

# **‘Power to the People? Assessing democracy in Ireland’ – the Irish Democratic Audit**

Clodagh Harris (University College Cork)

clodagh.harris@ucc.ie

Paper for presentation to the Workshop ‘Democratic Audits in Comparative  
Perspective:  
Approaches, Results, Impact’,  
Leiden University  
January 18-19, 2013



## **Background:**

Ireland's only democratic audit was conducted from 2004 to 2006 by TASC (a think tank for action on social change). The audit team included Dr. Ian Hughes (TASC), Ms. Paula Clancy (Director of TASC), Professor David Beetham (University of Leeds) and Dr. Clodagh Harris (TASC seconded from UCC) and the project was funded by Atlantic Philanthropies and the Joseph Rowntree Charitable Trust.

It was part of a series of initiatives by TASC at that time that aimed to raise public consciousness and debate about the nature of Irish democracy. This began in 2003 with the appointment of the independent Democracy Commission by TASC and Democratic Dialogue (a Northern Irish Think Tank) to examine Irish democracy. This Commission, chaired by the General Secretary of the Irish Congress of Trade Unions, had among its membership representatives of the main political parties, business and community sectors. Its report 'Engaging Citizens – The case for democratic renewal in Ireland' published in autumn 2005 called for significant changes to increase political participation and oversight in Ireland. The Democratic Audit Ireland project grew out of the Commission's work and members of the Commission acted as a standing advisory group to the audit.

The audit began in autumn 2004 and its final report was sent to press in winter 2006. It was launched in the National Library by the Irish Ombudsman and Information Commissioner, Emily O'Reilly, in April 2007.

This paper will give an overview of the methodology used and its key findings. It will conclude with a discussion of its impact and its contribution to the political reform agenda in Ireland in particular.

## **Methodology and Approach:**

The methodology used in the audit was based on the International Institute for Democracy and Electoral Assistance (IDEA) Assessment Framework (Beetham et al., 2001) which involves a multifaceted conception of democracy. At the time the methodology had been pilot-tested in eight countries representing both new and established democracies across the world (Beetham et al., 2001). It proved itself to be a valuable and flexible methodology.

In particular, it offered a means of engaging a wide range of partners within the public sphere in a process of critical self-reflection on the state of Irish democracy.

In keeping with the assessment framework, the Irish audit adopted a normative definition that focused on popular control and political equality. It took an evidence based approach placing particular emphasis on consultation with diverse groups of civil and political society.

### **Data Collection and Analysis:**

A wide variety of data sources was used. The audit drew on a public opinion survey on political attitudes and behaviour commissioned by TASC as well as a TASC report on accountability and Public Bodies and the final report of the Democracy Commission<sup>1</sup>. For the most part, however, the data sources were mostly derived from information, analysis and research already in the public domain. These included official statistics, legislation, opinion surveys, academic research, non-governmental organisations investigations and so on.

Our approach also drew heavily on the extensive review and consultative processes that the audit framework provides. In conducting the audit we built partnerships with a number of organisations that worked with us on different aspects of the audit. These included the National Women's Council of Ireland (NWC), Amnesty International (the Irish section), the School of Communications at Dublin City University (DCU) and the Department of Government at University College Cork (UCC). We also worked with individual expert contributors. Each section was reviewed by one or more subject expert. In addition a series of expert conferences took place throughout 2006. These were designed to allow the preliminary findings of the audit to be presented to specialists and practitioners for critical evaluation and external validation.

Finally, data on best practice as well as past national performance were used as comparative reference points to establish benchmarks.

### **Findings:**

---

<sup>1</sup> Clancy, P. Hughes, I. and Brannick, T. (2005) *Public Perspectives on Democracy in Ireland*, Democratic Audit Ireland Project, Dublin: Tasc  
Clancy, P. and Murphy, G. (2006) *Outsourcing Government: Public Bodies and Accountability*, Dublin: Tasc@ NewIsland  
Harris, C. (ed) (2005) *Engaging Citizens: The case for Democratic Renewal – The report of the Democracy Commission*, Dublin: Tasc@NewIsland

When the Democratic Audit report was sent to press in 2006, Ireland had undergone significant social, economic, cultural and political change in the previous two decades or so. The report noted that 'dynamic and sustained economic growth had led to a level of wealth, as expressed in conventional GDP terms' (Hughes et al., 2007:581) and commented that for the first time in modern history Ireland had become an attractive destination for immigrants which contributed to increased religious, racial and cultural diversity. Also at the time of publication, the Good Friday Agreement, the constitutional agreement between the Irish and British Governments, was about to celebrate its ten year anniversary.

