

WOMEN

AND THE DEATH PENALTY



Women have been executed in **14 countries** since 2012.



From **20 to 100** each year (CCDPW)



More than **164** between January 2010 and October 2021 (IHR)



31 between 2010 and 2021 (ESOHR et Reprieve)

500 to 1 000 women are currently on death row worldwide (by 2022).



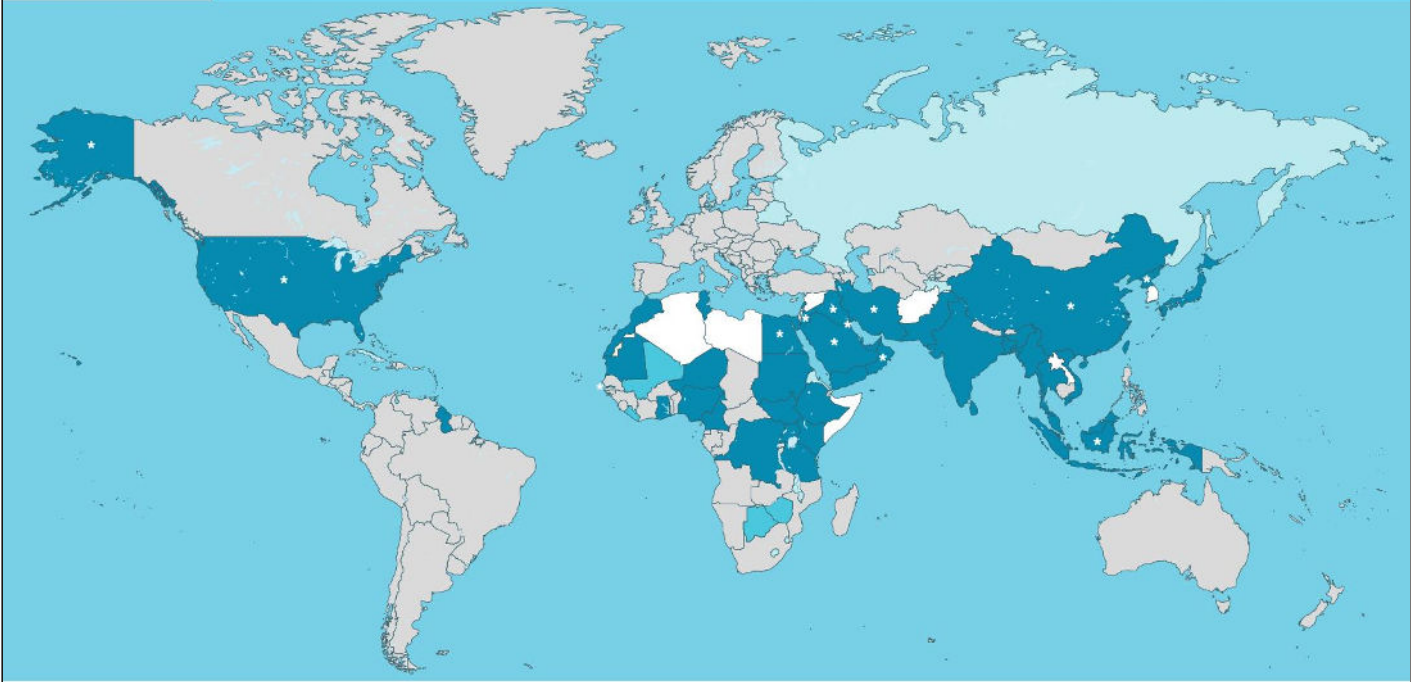
Women account for around **5 %** of death row inmates worldwide



In 2022, women were on death row in **at least 42 countries**. (71% of retentionist and abolitionist in practice countries with more than 3 people on death row)



In **8 countries**, we have no access to data to confirm or deny the presence of women on death row (Afghanistan, Algeria, Laos, Libya, South Korea, Palestine, Somalia, Syria).

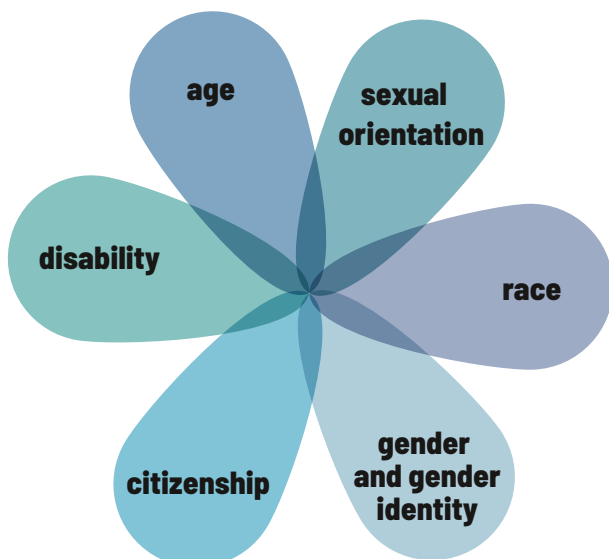


- Women on death row
 - No women on death row and more than 3 people on death row
 - No women on death row and 3 or less people on death row
 - ★ Countries that executed women since 2013
 - Lack of reliable information on the presence of women on death row
 - Abolitionist countries & abolitionist countries for common crimes only
- Original map copyright © Free Vector Maps.com

PROFILE OF WOMEN SENTENCED TO DEATH

A large majority of women sentenced to death are from **ethnic and racial minorities**, are **non-literate**, have **intellectual or psychological disabilities**, and have **experienced gender-based violence**. In Gulf and Southeast Asian states, the majority of those sentenced to death are migrants (CCDPW).

