



Report from FLAC post-Budget seminar:

***Fairer Budget, Fairer Society:
A Human Rights Analysis of
Budget 2015
from Irish civil society***

16 October 2014

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L-R: Dr John Reynolds (NUIM), Noeline Blackwell (FLAC), June Tinsley (Barnardos), Roisin Hennessey (IHREC), Michael Taft (UNITE the Union)

Introduction

FLAC (Free Legal Advice Centres) is a human rights organisation that promotes equal access to justice for all. Pre - and post-budget activities have become an increasingly important area of FLAC's work on access to justice, relying on the international human rights agreements that Ireland has ratified. Since 2009, FLAC's pre-budget submissions to the Department of Social Protection have advocated for the application of a human rights framework to budgetary decision-making. FLAC has appeared before the Joint Oireachtas Committee on Finance, Public Expenditure and Reform to discuss recommendations specific to a human rights approach to budgeting.

FLAC pre-budget submissions adopt a human rights law framework to call for greater efficiency in government departments to promote access to justice for all in a timely and effective manner. Through these submissions, FLAC advocates for the **protection of a minimum core of rights** throughout the functions and policy of the Department of Social Protection. This includes **adequacy** in terms of payments and procedures and methods surrounding the recovery of money in situations of overpayments. The three human rights principles underpinning a fairer budgetary process are **consultation, transparency** and **accountability**. For example, opportunities to engage with policy-makers and department officials are crucial to allow those affected by poverty and the civil society actors who support them to effectively participate in shaping government policy in areas such as housing and health. Inadequate transparency in decision-making and construction of budgets is a considerable shortcoming in any democratic society, affecting not only the public but even Oireachtas members. In Ireland, it is unclear how decisions are arrived at and by whom. Higher transparency and accountability can only serve to build confidence and reduce anxiety among the public in the lead-up to the Budget.

In October 2013, FLAC and the Equality Budgeting Campaign, facilitated by FLAC's Public Interest Law Alliance project, held a post-budget forum to introduce the concepts of human rights and equality budgeting. The event was attended by organisations working across the full gamut of human rights issues; they also completed a post-budget survey offering a valuable insight into civil society's view of the budgetary process.

FLAC built on this growing interest in the area of human rights and equality budgeting by organising a similar event for Budget 2015. Organisations again completed a post-budget survey, describing the extent to which they felt the government had based Budget 2015 on international human rights law. At a seminar two days post-Budget, following presentations by a panel of speakers on human rights budgeting, the findings from this survey were presented and discussed by the groups and politicians in attendance.

Fairer Budget, Fairer Society: Presentations



A. Dr. John Reynolds, Department of Law, NUI Maynooth: Maximising Available Resources: Widening the Budgetary Space for Socio-Economic Rights

Dr John Reynolds teaches public international law, economic, social & cultural rights, world trade law, and international criminal law in NUI Maynooth. He set the backdrop to the theme of human rights budgeting by introducing the international human rights treaties that bind the State to certain commitments in terms of budgeting.

Of particular importance in the context of state commitments to budgeting is the International Covenant on Economic Social and Cultural Rights (ICESCR). The term “progressive realisation” is just one loose indefinite concept contained in ICESCR creating the perception that human rights are theoretical as opposed to achievable. Numerous human rights agencies have helped clarify and define what “progressive realisation” means in practice along with a host of commentary on what obligations a State has in times of a recession. The UN Committee on Economic, Social and Cultural Rights has provided general comments on the covenant and the breakdown of specific rights. Further clarification has been provided by UN Special Rapporteurs on human rights and extreme poverty as well as the Council of the European Commissioner for Human Rights. Social and economic rights depend on resource allocation. The recession knowingly undermined these protections ignoring the State’s commitment to use its “maximum available resources” to realise these rights. Unfortunately at the onset of the recession, State resources were instead used to bail out the banks. The State’s approach has been to cut public services as opposed to increasing the tax gain, and jeopardising any advance made in protecting, promoting and fulfilling these rights. John quoted former UN Special Rapporteur Magdalena Sepúlveda, stating that there is a need to “increase reliance on direct and personal taxes on income; move away from indirect and regressive taxes on consumption” and tackle growing inequality. ‘Minimum core’ obligations are supplemented by an ongoing commitment to progressively realising the full range of economic, social and cultural rights for all, he said, emphasising that “non-retrogression” of socio-economic rights was laden with a heavy burden of proof.

John made the point that Budget 2015 relied heavily on rewarding those in employment through prioritising tax breaks instead of redistributing resources sufficiently when the opportunity was there. He also pointed to the use of certain positive but measured language in this budget to describe the new taxation measures, in terms of “progressivity” and “fairness”.

In summary, John argued that the State’s human rights obligations even in a recession should never be undermined or ignored, as the duty to progressively realise ESC rights within the maximum available resources within the ICESCR still applies. Action of a regressive nature – undoing commitments or work already existing - requires serious consideration and the burden of proof lies with the State.

© Download his presentation at: <http://bit.ly/reynoldsHRBA>



B. June Tinsley, Acting Head of Advocacy & Supporter Engagement, Barnardos Ireland: *Initial thoughts on children and the human rights context*

Barnardos is a children’s charity working with vulnerable children and their families in Ireland and campaigning for the rights of all children. Barnardos design a Children’s Budget as their pre-budget submission relying on international human rights law such as the International Covenant on the Rights of the Child to highlight the State’s obligations whilst raising the policy shortcomings that the organisation have seen emerge from their clients. June Tinsley summed up Barnardos’ ‘ask’ for Budget 2015 primarily as “ensuring an adequate income and improved investment in public services”.

June’s speech at the post-budget seminar concentrated on child poverty and access to public services for vulnerable families and children. “The right to live a life of dignity and freedom from poverty” is being denied to one in ten children in Ireland, and although Barnardos welcome the increase in child benefit, this in the backdrop to a flat-rate cut to the payment from a height of €166 per month. The former UN Special Rapporteur on Human Rights and Extreme Poverty Magdalena Sepúlveda Carmona described these cuts to child benefit as a major concern and “the most effective and non-stigmatising way to address child poverty”. Barnardos have carried out research recently that proves that universal payments have the greatest impact on reducing child poverty in terms of investing in “cash supports and the delivery of quality public services”.

