

RESOLUTION (65) 1

(Adopted by the Ministers' Deputies on 22nd January 1965)

**SUSPENDED SENTENCE, PROBATION AND OTHER ALTERNATIVES
TO IMPRISONMENT**

The Committee of Ministers,

Having regard to point 3 (a) of Recommendation 195 (1959) of the Consultative Assembly on penal reform ;

Considering that penalties involving deprivation of liberty should be passed on offenders only where they are necessary to achieve the objects of punishment, in particular by ensuring that the offence is not repeated and that the offender mends his ways ;

Considering the disadvantages that imprisonment may have, particularly in the case of first offenders ;

Considering on the other hand the value of certain measures which make imprisonment unnecessary, amongst them probation and other similar measures,

1. Recommends Governments to ensure that :

(a) member countries' legislations should authorise the judge, or other competent authority, to substitute for a sentence involving deprivation of liberty, or for the execution of such a sentence before it has been carried out, a conditional measure (suspended sentence, probation order, or similar measures) in the case of any person who is a first offender and who has not committed an offence of special gravity ;

(b) the measures provided for above shall be taken by the competent authorities in the light of the circumstances of the case, of the acts committed, and of the personality of the offender, including the danger he may represent for society and the likelihood of his mending his ways ;

2. Recommends Governments to take all possible steps to ensure and extend the application of probation orders or similar measures which are of particular value in this field and have the advantage that they provide for the offender to be helped and kept under supervision during the period covered by his order, so as to encourage his rehabilitation and control his conduct ;
3. Recommends Governments to consider making provision in their own legislations for other measures designed to avoid imprisonment, particularly of first offenders ;
4. Invites Governments to send reports to the Secretary-General of the Council of Europe every three years informing him of the action taken by them with regard to these recommendations.