

# Does it only happen to me?



Living in the shadows  
of socio-economic  
discrimination

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## 1 common future better for people and the planet

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## Acknowledgements

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- Former members of the Equality and Rights Alliance: Niall Crowley, Damien Walshe
- North West Inner City Training and Development Project (NWICTDP)
- Paul McKeown, Irish Human Rights and Equality Commission (IHREC)
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- Service User Rights in Action (SURIA) group.

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We wish also to express our gratitude to the Foundation ATD Quart Monde, Paris, France, which co-funded the project.

Finally, we would like to acknowledge and thank the volunteers and staff of ATD Ireland for their dedications to this project, and especially Ciara Margolis, Charlotte Tiffon, Mark Hogan, Olga Lacey, Paul Uzell and Pierre Klein, without whose work this report would not have been possible.

**Gail Seekamp, Chairperson, ATD Ireland**  
**10<sup>th</sup> September 2019**



## Foreword

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- **Niall Crowley**, former Chairperson of the Equality and Rights Alliance

The UN 2030 Agenda for Sustainable Development is a vital global agreement in offering a way forward for humanity. Its seventeen Sustainable Development Goals mark out a new model for human development, a model that we fail to pursue at our peril. The elimination of socio-economic exclusion and discrimination is identified as a key element of this model of development. Progress in building this model of development is also difficult to imagine without the participation of all groups in society on an equal basis. ATD Ireland valuably locates its initiative to advance legal protections from discrimination on the ground of socio-economic status in the requirements on Ireland having signed up to this agenda.

“Does it only happen to me?” powerfully chronicles the damaging experience of daily lives persistently crashing up against stigma and stereotyping of socio-economic status. It documents the painful stories of those who have suffered the presumptions and behaviours based on these stereotypes across the public and private sectors in both employment and service provision. Discrimination on the socio-economic status ground is not new. As this report shows, it has driven the demand for the introduction of a socio-economic status ground in the Employment Equality Acts and the Equal Status Acts from the first review of this legislation in 2001. What is new and important is a report bringing to the fore the voices of those who are subjected to this abuse.

***"If the norm becomes that discrimination is not to be tolerated, the stigma and stereotypes that underpin this discrimination, in turn get undermined and culture shifts."***

The introduction of a socio-economic status ground would give people who experience discrimination on this ground the practical means to challenge their experience. It would, as the report notes, have a symbolic importance in the state making clear that such discrimination is not to be tolerated. This has a knock-on effect on stigma and stereotypes. If the norm becomes that discrimination is not to be tolerated, the stigma and stereotypes that underpin this discrimination, in turn get undermined and culture shifts. A new dispensation emerges that enables people to celebrate their identity and progress their lives and ambitions.

The report challenges the message inherent in the failure to include a socio-economic status ground in equality legislation, the message that “equality is not for you”. This is the message that has divided and weakened the pursuit of a more equal Ireland, as those who would seek such a goal become fractured into silos of minorities, rather than welded into a movement of majority. It is a message that has enabled a racist and sexist populism to spread across Europe and beyond, by dividing those who experience inequality and pitting them against each other.

The values of dignity, inclusion, autonomy, participation and social justice, that motivate a concern for equality for any one group, are the same values that motivate a concern for equality for any and all other groups. The failure to pursue a comprehensive approach to equality, diversity and non-discrimination is a betrayal of these values. This betrayal ends up undermining the search of all groups for equality. A selective application of the values to one particular identity, experience or situation cannot be sufficiently engaging to mobilise a popular support.

The inclusion of a socio-economic status ground in equality legislation, as the report notes, locates this ground within a legal framework that includes, not only the prohibition on discrimination, but also the prohibition on harassment, positive action for equality, and the provisions of the public sector duty that requires public bodies to have regard to the need to eliminate discrimination, promote equality and protect human rights in carrying out all their functions. This creates the conditions to drive forward a model of development where no one is left behind, the ambition of the 2030 Agenda for Sustainable Development.

The delay in introducing this ground to our equality legislation is shameful. It is incomprehensible that the Government responds to the recent demand for its inclusion by having the Department of Justice and Equality commission research, thus repeating its response to the 2002 recommendation of the Equality Authority and the 2004 research commissioned by the same Department. The difficulty identified in defining the ground does not stand up when the experience across Europe is examined where twenty countries have introduced such a ground with a wide diversity of definitions, with evidence of a growing and effective body of case law.

ATD Ireland is to be congratulated for this report and for espousing this demand. They have built on the valuable work done by the Equality and Rights Alliance. They are linked into the equally valuable work of ATD Europe in seeking the introduction of a socio-economic ground in the EU equal treatment Directives. They need and merit the support of a united civil society in a cause that is central to the effective pursuit of equality and the realisation of a sustainable world.

**Niall Crowley, September 2019**



# Living in the Shadows of Hidden Discrimination

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## Introduction

**Monday, 8 June 2015**

Chief Commissioner, Emily Logan, and members of the Irish Human Rights and Equality Commission (IHREC), Dr Mary Murphy and Frank Conaty, are in Geneva. As key members of the newly-established Irish national human rights institution (1st November 2014), one of their first moves at international level is to present to a United Nations' Committee the Commission's report on Ireland's implementation of the International Covenant on Economic, Social and Cultural Rights.

This report contains a dedicated paragraph 4.1.1 entitled: **Discrimination based on Socio-Economic Status (SES)** which reads: *"The IHREC notes that since equality legislation was first enacted in Ireland, there have been repeated recommendations to expand the equality grounds to include a prohibition on discrimination based on a person's socio-economic status. (...) While the IHREC is aware of the potential difficulties in implementing this approach, it supports the view that the inclusion of such a provision 'would serve the objectives underpinning the adoption of equality legislation' and 'promote a more sophisticated intersectional approach to discrimination, leading to greater recognition of the multiple forms of discrimination that many groups face'" (IHREC 2015).*

Only a few months after its establishment, the message of IHREC was clear: *"IHREC recommends that the State review and revise the current scope of the equality grounds with a view to amending them to include discrimination on the basis of socio-economic status."*

**Thursday, 31 May 2018.**

Forty members of the European Anti-Poverty Network (EAPN) Ireland are meeting in the IHREC's new auditorium.

It is EAPN Ireland AGM Day. Following the formal part of the AGM, an informal workshop is being held to discuss discrimination based on socio-economic status.

When an attendee starts to tell his personal story, the room falls silent. Listening to the speaker, we gradually discover how on-going discrimination based on the way you speak, the way you dress and the area you come from, little by little, destroy self-esteem and lead a man to suicide attempts. He shares with us the very long road he had to take to be able to stand tall again, and the support he needed to do so.

Discussion follows. Other concrete and documented examples of Socio-Economic Status-based discrimination are named. The campaigners of the Equality and Rights Alliance (ERA) remind the audience of the way ERA activists had already managed to campaign and gather evidence in support of the recognition of SES in the Irish Equal Status Act.

As we conclude the workshop, members of EAPN Ireland collectively agree a statement arising from the workshop, with a call for the immediate inclusion of socio-economic status as an additional ground for discrimination under current Irish equality legislation.

*The ground will ensure that those who have experienced discrimination and exclusion based on their housing status, address, income level, and family background, will have necessary redress under equality legislation. The Central Statistics Office revealed that 29.6% of those reporting discrimination have stated it was on grounds other than those covered in the current legislation, with strong indication that "other grounds" relate to income status and location or address.*

*EAPN Ireland believes the move to include socio-economic status as grounds for discrimination would not bring Ireland beyond the point of necessity or create unintended consequences, but would instead align Irish law with the majority of jurisdictions in the EU (20 of the 35 European countries), ensuring Ireland remains at the forefront of protecting the rights of its citizens to freely access services and seek work, unburdened by discriminatory attitudes, behaviours, and prejudices.*

*Extract of the EAPN Statement, 18 June 2018.*

## **Friday, 6 September 2019**

The ATD Team in Dublin is busy finalising this report. The draft of this introduction needs to be completed. One team member, Paul, explains why he wanted to add "Living in the shadows of socio-economic discrimination" as a sub-title to the 'Does It Only Happen To Me?' project:

*"There are 3 questions that came to my mind when I suggested "Living in the shadows", the graphic for the cover page of this report:*

***Who is in the shadows?*** *This was a frequent enough question that was heard by many of the participants who would state, as if to no one and everyone, "Does this only happen to me?" It is as if we live in the shadows of society. Like a shadow, we are there for all to see; and just like the shadows, we are casually overlooked - present but of little significance.*

***Why are they in the shadows?*** *These are the words of a mother who commented on the generational effect of discrimination on whole families and communities: "Discrimination shadowed me throughout my earliest memories of childhood and now my children are living the shadowed life that I once led."*

***What do the shadows represent?*** *This sense of living in the shadows is what inspired this visual. The indiscriminate spread of the shadows is a reflection of the hidden discrimination that surrounds us in our everyday life. "*

**We are on a journey** and on this journey, "We are the heirs of a history of numerous commitments and struggles", as Joseph Wresinski, founder of All Together in Dignity, 62 years ago in a slum of a Paris suburb, was accustomed to saying. As we began the drafting of this report, we were aware that we had been influenced by so many actions over the past 30 years. We had learnt from the work of various public bodies: the Combat Poverty Agency, the Equality Authority, the Human Rights Commission, and now the Irish

Human Rights and Equality Commission. We had gained much from the actions of civil society, in particular the campaigns of the Equality and Rights Campaign.

We commend here the dedication of academics, campaigners, public bodies and elected representatives who for many years have been making the case for the recognition of the socio-economic status as a ground of discrimination in Irish law. This history of mobilisation has been a great source of inspiration and encouragement to us. We thank Niall Crowley, Damien Walsh, Dr Austin O'Carroll, the SURIA group and IHREC staff members for their contribution to this report.

In particular, it is to the participants and speakers of the 31 May 2018 EAPN event that we want to dedicate the 'Does It Only Happen to Me?' project. It is because of them that the ATD Ireland Community Group decided to focus eight months of its life on the work we are presenting in this report, which has been made possible by the IHREC 2018 Human Rights and Equality Grant Scheme. We have done our best to offer through this project and its report a relevant contribution to the provision of the Human Rights and Equality Public Sector Duty.

We are grateful to ATD France, ATD UK, ATD Netherlands and ATD Europe from the International Movement ATD Fourth World. They have been leading the way in other jurisdictions on this important issue. ATD France was a key stakeholder in the recognition of SES by the French Parliament on the 14 June 2016. ATD UK is currently strongly involved in the #DoYourDutyForEquality and #1forEquality Campaigns calling on the UK Government to implement the Socio-Economic Duty, Section 1 of the British Equality Act 2010. Their support and mobilisation in the past year inspired us.

