

**Criminal Justice and Gender: An In-depth Analysis of the
Situation of Women Sentenced to Death in Jordan
2025**

Criminal Justice and Gender: In-depth Analysis of the Situation of Women Sentenced to Death in Jordan

Adaleh Center for Human Rights Studies

Authored by: Research Team at Adaleh Center for Human Rights Studies

© 2025 Adaleh Center for Human Rights Studies. All rights reserved.

No part of this study may be reproduced or transmitted in any form or by any means, electronic or mechanical, including by photocopying, recording, or maintaining the content in any data storage and retrieval system, without prior written consent from the publisher.

Introduction

The issue of women sentenced to death is one of the most complex and sensitive matters, revealing patterns of discrimination, gender stereotypes, and the socio-cultural contexts that may influence the application of justice. In light of the global movement toward advancing gender justice and safeguarding human rights, there is a pressing need for an in-depth analysis of the situation of women on death row in Jordan to uncover the dimensions of justice, or the lack thereof, in women's criminal experiences.

Criminal justice is a sensitive and multifaceted subject where legal and social factors intersect, particularly when viewed through a gender lens. The studies on women sentenced to death raise important questions about the extent to which judicial practices may affect women differently compared to men.

In the local Jordanian context, where social norms and legal frameworks often overlap, it becomes essential to develop a deeper understanding of how the death penalty is applied to women, and whether gender-related factors influence the course of justice and the circumstances under which sentences are issued.

This study seeks to examine the relationship between gender and the criminal justice system in Jordan by exploring the cases of women sentenced to death. It investigates the extent to which judicial decisions may be shaped by gender stereotypes and the socially constructed roles assigned to women, and whether discriminatory factors or systemic barriers hinder the achievement of fair and equitable justice for women within the legal system..

Executive Summary

This study critically analyzes the relationship between Jordan's criminal justice system and gender by looking into the legal and social trajectories experienced by women sentenced to death. It highlights the structural and institutional challenges that may affect their right to a fair trial and correctional facilities that consider their specific needs. The study adopts an approach that does not presuppose the existence of gender-based discrimination but seeks to explore the extent to which gender influences judicial and legal procedures through an Empirical Legal Analysis.

To achieve the study objectives, a **Multi-Method Approach** is employed by combining quantitative analysis to collect data through questionnaires directed at a sample of legal practitioners (judges, lawyers, public prosecutors) with qualitative analysis through in-depth interviews and documentary analysis of judicial rulings issued against women

sentenced to death. Both descriptive and analytical methods are integrated within an interpretive framework that considers the complex interaction between law and surrounding sociocultural contexts.

The study's key findings indicate differences in access to justice and the framing of criminal liability that may be influenced by gender-related factors, including poor specialized legal representation for women's cases, difficulty in obtaining a waiver of personal rights in domestic crimes, and neglect of the psychological and social aspects in judicial assessment. The findings also show that some women had committed criminal acts in a historical context of **Chronic Domestic Violence** without institutionally considering such within the principle of Restorative Justice.

The study emphasizes the need for **Gender-Sensitive Legislative** and institutional Reform that ensures the consideration of personal and social contexts in interpreting crimes and assessing punishments and provides a legal and humane environment that guarantees the **Right to a Fair Trial** for all defendants equally in accordance with the principles of the international human rights law, especially the United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules), and Article 14 of the International Covenant on Civil and Political Rights.

In light of such findings, the study offers a set of recommendations directed at legislators, the judiciary, correctional institutions, and civil society organizations to enhance transparency and accountability within the legal system and achieve gender-sensitive criminal justice that addresses the causes of structural violence against women.

1. Study Methodology

This study adopts a mixed-methods research design, combining both descriptive-analytical and qualitative-exploratory approaches to ensure a comprehensive and context-sensitive analysis. The aim is to produce a rigorous, evidence-based study that amplifies the voices of individuals who are directly subjected to criminal proceedings. It will also inform policy recommendations that promote justice and combat gender-based discrimination within Jordan's criminal justice system.

The qualitative and analytical framework draws on summaries of academic research and publications addressing criminal justice, gender, and capital punishment in the Middle East. It is further informed by reports from human rights organizations and United Nations agencies concerning extreme sentencing and the status of women in Jordan.

The adoption of a mixed-methods approach has enabled a nuanced and in-depth understanding of the complexities of the criminal justice process in capital punishment cases, particularly through a gender lens. The use of diverse data collection tools, including judicial ruling analysis, structured surveys, and semi-structured interviews, has contributed to the production of multidimensional knowledge that integrates official records, practical insights, and lived experiences.

The application of quality assurance protocols has ensured the credibility of data and the integrity of its analysis, thereby enhancing the robustness of the findings and their contribution to academic and human rights discourse on gender justice. Moreover, the integration of legal standards with socio-cultural contexts through multiple validation tools has enabled a critical assessment that reflects the intricate realities of criminal litigation in Jordan and offers a solid knowledge base for formulating practical and policy-relevant recommendations for justice sector stakeholders.

Accordingly, the adopted methodology serves as a foundation for a grounded study that aims to test hypotheses objectively, identify disparities, and reveal systemic gaps that may undermine fairness and equity, especially in cases where legal, psychological, and social dimensions are closely intertwined. The methodology has been structured to include the following components:

1.1 Study Background

The death penalty is one of the most controversial punishments in legal and human rights discourses at both national and international levels. This is attributed to its complex ethical, human, and legal aspects. Despite the growing global trend towards abolishing this penalty or reducing its scope of application, the Hashemite Kingdom of Jordan still retains this punishment within its legislative system, especially in cases of premeditated murder and drug trafficking. This reality raises important questions about the extent to which criminal justice in Jordan aligns with international human rights standards, particularly regarding the impact of sociocultural factors on the application of the death penalty.

The death penalty cannot be analyzed in isolation from the sociocultural context in which it is practiced. The issue is not limited to laws but also includes the course of investigations, judicial procedures, and enforcement mechanisms, which may be influenced by multiple factors, most notably gender. Women within the judicial system may face different interactions than men, not necessarily in terms of the letter of the law,

but in terms of the practical application and social standards associated with the “female” image in society.

Although available literature addresses the death penalty from various constitutional, ethical, and legal aspects, there remains a knowledge gap concerning the impact of gender in this context, especially in the Jordanian reality. Gender analysis does not presuppose discrimination but rather seeks to uncover potential differences in the course of justice between men and women, both in terms of treatment and judgments issued against them, and how these differences, if any, come to exist.

Accordingly, this study aims to provide a critical analysis of the criminal justice trajectories of death penalty cases in Jordan. It focuses on cases of women sentenced to death by analyzing relevant legal, social, and psychological data without prior assumptions in an effort to determine whether there are tangible gender-specific differences and address the factors that may contribute to their existence.

Through such an approach, the study seeks to enrich scientific knowledge on the intersections of criminal justice and gender and contribute to the development of more just and equitable criminal policies for all social groups.

1.2 Importance of the Study

The importance of this study stems from its focus on one of the most sensitive and complex issues in the field of criminal justice and human rights in Jordan (i.e. death penalty) through the lens of gender. Given the continued application of the death penalty in the Jordanian legal system for specific crimes, there is an urgent need to understand the challenges faced by individuals sentenced to death, especially women, as a group potentially exposed to multiple forms of legal and social vulnerability.

This study represents a qualitative addition to the field of legal and social research in Jordan, as it addresses a topic that has not received sufficient attention in previous literature. Most previous studies focus on the death penalty from a general legal perspective without delving into the impact of gender on the course and outcomes of justice. Hence, this study seeks to fill a clear knowledge gap at the intersection of gender studies and criminal justice by addressing the topic with a neutral scientific approach based on the analysis of empirical and factual data, away from preconceived notions or value judgments.

1.3 Study Objectives

This study aims to achieve the following:

- Analyze the legal and criminal path of individuals sentenced to death in Jordan.
- Evaluate the legal, social, and psychological challenges faced by these individuals, especially during investigation, trial, and detention periods.
- Examine the impact of social, economic, and psychological factors on the course of the cases for those sentenced to death.
- Explore the potential differences in judicial treatment or judgment outcomes between males and females.
- Provide evidence-based recommendations to enhance the principles of justice and fairness in the Jordanian legal system, contributing to the development of relevant policies and legislation.

1.4 Study Questions

The study attempts to answer the following questions:

- What are the most prominent legal and social factors affecting the course of criminal justice for individuals sentenced to death in Jordan?
- What is the nature of the challenges faced by those individuals during the various stages of legal proceedings and detention periods?
- Are there statistically or qualitatively significant differences in the treatment or outcomes between women and men sentenced to death?
- What is the extent of the impact of social, economic, and psychological factors on these differences, if any?
- What are the most prominent recommendations that can be made to enhance justice and achieve the principle of equality in the Jordanian criminal system?

1.5 Approach

This study adopts a mixed-method research methodology that combines the quantitative method and qualitative method to enhance the ability to explore complex phenomena and analyze them from multiple angles. This methodological approach is chosen to provide a comprehensive analysis of the criminal justice course for individuals sentenced to death in Jordan, with particular attention to the gender variable.

In the quantitative aspect, a Document Analysis approach is applied through a systematic review of final judicial rulings issued in death penalty cases. Data is classified according to certain variables such as gender, type of crime, social circumstances, and sentence description. The data is also analyzed using descriptive statistical methods and

Comparative Analysis with the aim of revealing patterns of disparity or similarity in judicial rulings.

