



What are we referring to
when we talk about
GENDER DISCRIMINATION
in capital punishment?



In partnership with:



Cornell Law School

Cornell Center on the
Death Penalty Worldwide

World Coalition Against the Death Penalty

Mundo-M, 47 avenue Pasteur, 93100 Montreuil, France

Tél. : +33 1 80 87 70 43

contact@worldcoalition.org

worldcoalition.org

✕ @WCADP

f worldcoalition

📷 worldcoalition

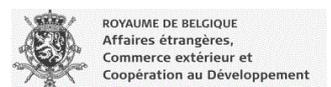
Cornell Center on the Death Penalty Worldwide

260 Myron Taylor Hall | Ithaca, NY 14853, United States

deathpenaltyworldwide@cornell.edu

deathpenaltyworldwide.org

📷 deathpenaltyww



OCTOBER
2025

What are we referring to when we talk about gender discrimination at work in capital punishment?

Guidance on how to abolish the death penalty by recognizing intersectional discrimination faced by women and LGBTQ+ people in the application of the death penalty

This manual is part of a series of three manuals developed by the World Coalition Against the Death Penalty as part of the "Gender and the Death Penalty" theme. Each manual addresses a specific aspect of integrating a gender-responsive approach into abolitionist initiatives:



MANUAL 1

What are we referring to when we talk about gender discrimination in capital punishment?

MANUAL 2

How to implement gender-responsive international abolitionist advocacy?

MANUAL 3

How to integrate a gender-responsive approach into abolitionist efforts at national level?

These manuals are designed to provide practical tools for civil society organizations engaged in the struggle to abolish the death penalty.

By the World Coalition Against the Death Penalty
and the Cornell Center on the Death Penalty Worldwide

Acknowledgements

The World Coalition Against the Death Penalty and the Cornell Center on the Death Penalty Worldwide are grateful to Méline Szwarcberg, Morine Chauvris, and Grace Miranda from the World Coalition and Bahar Mirhosseni from the Cornell Center on the Death Penalty Worldwide, for their substantial contributions.

The World Coalition and the Cornell Center on the Death Penalty Worldwide extend their heartfelt gratitude to the member organizations of the Gender Working Group of the World Coalition, including the following partners, for their invaluable input:

Aisyah Humaida,
LBH Masyarakat

Connie Numbi,
Foundation for Human Right Initiative (FHRI)

Katie Campbell,
Reprieve

Nathan Madson,
The Advocates for Human Rights (TAHR)

Verónica Cadavid González,
The Advocates for Human Rights (TAHR)

Sara Kowal,
Anti-Death Penalty Asia Network (ADPAN)

This chapter is mainly drawn from two reports published by the Cornell Center on the Death Penalty Worldwide: *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* and *No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses*. These two reports were compiled with the contributions of numerous abolitionist organizations from around the world, including members of the World Coalition.

Summary

Abbreviations, acronyms & definitions –6–

Foreword –9–

PART 1

Understanding the issues surrounding women accused of capital crimes –11–

Key figures of women under a death sentence worldwide –12–

Facing the death penalty in the margins: how vulnerability shapes the lives of women sentenced to capital punishment –19–

Main crimes for which women are sentenced to death worldwide –28–

From arrest to death row: the discriminatory journey of women facing capital punishment –33–

PART 2

Understanding the issues surrounding LGBTQ+ people accused of capital crimes –40–

Discrimination, LGBTQ+ people and the death penalty –42–

The use of the death penalty to target LGBTQ+ people –45–

Abbreviations, acronyms & definitions

CCDPW: Cornell Center on the Death Penalty Worldwide

CPJP: Capital Punishment Justice Project

ESOHR: European Saudi Organisation for Human Rights

FIACAT: International Federation of ACATs

GATE: Global Action for Trans Equality

GBV: Gender-Based Violence

IHRNGO: Iran Human Rights Non-Governmental Organization

LGBTQ+: Lesbian, Gay, Bisexual, Transgender, Queer and other identities

TAHR: The Advocates for Human Rights

UN: United Nations

USA: United States of America

ALL THE FOLLOWING DEFINITIONS, UNLESS OTHERWISE NOTED, ARE FROM THE WORLD COALITION'S GENDER AND DEATH PENALTY GLOSSARY.

Gender

Refers to characteristics that society assigns to men and women, girls and boys, and persons of other genders. It differs from "sex" as gender refers to characteristics that are socially constructed rather than determined by physical attributes, varies according to context, and changes over time¹. *While race and gender are both social constructs, they are both experienced, perceived, and understood in very real ways across societies around the world.*

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" 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 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, psychological, emotional, administrative, economic, sexual, verbal, and economic harm, and it includes threats and coercion. As most victims/survivors 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. The term is also used to describe violence against LGBTQ+ people, when referencing violence related to norms of masculinity/femininity and/or gender norms.

Gender justice

Refers to the full realization of equality and fairness between people of all genders, addressing systemic discrimination, power imbalances, and the specific needs and experiences of marginalized groups. It involves ensuring equal rights, access to resources, and participation, while redressing historical and structural inequalities through transformative measures. Gender justice is intersectional in scope, and for example, inclusive of racial and economic justice.

Gender responsive advocacy

Advocacy that recognizes the different needs and inequalities between women, men, boys, girls and people of other genders, and actively addresses these inequalities through targeted advocacy actions to promote gender equality and inclusion. For abolitionist advocacy, we consider that this involves recognizing the gender biases inherent in the application of capital punishment and the specific realities faced by women and LGBTQ+ individuals exposed to the death penalty, while actively working to combat these discriminatory acts and, more broadly, to enhance protection and address the needs of these populations. This type of action goes beyond gender-sensitive actions that merely acknowledge the specific reality of women and LGBTQ+ people without taking any steps to remedy it.

Intersectionality

A concept that refers to the intersection of different forms of structural discrimination, marginalization, and oppression. It does not simply refer to the accumulation of multiple discriminations but rather to how their interaction creates specific and distinct forms of oppression. For example, discrimination based on sex, gender, race, class, caste, or another identity, does not operate in isolation. As people may be subjected to 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

LGBTQ+

Stands for Lesbian, Gay, Bisexual, Transgender, Queer and other identities not specified. In this guide, we use the acronym LGBTQ+ to reflect the current understanding of gender-based discrimination in the application of the death penalty. So far, analyses have primarily focused on lesbian, gay, bisexual, transgender, and queer individuals. This includes the imposition of the death penalty based on gender identity or sexual orientation, whether actual or perceived. However, the World Coalition acknowledges that intersex individuals and other sexual and gender minorities may also face the death penalty and encounter specific challenges related to their identity, which must be taken into account. Furthermore, throughout this guide, references are made to women and LGBTQ+ individuals, while recognizing the intersection between these categories. The term «woman» thus includes lesbian, bisexual, transgender, and queer women. To highlight the specific forms of discrimination faced by sexual and gender minorities, the guide mentions these issues separately.

Racial discrimination

Any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect to nullify or to impair the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life³. We note that racial discrimination is often perpetuated in a context of systematic and historical injustices and unequal power relationships in society.

Xenophobia

Describes attitudes, prejudices and behavior that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity⁴.

1. This definition is inspired by the work of Kimberlé Crenshaw, who first theorized intersectionality in her seminal articles: *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, University of Chicago Legal Forum, 1989. Available at : <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf> and *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, *Stanford Law Review*, 1991. Available at : <https://blogs.law.columbia.edu/critique1313/files/2020/02/1229039.pdf>

2. In this guide on gender and the death penalty, issues specific to lesbian, gay, and bisexual people are included, even though sexual orientation and gender are two distinct dimensions. This choice is based on the observation that, in both cases, the discrimination they face is rooted in the questioning of patriarchal and cis-heteronormative norms. Gender minorities and sexual minorities are thus exposed to forms of marginalization and violence that, although they may differ in their expression, have a common origin.

3. United Nations, *International Convention on the Elimination of All Forms of Racial Discrimination*, Article 1.1, adopted 21 December 1965. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

4. International Organization for Migration, *International Migration, Racism, Discrimination and Xenophobia*, August 2001. Available at: https://publications.iom.int/system/files/pdf/international_migration_racism.pdf

UNTIL RECENTLY, THE ABOLITIONIST MOVEMENT FAILED TO EXAMINE GENDER BIAS IN THE APPLICATION OF CAPITAL PUNISHMENT.

The low proportion of women sentenced to death (around 5% on average) and the lack of data on LGBTQ+ people facing this punishment have contributed to making these realities largely invisible. Yet, as Agnès Callamard, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, pointed out in 2018: “A human rights approach to capital punishment cannot be complete without a gender component”⁵.

In 2018, the Cornell Center on the Death Penalty Worldwide (CCDPW) marked an important milestone with the publication of the report *Judged for More than Her Crime*, which offered the first insight into gender discrimination in the application of capital punishment, revealing that women face systemic gender discrimination at every stage of the criminal justice process, from arrest and sentencing to detention conditions on death row.

By shedding light on a hitherto ignored reality, this report paved the way for the global death penalty abolitionist movement’s collective reflection. The momentum of this abolitionist, intersectional gender justice movement continued with the 2021 publication of the global manual of the CCDPW, *Defending Women and Transgender Persons Facing Extreme Sentences*⁶. Days later, that very October, the World Day Against the Death Penalty, focused on women facing the death penalty. This was an opportunity to amplify and strengthen efforts to mainstream a gender-sensitive approach into the abolitionist struggle.

Building on these advances, since 2022, in collaboration with the CCDPW and The Advocates for Human Rights (TAHR), the World Coalition Against the Death Penalty (World Coalition) has been implementing a project that

5. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty (A Report of the Alice Project)*, September 2018, p. 3. Available at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>

6. Cornell Center on the Death Penalty Worldwide, *Defending Women and Transgender Persons Facing Extreme Sentences: A Practical Guide*, October 2021. Available at: <https://deathpenaltyworldwide.org/publication/defending-women-and-transgender-persons-facing-extreme-sentences-a-practical-guide/>

aims to promote an abolitionist struggle that recognizes the gender discrimination at work in capital punishment.

In particular, the project aims to strengthen the capacities of civil society organizations to include a gender approach and strengthen links with movements and organizations defending the rights of women as well as gender and sexual minorities. Additionally, the project aims to enhance the knowledge and motivation of United Nations Member States and abolitionist human rights organizations to advocate for a gender-responsive approach to the abolition of the death penalty.

In this context, the World Coalition has developed three training manuals to guide the abolitionist movement in recognizing the intersectional discrimination suffered by women and LGBTQ+ people in the application of the death penalty. Designed as practical tools, each manual explores a specific aspect of integrating a gender-responsive approach into abolitionist initiatives.

The first manual, *What are we referring to when we talk about gender discrimination in capital punishment?* developed with CCDPW provides an overview of the information available on gender discrimination in the application of capital punishment. It aims to provide civil society organizations with the basic knowledge to understand issues of gender justice in the application of capital punishment.

World Coalition Against the Death Penalty

UNDERSTANDING THE ISSUES SURROUNDING WOMEN ACCUSED OF CAPITAL CRIMES

On a global scale, accessing comprehensive and reliable information about women who face capital charges or who are sentenced to death remains an enduring challenge, largely due to a pervasive lack of transparency regarding those sentenced to death. This **lack of transparency** is particularly **pronounced when it comes to women**, due to insufficient consideration of their specific situations in research and reporting on capital punishment.

Key details about the women, the nature of the crimes for which they have been convicted, and their conditions of detention are often scarce or entirely inaccessible. This scarcity of data obstructs a nuanced understanding of the intersectional gender discrimination factors and circumstances that influence their sentencing, incarceration, and executions.

In response to this critical gap, the CCDPW has emerged as a leading voice in shedding light on these issues. Their groundbreaking 2018 report, *Judged for More than Her Crime*, offers valuable insights into the lives of girls and women facing the death penalty globally, addressing the profound lack of research on this topic.

The findings and analyses presented in this chapter draw heavily on the CCDPW's pioneering research and other member organizations of the World Coalition. Further insights can be found in the reports, the CCDPW's practice resources, and on their website at deathpenaltyworldwide.org.

1. KEY FIGURES OF WOMEN UNDER A DEATH SENTENCE WORLDWIDE

DEATH SENTENCES

Since the end of the 20th century, the incarceration rate for women worldwide has risen steadily. According to Penal Reform International (PRI), as of 2020, an estimated 741,000 women and girls were held in prisons worldwide. This reflects a 17% increase over the previous decade, underscoring a [concerning trend in the rising incarceration rate of women](#)⁸.

It is in this context, through a myriad of factors - not least of which include state repression, lack of high-quality gender-sensitive criminal defense services, and intersectional injustices - that women are sentenced to death.

KEY TAKEAWAY



- The incarceration rate for women is rising rapidly, growing at a faster rate than that of men.
- This disproportionate increase is due, among other things, to the criminalization of poverty, discriminatory laws, and harsh criminal policies related to drugs.

As of December 2022, women were under a sentence of death in at least 42 countries, representing 71% of retentionist and abolitionist-in-practice countries with more than three death row inmates⁹.

According to CCDPW's report, in September 2018 at least 500 women were under a death sentence around the world¹⁰. More recent data suggests that this number is now significantly higher. For instance, in 2024 alone, available data show that at least 31 women were executed in Iran¹¹, the highest number since monitoring began in 2008. As of late 2021, at least 75 women were sentenced to death in Egypt¹² and 61 in Nigeria¹³. At the end of 2023, 33 women were sentenced to death in

7. Penal Reform International, *Addressing the 105,000 Increase in the Global Female Prison Population*, February 2020. Available at : <https://www.penalreform.org/blog/addressing-the-105000-increase-in-the-global-female/>

8. Ibid.

9. World Coalition Against the Death Penalty, *Data Mapping: Women on Death Row*, August 2023, p. 8. Available at : <https://worldcoalition.org/document/data-mapping-women-on-death-row/>

10. 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. 4.