“A human rights based approach to budgeting suggests increasing taxation rates instead of making swingeing cuts to public expenditure, which affect the poorest and most vulnerable with the most severity”, June noted. She also stated that the mixed nature of Budget 2015 proposals would to some extent provide relief to poorer low income families by way of the upping of the USC threshold but that other tax measures will have no bearing on the vulnerable families Barnardos assists.

June spoke of the drastic cuts to public services in the previous austerity budgets being at odds with the State’s international human rights commitments, quoting The Center for Economic Rights who found that austerity measures have severely reduced people’s enjoyment of a range of economic, social and cultural rights – and those most affected were vulnerable and marginal groups including children, one parent families, asylum seekers, migrants, Travellers and older people.

Barnardos welcomed the increase of funding for the operation of Túsla, the State sponsored child and family agency, but June reminded the audience that this should not gloss over the “9,000 cases of children at risk of abuse, neglect or welfare concerns waiting for referral and assessment” reported in the summer.

Another area of serious and growing concern that was highlighted in June’s presentation was the housing crisis and need for adequate housing for families with children. Children are being put at real risk in emergency housing accommodation and the Child and Family Agency Túsla has to pick up the pieces.

June stated that “quality pre-school is an area that Ireland continues to underfund and again Budget 2015 did not improve this situation”. June also expressed concern at the continuation of the reduction in capitations and other school grants in a seriously underfunded education system. June made the interrelatedness between the promotion of socio-economic rights and equality stating that “Overwhelming evidence shows that education is central to allowing real social mobility and this Budget appears to have just maintained the status quo”.

Concluding her presentation June made it clear that it is too early yet to see if Budget 2015 will have a real impact on the families Barnardos represents considering the serious slashing to public services in previous austerity budgets.

☉ Download her presentation at: <http://bit.ly/tinsleyHRBA>



C. Róisín Hennessy, Research & Policy Officer, Irish Human Rights & Equality Commission:
Towards Indivisibility – The role of national human rights and equality institutions in protecting economic and social rights

Róisín Hennessy explained the legal provisions set out in the UN Paris Principles for the establishment of national human rights institutions (NHRIs) and that the remit of such bodies covers not only civil and political rights but also economic, social and cultural (ESC) rights. Highlighted by Róisín, the Committee on Economic, Social and Cultural Rights has expanded on the role of NHRIs in providing educational programmes raising awareness of ESC rights for the public but also the public service, judiciary and private sector.¹ NHRIs functions include the proofing of legislation for compliance with ESC rights protection and providing technical advice to public bodies on ESC rights.² There is a monitoring and evaluation aspect to NHRIs remit regarding the realisation of these rights through identified benchmarks.³

The Irish Human Rights and Equality Commission (IHREC) has a notable role to play in examining the budget decisions through a human rights lens, and specifically an ESC rights lens, if the resource capacity is there. There is scope for IHREC to identify benchmarks on realising ESC rights which could then inform the government in advance of the budget proposals. The government and the Economic Management Council

¹ General Comment No. 10 *The role of national human rights institutions in the protection of economic, social and cultural rights*, 10 December 1998, E/C.12/1998/25 from Committee on Economic, Social and Cultural Rights.

² General Comment No. 10 *The role of national human rights institutions in the protection of economic, social and cultural rights*, 10 December 1998, E/C.12/1998/25 from Committee on Economic, Social and Cultural Rights.

³ General Comment No. 10 *The role of national human rights institutions in the protection of economic, social and cultural rights*, 10 December 1998, E/C.12/1998/25 from Committee on Economic, Social and Cultural Rights.

(those that decide the budget-Taoiseach, Tánaiste, Minister for Finance & Minister Public Expenditure and Reform) could also utilise the IHREC to proof the protections of human rights in all budget measures.

Róisín reminded those in attendance that IHREC have been on record stating that the austerity measures of previous budgets raise serious human rights concerns. The IHREC have made known their concerns about the “principles of non-retrogression, progressive realisation, and non-discrimination and minimum core obligations” during the recession in their recent submission to the United Nations on Ireland’s third examination under the international covenant on economic, social and cultural rights (ICESCR). The issue of funding for the equality and human rights infrastructure is featured in the submission also and was a budget decision undermining the State’s commitment to protecting, promoting and fulfilling human rights in Ireland.

© Download her presentation at: <http://bit.ly/hennesseyHRBA>



D. Michael Taft, Economist & Researcher, Unite the Union: *The Story Behind Budget 2015 (and a better story)*

Trade unionist and economist Michael Taft introduced his presentation by stating “That social equity and economic efficiency are inextricably intertwined. It is not a matter of obtaining one to achieve the other, never mind sacrificing one in pursuit of the other”. He also noted the interconnectedness between economic and social rights and how the relationship between these two has a measured impact on every person that might not be instantly evident. In the context of budgeting and ensuring fairness and equality in budget decisions it is worth keeping in mind the need to protect social and economic rights, not neglecting one for the other. This point came across very strongly through Michael’s presentation.

Michael stated that Ireland was “entering a new phase of austerity” where public expenditure will take a dramatic fall in tandem with increasing rates of inflation. This will have the result of reducing “the value of social transfers, public services and investments”.

Budget 2015 reflected a limited amount of social investment in far-stretched public services with Michael pointing out that “Real primary spending per capita will fall by nearly 10 percent over the next four years – or €4 billion”. In terms of budgeting and realising human rights this is a worrying prospect for people especially those dependent on the State.

Michael has termed Budget 2015 as “regressive” due to the “real-time” cuts to social welfare payments, offset of positive tax measures for low-middle income families due to water charges and the higher income earners gaining from the tax changes while still paying water charges.

Social redistribution makes economic sense, Michael provided us with the example of one million in the hands of the highest earners versus in the pockets of the lowest earners and the €193 million gain economically this would have for the wider economy. In continental European countries, living standards are promoted through social solidarity and collective consumption and the State must provide for this in their budget priorities. Michael used the example of childcare and transport models in continental Europe to illustrate what Ireland is doing wrong. Ireland should be looking to strengthen public services and reduce the cost implications for people. This illustrates that not only would investing in human rights (in this context particularly economic and social rights) make financial sense from the government’s perspective but it also promotes a fairer budget in compliance with the State’s obligations under ICESCR and reinforces the case for a human rights approach to budgeting.

The concept on viewing society as a collective where at different times people who have the means contribute and those who have the need receive according to need was at the core of what Mr Taft termed “social solidarity”. Michael also emphasised the community benefits of service and socio economic investment that would drive economic growth and lead to a more equal society.

