Mitigating Early Marriage and Consanguineous Marriage among Ethnic Minority Groups in Vietnam

Kien Le Trung¹, Thu Nga Tran Thi²

¹Lieutenant Colonel, PhD, Vice Dean of the Post-Graduate Training Institute, The People's Police Academy, Vietnam
²Major, PhD, Vice Dean of the Environmental Police Department, The People's Police Academy, Vietnam

Abstract: Early marriage and consanguineous marriage are problems in many countries. In Vietnam, these activities mostly happen among ethnic minority groups and cause many bad consequences to marital partners, especially girl and women, and their next generation's development, gender equality, health care as well as poverty reduction efforts and social affairs. Though they are prohibited by the law, however, local authorities hesitate to apply sanction on ethnic communities. In order to mitigate early marriage and consanguineous marriage, the government of Vietnam must adopt many measures, including strict implementation of the law, extend education and training, enhance statistics system, etc.

Keywords: early marriage, consanguineous marriage, ethnic minority, Vietnam

1. Introduction

Vietnam is a multi-ethnic nation with 54 different ethnic groups. Except the Kinh (Viet) people who account for about 87% of the national population in 2009¹, other 53 are identified as ethnic minority groups (EMGs)²living in 56/63 provinces and cities [4, 26]. These localities account for ¾ of the square of the country, where are mostly remote and mountainous areas [4, 31]. Due to their tradition and customs, early marriage (EM) and consanguineous marriage (CM) still happen commonly across the country, despite governmental measures and social organizations' activities. Though being identified as an EMG, the Hoa (Chinese)³ is categorized in a group with the Kinh to become Kinh/Chinese group for marital status statistics in some reports because of their similar level of socioeconomic development.

2. Legal Framework and Policies for Ending Early Marriage and Consanguineous Marriage in Vietnam

2.1 Legal Framework and Policies for Ending Early Marriage

The 1989 United Nations Convention on the Rights of the Child (CRC) regulates, "a child means every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier".⁴ In Vietnam, according to Article 1 under the 2016 Law on Children, "A child is a person below the age of sixteen".⁵Thus, the child age limit in the legislation of Vietnam is 2 years younger than in CRC. Furthermore, Clause 8, Article 3 of the Law on Marriage and Family of Vietnam in 2014 defines, “Underage marriage means getting married when one or both partners has or have not reached the marriage age prescribed at Point a, Clause 1, Article 8 of this Law”. Refers to Point a, Clause 1 under Article 8 of this Law, the minimum age requirement to get married is, “The man is full 20 years or older, the woman is full 18 years or older” [2].⁶Based on those such regulations, underage marriage is defined as getting married when the man is under 20 years old and/or the woman is under 18 years old.

¹According to the Report on Population and House Survey in 2009, the Kinh or Viet have a population of about 56 million (see at http://ubdt.gov.vn/gioi-thieu/cong-dong-54-dan-toc/nguoi-viet.htm). In 2018, the population of Vietnam is approximately 94 million people, in which the Kinh people are estimated to occupy about 90%.
³According to the Report on Population and House Survey in 2009, the Hoa (Chinese) have about 823,000 people, mostly living in lowland localities in Quang Ninh (northeast province) and several provinces and cities in the South of Vietnam.
⁶It is also worthy to know that Law on Marriage and Family of Vietnam does not recognize same sex marriage. This means two same sex people cannot register their marriage with the government, but they still can be in union.
years old. Underage marriage is prohibited as regulated in Point b, Clause 2, Article 5 on “Protection of the marriage and family regime” of the Law on Marriage and Family of Vietnam in 2014 [2]. In the scope of this research, because of its popularity, the term “early marriage” will hereafter be used instead of “underage marriage.” For some in-text citations of lawful articles or Government of Vietnam’s policies, “underage marriage” is still used to keep source contents. Furthermore, in some data sources, EM may refer to the case of women aged 19 years old, who currently are married or in marital unions.8

In order to end underage marriage, Government of Vietnam (GOV) has issued strict regulations in both administrative and criminal fields. In Vietnam, the act of organizing underage marriage is a crime. The Penal Code of Vietnam in 2015 (amended in 2017) stipulates:

