Recommendation 195 (1959)[1]

Penal Reform

Parliamentary Assembly

The Assembly,

Recognising the need for further coordination and the exchange of information in the field of penal questions;

Considering that it is desirable to ensure the progressive implementation of the recommendations of the first United Nations Congress on Prevention of Crime and the Treatment of Offenders, held at Geneva from 22nd August to 3rd September 1955;

Desiring to facilitate the continued study of methods of penal reform and inter alia the classification of prisoners;

Believing that no one should be deprived of liberty except by due process of law and that no one should be punished except for a proven breach of the criminal law,

Recommends to the Committee of Ministers :

1. that it should study the recommendations of the United Nations Congress on Prevention of Crime and the Treatment of Offenders held in 1955 and consider the desirability of a progressive implementation of such recommendations;
2. that it should consider the desirability of organising a system of interchange of prison executives (for example, Deputy Governors), between member countries for periods of study of methods of prison administration;
3. that Member Governments be asked to adopt, as part of their national law, the following principles :
    a. that a first offender who has committed an offence punishable by imprisonment shall, unless a serious crime is involved, receive a suspended sentence or be placed on probation or accorded some similar treatment;
    b. that no person shall be provisionally detained in prison without an order of a Court, and such provisional detention shall not be continued unless the Court shall certify that detention is strictly necessary and give its reasons therefore ;
    c. that no person shall be imprisoned for inability to fulfil a contractual obligation;
    d. that every prisoner suffering from a mental or physical ailment shall be given appropriate psychiatric or medical treatment.

1. (see Doc. 965, Report of the Legal Committee). This Recommendation was adopted by the Assembly at its 6th Sitting on 23rd April 1959