

Infanticide of Newborns: A Comparative Study between Vietnamese Law and International Legal Frameworks*

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Abstract

Infanticide of newborns represents a particularly complex and sensitive category of homicide, situated at the intricate intersection of criminal law, forensic psychology, gender studies, and human rights. Recognizing the profound physiological and psychological transformations, such as postpartum depression and severe mental distress surrounding childbirth, many legal systems treat the killing of a newborn child by its mother under specialized criminal provisions rather than standard murder charges. This article provides an in-depth analysis of the crime of killing a newborn child under Vietnamese criminal law, offering a comprehensive comparative evaluation with selected foreign legal systems and international human rights standards. By systematically examining the historical evolution, objective and subjective constituent elements of the offense, criminal liability thresholds, sentencing frameworks, and underlying socio-legal policy rationales, this study highlights critical similarities and distinctions between Vietnamese legislation and international approaches. Furthermore, the study evaluates the compatibility of current Vietnamese regulations with core international human rights instruments, particularly the Convention on the Rights of the Child. Ultimately, this article proposes targeted legal reforms aimed at striking a balanced synergy between robust child protection and compassionate maternal justice within Vietnam's evolving judicial landscape.

Keywords: Infanticide; Newborn Child; Criminal Law; Comparative Law; Human Rights; Vietnam

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A. INTRODUCTION

The protection of human life is a fundamental principle of criminal law and international human rights law. Among crimes against life, the killing of a newborn child occupies a distinctive position due to the exceptional circumstances surrounding childbirth, including physiological trauma, psychological disturbance, and social pressures faced by the mother. Unlike ordinary homicide, infanticide of newborns is often treated as a privileged offence, subject to reduced criminal liability in many jurisdictions.

In Vietnam, the crime of killing a newborn child is regulated as a separate offence under the Penal Code, reflecting a legislative choice to differentiate this act from murder. Similar approaches can be found in several civil law and common law systems, although the scope, legal justification, and sanctions vary considerably. At the international level, human rights instruments emphasise both the right to life of the child and the protection of women's rights, creating a delicate balance for national legislators.

This article aims to provide a comprehensive 5,000-word scholarly analysis of the crime of killing a newborn child, focusing on Vietnamese law in comparison with international legal frameworks. The study seeks to answer three main research questions: (i) how Vietnamese law conceptualises and regulates the crime of killing a newborn child; (ii) how this approach compares with selected foreign legal systems and international standards; and (iii) whether current Vietnamese regulations adequately balance child protection with maternal vulnerability.

B. METHODS

This study applies a qualitative research method using a normative legal approach (doctrinal legal research). The qualitative and normative legal characteristics are reflected in how the researcher comprehensively analyzes legal norms, doctrines, and legislative frameworks without relying on quantitative statistical data. From a normative legal perspective, the primary focus of this study lies in examining substantive positive law, specifically Article 124 of the Vietnamese Criminal Code (Law No. 100/2015/QH13) and Article 19 of the 2013 Constitution of Vietnam. The researcher analyzes the structure of criminal norms regarding infanticide, encompassing four doctrinal elements: the legal object, objective aspect, special subject (the biological mother), and subjective aspect. Furthermore, the researcher evaluates the consistency and alignment of these legal rules with international legal instruments, such as the

Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In addition to the internal normative legal analysis, this qualitative study employs a comparative legal approach. The researcher compares the Vietnamese legal system with that of several other jurisdictions, including civil law traditions (Germany and France) and common law traditions (England and Canada). Through this comparison, the study examines differences in legal doctrine, ranging from shifts in criminalization in Germany and France to the legal recognition of postpartum depression under England's Infanticide Act 1938.

The reliance on primary legal sources (legislation and international conventions) and secondary legal sources (legal doctrine and scholarly literature) serves as the foundation for drawing qualitative conclusions. Through this normative legal approach, the study successfully identifies weaknesses in Vietnamese law, such as vague boundaries regarding the mother's psychological condition, and formulates recommendations for humane legal reform aligned with human rights standards.

C. RESULTS AND DISCUSSION

1. Concept and Historical Development of The Crime of Infanticide

Infanticide generally refers to the killing of a child within a short period after birth. In legal terminology, however, the concept is often narrower, limited to cases where the perpetrator is the mother and the act occurs under the influence of childbirth-related conditions. The notion of "newborn child" typically covers the period immediately following delivery, ranging from twenty-four hours to several days, depending on national legislation.