**We hope this report will remove a few more bricks from the wall that hides so much suffering, despair and unfair treatments experienced by so many people in our country.**

**It is also our hope that it can be an Irish contribution to a wider European debate and movement which is growing and which may in the not too distant future create a positive change for the peoples of all European Union Member States.**



# The Irish Journey So Far

## Socioeconomic Status as a Ground for Discrimination under the Equality Legislation

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- **Damien Walshe**, former Coordinator of the Equality and Rights Alliance

This chapter summarises the key developments on the journey so far to achieving recognition for the socioeconomic status as ground for discrimination under Irish equality legislation.

### **2001 - The Employment Equality Act Review**

The Employment Equality Act (1998) provided for a review of its operation, within two years of its coming into force, to assess whether there was a need to add to the discriminatory grounds set out in the Act. This was because there was a demand for a wider coverage of grounds in its provisions even at this initial stage. When this review process finally started, a Round Table Conference took place in September 2001 where there was a discussion on including several new grounds, including socioeconomic status. However, the Departmental response was that the relatively new equality legislation “led to new challenges for enforcement bodies, employers and Government” (DJELR 2004) and that extending the grounds for discrimination required detailed examination and debate.

### **2004 – The “Comparative Perspectives on the Prohibited Grounds of Discrimination” Report**

In 2002, the former Equality Authority, as part of this review process, proposed the introduction of a socioeconomic status ground among other grounds, highlighting high levels of socio-economic discrimination in the labour market. In 2004, “*Extending the Scope of Employment Equality Legislation: Comparative Perspectives on the Prohibited grounds of Discrimination*” (DJELR 2004) was commissioned by the Department of Justice, Equality and Law Reform as a response to the proposals of the Equality Authority. The report noted that discrimination on the basis of socio-economic status is “frequently raised by individual complainants and organisations working in the field of equality law” and that there is a considerable unmet legal need in this area.

It is worth noting that the 2004 report addresses one of the recurring barriers to enacting legislation relating to socioeconomic status, namely the difficulty in defining socioeconomic status for the purposes of legislation: “*It is argued that social origin or socio-economic status is difficult to define with the degree of clarity necessary for a legislative document. However, concerns about problems of definition are not unique to this area of anti-discrimination law. Similar concerns have been voiced as to the definition of disability and ‘race’, yet, definitional problems have not precluded developments in anti-discrimination law in these areas*” (DJELR 2004). In his foreword to this report, the then Minister for Justice, Equality and Law Reform, Michael McDowell, T.D., said he hoped that “this valuable report will serve to inform future debate in relation to this issue”. The reality was that the report seemed to be the close of the debate on extending the Equality Legislation rather than moving towards the inclusion of new grounds, such as socioeconomic status.

### **2009 – The weakening of equality and rights bodies**

Ireland’s equality and human rights infrastructure was brutally dismantled under cover of the economic crisis of 2008. The savage budget cuts to the Equality Authority and the Irish Human Rights Commission, and the abolishment of the National Consultative Committee on Racism and Interculturalism and the Combat Poverty Agency meant that Civil Society concerns shifted from expanding Ireland’s equality infrastructure to defending it from annihilation. This led to the formation of the Equality and Rights Alliance

(ERA), which brought together over 100 civil society organisations, trade unions and activists to challenge these cuts in the short term. As ERA expanded, it also became a collective voice to protect and promote equality and human rights approaches, but also to advance a strategic vision for Ireland's equality and human rights infrastructure.

### 2011 – The Equality and Rights Alliance Roadmap

ERA's development of the *"Roadmap to A Strengthened Equality and Human Rights Infrastructure in Ireland"* (ERA 2011) represented civil society's collective ambition for the equality and human rights infrastructure. The ERA Roadmap outlines collective aims for improving legislation, policy strategies, infrastructure and policy processes. The road map identified that "further grounds need to be covered by the equality legislation so that it can be more comprehensive in its coverage of the groups experiencing inequality and discrimination". In particular, the roadmap identified the ground of socioeconomic status needed to be included in the equality legislation "as this would enable an integration of the equality objectives in relation to the distribution of resources and of status and standing".



### 2015 – Ireland under the scrutiny of the UN Committee on Economic, Social and Cultural Rights

In its submission to the United Nations' Committee on Economic, Social and Cultural Rights (IHREC 2005), the newly formed Irish Human Rights and Equality Commission (see special section on IHREC work regarding SES discrimination) recommended that the State review and revise the current scope of the equality grounds with a view to amending them to include discrimination on the basis of socio-economic status. The IHREC based this recommendation on arguments familiar from the 2004 report by the Department of Justice, Equality and Law Reform, namely that including this ground would serve the objectives of equality legislation and would promote a more sophisticated intersectional approach to discrimination. In its concluding observations, the Committee noted that domestic legislation does not provide protection against discrimination on all grounds of discrimination prohibited by the 1976 UN International Covenant on Economic, Social and Cultural Rights (ratified by Ireland in 1989).

### 2016 – The ERA Report

As part of its strategic objectives to bring about legislative change to include socioeconomic status as a ground for discrimination, ERA commissioned a report, *"An analysis of the introduction of socio-economic status as a discrimination ground"* (Kadar 2016) written by Tamas Kadar. The report was formally launched by Caoimhghín Ó Caoláin TD, Chair of the Joint Oireachtas Committee on Justice and Equality. The Equality and Rights Alliance commissioned this publication to stimulate debate on the introduction of a socio-economic status ground in equality legislation and to build momentum towards its introduction. The report identified that equality legislation provides protection against discrimination on the ground of socio-economic status in 20 of the 35 European countries they cover. It also documented how discrimination on a socio-economic status ground had grown in importance in both human rights and equality law, with an increasing number of jurisdictions and international instruments prohibiting it and with a growing body of case law from courts and tribunals, despite a wide variety of definitions.



### 2017 – The Private Bill

Copies of the ERA report were sent to members of the Oireachtas in both houses, and ERA organised a series of meetings with Senators and TDs to advance the discussion and build cross-party support to introduce legislation to this effect. Over the course of 2017, ERA worked with Jim O'Callaghan TD and Fiona O'Loughlin TD to develop a private members bill (O'Callaghan O'Loughlin 2017) in conjunction with legal support from the Public Interest Litigation Association (PILA). The resulting *Equality (Miscellaneous*

*Provisions) Bill 2017* (“A bill to amend the employment equality acts 1998 to 2015 and the Equal Status Acts 2000 to 2015 by prohibiting discrimination on the basis of a person’s social and economic background”) was brought before the Dail on 27 June 2017 and later passed second stage to be brought to Committee Stage.



The bill proposed to include “disadvantaged socio-economic status” as a new ground, defined as “a socially identifiable status of social or economic disadvantage resulting from poverty, level or source of income, homelessness, place of residence, or family background.” In a presentation to the Joint Oireachtas Committee on Justice and Equality, Niall Crowley, Chair of the Equality and Rights Alliance, highlighted that the case for the enactment of the Equality (Miscellaneous Provisions) Bill had already been well made. Citing the Quarterly National Household Survey (QNHS) equality module of 2014 as analysed by the ESRI and IHREC, ERA noted the significant lack of comprehensiveness in the coverage of our equality legislation, where 29.6% of those who reported discrimination stated that it was on grounds other than those covered by the current equality legislation. In the work domain, this figure was 22.7%. In the provision of services domain, this figure was 34.5%. Previous work on the 2010 QNHS equality module by the ESRI and the Equality Authority noted that those who reported discrimination on the ‘Other’ ground were more likely to have low levels of education or to live in local authority accommodation, and that some of the ‘Other’ ground was income-related and some were location or address-based (Crowley 2018).

#### **2018 – The money message and the mobilisation of civil society**

The Government issued a money message in relation to the Bill, whereby Article 17.2 of the Constitution allows the Government to block passing of legislation that requires spending of public money. In communication with the Department of Justice and Equality, the Minister of State, David Stanton stated that “a clear definition as to what is meant by socio-economic discrimination is essential to avoid introducing an ambiguous and wide-ranging definition of ‘disadvantaged socio-economic status’ into our equality legislation which would have unintended consequences. There are risks, if such a definition were introduced, that employers and service providers could discriminate inadvertently due to confusion as to the potential scope of the legislation.” (Stanton 2018)

A commitment from the Department to tender for a research project “to develop the necessary evidence base on this issue” and to “create a more precise definition of any potential new equality ground, one that is easily understood by employers, service providers and businesses alike” (Stanton 2018) was made in 2018. This research has finally been earmarked to commence in September 2019, with a completion date of December 2019. Budget 2019 committed to including socioeconomic inequality under the Government’s equality budgeting process for budget 2020, again de facto recognising socioeconomic status as a reality in statutory policy (Donohoe 2018).

Civil society, in conjunction with political supporters of the Equality (Miscellaneous Provisions) Bill 2017, will need to continue to work collectively to ensure this research informs a debate to pass the legislation from Committee stage to enactment. Sadly, due to lack of funding, ERA as an organisation will not be there to see the journey’s completion. ERA’s funding for staff ended in June 2017, and whilst the organisation was maintained through the work of volunteers in the hope of securing funding, this did not materialise and the organisation was wound-up over the course of the summer 2019. Members of the Equality and Rights Alliance, namely EAPN Ireland, INOU and ATD Ireland, have taken on this key role to ensure that civil society continues to lobby for this legislation to be introduced.

## IHREC, a key stakeholder

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### The Irish Human Rights and Equality Commission and the socio economic ground in equality legislation

The Irish Human Rights and Equality Commission was established on 1 November 2014 as an independent public body with a mandate under the Irish Human Rights and Equality Commission Act 2014. The Act gives the Commission a range of statutory powers for the protection and promotion of human rights and equality.

The overall statutory functions of the Commission provided for in section 10 of the legislation are:

- to protect and promote human rights and equality;
- to encourage the development of a culture of respect for human rights, equality, and intercultural understanding in the State;
- to promote understanding and awareness of the importance of human rights and equality in the State;
- to encourage good practice in intercultural relations,
- to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person and to work towards the elimination of human rights abuses, discrimination and prohibited conduct (IHREC 2019).

Below are listed a few initiatives taken by IHREC to support the recognition of discrimination on the basis of socio-economic status.

#### **June 2015 - Ireland's review under the International Covenant on Economic, Social and Cultural Rights**

IHREC recommends that the State review and revise the current scope of the equality grounds with a view to amending them to include discrimination on the basis of socio-economic status (IHREC 2015 - pg 22-23). (see Introduction)

#### **June to October 2015 - "Have Your Say": public consultation process on IHREC 2016-2018 Strategy**

IHREC facilitated a nationwide comprehensive public consultation 'Have Your Say'. It was carried out over a five-month period to inform the development of the Commission's first strategy statement. The feedback report contains the request: "Lobbying for a socio economic ground in equality legislation" (Goal 2: Pro-active Approach to Monitoring and Compliance; Strategic Impact 2:) (IHREC 2015).

