



Cornell Law School
Cornell Center on the
Death Penalty Worldwide



**Viet Nam's Compliance with 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

The Cornell Center on the Death Penalty Worldwide

Harm Reduction International

and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding 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 publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. 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 is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, 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.

Harm Reduction International (HRI) is a leading non-governmental organisation that envisions a world in which drug policies uphold dignity, health and rights. We use data and advocacy to promote harm reduction and drug policy reforms. We show how rights-based, evidence-informed responses to drugs contribute to healthier, safer societies, and why investing in harm reduction makes sense. HRI is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

Cornell Center on the Death Penalty Worldwide (CCDPW) provides transparent data on death penalty laws and practices around the world, publishes reports and manuals on issues of practical relevance to lawyers, judges, advocates and policymakers, trains lawyers in best practices, and engages in targeted advocacy and litigation. The Center has gained a reputation for providing comparative legal analysis of the application of the death penalty, as well as for its one-of-a-kind Makwanyane Institute for capital defenders. Our Alice Project, which is the first global project to focus on women facing capital punishment, examines the role of gender in death penalty cases. By representing women before national and international tribunals, organizing trainings for defense lawyers and advocates, and through data collection and analysis, we are exposing the connection between gender-based discrimination and capital sentencing. Center staff and associated faculty continue to defend persons facing the death penalty around the world, with a combined caseload of dozens of death row prisoners. Students play a major role in our advocacy efforts through Professor Babcock's International Human Rights Clinic. Generations of Cornell undergraduates and law students have contributed to our research, training, and individual case representation.

EXECUTIVE SUMMARY

1. This report supplements and provides updates on the report that the coauthors submitted to the Committee in January 2024 at the list of issues stage, highlighting Viet Nam's death penalty practices and their effects on women.¹ Viet Nam continues to sentence women to death, but Viet Nam recently took steps to limit the application of the death penalty to the most serious crimes by reducing the number of crimes eligible for the death penalty from 18 to 10.²
2. Nonetheless, Viet Nam still classifies the death penalty as a state secret,³ so little information is available about various aspects of the application of the death penalty to women. Despite this secrecy, Viet Nam has been an active executioner, conducting documented executions in 2023⁴ and in 2024.⁵ Although the law categorically prohibits executions for pregnant women and nursing mothers with children under the age of three,⁶ the criminal legal system places women in conflict with the law at risk of violations of their right to a fair trial.

Viet Nam fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. Viet Nam sentences women to death for drug-related offenses and other crimes (List of Issues paragraph 20).

3. The Committee in its List of Issues requested information about “the number of women sentenced to death for drug-related offenses.”⁷ Viet Nam's replies do not mention the death penalty.⁸
4. Amnesty International reports that courts in Viet Nam sentenced more than 150 people to death in 2024, including at least 3 women, with over 1,200 people under sentence of death at year-end.⁹ Harm Reduction International (HRI) reports that in 2024, Viet Nam

¹ The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Viet Nam's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Prior to Reporting Relating to the Death Penalty*, 2 Jan. 2024, available at https://www.theadvocatesforhumanrights.org/Res/Viet%20Nam%20CEDAW%20LOIPR%20DP_%20AHR%20WCADP.pdf.

² Nina Motazedi, *Vietnam Eliminates Death Penalty for Eight Offenses*, Death Penalty Information Center, July 01, 2025, <https://deathpenaltyinfo.org/vietnam-eliminates-death-penalty-for-eight-offenses>

³ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *The Death Penalty in the Socialist Republic of Vietnam*, (Feb. 2010), 4.

⁴ RFA Vietnamese, *Vietnam Executes Death Row Prisoner Le Van Manh*, Radio Free Asia, Sept. 23, 2023, <https://www.rfa.org/english/news/vietnam/manh-executed-09232023053849.html>.

⁵ Amnesty Intl., *Death Sentences and Executions 2024*, p. 40, ACT 50/8976/2025, Apr. 8, 2025.

⁶ Cornell Center on the Death Penalty Worldwide Death Penalty Database, Vietnam, <https://dpw.lawschool.cornell.edu/database/#/results/country?id=85#fn-15585-Q94W65B296653> (citing Vietnam Penal Code, art. 35, Law No. 15/1999/QH10, Dec. 21, 1999, as amended through to June 19, 2009).

