



Gender and Death Penalty Glossary

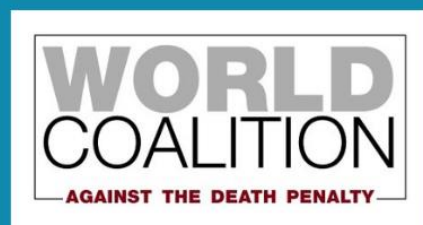


Table of contents

Acknowledgements	4
List of words sorted in alphabetical order:	5
Gender-related terms	6
• Gender.....	6
• Gender binary.....	6
• Gender expression	6
• Gender identity	6
• Sex	6
• Gender non-conformity.....	6
• Gender stereotypes.....	7
• Gender bias	7
• Gender-based discrimination	7
• Gender-based violence.....	7
• Violence against women	8
• Sexual violence	8
• Harassment	8
• Intersectionality.....	9
• Forced marriage	9
• Child marriage	9
• Homosexuality.....	10
• Heterosexuality	10
• Lesbian.....	10
• Gay.....	10
• Bisexual.....	11
• Homophobia.....	11
• Biphobia	11
• Transgender / Trans	11
• Non-binary.....	11
• Transsexual	11
• Transphobia	11
• Cisgender.....	12
• Queer.....	12
• Intersex people.....	12
• Asexual	12
• LGBTQIA+.....	12

• SOGIESC.....	13
• Pronouns / Preferred gender pronouns.....	13
• Deadname	13
<i>Death penalty-related terms.....</i>	14
• Right to fair trial	14
• Consular access	14
• Mitigating factor/circumstances	14
• Self-defense	15
• Romance scam	15
• Harm reduction	15
• Drug offense	16
• Zina	16
• CEDAW.....	16
• Nelson Mandela Rules.....	17
• Bangkok Rules	17
• The Yogyakarta Principles.....	17
<i>Terms related to gender-sensitive project management.....</i>	18
• Gender mainstreaming	18
• Gender-sensitive	18
• Gender-disaggregated data.....	18
• Gender-responsive budget.....	18
• Gender-sensitive indicators.....	19
• Gender-neutral/inclusive language	19

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Introduction

As part of the integration of a gender and intersectional approach into its strategy, the World Coalition Against the Death Penalty (World Coalition) decided to develop a glossary to identify and define the key terms of which the abolitionist movement should be aware to consider gender and other axes of intersectional discrimination at work in the capital punishment process, and more broadly to mainstream gender into their abolitionist work. This glossary is not an exhaustive presentation of all terminology related to gender and the death penalty, and each of the terms proposed is not defined in detail. It can be seen as a starting point for the explanation of terms and concepts related to this subject. The words and expressions contained in this glossary are those that we have found most useful for conducting gender-sensitive abolitionist work, but also those that often pose the most problems of interpretation. In addition, it is important to stress that the definitions of the terms in this glossary may vary according to place and culture, and are constantly evolving.

This glossary was developed based on existing glossaries of World Coalition members on closely related topics¹, existing international definitions and standards established by international human rights mechanisms as well as based on definitions written by international organizations specializing in women's rights and LGBTQIA+ people's rights².

This glossary aims to support the abolitionist movement in recognizing the gender and intersectional biases at work in the judicial process leading to the death penalty and to contribute to the development of a common language around these issues, a process initiated a few years ago by members of the World Coalition Against such as the Cornell Center on the Death Penalty Worldwide³. Moreover, this glossary also aims to promote the integration of a gender approach into the internal workings of abolitionist organizations.

1 International Federation for Human Rights (Fédération internationale pour les droits humains, FIDH) glossary on sexual and gender-based violence and Parliamentarians for Global Action (PGA) report on LGBTI people have been utilized. For more information: FIDH, Sexual and gender-based violence: a glossary from A to Z, (2020), accessible at: https://www.fidh.org/IMG/pdf/atoz_en_book_screen.pdf, UNDP, PGA, Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians, (2022), available at: <https://www.undp.org/publications/advancing-human-rights-and-inclusion-lgbti-people-handbook-parliamentarians-0>. The report "Orientation sexuelle, identité de genre, intersexuation : de l'égalité à l'effectivité des droits" by the Commission Nationale Relative aux Droits de l'Homme (CNCDH) has also been identified as a useful source: CNCDH, Orientation sexuelle, identité de genre, intersexuation : de l'égalité à l'effectivité des droits, (2022), available at: <https://www.cncdh.fr/sites/default/files/2022-10/CNCDH%20Rapport%202022%20Droits%20LGBTI%2C%20pdf%20accessible.pdf>

2 For LGBTQIA+ issues, the work of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), including their glossary, was used as reference. The glossary is available at: <https://www.ilga-europe.org/about-us/who-we-are/glossary/>

3 The Cornell Center on the Death Penalty worldwide published two key reports on the subject: Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>, and Cornell Center on the Death Penalty Worldwide, No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

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We would also like to thank all the member organizations of the World Coalition's Gender Working Group, whose contributions helped enrich this document.

Note to the reader: To make this glossary easier to use, terms have been defined by theme, but an alphabetical list of terms can be found below, with the corresponding page number.