#### **January 2016 - "Housing assistance" is a new discriminatory ground**

On the 1 January 2016, the Equality (Miscellaneous Provisions) Act 2015 introduced "housing assistance" as a new discriminatory ground. This was the result of the mobilisation of IHREC and other stakeholders the previous year. From this date, discrimination in the provision of accommodation or related service and amenities against people in receipt of rent supplement, housing assistance payments or other social welfare

payments is prohibited. Later in 2018, Emily Logan, Chief Commissioner of the Irish Human Rights and Equality Commission, stated that 'the introduction of the 'housing assistance ground' is an important first step towards the recognition of a socioeconomic ground in equality legislation' (IHREC 2019 - pg 11).

#### **January 2016 - Launch of the IHREC Strategy Statement 2016–2018**

The Strategic Statement includes the following commitment: 'By 2019 the Irish Human Rights and Equality Commission will have advanced and built support for a holistic view of human rights with a particular focus on socio-economic rights' (and) 'Enhanced support for expanded protection measures for socio-economic rights'. As our 'Does it only happen to me?' report shows, effective access to socio-economic rights is clearly connected to the experience of socio-economic discrimination.

#### **February 2017 - IHREC reacts to the 'Dublin's North Inner City, Creating a brighter Future' report**

In IHREC's statement following the publication of the Mulvey Report commissioned by the Department of the Taoiseach, Emily Logan stated: *"Adding a new prohibition in law to provide equal opportunities for people irrespective of their socio-economic status in seeking and securing employment, can be a catalyst in breaking cycles of deprivation through securing long-term employment."* (Logan 2017)

#### **November 2017 - Launch of the 'Who experiences discrimination?' report commissioned by IHREC**

The Economic and Social Research Institute (ESRI) research prepared for IHREC shows that, in the complex relationship between discrimination and resources, socioeconomic status affects both exposure and responses to discrimination (ESRI 2017 – pg 7)

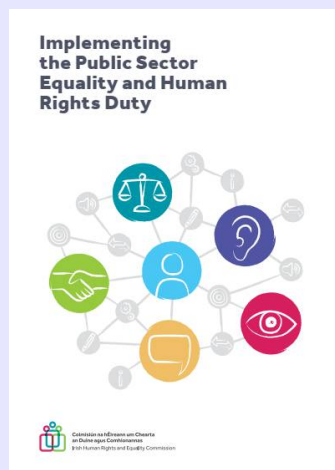


#### **January 2018 - IHREC publishes observations for the official debate on the SES ground Private Bill**

IHREC carried out Observations on the Equality (Miscellaneous Provisions) Bill 2017, which at the time of publication was making its way through the stages of the Oireachtas (Oireachtas 2017). The Commission welcomed the publication of the Bill and the emerging consensus on the principle of prohibiting discrimination on the basis of 'disadvantaged socio-economic status' (IHREC 2017 - pg 2). In the Observations, IHREC supported the proposal to prohibit in law discrimination based on a person's socio-economic status, a move which should contribute to securing better equality outcomes and greater social cohesion. The Commission emphasised that employment discrimination against people living in areas facing socio-economic challenges, should also be prohibited in law under the Employment Equality Acts (EEA). This approach would allow people seeking employment to ensure that their applications are assessed on their skills, qualifications and ability rather than on social background or postal address. For IHREC, the definition of socio-economic status should be best developed by listing key practical and identifiable features of difference across social classes, suggesting the following indicators: Family background such as inter-generational history of occupation, Geographical location such as living in areas of relatively high concentrations of socio-economic disadvantage, House tenure or home ownership, Educational background or Economic situation. (IHREC 2017 - pg 9)

### March 2018 - The International 'Poverty and Discrimination: Two Sides of the Same Coin' Conference

In its role as Ireland's National Equality Body, IHREC welcomed the European Network of Equality Bodies (Equinet) to Dublin for a conference on socio-economic rights and social exclusion. The conference focused on the links between poverty and discrimination, and discussed the role of socio-economic status as a discrimination ground. *"Understanding poverty is complex, it is multi-dimensional and as today's discussions explore, its direct link to discrimination is tangible, our shared destination is to enable a society where we see equality in practice – where people can reach their full potential, in all aspects of their lives"*, said Emily Logan in her opening speech (Logan 2018).

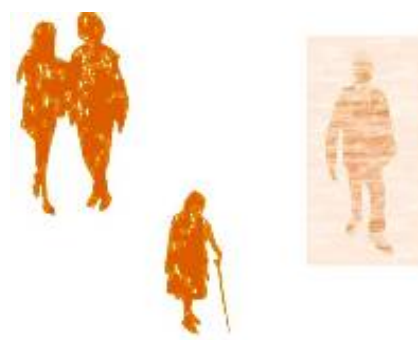


### March 2019 - The "Implementing the Public Sector Equality and Human Rights Duty" handbook

IHREC publishes a guidance document to provide public bodies with information on the Public Sector Equality and Human Rights Duty, and to suggest practical steps to implement it in their own organisations. In the "What potential human rights and equality issues need to be addressed or considered?" it states that 'While socio-economic status is not currently one of the nine protected grounds in the EEA, the Cabinet Handbook does require that all significant policy proposals include consideration of the likely effects on people at risk of poverty or social exclusion, and an indication of the actions necessary to counteract any negative impact' (IHREC 2019 - pg 16).

### August 2019 - Decision finds Daft Media Limited 'vicariously liable' for online adverts

IHREC wins its almost three-year long legal action against Daft Media Limited's publication online of discriminatory rental adverts on its property website daft.ie. The company behind one of Ireland's largest housing advertising websites was referred to the Workplace Relations Commission (the 'WRC'). The case was taken in October 2016 by the Commission in its own name using its unique powers under section 23 of the Equal Status Acts. In bringing the complaint, IHREC undertook a review of the daft.ie website in 2016 and identified a number of adverts that discriminated on the housing ('HAP'), age and family status grounds of the Equal Status Acts. These adverts included terms directed towards prospective tenants, which read "rent allowance not accepted"; "suit family or professionals only"; "would suit young professionals" and "references required". (IHREC 2019)



## Updates from Abroad

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### The Socio-Economic Status as recognised ground of discrimination

#### Ireland Well Informed

Thanks to the work of the Irish Equality and Rights Alliance and later to a joint event organised by the European Network of Equality Bodies (Equinet) and the Irish Human Rights and Equality Commission (IHREC), the international context of the recognition of the Socio-Economic Status (SES) ground of discrimination has been well publicised in Ireland.

In October 2016, ERA published the report *“An analysis of the introduction of socio-economic status as a discrimination ground”*, written by Tamas Kadar, current Deputy Director and Head of the Legal and Policy team of Equinet, which took stock of the existence and use of a socio-economic status ground in UN international treaties and documents, in Human Rights instruments and case law, and in equality law and policies of various jurisdictions (Albania, Belgium, Bulgarian, various provinces of Canada, Croatia, Cyprus, France, Ireland, Latvia, Montenegro, Serbia, Slovakia, UK and Northern Ireland).

Kadar’s work refers also to a very comprehensive overview of equality legislation in European jurisdictions prepared for the European Network of Legal Experts in gender equality and non-discrimination: “A comparative analysis of non-discrimination law in Europe 2015” (European Commission 2016 – pg 12-14). This European Commission publication covers the 28 EU Member States, as well as the former Yugoslav, Republic of Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Turkey. It shows that legislation in 20 of 35 European countries provides protection against discrimination on a ground related to socio-economic status.

Kadar notes that: *“While the grounds are named in different ways and their English translation can hide further differences, for the purposes of this paper the expressions used can be grouped in four clusters:*

- **Social origin**, following the wording of international instruments (used in 10 jurisdictions)
- **Social status, social position, social condition or social class**, taking a wider and more holistic approach that can encompass a number of more narrowly construed categories (used in 13 jurisdictions)
- **Wealth, income, property, economic situation, financial status**, placing the emphasis on financial aspects (used in 16 jurisdictions)
- **Education**, focusing on a specific field of disadvantage (used in 5 jurisdictions)” (Kadar 2016 – pg 11).

The 2016 ERA report is an evidence-based piece of work documenting the fact that discrimination on a socio-economic status ground had grown in importance in both human rights and equality law, with an increasing number of jurisdictions and international instruments prohibiting it, and with a growing case law from courts and tribunals. It was a good tool to continue to advocate for changes in Ireland and it led to the Private Bill initiative late in 2017 (see Chapter: The Irish Journey So Far).

The **Poverty & Discrimination: two sides of the same coin** conference organised by Equinet and IHREC in March 2018 was another opportunity for Irish stakeholders to find additional insights into the international context, following the adoption by the EU of the European Pillar of Social Rights in November 2017. The conference was an opportunity to confirm the growing recognition at EU level that poverty and discrimination, unfortunately, exist together. "That is why the fight against poverty and the fight for equality must go hand in hand", stressed Tena Šimonović Einwalter, Chair of the Equinet Executive Board (Equinet 2018).



The French speaker, Sophie Latraverse, updated the audience about the change in French law and the recognition in June 2016 (Act 2016 – 832) of the 'ground of economic precarity' inserted in the 27 May 2008 Equality Act. Only direct discrimination towards particular economic vulnerability was recognised (discrimination resulting from an economic situation known by the perpetrator). The addition to the law also included a principle of positive action towards persons who are vulnerable because of their economic situation.

This recognition of social conditions in the French anti-discrimination law was the result, among others, of a seven year- long campaign and efforts by ATD France. The mobilisation began in 2009 when young people growing up in poverty-stricken communities expressed their anguish at being regularly stigmatised. "The way people look at you can kill you inside." Their appeal resonated with the French National High Authority against Discrimination and for Equality (HALDE). In 2010, the HALDE organised with ATD a first hearing on SES discrimination. The campaign had started and was to last for another six years. It included blind-testing and experimentation where ATD collaborated with the research Institute, ISM Corum, to investigate whether SES discrimination could be measured. This was done by conducting an experiment from April to July 2013. Eight hundred test CVs were mailed out requesting work as supermarket cashiers. Half of the CVs included two indicators of SES: a current address in a temporary housing shelter; and previous employment in a social enterprise designed to hire people having difficulties finding employment. CVs in this group received job offers 50 percent less frequently. The net discrimination rate for applicants whose CVs implied SES was +30 percent in total, +25 percent among men, and +35 percent among women.

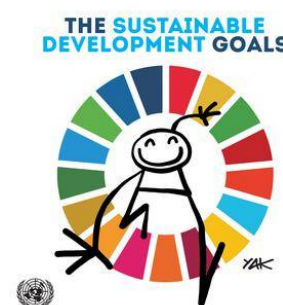
The **Poverty & Discrimination Conference** papers and presentations can be found at: [equineteurope.org/2019/02/20/conference-on-poverty-and-discrimination-two-sides-of-the-same-coin/](http://equineteurope.org/2019/02/20/conference-on-poverty-and-discrimination-two-sides-of-the-same-coin/)

The full story of the ATD France seven-year campaign can be found at: [atd-fourthworld.org/france-bans-discrimination-grounds-social-conditions/](http://atd-fourthworld.org/france-bans-discrimination-grounds-social-conditions/)

## Current International and European Developments

### The Global Goals

The International Community is currently mobilising the 193 countries involved in the UN Agenda 2030 to further increase their commitments to the 17 Sustainable Development Goals and the 'Leave No One Behind' Promise. As Kadar already underlined in the ERA report (Kadar 2016): SDG 1 (ending poverty in all its forms everywhere) acknowledges that social discrimination and exclusion, as well as a lack of participation in decision making, are manifestations of poverty;





SDG10 (reducing inequality within and among countries) includes empowering and promoting the social, economic and political inclusion of all, irrespective of, among others, economic or other status; as well as ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

Ireland adopted in 2018 an initial National Implementation Plan to match its commitment towards the Agenda. The establishment of a new Coalition 2030 brings together the civil society and NGOs who campaign for a robust and consistent approach to the 17 Goals. This new Global/Local context should be an incentive to improve the protection of people against all forms of discrimination.