It can be concluded from Michael’s speech that economics does not have to be at odds with social justice and ensuring a right to live in dignity, which is the cornerstone of human rights law. A fairer more equitable society can be achieved through a human rights approach to budgeting that invests in public services that promote economic, social and cultural rights.

© Download his presentation at: <http://bit.ly/taftHRBA>

A human rights analysis of Budget 2015 from Irish civil society: Survey



FLAC views the budgetary process and decision-making as a critical remit of the Government’s responsibility to its citizens that is not limited to one day a year, but spans the full 365 days of government activity. In FLAC’s [pre-budget submission 2015](#), we called on the Government to use a human rights law framework for its budgeting to ensure a more transparent, participatory and accountable process that promotes protects and fulfils human rights, in accordance with the State’s sworn duties under international law.

For Budget 2015, FLAC and PILA sought to consult the knowledge base of organisations with which PILA has developed a working relationship with over the past five years. These bodies work on a wide range of policy

issues that touch upon a broad spectrum of human rights. The survey sought to gauge their reaction to Budget 2015 and to examine whether or not the Government adopted to any discernible extent a human rights-based approach to budgeting, as called for in the organisations' individual pre-budget submissions.

To assist those completing the survey, FLAC developed a briefing note on a Human Rights Approach to Budgeting, providing practical examples of what affordability, adequacy and accessibility mean in the context of budgeting and human rights. This document also touches on the protection of a minimum core of rights, non-retrogression and progressive realisation, all principles outlined in the International Covenant on Economic, Social & Cultural Rights, by which the State is bound.

© Download the briefing note at <http://bit.ly/HRBAbriefing>

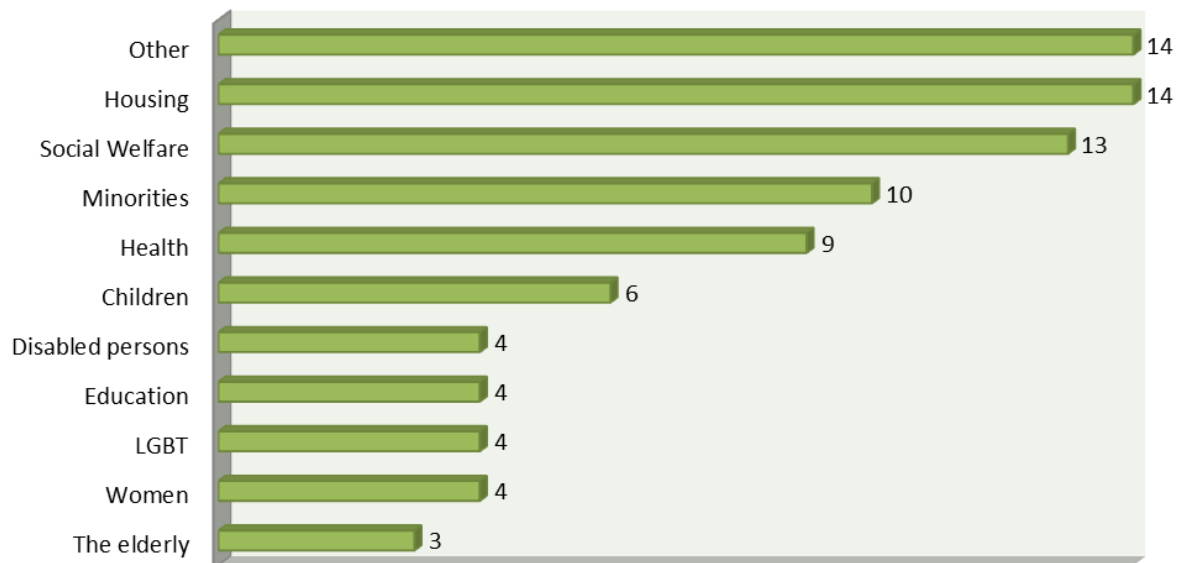


Thirty-eight organisations completed and returned the survey by 12 noon on the day after the budget. These were: Doras Luimní, We're Not Leaving, Crosscare, Focus Ireland, One Family, Vincentian Partnership for Social Justice, INOU, Community Law and Mediation, Gay and Lesbian Equality Network, European Anti-Poverty Network Ireland, Disability Federation of Ireland, Alzheimer Society of Ireland, Inclusion Ireland, Migrant Rights Centre Ireland, Children's Rights Alliance, Saint Vincent de Paul, Irish Advocacy Network Ltd, Unite the Union, Threshold, ENAR Ireland, Threshold, Age Action, Nasc - the Irish Immigrant Support Centre, Simon Communities of Ireland, Irish Refugee Council, National Travellers MABS, Peter McVerry Trust, National Women's Council of Ireland, Mental Health Reform, Public Interest Law Alliance, The Integration Centre, Barnardos, FLAC, Treoir - National Information Centre for Unmarried Parents, Jesuit Centre for Faith and Justice, Amnesty International Ireland, South Dublin Community Platform, and Future Voices Ireland.

The results were then analysed and are presented below.

© You can also download the survey presentation at: <http://bit.ly/HRbudgetPDF>

Areas of Human Rights represented in the Survey



1. Pre-budget Opportunities & Involvement

Q: Do you feel you had enough opportunities to input into government decision-making on Budget 2015?

A. Of 37 organisations 43% said “no”, 43% said “yes” and 14% “not-applicable”.

Q: Please indicate all options you participated in for pre-budget work?

Submissions to one or more government departments	25
Attendance at pre-budget forums	21
Correspondence with Ministers	18
Presentations before Committee	14
Meetings with specific departments	13
Other	11

Please note that half the organisations participated in three or more pre-budget activities.

Analysis: It is worth noting that many organisations commented that if other departments followed the example of the Department of Social Protection that would be welcome, as well as widening and promoting genuine pre-budget opportunities open to civil society, as currently there is a lack of meaningful opportunities. Scotland's approach to Equality Budgeting was referenced as good practice in terms of transparency and consultative process compared with Ireland's secretive, relatively undemocratic process. Oireachtas committee pre-budget hearings were not generally well attended by parliamentarians, suggesting a lack of commitment to incorporating budgetary recommendations from civil society.

2. Pre-Budget recommendations

Q: Were any of your recommendations from your submissions/pre-budget work reflected in budget decisions?

Yes, all of them	0
Most of them but not all	2
Some but only minor	13
No reflection of our submission(s)	7
N/A	15

Q: What recommendations were reflected and to what extent?

