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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**COMPARATIVE TABLE OF  
CONSTITUTIONAL AND LEGISLATIVE PROVISIONS  
RELATING TO THE AMNESTY  
IN VENICE COMMISSION MEMBER STATES**

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**TABLEAU COMPARATIF DES  
DISPOSITIONS CONSTITUTIONNELLES ET LEGISLATIVES  
RELATIVES A L'AMNISTIE  
DANS LES ETATS MEMBRES DE LA COMMISSION DE VENISE**



Country	Legal basis (constitution, sub-constitutional level, constitutional custom...)	Effects: - on sentences - on pending proceedings	Competence (*executive/legislature.)	Stakeholders involved	Types of offences/exclusions	Right of appeal
<b>Andorra</b>	Neither the Constitution nor the laws legislated by the Parliament (Consell General) contain articles related to Amnesty.	The Co-Heads of State (Andorra has two Heads of States on a basis of pro-indiviso (the Bishop of Urgell (a small town by the Spanish side of the border, but not under Spanish jurisdiction, only the Vatican) and the President of the French Republic) have as a free decision (not controlled by the Government nor the Parliament) the "dret de gracia", which is exactly the equivalent of a "Presidential Pardon"); however, it has never been used under the constitutional regime (the Constitution has been approved in 1993).				
<b>Armenia</b>	The Constitution of the Republic of Armenia (Art. 117)/ The Constitutional Law of the Republic of Armenia Rules of Procedure of the National Assembly / the Criminal Code of the Republic of Armenia.	Under the law on amnesty, an individual accused of a criminal offence may be exempted from criminal liability, and a convicted person may be fully or partially released from both primary and additional punishments.	Legislation mandating an act of amnesty shall be passed by the legislative body. The Government holds the right to initiate a draft law on amnesty.	The process for a draft law on amnesty involves closed debates by the relevant standing committee, subsequent discussion in regular sittings of the National Assembly following the standing committee's conclusion period, potential voting with government-approved corrections, and final adoption requiring a majority vote of all Deputies.	Amnesty cannot be applied to persons who have committed a certain crime, such as Genocide, Crimes Against Humanity, War Crimes, etc.	-
<b>Austria</b>	Art. 93 of the Federal Constitutional Law	Amnesty: While the Federal Presidential pardon can only be applied to individual cases, the amnesty concerns any form of leniency in punishment. It is linked to abstract substantive criteria, such as the offence, the imposed penalty, or the rest of the penalty that is still unexecuted.	The federal legislator has the competence to grant (general) amnesty through a federal law	Since general amnesties for acts punishable by the courts are extended by federal law (Art. 93 B-VG) only the federal legislator is competent to enact amnesty laws – even concerning criminal offences that arise from a provincial law.	Both, a Federal Presidential pardon and a general amnesty, can only be applied to criminal offences that fall under the jurisdiction of ordinary courts and that are to be pursued ex officio. There are special competences of the Federal President (upon the proposal of the Federal Government or the particular authorised Federal Minister) to grant pardon regarding penalties imposed by the Federal Finance Court or the Administrative Court (S. 187 Tax Penal Code) as well as regarding disciplinary penalties imposed under the Military Disciplinary Law (S. 10).	The abusive failure to submit a proposal for pardon is objectively unlawful and could be relevant in terms of governmental liability
	Art. 65 of the Federal Constitutional Law	Presidential pardon; to pardon persons sentenced without further resources of appeal, to mitigate and commute sentences pronounced by the courts, as an act of grace to annul sentences and to grant remission from their legal consequences, and moreover to quash criminal proceedings in actions subject to prosecution ex officio. If the Federal President has exercised his right of pardon, the person affected obtains an enforceable legal entitlement, since this President's resolution constitutes a legal-forming binding decision.	The authority to grant pardons is vested in the Federal President.	Only the Federal President upon the proposal of the Federal Government or the particular authorised Federal Minister is entitled to grant pardon. However, the Federal President is not obligated to execute the pardon proposals submitted to him.		