The legal differentiation between murder and infanticide is grounded in the recognition that childbirth may significantly impair the mother's mental capacity. This impairment does not necessarily amount to insanity, but it may reduce culpability, justifying a mitigated punishment.

Historically, many legal systems treated infanticide harshly, often imposing severe penalties, including death. Over time, with advances in medical science and social awareness, legislators began to acknowledge postpartum mental disorders and the social stigma associated with illegitimate births. As a result, special infanticide provisions emerged, particularly in European criminal codes of the nineteenth and twentieth centuries.

Vietnamese criminal law, influenced by continental legal traditions, has similarly evolved to recognise the unique nature of this offence. The current legal framework reflects both inherited socialist legal principles and modern humanistic values.

2. Regulation of the Crime of Killing a Newborn Child under Vietnamese Law

According to Vietnam's 2013 Constitution, human life is inviolable. Everyone is obligated to respect the lives of others. Infanticide is a form of '*concretised murder*' because it entails the taking of the newborn infant's life, hence triggering the crime of infanticide. The sanctity of human life is enshrined in Article 19 of the 2013 Constitution of Vietnam, which stipulates everyone's right to life and legal protection from illegal deprivation of human life. Under the Vietnamese Penal Code, the crime of killing a newborn child is regulated as a distinct offence, separate from murder. The law defines the offender as the biological mother who kills her child within a specified period after birth, typically under the influence of backward customs, difficult circumstances, or severe psychological distress caused by childbirth.

This legal construction emphasises three core elements: (i) the subject of the crime must be the mother; (ii) the victim is a newborn child; and (iii) the act occurs under specific mitigating circumstances related to childbirth or social conditions.

From a doctrinal perspective, the offence comprises four elements: the object, the objective aspect, the subject, and the subjective aspect. The object of the crime is the life of the newborn child, which is protected from the moment of birth. The objective aspect includes acts or omissions directly causing the death of the child. The subject is special, namely the biological mother. The subjective aspect is characterised by intentional fault, although the intention may be influenced by psychological disturbances.

Vietnamese law prescribes significantly lighter penalties for this offence compared to murder, reflecting the privileged nature of the crime. The punishment may include imprisonment for a limited term, with consideration given to mitigating factors such as remorse, cooperation with authorities, and personal circumstances.

The killing or abandonment of a newborn child in Vietnam is addressed in the Criminal Code (Vietnam) Law No. 100/2015/QH13, art. 124. The Vietnam Criminal Code, Article 124, Clause 1, has stipulated that '*a mother who kills her*

own newborn child under the impact of obsolete belief or in a special objective circumstance shall face a penalty of 06 - 36 months' imprisonment'. In this case, the code acknowledges that the mother who commits such a crime may be under undue pressure from retrogressive practices or other mitigating circumstances. Instances of pressure from negative cultural beliefs, as seen in Nguyen and Cao, can include historically documented instances whereby some Vietnamese mothers committed infanticide against newborn girls.

The cultural preference for boys over girls in some Vietnamese communities fueled this negative practice. In addition, the Vietnam Criminal Code, Article 124, Clause 2 has stipulated that a mother who abandons a newborn child within its first seven days due to archaic belief or in a special or objective circumstance resulting in the death of the said infant shall be sentenced to community service or a maximum of 24 months or a prison term ranging between 03-24 months. This approach demonstrates a balance between the protection of newborn life and compassion for maternal vulnerability. However, it also raises questions regarding deterrence and the adequacy of child protection.

3. Comparative Analysis with Selected Foreign Legal Systems

a. Civil Law Systems: Germany and France

In Germany, infanticide as a separate offence was abolished, and cases involving newborn killing by the mother are now addressed under general homicide provisions with mitigation at the sentencing stage. This reflects a shift toward individualised justice rather than categorical privilege. Infanticide is a violation of the infant's right to life. Germany's Basic Law (*Grundgesetz*, GG) has enshrined the right to life as a personal freedom. Article 2, Clause 2 holds that everyone has an inalienable right to life and physical integrity. The right to life and physical integrity can only be taken away in accordance with a law.