As for the qualitative aspect, Semi-Structured Interviews are used to collect in-depth data from first-hand experts in the legal system. This method allows for an understanding of the precise context and implicit considerations that may not appear in official documents. The qualitative data is analyzed using Content Analysis to extract central themes and recurring patterns.

To ensure Credibility, Reliability, and Objectivity in data collection and analysis, precise steps are followed in designing study tools, selecting the sample, and applying analytical processing in line with ethical and research standards recognized in social and legal studies.

1.6 Study Population

To achieve the study's objectives, the study population is defined to include two main groups selected according to a Purposive Sampling method due to the nature and sensitivity of the topic:

1.6.1 Individuals Sentenced to Death (Males and Females)

A number of Final Judicial Verdicts issued against men and women sentenced to death are analyzed to understand potential gender differences in the course of justice. The analysis focuses on socioeconomic and psychological factors associated with each case, such as the family status, living standard, and psychological and social background. Researchers use Comparative Case Analysis to reveal gender-based differences or patterns, whether in trial proceedings or the judgments issued.

The number of women sentenced to death in Jordan is 22 inmates. The analysis addresses their situations by examining their psychosocial and social contexts with a focus on how these factors influence the course of the judicial case. The analysis shows some indicators related to Societal Attitudes towards women accused in major criminal cases, especially pertaining to concepts such as "Honor" or "Self-defense" within the framework of Domestic or Social Violence.

1.6.2 Legal Practitioners

The study includes qualitative interviews with Lawyers, Former Judges, and Public

Prosecutors who have direct experience in dealing with cases of women accused or convicted of Serious Criminal Offenses. These interviews (22 interviews) were conducted during April 2025, with each interview lasting approximately 30 minutes. They were carried out by the research team in a Semi-Structured Setting that allows for the collection of in-depth data. The interviews aim to understand the practitioners' perceptions of whether women's cases are subject to different standards during trial and the extent of Gender Sensitivity in the Justice System in such cases.

1.7 Data Collection Tools

The study relies on a mix of quantitative and qualitative research tools carefully designed to ensure data integration and provide a comprehensive and objective analysis of the legal and social reality surrounding death penalty cases in Jordan, while considering the gender aspect. The data collection tools are varied as follows:

1.7.1 Documentary Analysis

A systematic analysis is conducted on a selected sample of final judicial rulings issued against individuals sentenced to death from both genders, with the aim of identifying interpretive patterns or differences in the application of legal provisions. The analysis constituted a key tool for understanding gender-based differences in the litigation process by covering the following elements:

- Reasoning of the judgment and the grounds for criminalization and punishment;
- Mitigating or aggravating factors relied upon by the court;
- The extent to which the judiciary considered psychological and social circumstances and the history of violence; and
- The impact of personal rights waiver on mitigating or aggravating the punishment.

1.7.2 Structured Questionnaires

A specialized questionnaire is designed for legal practitioners (lawyers, judges, public prosecutors) to collect quantitative and qualitative data reflecting their perceptions of gender justice in death penalty cases. The questionnaire included closed-ended questions using a Likert scale and open-ended questions to express opinions and expertise.

The questionnaire focuses on areas related to gender biases, challenges faced by women during the trial, and proposals for developing the legislative framework. The

questionnaire was distributed to 22 legal practitioners purposefully selected based on their expertise in criminal law while considering geographical and gender diversity.

1.7.3 Semi-Structured Interviews

Qualitative interviews are conducted with former judges, lawyers, and public prosecutors who directly dealt with serious criminal offenses. These testimonies enrich the qualitative aspect of the study. The interviews particularly aim to:

- Analyze the relation between legal provisions and social contexts; understand the impact of gender on judicial decision-making; and
- Identify differences in case processing between males and females. Given the inability to directly interview individuals sentenced to death, previously documented interviews conducted by civil society organizations while adhering to ethical standards are analyzed.

1.7.4 Questionnaire for Female Inmates Sentenced to Death

A questionnaire targeting female inmates sentenced to death was developed and distributed internally through liaison officers. It includes questions about gender discrimination during investigation and trial, previous social and psychological circumstances, and detention conditions. The questionnaire targets all convicted women (21 inmates), as 16 valid questionnaires were retrieved for analysis.

1.8 Data Quality Control and Analysis

To ensure the reliability of results and the credibility of research analysis, the study adopts a set of methodological controls aimed at enhancing data quality at both quantitative and qualitative levels in accordance with recognized scientific standards in social and legal research. These controls include:

1.8.1 Triangulation

Triangulation is used as an effective method to increase the credibility of multi-method research results by integrating three main sources of information.

This integration allows for checking the internal consistency of data, capturing differences or discrepancies between sources, and then interpreting them in light of the social and legal context. Below are the information resources that have been integrated:

- Analysis of judicial documents;
- Questionnaires from legal practitioners, and
- Semi-structured interviews and analysis of previous testimonies.

1.8.2 Credibility

Credibility is enhanced by:

- Designing data collection tools to suit the nature and specificity of the study population;
- Conducting peer review of research tools before implementation to ensure their suitability and quality; and
- Relying on reliable primary sources in case analysis (official judicial rulings, documented interviews, direct testimonies from subject-matter experts).

1.8.3 Reliability

To ensure reliability, data collection tools are standardized and applied consistently to all sample members. The research team is also trained in conducting interviews and analyzing questionnaires to ensure consistency in data collection and interpretation.

1.8.4 Objectivity

The analysis is conducted without preconceived notions or theoretical biases, adhering to objective data analysis based on actual data rather than personal stances or ideological orientations. All analysis steps are documented to allow for re-application or review by other researchers.

1.8.5 Data Validation

Initial data is cross-checked by the research team as recurring observations and contrasting patterns are accurately documented, with participants being re-contacted in some cases to confirm or explain certain answers (known as Member Checking).

1.9 Study Procedures

The study is implemented according to an integrated methodological plan that includes four main stages aimed at achieving the highest degrees of scientific accuracy and research credibility:

1.9.1 Preparatory Stage

- Conduct a systematic review of relevant literature and previous studies, especially concerning gender-based discrimination within the criminal justice system and specifically in death penalty cases.
- Develop data collection tools (questionnaire and semi-structured interview guide) based on the results of the theoretical review and the study context and subject the tools to expert review to ensure their validity and content accuracy.

1.9.2 Data Collection Stage

- Distribute questionnaires to a selected sample of legal practitioners (22 practitioners-12 women), using both paper and electronic distribution mechanisms, to ensure access to diverse groups in terms of specialization and geographical location.
- Conduct semi-structured interviews with former judges, lawyers, and public prosecutors to collect in-depth qualitative data on the challenges and legal procedures associated with death penalty cases, especially in the context of gender.
- Collect and analyze official judicial documents, including rulings issued against individuals sentenced to death, and focus on the reasoning of the judgments and the factors influencing it.

1.9.3 Data Analysis Stage

- Analyze quantitative data using Descriptive Statistics and comparative analysis to identify significant distributions and patterns.
- Analyze qualitative data through Content Analysis and Thematic Analysis to extract recurring conceptual themes and examine participants' experiences.
- Conduct a systematic comparison between the results of different tools for Data Triangulation and in order to reach accurate and integrated conclusions.

1.9.4 Final Reporting Stage

- Formulate and analyze findings in light of the study's objectives and research questions.
- Develop evidence-based and practical recommendations to address gender disparities and achieve greater fairness in the Jordanian legal system.
- Prepare the final scientific report of the study, including the findings, discussions, recommendations, and necessary appendices.

1.10 Ethical Considerations

Full adherence to the ethical principles of scientific research is maintained throughout all stages of the study, ensuring respect for the participants' rights and safety and enhancing the credibility of the findings. These considerations include:

- **Informed Consent:**

All participants are provided with clear and prior information about the study's objectives, the nature of their participation, and their rights, as a voluntary written consent is obtained for participation.

- **Confidentiality:**

All data is treated with strict confidentiality as information is coded to avoid identifying participants and data is stored in a secure environment accessible only to the research team.

- **Respect of the Participants' Will:**

Participants are given the right to withdraw from the study at any stage without any consequences, reflecting respect for their personal autonomy and their right to make free decisions.

- **Do No Harm:**

All necessary measures are taken to protect participants from any psychological or social harm, especially in cases involving women sentenced to death, including respecting their experiences and not exploiting them.

- **Adherence to International Ethical Standards:**

The study adheres to the ethical principles of social and human rights research as adopted in international conventions (e.g., the Helsinki Declaration) and in line with best practices in human rights and gender sensitivity.

1.11 Global and Regional Trends Regarding the Death Penalty

The international legal framework governing the death penalty is shaped by a set of UN conventions and treaties, most notably Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 37(a) of the Convention on the Rights of the Child (CRC) in addition to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, which is considered the first international instrument obliging the complete abolition of the death penalty. However, none of the Arab states have ratified it to date.

In 1984, the United Nations Economic and Social Council adopted the “Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty,” which serves as a benchmark for governing the application of the penalty and ensuring minimum rights for those sentenced to it.