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<b>Azerbaijan</b>	Art. 95 of the Constitution	By amnesty act, persons who have committed crimes, can be released from a criminal liability. The persons, condemned for commitment of crimes can be released from punishment, or term of the punishment appointed on them can be reduced or deserved part of punishment can be replaced with mitigate kind of punishment, or such persons can be released from additional punishment. From the persons who have been released from punishment by amnesty act previous conviction can be removed.	The National Assembly (Milli Majlis) of the Republic of Azerbaijan declares amnesty.	The Commissioner may submit motions to the Milli Mejlis of the Republic of Azerbaijan with regard to the adoption or review of laws with a view to ensuring human rights and freedoms. The Commissioner may submit a motion to the Milli Mejlis of the Republic of Azerbaijan with regard to declaring amnesty.		
<b>Belgique</b>	Pas de disposition constitutionnelle, mais le législateur (fédéral ou des entités fédérées) peut prendre les mesures que la Constitution n'interdit pas.		Lois spécifiques adoptées par les parlements (fédéral ou des entités fédérées) selon leurs compétences.		Historiquement, amnisties liées à quatre types d'événements: la révolution, la guerre, la grève et l'évasion fiscale. La doctrine considère que les amnisties doivent être conformes aux exigences du droit international (p. ex. exclues pour violations graves des droits de l'homme).	(Seulement recours à la Cour constitutionnelle contre la loi)
<b>Bosnia and Herzegovina</b>	The General Framework Agreement for Peace/ Criminal Code  - National Amnesty Law(1996) - Federal Amnesty Law(1996) (Amnesty Law by the Bosnian Croat authorities)	Amnesty provides individuals covered by it with relief from criminal prosecution, full or partial exemption from punishment execution, substitution of a harsher punishment with a milder one, deletion of the conviction, or annulment of legal consequences associated with the conviction.	The Parliamentary Assembly of Bosnia and Herzegovina, the Parliament of the Federation, or Cantonal Assembly may grant amnesty.	The Decree on Amnesty Implementation as provided by this Law is to be made by the Competent Public Prosecutor within 3 days after this Law enters into force.	Amnesty does not apply for charges of war crimes or genocide.	
<b>Brazil</b>	Law n. 6.683, 28th August, 1979	Amnesty is granted to all those who, in the period between September 2, 1961 and August 15, 1979, committed political or related crimes, electoral crimes, those who had their political rights suspended, and civil servants of the Direct and Indirect Administration, of foundations linked to the government, civil servants of the Legislative and Judicial Powers, the Military and union leaders and representatives, punished based on Institutional and Complementary Acts (vetoed).		The judge shall designate a hearing which, in the presence of the Prosecutor's Office, shall be held within 10 (ten) days of the petitioner's submission and shall, once the investigation has been concluded, within a maximum of 5 (five) days, define a sentence.	Exceptions to the benefits of amnesty include those convicted of terrorism, assault, kidnapping, and personal attacks.	
<b>Bulgaria</b>	Amnesty is regulated at <b>constitutional level</b> (Art. 84.13) and in the <b>Criminal code.</b>	Amnesty cancels the criminal nature of a certain kind of acts or exempts perpetrators of certain crimes from penal responsibility and from the consequences of conviction.	The legislature has a wide margin of discretion as to the scope of an amnesty.		No exclusion by prescription shall be applied to criminal prosecution and execution of punishment with respect to: crimes against peace and humanity	

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<b>Canada</b>	Constitutional Convention The Criminal Code	Amnesties on firearms enabling to put the situation in order.	Section 748 of the Criminal Code gives the Governor in Council (i.e. cabinet) the power to exercise the prerogative.	The orders are made by the executive branch (the government), are contemplated and authorised by the legislative branch (Parliament) and the orders are thus statutory in nature.	Limiting pardons for serious crimes, such as offences involving a child	
<b>Chili</b>	Constitution : Article 63.16 Cst. Amnistie et grâce générale Article 32.14 : Grâce individuelle  Code pénal : Article 93 N°3: Amnistie Article 93 N° 4: Grâce individuelle et grâce générale	L'amnistie efface le délit (empêchant la poursuite ou effaçant la condamnation).  La grâce efface la peine.	Amnistie et grâce générale : loi Grâce : Président de la République	L'amnistie et la grâce générale ne peuvent émaner que du Sénat et nécessitent la majorité absolue des députés et sénateurs en exercice (2/3 pour les crimes terroristes).	En application de l'article 5.2 de la Constitution, les crimes qui ne sont pas amnistiés conformément aux traités internationaux sur les droits de l'homme ratifiés par le Chili ne peuvent pas être amnistiés.	
<b>Costa Rica</b>	Art. 121.21 of the Constitution, Art. 89, 96, 100 of the Criminal Code	Amnesty extinguishes the criminal prosecution as well as the penalty imposed.	The Legislative Assembly has exclusive powers to grant general amnesties.	Legislators, individually or in group may move and call upon the other members of the Legislative Assembly to grant general amnesties or pardons. Civil society actors, as well as individual persons have the possibility to request parliamentary members for amnesty acts of parliament or laws. Bills of law may be presented to the Legislative Assembly in the form of a popular initiative.	The Constitution establishes general amnesties for political crimes. The amnesty cannot be conceded for electoral offences. Amnesty Laws cannot should act accordingly to the <i>corpus iuris</i> of the Inter-American Court that holds amnesty and pardons to be unconventional in cases of crimes against humanity.	Amnesty and pardons handed down by the Legislative and the Executive branches of Government are discretionary acts of government. As such these are out of the reach and jurisdiction of the Courts. In the case of the Government Council (competent for pardon), these are deemed political acts of government not susceptible of legal discussion before the Courts. The only exception to this rule may involve due process, where judicial review may declare procedural breaches while petitions were being substantiated.
	147 of the Constitution, Art. 96, 100 of the Criminal Code	Pardon terminates criminal prosecution or the criminal penalty imposed.	The Government Council has powers to issue specific and concrete pardons to an individual or groups of individuals.	Individual requests for pardons may also be presented to the Government Council. The Supreme Court of Justice must be heard before the Council's final decision . If the Supreme Court issues a favorable opinion the Council's decision is taken by a simple majority vote. If the Supreme Court's opinion is unfavourable, the voting requirement is increased to a qualified majority vote of 2/3 of present votes.		

