



**Malawi's Compliance with the Convention on the Elimination of All Forms of  
Discrimination Against Women  
Suggested List of Issues Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights**

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

**The World Coalition Against the Death Penalty**

and

**Reprieve**

a non-governmental organization in special consultative status with ECOSOC

**for the Pre-Sessional Working Group of the 83rd Session of the Committee on the  
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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 effect. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

**Reprieve** is a charitable organization registered in the United Kingdom (No. 1114900), with special consultative status with the United Nations Economic and Social Council (ECOSOC).

Reprieve provides free legal and investigative support to those who have been subjected to state-sponsored human rights abuses. Reprieve's clients belong to some of the most vulnerable populations in the world, as it is in their cases that human rights are most swiftly jettisoned and the rule of law is cast aside. In particular, Reprieve protects the rights of those facing the death penalty and delivers justice to victims of arbitrary detention, torture, and extrajudicial execution.

## EXECUTIVE SUMMARY

1. This report suggests questions that the Committee on the Elimination of Discrimination against Women should raise to the government of Malawi in its List of Issues, particularly with respect to the death penalty.
2. Detention conditions for women in Malawi are crowded, and women in prisons are not given adequate food and nutrition. Specifically, many prisons only serve people with one meal a day, often consisting of a maize meal (*nsima*) and peas or beans. Overcrowded conditions are a particular concern during the COVID-19 pandemic, when risk of transmission of the disease is high. Prison conditions in Malawi amount to inhuman and degrading treatment.
3. Women in death penalty proceedings in Malawi lack access to qualified legal representation. Defense advocates in Malawi who are assigned to capital cases often lack relevant experience. In at least one case, a lawyer failed to raise the complete defense of self-defense in representing a woman who killed her husband as a result of a long history of domestic abuse. Had the defense been raised, it is possible that the woman would not have been sentenced to death. Moreover, women from poor and marginalized communities are disproportionately affected by the death penalty because when they are accused of crimes, they are often unable to understand the charges against them because they are illiterate and cannot read the complaint against them. They are also unable to retain private counsel.
4. Women who face extensive gender-based violence are disproportionately affected by the death penalty in Malawi, including those who seek to protect themselves against their abusers. Long histories of gender-based violence can result in complex trauma and can exacerbate psychosocial or intellectual disabilities, yet sentencing courts fail to take these nefarious effects into account as factors in mitigation of a death sentence.

### **Malawi fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women**

5. Malawi is an “abolitionist in practice” state with regard to the death penalty.<sup>1</sup> Since 1994, Malawi has had a de facto moratorium on executions.<sup>2</sup> Malawian courts nonetheless continue to issue death sentences. Amnesty International reports that as of the end of 2020, 27 prisoners were on death row.<sup>3</sup> There is currently one woman under the sentence of death in Malawi.<sup>4</sup>
6. In 2007, Malawi’s Supreme Court abolished the *mandatory* death penalty on the grounds that it violated the accused’s constitutional rights to a fair trial and access to justice.<sup>5</sup> This judgment

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<sup>1</sup> Amnesty International, *Death Sentences and Executions 2020*, p. 58, Apr. 21, 2021. Available online at <https://www.amnesty.org/en/documents/act50/3760/2021/en/>.

<sup>2</sup> United Nations Office of the High Commissioner, Comment by UN Human Rights Spokesperson Marta Hurtado on Malawi’s death penalty reinstatement, 26 Aug. 2021. Available online at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27411&LangID=E>

<sup>3</sup> Amnesty International, *Death Sentences and Executions 2020*, Apr. 21, 2021. Available online at <https://www.amnesty.org/en/documents/act50/3760/2021/en/>.

<sup>4</sup> Reprieve, *World Day—Women Sentenced to Death: An Invisible Reality* (30 Sept. 2021) (*on file with authors*).