“The Article 183. Organization of underage marriage
Any person who organizes a marriage entered into by a person under the marriageable age even though he/she incurred an administrative sanction for the same offense shall be liable to a fine of from VND 10,000,000 to VND 30,000,000 or face a penalty of up to 2 years’ community sentence.” [1]

In this article, an organizer of underage marriage is only punished by a criminal penalty if that person received an administrative sanction for the same behavior before. The Decree No. 110/2013/ND-CP, dated September 24, 2013 of the GOV regulating sanction of administrative violation in the field of judicial assistance, judicial administration, marriage and family, civil judgment enforcement, enterprise and cooperative bankruptcy, and its amendment Decree No. 67/2015/ND-CP, dated August 14, 2015, contains Article 47 as following [3]:

Article 47. Acts of underage marriage or organization of underage marriage
1) A caution or a fine of at least VND 500,000 and 1,000,000 shall be imposed for the acts of an organization of marriage for persons who are under marriageable age;
2) A fine of between VND 1,000,000 and 5,000,000 shall be imposed for the acts of deliberately illegally maintaining a conjugal relationship despite the Court’s decision to coercively terminate that relationship

Clause 1 of the Article imposes on underage marriage organizers while Clause 2 applies to underage marriage partners and their families’ members.

Under the Penal Code of Vietnam, the act of organizing underage marriage is considered as a less serious crime.9 In addition, it is only guilty if the subject received an administrative sanction before for the same violation. This is the reason why both administrative and criminal sanctions for underage marriage organization and maintaining are very limited. Nonetheless, they are appropriate for the life rate of Vietnam, especially in remote and mountainous areas, where people get very low income. In 2018, the GDP per capita of Vietnam is estimated to be US$ 2,54010, while the average yearly income of ethnic minorities is about VND 7 million to VND 8 million11 (about US$ 300 to US$ 343). The amount of fine for an underage marriage organizer stipulated in Article 183 of the Penal Code is equivalent to from US$ 430 to US$ 1,290, which is one and a half to fourfold greater than the annual income of a person in ethnic minorities. Even the maximum administrative fine (VND 3,000,000, equivalent to US$ 130) for underage marriage maintaining could take almost a half-year of personal income, which could make their life much tougher.

2.2 Legal Framework and Policies for Ending Consanguineous Marriage

Point d, Clause 2, Article 5 on “Protection of the marriage and family regime” of the Law on Marriage and Family of Vietnam in 2014 stipulates the act of getting married or cohabitating as husband and wife between people of the same direct bloodline; relatives within three generations are prohibited [2]. Clause 17 and 18, Article 3 on “Definition” of this Law provides more detailed about this issue:

17. People of the same direct bloodline are those in the consanguineous relationship in which a person gives birth to another in successive order.
18. Relatives within three generations are people born of the same stock with parents constituting the first generation; full siblings, paternal half-siblings and maternal half-siblings constituting the second generation; and children of paternal aunts, maternal aunts, paternal uncles, maternal uncles constituting the third generation.

Relies on those stipulations, CM is defined as getting married or cohabitating as husband and wife between people of the same direct bloodline; relatives within three generations.12

9 In the Penal Code of Vietnam in 2015 (amended in 2017), a less serious crime means a crime whose danger to society is not significant and for which the maximum sentence defined by this Code is a fine, community sentence (non-custodial), or not exceed 3 years’ imprisonment. See Article 9 in [1].
12The Ministry of Justice (MOJ) of Vietnam provides a conception of CM is “marriage or cohabitating as husband and wife between people of the same direct bloodline; relatives within three generations; an adopted parent and an adopted child; an ex-adopted parent and an ex-adopted child; a parent-in-law with a child-in-law,
Regarding this issue, Bittles [10] defines, “In clinical genetics, a CM is a union between two individuals who are related as second cousins or closer”. This definition prohibits people from getting married to others who are their relatives within four generations (Figure 1).

In the legal system of Vietnam, the act of CM is not criminalized but will be punished by the same Degree, which gives sanction to EM [3, Point d Clause 1 of Article 48]. The fine sanction for this act is from VND 1,000,000 (about US$ 43) to VND 3,000,000 (about US$ 130).

