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The Death Penalty for Drug Crimes in Vietnam's Criminal Law and the Possibility of Abolishing the Death Penalty for these Crimes

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ABSTRACT

As one of the countries that still retain the death penalty for a number of crimes, including drug crimes, the abolition of the death penalty is one of the topics on which human rights mechanisms of the United Nations, including Universal Periodic Review and Treaty-based mechanisms, often recommend to Vietnam. In Vietnam's Criminal Code, the death penalty is the most severe punishment and shall be applicable to extremely serious and cruel crimes, including drug crimes. The number of drug crimes sentenced to the death penalty in the 2015 Criminal Code, amended and supplemented in 2017, has reduced compared to that in the previous criminal codes. Regarding drug crimes, this penalty shall be applied for three kinds of crimes (Illegal production; illegally transporting and illegally trading narcotics). Although Vietnam's criminal law currently maintains the death penalty for drug crimes, Vietnam has ground to eliminate the death penalty for drug crimes in the future. The content of this article is analyzing the provisions of Vietnam's criminal law on applying the death penalty for a drug crime. Besides, the article will evaluate the possibility of abolishing the death penalty for drug crimes in Vietnam. Based on this, some recommendations would be made towards death penalty abolition for these kinds of crimes in the future.

Keywords: Drug crimes, drug addicts, the death penalty.

I. INTRODUCTION

One of the factors to regulate the penalty for a crime is the dangerous level of this crime to society. This explains why in criminal law, different crimes will have different penalties and for a crime, the penalty can be changed over time.

Reality shows that drugs are directly associated with criminal acts and are an additional source of crime. Drug addicts are without hesitation to fulfil their constant demand by money, drugs,

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even murder and robbery. Drug crime is one of the causes leading to other types of crimes in society.

In Vietnam, the number of arrested cases, offenders, and the mass of drugs substances have increased each year. In 2008, the authorities discovered and arrested 12,850 cases, 20,268 offenders, seized 156,163 kg Heroin, 18,796 kg of opium, 27.95 kg of synthetic drug and 44,054 synthetic drug tablets, 8 tons of marijuana. In 2019, the authorities discovered and arrested 22,814 cases (an increase of 77% compared to 2008), 35,151 offenders (up 73% on 2008), seized 1,494.29 kg of Heroin (up 857% on 2008); 5,500.55 kg of synthetic drug (up 19,580% on 2008) and 987,913 synthetic drug tablets (up 2,142.5 % on 2008); 585.99 kg of marijuana; 120.54 kg of cocaine and many other vehicles and properties. From 2015 to 2019, the average number of arrested cases and offenders was about 20,000 and 30,000.²

Table 1: Number of arrested cases relating to drug crimes from 2015 to 2019

Year	Number of cases	Number of offenders	Number of seized Heroin	Number of seized synthetic drug tablets
2015	17,821	27,675	988.71kg	631.17 kg and 421,867 tablets
2016	19,333	31,001	607,813kg	839.63kg and 427,655 tablets
2017	22,346	34,494	906.67 kg	856.9 kg and 979.487 tablets
2018	24,552	37,842	1584.36 kg	1755.74kg and 1363.495 tablets
2019	22,814	35,151	1,494.29 kg	5,500.55 kg and 987,913 tablets

Source: Report of the Minister of Public Security 2020 in the submission to the Government on the draft Law amending and supplementing the Law on drug prevention.

In 2020, the Customs force has chaired and coordinated with the police forces, the Border Guard to arrest 137 cases, 170 offenders, seized 56.60 kg and 181 heroin units; 663.31kg of

² Report of the Minister of Public Security 2020 in the submission to the Government on the draft Law amending and supplementing the Law on drug prevention

synthetic drugs in powder and crystal form; 369,870 synthetic drug tablets; 0.17 kg of cocaine, 20.42 kg of marijuana; 13.43kg of opium, 25.65kg of ketamine. In the South area alone, within the first ten months of 2020, the Anti-Smuggling Drug Control Team in the South area belongs to the Anti-Smuggling and Investigation Department, the General Department of Customs, on the basis of coordination with other functional units, has arrested 34 cases, confiscated 5,018.2 grams of marijuana; 202 kg of synthetic narcotics in stone form; 19,333 synthetic drug tablets; 27,251.8 grams of MDMA synthetic drug; 124.6 grams of cocaine and 19 heroin units³.

