Auditing Democracy in Ireland

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Introduction

This paper describes the process of conducting a democratic audit in Ireland, with particular emphasis on the distinctive methodological features which may be of interest to the wider international community of auditors. We also outline preliminary findings from the audit which we present in the context of some of the broad economic and social changes which have occurred within Irish society in recent years.

In presenting these findings we focus mainly on a number of sections within the Audit, namely Nationhood and Citizenship, Civil and Political Rights, Economic, Social and Cultural Rights and Democracy Beyond the State. These sections have recently been the focus of an expert roundtable on Citizenship, Democracy and Human Rights organised jointly by TASC and Amnesty International Irish Section. As such they are the most developed sections of the Irish Audit to date. The findings from a benchmarking public opinion survey, carried out as part of the Audit, are used to help us understand the implications of some of these findings.

Conducting the Irish Audit

Initiated in July, 2004, The Irish Democratic Audit Project is a project of TASC, an independent think tank committed to progressive social change in Ireland. (For more on TASC see: www.TASCnet.ie) A parallel audit of democracy in Northern Ireland is being carried out in collaboration with our sister organisation Democratic Dialogue NI (www.democraticdialogue.org). The final Audit Reports are due for publication in early 2007. The principal funder for the project is an American philanthropic foundation The

Atlantic Philanthropies which has a long history of funding a variety of projects in Ireland.

The Audits in both parts of the Island aim:

- To provide independent and comprehensive baseline data on issues of human rights protection and democratic accountability in the Republic of Ireland (ROI) and Northern Ireland (NI) and

- To enable key civil society organisations in Ireland to be better resourced and informed to work within the political process.

Thus while the IDEA framework allows for different methodological approaches in Ireland we opted to conduct our audit across the full spectrum of search questions. The output in the Republic of Ireland will be a comprehensive benchmarking dataset published in book format.

In our approach we have closely followed the methodology as laid down in the IDEA handbook[1]. The main elements are:

➢ Conducting secondary research to identify, gather and sort available and existing data

➢ Identifying indicators and benchmarks for each of the 14 areas covered by the framework

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[1] Beetham, et al (2002)

- ➤ Analysing the legislative position and related policy developments in the context of the indicators and comparators
- ➤ Providing an assessment of the implications for democracy in each area with a particular emphasis on the implications for a range of disadvantaged and vulnerable groups in Ireland.

In addition we have undertaken in-depth studies of issues of particular concern in each of the jurisdictions. To date three have been completed: a public opinion survey on attitudes and behaviour in relation to politics and democracy (Clancy et al, 2005); a report on accountability and public bodies (Clancy and Murphy, 2006); and an in-depth analysis of the Belfast Agreement of 1998 (Wilson and Wilford, 2006). A fourth paper dealing with emerging issues around immigration and asylum in Ireland is in preparation.

Distinctive Features of the Irish Audit Project

Conducted by Independent Think-tanks

David Beetham, one of the originators of the audit methodology and framework has suggested that the most significant indicator of a successful democracy is a capacity for critical self-reflection on the part of a society and that a democratic audit offers one way of engaging in this process of self-reflection. Thus a key principle of the audit methodology is that assessing democracy should be a responsibility of citizens of the country being assessed. This is for two reasons: the first being the obvious one that

citizens are best placed to make such an assessment but also because this is the only way to mobilise pressure for change where change is needed. Independent think tanks throughout the world are an important conduit for critical reflection and major political shifts in other countries can frequently be explained by reference to think-tank activity. Ireland is unusual in that it has few organisationally-based entities which meet even a broad definition of a think-tank. This has been a major gap. Much of what is defined as political in the first instance is dependent on what is named in public debate. If issues are not named in public ideological spaces, they are often not known in the sense of being recognised; if they are not known and articulated regularly in public they remain marginalised and cannot become generative forces in social action.

The relatively recent establishment of TASC to add to the influential bodies such as the Economic and Social Research Institute and National Economic and Social Council, along with a short-lived Centre for Public Inquiry and the Irish chapter of Transparency Ireland is therefore a new phenomenon and itself we argue a positive development for Irish democracy. However, the high degree of dependence by bodies such as TASC on two international trusts - the Joseph Rowntree Charitable Foundation and the Atlantic Philanthropies - shows its fragility. Thus from the outset there was a convergence between the audit process, the mission of TASC, and the objective of the Atlantic Philanthropies which is to bring about concrete and sustainable social change in Ireland within a relatively short time frame of 14 years from now.

