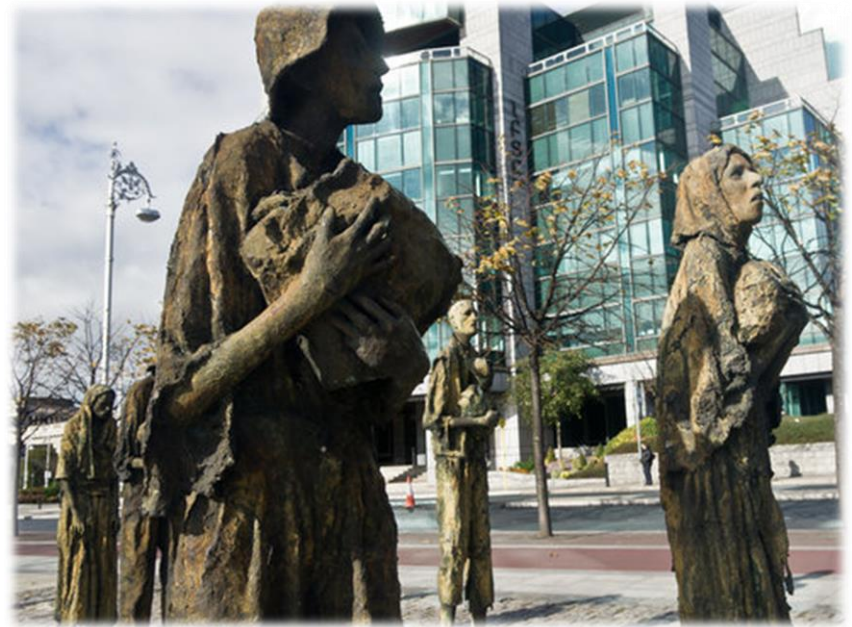


Policy Proofing – learning from the past – informing the future

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UN E/c.12 IRL/CO/3 Section 11

UN ICESCR June 15th

**Rights based budgetary governance processes,
Maximum Available Resources, Taxation Review
Redress of Retrogressive Austerity Outcomes**

Ensure that austerity measures are gradually phased out and the effective protection of the rights under the Covenant is enhanced in line with the progress achieved in the post-crisis economy recovery;

Consider reviewing its tax regime, with a view to increasing its revenues to restore the pre-crisis levels of public services and social benefits, in a transparent and participatory manner; and

Consider instituting human rights impact assessments in its policy-making process, particularly relating to the Covenant rights.

IHREC enabling and compliance powers

2016-18 Strategic Plan – 5 goals

Leadership, powers and public duty, making rights and equality real, advancing interculturalism

GOAL 3 Promoting understanding of the indivisibility of equality and human rights

By 2019 the Irish Human Rights and Equality Commission will have advanced and built support for a holistic view of human rights with a particular focus on socio-economic rights.

We will deliver:

- A strategy which will engage with and impact on major human rights and equality issues;
- An active evidence-based research strategy that improves and enhances decision making on issues of human rights and equality;
- Human rights and equality proofing of key legislation and budgetary processes;
- Enhanced support for expanded protection measures for socio-economic rights.

Rectangular Snip



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas

Irish Human Rights and Equality Commission

Programme for Government, May 2016

- **“We will develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights.**
- **We will ensure the institutional arrangements are in place to support equality and gender proofing in the independent Fiscal and Budget Office and within key government departments and to draw on the expertise of the IHREC to support the proofing process.**
- **For Budget 2017 the fiscal and budget committee will be tasked with looking at gender and equality proofing budget submissions and proposals with independent expertise (including the IHREC) to assist where necessary.”**
- **..... Impact Assessments – cabinet secretariat (DPER)**



**Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas**

Irish Human Rights and Equality Commission

Independent Fiscal and Budget Office

- OECD 2015 REVIEW OF BUDGET OVERSIGHT BY PARLIAMENT: IRELAND
- Improve the quality of policy-making, resource allocation and accountability, and ultimately to promote better outcomes for citizens.

Irish Parliamentary Budget Office to equip parliamentarians to engage more effectively on budgetary matters, including through analysis of information of taxation, expenditure and performance, as well as policy costings

Not clear yet where this will sit institutionally



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas

Irish Human Rights and Equality Commission

Oireachtas Budget Scrutiny Committee

- **Report of the Select Committee on Arrangements for Budgetary Scrutiny 30 June 2016 p21**

The **Committee accordingly recommends** that

- i. the Department of Finance and the Department of Public Expenditure and Reform be requested to provide early briefing on development and implementation of Government's proofing of the budget-making process to the Committee on Budgetary Oversight;
- ii. individual Ministers be asked to engage with their counterpart committees in the early autumn in relation to progress made in the proofing of any specific policies under development; and
- iii. the Independent Parliamentary Budget Office liaise closely with the Irish Human Rights and Equality Commission in relation to their respective agendas and opportunities for exchange of information and learning, in the human rights and equality area and generally.