In addition, the modes of drug transportation into Vietnam are increasingly diversified and sophisticated, causing difficulties in the inspection and supervision of the authorities. Previously, drugs were smuggled into Vietnam by two main routes: Heroin and synthetic narcotics in the form of ecstasy from the Golden Triangle were transported across the border of the Northwest and North Central provinces into Vietnam and then they were transported to China; Meth, ketamine and some other synthetic narcotics from China were transported across the border of the northern provinces to be brought back to Vietnam. However, recently, drugs bosses have brought technology, machinery and equipment to the Golden Triangle to manufacture drugs instead of manufacturing meth in China. Currently, in the southwestern borderline, many “hot spots” have appeared, such as Bo Y border gate (Kon Tum), Tay Ninh, An Giang. From here, drugs are quickly transported to Ho Chi Minh City and other neighbouring provinces for consumption or transportation to another country. There have appeared criminal groups in organizing drug transportation from Cambodia to Vietnam led by foreigners. They use modern communication equipment, often change modes of operation, create fake situations, organize and operate transportation in a well-organized manner to avoid and deal with the authorities. Currently, the situation of illegal trading and transporting drugs is complicated on all routes. In addition to drug trading through the land border, due to our country's open import and export policy to promote economic development, expand trade in the region and the world, the crimes also transport drugs through official channels. The authorities also seized cocaine from Brazil and African countries, South America, meth, synthetic narcotics from Europe, transported to Vietnam via air, post, courier, by sea.

In the coming time, according to the assessment of the United Nations Office on Drugs and Crime (UNODC) as well as the Standing Agency of the Government Steering Committee 138 (Ministry of Public Security), the situation of drug crimes will continue to develop complicatedly and the operations of drug crimes will be increasingly sophisticated. The

³ Report on results of detection, arrest and handling from January to October 2020 of the Southern Anti-Smuggling Control Team under the Anti-Smuggling and Investigation Department, General Department of Customs.

recently discovered and arrested cases of cocaine from Latin American countries show that the drug offenders are targeting the Southeast Asian market, including Vietnam.

According to the 2015 Criminal Code, amended and supplemented in 2017 (hereinafter referred to as the 2015 Criminal Code), drug crimes are one of the eighteen crimes which are subject to the death penalty. The trial practice also shows that drug crimes are one of the crimes which are often sentenced to the death penalty. The report of the Supreme People's Procuracy in 2012 summarizing the implementation of The 1999 Criminal Code has shown that drug crimes are one of the three types of crime that are often subject to the death penalty, of which, most of them are the crimes of possession, transportation, illegal trafficking or appropriation of narcotics-related to drug dealers in large quantities, organized activities⁴.

(A) Need of the study

Vietnam is a member of many treaties on human rights, including the International Covenant on Civil and Political Rights (ICCPR). Under Article 6 (2) of ICCPR, the death penalty is only applied to the most serious crimes. In concluding observations on the third periodic report of Viet Nam in 2019, Human Rights Commission recommended Vietnam to reduce the number of crimes subject to the death penalty and retain the death penalty only for the most serious crimes. Besides, this body also recommended Vietnam ratify or accede to Second Optional Protocol to the Covenant with the aim of abolishing the death penalty⁵. So, there is a need to assess the ability to abolish the death penalty for drug crimes in Vietnam.