Below are the most prominent international legal texts that constitute the benchmark for trends towards reducing, and then abolishing, the death penalty:

- **The Universal Declaration of Human Rights (UDHR), 1948:** Although it does not explicitly stipulate the abolition of the death penalty, Article 3 affirms that “everyone has the right to life, liberty and security of person,” which is considered an interpretive introduction for opposing the death penalty.
- **The International Covenant on Civil and Political Rights (ICCPR), 1966:** Article 6 stipulates that “in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. This penalty can only be carried out pursuant to a final judgement rendered by a competent court”. Paragraph 4 of the same article also prohibits the execution of persons below eighteen years of age or pregnant women.
- **Convention on the Rights of the Child (CRC), 1989:** Article 37(a) prohibits the imposition of the death penalty or life imprisonment without possibility of release for offenses committed by persons below eighteen years of age, thereby enhancing special protection for children against severe penalties.
- **Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, 1989:** This is the only binding international instrument for the abolition of the

penalty. Its first article stipulates that “no one within the jurisdiction of a State Party shall be executed,” as each State Party shall take all necessary legislative measures to abolish the death penalty completely within its jurisdiction.

- **UN General Assembly Resolutions:** A series of resolutions, including Resolutions 62/149 of 2007, 63/168 of 2008, 65/206 of 2010, 67/187 of 2012, 69/186 of 2014, and 71/187 of 2016, affirm the necessity of a moratorium on the death penalty as a precursor to abolishing it by calling for an optional ban and a stay of execution to review criminal justice systems and ensure compliance with international human rights standards.

1.12 Regional Context: The Death Penalty in Arab States

Despite increasing international trends towards restricting and then abolishing the death penalty, most Arab states, including Jordan, continue to apply it in their legislation and at an execution level. Although some limited initiatives have emerged to suspend executions or reduce their scope, the pace of change remains slow and inconsistent with declared international commitments in some of these countries.

In this context, Amnesty International reports indicate that women sentenced to death in the region face multiple forms of discrimination and are often denied access to effective justice, especially regarding the consideration of physical and sexual violence and continuous abuse suffered before committing the crimes attributed to them. Evidence suggests that many women are driven by their experiences with domestic or community violence to commit criminal acts, which

necessitates a reconsideration of criminal liability frameworks from a gender perspective.

1.13 Previous Studies on Gender-Based Discrimination in the Jordanian Legal System

Available studies indicate a limited number of research studies that address the impact of gender-based discrimination in the Jordanian legal system and a scarcity of focus on the issue of women sentenced to death. Among the most prominent studies in this context are:

- **The Information and Research Center – King Hussein Foundation Study (2019):** This study addresses the mechanisms through which gender-based discrimination leads to negative effects on the application of law and judicial procedures in Jordan, indicating significant differences between legal provisions and judicial application regarding the legal treatment of women compared to men.

- **The Solidarity Is Global Institute – Jordan Reports:** These reports highlight the specific challenges faced by women sentenced to death, noting the difficulties in waiving personal rights for them compared to their male counterparts, which increases their legal and human vulnerability.

- **Articles and Press Reports:** Such as the article published on “7iber” website titled “Is the Noose Closer to Women?”, which addresses issues of discrimination in the waiver of personal rights between men and women sentenced to death, highlighting the extent to which social and tribal norms influence the stages of reconciliation and waiver of personal rights.

1.14 Execution of the Death Penalty, Exceptions, and Personal Right Waiver in the Jordanian

A set of procedures is in place for carrying out the death penalty within the Jordanian legal system. These procedures are accompanied by a range of exceptions that may apply to special cases, as well as provisions related to the mechanism of granting a personal right waiver, as outlined below:

1.14.1 Procedures for Executing the Death Penalty in the Jordanian Legal System

The mechanisms for executing the death penalty in Jordan are governed by a series of strict procedures that ensure the validity of the judgment and its final nature. Article (39) of the Jordanian Constitution stipulates that “no death sentence shall be carried out except after ratification by the King.” The prescribed procedures include the following:

- **Issuance of Judgment by a Competent Court:** The judgment must be issued by one of the competent judicial authorities such as the Grand Criminal Court, the State Security Court, military courts, or the Court of First Instance if classified as criminal.

- **Mandatory Appeal or Cassation:** The judgment is automatically referred to the appeal or cassation stage, even if the convicted person does not request it, as a mechanism to ensure a thorough review of the judicial decision.

- **Referral of Case Documents by the Public Prosecution:** The Chief Public Prosecutor refers the case documents to the Minister of Justice accompanied by a brief report explaining the facts of the case, the evidence on which the judgment is based, and

the legal grounds supporting the enforcement of the death penalty or proposing its replacement with an alternative penalty.

- **Review of the Decision by the Cabinet:** The Minister of Justice refers the case documents with the report to the Prime Minister as the Cabinet considers the case, expresses its opinion on the necessity of enforcing the death penalty, or proposes alternatives; issuing an official decision to that effect.

- **Royal Ratification:** The case is referred to His Majesty the King with the opinion of the Cabinet and the Public Prosecution's report. The judgment is not executed until it receives official royal ratification.

1.14.2 Exceptions and Special Cases

In accordance with the established legal principles in Jordan, some exceptions and special cases are considered when applying the death penalty, most notably:

- **Protection of Juveniles:** The death penalty is not applied to individuals under the age of eighteen in line with international conventions on the rights of the child ratified by Jordan.

- **Pregnant Women:** Jordanian law pays special attention to pregnant women sentenced to death. Article 359 of the Code of Criminal Procedure stipulates that "the death sentence shall not be carried out on a pregnant woman until three months after her delivery." In some cases, the death penalty for a pregnant woman is replaced by hard labor for life based on Article 17 of the Jordanian Penal Code, reflecting a trend towards mitigating penalties in exceptional circumstances.

1.14.3 Application of the Death Penalty and the Mechanism of Extinguishing Personal Rights

The system of reconciliation and waiver of personal rights plays an important role in mitigating the death penalty in Jordan, as its mechanisms are embodied in:

- **Postponement of the Death Penalty's Execution:** The execution of the penalty is postponed as much as possible to give the parties an opportunity to conclude reconciliation and waive personal rights in cases of premeditated murder.

- **Waiver of Personal Rights:** The waiver of rights by the victim's heirs leads to the mitigation of the death penalty to alternative penalties such as life imprisonment or even temporary sentences.

- **Role of Tribal Customs:** Tribal customs and reconciliation constitute a fundamental element in reconciliation and the waiver of personal rights processes, directly affecting the judicial handling of death penalty cases in the Jordanian system.

2. Theoretical Framework

The theoretical framework constitutes the foundation of any study that seeks to analyze the intersection of criminal justice and gender, particularly in the context of women sentenced to death in Jordan. It establishes the intellectual and conceptual bases upon which the research team relies to interpret phenomena and discuss findings, while also defining the key concepts and theories that explain the interaction between the criminal justice system and gender-based differences.

This study's theoretical framework draws upon a range of intellectual traditions from criminology, sociology, and gender studies that explore how women are affected by the criminal justice system at legislation and implementation levels. It also incorporates relevant human rights and international literature addressing women's issues and the death penalty, including concepts like gender justice and the challenges that arise in courtroom practices and judicial proceedings.

The importance of this framework lies in its ability to:

- Clarify key concepts such as criminal justice, gender, and capital punishment (death penalty) from both academic and human rights perspectives.
- Present an overview of theories and scholarly contributions that have examined the influence of gender on criminal justice processes and the construction of women's image within the legal context.
- Review the cultural, social, and legal contexts in Jordan that make the experiences of women sentenced to death distinct from those in other Arab or international settings.
- Identify theoretical and practical gaps or biases that may result in discrimination or injustice targeting women within the justice system.

The framework begins with an examination of classical theories of crime and punishment, then transitions to a review of contemporary literature that integrates a gender perspective in understanding women's experiences within the criminal justice system. It thus lays the groundwork for an in-depth and systematic analysis of the structural and

contextual factors that influence judicial decisions and the treatment of women in capital cases. The framework also emphasizes the researcher's responsibility to interpret findings within their social, legal, and historical context. It serves as an analytical reference point for evaluating the neutrality of Jordan's legal system in its treatment of women on death row, while taking into account cultural and legal specificities, and without assuming the existence of gender-based discrimination. The components of the framework are detailed as follows:

2.1 First: The Concept of Gender and Gender Discrimination

Gender refers to the roles and behaviors defined by society for men and women, which are not necessarily based on biological differences but on prevailing cultural and social expectations. The concept of gender discrimination arises when individuals are treated unequally based on their gender, whether in their access to rights or legal protection or in terms of accountability and justice procedures.

In the context of criminal justice, gender discrimination is not assumed to exist but is posed as a research possibility that requires objective examination. This framework is concerned with analyzing whether the mechanisms of the legal and criminal system consider, or do not consider, gender-related differences, especially in cases involving extreme penalties such as the death penalty.

2.2 Second: Potential Manifestations of Gender Impact in the Legal System

A central question arises: Is the course of criminal justice, from investigation to punishment, affected by factors related to the accused's gender?

In this context, a number of manifestations emerge that can constitute points of examination as follows:

- **Disregard for Psychological and Emotional Aspects Related to Gender:** Some crimes committed by women in stressful social or domestic circumstances such as domestic violence, economic coercion, or financial dependence may not be sufficiently analyzed within the judicial process. This hypothesis requires careful examination rather than prior determination.