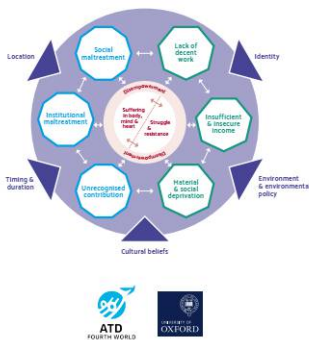


The **Agenda 2030 National Plan of Implementation** can be found at: [dcae.gov.ie/en-ie/environment/topics/sustainable-development/sustainable-development-goals/Pages/National-Implementation-Plan-2018---2020.aspx](https://dcae.gov.ie/en-ie/environment/topics/sustainable-development/sustainable-development-goals/Pages/National-Implementation-Plan-2018---2020.aspx)

The work of the **Coalition 2030** is presented at: [ireland2030.org](https://ireland2030.org)

## The hidden dimensions of poverty

International participatory research



## The 'Hidden Dimensions of Poverty' Report

Launched at the OECD in Paris in May 2019, the Oxford University-ATD International report on *"The Hidden Dimensions of Poverty"* is now a global key asset in order to better understand the importance of recognising discrimination on socio-economic grounds. For the authors, the complexity of poverty is best described in terms of three inter-related sets of dimensions. The first set of dimensions is in terms of a core experience that includes several elements like disempowerment, suffering in body, mind and heart, struggle and resistance. A second set of dimensions contains the relational dynamics, such as social and institutional maltreatment (including discrimination) and unrecognised contribution, and the third set of dimensions is the best known, which focuses on privations (i.e. lack of decent work, insufficient and insecure income, and material and social deprivation). As pointed out in the report, the relational dynamics of poverty whether between individuals or with institutions, are shaping life experience as much as privations.

The report describes how perception of people with "low" SES is generally based on stereotypes (for example: *"they are not reliable"*). These stereotypes create stigma and discrimination and constitute an important part of maltreatment. Not only are individuals involved in discrimination, but institutions also. *"In framing policies, they tend to reflect, amplify and shape discriminatory attitudes rather than to challenge them"* (ATD Oxford Uni 2019 – pg 14). Additionally, in reaction to these discriminatory attitudes, people in poverty tend to feel ashamed of their situation and then try to avoid the judgments of others. Thus, they become more reluctant to claim what is theirs, notably in terms of rights and social aids.

For the Oxford University-ATD team responsible for the research study, the consequences of discrimination are less visible than the impact of privations – but they are causing a decisive part of the suffering (core experience) of people in poverty and contribute to their difficulties to improve their situation. Among a set of recommendations, they reference the UN Guiding Principles on Extreme Poverty and Human Rights: *"All*

*forms of legislative or administrative discrimination, direct or indirect, on grounds of economic situation or other grounds associated with poverty must be identified and eliminated.” (United Nations 2012 - pg 5)*

The **Hidden Dimensions of Poverty** report can be found at: [oecd.org/statistics/addressing-the-hidden-dimensions-of-poverty.htm](https://oecd.org/statistics/addressing-the-hidden-dimensions-of-poverty.htm)

## **Towards an EU anti-discrimination directive?**

In 2008, the European Commission presented a proposal for a **directive on implementing the principle of equal treatment** outside the labour market, irrespective of age, disability, sexual orientation or religious belief, which aimed at extending protection against discrimination through a horizontal approach. However, as unanimity of all member states is required in the European Council, the draft has remained blocked at that stage since then. Yet, work and debates have been going on for the past 10 years and the proposal is still alive.

In February 2018, in its resolution on protection and non-discrimination with regard to minorities (rapporteur: Cecilia WIKSTRÖM), the European Parliament (EP) regretted the slow progress and asked the Commission and the Council to relaunch the negotiations. Many EP calls for the Council to unblock and conclude its work were reiterated in resolutions in March 2018, and in January and February 2019. Additional supportive voices are now heard. The European Agency for Fundamental Rights recommends that the EU legislator should continue its efforts for the adoption of the Directive to end the artificial hierarchy of grounds and ensure that the EU offers comprehensive protection against discrimination in key areas of life, irrespective of a person's sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (FRA annual report 2018 – pg 55). Hence, the draft of the 2008 proposal has been updated and according to the progress report issued by the Romanian Presidency on 27 May 2019, two member states still have general reservations on the proposal as such. The new EU Finish presidency (from July 2019) seems to be keen to take on the challenge and find a way to unblock the process.

Even if equality and human rights campaigners, including ATD Europe, raised voice in the past years to advocate for the recognition of the SES in the process, the current draft of the horizontal anti-discrimination directive does not include the socio-economic ground. If the directive is adopted as it stands, mobilisation will continue in the coming years to make sure that the common experience of many of the most vulnerable EU citizens is recognised and that protection for all is improved.

The latest draft of the **EU anti-discrimination directive** (November 2018) can be found at: [data.consilium.europa.eu/doc/document/ST-12956-2018-INIT/en/pdf](https://data.consilium.europa.eu/doc/document/ST-12956-2018-INIT/en/pdf)

The 2017 ATD Europe position paper **For a European approach to tackle discrimination on the grounds of poverty** can be found at: [atdireland.ie/wp-content/uploads/2017/11/ATDEuropeanPleaPovertyDiscrimination.pdf](https://atdireland.ie/wp-content/uploads/2017/11/ATDEuropeanPleaPovertyDiscrimination.pdf)

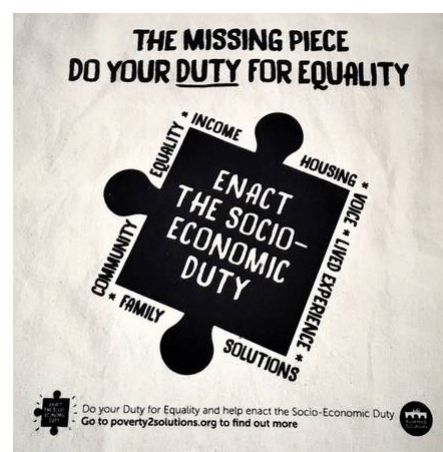
## **News from the UK : the new #1ForEquality campaign**

The British Equality Act adopted in 2010 does not list a ground related to socioeconomic status as a protected characteristic. However, Section 1 of the Act includes a public sector duty regarding socio-economic inequalities, obliging relevant authorities to have due regard to *“the desirability of exercising (their functions) in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”*. The May 2012 government in its 'Equalities Red Tape Challenge' and successive governments since 2010 opposed bringing the provision to life on technical grounds, which means that public authorities are not bound by Section 1. However, in Scotland, the equivalent of the socio-economic duty - the Fairer Scotland Duty - came into force in April 2018, and in Wales the Welsh Government announced at the end of 2018 that it intended to examine how the duty could help to tackle poverty.

As a result of the worsening of the socio-economic situation of many British citizens in recent decades and with the support of international voices (including the 2018 visit of UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston: *“The experience of the United Kingdom, especially since 2010, underscores the conclusion that poverty is a political choice”* (Alston 2018 - pg 22), civil society organisations are now launching a new mobilisation to commence the socio-economic duty. Around 80 MPs from five different parties, over 80 academics and organisations, including Unison, Just Fair, The Equality Trust, Amnesty UK, Human Rights Watch, ATD UK and the Child Poverty Action Group (as in August 2019) are mobilising through the #1ForEquality campaign.

**#doyourdutyforequality!** As part of this global campaign, community groups led by people with direct experiences of poverty gathered in the Poverty2Solutions coalition (ATD Fourth World - London, Dole Animators - Leeds and Thrive Teesside - Stockton on Tees) are mobilising campaigners to make sure people with lived experience of poverty will be involved both in the implementation and the monitoring of the duty. After gaining support from Harriet Harman MP and Margaret Green MP, Poverty2Solutions will be launching *“Do Your Duty for Equality”* at the British Labour Party conference at the end of September 2019.

The website of the **#1ForEquality** campaign can be found at: [1forequality.com](http://1forequality.com)



The work of the **Poverty2Solutions** coalition on the UK socio-economic duty can be found here: [poverty2solutions.org](http://poverty2solutions.org) and [atd-uk.org/2019/03/19/poverty2solutions-group-meets-at-parliament/](http://atd-uk.org/2019/03/19/poverty2solutions-group-meets-at-parliament/)

## The case for protecting socio-economic status in the United States

To conclude our updates from abroad, it is useful to highlight the fact that the debate is also alive in the USA. In a very recent paper, published in the Virginia Law Review in November 2018, Danieli Evans Peterman from the Yale Law School provides a challenging legal and moral analysis of the situation in the United States. Her paper is inspiring in many ways, especially from the perspective of a country where the SES-based discrimination reinforces and perpetuates racial inequality. The author argues that a comprehensive strategy for addressing racial discrimination must also address SES-based discrimination. (Evans Peterman 2018)

The paper **Socio-economic Status Discrimination** by Danieli Evans Peterman can be found at: [ssrn.com/abstract=3136332](https://ssrn.com/abstract=3136332)



# Does It Only Happen To Me?

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## The project implementation step by step

The five key objectives of “**Does it only happen to me?**” as described in the ATD grant application prepared in July 2018 to the Irish Human Rights and Equality Commission (IHREC) are:

1. Gather data through stories from 20 rights holders who have a lived experience of persistent poverty. The stories will be structured to elicit lived experience that relates to socio-economic conditions, with particular attention to the way the Public Sector Duty’s core values of respect, dignity, inclusion, and equality are experienced.
2. Bring together participants to share stories, and to identify common themes and patterns.
3. Produce a report with recommendations and launch it at a public conference.
4. Train the group of project rights holders to present their findings.
5. Add weight to the existing campaign for recognition of the socio-economic ground of discrimination in Irish law (build upon: The Equality and Rights Alliance Campaign, the IHREC Equinet Conference on Poverty and Discrimination, and the Private Members Bill currently in passage through the Dail).

