RESOLUTION (65) 11

(Adopted by the Ministers' Deputies on 9th April 1965)

REMAND IN CUSTODY

The Committee of Ministers,

Wishing to promote and extend the application of those principles relating to remand in custody already recognised in the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 ;

Having regard to point 3 *(b)* of Recommendation 195 (1959) of the Consultative Assembly on penal reform,

1. Recommends that Governments ensure that remand in custody is in accordance with the following principles :

(a) Remand in custody should never be compulsory. The judicial authority should make its decision in the light of the facts and circumstances of the case.

(b) Remand in custody should be regarded as an exceptional measure.

(c) Remand in custody should be ordered or continued only when it is strictly necessary. In no event should it be applied for punitive ends.

(d) Any decision on remand in custody should state - as precisely as possible - the subject-matter of the charge and the reasons underlying the detention. It must promptly be communicated to the person remanded in custody.

(e) Effective guarantees should be provided to prevent detention from extending beyond what is strictly necessary.

The following remedies in particular should be taken into account :

- limitation of the period of custody laid down by law or by the judicial authority ;

- review *ex officio* at regular intervals ;

- right of appeal to the judicial authority ;

- right to be assisted by legal counsel.

(f) The person remanded in custody should be informed of his rights and the conditions on which they may be exercised.

(g) In some cases other measures might with advantage be applied instead of remand in custody, such as :

- surveillance in the home ;

- injunction against leaving a particular place or district without the permission of the judge ;

- order to appear periodically before certain authorities ;

- seizure of passport or other identification papers ;

- provision of security ;

- sending of young offenders to a special institution.

2. Invites the Governments of member States to send reports every three years to the Secretary-General of the Council of Europe, giving information on the steps they have taken to implement these Recommendations.