Partnerships with Civil Society

While there are many reasons why an independent think-tank is well-placed to be the prime mover in the conduct of an audit, (particularly given the normative basis of the audit and TASC's identity as a progressive think-tank), there are also some downsides. The principle one is the capacity of the audit to be both normatively-driven and widely acceptable. As was noted in the report on the London Workshop in 2004, an important strength of the SoD methodology is its starting point in a clear statement of democratic principles and values, and the way these systematically guided the assessment of institutions and practices. 'If values were not made explicit, they would be smuggled into assessment indicators implicitly, in a way that would be more difficult to debate or challenge.' (Beetham, 2004). However as outlined in the IDEA handbook, to effect change it is necessary to do more than present ideas. It is also necessary to create an environment which is receptive. This in turn has led us to be more attentive to the value of involving as wide a range of people in the audit as possible, both for reasons of achieving broad ownership of the final assessment, but also as a means of broadening the issues and information taken into account and thus lessening the dangers of bias and accusations of bias.

Following the completion of a very rough desk study from which we were able to identify some areas of particular interest in the Irish context we sought to build partnerships with a number of organisations to work with us on different aspects of the audit. The following are among those that have made a very significant input to the Irish audit in different ways:

National Women's Council of Ireland. The NWCI have agreed to proof the entire Audit findings from a gender perspective and to give expert input on Audit data directly relating to gender issues.

Amnesty International (Ireland). Amnesty is collaborating with TASC on gathering data for a number of answers within the Audit, particularly relating to Ireland's human rights record. TASC is also exploring with Amnesty how we can contribute to the development of Amnesty's education and training programmes by making use of the Audit findings.

School of Communications at Dublin City University(DCU). Five individual members of the staff of the School at DCU have worked with us on this section. A seminar was held in DCU in December 2005 to review the Audit answers and TASC subsequently engaged a researcher from the School to complete the section.

School of Government at University College Cork (UCC). One of the co-authors of the Audit was seconded to TASC for eighteen months and, on returning to the university, has continued the collaboration. An expert roundtable was held on June 9 on Decentralisation with academics from the School of Government along with local politicians and local authority management.

We have also had input from approximately 15 subject experts on different search questions who have researched and drafted selected answers in the audit

Finally, as part of both the consultative and peer review processes, the Audit findings as they are completed are put through one or all of the following three stage process:

- Reviewed at drafting stage by relevant experts

- Reviewed by relevant member of the Audit Steering Group, comprising a small number of expert advisors

- Presented to key audiences for critique and feedback at Expert Roundtables, as per IDEA Framework methodology.

In practice, the process of initiating contact and engaging in collaboration with key informants in answering the Audit questions has proven to be more iterative and interactive than was originally envisaged. An important lesson to date has been that the means of working with key informants requires careful and nuanced approaches in order to ensure that our requests for collaboration are realistic and likely to succeed. This interaction not only provides important input into the research process but is at the same time is core to the legitimation and dissemination aspects of the project.

The Role of the Democracy Commission

One of the features of the audit methodology, as laid out the IDEA Handbook, is the coming together of a group of people committed to the idea of a democracy assessment in their country as its starting point. In our case, the Irish Democracy Commission was such a group.

In 2003, TASC in partnership with Democratic Dialogue, appointed an independent commission to assess the state of Irish democracy. A critical feature of this group was that it should be as representative as possible thus increasing the likelihood that the resulting assessment would gain widespread legitimacy and increasing the likelihood of influencing public debate and the policy process itself. This Commission was chaired by

the head of the Irish Congress of Trade Unions, and had among its membership representatives of the main political parties, business, and community sectors. In carrying out its work the Commission held public meetings across the island; met with political representatives North and South; consulted with community activists, journalists, students, academics, retired political representatives, trade unionists and members of the community and voluntary sector, among others; and took part in meetings and conferences organised by other groups addressing issues relevant to its work. In addition, the Commission placed advertisements in the national newspapers requesting written submissions from the public. Over 100 submissions were received from interested parties. The members of the Commission which completed its own primary work when it published its report and recommendations in 2005, continue to act as a Standing Advisory Committee to the Audit.   Its analysis and report provide an important source of information and analysis for sections of the Audit. In turn early audit findings formed part of the data which informed the thinking of the Commission and supported their recommendations. (Harris, 2005)