11. Iran Human Rights, *Women and the Death Penalty in Iran: A Gendered Perspective*, January 2025. Available at: https://iranhr.net/media/files/En_Gender_Perspective_of_the_Death_Penalty_in_Iran_EN.pdf

12. The Advocates for Human Rights, *Egypt's compliance with the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty*, September 2021, (citing data published in The Egypt Death Penalty Index, a database compiled by Reprieve, the Egyptian Commission for Rights and Freedoms, and a data research center based in Cairo). Available at : <https://www.theadvocatesforhumanrights.org/Res/AHR%20Egypt%20CEDAW%20DP%20.pdf>

13. Information shared by the Nigerian Correctional Service and cited in Punch, *Congestion: 3,084 males, 61 females on death row in Nigeria*, July 2022. Available at: <https://punchng.com/congestion-3084-males-61-females-on-death-row-in-nigeria/#:~:text=There%20are%20NON%20fewer%20than,61%20females%20on%20death%20row>

Iraqi Kurdistan only¹⁴, assuming that a much higher number are under a death sentence in the rest of the country.

As suggested by Sandra Babcock and Nathalie Greenfield in their article *Gender, Violence, and the Death Penalty*¹⁵, we estimate that 1000 is a conservative estimate of the number of women under a death sentence around the world¹⁶. In most countries, women constituted 1% to 6% of the death row population although in some countries this percentage is higher¹⁷. For example, in 2022, in Thailand, women made up 16% of prisoners condemned to death¹⁸.

14. The Advocates for Human Rights, Abolition Death Penalty of Iraq Organization and World Coalition Against the Death Penalty, *Iraq's compliance with the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty*, January 2025. Available at : https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FICO%2FIRQ%2F61770&Lang=en

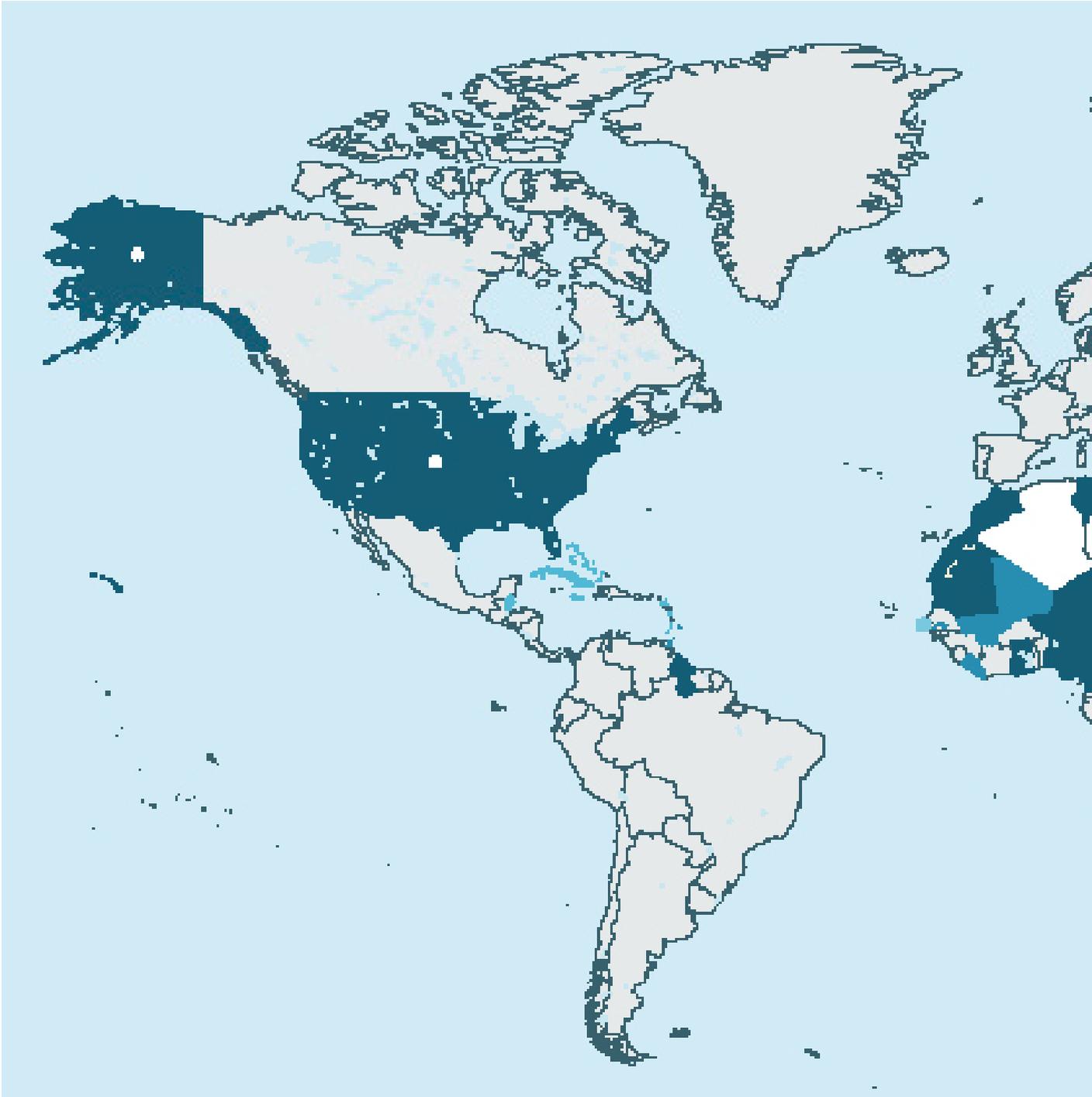
15. Babcock, Sandra and Greenfield, Nathalie, *Gender, Violence, and the Death Penalty*, *California Western International Law Journal*, April 2023, p-13. Available at: <https://ssrn.com/abstract=4416558>.

16. Notable progress has been observed and may have a significant impact on these figures. In Malaysia, where 129 women were on death row in 2022, the abolition of the mandatory death penalty in April 2023 led to the introduction of a re-sentencing process. According to ADPAN, as of March 2025, only two women remained on death row. In Kenya, where 22 women were sentenced to death in 2022, many of these sentences were commuted to life imprisonment in 2023. As a result, by February 2025, only three women were still under a death sentence. Given that data on the countries that carry out the most executions, such as China, Iran and Saudi Arabia, is inaccessible, it is highly likely that this figure is still an underestimate.

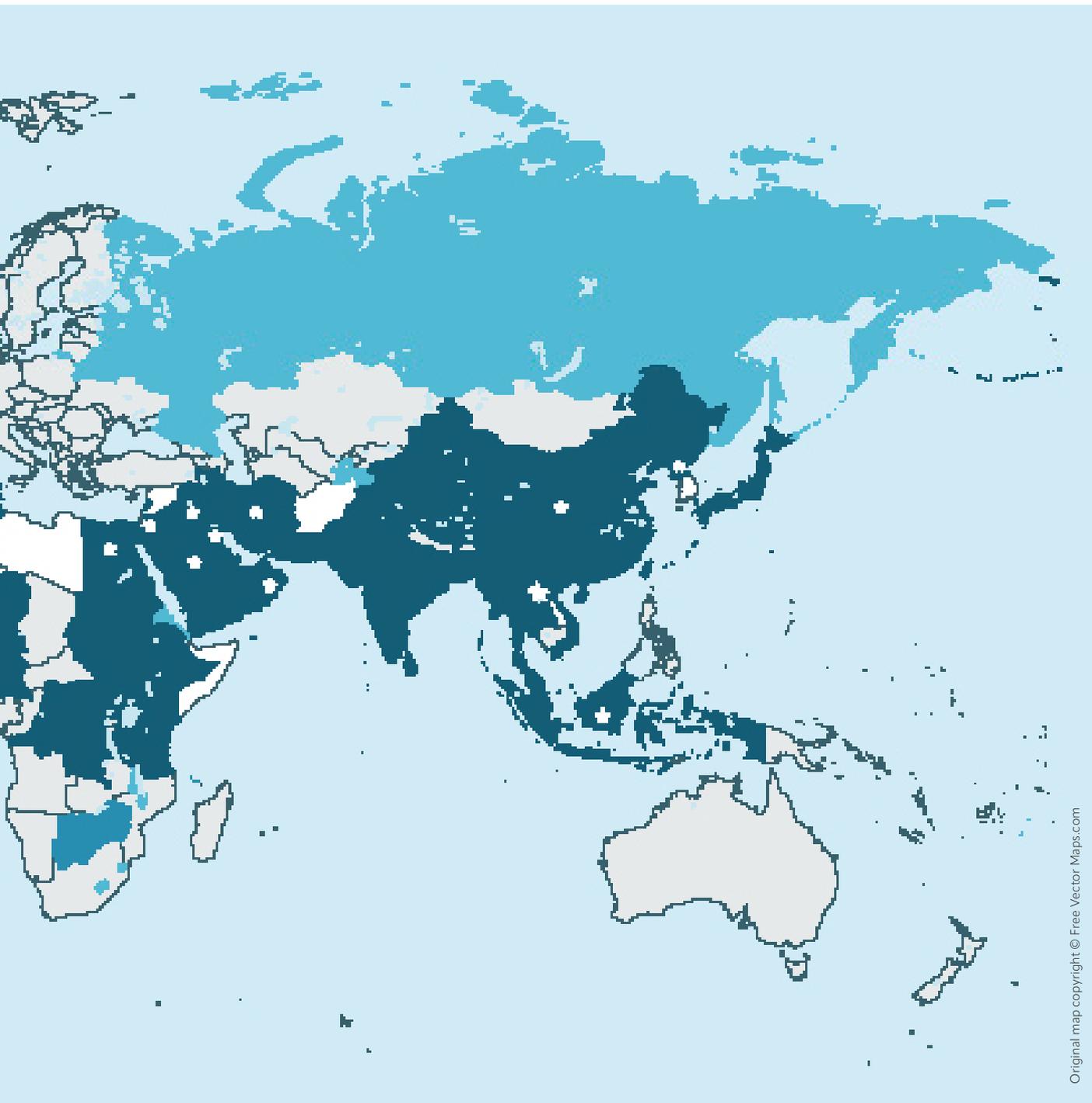
17. World Coalition Against the Death Penalty, *Data Mapping: Women on Death Row*, August 2023, p. 16.

18. International Federation for Human Rights, *Thailand: Annual Prison Report 2022, March 2022*. Available at: <https://www.fidh.org/IMG/pdf/thailande791angweb.pdf>

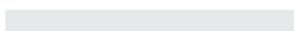
World Coalition Against the Death Penalty,
Mapping of women on death row in 2022



-  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

Women under Death Sentence: Countries and data¹⁹

This table lists countries where women are known to be under sentence of death. Where available, the exact number of women concerned is indicated. The "+" sign indicates that existing information suggests that the figure is likely to be higher. It is important to note that these figures are likely to be underestimated in many cases due to difficulties in accessing reliable data.

COUNTRY	COUNTRY STATUS	NUMBER OF WOMEN UNDER A DEATH SENTENCE, DATE AND SOURCE OF DATA
Afghanistan	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Saudi Arabia	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Bangladesh	Retentionist	37, 2021, CCDPW
Cameroun	Abolitionist in practice	2, 2022, Droit et Paix
China	Retentionist	<i>Information on the exact number of women on death row is not available</i>
North Korea	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Egypt	Retentionist	80, 2020, EPDI
United Arab Emirates	Retentionist	2, 2021, CCDPW
United States	Retentionist	50, 2025, CCDPW ²⁰
Ethiopia	Retentionist	2, 2022, TAHR ²¹
Ghana	Abolitionist in practice	6, 2022, ACAT Ghana
Guyana	Retentionist	3, 2021, Amnesty International
India	Retentionist	19, 2025, Project 39-A
Indonesia	Retentionist	11, 2021, CCDPW
Iraq	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Iran	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Japan	Retentionist	6, 2025, CPR Japan ²²
Jordan	Retentionist	20, 2021, CCPDW
Kenya	Abolitionist in practice	2, 2025, ICJ Kenya, KHRC, Reprieve ²³
Kuwait	Retentionist	5, 2020, Reprieve
Lebanon	Retentionist	3, 2020, Ensemble Contre la Peine de Mort, Association justice et miséricorde and the Lebanese Association for Civil Rights
Libya	Retentionist	2 ²⁴ , 2023
Malaysia	Retentionist	2, 2025, ADPAN ²⁵
Maldives	Abolitionist in practice	1, 2021, CCPDW
Morocco	Abolitionist in practice	1, 2022, Presidency of the Public Prosecutor's Office
Mauritania	Abolitionist in practice	1, 2021, Mauritanian Human Rights Association
Myanmar	Retentionist	9+, 2022, Asia Pacific Forum of Women, Law and Development
Niger	Abolitionist in practice	1, 2022, Niger Coalition Against the Death Penalty
Nigeria	Retentionist	61, 2021, Nigerian Correctional Service

Oman	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Uganda	Retentionist	3, 2022, Culture for Peace and Justice
Pakistan	Retentionist	22, 2022, Justice Project Pakistan
Qatar	Retentionist	<i>Information on the exact number of women on death row is not available</i>
Democratic Republic of Congo	Retentionist	3, 2022, Culture for Peace and Justice
Singapore	Retentionist	1, 2024, TJC ²⁶
South Sudan	Retentionist	2+, TAHR ²⁷
Sri Lanka	Abolitionist in practice	approx. 12–24 ²⁸
Tanzania	Abolitionist in practice	6+, 2022, Legal Human Right Center
Taiwan	Retentionist	1, 2022, Taiwan Alliance to End the Death Penalty
Thailand	Retentionist	25, 2021, International Federation for Human Rights
Tunisia	Abolitionist in practice	4, 2022, Tunisian National Coalition Against the Death Penalty
Vietnam	Retentionist	81+(estimation de TAHR) ²⁹
Yemen	Retentionist	3+, TAHR ³⁰

19. The data has been extracted from the World Coalition Against the Death Penalty report, *Data Mapping: Women on Death Row*, August 2023. Where data has been updated, a footnote has been added with the source of information. The World Coalition Against the Death Penalty was unable to gather data for six countries—Algeria, Laos, Libya, Palestine, Somalia, and Syria. Additionally, in eight countries where it is known that women are under death sentences, including the biggest executioners states such as China, Iran, Iraq, and Saudi Arabia, data on the number of women on death row remains inaccessible. However, it is reasonable to assume that this number is significantly high. For up-to-date data, the CCDPW database on the death penalty can be consulted (<https://dpw.lawschool.cornell.edu/database/>). The member organizations of the World Coalition can also be contacted directly for data relating to the countries on which they are working (<https://worldcoalition.org/fr/qui-sommes-nous/organisations-membres/>).