- ⊙ Child benefit was increased, Túsla was given appropriate funding, and budget for a comprehensive social housing programme was delivered.
- ⊙ No increase in provision of badly needed publicly subsidised childcare. No increase in overall social welfare payments or tackling of pension inequality for older women.
- ⊙ Asked for reversal of lone parent income happening in Jan 2015 (as part of 3 years of measures against lone parents)-no change.
- ⊙ Requested €1 billion in funding per annum for social housing, a figure of €2.2 billion has been quoted, we also requested additional funding for homeless services and a 16% increase was provided for.
- ⊙ Asked for the full retention of the Free Travel scheme which was noted in the Statement of Government Priorities by Minister. Asked for an increase in the living alone allowance to €3.80 but got €1.30. We asked for the full restoration of the Christmas Bonus which was partially restored.
- ⊙ Establish a cost of disability commission - not reflected in Budget 2015. Make work pay for people with a disability - not reflected in Budget 2015. Introduce individualised budgets for people with a disability - not reflected in Budget 2015.

- ⊙ Begin the process of increasing all basic social welfare payments towards that necessary to achieve a minimum essential standard of living.

Commentary: There was recognition in particular from organisations working on housing rights that social housing investment did materialise in the budget but not to the extent that is necessary to tackle the current housing crisis in its many forms.

3. Affordability of Rights in Budget 2015

Q: Did the budget make your client/target groups' capacity to access that right(s)-

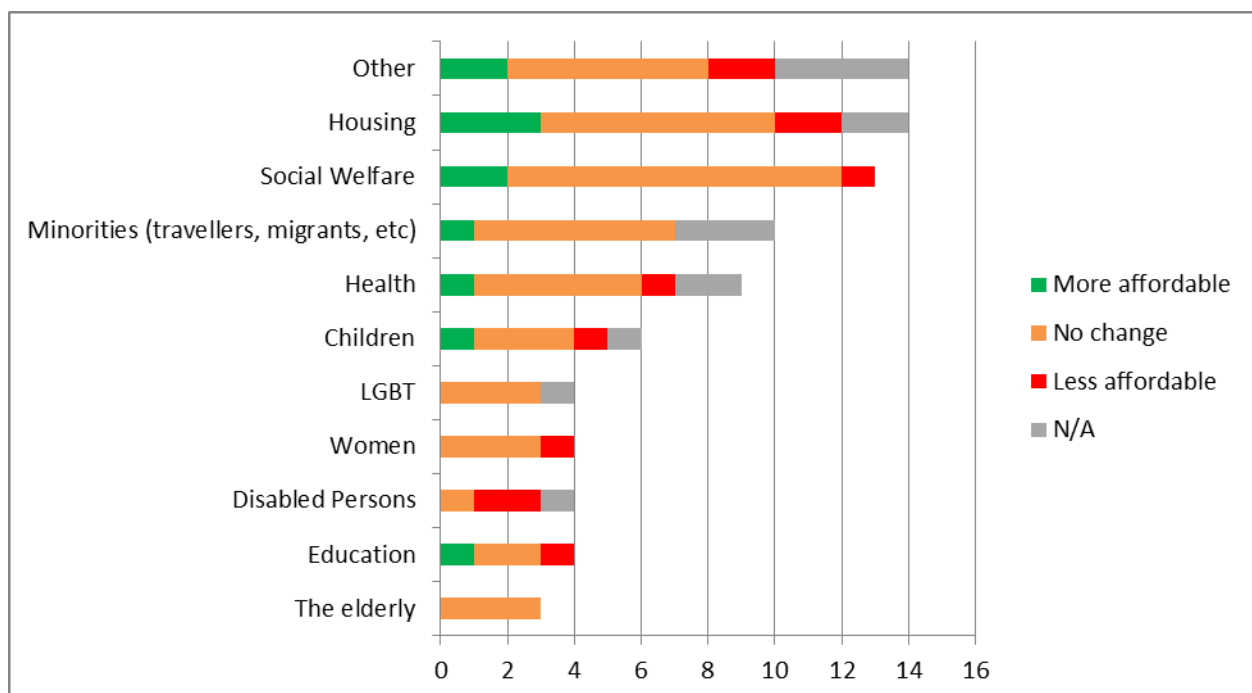
- a) More affordable
- b) No Change
- c) Less affordable
- d) Not applicable

A: 14 organisations said there was “no change”, 6 organisations “less affordable” and 6 organisations “more affordable”. 11 organisations said “not applicable”.

Analysis: 20 of 26 organisations felt that the rights they represent were either not changed in terms of affordability or they became less affordable as a result of Budget 2015.

That is not to say that this budget was not beneficial for some people in making it easier to afford some rights-reflected in the mixed nature of this budget.

Specific Rights & Affordability in Budget 2015



Analysis: The results reveal dissatisfaction with the current budget measures from housing rights organisations, who believe the budget did not change the affordability to access this right and in some cases saying it was making it more difficult to afford adequate housing. This can be explained from the commentary of organisations where the investment in social housing was welcomed and acknowledged however it should be noted that this is only one element of the housing crisis, the budget did not reduce rising rents in the private rented sector which impact on vulnerable groups in particular, "no changes were made to rent supplement limits, meaning no immediate solution to the housing crisis and people still remain at a very large risk of losing their home". Linked to this, one organisation mentioned that new cohorts of people are becoming homeless, young students, due to affordability issues around education and rent-not addressed in the budget!



The results also indicate that organisations working on social welfare believe that this budget neither increased nor decreased the affordability of their target group's access to social welfare. The decrease in affordability for housing and social welfare, in the graph above, might be affected by the water charges which are mentioned by some organisations as undermining any progress made by the positive measures in the budget. The commentary in the survey brought to our attention that certain groups

of unemployed people will have difficulties affording the new water charges if they do not earn enough to benefit from the water tax relief.