List of words sorted in alphabetical order:

[Asexual](#), p.12.
[Bangkok Rules](#), p.17.
[Biphobia](#), p.11.
[Bisexual](#), p.10.
[CEDAW](#), p.16.
[Child marriage](#), p.9.
[Cisgender](#), p.11.
[Consular access](#), p.14.
[Deadname](#), p.13.
[Drug offence](#), p.16.
[Forced marriage](#), p.9.
[Gay](#), p.10.
[Gender](#), p.6.
[Gender-based discrimination](#), p.7.
[Gender-based violence](#), p.7.
[Gender bias](#), p.7.
[Gender binary](#), p.6.
[Gender-disaggregated data](#), p.18.
[Gender expression](#), p.6.
[Gender identity](#), p.6.
[Gender mainstreaming](#), p.18.
[Gender-neutral/inclusive language](#), p.19.
[Gender non-conformity](#), p.6.
[Gender-responsive budget](#), p.18.
[Gender-sensitive](#), p.18.
[Gender-sensitive indicators](#), p.19.
[Gender stereotypes](#), p.7.
[Harassment](#), p.8.
[Harm reduction](#), p.15.
[Heterosexuality](#), p.10.
[Homophobia](#), p.10.
[Homosexuality](#), p.9.
[Intersectionality](#), p.8.
[Intersex people](#), p.12.
[Lesbian](#), p.10.
[LGBTQIA+](#), p.12.
[Mitigating factor/circumstances](#), p.14.
[Nelson Mandela Rules](#), p.17.
[Non-binary](#), p.11.
[Pronouns / Preferred gender pronouns](#), p.13.
[Queer](#), p.11.
[Right to a fair trial](#), p.14.
[Romance scam](#), p.15.
[Self-defense](#), p.15.
[Sex](#), p.6.
[Sexual violence](#), p.8.
[SOGEGIESC](#), p.12.
[Transgender / Trans](#), p.11.
[Transphobia](#), p.11.
[Transsexual](#), p.11.
[Violence against women](#), p.8.
[Yogyakarta Principles](#), p.17.
[Zina](#), p.16.

Gender-related terms

- **Gender**

Refers to the associated sociocultural attribution of roles, behaviors, activities and identities associated with men, women, girls, boys, and persons of other genders, as well as the relations between women, men, and persons of other genders. More generally, gender refers to characteristics that society assigns to men and women, girls and boys, and persons of other genders. It differs from “sex” (see this definition) as gender refers to characteristics that are socially constructed rather than determined by physical attributes, varies according to context, and changes over time. The social construction of gender defines what is expected and valued for men, women, and persons of other genders, in a specific context⁴, and may therefore imply “gender bias” (see this definition) in the context of the judicial process leading to the death penalty. As highlighted by Agnès Callamard, former UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, “a human rights approach to capital punishment cannot be complete without a gender component”⁵.

- **Gender binary**

A social and cultural classification system of gender into two categories: men and women. Some people do not identify with these binary categories but find themselves between or beyond existing categories with elements of both or in separate categories altogether (see definitions of “non-binary”, “queer”, etc. below). Some countries like Bangladesh, India, Nepal, and Pakistan legally recognize a third gender⁶.

- **Gender expression**

The way a person presents their gender in any given context. This can include behavior and outward appearance such as clothing, speech, body language, hairstyle, voice, etc. The pronouns chosen by a person (see the pronoun definition) are also ways of expressing gender. People’s gender expression may or may not match their gender identity/identities, or the gender they were assigned at birth⁷.

- **Gender identity**

One’s own identification of their own gender. It can be the intrinsic consciousness of being a man, woman, both, neither, or some other gender (see related definitions of transgender and LGBTQIA+ below). Gender identity is not necessarily visible to others. A person’s gender identity may differ from their biological or assigned sex at birth and gender expression.

- **Sex**

Classification of individuals on the basis of biological and physiological sex characteristics (such as internal and external genitalia and sex organs). Sex is assigned at birth based on internal and external anatomical characteristics and recorded on the birth certificate⁸. In most countries, sex is based on a binary vision which excludes intersex people (see definition below).

- **Gender non-conformity**

When one’s gender expression does not align with societal expectations of typical gender expressions or roles⁹. It is sometimes used interchangeably with gender variance.

4 United Nations Women, Concepts and Definition, available at: <https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

5 Cornell Center on the Death Penalty Worldwide, *Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), p.3, available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

6 Hossain, in “Hijras in South Asia: Rethinking the dominant representations” (2020), looks into how South Asian countries legally recognize a third sex, like the *hijra* of India and Bangladesh, the *anya* of Nepal, and the *khawaja sira* of Pakistan.

Cusack, S, *Gender Stereotyping as a Human Rights Violation: Research Report*

7 ILGA Europe, Glossary, <https://www.ilga-europe.org/about-us/who-we-are/glossary/>

8 *Ibid.*

9 LGBTQIA Resource Center Glossary, available at: <https://lgbtqia.ucdavis.edu/educated/glossary>

- **Gender stereotypes**

Generalized social views or preconceived notions about the specific attributes, characteristics, or roles attributed to women, men, or other genders solely on the basis of their actual or assumed membership of the social group of women, men, or other genders.¹⁰ Negative gender stereotypes often lead to discrimination, stigmatization, and violence, including gender-based violence (see definition below). In the judicial process leading to the death penalty, courts tend to rely on gender stereotypes to establish the guilt of individuals. For example, in countries that utilize the death penalty for drug offences¹¹, courts seem more reluctant to recognize that a woman may have been framed if she does not fit the stereotype of what is recognized in those countries as a "defenseless woman," i.e. among others, poor and uneducated.¹²

- **Gender bias**

Difference in treatment and perception of individuals based on their real or perceived gender. This difference in treatment can be positive or negative and is based on gender stereotypes. In criminal justice settings, gender biases and stereotypes may influence police, judges and lawyers' assumptions, behavior, and decision-making in capital punishment cases. For example, women who are perceived to breach gender norms are more likely to receive harsher punishment than men accused of similar offenses or crimes¹³.

