

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (73) 17

ON THE SHORT-TERM TREATMENT OF ADULT OFFENDERS

*(Adopted by the Committee of Ministers on 13 April 1973
at the 220th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to the interest of the member States of the Council of Europe in establishing common principles in the field of crime policy ;

Considering that, in spite of the efforts made by member States to restrict the passing of short-term prison sentences, the penal establishments of certain States still contain a large number of inmates serving terms of imprisonment of six months or less ;

Considering on the one hand the difficulty of applying to such prisoners methods of treatment designed effectively to prevent recidivism, and on the other hand the increasingly heavy financial outlay involved in the building and running of numerous penal establishments ;

Considering that various studies already made in member States in an attempt to forecast trends of criminality show that, although imprisonment is to some extent falling out of favour, the number of offenders receiving short sentences is tending to increase in parallel with the growing risk of breaches of the law in technologically advanced societies ;

Considering, moreover, that basic concepts in penal matters have evolved considerably since the last century and more particularly over recent years, and that it appears necessary :

- to promote methods of treatment involving less segregation and social stigma for the individual ;

- to encourage methods of social care whereby certain forms of deviant behaviour can be treated without necessarily having recourse to penal measures ;

Considering that this evolution of basic concepts should be reflected in a new orientation of criminal justice towards social rather than punitive action, and that there is a need to limit the part played by the traditional prison whose effectiveness, especially as far as short sentences are concerned, is increasingly questioned,

A. Recommends the governments of member States :

1. to take all possible steps to limit prison sentences for authors of minor offences or for individuals considered to be not very dangerous to society ;

2. to use, in cases where imprisonment is unavoidable, the period of detention as far as possible to make a summary study of the personality and an examination of the environmental circumstances of the offender, if this has not already been done before imprisonment. The results should be used to throw light on the offender's difficulties in social relationships, and advantage might be taken of them for his treatment, which remains the main purpose of any penal measure, in all cases where treatment is useful and practicable, including after-care ;

3. to give consideration to the possibilities offered by probation of a special short-term nature, it being understood that :

- the relative brevity of such a trial period could be offset by intensive treatment implying a limitation in the number of offenders entrusted to a single specialised probation officer, and possibly by selecting the latter on the basis of some degree of matching between his personality and that of his charges ;

- although such treatment is already being carried out on an experimental basis in some States, it could be applied only to a small number of offenders, having regard to the characteristic features of criminality in the different member States ;

4. to promote at the legislative or administrative level a set of carefully graded measures, half-way between imprisonment and complete liberty, thus paving the way for new forms of penal treatment. Since the aim of these measures is to ensure that the offender is no longer treated as an outcast but shall benefit by a process of assistance and social education, they should imply on the one hand the co-operation of the community and on the other hand the participation of the offender in the determination and implementation of his treatment. They may take various forms, either singly or in combination, including restriction of liberty, fines, social supervision of one kind or another, and suspension of certain civil rights ;

B. Invites the governments of member States to report to the Secretary General of the Council of Europe every five years informing him of the action being taken by them on these recommendations.