

Death Penalty Debate in Pakistan: Historical Context, Legal Implications, and Reform Prospects

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Abstract

The death penalty has been a controversial and often debated concern in Pakistan, highlighting the issues at the crossroads of law, society, and human rights situations. Although Pakistan has faced international pressure to abolish the death penalty, there is still an array of capital offenses, including things such as terrorism, murder, and blasphemy. This research article looks at the historical development of capital punishment in Pakistan. It also looks at the implications for Pakistan's commitment to international human rights standards, as well as challenges to judicial reform in Pakistan. By employing case studies and data collected, this article emphasizes the importance of transparency, fairness, and systemic improvements in the criminal justice system as it relates to the death penalty. In sum, this research will help continue the debate on the death penalty and advocate for a balanced approach in the death penalty debate that both seeks to uphold justice and respect human rights.

Keywords

Capital Punishment, Death Penalty, Human Rights, Legal Perspective, Pakistan

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1. Introduction

The death penalty has been a divisive subject since its inception in Pakistan's legal, cultural, and religious framework. Pakistan is among the countries with the highest prisoner population on death row. The question of the use of capital punishment raises important questions of justice, human rights, and the effectiveness of the criminal justice system as a whole. However, it has proven to be a contentious issue. There is disagreement as to whether or not it truly serves as a deterrent to serious crime and whether it is distributed fairly among all facets of society (Amnesty International, 2019).

It is hard to see how the death penalty itself addresses these particular matters. For example, the legal framework surrounding Pakistan's death penalty is predominantly colonial law, with Zia-ul-Haq's involvement adding the categories of blasphemy, drug trafficking, and terrorism. As a result, the very vague and elastic nature of these laws leaves them open to misuse. It will have a disproportionately negative effect on religious, ethnic, and other minorities that experience injustice on a systemic basis.

The prosecution is also plagued by serious procedural irregularities: police pressure to obtain confessions, ineffective assistance of defense counsel, interminable waiting periods for cases moving to trial, and concerns around the risk of wrongful convictions (Justice Project Pakistan, 2024). Although many believe the death penalty is essential for law and order, this research aims to examine these issues by investigating the historical, legal, and social dimensions of the death penalty in Pakistan and to recommend potential reforms that align with existing international standards on human rights.

1.1 Research Justification

Capital punishment in Pakistan is an essential subject of study and research, given its serious ramifications for justice, human rights, and the fabric of society. It conducted over the death penalty in a formal sense despite being a signatory to multiple international human rights conventions, and the fact that capital



punishments are handed out through the courts in cases of terrorism, murder, and blasphemy raises vexing questions about the fairness and transparency and utility of the death penalty within Pakistan's system.

Further, the abrogation of the moratorium on the death penalty in Pakistan in 2014 as a response to the Peshawar school massacre prompted even more debate on the question of whether capital punishment is a deterrent to crime and terrorism (Amnesty International, 2019).

Additionally, within Pakistan, the intertwining of religion, politics, and law renders the discussion around capital punishment both complex and varied, particularly when public opinion, even among the victim and offender, often supports capital punishment in the face of international calls for abolition (Amnesty International, 2017). This dissertation would fill several gaps in the body of literature, as well as help contribute to informed public policy and reforms to align with international human rights standards adequately.

1.2 Research Objectives

1. To discuss the historical context of death penalty in Pakistan.
2. To highlight theoretical context of death penalty.
3. To analyze laws regarding the death penalty in Pakistan.
4. To identify the key challenges regarding the abolishment of death penalty laws in Pakistan.
5. To explore the opportunities for abolishing the death penalty in Pakistan.
6. To propose effective prevention and intervention strategies.

1.3 Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are enlisted.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; it is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

2. Literature Review

The death penalty in Pakistan has been the focus of a substantial amount of academic and policy research, capturing some of the complexity of the challenges that it faces in the context of legal, social, and political factors. Scholars have emphasized the historical trajectory of capital punishment in the country. It began with colonial legislation, then was enhanced by General Zia-ul-Haq during the 1980s; at that Stage, Zia created

the Hudood Ordinances and made blasphemy and adultery capital crimes, thereby broadening the ambit of capital punishment significantly. The discussions surrounding the ban on executions ended in 2014 following the school massacre in Peshawar heightened debates on the effectiveness and fairness of capital punishment, particularly with respect to terrorism. The historical trajectory of capital punishment in the country indicates how deeply ingrained it is in the socio-legal fabric of Pakistan. There are extensive studies that examine the problems in the criminal justice system in Pakistan that lead to wrongful convictions and miscarriage of justice, and they focus on how coerced confessions, insufficient legal counsel, and procedural irregularities undermine the fairness of death penalty trials (Aziz et al., 2019).

