



Jurisdictions with Sentencing Guidelines

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Jurisdictions with Sentencing Guidelines

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I. Introduction

This report, prepared by staff of the Global Legal Research Directorate, lists jurisdictions around the world where sentencing guidelines have been issued by a dedicated authority, such as a sentencing council or commission, or by the judiciary itself outside of deciding individual cases. We located 20 jurisdictions that currently have such guidelines,¹ and five in which there is draft or existing legislation that establishes a sentencing council or commission and/or provides for guidelines to be developed, but where no guidelines have yet been published.

The guidelines published in different jurisdictions show a variety of approaches. For example, the **England** and **Wales** guidelines provide categories of offending for listed offenses, depending on different factors, and state starting points and ranges of sentences. Separate general guidelines and overarching principles for different types of offenses or offenders have also been published. The **South Korea** guidelines list different factors to consider when sentencing offenders for certain offenses without specifying sentencing ranges. Newly issued guidelines in **Singapore** only relate to reductions in sentences for guilty pleas, specifying the maximum percentages by which sentences should be reduced for guilty pleas made at different stages of the proceedings. In **Kenya**, the guidelines include matters to be taken into account in applying different types of sentences, rather than providing guidance on sentencing for specific listed crimes.

We did not include jurisdictions with sentencing commissions that do not issue sentencing guidelines.² We also did not include jurisdictions in which certain courts are able to designate opinions in specific cases to be “guideline judgments.”³ In some jurisdictions, such as the **Republic of Ireland**, judicial authorities have compiled summaries of judgments that contain

¹ This includes as one jurisdiction the **Organization of Eastern Caribbean States**, of which **Anguilla, Antigua, Dominica, Grenada, Monserrat, Saint Kitts and Nevis, Saint Vincent, Saint Lucia**, and the **British Virgin Islands** are members.

² For example, the role of the Sentencing Advisory Council of Victoria, Australia, includes providing statistical information on sentencing, conducting research and disseminating information to the judiciary on sentencing matters, advising the attorney-general on sentencing issues, and providing the Court of Appeal “with the Council’s written views on the giving, or review, of a guideline judgment.” *About Us*, Sentencing Advisory Council, <https://perma.cc/RX55-V55E>.

³ This includes, e.g., **Fiji, Hong Kong**, and some **Australian** states (see, e.g., *Guideline Judgments*, NSW Sentencing Council, <https://perma.cc/U5YE-SQGT>). For example, the Court of Appeal in **Hong Kong** is responsible for promulgating “sentencing guidelines” for trial courts. It generally does so through adjudicating individual cases and stating that the resulting opinions are directive guidelines for sentencing the particular crimes involved in the cases. Legislative Council, *Sentencing Guideline Bodies and Oversight of Judicial Conduct in Selected Places* (Dec. 16, 2020), <https://perma.cc/U76Y-8P86>; Aaron H.L. Wong & Victor Lui, *Enhancing Sentencing Transparency: Publicising Sentencing Guidelines*, *Hong Kong Law* (July 2022), <https://perma.cc/4LMB-QW7Y>.

sentencing guidelines.⁴ In addition, we did not include the various jurisdictions that provide overarching principles or guidelines within their criminal laws, including in dedicated sentencing legislation.

II. Table Showing Jurisdictions with Sentencing Guidelines

Jurisdiction	Citation	Notes
Barbados	Supreme Court of Judicature (Amendment) Act, 2023, https://perma.cc/DEZ4-FPF8 . Mahnoor Jehangir, <i>Barbados Chief Justice to Set New Sentencing Guidelines for Criminal Cases</i> , BNN (July 20, 2023), https://perma.cc/6GRF-BNWU .	The bill was passed in July 2023 and provides for the chief justice to issue sentencing guidelines by way of practice directions.
Cayman Islands	<i>Sentencing Guidelines</i> , Cayman Islands Judicial Administration, https://perma.cc/89UP-8GHA ; Cayman Islands Sentencing Guidelines (Oct. 2015) https://perma.cc/J3RX-BUZQ .	
China	Supreme People’s Court (SPC) & Supreme People’s Procuratorate, <i>Notice by the Supreme People’s Court and the Supreme People’s Procuratorate of Issuing the Guiding Opinions on Sentencing for Common Crimes (for Trial Implementation)</i> (June 16, 2021), https://perma.cc/6J9K-SFXD .	Sentencing guidelines were first issued by the SPC in 2014. (Julian V. Roberts & Wei Pei, <i>Structuring Judicial Discretion in China: Exploring the 2014 Sentencing Guidelines</i> , 27 <i>Crim. L.F.</i> 3 (2015), https://perma.cc/8KMZ-54BE .)
England and Wales	<i>Sentencing Guidelines for Use in Crown Court</i> , Sentencing Council, https://perma.cc/CLS7-44YN ; <i>Magistrates’ Courts Sentencing Guidelines</i> , Sentencing Council, https://perma.cc/FK9G-TR3E . Coroners and Justice Act 2009, c. 25, § 120, https://perma.cc/8Q5V-3URQ ; Sentencing Act 2020, c. 17, § 59, https://perma.cc/4DYA-EQ83 .	Sentencing Guidelines for the Crown Court and Magistrates Court are provided for by the Sentencing Council and include specific offenses as well as overarching guidelines. Section 59 of the Sentencing Act 2020 provides that the courts must following the sentencing guidelines.