⁷ Committee on the Elimination of Discrimination Against Women, *List of Issues and Questions in Relation to the Ninth Periodic Report of Viet Nam*, (26 February 2024), U.N. Doc. CEDAW/C/VNM/Q/9, ¶ 20.

⁸ Committee on the Elimination of Discrimination Against Women, *Replies of Viet Nam to the list of issues and questions in relation to its ninth periodic report*, (23 Oct. 2025), U.N. Doc. CEDAW/C/VNM/RQ/9, ¶¶ 100-105.

⁹ Amnesty International, *Death sentences and executions in 2024*, (London: Amnesty International, Apr. 2025), 12, 22, available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

sentenced at least 113 people to death for drug-related offenses, including at least 6 women.¹⁰ Amnesty International sets the figure at 121 (81% of total known death sentences), including at least 3 women.¹¹ HRI observes that “[d]rug offences appear to remain the main crime for which people are sentenced to death” in Viet Nam.¹² HRI’s data show that drug-related offenses accounted for 81% of known death sentences in 2023 and 73% of known death sentences in 2024.¹³

5. Authorities have made partial disclosures suggesting that courts continue to sentence hundreds of people to death yearly, but these disclosures do not divulge information about the crimes for which courts sentence people to death. For example, Radio Free Asia reported in 2024 that “[a]ccording to state media, in a report sent to the National Assembly, the chief prosecutor considered 259 cases for which the death penalty might be imposed, and 338 death sentences. It also issued 258 decisions to deny the right of death row inmates to appeal.”¹⁴
6. The National Assembly approved a measure on 25 June 2025 to revise Article 40 of Penal Code 2015 to reduce the number of death-penalty-eligible offenses from 18 to 10. Effective 1 July 2025, the crimes of illegal drug transport, production of counterfeit medicine, sale of counterfeit medicine, embezzlement, accepting bribes, espionage, jeopardizing peace and waging war, and vandalizing state property will be punishable by life imprisonment and will no longer be capital crimes. The law is retroactive; the Chief Justice of the Supreme People’s Court will convert to life imprisonment the sentences of people previously sentenced to death for those crimes.¹⁵ The death penalty will remain for 10 other criminal offences under Vietnamese law, including, but not limited to, murder, treason, terrorism, rebellion, sexual abuse of a child, illegal manufacturing of narcotic substances, and illegal dealing in narcotic substances.¹⁶ Most of those crimes do not meet the “most serious” threshold.
7. One expert told HRI that similar legislative reforms undertaken in 2015 and 2018 that also reduced the number of drug offences punishable by death were connected to

¹⁰ Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2024*, (2025), at 28, <https://hri.global/wp-content/uploads/2025/03/HRI-GlobalOverview-2024-FINAL.pdf>.

¹¹ Amnesty International, *Death sentences and executions in 2024*, (London: Amnesty International, Apr. 2025), 14, 27, available online at <https://www.amnesty.org/en/documents/act50/8976/2025/en/>.

¹² Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2024*, (2025), at 28, <https://hri.global/wp-content/uploads/2025/03/HRI-GlobalOverview-2024-FINAL.pdf>.

¹³ Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2024*, (2025), at 22, <https://hri.global/wp-content/uploads/2025/03/HRI-GlobalOverview-2024-FINAL.pdf>.

¹⁴ RFA Vietnamese, *One year after inmate’s execution, Vietnam continues sentencing people to death*, Radio Free Asia, 19 Sept. 2024, <https://www.rfa.org/english/news/vietnam/death-penalty-manh-09192024215945.html>.

¹⁵ Nina Motazedi, *Vietnam Eliminates Death Penalty for Eight Offenses*, Death Penalty Information Center, July 01, 2025, <https://deathpenaltyinfo.org/vietnam-eliminates-death-penalty-for-eight-offenses>; *Death penalty for eight criminal offenses lifted, Vietnam Law & Legal Forum*, 25 June 2025, <https://vietnamlawmagazine.vn/death-penalty-for-eight-criminal-offenses-lifted-74533.html>.