- **Gender Stereotypes:** Some legal literature shows that a woman's behavior in court and its conformity with "traditional female roles" (such as obedience, emotion, remorse) may affect how she is evaluated. This includes informal social assumptions that may be implicitly present among some actors in justice without being stipulated in law.

- **Disregard of the Crime's Social Context:** In some cases, the crime may be dealt with in isolation from its surrounding social contexts, such as continuous exposure to violence, coercion, or psychological conditions related to society and family. These are fundamental points of analysis in cases of women sentenced to death.

- **Inadequate Detention Conditions:** Correctional and rehabilitation centers may not take into account the biological or psychological needs of women, especially during pregnancy, menstruation, postpartum, or motherhood. This is particularly evident in the case of women sentenced to death, who may suffer from unequal or disproportionate detention conditions given their special circumstances.

- **Biological and Psychological Factors:** Some interpretations suggest that a woman's biological state, such as menstruation or postpartum, may be associated with hormonal changes that affect psychological and behavioral states, which may be reflected in actions or responses. This is presented as a factor amenable to scientific analysis, not a legal justification in itself, but it may be overlooked in some judicial assessments, raising questions about the comprehensiveness of case consideration.

2.3 Third: Theories Explaining the Relation between Gender and Criminal Justice

There are several explanatory theories in social and legal sciences that attempt to understand how gender may affect the legal system without asserting the existence of an inevitable impact. The most prominent of these are:

- **Gender Differences Theory:** Assumes that women may be treated differently from men within the criminal justice system as a result of psychological and social differences, but it is not always a one-way difference. They may sometimes receive leniency or face harsher treatment when they are seen as having transgressed "acceptable social behavior."

- **Patriarchy Theory:** Views the legal system as an extension of a male-dominated social structure that affects the evaluation of women's behavior, especially if they commit acts that violate expected social roles. However, this theory remains a critical perspective and is not used as a given explanatory rule.

- **Intersectionality Theory:** Focuses on the overlap of multiple social factors (gender, class, race, economic status) and their complex impact on women's experiences within the criminal justice system, which necessitates a more complex analysis of cases of women sentenced to death.

- **Chivalry Hypothesis:** Assumes that the legal system may show leniency in some cases towards women, especially in “minor” crimes or those related to motherhood, but becomes stricter if the woman deviates from the stereotypical social image. This theory assumes that judicial evaluation is sometimes affected by appearance or behavior in court.

2.4 Fourth: Gender Discrimination in the Application of the Death Penalty Globally

Gender disparity in the application of criminal justice is not limited to formal legal proceedings but extends to how women’s criminal behavior is understood and interpreted within sociocultural frameworks. Women who commit serious crimes, especially murder, are often treated as having violated the “acceptable femininity” model, which imposes a moral judgment on them in addition to the legal judgment, directly or indirectly affecting the imposed punishment.

Cross-cutting studies conducted by international bodies such as Amnesty International and the UN Special Rapporteur on extrajudicial executions confirm that courts often do not take into account the complex backgrounds behind women’s commission of crimes, especially in cases involving chronic domestic violence, coercive relationships, or continuous physical and psychological threats. Indeed, some women are tried without adequate psychological or social support or even without effective legal representation capable of presenting appropriate arguments in light of those backgrounds.

It is observed that legal systems that do not adopt a gender-based approach tend to apply rules of evidence and judicial procedures in a formally abstract manner, assuming equal circumstances between women and men in clear disregard of “Contextual Justice,” i.e. justice that considers the specific social and psychological reality of each accused. This flaw contradicts the principles of fair trial stipulated in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which obliges states to provide guarantees of equal opportunities in judicial proceedings.

It is noted in many legal systems that women sentenced to death suffer from a double disadvantage. The first disadvantage relates to the non-recognition of mitigating circumstances related to gender-based violence while the second pertains to the nature of the punishment itself, which is carried out without regard for women’s specific health, psychological, and social circumstances. For example, human rights organizations have documented cases of executions of pregnant women or women in fragile psychological

states, which contradicts Article 6 of the Convention on the Rights of the Child (CRC, 1989) and Article 5 of the Convention Against Torture (CAT, 1984), both of which prohibit the execution of the death penalty in circumstances that constitute cruel or inhuman treatment.

In addition, it is observed that some judicial systems rely on confessions extracted under duress or without the presence of a lawyer during investigation, which exposes women, especially those from vulnerable social backgrounds, to exploitation or manipulation. In other cases, women are illiterate or unfamiliar with the law, making them more susceptible to procedural errors that may lead to death sentences without genuine enablement of the right to defense.

On the other hand, the Bangkok Rules issued by the United Nations in 2010 are among the most important benchmark documents that emphasize the need for punitive policies to consider gender differences in terms of the circumstances that led to the crime, the nature of detention, and the psychological assessment mechanisms. However, these rules are not effectively applied in a large number of countries that still adopt stereotypical punitive systems that assume “legal neutrality” in a clear disregard of specific gender needs.

Furthermore, alternatives to the death penalty, such as life imprisonment or rehabilitation programs, are rarely proposed or applied in favor of women even in cases where mitigating circumstances are available. This raises questions about the legal systems’ ability to embrace a “Compassionate Justice” approach in dealing with women as an alternative to strict punitive tendencies.

In light of this, there is a need for legal and judicial reforms that take into account the complex interaction between gender and criminal punishment, in addition to the development of Gender-Sensitive Judicial Assessment tools and ensuring the presence of international standards at every stage of litigation.

The study will seek to test whether differences (if any) in judicial treatment are explained by objective legal reasons or whether they involve an indirect effect of gender.

2.5 Fifth: Gender Discrimination in the Application of the Death Penalty in the Arab Context: A Reading of the Legal and Social Reality

Despite the limited official data and statistics published in many Arab countries regarding the application of the death penalty to women, indicators derived from human rights organizations' reports, published trials, and national legislation reveal patterns of gender discrimination both at the level of the legal provisions and at the level of judicial and procedural practice.

In Arab societies, characterized by traditional patriarchal structures, stereotypical views of women still play a significant role in shaping legal and judicial narratives. Women who commit crimes considered “unfeminine”, such as murder or participation in acts of violence, often face not only traditional criminal procedures but also social and moral judgments that contribute to exaggerating their criminal liabilities and weakening their chances of obtaining mitigating circumstances or effective advocacy. In many cases, legal or social guardianship is exercised against them within prisons and courts, limiting their independence and right to defense.

In this context, it is observed that violent contexts in which crimes are committed, such as domestic violence, sexual assault, or marital coercion, are often overlooked in judicial assessment. Many Arab systems still deal with the criminal act in an abstract manner by separating the crime from its social environment, which contradicts the philosophy of modern punishment that requires a multi-dimensional contextual understanding of criminal behavior, especially in the case of women.

2.6 Sixth: The Legal and Practical Framework of the Death Penalty in Jordan

The legal and practical framework of the death penalty in Jordan encompasses several key components: the legislative basis for the death penalty under Jordanian law, procedural safeguards and execution-related exceptions, the evolution of death penalty application in Jordan, implementation challenges in the context of gender, as well as correctional and rehabilitation centers and the execution of the sentence in light of international standards. These components are outlined as follows:

2.6.1 Legislative Framework of the Death Penalty in Jordanian Law

Article 17 of the Jordanian Penal Code No. 16 of 1960 and its amendments stipulates that

the death penalty shall be carried out by “hanging until death” and that this penalty is considered the most severe punishment prescribed in Jordanian criminal legislation. It is noted that the Jordanian legislative system includes a large number of legal provisions that permit the death penalty, as it includes approximately thirty articles across a number of legislations, most notably:

- **General Penal Code:** 17 articles stipulate the death penalty, most of which relate to crimes of murder, treason, and terrorism.

- **Military Penal Code of 1988:** Includes 8 articles on the death penalty in the context of military and security crimes.

- **Narcotics and Psychotropic Substances Law of 2016:** Stipulates the death penalty in cases of repeated offences or involvement in large trafficking networks.

- **State Document Secrets Protection Law No. 50 of 1971:** Includes 3 articles stipulating the death penalty in cases of disclosing serious security secrets.

The power to issue death sentences is granted to four main judicial bodies: the Grand Criminal Court, the State Security Court, the Military Court, and the Criminal Court of First Instance.

2.6.2 Procedural Guarantees and Execution Exceptions

Jordanian law guarantees a number of formal guarantees related to the application of the death penalty, including:

- Prohibition of death sentences for juveniles (individuals under the age of 18).
- Exemption of pregnant women from execution until after childbirth. The penalty may also be commuted under clemency rules or special circumstances.
- Postponement of execution in premeditated murder cases to allow for the waiver of personal rights or special pardon.

In this context, Article 357 of the Code of Criminal Procedure gains special importance, as it allows executive authorities to review death sentences before their execution. The article stipulates that the Chief Public Prosecutor shall refer the case file after the final judgment to the Minister of Justice accompanied by a report indicating whether they recommend execution or commutation. The file is then referred to the Prime Minister and then to the King to make the final decision regarding execution or commutation.

This mechanism is one of the most prominent tools of “executive control” in punitive justice, but it is not always used to ensure gender and social considerations in the case of women sentenced to death.

