



**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

Submitted by The Advocates for Human Rights,

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

The World Coalition Against the Death Penalty

for the 89th Session of the Committee on the Elimination of All Forms of Discrimination
Against Women (Pre-Sessional Working Group)
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Founded in 1983, **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. 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. 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 postconviction 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 (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 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.

EXECUTIVE SUMMARY

1. This report suggests questions that the Committee on the Elimination of Discrimination Against Women should consider posing to the Government of Viet Nam in its List of Issues, particularly with respect to the administration of the death penalty against women. Viet Nam has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the most serious crimes.
2. Viet Nam classifies the death penalty as a state secret,¹ so little to no information is available about various aspects of the application of the death penalty to women. The absence of data about women on death row may obscure the ways that Viet Nam's death penalty practices discriminates against women.
3. Despite the secrecy, it is apparent that Viet Nam is an active executioner, conducting executions in 2023.² Women remain at risk of sentence of death and execution, and Viet Nam's retention of the death penalty and its secretive practices regarding the death penalty present an ongoing risk of discrimination against women. This report suggests that the Committee: (1) ask what steps Viet Nam has taken to abolish the death penalty; (2) request official data about the number of women charged with capital crimes, sentenced to death, currently under sentence of death, or executed, disaggregated by age, nationality, profession, crime, age of any dependent children, relationship to any codefendants or victims, date of sentence, date of execution (if applicable), and current location (if applicable); (3) request information about how prison infrastructure has been designed to accommodate women's specific needs, including their need for privacy; and (4) ask what systems are in place to provide training on gender sensitivity and gender-based violence to judicial authorities, law enforcement, prosecutors and defense counsel, and prison authorities.

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

I. Viet Nam's lack of transparency and failure to publish disaggregated data create a barrier to human rights monitoring of the administration of the death penalty against women (Concluding Observations paragraphs 42–43).

4. Viet Nam treats the death penalty as a state secret, but “rights groups believe [Viet Nam] to be one of the biggest executioners in the world and the biggest in Southeast Asia.”³ There are few reliable figures on how many people, including women, Viet Nam sentences to death and executes.
5. This lack of transparency makes it difficult to monitor potential human rights violations. Nonetheless, the little information available raises concerns about the administration of capital punishment against women in Viet Nam.

¹ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *The Death Penalty in the Socialist Republic of Vietnam*, (Feb. 2010), 4.

² 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>.

³ Heather Chen, *Vietnam Keeps Its Death Sentences Quiet. Rights Groups Say It's One of the World's Biggest Executioners*, CNN, May 27, 2022, <https://edition.cnn.com/2022/05/27/asia/vietnam-death-penalty-amnesty-hnk-intl/index.html>.

II. Viet Nam's failure to address gender-based violence and improve women's access to justice puts women at risk of facing the death penalty (Concluding Observations paragraphs 10–11, 18–19).

6. In a 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence⁴ and manipulative or coercive relationships with male co-defendants.⁵ Cornell's data indicate that women who are under sentence of death for allegedly committing murder have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.⁶ Many women under sentence of death are survivors of gender-based violence and come from disadvantaged socio-economic backgrounds.⁷ At a global level, sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example, in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.⁸ Research also indicates that courts fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.
7. Cases documented by the Cornell Center on the Death Penalty Worldwide have shown that many women charged with death-eligible crimes experience violations of their right to a fair trial. A 2021 follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence. In practice, however, many courts neglect gender-specific mitigation."⁹ The Bangkok Rules require courts to consider mitigating factors when sentencing women, "such as lack of criminal history and

⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁶ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>; Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁷ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁸ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁹ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds.”¹⁰

8. Although Viet Nam has made progress in certain areas since the Committee's previous review, levels of gender-based violence in the country remain high,¹¹ Women in Viet Nam therefore face an elevated risk of authorities sentencing them to death without consideration of gender-based violence as a mitigating factor.

III. Laws authorizing the death penalty discriminate against women and reinforce harmful stereotypes, especially when exacerbated by the State's failure to remedy lack of awareness about gender equality (Concluding Observations paragraphs 9–10, 16–17).

9. The Cornell Center on the Death Penalty Worldwide found that women are more likely to receive a death sentence when the adjudicating authority perceives that they are violating entrenched gender norms, being cast as the “female fatale” or the “witch.” Data show that authorities often put women on trial not only for acts they performed, but also for allegedly being “a bad wife, a bad mother, and a bad woman.”¹² In particular, drug-related offenses highly interrelate with gender dynamics and female disempowerment.¹³
10. Global trends further show that women sentenced to death face intersectional discrimination. According to Cornell's 2018 report, most women on death row come from backgrounds of severe socio-economic deprivation, and many are illiterate, circumstances that can reinforce unequal access to effective legal representation.¹⁴ These women are more likely to be unaware of their legal rights.¹⁵ Illiteracy and lack of education among poor women leave them more vulnerable to discrimination, coercion, and exploitation.¹⁶ This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will experience an unfair trial.