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Croatia	the Constitution of the Republic of Croatia, Article 81/12	Amnesty; Law on General Pardon of 1996 revoking the Law on Amnesty for Criminal Prosecution and Proceedings for Criminal Offenses Committed in Armed Conflicts and in the War Against the Republic of Croatia (1992) and the Law on Amnesty for Perpetrators of Criminal Offenses from Temporarily Occupied Areas of Vukovar-Srijem and Osijek-Baranja Counties (1996). The Law on General Pardon grants amnesty from criminal prosecution and proceedings for perpetrators of offenses committed in aggression, armed rebellion, or armed conflicts, as well as those related to aggression, armed rebellion, or armed conflicts in the Republic of Croatia for acts committed between August 17, 1990, and August 23, 1996. committed in aggression, armed rebellion, or armed conflicts, as well as those related to aggression, armed rebellion, or armed conflicts in the Republic of Croatia for acts committed between August 17, 1990, and August 23, 1996.	The Croatian Parliament grants amnesty for criminal offences.		Perpetrators of the most serious violations of humanitarian law characterized as war crimes are excluded from amnesty for these criminal offenses.	
	Article 98/4	Pardon; an "act of grace by the head of state by which, in an individual case, the execution of a sentence or other criminal-law measures is completely or partially suspended, or the imposed sanction is replaced with another."	The President of the Republic of Croatia has the right to pardon.	While the President can be assisted by advisory bodies whose members he appoints and dismisses himself, the final decision was always within the president's authority.	A pardon can only be granted for criminal offenses, not misdemeanours, and it can also be granted for acts prescribed by criminal laws that have been repealed.	
Cyprus	The Constitution Article 53.4	to remit, suspend, or commute any sentence imposed by a court in the Republic.	the President is empowered to remit, suspend, or commute any sentence imposed by a court in the Republic.	The authority of the President is exercised based on the unanimous recommendation of the Attorney-General and the Deputy Attorney-General.	Individuals convicted and serving sentences for serious offenses such as murder, attempted murder, homicide, drug trafficking, and sexual offenses are explicitly ineligible for a pardon.	
Czechia	Articles 62(g) and 63(j) of the Constitution – for individual pardon Article 63(k) – for amnesty	Options for individual pardon and for amnesty: a) Issuing order that criminal proceedings not be initiated and, if initiated, not continued (abolition) b) pardoning or mitigating the punishments imposed by the court (agracion) c) erasing the convictions (rehabilitation)	The president is competent to decide alone on individual pardon (options b and c). The president needs the co-signature by the prime minister or the competent member of the government in case of individual pardon (option a) and amnesty in all the three forms	President, prime-minister/minister of justice	No limits foreseen by the legal regulation for either individual pardon or amnesty	Not available (see Decision of the Constitutional Court Pl.ÚS 4/13 of March 5, 2013 U 2/68 SbNU 485)

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<b>Denmark</b>	regulated in Section 24 of the <b>Constitution</b>		The King shall have the prerogative of mercy and of granting amnesty. (Whilst here is no legislation on amnesty, it is occasionally used in "technical" contexts, e.g. in connection with the introduction of legislation criminalising possession of certain weapons.)	As mercy and amnesty are acts of state, they require the consent of the relevant Minister, cf. Article 13 of the Constitution.		
<b>Estonia</b>	The Constitution (1992) only refers to pardon	criminal proceedings are not commenced where an amnesty instrument precludes the imposition of a sanction, including a circumstance precluding or restricting the extradition of a person to a foreign State.	(The Constitution) The President has the authority to pardon prisoners. (The leading Commentary to the Estonian Constitution) The Constitution enables the parliament to declare amnesty under the open-ended authority to deal with 'other matters of State life'.			
<b>Finland</b>	the Constitution (entitled 'Presidential pardon')	general amnesty	General amnesty is provided only by an Act of Parliament.	No Act on a general amnesty has been enacted so far. The Supreme Court of Finland is regularly asked for an opinion on the applications to be considered by the President of the Republic.		
		full or partial pardon	In individual cases, the President of the Republic may, after obtaining a statement from the Supreme Court, grant full or partial pardon from a penalty or other criminal sanction imposed by a court of law. There does not exist legislation laying down more detailed provisions on pardon in individual cases.	Imposed by a court of law; addressed to the President of the Republic and submitted to the Ministry of Justice		
<b>France</b>	La Constitution (art. 34) prévoit la compétence du législateur	L'amnistie est décidée de manière générale et inconditionnelle. L'amnistie a un effet juridique : elle efface les condamnations qui ont été prononcées avant l'amnistie ou fait obstacle à une condamnation pour l'avenir. La grâce est une mesure judiciaire individuelle ayant trait à l'exécution d'une peine et relevant de la compétence du Président de la République	Amnistie : loi (Parlement) Grâce : Président de la République		Guerre d'indépendance de l'Algérie Crises politiques résultant, dans des collectivités d'outre-mer, de revendications séparatistes (Nouvelle-Calédonie, Guadeloupe) Evénements d'ordre politique ou social en relation avec la détermination du statut de la Corse (1982) Crise sociale de mai 1968, débordements sociaux (1972) Infractions financières (ponctuel, notamment financement des partis) L'amnistie peut viser des sanctions disciplinaires ou professionnelles Certaines lois d'amnistie (pas toutes) ont exclu les crimes les plus graves Conseil constitutionnel: le législateur doit se prononcer en fonction de critères objectifs; les victimes conservent droit à réparation du préjudice	