Intersectionality and the death penalty:



CRIMES FOR WHICH WOMEN ARE SENTENCED TO DEATH



MURDER

- Top crime for which women are sentenced to death.
- Often committed against a family member in the **context of gender-based violence**, which is often not considered a mitigating circumstance (CCDPW).



DRUG OFFENCES

- Second most common crime for which women are on death row, particularly in Asia and the Middle East (CCDPW).
- Linked to the economic and social marginalization of women.
- Many victims of romance scams (feigning romantic intentions to gain affection and trust before using tricks to manipulate).



VIOLATION OF SEXUAL MORALITY

- In jurisdictions that apply Sharia law, the crime of *zina*, the criminalization of consensual sexual relations outside marriage, is used disproportionately to condemn women over men.

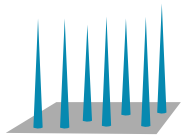
Other crimes for which women are sentenced to death include terrorism, prostitution, blasphemy, kidnapping, armed robbery, and witchcraft.

GENDER DISCRIMINATION ON DEATH ROW

Prisons, designed by and for men, often overlook the specific needs and vulnerabilities of women. Their needs such as sexual and reproductive health, medical and mental care, and protection from gender-based violence are not systematically addressed on death row. In addition, women prisoners are at risk of gender-based violence during their incarceration.

The Bangkok Rules, adopted in 2010, are the first set of rules tailored to the treatment of women prisoners. They complement existing international standards on the treatment of prisoners, such as the Mandela Rules.

WOMEN, TORTURE AND THE DEATH PENALTY



TORTURE TO FORCE A CONFESSION

Women victims of gender-based violence, who are over-represented on death row, are at risk of **making false confessions when subjected to coercive interrogations**, especially those carried out by men.



DETENTION CONDITIONS

The **specific needs of women**, such as sexual and reproductive health, medical and mental health care, and protection against gender-based violence, are not systematically considered. Moreover, violence against women in detention - including **sexual abuse and harassment, inappropriate touching during searches, rape, and sexual coercion** - can rise to the level of torture or cruel, inhuman or degrading treatment or punishment.



Sunny Jacobs was sentenced to death with her husband in 1981 for a crime they did not commit. Sunny spent 17 years in a Florida prison, five of them awaiting execution, before her sentence was commuted to life imprisonment.

"Because I was the only woman with a sentence of death at the time, I was placed in solitary confinement in a separate building from all the rest of the prisoners where I was not allowed any contact with anyone, except the guards who were under orders not to speak with me. My living conditions were much harsher than those of the men's. [...] I was allowed no contact with other prisoners, I only got out my cell twice a week for a brief shower and a short period outside with a guard who was under orders not to speak to me. I got no commissary, no exercise/ socializing privileges, and I was only allowed two books in my cell - a law book and a Bible. When I discovered that men had many more benefits than I did, I filed a federal lawsuit on the basis of my gender. I ultimately won that lawsuit and had to be allowed similar benefits to men, which they only reluctantly gave me only after transferring me to a different prison. [...]"

Source : shared by Sunny Jacobs with the World Coalition in April 2023

Gender-based bias permeates criminal legal systems. Gender biases manifest themselves:

- **in the investigative stage** by law enforcement biases;
- **at the trial stage**, in which a fair trial may be unavailable for women facing harsh socio-economic deprivation and little access to education;
- **in sentencing**, when women defendants are sentenced to death after being prevented from arguing that gender and patriarchy affected their criminal behavior.



In 2022 there were 3 women on death row in Uganda (FHRI and PRI Uganda). In 2018 there were 11. According to Amnesty International, in 2021 at least 135 people were on death row in the country. **Women therefore represent between 2 and 8%** of death row prisoners. Of the 3 women on death row in 2022, all have been convicted of the crime of murder, often carried out **in the context of gender-based violence**. Despite the prevalence of domestic violence, courts fail to consider realities of spousal abuse to mitigate the culpability of women defendants.

KEY AWARENESS MESSAGES

Pending full abolition of the death penalty:

- 1 Commute** the sentences of women sentenced to death for killing close family members who have perpetrated gender-based violence against them, as well as the sentences of women sentenced to death for drug trafficking and other crimes not involving loss of life.
- 2** Ensure that the criminal legal system takes **full account of any mitigating circumstances linked to women's backgrounds**, including evidence of previous violence and psychosocial and intellectual disabilities.
- 3** Ensure that all persons facing the death penalty have their **right to free and effective legal representation** respected.
- 4** Prevent the detention and prosecution of women for "moral and sexual" crimes and of people for their sexual orientation and decriminalize such offenses.
- 5** In line with the Mandela and Bangkok rules, adopt **gender-sensitive policies regarding the detention of women**, ensuring their safety and security before trial, during admission to prison and while incarcerated.

RESSOURCES



- *Judged for More Than Her Crime: a Global Overview of Women Facing the Death Penalty* (Cornell Center on the Death Penalty Worldwide)
- *No One Believed me: A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Cornell Center on the Death Penalty Worldwide)
- *Silently Silenced: State-Sanctioned Killing of Women* (Monash University)
- *Detailed factsheet, Invisible reality of women sentenced to death* (World Coalition Against the Death Penalty)
- *Mapping of Women on Death Row* (World Coalition Against the Death Penalty)



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