

CHECKLIST ON



SOCIAL IMPACT ASSESSMENT AND GENDER IMPACT ASSESSMENT IN THE POLICY IMPACT ASSESSMENT REPORT



8/2021

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LIST OF ACRONYMS

MOLISA	Ministry of Labour, War invalids and Social affairs
PIA	Policy impact assessment
SIA	Social impact assessment
GIZ	German International Cooperation Agency
GIA	Gender impact assessment
MOJ	Ministry of Justice

SECTION I – BACKGROUND

1. Objectives of the document development

Social and gender impact assessments (SIA/GIA) are two out of five aspects of policy impact assessment (PIA) according to the provisions of the 2015 Law on Promulgation of Legal Documents, which was amended and supplemented in 2020 and its guidance documents. The practice of policy and legal document development shows that the SIA and GIA processes of PIA is still facing many difficulties, especially in identifying affected stakeholders and social issues affected by the policy. In addition, there are no specific standards to define how a good PIA report would be, especially from the perspective SIA and GIA. Recently, the German International Cooperation Organization (GIZ) has assisted the Ministry of Labour, Invalids and Social Affairs (MOLISA) in compiling and publishing a *SIA and GIA Handbook* (referred to as the SIA/GIA Handbook). The SIA/GIA Handbook is a general guide for ministries, sectors and others parties interested in SIA and GIA.

To facilitate the application of the SIA/GIA Handbook in the PIA process, GIZ through the Project “Social Dimension in Sustainable Green Growth in Vietnam” (2016-2021) continues to support the MOLISA in developing a *Reference List in support of SIA and GIA process of the MOLISA*, including 02 types of reference lists: (i) A list of stakeholders often affected by policies under the state management of the MOLISA (hereinafter referred to as the List of Affected Stakeholders); and (ii) A list of social and gender issues that are often affected by policies under the state management of MOLISA (referred to as the Gender and Social Issues List).

These lists are important tools in the SIA and/or GIA of policies. In addition, GIZ also continues to support the MOLISA in developing a *checklist on SIA and GIA in the PIA Report*¹. This checklist is a tool to assist the legal staff of the Legal Affair Department - MOLISA in reviewing and assessing the quality of the PIA Reports (with a focus on SIA and GIA) which are developed by other units under the MOLISA or other line ministries.

2. Document development method

The checklist on the content of SIA and GIA in the PIA Report (Checklist) was developed based on the review of legal regulations on the requirements of PIA from the initial stage of PIA report development process until the completion of the PIA

¹ The author group of this document includes: Nguyen Hung Quang and Nguyen Thi Ngoc Thanh. The authors thank the staff of the Legal Department - MOLISA, the GIZ project "Social dimension in sustainable green growth in Vietnam" (2016-2021) and lawyers Nguyen Thuy Duong, Le Mai Phuong, Le Hai Linh, Dang Huyen Thu of the NHQuang&Associates Lawyer Office for having participated in the compilation of the document.

Report after consultation, if any. The focus of this Checklist comprises contents related SIA and GIA, and does not include specific questions to other impact assessment contents (economics, administrative procedures and legal system). .

The questions compiled in the Checklist have a clear legal basis, including relevant regulations in Decree No.34/2016/ND-CP detailing a number of articles and implementation measures of the Law on Promulgation of Legal Documents (Decree No.34/2016/ND-CP), Decree No.154/2020/ND-CP amending and supplementing a number of articles of Decree No.34/2016/ND-CP (Decree No.154/2020/ND-CP) (see Annex II), especially the form of the PIA Report specified in Form No.01 - Annex V of Decree No.154/2020/ND-CP (refer to “PIA Report Form”). The quality control contents of the PIA Reports (with a focus on the quality of SIA and GIA) set out in this Checklist are the minimum standards to ensure the conformity of the PIA Reports with current legal regulations, thereby ensuring the quality of the content and form of the PIA Report as required by law. This checklist also needs to be updated, amended and supplemented according to the changes of relevant legal regulations and laws in the future, if any.

The checklist contains references to a number of guidance documents on impact assessment, including the MOLISA’s SIA and GIA Handbook, and the Ministry of Justice’s PIA Guide (hereinafter referred to as the PIA guidance document) (see Annex III), List of Affected Stakeholders and List of Social and Gender Issues in the Reference List in support of SIA and GIA process of the MOLISA. These documents are very useful in providing suggestions and instructions for users of the Checklist to answer the questions contained in the List. This reference helps the content of the Checklist to be concise and documents related to impact assessment to be used systematically.

3. Guidance on the use of the checklist

The checklist consists of 20 close-ended questions which are numbered and presented in CAPITAL and **Bold** format. Checklist users answer the main questions one at a time by ticking the options “Yes” / “No” / “Not yet” / “RELATIVE” / “Satisfactory”... To better understand the connotation of the question and to be more certain in the decision to choose the option, the user should read the legal basis and hints under each question.

Questions associated with “*social and gender dimensions*” should take into account:

- Social aspects as guided in Decree No.34/2016/ND-CP (which is amended and supplemented by Decree No.154/2020/ND-CP) comprise 13 main impact aspects, including: (i)) Population; (ii) Employment; (iii) Property; (iv) Health; (v) Environment; (vi) Public health; (vii) Education; (viii) Mobility; (ix) Poverty

reduction; (x) Traditional cultural values; (xi) Social and community cohesion; (xii) Ethnic Policy; (xiii) Other matters. The content of 13 aspects of social impact is very diverse, there are differences between the fields of state management, including those managed by the same ministry.

