Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 13877
24 September 2015

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

Reply to Recommendation[1]: Recommendation 2057 (2014)
Committee of Ministers

1. The Committee of Ministers has carefully considered Parliamentary Assembly Recommendation 2057 (2014) on "Measures to prevent abusive use of the Convention on the Transfer of Sentenced Persons (ETS No. 112)", which it has communicated to the European Committee on Crime Problems (CDPC) for information and possible comments.

2. The Committee underlines that the Convention on the Transfer of Sentenced Persons is a valuable instrument for international co-operation in penal matters. For this reason, it shares the view of the Parliamentary Assembly that the use of its Article 12 relating to pardon and amnesty should not go against the aims of the Convention by granting an immediate release to the prisoner upon transfer in order to nullify the sentence imposed on him/her. The Committee also welcomes the Assembly's recommendation to encourage sentencing and administering States to conclude, in cases which may have political and diplomatic repercussions, ad hoc arrangements ensuring that the administering State will strictly comply with the principles of the Convention.

3. The Committee of Ministers finally observes that the CDPC has noted the need to improve the implementation of the Convention on the Transfer of Sentenced Persons (ETS No. 112) and its Additional Protocol (ETS No.167). It notes that there is an ongoing process of revision of Convention No. 112 within the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC). The Committee of Ministers will keep the Assembly informed about any development in this respect.

1. Adopted at the 1235th meeting of the Ministers' Deputies (15-16 September 2015).