(B) Objective of the study

The study was carried out to meet the following objectives:

- To examine the status of current criminal law on the death penalty for drug crimes
- To assess the ability to abolish the death penalty for drug crimes in Vietnam
- To suggest some measures to facilitate the abolition of the death penalty for drug crimes in Vietnam

(C) Methodology

The article uses a combination of different research methods such as analytic-synthetic method, statistical method, comparative law method and so on to achieve research objectives. For

⁴ Report No. 144 / BC-VKSTC-V8 dated December 5, 2012 of the Supreme People's Procuracy on the Review of Implementation of The Criminal Code 1999.

⁵ Human Rights Committee, *Concluding observations on the third periodic report of Viet Nam*, para.23 (2019) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVNM%2fCO%2f3&Lang=en, accessed 5 January 2022

example, analytical and synthesis methods are used to review the policies and provisions of Vietnamese law in the field of criminal law and data on drug crime and drug addicts in reports of relevant State agencies. A statistical method is used to summarize the arrested cases relating to drug crimes. The comparative law method is used to provide a solution for Vietnam in applying alternative measures to the death penalty and to demonstrate the trend of gradually reducing the death penalty for drug crimes in criminal law in Vietnam.

II. RESULTS AND DISCUSSION

In the 1985 Criminal Code, the first criminal code in Vietnam, there was only one drug-related crime, including organized drug use (Article 203), and the highest penalty for this offence was 10 years imprisonment,

The 1985 Criminal Code, amended and supplemented in 1989, has added a new offence on drugs as the “Crime of illegally manufacturing, storing, trading, and transporting narcotics” (Article 96). Moreover, Vietnam regulated the death penalty for this crime for the first time. Specifically, Clause 3, Article 96 stipulated that “committing the crime is particularly serious cases, shall be sentenced between 10 and 20 years of imprisonment, life imprisonment or death penalty”. The number of crimes and the death penalty for drug offences continued to remain in the revisions of the 1991 Criminal Code and the 1992 Criminal Code.

The revised Criminal Code in 1997 retains the death penalty for illegal production of narcotics offence (Article 185b), illegal possession of narcotics (Article 186c), and illegal transportation of narcotics, drug (Article 185d), illegal trading in narcotics (Article 185d) as the Criminal Code amended in 1989. Besides, the amended Criminal Code in 1997 added 3 other crimes subject to the death penalty, including the crime of using narcotics (Article 185e), organizing the illegal use of narcotics (Article 185i), the crime of coercing, inducing others to illegally use narcotics (Article 185m).

The 1999 Criminal Code stipulated the death penalty for Illegally producing narcotics (Article 193), illegally possessing, transporting, trading or appropriating narcotics (Article 194), the organized crime of illegal use of narcotics (Article 197). 1999 amended and supplemented Criminal Code only stipulated the death penalty for the following crimes: Illegally producing narcotics (Article 193) and illegally possessing, transporting, trading or misappropriating substances drug (Article 194).

According to the provisions of the 2015 Criminal Code, the death penalty is a special penalty only imposed upon people committing extremely serious crimes that infringe national security, human life, drug-related crimes, corruption-related crimes, and some other extremely serious

crimes defined by this Code. (Article 40). Accordingly, for drug crimes, the death penalty is prescribed for three offences, including Illegally producing narcotics (Article 248), illegally transporting narcotics (Article 250) and illegally trading narcotics (Article 251). In Specifically,