Simultaneous Audits, North and South

A parallel audit of democracy in Northern Ireland is being carried out in collaboration with our sister organisation Democratic Dialogue NI (www.democraticdialogue.org). A substantive paper on the Belfast Agreement, written and researched by the Northern Ireland Audit team has been published (Wilson and Wilford, 2006). While a preliminary comparison of the audits in each jurisdiction will form part of both audit reports, it is hoped that following publication of both reports in early 2007, a follow-up project will

draw out the comparators and distinctions in much greater detail. This is of particular significance given the context of the Belfast Agreement, and in particular the requirement under the Agreement that rights be equalised across the two jurisdictions.

Methodological Challenges

The SoD Workshop held in London in 2004 identified a couple of related problems experienced by some of the assessment teams (i) that the Framework did not sufficiently direct attention to the distinctive traditions or culture of a country, its informal political or legal processes, or the character of its citizen population and (ii) that the disjointed character of the search questions could hamper getting a rounded view of a political system, its processes and key agents, whether for promoting change or obstructing it. (Beetham, 2004). In our experience there is a danger that many of the questions are framed in ways which make a technical or superficial account possible and even that it can be challenging to nuance or layer the response to a level which is more meaningful.

We have tried to address this difficulty through the very intensive review and expert round-table process described earlier (in particular the latter), where the interaction between participants has led to a richer understanding. We agree that a rounded view is particularly important for influencing the process of democratic reform and a very positive feature of the framework as we are experiencing it is that the approach creates the mechanism for over-arching themes to be revealed across disparate areas of political, economic and social life which do tell us something about a general trend in the country. One example is the trend towards marketisation and privatisation of public services, a

finding which is repeated across a number of different questions; a second is the diversity of areas in which the Catholic church continues to demonstrate an inordinate degree of influence, for example across those search questions which require an examination of the health system, the education system and the position of women as well as those which deal with civil and political rights. A second challenge is the tension between the search for universal benchmarks on the one hand and the more complex discursive treatment of issues on the other. This is a tension which we believe may be common to other assessment teams.

Context and Preliminary Findings for the Irish Audit

The Republic of Ireland has a population of 3.8 million. Ireland is also one of the most globalised in the world, according to international measures such as the Foreign Policy Globalisation Index.[2] A significant level of inward investment by multinational corporations has been one of the factors in Ireland's remarkable economic growth over recent years. Ireland is also a member of many international organisations, most significantly the United Nations and the European Union. It is a member of the euro-zone and as a result has ceded control over aspects of financial policy to the European Central Bank. It participates in most international bodies and agencies such as the World Trade Organisation, International Labour Organisation, World Bank, etc. and is a founder member of the Council of Europe. Ireland is not a signatory of the North Atlantic Treaty, and is thus not a member of NATO.

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[2] The fifth A.T. Kearney/Foreign Policy Globalisation Index 2005 has ranked Ireland second after Singapore.

Politically Ireland has a well-functioning democratic system. Opposition parties are able to organise with a large degree of freedom, and voting and electoral procedures are independent of party and government influence and control. Ireland's party system is generally effective in forming and sustaining governments in office.

The two main political parties of the Republic have their foundations in a 'broad, cross-class pan-nationalist movement', and are not distinguishable in terms of alternative positions on a left-right political spectrum. (Gallagher and Marsh, 2005:15). Ireland's largest party, Fianna Fail, has historically been the dominant party in government. In recent years an increase in the number of smaller parties and a reduction in Fianna Fail's share of the vote has partially eroded that party's dominance, with the result that coalition government has now become the norm. At the time of the next election in 2007, Fianna Fail will have been in continuous power since 1997 and will have formed 8 out of the 11 government administrations since 1979 (five of these in coalition with either the Labour Party or Progressive Democrats)..

The survey we conducted showed a relatively positive attitude to TDs, our parliamentary representatives, particularly for their local constituency role. Irish people also place opposition and independent TDs second only to the electorate in their significance for holding government to account and overall the Dail comes second only to the media for its impact on people's lives. Since the poor capacity of the Irish parliament (the Oireachtas) to have a meaningful input into legislative activity is well acknowledged

because of the strength of the party system (Coakley and Gallagher, 2005), it is important to realise that there would be popular support for those making the case for change in this regard.

