



**Egypt's Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women: The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**for the 80<sup>th</sup> Session of the Committee on the Elimination of All Forms of Discrimination  
Against Women**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications.

The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty** (World Coalition), an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## **Egypt fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (List of Issues paragraph 2)**

1. The Committee requested information about “specific courses provided by the National Centre for Judicial Studies to train judicial officers on the application of the Convention and the interpretation of national legislation in line with the Convention.”<sup>1</sup> The State Party’s response references “training programmes to enhance the capacities of prosecutors to respond effectively to violent crimes against women,” and trainings for judges “on strategic interventions against violence against women.”<sup>2</sup>
2. The State Party’s response overlooks the need for comprehensive training programs for prosecutors and judges when women are in conflict with the law. Such training programs are particularly important when women are at risk of being sentenced to death.
3. There is limited information about women who have been sentenced to death or executed in Egypt. Amnesty International explains that “Egyptian authorities do not publish statistics on executions or the number of prisoners on death row; nor do they inform families or lawyers in advance of executions.”<sup>3</sup>
4. After a woman is sentenced to death in Egypt, she is far more likely than a man to have her preliminary death sentence confirmed and to be executed. According to Reprieve, in the period between the January 2011 revolution and September 2018, individuals sentenced to death have been overwhelmingly male, but “women sentenced to death were executed during this period at more than double the rate of men.”<sup>4</sup> Moreover, preliminary death sentences issued for women had an 82% confirmation rate, while death sentences issued for men were confirmed at just a 59% rate.<sup>5</sup>
5. The Egypt Death Penalty Index, a database compiled by Reprieve, the Egyptian Commission for Rights and Freedoms, and a data research center based in Cairo, confirms that Egyptian authorities have executed at least 13 women since December 2015. Those figures do not

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<sup>1</sup> Committee on the Elimination of Discrimination Against Women, *List of Issues and questions in relation to the combined eighth to tenth periodic reports of Egypt*, (17 November 2020) U.N. Doc. CEDAW/C/EGY/Q/8-10. ¶ 2.

<sup>2</sup> Committee on the Elimination of Discrimination Against Women, *Replies of Egypt to the list of issues and questions in relation to its combined eighth to tenth periodic reports*, July 7, 2021, U.N. Doc. CEDAW/C/EGY/RQ/8-10, ¶ 4.

<sup>3</sup> *Egypt: ‘horrible execution spree’, with at least 57 killed in past two months*, Amnesty International UK (Press Release), Dec. 1, 2020, <https://www.amnesty.org.uk/press-releases/egypt-horrifying-execution-sprees-least-57-killed-past-two-months>.

<sup>4</sup> *Mass Injustice: Statistical Findings on the Death Penalty in Egypt*, Reprieve, (2019), [https://egyptdeathpenaltyindex.com/wp-content/uploads/2020/11/2019\\_05\\_09\\_PUB-EGY-Egypt-data-report-Mass-Injustice-WEB-version.pdf](https://egyptdeathpenaltyindex.com/wp-content/uploads/2020/11/2019_05_09_PUB-EGY-Egypt-data-report-Mass-Injustice-WEB-version.pdf), at 3.

<sup>5</sup> *Mass Injustice: Statistical Findings on the Death Penalty in Egypt*, Reprieve, (2019), [https://egyptdeathpenaltyindex.com/wp-content/uploads/2020/11/2019\\_05\\_09\\_PUB-EGY-Egypt-data-report-Mass-Injustice-WEB-version.pdf](https://egyptdeathpenaltyindex.com/wp-content/uploads/2020/11/2019_05_09_PUB-EGY-Egypt-data-report-Mass-Injustice-WEB-version.pdf), at 31.

include at least four additional executions of women in October 2020,<sup>6</sup> and at least four additional executions of women in 2021.<sup>7</sup>

6. The Egypt Death Penalty Index lists 75 women whose death sentences have been confirmed by the court of the first instance, four women whose death sentences have been confirmed in absentia by the court of the first instance, two women whose executions are imminent, 57 women who have received a preliminary death sentence, and 8 women who are serving a prison sentence after a confirmed or preliminary death sentence. 10 of those 75 women had been charged with “political offenses”; of those, one woman’s execution is imminent, one woman’s death sentence was confirmed in absentia, and three women were subsequently acquitted. Political offenses include “storming government installations,” “terrorist acts,” “terrorism toward religious minorities,” and espionage. All of the other women in the database have been convicted of murder.<sup>8</sup>
7. Egypt has sentenced at least one girl to death in the last decade. According to the Egypt Death Penalty Index, Ms. I was charged with and subsequently convicted of murder in 2014 when she was just 16 years old. Her death sentence appears to have been subsequently converted to a prison sentence.<sup>9</sup>
8. There is limited information available about the circumstances of the crimes for which these women have been sentenced to death, but available information suggests that legal proceedings are not gender-sensitive and do not take into account an accused woman’s experiences of gender-based violence or the power dynamics between an accused woman and her male codefendants. One woman was executed in 2015 for killing her husband.<sup>10</sup> In June 2021, a woman was executed for her involvement in the killing of her 11-year-old son, even though her lover and an accomplice kidnapped the child and killed him.<sup>11</sup> A 20-year-old woman was accused of killing her husband five days after their wedding. According to reports, she had refused to marry the man because she was in a relationship with someone else. In July 2020, the criminal court referred the case to the Grand Mufti of Egypt to issue a religious opinion about whether a death sentence would be appropriate.<sup>12</sup> According to Hands Off Cain, Egyptian authorities executed two women in February 2018. The women were two of five

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<sup>6</sup> *Egypt: Chilling rise in executions reveals depth of human rights crisis*, Amnesty International (Press Release), Dec. 2, 2020, <https://www.amnesty.org/en/latest/press-release/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis/>.