- For the offence of illegally producing narcotics, committing the crime in one of the following circumstances shall be sentenced to 20 years, life imprisonment or death penalty: a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue; b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11; c) The offence involves a quantity of ≥ 300 g of other solid narcotic substances; dd) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances; d) The offence involves ≥ 02 narcotic substances the total quantity of which is equivalent to the number of narcotic substances specified in Point a through d of this Clause (Clause 4, Article 248).
- For the offence of illegally transporting narcotics, committing the crime in one of the following circumstances shall be sentenced to 20 years, life imprisonment or death penalty: a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue; b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11; c) The offence involves ≥ 75 kg of coca leaves, khan leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government; d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits; dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits; e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances; g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances) The offence involves ≥ 02 narcotic substances the total quantity of which is equivalent to the number of narcotic substances specified in Point a through g of this Clause.” (Clause 4, Article 250).
- For the offence of illegally trading narcotics, committing the crime in one of the following circumstances shall be sentenced to 20 years, life imprisonment or death penalty: a) The offence involves a quantity of ≥ 05 kg of poppy resin, cannabis resin, or coca glue; b) The offence involves a quantity of ≥ 100 g of heroin, cocaine, methamphetamine, amphetamine, MDMA or XLR-11; c) The offence involves ≥ 75 kg of coca leaves (*Catha edulis* leaves); leaves, roots, stalks, branches, flowers, fruits of

the cannabis plant or parts of other plants that contain narcotic substances prescribed by the Government; d) The offence involves a quantity of ≥ 600 kg of dried opium poppy fruits; dd) The offence involves a quantity of ≥ 150 kg of fresh opium poppy fruits; e) The offence involves a quantity of ≥ 300 g of other solid narcotic substances; g) The offence involves a quantity of ≥ 750 ml of other liquid narcotic substances;) The offence involves ≥ 02 narcotic substances the total quantity of which is equivalent to the number of narcotic substances specified in Point a through g of this Clause.” (Clause 4, Article 251).

Although Vietnam's criminal law currently maintains the death penalty for drug crimes, Vietnam has ground to eliminate the death penalty for drug crimes in the future.

Firstly, Vietnam has implemented a policy restricting the application of the death penalty. Specifically,

The policy of limiting the death penalty was introduced in 2002 in Politburo's Resolution No.08/NQ-TW dated January 2, 2002, on some of the key judicial missions in the coming time. The content of this Resolution was the research on the limitation on the application of the death penalty in the Criminal Code. Nextly, Politburo's Resolution No.49/NQ-TW dated June 2, 2005, about Judicial Reform Strategy to 2020 affirmed the policy “Limiting the application of the death penalty in the direction of applying for a few particularly serious crimes”. Conclusion No. 92 dated March 12, 2014, of the Politburo on the continued implementation of Resolution No.49/NQ-TW continued to confirm the content of Resolution 49 as above. In other words, Conclusion No. 92, 2014 re-affirms the policy of restricting the application of the death penalty in Vietnam. Recently, the Prime Minister's Decision No. 1252 / QD-TTG dated September 26, 2019, approved the plan to enhance the effective implementation of the International Covenant on Political Civil Rights and the recommendations of The United Nations Human Rights Commission. It noted that one of the measures to implement the ICCPR Convention and the HRC Recommendation is “to continue studying the reduction of crimes that may be subject to the death penalty” (Section 3.3).

Second, the number of crimes in general and the number of drug-related crimes in particular subject to the death penalty in the criminal codes have tended to decrease in recent years.

Table 2: The Summary table of the number of drug crimes subject to the death penalty (in relation to total the number of drug crimes specified in the Criminal Codes)

	The 1985	The 1985	The 1985	The 1985	The 1999	The 1999	The 2015

	Criminal Code	Criminal Code, amendment, supplement in 1989	Criminal Code, amendment, supplement in 1991, 1992	Criminal Code, amendment, supplement in 1997	Criminal Code	Criminal Code, amendment, supplement in 2001	Criminal Code
The number of drug crimes	01	02	02	12	09	09	13
The number of drug crimes subject to the death penalty	00	01	01	07	03	02	03

Considering the correlation between the number of crimes that are subject to the death penalty and the total number of drug crimes that are prescribed in the Criminal Codes, we can see that the number of crimes that are subject to the death penalty has been mainly reduced.

