

RESEARCH BRIEF



# Understanding gender mainstreaming processes in social protection policy: A case study from Viet Nam

## Study scope and methodology

Women and girls face distinct risks and vulnerabilities across the full spectrum of rights, well-being and development. Harmful gender norms lead to gender inequalities, such as the disproportionate rate of unpaid care and domestic work undertaken by girls and women compared to boys and men; and life course events such as marriage and childbirth can interrupt girls' education and women's participation in the labour market, further increasing their risk of poverty.

As a key development sector, social protection offers significant opportunities to support individuals and families to escape poverty, invest in their own well-being and achieve long-term security. When the goals, design and implementation of social protection policies and programmes fail to take gender into account, they risk perpetuating and even worsening gender inequalities, missing the opportunity to catalyse transformative change and sustainably reduce poverty.

Gender-Responsive and Age-Sensitive Social Protection (GRASSP) is a five-year research programme led by the UNICEF Innocenti – Global Office of Research and Foresight and funded by partners including the United Kingdom’s Foreign, Commonwealth & Development Office that aims to enhance the impact of social protection investments on gender equality outcomes. As a component of GRASSP, and in collaboration with UNICEF Viet Nam and the Viet Nam Ministry of Labour, Invalids and Social Affairs (MOLISA), this study investigates the gender-responsiveness of the social assistance reform initiated under the Central Committee of the Communist Party’s Resolution No 15-NQ/TW (2012) that primarily took place between 2015 and 2021 and resulted in two policies, Decision 488/2017 and Decree 20/2021. The overall objective of the social assistance reform was to increase coverage and adequacy for individuals who are described in the resolution as being in “extremely difficult circumstances” and to define a minimum living standard to determine eligibility for transfers. These policies also provided an opportunity to enhance gender-responsiveness across the social assistance system.

However, despite the existence of several well-established gender mainstreaming mechanisms and processes, the resultant policies have only a limited degree of gender integration. The aim of the study, therefore, is to investigate how gender was considered during the conceptualization, formulation and approval of the policies, what factors influenced that process and how this led to the level of gender-responsiveness in the final policies.

Based on 35 key informant interviews with government and non-government actors involved in the policy formulation and the approval, and analysis of almost 40 documents related to the reform process, this report addresses five key research questions:

1. To what extent is gender integrated into the framing, analysis, design, and monitoring and accountability of the policies, and what is their overall level of gender-responsiveness?
2. What actions and opportunities with potential to affect integration of gender into policies occurred during the policy reform process?
3. How did the ideologies, interests and influence of key actors shape integration of gender into the policy process?

4. How did institutional factors and norms affect the actions and opportunities of actors in integrating gender into the policy process?
5. How did contextual factors affect the integration of gender into the policy process?

## Background: Gender mainstreaming and the social assistance reform

The Vietnamese legal framework requires gender mainstreaming to be part of the policymaking process. According to the Law on Gender Equality (2006), considerations of gender equality should be included in all normative legislative documents. A somewhat conflicting provision is given in the Law on the Promulgation of Legal Normative Documents (2015, amended in 2020). Also known as the Law on Laws, it requires gendered impacts to be assessed if the policy is “related to gender equality”. The integration of gender equality appears at several stages of the legislative process, most prominently in the requirement to complete a Gender Impact Assessment (GIA) during drafting, and requires participation of the Viet Nam Women’s Union (VWU) and MOLISA, the core government entity responsible for gender equality and gender mainstreaming, which includes the Gender Equality Department (GED) as an advisory body.

The social protection system in Viet Nam has multiple pillars, including social insurance, social assistance and social services. MOLISA’s Department of Social Assistance oversees and advises on the development and implementation of social assistance policies, including social transfers, emergency assistance and social care. Two policies constitute the social assistance reform initiated under Resolution 15/2012:

- Decision 488/2017, the Master Plan for Social Assistance Reform and Development (MPSARD), which specifies reform targets for social assistance from 2017 to 2030
- Decree 20/2021, which replaced Decree 136/2013, for regulating the governance and implementation of social assistance policies

These documents have brought about important improvements to the country’s social assistance programmes. Under the overall agenda of Resolution 15, Decision 488 set out an ambitious road map for protecting the population throughout the life cycle, and Decree 20 initiated the first phase of the reform by extending the groups eligible for transfers (including the elderly and young children) and increasing transfer values for all beneficiaries.

## Key findings

### The extent to which gender is integrated into social assistance policies and their overall level of gender-responsiveness

Certain changes to social assistance introduced through the reform process may contribute to the reduction of some gendered risks and vulnerabilities in Viet Nam, most notably by expanding eligibility to (some) women who are excluded from the maternity and pension benefits of the formal social security system. Yet, despite the Government's commitment to international agreements on gender equity and equality, and the existence of legally established gender mainstreaming mechanisms, the integration of gender into the new policies is limited in relation to their framing and objectives, identification of risks and vulnerabilities, specific design and implementation measures, and monitoring and accountability. The new elements of the two social assistance policies can be considered gender-neutral as they do not consider the potential for unequal access to or impacts of the programmes due to prevailing gender norms and inequalities. The following explains the limited level of gender integration in the reform of social assistance policies through a detailed examination of the policymaking process and review and analysis of policy documents through a gender lens.