The *Strafgesetzbuch* (StGB) [German Criminal Code] does not have stipulations for extenuating circumstances in cases of infanticide against newborns. Section 211 on Murder under specific aggravating circumstances (*Mord*), Subsection 1, has provided for life imprisonment for murder committed as laid down in Subsection 2, such as murder out of lust, sexual gratification, greed, '*perfidiously or cruelly or by means constituting a public danger or to facilitate or cover up another offence.*' Section 211 of the *Strafgesetzbuch* (StGB) has a very severe penalty for murder that falls under it because of the gruesomeness in the manner and motivation of the murder.

However, murder committed where the *mens rea* could be just *actus reus* or other mitigating circumstances is primarily handled under Section 212 on murder (*Totschlag*) and Section 213 on less severe murder of the *Strafgesetzbuch* (*StGB*). Section 212, Subsection 1, provides that murder committed under circumstances other than Section 211 carries a prison sentence of not less than five years. In addition, Subsection 2, Section 212 has provided for life imprisonment for severe murder cases. Section 213 has provided for a prison term ranging from one to 10 years for unintentional murder. Infanticide in Germany could also arise from cases of abandonment where a mother abandons a newborn in a situation that leads to death. The *Strafgesetzbuch* (*StGB*) Section 221 on abandonment, Subsection 3, has stipulated a prison term of not less than 3 years for abandoning one's child, leading to their death.

With these provisions in the German *Strafgesetzbuch* (*StGB*), it is evident that Germany does not have specific laws against infanticide. Infanticide falls under the legal provisions for the crime of murder, with the law providing for different legal consequences depending on the manner and reason for the murder. The specific mitigating circumstances that triggered the infanticide of a newborn could be argued on a case-by-case basis during the legal proceedings.

France historically recognised infanticide as a distinct crime, but modern French law no longer maintains a separate offence. Instead, courts rely on diminished responsibility doctrines to account for postpartum psychological conditions. In the French Penal Code (*Code penal*), *infanticide falls under intentional murder*. In Article 221-1 of the Penal Code, deliberate killing of a person is murder, and it carries a 30-year prison sentence. In addition, in the same Penal Code Article 221, Section 3 has provided life imprisonment for premeditated murder. Therefore, if in the course of the legal proceeding the perpetrator of the said infanticide of a newborn is found to have committed a premeditated murder, then they shall be imprisoned for life.

Notably, the Penal Code has not made any special stipulations of the crime of infanticide of newborns, but it has used the term murder of a minor under fifteen years. The crime of murdering a newborn infant (a minor under fifteen years) is punishable under the French Penal Code Article 221-4(1) with life imprisonment.

The French Penal Code has also addressed the issue of causing death involuntarily. If a person shall cause the death of a newborn involuntarily through actions such as clumsiness, inattention, negligence, etc., they shall, in accordance with Article 221-6, be charged with manslaughter following the distinctions stipulated in Article 121-3 and sentenced to three years'

imprisonment and fined 45,000 euros. Article 121-3 states that in the absence of an intent to commit a crime, there shall be no felony or misdemeanour. However, a misdemeanour exists when the offender causes harm due to recklessness, inattentiveness, or failure to exercise due diligence, etc. In case the offender causes the death of an unborn child by deliberately violating safety obligations or fails to exercise the requisite prudence according to statutes, they shall be sentenced to five years' imprisonment and a 75,000 Euro fine. There are occasions where the death of a newborn results from abandonment. In this regard, the French Penal Code Article 227-2 has provided that the offence of abandoning a minor under 15 years leading to their death carries a penalty of a 30-year jail term.

Nevertheless, despite the stiff penalties for infanticide against newborns in the French Penal Code, there are mitigating circumstances that are considered while determining the offender's criminal liability. On the one hand, Article 122-1 provides that those who were *'suffering from a psychological or neuropsychological disorder which destroyed their discernment or their ability to control their actions'* shall not be criminally liable for their actions. In the first line of mitigating circumstances, it must be proven that the defendant had lost total discernment or the ability to control their actions. If the aforementioned is proven, then the penal code has stipulated that the offender shall not be held criminally liable. On the other hand, the same Article 122-1 has provided that a perpetrator who was *'suffering from a psychological or neuropsychological disorder which reduced his discernment or impeded his ability to control his actions'* shall be liable for their actions. Still, the court will consider these mitigating circumstances while ruling on the offence and issuing a penalty. Of importance to note in this scenario is that the offender has not lost total discernment or ability to control their actions; therefore, they are held liable for the offence.

b. Common Law Systems: United Kingdom and Canada

The United Kingdom retains a specific offence of infanticide, applicable when a mother kills her child under twelve months while her mind is disturbed due to childbirth or lactation. The offence carries significantly reduced penalties compared to murder and often results in non-custodial sentences.