¹⁶ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *Briefing paper for the 13th EU-Vietnam human rights dialogue*, Jul. 21, 2025, available online at https://www.fidh.org/IMG/pdf/20250717_vietnam_eu_bp_en.pdf; *Vietnam: IBAHRI welcomes reduction in scope of death penalty and calls for full abolition*, International Bar Association, 8 Aug. 2025, <https://www.ibanet.org/Vietnam-IBAHRI-welcomes-reduction-in-scope-of-death-penalty-and-calls-for-full-abolition>.

“recommendations made by international human rights agencies. These recommendations found fertile ground due to the country’s desire to better integrate into the international community and the world economy.”¹⁷ Minister of Public Security, Luong Tam Quang, told the media that these reforms aim “to address the ‘problematic structure’ of capital punishment, foster international cooperation, and aid the country’s anticorruption efforts.”¹⁸ Indeed, the National Assembly adopted this legislation while the UN Human Rights Committee was holding a session reviewing Viet Nam’s compliance with the International Covenant on Civil and Political Rights.¹⁹ And in its 2024 Universal Periodic Review, Viet Nam supported recommendations to restrict the use of the death penalty to crimes that meet the threshold of “most serious crimes” under international law.²⁰

8. While these latest legislative reforms are a positive development, HRI has expressed caution about the impact of this type of legislative reform, noting that “despite significant restrictions to the list of drug offences punishable by death, some observers suggest the number of drug-related death sentences has not dropped and may have actually increased. A key reason is a failure to address wider issues connected to its application.”²¹
9. In March 2025, a court in Viet Nam sentenced a Kenyan woman, N.M., to death for possessing 2 kilograms of illicit drugs.²² The Kenyan government was highly involved in the case, and that government’s engagement seemed to play a role in the ultimate outcome.²³ The Supreme People’s Court commuted her death sentence to life imprisonment on 31 July.²⁴ Some observers attribute the commutation to the Penal Code amendments that took effect earlier that month.²⁵
10. Courts have recently sentenced women to death for other crimes as well. In a high-profile capital case, a court sentenced T.M.L. to death in April 2024 for her involvement in financial fraud. Because of the 2025 amendments that removed embezzlement from the list

¹⁷ Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2024*, (2025), at 48, <https://hri.global/wp-content/uploads/2025/03/HRI-GlobalOverview-2024-FINAL.pdf>.

¹⁸ *Vietnam: IBAHRI welcomes reduction in scope of death penalty and calls for full abolition*, International Bar Association, 8 Aug. 2025, <https://www.ibanet.org/Vietnam-IBAHRI-welcomes-reduction-in-scope-of-death-penalty-and-calls-for-full-abolition>.

¹⁹ *In Dialogue with Viet Nam, Experts of the Human Rights Committee Commend the Strengthened Human Rights Framework, Riase Issues Concerning Discrimination and Reports of Media Repression*, Meeting Summary, 8 July 2025, <https://www.ohchr.org/en/meeting-summaries/2025/07/dialogue-viet-nam-experts-human-rights-committee-commend-strengthened>.

²⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam*, (21 June 2024), U.N. Doc. A/HRC/57/7, ¶ 42.75, .80; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Viet Nam: Addendum*, (20 Sept. 2024), U.N. Doc. A/HRC/57/7/Add.1, at 4, ¶ 13, 14 n.3.

²¹ Harm Reduction International, *The Death Penalty for Drug Offences: Global Overview 2024*, (2025), at 49, <https://hri.global/wp-content/uploads/2025/03/HRI-GlobalOverview-2024-FINAL.pdf>.

²² *37-year-old Kenyan woman facing a death sentence in Vietnam*, Kenya Broadcasting Company Channel 1, 11 Mar. 2025, <https://www.youtube.com/watch?v=sBwFc1AGciI>.

²³ Aggrey Mutambo, *New hope for Margaret Nduta in Vietnam as Kenya seeks to stem incarcerations abroad*, Daily Nation, 31 July 2025, <https://nation.africa/kenya/news/new-hope-margaret-nduta-kenya-seeks-stem-incarcerations-abroad--5137866>.

²⁴ *Id.*; *Kenyan woman’s death penalty commuted to life sentence in Vietnam*, The Citizen, 31 July 2025, <https://www.thecitizen.co.tz/tanzania/news/east-africa-news/margaret-nduta-death-penalty-commuted-life-sentence-in-vietnam-5138130>.