¹⁰ UN General Assembly Resolution 65/229, ¶ III.61, U.N. Doc A/RES/65/229 (Dec. 21, 2010).

¹¹ “[I]t is important to note that the above-mentioned research also indicates an increase in the prevalence of sexual violence, and despite the reduction in other types of violence, approximately two out of three women still experienced GBV in their life. This suggests that the mechanisms in place, though produced optimistic results, prove to be rather slow and require more concerted efforts to be of significant impact.” Center for Education, Promotion, & Empowerment of Women, *Gender-Based Violence in Vietnam: A Critical Analysis and Recommendation*, Feb. 24, 2021, <https://cepew.org.vn/en/gender-based-violence-in-vietnam-a-critical-analysis-and-recommendation/>.

¹² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

¹³ Penal Reform International and Cornell Center on the Death Penalty Worldwide, *A Factsheet on Prison Conditions for Women Facing the Death Penalty* (2018), 2.

¹⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

¹⁵ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

¹⁶ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

11. The Government of Viet Nam publicly alleges that it imposes the death penalty only for the most serious crimes,¹⁷ but Viet Nam’s criminal code authorizes the death penalty for crimes that do not involve an intentional killing. Authorities have made some progress; in 2017, the Government of Viet Nam adopted amendments to the Penal Code that, among other things, purported to reduce the scope of the application of the death penalty by clarifying the “criteria for the crimes that are punishable by death penalty,” reduce the number of crimes punishable by death (18 in 2017, compared to 29 in 1985), and increase the circumstances allowing for “non-execution of [the] death sentence.”¹⁸ Yet Article 40.1 of the Penal Code states that the “death sentence is a special sentence 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 document,”¹⁹ offenses that do not all meet the threshold of “most serious crimes” within the meaning of Article 6(2) of the International Covenant on Civil and Political Rights.²⁰
12. In practice, courts frequently sentence people to death for crimes that do not meet the “most serious” threshold, and a high proportion of the total death sentences handed down are for drug-related offenses. In 2021, of at least 119 death sentences issued, Vietnamese courts sentenced 93 individuals (78%) to death for drug-related offenses.²¹ In 2022, 80 out of at least 102 (78%) new death sentences were for drug-related offenses.²² Of the 189 people sentenced to death from January to early October 2023, 145 (77%) were for drug-related offenses.²³
13. Journalists at *The Vietnamese Magazine* were able to accumulate data on 189 people sentenced to death from January to early October 2023.²⁴ Their investigation uncovered 13 women sentenced to death during that period.²⁵ Of the 13, 12 were sentenced to death for drug-related offenses.²⁶ The only non-drug-related case was a 30-year-old woman “who set a boarding

¹⁷ Viet Nam’s Voluntary Mid-Term Report on the Implementation of the UPR Third Cycle Accepted Recommendations, available online at: https://www.ohchr.org/sites/default/files/2022-04/VietNam_Implementation_Third_Cycle.pdf.

¹⁸ Ministry of Justice, European Union, & United Nations Development Programme, *Study On the possibility of Viet Nam ratifying the Second Optional Protocol to the International Covenant on civil and political rights aiming at the abolition of the death penalty*, by Nguyen Thi Thanh Hai, Nguyen Van Hoan, and Nguyen Minh Khue (Ha Noi, Oct. 2019). Available online at: <https://www.undp.org/vietnam/publications/study-possibility-viet-nam-ratifying-second-optional-protocol-iccpr-aiming-abolition-death-penalty>.

¹⁹ Article 40.1, Law No. 100/2015/QH13 (2015).

²⁰ UN General Assembly, International Covenant on Civil and Political Rights, 1966, Art. 6(2).

²¹ Amnesty International, *Global Report – Death Sentences and Executions 2021*, ACT 50/5418/2022, May 2022.

²² Amnesty International, *Global Report – Death Sentences and Executions 2022*, ACT 50/6548/2023, May 2023.

²³ Lee Nguyen, *Vietnam Ranked Among Top Nations for Capital Punishment: A Capital of Capital Execution*, The Vietnamese, Nov. 9, 2023, <https://www.thevietnamese.org/2023/11/vietnam-ranked-among-top-nations-for-capital-punishment-a-capital-of-capital-execution/>.