Emerging short term budget framework

- Government commit to enhanced engagement, continuous and meaningful engagement with Oireachtas throughout and, especially early, in budget cycle.
- 2017 proposals staging posts to evolve in context of constitutional constraints and the prerogative of the executive
- Focus on legislative stage btw budget and Finance/SW bills
- SPU, ex ante – one week to comment on fiscal space
- SES mid June - for comment
- NED – budget scrutiny committee to attend – June 27/28
- Mid year expenditure report – enable ex ante no policy change analysis in budget committee and sectoral committees, stakeholder consultation
- Tax Strategy Group papers to committees by mid July – costed recs
- White Paper – Friday before budget
- Budget Day to include incremental improvements in distributional analysis
- SWITCH analysis before SW and Finance Bill
- DPER social impact assessment framework – to have regard to PfG proofing commitments

Families or traditions of proofing

- Human rights principles and obligations

- Opera

Principles

- Gender and equality mainstreaming

Process

- Budget and policy proofing
- Impact assessment

Data analysis

Nine grounds, gender as one ground or gender specific budget processes

Socio economic status as ground

Different grounds – different data barriers, tactical and strategic

Poverty Proofing/Impact Assessment

- Ireland was once a leader!!
- National Anti Poverty Strategy (NAPS) Sharing in Progress 1997
- Poverty proofing – a mechanism to assess all major policies and programmes at design and review stages to ensure that they either contribute to reducing poverty or, at least, do not increase poverty.
- Major economic and social proposals, departmental strategies, annual business plans, Memoranda to Government on significant policy proposals, the Estimates and Annual Budget proposals and the National Development Plan (NDP) to be assessed for their impact on poverty before they are implemented.
- Strategic Management Initiative, high hopes for an integrated framework for all types of proofing.
- Shift from overall proofing to specific impact assessment – Office for Social Inclusion

Does it:

- i. Help to prevent people falling into poverty?
 - ii. Reduce the level (in terms of numbers and depth) of poverty?
 - iii. Ameliorate , have on effect or increase the effects of poverty?
 - vi. Contribute to the achievement of the NAPS targets ?
 - vii. Address **inequalities** which might lead to poverty?
 - viii. Reach the target group(s)?
- What is the rationale and basis of the assessment behind these replies?

Institutional mechanisms

- A **Ministerial Committee**, chaired by the Taoiseach (**Prime Minister**)
- **Senior officials group** -departmental liaison officers who came together in an inter-departmental committee.
- Monitored by the **Combat Poverty Agency**, an independent state agency, and by the **National Economic and Social Forum**, made up of Government, parliamentarians, local government representatives, social partners, social NGOs and independent experts.
- 2002 Review strengthened these structures with the addition of a consultative group , involving **social partners** (which in Ireland means employers, trade unions, farmers and social NGOs), a public social inclusion forum, a stronger role for the **Parliamentary Committees on Social and European Affairs**.

NESC 2001

- High level of **formal compliance**
- Clarification of (i) the objectives (sensitisation or technical ; and (ii) the proofing process (which)
- Nine recommendations, **Definitions, Data, Indicators and Guidelines; Proofing and In-Depth Impact Assessment; Transparency; Institutional Supports; and Resources and Training**
- **Not statutory and became 'tick box'**
- **Run down of institutions (OSI)**

Gender Mainstreaming – ESF

- Gender Equality Unit in the Department of Justice, Gender - - Impact Assessment Guidelines for the NDP 2000- 2008
- Research and Support - for example Gender Budget Pilot Project (PAUL Partnership in Limerick and Roscommon County Development Board (2004)
- Gender Equality Unit
- Equality Proofing Working Group of the Department of Justice, Equality and Law Reform – led by Equality Authority, (2000-2008), number pilots, events, tools, data analysis, (demise EA & direct line)
- **Outcomes - ‘They just don’t get it’**
- Process - info/data/transparency/accountability/culture
- Changes childcare/enterprise/access/delivery/seepage

Gender budgeting

- Elson – two sets of knowledge – gender equality – public sector budgeting/financing
- Quinn - Integration of gender as category of analysis into budget process
- 60 states –IMF condition – study
- Layering onto equality proofing
- Many models and experiences
- Austria – build into budget framework – 7 years
- Little sense of outcomes – part of politics/civil society

Human Rights 'Proofing'

- ICESCR - framework for government policy development.”
- International law obligations reinforce domestic law obligations, including positive or public duty in section 42 IHREC Act 2014.
- Article 2(1), Committee on Economic Social and Cultural Rights (ComESCR), General Comments, and Concluding Observations on State Reports during austerity period.