<sup>5</sup> World Justice Project, *Malawi Resentencing Project*. Available online at <https://worldjusticeproject.org/our-work/programs/malawi-resentencing-project>

allowed for many people under sentence of death to seek reduced sentences based on mitigating factors that courts had not previously been able to consider.<sup>6</sup>

7. In April 2021, Malawi’s Supreme Court in *Khoviwa v. The Republic* ruled that all people sentenced to the mandatory death penalty who had previously been barred from resentencing must be given a new sentencing hearing immediately.<sup>7</sup>

**I. The Malawian Government has failed to improve prison conditions for women under the sentence of death.**

8. There is currently one woman, S.J., under the sentence of death in Malawi.<sup>8</sup> She is being held in the Domasi Prison, where the prison conditions remain similar to those of Maula Prison, which is where the Special Rapporteur on the right to food visited from 12 to 22 July 2013.<sup>9</sup> Much like the Maula Prison, the Domasi Prison lacks adequate and nutritional food for the prisoners. Most prisoners still only receive one daily meal made up of the traditional Malawian maize meal (*nsima*) and beans or peas due to budget constraints. S.J. reports that there is no variety in her diet, which significantly affects her health.<sup>10</sup> Malawian prison conditions amount to inhuman and degrading treatment. In Malawi, the average life expectancy for those in prison is a mere 10 years.<sup>11</sup>
9. S.J. is separated from the women’s general prison population in de facto solitary confinement and reports feeling isolated.<sup>12</sup> Though there are no reports of a difference in treatment between women under sentence of death and women serving other sentences, the Malawian prison conditions are nevertheless bleak.<sup>13</sup>
10. There are several reports of severe overcrowding in Malawi’s prisons.<sup>14</sup> In Domasi women’s prison, there is little privacy—small windowless cement cells hold two to six women at a time,

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<sup>6</sup> World Justice Project, *Malawi Resentencing Project*. Available online at <https://worldjusticeproject.org/our-work/programs/malawi-resentencing-project>

<sup>7</sup> Reprieve, *Malawi just abolished the death penalty*, 6 May 2021. Available online at <https://reprieve.org/us/2021/05/06/malawi-just-abolished-the-death-penalty/>. The April 2021 judgment also ruled that the death penalty was unconstitutional, *ibid*, but in August 2021, the Supreme Court reversed that part of the April decision, deeming it an “unperfected” decision reflecting the views of a single justice. The “perfected” judgment in *Khoviwa* reinstated the death penalty but reiterated the judgment from April calling for immediate resentencing hearings. Death Penalty Information Center, “Malawi Supreme Court Retreats from Opinion that Declared the Death Penalty Unconstitutional,” 24 Aug. 2021. Available online at <https://deathpenaltyinfo.org/news/malawi-supreme-court-retreats-from-opinion-that-declared-the-death-penalty-unconstitutional>.

<sup>8</sup> The authors have permission from S.J. to discuss the details of her case in this report.

<sup>9</sup> Reprieve, Correspondence from Chipiliro Lulanga (*on file with authors*); United Nations Human Rights Council, *Report of the Special Rapporteur on the right to food, Olivier De Schutter: Mission to Malawi*, A/HRC/25/57/Add.1, 24 January 2014. Available online at [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A\\_HRC\\_25\\_57\\_Add.1\\_ENG.DOC](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_57_Add.1_ENG.DOC).

<sup>10</sup> S.J. interview with Sandra Babcock (November 2021) (*on file with authors*).

<sup>11</sup> Emile Carreau, “Malawi-Five Years after Abolishing the Mandatory Death Penalty, World Coalition Against the Death Penalty, 19 Sep. 2014. Available online at <http://www.worldcoalition.org/Malawi---five-years-after-abolishing-the-mandatory-death-penalty.html>.

<sup>12</sup> S.J. interview with Sandra Babcock (November 2021) (*on file with authors*).

<sup>13</sup> S.J. interview with Sandra Babcock (November 2021) (*on file with authors*).

<sup>14</sup> Death Penalty Worldwide, “Malawi Questionnaire,” 21 June 2014, ¶ 45 (*on file with authors*).

along with their young children up to four years of age.<sup>15</sup> Unsanitary conditions and lack of hygiene, compounded by the food shortage in prisons, result in death and widespread sickness in prison.<sup>16</sup> According to a study conducted by the Cornell Center on the Death Penalty Worldwide, if a female prisoner needs to urinate or defecate during the night, she must use a bucket because the toilets and showers are located outside the cells and women cannot leave their cells at night.<sup>17</sup> Alarming, the only ventilation for the closed cell space is a small hole at the top of the cell door that leads into the hallway.<sup>18</sup> The absence of adequate ventilation is especially a concern during the COVID-19 pandemic.