²⁵ *Vietnam’s Death Penalty Reform Saves Kenyan Margaret Nduta from Execution: What You Should Know*, Otieno Aballah Advocates, 31 July 2025, <https://otienoaballahadvocates.com/margaret-nduta-spared-death-penalty/>.

of crimes eligible for the death penalty, T.M.L. will be eligible to have her sentence reduced to life in prison.²⁶ In November 2025, a court sentenced N.T.H.B. to death for killing three family members, including her husband.²⁷

II. Women in conflict with the law face barriers to access to justice and violations of their fair trial rights (List of Issues paragraph 3(a)).

11. The Committee requested information about the availability of free legal aid for women and girls.²⁸ The replies state that women who are victims of gender-based violence, trafficking, or discrimination are eligible for unconditional and free legal aid.²⁹ It is not clear, however, whether women in conflict with the law receive free legal representation from defense attorneys in criminal cases. The coauthors have also been unable to identify information about the overall availability of training for the defense bar or whether members of the defense bar receive gender-responsive criminal defense training. Reports suggest that the National Assembly is considering amendments to the Law on Legal Aid that would expand access to legal aid and improve the professionalism of people providing legal aid.³⁰
12. Available information suggests that women in conflict with the law are denied fair trial rights. For example, the Kenyan woman sentenced to death in March 2025 was “underrepresented” at trial.³¹ According to the U.S. State Department, “[d]efendants’ right to communicate with a lawyer when on trial for a criminal charge that could result in a 15-year or longer sentence, including capital cases, was often not respected.”³² The U.S. State Department further reports that in criminal proceedings, courts sometimes did not allow defense attorneys to cross-examine witnesses or to call their own witnesses. Police investigators frequently torture and threaten suspects to extract forced confessions, which can lead to death sentences.³³ Even when women in conflict with the law in Viet Nam have

²⁶ Hau Dinh, *Vietnam ends death penalty for 8 crimes, may spare real estate tycoon*, Associated Press, 26 June 2025, <https://apnews.com/article/vietnam-death-penalty-truong-my-lan-legal-reform-ec646e9d61fcd7356bde9d0bbe241f98>.

²⁷ Dana Leong, *Vietnamese woman begs for mercy in court after poisoning husband, family members following dispute over money*, Asia One, 1 Dec. 2025, <https://www.asiaone.com/asia/vietnamese-woman-begs-mercy-court-after-poisoning-husband-family-members-following-dispute>.

²⁸ Committee on the Elimination of Discrimination Against Women, *List of Issues and Questions in Relation to the Ninth Periodic Report of Viet Nam*, (26 February 2024), U.N. Doc. CEDAW/C/VNM/Q/9, ¶ 3(a).

²⁹ Committee on the Elimination of Discrimination Against Women, *Replies of Viet Nam to the list of issues and questions in relation to its ninth periodic report*, (23 Oct. 2025), U.N. Doc. CEDAW/C/VNM/RQ/9, ¶ 7.

³⁰ *Better ensuring the right to access legal aid*, Viet Nam News, 19 Nov. 2025, <https://vietnamnews.vn/politics-laws/1729893/better-ensuring-the-right-to-access-legal-aid.html>.

³¹ Aggrey Mutambo, *New hope for Margaret Nduta in Vietnam as Kenya seeks to stem incarcerations abroad*, Daily Nation, 31 July 2025, <https://nation.africa/kenya/news/new-hope-margaret-nduta-kenya-seeks-stem-incarcerations-abroad--5137866>.

³² United States Department of State, *Vietnam 2023 Human Rights Report* (Washington D.C.: United States Department of State, 2024), 13, available online at <https://www.state.gov/wp-content/uploads/2024/03/528267-VIETNAM-2023-HUMAN-RIGHTS-REPORT.pdf>.