Key Human Right principles

- Progressive realisation
- Non retrogression
- Minimum core
- Maximum Available Resources
- Immediate Obligations: Substantive
- Immediate Obligations: process
- Obligations to respect, protect and fulfil rights:

Human Rights governance ‘process’

The policies must be temporary, covering only the period of the crisis, and they must be necessary and proportionate. They must not result in discrimination and increased inequalities. They must comprise all possible measures, including tax measures, to ensure that the rights of the disadvantaged and marginalized individuals and groups are not disproportionately affected. Ensure protection of core content at all times

Table 4 Human Rights Proofing Social Security in Ireland –ICESR non-retrogression approach¹⁹

Key Changes	Reasonable justification	Alternatives examined	Genuine participation	Discriminatory Equality grounds	Sustained impact realisation rights	Independent review
Cuts to rate of working age payments	No	No	No	Yes, working age	Yes	No
Rent supplement caps and minimum contribution increases	No	No	No	No	Yes	No
Imposition of conditionality for youngest 14 years +	No / some	No	No	Yes: age	Yes	No
Lone parent payments loss of income disregards	No / some	No	Yes	Yes: women, family status	Yes	No

OPERA: a four-dimensional ESCR monitoring framework – *process and policy and outcomes*

Outcomes

Measure aggregate levels of rights enjoyment

Measure disparities in rights enjoyment

Measure progress over time

Policy Efforts

Identify legal and policy commitments

Examine policy content and implementation

Analyze policy processes

Resources

Evaluate resource allocation

Evaluate resource generation

Analyze budget processes

Assessment

Identify other determinants

Understand state constraints

Determine state compliance

Maximising available resources to progressively realise rights

resources.