11. A (now-deceased) woman who spent 12 years on Malawi's death row, A.N., was HIV-positive, having contracted the disease from her husband.<sup>19</sup> She did not receive proper medication while she was imprisoned. Authorities ultimately released her from prison after consideration of mitigating factors, such as self-defense. Photographs of A.N. upon her release revealed that she was frail, barely walking, and short of breath. Her physical state was due to years on death row experiencing pneumonia, malaria, and a chronic cough, all of which went untreated, demonstrating that the prison did not provide adequate care for her health conditions.<sup>20</sup>

## **II. Women under sentence of death in Malawi lack access to qualified legal representation, oftentimes because they are from poor and marginalized communities.**

12. In its 2015 Concluding Observations, the Committee recommended that Malawi "[e]nsure that women have effective access to justice throughout the" country.<sup>21</sup> The Committee also recommended that Malawi "[p]rovide adequate human, technical and financial resources to the Legal Aid Bureau to ensure its effective functioning and facilitate access to it for all women, with particular attention to remote areas."<sup>22</sup> The Eighth periodic report describes steps that Malawi has taken to "enhance the capacity of the Legal Aid Bureau to make the right to access to justice a reality."<sup>23</sup> The report makes no mention of the quality of legal assistance provided to women who are at risk of being sentenced to death or who have been sentenced to death.

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<sup>15</sup> Correspondence with Reprieve, 27 Jan. 2022, on file with The Advocates for Human Rights; The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 30. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>16</sup> The Advocates for Human Rights & The World Coalition Against the Death Penalty, "Malawi: 22nd Session of the Working Group on the Universal Periodic Review," 2014 September (*on file with authors*).

<sup>17</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 21. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>18</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 30. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>19</sup> Cornell Center on the Death Penalty Worldwide, *The Alice Project: Alice's Story*. Available online at <https://deathpenaltyworldwide.org/project/the-alice-project/>

<sup>20</sup> Cornell Center on the Death Penalty Worldwide, *The Alice Project: Alice's Story*. Available online at <https://deathpenaltyworldwide.org/project/the-alice-project/>

<sup>21</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Malawi*, UN Doc. No. CEDAW/C/MWI/CO/7, 24 Nov. 2015, ¶ 13(a).

<sup>22</sup> *Id.* ¶ 13(c).

<sup>23</sup> Committee on the Elimination of Discrimination against Women, *Eighth periodic report submitted by Malawi under article 18 of the Convention, due in 2019*, UN Doc. No. CEDAW/C/MWI/8, 1 Apr. 2021, ¶ 109.

13. A lack of qualified legal counsel specializing in capital cases often prevents women at risk of being sentenced to death from raising sufficient defenses at trial. Many defense advocates in Malawi are new lawyers hired directly from law school and are underqualified to work on capital cases.<sup>24</sup> The majority are male and so do not relate to women's experiences in the criminal justice system. In addition, many women in Malawi lack their own money or property to retain qualified legal counsel.<sup>25</sup> Because many Malawian women are illiterate, many women are unable to understand or respond to legal filings without assistance.<sup>26</sup> Moreover, many of these women are members of poor and marginalized communities. Poverty compounds barriers to fair trials for women in Malawi.<sup>27</sup>
14. In November 2003, A.N. pled not guilty to the charge of murder after she killed her husband in self-defense against his physical abuse. Despite these mitigating circumstances in the context of domestic abuse, her lawyer failed to raise the complete defense of self-defense. Consequently, she was sentenced to death. Had her counsel raised and presented evidence of self-defense, it is likely that the court would not have found A.N. guilty of murder and therefore would not have been forced to sentence her to death under the mandatory death penalty in place at the time.<sup>28</sup>

### **III. Women facing gender-based violence and/or living with psycho-social or intellectual disabilities are disproportionately affected by the death penalty in Malawi.**

15. In its 2015 Concluding Observations, the Committee expressed “deep concern that violence against women, including domestic violence, remains widespread in [Malawi].”<sup>29</sup> The Committee recommended that Malawi, inter alia, “strengthen services for women who are victims of violence.”<sup>30</sup> The Eighth periodic report outlines some steps Malawi has taken to end violence against women,<sup>31</sup> but it does not indicate that judges, prosecutors, or police have received any training gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses. The report describes “One Stop Centres aimed at assisting victims” of gender-based violence as well as “Police Victim

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<sup>24</sup> “Malawi Questionnaire,” Death Penalty Worldwide, June 21, 2014 (*on file with authors*).