2.6.3 Evolution of the Death Penalty Application in Jordan

Jordan has witnessed a notable change in its execution of death sentence policy in recent decades. The main stages of this evolution can be observed as follows:

- **2006 – 2015:** A period of official moratorium on the execution of death sentences during which steps were taken towards joining the international movement to abolish the penalty.
- **2015:** Resumption of executions as 11 individuals convicted of murder are executed.
- **2017:** Execution of 15 individuals, most of whom were accused of terrorism-related charges.
- **Since 2017 to Date:** No new executions have been recorded, indicating an undeclared or unofficial suspension of this punishment.

2.6.4 Implementation Challenges in Gender Context

Although legislative texts do not explicitly discriminate on the basis of gender in matters of sentencing or execution, practical reality shows a disparity in access to justice for women, especially in cases ending in death sentences. Studies and field investigations show that women convicted of serious crimes, especially those committed in the context of domestic violence or social marginalization, do not receive specialized legal representation. Moreover, the psychological and social context that leads to the commission of the crime is not considered.

In this regard, it is noted that the absence of gender analysis mechanisms during the investigation, trial, and execution stages is a form of indirect structural discrimination, which requires a reconsideration of judicial and administrative procedures from a gender-sensitive justice perspective.

2.6.5 Correctional and Rehabilitation Centers and Punishment Execution in Light of International Standards

At the execution level, the environment of correctional and rehabilitation centers in Jordan still suffers from shortcomings in adhering to standards for the treatment of women

sentenced to deprivation of liberty punishments, especially the “Bangkok Rules” (United Nations Rules for the Treatment of Women Prisoners – 2010). Reports issued by the National Commission for Women Affairs and civil society organizations indicate that female inmates, especially those sentenced to death, suffer from:

- Poor physical and psychological healthcare services.
- Absence of specialized rehabilitation programs for women.
- Disregard for biological and social privacy.

This leads to a doubling of the punishment in reality, so that it is not limited to deprivation of life but extends to institutional neglect of inmates’ basic rights.

3. Findings of Qualitative and Quantitative Analysis

This section presents the main findings derived from the analysis of quantitative and qualitative data related to the death penalty in Jordan in the context of examining the relation between gender and the course of criminal justice. The analysis aims to highlight potential distinctions or disparities in judicial and executive treatment between women and men sentenced to death and clarify the structural, social, and legal factors that may contribute to these differences.

The study's findings and analysis include an examination of the quantitative data generated by the research, followed by a general qualitative analysis. It then proceeds to an in-depth analysis of the specific case of women sentenced to death in Jordan as detailed below:

3.1 Quantitative Data Analysis

The quantitative data analysis is based on a systematic review of a sample of judicial rulings issued against individuals sentenced to death in Jordan in addition to the results of questionnaires and interviews conducted with stakeholders in judicial and human rights affairs. The analysis concludes with the following indicators:

3.1.1 Distribution by Gender: Data shows that women constitute a limited percentage of the total individuals sentenced to death in Jordan. The number of women sentenced to death until 2025 is about 22 women compared to 264 men sentenced to death according to 2023 data. Despite the low number of women, this does not indicate an absence of disparity in treatment but rather reflects the necessity of conducting an in-depth qualitative analysis to understand the different contexts surrounding women’s cases.

3.1.2 Nature of Crimes Committed: The results show that the majority of women sentenced to death are convicted of murder, often committed in the context of domestic violence or self-defense against physical or sexual abuse. In contrast, men sentenced to death are convicted of a variety of crimes ranging from premeditated murder to drug trafficking and terrorism-related crimes. This disparity highlights the different social and psychological pathways and motives associated with gender and emphasizes the need to include contextual and gender analysis in assessing criminal liability.

3.1.3 Waiver of Personal Rights: The mechanism of waiving personal rights is a crucial tool that leads to mitigating or commuting the sentence, especially in premeditated murder cases. However, qualitative interviews reveal that women face increasing challenges in benefiting from this mechanism due to sociocultural considerations such as the stigma of “compromised honor”, which reduces the chances of waiving personal rights in favor of women compared to what is available for men. This leads to a real inequality in opportunities to escape the death penalty.

This data indicates that gender is not merely a demographic variable in death penalty cases but a structural factor that affects various stages of criminal justice, from investigation to trial and execution.

3.2 Overall Qualitative Analysis

This section includes an analysis of the data and statistics related to women sentenced to death in Jordan as follows:

3.2.1 Changes in the Number of Women Sentenced to Death:

According to data and reports available from the Solidarity Is Global Institute – Jordan, the number of women sentenced to death in Jordan changed as follows:



Year	Women on Death Row
2016	12
2017	15
2018	18
2019	20
2021	21
2023	22
2024	23
2025	22

These figures indicate a continuous increase in the number of women sentenced to death in Jordan in recent years despite no death sentences being carried out against women since 2017.

3.2.2 Percentage of Women from Total Individuals Sentenced to Death:

Women sentenced to death constitute about 10-12% of the total individuals sentenced to death in Jordan according to a 2023 SIGI report as follows:

- In 2019, the total number of individuals sentenced to death was (173), including 20 women.
- In 2023, the total number of individuals sentenced to death reached approximately 260, including 22 women.

This percentage, although low compared to men, raises questions about the factors that lead to death sentences against women and whether there are patterns of gender discrimination in these sentences.

Qualitative data extracted from semi-structured interviews with legal practitioners and experts in criminal punishment issues, in addition to the analysis of some judicial cases, reveals recurring patterns of undisclosed gender bias, which is reflected in the course of justice for women sentenced to death in Jordan as follows:

- **First, Social and Psychological Circumstances Not Judicially Included:** A number of lawyers and judges indicate that many women sentenced to death committed crimes in pressing social contexts such as domestic violence, economic coercion, or social marginalization. However, these factors are often excluded from official judicial analysis and are not included as mitigating factors, reflecting the absence of Contextual Justice in the criminal litigation system.

- **Second, the Impact of Gender Stereotypes on Assessing Criminal Behavior:** Interviews show that preconceived notions about “acceptable femininity” sometimes affect the interpretation of crimes committed by women. Women involved in murder or violence are seen as having violated social norms, leading to implicit moral judgments that affect the judicial ruling.

- **Third, Deficiencies in Collecting Gender-Disaggregated Data:** The study faces a significant challenge in obtaining official gender-disaggregated data, which limits the ability to conduct a comparative quantitative analysis. A number of experts point to the absence of a unified system in Jordanian courts to track this type of data, which contradicts UN recommendations on enhancing gender-sensitive criminal justice statistics.

3.3 An In-depth Analysis of the Situation of Women Sentenced to Death in Jordan

The relation between criminal justice and gender is a fundamental issue that requires critical analysis beyond formal legal frameworks and towards an understanding of the structural interactions that contribute to discrimination within the legal system. The importance of this analysis is highlighted in the cases of women sentenced to death in Jordan where gender intersects with multiple factors such as domestic violence, poverty, tribal structure, and legal representation; thus, creating an unbalanced justice system. This part of the study provides an evidence-based analytical treatment of the criminal and discriminatory patterns affecting these women based on reliable international and national sources.

3.3.1 First: Patterns of Crimes Associated with Death Sentences for Women

Judicial data indicates that 33% of women sentenced to death in Jordan are convicted of murder, often within the family. These crimes are, in many cases, committed in a context of gender-based violence where women are subjected to years of domestic, physical, or

psychological violence before committing the criminal act. These patterns raise questions about the motives of the crime, which cannot be isolated from socioeconomic coercions, necessitating a comprehensive review of the foundations upon which trials and judgments are based.

3.3.2 Second: Patterns of Gender Discrimination in the Application of the Death Penalty to Women

The study revealed four patterns related to gender-based discrimination in the application of the death penalty to women, as follows:

3.3.2.1 Discrimination in Reconciliation and Extinguishment of Personal Rights Mechanisms

The mechanism of waiving personal rights, through tribal reconciliation, is a crucial path for mitigating the death penalty in premeditated murder cases. However, this mechanism is practiced in a discriminatory manner against women where:

- Women face reluctance from their families to engage in reconciliation negotiations or cover its costs due to societal perceptions that diminish the “value of the female.”
- There is a greater willingness among families to financially and socially support male convicts sentenced to death compared to females.
- This leads to depriving women of one of the most important means of mitigating punishment, reflecting a reinforcement of gender differences within the informal legal system.

3.3.2.2 Disregard of Gender Context and Domestic Violence

Human rights reports, such as the “Freedom House” report (6118), show that women sentenced to death are often tried without considering the social and factual backgrounds that led them to commit the crime, especially in cases related to domestic violence:

- Years of violence and psychological or sexual abuse suffered by women are overlooked.
- These circumstances are not included as mitigating factors, whether in investigations or during trial.
- Jordanian law lacks a clear legal mechanism to take gender-based violence into account in premeditated murder cases.

This oversight constitutes a violation of the principle of fairness and gender justice stipulated in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

3.3.2.3 Discrimination in Detention Conditions

Detention conditions reveal institutional gaps that affect women sentenced to death, especially regarding their physical and psychological specificities, as follows:

- **Inadequate Infrastructure:** Correctional facilities do not consider women's specificities and are often designed primarily for male needs in violation of Rule 42 of the Bangkok Rules.
- **Deficiencies in Health and Psychological Care:** Reproductive and psychological services are not provided regularly despite the emphasis on such in Rules 10, 11, and 48.
- **Isolation and Social Stigma:** Convicted women face severe isolation, poor communication with their families, and an absence of support networks.
- **Absence of Rehabilitation Programs:** There are no sufficient programs for reintegrating female prisoners or supporting them psychologically and legally during detention.