- **Gender-based discrimination**

Any distinction, exclusion, or restriction with respect to a person or group of persons, based on gender, that "has the effect or purpose of impairing, or nullifying the recognition, enjoyment, or exercise"¹⁴ of human rights of that person or group of persons. This includes discrimination based on gender, gender expression, gender identity, or perceived gender. Gender-based discrimination can manifest itself in many ways, both subtle and overt¹⁵. In capital punishment cases, individuals on death row face various forms of intersectional and gender discrimination. For example, among other things, women and transgender persons are frequently denied their right to a fair trial, their experiences of gender-based violence are not recognized as mitigating circumstance, and, once on death row, their specific needs are not recognized.¹⁶

- **Gender-based violence**

Violence directed towards a person based on their gender, gender expression, gender identity, or perceived gender, which is often grounded in unequal power relationships. It encompasses physical,

10 Cusack, S, Gender Stereotyping as a Human Rights Violation: Research Report. Prepared for the UN Office of the High Commissioner for Human Rights, (2013), available at: https://www.peacewomen.org/sites/default/files/2013-gender-stereotyping-as-hr-violation_0.pdf

11 According to Harm Reduction International, in 2022, 35 countries retain the death penalty for drugs offences. For more information see: Harm Reduction International, The Death Penalty for Drug Offences: Global Overview 2022, (2022), available at: <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2022/>

12 Cornell Center on the Death Penalty Worldwide, No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

13 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

14 The definition of gender-based discrimination proposed in this document is based on the definition of discrimination against women proposed by the United Nations General Assembly. See : United Nations General Assembly, UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), (18 December 1979), A/RES/34/180, Art. 1, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

15 World Coalition Against the Death Penalty, Leaflet World Day Against the Death Penalty 2021, (October 2021), available at: <https://worldcoalition.org/wp-content/uploads/2021/06/BROCHURE-WORLD-DAY-2021-EN-1.pdf>

16 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

psychological, emotional, administrative, economic, sexual, verbal, and economic harm, and it includes threats and coercion. Among gender-based violence, cyber-violence against women and girls can also be mentioned as a new emerging dimension of gender-based violence¹⁷. As most victims of gender-based violence are women and girls, the expression “gender-based violence” is often utilized to refer to violence against women. However, all genders can be subject to gender-based violence. Using the “gender-based” terminology highlights the fact that many forms of violence against women are rooted in power inequalities between women and men¹⁸. The term is also used to describe violence against LGBTQIA+ individuals (see this definition), when referencing violence related to norms of masculinity/femininity and/or gender norms¹⁹. Studies have shown that a majority of women sentenced to death have been victims of gender-based violence, which may have influenced their criminal behavior²⁰. Indeed, the most prevalent crime for which women are sentenced to death is murder, often of close family members. Most of the time, the courts do not take into account gender-related mitigating circumstances (see definition below)²¹.

- **Violence against women**

As proclaimed in Article 1 of the Declaration on the Elimination of Violence against Women, it corresponds to “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”²²

- **Sexual violence**

Refers to any act of a sexual nature that is attempted, threatened or carried out without the consent of the victim. Sexual violence is a continuum of unwanted or coerced sexual activity that includes rape, sexual slavery, enforced prostitution, forced marriage, forced nudity, and any other acts that are sexual in nature, committed without consent and/or by using force or under coercive circumstances. The Civil Society Declaration on Sexual Violence (2019) which analyses what “sexual” means from the perspective of the victims and survivors themselves, recognized that “sexual violence involves singular, multiple, continuous, or intermittent acts which, in context, are perceived by the victim, the perpetrator, and/or their respective communities as sexual in nature. Such acts are to be characterized as sexually violent if they violate a person’s sexual autonomy or sexual integrity.”²³

- **Harassment**

Refers to any inappropriate and unwelcome behavior or comment that can reasonably be expected to cause offense or humiliation to another person, or that is perceived to do so. Harassment can take the form of words, gestures or actions that tend to annoy, alarm, abuse, belittle, intimidate, belittle,

17 The European Commission's Advisory Committee on Equal Opportunities defines cyber-violence against women and girls as “any act of gender-based violence perpetrated directly or indirectly through information and communication technologies, that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women and girls, including threats of such acts, whether in public or private life, or to the exercise of their rights and fundamental freedoms”. For further information, see European Commission, Advisory Committee on Equal Opportunities for Women and Men, 2020, available at: https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/opinion_online_violence_against_women_2020_en.pdf)

18 European Institute for Gender Equality, What is gender-based violence? , <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>

19 United Nations Women, Types of violence against women and girls, <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence>

20 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

21 *Ibid.*

22 United Nations General Assembly, Declaration on the Elimination of Violence against Women, (20 December 1993), A/RES/48/104, Art. 1, available at: [Declaration on the Elimination of Violence Against Women](https://www.un.org/en/development/desa/destatistics/indicators/48104.html)

23 Women’s Initiatives for Gender Justice (WIGJ), Civil Society Declaration on Sexual Violence, 2019, available at: <https://4genderjustice.org/wp-content/uploads/2019/11/English-Civil-Society-Declaration-on-Sexual-Violence.pdf>

humiliate or embarrass another person, or that create a hostile or offensive environment²⁴. Sexual harassment refers to any comment or act with a sexual or sexist connotation, imposed on a person, which violates their dignity by being degrading or humiliating, or which create an intimidating, hostile or offensive situation.