<sup>25</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 8. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>26</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 29. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>27</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 29. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>28</sup> Reprieve, “Victim of Domestic Violence Sentenced to the Mandatory Death Penalty.” (*on file with authors*); The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 30. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>29</sup> Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Malawi*, UN Doc. No. CEDAW/C/MWI/CO/7, 24 Nov. 2015, ¶ 22.

<sup>30</sup> *Id.* ¶ 23(e).

<sup>31</sup> Committee on the Elimination of Discrimination against Women, *Eighth periodic report submitted by Malawi under article 18 of the Convention, due in 2019*, UN Doc. No. CEDAW/C/MWI/8, 1 Apr. 2021, ¶¶ 35-40.

Supports Units,” but does not state how many women these entities have assisted or in what capacity.<sup>32</sup>

16. According to a study conducted by the Cornell Center on the Death Penalty Worldwide, data indicate that most women on death row worldwide have been sentenced to death for the crime of murder,<sup>33</sup> and such is also the case in Malawi. The women imprisoned in Malawi for committing offences against life (*i.e.*, murder, assault, or manslaughter) have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member. In many cases, the abuse has occurred repeatedly. As such, domestic violence is an important context for homicides committed by women in Malawi.<sup>34</sup>
17. All women who were previously on death row in Malawi were sentenced to death for the murder of family members.<sup>35</sup> Moreover, there are at least two reported cases in Malawi in which the woman was sentenced to death for killing her abuser.<sup>36</sup>
18. A.N. was sentenced to death for killing her abusive husband. She was a survivor of brutal and systemic domestic violence. She had brought the matter to community leaders, who failed to assist her. One evening, her drunken husband came home and beat her relentlessly to the point where she feared death. To protect herself and her mother, who also present, A.N. struck him on the head with an axe. A.N.’s husband later succumbed to the injuries and consequently, in November 2003 a court sentenced A.N. to death. Her case suggests that when women are sentenced to death for killing another human being, legal proceedings ignore the context of gender-based violence and the imbalance in power dynamics between an accused woman and her abusive intimate partner or family member.<sup>37</sup>
19. Despite the limited number of women under the sentence of death in Malawi, the information above suggests that women in Malawi face the death penalty in part because judicial proceedings discriminate against women due to a lack of gender-sensitive training and do not take into account the circumstances of the alleged crime. Courts rarely consider gender-based abuse as a mitigating factor during sentencing. Research also indicates that courts also fail to account for power dynamics and tactics of coercive control that may affect a woman’s involvement in and culpability for a crime.

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<sup>32</sup> *Id.* ¶ 37.

<sup>33</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 11. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>34</sup> Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at [https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence\\_Uganda.pdf](https://cdn.penalreform.org/wp-content/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf)

<sup>35</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 29. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>36</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p.v12. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>37</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 30. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