- GIA is integrated in the impact assessment process in general and SIA in particular. For each affected individual, it is necessary to identify male and female stakeholders because each group may be affected differently by the policy. For directly affected legal entities, it is necessary to pay attention to indirectly affected individuals by the policy, for example: a policy is applicable to enterprises, whether priority is given to enterprises that employ a large number of female employees. For each social indicator that is identified to have impacts, it is necessary to assess it in terms of gender to see if it generates a gender impact – based on the analysis, social impacts related to opportunities, conditions, capacity to exercise and enjoy the rights and benefits of each gender will be forecasted (*see also the Reference List for SIA and GIA*).

In most cases, the Checklist will require users to clearly explain the reasons why the answer option is “No”/ “Not yet”/ “RELATIVE” or equivalent. This is because the questions in the Checklist are mostly mandatory and minimum standards that are applicable to PIA Reports in accordance with current legislation. When a question is answered with “No”/ “Not yet”/ “Relatively” or equivalent, it is likely that the PIA Report has not met a certain standard. Therefore, the users need to clearly articulate the reasons to ensure that the selection of the above options is reasonably argued.

After completing the Checklist, users summarize all the outstanding issues of the PIA Report, make recommendations to the institution in charge of the PIA to finalize the PIA Report.

SECTION II – CHECKLIST

POLICY IMPACT ASSESSMENT
REPORT WITH THE FOCUS ON
SOCIAL AND GENDER IMPACT
ASSESSMENT













No.	THE CHECK ITEM
1.	QUESTION 1: IS THE PROPOSED POLICY OR DRAFT LEGAL DOCUMENT THAT HAVE POLICIES TO BE ASSESSED SUBJECT TO THE DEVELOPMENT OF PIA REPORT?
	ASSESSMENT: YES <input type="checkbox"/> NO <input type="checkbox"/>
	<p><i><u>Legal basis:</u> According to current regulations, there are 02 groups of legal documents that are subject to PIA, specifically as follows:</i></p> <p><i>A. The group of legal documents that is subject to PIA during the proposal preparation stage² includes:</i></p> <ol style="list-style-type: none"> 1. Law. 2. Ordinance. 3. Resolution of the National Assembly specified at Point b, Clause 2, Article 15 of the Law on Promulgation of Legal Document. <p><i>Detail: The resolution on pilot implementation of a number of new policies that are subject to the decision-making authority of the National Assembly but have not yet had applicable laws or are different from the regulations of the current laws.</i></p> <ol style="list-style-type: none"> 4. Resolution of the National Assembly specified at Point c, Clause 2, Article 15 of the Law on Promulgation of Legal Document. <p><i>Detail: Resolution on the suspension or extension of the duration for partial or full application laws or resolutions of the National Assembly to meet urgent requirements on socio-economic development, assurance of human and civil rights.</i></p> <ol style="list-style-type: none"> 5. Resolution of the National Assembly's Standing Committee specified at Point b, Clause 2, Article 16 of the Law on Promulgation of Legal Document. <p><i>Detail: Resolution on suspension or extension of the duration for partial or full application of ordinances and resolutions of the National Assembly's Standing Committee to meet urgent requirements on socio-economic development.</i></p> <ol style="list-style-type: none"> 6. Decree of the Government specified in Clause 3, Article 19 of the Law on Promulgation of Legal Document. <p><i>Detail: The Decree stipulates necessary issues under the authority of the National Assembly and Standing Committee of the National Assembly but not yet qualified to be formulated into laws or ordinances to meet the requirements of state management</i></p>

² Decree No. 34/2016/NĐ-CP, Article 4; Decree No.154/2020/NĐ-CP, Article 1, Clause 2

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	<p><i>and economic management, social management. Before promulgation, this decree must be accepted by the Standing Committee of the National Assembly.</i></p> <p>7. Resolution of the Provincial People's Council specified in Clause 4, Article 27 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The Resolution stipulates specific measures suitable to local socio-economic development conditions.</i></p> <p>B. The group of legal documents which are subject to PIA during the compilation stage³ includes:</p> <p>1. Decree specified in Clause 1, Article 19 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The Decree specifies articles, clauses and points assigned in laws, resolutions of the National Assembly, ordinances and resolutions of the National Assembly's Standing Committee, orders and decisions of the President.</i></p> <p>2. Decree specified in Clause 2, Article 19 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The Decree prescribes specific measures to implement the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly's Standing Committee, orders and decisions of the State President; measures to implement policies on socio-economic development, national defense, security, finance, monetary, budget, tax, ethnicity, religion, culture, education, health, science, technology, environment, foreign affairs, public service regime, cadres, civil servants, public employees, rights and obligations of citizens and other issues under the management and administration of the Government; issues related to the tasks and authorities of two or more ministries or ministerial-level agencies; tasks, authorities, organizational apparatus of ministries, ministerial-level agencies, Governmental agencies and other agencies under the Government's authority.</i></p> <p>3. Prime Minister's decision specified in Article 20 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The decision stipulates (i) Measures to lead and administer the activities of the Government and the state administrative system from the central to local levels, the working regime of members of the Government, local governments and other issues within the authority of the Prime Minister; (ii) Measures to direct and coordinate activities of members of the Government; inspect the activities of ministries, ministerial-level agencies, government agencies and local governments in the</i></p>