- **Intersectionality**

A concept that recognizes that structural discrimination, for example, based on sex, gender, race, class, caste, or another identity, does not operate in isolation.²⁵As individuals may suffer from one or more types of discrimination at the same time, an intersectional approach allows for a better understanding of the nature and form of discrimination encountered by a person. The Committee on the Elimination of Discrimination against Women has recognized that “the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.”²⁶ The concept of intersectionality is particularly useful in the analysis of the profiles of women sentenced to death because the majority are from ethnic and racial minorities, are non-literate, and have intellectual and/or psychological disabilities and a large proportion has experienced gender-based violence²⁷. In some regions, such as Gulf and Southeast Asia states, the majority of those sentenced to death are migrants working as domestic workers²⁸. Similarly, most men sentenced to death come from ethnic and racial minorities and socially disadvantaged backgrounds.²⁹

- **Forced marriage**

A union (formal or informal) in which at least one of the parties was not fully consenting due to pressure from the partner, family, community, etc. Forced marriage is a common factor in the profile of juvenile offenders on death row. Examples include women sentenced to death for the murder of their husbands committed in a context of gender-based violence and forced marriage.³⁰

- **Child marriage**

Child marriage is a specific form of forced marriage. It’s a form of forced marriage in which at least one of the parties is a child³¹. According to the Convention on the Rights of the Child, a child is “every human

24 ONU Women, Harassment Policy including sexual harassment, available at: <https://www.un.org/womenwatch/osaginew/fpsexualharassment.htm>

25 World Coalition Against the Death Penalty, Leaflet for World Day Against the Death Penalty 2021, (2021), available at: <https://worldcoalition.org/document/leaflet-en-2021-world-day-against-the-death-penalty/>

26 United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, (16 December 2010), CEDAW/C/GC/28, available at: <https://www.refworld.org/docid/4d467ea72.html>

27 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

28 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

29 Bright, S, "Imposition of the death penalty upon the poor, racial minorities, the intellectually disabled and the mentally ill." Moving Away from the Death Penalty: Arguments, Trends and Perspectives, edited by Ivan Šimonović, UN Office of the High Commissioner for Human Rights (2014): 99-113.

30 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

31 United Nations General Assembly, Report of the United Nations High Commissioner for Human Rights on Preventing and Eliminating Child, Early and Forced Marriage, (April 2014), A/HRC/26/22, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/128/76/PDF/G1412876.pdf?OpenElement>

being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”³². Many juvenile offenders on death row were married while still minors³³.

- **Homosexuality**

Used to refer to the fact of being emotionally and/or sexually attracted exclusively to people of the same gender. Related terms like "lesbian" and/or "gay" are increasingly being used more than “homosexual” as an identity label. In 2021, 11 of the 84 countries that retain the death penalty have capital punishment for consensual same-sex sexual activity³⁴. In 2023, Uganda passed the Anti-Homosexuality Act, which provides for the death penalty for "aggravated homosexuality"³⁵. Depending on the country, the criminal offences in question are as diverse as sodomy, *liwat* (sexual intercourse between men), carnal intercourse against the order of nature, *musahaqah* (sexual relations between women). Some countries, such as Pakistan categorize it under *zina* (see definition below) as non-heterosexual marriages are not legally recognized in the country³⁶. In most of these countries, the death penalty applies only to gay men, except for two (Afghanistan and Iran)³⁷. Some legal systems, such as Iran, also use the death penalty to punish LGBTQIA+ rights defenders. In 2021, Iran sentenced two women activists to death on charges of “corruption on Earth” for “promoting homosexuality” and “depravity.” In March 2023, their death sentence was commuted and one of them was released on bail, while the other one still remains in custody.³⁸

- **Heterosexuality**

Used to refer to the fact of being emotionally and /or sexually attracted exclusively to people of the opposite gender: for example, a person who identifies as a man who is only sexually and/or emotionally attracted to people who identify as women, or a person who identifies as a woman and who is only sexually and/or emotionally attracted to people who identify as man. People who fit this description are called heterosexual or "straight.”

- **Lesbian**

Designates a person who identifies as a woman and who is emotionally and/or sexually attracted to other women³⁹.

- **Gay**

Depending on the region of the world, it designates a person who is emotionally and/or sexually attracted to other people of the same gender or multiple genders. However, in some contexts, this term has been used to refer to a person who identifies as a man and is emotionally and/or sexually attracted to other men⁴⁰.

32 United Nations General Assembly, Convention on the Rights of the Child, (20 November 1989), A/HRC/26/22, Art. 1, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

33 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

34 These countries are the following: Afghanistan, Brunei, Iran, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia, and United Arab Emirates, Yemen. For more information see: Monash University, Eleos Justice, and Capital Punishment Justice Project, State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty, by Mai Sato and Christopher Alexander (February 2021), available at: https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318

35 Death Penalty Information Center, Uganda’s Controversial “Anti-Homosexuality Act” Includes Possibility of Death Sentence, (June 2023), available at: <https://deathpenaltyinfo.org/news/ugandas-controversial-anti-homosexuality-act-includes-possibility-of-death-sentence>

36 ECPM, “A report on the application of the death penalty for consensual same-sex conducts: 10 questions on the death penalty for LGBTQIA+”, (November 2022)

37 *Ibid.*

38 Hansford, A, LGBTQ+ activist facing death penalty in Iran walks free after sentence overturned (March 2023), available at: <https://www.thepinknews.com/2023/03/15/iran-elham-choubdar-sareh-sediqhi-hamedani/>

39 ILGA Europe, Glossary, available at: <https://www.ilga-europe.org/about-us/who-we-are/glossary/>

40 *Ibid.*

- **Bisexual**

A person who is emotionally and/or sexually attracted to more than one gender.