20. According to internal CCDPW data, as of March 5, 2025, there are 44 cisgender women and 6 transgender women on death row in the US. Data Available at: <https://dpw.lawschool.cornell.edu/database/#/results/country?id=84>

21. The Advocates for Human Rights, *Ethiopia - Ethiopia's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: The death penalty*, CAT 76th session, March 2023. Available at: <https://www.theadvocatesforhumanrights.org/Res/Ethiopia%20CAT%20DP%20FINAL.pdf>

22. Information shared by CPR Japan during a call by the Gender Working Group of the World Coalition Against the Death Penalty in December 2022.

23. The Kenya Human Rights Commission, Kenyan Section of the International Commission of Jurists, Reprieve, The Advocates for Human Rights and World Coalition Against the Death Penalty, *Written Submission regarding the Ninth Periodic Report of Kenya Pre-session Working Group for the 92nd CEDAW session*, February 2025. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=NAT3Ho3SnMkZ8yUtoXNm75jmEGnOplrg6oc9oHAN-BI33w9xjrAGLtk9lwXkGVc

24. Zeinab Mohammed Salih, *Six Libyans face death penalty for converting to Christianity*, The Guardian, May 3, 2023. Available at: <https://www.theguardian.com/global-development/2023/may/03/six-libyans-face-death-penalty-for-converting-to-christianity>

25. Anti-Death Penalty Asia Network, *ADPAN Statement on Malaysia's Progress in Death Penalty Reform and Indefinite Juvenile Detention*, March 2025. Available at: <https://adpan.org/malaysiasprogress/>

26. The Advocates for Human Rights, Capital Punishment Justice Project, Anti Death Penalty Asia Network, Transformative Justice Collective, World Coalition Against the Death Penalty, *Singapore's compliance with*

the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty, September 2021, para 8,9,20. Available at: <https://www.theadvocatesforhumanrights.org/Res/Singapore%20CEDAW%20DP%20Final.pdf>

27. The Advocates for Human Rights, World Coalition Against the Death Penalty, *South Sudan's compliance with the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty*, September 2021, para 2,9. Available at: <https://www.theadvocatesforhumanrights.org/Res/AHR%20South%20Sudan%20DP%20CEDAW.pdf>

28. According to the Human Rights Office in Kandy in 2022, 12 women were on death row. According to Ambika Satkunanathan, in 2025, 24 women are on death row. See: Ambika Satkunanathan *Statistics on Violence by State Officials and Imprisoned Persons in Sri Lanka, 2025* (self-published).

29. Media reports indicate that several women have been sentenced to death in recent years, but we don't have access to precise data. The Advocates of Human Rights estimate that according to available data at least 80 women should be on death row in Viet Nam. For more information see: The Advocates for Human Rights, World Coalition Against the Death Penalty, *Viet Nam's compliance with the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty*, February 2024. Available at para 16. Available at: https://www.theadvocatesforhumanrights.org/Res/Viet%20Nam%20CEDAW%20LOIPR%20DP_%20AHR%20WCADP.pdf

30. According to The Advocates for Human Right report to the CEDAW Committee, at least 3 women are currently on death row. For more information see: The Advocates for Human Rights, World Coalition Against the Death Penalty, *Yemen's compliance with the Convention on the Elimination of all forms of Discrimination Against Women: the death penalty*, September 2021, para 6,8,21-22. Available at: <https://www.theadvocatesforhumanrights.org/Res/AHR%20Yemen%20DP%20CEDAW%202.pdf>

Since 2012, **women have been executed in 15 countries** including Afghanistan, China, Egypt, Gambia, Indonesia, Iraq, Iran, Jordan, Kuwait, North Korea, Oman, Saudi Arabia, Singapore, Somalia, and the United States.

China, Iran, Iraq, and Saudi Arabia — ranked among the top executioners globally — regularly execute women.

- In China, estimates suggest that between 20 to 100 women are executed annually, accounting for 1% to 5% of the country's total executions³¹.
- Iran executed at least 241 women between 2010 and 2024, with 31 women executed in 2024 alone — the highest number recorded in over 15 years³².
- In Iraq, 17 women were executed between 2004 and 2014³³.
- While Saudi Arabia executed 31 women between 2010 and 2021, representing 2.5% of its total executions during that period.
- Notably, in 2024, at least nine women were executed in Saudi Arabia³⁴.

According to Amnesty International, in 2024, women were executed in Saudi Arabia (9), China (+), Egypt (2), Iraq (1), Iran (30) and Yemen (2)³⁵. However, it should be noted that these figures are most likely an underestimate due to the persistent lack of transparency surrounding executions, as well as the unavailability or insufficiency of disaggregated data where information is accessible.

KEY TAKEAWAY



- At least **1,000** women are believed to be on death row, generally representing **1% to 6%** of the death row population.
- Data is most likely **underestimated** due to a persistent lack of transparency and disaggregated data on death sentences and executions of women.

31. Ibid.

32. Iran Human Rights, *Women and the Death Penalty in Iran: A Gendered Perspective*, January 2025.

33. ESOHR and Reprieve, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions*, February 2023. Available at: <https://reprieve.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>

34. ESOHR, *Blood Era: A Historic Record of Executions in Saudi Arabia 2024*, January 2025. Available at: https://euh.global.ssl.fastly.net/wp-content/uploads/2025/01/Blood_Era_A_Historic_Record_of_Executions_in_Saudi_Arabia_2024.pdf

35. Amnesty International, *Death Sentences and Executions 2024*, April 2025. Available at: <https://www.amnesty.org/en/documents/act50/8976/2025/en/>

2. FACING THE DEATH PENALTY IN THE MARGINS: HOW VULNERABILITY SHAPES THE LIVES OF WOMEN SENTENCED TO CAPITAL PUNISHMENT

Women facing the death penalty are often subject to **multiple and intersecting forms of discrimination that increase their risk of being sentenced**. Factors such as youth, forced and/or child marriage, psychosocial and/or intellectual disabilities, migrant worker status, poverty, sexual orientation and race or ethnicity significantly increase the likelihood that a woman will be 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 violence³⁶. Their marginalization is further exacerbated by entrenched gender stereotypes, stigma, and gender-based violence³⁷— all of which severely hinder their ability to access justice on an equal basis with men³⁸.

CHILDREN



While international standards forbid the execution of any person who was under 18 at the time of the commission of the crime, **certain countries continue to impose death sentences on children, including young girls**. This is due to a variety of reasons including systemic injustices, lack of due process, rampant human rights violations, and legal sector shortcomings in accurately making age determinations³⁹.

The death sentences of young girls are often associated with gender-based violence, including **child marriage and sexual abuse**. Young girls who resort to violence against their abusers and are sentenced to death for the crime of murder, are not only denied leniency in court, but are often criminalized for acts of survival, self-defense, or necessity.

Legal systems frequently fail to recognize how these girls have been victimized, and do not afford the protection they should be entitled to under the law. In many cases, factors such as abuse, post-traumatic stress disorder, and the effects of child marriage — particularly as a form of child rape — are overlooked as mitigating circumstances⁴⁰.

³⁶. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 15-16-17-18.

³⁷. U.N. Office of the High Commissioner for Human Rights, *Death penalty disproportionately affects the poor, U.N. rights experts warn*, October 2017. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22208&LangID=E>

³⁸. Ibid.

³⁹. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 15.

⁴⁰. Ibid.

CASE STUDY



Maimuna Abdulmumini (Nigeria)⁴¹

Maimuna Abdulmumini was arrested on March 28th 2006, for allegedly setting her husband on fire and causing his death. At the time, she was only 13 years old and had already been married for 5 months. She was initially released on bail and later re-arrested for the same offense after she attained the age of 18. She was charged for culpable homicide, tried and sentenced to death. Maimuna Abdulmumini was subsequently incarcerated in Katsina Central Prisons and was nursing her 18-month-old baby girl inside the prison. Her baby was only released to Maimuna's mother after the intervention of Avocats Sans Frontières France in her case.

On August 13, 2013, Avocats Sans Frontières France filed an application before the ECOWAS Community Court of Justice challenging the

application of the death penalty to a minor as a contravention of international Human Rights standards.

On June 10, 2015, the ECOWAS Court delivered a landmark judgement in the case stating that the death sentence passed on Maimuna Abdulmumini for an offence she committed as a minor was an infringement on her right to life. The Court also awarded monetary damages to Maimuna to the tune of Five million Naira as compensation for the violation of her right as a minor. In June 2015, the Court of Appeal, Kaduna division set aside the death sentence passed on Maimuna Abdulmumini. She was released from prison after spending over three years on death row.

RACIAL AND ETHNIC MINORITIES



Across many jurisdictions, **ethnic and racial minorities** are disproportionately represented on death row. This overrepresentation is deeply rooted in systemic inequalities, discriminatory policing and prosecution practices, and the failure of justice systems to account for social and economic marginalization.

In the **United States**, for example, Black women are disproportionately sentenced to death compared to white women. Although in 2021, Black people made up 13.4% of the country's population (men and women combined)⁴², Black women accounted for more than 25% of women sentenced to death⁴³. In some states, this percentage is even higher. In North Carolina, of the 39 women sentenced to death in 2021, 61% were

⁴¹. Testimony formulated and sent by the office of Avocats Sans Frontières France (ASF) based in Abuja, Nigeria, published in the document of testimonies of women sentenced to death for World Day 2021. See: World Coalition Against the Death Penalty, *Testimonies of women sentenced to death*, July 2021, p.3. Available at: <https://worldcoalition.org/document/testimonials-from-women-sentenced-to-death/>

⁴². United States Census. Available at: <https://www.census.gov/quickfacts/fact/table/US/LFE046219>

⁴³. Kailey Morgan, Even on death row, Black women can't escape racism and discrimination, North Carolina Policy Watch, February 2021. Available at: <http://www.ncpolicywatch.com/2021/02/11/even-on-death-row-theres-no-escape-from-racism-and-discrimination-for-black-women/>

Black⁴⁴. This trend is generally reflected in the country's death row population, where in 2023, more than 75% of those executed for murder were convicted of killing white victims, while in society, approximately half of homicide victims are African American⁴⁵. Extensive research has shown that racial bias significantly influences capital sentencing⁴⁶. One stark example is the disproportionate sentencing of Black defendants, particularly in cases involving white victims⁴⁷. As highlighted by the Cornell Center on the Death Penalty Worldwide, this bias is often reinforced by the exclusion of Black individuals from juries—an issue that undermines the fairness of trials⁴⁸.

Due to both historical and ongoing racism, criminalized survivors of abuse who are people of color are **often discouraged from reporting violence**, fearing retraumatization or further discrimination within the legal system and other commonly accessed services. Understanding these outcomes requires attention to how race, gender, class, and other social factors intersect to expose marginalized individuals to compounding layers of systemic injustice⁵⁰.

These discriminatory patterns are not unique to the United States. Globally, similar disparities are evident. In **Iran** for example, ethnic minorities are placed on death row at alarmingly high rates. With 25 executions per million inhabitants, Iran's Sistan and Baluchistan provinces have had the second highest number of executions per capita in 2023. In 2023, at least 22 women were executed in Iran, 5 of which were Baluch minorities⁵¹.

**POVERTY AND LACK OF
EDUCATIONAL OPPORTU-
NITIES**



According to the Office of the United Nations High Commissioner for Human Rights, "if you are poor, you are much more likely to be sentenced to death than if you are rich"⁵², which underlines the fact that poverty is criminalized, and that poor people are subject to disproportionate and unfair application of the death penalty⁵³.

Poverty is not gender-neutral, and women, who are overrepresented among the poor, experience the effects of this criminalization more acutely. A significant portion of women within the criminal legal system,

⁴⁴. Ibid.

⁴⁵. Death Penalty Information Center, *Race and the Death Penalty in Numbers*. Available at: <https://deathpenaltyinfo.org/policy-issues/biases-and-vulnerabilities/race/race-and-the-death-penalty-by-the-numbers>

⁴⁶. Katherine Beckett, Heather Evans, Law, Societies and Justice Program and Department of Sociology, University of Washington, *The Role of Race in Washington State Capital Sentencing, 1981-2012**, January 2014. Available at: <https://dpic-cdn.org/production/legacy/WashRaceStudy2014OldVersion.pdf>

⁴⁷. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 18.