**In this section, we describe how the project was implemented from November 2018 to September 2019 in order to achieve these five key-objectives.**

The “*Does it only happen to me?*” project was launched on 9 November 2018. The event, attended by around 20 community members from the North Inner City area of Dublin, was a way to confirm the readiness of members and friends of the ATD Ireland Community Group to support the project objectives and process. Later, a brainstorming meeting with a small group of rights holders, partners of ATD (INO, ILMI, EAPN Ireland) and activists involved in the ERA campaign for the recognition of the ground in Equality Law in Ireland took place. Following this meeting, the program of work was agreed on and ATD staff and volunteers linked in with different individuals and groups to assess interest in taking part in the project.

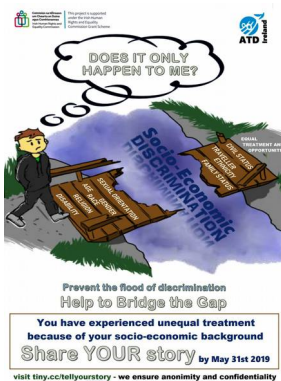
### January to February 2019 - The call for stories

The first action was to make a short video to raise awareness about the project, explaining what was hoped to be achieved through the project (the video can be watched at <https://youtu.be/PuoojjpdHQ>). Posters and information leaflets were designed and shared widely online through ATD Ireland’s website and social media. To promote the call for stories, ATD also printed copies of posters to distribute throughout the organisation and to partner organisations.



## January to June 2019 - Collecting stories and experiences

Between January and June 2019, several workshops or focus group discussions were held with local groups in the Dublin area, as well as individual interviews, by ATD staff and volunteers. The first major workshop took place at the ATD office on 17 January 2019.



At the start of each focus group meeting (in the ATD office or the groups' premises), the context of the project story collection, using an “activist” and “goal-oriented” approach, was explained. It was also outlined to participants that the project aimed to contribute to the recognition of the socio-economic status as the new 10th ground of discrimination in Irish equality legislation, and in doing so it sought to improve the protection of all citizens and especially the most vulnerable.

It was made clear to participants that anonymised stories only would be used. Consent was requested and obtained from participants to record group conversations using a small zoom recording device, with an assurance that individual voices would not be publicly identifiable. Sometimes participants were prompted with relevant questions so as to explore relevant issues but, for the most part, project staff listened to the many tales of discrimination that were forthcoming.

While the project focused on obtaining stories related to discrimination within the public sector, it informed respondents that it wished to listen to more general examples of stories/experiences of discrimination as it did not want to limit the rhythm of participants' experiences or their need to express personal anguish and suffering. To assist group facilitation, simple tools were used, such as different coloured paper, which helped to capture the contributions of all participants, not only those who were more vocal in the open conversation forum.

Three questions were posed in the focus groups to stimulate discussion:

- *When we say the word ‘**discrimination**’, what are the images/situations/words which come to your mind?*
- *Can you **share concrete examples** of situations when you, members of your family or your community were or are treated in an unfair/unequal way because of the community/background you come from?*
- *What is **the impact** of these unequal treatments?*



First focus group discussion – ATD Office January 2019

To aid facilitation, a list of public services that people commonly access and interact with was provided. In some focus groups meetings, coloured cards with the names of different public sector services were circulated in order to prompt discussion on relevant topics. While often many participants were confident to contribute directly, others were more reticent and were given adequate time and support to express what they wished to say. Individual interviews took place principally in the ATD Ireland office or in people's homes and followed an informal, conversational style, with respondents encouraged to feel as relaxed and comfortable as possible.

**From February to June 2019, a total of eight focus group discussions and six individual interviews were conducted. Approximately 60 participants had their stories/experiences recorded, with the majority involved in community, training or therapeutic groups in the north inner city area of Dublin. Four organisations welcomed ATD facilitators for focus group discussions.**

In April 2019, due to the gathering of some striking stories/experiences in relation to public health services, the ATD Team decided to approach Dr. Austin O'Carroll, a respected inner city General Practitioner and Public Health Trainer for further knowledge and insight into this area. The results of this interaction are described in the Public Sector Duty chapter of our report.

#### **March to July 2019 – Processing the recordings**

On return to the ATD office following group meetings or individual interviews, ATD team members would immediately transcribe the recordings as accurately as possible. During the months of June and July, all the transcriptions were processed, and by the end of July, a collection of extracts of the transcribed recordings was produced. The extracts were then classified by public or private sector service. The full collection of extracts will be made available in a PDF Document from 1 October 2019 at: [www.atdireland.ie/wp/SEDreport](http://www.atdireland.ie/wp/SEDreport).

#### **June 2019 – Rights Holder Training on the Public Sector Duty**

During the 'Grantees Induction' seminar organised by IHREC on 8 February 2019, the Public Sector Duty work of the Service User Rights in Action (SURIA) group, a rights-holder group linked to Community Action Network (CAN), was presented and commended on. This coincided at a time when ATD Ireland was looking for a partner organisation which would facilitate two planned actions of the project, namely: two **Rights Holder Training Workshops** and the production of a written **Analysis with Comments and Recommendations** report related to the collection of stories/experiences gathered by ATD. Valuing the idea that the "experts" ATD would contract for this work should be peer educators with relevant experience of discrimination, the decision was taken to request the SURIA group to deliver on both tasks, which was happily accepted.

SURIA facilitated two workshops for a number of the project's story writers. The theme of the first workshop was: "What it means to be a Rights Holder?", while the second was "The Public Sector Duty". The SURIA trainers were experienced activists seeking to address concerns relating to human rights issues, particularly for those people on long term methadone treatment. With ATD volunteers (including members from disadvantaged communities) and ATD team members, SURIA trainers shared their knowledge and personal stories resulting in interesting and insightful discussions during the two workshops. This allowed for an enhanced exchange of ideas and experiences among the participant rights-holders.

#### **August 2019 – Reporting and drafting recommendations**

In July and August, SURIA reviewed and analysed the collection of over 65 stories produced by the project, and shared reflections and recommendations in a written document which is acknowledged and included in this report.

*.... to be continued page 24*

## Postcard from Poland

“It also kind of woke me up to the bigger picture.....  
how deep and engrained this really is.”

Some of the rights holders who were involved in this project are members of the Unity in the Community Youth group of ATD Ireland, and who took part in a study visit to Poland in May 2019 organised by ATD. Being involved in this project to seek recognition of socio-economic status as a ground of discrimination in Irish equality legislation had sparked interest within the youth group to explore other forms of discriminations in Ireland and more broadly at the European level. With this in mind, the group looked at other instances of major discrimination throughout Europe. One that stood out for obvious historical reasons was the Holocaust and the plight of the Jews and other minorities during the Second World War.

„To się jednak wydarzyło, a zatem znowu może się wydarzyć –  
oto sedno tego, co mamy do powiedzenia”

Primo Levi

“זה קרה, ובכן זה יכול לקרות שוב: זה גרעין הדברים שיש בפנינו לומר”

פרימו לוי

“It happened, therefore it can happen again: this is the core of  
what we have to say”

Primo Levi

Although not initially included as part of the project design, the study visit entitled **#EndDiscrimination: from Holocaust to Protection** subsequently developed organically as part of the “Does it only happen to me?” project mobilisation by the ATD Ireland community group. Hence, while the study visit was not grant-aided under the IHREC Human Rights and Equality Grant Scheme, it nonetheless greatly helped the younger members of our “Rights Holder” group to develop a better understanding of the societal impact of an extreme form of discrimination in an important historical context. The study visit was also the opportunity to meet with young Polish people involved with ATD Poland and to exchange ideas and experiences on the topic of discrimination in the context of their own lives and their countries both historically - as facilitated through visits to POLIN (the Museum of the History of Polish Jews), the streets of the Warsaw Ghetto and the Nazi concentration and extermination camps of Auschwitz-Birkenau - and in the present day.



With no preconceived intention to compare or connect situations and contexts, participants were struck to rediscover some patterns of stigma and discrimination that they had discussed in Ireland. In the 1930s in Poland, some schools or universities organised the classrooms with special rows of tables for the Jewish students. Participants in the project focus groups had relayed to the project their childhood memories of how they were sent to desks at the back of their classrooms.

Even though the people who took part in this study visit had a prior knowledge of the Holocaust, they all stressed how unprepared they were to face seeing it with their own eyes, with one participant adding, *"The reality made me feel really tense"*, and another adding,

*"I didn't realise how deep it really went. Seeing these places gives me insight into the different types of discrimination. For me growing up, I think of people discriminating against people over colour, race, and stuff like that. But when I went to see them and seen the way they were treated, I didn't know it was on that scale [...] So for me, it reaffirmed an awful lot that I already thought, but it also kind of woke me up to the bigger picture. How deep and engrained this is."*



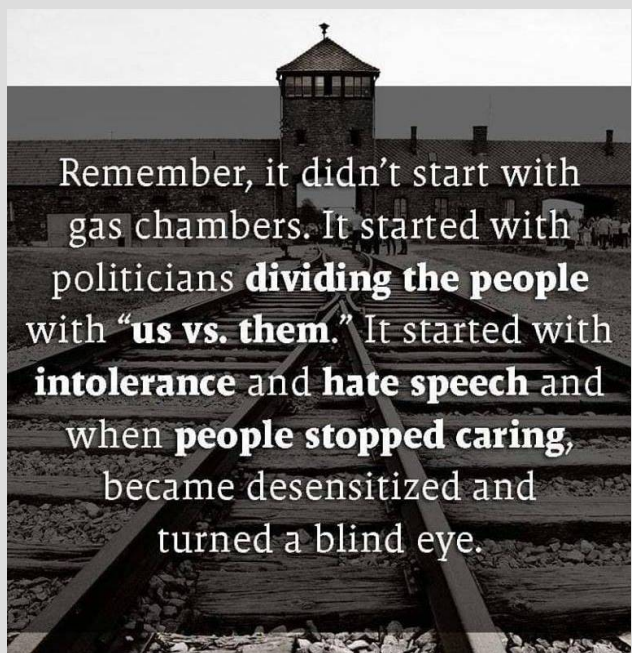
All the participants expressed a fear that this type of atrocity could happen again in the world, and how important it is to remember what happened through the words of holocaust survivors and the physical memory of places like Auschwitz. Linking what they saw with what is happening in the world today, one participant highlighted how important it is to speak up in the face of discrimination, whatever the scale:

*"Visiting Poland, it kind of made me think that even if you have that fear in you, I think it's important that you speak up anyway! Maybe people that were in that situation, that's what it came down to – having that fear to stand up and speak up and say no, this isn't right – this shouldn't be happening. Fear is what it comes down too. I think it's so important now for people to stand up and get rid of that fear and start speaking out".*

Reflecting on what they learnt from the trip, participants said:

*"You have to think of discrimination as a civilian, a citizen...we have a part to play in the way we conduct ourselves. [...] I can't change anyone else, I can only change myself. I don't get discriminated against much anymore, except sometimes because of my accent or my address, because I don't let it happen, I speak out".*

*"Seeing and hearing stories of what certain groups in society of that time suffered as a result of other peoples values and beliefs really highlighted to me how easily discrimination can happen and how far discrimination can go if tolerated. Society allows for the discrimination (...) to happen as there is not enough adequate laws and policies in place (...). The trip really made me realise of how discrimination takes place still in modern society."*



Throughout this project, ATD kept in touch with former members of the ERA Alliance who were very supportive of ATD's project initiative. In this regard, the project is very grateful to Niall Crowley and Damien Walshe who kindly wrote valued contributions for this report.