In the UK, there is a specific criminal offence of infanticide under the Infanticide Act 1938. Section 1(1) provides that, in case a woman who is psychologically disturbed as a result of *'not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child'* causes the death of the child while under 12 months of age through

intentional actions or inactions, then her special mental condition will be taken into account. Where normally such an offence would have been treated as murder or manslaughter, the Infanticide Act 1938 stipulates that the offender shall be guilty of a felony of infanticide and may be punished '*as if she had been guilty of the offence of manslaughter of the child.*'

The Infanticide Act 1938, Section 1(2) provides that for a woman who is on trial for murder or manslaughter of her child who was under 12 months of age, and the jury determines that she acted willfully or failed to act, leading to the death of the infant. Still, as a consequence of being mentally '*disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child,*' the jury may return an infanticide verdict where, under different circumstances, they would have returned a guilty verdict for murder or manslaughter.

There is also a saving clause in the Infanticide Act 1938, Section 1(3). The Clause has given the jury unfettered power to return a manslaughter verdict or a guilty but insane verdict after an offender has been indicted for the murder of a child. The importance of this saving clause is that a manslaughter verdict carries a less punitive sentence than murder. Additionally, a guilty but insane verdict allows the jury to return a special verdict stating that the offender is guilty. Still, they cannot be held criminally liable for their actions because of their impaired mental state at the time of the commission.

It is important to note how the UK Infanticide Act 1938 has taken into consideration mental challenges that may arise as a result of childbirth and lactation. These challenges, such as postpartum depression, could affect judgment and, therefore, if proven, are grounds for mitigation during the legal proceedings. The key requirements for an infanticide defence, as opposed to murder, are that the offender must be the biological mother of the dead child at the time of committing the crime, the offender must have been mentally disturbed as a result of childbirth and lactation, and the dead child must have been under 12 months old. Canada adopts a similar approach, recognising infanticide as a distinct offence with a maximum penalty of five years' imprisonment. The Canadian model explicitly links criminal liability to mental disturbance arising from childbirth.

In Article 233 of the *Criminal Code of Canada*, infanticide occurs when a mother, by commission or omission, causes the death of her newborn infant. However, for the offence to be classified as infanticide, the mother has to have been mentally unstable as a result of not having recovered completely from the effects of childbirth and lactation. This provision has taken into consideration

that sometimes childbirth and the subsequent lactation take a toll on a mother, leading to negative physiological and psychological problems. The psychological problems, such as postpartum depression or psychosis, could impair the mother's ability to make sound decisions or control their actions. For an infanticide verdict under Article 233, the offender has to be the biological mother of the dead newborn, and the mother must have been mentally disturbed due to incomplete recovery from the effects of childbirth and lactation. For the offence of infanticide, Article 237 has stipulated a penalty of (a) a prison sentence not exceeding five years or (b) summary conviction. A summary conviction carries a lighter sentence. According to Article 787(1) of the Criminal Code of Canada, the general penalty is a fine not exceeding \$ 5,000 or a maximum two-year jail term, or both.

c. Comparative Evaluation

Compared to these systems, Vietnamese law aligns more closely with common law jurisdictions that maintain a separate infanticide offence. However, differences exist regarding the time frame, mental condition requirements, and sentencing practices.

Regarding the timeframe, Vietnamese law provides that infanticide of a newborn occurs if the killing by the mother occurs within the first seven days after birth. In the case of Germany and France, which are Civil Law systems, the aspect of timeframe does not apply because their laws do not recognise the crime of infanticide, with French law providing for the murder of minors under 15 years. In the United Kingdom and Canada (Common Law systems), their laws have a timeframe for the killing by the biological mother occurring within the first 12 months from birth. Hence, regarding the recognition of the crime of infanticide of newborns, it is evidently closer in Vietnam, the United Kingdom and Canada than in Germany and France.

Regarding the constituent elements of the crime of infanticide, Vietnam recognises the killing of an infant '*...under the impact of an obsolete belief...*'. This means that Vietnamese law has recognised that there could be regressive customary practices or beliefs that could pressure a mother to kill their newborn child. The humane nature of the Vietnamese law is evident in recognising that, in such a situation, the mother is not entirely to blame. This aspect is not considered in the United Kingdom and Canada (countries that recognise the crime of infanticide), as well as France and Germany (countries that do not recognise infanticide).