Specifically, the 1999 Criminal Code abolished the death penalty for the offence of coercion and manipulation to illegally use narcotics as stipulated in the revised 1997 Criminal Code. The death penalty for 6 drug offences was recognized in 3 articles: Illegal production of narcotics (Article 193), possession, transportation, illegal trafficking or appropriation of narcotics (Article 194), organizing the illegal use of narcotics (Article 197). The 1999 Criminal Code, amended and supplemented in 2001 continued to abolish the death penalty for organizing the illegal use of narcotics. In particular, the 2015 Criminal Code changed the way to build the regulations on drug-related crimes. It divided drug-related crimes into many offences and regulated them in many different provisions, instead of combining many crimes into one provision. Hence, if we compare with the 1999 Criminal Code, it can be seen that the number of offences that are subject to the death penalty has been decreased. Specifically, the 1999 Criminal Code, amended and supplemented in 2001 stipulated the death penalty for five offences, including illegal production of narcotics, illegal possession of narcotics, illegal transportation of narcotics, illegally buying and selling narcotics and appropriating narcotics

while the 2015 Criminal Code only stipulates the death penalty for three offences, including illegal production of narcotics, illegally transporting narcotics and trading in narcotics.

It can be seen that the provisions of Vietnam's criminal law related to drug crimes have gradually narrowed the scope of the application of the death penalty. In other words, the abolition of the death penalty for drug offences is possible and the application of the death penalty in criminal law has been gradually reduced.

Reality shows that the gradual elimination of the immediate elimination of the entire death penalty in one country's criminal law depends on the characteristics of each country such as the evolution of the situation, crime rate, public/ruling party's opinion or relevant international treaties to which the country is a member. In other words, there are countries that immediately enact the abolition of the death penalty in their criminal law. Conversely, there are countries that only eliminate the death penalty for one or more crimes at a given time. After a period of time, the death penalty for the remaining crimes will be abolished. Take the UK as an example. In 1965, the death penalty for murder in England, Scotland and Wales was abolished under the Murder (Abolition of Death Penalty) Act 1965⁶. This Act replaced the death penalty with a mandatory sentence of life imprisonment. However, The 1965 Act only abolished the death penalty for capital murder as defined in the Homicide Act 1957, and death remained an available penalty for high treason, piracy with violence, arson in the Royal Dockyards, as well as capital offences under military law. The death penalty for arson in the Royal Dockyards was abolished by the Criminal Damage Act 1971. The death penalty was finally completely abolished in the United Kingdom in 1998, with the enactment of the Crime and Disorder Act 1998, s.36⁷ and the Human Rights Act 1998, s. 21(5)⁸. Another example is Canada. Canada did abolish the death penalty for offences under the Criminal Code in 1976.⁹ However, the death penalty still remained lawful under the *National Defence Act*.¹⁰ It permitted the death penalty for members of the Armed Forces found guilty of cowardice, desertion, unlawful surrender, or spying for the enemy. And finally, the death penalty for military service offences under the National Defence Act was abolished in 1999.

Compare with Vietnam, it can be considered that the gradual reduction of the death penalty in

⁶ MURDER (ABOLITION OF DEATH PENALTY) ACT 1965, [HTTPS://WWW.LEGISLATION.GOV.UK/UKPGA/1965/71](https://www.legislation.gov.uk/ukpga/1965/71), ACCESSED ON 5 APRIL, 2021.

⁷ Crime and Disorder Act 1998, <https://www.legislation.gov.uk/ukpga/1998/37/contents>, accessed on 5 April, 2021

⁸ Human rights act 1998, <https://www.legislation.gov.uk/ukpga/1998/42/contents>, accessed on 5 April, 2021

⁹ Criminal Code 1976, <https://www.constancebackhouse.ca/fileadmin/website/1976.htm>, accessed on 5 April, 2021

¹⁰ *National Defence Act*, <https://laws-lois.justice.gc.ca/eng/acts/N-5/>, accessed on 5 April, 2021

the policies as well as in the regulations in Vietnam's criminal law is a transitional step in the roadmap to abolish the death penalty in the future.