In general, punishments for underage marriage and consanguineous in Vietnam are suitable with practical reality, especially with the socioeconomic condition in remote mountainous regions. Instead of using sanctions, the GOV prefers to call people for ending this issue voluntarily. It issued the Decision No. 498/QD-TTg[14], dated April 14, 2015 on approval the Project of mitigating underage marriage and CM among ethnic minorities for the period of 2015 – 2025 with detailed goals:

- Raising perception and legal awareness and changing marital behaviors of ethnic minorities, in order to reduce underage marriage and CM in their communities.

- Above 90% of government officials who work on ethnic minority affair will be trained to enhance their capacity and skills on communicating and persuading people to end and underage CM among ethnic minority areas by 2025.

- Reduce 2% – 3% of underage marriage couples and 3% - 5% of CM couples every year among ethnic groups and areas that have high rates of underage marriage and CM.

This project will be implemented in ethnic minority areas, focusing in the Northern mountainous areas, North Central – Central Coast, Central Highlands and Southwest of Vietnam. The Committee for Ethnic Minority Affair (CEMA) under the GOV is the focal point of this project. Since 2015, it has issued annual plans to carry out the project, in which the most recent is Decision No. 55/QD-UBDT, February 9, 2018 for the year of 2018.15

2.3 The Situation, Reasons and Consequences of Early Marriage and Consanguineous Marriage among Ethnic Minorities in Vietnam

2.3.1 The Situation of Early Marriage

The tradition and custom of EM and CM have been preserved for hundreds of years in Vietnam, especially among EMGs. There are two main sources of data for this situation, both by the GOV and sponsored by international organizations:

- Statistics from the GOV, including national underage marriage statistics extracted from Population and Housing Census in 2009 and 2014; statistics of CEMA focuses on both men and women among EMGs who got married before their legal age of marriage.


- Underage marriage statistics from Population and Housing Census in 2009 and 2014: in Figure 2 indicate the rate of women aged 15 to 19 currently married is fourfold higher than the rate for same age men across the nation after 5 years. The rate for men is likely sustainable while the rate for women experiences a slight increase. About one in ten women in this age range has got married.

![Figure 1: Categories of CMs. Source: footnote 13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3419292/)

**Percentage of nationwide men and women aged 15 to 19 currently married in 2009 and 2014 (%)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>2.19</td>
<td>2.20</td>
</tr>
<tr>
<td>2014</td>
<td>9.51</td>
<td>9.20</td>
</tr>
</tbody>
</table>


16 MISCs also have data for women who married before 15, however to be adequate with legislation and data statistics of Vietnam, this research only mention to the group of women who married before 18.
15 to 19 currently married in 2009 and 2014. Source: [11,109][12,44].

Figure 3 shows the percentage of under marriage among EMGs in 2015 is over three-fold increase after a year, from 8.4% in 2014 to 26.6%. This rate among EMGs is 6 times higher than in Kinh ethnic group and more than three times higher than nationwide rate. The significant increase of underage marriage among EMGs gives a warning to the GOV to implement measures that are more effective.

Figure 3: Percentage of underage marriage among EMGs in 2014, 2015. The data for Kinh ethnic group and national rate in 2015 is not available. Source: [4,2][5,26]

Figure 4 illustrates the rate of underage marriage by areas of Vietnam in 2009. As can be seen from the maps, highest rate areas are North mountainous area, Central Highlands and Mekong River Delta (Southwest). The Northern mountainous area takes the highest rate of underage marriage Figure 5 from another source of data shows the underage marriage growth in these areas from 2006 to 2014. Therefore they are chosen to be focuses of the implementation of Project of mitigating underage marriage and CM among ethnic minorities for the period of 2015 – 2025.

Figure 4. The rate of people aged 15 – 19 years old who have married in provinces and cities of Vietnam in 2009. Source: [11, 110].


BBC also states that the latest statistics for underage marriage among ethnic minorities is the report “An overview of socioeconomic situation of 53 ethnic minority groups in Vietnam” in 2015. See at https://www.bbc.com/vietnamese/vietnam-43297514 [accessed December 18, 2018]
Multiple Indicators Cluster Survey in Vietnam in 2006, 2011 and 2014 also reflect the percentage of women aged 15-19 currently married or in union among EMGs, compared with women in Kinh/Chinese ethnic groups and national rate. The rate went up from 2006 to 2011 then kept being stable from 2011 to 2014. However, the rate among EMGs always three- to four times higher than in Kinh/Chinese groups, making the national rate increased during the period.

