



Recommendation 2057 (2014)¹

Final version

Measures to prevent abusive use of the Convention on the Transfer of Sentenced Persons (ETS No. 112)

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 2022 \(2014\)](#) on measures to prevent abusive use of the Convention on the Transfer of Sentenced Persons (ETS No. 112), as well as its [Recommendation 1527 \(2001\)](#) on the operation of the Council of Europe Convention on the Transfer of Sentenced Persons – critical analysis and recommendations. It further recalls Committee of Ministers Recommendation No. R (84) 11 concerning information about the Convention on the Transfer of Sentenced Persons, as well as Recommendations Nos. R (88) 13 and R (92) 18 concerning the practical application of this convention.

2. The Assembly invites the Committee of Ministers to:

2.1. reiterate that the Convention on the Transfer of Sentenced Persons is not primarily intended to be used for the immediate release of prisoners upon return to their home countries, and clearly state that this understanding should also guide the application of Article 12 of the convention which provides for pardons and amnesties;

2.2. recommend to States Parties to the convention to conclude, in particular in cases which may have political or diplomatic repercussions, ad hoc arrangements between a sentencing and an administering State, in the form of an addendum to a transfer agreement under the convention which would stipulate stringent assurances by the administering State to abide by the general principles of the convention; such an addendum could, *inter alia*, comprise information by the administering State, in a specific case, concerning the manner in which it intends to apply Article 12 of the convention.

1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 18 November 2014 (see [Doc. 13540](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Christopher Chope).*