20. International law prohibits the execution of individuals with severe psycho-social or intellectual disabilities.<sup>38</sup> In practice, Malawi does not always comply with this prohibition.
21. G.B. is a grandmother with an intellectual disability who was sentenced to death in 2003. She has been diagnosed with an intellectual disability as well as Fetal Alcohol Spectrum Disorder (FASD). G.B. is illiterate and her growth was stunted most likely due to FASD. During a famine in her village, she punished her grandsons who had stolen maize from a field by beating them. Due to malnutrition, one of the grandsons died from G.B.'s punishment. She spent 13 years on Malawi's death row but was granted a sentence rehearing in 2016 and was eventually released in 2018 on humanitarian grounds based on her poor health. G.B.'s case illustrates that sentencing authorities failed to take her intellectual disability into consideration.<sup>39</sup>
22. S.J., currently the only woman in Malawi's death row, was sentenced to death in 2019 for her limited involvement in luring an individual with albinism to her cousin's home, where others murdered him. S.J. admitted to luring the individual to the home, explaining that she was complying with her cousin's instructions, but denied knowledge of any plan to kill the individual for his human remains. Importantly, the court failed to consider S.J.'s developmental delays (*i.e.*, speaking, reading, writing) and psycho-social disability. S.J.'s defense advocates failed to present any evidence to the court about the severe domestic violence that she experienced at the hands of her first and second husbands. The abuse was relevant to S.J.'s vulnerability to coercion and to her mental state at the time of the offense, as the domestic abuse caused S.J. to suffer from trauma-induced psycho-social disability. The abuse also compounded her intellectual disability and rendered her easy to exploit, both by her co-defendants and the police. S.J. was unable to read the complaint against her. Reports indicate that S.J. thumb-printed her confession statement because she is unable to sign her name. Throughout her trial and continuing today, S.J. experienced extreme weakness, tiredness, and hearing loss as a result of a history of severe beatings. The court failed to take S.J.'s background of domestic abuse and her psycho-social and/or intellectual disabilities into account when sentencing her to death.<sup>40</sup>

#### **IV. Suggested questions for the Government of Malawi**

- What steps has the State Party taken to build support for abolition of the death penalty among lawmakers and the general public and, in the interim, to institute a *de jure* moratorium on executions?
- How does the State Party ensure that women under sentence of death are not subjected to *de facto* solitary confinement? What is the rationale for segregating them from people in the general prison population in women's detention facilities?
- What measures has the State Party taken to prevent and control the spread of COVID-19 in prisons? Please provide current information on the number of women released and not released as part of efforts to reduce prison crowding during the

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<sup>38</sup> *What does international law say about the death penalty and mental illness?* Reprieve, Oct. 5, 2016. Available online at <https://reprieve.org/uk/2016/10/05/what-does-international-law-say-about-the-death-penalty-and-mental-illness/>.

<sup>39</sup> The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 17. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>

<sup>40</sup> S.J. interview with Sandra Babcock dated November 2021 (*on file with authors*).



pandemic (including disaggregation according to pre-trial status, crime of charge/conviction, and nature of penalty).

- How is the State Party ensuring that independent entities are able to continue to monitor conditions of detention during the COVID-19 pandemic?
- What measures is the State Party taking to improve the nutritional value of food provided to women in prisons?
- Many incarcerated women are the primary caretakers in their family. How does the State Party protect the best interests of dependent children when women are sentenced to death?
- What training and monitoring measures are in place to ensure that all detention facilities housing women and girls comply with the Bangkok Rules?
- What mechanisms are in place to ensure that women in police custody are free from coercion, sexual harassment, and gender-based violence, and how are perpetrators held accountable?
- What remedies are available to women who allege that they experienced gender-based violence while in police custody and/or during the investigation stage of criminal proceedings?
- What measures are in place to ensure that any woman charged with a capital crime fully understands the charges against her and is able to participate actively and meaningfully in preparing her defense, particularly if she is illiterate or has a psycho-social or intellectual disability? How does the criminal legal system accommodate such disabilities? To what extent are such accommodations available at resentencing hearings?
- How do courts ensure that no woman is sentenced to death for a crime she allegedly committed while under the age of 18, regardless of marital status?
- How do authorities ensure that no woman is executed for a crime she allegedly committed while under the age of 18?
- What steps has the State Party taken to codify gender-specific defenses and mitigation, so as to require courts to take into account women's experiences of trauma, poverty, child marriage, and gender-based violence?
- How does the State Party ensure that judges, prosecutors, defense counsel, police, and other individuals in positions of power within the criminal legal system are knowledgeable about gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses? Specifically, what training programs are available for judges and other actors within the criminal legal system?
- How does the State Party ensure that women who are suspected of committing death-eligible offenses have access to free and quality legal representation with specialization in capital cases at all points in the proceedings, including the investigation and appeals stage? What training do public defenders in capital cases

receive on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses? Does the State Party provide funding for expert witnesses on these topics if they are relevant to a woman's defense?

- What policies are in place to ensure that women under sentence of death have timely and free access to general and female-specific healthcare and counseling, including psycho-social care and menstrual health (*e.g.*, access to sanitary products, soap, etc.)?