A good example is Aftab Bahadur's case, where his 2015 execution followed despite his apparent innocence, which has been regularly used as an example of the shortcomings in the country's judicial system (Amnesty International, 2019). Efforts to improve transparency, give more power to the public, and ensure judges are responsible are required, the literature tells us. Ideas on the death penalty backed by retributive justice and deterrence theory have sparked lively discussions in Pakistan.

Proponents of retributive justice claim that there is a moral need for capital punishment when horrendous crimes are committed, and this capital punishment satisfies moral justice for victims and their families (Justice Project Pakistan, 2023). Critics of retribution point out that it usually begins an endless cycle of violence and does not adequately address the underlying issues related to crime, such as poverty and systemic inequality. Deterrence theory maintains that punitive sanctions, such as capital punishment, can deter individuals and others from participating in the same crime; it has justified Pakistan's use of capital punishment for crimes related to terrorism in particular. However, the available evidence is not yet decisive (Tahir, 2025). From a human rights standpoint, the death penalty is gaining increasing recognition as a violation of the fundamental right to life and protection from cruel, inhuman, or degrading treatment, which has incited calls to abolish the death penalty altogether.

Finally, the role of civil society and the judiciary in the fight for justice and human rights has been a consistent topic throughout the literature. Landmark court decisions, including the Supreme Court's acquittal of Asia Bibi in 2018, are evidence that courts can be an avenue of activism to counter the abuses of the capital punishment laws. These examples suggest that there are now opportunities for collaboration between state actors, judicial intervention, and civil society organizations to tackle and challenge the potential for the death penalty in Pakistan (Aziz et al., 2019). The existing literature has been thorough in its account of the history, law, and social implications of the death penalty in Pakistan, as well as the responsibility for more research and reform.

2.1 Historical Context of Death Penalty Laws in Pakistan

The death penalty in Pakistan has a colonial past. Laws relating to capital punishment date back to colonial times, particularly the Indian Penal Code (IPC) 1860, which was inherited by Pakistan at its inception in 1947. During colonial times, the death penalty was reserved for the most severe offenses that mirrored English law, such as murder, treason, and armed rebellion. However, the death penalty expanded considerably under the regime of General Zia-ul-Haq (1977–1988). Zia codified Islamic law in an attempt to Islamize Pakistan while adding other offenses, including blasphemy, adultery, and drug trafficking, to the list of capital offenses.

Many of these laws were imported into Pakistan through controversial laws like the Hudood Ordinances, which were selectively enforced. The Zia regime widened the use of death sentences while also making the

death penalty part of the country's legal and religious foundations. In 2008, the international community put pressure on Pakistan to impose a de facto suspension of executions due to possible unfairness in its justice system. However, in 2013, the government lifted the de facto moratorium on capital punishment as part of its National Action Plan targeted at combating terrorism. Since this time, executions have spiked (Amnesty International, 2019). Pakistan has remained one of the leading countries in the world for death sentences and executions since 2013, raising important questions regarding the historical trajectory and future of the death penalty in Pakistan.

2.2 Theoretical Context of Death Penalty Laws

The death penalty in Pakistan can be viewed through a number of theoretical frameworks: retributive justice, deterrence theory, and human rights violations. Retributive justice, founded on the principle of "an eye for an eye," is the basis for much of Pakistan's capital punishment legislation, specifically in terms of murder and terrorism. Deterrence theory, the belief that serious penalties act as a deterrence to criminal behavior has been a vital justification used when Pakistan reinstated the death penalty again in 2014, especially related to terrorism.