³ Decree No. 34/2016/NĐ-CP, Article 31; Decree No. 154/2020/NĐ-CP, Article 1, Clause 9

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	<p><i>implementation of the Party's directions and orientations, and the State's policies and laws.</i></p> <p>4. Resolution of the Provincial People's Council specified in Clause 2, Article 27 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The Resolution prescribes policies and measures to ensure the implementation of the Constitution, laws and legal documents of superior state agencies.</i></p> <p>5. Resolution of the Provincial People's Council specified in Clause 3, Article 27 of the Law on Promulgation of Legal Document.</p> <p><i>Detail: The Resolution prescribes measures for socio-economic development, budget, national defense and security in the locality.</i></p> <p>6. Circular by Minister, heads of ministerial-level agencies.</p> <p><i>In addition, there are also special cases: During the drafting process, appraisal, verification, review and comment on draft laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly's Standing Committee, if a new policy is proposed, the agency that proposes the policy must assess the impacts of the new policy. Within 10 days from the date of proposing a new policy, the proposing agency is responsible for developing an impact assessment report for that new policy.</i></p>
	<p>If the answer is YES, in which specific case is the document categorized: [specify type of text]</p> <p>.....</p> <p>.....</p> <p>.....</p>
2.	<p>QUESTION 2: DOES THE PIA REPORT IDENTIFY PROBLEMS, ESPECIALLY FROM SOCIAL AND GENDER ASPECTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Clause 1, Article 5, Decree No.34/2016/ND-CP stipulates that the identification of issues to be addressed is one of the activities of formulating the content of the policy. In the PIA Report Template, the first content in the PIA is identifying the problem (including a description of the current state of the problem, analysis of problem and consequences).</p>

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	<p><u>Hint:</u> A problem or practical issue to be address is a social situation that has been occurring or is expected to occur that affects/ impacts the life and activities of one or more people certain target groups in society, organizations and activities of state agencies. However, a practical problem requires to be solved by policies and laws only when that problem has certain spacial and temporal impact content and scope on affected stakeholders⁴. Attention should also be paid to the identification of gender issues or gender aspects of practical issues to be solved (if any).</p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA Report does not identify any problem of any policy. - “Relative” is the case where the PIA report identifies some problems of some policies, including a thorough analysis on gender issues. - “Satisfactory” is the case where the PIA Report fully identifies the problems of all policies, including a thorough analysis on gender issues.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
3.	<p>QUESTION 3: DOES THE PIA REPORT IDENTIFY THE CAUSES OF THE PROBLEM, SPECIFICALLY FROM SOCIAL AND GENDER ASPECTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Clause 1, Article 5, Decree No.34/2016/ND-CP stipulates that the identification of causes of each problem to be resolved is one of the activities of formulating the content of the policy. In the PIA Report Template, the analysis of the causes of the problem is one of the contents of the problem identification.</p> <p><u>Hint:</u> The report must analyze and identify the causes (direct and indirect) of the current situation (problem) to find appropriate solutions to thoroughly address those</p>

⁴ Ministry of Justice, PIA Guidebook, page 7

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	<p>cause⁵. The problem identification must be correct and adequate so that appropriate policies and solutions can be developed. A problem must have at least one cause and it is likely that there are many causes for one problem. The problem identification requires information and evidence (statistics, expert opinion, etc.) to prove and explain the causal relationship between the cause and the problem⁶. During the process of problem identification, attention should be paid to the causes that may emerge from gender issues or gender aspects.</p> <ul style="list-style-type: none"> - "Not yet" is the case where the PIA Report does not identify the causes of any problems of any policies. - "Relative" is the case where the PIA Report identifies the causes of some problems of some policies, including some analysis on gender issues. - "Satisfactory" is the case where the PIA Report fully identifies the causes of all problems of all policies, including a thorough gender analysis.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
4.	<p>QUESTION 4: DOES THE PIA REPORT DEFINE THE OBJECTIVES TO ADDRESS THE PROBLEM, ESPECIALLY FROM SOCIAL AND GENDER ASPECTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Clause 2, Article 5, Decree No.34/2016/ND-CP stipulates that the definition of overall goals and specific goals to be achieved when addressing problems is one of the activities to formulate the policy content. In the PIA Report Template, the second content in the PIA is the objective to address the problem.</p> <p><u>Hint:</u> The goal of the policy is to achieve expected results after applying the policy to solve the practical problem, and is the level of solving the problem arising from the</p>