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Germany	Art. 60 para. 2 of the Basic Law (competence of the President of the Republic for amnesties); several amnesty laws were adopted concerning specific circumstances (e.g. 1954 Impunity Act; Impunity Act 1970; Temporary amnesty for illegal possession of weapons (§ 58 XIII WaffG) (2017))	The start of criminal proceedings can be prohibited, and the execution of sentences for those already convicted can be annulled.	Competence of the Parliament to legislate on amnesties based on Art. 74 I No. 1 Basic Law; Competence of the President based on Art. 60 para 2 Basic Law; Constitutions of the Länder: amnesty laws on the level of the Länder (of little practical significance due to concurrent legislative powers with the federal government) and amnesties by the Minister Presidents of the Länder	Federal Level: Legislature; President; Level of the Länder: Legislature, Minister Presidents		
Greece	Article 47 of the Greek Constitution	Amnesty; Amnesty may be granted only for political crimes, by statute passed by the Plenum of the Chamber of Deputies with a majority of three fifths of the total number of its members. Parallel procedure: "lifting of the criminal character"	Amnesty may be granted only by way of an act of Parliament, i.e. a statute, voted at least by 180 MPs out of a total number of 300.		Only for political crimes.	
	Paragraph 1 of Article 47 of the Greek Constitution	Pardon; to commute or reduce sentences pronounced by the courts and revoke all consequences at law of sentences pronounced and served, while paragraph 2 of the same Article stipulates that Ministers convicted for crimes committed in the performance of their duties may be pardoned only with the consent of the Chamber of Deputies.	the President of the Republic has the right to grant pardons.	Pardons may be granted by the President of the Republic only pursuant a non-binding opinion of a 7 members council (the Council of Pardons), which operates at the Ministry of Justice, is presided by the Secretary General of that Ministry (i.e. a Government appointee) and whose majority is composed by career judges.		
Hungary	the Fundamental Law of Hungary / Act XC of 2017 on the Code of Criminal Procedure	General Amnesty	The Parliament exercise general amnesty.	National referenda may <b>not</b> be held on amnesty.		
		Personal Pardon (adgartiatio)	The President of the Republic shall exercise the right to grant presidential pardons.	A petition for pardon may be filed by a defendant, defence counsel, statutory representative of a defendant, or a relative of a defendant. The Prosecutor General or Minister responsible for justice shall examine the plea for pardon or the pardon initiative. A request for a pardon for the termination of criminal proceedings may be submitted to the President of the Republic by the Prosecutor General before the indictment, and by the Minister responsible for Justice after the indictment. [section 860, subsection (3) of the Code of Criminal Procedure]  The President of the Republic shall send the decision on the pardon to the Minister responsible for Justice, for countersignature. (section 861 of the Code of Criminal Procedure)		No.



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Iceland	The Constitution (Art. 29)	pardon and amnesty	The President grants pardon and amnesty. For most classes of criminal convictions the power to remit, commute, or reduce, a punishment imposed by a court has been delegated by statute to the Minister for Justice.	the Minister of Justice shall appoint a three-member committee, the pardons committee, with three alternates.	Amnesty may not be granted in cases of criminal offences, such as those resulting in deprivation of certain rights. It is not permitted to request amnesty after having served a prison sentence or paid a fine.	
Ireland	The Constitution (Art. 13.6: the right to pardon and the power to commute or remit punishment)	Pardon for a criminal conviction, remission of a criminal punishment, amnesty for a criminal offence	The power to pardon in respect of a conviction is vested in the President. For most classes of criminal convictions the power to remit, commute, or reduce, a punishment imposed by a court has been delegated by statute to the Minister for Justice'. There are <b>no</b> formal provisions for amnesty except in the context of tax offences.	A very small number of formal pardons by the President have taken place on the advice of the Government to remedy situations.		A convicted individual can request the Minister for Justice to advise the President for a pardon if they claim that a new or newly discovered fact indicates a miscarriage of justice. If granted, the pardoned person may be eligible for compensation.
Israel	The Constitution (Basic Law: The President of the State§11(c))		The President has the power to pardon criminals and to lighten sentences by reducing or commuting them.			
Italy	The Constitution (Art. 79) Art. 151 of the criminal code	Amnistia – a collective act of forgiveness applied to entire categories of offences, with legal consequences completely wiped out	This power is in the hand of the Parliament. Amnesty must be accepted by a majority of 2/3 of the members of each Chamber.	Amnesty and pardon (commutation) may be granted by a law which has received a two thirds majority in both Houses of Parliament, on each section and on the final vote.		
	The Constitution (Art. 79) Art. 174 of the criminal code	Indulto – pardon or commutation – is a more limited act of clemency, reducing or remitting (part of) the punishment for a specific group of offences				
	the Constitution (Art. 79) Art. 681 of the criminal procedural code	Grazia - an individual act of clemency, addressed to a specific individual	the power is granted to the President of the Republic.			
Korea, Republic of	Articles 79 and 89 of the <b>Constitution</b> address matters related to amnesty. <b>Amnesty Act</b> provides for matters concerning amnesty, reduction of punishment, and restoration of rights.	<b>1) general amnesty;</b> those who have committed crimes => Invalidation of a sentence, and forfeiture of the right of prosecution <b>2) special amnesty;</b> those who have been sentenced => Exemption of execution of a punishment <b>3) reduction of punishment;</b> those who have been sentenced => Change in the punishment <b>4) restoration of rights =&gt;</b> Recovery of qualifications forfeited or suspended caused by the effects of a sentence	The President, with the consent of the National Assembly for a general amnesty, may grant amnesty, reduction of punishment, and restoration of rights as specified by Amnesty Act. The State Council will also be consulted for deliberation.	The Prosecutor General can request <b>special amnesty or a reduction of punishment</b> for a specific person either on their own initiative or based on a report from the public prosecutor or the head of a correctional institution. Requests for special amnesty and reduction of punishment are evaluated by the Amnesty Commission, established under the Minister of Justice, to determine their validity.	If the principal of a case submits a <b>restoration of rights</b> petition, it must go through the public prosecutor's office overseeing the punishment execution. For individuals sentenced in military courts, the Minister of National Defense assumes the responsibilities outlined in Amnesty Act.	None