The reports' conclusions are presented in terms of the main strengths and weaknesses of Irish democracy as well as areas 'in flux' that is those areas where a definitive judgement was deemed to be premature.

*Strengths:*

The main strengths included:

1. Public Commitment to Democratic Values

The audit found that Irish citizens demonstrated a relatively high level of satisfaction with the way Irish democracy was developing, compared with five years previously and with the European average. Irish people also expressed high levels of political efficacy, in terms of their perceptions of their ability to influence political decisions. A high degree of consensus on attitudes to democracy was found across social class, gender and age. The survey also found that Irish people had an egalitarian concept of democracy as evidenced in their support for the realisation of social and economic rights through Irish law. This belief in an egalitarian society combined with the high level of satisfaction with how Irish democracy works, was rather a paradox in view of the high levels of inequality in Irish society at that time when compared with its European neighbours.

2. Social Partnership

Ireland's distinctive corporatist system (social partnership) which had evolved to include a wider range of interests and organisations (such as community and voluntary groups) than would generally be the case elsewhere was also presented as a strength. The assessment found that a significant proportion of the Irish adult population were involved to some degree in the social partnership process, making it by far the most important measure by which conflicting interests are reconciled and government policy influenced.

It did, however, comment that the role of the community and voluntary sector was confined to a consultative/advisory role at the invitation of the Government and that many public representatives believed they were marginalised from this important site of decision making.

### 3. Electoral System

Ireland's PR (STV) electoral system was found to be largely representative. According to the audit report opposition parties were free to organise and voting and electoral procedures were safeguarded in the Constitution and in law. Also Ireland's party system was generally effective in forming and sustaining governments in office and did not fracture along religious or ethnic lines.

### 4. Rule of Law

The rule of law was another key strength as it is, on the whole, applied and enforced consistently throughout the country. The assessment found that citizens were largely well protected by the law, and that despite public anxiety about crime, the overall crime rate was low by international standards. Constitutional guarantees to due process and a fair trial for those charged with criminal offences were noted, as was the fact that the judicial system was effectively independent of government. Citizen ownership of the Constitution due to the referendum requirement for constitutional amendments was also highlighted.

### 5. Freedom of the Media

The report found that Ireland had one of the highest levels of press freedom in the world and that Irish people read more news when compared with many other European countries. This proclivity supported a considerable diversity of choice in newspapers, both national and local, despite the unusual degree of concentration of press ownership in Ireland. Irish people demonstrated high levels of trust in the media. The press also had considerable success over the years in uncovering and publicising wrongdoing in public life.

However, along with the retrenchment of the Freedom of Information Act, journalists had to operate within what they regarded as unduly restrictive libel laws. At the time of publishing it was suggested that proposed defamation legislation to include the creation of an independent press council might address this issue. Nonetheless the report questioned whether the liberal laws were an adequate explanation for the media's failure, at the time, to uncover the public corruption which tribunal findings revealed was extensive.

## 6. Civil and Political Rights

The audit found that Ireland had a strong system for the protection of civil and political rights, wherein Irish citizens enjoy extensive rights to freedom of movement, expression, association and assembly. In the later part of the twentieth century Ireland had put in place a framework of legislation and institutions to promote and monitor human rights including the Human Rights' Commission and the Equality Authority.

It also found that Ireland was relatively open to migrants .In contrast with the votes won by overtly anti-immigrant and racist parties in some other European countries explicit anti-immigrant and racist policies had attracted minimal electoral support in Ireland.

