

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (76) 10

ON CERTAIN ALTERNATIVE PENAL MEASURES TO IMPRISONMENT

*(Adopted by the Committee of Ministers on 9 March 1976
at the 255th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that it is in the interest of member states of the Council of Europe to establish common principles of crime policy ;

Considering the tendency, which is observable in all member states, to avoid imposing prison sentences as far as possible on account of their many drawbacks as well as out of respect for individual liberty, and believing that this process could be taken further without endangering public safety ;

Considering consequently that it is necessary not only to develop alternative measures which have existed for a long time (such as suspended sentences and probation) but also to encourage new measures so as to make it possible for courts to choose from amongst several forms of sanctions one suited to the individual case ;

Considering that alternatives to prison sentences can serve the object of rehabilitating offenders and are less costly than imprisonment ;

In the light of experiments carried out in this field in several member states,

Recommends the governments of member states :

1. To examine their legislation with a view to removing legal obstacles to imposing alternatives to imprisonment ;
2. To spare no effort in developing existing alternatives, and in particular :
 - a. to study new methods of probation including the increasing use of residential facilities for probationers which have been tried out in some member states, with a view to their possible adoption ;
 - b. to ensure that fines can be used as sanctions on a broad basis and that there are methods making it possible to adjust such fines to the offender's financial resources, and that methods of enforcing payment are such as to avoid whenever possible recourse to imprisonment ;
 - c. to look into the possibility of imposing various deprivations (such as withdrawal of driving licence) as well as confiscation as independent substitutes for prison sentences ;

3. To study various new alternatives to prison sentences with a view to their possible incorporation into their respective legislations, and in particular :
 - a. to consider the scope for penal measures which simply mark a finding of guilt but impose no substantive penalty on the offender ;
 - b. to consider the expediency of *deferment of sentence* after guilt has been established so as to enable a sanction to be imposed which will take account of the offender's progress after his conviction ;
 - c. to look into the advantages of *community work* and more especially the opportunity it provides :
 - for the offender to make amends by doing community service,
 - for the community to contribute actively to the rehabilitation of the offender by accepting his co-operation in voluntary work ;
 - d. to consider what contribution could be made by semi-detention, as a milder form of punishment than total imprisonment, which would enable the convicted offender to preserve or take up again his links with society as a whole ;
4. To put the necessary resources at the disposal of the departments responsible for carrying out alternative sanctions and to ensure that they are used as effectively as possible ;
5. To develop arrangements for associating the judiciary with the continuing process of developing measures alternative to imprisonment ;
6. To make efforts to inform the public of the advantages of alternative measures, so as to ensure its acceptance of these measures ;
7. To see to it that the present resolution together with its explanatory report is widely circulated in the appropriate services and agencies ;

Invites governments to report to the Secretary General of the Council of Europe every five years indicating what action they have taken to implement the present recommendations.