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<b>Kosovo</b>	Article 65 (1 and 15) of the Constitution of the Republic of Kosovo, 2013 Law on Amnesty	All perpetrators of offences listed in Article 3 of Law on Amnesty shall be granted a complete exemption from criminal prosecution or from the execution of punishment for such offences.	Law on amnesty: Parliament The competent prosecutor shall render a decision to grant amnesty from criminal prosecution in accordance with the Law on Amnesty.	The Kosovo Correctional Service has the obligation to inform in a written form the court of first instance that has sentenced the convicted persons, who are serving a punishment of imprisonment covered by an amnesty.	Not applied to acts against international actors and international security forces in Kosovo, acts that constitute serious violations of international humanitarian law, criminal offence that resulted in grievous bodily injury or death.	Against a decision for amnesty an appeal may be initiated in the Court of Appeals within seven (7) days from the day the decision was rendered.
<b>Kyrgyzstan</b>	The Constitution The Criminal Code of the Kyrgyz Republic (2021) The Penal Enforcement Code of the Kyrgyz Republic(2021) Law of the Kyrgyz Republic "About the basics of Amnesty and the procedure for its application"(2017)	Persons who have committed crimes may be exempted from criminal liability by an amnesty act. Persons convicted of committing crimes may be released from punishment, or the punishment imposed on them may be reduced or replaced by a milder type of punishment, or such persons may be released from an additional type of punishment.			Not applied to defendants and those convicted of some types of crimes, such as torture, rape committed against a child, an act of terrorism.	
<b>Latvia</b>	Article 45 of the Constitution	Amnesty	The Parliament makes decisions on amnesty politically.	The institutes of clemency and amnesty have been strictly assigned to two constitutional organs – the President of the State and the Parliament respectively.	Minors(under the age of 18), pregnant women, those caring for underage children, and those over the age of 55 (women), over the age of 60 (men), unintentional crimes, person with disabilities(groups I and II) / there was a list of exceptions	
		Clemency: reduction of a sentence imposed by a court or to release a person from serving the sentence or to expunge a person's criminal record	The President of the State makes clemency decisions "humanely" or in a socially responsible fashion.			
<b>Liechtenstein</b>	Art. 12 of the Constitution	Pardon: A mitigation or remission of a penalty that is incurred	The Reigning Prince shall have the right of pardon, of mitigating or commuting legally adjudicated sentences, and of quashing initiated investigations.	Only upon the request of Parliament shall the Reigning Prince exercise his right of pardon or mitigation in favour of a Minister sentenced on account of his official acts.		Petitions to such effect(a mitigation or remission of a penalty) shall be forwarded by the Court of Justice to the Court of Appeal, enclosing the files and an opinion from the court; the Court of Appeal may reject the petition immediately if it considers it to be unjustified but shall otherwise submit it to the Prince with its own opinion.

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<b>Lithuania</b>	The Constitution (Art. 67(19)), Criminal Code Art. 78	A person who commits a criminal act may be released from serving the entire length of the sentence or a part thereof by an amnesty act passed by the Seimas.	The power to declare amnesty is an exclusive prerogative of the Parliament (Seimas). The grounds for, conditions of and procedure for granting amnesty shall be laid down in the act of amnesty.		Acts of amnesty define in detail the categories of persons, crimes and punishments with regard to which amnesty is applicable, the exceptions to amnesty (the categories of persons, crimes and punishments excluded from amnesty), the procedure of amnesty, including the activities of special amnesty commissions.	
<b>Malta</b>	The Constitution	The Presidential Pardon: to pardon or forgive a crime or contravention, or to reduce jail or other sentences.	The President of the Republic in Malta qua Head of State has the power to pardon, although this is rarely exercised.	The President exercises the prerogative of mercy acts on the advice of the Cabinet on the basis of a consultation with the Minister of Justice.		
<b>Maroc</b>	Art. 71 de la Constitution : l'amnistie relève du domaine de la loi, votée par le Parlement (art. 70) : voir l'art. 51 du code pénal.	L'amnistie annule le crime et tous ses effets dont les jugements, les peines et toutes les dispositions y afférentes.	Parlement		Une amnistie générale a été officiellement promulguée suite au discours du chef de l'Etat du 8 juillet dernier 1994 et aux travaux du "Conseil consultatif des droits de l'homme": 424 détenus politiques ont quitté les prisons officielles et le droit à la libre circulation est officiellement reconnu à tous les exilés politiques. Il s'agit d'une « grâce » collective s à l'initiative du chef de l'Etat avec effacement des infractions et des sanctions, dans une sorte de « grâce amnistiante ». Des amnisties fiscales ont eu lieu en 2014, 2020 et 2023.	
<b>Mexico</b>	Constitution, Article 73.XXII Law on Amnesty of 2020	Grant amnesty to individuals "against whom a) criminal actions have been taken, even if they are fugitives, b) have been prosecuted, or c) have received a final judgment, before federal courts, provided that they are not repeat offenders regarding the crime for which they are indicted or sentenced"	Parliament (organic law)	Various civil organizations established the Amnesty Observatory with the purpose of monitoring and influencing the optimal and efficient implementation of the law at both the federal and local levels.	Amnesty includes six restrictive scenarios for five federal offences: a) abortion; b) homicide based on kinship; c) simple non-violent robbery; d) specific drug-related crimes and e) sedition. Additionally, it is established for any criminal offence, for individuals belonging to indigenous communities who, during their legal process, did not have full access to the jurisdiction of the State, due to the lack of interpreters or defenders knowledgeable about their language and culture.	
<b>Moldova, Republic of</b>	Art. 66 and 72 of the Constitution, The Criminal Code (adopted in 2002)	Amnesty; having the effect of removing criminal liability or punishment, or reducing or commuting the imposed punishment.	The Parliament is vested with the basic power to adopt acts on amnesty.	The institutions and bodies that ensure the execution of the respective category of punishment examine the applicability of the act of amnesty to each convict and, as the case may be, with the consent of the convicted person, submit an action to the competent court. The personal file of the convict, the evidence of the factual and legal grounds invoked are attached to the application. The convicted person has the right to personally submit an application to the court to examine the possibility of applying the amnesty act. In this case, the institutions or bodies that ensure the execution of the respective category of punishment submit the personal file of the convicted person to the court.	The amnesty does not apply in the case of the commission of crimes provided for in Article 166/1 para. (2)–(4) (i.e. torture, inhuman or degrading treatment), as well as to the persons who have committed crimes against minors provided for in Art. 171-175/1, 201, 206, 208, 208/1 and 208/2 of the Criminal Code.	
<b>Monaco</b>	Constitution: le Prince exerce le droit de grâce et d'amnistie		Le Prince	Après consultation du Conseil de la Couronne, le Prince exerce le droit de grâce et d'amnistie		
<b>The Netherlands</b>	Article 122 Netherlands Constitution	Pardons; a reduction or revocation of the sentence of one or more convicted person(s). The criminal nature of the act committed remains	Pardons shall be granted by Royal Decree	The recommendation of a court designated by Act of Parliament and with due regard to regulations to be laid down by or pursuant to Act of Parliament.		
		Amnesty; nullifies the criminality of the act	Amnesty shall be granted by or pursuant to Act of Parliament.			