## 7. Ireland's interaction with International Organisations

The report referred to the ample evidence by international standards of Ireland's genuine commitment to supporting international law and human rights abroad. The UN Millennium Development Goals played a substantial role in Irish overseas development policy; Ireland had a commendable record in supporting UN peace-keeping and promoting international nuclear disarmament at the UN. Also it maintained an independent stance while on the UN Security Council from 2001-2002. Pragmatism did occasionally take precedence: for example, Ireland's stance on the war in Iraq gave rise to significant and demonstrated public disquiet.

### *Weaknesses:*

The main weaknesses included:

#### 1. High Levels of Poverty and Inequality

The assessment found a growing inequality in Irish society by international measurements. At the time, Ireland had amongst the highest 'at risk of poverty' rates and the lowest rates of expenditure on social protection in Europe. Furthermore while internationally committed to the provision of social and economic rights, the absence in Ireland of a human rights' orientation in the framing of, and access to public services exacerbated the inequities that arose from income inequality. Examples of policies that had negative impacts on vulnerable groups included: a deterioration in the provision of public social housing; a smaller proportion of the population eligible for free medical care; lower levels of investment in education per capita than many other EU countries, particularly at primary school levels;; tax

policy favouring those who can afford to invest more in pension provision; a continuation of tax and welfare poverty traps; and an almost complete absence of resources for civil and legal aid for social and economic redress.

## 2. Lack of Representativeness in Political Life

The long standing disadvantaged position of a number of groups in Irish society reflected in their poor representation in the structures and institutions of public decision making was outlined as a key weakness. The report found that those from poorer socio-economic backgrounds were underrepresented in important areas of public life including politics. Ireland's dismal record of female representation in politics was also noted as was their poor presence in the judiciary, Gardai (Irish police force) and senior levels of the public service.

## 3. Voter Registration and Turnout

The assessment found serious deficiencies in the system of voter registration which it described as outdated and inefficient. In particular it was criticised for disadvantaging those living in socially disadvantaged areas and those citizens lacking a fixed address. It also reported on the declining levels of voter turnout, referring in particular to the turnout level in the 2002 general elections which was the lowest ever recorded for a parliamentary election in Ireland.

## 4. Declining participation in party and representative politics

The audit discovered that a significant number of Irish people believed that party political activism was a waste of time. This was also reflected in the small proportion of people who were active in politics. It concluded 'how this decline in such a central institution of representative democracy is to be addressed is one of the key challenges facing us' (Hughes et al.,2007: 586).

## 5. Parliament Oversight

Significant weaknesses in parliamentary oversight of central government and the legislative process were identified. This shortfall had become even more marked in relation to the explosive growth in the number of non-elected public bodies in the previous decade. Many of these bodies were very significant in the public functions they performed, the scale of public expenditure they controlled and their sheer size as public sector employers e.g. the Health Service Executive (HSE). Furthermore, no public appointments commission, such as is

found in other countries, existed to ensure the impartiality of appointments to the boards of these bodies, a number of which were also not subject to freedom of information legislation.

#### 6. Imprisonment

By European standards, imprisonment in Ireland was over-utilised as a response to crime, particularly for low-level non-violent offences. The age of criminal responsibility also remained one of the lowest of any country in Europe. In addition, a highly disproportionate number of those living in disadvantaged areas were in prison. This was also true for members of the Traveller community. At that time Ireland had also been criticised internationally for using prisons in inappropriate ways, such as for holding people with severe mental illness, for immigration-related detention, and for incarcerating children alongside adult prisoners.

#### 7. Limited Scope and Independence of elected local Councils

In Ireland, the trend towards the centralisation of power had gone perhaps further than in any other European country. The responsibilities of elected councillors had been simultaneously eroded since the late 1970s from three different directions. Statutory obligations determined by central government left little discretionary finance for local decision making. The absence of a broadly based and equitable local tax hindered the development of local services in a wide range of areas. This was accompanied by the loss of local functions to non-elected public bodies, which were subject to little public accountability. Finally, the strengthened role of the council manager had given the chief executive of city and county councils a competence in decision making that further eroded the political responsibility of elected members.

#### 8. Church Influence

Finally the audit found that rights to practice religion and culture were protected in a number of international human rights instruments to which Ireland is a party. Also the free profession and practice of religion were guaranteed under the Constitution. However a Catholic ethos and influence continued to predominate in important areas of public life and was at odds with an increasingly multicultural and secular society. For example the very limited availability of non-religious schooling, particularly at primary level, meant that parents in Ireland effectively could not choose secular schooling for their children.