⁵ Ministry of Justice, PIA Guidebook, page 8

⁶ MOLISA, SIA and GIA Handbook, page 27

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	<p><i>practice that the State aims at in immediate or long-term (short, long-term goals) to limit or minimize negative impacts on stakeholders who are affected or responsible for the implementation of policies. A problem can arise due to many causes and may negatively affect stakeholders in different aspects such as economic, social, environmental... Therefore, policy objectives first need to aim at solving the main causes of negative impacts on the stakeholders. It is noted that the goal of addressing the problems needs to take into account gender aspects arising from practice and/or emerging from the implementation of the goal of solving those problems (if any).</i></p> <ul style="list-style-type: none"> - "Not yet" is the case where the PIA report does not properly identify the objective of solving the problem of any policy. - "Relative" is the case where the PIA report adequately identifies some objectives to address problems of a number of policies, including thorough analysis on gender issues. - "Satisfactory" is the case where the PIA report fully identifies the objectives to address problems of all policies, including a thorough analysis on gender issues.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
5.	<p>QUESTION 5: DOES THE PIA REPORT IDENTIFY STAKEHOLDERS THAT ARE DIRECTLY AFFECTED BY THE POLICY OR AND OTHER RELATED STAKEHOLDERS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Clause 4, Article 5, Decree No.34/2016/ND-CP stipulates that the identification of stakeholders that are directly affected by the policy, the group of stakeholders responsible for the implementation of the policy is one of the activities to formulate the policy content.</p>

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	<p><u>Hint:</u> For the MOLISA's impact assessment reports, it is possible to refer to the List of Affected Stakeholders (in the Reference List) classified by 11 fields under the state management of MOLISA to have an overview on the stakeholders that are often affected by policy in these 11 fields. For impact assessment reports of other line ministries, it is possible to refer to the list of stakeholders affected by those ministries (if any) or legal documents governing the respective field (regulations on the scope of application and applicable entities).</p> <ul style="list-style-type: none"> - "Not yet" is the case where the PIA report does not correctly identify the stakeholders that are directly affected by the policy and other related stakeholders. - "Relative" is the case where the PIA report identifies some stakeholders that are directly affected by the policy and other related stakeholders, but not sufficiently. - "Satisfactory" is the case where the PIA report identifies the stakeholders that are directly affected by the policy and other related stakeholders.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
6.	<p>QUESTION 6: DOES THE PIA REPORT IDENTIFY SOCIAL AND GENDER IMPACTS ON THE STAKEHOLDERS THAT ARE DIRECTLY AFFECTED BY THE POLICY AND OTHER RELATED STAKEHOLDERS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> SIA and GIA are 2 of the 5 aspects of the PIA which are stipulated in Article 6 of Decree No.34/2016/ND-CP (amended and supplemented by Point a, Clause 3, Article 1 of Decree No.Decree 154/2020/ND-CP).</p> <p><u>Hint:</u> For MOLISA, it is possible to refer to the List of Social and Gender Issues classified by 11 fields under the state management of the MOLISA to have an overview of the social aspects that are often affected by the policy in these 11 fields.</p>

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	<p><i>For other line ministries, it is possible to refer to the list of social and gender issues of those ministries (if any) or the policies and legal documents governing the respective fields (focusing on principles, policies and development goals of that field).</i></p> <p><i>It is also noted that gender impacts are incorporated in the SIA. Therefore, for indicators that are identified as having social impacts, it is necessary to consider the gender impact aspect of that indicator. Specifically, it is necessary to clarify whether that indicator has a different impact on the opportunities, conditions and capacity to exercise and enjoy the rights and benefits of each gender.</i></p> <ul style="list-style-type: none"> - "Not yet" is the case where the PIA report does not identify social and gender impacts on stakeholders that are directly affected by the policy and other relevant stakeholders. - "Relative" is the case where the PIA report identifies social and gender impacts on stakeholders that are directly affected by the policy and other relevant stakeholders, but not sufficiently. - "Satisfactory" is the case where the PIA Report fully identifies the social and gender impacts on stakeholders that are directly affected by the policy and other relevant stakeholders.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
7.	QUESTION 7: IN EACH POLICY, DOES THE PIA REPORT HAVE A SOLUTION TO KEEP THE STATUS QUO?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<u>Legal basis:</u> According to the PIA report template, among the proposed solutions, there must be the solution to keep the status quo to compare with other solutions.

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	<ul style="list-style-type: none"> - "No" is the case where the PIA report does not have a solution to maintain the status quo in any policy or has a solution to maintain the status quo, but there is no analysis or sufficient information to compare with other solutions. - "Relative" is the case where the PIA report has a number of policies with analysis of solutions to keep the status quo so that it can be compared with other solutions. - "Satisfactory" is the case in which the PIA report has all policies with solutions to keep the status quo so that it can be compared with other solutions.
	<p>If the answer is NO or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
8.	QUESTION 8: ARE PROPOSED SOLUTIONS IN THE PIA REPORT APPROPRIATE TO THE POLICY OBJECTIVES, ESPECIALLY FROM SOCIAL AND GENDER ASPECTS?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Clause 3, Article 5, Decree No.34/2016/ND-CP stipulates that the identification of orientations and solutions to solve each problem is one of the activities to develop the policy content. In the PIA report template, the third content in the PIA is the proposed solutions to solve the problem.</p> <p><u>Hint:</u> Policy implementation solutions are different options to solve practical problems according to defined goals. The solution must be suitable and proportionate to the problem in terms of scale, scope, objects of impact, properly solving the direct and indirect causes of the problem (including gender issues or the gender aspect of the problem to be addressed). At the same time, the solutions must be effective, that is, achieving the set goals with a reasonable cost, and feasible for the stakeholders subject to the implementation and compliance. It is noted that the promulgation of a legal document which contains policy is one of the important tools and solutions, but</p>

