

WOMEN AND DEATH PENALTY: VICTIMS OF A CRUEL AND INHUMANE PRACTICE THAT HAS NO PLACE IN THE 21ST CENTURY

Lisa Montgomery's execution in the U.S. last January was the subject of media attention not only because it was the first execution of a woman at the federal level - re-established by D. Trump - in nearly 70 years, but because it questioned the principle of not executing people with mental incapacity. Lisa Montgomery had been accused of attacking a pregnant woman in 2004. Throughout the process, her relatives argued that her mental health was the result of a childhood plagued by physical abuse, torture, as well as being sexually exploited at the hands of her mother and stepfather.

Zahra Esmaili, a 42-year-old Iranian woman, was sentenced to the death penalty for "admitting" the murder of her husband Alireza Zamani, to which her daughter had murdered. Zamani was director general of the country's Ministry of Intelligence and had attempted to sexually assault her. Zahra Esmaili died of a heart attack while waiting her turn and witnessing the executions of the 16 people before her.

Rizana Nafeek, a domestic worker in Saudi Arabia from Sri Lanka, was sentenced to death, even though she was only 17 years old, after a four-month-old baby she cared for choked and died. She was charged with murder. She "confessed", but later retracted her confession stating that it had taken place under coercion. She had no legal representation until after her death sentence in 2007. The Supreme Court of Riyadh upheld her sentence by beheading in October 2010. She came from a poor family in eastern Sri Lanka and had emigrated to the Arab country in the 1990s. She did not speak or understand Arabic.

According to known data, there are currently at least 500 women on death row in the world and several hundred others have been executed in the last ten years. These numbers also hide the fate of women facing the death penalty in more prolific executing countries such as China, Vietnam, Saudi Arabia, Iran or Iraq, which do not provide any information. Some countries such as Belarus, Guatemala and Tajikistan, which also maintain capital punishment in their legislation, have exempted women from this punishment. Others delay the executions of pregnant women until after childbirth. In most cases, women sentenced not only lack legal assistance and defense, - for lack of awareness or lack of financial means - but also often face social stigma and family rejection while awaiting the execution of their sentence.

They are examples of a reality that can have fatal consequences: the poverty and economic despair that leads many women to commit drug crimes, often as "mules", punishable by the death penalty in several countries of the world; rampant unprotection and vulnerability of migrant women; gender-based violence or physical, sexual and psychological abuse. When a woman is sentenced to death, the sentence rarely considers these variables of violence, exploitation, discrimination, or even trafficking. The death penalty affects both women and men.

Although the number of women executed is significantly lower than that of men, however, they constitute an invisible and usually ignored group, and often, these women on death row come from contexts of great vulnerability, socio-economic hardship and illiteracy.

The month of March, dedicated to gender equality, is a good opportunity to highlight the discrimination faced by women on a daily basis around the world, but also when they are sentenced to death. The specificities of crimes that lead women to such sentences and convictions are often the result of a situation of structural and systemic gender discrimination. It is important for states to recognize the disproportionate impact the death penalty has on all people, but also on women, and girls, and take steps to end this cruel, inhumane and ineffective practice. Its abolition is imposed in order to make further progress in meeting the 2030 Agenda and its objectives.

- Judge Navi Pillay is President of the International Commission against the Death Penalty and former United Nations High Commissioner for Human Rights
- Cristina Gallach is Secretary of State for Foreign Affairs and for Ibero-America and the Caribbean