However, empirical research on the deterrent effect of the death penalty has shown conflicting evidence for its use as a deterrent - some studies find the death penalty does little to decrease crime rates. From a human rights view, the death penalty is increasingly considered a violation of the right to life and freedom from cruel, inhuman, and degrading treatment. International human rights organizations have called for the death penalty to be abolished and highlighted that it is not only applied unfairly but also autocratic in marginalized communities. In this research, the death penalty laws found in Pakistan are separated into these three theoretical frameworks - views will be taken in terms of justice, security, and violations of human rights.

3. Death Penalty Laws in Pakistan

The death penalty legislation in Pakistan is part of its legal system--from its roots in British colonial law to religious law--the Pakistan Penal Code (PPC) of 1860 provides the code underlying capital offenses such as murder, treason, and terrorism while other ordinances have added religiously related crimes such as blasphemy, adultery, and apostasy to capital offenses under the interpretations of Islamic law. In essence, the Anti-terrorism Act (ATA) of 1997 broadened the use of the death penalty for terrorism, sectarian violence, and sabotage due to the state's internal security threats.

The Control of Narcotic Substance Act (CNSA) also obligates the death penalty for certain drug offenses like trafficking substantial amounts of illicit substances. While NGOs and social advocacy groups note all these laws target minority and marginalized groups consistently, protections to allow for adequate, fair trials under the law are marginalized or disallowed (Justice Project Pakistan, 2024). Together, these laws lay the benchmark of legislation for capital punishment in Pakistan and demonstrate a significant need to repair structures of law and accountability, which consistently are inquestionable in human rights abuses internationally (Amnesty International, 2019). This research article outlines the rules at play when issues of justice and human rights arise in Pakistan.

3.1 Challenges for Abolishing Death Penalty in Pakistan

In Pakistan, there are considerable obstacles to the implementation of death penalty statutes, including serious issues with the integrity of the trial process, as well as more general socio-political and human rights issues. One of the larger issues currently facing the death penalty in Pakistan includes wrongful convictions, often stemming from coerced confessions, absence of adequate representation, and problems with the investigative

process. A considerable number of individuals sentenced to death are in this position because they do not have access to competent counsel (and often come from disenfranchised backgrounds), leading to a trial that does not meet minimum international standards of impartiality.

The failure of the judicial process to resolve questions of innocence is illustrated in the execution of Aftab Bahadur in 2015, when there were factors suggesting the possibility that his innocence was undetermined. These miscarriages of justice not only suggest outcomes that individuals can be executed on but, more fundamentally, prosecute the question of ethics when punitive sanctions introduced by law, particularly the death penalty, are irreversible.

Other unique setbacks include the abuse of blasphemy legislation that mainly targets religious minorities and dissenting voices. Section 295-C of the Pakistan Penal Code (PPC), which prescribes the death penalty for blasphemy, has faced severe criticism due to its vagueness and room for abuse. Cases like Asia Bibi's, a Christian woman acquitted after nine years on death row, exacerbate this concern about the potential of these laws to be used as tools or instruments to settle personal grudges or incite religious violence. The politicization of blasphemy cases can diminish the integrity of the judicial process, whereby judges and lawyers face pressure and intimidation and can prevent them from ensuring fairness or independence.

The use of the death penalty in anti-terrorism cases under the Anti-terrorism Act poses similar problems in terms of due process. While the government continues to justify capital punishment in the context of combating terrorism, the critics believe it is a way for the state to avoid confronting the fundamental reasons for extremism demonstrated each day in the form of poverty, lack of education, political instability, etc. Moreover, since cases can be expedited under the ATA, due process is often compromised and increases the incidence of wrongful convictions. The case of Saulat Mirza, a former political worker executed in 2015, raised serious concerns about transparency and adequacy of the safeguards of due process.

Public perceptions in Pakistan remain splintered toward the death penalty. Although many people support the death penalty, it is often portrayed as necessary for law and order without much regard to human rights implications and the lack of empirical evidence supporting its effectiveness as a deterrent. Human Rights organizations, both domestic and international, have repeatedly called upon the Pakistani government to abolish the death penalty or at least recommend a moratorium, citing the government's death penalty laws as falling short of international human rights obligations. Although Pakistanis are wrestling with these calls, the government has largely rejected those calls, citing national security and public sentiment.