### *'In-flux':*

There were a number of issues on which it was too early to make a definitive judgement. For some issues this was because agreements were signed or legislation passed as the audit project was drawing to an end. For others it was because they were relatively new in an Irish context.

#### 1. Public Management and delivery of services

At the time of the assessment a number of systems for improving public management had been put in place. However at that stage the expected positive outcomes in the delivery of front-line services had not been achieved. In addition considerable concern had been expressed over gaps in expertise and the capacity for long term planning.

A new social partnership deal had just been concluded which outlined economic and social policy for the next decade in areas as varied as pensions, housing, and the regulation of the labour market. It worth noting that at the same time state policy promoted the provision of public services by the private sector.

#### 2. Policing

The publication of the Garda Síochána (Irish police force) Act in 2005 provided the most comprehensive review of the Irish police since 1922. It established a Garda Inspectorate to monitor the performance of the gardai (police) and a Garda Síochána Ombudsman Commission to investigate complaints against the gardai by members of the public. Furthermore, a number of positive initiatives had been taken prior to the act including: an independent human rights audit of the gardai; the appointment of ethnic liaison officers; a change in the entry requirement for the police to encourage more applications from ethnic minority groups; the appointment of liaison offices to the lesbian and gay community and provisions for the first time for community policing structures. Issues of continued concern at the time included: the political nature of appointments to senior positions; the absence of a police board and concerns over the resourcing of the Ombudsman Commission.

#### 3. Immigration

Ireland's economic success in the late 1990s and early 2000s was accompanied by net inward migration. The assessment noted that improvements in the legislative framework were underway but was concerned that the absence of a comprehensive policy framework

meant that a substantial number of migrant workers faced an insecure future, as they were unable to access the basic employment rights to which they were entitled under Irish law. It also outlined a number of human rights concerns such as access: to long-term residency; to family reunification; to freedom of movement in the labour market as well as the lack of clear criteria regarding a person's entitlement to citizenship and/or long term residency rights which were at the absolute discretion of the Minister for Justice, Equality and Law Reform.

#### 4. Asylum

At the time of the audit Ireland had recently incorporated the UN refugee convention into domestic law. It was commended by the UNHCR in 2003 for its overall handling of the growing numbers of asylum seekers. Concerns remained, however, including: the use of prison as a place of detention for asylum seekers and other immigration related detainees; the negative impact on children whose parents are detained in prisons on immigration-related grounds; the extent of ministerial discretion on immigration-related decision; and the degree to which individual immigration officers, members of the gardai and staff of the HSE were charged with making decisions on important human rights matters.

#### 5. Rights of Children

After a period of intense lobbying by children's rights advocates the Government in November 2006 announced its intention to hold a constitutional referendum on the rights of the child in early 2007. This measure was deemed necessary as the Constitution had been interpreted as granting a higher value to the rights of parents.

#### 6. Accountability and Integrity

The audit noted the unprecedented reform of the legislative and administrative framework governing political transparency and accountability in the preceding decades. The measures adopted included: legislation to prevent corruption; legislation governing the financing of political parties and elections; legislation on the conduct and responsibilities of ministers and senior civil servants; the establishment of a standards in public office commission; and freedom of information legislation. Nonetheless, it flagged up a number of concerns regarding weak systems for identifying wrongdoing and imposing sanctions. The retrenchment of the freedom of information legislation and the absence of whistle-blower

legislation were highlighted as were the adequacy of the mechanisms for controlling election expenditure and following up on breaches of the legislation.

**Impact:**

The purpose of the Ireland's democratic audit was to offer a systematic analysis of the strengths and weaknesses of Irish democracy with a view to;

- Contributing to public debates about democratic best practice and ongoing reform,
- Identifying priorities for a reform programme through the provision of systematic evidence, and
- Providing an instrument for assessing how effectively reforms are working out in practice.