²⁴ Lee Nguyen, *Vietnam Ranked Among Top Nations for Capital Punishment: A Capital of Capital Execution*, The Vietnamese, Nov. 9, 2023, <https://www.thevietnamese.org/2023/11/vietnam-ranked-among-top-nations-for-capital-punishment-a-capital-of-capital-execution/>.

²⁵ Luật Khoa Tạp chí, “Án tử hình tại Việt Nam - 2023,” accessed Dec. 4, 2023, <https://airtable.com/appNpZQMpT9T3bIdR/shr0A9j1WM1k8j77D/tblwksnb36xGJkEcf/viw3xOO62VNsKy6nA>.

²⁶ Luật Khoa Tạp chí, “Án tử hình tại Việt Nam - 2023,” accessed Dec. 4, 2023, <https://airtable.com/appNpZQMpT9T3bIdR/shr0A9j1WM1k8j77D/tblwksnb36xGJkEcf/viw3xOO62VNsKy6nA>.

house complex on fire during a conflict with her romantic partner, resulting in multiple deaths.”²⁷

14. The State does not authorize the execution of pregnant women.²⁸ Likewise, women nursing children under the age of three are exempt from the death penalty, with the Government commuting any such death sentence into life imprisonment.²⁹ For example, a court in the province of Ha Tinh sentenced one woman to life in prison—while sentencing her co-defendant to death—because she “is raising a child under 36 months old.”³⁰
15. In a rare exception to state secrecy practices, the State reported that it had carried out 85 executions in 2018.³¹ It is impossible to know the number of women executed because the State does not release disaggregated data.
16. According to Amnesty International, at least 1,200 people were on death row in Viet Nam at the end of 2022.³² *The Vietnamese Magazine* reported that as many as 1,644 people were on death row in 2021.³³ If the 13 women out of 189 individuals sentenced to death from January to October 2023 is indicative of the rate at which Viet Nam sentences women to death (6.8%), then one might expect that approximately 81 women were under sentence of death at the end of 2022.

IV. Women at risk of being sentenced to death or executed experience conditions of detention replete with ill-health and non-safety, in violation of Articles 11–12 of the Convention. The lack of transparency surrounding detention conditions for women under sentence of death impedes human rights monitoring (Concluding Observations paragraphs 42–43).

17. There is very little information regarding detention conditions for people under sentence of death in Viet Nam. Available information suggests that women under sentence of death experience ill-treatment and torture.
18. A government report to the National Assembly in 2020 revealed that death row facilities are “grossly overcrowded.”³⁴ People detained on death row are alone in small cells and shackled by one leg, and prison authorities remove the shackle for only a 15-minute “wash time” each

²⁷ Lee Nguyen, *Vietnam Ranked Among Top Nations for Capital Punishment: A Capital of Capital Execution*, The Vietnamese, Nov. 9, 2023, <https://www.thevietnamese.org/2023/11/vietnam-ranked-among-top-nations-for-capital-punishment-a-capital-of-capital-execution/>.

²⁸ Viet Nam Penal Code, art. 35, Law No. 15/1999/QH10, Dec. 21, 1999, as amended through to Jun. 19, 2009.

²⁹ Viet Nam Penal Code, art. 35, Law No. 15/1999/QH10, Dec. 21, 1999, as amended through to Jun. 19, 2009.

³⁰ *TAND tỉnh Hà Tĩnh tuyên án tử hình đối tượng vận chuyển ma túy*, ỦY BAN NHÂN DÂN TỈNH HÀ TĨNH, June 15, 2023, <https://hatinh.gov.vn/vi/tin-tuc-su-kien/tin-bai/16059/tand-tinh-ha-tinh-tuyen-an-tu-hinh-doi-tuong-van-chuyen-ma-tuy?ref=luatkhoa.com>.

³¹ Amnesty International, *Death Sentences and Executions in 2018*, p. 25, ACT 50/9870/2019, Apr. 10, 2019.

³² Amnesty International, *Global Report – Death Sentences and Executions 2022*, ACT 50/6548/2023, May 2023.

³³ Lee Nguyen, *Vietnam Ranked Among Top Nations for Capital Punishment: A Capital of Capital Execution*, The Vietnamese, Nov. 9, 2023, <https://www.thevietnamese.org/2023/11/vietnam-ranked-among-top-nations-for-capital-punishment-a-capital-of-capital-execution/>.