The results of our survey also show a high degree of consensus in Irish society around attitudes to democracy. Most striking is the relatively high level of satisfaction with the way democracy is developing in the country. The variations in response according to age, social class, gender and level of education do not reveal any great fault lines. This satisfaction can, at least in part, be read as the 'feel good' factor arising from the current dynamism in the Irish economy and society. The relative consistency of responses from across all levels of Irish society reflects perhaps the frequently commented upon lack of major ideological cleavages in Irish politics and society. Irish people also demonstrate a significant level of confidence in their own political power. There is a strong level of belief in an individual's ability to influence political decisions, a strong belief in the influence of their vote at elections and a strong belief in their duty to vote.

Despite these positive signs, Ireland shares one serious problem with all western democracies, declining voter turnout. Voter turnout at the 2002 general election was the lowest ever recorded for a parliamentary election in Ireland. On a European ranking list of average turnout, only Switzerland shows a lower average than Ireland. Voter turnout for local, European and Presidential elections are generally much lower again.

It is also the case that a substantial number of people believe that political activism is a waste of time. This is in turn reflected in the relatively small proportions of people who are active in politics, a major preoccupation of all political parties at the present time and is a feature of politics which is not confined to the Irish context. There are many reasons for this decline, among them the perception that the policy differences between political parties have been reduced almost to vanishing point. How this decline in one of the central institutions of representative democracy is to be addressed is one of the key challenges facing us.

The Celtic Tiger and Economic Change

'Ireland recorded the slowest growth of per capita income between 1910 and 1970 of any European country except the United Kingdom. Every country ranked above Ireland in the early 20th century pulled much further ahead. Every country below Ireland either overtook her, or significantly narrowed the gap.' (Lee, 1989:514-515).

In the context of the economic picture painted in this quotation, the Irish economy has unquestionably undergone a transformation over the last thirty years. The level of unemployment has fallen sharply from 17.4 per cent in 1986 to 4.4 per cent in 2006. Huge levels of public debt in the 1990s have been transformed into large surpluses today. Since 2002, Ireland has risen 10 places in the ranking of economic performance, life expectancy and health and education standards and in 2006 is one of the wealthiest countries in the world.

There are broadly two differentiated views on why this remarkable transformation has taken place. According to one view, Ireland proves the validity of free market ideology: the shrinking of government, the cutting of taxes and the reduction of public expenditure created Ireland's wealth.

'Irish policy-makers regard tax cuts and wage moderation – explicitly designed to reduce costs in the Irish economy and to increase profits – as the corner-stones of recent Irish success.' (McMahon, 2000)

An alternative account however argues that the Irish economic model from the late 1980s was not free market. In the context of a crisis in public finances, the government of 1987 to 1989 did cut expenditure as a whole very drastically. The emergence of a public consensus, including a cross-party political consensus, on the need to control national debt at that time helped to generate a wider commitment to a co-ordinated economic strategy, with wage demands being moderated in return for the promise of a more prosperous nation in the future. However, the State was, and has remained, heavily interventionist. State agencies such as the Irish Industrial Development Authority have been at the forefront of initiatives to attract foreign direct investment; social partnership, which involved the State with the representative organisations of labour, business and agriculture, negotiated a stable environment for investment; and Ireland pursued a consistent public policy of funding third-level education. According to this view then, state intervention has been the major contributor to the Celtic Tiger. EU structural funds

in the form of direct grants to Ireland were also important. While representing a small proportion of total state spending in Ireland, these funds offset some of the worst effects of public expenditure cuts. (O'Toole, 2003)

Early findings from the audit signal some discernible albeit contradictory emerging trends. A new social partnership deal has just been concluded which details economic and social policy for the next ten years in areas as diverse as pensions, housing, and regulation of the labour market. At the same time there is an increasing reliance on private provision of public services by those who can afford it, underpinned in many cases by state policy. For example, there is little evidence that serious inequalities embedded in Ireland's two-tiered health system are being addressed or that the current policies of increasing privatisation in healthcare will not in fact deepen these inequalities.