³³ Jason Nguyen, *Amid Presidential Shakeup, Wrongful Death-Row Prisoners in Vietnam Still Await Execution*, The Vietnamese Magazine, 10 Apr. 2024, <https://www.thevietnamese.org/2024/04/amid-presidential-shakeup-death-row-prisoners-in-vietnam-still-await-execution/>; RFA Vietnamese, *One year after inmate’s execution, Vietnam continues sentencing people to death*, Radio Free Asia, 19 Sept. 2024, <https://www.rfa.org/english/news/vietnam/death-penalty-manh-09192024215945.html>.

access to legal aid, they often perceive that legal aid providers lack gender sensitivity and therefore “may find it difficult to confide in a (typically male) legal aid provider and share intimate information related to a case.”³⁴

13. As explained in greater detail in the coauthors’ report to the Committee at the List of Issues stage, intersectional discrimination exacerbates the risk that a woman charged with a capital crime will experience an unfair trial.³⁵

III. Suggested recommendations for the Government of Viet Nam

14. The coauthors suggest that the Committee recommend that the Government of Viet Nam:

- Abolish the death penalty and replace it with approaches that are fair, proportionate, and consistent with international human rights standards.
- In the interim:
 - Institute a formal moratorium on all executions.
 - Immediately commute the death sentences of any people sentenced to death for a crime that did not entail an intentional killing.
 - Make further amendments to the Penal Code to limit the death penalty to offenses in which the defendant committed an intentional killing.
- On an annual basis, publish all data about all death sentences, executions, and people under sentence of death, disaggregated by sex/gender, nationality, occupation at the time of arrest, crime(s) of conviction, relationship to any victims or codefendants, age of any dependent children, current location, and current status of the case.
- Ensure that the Supreme People’s Court conducts a timely review of all death sentences imposed for crimes that are no longer eligible for the death penalty, promptly notify all persons sentenced to death for such crimes of their right to seek commutation, and provide them with free legal aid to seek such commutations.
- Amend the Penal Code to add gender-specific defenses and gender-specific mitigation, particularly in the context of women charged with killing or harming their abusers.

³⁴ The Cornell Center on the Death Penalty Worldwide and Harm Reduction International, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses*, by Charlotte Andrews-Briscoe, Laura Douglas, Ariane Jacobberger, Delphine Lourtau, and Hailey Shapiro (The Cornell Center on the Death Penalty Worldwide and Harm Reduction International, Sept. 2021), 32, available online at <https://dpw.lawschool.cornell.edu/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

³⁵ The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Viet Nam’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: Suggested List of Issues Prior to Reporting Relating to the Death Penalty*, 2 Jan. 2024, ¶¶ 9-10. available at https://www.theadvocatesforhumanrights.org/Res/Viet%20Nam%20CEDAW%20LOIPR%20DP_%20AHR%20W CADP.pdf.

- Ensure that all people sentenced to death have the right to seek appellate review of their convictions and sentences and that they are entitled to legal assistance in doing so.
- In collaboration with civil society organizations, undertake comprehensive training for all judges and other judicial officers presiding over capital criminal proceedings to educate them about the importance of considering gender-specific defenses, gender biases, and gender-specific mitigation.
- Conduct a sensitization campaign with the judiciary to ensure that all courts in criminal cases allow defense counsel to cross-examine prosecution witnesses, to call defense witnesses, and to introduce evidence at trial.
- Amend the Law on Legal Aid to ensure that every woman charged with a crime has access to qualified legal counsel with prior training and experience in defending people on the charged offense, understanding the role of trauma, and on gender-based pathways into Viet Nam’s criminal legal system. Additionally, ensure that nationwide legal aid standards support sufficient funding for legal counsel to conduct a thorough investigation and hire defense experts as needed, particularly regarding gender-specific defenses and mitigation.
- Amend the Law on Legal Aid to ensure that public defenders and other attorneys providing legal aid to women in criminal proceedings receive training on strategies for presenting gender-specific defenses and gender-specific mitigation in criminal cases, including capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities.
- Provide timely notification of forthcoming executions to defendants, their family, and legal counsel.
- Prohibit courts from considering evidence obtained through torture except as authorized under the Convention Against Torture.
- Require that law enforcement, prison authorities, judicial officers, prosecutors, and defense counsel in capital cases receive training on gender sensitivity as it intersects with criminal procedure, sentencing outcomes, and detention conditions.
- Implement safeguards to ensure that women under sentence of death are not held in prolonged and indefinite solitary confinement, as prohibited under Rules 43–45 of the Nelson Mandela Rules, and ensure that detention conditions promote their safety, privacy, and health, including access to adequate toilets, sanitation, and menstrual products.
- Ensure that a woman who has experienced prolonged domestic violence or coercive control may successfully plead self-defense for killing her abuser even if she did not face imminent risk of harm at the time of the killing.