III. RECOMMENDATIONS

The abolition of the death penalty in general and the death penalty for drug crimes, in particular, is a serious political-legal issue that can affect the effectiveness of crime prevention. Then it can affect the stability, safety of society, stability and national security. Therefore, in order to eliminate the death penalty for drug crimes, it is necessary to implement a lot of comprehensive solutions in many aspects, both economically, socially, politically as well as legally.

Within the scope of this article, the study proposes a number of legal recommendations to facilitate the abolition of the death penalty for drug crimes in Vietnam.

Firstly, continue to reduce the number of drug crimes subject to the death penalty in the Criminal Code.

The reality of the drug crimes situation in Vietnam as well as the practice of applying the death penalty to drug crimes shows that the abolition of the death penalty should continue to be carried out according to the current gradual reduction schedule, instead of immediately deleting. Therefore, the legislatures will determine which crime(s) can continue to be abolished the death penalty, depending on the actual situation of each drug-related crime at a particular time.

Secondly, researching alternative measures to the death penalty in accordance with the general trend of the world in abolishing the death penalty and the requirements of fighting and preventing crimes in Vietnam.

According to the Report of Penal Reform International, a non-governmental organization that aims to develop and promote fair, effective, and commensurate responses to criminal justice issues around the world, many countries has adopted life imprisonment as an alternative to the death penalty. Now, there are two main types of life imprisonment. The first type is life imprisonment without parole, that is, the law does not provide for parole, so, a prisoner will serve a prison sentence until that person dies. The second type is pardoned, meaning that, the law will set a minimum number of the year which a prisoner must serve a prison sentence, after that time, he can be considered for release if the necessary conditions are met. For example, under German law, prisoners serving a life sentence will be considered for release only after they have served a minimum of 15 years. Where there is release, the offender may subsequently be subjected to supervision for a limited or lifelong period. Failure to comply with supervision

conditions can lead to the convicted person being returned to prison, to serve a prison sentence until the end of natural life or until further, successful review¹¹.

In Vietnam's criminal law, life imprisonment and the death penalty are the two most severe punishments, in which the severity of life imprisonment in the penalty system ranks second. People sentenced to life in prison may have to spend the rest of their lives in prison without parole. Under Vietnam's criminal law, life imprisonment is the only penalty in the penalty system that can replace the death penalty. Specifically, according to Article 40 of the 2015 Criminal Code, "In the case specified in Clause 3 of this Article or the person sentenced to death receives a concession, the death penalty is converted to life imprisonment".

Based on the current provisions of the 2015 Criminal Law as well as the experience of many countries, Vietnam can consider the application of life imprisonment with no concession as an alternative measure. This solution is offered for the following reasons: *First*, life imprisonment is the only punishment so far in the system of punishment that can replace the death penalty because of its severity. *Second*, with life imprisonment without reduction, the offender still retains his life, however, the offender will have to spend the rest of his life in prison. The person's activities are strictly controlled according to the provisions of law. As a result, the severity of life imprisonment without reduction is also stricter than life imprisonment with a reduced sentence, but it is not as strict as the death penalty. In terms of the seriousness of the crime, the act of being sentenced to death or the criminal law stipulates that the death penalty is definitely more serious than the act of being sentenced to life imprisonment. In other words, these two penalties have shown a differentiation in the severity of the offences. In the case of the abolition of the death penalty, life imprisonment becomes the most severe punishment. If the law does not classify life penalty into life with reduced sentence and life without reduction, the penalty does not guarantee the segregation of severity between offences like the differentiation between the death penalty and the life penalty. On the contrary, the application of life imprisonment without being reduced as a substitute for the death penalty can both meet the requirements of differentiating the severity of the crime and ensure the purpose of punishment, prevent recidivism and ensure educational purposes for offenders.