The difficulties with death penalty legislation broadly in Pakistan are interdisciplinary in nature, legal, social, and ethical. Legal reform, judicial reform, transparency, and changing attitudes toward capital punishment are crucial improvements that would facilitate progress on the questions at hand. This research article will work to develop these lines of thought further. We aim to provoke thought on these problems, ultimately contributing to a broader dialogue on the future of the death penalty and needed compliance with international human rights principles in Pakistan.

3.2 Opportunities for Abolishing Death Penalty Laws in Pakistan

The difficulties surrounding the death penalty in Pakistan can be matched by significant possibilities for reform and growth that could link Pakistan's penal system to international rights standards and benefit many people in the country. An important opportunity is found in the global effort to outlaw the death penalty. In 2023, more than 170 countries have abolished the death penalty or had it in place of executions for more than ten years, indicating a shift toward more humane and rights-based approaches around the world. It represents

an opportunity for Pakistan as a member of the world community to look to new approaches to capital punishment and consider progressive reforms, which would enhance its place in the world order and affirm its commitment to human rights, especially in the context of its obligations under international treaties - such as the International Covenant on Civil and Political Rights 1976.

The opportunities for reform are also present in the possibility of judicial and procedural reforms to respond to the entrenched failings of the death penalty system. For example, if death row prisoners, usually from minoritized communities, had improved access to legal representation, disproportional representation of convictions might decrease. Forming groups that individually study death penalty cases and look into how offenders' behavior may have affected their confessions or legal situation would give the law another way to support fairness. Teaching judges, prosecutors, and law enforcement the principles of international human rights, plus insisting on fair trials, should deal with procedure-based bias and help prevent the unfair use of capital punishment.

Further, the growing recognition and activism" groups throughout the civil society and human rights community across Pakistan represent further possibilities for reform. Justice Project Pakistan, the Human Rights Commission of Pakistan, and others have challenged the injustices related to the death penalty and the injustices arising from wrongful convictions, including the abuse of blasphemy laws, which usually ensnares a majority of impoverished IDPs suffering from even more abuses from the state or society than others. The contributions of civil society organizations have been significant for general public awareness of the inadequacies and injustices of the death penalty, including awareness raised globally and growing consternation towards it. Additionally, the growing general public condemnation of the death penalty.

In addition, the implementation of alternatives to the death penalty, including life without parole, is a possibility. Providing the state with an option that protects the public and serves as a means of accountability for offenders, without the irrevocable consequences to the offenders' lives, is a fair option. Many other nations, such as Canada and South Africa, have gone without the death penalty because there are strong ways to punish criminals that respect human rights. Pakistan might use a few of these examples to help form a more caring and sustainable system of justice.

Finally, and lastly, the increasing interaction of Pakistan's judiciary with international human rights standards provides the perfect way to reframe and remake the current death penalty laws. Judicial activism, particularly from higher courts, allows for the protection of earlier laws like those of the blasphemy laws and the Anti-terrorism Act (ATA) in a way that is consistent with the due process and equality guarantees of the constitution.

Even though the death penalty is a deeply rooted issue in Pakistan, there are also considerable prospects for reform that could change the country's approach to capital punishment. Pakistan could embrace global trends, move through judicial reform, engage civil society, and consider alternative sentences to create a more just and humane criminal justice system. This research article aims to identify these prospects to contribute to a larger discussion about the future of the death penalty in Pakistan.

4. Discussion

In Pakistan, the death penalty is a subject that involves many factors, from society, law, and politics. This research article discusses the way capital punishment has evolved in Pakistan, its legal basis, and the advantages and obstacles resulting from using it. The study proves that using the death penalty to get revenge and to deter crime might have merits. Still, its practical application involves wrongful convictions, subpar

legal assistance, the misuse of laws protecting religion and those against terrorism, and a lack of concern for justice and fairness for many.

The discussion highlighted significant global trends toward abolition and the real opportunities for Pakistan to adopt shared perspectives of international human rights policies. For instance, judicial reform, improvement of access to legal representation, and options for alternative sentences offer a path forward to fix the shortcomings of the current system. In relation to the failures of the current system, the importance of civil society and the judiciary for securing justice and human rights is crucial. As evidenced by the historic ruling to acquit Asia Bibi, judicial activism can offer counter-narratives to the misuse of the death penalty system.