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	<p><i>it is not the only one. There are policy tools that are required to be presented in the form of a legal document, but there are also tools that are not implemented in the form of a legal document⁷.</i></p> <p><i>Some of the questions and problems that are often raised to identify solutions are: Does the state need to intervene to solve the problem? Is it necessary to issue legal documents or should alternative measures be used (such as strengthening communication strategies, simplifying procedures and processes, ensuring necessary resources for law enforcement activities, etc.)?⁸</i></p> <ul style="list-style-type: none"> - "Not yet" is the case where the PIA report does not have any solution that is suitable to the policy objectives. - "Relative" is the case where the PIA report has a number of proposed solutions that are suitable to the policy objectives, but some policies do not have suitable solutions. - "Satisfactory" is the case where the PIA report has all policies with proposed solutions that are suitable to the objectives.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
9.	<p>QUESTION 9: DOES THE PIA REPORT IDENTIFY POSITIVE AND NEGATIVE IMPACTS, COSTS AND BENEFITS OF EACH POLICY SOLUTION, ESPECIALLY THE SOCIAL AND GENDER IMPACTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> <i>The PIA report template requires that the PIA of the proposed solution must clearly identify positive and negative impacts, benefits and costs of each policy solution to the State, people and businesses.</i></p>

⁷ Ministry of Justice, PIA Guidebook, page 9

⁸ MOLISA, SIA and GIA Handbook, pages 30, 31

No.	THE CHECK ITEM
	<p><u>Hint:</u> The report needs to show the positive impacts (in economic impact assessment which is the benefit) and negative impacts (in economic impact assessment which is the cost) on all aspects of the PIA, including gender and administrative procedure impacts, if any.</p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not identify the positive and negative impacts, costs and benefits of any policy solution. - “Relative” is the case where the PIA report identifies the positive and negative impacts, costs and benefits of some solutions and/or identifies those of only some policies but not all of them or identifies the positive and negative impacts, costs and benefits of all solutions and for all policies, but lack gender impact analysis. - “Satisfactory” is the case where the PIA report identifies the positive and negative impacts, costs and benefits of all solutions and for all policies, including gender impact analysis.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
10.	<p>QUESTION 10: DOES THE PIA REPORT COMPARE POSITIVE AND NEGATIVE IMPACTS, COSTS AND BENEFITS BETWEEN OPTIONS, ESPECIALLY SOCIAL AND GENDER IMPACTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> The PIA report template requires that the recommendation to choose implementation options must be made based on the analysis and comparison of the positive and negative impacts of each option.</p> <p><u>Hint:</u> Comparison should be made on all aspects covered by the PIA, including comparison of social and gender impacts, if any.</p>

No.	THE CHECK ITEM
	<ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not compare the positive and negative impacts, costs and benefits between the options of any policy. - “Relative” is the case where the PIA report compares the positive and negative impacts, costs and benefits between the options of some solutions or policies, but not all of them. - “Satisfactory” is the case where the PIA report compares the positive and negative impacts, costs and benefits between the options of all policies.
	<p>If the answer is NOT YET or RELATIVELY, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
11.	<p>QUESTION 11: ARE THE OPTIONS RECOMMENDED TO CHOOSE IN THE PIA REPORT THE OPTIMAL TO ACHIEVE THE POLICY OBJECTIVES, ESPECIALLY AND FROM THE SOCIAL AND GENDER ASPECTS?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Recommendation of the option selection is the final section in the PIA report according to the PIA report template.</p> <p><u>Hint:</u> The option which is considered optimal when it is the most reasonable, feasible and effective to solve practical problems and achieve policy goals. The feasibility of the option can be considered in a number of aspects such as the activities, resources, implementation methods, technology and systems, feasibility of implementation schedule, conditions of execution, monitoring, evaluation, etc⁹.</p> <p>The most optimal option is the one that is considered based on the synthesis of analysis and evaluation on all five aspects of the PIA, including impacts on gender and administrative procedures, if any.</p>

⁹ MOLISA, SIA and GIA Handbook, page 55

No.	THE CHECK ITEM
	<ul style="list-style-type: none"> - “Not yet” is the case where the PIA report recommends selecting options but none of those options are evaluated as optimal and/or the recommended options still have negative gender impacts. - “Relatively” is the case where the PIA report recommends selecting options, but some options are evaluated as optimal and others are not and/or some options which are recommended to be selected still have negative gender impacts. - “Satisfactory” is the case in which the PIA report recommends selecting options and all are evaluated as optimal, ensuring to limit negative gender impacts.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
12.	QUESTION 12: DOES THE PIA REPORT IDENTIFY AUTHORITY TO ENACT THE POLICY?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Clause 5, Article 5, Decree No.34/2016/ND-CP stipulates that the identification of the authority to issue policies to solve problems is one of the activities of formulating the policy content. According to the PIA Report template, the content of the proposed options in each policy must include the determination of the authority to issue the policy to solve the problem.</p> <p><u>Hint:</u> The authority to issue policies must be consistent with the provisions of the Law on Promulgation of Legal Documents, specifically Chapter II - Authority of promulgation, content of legal documents.</p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not identify the authority to issue policies.