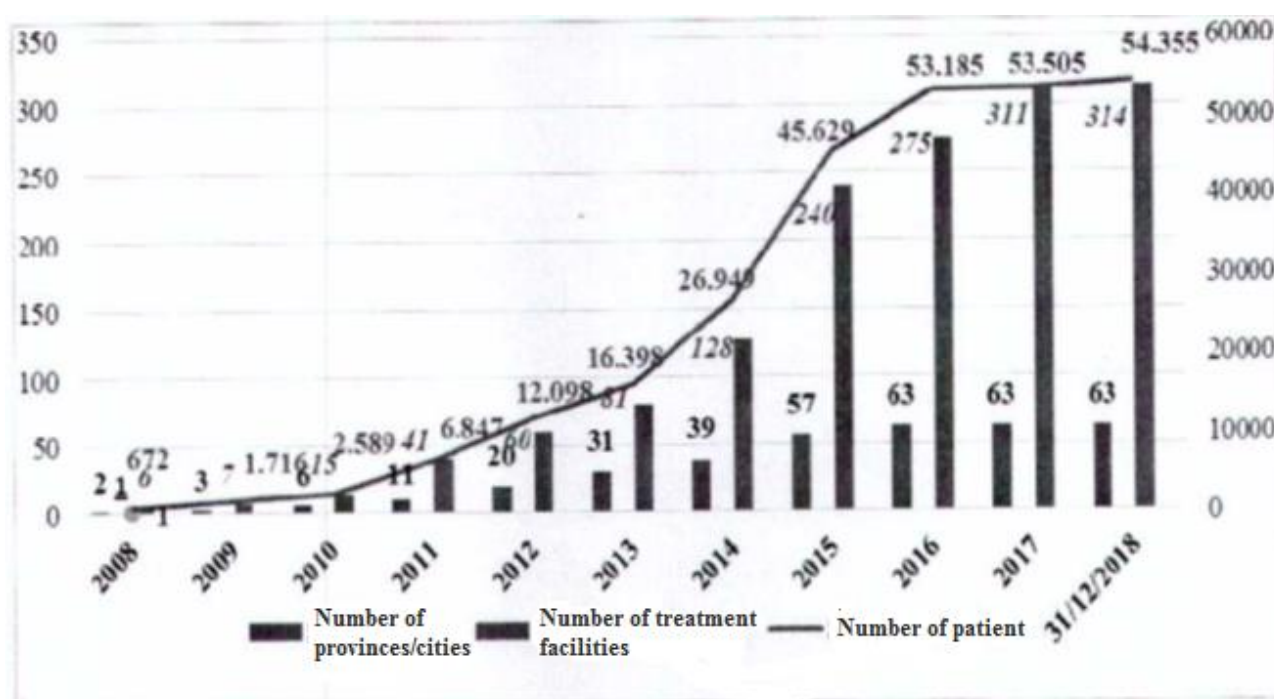
Thirdly, improving the legal documents system on prevention, fight and control drugs.

From an economic perspective, the fight against drug crimes is a battle between "supply" and

¹¹ Penal Reform International, *Alternatives to the death penalty information pack*, PRI's project "Progressive abolition of the death penalty and implementation of humane alternative sanctions", 2015
https://cdn.penalreform.org/wp-content/uploads/2015/03/PRI_Alternatives_to_death_penalty_info_pack_WEB.pdf, accessed 3 January 2022

“demand” for drugs. The increase in drug demand due to the recent increase in the number of drug addicts and illicit drug use is one of the reasons leading to the increase in drug crimes. In Vietnam, the increase in the number of drug addicts and illegal drug users in recent years contribute to the increase in drug crime. In 2009, Vietnam had 146,731 drug addicts with managing records, by December 2019, Vietnam had 235,314 drug addicts with managing records, an increase of 160% while the detoxification was not effective, the rate of drug relapses high¹². Drug addicts are found in all localities, in all sectors, all ages, but mainly in young people (0.1% under 16 years old; 76% are under 35 years old)¹³.

