



Pakistan's statement, delivered by Ambassador Khalil Hashmi, Permanent Representative to the UN, at the Biennial High-Level Panel Discussion on the Question of the Death Penalty at the 46th session of the Human Rights Council

23 February 2021

Madam President,

Pakistan aligns itself with the statement, delivered by Singapore on behalf of the Like-Minded Group of countries.

Pakistan's policy on death penalty fully complies with its Constitution, national laws and international obligations under ICCPR.

Pakistan fully subscribes to the legal viewpoint that States have the sovereign prerogative to choose their criminal justice systems, in pursuit of people's welfare, peace and security. The ICCPR, in its Article 6 (2), clearly stipulates that sentence of death can be imposed for most serious crimes after due process.

In accordance with the legal doctrine of 'margin of appreciation', which underpins the international human rights framework, States have the sovereign right to determine the gravity of serious crimes, depending upon national context and circumstances.

Six years ago, Pakistan lifted the moratorium on death penalty through a unanimous Parliamentary decision when more than 150 innocent children were murdered by terrorists.

Death penalty is imposed in line with the requirements of due process and to safeguard our citizens' fundamental rights and freedoms. Due diligence is observed at every stage of prosecution to ensure judicious application of death sentence.

Each convict has the constitutional right to appeal, seek pardon, and pursue commutation of the sentence. Those below the age of 18 are immune from death sentence in accordance with the Juvenile Justice System Ordinance (JJSO), 2000.

Our authorities periodically examine the possibility of narrowing down the range of offences with respect to death penalty.

Recently, the Supreme Court of Pakistan has banned the imposition of death penalty on individuals with mental health conditions.

We believe that the global discussions on death penalty should take full account of the ICCPR provisions and the fundamental rights of the victims, in particular their basic right to life.

I thank you.