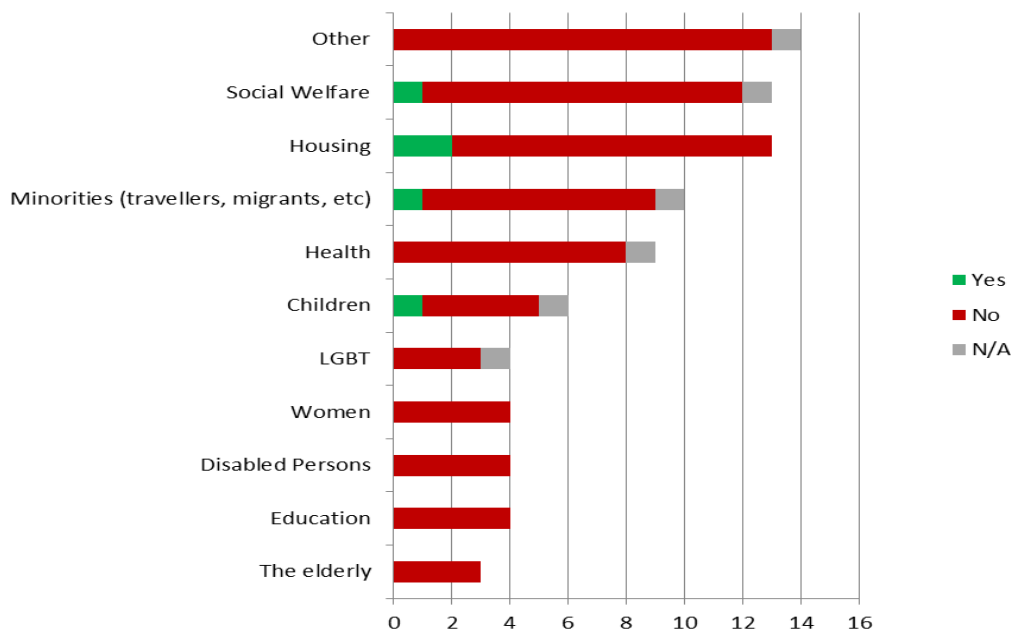
The graph reflects a level of improvement in affordability for the areas of housing, social welfare, minority's rights, health and children due to Budget 2015. However overwhelmingly there was a notable "no change" or "less affordable" results for all 10 rights mentioned in question 1 above.

The cost of having a disability was referred to by a few organisations as being completely overlooked in this budget, with deprivation rates increasing year-on-year and the inadequacy of rent supplement which will have a real impact on people with a disability trying to access suitable accommodation in the current rental market.

4. Adequacy of Budget 2015 spending on Rights

Q: In your view was the main issue you work on/your target group adequately allocated for financially in the Budget?

A: 76% of organisations said "No", 8% "Yes" and 16% "No response".



Analysis: As the red sections of the graph highlight on the specific rights that 37 organisations work on, these areas are not believed to be adequately financed through Budget 2015. In the areas of social welfare, housing, children and minorities there is limited acknowledgment that some funding allocation was provided but it is not sufficient enough to tackle the severity of problems in these areas.

Commentary: The "no" answers by organisations were explained by a lack of any financing in this budget for childcare which is a major shortcoming for lone parents and those on low-income considering the push on activation for the former into the workforce and onto jobseekers payments.

An organisation working in the area of healthcare welcomed the budget allocations from the Government, particularly for mental healthcare but noted that it still falls short of previous year's budgets. Frontline supports for vulnerable women, where services are already stretched, have "little or no relief" in this budget. Concern was expressed surrounding the limited funding for the equality and integration budget. Again those with disabilities were considered to have not been provided for adequately in financial terms considering the need to access specialised services such as speech and language therapies and other medical services.

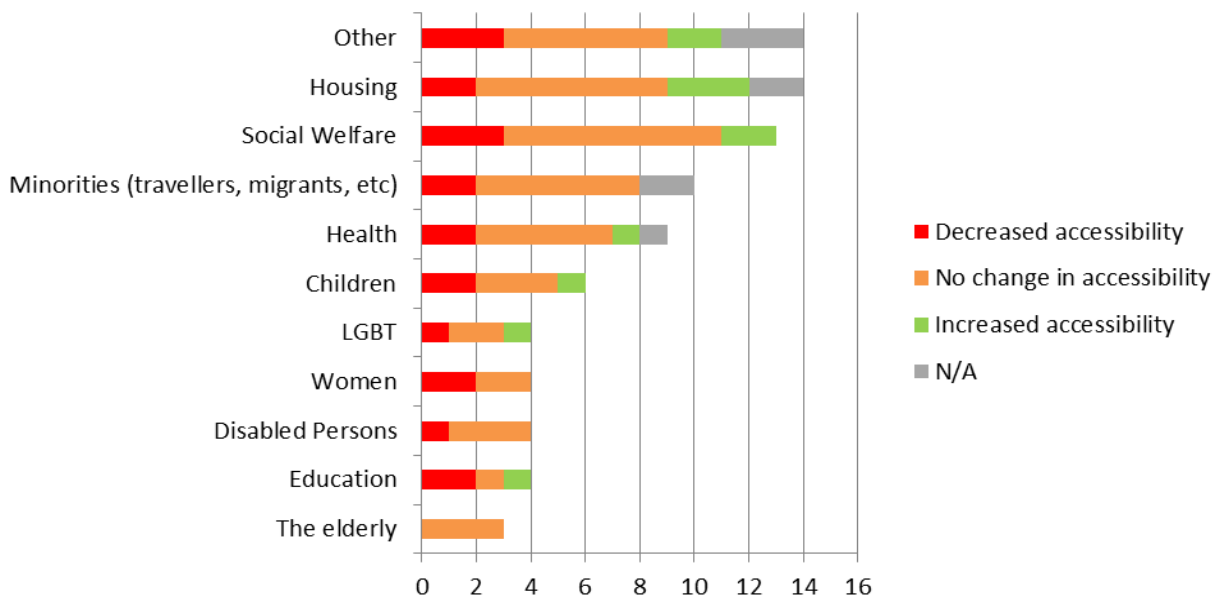
Budget 2015 was viewed by one organisation as "insufficient to reduce poverty". This is evidenced by the lack of social spend in the areas of social protection, particularly when the rates of payments were neglected completely. The right to an adequate standard of living is being comprised in this budget although no cuts were made to the core payments and there were some positive changes.

5. Does Budget 2015 increase access to Human Rights?

Q: Will your client/target group be better able to access the right(s) as a result of Budget 2015?

A: 18 organisations said there would be "no change in accessibility", 6 organisations said "increased accessibility", 7 organisations noted "reduced accessibility", 4 organisations "not applicable" and 2 organisations "no response".

Accessibility to Rights in Budget 2015



Analysis: Organisations working on housing, social welfare, children and education have indicated a level of increased accessibility for these rights. Looking at the survey, organisations believe the budget focused more on inequitable tax cuts rather than investment in public services.