Figure 1: Diagrams of patients receiving compulsory treatment in detoxification facilities



Source: Report of the Ministry of Public Security in 2019 Summary of 10 years of implementation of the Law on Drug Prevention and Control

For the above situation, from the legal perspective, it is necessary to have a system of effective legal documents in preventing, combating and controlling illegal drug use activities. Over the past years, the legal documents system governing drug prevention has been gradually improved. It has created a legal basis for drug prevention. However, the current legal provisions still have some limitations, such as:

- Conflict between regulations on the subject being sent to compulsory detoxification

¹² Report of the Minister of Ministry of Public Security 2020 in the submission to the Government on the draft Law amending and supplementing the Law on drug prevention.

¹³ Report of the Ministry of Public Security in 2019 Summary of 10 years of implementation of the Law on Drug Prevention and Control

facilities. According to the provisions of the Law on Handling of Administrative Violations in 2020, only drug addicts aged full 18 years or older are sent to compulsory detoxification facilities (Clause 1 Article 96). Ordinance No. 09/2014/UBTVQH13 on the order and procedures for considering and deciding to apply administrative handling measures at the People's Court also does not stipulate the order and procedures for considering and deciding on the application of administrative handling measures to send people to compulsory detoxification facilities for people under 18 years of age. However, Clause 1 Article 33 of the Law on Drug Prevention and Control 2021 stipulates that drug addicts from full 12 to under 18 years old shall be sent to compulsory detoxification facilities if they are in one of the following cases:

- Failing to register, fail to perform or voluntarily terminate voluntary drug detoxification;
 - During the voluntary drug detoxification period, it is discovered that illegal drug use is detected;
 - Drug addicts do not perform or voluntarily terminate treatment for addiction with substitute drugs or drug addicts whose treatment for addiction with substitute drugs is terminated due to violations of regulations on addiction treatment.
- Complicated procedures for sending drug addicts to compulsory facilities. The current regulations on making documents for sending people to compulsory detoxification establishments are still complicated. Many agencies are involved in this process with many procedures, such as Commune Police, Commune People's Committee, Justice Department, Division of Labor, War Invalids and Social Affairs and People's Court. Therefore, it takes at least one month to complete the order and procedures in order to send drug addicts to compulsory detoxification facilities.
 - Fines for illegal drug use are still low. According to the provisions of Decree No. 44/2021/ND-CP on regulations on sanctioning of administrative violations in the field of security, social order and safety, prevention of social evils, fire prevention and fighting, rescue, rescue, domestic violence prevention, the illegal use of the drug is only subject to a warning or a fine of from 100,000 VND to 2,000,000 VND (Clause 1 Article 23). This fine is too low, so, it is not effective enough to deter a person from using the drug.

Therefore, it is necessary to continue to improve the legal provisions on preventing, combating

and controlling illegal drug use activities. Specifically, amend the regulations in the Law on Handling of Administrative Violations 2020 on sending drug addicts under 18 years old to compulsory detoxification facilities and the regulations in Ordinance No. 09/2014/UBTVQH13 on the order and procedures for considering and deciding to send drug addicts between full 12 and under 18 years to compulsory detoxification facilities to ensure consistency with the Law on Drug Prevention and Control 2021. Also, simplify procedures for sending drug addicts to compulsory detoxification facilities. Besides, increase fines for illegal drug use so that they are strict enough to prevent illegal drug use.

IV. CONCLUSION

Although The Convention on International Covenant on Civil and Political Rights 1966 does not require countries to abolish the death penalty, the trend of most countries today is to gradually abolish it. The United Nations has also adopted a series of Resolutions calling on member states to take measures to suspend the execution of the death penalty with the ultimate goal of abolishing the death penalty in all nations. Vietnam has joined the general trend in gradually reducing the death penalty. This is considered a legal premise for the progress to abolish such a penalty. However, the abolition of the death penalty in Vietnam in general, as well as the abolition of the death penalty for drug crimes in particular, can only be carried out under a roadmap with many synchronous solutions, and the appropriate time to abolish the death penalty must be counted on the basis of careful consideration of factors affecting the crime-fighting activities.

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