Country	Legal basis (constitution, sub-constitutional level, constitutional custom...)	Effects: - on sentences - on pending proceedings	Competence (*executive/legislature.)	Stakeholders involved	Types of offences/exclusions	Right of appeal
<b>North Macedonia</b>	The Art. 68 para. 1 point 18 of the Constitution regulates the competence of the Assembly to adopt laws on amnesty	The amnesty concerns any form of leniency in punishment. It is linked to abstract substantive criteria, such as the offence, the imposed penalty, or the rest of the penalty that is still unexecuted. It can lead to exemption from prosecution, suspension of criminal proceedings and reduction or complete exemption from serving a prison sentence, deletion of the conviction, annulment of legal consequences associated with the conviction, or exemption from paying a monetary fine.	The Assembly has the power to proclaim amnesties.	The amnesty is proclaimed by law adopted by the Parliament. In practice such laws are proposed by the MPs or the Government (Ministry of Justice). When the law is adopted, the procedure for its implementation in individual cases might involve public prosecution, courts or penitentiary institutions.	There is no limitation in the Constitution on the amnesty of any offence. In the different laws on amnesty that were adopted, there is a different approach: some laws exclude some offences from the scope of the law, other laws enumerate offences that are covered by the law on amnesty.	The initiative for application of the law on amnesty in individual case can be submitted by the person that is prosecuted for a crime, or the procedure can be started <i>ex officio</i> by the court, the public prosecutor or the penitentiary institution. The individual who demanded the application of the law on amnesty and the public prosecutor have the right to appeal to the higher court.
<b>Norway</b>	Article 20 of the Constitution provides a <b>right to pardon</b> for the executive. There are no recent amnesty laws.	Not a power to grant amnesty in the sense that the conviction is considered null and void, but only that the convicted is relieved from serving the (remainder of the) sentence.	The King shall have the right in the Council of State to pardon criminals after sentence has been passed.	The right to pardon is administered like a welfare right by application to either the National Correctional Service or to the Police, which then send the application to the Ministry of Justice for consideration.	Usual grounds for pardon are health problems and unusually challenging family obligations.	