### Three methodological rules.: our choices

During the implementation of **“Does it only happen to me?”** the project sought to adhere to three methodological rules.

**1. Not setting a limit to what had to be understood by ‘discrimination’.** Our approach was to let people respond to the project’s invitation to participate based on their own life experience and circumstances. The project was aware that this impacted on the nature of the “stories” and reflections collected. The situations recorded and transcribed reflected a very wide-range: from reactions to prejudices to unequal treatment, or to unequal situations due to market-led forces.

In the context of ATD Ireland’s own understanding, we would refer to Article 14, ‘Prohibition of discrimination’ in the European Convention of Human Rights, namely: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”* (FRA CoE 2018). In the jurisprudence of the ECHR, discrimination includes among others, *“treating a person less favourably than others in similar situations on the basis of a particular characteristic, failing to treat persons differently when they are in significantly different situations, and applying a seemingly neutral policy in a way that has a disproportionate impact on individuals or groups.”* (Kilpatrick 2018)

**2. Valuing all inputs and views.** Even if the initial invitation was to look for situations of “unequal treatments” when interacting with public services with a binding obligation to implement the Public Sector Duty, the project valued all contributions as “giving voice”, while “making each person count” is part of the identity of the ATD community group in Ireland. That is why, for instance, in most focus groups interactions with An Garda Síochána and unequal treatments in shops by security staff were discussed.

**3. It is not the full picture about “public services” and about “discrimination”.** For the past 20 years, ATD community groups all around the world have been developing a very specific patented research methodology entitled, *“The Merging of Knowledge and Practice with people living in poverty”* (ATD Oxford Uni 2019 – pg 30 &31). The principles and steps of this methodology enable collaborative intelligence and knowledge-building. It involves three key stakeholders, and three types of experts and expertise, namely: ‘the academic world’, ‘the practitioners’ (people involved in the situations in an organised or/and institutionalised way), and ‘the citizens affected individually’. If applied to this project, the results of this ATD methodology would have produced two additional narratives: a) the vision of the experienced unequal treatments from professionals in public services, and b) the recognition and description from the participants about their own ways to have discriminatory behaviours.

The aim of the focus group workshop was to collect examples of unequal treatments. The resulting picture can be seen as somewhat unbalanced and incomplete in the light of the Merging of Knowledge methodology. Thus, we are aware of the limitation of the narrative produced.

## An Experience 24 / 7

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### Discrimination is in everything

*“Discrimination is in everything – not just schools or taxis or buses. It's everywhere – it's out on the streets and it's not nice you know. The way I see it is that it's a disregard for people, that people can be overlooked because there's a stereotype that's being reinforced.*

*I have been stopped, I'd imagine about 20 times every single day since I got my dog. And you know something – If I'm walking behind a woman and I'm on my way home – she'll put her hand bag in front of her. In fact, I'd protect that woman if anything and they do that and you're like, why?*

*Everyone loves a puppy, no one likes a gurrier. I know I'm calling myself a gurrier but to be quite honest I could put that down as being nice to myself –you know that kind of way. I know I've fucked up in life for a long time, but I'm trying to right things now, but things are hard.”*

Almost everyone we interviewed mentioned experiencing nearly daily unequal treatment based on socio-economic related factors such as their background, the way they speak or how they dress – and generally from a very young age. For example:

- When giving your address and the delivery doesn't come
- When you try to stop a taxi for a ride
- When calling out and being unable to hide our accent
- When walking in a park and stopped by a member of An Gardaí Siochana
- When entering a shop or a pub
- When you struggle to hide that it's too hard to read or write
- When looking for a job or for private accommodation
- When walking in the street and you notice the reaction of pedestrians
- When paying more because you have less money and you know you can't afford a better deal or a subscription

This cumulative daily experience and how it impacts mental health and emotional behaviour cannot be fully understood by people from other socio-economic backgrounds. It affects the way people approach the services and professionals they meet in the public sector, and the context and quality of their relationship with them. For this reason, we thought it beneficial to include this section of discriminatory experiences that lie outside the “Public Sector Duty” scope of services.

**All quotes are from conversations held during focus group sessions or individual interviews of the “Does it only happen to me?” project.**

## **“Let’s be honest, is there anyone sitting here that doesn’t feel nervous going in to a shop?”**

In one large focus group that the project spoke with, a contributor asked the others, *“Let’s be honest, is there anyone sitting here that doesn’t feel nervous going in to a shop?”* Not one person disagreed. Others also shared about being made to feel ‘intimidated’ and ‘uncomfortable’ in these instances. A member of the group shared his experience:

*“We’d be often walking up and down Grafton Street, and there’s a shop up there - it’s one of the dearer shops - and I’d often say to her, ‘Come on and we’d have a ramble around there’ - and no, no she wouldn’t dare. My wife, she wouldn’t go near it. I says to her, ‘Why wouldn’t you go near it?’ She says, ‘Everything is too dear in there and you’d be followed around if you look like you haven’t got enough money’ - because they think you’re not there to buy anything’.”*

Stereotyping within the security industry was indeed a major and regular topic of conversation, with most participants describing how it happens to them all the time, or at least on a regular basis. One contributor described how he and his friends are always looked upon as though they’re going to commit some type of act of theft or going to cause a commotion - *“like we’re going to disturb business”*. He discussed how ego, power and lack of respect often cause security guards to think that they have the authority to remove you from the store, without you actually doing anything, just because they don’t like you.

*“I think a percentage of it has to be ego-led. It’s like having a book in front of you and you judge that book by the cover it has on it, but you never got the chance to read it - or speak to the person to see who they are, what they’re really like.”*

An interviewee remarked how other people take for granted the fact that they can freely roam around in a shop without either being followed, accused of stealing or kicked out based on their background, their appearance and what they felt comfortable in wearing – he ***“never had that luxury”***. Many others described similar experiences with the main consensus being that for people like them, there is generally no such thing as shopping in peace despite the stated fact that they have never stolen anything in their lives.



***“Taxis will stop for some people and not for other people.”*** Experience of unequal treatment by some taxi drivers was also a common subject of agreement in focus groups. *“I’d often keep trying to get a taxi and they just drive straight by me. Whereas someone down the road has a skirt and her fella has a suit on, well then yeah, they’re getting the taxi! Just because we stand out as a sore thumbs basically.”* *“I think everyone from Ballymun will tell you, it’s really hard to get a taxi into Ballymun because they’re afraid that you’ll jump the taxi.”*

Participants described this unequal treatment which they often experience because of their lack of access to the law and they questioned whether society would treat someone who they thought knew a solicitor with similar contempt and bias. One person we met described how, based on hearing his accent, others immediately make assumptions about his level of education and therefore automatically think, ***“I can treat this person how I want because no one’s going to listen to their complaints.”***

## **“We’re just normal people coming in for something to eat.”**

This social profiling is not confined to shops. Participants shared with us dozens of stories about times where they or others from their communities were targets of socio economic discrimination in ordinary, day to day venues such as restaurants, cafes, pubs, nightclubs, cinemas, etc. Non-entry (for no real reason) to

these venues (especially at night-time) was a very common occurrence with those we spoke to, especially in more affluent areas such as in the south side of Dublin.

One contributor discussed how: *"We went to a fast food place in town to get something to eat and we were just standing in the queue and the security came up and approached me and my brother and said 'Sorry you have to leave, we don't serve junkies'! Then when we asked to see the manager, the manager agreed with the security guy and we had to walk away because my brother was getting angry. So we just left and we never went back".*

She described how 'upset' and 'low' it made her and her little brother feel, and how it knocked your confidence right down, asking *"Why would he even assume that we're junkies? - I don't even take drugs; I never have in my life. We're just normal people coming in for something to eat."*

Another participant told us of how just the day before he had witnessed a security guard in another fast food chain screaming abuse and grabbing an individual wearing a tracksuit shouting *"You dirty fucking scumbag"* and trying to kick him, whilst onlookers didn't bat an eyelid. He described how if it was the other way round and that man had jumped on the security guard, he'd have been getting arrested, saying - *"He'd probably be all over the newspaper now as a scumbag from this or that part of the city. But the security guard felt so comfortable in himself, 'I'll do this in front of everyone'. He didn't give a shit about the cameras or anything on him. And that's the security that I'm supposed to go to if I feel that my security is being threatened, or if something happened."*

Another experience the project heard from several interviewees was how takeaway outlets would not deliver to their address on the basis of it being a 'rough' area. One woman described how,

*"I'm from Sheriff Street and if I'm ringing for a pizza, I can't give Sheriff Street as an address. Instead I give Spencer Doc and it comes straight away. But if I give Sheriff Street, they do not deliver. That's a key thing around that area."*

The strategies developed by respondents to hide their address when looking for a job was confirmed in most focus group discussions, for example writing 'Santry' when their home was in fact located in Ballymun, and giving the address of a relative in a different and 'better' part of Dublin.

For a few years now, the IHREC has been leading the campaign to prevent discrimination by private landlords on the basis of "housing assistance". As of the 1 January 2016, the Equality (Miscellaneous Provisions) Act 2015 had introduced "housing assistance" as a new discriminatory ground. Daft.ie (the major private rental online platform) removed at this moment the rental allowance filter, which previously enabled property searchers and landlords to search for/advertise for properties that accepted rent allowance. The August 2019 decision by the Irish Workplace Relations Commission directs Daft.ie to *"refrain from publishing or, displaying or permitting to be published or displayed on its website"* discriminatory adverts, and secondly to *"develop a methodology to identify, monitor and block discriminatory advertising on its website"* (IHREC 2019). This decision will have implications for other Irish platforms found to be hosting discriminatory content.



In the context of job searches, a clear example of discrimination has been documented by Paul McKeown (Paul McKeown 2019), an IHREC staff member. Despite having a Masters degree and being fluent in Portuguese, he was "excluded" from a job selection because of his socio-economic background (Finn 2017). The history highlighted in the introduction was also an example of not accessing employment because of socio-economic discrimination.

### ***“The 'Trinity College Dublin' cheque was robbed, just because I had a working class accent!”***

One participant described his experience at a bank as follows.

