

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (79) 14

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES CONCERNING THE APPLICATION OF THE EUROPEAN CONVENTION ON THE SUPERVISION OF CONDITIONALLY SENTENCED OR CONDITIONALLY RELEASED OFFENDERS

*(Adopted by the Committee of Ministers on 14 June 1979,
at the 306th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Desirous of facilitating the application of the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders, which was opened for signature on 30 November 1964 and entered into force on 22 August 1975,

- I. Recommends the governments of member states :
 1. If they are not yet Contracting Parties to the Convention, to ratify it as soon as possible with a view to extending this system of mutual assistance ;
 2. If they are Contracting Parties, with regard to :

Article 15, first paragraph

That the requesting state alone should be competent to grant a pardon or an amnesty or order a review of sentence, and that it should inform the requested state thereof ;

Article 17

That, when applying its law and deciding on the manner of enforcing the sentence, the requested state should take account, as far as possible, of the personal situation of the sentenced person before his incarceration ;

Article 20

That the requesting state be precluded from taking any of the enforcement measures requested unless it withdraws its request before the requested state has informed it of an intention to take action on the request, or unless the requested and the requesting states have decided by mutual agreement not to enforce the sentence in the requested state ;

Article 21

That the right of amnesty may be exercised by either the requesting state or the requested state, and that the requesting state alone should have the right to decide on any application for the review of a sentence ;

That the requesting state shall without delay inform the requested state of any decision that causes the right of enforcement to lapse, and vice versa ;

Article 25

That the right of enforcement should revert to the requesting state if the requested state expressly relinquishes it, which should only be possible if both the states concerned agree or if enforcement is no longer possible in the requested state ;

II. Invites the governments of member states Contracting Parties to the Convention to inform the Secretary General of the Council of Europe, within a period of five years, of the measures taken to implement this recommendation.