3.3.2.4 Discrimination Related to Poverty and Social Marginalization

Facts show that women sentenced to death mostly belong to marginalized socioeconomic classes, which is reflected in the:

- Poor legal representation, as they cannot afford competent lawyers and lawyers are appointed for them without adequate capabilities or training.
- Inability to cover the costs of tribal reconciliation procedures, which eliminates a major option for mitigating punishment.
- Absence of social support during the investigation, trial, and detention stages.

This overlap between gender and economic status represents complex discrimination, weakening women's chances of accessing equitable justice.

3.3.3 Third: Sociocultural Influences on the Application of the Death Penalty

The study identified a set of cultural and social influences that may serve as contributing factors in the application of the death penalty in Jordan more broadly. These influences are as follows:

3.3.3.1 Tribal Reconciliation as a Discriminatory Mechanism

In cases of premeditated murder, the execution of the death penalty is postponed for long periods to allow for reconciliation. However:

- Women's chances to benefit from this period are reduced due to poor tribal interaction with their cases.
- The tribal structure treats women's crimes as a double violation: legal and moral, especially if related to "family honor".
- Women are burdened with greater symbolic burdens compared to men, reflecting an unequal application of punishment mitigation mechanisms.

3.3.3.2 Traditional Concepts of Gender Roles

Prevailing social perceptions of "proper female behavior" affect trial and sentencing procedures:

- Women who commit murder are treated as "deviant" and socially and morally "perverse."
- The legal system implicitly doubles the punishment based on these concepts, viewing the crime as undermining the woman's "natural" social role.
- This cultural bias reinforces gender discrimination and affects the formation of judicial conviction.

4. Study Findings

This study sheds light on the unique experiences of women sentenced to death in Jordan, aiming to uncover the specific challenges and circumstances this group faces within the criminal justice system. Through an in-depth analysis of data and theoretical frameworks related to gender, the study seeks to present a comprehensive understanding of gender disparities in the application of the most severe forms of punishment. It further aims to open the door for discussions around legal and social reforms that promote justice and equality.

The study's findings are organized into five sections: 1) Results from surveys and interviews with legal practitioners; 2) findings from the analysis of case files or questionnaires concerning women on death row; 3) key conclusions drawn from the data collected, reviewed, and interpreted throughout the study; 4) an analytical review of case files, highlighting challenges in understanding context and interpreting facts; and 5) an integrated analysis, where quantitative and qualitative data intersect with judicial review. These sections are presented as follows:

4.1 Results from Surveys and Interviews with Legal Practitioners

The study analyzed the perspectives of legal practitioners, yielding findings related to gender sensitivity within the Jordanian legal system, gender biases in judicial rulings, gender-based challenges within the legal framework, the need for gender-responsive legislative reforms, and the complex challenges faced by women sentenced to death. These findings are presented as follows:

4.1.1 Gender Consideration in the Jordanian Legal System

The study findings show that 60% of legal practitioners believe that the legal system in Jordan does not adequately integrate a gender perspective into its legislative and procedural structure, while 25% see relative consideration and 15% take a neutral stance. This leads to the following:

4.1.1.1 This trend indicates a lack of gender justice where the gender dimension is not considered in interpreting and applying the law, leading to institutionalized indirect discrimination.

4.1.1.2 It reflects limitations in gender-sensitive legal analysis and the absence of using gender auditing tools within judicial institutions.

4.1.2 Gender Biases in Judicial Rulings

It is found that 50% of legal practitioners do not acknowledge the existence of gender biases in rulings issued against women while 40% believe in their existence and 10% remain neutral.

4.1.2.1 These results highlight the phenomenon of implicit bias where discrimination may be practiced unconsciously by judges or prosecutors influenced by gender stereotypes.

4.1.2.2 The absence of recognition of these biases indicates the dominance of legal patriarchy that reproduces inequality within the judicial institution.

4.1.3 Gender Challenges within the Legal System

75% of participants indicate that women face structural gender barriers within the legal system compared to 15% who see the opposite and 10% who are neutral. This indicates:

4.1.3.1 This result indicates a broad awareness of an imbalance in the principle of legal equality.

4.1.3.2 The legal experience of women is also affected by the intersectionality of gender identity and social reality, especially when combined with gender, poverty, and marginalization.

4.1.4 Need for Gender-Sensitive Legislative Reforms

80% of legal practitioners support the necessity of introducing gender-sensitive legislative reforms in death penalty cases while 10% oppose such and 10% are neutral. The means that:

4.1.4.1 This high percentage reflects a professional willingness to apply the principle of procedural equality and transform from formal justice to corrective justice.

4.1.4.2 This trend requires adopting transformative justice strategies in criminal justice to ensure that gender and social circumstances are considered essential elements in punishment.

4.1.4 Need for Gender-Sensitive Legislative Reforms

80% of legal practitioners support the necessity of introducing gender-sensitive legislative reforms in death penalty cases while 10% oppose such and 10% are neutral. The means that:

4.1.4.1 This high percentage reflects a professional willingness to apply the principle of procedural equality and transform from formal justice to corrective justice.

4.1.4.2 This trend requires adopting transformative justice strategies in criminal justice to ensure that gender and social circumstances are considered essential elements in punishment.

4.1.5 Complex Challenges for Women Sentenced to Death

The study identifies the most prominent challenges faced by women sentenced to death as follows:

4.1.5.1. Gender discrimination in the legal system scored 85%, which reflects institutional gender discrimination.

4.1.5.2. Difficulty in the waiver of personal rights scored 78%, which results from unequal application of restorative justice mechanisms influenced by tribal patterns.

4.1.5.3. Disregard of the backgrounds of domestic and gender-based violence scored 70%, which indicates an absence of contextual analysis of offending.

4.1.5.4. Poor legal representation scored 65%, and this is an example of access to justice inequality.

4.1.5.5. Family and social pressures scored 60%, and it intersects with concepts of gendered social control.

4.1.5.6. Poor psychological and health infrastructure in correctional facilities scored

55%, which indicates disregard for a human rights-based approach to prison mental health.

These results, combined, indicate the existence of a gender-biased punitive justice system where the opinions of legal practitioners, who represent the professional elite in law enforcement, show increasing awareness of the limitations of legal neutrality from a gender perspective. It also emphasizes the importance of integrating concepts such as intersectional justice, equitable legal representation, and gender impact assessment in the process of reforming Jordanian criminal law, especially in cases affecting the right to life.

4.2 Analytical Section: Results of Analyzing Files or Questionnaires of Women Sentenced to Death

This part of the study relies on the analysis of quantitative data for (21) cases of women sentenced to death in Jordan in addition to 16 questionnaires with the aim of exploring common demographic, social, legal, and psychological characteristics. The analysis contributes to revealing significant socio-legal patterns that help understand the structural conditions that place women in confrontation with the harshest criminal penalties while considering the impact of intersectionality such as gender, poverty, violence, and class and regional affiliation.

4.2.1 Marital Status as a Gendered Risk Factor

Result	Data indicates that 50% of women sentenced to death are married while the percentage of single women is 45.5%.
Analysis	Marital relationship is a sensitive structural factor in analyzing crime among women, as it is often associated with gendered power imbalances, especially in contexts characterized by male dominance and patriarchal norms. The marital context in these cases may carry features of structural violence, which pushes women towards extreme choices as a defensive reaction or as a result of the psychological and social accumulation of oppression.

4.2.2 Geographical Distribution and Legal Access Disparities

Result	The results show a concentration of cases in Amman Governorate (22.7%) followed by Ajloun Governorate (18.2%).
Analysis	This distribution indicates regional justice access disparities and variations in legal and social infrastructure, which may affect the quality of legal and social support provided to women in some governorates more than others. It can also be interpreted within the framework of legal marginalization associated with geographical distance.

4.2.3 Educational Attainment and Legal Vulnerability

Result	The highest percentage of victims is recorded in the “husband” category at 31.8%.
Analysis	The relationship between the female offender and the victim shows dynamics of intimate partner violence (IPV). Literature confirms that women in marital relationships often commit crimes in the context of cumulative self-defensive violence, which is often not considered during trial. This indicates a flaw in activating the principle of gender-responsive accountability in criminal law.

4.2.5 Co-offending and Coercive Involvement

Result	It is found that 68.2% of cases are carried out with another partner.
Analysis	“Co-offending” is an important indicator of unapparent coerced complicity, as studies show that women are often forced to participate under psychological or social threat. Therefore, evaluating their role should be done within the framework of differentiated criminal liability that considers the gendered contexts of pressure.

4.2.6 Exposure to Domestic and Social Violence (History of Gender-Based Violence – GBV)

Result	40.9% of women (from valid responses) report previous exposure to violence, either within the family or from the social environment.
Analysis	This result is strong evidence that a large number of crimes are committed within the framework of gender-based violence (GBV), especially in its structural and continuous form (chronic domestic violence). Overlooking these backgrounds during investigation or trial constitutes a violation of the principle of contextual procedural analysis stipulated in the Bangkok Rules (2010) for female prisoners.