*“I went through the Trinity access program. At this time, I was getting my social welfare payment and I got a bursary off the college. It was part of me being part of the Access Program. They help support you going through there because they were getting people that weren't regular people to come to college, so that was grand. So I got the cheque and it had 'Trinity College Dublin' on it.*

*When I had the cheque and went to cash it in the bank, because of my accent and because I wasn't a typical Trinity College student, the manager was called. He came and asked me where I got the cheque, and was I sure that it was mine? They didn't associate my accent with having a cheque that said 'Trinity College Dublin'. So I had to call another manager. It was discrimination about my accent. I didn't fit into what was the stereotype of a student, and because I had the D1 accent! I had ID and everything with me, but they just didn't like the look of me. They more or less put it to me that it was robbed, just because I had a working class accent!”*

### ***“You can be made to feel like that!”***

In the introduction to our report, the personal story revealed how the cumulative experience of regular socio-economic unequal treatment could lead to attempted suicide. We asked members of our focus groups how this form of continuous discrimination made them feel? Below is a selection of their responses:

*“Inferior. I feel that they are above me; feel like they have more rights than I have, even though they haven't.”*

*“We're always looked upon as being uneducated. You're always looked upon as being, sort of, little menaces to society and that we don't contribute anything to society and... It's not nice”.*

*“Not good enough... when you're put aside you have this bad feeling that you are not good enough... You can be made to feel like that.”*

*“Insecure. Because I think with discrimination, it can just hammer away at a person until they just feel so insecure that they feel like they're not part of society, and like they're on the fringes all the time. I think that if you don't have that insecurity then you are better able to stand up to discrimination.”*

*“Belittled.... Some people can make you feel very small, so you can just say 'that's how tall I am, so just stand up'... to belittle someone is to really put them down.”*

*“Being let down... because discrimination creates a context where people let you down more often... most of the time... all of the time.”*

*“Equal rights depend on the person at the opposite side of the table... The table between us ... it's a hierarchy. With so many people, there's a difference between us. I've been in these situations with people where they haven't treated me as equal. ”*

The major questions that were raised with our participants about people who discriminate against them were:

- Why are they assuming that we're not intelligent?
- Why are they judging us?
- Why are we being harassed?
- Why is what we're thinking and what we're expressing not being listened to?

As one young man described it: *"I want a bleedin' chance at life, I want the bleedin' chances everyone has, I don't want to be harassed in my community, I don't want to be pushed into crime - because those are the options you're giving me."*

In conclusion, it is clear that socio economic discrimination follows people everywhere, and that it is certainly not limited or confined to the public sector alone. Respondents revealed how frequently it happened to them.

*"I never got handed a manual about life to say: 'This is the way you should go; this is the clothes you should wear; this is the way you should act; these are all fashions you should behave in. I never got any manual explaining how to live life. I was only a product of my community. My fellow friends around me, how we all engage, we actually felt quite comfortable in what we wore and the way we go around and the sense of humour, the different personalities we have would... and from time to time, even offend people. But it's tough, you know? At the end of the day, every person has a mother and a father. Every youth has a grandmother and a grandfather. And they all have brothers and sisters. We're all equal. We all should be treated the same."*

Many more examples of unequal treatment on the basis of socio-economic status could have been collected and recorded in the context of job searches, housing and private services such as access to energy or bank services. However, because of the focus on the Public Sector, the project limited itself to the collection of stories "24/7" and is aware that some literature covering such situations exists.



## Socio-Economic Discrimination Experienced in Public Services

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*“When they mess up, it’s never their fault, it’s our fault!”*

*“I’ve seen bus drivers put people off, when they put the money in - **and they don’t do it with everyone.** So you have to say why are they picking on them? - and they say, ‘Hey that’s short’ and they stop the bus and make a bleedin scene. Often it’s with young people! The young person gets frustrated because they’re getting shamed. They are getting made a show of in front of a packed bus – I’ve seen them do it for being 2 cents short! Maybe particular buses that go particular routes it happens more on?”*

This quote from a respondent about Public Transport is a recent example of the cumulative daily experience of unequal treatment felt by members of communities with disadvantaged socio economic backgrounds. Such incidences might be considered as minor, with no evidence-based reporting documenting unequal treatment. Are such “discriminatory feelings” relevant? We believe they are.

The fundamental principle of sociology, known as the 'Thomas theorem' states that, *"If men define situations as real, they are real in their consequences"* (Thomas & Thomas 1929 – pg 572). We understand this theorem in the context of interaction of public services in this way: citizens who have already a life full of experiences of discrimination are highly sensitive to the way the Public Sector ‘deals with them’. They expect better from institutions set up for the ‘common good’ than from any other interaction. This expectation makes them also react in stronger ways when they feel badly treated.

All quotes below are from conversations held during focus group sessions or individual interviews of the *“Does it only happen to me?”* project.

When it comes to socio-economic discrimination in the Public Sector, the stories from project respondents were plentiful and diverse (the collection of the reflections and stories is available on-line at [www.atdireland.ie/wp/socioeconomicground](http://www.atdireland.ie/wp/socioeconomicground)). They include interactions with schools, health services, Intreo, Tusla, housing agencies, homeless services and the police. In this chapter, we will first detail some major types of “unequal treatment” described by the participants, and later describe sections related to three entities of the Public Sector, namely: Education, Health and An Garda Síochána (See special section on An Garda Síochána).



### *“There needs to be humanity when you’re dealing with people”*

While it is debatable whether legal experts would define these situations as “discrimination”, participants of our focus groups described experiences of “unequal treatments” by public services when:

- They didn't get an answer from interlocutors
- They felt their own past written down in official records was used as the baseline to deal with them
- People in charge of a public service had power over their life
- Public financial support seem to be unfair when considering their situation
- When they feel access to services is like a lottery: after a long time queueing, the lucky strike is to meet staff who are helpful and kind
- When they are identified as “drug users” or “methadone users” (see sections on health and An Garda Síochána)

### *No answer - “Not one member of staff came up”*

One participant facing homelessness told us how when he went initially to a hostel, on his very first night there, people tried to kick in the bedroom door to attack the other guy that was in his room.

*“I ran down to the staff to see if they could come up and help. I said, ‘Look at the cameras! There’s 5 to 6 people outside the door and they’re going to kick the door in and threatening to kill someone’. Not one member of staff came. That was my first night”.* He predicted that he would end up in hospital because of the stress, as well as the bad living conditions and the poor quality food - and two weeks later, he did!

Some talked about how they had walked miles and had tried knocking everywhere - only to be constantly met with silence, doors closed, refusals, or told that they needed a referral. One woman and her friend who accompanied her described how when knocking on doors of various emergency accommodation centres, the different staff kept asking if she had a case worker or key-worker so they could refer her somewhere:

*“There needs to be humanity when you’re dealing with people. To be told, ‘There’s no beds’. Why isn’t there in every hostel or every emergency accommodation, someone that can sit down with you for 5 or 10 minutes as a person and say we have no beds but this is what you can do, and we can give you advice and refer you somewhere. To be shoved like that is just disgraceful. The last person we talked to wasn’t even a staff member of the place, she was the cleaner. And I said, ‘Can we have the number of the manager please? ‘And she was like, ‘No, no - we have no beds - move away from the door! The manager is busy, she’s busy’, and she closed the door in my face.”*

Some participants who live in public housing have shared their frustrations with how slow access to services can be. Several mentioned waiting for weeks, sometimes years to see something fixed in their housing estates:

*“They’ve never come out! I had a leak in my bedroom - must’ve had a hole in my window, seeing where it was getting in under the gutter. I was up on the roof of the flats. A woman came and said, ‘What are you doing up there, son?’ I said, ‘I’m fixing my roof!’ I had to do that! There were other things that I had to do as well. The caretakers can’t do anything for you. They sweep up the stairs and make sure there’s nothing you can slip on, around the car park and the leaves off the trees. But when it comes to real problems, it’s frustrating! I am constantly ringing someone to come fix things and they don’t. Unbelievable! Swear to God! I reckon that’s what they do... delete the message. I don’t even deal with them anymore. I just go get someone to do it, or do it myself. That’s a contract job. They have men to fix it, but they don’t want to know.”*

### Records - “...because of a piece of paper that is saying what you’ve done”

Respondents with direct experience of the foster care services spoke about similar discriminatory treatment of growing up being judged by a ‘piece of paper’. *“I think people take advantage of a piece of paper. I don’t like the way people label you (in the service) because of a piece of paper saying what you’ve done in the past because people can change within a year like, or a day - people can change within a day.”*

Many people discussed a lack of human connection and empathy between some professionals working in these positions and themselves. There was a strong emphasis on the problematic quick staff turnover rate in some social care or social work services, with one participant claiming that within the first four years of her child’s birth, he had had over 10 social workers – leading her and many others to the belief that there is no continuity of care, only a continuity of records on paper. In keeping with this issue, one participant described it as,

*“If I’m the social worker, right? And just imagine I walk in here today and I’m given a new case, there’s no time given to develop relationships, bonds, anything. So automatically what do I go off? - the sheet of paper. And if I’m lazy I’m going to stick to the sheet of paper, because the work is done for me. That comes down to the fact that there’s not a law in place to say that you can’t send people out to interact with the public in that frame of mind.”*

Furthering this experience of ‘fear of records’ instead of ‘trust’ between social workers and service users, one couple described how when their daughter was born, they were sent a social worker straight away. They discussed how much pressure this was for them on top of already having a new born baby. The mother talked about how she thinks she was judged on her past history of addiction and explained how she broke down crying, thinking that her baby was going to be taken away as - *“that’s just the thing you think of straight away when you see a social worker”*.

During the course of the project, one focus group expressed clearly the request to review the seven-year wait before some offences become spent. Under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, an adult convicted of an offence covered by the Act does not have to disclose the conviction after seven years, except in certain circumstances. In the opinion of the focus group, the waiting period should be reduced to prevent discriminatory practice, especially for young adults.

### Financial support - “Where is the money being spent?”

One participant described how she felt it unfair that, within the foster services, the amount of money a foster carer makes is not monitored in comparison to how much money is actually spend on the children.

*“A foster carer makes €312 per week for a foster child. My little brother is in foster care and every week when he comes in, its runners on his feet that we bought him, and its clothes on his back that we bought him. Where is that money going? It doesn’t bring him to the hairdressers to get his hair cut - she cuts his hair ... He comes and stays with us now nearly every weekend, yet we don’t get paid for him. It’s like they’re using him as a way of making money and it’s hurtful. It’s not that we do it because we have to; we do it because we love him, but they’re the ones getting paid. If it takes €340 a week to raise a child in foster care and it takes €20 a week to raise a child at home, obviously they’re enticing the people to take these kids, and obviously not all the money is being spent on them. I can vouch for that. Where is the money being spent?”*

One person quoted a statistic to show that there is more money from the social welfare fund that is not claimed by people because they did not know they were entitled to certain benefits than there is stolen

from the fund through fraud. Thus, she opined, describing how the common attitude of 'they leach off the state' and 'they're at fault' is actually a myth.