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<b>Poland</b>	The Constitution of the Republic of Poland does not contain general provisions regarding amnesty. Amnesty may be implemented by way of parliamentary law (act). Amnesty has a collective character which is meant to be abstract and general. Amnesty is a one-time act directed towards a specified category of individuals identified based on general criteria in the amnesty act, abolishing the criminal liability for a particular group of offenses. The last amnesty law in Poland was adopted in 1989 and although it is still in force, this law does not have currently any practical application. No new amnesty law was adopted under the current Polish Constitution of 1997.	Amnesty; the forgiveness of the pronounced penalty and the abstention from initiating or the dismissal of ongoing criminal proceedings.  In the Polish practice so far, amnesty has typically encompassed imprisonment penalties, occasionally fines. Amnesty relates to an already pronounced penalty and specifies which of the pronounced legally binding sentences for designated offenses stated in the amnesty act are wholly or partially forgiven. Thus, amnesty concerns the legally binding convicting judgment.	Amnesty is defined as a one-time act of sovereign power of the Parliament expressed in the form of a law.	Entities participating in the procedure of granting amnesty are the ones involved in the legislative process in accordance with the Polish Constitution. Legislative initiative belongs to members of parliament, the Senate, the President, the Council of Ministers and a group of at least 100,000 citizens entitled to vote for the Sejm. Work on the draft law proceeds in the Polish parliament, and the project must be voted on in both chambers (the Sejm and the Senat). Earlier, the draft law is analysed in parliamentary and senate committees, and at this stage, experts are also invited to answer questions from members of parliament. The approved draft law is sent to the President, who may sign the law, veto it, or refer it to the Constitutional Court to examine its compliance with the Constitution. Implementation of the amnesty law is entrusted with penitentiary courts.	Amnesty applies either to a specified category of individuals identified based on general criteria or by abolishing the criminal liability for a particular group of offences, encompassing imprisonment penalties, occasionally fines.	Subject to general rules of the Polish Criminal Proceedings Code and Penitentiary Code.
<b>Portugal</b>	The Constitution (Art. 161), Penal Code	Criminal responsibility is extinguished by amnesty, generic pardon and pardon.	The Assembly of the Republic grants amnesties and generic pardons. Amnesty is formalised and implemented under the form of a Law of Parliament.	While the interpretation and elimination of doubts in the application of the law are under the responsibility of the courts, Parliament has broad discretion in the interpretation and reading of the barometer of political and social time.	Excluding the crimes of homicide and harm to physical integrity	
<b>Romania</b>	The Constitution (Art. 73.3.i)	The punishment of criminal relapse will not take into consideration former crimes that fall under amnesty. Amnesty removes criminal responsibility for the committed crime. If amnesty intervenes after the condemnation, it removes the enforcement of the punishment as well as the other consequences of the condemnation.	amnesty may be regulated through organic law; the legislative initiative belongs to the Government, the deputies, the senators or to a minimum of 100.000 citizens of Romania with the right to vote.	The application of amnesty, when it intervenes after the moment in which the judgment became final, is realised by the judge delegated with enforcement. The judge issues the judgment with the participation of the prosecutor and prosecutor may contest the judgment.		
<b>San Marino</b>	Paragraph 1 of Art. 53 of the Criminal Code	Amnesty has effect on all criminal offences to which the punishment envisaged by law and expressly indicated in the legal measure adopted by the Great and General Council applies.	The Great and General Council may grant amnesty.	The amnesty shall be applied by the Judge "at any stage and instance of the proceedings".	The exclusion of amnesty is established as a result of the declaration of habitual, professional offenders or criminals by tendency.	

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Serbia	The Constitution (Art. 97.2, 99.12)	Amnesty: persons under amnesty shall be released from prosecution and granted full or partial remittance of punishment, the pronounced penalty replaced by a lighter penalty, rehabilitation granted or particular or all legal consequences of conviction revoked	The National Assembly shall grant amnesty for criminal offences.	The National Assembly adopts decisions by majority vote of deputies at the session at which majority of deputies are present. By means of majority vote of all deputies the National Assembly shall, among other things, grant amnesty for criminal offences.	Not applicable to persons who have been legally convicted: - to a prison sentence of 30 to 40 years; - for crimes against humanity and other goods protected by international law, crimes against sexual freedom.	
		Pardons: pardon shall release a specifically named person from criminal prosecution and grant full or partial remittance of punishment, replace the pronounced penalty by a lighter penalty or suspended sentence, grant rehabilitation, order shorter duration of legal consequences of conviction or repeal particular or all legal consequences of conviction	The President of the Republic shall grant pardons.	A passed sentence may be fully or partially forgiven without a court decision, by general pardon or amnesty.		
Slovakia	The Constitution (Article 102.1.j)	individual pardons or amnesties; remitting and commuting sentences imposed by the criminal courts and expunge convictions	Amnesties for crimes are granted by the President of the Republic.	<p>The Parliament has the power to annul amnesties issued in breach of rule of law principles by way of a resolution requiring a three-fifths absolute majority and subsequent review by the Constitutional Court.</p> <p>Under the case-law of the Constitutional Court of the Slovak Republic, the President must respect the principles of democracy and rule of law when exercising the power to issue amnesties and grant pardons (see decision no. PL. ÚS 7/2017, available at <a href="https://codices.coe.int/codices/documents/precis/4E662ED7-47CC-46F7-3083-08DC225DC81B">https://codices.coe.int/codices/documents/precis/4E662ED7-47CC-46F7-3083-08DC225DC81B</a>)</p>	Under the case-law of the Constitutional Court of the Slovak Republic, the President must respect the principles of democracy and rule of law when exercising the power to issue amnesties and grant pardons (see decision no. PL. ÚS 7/2017, available at <a href="https://codices.coe.int/codices/documents/precis/4E662ED7-47CC-46F7-3083-08DC225DC81B">https://codices.coe.int/codices/documents/precis/4E662ED7-47CC-46F7-3083-08DC225DC81B</a> )	
Slovenia	The Constitution of the Republic of Slovenia (Article 107), the Pardons Act, official consolidated text from 2005, Criminal Code (CC-1) and Guidelines on the work of courts in connection with the pardon procedure	(Pardon) The criminal prosecution may be dismissed, the execution of a validly executed sentence may be waived in full or in part, or the sentence may be limited or changed to a suspended sentence, or the conviction may be deleted from the records, or the duration of other legal consequences of conviction might be shortened or deleted.	President of the Republic is the one who - as specified in the Pardons Act (Article 1)- sovereignty and independently decides on requests for pardons.	In the decision-making process, the President of the Republic must be aware of the opinions concerning the concrete request for pardon of the competent court of first instance, the prosecutor's office and the Ministry of Justice, as well as other required opinions. The President of the Republic is also assisted by a three-member commission of distinguished legal experts.	The President of the Republic can also grant pardons for crimes defined in the criminal codes of other countries, if the perpetrator of the crime is a citizen of Slovenia and if it is stipulated in an international treaty. He cannot pardon a convict who is serving a sentence in Slovenia in accordance with the judgment of the International Criminal Court (ICC).	
Spain	Article 62 of the Constitution (the King's Power); "to exercise the right to grant pardons in accordance with the law, which may not authorise general pardons" <i>There is no specific regulation on amnesty in Spain.</i>	1) pardons ("indultos") have an individual character 2) Amnesties ("amnistías") erase(d) the sanction totally or partially	While the power to grant pardons is formally vested in the King, the actual power to grant pardons is assigned to the political branches of government.	<b>Pardons ("indultos")</b> are granted by <b>the Cabinet</b> based on the Minister of Justice's proposal, involving an advisory opinion from the sentencing court. Amnesties ("amnistías") historically require parliamentary approval through a specific law, especially in criminal matters, which must be treated as an Organic Law and necessitates an absolute majority vote in the Congress of Deputies due to its impact on fundamental rights and the application of the Criminal Code.		-