No.	THE CHECK ITEM
	<ul style="list-style-type: none"> - "False authority" is the case where the PIA report identifies the authority but is not consistent with the provisions of the Law on Promulgation of Legal Documents. - "Satisfactory" is the case where the PIA report properly identifies the authority according to the provisions of the Law on Promulgation of Legal Documents.
	<p>If the answer is NOT YET or FALSE AUTHORITY, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
13.	QUESTION 13: DOES THE PIA REPORT USE QUANTITATIVE METHOD?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Article 7, Decree No.34/2016/ND-CP stipulates that policy impacts are assessed using quantitative and qualitative methods; in case the quantitative method cannot be applied, the reasons must be clearly stated in the PIA report. Accordingly, it can be understood that the quantitative method should be prioritized to be used in the PIA Report.</p> <p><u>Hint:</u> Quantitative research is a method of collecting, processing and interpreting information for research purposes, in which the collected data (quantitative data) is represented in an absolute form as numbers, which are collected from a number of methods such as experiments, surveys, secondary data analysis, study of available statistics, etc, with the purpose of affirming/negating an issue or studying the consequences of phenomena. Quantitative research requires a large number of research subjects with analytical framework, fixed questions, thereby the research results are objective, generic and highly representative.</p>

No.	THE CHECK ITEM
	<p>See also Annex I – Table of quantitative and qualitative method comparison of this Document and section VI - Data collection methods of the SIA and GIA Handbook ¹⁰ for a better understanding of the quantitative approach.</p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not use the quantitative method to analyze the problem. The report may have data, but that data is not analyzed. - "Relative" is the case where the PIA report uses data to analyze the problem but lacks affirmation or the data has no basis or only applies quantitative method to some policies but not to all policies that are assessed of their impacts. - "Satisfactory" is the case where the PIA report applies the quantitative method using baseline data and clearly analyzes all the policies that are assessed of their impacts. There may be policies that only use qualitative method instead of quantitative method, but clearly analyze causes, events and phenomena.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
14.	QUESTION 14: DOES THE PIA REPORT APPLY THE QUALITATIVE METHOD?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Article 7, Decree No.34/2016/ND-CP stipulates that the policy impacts are assessed using quantitative and qualitative methods; in case the quantitative method cannot be applied, the reasons must be clearly stated in the PIA report.</p>

¹⁰ MOLISA, SIA and GIA Handbook, page 19

No.	THE CHECK ITEM
	<p>See also Annex I – Table of quantitative and qualitative method comparison of this Document and section VI - Data collection methods of the SIA and GIA Handbook ¹¹ for a better understanding of the quantitative approach.</p> <p>In fact, it should be noted that in the SIA of the PIA, the qualitative method tends to be applied more commonly than the quantitative method. But if the problem has available data that can be helpful for quantitative analysis, then quantitative analysis should be used to easily illustrate the problem being assessed.¹²</p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not use qualitative method to analyze the problem. The report may present causes and problems but lacks explanations and arguments to explain causes, events, phenomena, etc. - “Relatively” is the case where the PIA report analyzes the causes, events, and phenomena but these may not be clearly analyzed. - “Satisfactory” is the case where the PIA report applies qualitative method with a clear basis and analysis of all the policies that are assessed of their impacts. There may be policies that only use quantitative method instead of qualitative method, but clearly analyze causes, events and phenomena.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
15.	QUESTION 15: IS THE INFORMATION USED IN THE PIA REPORT ACCURATE, TRUE?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Article 9, Decree No.34/2016/ND-CP stipulates that information used when developing PIA reports must be accurate and true.</p>

¹¹ MOLISA, SIA and GIA Handbook, page 19

¹² MOJ, PIA Guidebookbook, page 66

No.	THE CHECK ITEM
	<p><u>Hint:</u> Accurate, truthful information can be verifiable by collating it with information in the original cited data source or through other verifiable sources of information.</p> <ul style="list-style-type: none"> - "Not yet" is the case where the information in the PIA report is determined to be inaccurate, untruthful, or lacks verifiable sources of citation. - "Relative" is the case where the information in the PIA report is determined to be reasonable and has sources of citation, but the cited sources are not reliable enough to ensure the accuracy and truthfulness of the information, for example, these sources of citation are not from data sources of state competent authorities, reputable organizations, reliable scientific journals, etc. - "Satisfactory" is the case that the information in the PIA report has valid and scientific citation sources to verify the accuracy and truthfulness of the information.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
16.	QUESTION 16: DOES THE PIA REPORT FULLY CITE INFORMATION SOURCES?
	ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/>
	<p><u>Legal basis:</u> Article 9, Decree No.34/2016/ND-CP stipulates that information used when developing PIA reports must clearly cite the source of information.</p> <p><u>Hint:</u> In principle, any information on practices or data in the PIA report that is derived from other sources (other than the Report itself) must cite the source of information. In a PIA Report, it is essential to cite sources of information to ensure the accuracy, truthfulness and reliability of the Report. Information that is commonly cited in the PIA Reports may include figures for cost-benefit calculations, costs of compliance with administrative procedures, or expert opinions, or descriptions of the situation and consequences of the problem to be addressed, etc.</p>

