

SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

Subject-matter: ENFORCEMENT OF SANCTIONS

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders ([ETS No. 51](#)), open for signature, in Strasbourg, on 30 November 1964.

Entry into force: 22 August 1975.

The Convention aims to allow offenders to leave the territory of a Party where a sentence was pronounced, or where the enforcement of a sentence has been conditionally suspended, to establish their ordinary residence in another Party under the supervision of its authorities.

The basic principles of the Convention require that Parties agree to assist each other in the social rehabilitation of offenders for facilitating their good conduct and the readaptation to social life of persons convicted abroad.

The Convention specifies conditions as regard the enforcement by the requested State of a sentence of which the enforcement has been conditionally suspended in another Party.

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European Convention on the International Validity of Criminal Judgments ([ETS No. 70](#)), open for signature, in The Hague, on 28 May 1970.

Entry into force: 26 July 1974.

Under the Convention, each Party acquires competence to enforce a sanction imposed in another Party, provided that the requesting State has submitted a request for enforcement, that under the law of the requested State the act for which the sanction was imposed would be an offence, and that the judgment delivered by a requesting State is final and enforceable.

One of the significant aims of the Convention is to promote the rehabilitation of the offender.

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European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle ([ETS No. 88](#)), open for signature, in Brussels, on 3 June 1976.

Entry into force: 28 April 1983.

Under the terms of this Convention, a Party which has ordered any final measure designed to restrict the right to drive of a driver who has committed a road traffic offence must notify without delay the Party which delivered the driving licence and the Party in whose territory the offender is habitually resident. Consequently, any Party which has been thus notified may, in accordance with its law, execute the order.

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Convention on the Transfer of Sentenced Persons ([ETS No. 112](#)), open for signature, in Strasbourg, on 21 March 1983.

Entry into force: 1 July 1985.

The Convention is primarily intended to facilitate the social rehabilitation of prisoners by giving foreigners convicted of a criminal offence the possibility of serving their sentences in their own countries. It is also rooted in humanitarian considerations, since difficulties in communication by reason of language barriers and the absence of contact with relatives may have detrimental effects on a person imprisoned in a foreign country.

Transfer may be requested by either the State in which the sentence was imposed (sentencing State) or the State of which the sentenced person is a national (administering State). It is subject to the consent of those two States as well as that of the sentenced person.

The Convention also lays down the procedure for enforcement of the sentence following the transfer. Whatever the procedure chosen by the administering State, a custodial sentence may not be converted into a fine, and any period of detention already served by the sentenced person must be taken into account by the administering State. The sentence in the administering State must not be longer or harsher than that imposed in the sentencing State.

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Additional Protocol to the Convention on the Transfer of Sentenced Persons ([ETS No. 167](#)), open for signature, in Strasbourg, on 18 December 1997.

Entry into force: 1 June 2000.

This instrument sets out the rules applicable to transfer of the execution of sentences, firstly where sentenced persons have absconded from the sentencing State to their State of nationality, and secondly where they are subject to an expulsion or deportation order as a consequence of their sentence.

It supplements the 1983 Convention on the Transfer of Sentenced Persons (ETS No. 112), whose main aim is to further the social rehabilitation of sentenced foreign nationals by allowing the sentence to be served in the country of origin. This Convention is founded to a great extent on humanitarian principles, being based on the consideration that communication difficulties, language barriers and deprivation of contact with the family can have adverse effects on foreign prisoners.

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Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons ([CETS No. 222](#)), open for signature, in Strasbourg, on 22 November 2017.

Entry into force: The Protocol will enter into force following its ratification by all the Parties to the Additional Protocol.

The aim of the Protocol of amendment is to modernise and improve the Additional Protocol (ETS No. 167), taking into account the evolution in international co-operation on the transfer of sentenced persons since its entry into force in June 2000.