Wealth and Poverty

Ireland is now one of the wealthiest societies in the world. Overall, there has been a remarkable turnaround in prospects for the majority in recent years, but serious issues of income poverty continue to affect a significant proportion of the population. This is evidenced by the fact that Ireland is also one of the most unequal countries in the developed world – ranked 27 out of the 30 most developed countries by the UNDP. The richest 10 per of Ireland's population has almost 10 times more wealth than the poorest 10 per cent. On balance too it appears that such inequality is persisting and even widening.

A very positive development in recent years is the substantial decrease in the numbers of people experiencing consistent poverty. The numbers of those at risk of poverty who experience social exclusion - as a consequence of a mix of factors like bad housing, poor transport, low educational attainment, health and social participation, often concentrated in small neighbourhoods - has also been significantly reduced over the past decade. Nonetheless a 'vulnerable class' of about one in ten of the population has a heightened risk profile in relation to income poverty, basic deprivation and self-perceived economic strain. This has particularly affected those not in employment, including those who are elderly, people with disabilities, and those caring within the home (Whelan et al, 2005).

One of the most interesting findings to emerge from our public opinion survey is that Irish people have a strongly egalitarian concept of democracy. A more equal society is seen as the single most important issue for Ireland today. There is also overwhelming support for the enforcement of social and employment-related rights through Irish law. The corollary is that there is a sharp awareness of existing inequalities in Irish society. In the context of the high value attached by the Irish population to equality and the widespread concern expressed at the political marginalisation of disadvantaged groups and communities, the positive public attitudes towards economic and social rights can be read as a desire for some restriction on the processes of marketisation within both the economy and the public sector, and for effective protections for the vulnerable in the face of those processes.

On the other hand, most politicians and public officials are wary of the idea of economic, social or cultural issues as rights to be enforced and protected through law and there has been relatively little discussion of the concept in public fora. Despite Ireland's ratification of the International Covenant on Economic, Social and Cultural Rights, in Ireland these remain 'directive principles of social policy', but not rights in law. Furthermore, in framing policies such as health policy, housing policy, education policy etc, successive governments refuse to be constrained by acknowledging core minimum standards and non-discriminatory distribution of resources as rights that can be enforced and protected in law. (Amnesty International, 2005). This is position which is increasingly being challenged by NGOs and by many human rights academics and practitioners in Ireland.

Social and Cultural Change

From the 1960s onwards, with steadily increasing economic expansion, Ireland has undergone dramatic social change. International developments, from the impact of the EU, the introduction of television, the Second Vatican Council and the rise of feminism, as well as the expansion of education began to open up what had previously been a relatively restrictive culture, particularly with regard to Catholicism and the place of women in Irish society. (Ferriter, 2004; Garvin, 2004).

Church Influence and secularisation

Ireland is traditionally a Catholic country. Our survey showed that while recent changes in Irish society are seen as positive by the majority of respondents, the exception is the decline in the role of the Catholic Church which is seen by the majority of respondents as a bad thing. Nonetheless, from 1960 onwards, Church influence was inexorably, albeit slowly, worn

down. Since then, a number of influences have been at play. Steady pressure from women's groups succeeded in putting a range of social issues on the table in a way which could not be ignored. Women campaigned on issues as diverse as domestic violence, rape and inequalities within the marital relationship and in the workplace. A more open society with a broader range of experiences and opportunities meant that Ireland was 'declericalised' as vocations to the priesthood or convent fell dramatically. The Catholic Church's influence fell further when revelations in the 1990s revealed widespread instances of paedophilia perpetrated by clerics that were systematically tolerated and covered up by the Church authorities. (Garvin, 2004).

Rights to practise religion and culture are protected in a number of international human rights instruments to which Ireland is a party. The free profession and practice of religion are also guaranteed under the Constitution. However, while there is separation between the Catholic Church and the structures of State in theory, in practice a Catholic ethos continues to pervade large areas of public life, in particular health and education. Furthermore, most primary and secondary schools are still denominational, and their boards of management are controlled, at least partially, by the Catholic Church. Ninety nine per cent of primary schools in Ireland are under the patronage of denominational patrons. The predominance of religious schooling means that parents in Ireland effectively cannot choose secular schooling for their children and to practice their own non-religion. Despite legal protections, the predominance of religious schooling also raises issues of equality for gay and lesbian people in Ireland.