³⁴ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *Submission for Universal Periodic Review (UPR)–46th Session Vietnam*, Oct. 11, 2023, ¶ 28. Available online at https://www.fidh.org/IMG/pdf/vchr_fidh_joint-submission_upr_october_2023_final.pdf.

day.³⁵ There are “extremely long” delays in carrying out executions, meaning that individuals spend years shackled in solitary confinement.³⁶ People under sentence of death experience a heavy psychological toll, as authorities do not inform them of their date of execution until 6:00 a.m. on the day of their execution; some individuals report staying awake all night as they cannot sleep until they know it is not their turn to be executed.³⁷

19. Viet Nam’s use of indefinite and prolonged solitary confinement violates Rules 43–45 of the Mandela Rules. Solitary confinement, defined as confinement for over 22 hours a day, must under no circumstances be “indefinite,” “prolonged,” and “imposed by virtue of a prisoner’s sentence.”³⁸ Coupled with the “death-row phenomenon,” the “lengthy and anxiety-ridden wait for uncertain outcomes” that people awaiting execution experience,³⁹ detention conditions amount to cruel treatment and even torture.

V. Suggested questions for the Government of Viet Nam

20. The coauthors of this report suggest the following questions for the Government of Viet Nam:

- What steps has the State Party taken toward abolition of the death penalty and/or instituting a formal moratorium on executions?
- What measures has the State Party taken to ensure that the death penalty is not imposed for crimes such as drug-related offenses that do not rise to the level of “most serious” under international human rights standards?
- Please provide official annual data since 2015 about the number of women charged with capital crimes, sentenced to death, and executed in Viet Nam, disaggregated by age, race/ethnicity, nationality, disability, crime of conviction, date of conviction, relationship to the victim (if any), relationship to any codefendants, ages of any minor children, status of any appeals or requests for mercy, current sentence, current location (if applicable), and date of execution (if applicable).
- Please indicate whether and how gendered vulnerabilities, such as trauma, gender-based violence against women, coercive control, and dependency can and are taken into consideration as mitigating factors in the cases of women sentenced to death. What steps, if any, has the State Party taken to codify such gender-specific defenses and mitigation?
- Under what circumstances may a woman who has experienced prolonged domestic violence successfully plead self-defense for killing her abuser? Which legal standards apply in such cases?

³⁵ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *Submission for Universal Periodic Review (UPR)–46th Session Vietnam*, Oct. 11, 2023, ¶ 31. Available online at https://www.fidh.org/IMG/pdf/vchr_fidh_joint-submission_upr_october_2023_final.pdf.

³⁶ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *Submission for Universal Periodic Review (UPR)–46th Session Vietnam*, Oct. 11, 2023, ¶ 28, 31. Available online at https://www.fidh.org/IMG/pdf/vchr_fidh_joint-submission_upr_october_2023_final.pdf.

³⁷ Intl. Federation for Human Rights & Vietnam Committee on Human Rights, *Submission for Universal Periodic Review (UPR)–46th Session Vietnam*, Oct. 11, 2023, ¶ 32. Available online at https://www.fidh.org/IMG/pdf/vchr_fidh_joint-submission_upr_october_2023_final.pdf.

³⁸ UN General Assembly Resolution 70/175, annex, Rules 43–45, U.N. Doc. A/RES/70/175 (Dec. 17, 2015).

³⁹ *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, A/67/279, ¶ 42 (Aug. 9, 2012).

- To what extent do law enforcement, prosecutors, or defense counsel in capital cases receive training on gender sensitivity as it intersects with criminal procedure and sentencing outcomes?
- How do authorities ensure that all women accused of capital crimes have access to free and effective legal representation by attorneys who specialize in capital cases, that such women have access to counsel at all times, from the start of the investigation through any appeals, and that the defense team has sufficient funding to conduct a thorough investigation and to secure relevant expert witnesses, particularly regarding gender-specific defenses?
- What training does the Government provide to defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients based on their gender, when appropriate?
- What measures has the Government implemented to ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, domestic violence, and tactics of coercive control that may influence or prompt a woman to commit a death-eligible offense?
- What steps have authorities taken 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?
- Please describe the safeguards in place to ensure the safety, privacy, and health of women who are in detention, including access to adequate toilets, sanitation, and feminine hygiene products. How does prison infrastructure design accommodate women’s specific needs, including their need for privacy?
- How do authorities ensure that all detention facilities fully comply with Rule 5 of the Bangkok Rules and Rule 15 of the Nelson Mandela Rules, regarding personal hygiene?
- What measures has the State Party implemented to 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?
- Can civil society organizations conduct unannounced, independent visits to all detention facilities where women under sentence of death are living to monitor detention conditions, including whether facilities comply with the Bangkok Rules and the Nelson Mandela Rules regarding hygiene and sanitation?