⁴⁸. Ibid.

⁴⁹. Danielle Malangone, Center for Court Innovation, *Understanding the Needs of Criminalized Survivors*, 2020.

⁵⁰. Ibid.

⁵¹. Iran Human Rights and Ensemble Contre la Peine de Mort, *Annual Report on the Death Penalty in Iran 2023*, p.85, March 2023. Available at: https://iranhr.net/media/files/Iran_Human_Rights-Annual_Report_2023.pdf

⁵². U.N. Office of the High Commissioner for Human Rights, *Death penalty disproportionately affects the poor*, U.N. rights experts warn, October 2017.

⁵³. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 18.

including those facing the death penalty, hail from economically marginalized backgrounds. Often lacking in education and literacy, they are more susceptible to “discrimination, coercion, and exploitation”⁵⁴. Furthermore, because of poverty, women are often compelled to work in dangerous conditions, particularly as migrant workers, or to resort to illegal activities such as drug trafficking.

This structural vulnerability also hinders these women’s access to effective legal assistance, thereby compromising their right to a fair trial as guaranteed by international standards.

MIGRATION
AND CITIZENSHIP



In several regions of the world, **women migrant workers are disproportionately sentenced to death**, particularly in Gulf states as in certain countries in South and Southeast Asia⁵⁵. Their status as migrant women, often without local citizenship, exposes them to multiple forms of discrimination within the justice systems, particularly in legal proceedings leading to the death penalty.

In the Gulf States, foreign women are disproportionately represented on death row for drug-related offenses. In the **United Arab Emirates**, for example, of the 9 women on death row in 2018, 8 were foreign nationals⁵⁶. In **Saudi Arabia**, Reprieve and ESOHR identified that of the 31 women executed between 2010 and 2021, 23 (74%) were foreign nationals, with more than half of them working as domestic workers⁵⁷. This trend is confirmed by more recent data. In 2024, Saudi Arabia executed 9 women, 6 of whom were foreign nationals⁵⁸.

In **Iraq**, foreign women are also disproportionately targeted by the death penalty. In 2018, an Iraqi court sentenced at least 15 Turkish women to death on charges of joining Daesh⁵⁹.

In **Malaysia**, the trend is similar: women sentenced to death for drug-related offenses are disproportionately foreign nationals, compared to men on death row⁶⁰. In 2019, of the 141 women on death row, 121 were foreign nationals — almost all convicted of drug-related offenses⁶¹.

54. Ibid.

55. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 17.

56. Ibid.

57. ESOHR and Reprieve, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions*, February 2023.

58. Ibid.

59. Human Rights Watch, *Unfair ISIS Trial in Iraq Hands Women Harshes Sentences*, February 2018. Available at: <https://www.hrw.org/news/2018/02/21/unfair-isis-trial-iraq-hands-women-harshes-sentences>

60. To see more about the cases of vulnerability of migrant workers in drug trafficking you can consult LBH Masyarakat, *Siaran Pers: Bebaskan Mary Jane, Merri Utami, dan Tutik dari Hukuman Mati, Selamatkan WNI dari Hukuman Mati*, 6 September 2022. Available at: <https://lbhmasyarakat.org/bebaskan-mary-jane-veloso-merry-utami-dan-tutik-dari-hukuman-mati-selamatkan-wni-dari-hukuman-mati/>

61. Amnesty International, *Fatally flawed: Why Malaysia must abolish the death penalty*, October 2019. Available at: <https://www.amnesty.org/en/documents/act50/1078/2019/en/>

Globally, migrant workers face a higher risk of human rights violations related to the death penalty, including being denied access to a fair trial. Among the main challenges are the language barrier, the difficulty in mastering the local legal system and the inability to finance a lawyer⁶².

CASE STUDY

Mary Jane Veloso (Indonesia)⁶³



In 2010, Mary Jane Veloso, a Filipino migrant domestic worker, was arrested at Yogyakarta airport in Indonesia with 2.6 kilograms of heroin hidden in her suitcase. In the same year, she was sentenced to death for drug trafficking following a trial marred by irregularities.

As a migrant woman, Mary Jane Veloso faced multiple forms of discrimination. Coming from a disadvantaged background in the Philippines, she sought opportunities abroad to provide for her family. This socio-economic vulnerability exposed her to unscrupulous recruitment networks. She claims to have been deceived by her recruiters, who had promised her a legal job as a domestic worker, without her knowing that she would end up involved in a drug trafficking network.

Her status as a migrant also deprived her of adequate legal support during her trial in Indonesia. Not being proficient in either the local language or English, she was unable to defend herself effectively. The court had appointed an uncertified student to translate the proceedings into English, a language that Mary Jane did not fully master.

After nearly 15 years of incarceration in Indonesia, an agreement was reached between the Indonesian and Philippine governments for her repatriation. In December 2024, Mary Jane Veloso was transferred to the Philippines to serve the remainder of her sentence, with the prospect of a possible pardon currently being considered by the Philippine authorities.

GENDER-BASED VIOLENCE



An examination of the profiles of women sentenced to death shows that many have experienced gender-based violence. Women's pathways to incarceration are often marked by gender-based violence including **physical, sexual, and/or psychological abuse**⁶⁴.

This reality is particularly evident in cases of death sentences for murder where the offense was committed in self-defense against a violent partner in a context of gender-based violence. As stated by the Special Rapporteur on extrajudicial, summary or arbitrary executions in its re-

⁶². Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 17.

⁶³. Case study written based on shared information in the report 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.

⁶⁴. Babcock, Sandra and Greenfield, Nathalie in California Western International Law Journal, Vol. 53, *Gender, Violence, and the Death Penalty*, April 2023. Available at: <https://ssrn.com/abstract=4416558>

port on a gender-sensitive approach to arbitrary killing⁶⁵, in many cases, women have been sentenced to death often in the context of surviving gender-based violence.

Even when the alleged crimes are not directly linked to such violence, it often appears as a structural factor leading to the death penalty. For example, gender-based violence can impact death sentences for drug trafficking, where women, often because of their lack of state protection, are more vulnerable to exploitation at the lowest levels of the drug trade.

CASE STUDIES

The impact of gender-based violence on the lives of women sentenced to death in the United States

In the article *Gender, Violence, and the Death Penalty*⁶⁶, Sandra Babcock (CCDPW, Cornell Law School) and co-author Nathalie Greenfield examine the prevalence of gender-based violence and how it has shaped the lives and affected the criminal prosecutions of women facing execution. According to their research, in United States, at least 96% of the women currently on death row experienced gender-based violence before they were incarcerated. Of these women, almost 90% experienced at least one incident of sexual or physical violence, and over 80% experienced at least one form of psychological violence.

Alice Nungu (Malawi)⁶⁷

Alice Nungu, 60 years old, mother of three, was sentenced to death in 2003 for the murder of her husband, Donald Phiri.

Throughout their marriage, Phiri would return home every evening drunk and aggressive, beating Alice, sometimes even in front of their children. Despite her multiple calls for help to community leaders, no action was taken to protect her. The impunity her husband enjoyed allowed the abuse to intensify, trapping Alice in a cycle of brutality and fear.

One evening, Phiri returned heavily intoxicated, broke down the door to their room and attacked her while she was sleeping with her mother. He hit her several times, hurling insults, before grabbing an axe. Terrified for her life and that of her mo-

⁶⁵. Human Rights Council, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on gender-sensitive approach to arbitrary killings*, A/HRC/35/23, June 2017. Available at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/23

⁶⁶. Babcock, Sandra and Greenfield, Nathalie in *California Western International Law Journal*, Vol. 53, *Gender, Violence, and the Death Penalty*, April 2023.

⁶⁷. Case study written based on information shared in the report by the Cornell Center on the Death Penalty Worldwide, in its report *Judged for More than Her Crime*, p. 30.

ther, Alice managed to wrest the weapon from him and, in a desperate act of defense, struck him in the head. Donald Phiri died from his injuries.

Alice immediately contacted the police to report the incident and explain the circumstances that had led her to act. However, she was charged with murder. Her lawyer, absent throughout her pre-trial detention, never visited her in prison.

At her trial in November 2003, her defense did not raise the issue of self-defense, an essential argument that could have led to her acquittal. Even worse, the years of domestic violence she had suffered were never presented as evidence in court. Alice was never able to appeal, as the state did not

assign her a lawyer to challenge her conviction. Sentenced to death, she spent 12 years in prison, where her health gradually deteriorated due to a lack of adequate care for her HIV infection.

In April 2015, thanks to the intervention of lawyers supported by the CCDPW, the High Court of Malawi ordered her immediate release. The lawyers succeeded in demonstrating Alice's alarming state of health as well as her long history of domestic violence.

Tragically, a few weeks after her release, Alice Nungu died, surrounded by her mother.

PSYCHOSOCIAL AND/OR INTELLECTUAL DISABILITIES



Psychological and/or intellectual disabilities are common among the globally documented cases of people under death sentences, including women.

In 2023 in Uganda, Penal Reform International and psychiatric experts assessed 130 women whose cases were pending trial. Among them, 82 women were accused of murder, an offense punishable by death. According to the psychiatric report, 38 women (46%) of those facing the death penalty were diagnosed with various forms of psychosocial disorders, including severe depression, bipolar disorder, severe epilepsy, and post-traumatic stress disorder⁶⁸.

One of the factors contributing to this situation is the combination of poverty and gender-based violence, to which criminalized women are massively exposed. This double vulnerability often has a profound impact on their mental, psychosocial, and cognitive health, further compromising their ability to access a fair trial

Legal systems often fail women with mental, psychosocial and intellectual disabilities, leading to inadequate defense representation, misunderstanding of their behavior, inequality of arms, flawed notions of culpability, and unjust judgments. For example, the outward manifestations of trauma, such as confusion, inability to remember, or difficulty communicating, may be interpreted as guilt, dishonesty, or lack of remorse, which can negatively influence the outcome of a trial.

⁶⁸. Doreen N Kyazze, Editorial for the newsletter "Gender and the Death Penalty" by the World Coalition Against the Death Penalty, 2024. Available at: <https://worldcoalitionagainstthedeathpenalty.createsend.com/t/ViewEmail/j/8F9945A5B6F9C7552540EF23F30FEDED/C67FD2F38AC4859C/>

CASE STUDIES



Lemi Lembu (Tanzanie)

Lemi Lembu, a survivor of severe gender-based violence who is currently on death row in Tanzania, also has documented intellectual disabilities⁶⁹. The court that sentenced her to die refused to consider testimony of an expert on intellectual disability, and sentenced her to death in a trial that failed to meet the most minimum guarantees of due process.⁶⁹ Ms. Lembu’s case was highlighted

in a recent amicus filing submitted March 2025 to the African Court of Human and People’s Rights by 24 international human rights organizations on gender bias in the application of the death penalty⁷⁰.

Kanizan Bibi (Pakistan)⁷¹



Kanizan Bibi, a 46-year-old woman in Pakistan, has spent over 29 years on death row. She was sentenced in 1991 for the murder of her employer’s family, a crime she denied committing. Kanizan, who has been diagnosed with schizophrenia, experienced severe physical and psychological abuse during her detention, including torture by the police. Her confessions were coerced under duress, and the trauma from these experiences significantly impacted her mental health.

The Justice Project Pakistan (JPP) began advocating for Kanizan’s case in 2015, highlighting her psychosocial disability and the lack of appropriate care. In 2018, the Supreme Court of Pakistan recognized the issue of mentally ill prisoners on death row and temporarily halted execution and in February 2021, commuted Kanizan Bibi’s death sentence.

Despite her psychosocial disability and the trauma of her past, Kanizan’s case was never adequately considered by the courts. Her mental health deteriorated over the years, leading to her inability to speak, severe cognitive impairment, and loss of touch with reality. Kanizan was not given the necessary psychiatric care and remained on death row without proper mental health evaluation.

⁶⁹. Cornell Center on the Death Penalty Worldwide, *Tanzania Must Release Lemi Lembu, a Victim of Brutal Sexual Violence Living with Intellectual Disability on Tanzania’s Death Row*, March 2024. Available at: <https://dpw.lawschool.cornell.edu/release-lemi-lembu/>

⁷⁰. Cornell Center on the Death Penalty Worldwide, *African Court Filing Gender Discrimination in the Death Penalty*, March 2024. Available at: <https://dpw.lawschool.cornell.edu/african-court-filing-gender-discrimination-in-the-death-penalty/>

⁷¹. Case study written based on information shared in the report by the Cornell Center on the Death Penalty Worldwide, in its report *Judged for More than Her Crime*, September 2018, p. 35.

KEY POINTS



- The profiles of women sentenced to death are characterized by **vulnerability factors**, such as poverty, gender-based violence, migration, and disability.
- In most cases, the criminal justice system **ignores** their backgrounds, including **trauma experienced, economic pressures, early and forced marriage**, and other forms of violence.

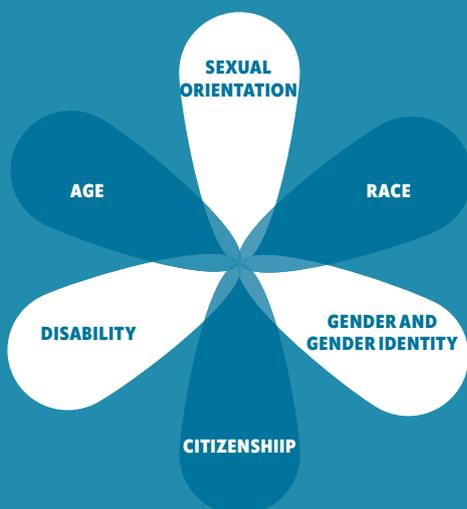
THE INTERSECTIONAL APPROACH: UNDERSTANDING CUMULATIVE DISCRIMINATION

As outlined above, many women facing the death penalty are victims of intersectional discrimination based on their gender, economic status, ethnic or racial origin, migration status, level of education, disability, sexual orientation or experience of violence. These forms of discrimination do not simply add up: they interact and reinforce each other, creating particularly acute situations of marginalization.