Amongst EMGs, as of 2015, there were 6 groups whose underage marriage rates are 50% or above, including O Du (73%), Mong (59.7%), Xinh Mun (56.3%), La Ha (52.8%); Brau and Ro Mam (50%); 13 groups whose rates are from 40% to under 50%, such as Lu (48.4%), Mang (45.8%), Kho Mu (44.3%), etc.; 11 groups whose rates are from 30% to under 40%; and 10 groups whose rates are from 20% to under 30% [5,26].

2.2 The Situation of Consanguineous Marriage

As same as the statistics for underage marriage, the latest source of CM in Vietnam was conducted in 2015 [5]. According to that research, the average rate of CM among EMGs was 0.65%. Some groups have high rates, such as Ma (4.41%), Mang (4.36%), Mmong (4.02%), Xtieng (3.67%), etc. These groups majorly live in Central Highlands and Northern mountainous area of Vietnam. The most popular union is between first cousins in which one partner is a child of a brother and the other one is a child of a sister.

---


Table 7: EMGs whose consanguineous marriage rates higher than 1.50% in 2015. Source: [5,27].

Surveys and census on under-age marriage and CM among EMGs are not often carried out on a national scale. In some provinces, the authorities do statistics in their localities. Among EMGs in Quang Tri province[19] from 2011 to 2015, statistics show 1,339 cases of under-age marriage and 16 cases of CM. In the next period from 2016 to 2018, there are 493 under-age marriage cases and 6 CM cases in this locality. In Tuyen Quang[20], the local authority found 540 under-age marriages cases (including 6 cases are also CMs) in the last 5 years among ethnic minority communities. From 2017 to the first half of 2018, 155 cases of under-age marriage occurred in the province. The policy on under-age marriage and CM cannot be wisely planned and effectively implemented without an annual statistics at the national scale.

On July 30, 2018, General Statistics Office (GSO) under the Ministry of Planning and Investment issued the Decision No. 593/QD-TCTK on the Survey and collecting information of socioeconomic situation among 53 EMGs in 2019.[22] This survey will be conducted in October 2019 in 54/63 provinces and cities across the country. The results of this survey will be beneficial for the GOV adopting suitable measures for improving the life rate of EMGs in the coming years.

2.3 Reasons for Early Marriage and Consanguineous Marriage

Marriage among EMGs has followed their traditions and customs for generations. This primary cause requires a long period of time to change the behavior of ethnic minority people. They tend to get married early to have more children which provide labor forces for farming. Some backward customs still prevail, such as wife robbery, betrothal, or having sons to perpetuate their family lineage, etc. Practice shows other problems also influence EM and CM, including poor education, lack of awareness on related legal issues, loopholes of legal framework and ineffectively dissemination legal information of marriage and family; undetermined intervention from the authorities and political-social organizations (especially Vietnamese Fatherland Front, Ho Chi Minh Youth Union, and Vietnam’s Women Union). Adult material from the Internet contributes to increasing the number of EM, early sexual activity, pregnancy before marriage[23], as well as early union without marriage among young people in EMGs [4,3]. Poor awareness on bad consequences of EM, for example, limited self-development opportunities, low-paid jobs for young people and cycle of poverty, etc., slow down people in changing their marital custom [5, 26].

Besides the above reasons, CM is also caused by several matters which deeply originate from the tribal regime. People want to keep assuming power and properties in their tribe and family. In the other hand, people believe that CM is useful for an easier marriage procedure arrangement and a...

19 A province in the Central Coast of Vietnam.
21 A province in the Northern mountainous area of Vietnam.
22 Available at http://cuchongke.laochai.gov.vn/SiteFolders/cuchongke/2335/5/Q%C4%90%20TCTK/QD593-TCTK%20ban%20hanh%20phanh%20an%20s%20tru%20%2053%20dan%20toc%202019.PDF [accessed December 19, 2018]
better relationship between mother-in-law and daughter-in-law [13,12], which are two big problems in Vietnamese families. In some groups, tribes people live together in a small area with very limited population, thus CM is inevitable because of difficulty to find a partner [13,18] without familial relationships.