Position of Women

Ireland into the 1980s was a very unfriendly place to be a woman. In 1970 the importation and sale of artificial contraceptives was illegal; women in the civil service and in many white collar private-sector jobs were obliged to resign on marriage and discrimination between men and women and between married men and single people of both sexes was open and pervasive. All of these formal barriers were gone by the end of the decade. From the 1970s married women joined the work-force in increasing numbers, or women postponed marriage and stayed at work. By 2005, 56 per cent of working age women were in the labour force. The persistence of traditional stereotypical views of the social roles of men and women continues however to be reflected in women's employment patterns. Lack of access to affordable/subsidised childcare continues to present a huge barrier to labour force participation for women, as they tend to assume a caring role in families. Ireland is ranked 51 out of 56 countries in terms of equality of economic opportunity for women'. (NESF, 2006: xi).

Ireland also has a poor record when it comes to the representation of women in politics. Of the 166 deputies elected to the current parliament, only 22 are women (13%). Furthermore, of the 157 people who held full Ministerial positions since the foundation of the state in 1922 up to 2002, less than 10 per cent were women (Galligan, 2005:273). Compared with its fellow member states in the EU, Ireland languishes at 19th place out of 25 in terms of the percentage of women in its national parliament (www.ipu.org). However, women politicians are well regarded: in our survey they are seen as at least comparable and better by many to their male counterparts. Women are as likely to be

active politically as men and very much more likely to be active in the community. Obstacles to their equal representation politically emanate from sources other than popular opinion or women's own propensity to engage. Part of the explanation for the persistent and unacceptably high levels of gender inequality in Irish society may be the absence of consciousness on the part of the Irish public and a widespread belief that things have improved markedly for women in Ireland within the past five years.

Citizenship & the Belfast Agreement

The concept of Irish citizenship has changed significantly in recent years. The partition of the island of Ireland into two jurisdictions, the Republic of Ireland and Northern Ireland, has been a major and divisive issue on the island since 1921. A campaign of violence in Northern Ireland began in 1969 and continued for thirty years, resulting in over 3500 deaths. In 1998, a constitutional settlement was reached between the British and Irish governments and the political parties in Northern Ireland in the Belfast Agreement

The Belfast Agreement acknowledges the right of the people of Northern Ireland to alter the constitutional position of Northern Ireland as an integral part of the United Kingdom by referendum should they so choose, alongside a limited role for the Republic of Ireland in the affairs of Northern Ireland. The Belfast Agreement was endorsed in referenda by substantial majorities of the populations in both Northern Ireland and the Republic of Ireland.

Under the Belfast Agreement the right of those born in Northern Ireland to Irish citizenship has been enshrined in the Irish Constitution, according to the same constitutional provisions that apply in the Republic of Ireland. Difficulties in implementation of the Agreement remain, due mainly to differences between the Northern parties. Northern Ireland remains deeply divided along sectarian lines.

An analysis of the impact of the Belfast Agreement, written and researched by the Northern Ireland Audit team was published in April, 2006 (Wilson and Wilford, 2006). This research focuses on recommendations for amending aspects of the governance structures set up under the Agreement to address the deepening sectarian divisions in Northern Irish society. The Report 'The Belfast Agreement and Democratic Governance' assessed the Belfast Agreement against the norms of democratic governance. The assessment casts a novel light on the increasingly polarised, debate around the agreement. It indicates that specific features of the agreement have had unintended polarising effects, which serve to entrench divisions between Catholics and Protestants, and which have been readily exploited by those with a determined sectarian agenda.

Immigration & Asylum

'…Irishness is a slippery thing to wrap one's fingers around. Quite a few people who live on the island don't regard themselves as Irish, while a lot of men and women who have never set foot in the place do.' (Eagleton, 2002:107)

Ireland's history of emigration means that there are estimated to be more than 1 million Irish-born citizens currently living abroad while millions more people of Irish descent, also living abroad, hold Irish citizenship.

Ireland's recent economic success has been accompanied by net inward migration, as Ireland has become an attractive country in which to seek employment, much of it Irish citizens returning home. Inward migration has contributed significantly to Ireland's economic growth and is set to continue. A recent official forecast is that Ireland will need 50,000 immigrants a year over the next 12 years at current rates of economic growth. (CSO, 2004) .