The concept of **intersectionality** makes these overlapping vulnerabilities visible. Introduced by African American lawyer Kimberlé Crenshaw, it highlights the fact that systemic discrimination does not occur in isolation. A woman may be simultaneously affected by sexism, racism, poverty, and stigma related to disability,

and these factors combined reinforce the barriers she faces in accessing justice and exercising her fundamental rights.

Applying an intersectional lens to the analysis of the experiences of women sentenced to death provides a better understanding of how some of them find themselves criminalized and severely punished, not only because of their actions, but also because of their position in social and power structures. It also reveals the extent to which the **death penalty is applied in a discriminatory, unjust, and inhumane manner**, disproportionately affecting the most marginalized members of our societies.



*Note : Although this section focuses specifically on women sentenced to death, in the broader context of this guide on women and LGBTQ+ people, it is essential to remember that the **intersectional approach applies to all people facing the death penalty**. Regardless of their gender, people sentenced to death generally come from historically marginalized or discriminated groups. They often share common characteristics such as socioeconomic vulnerability, limited access to education, psychosocial disabilities and/or intellectual disabilities, membership of ethnic minorities, or foreign nationality.*

3. MAIN CRIMES FOR WHICH WOMEN ARE SENTENCED TO DEATH WORLDWIDE

HOMICIDE OFFENSES



Murder stands as the most common crime of conviction in women's death sentences. Many of these cases involve prolonged abuse suffered by the criminalized survivor, compounded by inadequate support for victims of abuse, and the legal system who fail to address the nexus between abuse and criminalization.

Gender-based violence, including domestic abuse is rarely considered a mitigating factor in sentencing. In the **25 countries** with mandatory death penalties for murder or aggravated murder⁷³, such consideration is nonexistent. Even in jurisdictions where mitigating circumstances may be recognized, **gender-based violence is rarely considered**.

DRUG RELATED OFFENSES



Drug-related offenses represent the second most common crime for which women are sentenced to death globally, particularly in regions such as the Middle East and Asia⁷⁵.

This reality is exacerbated by **repressive drug policies**, which contribute significantly to the increase in the number of people sentenced to death worldwide, while having a disproportionate impact on women. In 2024, more than one in three imprisoned women are incarcerated for drug-related crimes, indicating a substantial impact on women due to these policies⁷⁶.

In countries such as **Malaysia** and **Thailand**, this trend is particularly pronounced: in Malaysia, 95% of women sentenced to death in 2019 were convicted of drug-related offenses, compared to 70% of men⁷⁷; in Thailand, in 2021, this proportion reached 94% for women compared to 60% for men⁷⁸. These figures reveal a gendered and disproportionate application of capital punishment in the context of repressive drug policies.

These offenses typically arise from the **economic and social marginalization** that women face, driving them to engage (with or without knowledge) in drug trafficking to counteract their marginalization and

⁷². Ibid., p. 11.

⁷³. The Cornell Centre on the Death Penalty Worldwide Database (n.d.) identified 25 countries in which murder or aggravated murder may carry the mandatory death penalty. These countries are Afghanistan, Botswana, Brunei, Gambia, Ghana, Iran, Libya, Mauritania, Myanmar, Niger, Nigeria, Pakistan, Palestine, Qatar, Saudi Arabia, Singapore, Somalia, South Sudan, Sri Lanka, Sudan, Tanzania, Thailand, Trinidad and Tobago, United Arab Emirates, and Yemen.

⁷⁴. Penal Reform International, *Women who kill in response to domestic violence: How do criminal justice systems respond?*, April 2016. Available at: https://cdn.penalreform.org/wp-content/uploads/2016/04/Women_who_kill_in_response_to_domestic_violence_Full_report.pdf.

⁷⁵. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 12.

as acts of survival related to their socioeconomic status⁷⁹. In some cases, these implications stem directly from situations of **coercion and gender-based violence**, such as in the context of “romance scams,” where women are manipulated into transporting large quantities of drugs without their knowledge, under the promise of a romantic relationship and a future together⁸⁰.

Within drug trafficking networks, women often play a **secondary role in the commission of offenses**, being assigned low-paid but high-risk activities, often under the control or influence of male partners⁸¹. Research indicates that traffickers deliberately target women, viewing them as less likely to arouse suspicion from law enforcement. Additionally, women’s limited access to financial resources makes them more vulnerable to manipulation and less able to independently profit from drug sales, deepening their susceptibility to exploitation⁸².

OFFENSES AGAINST
RELIGIOUS AND SEXUAL
MORALITY



Women are also sentenced to death for **acts or behaviors related to “morality”**. One of the most common forms of criminalization of morality concerns **zina**, i.e., consensual sexual relations outside of marriage.

Although this law seems gender-neutral, as it applies to both men and women, in practice it is often applied disproportionately to women⁸³. Several social and cultural factors influence this application, leading to systemic discrimination against women. These inequalities manifest through methods of proof, the inversion of the burden of proof, and the specific consequences faced by women accused of **zina**.

Extramarital pregnancy is often used as evidence of adultery, even though it could result from rape⁸⁴. In such cases, women who are victims of rape risk being sentenced to death for adultery, due to a system that fails to recognize the reality of rape.

Another major factor of discrimination is the inversion of the burden of proof, particularly in countries like **Iran**. When a woman accused of **zina**

76. Penal Reform International, *Global prison trends report 2024*, September 2024. Available at: https://cdn.penalreform.org/wp-content/uploads/2024/09/PRI_Global-prison-trends-report-2024_EN.pdf

77. Amnesty International, *Fatally flawed: Why Malaysia must abolish the death penalty*, p. 20, ACT 50/1078/2019, October 2019. Available at: <https://www.amnesty.org/en/documents/act50/1078/2019/en/>

78. 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.

79. Ibid.

80. Ibid. p.26.

81. UN Human Rights Council, Non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding, A/HRC/36/28, para. 13, August 2017. Available at: <https://digital-library.un.org/record/1655111?ln=en>

82. 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.

83. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p. 13.

84. Ibid.

is a victim of rape, it is her responsibility to prove that she was raped. This requirement is often impossible to fulfil, as proving a rape in such a context is extremely difficult, if not unachievable. This inversion forces many women to remain silent, for fear of being prosecuted for *zina* if they dare to report sexual assaults⁸⁵. Thus, rather than being protected by the legal system, they often find themselves even more vulnerable.

Although stoning is rarely applied, in countries like [Iran](#), it remains a prescribed method for the crime of *zina*. According to the procedure, women are buried up to their chest, while men are buried only up to their waist, making escape much more difficult for women. In Afghanistan, death sentences by stoning are imposed without adhering to proper judicial procedures, as was the case in 2011 when a mother and her daughter were stoned to death for «moral deviation and adultery»⁸⁶.

In addition to *zina*, other behaviors linked to "morality" are criminalized in some jurisdictions, including [consensual same-sex sexual activities](#).

Currently, [12 countries provide for the death penalty for such consensual same-sex sexual activities](#) (see the section on "Death penalty for consensual same-sex sexual activities" on page 45 for more details).

POLITICAL OFFENSES



In some countries, the death penalty is used as a [tool of political repression](#), to silence dissidents and intimidate all forms of opposition.

In [Iran](#), the threat of criminalization, sham trials, and death row is wielded as a political tool of oppression against dissidents and human rights activists, including from the Woman Life Freedom movement. The Iranian government systematically uses capital charges and the threat of execution to silence protesters and women's rights defenders. This is evident in the case of Sharifieh Mohammadi, a feminist whose death sentence was initially overturned after an international outcry, until she was resentenced to death in February 2025. Women detained in Evin Prison, such as Nasim Gholami Simiari, Pakshan Azizi, and Vrisheh Moradi, have also faced charges punishable by death for their activism⁸⁷.

In [Iraq](#), women accused of affiliations with Islamic State (ISIS) in Iraq and Syria— such as traveling to ISIS-controlled territories, marrying ISIS members, or receiving benefits from ISIS — are frequently sentenced to capital punishment in relation to terrorism-related offenses⁸⁸.

⁸⁵. Ibid.

⁸⁶. Cornell Center on the Death Penalty Worldwide, Afghanistan. Available at : <https://dpw.lawschool.cornell.edu/database/#/results/country?id=1a>

⁸⁷. Bahar Mirhosseni, *Women Are Leading the Resistance Against Executions in Iran*, The Nation, October 2024. Available at : <https://www.thenation.com/article/world/iranian-women-resistance-executions/>

⁸⁸. Human Rights Watch, *Iraq: Change Approach to Foreign Women, Children in ISIS-Linked Trials Rushed Proceedings, Lack of Due Process, Disproportionate Sentences*, June 2018. Available at: <https://www.hrw.org/news/2018/06/21/iraq-change-approach-foreign-women-children-isis-linked-trials>

Similarly, in **Cameroon**, three women had been sentenced to death under Cameroon's draconian anti-terrorism laws before being exonerated in 2020⁸⁹. Those charged with terrorism related offenses are often detained pre-trial under stricter detention conditions particularly in relation to their ability to communicate freely with their defense lawyers. In some cases, lawyers have encountered obstacles in gaining access to their clients' files and have been confronted with obstructive pressure⁹⁰.

SORCERY AND OTHER OFFENCES



Throughout history, **witchcraft** has often been used to target women, a practice that continues today. Although these laws do not explicitly discriminate based on gender, their application frequently leads to such discrimination, with women being accused of witchcraft disproportionately compared to men.⁹¹

Data show that women also face the death penalty for a range of other offenses, including **prostitution, running a brothel, blasphemy, kidnapping, and armed robbery**⁹².

⁸⁹. Amnesty International, *Death Sentences and Executions 2020*, April 2021, p.50. Available at : <https://www.amnesty.org/en/documents/act50/3760/2021/en/>

⁹⁰. Monash University, Eleos Justice, Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-sanctioned killing of women*, March 2023, p 38.

⁹¹. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p.14.

⁹². *Ibid.*, p 16.

CASE STUDY

Fawza Falih (Saudi Arabia)⁹³



In 2006, Fawza Falih was sentenced to death in Saudi Arabia for witchcraft, accused of bewitching a man and causing his impotence. The court's decision was based mainly on forced confessions and on testimonies claiming to have seen her cast a spell. During her trial, Fawza stated that she had been beaten for 35 days by the religious police and empha-

sized that, as an illiterate woman, she did not understand the content of the document that she had been forced to sign by fingerprint.

⁹³. Case study written based on information shared in the report by the Cornell Center on the Death Penalty Worldwide, in its report *Judged for More than Her Crime*, p. 16.

KEY TAKEAWAYS



- Women are mainly sentenced to death for:
 - **homicide infractions**, often in contexts of **gender-based violence** and **survival situations**,
 - **infractions related to drug trafficking**, frequently resulting from **socio-economic marginalization** and **repressive policies**.
- Other grounds for sentencing include:
 - **Acts deemed immoral** (such as adultery),
 - **Political accusations**,
 - **Terrorism charges**,
 - **Witchcraft charges** and other crimes.

4. FROM ARREST TO DEATH ROW: THE DISCRIMINATORY JOURNEY OF WOMEN FACING CAPITAL PUNISHMENT

Intersectional gender discrimination punctuates the entire journey of women facing capital punishment — **from arrest to sentencing, to detention on death row, and even execution.**

At every stage, gender bias influences how law enforcement officials, investigators, lawyers, and judges perceive and treat women, shape the charges brought against them, and inform judicial strategies.

ARREST



Discrimination against women facing the death penalty often begins at the moment of arrest. Law enforcement officials frequently approach female suspects with gender-biased assumptions about their role, morality, and motives - viewing them as manipulative, emotionally unstable, or incapable of independent decision-making. This framework can lead to **intrusive, humiliating, and degrading** treatment during arrest, including **sexual harassment, threats of sexual violence,** and **coercive tactics** that exploit women's fear for their children or families.

In the **Democratic Republic of Congo**, for example, a woman sentenced to death said that during her interrogation, the police beat her and stripped her naked in front of her child⁹⁴.

According to the Cornell Center on the Death Penalty Worldwide, in several countries, women reported being arrested without a valid warrant, denied access to a lawyer or relatives, and subjected to immediate pressure to confess to a crime they did not commit⁹⁵.

INVESTIGATION



Women facing the death penalty often face specific discrimination and obstacles from the investigation stage onwards. These challenges include gender bias, increased vulnerability due to socioeconomic inequalities, and language barriers, particularly for migrant women.

GENDER BIAS

From the investigation phase, law enforcement may be influenced by stereotypes about the behavior and motivations of women accused of

⁹⁴. Carole Berrih and Liévin Ngondji's, *Prison Insider, DRC: detention conditions of people sentenced to death*, January 2022. Available at: <https://www.prison-insider.com/en/articles/rdc-conditions-de-detention-des-condamnes-a-mort>

⁹⁵. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p18-18.

crimes⁹⁶. These biases shape the conduct of investigations and can compromise the reliability of testimonies collected. For example, in cases of murder involving married men, authorities often automatically designate the wife as the primary suspect, even in the absence of concrete evidence. Additionally, it is common for women to be arrested alongside their husbands or other male figures from their social circle⁹⁷.