⁴ Judicial Council, *Sentencing Guidelines and Information Committee – Sentencing Judgments* (Oct. 2021), <https://perma.cc/9NWH-WMPL>.

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Ethiopia	Revised Sentencing Guidelines, Federal Supreme Court, No. 2 (Oct. 1, 2006, Ethiopian Calendar; Oct. 11, 2013, Gregorian Calendar), https://perma.cc/H56P-MYVL (in Amharic, one of Ethiopia’s local languages).	The guidelines were initially issued in 2010 and were amended in 2013. They are based on article 88 of the Ethiopian Criminal Code, which provides that “[i]n order to ensure the correctness and uniformity [of] sentencing, the Federal Supreme Court shall issue a manual relating to sentencing.” (Criminal Code of the Federal Democratic Republic of Ethiopia, art. 88(4), No. 414 of 2014 (May 9, 2005), https://perma.cc/3FU7-NBG8 .) The guidelines mandate that their provisions be interpreted in accordance with the provisions of the Criminal Code on sentencing. (Revised Sentencing Guidelines art. 4(9).)
Guyana	<i>Guidelines Being Framed to Fix “Inconsistent, Eccentric” Sentencing</i> – AG, Guyana Times (July 27, 2023), https://perma.cc/P3A4-BYUW .	The attorney-general announced that the government is developing sentencing guidelines and will consult with relevant entities, including the judiciary.
Jamaica	Jamaica Sup. Ct., <i>Sentencing Guidelines for Use by Judges of the Supreme Court of Jamaica and the Parish Courts</i> (2017), https://perma.cc/VUW4-Y8U7 .	
Kenya	Judiciary of the Republic of Kenya, <i>Sentencing Policy Guidelines</i> (Dec. 17, 2017), https://perma.cc/8K2Y-377J .	The guidelines are mandatory. They state that they are “in no way intended to fetter judicial discretion but seek to structure it.” (<i>Sentencing Policy Guidelines</i> , § 2). See also Harrison O Mbori, <i>Discreet Discretion and Moderate Moderation in Judicial Sentencing: A Commentary on Kenya’s Sentencing Policy Guidelines, 2016</i> , (3)1 Strathmore L. J., 89, 93 (Aug. 2017), https://perma.cc/DA3H-JQ3P .)
Malawi	Malawi Judiciary, <i>Sentencing Guidelines for Wildlife Crimes in</i>	While the guidelines are limited to wildlife-related offenses, they