5. Conclusion

Many people still talk about capital punishment in Pakistan, and the topic involves points about retributive justice, deterrence, and human rights. The paper explored the history, laws, and society related to capital punishment and highlighted issues such as wrongful convictions, excesses of the blasphemy law, and poor advocacy provided to those accused. Although there are obstacles, there are avenues of reform—judicial reforms, alternative sentences, and alignment with international human rights standards—that suggest movement toward a justice system that addresses injustices and recognizes the law's morality.

The recent surge of advocacy by civil society and advocacy organizations and the support by pro-human rights courts provide some evidence to support a movement toward improvements despite the constraints of the political climate and the public's position. By establishing a position to acknowledge and abolish these issues while concurrently aligning with global trends, Pakistan can meet its obligations to justice and the protection of human dignity. This research supports the urgent need for broad-reaching reforms and defines our call for reform and advocacy as a balanced path to justice that merits openness, obviousness, and due process to everyone in the administration of capital punishment.

5.1 Recommendations

1. Like other nations, Pakistan must stop carrying out the death penalty on a temporary basis before it can truly end it.
2. Avoid mistaken convictions by allowing all death row prisoners to meet with skilled legal representation.
3. The blasphemy law should be changed to be easier for everyone to understand.
4. Make sure the ATA has clear legal rules for trial and prohibits using torture for convictions.
5. Set up organizations dedicated to reviewing concerns about the death penalty, complaints about the court proceedings, and questions about justice in the law.
6. Mandate and give initial instructions on global justice and proper trial processes to members of the legal profession.
7. Provide Alternative Solutions - Create other ways to retain safety, such as life in prison for severe offenders that do not finalize with death.
8. Make the Public Aware - Organize efforts intended to teach people about the issues with the death penalty, improving and deepening our discussions.
9. Partner with human rights organizations and people working to help. Create reform plans and support the push to end capital punishment.
10. Encourage justice and bring Pakistan's rules into accordance with global human rights standards.

5.2 Research Limitations

This research report about the death penalty in Pakistan is not without limitations. Because it relies on secondary thoughts and research, the article may be biased or may lack some primary information, as few government reports are freely available. Secondly, because death penalty cases, especially blasphemy and terrorism-related ones, are particularly sensitive in Pakistan, comprehensive, fact-based, and unbiased data is limited, as political and social factors often hinder analyses.

Third, this study's focus is influenced by the constantly changing legal and political environments of Pakistan, which limits the timeliness of the findings and whether they would be applicable at a later date. Moreover, this study primarily relies on legal and human rights perspectives. However, it neglects cultural and religious perspectives that contribute to public opinion on the topic and can influence policy. These limitations are all valuable reasons to conduct additional primary research and hold interdisciplinary discussions on the death penalty in Pakistan.

5.3 Research Implications

For policymakers, lawyers, and those who support human rights, this study on capital punishment in Pakistan is beneficial. As a result, many serious issues are revealed, such as people being wrongly convicted, having no lawyer, and being punished for violating blasphemy or anti-terrorism laws. The results point out that Pakistan ought to restructure its legal system based on human rights, and this can result in many positive steps, such as issuing a moratorium, offering different sentences, and adding better oversight.

The study is valuable to the global debate on capital punishment because it enriches our knowledge about handling these issues within a large and complex political and cultural system. It stresses the need for the government, judicial system, and civil society organizations to collaborate, coordinate, and address fundamental injustices while also laundering the criminal justice system. Through this research, we can improve the decision-making process based on evidence and develop a broader discussion that governs the future of capital punishment in Pakistan.

5.4 Future Research Directions

Future research on the death penalty in Pakistan should investigate several under-researched areas to provide a more complete understanding of the subject. First, the collection of primary data through interviews with death-sentenced prisoners, their families, and legal professionals would shed more light on the lived realities and challenges of the criminal justice process. Second, comparative research measuring the effects of the death penalty on crime and public safety in Pakistan with countries that abolished it would generate empirical evidence that could further inform policy discussions.

Furthermore, research should examine the impact of culture and religion on public opinion and policy on the death penalty, as cultural and religious influences are not often acknowledged in human rights-based research. Also, interdisciplinary research may use views from law, sociology, and psychology to explain the effects of capital punishment on society, such as mental health and togetherness. These directions help the conversation and influence reform that is guided by evidence.

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