### Actions and opportunities that occurred during the policy reform process with potential to affect integration of gender into policies

The findings show that the policy formulation processes for MPSARD/Decision 488 and Decree 20 followed regulations according to Viet Nam law, including those for gender mainstreaming, and involved participation of key gender actors such as VWU and MOLISA (through GED). However, analysis of the actions and opportunities for gender integration during the policy reform process shows that the gender mainstreaming procedures had little impact on the policies.

First, despite an extensive and well-funded evidence-generation and knowledge-development process, early opportunities to integrate gender within the evidence were missed. This made it difficult to defend certain policy proposals later in the process, for example, the extension of social transfers to pregnant women. Second, extensive and participatory consultations took place and included gender actors such as VWU and the United Nations Population Fund (UNFPA). However, gender considerations were not systematically integrated into the pre-drafting and drafting consultations and, beyond the core policy elements, additional gender-relevant recommendations made by a variety of actors had no impact on the policies' content. Third, the GIA for Decree 20 was conducted but appeared to have no impact on the policy content. Fourth, revisions made during drafting and following the appraisal weakened some potentially gender-responsive elements of the draft policies related to the conceptual

approach to social assistance and the relevance of gender, monitoring and evaluation (M&E), and the number of and extent of coverage for new beneficiary groups.

### How the ideologies, interests and influence of key actors shaped integration of gender into the policy process

Various organizations took part in developing the social assistance policies. Their ideas and interests influenced the process and reflect the extent to which gender was integrated into the final policy texts. Most prominently, there is a widespread preference among government actors for non-discrimination in social assistance. Few of the actors involved in the policy process advocated for elements that could be considered more gender-responsive, such as extending transfers to pregnant women and linking to reproductive health services, and no one contributed gender-transformative ideas that would aim to change the underlying unequal gender norms, roles and structures that perpetuate gendered poverty. United Nations and governmental organizations with higher vested interests in gender integration either did not participate extensively in the process, actively engaged but did not exert great influence on the policies or prioritized other strategic interests.

Some strategic interests and actions that potentially weakened or strengthened the gender-responsiveness of the final policies were not based on or framed with considerations of gender. For example, the Ministry of Finance's interest in cost-saving resulted in the elimination of potentially gender-relevant beneficiary categories, with no consideration of potential impacts on gendered outcomes. Another example is e-payments: while no gender-related arguments were presented for this change in administrative procedures, it may have positive implications for women's lesser access to economic resources.

### How institutional factors and norms shaped opportunities for integration of gender into the policy process

Viet Nam's gender mainstreaming mechanisms are codified in the Law on Gender Equality (2006) and the Law on Laws (2015, amended in 2020) and related decrees. They provide an important basis for the institutionalization of gender in policy formulation. However, this study has found that the need for greater consistency in laws and regulations, and how they are interpreted and implemented by policymakers, the lack of effective accountability mechanisms and the limited resources available resulted in a largely procedural and superficial application of gender mainstreaming in the social assistance policy reform.

First, the formulation of current laws governing gender mainstreaming mean that the regulations are not consistently applied across policy types and sectors. The Law on Laws states that gender mainstreaming (including the GIA) is only applicable to legal normative documents that are "related to gender equality" and Decree 34 (2016) states that important

guiding policies, such as certain prime ministerial decisions, are not legal normative documents and are not subject to certain gender mainstreaming requirements.

Second, interpretation and implementation of gender mainstreaming procedures by policymakers is shaped by their underlying ideologies on the (perceived) importance and relevance of gender to their policy area. As such, the common perception of social assistance as 'gender-neutral' means that gender mainstreaming procedures are either not applied (given the lack of legal guidance on which policies are related to gender) or that gender analysis focuses on demonstration of non-discrimination rather than on understanding the impacts of the policies on gendered vulnerability and inequality, and the formulation of more gender-responsive or transformative policy design.

Third, the application of gender mainstreaming regulations is further undermined by the low level of available resources. This includes the lack of earmarked financial resources to support gender research, analysis and consultation; the lack of demand for gender-disaggregated data and evidence; the low number of gender experts both within and outside the Government, especially those with knowledge of social assistance and the policy process; and the limited availability of technical guidance and training, especially in relation to gender and social assistance.

### How contextual factors affected integration of gender into the policy process

Contextual factors of a socioeconomic, legal and political nature have impacted the level of gender integration in social assistance reform in both positive and negative ways. Macro-level changes in Vietnamese society created a more enabling environment for expanding social assistance and for considering gender when doing so. However, this opportunity was counterbalanced by financial challenges and by an overarching legal framework that predetermined the direction and magnitude of the reform. In the political arena, while the momentum for social assistance and for gender mainstreaming has been building, increased knowledge and awareness is needed to better reflect this in concrete policy actions.