In a legal perspective, Clause 1, Article 4 under the Law on Marriage and Family in 2014 stipulate, “...and mobilize people to abandon backward marriage and family customs and practices and promote fine traditions, customs, and practices embodying the identity of each ethnic group.” This leads to a conflict during implementation when people among EMGs consider EM and CM, which have been maintained for thousands of years, are their fine traditions and customs. It is a big challenge for local authorities to convince ethnic communities to give up that belief.

2.4 Consequences of Early Marriage and Consanguineous Marriage

Young people involving in EM lose opportunities to get a better education and well-paid jobs to improve their life rate, especially for girls. EM also leads to a high rate of stillbirth, neonatal mortality, maternal mortality, and child malnutrition. In 2014, the percentage of neonatal mortality among EMGs (28.97) is three times higher than in Kinh/Chinese group (8.21%). Both infant mortality rate and under-5 mortality rate among EMGs are four times higher than in Kinh/Chinese group (Figure 8). In 2013, the maternal mortality rate among EMGs is as twice as in nationwide (61.9/100,000 live births) [4,4].

CM reduces the quality of the next generation due to recessive genes received from their parents. The rate of children having birth defects among EMGs is much higher than in Kinh group. Children born in CM families also take the high risk of child mortality, malnutrition, and diseases, especially Thalassemia. Every year, about 2,000 children born with Thalassemia in Vietnam and most of them are ethnic minorities [4,4]. In some EMGs with a very small population, people want to scale up their group sizes. However, genetic diseases caused by CM weaken their descendants and decrease their population.

![Figure 8: Neonatal, post-neonatal, infant, and under-5 mortality rates for the five-year period preceding the survey among Kinh/Chinese group and other EMGs Viet Nam in 2014 per thousand live births](image)

Both EM and CM contribute to the cycle of poverty among EMGs. Young people who get married early and/or get married to their cousins will not able to apply advanced knowledge and technology to their farming. In addition, they only can do low-paid jobs and must spend money on taking care of their unhealthy children. Those have kept their life being poor for many generations.

3. Recommendations

Above statistics and analysis show the seriousness of the situation of EM and CM among EMGs in Vietnam. More importantly, the process to change people’s attitude toward to marriage is very challengeable. In order to mitigate the consequences of EM and CM, GOV must continue implementing the Project of mitigating underage marriage and CM among ethnic minorities for the period of 2015 – 2025 and consider some following recommendations:

- Strengthen the implementation of the Law on Marriage and Family in 2014 and relevant legal normative documents. Though EM and CM have been prohibited in the Law, local authorities rarely apply sanctions on those activities, especially to EMGs. This makes people lost their compliance with the Law and finally fail other efforts to reduce EM and CM.
- Enhance gender equality education in schools among EMGs [5, 90] and increase EMGs' awareness of marriage, birth control and infant care, especially target on girls and women [5,89]. Widely replicate the pilot project “village midwife” in order to reduce maternal and neonatal mortality rate [5,90].
- Strengthen the dissemination information of legal regulation on EM and bad consequences on CM among EMGs. The content must be adequate with culture, gender, and age of people in each ethnic minority and delivered in diverse ways, including brochures, leaflets, posters, and mass media.

---

25 This is a good practice community medical project in which women among EMGs are trained to help others during their pregnancy and giving birth. In remote areas where people are difficult to approach medical services, “village midwife” plays a big role in taking care of women and infant.
cassette tapes or video, etc. The government should leverage the roles of respectable people and social-political organizations among ethnic communities [4,7].

- **Focus on poverty reduction and life quality improvement for ethnic communities [4,7].** A better life rate will help people get a better education and awareness on social issues, including EM and CM.

- **Set up an annual/biannual EM and CM statistics system among EMGs.** The latest national statistics was conducted 5 years ago. Though some local authorities still do this kind of statistics, it is not enough to serve for policy planning and implementation at a national scale. The delayed adjustment of policy may affect several generations of children in ethnic minorities and contribute to a low quality of the national population.

- **Extend modern agriculture education and training for people among EMGs.** Alternative plants, fertilizer, and machines will help farmer work more productive and reduce childbirth for workforce.

### References