- **Homophobia**

The attitude of systematic rejection, aversion and hostility towards persons known or assumed to be homosexual or against practices and representations that are or are supposed to be homosexual. Homophobia can manifest itself in many ways, both subtle and overt. It may be direct or structural. It includes prejudice, bias and discriminatory attitudes that include hatred, harassment, and violence.

- **Biphobia**

The attitude of systematic rejection, aversion and hostility towards persons known or assumed to be bisexual or against practices and representations that are or are supposed to be bisexual based on the belief that monosexuality, or attraction to only one gender, is the norm.

- **Transgender / Trans**

A person whose gender identity does not align with their assigned sex at birth, regardless of hormonal, medical, surgical, or other intervention. For example, a transgender woman is a woman who was assigned male at birth. The term "transgender" or "trans" can also be understood as an umbrella term that encompasses a range of trans identities (see definition of "non-binary" below). There is very little information about transgender people on death row, but we know that they are at particular risk of physical, verbal, and sexual violence, torture, and inhuman and degrading treatment in prison and other detention settings. Among the common practices we can cite the non-respect of their gender identity for the choice of prison, the use of solitary confinement, difficult access to care, etc.⁴¹

- **Non-binary**

A person whose gender identity cannot be classified exclusively as either male or female⁴². Some non-binary people identify with a third gender, while others identify with an undefined gender or no gender at all (agender), or with multiple genders (polygender). This term is sometimes used interchangeably with "genderqueer". This identity is conceived as resulting from the narrowness of existing binary categories.

- **Transsexual**

An outdated term that refers to transgender people who have undergone gender-affirming medical interventions. In some countries, it is still used without negative connotation, although in other parts of the world, it is judged pejoratively due to its use in the context of the medicalization and psychiatric treatment of transgender people.

- **Transphobia**

The attitude of systematic rejection, aversion and hostility towards persons known or assumed to be transgender based on the belief that being cisgender is the norm. Transphobia can take the form of microaggressions such as misgendering (referring to someone by a gender that does not correspond to their gender identity) with the malicious intention of hurting or humiliating them, discrimination and outright acts of violence.

41 World Coalition Against the Death Penalty, FIACAT, The Advocates for Human Rights, Cornell Center on the Death Penalty Worldwide, Fact sheet on trans people facing the death penalty, (2021), available at : https://worldcoalition.org/document/primer-on-transgender-individuals-facing-the-death-penalty/trans-rights-and-death-penalty-factsheet_v1-0-2/

42 ABCLGBTQIA+ Glossary, available at : <https://abclgbtqia.com/en/home/>

- **Cisgender**

A person whose gender identity corresponds to the sex assigned at birth⁴³. For example, a cisgender woman is a person who identifies as "female" and was assigned the female at birth.

- **Queer**

Originally a pejorative term used in the English language against homosexuals, people from the LGBTQ+ communities have reclaimed it as a symbol of protest and self-determination in the face of traditional gender categories. The term is often used as an umbrella term including "people who do not identify as exclusively straight and/or folks who have non-binary or gender-expansive identities"⁴⁴. It's encompassing the LGBTQIA+ community, as well as people who do not wish to describe their sexual orientation or gender identity using the more restrictive LGBTQIA+ labels. Depending on the context, some people may still find the term offensive.

- **Intersex people**

An umbrella term for people born with reproductive or sexual anatomy that does not fit the typical binary definitions of male and female bodies, including a diversity of hormonal, chromosomal and/or physical sex characteristics. These characteristics can be visible at birth or later in life, often around puberty.⁴⁵ Some of these people describe themselves as intersex, while others do not. Because their bodies are seen as different, intersex children and adults are often stigmatized and subjected to multiple human rights violations, including violations of their rights to health and physical integrity, to be free from torture and ill-treatment, and to equality and non-discrimination⁴⁶. For example, they can be subjected to strip and search practices in prison and detention settings that put them at risk of humiliation, degrading behavior, violence and torture.⁴⁷ Until now, there is little to no information about intersex people on death row and the potential discrimination they may face.

- **Asexual**

A person who experiences little or no sexual attraction to any other person, oftentimes referred to as *ace*.

- **LGBTQIA+**

Stands for lesbian, gay, bisexual, transgender, queer, intersex, asexual and other identities not specified (+). The plus (+) is important because it is intended to include the range of genders and sexual identities that exist. It represents other unspecified identities, including **graysexual** (little or infrequent sexual attraction), **demisexual** (sexual attraction correlated with emotional connection), **pansexual** (attraction to other people regardless of gender), **aromantic** (no romantic desire), and **agender** (people who do not identify with any particular gender), among others. Overall, LGBTQIA+ individuals all share the commonality of being seen as challenging the established gender order by not conforming to societal gender norms and expectations. These individuals are often marginalized because of their gender identity or expression, sexual orientation, sex characteristics, and/or romantic desires. It is important to note that all of the above definitions related to LGBTQIA+ people are **not universal**. The definitions of these terms can vary by location and culture and are constantly evolving. This acronym is the most widely used in international law, but it is important to recognize that it is based on the "Global North" definitions, which refer to categories that are not universal. Some people may define these terms differently and define themselves with different terms. It is important to respect how each person defines themselves.

43 *Ibid*.

44 Human Rights Campaign, Glossary of Terms, available at: <https://www.hrc.org/resources/glossary-of-terms>

45 UN free and Equal, Fact Sheet: Intersex, (2017), accessible at: <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

46 *Ibid*.