No.	THE CHECK ITEM
	<ul style="list-style-type: none"> - "Not yet" is the case where the PIA report does not cite the source of information. - "Relative" is the case where only some factual information or data stated in the PIA report have citation of information sources. - "Satisfactory" is the case where the factual information or data in the PIA report has the citation of valid information sources. <p>Some useful and reliable sources of information can be found in Annex 5 - List of useful information sources for PIA of the SIA and GIA Handbook and Annex 3 - List of useful information sources for information for PIA of the PIA Guidebook.</p>
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
17.	<p>QUESTION 17: ARE THE PROPOSED POLICIES OR DRAFT LEGAL DOCUMENTS THAT HAVE POLICIES TO BE ASSESSED SUBJECT TO THE CASES WHERE DRAFT PIA REPORTS NEED TO BE COMMENTED?</p>
	<p>ASSESSMENT: YES <input type="checkbox"/> NO <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Point b, Clause 1, Article 8, Decree No.34/2016/ND-CP stipulates that agencies, organizations and deputies of the National Assembly proposing to develop legal documents are responsible for collecting comments and counter-arguments on the draft PIA report; incorporating and revising the draft report. Accordingly, for the cases of proposing to develop legal documents (7 documents belonging to the Group of legal documents subject to PIA in the proposal-making stage listed in Section A in the Legal Basis of Question 1), it is mandatory to collect comments on the draft PIA report.</p> <p><u>Hint:</u> For the case of the legal document group subject to PIA during the drafting stage (item B in the Legal Basis of Question 1), although it is not required to collect comments on the draft PIA Report, in fact, the drafting agencies still collect comments</p>

No.	THE CHECK ITEM
	<p>on the draft PIA report, except in special cases when the PIA report for the new proposed policy (due to the deadline for preparing the PIA report in this case is 10 days which is too short to conduct commenting on the draft report).</p> <ul style="list-style-type: none"> - “Yes” is the case where the PIA report is subject to collect comments on the draft PIA report. - “No” is the case where the PIA report is not subject to collect comments on the draft PIA report.
	<p>If the answer is YES or NO, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
18.	<p>QUESTION 18: DOES THE PIA REPORT HAVE THE SECTION ON WHETHER THE DRAFT PIA REPORT ARE CONSULTED AND COMMENTED?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><u>Legal basis:</u> Section III of the PIA report template outlines the content of consultation as follows: This section specifies the collection of comments on the draft PIA report (describes the method of consultation, feedback, incorporation and justification of comments).</p> <p><u>Hint:</u></p> <ul style="list-style-type: none"> - “Not yet” is the case where the PIA report does not perform consultation for comments. - “Relatively” is the case where the PIA report only performs insufficiently the contents of the consultation activity, including collection of opinions, feedback, incorporation and justification of comments in the PIA report. - “Satisfactory” is the case where the PIA report has fully performs the contents of the consultation activity, including collection of opinions, feedback, incorporation and justification of comments in the PIA report.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p>

No.	THE CHECK ITEM
	<p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
19.	<p>QUESTION 19: ARE THE DESCRIBED METHODS OF CONSULTATION, COMMENT, FEEDBACK, INCORPORATION AND JUSTIFICATION OF COMMENTS SUITABLE?</p>
	<p>ASSESSMENT: NOT YET <input type="checkbox"/> RELATIVE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/></p>
	<p><i><u>Legal basis:</u> Section III of the PIA report template outlines the content of consultation for comments as follows: This section specifies the collection of comments on the draft PIA report (describes the method of consultation, feedback, incorporation and justification of comments).</i></p> <p><i><u>Hint:</u> The method of consultation for comments must be suitable to the target audience (usually those directly affected by policies, state management officials, experts, social organizations), locations (by geographical areas, level of economic development, cultural diversity, etc), socio-economic context (such as epidemics) etc. The consultation content must be clear and associated with the policies being assessed. It is noted not to consult too many contents with one stakeholder or one group of stakeholders.</i></p> <p><i>The consultation can be organized in one or a combination of different forms, such as: survey using in-person or online questionnaire, face-to-face interview with the stakeholders, consultation conferences during the PIA process. The form of consultation through having the draft PIA report posted on the website of the policy proposing agency, the PIA implementing agency, or sending the draft report directly to the relevant stakeholders for comments, etc.¹³</i></p> <p>- “Not yet” is the case where the PIA report does not describe the consultation method.</p>

¹³ Ministry of Justice, PIA Guidebook, page 78. See also Chapter 4 - Collecting comments during the impact assessment of this Guidebook to better understand the method of consultation for comments on the draft PIA report.

No.	THE CHECK ITEM
	<ul style="list-style-type: none"> - "Relative" is the case where the PIA report has a description but does not adequately describe the contents of the consultation activity for the PIA report, including collection of opinions, feedback, incorporation and justification of comments in the PIA report. - "Satisfactory" is the case where the PIA report has a full description of the contents of the consultation activity for the PIA report, including collection of opinions, feedback, incorporation and justification of comments in the PIA report.
	<p>If the answer is NOT YET or RELATIVE, explain clearly the reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Recommendation:</p> <p>.....</p> <p>.....</p> <p>.....</p>
20.	QUESTION 20: DOES THE PIA REPORT COMPLY WITH THE PIA REPORT TEMPLATE AS REQUIRE BY LAWS?
	ASSESSMENT: YES <input type="checkbox"/> NO <input type="checkbox"/>
	<p><u>Legal basis:</u> Point a, Clause 1, Article 8 of Decree No.34/2016/ND-CP stipulates that agencies, organizations and National Assembly deputies that propose to develop legal documents are responsible for prepration of PIA report according to Form No.01, Annex V attached to this Decree. It is noted that Annex V (including Form No.01) of Decree No.34/2016/ND-CP has been replaced by Annex V issued together with Decree No.154/2020/ND-CP.</p> <p><u>Hint:</u> The biggest difference between the PIA report template under Decree No.154/2020/ND-CP and Decree No.34/2016/ND-CP is the requirement that the PIA report be signed and stamped by the proposing agency and organization, and the drafting agency. This requirement is intended to enhance the responsibility of the proposing agency and the drafting agency in the preparation and development of the PIA Report.</p>
	If the answer is YES or NO , explain clearly the reasons:

CONCLUSIONS AND RECOMMENDATIONS FOR THE PIA DRAFTING UNIT

This section summarizes the outstanding issues of the PIA report and makes recommendations for the unit in charge of the PIA to finalize the PIA report.