Commentary: Although limited funding has been allocated to areas such as housing and children, some organisations question whether this will filter down to those trying to access their right in a timely manner since most public services have waiting lists or backlogs e.g. legal aid, Túsla, mental health services and social housing.

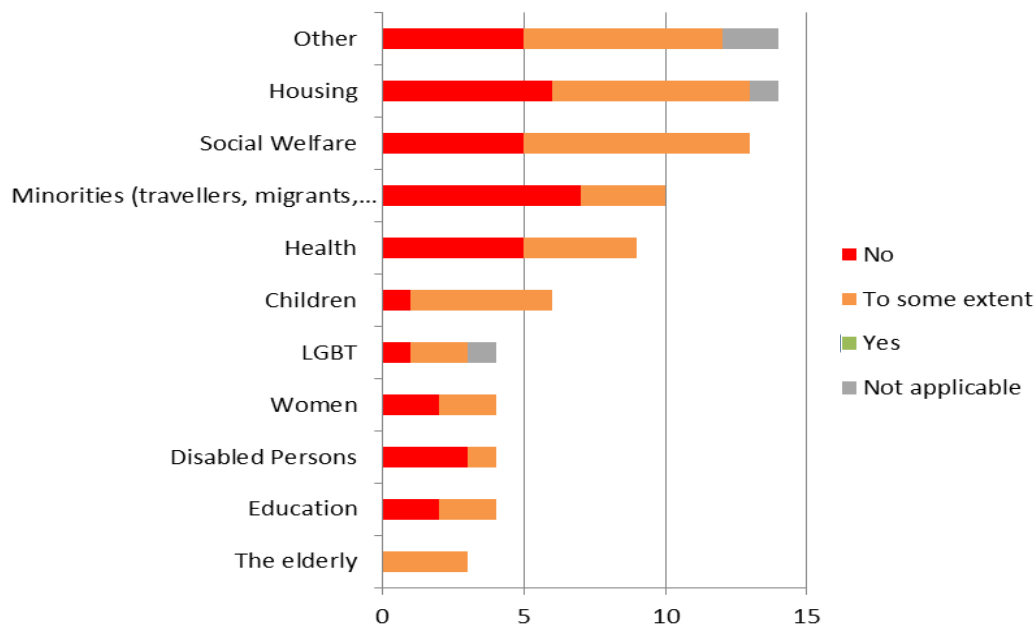
Túsla is adequately funded but how quickly will waiting lists be cut and when will children be able to access services? Prescription charges remain at €2.50 which will affect low income sick children.

Organisations recognised that Budget 2015 could enhance access to these rights but this is only the first step. There are still outstanding issues around migrants' access to third level education and rent supplement threshold not being increased, reducing access to housing for vulnerable groups. Lack of childcare is seen as a major obstacle to accessing right to work and fair pay. This issue was not addressed in Budget 2015.

6. Protection of the Minimum Core

Q: Have the rights of vulnerable groups been properly respected and promoted in Budget 2015?

A: 49% of organisations said "No", 43% said "to some extent", 0% said "Yes" and 8% said "not applicable".



8. Impact of Recession on Human Rights

Q: How have the human rights which your organisations work on been impacted in Ireland since the recession?

- a) Progressed
- b) Downgraded
- c) No change
- d) Not applicable

A: 65% of organisations said “downgraded”, 16% said “no change”, 11% “progressed” and 8% “not applicable”.

Analysis: Housing, social welfare, health, minorities, disabled persons and educational organisations have been particularly affected in the previous austerity budgets.

Commentary: Organisations believe that the austerity measures carried out by the State seriously undermined all people’s human rights in the last seven years but in particular the rights of vulnerable groups in society. The general commentary from organisations pointed to the evidence of hard facts stating that income inequality has widened, consistent poverty increased, child poverty increased, and homelessness is on the sharp rise. "Previous austerity budgets have severely weakened those dependent on the State to access quality adequate public services" was a telling comment. One organisation noted:

We have seen a significant increase in the number of people entering homeless services as result of unemployment, cuts to benefits, and because of low paid insecure employment we have seen the number of people who are in work and homeless increase.

Disability rights were affected in terms of slashing spending: "cuts of €159m to disability services since 2008" equating to a reduction of "9.8% in spending in disability. It was also mentioned that there was a "steady erosion of the kinds of supports that facilitate autonomy and independent living".

Children have been disproportionately impacted by austerity budgets where "the number of children living in consistent poverty has increased from 6.3% to 9.9% during the recession". Women have also fared worse in the economic downturn. This was confirmed by ESRI research which showed women were disproportionately impacted due to lower levels of pay.⁴ "Tax and benefit policy changes over the recession have reduced the individual income of women more than men, particularly for those women in the lowest income quintile".⁵

A noted increase in racism and discrimination against minority groups, combined with the slashing of funding to the equality and human rights infrastructure, was referred to by organisations as a main cause of human rights being downgraded in previous years.

The recession made access to justice less possible for low income earners or those dependent on the State for income; as one of the survey participants noted, "legal aid costs are an obstacle to accessing justice for low income families".

It was noted by one participant that "Young people were detrimentally impacted, mass emigration, increased unemployment and suicide levels as well as mental health issues, third level fees, housing-rental shortage". What is also worth noting is that this without considering the cuts to the basic social welfare payments for those under 25 and 26, the right to a minimum essential standard of living is acutely undermined here.

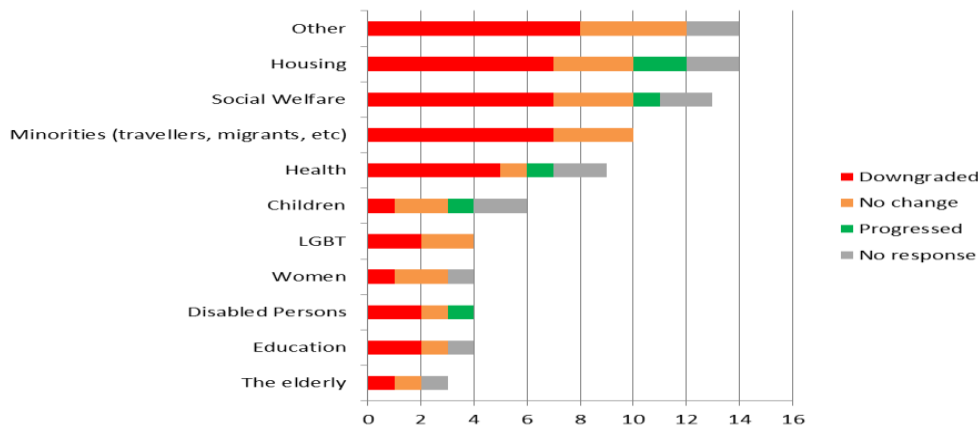
There was increased anxiety and fear amongst the elderly during the recession "as they faced increasing prices, the introduction of new stealth charges, a reduction in secondary income supports and no increase to the state pension which older people are dependent on".