47 Milton, J, Intersex woman suffers 'cruel and degrading treatment' in men's prison despite court pleas (July 2022), available at: <https://www.thepinknews.com/2022/07/05/intersex-australia-yatala-labor-prison/>

- **SOGIESC**

An acronym that refers to sexual orientation, gender identity and expression, and sex characteristics (sexual orientation, gender identity, gender expression and sex characteristics, SOGIESC). SOGIESC and related variations such as SOGI and SOGIE are increasingly being mainstreamed by civil society actors, governments, and international and regional human rights mechanisms in discussions on LGBTQIA+ rights and broader gender and sexuality issues. For example, in 2016, the UN Human Rights Council created the mandate of the Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity (IE SOGI) to monitor global developments in the human rights of LGBTQIA+ persons.⁴⁸

- **Pronouns / Preferred gender pronouns**

Set of pronouns that a person wants others to use to refer to them. Pronouns are part of a person's identity, just as a name/surname is. Pronouns are different in each language. In English, common gendered pronouns are "he", "she" and "they" (gender-neutral pronoun). In French, the most common pronouns are "il", "elle" and "iel" (gender-neutral pronoun). In some languages, third-person pronouns are gender-neutral, such as "siya" (Filipino) and "dia" (Bahasa Indonesia).

- **Deadname**

Name that a transgender person was given at birth and no longer uses upon transitioning. Deadnaming a transgender person is offensive and can cause undue harm.

48 UN Human Rights Council, Resolution adopted by the Human Rights Council on 30 June 2016 - Protection against violence and discrimination based on sexual orientation and gender identity, 15 July 2016, A/HRC/RES/32/2, available at: <https://www.refworld.org/docid/57e3d9934.html>

Death penalty-related terms

- **Right to fair trial**

Article 14 of the International Covenant on Civil and Political Rights states that all persons “shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law”⁴⁹. The right to a fair trial includes, in particular, **the right to the assistance of an interpreter** and to the translation of documents essential to the exercise of the defense for people who do not understand or speak the language used in court, and **the right to the effective assistance of a lawyer**, i.e. the right to legal assistance of one's choice, and to free legal assistance when "the interests of justice so require" and the individual does not have sufficient means to pay for it, are also emphasized (article 14, paragraph 3, point d)⁵⁰. Analysis of the judicial processes of women on death row shows that many of them have been denied their right to a fair trial. Poverty, which disproportionately affects women, is one of the main reasons why women are denied their right to a fair trial.⁵¹ In regions where women sentenced to death are mainly migrant workers and often do not speak the language of the trial, we observe a non-respect of the right to translation. This can also be accompanied by the risk of women being deprived of individualized criminal proceedings in cases where the male co-accused (many foreign national women are arrested together with a male co-defendant) co-opt conversations with the police or lawyers⁵².

- **Consular access**

Article 36 of the Vienna Convention on Consular Relations provides that, at the request of the detainee, the competent authorities of a State in which a foreign national is arrested, detained, or imprisoned shall, without delay, inform the detainee's consular authorities of their detention. The detainee should also be informed of their right to consular notification, and consular officers shall have the right to visit a national of the sending State who is in prison, custody, or detention, to converse and correspond with them and to arrange for their legal representation as well as ensure reliable interpretation services⁵³. In some regions, most women sentenced to death are migrant domestic workers and very often are denied their right to consular notification⁵⁴.

- **Mitigating factor/circumstances**

A factor or circumstance that reduces the culpability of an offender, lessens the severity of the offender's action, and/or provide a justification for imposing a more lenient sentence⁵⁵. These mitigating circumstances include, but are not limited to, the defendant's age at the time of the offense, intellectual and/or psychosocial disability, intoxication or substance abuse that alters or abolishes discernment, lack of prior criminal record, extreme poverty, history of gender-based violence, etc. In view of the profiles of women sentenced to death, who are predominantly from ethnic and racial minorities, are illiterate,

49 UN General Assembly, International Covenant on Civil and Political Rights, (16 December 1966), United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html>

50 *Ibid.*

51 Cornell Center on the Death Penalty Worldwide, *Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

52 Cornell Center on the Death Penalty Worldwide, *No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses*, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

53 United Nations, Vienna Convention on Consular Relations, (24 April 1963), available at: <https://www.refworld.org/docid/3ae6b3648.html>

54 Cornell Center on the Death Penalty Worldwide, *No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses*, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

55 Cornell Center on the Death Penalty Worldwide, *Gender terms glossary*.

have intellectual or psychological disabilities and have suffered gender-based violence⁵⁶, the consideration of mitigating circumstances is particularly important in capital punishment trials. Gender-based mitigation refers to mitigation related to gender-based discrimination and violence. Until now, courts generally do not consider the impact of trauma and gender-based violence and discrimination experienced by women sentenced, particularly in the case of women sentenced to death for the murder of family members in the context of gender-based violence⁵⁷. Taking mitigating circumstances into account means that sentences can be more individualized, and therefore more in keeping with the principle of the necessity of penalties.

- **Self-defense**

Concept that refers to a cause of criminal irresponsibility. Self-defense allows the perpetrator of a criminal offense to escape responsibility if they committed the offense in order to repel a present and unjust aggression threatening themselves or others. In *Zecevic v Director of Public Prosecutions*⁵⁸, the High Court of Australia established the doctrine of self-defense, citing a two-part test: 1. the accused sincerely believed that it was necessary to do what they did (subjective test); 2. the accused had reasonable grounds for this belief (objective test). In the context of domestic violence, the constant threat of violence from a male partner has a cumulative impact, and a woman's violent response can be interpreted as a defensive response to these cumulative acts of violence⁵⁹. However, even in countries where judges exercise discretion in the application of the death penalty, abuse, gender-based violence and trauma are not systematically raised and recognized as criteria for self-defense when determining the sentence in trials of women sentenced to death for the murder of their assailant. Obstacles to such recognition include a lack of resources and training for lawyers and judges to document and explain the role of gender-based violence⁶⁰.