VULNERABILITY AND EXPOSURE TO ABUSE

Limited access to education prevents many women from actively participating in their defense. Moreover, the lack of financial resources often deprives them of access to qualified legal counsel. This financial constraint also makes it nearly impossible for some women to provide compensation to the victim's family, particularly in legal systems where such restitution can lead to a reduced sentence. These vulnerabilities create an environment where forced confessions or confessions obtained under pressure during investigations are more likely⁹⁸.

LANGUAGE BARRIERS, ESPECIALLY FOR MIGRANT WOMEN

Migrant women may face significant language barriers, especially when they do not speak the language of the country where they are being tried. According to international human rights standards, they are entitled to assistance from an interpreter. However, these services are not always provided systematically⁹⁹. This can lead to misunderstandings, which in turn may result in false confessions that will be used against them during the trial.

TRIAL AND SENTENCING



During the trial phase, many women face obstacles in accessing a fair trial and effective legal representation, mainly due to **economic constraints**, **racial discrimination**, and **gender bias**, as highlighted in previous sections.

THE INFLUENCE OF GENDER STEREOTYPES ON JUDICIAL DECISIONS

Judicial decisions are heavily influenced by gender stereotypes. Numerous case studies show that judges, prosecutors, and the media frequently use harmful gender stereotypes to demonize women facing the death penalty. In the United States, Sandra Babcock has identified three main stereotypes that influence the judicial treatment of women: **hypersexuality**, **bad motherhood**, and **manipulation**¹⁰⁰.

- The **"hypersexual woman"** stereotype discredits women by highlighting their sexual history. In the case of Brenda Andrew, sentenced to death in the United States in 2004 for the murder of her husband,

⁹⁶. Ibid., p.7

⁹⁷. Ibid.

⁹⁸. Ibid., p.45.

⁹⁹. Reprieve and Migrant Care, *Worked to Death: A study on migrant workers and capital punishment*, November 2021. Available at: <https://reprieve.org/uk/2021/11/23/worked-to-death/>

¹⁰⁰. Sandra Babcock, *Gendered Capital Punishment*, 31 Wm. & Mary J. Race, Gender & Soc. Just. (forthcoming 2025).

CASE STUDY

Merri Utami (Indonesia)¹⁰¹



Merri Utami is an Indonesian woman who endured a tumultuous personal life marked by poverty and domestic abuse. To support her family, she sought employment abroad as a domestic worker. During this period, she became romantically involved with a Canadian man named Jerry. Jerry invited her on a trip to Nepal, during which he abruptly left, gifting Merri a handbag. Unbeknownst to her, this bag concealed heroin. Upon her return to Indonesia in 2001, authorities discovered 1.1 kilograms of heroin in the bag, leading to her arrest.

Throughout the investigation, Merri consistently asserted her ignorance of the narcotics in her possession. She claimed to have been deceived by Jerry, who had vanished following their trip. During police interrogations, Merri was subjected to physical abuse, including being kicked, slapped, and threatened at gunpoint, in efforts to extract a confession. Despite this mistreatment, she maintained her innocence. The judges considered her testimony to be an aggravating circumstance, on the grounds that she had not been honest about the crime she allegedly committed.

Lacking financial resources, Merri was assigned a government-appointed lawyer who failed to present critical evidence during her trial. Her history of domestic violence, economic hardship, and the circumstances leading to her exploitation were not introduced as mitigating factors. In 2002, Merri was convicted and sentenced to death by firing squad.

In February 2023, after years of work by human rights organizations such as LBH Masyarakat, the President granted her clemency, commuting her death sentence to life imprisonment.

¹⁰¹. Case study written based on information by LBH Masyarakat and collected by the Cornell Center on the death Penalty Worldwide published in Merri Utami: *Migrant Worker Unwittingly Exploited by Drug Traffickers in Indonesia*, October 2020. Available at: https://dpw.lawschool.cornell.edu/merri-utami-migrant-domestic-worker-unwittingly-exploited-by-drug-traffickers-in-indonesia/?utm_source=chatgpt.com

¹⁰². Brenda Evers Andrew v. Tamika White, Warden, U.S. Supreme Court, No. 23–6573, January 21, 2025. Available at: https://www.supremecourt.gov/opinions/24pdf/23-6573_m647.pdf

emphasis on her sexual past and behavior as a mother and wife was used to portray her as morally corrupt and deserving of the death penalty, rather than focusing on the facts of the crime. In 2025, this type of treatment was recognized as a violation of the right to a fair trial by the United States Supreme Court¹⁰².

- The “**bad mother**” stereotype portrays women as morally deficient if they are perceived as failing in their role as mothers.
- The “**manipulative woman**” stereotype depicts women as deceitful and morally corrupt, increasing their perceived level of culpability.

The use of these stereotypes contributes to harsher sentences for women who deviate from traditional gender roles, as they are judged not only for their crimes but also for failing to meet societal expectations that they be “good mothers, partners, or caregivers.”

More broadly, stereotypes related to the image of the “good woman,” the “victim,” or the “guilty woman” are often used to justify convictions. Women who defy traditional gender norms — such as those perceived as “witches,” “child killers,” or “femme fatales” — are often subjected to harsher sentences¹⁰³. Likewise, a woman from a privileged socio-economic background who has received higher education may find it harder to be perceived as a victim of emotional manipulation, particularly if she claims she unknowingly transported drugs under a partner’s influence. In a drug-related case in Malaysia, for instance, the court declared: “It is highly unlikely that the defendant, who holds a degree and is 28 years old, would have allowed herself to be exploited to commit a crime”¹⁰⁴.

GENDER-BASED VIOLENCE IGNORED BY COURTS

Another major issue is the systematic disregard for gender-based violence by courts. In many cases, survivors of sexual or domestic violence do not have these factors considered as mitigating circumstances during their trials. A study conducted in [Indonesia](#) on cases involving women prosecuted for capital offenses found that in 5 out of 32 cases where the defendant’s history of gender-based violence was mentioned, the court deemed the information irrelevant¹⁰⁵.

This shows that, far from protecting survivors, legal systems often contribute to their revictimization by ignoring the context of violence they endured.

¹⁰³. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p.66.

¹⁰⁴. 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, p. 7.

¹⁰⁵. Institute for Criminal Justice Reform, *The Overlooked: She in the Vortex of Death Penalty*, October 2021. Available at: <https://icjr.or.id/wp-content/uploads/2021/10/The-Overlooked-She-in-Vortex-of-Death-Penalty.pdf>

This can be explained by several factors:

- The **difficulty of gathering evidence**, particularly in cases of emotional or verbal abuse, where witnesses are scarce, and victims often hesitate to report abuse or testify due to stigma, fear of police violence, or lack of trust in the justice system.
- **Strict legal frameworks** for recognizing self-defense in domestic violence cases: in many jurisdictions, proving immediate threat to physical integrity or life is required. This standard fails to account for the specific realities faced by women who kill their abuser to protect themselves from ongoing and imminent violence¹⁰⁶.
- The influence of **gender stereotypes** in trials and **the lack of training** and expertise among legal professionals. Defense attorneys, judges, and prosecutors often lack the knowledge needed to identify and raise the importance of these factors in analyzing a crime, undermining the defense of these women and leading to unjust verdicts.

LIMITED ACCESS TO A FAIR TRIAL

These challenges are exacerbated by women's **lack of economic resources**. As previously highlighted, in many countries where the death penalty remains in force, women often cannot afford competent legal representation and must rely on court-appointed attorneys who lack the time, resources, and expertise necessary to conduct thorough investigations and present critical gender-related defense arguments. As a result, defense lawyers frequently fail to raise important issues, such as the impact of gender-based violence on the accused's actions or the possibility of self-defense.



The "Bangkok Rules"

The "Bangkok Rules" refer to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. These rules were adopted by the UN General Assembly in December 2010 during the 65th session. The Bangkok Rules aim to provide comprehensive guidelines for the treatment of women prisoners, taking into account their specific needs and vulnerabilities.

To help monitor the implementation of the Bangkok Rules, the United Nations Bangkok Rules toolkit developed by Penal Reform International can be used, accessible at: <https://www.penalreform.org/issues/women/work/tools-resources/>

¹⁰⁶. Penal Reform International, *Women who kill in response to domestic violence : How do criminal justice systems respond?* April 2016. Accessible at: https://cdn.penalreform.org/wp-content/uploads/2016/04/Women_who_kill_in_response_to_domestic_violence_Full_report.pdf



Women in prison, including those sentenced to death, frequently face particularly **cruel conditions of detention that violate their right to dignity and physical and moral integrity**. Although problems related to conditions of detention affect all persons on death row, women often face specific challenges. As highlighted by the 2018 study of the Cornell Center on the Death Penalty Worldwide¹⁰⁷, the main challenges identified worldwide concern the conditions of detention of women sentenced to death and are as follows:

HYGIENE AND OVERCROWDED SPACES

On death row, women often face prison conditions characterized by overcrowding and unsanitary conditions. They sometimes have to share cramped cells, have insufficient bedding, and do not always have access to drinking water, decent sanitary facilities, or functioning showers. They may also be exposed to extreme temperatures in poorly ventilated spaces.

ACCESS TO HEALTH CARE AND GENDER-SPECIFIC NEEDS

Medical care for women on death row frequently fails to meet international standards, with significant barriers to accessing essential treatments—particularly reproductive healthcare such as abortion services and basic hygiene products like sanitary pads.

ACCESS TO FOOD AND WATER

Many women on death row experience inadequate access to nutritious food and clean drinking water. Some prisons fail to provide essential supplies, leading to unsanitary conditions and health risks.

VIOLENCE AND SEXUAL ABUSE

Women on death row are at heightened risk of violence, including sexual abuse and harassment by both fellow inmates and prison staff. In some countries, in violation of international standards, male guards work in women's prisons, which can contribute to the risk of sexual violence, coercion, and exploitation.

SOLITARY CONFINEMENT AND FAMILY CONTACT

While some women face solitary confinement, others are deprived of regular family contact, which is crucial for their mental well-being. Solitary confinement can exacerbate trauma and psychological distress among women on death row. In countries where death row prisoners are separated from the general prison population, some women, due to their small numbers, are confined to solitary cells because no dedicated facilities are available for them¹⁰⁸.

¹⁰⁷. Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, September 2018, p.19.

¹⁰⁸. The Advocates for Human Rights, The World Coalition Against the Death Penalty, the Anti-Death Penalty Asia Network and Capital Punishment Justice Project, *submission to the Committee on the Elimination of Discrimination Against Women for the 85th Session for the review of Singapore's Compliance with CEDAW*, October 2022. Available at: <https://www.theadvocatesforhumanrights.org/Res/Singapore%20CEDAW%20LOI%20death%20penalty%20FINAL.pdf>

PREGNANCY AND MOTHERHOOD

Pregnant women and mothers with children in prison often lack adequate prenatal and neo-natal care. They may also face challenges in caring for their children, including inadequate nutrition and living conditions that do not meet international standards set forth in guidelines like the Bangkok Rules.

KEY TAKEAWAYS



The experiences of women facing capital punishment are marked by intersectional discrimination from the moment of arrest and throughout the judicial process (trial, sentencing, detention on death row, execution).

This discrimination manifests itself in particular through:

- Gender stereotypes,
- Financial insecurity and limited access to qualified lawyers,
- Failure to take into account the violence they have suffered throughout their lives,
- Failure to consider their specific needs in detention.

UNDERSTANDING THE ISSUES SURROUNDING LGBTQ+ PEOPLE ACCUSED OF CAPITAL CRIMES

Similar to the limited attention given to the discrimination women face in the judicial process related to the death penalty, the discrimination experienced by LGBTQ+ people in the context of capital punishment remains largely overlooked. This lack of recognition is mirrored in the scarcity of data and research on the issue. However, existing studies on LGBTQ+ people in the criminal legal system highlight the prevalence of discrimination at various stages — from arrest to imprisonment and detention — suggesting that similar dynamics are likely to play in the judicial process leading to death sentences.

To date, discussions about the discrimination faced by LGBTQ+ individuals in relation to the death penalty have largely centered on countries that still impose capital punishment for consensual same-sex sexual activity. This impacts lesbian, gay, bisexual, transgender, and queer people.¹⁰⁹ However, there is little or no information about the discrimination LGBTQ+ people face in the judicial process leading to the death penalty for any kind of offenses and while on death row.

In 2021, the World Coalition, together with The Advocates for Human Rights, the CCDPW and the FIACAT, published a primer on transgender people facing the death penalty¹¹⁰. The same year, Eleos Justice, Monash University and CPJP released a groundbreaking study titled *State-Sanctioned Killing of Sexual Minorities*¹¹¹. In 2023, the World Coalition collaborated with Global Action for Trans Equality (GATE) on a campaign aimed at fostering connections

between the abolitionist movement and organizations advocating for trans rights. Despite these efforts, significant work remains. There is an urgent need for research, awareness, resources, and advocacy to better protect LGBTQ+ individuals facing the death penalty.

109. Because many countries identify people based on their sex assigned at birth, transgender people who have sexual relations with people of the opposite gender may be considered in violation of the law. Indeed, if a transgender woman engages in sexual activity with a cisgender man, law enforcement would see two men having engaged sexual activity, not a man and a woman, because the government does not provide transgender people with the ability to legally change their gender.

