



Submission to the Constitutional Convention

Equality Budgeting: Proposed Amendment to Article 22 of the Constitution

Submitted by:
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1. Executive Summary

This submission argues for the amendment of Article 22 of the Constitution, dealing with Money Bills. The premise of the submission is that equality budgeting should be an essential part of the State financial process. Equality budgeting is widely used internationally. Mandatory equality budgeting in Ireland would increase transparency and enhance the quality of decision-making, by clarifying and evaluating the impact of economic decisions on particular social groups.

2. The meaning of equality budgeting

Equality budgeting is an approach to economic decision-making that places equality concerns at the centre of decisions relating to public finances, particularly decisions concerning public spending. In practice, equality budgeting entails the provision of an equality impact assessment when public spending decisions are being made. The equality impact statement provides information as to how the specific policy measures under contemplation will affect particular social groups and sectors, particularly groups that are vulnerable or disadvantaged in some way (e.g., women, the older population, the disabled, lone parents, or particular ethnic groups). The aim of providing this information is to ensure that policy makers can fully consider the consequences of their decisions, and strive to achieve the fairest and most equal outcomes for society as a whole. Equality thus becomes a key focus and driving principle in economic planning.



3. Problems with the current financial decision-making process

- i. At present, there is no onus on the State to consider equality concerns in economic or budgetary planning. Although Article 45 provides “directive principles of social policy” for the guidance of the legislature, these provisions are not enforceable by the courts. For this reason, their function to date has been symbolic and aspirational, and they have had no concrete effect. Article 40.1 also contains a guarantee of equality before the law, but the application of this provision has been extremely restrictive in practice.
- ii. Research to date clearly demonstrates that budgetary measures introduced as a result of the current economic crisis have had a disproportionate impact on particular social groups, such as women, lone parents, and the disabled. However, opaque processes and highly selective impact analysis on the part of the State consistently obscure these effects. Little of this information is in the public domain, and in many cases it would remain unknown but for the efforts of independent bodies. Equality budgeting would increase the transparency of the decision-making process and enable the State to avoid cumulative disadvantage to particular groups (since some groups, which are vulnerable to begin with, are repeatedly disadvantaged in successive budgets, in a way that is often underappreciated).

4. The benefits of equality budgeting

Equality budgeting offers increased levels of information to policy makers, enabling them to identify and address unintended consequences for particular groups. This in turn enables the State to promote equality, by reducing poverty and addressing disadvantage. Equality budgeting also increases the transparency of the decision-making process. This increases informed debate, thus enhancing civic engagement.

5. The use of equality budgeting elsewhere

Equality budgeting is internationally recognized as an effective means for addressing poverty and inequality. To date, over 60 countries worldwide (including Australia, Canada, South Africa and the UK) have implemented or worked towards equality budgeting in some form (including gender budgeting).

6. The current proposal

- i. Equality budgeting could be governed by legislation, but this would be entirely subject to political goodwill. The vital importance of equality concerns requires equality budgeting to be a constitutional requirement. Accordingly, a new sub-section dealing with equality budgeting should be inserted in Article 22 (dealing with Money Bills), as follows:



“Article 22.1.3°

Every Money Bill shall have appended an equality impact assessment detailing the impact of the proposed measures on disparate social groups defined by such relevant characteristics (including gender, race, disability, age and socio-economic status) as shall be specified by law.”

- ii. Ideally, equality budgeting should be in line with equality provisions in general. However, not all of the grounds covered by current equality legislation are relevant in this context. This proposal therefore specifies the most relevant headings for equality budgeting, while leaving space for these to be supplemented in implementing legislation, as social needs change.
- iii. Note that the proposed reform would not constrain the State by requiring it to apply equality principles in its economic decision-making. It would, however, ensure that State policy-makers are made aware of the consequences of their decisions, in a way that they may not be at present.

7. Further information

For further information, see the submission of the Equality Budgeting Campaign to Ministers Noonan and Howlin in October 2013 (“Incorporating Equality Budgeting into Ireland’s New Budgetary Process”).

http://equalitybudgeting.ie/wp-content/uploads/2012/11/Read_the_Submission.pdf.

See also the Equality Budgeting Campaign Website (<http://www.equalitybudgeting.ie/>)

8. About the Gender and Public Policy Cluster

Gender and Public Policy is a multi-disciplinary research cluster within the Whitaker Institute, at NUI Galway. Members of the Cluster are drawn from the disciplines of Business, Economics, Sociology, Politics, Education, and Law. The central focus of the cluster is on the critical appraisal of public policy from a gender perspective. The cluster aims to develop richer understandings of policy effects and outcomes and to identify gaps and challenges in existing policy frameworks. It also strives to advance gender-sensitive policy alternatives and to engage for this purpose with policy-makers and stakeholders.

9. About the Whitaker Institute

The Whitaker Institute for Innovation and Societal Change is a research institute at NUI, Galway. The Institute applies a multi-perspective research approach to business and social issues. **One** of its key values is the promotion of a sustainable and inclusive society, influenced by the **broad** dissemination of rigorous and relevant research.



Furthermore, the Whitaker Institute seeks to continue the tradition at NUI Galway of critically pursuing knowledge discovery that stimulates academic debates and opens public conversation to advance the greater good. The Institute has over 200 members and serves as the country's largest research body focused on contemporary and relevant business, social and policy issues.