- **Romance scam**

Feigning romantic intentions towards a victim to gain their affection and trust before using tricks to manipulate them and obtain benefits from them. Romance scams are a gateway to the death penalty for drug crimes⁶¹. Many women sentenced to death for drug trafficking explain that they were manipulated by men who simulated feelings and relationships to induce them to transport packages containing drugs when they had no knowledge of it. Women defendants struggle to convince judges that they were unaware they were carrying drugs, and courts rarely consider the role of an abusive relationship in a woman's decision to transport drugs⁶².

- **Harm reduction**

Harm reduction refers to policies, programmes and practices that aim to minimize the negative health, social and legal impacts associated with punitive drug use, drug policies and drug laws⁶³.

56 Cornell Center on the Death Penalty Worldwide, *Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

57 *Ibid.*

58 *Zecevic v Director of Public Prosecutions*, (Vic) (1987) 162 CLR 645, available at: [BarNet Jade - Find recent Australian legal decisions, judgments, case summaries for legal professionals \(Judgments And Decisions Enhanced\)](#)

59 Jan Arno Hessbruegge, *Human Rights and Personal Self-Defense in International Law*, 2017, Oxford University Press, available at: <https://global.oup.com/academic/product/human-rights-and-personal-self-defense-in-international-law-9780190655020?cc=us&lang=en&>

60 Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, September 2018, available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>

61 Cornell Center on the Death Penalty Worldwide, *No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses*, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

62 *Ibid.*

63 Harm Reduction International, *What is Harm Reduction?*, available at: <https://hri.global/what-is-harm-reduction/>

- **Drug offense**

There are four main offences associated with illegal drugs: production, importation, supply and possession. In 2022, 35 countries retained the death penalty for drugs related offenses, although this is a violation of international law, since drug-related offenses do not reach the threshold of the "most serious"⁶⁴ crimes to which the death penalty can be applied.⁶⁵ Worldwide, drug offense is the second main crime for which women are sentenced to death. Most of the time, when women are involved in drug trafficking, they are disproportionately relegated to menial positions, which puts them at high risk⁶⁶.

- **Zina**

Illicit sexual relation between a man and woman according to the Islamic legal tradition. Illicit sexual relations correspond to consensual sexual relations outside of marriage. The penalty for *zina* is one hundred lashes for unmarried people and death by stoning for married people. In practice, women are convicted of *zina* at a disproportionate rate compared to men and *zina* is applied in a discriminatory manner against women. Extramarital pregnancy, for example, is prima facie evidence of *zina*, which is discriminatory as it may result from rape rather than consensual adultery. Vague readings of *zina* laws have also resulted in the conviction of women and girls after being forced into prostitution.⁶⁷ Women also face discrimination in the method of execution. The accused who survives the stoning may be pardoned, but women are buried up to the chest, while men are buried up to the waist, which means that women's chances of survival are lower.⁶⁸

- **CEDAW**

The Convention on the Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW)⁶⁹ is an international convention adopted in 1979 by the UN General Assembly. Often described as the international bill of rights for women, it is an international legal instrument that requires countries to eliminate discrimination against women and girls in all areas and promotes women's and girls' equal rights. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. In 1999, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW)⁷⁰, which provides for recognition by States parties of the competence of the Committee on the Elimination of Discrimination against Women to receive and consider individual communications (also known as "individual complaints").

64 General Comment No. 36 of the United Nations Human Rights Committee specifies that these most serious crimes can only be understood as crimes of extreme gravity resulting in intentional death, CCPR/C/GC/36: General Comment No. 36 on the right to life (art. 6), available at : <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>

65 Harm Reduction International, The Death Penalty for Drug Offences: Global Overview 2022, (2022), available at: <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2022/>

66 Cornell Center on the Death Penalty Worldwide, No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses, (September 2021), available at: <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>

67 Human Rights Watch, Afghanistan: Moral Crimes,(2012), available at: <https://www.hrw.org/video-photos/interactive/2012/03/26/afghanistan-moral-crimes>

68 World Coalition Against the Death Penalty, World Day Against the Death Penalty on the Invisible reality faced by women, Detailed Factsheet, (2021), available at: https://worldcoalition.org/wp-content/uploads/2021/07/EN_Detailed-Factsheet_WD2021_v1-2.pdf

69 For more information on the Convention on the Elimination of All Forms of Discrimination against Women: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

70 For more information on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms>

- **Nelson Mandela Rules**

Refers to the United Nations Standards Minimum Rules for the Treatment of Prisoners adopted in 1955 and revised in 2015. These rules are non-binding standards and aim to re-establish the principles and rules of good prison organization and practice in the treatment of detained persons - whether remanded or convicted⁷¹.

- **Bangkok Rules**

Refers to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders adopted by the UN General Assembly in December 2010. These rules recognize the specific characteristics and needs of women offenders and prisoners and provides guidance to meet these needs. They complement the Nelson Mandela Rules.⁷² The gender-specific needs of women and LGBTQIA+ people, including sexual and reproductive health care, medical and mental health care, harm reduction services for people who use drugs and protection from gender-based violence, are not systematically addressed on death row⁷³.