It is difficult to judge how successful it was in meeting these objectives. Many of the issues raised in the assessment informed the political reform debates that took place in the public sphere in the run up to the 2011 general election. Indeed in a 2010 article, Professor John Coakley of UCD noted that the two TASC projects, the democratic audit and the democracy commission, 'initially stimulated' the recent debates on political reform (p.3).

Political reform measures were included in all of the political parties' manifestos and were granted substantial space in the final programme for government. Many of these issues had been raised in the Democratic Audit Report namely: the repeal of the amendments to the Freedom of Information Act; the introduction of whistle-blower legislation; legislation to give the Houses of the Oireachtas (Irish Parliament) powers to conduct inquiries; substantial reform of local government in terms of powers and revenue raising capacity; and the need to tackle the gender imbalance in our political institutions, to name but some.

The audit was also used by civil society organisations such as the Irish Council for Civil Liberties and the National Women's Council of Ireland and by academics. It has been cited in the seminal textbooks on Irish Politics<sup>2</sup> and in journal articles<sup>3</sup>.

---

<sup>2</sup> See Coakley & Gallagher (eds.) (2009) and Rees et al (2010).

<sup>3</sup> See Adshead (2011), Coakley (2010) and Lauth (2008).

## Conclusion

In concluding our audit assessment we remarked that Ireland had ‘undergone significant social, economic, cultural and political change during the last two decades or more’ (Hughes et al., 2007:581). Little did we realise that much more significant change was around the corner.

When the audit was published in the spring of 2007, Ireland had just enjoyed a decade of unprecedented economic growth. It had almost achieved full employment and forced emigration was a thing of the past. Indeed we were for the first time in modern history experiencing net immigration.

Our findings showed that despite this increase in prosperity inequality and poverty were still prevalent amongst certain groups in ‘celtic tiger’ Ireland. Sadly this weakness has become even greater as eight austerity budgets take their toll and have been shown to disproportionately affect those already in a vulnerable or marginalised position. Recent research by Social Justice Ireland (a civil society organisation) reported that ‘budget 2012 saw 40 per cent of the population on lowest incomes take a far higher proportionate “hit than the richest 10 per cent’ (Holland, 2012). Ireland is currently experiencing 14.6% unemployment<sup>4</sup> and our most recent figures show that emigration was estimated to have reached 76,400 by April 2011<sup>5</sup>. In addition, austerity has also had an impact on a number of government agencies that were set up to promote and protect equality, the Combat Poverty Agency has been moved into the Department for Social Protection, the Human Rights Commission and the Equality Authority have been merged and the National Consultative Committee on Racism and Interculturalism closed due to funding cutbacks.

Certainly Irish democracy has been challenged in recent times in ways that it has not been challenged since the foundation of the state. Yet it would be remiss to overlook a number of its key strengths. There is still a strong public commitment to democratic values and the rule of law as evidenced in: increased voter turnout for the last two general elections; governmental stability in the face of austerity budgets and the absence of far-right parties.

---

<sup>4</sup> <http://www.tradingeconomics.com/ireland/unemployment-rate> (accessed on 7th January 2013).

<sup>5</sup> <http://www.cso.ie/en/media/csoie/releasespublications/documents/population/2011/Population%20and%20Migration%20Estimates%20April%202011.pdf> (accessed on 7<sup>th</sup> January 2013).

Revisiting more of the audit's findings it is interesting to note that the Church influence has been on the wane since the publication of the two seminal reports in 2009: the Commission to Inquire into Child Abuse/Ryan Report which investigated all forms of child abuse in Irish institutions for children and the Murphy Report an investigation into the sexual abuse scandal in the Catholic archdiocese of Dublin. In the early days of taking office Taoiseach Enda Kenny, in a response to the Cloyne Report<sup>6</sup>, publicly criticised the Vatican highlighting the 'dysfunction, disconnection, elitism and narcissism that dominate ... [its] culture ... to this day.'<sup>7</sup> This occurred around the time that the Government also decided it no longer required a separate Embassy at the Vatican. Moreover the current Minister for Education and Skills Ruairi Quinn has set up a 'Forum on Patronage and Pluralism in the Primary Sector' to investigate ways of transferring publicly funded schools out of the patronage of the Catholic Church.