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	<p><i>Malawi Court</i> (Oct. 2017), https://perma.cc/M7BJ-QCZ2.</p>	<p>apply to all courts that adjudicate such matters. (<i>Sentencing Guidelines for Wildlife Crimes in Malawi Court</i> 5.) However, the guidelines do not appear to be mandatory in nature as they allow courts to depart from them as long as they provide a clear justification for doing so. (Id.)</p>
Nepal	<p>Criminal Offences (Sentencing and Execution) Act, 2017 (2074), § 47(1)(a), https://perma.cc/CW3B-8TTR.</p>	<p>The law establishes a Sentence Recommendation Committee whose duty is in part to “develop standards for the determination of appropriate range of sentence to be imposed on the offender according to the gravity of offence.” It is unclear whether such standards have been issued.</p>
Netherlands	<p>1) Aanwijzing kader voor strafvordering meerderjarigen, Mar. 29, 2019, <i>Staatscourant</i> [Strct.] 2019, 14890, https://perma.cc/S4AQ-EX63. (Prosecution)</p> <p>2) Oriëntatiepunten voor straftoemeting en overige LOVS-afspraken (Jan. 2023), https://perma.cc/3JFC-4SXQ. (Judiciary)</p>	<p>1) The guidelines are only applicable to crimes subject to adult criminal law. They do not cover specific crimes but contain general principles for the prosecution of crimes and general and specific aggravating and mitigating factors. The annexes state how the guidelines are structured, how sanctions in the guidelines are rounded off, and how sanctions can be implemented.</p> <p>2) The guidelines do not cover all crimes. They do not bind individual judges.</p>
Nigeria	<p>Federal Capital Territory Courts (Custodial and Non-Custodial Sentencing) Practice Directions, 2020, https://perma.cc/2FCU-AQ77.)</p>	<p>The application of the practice directions is limited to the courts in Abuja. (Federal Capital Territory Courts (Custodial and Non-Custodial Sentencing) Practice Directions § 2.) They apply to specific types of offenses, “offences against the State, the person, public order, morality, homicide, property, corruption, financial crimes and</p>

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		<p>related offences.” (Id.) The practice directions also state that, “The statutory and inherent discretion conferred on a court to determine and impose sentences is not derogated from but shall be exercised in accordance with this Practice Directions.” (Id.)</p> <p>Some states have issued guidelines, but there do not appear to be nationally applicable ones to date. (Festus Okpoto Agbo, <i>Sentencing Guidelines and Prison Congestion in Nigeria: Challenges and Prospects for Decongestion</i>, 10(6) <i>Global J. Pol. & L. Rsch.</i> 27, 42 (2022), https://perma.cc/GZL9-59P8.)</p>
Northern Ireland	<p><i>Sentencing Guidelines for Northern Ireland</i>, Judiciary NI, https://perma.cc/XW8M-QVV7; <i>Sentencing Guidelines - Magistrates Court</i>, Judiciary NI, https://perma.cc/6PM9-LGT9.</p>	
Organization of Eastern Caribbean States (Anguilla, Antigua, Dominica, Grenada, Monserrat, Saint Kitts & Nevis, Saint Vincent, Saint Lucia, and Virgin Islands)	<p><i>ECSC Sentencing Guidelines</i>, Eastern Caribbean Sup. Ct. (Dec. 2017), https://perma.cc/7V2M-7SB5.</p> <p>Antigua and Barbuda, Eastern Caribbean Supreme Court (Sentencing Guidelines) Rules, 2019, https://perma.cc/4MN8-ER5P.</p>	
Pakistan	<p>Khyber Pakhtunkhwa Sentencing Act, 2021, §§ 21(a), 22, https://perma.cc/F8T4-V9VG; Punjab Sentencing Act, 2019, §§ 21(a), 22, https://perma.cc/X9PN-5CPE.</p>	<p>These two provincial level sentencing laws establish sentencing councils whose function is to develop and issue sentencing guidelines that courts are required to consider. No sentencing councils appear to have been established yet.</p>

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Scotland	<p><i>Approved Guidelines</i>, Scottish Sentencing Council, https://perma.cc/9QKG-3ZQK.</p> <p>Criminal Justice and Licensing (Scotland) Act 2010, asp 13, § 3, https://perma.cc/4AFQ-QASG.</p>	
Sierra Leone	<p>Memorandum from Chief Justice Desmond Babatunde Edwards to All Judges on Sentencing Guidelines for Sexual Penetration Cases, Judiciary of Sierra Leone (Jan. 6, 2020), https://perma.cc/39BY-8ZJA.</p>	<p>It appears that the guidelines are mandatory.</p>
Singapore	<p>Sentencing Advisory Panel of Singapore, <i>Guidelines on Reduction in Sentences for Guilty Pleas</i> (effective Oct. 1, 2023), https://perma.cc/LL38-D8QL.</p>	<p>These are the first guidelines published by the panel, which was established in June 2022. “The Panel’s guidelines may be cited by the Prosecution or the Defence in their arguments before the Courts. The guidelines will not be legally binding on the Courts, which may decide whether to adopt the guidelines in a given case, and if so, how the guidelines should be applied.” (Press Release, Ministry of Law, Establishment of the Sentencing Advisory Panel (June 2, 2022), https://perma.cc/9TQW-KWXH.)</p>
South Korea	<p>Sentencing Commission of Korea, <i>2021 Sentencing Guidelines</i> (Nov. 2021), https://perma.cc/4UFH-2XUW.</p>	<p>Consolidation of guidelines for different crimes developed by Commission since it was established in 2007.</p>
Switzerland	<p>Schweizerische Staatsanwälte-Konferenz (SSK), <i>Empfehlungen. Ausländer- und Integrationsgesetz, AIG (Art. 115-119 AIG)</i> (Nov. 23, 2023), https://perma.cc/CS2D-39YD. (Foreigners and Integration Act)</p> <p>SSK, <i>Empfehlungen betreffend Gewalt an Sportveranstaltungen</i></p>	<p>The Swiss Conference of Prosecutors (SSK) publishes model sentencing guidelines for certain crimes under enumerated laws. The Swiss cantons (states) choose if and how they implement them.</p>