- **The Yogyakarta Principles**

Refers to a set of principles on the application of international human rights law in relation to sexual orientation and gender identity, drafted in November 2006 by a recognized group of international human rights experts at the initiative of the International Commission of Jurists (ICJ) and the International Service for Human Rights (ISHR). Some of these principles specifically prohibit the criminalization of consensual sexual relations between adults of the same sex⁷⁴.

71 UN General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules): resolution / adopted by the General Assembly, A/RES/70/175, 17 December 2015, available at: <https://daccess-ods.un.org/tmp/4587543.60675812.html>

72 United Nations General Assembly, United Nations Rules for the Treatment of Prisoners and Taxation, A/RES/65/229, March 16, 2011, available at: <https://daccess-ods.un.org/tmp/200894.773006439.html>

73 Cornell Center on the Death Penalty Worldwide, Judged For More Than Her Crime: A Global Overview of Women Facing the Death Penalty, (September 2018), available at: <https://worldcoalition.org/document/judged-for-more-than-her-crime-a-global-overview-of-women-facing-the-death-penalty/>

74 International Commission of Jurists (ICJ), The Yogyakarta Principles Plus 10 - Additional Principles and State Obligation on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles, (10 November 2017), available at: <https://www.refworld.org/docid/5c5d4e2e4.html>

Terms related to gender-sensitive project management

- **Gender mainstreaming**

Describes a strategy which aims to achieve gender equality and combat gender-based discrimination. Mainstreaming is not an end but a means to achieve the goal of gender equality⁷⁵. It is not about developing separate women's projects within existing programs, or about adding women's components within existing activities in the work programs. Instead, it requires that attention is given to gender perspectives as an integral part of all activities across all programs⁷⁶. Gender mainstreaming involves the integration of a gender perspective in the preparation, design, implementation, monitoring, and evaluation of all policies, programs, and projects. In the context of projects related to the abolition of the death penalty, this means considering the specific reality of women and LGBTQIA+ people facing the death penalty and the gender and intersectional discrimination they face in the judicial process leading to the death penalty and on death row. To measure the gender sensitivity of a death penalty project, the gender marker developed by the World Coalition can be used (publication scheduled for late 2023).

- **Gender-sensitive**

A concept that indicates gender awareness of policies, programs, strategies, projects, etc. It includes the identification of differences, problems, and inequalities based on gender, assumed or real, and the incorporation of these observations into strategies and actions.

- **Gender-disaggregated data**

Data collected and tabulated separately for women, men and people of other genders. Disaggregated data allow the measurement of differences between women and men and gender non-conforming people. Gender disaggregated data is necessary for effective gender analysis and is a necessary step in designing, implementing, monitoring, and evaluating gender-sensitive actions, programs, and policies. However, it is also important to note that dominant applications of gender, such as gender mainstreaming and gender-disaggregated data, often fail to include gender identities other than men and women, neglecting their lived experiences and reinforcing the gender binary. In the context of projects related to the abolition of the death penalty it's important to always disaggregate data by gender, sex, age, age of dependent children (if any), nationality, ethnic group, disability, crime(s) of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the characteristics of people on death row.

- **Gender-responsive budget**

Budgets that integrate a gender perspective at all levels of the budget process and restructure revenues and expenditures to promote gender equality⁷⁷. A gender-sensitive budget is one that is collectively constructed to benefit everyone - men, women, girls, boys and people of other genders - because it promotes an equitable distribution of resources between genders and helps to provide the same opportunities for all⁷⁸. Developing a gender-sensitive budget involves asking the following three questions: How is my budget constructed, and who was involved in drawing it up? How are priorities decided? Where does the money go, who really benefits from it, and does it have an impact on gender equality?⁷⁹

75 United Nations Women, Handbook on Gender Mainstreaming for Gender Equality Results, (2022), available at: <https://www.unwomen.org/sites/default/files/2022-02/Handbook-on-gender-mainstreaming-for-gender-equality-results-en.pdf>

76 *ibid.*

77 Council of Europe, Gender Budgeting Practices: Concepts & Evidence, (2022), available at: https://commission.europa.eu/system/files/2022-06/dp165_en_gender_budgeting.pdf

78 For more details on gender-sensitive budgeting, see the UN Women training, available at: <https://trainingcentre.unwomen.org/mod/data/view.php?id=6&rid=6232&lang=fr>

79 F3E, Why gender budgeting is important for the 2030 Agenda, available at: <https://f3e.asso.fr/ressource/pourquoi-la-budgetisation-sensible-au-genre-est-elle-importante-pour-lagenda-2030-un-women-training-center/>

- **Gender-sensitive indicators**

Indicators that measure gender-related changes in society over time and progress towards gender equality goals. In death penalty projects, it seems important to insert at least gender-disaggregated indicators (e.g., number of people who participated in training on the abolition of the death penalty, disaggregated by sex, gender) and at best, indicators that measure the reduction of gender inequalities/improvement of the situation of the marginalized group (for example, the number of women facing the death penalty who have improved their knowledge of their own rights has increased, the number of judges or lawyers who have improved their knowledge of intersectional discrimination/gender-based violence, broken down by gender).

- **Gender-neutral/inclusive language**

Also known as gender-inclusive language, inclusive language, or gender neutrality – means of speaking and writing in a way that does not discriminate against people based on their gender identity, gender expression or sex characteristics and perpetuate gender stereotypes⁸⁰.

80 United Nation, Gender-Inclusive Language, available at: <https://www.un.org/en/gender-inclusive-language/>