The impact of the recession has been felt by every segment of society, reflected in the commentary provided above. The budgetary policy and proposals of austerity budgets seem to have had little regard to the protections afforded in human rights law and specifically in the International Covenant on Economic, Social & Cultural Rights.

⁴Tim Callan *Gender Impact of Tax and Benefit Changes: A Microsimulation Approach*, 3 October 2014. Accessed at <https://www.esri.ie/UserFiles/publications/BKMNEXT275.pdf>

⁵ Pg. ix, Tim Callan *Gender Impact of Tax and Benefit Changes: A Microsimulation Approach*, 3 October 2014. Accessed at <https://www.esri.ie/UserFiles/publications/BKMNEXT275.pdf>

Impact on Specific Rights in the Recession



9. Government's Actions in Recession

Q: If there was a regression in the rights of your client/target group due to the Government's action/lack of action was it:

Commentary: Children in low income household were disproportionately affected by austerity budgets – universal payments like child benefit were cut, adult social welfare (for parents) was reduced, public services faced funding cuts and more taxes were introduced.

The needs of the most marginalised and the lower income groups were not acknowledged and addressed.

The right to good quality, affordable housing has been downgraded due to the recession generally. Progressive cuts to rent supplement budget was not necessary or proportionate.

Harsh cuts in cash supports and services to children made in previous budgets were not reversed in Budget 2015. These cuts continue to hinder children's access to their rights.

It has yet to be seen if the regression of rights will be redressed in the coming years to get to a level of adequate social welfare supports and quality services. This Government did not reduce the social welfare rates but made cuts to other secondary supports and to qualification criteria.

The government only appear to assist people on the live register; they have made getting back to work harder for people with a disability or people parenting alone. However, for those on the Live Register, it is not regrettably the right to work that is informing their activation measures but an increasing focus on control and expenditure reduction.

The regression in the rights of young people has clearly been: (i) continued (i.e. not temporary), (ii) not necessary, (iii) completely disproportionate, and (iv) no minimum core was protected. The rights of young people to a job, to decent pay and conditions (in Ireland), to equal rates of social welfare, to an affordable quality house, and to a third level education have all been attacked through successive budgets.

Open Discussion: Input from the floor

The open forum discussion sought to replicate the inclusiveness of the survey participation and in doing so to further capture civil society's response to budget 2015. Civil society organisations were encouraged to give their reaction to Budget 2015 both generally and in relation to their specific human rights areas. The contributions of these organisations and responses of the panel speakers where applicable have been reproduced below.



Jim Winters of Inclusion Ireland lamented the fact that no provision had been made at all for people with disabilities in Budget 2015. Mr. Winters outlined how employment increases do not help people with disabilities. He remarked how there has been a failure to increase core disability incomes. Ultimately Mr. Winters felt that Budget 2015 had been a regressive budget for people with disabilities. Jonathan Hannoff of Greater Dublin Independent Living outlined how every year the subvention on transport is cut for

people with disabilities. According to disability campaigner Dermot Walsh this cut was made all the more difficult by an EU regulation restricting the reclaiming of fuel allowance to once per year as opposed to the previous arrangement of four times per year. Responding to these comments Michael Taft of UNITE countered the government's claim that "social welfare recipients have been protected by this government". Mr. Taft outlined how the value of social welfare payments has been cut and that the government has no excuse not to raise payments in line with inflation.

Sherry McDaid of Mental Health Reform raised the issue of progressive realisation in times of austerity. Ms. McDaid remarked how mental health organisations have seen some progressive realization and increased investment but that this must be seen in the light of massive staff cuts in mental health services in recent years. She posed the question: where/when do you start talking about progressive realization when you have had such traction? In response to Ms. McDaid's question, Dr John Reynolds outlined how the obligation for progressive realization commences once the



State ratifies the covenant (ICESCR). John explained that the concept of progression is not absolute and that no allowance is made for regression in bust times. He further explained that there is a heavy burden of proof needed for regression and non-progression. The state has to prove that there was absolutely no other alternative. John believes that in Ireland there were alternatives for the regression that took place.

On a general point, Alice Higgins of the National Women's Council questioned the division and allocation of budgetary resources. Building on the topic of collective consumption raised by Michael Taft during his presentation, Ms. Higgins spoke on the topic of collective investment, shared resources and securing social investment for greater impact. Ms. Higgins referenced a recent ESRI report which outlined that years of

austerity budgets had a disproportionate impact on women. She urged that future budgetary measures need to be examined through a human rights and equality filter.

Nick Henderson of Amnesty International addressed the topic of budgetary transparency. Citing a recent report launched by Amnesty International Ireland, Mr Henderson called for greater transparency surrounding the complex budgetary process. He mentioned that Amnesty struggled to find a concrete description of the budgetary cycle when researching and writing their report. He outlined that the lack of transparency was further impacted by external European Union budgetary rules and influences.



Rachel Mullen of the Equality and Rights Alliance questioned the budgetary allocation for the newly formed Irish Human Rights and Equality Commission. Ms. Mullen expressed concern that the new body would not have sufficient funding to carry out their new functions. Roisin Hennessey of IHREC responded to Ms. Mullen's comments. She explained that the commission would be hiring twenty more staff and that Commissioner Emily Logan had not expressed concern about budgetary restrictions.

Joanna Tuffy TD, Chair of the Oireachtas Committee on Education and Social Protection noted the important role civil society budgetary submissions play in the budgetary process. Deputy Tuffy mentioned that her committee took civil society submissions into account when making budgetary recommendations to government. Deputy Tuffy also cited an ESRI report by John Fitzgerald covering the period 2007 – 2012 which shows that Ireland had reduced income inequality over the period. This point was countered by Bríd O'Brien of the INOU who cited research completed by Tim Callen of the ESRI. The research in question showed that the top percentile and the bottom percentile get hit hardest by recessionary cuts, the effects of which affected the bottom percentile to a greater extent.