## Conclusions

Guided by Resolution 15, the MPSARD and Decree 20 brought about several important reforms of Viet Nam's social assistance system, including expansion to more vulnerable groups and an increase in benefit levels. However, this study found that despite the legal framework and mechanisms for gender mainstreaming, gender was weakly integrated into social assistance policies. Although some of the new policy provisions may lead to moderately gender-responsive outcomes among beneficiaries, the new elements of the

policies themselves are gender-neutral, since they do not consider the potential for unequal access to or impacts of the programmes due to prevailing gender norms and inequalities, and may also result in (unintended) gender-discriminatory outcomes.

Findings from the analysis of the policy process suggest that strong and unequivocal political commitment at all levels and among all influential actors is key for improving gender mainstreaming in social assistance policy. An important step towards broadening this commitment will involve amending current legislation such that gender mainstreaming is a requirement for all policies in the legal hierarchy. Further, prioritizing gender mainstreaming with dedicated resources and addressing institutional and policymakers' gender norms and ideas could enhance the institutionalization of gender in policy formulation.

The findings also highlight the need to increase the skills and capacities of key policymakers on gender and to improve the evidence base for gender analysis to ensure a more consistent focus on gender integration throughout the policy process. In particular, training and other knowledge enhancement initiatives must focus on strengthening understanding of the relationships between social assistance and gender for both government policymakers and external actors. Finally, policymaking processes could be more inclusive and gender-responsive by strengthening participation of gender advocates and partnerships among government agencies, non-governmental organizations and beneficiaries.

## Recommendations

Recognizing the Government of Viet Nam's dedication to gender equity and gender mainstreaming as evidenced in commitments to several gender-related international frameworks and national laws, the recommendations for the Government and its partners focus on strengthening gender-responsiveness in the policy development process through gender mainstreaming, with the aim to strengthen gender integration in future phases of social assistance reform and institutionalization of gender within the social assistance system.

### Recommendations for the Ministry of Labour Invalids and Social Affairs

#### **STRENGTHENING GENDER MAINSTREAMING IN REFORM PROCESSES**

- Advocate for the inclusion of gender in Party resolutions and other high-level government strategies.
- Leaders should show ownership of and commitment to gender mainstreaming beyond an assumption of gender-neutrality.

- Create an accountability framework for gender mainstreaming that specifies the responsibilities and expectations of different actors/staff members within MOLISA at various stages of the process.
- Strengthen gender-responsive financing, including increased resources for GED and gender mainstreaming activities.
- Ensure the effectiveness of GIAs, starting with their evaluation, to identify good practices and areas for improvement.
- Further enhance guidance on the contents of the GIA and ensure these are known, understood and used by policymakers.

### **STRENGTHENING GENDER INTEGRATION IN THE POLICYMAKING PROCESS**

- Provide periodic training on social assistance and gender to those involved in the drafting, GIA and appraisal.
- Include gender analyses in the evaluation of existing policies and programmes.
- Ensure the gender balance and gender expertise of the drafting board, including in decision-making.
- Engage gender advocates and policymaking experts throughout the entire process, ensure there is dedicated time for gender dialogue and create a mechanism to record and respond to recommendations.
- Monitor the changes of a draft's gender-responsiveness as it moves from pre-drafting to appraisal and update the GIA to reflect any changes.

### **MAKING THE SOCIAL ASSISTANCE SYSTEM MORE ENABLING OF GENDER MAINSTREAMING**

- Move towards a digital beneficiary registry and management information system that includes sex-disaggregated data.
- Develop an M&E framework for social assistance with participatory mechanisms and gender-responsive indicators.



## Recommendations for appraising agencies including the Ministries of Justice, Finance, and Planning and Investment

- Involve gender expertise in the review of the policy dossier, particularly the relevance and quality of the GIA.
- Assess the gendered impacts of the recommendations made by the appraisal committee.

## Recommendations for development partners

- Support MOLISA and other ministries with a social protection mandate to strengthen their gender mainstreaming capacity.
- Ensure that gender is used as a guiding principle in all United Nations work, including social assistance (in line with the Delivering as One UN agenda).
- Ensure integration of a gender lens into all policy research for social assistance and support gender analysis for specific policies.
- Support training of gender experts from international organizations and civil society in gender and social assistance and the policymaking process.

## Recommendations for the Government and the National Assembly

- Amend the regulations in the Law on the Laws (2015, amended in 2020) regarding which policies are relevant for gender by recognizing that all legal normative documents and other government policies can potentially have gendered impacts.
- Strengthen mechanisms for oversight of gender mainstreaming in integrated policymaking that allows for more systemic policy reform when required. While the National Assembly already plays this role for new laws, centralized oversight must be extended to policies that are lower in the legal hierarchy.
- Include sufficient, earmarked budgets for gender mainstreaming among the resources provided for policy formulation.
- Require the GIA to be completed earlier in the policymaking process to ensure that there are opportunities to modify policies based on its outcomes.

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