

## **Sanctioning of serious criminal act offenders**

### **Abstract**

The thesis is divided into five chapters.

The first chapter deals with general questions concerning the topic of the thesis: how a serious offence can be defined and how offenders who committed such an offence can be punished. The aim of the chapter is to present general ideas and to set the problematic the thesis deals with in detail in a broader context.

The second and the third chapter presents the statute law concerning two topics withing the broader topic of the thesis.

The second chapter deals with the rules of punishment of sexual offenders according to the Belgian law. The rules are discussed in detail and presented in the context of the criminal law as whole. Several inconsistencies that are caused by a non respect to the consequences of a change in one field of criminal law to another one.

The third chapter presents the Belgian complementary punishment of *mise à la disposition du tribunal de l'application des peines* and the German preventive measure of *Sicherungsverwahrung* and their brief comparison. Both measures incorporate the same idea – a group of offenders cannot be liberated, even though they have already served their punishment as whole – but they differ in details.

The fourth chapter deals with the participation of experts to the decision making process in case of serious criminal act offenders. The example of the three above mentioned measures is chosen. The aim of the chapter is to find out if the statute law desires the participation of experts more in the case of this specific group of offenders in comparison with other offenders' cases and, in consequence, if it prefers a solution correct in the view of the science.

The fifth chapter deals with the execution of the *mise à la disposition du tribunal de l'application des peines* when the condemned person is incarcerated, of the *Sicherungsverwahrung* and of the imprisonment of sexual offenders in Belgium. The case law of the European Court of Human Rights and German Federal Constitutional Court, as well as the available sources concerning the real conditions of the execution are presented.

**Key words:** sexual offences, preventive measures, recidivism