Louise Bayliss of Spark spoke on the issue of budgetary impact assessments and the roll out of budgetary measures published in previous budgets. Ms. Bayliss gave the example of changes to lone parent allowance that were introduced in Budget 2012 that will only come into effect this year. The changes would not have been assessed in an impact assessment for that year and would have escaped assessment this year as they had already been published. According to Ms. Bayliss this practice lead to what can only be considered as hidden cuts.



Thomas Pringle TD brought the open forum discussion to a close by urging government and civil society to continually challenge the perception that a payment to a person who needs it through social welfare is seen as a cost by those who can afford it. He remarked that a benefit for the less well-off is a benefit to everyone.

Conclusion

Generally the findings of the surveys indicate that Budget 2015 did not consider to any notable extent the realisation of human rights in the budgetary process or decisions but rather it reinforced the deficiency of equality, transparency and participation in the current approach to budgeting.

From the survey findings it can be surmised that accessibility, affordability and adequacy for the right to adequate housing, healthcare and education and the rights of children have seen a limited move in the right direction at first glance of Budget 2015 proposals. On the other hand vulnerable groups in society, disabled persons, asylum seekers, Travelers, Roma and lone parents were neglected to a large extent in accessing public services and reducing affordability of their human rights. This is reflected not only in the findings of the survey but also in the commentary from participating NGOs. This will have a negative impact on economic and social rights of certain groups in society, widening the gap between richer and poorer resulting in increased inequality in Irish Society.

More specifically, adequate financial investment & measures to increase accessibility to public services were side-lined in Budget 2015, meaning those dependent on the State will see little improvement in their standard of living especially when water charges are taken into account. The results of the survey questions showed a huge amount of “no change” in terms of being able to pay for rent, healthcare, a decent standard of living due to the changes made in Budget 2015. In many instances organisations working on housing, social welfare, education, health and with specific groups including women, disabled persons, minorities and children believed the rights of the people they represented were negatively impacted by the decisions made in this budget due to a certain extent to the introduction of water charges and not having enough financial support to pay these.

The protection of the minimum core of human rights threw up interesting outcomes where the majority, 92%, of NGOs that participated in the survey stated that the basic level of human rights were either not protected at all or only protected to some extent. Considering the State’s non-derogable obligation to protect a minimum core of human rights, its examination under the International Covenant on Economic, Social and Cultural Rights in June 2015 is set to raise serious questions of the State’s adherence to that international covenant. The recession and austerity measures had a significantly negative impact for 65% of organisations particularly those working on housing, social security, health, supporting disabled persons and minorities (Travelers, Roma, migrants). Organisations believed human rights were downgraded during the recession with only a few groups in society seeing progress in the human rights of people they represent, LGBT mainly. To conclude, these findings suggest that the State undermined the principle of non-retrogression of economic, social and cultural rights and in turn violated the ICESCR.

An overwhelming majority of organisations surveyed believe the Government should take a human rights approach to budgeting to ensure a fairer more equal society.

Recommendations from Survey: Reforming Budgetary Processes & Decision-Making

The commentary from 39 organisations in the way of recommendations are illustrated below as alternative human rights law approaches to improve the current budgetary process that is clearly not working effectively to protect the most vulnerable in society nor to progress the human rights of all people in Ireland.

The benefit of a human rights approach to budgeting was outlined by one organisation stating; “using human rights as a reference point for the budgetary process would help to ensure that public policy decisions are non-discriminatory, are geared at the protection and advancement of human rights and the prioritisation of the most vulnerable”.

Organisations commented that “impact assessment should form part of the Budget” and that it is “crucial to also have equality and gender proofing”. There was also a reminder of the State’s obligations “to adhere to internationally recognised human rights protections and to adopt a human rights based approach” to budgeting. There were even recommendations for “a children's rights approach to budgeting”.

The idea of equality proofing budgets was proposed by a few organisations with one asking “for the government to disability proof the budget 2015 proposals”. These suggestions by organisations are captured within a human rights approach to budgeting, ensuring the most vulnerable in society are shielded from disproportionate budget decisions.

The idea of “maximum available resources” was touched on in the survey, quoting one organisation, “not only should they [the Government] do it [a human rights approach to budgeting] because it would be the right thing to do but they should do it as it would facilitate a better and more effective use of resources”. The link was made between the “progressive realisation by Government to each and every person’s human right to the highest attainable standard of mental health” and “a human rights based approach” by one health organisation.

The recession and the fiscal constraints Ireland is under were picked up on saying that human rights “should be prioritised above the repayment of banking debt and the maintenance of corporate tax avoidance” and making the connection that “economic efficiency and social equity are inextricably intertwined”. Therefore investing in the social infrastructure, i.e. public services, of the State, thereby enhancing the health of the economy, will also ensure human rights are being progressively realised over time, applying a human rights law framework to budgeting can achieve an adequate standard of living for all people.

To conclude, if the State does not prioritise the protection, promotion or realisation of human rights this could have major implications where the “human costs of not addressing the needs of minorities” amongst others “leads to greater costs for society, health, welfare and justice, and to employers, both in the medium and long term”.

Resources

- FLAC Pre Budget Submission 2015: <http://www.flac.ie/publications/pre-budget-submission-2015/>.
- FLAC Briefing on *Human Rights Approach to Budgeting*: <http://www.flac.ie/publications/briefing-human-rights-approach-to-budgeting/>.
- FLAC Presentation – *Human Rights Analysis of Budget 2015*: <http://www.flac.ie/publications/presentation-human-rights-analysis-of-budget-2015/>.
- FLAC: *Respecting Rights in a Recession*: <http://www.flac.ie/publications/respecting-rights-in-a-recession/>.
- FLAC: *Respecting Rights in a Recession* FLACsheet: http://issuu.com/flacireland/docs/2011_09_14_realising_rights_in_a_re.
- Amnesty International: *Bringing ESC Rights Home – Applying Ireland’s Economic, Social and Cultural Rights Obligations to Budgetary Policy*: <http://www.amnesty.ie/sites/default/files/page/2014/10/Bringing%20ESC%20Rights%20Home%20-%20Applying%20Ireland%27s%20Economic,%20Social%20and%20Cultural%20Obligations%20to%20Budgetary%20Policy%20-%20web%20version.pdf>.
- ESRI Research Note: *The Distribution of Income and the Public Finances*, John Fitzgerald: <https://www.esri.ie/UserFiles/publications/RN20140204.pdf>.