4.3 Analytical Conclusions:

These results show that women sentenced to death in Jordan face complex structural conditions that affect the circumstances of committing the crime and frame their actions within a legal system that lacks gender-inclusive criminal justice. The study reveals the importance of using multi-dimensional intersectional approaches in understanding the reality of female offenders and considering the impact of social, psychological, and contextual factors when assessing criminal liability as follows:

4.3.1 Analysis of Field Interview Results

Within the framework of qualitative analysis of the reality of women sentenced to death in Jordan, interviews were conducted with a number of female inmates in correctional and rehabilitation centers to understand their perceptions and personal and institutional experiences within the justice and human rights system. These testimonies reveal multiple patterns of **Structural Gender Discrimination** as well as **forms of Legal and Social Marginalization** that intersect with gender as such:

4.3.1.1 Perceptions of Discrimination in Treatment within the Legal System

22.7% of participants report experiencing different and negative legal treatment due to being women, which reflects a tangible presence of implicit bias in the performance of some legal practitioners and judicial institutions.

This pattern of treatment is an example of gender bias in legal procedures, which affects equality before the judiciary in terms of assessment, assumptions, and even proposed penalties.

4.3.1.2 Media Bias in Case Presentation

Although the percentage of women who report experiencing biased media coverage of their cases is only 9.1%, this reveals the existence of stereotypical media representation that contributes to reproducing negative images of female offenders, especially in cases related to what is socially known as “honor” or “moral deviation.”

4.3.1.3 Administrative Response to Inmate Complaints

81.8% of participants report that the center’s administration listens to their complaints and needs, which indicates a relative degree of institutional responsiveness. However, corrective justice is not complete merely by listening but requires effective responses reflected in improved policies and living conditions for inmates.

4.3.1.4 Absence of Legal and Community Support

The results show that 72.7% of women do not receive any form of support from human rights institutions or civil society organizations. This indicates a protection gap as well as legal disengagement where women sentenced to death lack the necessary support networks for effective litigation, appeal, or even psychological and social support.

4.3.2 Qualitative Analysis – A Reading of Human, Psychological, and Legal Experiences

Qualitative analysis of open testimonies from women sentenced to death in Jordan provides a crucial introduction for a deeper understanding of the reality these women live by exploring subjective experience within a challenging legal and social environment. This analysis highlights the importance of the interaction between psychological, social, and legal factors and reveals patterns of structural gender-based discrimination that are not clearly visible in traditional quantitative analysis based on the following:

4.3.2.1 Experience of the Legal System: Impressions of Perceived Injustice

Many women describe their interaction with the legal system as lacking perceived fairness, indicating that their individual circumstances such as history of domestic violence or societal pressures are not adequately considered during trial. They also point

4.3.2.2 Detention Conditions: Chronic Psychological and Living Challenges

Testimonies highlight disparities in assessing detention conditions, but the majority indicate the presence of chronic psychological and living pressures, most notably overcrowding, poor quality of healthcare, and absence of therapeutic psychosocial support programs. A general sense of social isolation and absence of effective channels for emotional release are also observed, contributing to the exacerbation of chronic psychological distress and post-traumatic stress disorder (PTSD).

4.3.2.3 Gender Discrimination: Interaction of Norms with Legal Systems

Participants' testimonies indicate that discrimination is not embodied in a single decision or specific stance but is rather the result of a cumulative interaction of several social and legal systems of oppression (Intersectional Oppression). Women express suffering from stereotypical judgments based on traditional gender roles (Gender Role Stereotyping). The absence of gender-informed judicial assessment also contributes to the failure to consider the backgrounds of prior violence or circumstances surrounding the crime as mitigating or explanatory factors for behavior.

4.3.2.4 Psychological and Social Support: A Missing Institutional Need

Women's testimonies consistently highlight the vital need for continuous psychological and social support within correctional facilities, both during and after the trial period. They point to the absence of specialized staff in trauma-informed mental health services and the lack of rehabilitation programs that consider unique gender-related circumstances, which deepens their self-imposed social isolation.

4.4 Analytical Review of Case Files – Challenges in Understanding Context and Interpreting Data

Reviewing some judicial rulings issued against women sentenced to death reveals a methodological shortcoming in assessing surrounding psychological and social contexts, which affects principles of procedural justice and raises questions about the extent to which fair trial standards are met in these cases, particularly regarding:

4.4.1 Absence of Specialized Psychological and Social Assessment: Some cases, such as (A.A.), show the absence of in-depth psychological assessment despite indicators of potential psychological disorders. Excluding forensic psychological assessment from the case file is an oversight of a fundamental aspect in understanding the motives of criminal behavior.

4.4.2 Neglect of Structural Violence as a Background Factor for Crime: Cases, such as (T.Q.), indicate the judiciary's disregard for facts of cumulative or complex trauma

suffered by women before committing the crime despite these factors being crucial in analyzing intent and criminal behavior.

4.4.3 Disparity in Standards for Assessing Legal Arguments: Cases such as (S.J.) and (F.F.) highlight a contradiction between litigation levels in assessing mitigating excuses, which opens a broader discussion about consistency in sentencing and guarantees of fair adjudication.

4.5 Integrated Analysis – Intersection of Quantitative and Qualitative Data and Judicial Review

Combining quantitative and qualitative methods, in addition to reviewing judicial documents, allows for a more comprehensive reading of gender-disproportionate justice.

While not all participants explicitly indicate direct discrimination, qualitative testimonies and judicial reviews reveal an invisible structure of systemic biases manifested in the poor recognition of violent history, limited legal representation, and traditional interpretations of crime motives.

In this context, domestic violence emerges as a crucial variable in most analyzed cases, contributing to shaping crime motives and transforming women into criminal actors under coercive circumstances; thus, raising the issue of reactive criminality that arises from responding to continuous threats.

Data also emphasizes the necessity of adopting a feminist criminology approach in criminal justice reform, integrating gender, social, and psychological considerations into judicial procedures to ensure just outcomes.

5. Recommendations: Towards Gender-Sensitive Criminal Justice

In light of the results of the documentary analysis and in-depth interviews with legal practitioners and the content of the Twentieth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan for 2023, this study recommends a set of measures and public policies at various levels to ensure the achievement of gender-sensitive criminal justice.

These recommendations are based on human rights principles and the concepts of Restorative Justice, Procedural Justice, and Transformative Justice while considering relevant international standards such as the Bangkok Rules on the Treatment of Women

Prisoners and the International Covenant on Civil and Political Rights. They detailed as follows:

5.1 First: At the Legislative Level

5.1.1 Reform the penalty policy related to the death penalty from a gender perspective by:

5.1.1.1 Amending national legislation to include the concept of "Battered Woman Syndrome" as a form of psychological disorder resulting from chronic domestic violence, which may affect criminal liability (Diminished Responsibility).

5.1.1.2 Including the concept in the Penal Code within mitigating circumstances and legally recognizing that systematic violence may produce defensive behavioral patterns that overlap with criminal acts.

5.1.2 Reconsider the judicial amendment of the Court of Cassation that limits mitigating circumstances to the waiver of personal rights, as it restricts the principle of proportionality in punishment and weakens the judicial capacity to achieve humanitarian justice in cases involving compelling social and psychological circumstances.

5.1.3 Gradually reduce the number of crimes punishable by death in line with paragraph two of Article 6 of the International Covenant on Civil and Political Rights, which restricts the use of the death penalty to the most serious crimes in anticipation of suspending its application or abolishing it within a clear national plan.

5.2 Second: At the Judicial and Legal Representation Level

5.2.1 Activate mandatory psychosocial assessment for female defendants in major cases before issuing judgments through professional and independent bodies, enabling the court to understand the psychological and social dimensions associated with the crime.

5.2.2 Enhance effective legal representation for female defendants in major crimes with priority given to male and female lawyers trained in gender issues and gender-based violence.

5.2.3 Develop a unified judicial bench book that considers gender-sensitive language in all stages of litigation, including pleadings, hearing minutes, and judgment rulings.

5.2.4 Organize mandatory judicial training programs for judges, public prosecutors, and lawyers, focusing on integrating a gender perspective into judicial work and avoiding implicit biases in interpreting the facts of a crime and the behavior of female defendants.

5.3 Third: At the Correctional Facilities Level

5.3.1 Improve detention conditions for women sentenced to death in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), especially regarding mental healthcare, privacy, and family contact.

5.3.2 Provide comprehensive and continuous psychosocial support programs, taking into account trauma-informed care and helping women adapt to the prison environment.

5.3.3 Train staff in correctional facilities on restorative justice and a rights-based approach and enhance professional and humane interaction skills with detained women while considering sociocultural contexts.

5.3.4 Empower women to maintain family ties (Family Reunification) by facilitating visits by children and family members in a safe and supportive environment. This has a positive impact on mental health and consideration of rehabilitation perspective.

5.4 Fourth: At the Community and Civil Society Level

5.4.1 Implement national awareness campaigns addressing gender issues, domestic violence, and women's rights in criminal proceedings to break stigma and enhance public understanding of women's circumstances in the legal system.

5.4.2 Support civil society organizations specializing in women's rights and legal empowerment through sustainable funding and technical training to enable them to play roles in mediation, legal support, and aftercare for women sentenced to death.

5.4.3 Enhance prevention of domestic violence programs, including early intervention and providing hotlines and shelters to reduce the escalation of violence that may turn into serious crimes.

5.4.4 Empower women economically, especially those at risk and survivors of violence, by supporting income-generating projects and vocational training as means of enhancing their independence and reducing their economic dependence that contributes to the continuation of violence.

