517
michael.skirl@jva-werl.nrw.de
www.jva-werl.nrw.de

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
Tel: +030 6972 518 678, +30 2610 312 090
m-skand@otenet.gr

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
Tel: +39 06665912273
federico.falzone@giustizia.it

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
Tel: (+31)8807 25 285
Mobile (+31)6 202 99 66 2.
Fax: (+31)70 370 2921
jeroen.de.jong@dji.minjus.nl

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
Tel: + 47 22 84 20 79/+47 48 11 53 74
Fax: + 47 22 84 20 02
a.n.ferguson@nchr.uio.no

Poland / Pologne

Mr Sławomir Robert BUCZMA
Judge detached to the Ministry of Justice
Criminal Law Department
Ministry of Justice
al. Ujazdowskie 11
PL - 00-950 WARSAW
Tel.+ 48 22 5212 356
Fax +48 22 52 12 672
buczma@ms.gov.pl
slaw_cz@o2.pl

Russian Federation / Fédération de Russie – apologised/excusé

Mr Andrey SERDYUKOV
Deputy 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
Tel.: (499) 799-30-49
novikova.fsin@gmail.com

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
Tel.: +7 (495) 982-18-73

Error! Hyperlink reference not valid.

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
Tel.: +41 31 633 72 73
Tel. professionnel central: +41 31 633 72 50
regine.schneeberger@pom.be.ch
geo-schnee@bluewin.ch

United Kingdom / Royaume Uni – apologised/excusé

Ms Shelley SCOTT
Shelly Scott
Ground Floor, Grenadier House, 99-105 Horseferry Road
London. SW1P 2DD
+44 (0) 300 047 4488
Mobile: 44 (0) 7764358949
+44 (0) 300 047 6822
Shelley.scott@noms.gsi.gov.uk

Scientific expert / expert scientifique

Ms Louise Victoria JOHANSEN
Faculty of Law, Copenhagen
Sankt Annæ Plads 4
1250 Copenhagen K.
E-mail: Louise.Victoria.Johansen@jur.ku.dk
Tlf. +45-23740300
Louise.Victoria.Johansen@jur.ku.dk

* * *

Other participants / Autres participants

Austria / Autriche

Ms Martina KLEIN
Legal Adviser
Federal Ministry of Justice
Museumstraße 7
A-1070 Vienna
Tel. + 43 1 52 152 2805
Fax + 43 1 52 152 2753
Martina.Klein@bmj.gv.at

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
Tel +44 1250 872360
Mobile: +447769931913.
jim.mcmanus@coe.int

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

Ms Irene Koeck Senior Public Prosecutor
Federal Ministry of Justice
Neustiftgasse 2
1070 Vienna
AUSTRIA
Tel: +43 1 52 1 52 / 2215
irene.koeck@bmj.gv.at

Ms Julie VON BARNEKOW
Study visitor
jvb@publicure.dk

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

Action against Crime Department / Service de la Lutte contre la Criminalité

Mr Ivan KOEDJIKOV
Head of Department / Chef de Service

Criminal Law Division / Division du droit pénal

Mr Carlo CHIAROMONTE, Head of Criminal Law Division / *Chef de Division du Droit Pénal*
Secretary to the CDPC / Secrétaire du CDPC

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

Ms Olga SOKOL, Assistant / *Assistante*

Ms Julie WENCKER, Consultant / *Consultante*

INTERPRETERS / INTERPRÈTES

Lucie DE BURLET
Jean-Jacques PEDUSSAUD
Grégoire DEVICTOR