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<b>Sweden</b>	Chapter 12 Art. 9 of the Instrument of Government (Regeringsformen, RF)	Pardon: to remit or reduce a penal sanction or other legal effect of a criminal act, and remit or reduce any other similar intervention by a public authority concerning the person or property of an individual.	The Government may exercise the power to grant pardon.			
<b>Switzerland</b>	Art. 173 Federal Constitution	Amnesty covers both the waiving of prosecution for certain offences or categories of offenders and the remission of the corresponding penalties.	General amnesties are decided separately by the two chambers of parliament (National Council, Council of the States).  Individual pardons are granted by the United Federal Assembly	It can be initiated by a parliamentary initiative, a cantonal initiative, a motion, or a petition. If a petition is linked to a parliamentary motion adopted by the relevant chamber, it is submitted to the government (Federal Council) for its opinion. The petition undergoes debates in the relevant chamber and is then passed to the other chamber for discussion. Amnesty is only granted if both chambers of the Federal Assembly reach an agreement.		
<b>Tunisie</b>	Article 75 de la Constitution : amnistie Article 99 : grâce	L'amnistie efface l'infraction ainsi que la condamnation. La grâce consiste dans la remise de la peine, dans la réduction de sa durée, ou dans le fait de lui substituer une peine plus faible prévue par la loi.	Amnistie : loi ordinaire (Parlement) Grâce : Président de la République			
<b>Türkiye</b>	The Constitution (in particular Art. 87)	(amnesty) The imposed punishments are abated together with all consequences. (pardon) the convict may be released from penitentiary where he is sentenced to imprisonment or the period of imprisonment may be shortened or the imprisonment may be transformed to punitive fine.	The Grand National Assembly of Türkiye has the duties and powers to decide with the majority of three-fifths of it to proclaim amnesty and pardon.	The President of the Republic shall commute or remit the sentences imposed on persons, on grounds of chronic illness, disability or old age.	No amnesties or pardons specifically for offences against forests shall be granted.	
<b>Ukraine</b>	The Constitution (Art. 92.3), the Criminal Code of Ukraine	A sentenced person may be fully or partially discharged from his/her primary or additional punishment under the law of Ukraine on amnesty or an act of pardon.	The power to declare amnesty is a prerogative of the Parliament (Verkhovna Rada of Ukraine). The President of Ukraine shall grant pardons. The discharge of a convicted person from punishment or from further serving of punishment on the grounds of the law of Ukraine on amnesty or an act of pardon may only be exercised by court in cases prescribed by Criminal Code of Ukraine.		Persons found guilty of committing high treason, sabotage, corruption criminal offences, criminal offences related to corruption, violation of traffic safety rules or operation of transport by persons who drove under the influence of alcohol, drugs or other intoxicants or were under the influence of medicines that affect concentration, judgment of conviction in respect of which have not entered into force may be released from serving a sentence after they have actually served the terms prescribed by part 3 of Article 81 of Criminal Code of Ukraine.	
<b>United Kingdom</b>	Constitutional Convention, Policing and Crime Act 2017 Special bill pending for Northern Ireland ("troubles")	Pardons(free/conditional/remission)	The Lord Chancellor and Secretary of State for Justice (in succession to the Home Secretary) is responsible, in England and Wales (and the Channel Islands), for recommending to His Majesty the King the exercise of the prerogative of mercy to grant a Royal Pardon. In Northern Ireland the responsibility lies with the Secretary of State for Northern Ireland for reserved matters and the Justice Minister for Northern Ireland for devolved matters, and in Scotland it is devolved to the First Minister.			

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<b>United States of America</b>	The Constitution (Article II, Section 2, Clause 1)	Not only a full, individual pardon and time-limited reprieve but also amnesty for groups of offenders, commutation of a criminal sentence, and remission of fines or penalties	The President's authority to grant clemency, encompassing not only pardons of individuals but several other forms of relief from criminal punishment as well.	No other body involved. The remedy of impeachment would be sufficient to counter abuse of the pardon power.	The pardon power embraces all "offences against the United States", i.e., a federal crime, except cases of impeachment. The pardon power does not extend to crimes under state law, nor is it applicable to civil actions.	