It is evident that on some occasions the mental state of the mother is to blame for the offence of killing their newborn child. It is to be understood that the mental state of the mother in Vietnam falls under the term '*special objective circumstance*'. If it can be proven that the defendant was not mentally stable, then they would be charged with the crime of infanticide as opposed to murder. Both the United Kingdom and Canada have explicitly provided for infanticide occurring due to a mother's diminished mental capacity, due to the effects of childbirth and lactation. This is a grey area in Vietnamese law that should be stipulated explicitly in law.

Vietnam has two penalty regimes for infanticide. The first one is a jail term of between 06-36 months for killing an infant due to archaic beliefs or exceptional objective circumstances. The second one is community service for a maximum of 24 months or a prison sentence of between 03 and 24 months in the case of abandoning a newborn due to an archaic belief or special circumstance leading to their death. In the UK, a psychologically disturbed biological mother who causes the death of their child aged below 12 months may be sentenced for manslaughter. Also, a psychologically disturbed woman facing murder or manslaughter charges for killing their newborn aged below 12 months may have the jury return an infanticide verdict instead of murder or manslaughter. The key element in this case is proving to the jury that the offender was disturbed at the time of the crime of omission or commission, leading to the death of the newborn. In the case of Canada, infanticide carries a penalty of (a) a prison sentence not exceeding five years or (b) a summary conviction.

4. Infanticide and International Human Rights Law

International instruments such as the Convention on the Rights of the Child emphasise the inherent right to life of every child. States are obligated to ensure the survival and development of the child, including newborns. From this perspective, the existence of mitigated infanticide offences may appear to conflict with child protection obligations. However, international law allows states a margin of appreciation in designing criminal justice responses, provided that the right to life is not arbitrarily denied.

International human rights law also requires the protection of women's physical and mental health, particularly during pregnancy and childbirth. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) in Article 12 (1) requires States Parties to ensure everyone has access to the '*highest attainable standard of physical and mental health*.' Mental health care is

crucial during pregnancy and after giving birth in preventing infanticide. Article 12, Clause 2(a) has also addressed the need for States Parties to take steps to ensure '*...healthy development of the child*'. Among the steps applicable here is providing adequate mental care for the mother because most of the time, biological mothers are the primary caregivers to ensure the safety of the child. Regarding the right to maternal, child and reproductive health, it is stated in CESCR, General Comment No. 14 (2000) that Article 12, Clause 2(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966) may be taken to mean state parties are required '*... to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care...*'.

Access to maternal healthcare and family planning services is addressed in Article 12(1) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979). Additionally, Article 12(2) requires States Parties to provide all the necessary services in relation to '*...pregnancy, confinement and the postnatal period*' and sufficient nutrition during lactation. This is evidence that the drafters of the convention had women's maternal healthcare in mind. Providing this care to women would alleviate cases of mental health challenges and infanticide.

Instruments addressing discrimination against women call for gender-sensitive criminal justice policies that account for biological and social realities. In addition, regarding protection of women from discriminatory laws, Article 2(f) of the CEDAW requires States Parties to *take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women*. This provision takes into consideration that some rules are discriminatory towards women and should be reviewed to reflect women's specific circumstances and needs. The physiological changes that a woman undergoes during pregnancy and during the lactation period could trigger mental health challenges that would potentially diminish their judgment and inhibition. Basically, a woman in such a mental state should not be treated as a mentally healthy person, and the laws should be reviewed to address this special case. The recognition of infanticide as a privileged offence can thus be seen as consistent with international obligations to protect women from disproportionate punishment.

The central challenge lies in balancing the newborn's right to life with the mother's rights and vulnerabilities. Comparative practice suggests that reduced penalties, combined with preventive social and medical measures, offer a more holistic solution than purely punitive approaches.

5. Critical Assessment of Vietnamese Law in Light of International Standards

Vietnamese law demonstrates several strengths, including clear legal differentiation, consideration of humanitarian issues, and alignment with international comparative practices. Nevertheless, certain limitations remain, such as vague definitions of mitigating circumstances and limited integration of psychiatric assessment. The current framework could benefit from more explicit guidance on postpartum mental disorders, expanded access to social support services, and stronger preventive mechanisms to reduce the risk of newborn killings.