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ANNEX I – COMPARISON TABLE OF QUANTITATIVE AND QUALITATIVE METHODS

No.	Criteria	Quantitative research method	Qualitative research method
1.	Population and sampling ¹⁴	Requiring a large sample size. Samples may be selected randomly.	Sample size is often smaller. Samples are selected on targeted population
2.	Data collection ¹⁵	Using a number of methods including: experiment, survey, non-interactive forms, including: content analysis, secondary data analysis, study of existing statistics. Is often performed using analytical framework, fixed questions	Uses a number of methods including: field research, including ethnographic research, participant observation, in-depth interview; historical-comparative research. Research is conducted mainly based on observations and in-depth interviews, which can be adjusted to suit each research object and specific circumstances.
3.	Data property ¹⁶	Hard data, in the form of number.	Soft data, including: words, sentences, images, symbols, etc, with relatively high level of detail, diversity and complexity (depending on each research).
4.	Method characteristics ¹⁷	Quantitative research is mainly based on positivistic	Qualitative research is mainly conducted based on interpretation

¹⁴ Sonyel Oflazoğlu (2017), *Qualitative versus Quantitative Research*, Chapter 1 – Comparison of Qualitative Method Versus Quantitative Method in Marketing Research: An Application Example at Oba Restaurant. Differences between qualitative and quantitative methods in the steps following the choice of method)

¹⁵ Associate Professor, Dr. Pham Duy Nghia – Law Faculty, HCM Economics University (2014), *Jurisprudence research methodology*, Chapter 4 – Applying social science research methods in legal research, pages 84 – 87

Sonyel Oflazoğlu (2017), Preface

W. Lawrence Neuman (2014), *Social Research Methods: Qualitative and Quantitative Approaches*, pages 46 – 53

¹⁶ W. Lawrence Neuman (2014), page 167

Sonyel Oflazoğlu (2017), Preface

¹⁷ W. Lawrence Neuman (2014), pages 167 – 168

No.	Criteria	Quantitative research method	Qualitative research method
		principles, emphasizing the accuracy of the variables to test the hypothesis.	or criticism with the focus on conducting research on specific cases arising from social life.
5.	Research purposes¹⁸	Quantitative research focuses on assessing, affirming or negating a pre-existing hypothesis as well as on common consequences.	Qualitative research is carried out in order to deeply analyze and explain the phenomena and events by collecting the observations, and experiences of the research subjects.
6.	Data analysis and interpretation¹⁹	Using statistical calculation methods (e.g. statistical package for social sciences (SPSS), structural equation modeling (SEM)). Research is often based on pre-existing hypotheses.	Using the method of citation and statement of meaning (eg, descriptive content analysis, Nvivo software). The analysis maintains the complexity and uniqueness of each sample and allows the hypotheses to be discovered during analysis and interpretation process.
7.	Results and report²⁰	Having high level of generalization and representation. It is possible to forecast the future and is often expressed in an impartial writing of independent observers	Having in-depth and detailed description of the studied phenomenon within the angle and perspective of the research subject. It is less representative.

¹⁸ Associate Professor, Dr. Pham Duy Nghia (2014), pages 84 – 87

W. Lawrence Neuman (2014), page 168

Steven J. Taylor, Robert Bogdan, Marjorie L. DeVault (2016), (*Introduction to qualitative research methods: a guidebook and resource*), page 8

¹⁹ Sonyel Oflazoğlu (2017), Preface

²⁰ Sonyel Oflazoğlu (2017), Preface

Associate Professor, Dr. Pham Duy Nghia (2014), pages 84 – 87

ANNEX II – BASIS FOR THE DEVELOPMENT OF THE CHECKLIST

1. Law on Promulgation of Legal Documents, 2015
2. Law amending and supplementing a number of articles of the Law on Promulgation of Legal Documents 2020;
3. Decree No.34/2016/ND-CP dated May 14, 2016 of the Government detailing a number of articles and measures to implement the Law on Promulgation of Legal Documents;
4. Decree No.154/2020/ND-CP dated December 31, 2020 of the Government amending and supplementing a number of articles of Decree No.34/2016/ND-CP dated May 14, 2016 of the Government providing for specific regulations of a number of articles and measures to implement the Law on Promulgation of Legal Documents.

ANNEX III – LIST OF REFERENCE DOCUMENTS ON IMPACT ASSESSMENT

1. MOLISA – SIA and GIA Handbook;
2. MOJ, PIA Guidebook. The Guidebook can be found on MOJ's website via the link:
<https://moj.gov.vn/qt/tintuc/Pages/thong-tin-khac.aspx?ItemID=2639>.