110. World Coalition Against the Death Penalty, The Advocates for Human Rights, the Cornell Center on the Death Penalty Worldwide and FIACAT, *Primer on transgender people facing the death penalty*, October 2021. Available at: https://worldcoalition.org/wp-content/uploads/2021/06/Trans-Rights-and-Death-Penalty-Fact-sheet_V1.0.pdf

111. Monash University, Eleos Justice, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, February 2021. Available at: https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318?file=26686841

1. DISCRIMINATION, LGBTQ+ PEOPLE AND THE DEATH PENALTY

DISCRIMINATORY PROFILING AND VIOLENCE DURING ARREST AND INVESTIGATION

Globally, and especially in countries where LGBTQ+ individuals are criminalized based on their actual or perceived sexual orientation and gender identity, they face **heightened risks of arrest, imprisonment, and surveillance**, leading to their overrepresentation in the criminal legal system¹¹².

Globally, LGBTQ+ people are **disproportionately exposed to violence** during the arrest and at the investigation stage. Law enforcement officers have been known to subject LGBTQ+ people to various forms of abuse, including verbal harassment, physical violence such as beatings and coerced examinations, and sexual assault, including rape. Transgender women, in particular, frequently report experiencing elevated levels of police brutality¹¹³. In some cases, abusive, coercive, and torturous methods are used to extract confessions. In Uganda for example, the new law that has strengthened the criminalization of LGBTQ+ people has led to a marked increase in arbitrary arrests, public outings by police, and degrading treatment in custody¹¹⁴.

DISCRIMINATION DURING TRIALS

Bias within the criminal legal system has a detrimental impact on LGBTQ+ people's access to a fair trial¹¹⁵.

Access to quality legal representation is often difficult for LGBTQ+ people, due to deeply embedded biases and various social, economic and institutional injustices. This can manifest in the **difficulty of accessing representation or quality representation**. In some countries, LGBTQ+ people encounter difficulties in securing legal representation due to lawyer's fears of jeopardizing their licenses or being accused of supporting LGBTQ+ causes¹¹⁶. In addition, LGBTQ+ people can face significant economic hardship, limiting their ability to pay specialized legal fees or obtain legal aid. Social isolation, family rejection or fear of stigmatization can also deter some people from seeking legal representation for fear of being exposed to further discrimination or violence. This situation creates a gap in access to justice, where LGBTQ+ people often find

¹¹². Safety + Justice Challenge, *Overrepresentation of people who identify as LGBTQ+ in the criminal legal system*, June 2022. Available at: <https://safetyandjusticechallenge.org/wp-content/uploads/2022/05/LGBTQO-verrepresentationReport-1.pdf>

¹¹³. Association for the prevention of torture, *Towards the Effective Protection of LGBTI Persons Deprived of Liberty: A Monitoring Guide*, April 2018. Available at: <https://www.apt.ch/knowledge-hub/publications/towards-effective-protection-lgbti-persons-deprived-liberty-monitoring>

¹¹⁴. Human Rights Watch, *They're Putting Our Lives at Risk': How Uganda's Anti-LGBT Climate Unleashes Abuse*, May 2025. Available at: <https://www.hrw.org/report/2025/05/26/theyre-putting-our-lives-risk/how-ugandas-anti-lgbt-climate-unleashes-abuse>

¹¹⁵. ILGA Asia, Briefing Note : *The Death Penalty and its Arbitrary Use to Punish LGBTIQ Persons*, October 2022. Available at: <https://www.ilgaasia.org/publications/briefing-note-death-penalty-lgbtiq-2022>

¹¹⁶. Monash University, Eleos Justice, Cornell Center on the Death Penalty Worldwide, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, February 2021.

themselves without adequate legal support, which can seriously compromise their right to a fair and effective defense in court.

During trials, **sexist, homophobic and transphobic stereotypes** are often weaponized against people who identify as or are perceived to be part of the LGBTQ+ community to secure harsher penalties¹¹⁷. For instance, LGBTQ+ persons can be sentenced to death for same-sex sexual activity without tangible evidence and on the sole basis of their actual or perceived sexual, orientation. In Iran, this practice, known as “knowledge of the judge” or *elm-e qazi*, allows judges to determine guilt based solely on their personal opinion when evidence or testimony is lacking, leading to unjust outcomes¹¹⁸.

Finally, some laws directly target LGBTQ+ people by sentencing them to death solely based on their actual or presumed gender and sexual identity (see next section).

CASE STUDY

Wanda Allen (United States)¹¹⁹



In 1993, Wanda Allen, a black lesbian woman, was accused of a crime and sentenced to death after a trial in which gender and racist stereotypes played a crucial role in her conviction. In this case, the prosecutor used gender and racial stereotypes related to her butch identity and “masculine” appearance

to question her femininity, dehumanize her and negatively influence the jury's opinion of her. These tactics were employed with the aim of obtaining a death sentence against her.

DETENTION CONDITION

Even if data regarding LGBTQ+ people under death sentences are almost non-existent, research show that LGBTQ+ persons are in situations of heightened vulnerability in all detention settings¹²⁰, where they are particularly exposed to the risk of being ill-treated or even tortured. The main challenges include the following.

¹¹⁷. Cornell Center on the Death Penalty Worldwide, *Defending Women and Transgender Persons Facing Extreme Sentences: A Practical Guide*, October 2021, p.63.

¹¹⁸. Iran Human Rights and Ensemble Contre la Peine de Mort, *Annual Report on the Death Penalty in Iran 2023*, p.40.

¹¹⁹. Cornell Center on the Death Penalty Worldwide, *Defending Women and Transgender Persons Facing Extreme Sentences*, October 2021, p.53.

¹²⁰. Association for the prevention of torture, *Towards the effective protection of LGBTI Persons Deprived of Liberty*, December 2018. Available at: https://www.ap.t.ch/sites/default/files/publications/apt_20181204_towards-the-effective-protection-of-lgbti-persons-deprived-of-liberty-a-monitoring-guide-final.pdf



FAILURE TO RESPECT GENDER IDENTITY

In most countries, transgender people are incarcerated in prisons that correspond to their sex assigned at birth and not their gender identity¹²¹. Incarcerating transgender people in prisons based on their sex assigned at birth rather than their gender identity leads to increased risks of violence, exacerbates psychological distress including gender dysphoria, limits access to necessary gender-affirming healthcare, often results in isolation or solitary confinement for protection, subjects them to dehumanizing treatment and restrictions on gender expression, and overall creates unsafe conditions that severely impact their physical and mental well-being.



SPECIFIC MEDICAL NEEDS

LGBTQ+ detainees, particularly transgender people, have unique medical needs, including gender-affirming care, which are often inadequately provided. The lack of necessary gender-affirming healthcare can result in severe mental health issues, such as depression, suicidal thoughts, and self-harm¹²².



VIOLENCE AND SEXUAL ABUSE

LGBTQ+ people in detention are highly exposed to violence, including verbal abuse, beatings, sexual assault¹²³, and targeted attacks like corrective, as well as practices such as public humiliation, non-consensual medical procedures, and strip searches used to control and demean them.



SOLITARY CONFINEMENT

While prolonged isolation can constitute torture, it is often used as a means of control, under the guise of protection, especially for transgender persons¹²⁴.

KEY TAKEAWAYS



LGBTQ+ people facing the death penalty are exposed to **discrimination** at every stage of the justice system, from arrest to detention:

- **Physical and sexual violence** during arrest,
- **Barriers** to fair legal representation,
- **Sexist, homophobic, and transphobic stereotypes** used to increase sentences,
- **Inhumane detention conditions** (solitary confinement, disregard for gender identity, lack of appropriate medical care).

¹²¹. Cornell Center on the Death Penalty Worldwide, *Defending Women and Transgender Persons Facing Extreme Sentences*, October 2021, p.14.

¹²². Ibid., p.15.

¹²³. Ibid., p.17.

¹²⁴. Ibid

2. THE USE OF THE DEATH PENALTY TO TARGET LGBTQ+ PEOPLE

In certain countries, the death penalty is used to target people based on their actual or perceived sexual orientation and gender identity. In certain states, this includes the **explicit criminalization of consensual same-sex sexual activity**, while in others, such as the United States, it occurs more subtly, with homophobic prejudice weaponized to criminalize and even sentence individuals to death.

DEATH PENALTY FOR CONSENSUAL SAME-SEX SEXUAL ACTIVITY

As of March 2025, **12 countries still have the death penalty for consensual same-sex sexual activity**: Afghanistan, Brunei, Iran, Mauritania, Nigeria, Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirate Yemen and Uganda.

Legislation in the 12 countries that provide for the death penalty for consensual same-sex sexual activity ¹²⁵	
AFGHANISTAN 	<p>According to Article 130 of the constitution, which allows for the application of Sharia law, sexual activities between people of the same sex are punishable by death. Existing data shows that executions by stoning have recently taken place.</p>
SAUDI ARABIA 	<p>Saudi Arabia applies an uncodified penal code based on Sharia, where sexual activities outside of marriage are illegal. Given the prohibition of same-sex marriage, intimacy between people of the same sex is considered a crime. Sanctions vary: the death penalty applies to married men and interfaith relations.</p>
BRUNEI 	<p>Article 82 of the Sharia Penal Code considers liwat (same-sex sexual intercourse) a crime, punishable by the death penalty in certain circumstances.</p>
UNITED ARAB EMIRATES 	<p>Under Sharia law, same-sex sexual activities are punishable by death, although no executions have been recorded.</p>
IRAN 	<p>Three offenses related to same-sex activities — sodomy, intercrural intercourse, and sexual activities between women — are criminalized under the Penal Code, with the death penalty applied in specific cases, particularly in instances of recidivism or depending on the individuals' religion and marital status.</p>
MAURITANIA 	<p>Article 308 of the Penal Code provides for the death penalty by stoning for Muslim men engaging in same-sex sexual activities, although a de facto moratorium on executions has been in place since 1987.</p>

¹²⁵ Information taken from the report by Ensemble contre la peine de mort (Together Against the Death Penalty), *10 questions to better understand the death penalty for LGBTQIA+ people*, 2022. Available at: <https://www.ecpm.org/app/uploads/2023/06/10-questions-LGBT-GB-160623-bd.pdf>

NIGERIA		In 12 states in the northern part of the country, Sharia law provides for the death penalty for same-sex activities (for both men and women), although no executions have been confirmed.
UGANDA		The Anti-Homosexuality Law of 2023, upheld by the Constitutional Court in 2024, imposes the death penalty for "aggravated homosexuality," including recidivism and sexual activities involving vulnerable individuals such as minors or people with disabilities.
PAKISTAN		Under the Hudood Ordinance, sexual activities outside marriage are punishable by death for married individuals; non-heterosexual marriages are not legally recognized, so all same-sex activities fall under this provision, though no executions have been recorded in recent years.
QATAR		Sharia courts in Qatar authorize the death penalty for men engaging in sexual activities with other men, although no executions have been recorded in recent years.
SOMALIA		Sharia law is applied in the south of Somalia, in the areas controlled by Al-Shabaab, and in Somaliland. It punishes same-sex sexual activities.
YÉMEN		Article 264 of the Penal Code criminalizes sodomy, with the death penalty by stoning for married individuals, although no executions have been recorded in over a decade.

Out of these 12 countries where the death penalty could be imposed for same-sex sexual acts, **Iran and Saudi Arabia** have recorded the highest executions over the past decade. Between 2015 and 2020 they have together executed 11 men convicted of this offense¹²⁶.

While precise figures regarding the number of people sentenced to death for consensual same-sex sexual activity is unavailable, the mere presence of laws criminalizing same-sex sexual relationships as it's the case in 69 countries¹²⁷, puts LGBTQ+ individuals at risk in these countries.



TO LEAN MORE

Ensemble Contre la Peine de Mort, 10 questions on the death penalty for LGB-TQIA+ people, 2022 : <https://www.ecpm.org/app/uploads/2023/06/10-questions-LGBT-GB-160623-bd.pdf>

Monash University, Eleos Justice, Cornell Center on the Death Penalty Worldwide, *State-Sanctioned Killing of Sexual Minorities : Looking Beyond the Death Penalty*, février 2021 : https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318?-file=26686841

¹²⁶. Monash University, Eleos Justice, Cornell Center on the Death Penalty Worldwide, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, February 2021, p.17.

¹²⁷. Monash University, Eleos Justice, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, February 2021. Available at: https://bridges.monash.edu/articles/report/State-Sanctioned_Killing_of_Sexual_Minorities_Looking_Beyond_the_Death_Penalty/14069318

**OTHER CRIMES
PUNISHABLE BY DEATH
PENALTY THAT DISPROPORTIONATELY TARGET LGBTQ+ PEOPLE**

Sexual and gender minorities, and those who advocate for LGBTQ+ rights, are also targeted by capital political offenses.

In the Iranian Penal Code, the charge of "Spreading corruption on earth" retains the death penalty and is a broad and ambiguous term that leaves immense room for interpretation by a judiciary steeped in a system rampant with hatred, discrimination, and violence against LGBTQ+ people¹²⁸. It's often wielded as a political tool to silence human rights advocates, particularly those defending LGBTQ+ rights¹²⁹.

Moreover, the practice of **grouping same-sex sexual activity with other offenses**, such as murder and abduction, is common, particularly in Iran. By associating same-sex activity with more heinous crimes, the State seeks to justify the execution of people for their sexual orientation, in a dehumanizing context, while appearing to target them for other offenses. This manipulation serves the State's prerogative of condemning homosexuality while attempting to avoid direct international human rights condemnation for it¹³⁰.

KEY TAKEAWAY



- In some countries, the death penalty is used to target LGBTQ+ individuals based on their actual or perceived sexual orientation.
- **Twelve** countries still apply the death penalty for consensual same-sex sexual activities.
- Other political charges, such as "**spreading corruption on earth**" in Iran, are used to prosecute and sentence to death **LGBTQ+ human rights defenders** and individuals perceived as part of the LGBTQ+ community.

