



Version 19 August 2014

**WORKSHOP TO PROMOTE THE
"RECOMMENDATION ON DANGEROUS OFFENDERS"**

PROGRAMME

16 September 2014
Bilbao
Spain

Arriaga Room
Bizkaia Aretoa
University of the Basque Country

Background and objectives

Council of Europe member States apply quite different mechanisms when dealing with the phenomenon of dangerous offenders and many states have developed different concepts of what may be considered to be forms of "secure preventive detention" and/or "preventive supervision".

With a view to giving policy guidance to national authorities on the main rules to follow when dealing with dangerous offenders in line with new international and Council of Europe standards, including those regarding the treatment of offenders in custody and the European Prison Rules, the Committee of Ministers adopted on 19 February 2014 the recommendation CM/Rec(2014)3 concerning Dangerous Offenders.

The main objective of the recommendation is to strike the right balance between the protection of public safety and the rights of offenders, particularly in relation to secure preventive detention. Indeed these considerations have been given further weight by several European Court of Human Rights (ECtHR) judgments, in particular *Maiorano and others v. Italy* and *M. v. Germany*.

The recommendation acknowledges that "dangerousness" is not a clear legal concept. It is also vague in scientific terms, in so far as the assessment of criminological dangerousness and individual risk of reoffending in the long term lacks sufficient supporting evidence to ensure an accurate measurement of dangerousness.

In order to strengthen the use of the concept of dangerousness in this particular context, the recommendation stresses the importance of risk assessment and risk management to reduce risk and uphold proportionate durations of detention. The recommendation also regards assessment and management procedures as interrelated, because they have to be repeated at suitable intervals and must adjust to each other when changes in the offender's situation occur.

Aim of the workshop

The aim of this workshop is to promote and raise awareness among legal professionals, law enforcement, NGOs and other professionals working in the field the recommendation adopted by the Committee of Ministers. Whenever a member state does apply such mechanism to deal with the phenomenon of "dangerous offenders" it should take into account the rules contained in the recommendation.

Target audience

The target audience of the workshop includes legal professionals, representatives of judicial and enforcement authorities as well as State Prosecutors, Prison Administration staff, researchers, law students from Spain, etc.

Speakers


Details of speakers are listed in the appendix of this programme.


Organisation


Venue: Arriaga Room, Aretoa Building, University of the Basque Country

Registration  8h30

Coffee break  (see Programme)

Lunch  13h00 (Venue: Aretoa Building, Bilbao)

Interpretation  Simultaneous interpretation (English/French/Spanish) for all sessions

Proceedings  The proceedings will be published

- 08h30 Registration of participants**
09h30 Welcome address and opening remarks

- Representative of the University of the Basque Country
- Mr Jesper Hjortenberg, Chair of the European Committee on Crime Problems (CDPC)
- Mr Ángel Llorente Fernández de la Reguera, General Director of International Legal Co-operation and Interfaith Relations, Spanish Ministry of Justice
- Mr Juan Luis Ibarra Robles, President of the High Justice Court of the Autonomous Community of the Basque Country
- Mr Carlos Fuentenegro Zabala, Dean of the Biscay Lawyers Bar

SESSION 1
GENERAL FRAMEWORK OF THE RECOMMENDATION
Chair: Mr Esteban Sola Reche, Chair of Criminal Law
University of La Laguna, Spain

- 10h00 Origin and purpose of the Recommendation**
Mr Oscar Alarcón, Co-Secretary of the European Committee of Crime Problems, Council of Europe
- 10h20 Innovative aspects of the Recommendation**
Ms Svejzdana Simundic, member of the ad-hoc drafting group on Dangerous Offenders, Head of Unit for Follow-up on Implementation of Inmates' Rights in the Head Office of Prison System Directorate, Ministry of Justice, Croatia
- 10h40 Definitions and basic principles**
Mr Carlos María Romeo-Casabona, Member of the group of experts of the drafting group on Dangerous Offenders, Professor in Criminal Law, University of the Basque Country, Spain
- 11h00 Discussion**

11.30 a.m. - 12.00 a.m.



Coffee break

SESSION 2
CURRENT LEGAL TRENDS ON DANGEROUS OFFENDERS
Chair: Mr Norberto de la Mata Barranco, Chair of Criminal Law,
University of Basque Country

- 12h00 General trends on dangerous offenders treatment in Europe**
Mr Emilio José Armaza Armaza, Senior Researcher, Inter-University Chair in Law and the Human Genome, University of Deusto-University of the Basque Country, Bilbao, Spain
- 12h20 Dangerous offenders in the Spanish Penal Code**
Ms Cristina de Vicente Casillas, Judge on Penal Affairs at the Provincial Court of Biscay, Bilbao, Spain

12h40 **Dangerous offenders in the current Spanish Penal Code reform**
Mr Jaime Requena Juliani, Judge, Secretary of State Private Office, Ministry of Justice, Spain

13h 00 Discussion

13.30 p.m. - 15.00 p.m. 🍽️ *Lunch break*

SESSION 3
JUDICIAL DECISIONS FOR DANGEROUS OFFENDERS
Chair: Mr Miguel Ángel Boldova Pasamar,
Professor in Criminal Law, University of Zaragoza, Spain

15h00 **The Court case M vs Germany and its consequences**
Mr Hans-Georg Koch, Head of the Medical Law Department, Max Planck Institute of Foreign and International Criminal Law, Freiburg, Germany

15h20 **Secure preventive detention and Preventive supervision**
Mr Olivier Rabot, Deputy, Office of the Execution of judgements, Ministry of Justice, France

15h40 Discussion

16.00 p.m. - 16.15 p.m. *Break*

SESSION 4
RISK ASSESSMENT PRINCIPLE AND RISK MANAGEMENT
Chair Ms Blanca Llaría Ibáñez, Judge,
Court against Female Violence, Barakaldo, Biscay, Spain

16h15 **Risk assessment principle and Risk management**
Mr Asier Urruela Mora, Titular Professor of Criminal Law, University of Zaragoza, Spain

16h35 **Treatment and conditions of imprisonment of dangerous offenders. Monitoring, staff and research**
Mr Václav Jiříčka, Psychologist, Directorate General of the Prison Service, Czech Republic, member of the ad-hoc drafting group on Dangerous Offenders

16h55 Discussion

CLOSING SESSION

17h00 **Closing remarks**

- Mr Juan Ramón Calparsoro Damián, Head, the Public Prosecutor at the High Justice Court of the Autonomous Community of the Basque Country
- Ms Almudena Darias, Representative of the Spanish Ministry of Justice
- Mr Jesper Hjortenbergt, Chair of the European Committee on Crime Problems (CDPC)
- Mr Carlos Maria Romeo-Casabona, Professor in Criminal Law, University of the Basque Country, Spain