5.5 Fifth: At the Scientific Research and Media Level

5.5.1 Build media capacities in covering gender-sensitive issues by emphasizing the need to integrate specialized training for media personnel in dealing with issues of violence against women sentenced to death within a framework of gender-sensitive reporting that contributes to changing stereotypes and promotes public discussion based on human rights while adhering to ethical standards for addressing issues of women and marginalized groups.

5.5.2 Promote Qualitative Sociolegal Research on the relation between criminal justice and gender to generate evidence-based knowledge that can be used to develop public policies and judicial practices.

6. Conclusion

This study highlights the urgent need to adopt a comprehensive, multidimensional, and intersectional approach in addressing the reality of women sentenced to death in Jordan. This approach integrates legal analysis with the psychological, social, and structural dimensions that frame the lives of these women from before the commission of the criminal act through the stages of litigation and punitive enforcement. The findings emphasize that criminal justice is incomplete without achieving substantive equality, which transcends formal equality before the law to account for structural inequalities stemming from gender and historical discrimination.

Through a systematic review of national laws and analysis of judicial documents, alongside in-depth interviews with legal practitioners, the study reveals patterns of gender biases at multiple stages of criminal proceedings. These biases manifest in the difficulty women face in obtaining waivers of personal rights compared to men and the insufficient consideration given to their history of domestic violence and social pressures influencing their criminal liability.

The study also highlights the complex causal relation between gender-based violence and women committing crimes that lead to their death sentences. Interview results and data analysis show that a significant percentage of women sentenced to death are victims of chronic and cumulative violence, which supports the necessity of integrating the concept of "Battered Woman Syndrome" into judicial assessments of sentencing and liability.

Furthermore, the study uncovers inadequate and gender-insensitive legal representation, a lack of psychological and social support during detention, and poor community and civil society engagement with these issues, reflecting a state of dual exclusion: legal and social.

The recommendations developed based on the study's findings represent a call for **Systemic and Multilevel Reform**. This includes legislative reform to incorporate international standards for women's rights, enhance trial proceedings to consider the gender dimension, enhance the competence of legal representation and rehabilitative support, and activate the role of civil society in mediation and empowerment.

In conclusion, this study hopes that its findings serve as a **scientific reference framework** for policymakers, researchers, and civil society organizations to move towards building a more just and inclusive criminal justice system. This system should be founded on **respect for human dignity and true equality before the law**, ultimately leading to a reduction in the application of the death penalty, addressing gender-based discrimination, and achieving criminal justice for women sentenced to death in Jordan.

References

1. Arabic References

1.1 Books and Laws

- United Nations, General Assembly. (2016). Resolution of the United Nations General Assembly on the declaration of a moratorium on the use of the death penalty. New York, USA: United Nations.
- Al-Natoor, A. (2017). Is the Noose Closer to Women? 7iber. <https://www.7iber.com/society/dropping-personal-right-against-women-in-murder-cases/>
- The Hashemite Kingdom of Jordan. (1960). Penal Code No. 16 of 1960 and its amendments. Official Gazette.
- The Hashemite Kingdom of Jordan. (1971). Law on the Protection of State Secrets and Documents No. 50 of 1971. Official Gazette.
- The Hashemite Kingdom of Jordan. (1988). Military Penal Code of 1988. Official Gazette.
- The Hashemite Kingdom of Jordan. (2014). Juvenile Law No. 312 of 2014. Official Gazette.
- The Hashemite Kingdom of Jordan. (2016). Drug and Psychotropic Substances Law of 2016. Official Gazette.
- The Information and Research Center - King Hussein Foundation. (2019). Gender Discrimination in Jordan. Amman, Jordan: Information and Research Center - King Hussein Foundation.
- Freedom House. (2008). Women's Rights Handbook in the Middle East and North Africa: Citizenship and Justice.

1.2 Reports

- The Jordanian National Commission for Women. (2018). The Status of Women in Correctional and Rehabilitation Centers in Jordan.
- The Justice Center for Legal Aid. (2020). Gender Justice and Women's Representation before Criminal Courts in Jordan.
- The National Center for Human Rights. (2015). The Reality of Women in Correctional and Rehabilitation Centers - A Field Study in Juwaideh and Umm Al-Lulu Centers.
- Solidarity Is Global Institute - Jordan. (2021). Report on Women Sentenced to Death in Jordan. Amman, Jordan: Solidarity Is Global Institute - Jordan.
- Amnesty International. (2020). Report on the Death Penalty Worldwide. London, United Kingdom: Amnesty International.
- Mizan Organization - Law Group for Human Rights. (2019). Women's Access to Justice Campaign: Challenges of Legal and Social Reality.

- Human Rights Watch. (2009). Guests of the Governor: Administrative Detention in Jordan and the Undermining of the Rule of Law.
- Penal Reform International. (2013-2014). Who are the Women Prisoners? Survey Results in Jordan and Tunisia.

2. English References

2.1 Books and Articles

- Amnesty International. (n.d.). Death Sentences and Executions Reports. (Various years).
- Amnesty International. (2021). Death Sentences and Executions 2020. London: Amnesty International Publications.
- Freedom House. (2008). Women's Rights Handbook in the Middle East and North Africa: Citizenship and Justice.
- Steffensmeier, D., & Demuth, S. (2006). Does gender modify the effects of race–ethnicity on criminal sanctioning? *Journal of Quantitative Criminology*, 22(3), 241–261.
- United Nations. (1948). Universal Declaration of Human Rights (UDHR).
- United Nations. (1966). International Covenant on Civil and Political Rights (ICCPR).
- United Nations. (1979). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- United Nations. (1984). Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty. Economic and Social Council.
- United Nations. (1989). Convention on the Rights of the Child (CRC).
- United Nations. (1989). Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.
- United Nations. (2010). United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).
- United Nations General Assembly. (2007). A/RES/62/149.
- United Nations General Assembly. (2008). A/RES/63/168.
- United Nations General Assembly. (2010). A/RES/65/206.
- United Nations General Assembly. (2012). A/RES/67/187.
- United Nations General Assembly. (2014). A/RES/69/186.
- United Nations General Assembly. (2016). A/RES/71/187.

2.2 Reports

- United Nations Office on Drugs and Crime (UNODC). (2014). Handbook on Women and Imprisonment.
- United Nations Office on Drugs and Crime. (2015). Mandela Rules.
- World Coalition Against the Death Penalty. (2022). Women and the Death Penalty: A Gender-Based Perspective.

3. Glossary

Term	Definition
Gender	The roles and characteristics defined by society for both males and females that go beyond biological differences.
Gender Discrimination	Unequal treatment based on gender, leading to diminished rights or unfair opportunities.
Empirical Legal Analysis	A research method based on collecting and analyzing real-world data to test legal hypotheses.
Mixed Methods Research	Using both quantitative and qualitative analysis in a study to obtain more accurate and comprehensive results.
Quantitative Analysis	Analyzing numerical data using statistics, such as percentages, distribution, and correlation.
Qualitative Analysis	Analyzing textual data like interviews to capture meanings, contexts, and human experiences.
Gender Justice	Achieving equality and fairness in rights and treatment between genders within the legal and social system.
Gender Analysis	Examining the impact of gender on laws, policies, or behaviors.
Gender-Sensitive Approach	An approach in analysis or policies that considers and accounts for gender differences.
Gender Bias	Assumptions or attitudes that influence judgments or decisions based on gender.
Gender Stereotypes	Preconceived notions or judgments about roles or capabilities of men or women.

Term	Definition
Restorative Justice	A justice system focusing on repairing harm rather than punishment, encouraging reconciliation.
Extinguishing of Personal Rights	The victim's family's waiver of their personal rights, which may lead to a reduced sentence.
Triangulation	Using multiple tools or data sources to validate results.
Legal Representation	Having a lawyer defend the accused throughout all stages of the case.
Structural Violence	Harm caused by policies or social systems that lead to exclusion or marginalization.
Gender Gap	Differences between genders in rights, opportunities, or outcomes due to discrimination or inequality.
Intersectionality	A theory analyzing how different identities (gender, poverty, race...) intersect to create complex forms of injustice or discrimination.
Contextual Justice	An analysis that considers personal and social circumstances when judging a case.
Bangkok Rules	UN standards addressing the treatment of women in prison with gender-sensitive considerations.
Chivalry Hypothesis	The idea that the legal system treats women with leniency due to perceptions of them as weak.
Legal Patriarchy	A legal system that reflects male dominance and undermines fairness for women.

Term	Definition
Gender Auditing	A legal system that reflects male dominance and undermines fairness for women.
Corrective Justice	A concept aiming to correct historical or recurrent injustices through preferential policies.
Right to a Fair Trial	The right to fair legal proceedings, including legal representation, neutrality, and transparency.
Formal Neutrality	The notion that laws appear neutral but in practice fail to address gender or social differences.
Legal Empowerment	Individuals' ability to understand and defend their rights before the legal system.
Legal Marginalization	Exclusion of certain groups (such as women or the poor) from equal access to justice.
Domestic Violence	Physical, psychological, or economic abuse occurring within the family, often against women.
Structural Analysis	An analysis focusing on how systems and institutions produce discrimination or injustice.
Procedural Equality	A principle ensuring fair treatment during the application of the law while considering individual circumstances.