The Electoral Amendment (Political Funding) Bill 2011 includes provisions for gender candidate quotas and linked it to party finance as a means of redressing the gender imbalance in Dáil Eireann (Irish lower house of parliament). Also in the last two years referenda have been held on children's rights and on giving the Houses of the Oireachtas (the upper and lower houses of the Irish Parliament) powers to conduct inquiries into matters of general public importance. The latter was rejected but the former was passed. Little has been done to strengthen local democracy in terms of devolving more powers (including revenue raising ones) to local councils.

In conclusion, when commencing our democratic assessment we noted that 'the most significant indicator of a successful democracy is arguably the capacity for critical self-reflection on the part of its citizenry, together with a capacity for self-renewal' (Hughes et al., 2007:13). Since the financial, economic and social crisis there has been much commentary on the need for political reform and renewal.

One recent development has been the establishment by the Government of a Constitutional Convention that includes 66 citizens and 33 political representatives from the island of Ireland. It has been charged with making recommendations on the following political and

---

<sup>6</sup> The sexual abuse scandal in the Diocese of Cloyne was officially known as the "Commission of Investigation, Dublin Archdiocese, Catholic Diocese of Cloyne". It examined how allegations of sexual abuse of children in the diocese were dealt with by the church and state. In particular it looked at how the Diocese dealt with complaints against 19 priests since 1996. It was published in 2011.

<sup>7</sup> <http://www.rte.ie/news/2011/0720/cloyne.html> (accessed 7th January 2013)

social matters: reducing the voting age; reducing the Presidential term of office; review of the Dail Electoral system; provision for same-sex marriage and the removal of blasphemy from the Constitution (to name but some)<sup>8</sup>. It may also consider and make recommendations on 'other relevant constitutional amendments'<sup>9</sup>.

The Convention will report and make recommendations to the Houses of the Oireachtas on each matter as soon as it has completed its deliberations and the Government will provide in the Oireachtas a response to each recommendation of the Convention within four months and, if accepting the recommendation, will indicate the timeframe it envisages for the holding of any related referendum. This is a welcome development in terms of citizen engagement and deliberation and is the first of its kind. It remains to be seen how successful it will be in terms of democratic reform and renewal.

## References

- Adshead, M. (2011) 'An advocacy coalition approach to the rise and fall of social partnership', *Irish Political Studies*, 26 (1): 73-93.
- Beetham, D. , Bracking, S., Kearton, I. & Weir, S. (2001)*International IDEA Handbook on Democracy Assessment* Stockholm: International IDEA.
- Coakley, J. (2010) 'Selecting Irish Government Ministers: an alternative pathway' *Administration*, 58 (3): 1-26
- Coakley, J. & Gallagher, M. (eds) (2009) *Politics in the Republic of Ireland* New York: Routledge.
- Clancy, P. Hughes, I. & Brannick, T. (2005) *Public Perspectives on Democracy in Ireland*, Democratic Audit Ireland Project, Dublin: Tasc
- Clancy, P. & Murphy, G. (2006) *Outsourcing Government: Public Bodies and Accountability*, Dublin: Tasc@ NewIsland
- Harris, C. (ed) (2005) *Engaging Citizens: The case for Democratic Renewal – The report of the Democracy Commission*, Dublin: Tasc@NewIsland
- Holland, K. 'Far bigger "hit" to those on lowest incomes', *The Irish Times* 7<sup>th</sup> December 2012.
- Hughes, I. Clancy, P. Harris, C. & Beetham, D. (2007) *Power to the people? Assessing Democracy in Ireland*, Dublin: Tasc.

---

<sup>8</sup> For more information see [www.constitution.ie](http://www.constitution.ie)

<sup>9</sup> [www.constitution.ie](http://www.constitution.ie) (accessed on January 29<sup>th</sup> 2013)

Lauth, H.J. (2008) 'Demokratieentwicklung und demokratische Qualität' in Gabriel, O.W and Kropp, S. (eds) *Die EU-Staaten im Vergleich*, Wiesbaden: VS Verlag für Sozialwissenschaften

Rees, N., Quinn, B., & Connaughton, B. (2010). *Europeanisation and New Patterns of Governance in Ireland*. Manchester University Press.