

2022-05-15

Transfer of sentenced persons

Swedish Prison and Probation Service
Legal department
Lisa Gezelius

Agenda

- Legal conditions for transfer of sentenced persons
- Criteria to assess the facilitation of social rehabilitation
- Differences in application between Nordic cases, cases within the EU and the rest of the world
- Challenges
- Best practices / recommendations

Legal conditions for transfer of sentenced persons

Scandinavia

- Nordic Convention from 1963

European Union

- Framework Decision 2008/909/JHA

Outside Scandinavia and the European Union

- Convention on the Transfer of Sentenced Persons + additional protocol

Criteria to assess the facilitation of social rehabilitation

- Deportation
- Citizenship
- Place of residence
- Family circumstances
- Working conditions
- Consent

Differences in application between Nordic cases, cases within the EU and the rest of the world

- Competent authorities for the recognition of the judgment and execution of the sentence
- Direct contact between competent authorities
- Opinion of the sentenced person
- Grounds for non-recognition or non-enforcement
- Deadline for recognition and enforcement
- The principle of mutual recognition and mutual trust

Challenges

- Time consuming processes
- Prison conditions
- Lack of deadlines and grounds for refusal
- Requirement of the convicted person's consent
- Lack of secure digital communication channels

Best practices / recommendations

- Direct contact between competent authorities
- Implement software that makes it possible to identify prisoners who are eligible for a transfer
- Training for lawyers, prosecutors and judges
- International collaborations such as EJM and EuroPris