



MANAGING PERSONS
ACCUSED OR CONVICTED OF A
SEXUAL OFFENCE:
THE LATEST COUNCIL OF EUROPE
STANDARDS

Prof Kieran McCartan

Context

- PC-CP examined policies and practices in 2004, with recommendations;
 - Definitions of sexual abuse;
 - Minorities & special interest groups;
 - Prevention of sexual abuse;
 - Pre, during and post sentencing;
 - Treatment;
 - Staff training.
 - No further work was done by PC-CP. In the intervening years, these issues have remained the same, or have become more pressing.
- Sexual harm is a high profile local, regional, national, international & transnational issue.
- Across Europe the number of perpetrators entering and being managed by the Criminal Justice System is continually increasing as a result of a “perfect storm” created by
 - increased social/traditional media reporting;
 - increased visibility of the offences;
 - increased trust in the criminal justice system to take victims seriously and respond appropriately;
 - the impact of high profile as well as historical cases; &
 - More putative government policies, practices and strategies.

Inconsistent Risk assessment, Treatment & Management practices across Europe

- **Arrest & Prosecution** (e.g., offences, semantics, thresholds & sentences);
- **Risk assessment of individuals** (e.g., scales, assessors, training & responsibility);
- **Incarceration/prison** (e.g., type of prison, length of sentence & what prison “provides” varies);
- **Treatment** (e.g., scope, nature, responsibility & access);
- **Community management** (e.g., community management?; providers?; multiagency working; alternatives);
- **Registration & disclosure/notification practices** (e.g., a register?; who manages it?; who goes on/for how long?; & who has access to it?);
- **Data sharing within and between countries** (e.g., what gets shared?; why?; the role of organisations & individuals).

Emerging issues/debates

- **Prevention of sexual abuse**, working with at risk populations.
- **Life-course perspectives** (Adverse Childhood Experiences, Trauma, mental health, Neurodiversity).
- **Alternatives to traditional criminal justice** (Circles of Support & Accountability, restorative Justice, etc)
- The “**service user**” voice.
- **Desistence.**
- **Treatment vs management.**
- Consider the “**Key Performance Indicators**” and how that relates to practice.
- **Training, selection and support of staff** – valuing the professional knowledge base

- The invited experts were
 - Kieran McCartan (UK)
 - Marianne Fulgrestved (Denmark)
 - Harvey Slade (UK)
- The Recommendation was drafted by the Council for Penological Cooperation (PC-CP) between 2019 and 2020.
 - Martina BARIĆ (Croatia);
 - Nathalie BOISSOU (France);
 - Annie DEVOS, Chair of the PC-CP in 2020 - 2021 (Belgium);
 - Anna FERRARI (Italy); Robert FRIŠKOVEC (Slovenia);
 - Vivian GEIRAN (Ireland);
 - Attila JUHÁSZ, Vice Chair of the PC-CP 2018-2019 (Hungary);
 - Manfred KOST (Germany);
 - Nikolaos KOULOURIS (Greece);
 - Dominik LEHNER, Chair of the PC-CP 2018-2019 (Switzerland);
 - Maria LINDSTRÖM (Sweden); Laura NEGREDO LÓPEZ (Spain);
 - Nadya RADKOVSKA, Vice-Chair of the PC-CP in 2020-2021 (Bulgaria).

Participants & contributors

- Other relevant organisations, including the
 - Kresimir Kamber from the Registry of the European Court of Human Rights
 - Hugh Chetwynd from the Committee for the Prevention of Torture Secretariat (CPT).
 - European Union,
 - the United Nations,
 - Confederation of European Probation (CEP),
 - EuroPris,
 - European Forum for Restorative Justice
 - International Association for the Treatment of Sexual Offenders (IATSO),
 - National Organisation for the Treatment of Abuse (NOTA),
 - Les Centres Ressources pour les Intervenants auprès des Auteurs de Violences Sexuelles (CRIAVS),
 - NL-ATSA (Netherlands, chapter of Association for the Treatment of Sexual Abusers)
 - Association for the Treatment of Sexual Abusers (ATSA).

BASIC PRINCIPLES

- Prison services and probation agencies should manage and seek to reintegrate persons accused or convicted of a sexual offence in line with the risk they pose and in accordance with the same standards and principles applied to other persons under their responsibility.
- Positive steps should be taken to meet the distinctive needs of persons accused or convicted of a sexual offence, including their separate accommodation while in prison, where deemed necessary, and special management while in custody and in the community.
- Preventing and responding to sexual offending is most effective in a multi disciplinary setting, involving partner agencies and facilitating sharing of information, expertise and resources in order to build a common vision of risk management and effective social reintegration.
- Offending behaviour should be considered in a comprehensive manner, which takes account of behavioural, social, psychological and health factors.

BASIC PRINCIPLES

- Interventions and treatments should be evidence-based, proportionate and part of a comprehensive approach which facilitates individuals addressing their offending behaviours.
- Facilitating the co-operation of persons accused or convicted of a sexual offence is central in all aspects of effective reintegration, including risk assessment, risk management, and treatment and interventions.
- Individually tailored sentence plans should be agreed at the beginning of the sentence, should continue until the end and should be regularly updated.
- Agencies managing persons accused or convicted of a sexual offence should work with local communities where appropriate, to facilitate risk management approaches and the reintegration of individuals.
- International cooperation should be facilitated where appropriate, in conformity with data protection rules and international agreements, with the aim of ensuring public protection while guaranteeing an appropriate level of protection of personal data.

Structure & main components of the recommendations

- RISK ASSESSMENT
- MANAGEMENT, INTERVENTIONS AND TREATMENT IN PRISONS
- MANAGEMENT, INTERVENTIONS & TREATMENT UNDER PROBATION
- DATA COLLECTION, INFORMATION SHARING AND WORK IN PARTNERSHIP
- VICTIMS AND COMMUNITY SUPPORT
- STAFF SELECTION AND TRAINING
- MEDIA & COMMUNICATIONS STRATEGY
- RESEARCH, EVALUATION & DEVELOPMENT





**Feedback,
Comments &
Questions?**