Dramatic changes have also occurred in recent years in relation to asylum applications. Ireland received 39 asylum applications in 1992. Since then, approximately 64,000 applications for asylum have been made. The number of people seeking asylum reached a peak of around 11,600 in 2002 and has been declining since then. In 2005, the number of new applications was around 4,300. According to the UNHCR Representative in Ireland, the Irish government has quickly and effectively established a functioning asylum system which is performing at greater efficiency than a number of other EU asylum systems. However a number of human rights concerns remain.

Immigration to Ireland has been influenced significantly by EU enlargement in 2004, when the Irish government granted EU accession state nationals (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia)

the right to live and work in Ireland. After accession on 1 May 2004, 40 million new potential employees thus acquired the right to work in Ireland. Only the UK and Sweden granted accession state nationals immediate access to their labour markets.

The current Irish government is adopting a twin track approach to immigration, comprising 'a permanent migration system with a primary focus of attracting skilled migrants to Ireland which will select people as potential citizens', and 'a fast-track scheme of temporary workers based on sponsorship by employers.' A differentiation of rights, such as access to long-term residency and to family re-unification, on the basis of educational qualifications and skills is evident in current policy. (Immigrant Council of Ireland, 2005) In addition, since EU enlargement in 2004, government policy has been to actively encourage employers to recruit low skilled labour from within the EU and to discourage low skilled workers from outside the EEA from coming to Ireland. Demand for labour from outside the EEA is being restricted mainly to high skills areas.

While naturalisation is open to non-Irish nationals after five years legal residence in the State, there are currently no clear criteria regarding a person's entitlement to citizenship, which is instead granted at the 'absolute' discretion of the Minister for Justice, Equality and Law Reform. The granting of long term residency rights is also not automatic, but at the discretion of the Minister.

The Constitution has also been amended recently to remove the automatic right to citizenship for all those born on the island of Ireland. A Citizenship Referendum, held in

2004, resulted in changes to the Constitution, such that children born on or after 1 January 2005 of non-Irish parents are no longer automatically entitled to Irish citizenship. To acquire such citizenship for their child, non-Irish parents must prove that they have been resident legally in Ireland for three of the previous four years immediately before the birth of their child.

The freedom of movement of non-EU citizens within the EU is restricted. Non-EU citizens employed on the work permit scheme in Ireland are effectively tied to a single employer and as such do not have freedom to travel within the state for purposes of work and abode. In addition, non-EU citizens do not enjoy unrestricted access to travel within the EU and require separate visas for each of the 25 EU countries to so do. Non-EU citizens also do not enjoy rights to be visited by members of their family, applications for such visits being at the discretion of the Minister for Justice, Equality and Law Reform.

While improvements in the legislative framework governing immigration are occurring, the current absence of a comprehensive policy framework on immigration means that a substantial number of migrant workers face an insecure future, are unable to live together with their partners and children, or to enforce the basic employment rights to which they are entitled under existing Irish law. The lack of integration policies is a further cause for concern.

In comparison with the votes won by explicitly anti-immigrant and racist parties in other European countries, explicit anti-immigrant and racist policies enjoy minimal electoral

support in Ireland. However, there are some signposts of concern on the question of attitudes to citizenship and immigration. While our survey demonstrated strong support for the extension of socio-economic rights to all, regardless of citizenship status, and for the kinds of changes to Irish society brought about by the increase in non-nationals, there is also a worrying number of people who do not share this view.

Human Rights Protection

Ireland has a strong system for the protection of civil and political rights:

- Irish citizens enjoy extensive rights to freedom of movement, expression, association and assembly. (The freedom of movement of non-EU citizens, however, is more restricted.)

- According to international rankings, e.g. those conducted by Reporters Without Borders and Freedom House, Ireland enjoys one of the highest levels of press freedom in the world.

- The free profession and practice of religion are guaranteed to all under the Constitution. According to Freedom House, Ireland ranks in the top six countries globally with regard to freedom to practice religion.

- Ireland has a low crime rate, including a low rate of homicide, measured by international standards. Incidents of unlawful incarceration and allegations of unwarranted use of lethal force by the police are rare and in the main the major threats of physical violation for people living in Ireland come not from the state, but from criminal activity and from fellow citizens, including domestic violence and child sexual abuse.