<sup>7</sup> Egypt Death Penalty Index, <https://egyptdeathpenaltyindex.com/>; *Egypt: 16 people, including at least three women, executed for ordinary crimes*, Mar. 5, 2021, <https://www.ecpm.org/en/egypt-16-people-including-at-least-three-women-executed-for-ordinary-crimes/>; Mada Masr, *16 executions carried out over single week in Alexandria, Cairo*, June 27, 2021, <https://www.madamasr.com/en/2021/06/27/news/u/16-executions-carried-out-over-single-week-in-alexandria-cairo/>.

<sup>8</sup> Egypt Death Penalty Index, <https://egyptdeathpenaltyindex.com/>.

<sup>9</sup> Egypt Death Penalty Index, <https://egyptdeathpenaltyindex.com/>.

<sup>10</sup> Amira Mahmoud Othman, *The Death Penalty in Contemporary Egypt: States, Murderers, and State Murderers*, American University in Cairo, Fall 2019, at 45, <https://fount.aucegypt.edu/etds/1566>.

<sup>11</sup> *Mother executed after killing her 11-year-old son in Egypt*, Roya News, June 28, 2021, <https://en.royanews.tv/news/29211/2021-06-28>.

<sup>12</sup> Al-Masry Al-Youm, *Egyptian court refers “Beheira Bride” murder case to Grand Mufti to consider death sentence*, Egypt Independent, July 30, 2020, <https://www.egyptindependent.com/2621915damanhur-court-referrers-case-papers-of-bride-to-mufti-of-egypt-for-killing-her-husband-2/>.

relatives executed on the same day for the kidnapping and murder of a girl in 2013. The women were a 40-year-old housewife and a 19-year-old woman.<sup>13</sup>

9. Despite limited information, evidence suggests that women in Egypt face the death penalty in part because judicial proceedings discriminate against women and do not take into account the circumstances of the alleged crime. In a groundbreaking study, the Cornell Center on the Death Penalty Worldwide investigated the contexts within which women are sentenced to death and executed. The study acknowledged, as is the case in Egypt, that “most women on death row have been sentenced to death for the crime of murder.” The report found that “[m]any of these crimes involve murders of close family members in a context of gender-based violence.” In some cases, the woman was forcibly married, as was the case of the 20-year-old woman described in the previous paragraph. In other cases, women may face “capital prosecution arising out of domestic abuse,” subjecting them to “gender discrimination on multiple levels.” For example, “evidence of abuse is difficult to gather,” and courts are often reluctant to recognize that a woman may have acted in self-defense. Moreover, courts rarely consider domestic abuse as a mitigating factor during sentencing.<sup>14</sup> And in cases with multiple co-defendants from the same family or in an intimate partner relationship, courts also fail to account for power dynamics and tactics of coercive control that may influence a woman’s participation in a crime. Finally, in the words of the former UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, courts also “judge women not just for their alleged offenses, but also for what are perceived to be their moral failings as women . . . . Nowhere are transgressions of the social norms of gender behavior punished more severely than in a capital trial.”<sup>15</sup>

10. **Suggested recommendations**<sup>16</sup> for the government of Egypt:

- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and consistent with international human rights standards.
- In the interim, eliminate the death penalty as a possible sentence for offenses that do not involve an intentional killing committed at the hands of the person being sentenced.
- In the interim, provide all judges who have sentencing authority with comprehensive gender-sensitization training, including with respect to women and girls in conflict with the law who have experienced gender-based violence, focusing

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<sup>13</sup> *Egypt executes six, two of whom were women*, Hands Off Cain, June 4, 2018, <https://www.handsoffcain.info/notizia/egypt-executes-six-two-of-whom-were-women-40305364>.

<sup>14</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 11-12, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>15</sup> Agnes Callamard, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 3, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>16</sup> Some of these recommendations are borrowed or adapted from *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Cornell Center on the Death Penalty Worldwide, Sept. 2018, at 35, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses.

- Ensure that no woman or girl is sentenced to death for any crime committed when under the age of 18 years.
- Implement legislative reforms to prevent the application of the death penalty when women and girls who have experienced gender-based violence, including early and forced marriage as well as rape and sexual assault, act against their abusers.
- Ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in capital representation.
- Commute the sentences of women sentenced to death for killing close family members who perpetrated gender-based violence against them.
- Commute the sentences of every woman sentenced to death for an offense that does not involve an intentional killing committed at the hands of the woman.
- Ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.
- Provide and publish transparent information on the number of women sentenced to death and on death row, disaggregated by age, age of dependent children (if any), nationality, ethnic group, crimes of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the demographics of women on death row.