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	<p>(<i>Hooliganismus</i>) (Nov. 18, 2010, last updated Nov. 23, 2023), https://perma.cc/AD8T-DE6R. (Crimes relating to violence at sports events)</p> <p>SSK, <i>Empfehlungen. Widerhandlungen gegen Art. 19 Abs. 1 Bst. c BetmG</i> (Nov. 3, 2006, last updated Mar. 7, 2012), https://perma.cc/76BF-7SU6. (Narcotics Act)</p> <p>SSK, <i>Empfehlungen zum Strafmass bei Straftaten im Bereich Covid-19</i> (Dec. 4, 2020, last updated Feb. 4, 2021), https://perma.cc/ZA27-FKW8. (Crimes relating to COVID-19)</p> <p>SSK, <i>Empfehlungen. Umsetzung des Ersttäterprivilegs von Art. 90 Abs. 3ter SVG</i> (Nov. 23, 2023), https://perma.cc/YX39-6ATX. (Implementation of the First Offender Privilege)</p> <p>SSK, <i>Strafmassempfehlungen SVG</i> (Nov. 24, 2016), https://perma.cc/NN68-96N5. (Road Traffic Act)</p>	
Taiwan	<p>Judicial Yuan, <i>The Draft Legislation on the Appropriate Sentencing of Criminal Cases</i> (Dec. 14, 2021), https://perma.cc/F2HS-X9MV (in Chinese).</p>	<p>The draft legislation, as passed by the Judicial Yuan, the judicial branch of the Taiwanese government, provides for the establishment of a formal Sentencing Guidelines Council and prescribes broad sentencing principles. It is currently going through the process of becoming a binding law, as it is being considered by the Legislative Yuan, the legislative branch. (Legislative Yuan, <i>The Assessment Report on the Draft Legislation on</i></p>

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		<i>the Appropriate Sentencing of Criminal Cases</i> (Apr. 2022), https://perma.cc/DF56-PPZV (in Chinese).)
Tanzania	Judiciary of Tanzania, <i>Tanzania Sentencing Guidelines</i> (June 8, 2023), https://perma.cc/E5JL-682N .	It does not appear that the guidelines are mandatory. The executive summary states that “these guidelines are intended to serve as an aid to judicial officers and practitioners in the proper handling of the sentencing process.” (<i>Tanzania Sentencing Guidelines</i> viii.)
Trinidad and Tobago	Jud. Educ. Inst. Trinidad & Tobago, <i>Sentencing Handbook 2016</i> (2018), https://perma.cc/SQ8T-QCD7 .	
Uganda	Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013, https://perma.cc/Z8N5-MMHJ .	The directions are not mandatory. (Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions § 3). See also Juliet Kamuzze, <i>An Insight into Uganda’s New Sentencing Guidelines – A Replica of Individualization?</i> , 27(1) Fed. Sent’g Rep. 47, 50 (Oct. 2014), https://perma.cc/D85Z-64WA .)
Zimbabwe	Criminal Procedure (Sentencing Guidelines) Regulations, 2023, S.I. 146, Supplement to the Zimbabwean Government Gazette Extraordinary (Aug. 8, 2023), https://perma.cc/CVT8-ZEA6 .	The regulations are mandatory; while courts are permitted to depart from the requirements of the regulations, when they do, they must articulate a reason for the departure. (Criminal Procedure (Sentencing Guidelines) Regulations § 5.)