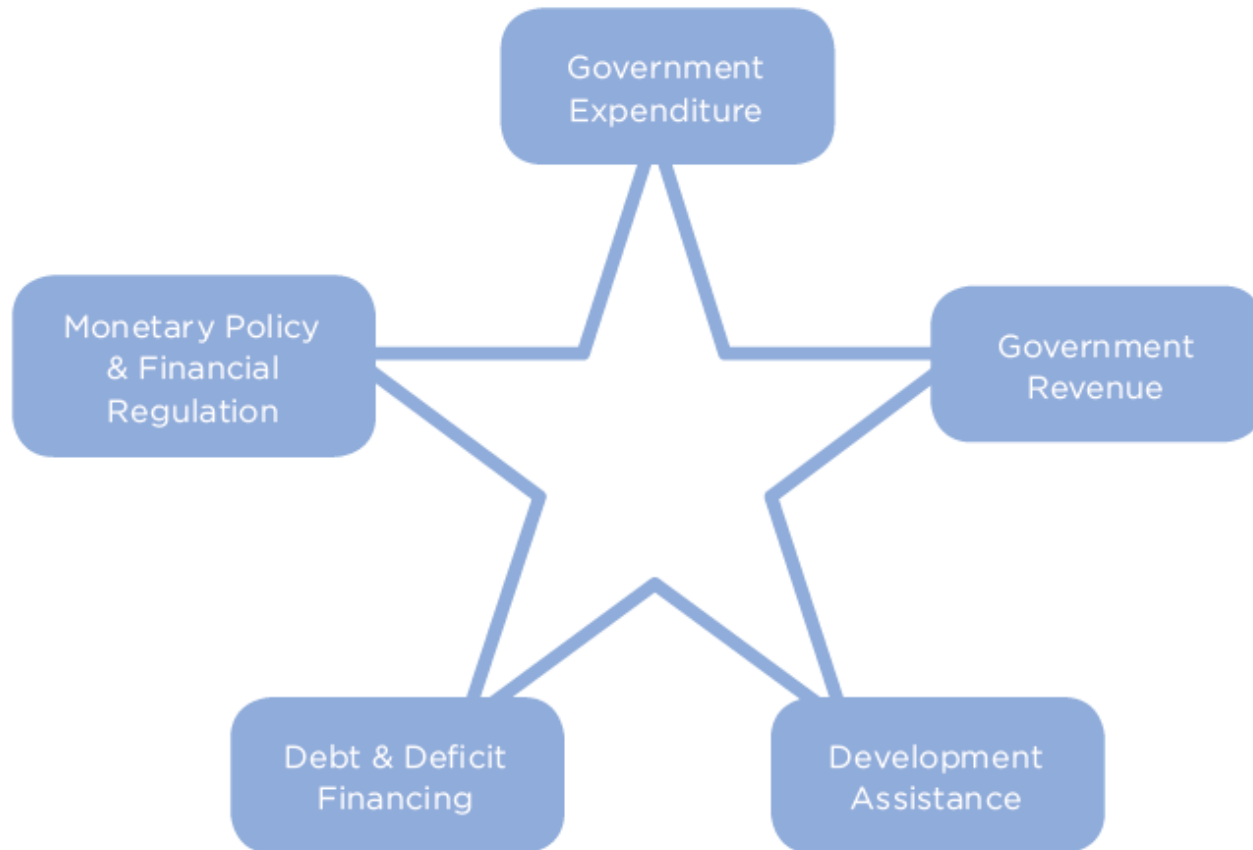
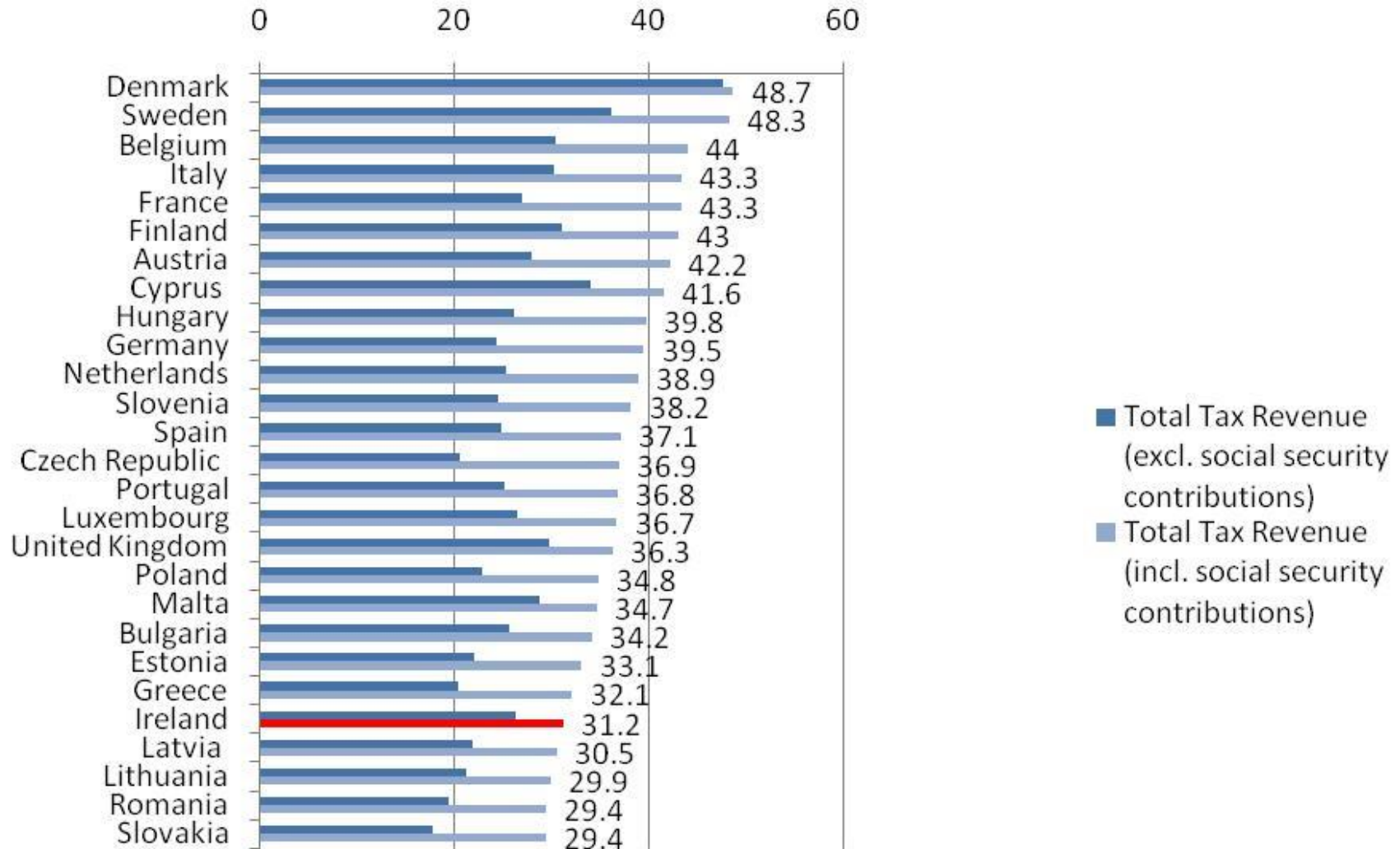


Figure 1: The Maximum Available Resources (MAR) Star

Low Tax Regime



What level of proofing

Figure 1 Trends in public spending % GDP