Ireland's Constitution contains strong human rights provisions. Furthermore, Ireland is one of the few countries where every Constitutional amendment requires the consent of the people.

Ireland is party to six of the seven major UN Human Rights treaties. The exception is the Convention on the Rights of Migrant Workers and the Members of their Families. At European level, Ireland has ratified all the core treaties of the Council of Europe. Ireland has a number of state and statutory bodies charged with ensuring compliance with national and international human rights law. Foremost amongst these are the Human Rights Unit in the Department of Foreign Affairs and the recently established Irish Human Rights Commission.

Further substantive advances have occurred in the mechanisms for the protection of civil rights in recent years. In 2000, as part of the Belfast Agreement, Human Rights Commissions were established in both Northern Ireland and the Republic of Ireland. The Irish Human Rights Commission was established in the Republic of Ireland, and possesses a wide ranging competence to promote and protect human rights, as defined both in the Constitution and in international agreements to which Ireland is a party. Of particular significance, the Belfast Agreement also necessitates an equalisation of rights across the two jurisdictions. This is having the effect of levelling up the equality legislation that pertains within each jurisdiction.

Equality legislation has recently been introduced that provides protection against discrimination in jobs and services on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Travelling community. This legislation applies equally to citizens and non-citizens.

Thus the legislative position of a number of groups in Irish society has improved substantially in recent years. For example, the rights of gay, lesbian and bisexual people in Ireland have also improved very substantially in recent years. Since homosexuality was decriminalised in 1993, Ireland has passed equality legislation, and now ranks amongst the top countries worldwide in its legislative protection against discrimination on the grounds of sexual orientation. The current government has also committed to introducing partnership legislation for same sex couples.

Despite a solid framework of human rights law, concerns remain over the degree of protection this affords in practice, particularly for those who are most marginalised and vulnerable. For example, members of the Travelling community in Ireland continue to suffer systemic discrimination in Ireland and high rates of poverty and social exclusion. Legislation to address this has been largely unsuccessful to date.

Support for Human Rights Abroad

There is ample evidence that Ireland has a genuine commitment to supporting international law and human rights abroad. Support for both the United Nations and the

European Union feature prominently in Ireland's foreign policy, as does an emphasis on supporting human rights abroad. The UN Millennium Development Goals are given a central place in Ireland's overseas development policy.

Ireland's overseas military involvement, throughout the history of the state, has in practice been limited to participation in peacekeeping missions under the UN mandate. Ireland has, by international standards, a commendable record in supporting UN peacekeeping. Ireland also has a track record of promoting international nuclear disarmament at the UN.

Ireland's voting record within the UN General Assembly during the period 1998-2002, for example, shows that Ireland was the EU state most likely to vote in support of resolutions raised by the global south.

In relation to overseas development, Ireland is the eighth largest contributor of aid in the world when calculated on a per capita basis. However according to Foreign Policy's Commitment to Development Index (Centre for Global Development, 2005), which assesses seven major domains of government action, (foreign aid, trade, investment, migration, environment, security, and technology policy), Ireland's overall ranking in 2005 was 18 out of 21 countries assessed.

While on the UN Security Council from 2001 to 2002, Ireland maintained an independent stance on issues as varied as the establishment of the International Criminal Court, Iraq,

the ending of arms embargos in Ethiopia and Eritrea, and the rights to self determination of the people of Western Sahara, issues in which Ireland's position was opposed to that of the United States.

Conclusions

Ireland has been undergoing significant social, economic and political change in the last number of years. Ireland's economic success, dubbed the Celtic Tiger, has led to a level of wealth unprecedented in the country's history. The Belfast Agreement has provided a constitutional agreement between the Irish and British governments on the status of Northern Ireland. Ireland has become, for the first time in the country's history, an attractive destination for immigrants, resulting in dramatic changes in religious and cultural diversity. And a decline in the role of the Catholic Church in the processes of government, as well as in society as a whole, has resulted in a significant liberalisation of Irish society. These changes provide a rich context within which the Democratic Audit of Ireland is being conducted. This paper has sought to outline some of the methodological challenges that TASC has faced in carrying out the audit together with a sample of the findings to date. The most significant challenge remaining is to make use of the audit to help bring about social change or, perhaps more accurately, to steer those changes already underway in such a way as to increase popular control, political participation, human rights and equality.

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