6. Recommendations for Legal Reform

First, Vietnamese law should clarify the concept of psychological disturbance related to childbirth, drawing on medical standards. The law should clearly define the legal threshold for physiological and psychological complications associated with childbirth and lactation. As it stands, the law has not explicitly addressed such complications. Also, borrowing from the UK and Canada, Vietnam could extend the period for infanticide from seven days to 12 months.

Second, interdisciplinary cooperation between criminal justice authorities and health professionals should be strengthened. On many occasions, infanticide results from psychological challenges (such as postpartum depression) arising from childbirth and lactation. In this regard, robust cooperation between criminal justice authorities and health professionals would ensure that accurate psychological and physiological assessments are conducted during the legal process. A psychiatric evaluation is critical when handling offences of this nature because the process of childbirth and lactation affects different mothers differently.

Third, preventive policies addressing social stigma, unwanted pregnancies, and access to reproductive health services should be prioritised. This three-pronged approach is crucial in preventing infanticide of newborns arising from undue pressure from regressive beliefs. For example, as noted earlier in Vietnam, there are some cases of infanticide arising from a preference for boys over girls. There should be concerted efforts among the communities that hold this belief to reduce the stigma associated with bearing girls and advocating for gender equity. Unwanted pregnancies could be a cause of

maternal mental health problems. The government should roll out family education and reproductive health programmes that would help women with family planning to prevent unwanted pregnancies.

Finally, sentencing policies should emphasise rehabilitation and social reintegration, rather than solely focusing on punishment. The current sentencing regime should adopt a more humane and empathetic approach towards offenders. It should seek to address the psychological process that led to the killing of a newborn by a biological mother and its effect on her. Programmes such as professional psychiatric assistance could play a critical role in rehabilitating the offender and potentially averting further related mental health challenges.

D. CONCLUSION

The crime of killing a newborn child occupies a unique position in criminal law. The article has established that Vietnamese law has a special crime of infanticide, which is different from general homicide. The Vietnamese approach to the killing of newborns by their biological mothers is touted as humane because of making this legal distinction. However, has been noted that there is a need for a review of the Vietnam Criminal Code to clearly define the killing of a newborn by its biological mother as a result of mental health problems resulting from the pregnancy, childbirth, and lactation. In this vein, Vietnam can borrow a leaf from the United Kingdom and Canada, which have clearly defined psychological problems as a result of *not having fully recovered from the effects of giving birth to the child or by reason of the effects of lactation consequent upon the birth of the child*. Also, Vietnam could consider extending the current legally provided seven-day timeframe for homicide. The current legal provision in the Criminal Code can borrow from common law jurisdictions, such as the United Kingdom and Canada, which provide a 12-month timeframe.

Vietnam can also pass legislation in line with international conventions to create programmes for taking care of women during pregnancy and after birth. Some of the mental health challenges, such as postpartum depression, require urgent professional attention for the welfare of both the mother and the newborn. Also, robust reproductive health programmes such as family planning have to be rolled out to assist women of reproductive age in family planning.

REFERENCES

- Committee on Economic, Social and Cultural Rights, *General Comment No 14: The Right to the Highest Attainable Standard of Health (art 12 of the Covenant)* (11 August 2000) UN Doc E/C.12/2000/4.
- Constitution of the Socialist Republic of Vietnam 2013.
- Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.
- Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3
- Criminal Code, RSC 1985, c C-46.
- French Penal Code (Code pénal).
- Germany, *Basic Law for the Federal Republic of Germany (Grundgesetz, GG)*, revised version published in the *Federal Law Gazette Part III*, classification no 100-1, as last amended by the Act of 22 March 2025 (*Federal Law Gazette* 2025 I No 94).
- Infanticide Act 1938.
- International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.
- Nguyen Thi Bao Anh and Cao Thanh Thuy, 'The Offence of Infanticide to Vietnamese Criminal Code: Comparison with other Countries in the World' (2023) 1 *International Journal of Empirical Research Methods* 51-65, doi:10.59762/ijerm205275791120231005151829.
- Strafgesetzbuch (StGB)* s 212.
- Vietnam, *Criminal Code* (Law No 100/2015/QH13, adopted 27 November 2015, effective 1 January 2018), as amended by Law No 12/2017/QH14.