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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Committee of Experts on the Operation
of European Conventions in the Penal Field
(PC-OC)

Comments submitted
by
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Exploring the possibilities of using the Council of Europe Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders

In connection with discussions between Sweden and the United States regarding transfer of sentenced persons the question of how to best provide for the social reintegration of the offender has been brought up on several occasions. One of the main issues has been if and under what conditions the home country would be able to assume the responsibility for the supervision of a person who has been paroled in the sentencing state.

Sweden has a specific law on international cooperation regarding treatment of offenders on parole based upon the European Convention of 30 November 1964 on the Supervision of Conditionally Sentenced or Conditionally Released Offenders. It has now been contemplated applying that law with regard to a request emanating from a country that has not acceded to the Convention. The reason for this is that we thereby see a possibility of abridging difficulties arising from the fact that a parolee deported from the sentencing country to Sweden would else have nobody supervising him or assisting him in his reintegration into society. By using the rules established in the Convention in providing the parolee with a supervisor who would be able to exert a certain control regarding the parolee's life and his following given instructions, we also aim at addressing the concerns of the sentencing country in seeing to it that the parolee does not re-offend.

We are particularly concerned with persons who have been sentenced to long time imprisonment and our hope is that we by providing the possibility of arranging for supervision of a parolee sentenced in a foreign country would in a way supplement the 1983 Convention. The idea is that a parolee shall be transferred to his home country and that the home country shall have the responsibility for seeing to it that the person concerned complies with any conditions and supervisory measures imposed upon him by the sentencing state. This would, we think, make it easier for the sentencing state to find a sentenced person who is serving a prison term in the sentencing country both suitable and eligible for parole and thus facilitate an earlier transfer of the person concerned. At the same time it would also enable the courts to suspend a sentence involving deprivation of liberty or to place the offender on probation without having to pronounce a sentence.

Sweden has never applied the 1964 Convention and we thus lack any experience regarding the application of the Convention. Sweden would be most interested in knowing if other countries have any experience in applying this Convention in particular as a way of supplementing the 1983 Convention where there is a common concern shared by both the state which pronounced the sentence and the home country of the previous offender and now parolee that he should get all possible support in his effort to social rehabilitation and readjustment within his own society.