¹²⁸. Ibid.

¹²⁹. Amnesty International, *Iran: Imprisoned LGBTQ+ activist threatened with the death penalty*, January 2022. Available at : https://action.amnesty.org.au/act-now/iran-lgbtqia-activist-threatened-with-the-death-penalty?utm_source=facebook&utm_medium=social&utm_campaign=jalt_3035&utm_content=petition_IAR&fbclid=IwAR24NMSHAL4u9Ha_DdFdqDOYcu_0cjOLaVZJ2GU-ISMnrbt2nYu9GY5CRPU

¹³⁰. Monash University, Eleos Justice, Cornell Center on the Death Penalty Worldwide, *State-Sanctioned Killing of Sexual Minorities: Looking Beyond the Death Penalty*, mars 2021.

LOVE IS NOT A CRIME: The death penalty for consensual same-sex sexual activities

This map is a reproduction of the map produced by Together Against the Death Penalty, Love is Not a Crime! Criminalization of Homosexuality: From Prison to the Death Penalty, 2022, accessible at the following address: <https://www.ecpm.org/app/uploads/2022/09/Carte-LGBT-FR-150424-Avec-pays-BD-1.pdf>

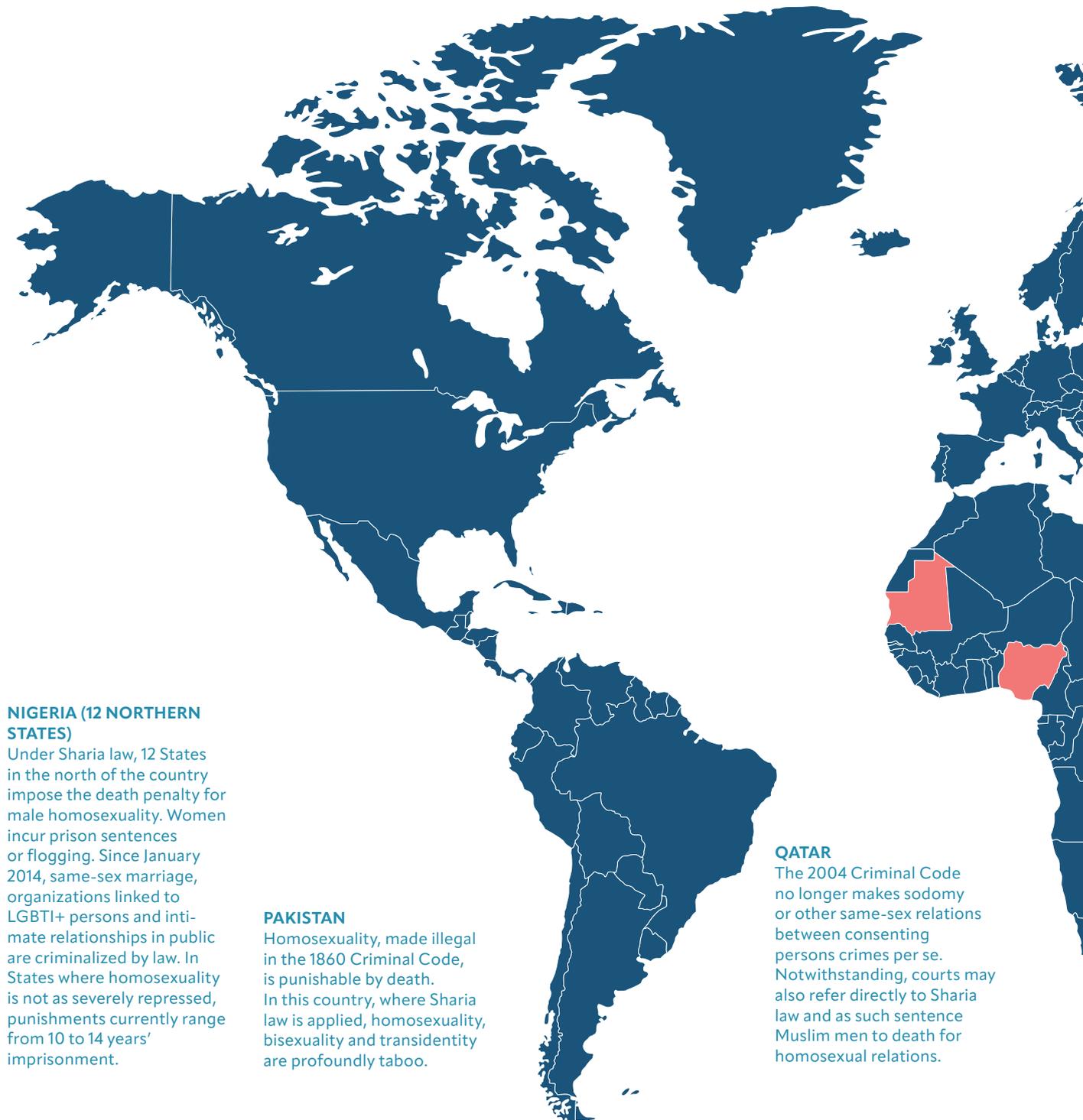
Jurisdictions can or do impose the death penalty for consensual same-sex sexual activity.

AFGHANISTAN

Although the Afghan Criminal Code does not contain any explicit provisions prohibiting consensual sexual relations between people of the same sex, Article 130 of the Constitution enables Sharia law to be invoked. As such, any sexual relation outside marriage* may be punishable by death.

SAUDI ARABIA

Under Sharia law, sexual relations between men are deemed an offence but punishment is not clearly specified. Although the sentence to be imposed may however be subject to debate between courts, given that sexual relations outside marriage* are in any event illegal, punishment for a married man is generally stoning (and 100 lashes, as well as one year of exile for men who are single).



NIGERIA (12 NORTHERN STATES)

Under Sharia law, 12 States in the north of the country impose the death penalty for male homosexuality. Women incur prison sentences or flogging. Since January 2014, same-sex marriage, organizations linked to LGBTI+ persons and intimate relationships in public are criminalized by law. In States where homosexuality is not as severely repressed, punishments currently range from 10 to 14 years' imprisonment.

PAKISTAN

Homosexuality, made illegal in the 1860 Criminal Code, is punishable by death. In this country, where Sharia law is applied, homosexuality, bisexuality and transidentity are profoundly taboo.

QATAR

The 2004 Criminal Code no longer makes sodomy or other same-sex relations between consenting persons crimes per se. Notwithstanding, courts may also refer directly to Sharia law and as such sentence Muslim men to death for homosexual relations.

BRUNEI

New legislation implementing Sharia law in this country was scheduled for May 2014, whereby homosexuality was to become a crime punishable by death whereas until this date a maximum sentence of 10 years' imprisonment was prescribed. In May 2019, the Sultan of Brunei announced a moratorium on the death penalty for homosexuality and adultery.

UNITED ARAB EMIRATES

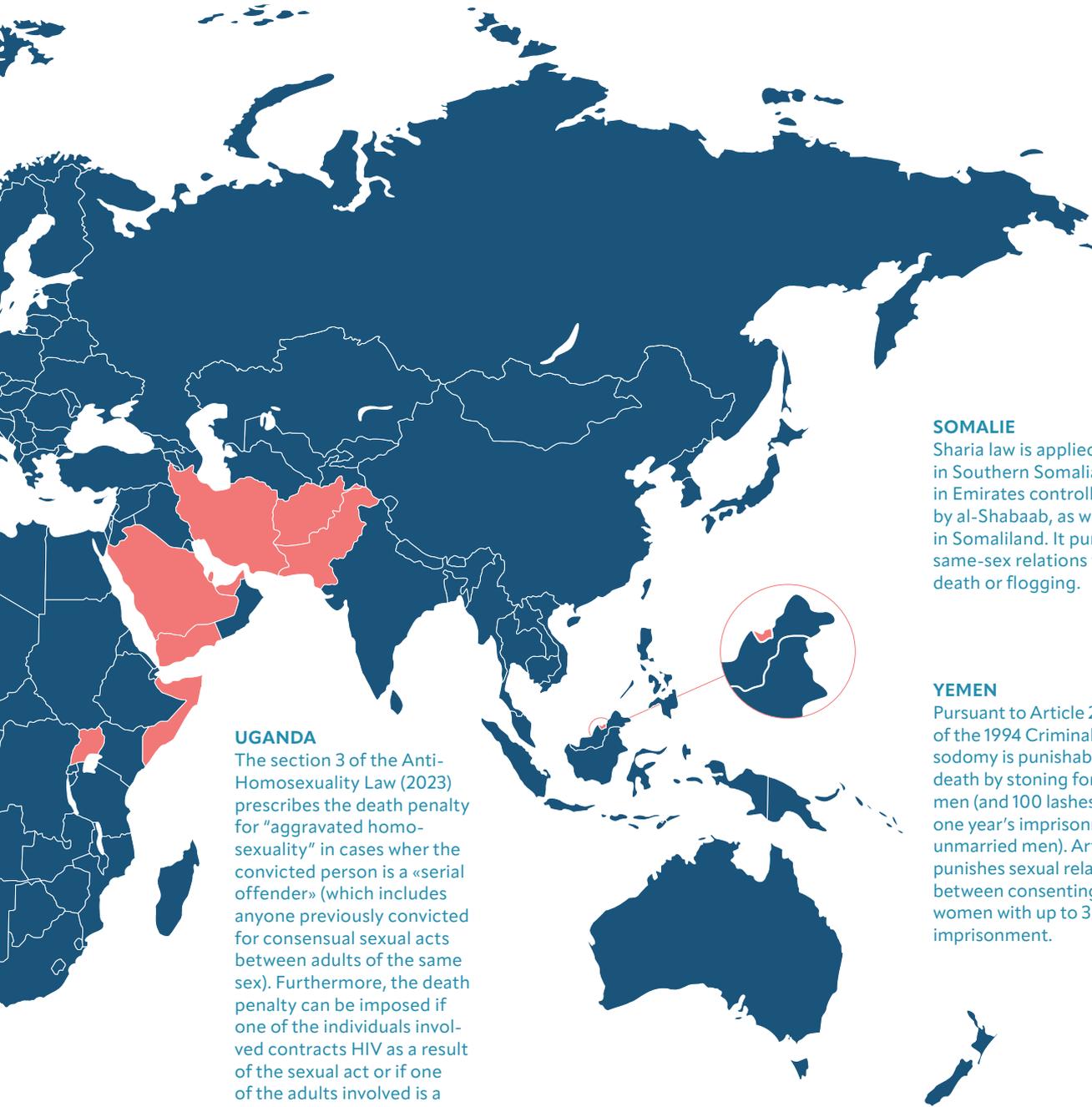
Under Sharia law, any sexual act outside marriage* is punishable by death. The States of Abu Dhabi and Dubai have federal laws which stipulate prison sentences for sodomy (respectively 14 and 10 years' imprisonment).

IRAN

The 1991 Criminal Code makes sodomy a crime punishable by death for responsible, consenting adult men. The punishment for female homosexuality is one hundred lashes for the first 3 offences recorded, then the death penalty is applied for a 4th offence.

MAURITANIA

Despite the moratorium on executions observed since 1987, Article 308 of the Criminal Code stipulates that "any adult Muslim man who has committed an indecent act or an act against nature with an individual of the same sex will be punished to death by public stoning". For women, the sentence is 2 years' imprisonment and a fine.



UGANDA

The section 3 of the Anti-Homosexuality Law (2023) prescribes the death penalty for "aggravated homosexuality" in cases when the convicted person is a «serial offender» (which includes anyone previously convicted for consensual sexual acts between adults of the same sex). Furthermore, the death penalty can be imposed if one of the individuals involved contracts HIV as a result of the sexual act or if one of the adults involved is a disabled person or elderly.

SOMALIE

Sharia law is applied in Southern Somalia, in Emirates controlled by al-Shabaab, as well as in Somaliland. It punishes same-sex relations to death or flogging.

YEMEN

Pursuant to Article 264 of the 1994 Criminal Code, sodomy is punishable by death by stoning for married men (and 100 lashes or one year's imprisonment for unmarried men). Article 268 punishes sexual relations between consenting women with up to 3 years' imprisonment.

The World Coalition Against the Death Penalty is composed of more than 180 non-governmental organizations (NGOs), bar associations, local authorities, and trade unions. Its ultimate goal is to achieve the universal abolition of capital punishment.

The World Coalition brings a global dimension to the work carried out by its members on the ground, sometimes in isolation. The World Coalition Against the Death Penalty is committed to highlighting gender-based and intersectional discrimination in the field of capital punishment.

The Cornell Center on the Death Penalty Worldwide (CCDPW) provides transparent data on death penalty laws and practices around the world, publishes reports and manuals on issues of practical interest to lawyers, judges, and policymakers, trains lawyers in best practices, and engages in targeted advocacy and litigation. The Alice Project, the first global project focused on women on death row, examines the role of gender in capital punishment cases. The Cornell Center's staff and affiliated faculty continue to defend people facing the death penalty around the world.





This publication has been produced by the World Coalition Against the Death Penalty, in partnership with the Cornell Center on the Death Penalty Worldwide, as part of a project to make visible the intersectional discrimination faced by women and LGBTQ+ people in relation to the death penalty.

This publication has been produced with the financial support of Canada, the French Development Agency and the Ministry of Foreign Affairs of the Kingdom of Belgium. The contents of this document are the sole responsibility of the World Coalition Against the Death Penalty and should in no way be taken to reflect the views of the Government of Canada, the French Development Agency or the Ministry of Foreign Affairs of the Kingdom of Belgium.