One of the regular 'discriminatory measures' referred to in regard to welfare allowance is the reduced level of benefits for young adults: *"On the social welfare, you start when you're eighteen and get €107 a week I think, which is fuck all, to be honest. It's a joke how much they give you because you are young. How do they expect us to survive? They tell you go and look for work, and they'll help you look for work, and they'll send you on a scheme or something for a few weeks to print out CVs, and then no one ever gets back to you."*

#### **Control - "I didn't say kitchen time, I said bedtime"**

One woman living in a B&B with her children shared how they were not allowed a proper childhood in places like this, giving the example of when,

*"The little kids were playing football as you weren't allowed chalk or anything like that, and I was standing there and next thing I hear is someone screaming saying 'Right it's 8 o'clock, bedtime', and I was thinking who the hell is this, and it was actually one of the workers who works at reception who walked down in his black shirt and screamed at all these little children, and they got a fright and I did too because he was so loud and you just looked at all the little faces of the children, there was just such a sadness in them. They're like, oh it's 8, I have to go, but that's not even his mother or his father telling him. It's just not nice. So, you could see them walking off with their football back into their mams, and their mams are cooking in the kitchen. So then he walks into the kitchen and screams, 'I didn't say kitchen time, I said bedtime'. It was just horrible."*

Others similarly spoke about discriminatory feelings of forced isolation within the child protection services, with one interviewee explaining how she wasn't allowed to connect to her extended family, despite them wanting to see her - until she was 18. In the end, they left it too late as she described finally getting to know her uncle only for him to die several months later, exclaiming – *"I feel like if the social workers had done something about it when I was a teenager, I might have had a better relationship with him"*.

#### **It's a Lottery – "Factors outside my control influence the response of public services"**

Respondents with experience of the social welfare system described how people from deprived areas have bad associations with the social welfare service for many reasons, such as long queues, general confusion around procedures, as well as unhelpful and unkind staff. One participant explained how,

*"It happens a lot, people dread going there, they dread it. I have known a lot of people that have been off work or say they are laid off work unexpectedly, and they can claim labour while they are trying to find another job. And they say, 'I don't want to go over there'. I know it's their job to try and keep people off unemployment, I understand and respect that. But treating us like absolute dirt, that's wrong. You know, some people just don't have a choice."*

An issue that came up time and time again with respondents was the different levels of treatment and benefits people get depending on factors outside of their control on the day, mainly in relation to the mood of the person on the other side of the desk, as well as if you have someone who is in a 'respected' position, to stand up for you. One woman explained how,

*"When my Da passed away, the funeral home wouldn't let his body be released until my Ma paid €1,500 - €2,000, so she went to the welfare officer and she was so rude to my mother. My mother was crying her eyes out and the welfare officer she was dealing with there was the highest, so there was no one to go over*

*her head, so she was saying – ‘And what do you expect me to do?’ And my Ma said ‘Do you think I want to be sitting here asking for help, I just lost my husband and I’m all over the place’. She still wasn’t coming across as though she was helping, so the only thing my Ma could think of was that she had a charity’s phone number in her phone because she’s friends with one of them who works there. So she rang Maura, her friend, and told her the situation, so Maura spoke to the welfare officer and they came to an agreement, and that’s how she was helped. But if my Ma hadn’t had Mauras’ number, I don’t think she would have got help at all! After going through losing your husband and to be faced with that, it’s sickening.”*

One participant, who works part time and has to fill out and bring dockets every week to receive her payment, recalled an incident when she realised that the money had not been transferred to her account. She went to the social welfare office and was told that she did not receive the payment because she did not file a docket the previous week. The participant was adamant that she did. She then realised that other people queuing in the office that day had similar issues.

*“When the chap behind the counter that was talking to me saw my partner talking to other people and saw a bit of concern, he blew up. He told him not to be speaking to other people. The man could hear what they were talking about and he was irritated because he was going to be proved wrong, and he didn’t like that. So, he said he didn’t want anybody who was in the waiting room to communicate. Her partner responded and, then he threatened my partner. He tried to throw him out and he threatened me, and he said; ‘Don’t bring him over here with you again. You won’t get paid. I won’t give you anything’. He said, ‘Be lucky that I am giving you anything’. And my partner turns around and said to him; ‘That’s not your money, that’s our entitlement and you have no control over it’. But the chap was going on like he had control.”*

*“Over there, I won’t say all of them because there is 1 or 2 that are lovely, but that’s the way you are treated. Because I didn’t stand up and go, ‘O I am so sorry I didn’t leave it in. Is there a way for you to help me?’, as if they are gods, making them feel powerful. That’s your entitlement and it turns out that a few weeks after, I heard from a chap that they lost a bundle of all the dockets that were put in that week in the office. What happened was the computer crashed so none of them were on record. [...] So, there was some error over there, but they were like; we are not going to get into trouble over this, they are going to get in trouble to say they didn’t bring their dockets in. That’s exactly what happened [...] So, when they mess up, it’s never their fault, it’s your fault.”*

### **Lack of response, bias from records, unfair allowances, control on life and lottery in services are five features the project selected as typical “unequal treatments” described in group discussions on the “Public Sector”.**

These come in addition to the 24/7 experiences detailed in the previous chapters, and will now be completed by some insights into the interaction of some participants with schools, health services and An Garda Síochána.

So far extracts of personal stories shared with this project highlight the participants’ challenging lived experiences and feelings of being treated differently by public services because of their socio-economic background or condition. This was the focus of our discussion with groups and individuals. However, it is important to note that most participants also acknowledged that these public services have a support function in their life. Participants agreed that their experiences with the services can also be very positive, with civil servants and professionals who fulfil their public sector duty and show dedication to those they seek to serve.

We will discuss implications for the Public Sector Duty in the following two chapters of this report.



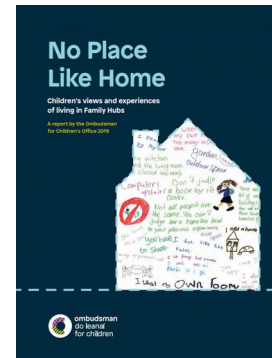
## School and socio-economic discrimination

***“Just because we don't see it happening, does not mean it is not happening”!***

Socio-economic inequality in opportunities and outcomes has been a major research focus in the academic and educational world for decades.

As Ireland celebrated in January 2019 the centenary of the Democratic Programme in which the first Dáil declared: *“It shall be the first duty of the Government of the Republic to... secure that **no child** shall suffer hunger or cold from lack of food, clothing, or shelter, but that all shall be provided with the means and facilities requisite for their proper education and training as Citizens...”* The Irish Times newspaper in collaboration with the Children's Rights Alliance launched the *No Child 2020* campaign to promote new policy ideas in five areas as starting points for a long-term strategy to eliminate child poverty. One policy area is education where the campaigners' message is clear: *“Disadvantaged students cannot thrive (...) Despite official efforts at combating disadvantage in Irish schools, a huge class chasm remains. While middle-class girls thrive, working-class boys struggle. (...)”*.

Recent months have also witnessed a time of mobilisation of schools, public bodies, civil society organisations and the media to better understand the impact of 'family homelessness' on the school life of the children concerned. This was reflected in many participants' comments: *“We have a whole bleeding generation now of children growing up in hotels/hostels, so I don't even know where they're supposed to do their homework, never mind anything else.”* In April 2019, the Irish Ombudsman for Children, Dr Niall Muldoon, published the “No place like home” report based on the views and experiences of children living in family hubs. (OFC 2019)



One overview of the current situation in Ireland was presented by the Oireachtas Joint Committee on Education and Skills in July 2019 with the *“Education Inequality and Disadvantage and Barriers to Education”* report prepared by Senator Lynn Ruane.

This 326-page report highlights again the structural relationship between socio-economic disadvantage and inequalities in accessing quality education. It proposes 44 recommendations to address education inequality and disadvantage within the education system. The report calls, among other things, for the introduction of guidance for all teachers on the challenges experienced by vulnerable groups. (Ruane 2019)

We screened this long report looking for the key-word 'discrimination' and it appears that the word is used less than 12 times in the whole document. The main mentions are to be found in the submission by the Tallaght Travellers Community Development Project and in the submission by Professor Kathleen Lynch: *“Barriers to education facing vulnerable groups”*. Lynch includes a specific recommendation (7.1) :

*“Schools with a wide social mix, in terms of social class, ethnicity, disability, Traveller and other statuses, are best for vulnerable children when these differences are managed carefully within schools, so that the vulnerable are integrated systematically and respectfully. This should be a stated objective of all schools. Regulation of school selection needs to be implemented and monitored in a way that does not allow schools [and indirectly powerful parents] to exclude vulnerable children through direct or indirect forms of discrimination. Indirect discriminations are widespread and include targeting selected areas or primary schools when recruiting, having complex entry requirements that favour insider parents with knowledge, high voluntary contributions, costly (bespoke) uniforms, and selection on the basis of family history with the school.*

*“While it is difficult to prohibit indirect forms of exclusion at the very least there should be a national policy noting that they be avoided as they are antithetical to equality in education. Indirect discriminations should be assessed in Whole School Evaluations and in school appraisals in terms of a new Equality and Social Inclusion Index” (...) “Whole School Evaluations should include an Equality and Inclusion Assessment of teaching practices and policies in all schools. At the very least that would involve undertaking a short survey of students (depending on age) and/or holding focus groups with vulnerable groups within schools to assess the veracity of policies designed to promote equality and overcome barriers for vulnerable groups. An Equality and Social Inclusion Index should be developed for all schools.” (Lynch and Lodge 2002)*

The word ‘**discriminatory**’ appears once in the whole report. Again, it is Professor Lynch who is using it: *“Role of Teachers: Positive, supportive non-**discriminatory** attitudes among teachers are crucial for enabling **vulnerable** children to perform well academically and feel at home in school.”*

Earlier Lynch introduced her recommendations section with this paragraph: *“There is compelling national and international research evidence that economic inequalities translate directly and indirectly into barriers to education for all **vulnerable** groups, not just those on low incomes and/or working-class-poor. While children with disabilities, those from ethnic minority, lone parent or immigrant backgrounds, Travellers, children in direct provision and other vulnerable groups such as those who are gay or lesbian, all experience unique barriers to education, **in all cases those who are most adversely affected within these groups are those from poor families.**”*

The very limited occurrence of the two words in the Oireachtas Joint Committee report is puzzling. School seems to produce high level of inequalities in outcomes, yet could be seen as a place of very low levels of unequal treatments. Would the systemic unequal outcomes of the school systems be so disconnected to the experienced interactions of students/teachers/parents/management in schools? Are there still some hidden behaviours of students/teachers/parents/management in schools unnamed?

While the participants in the *“Does it only happen to me?”* focus groups were not children or young people in primary or secondary schools, some contributed as parents and some remembered their school life from many years ago. So this section has a limitation in that the primary voice should be given to parents, children and young adults with a recent experience of schools in Ireland. The numerous participants who were usually sent to the back at the classroom and were early school leavers 20, 30, 40 years ago, usually told us that school in Ireland has changed. As the normally first point of contact with the outside world for a child, it is a school’s duty to make all its pupils feel accepted. We heard how this acceptance was not extended to them and/or those similar to them.

Interviewees from one of the focus groups gave “old” examples of being **bullied** and **ostracised** within the education system for being regarded as ‘**different**’ in some way by both students and teachers alike. One respondent described how he was discriminated against by teachers who would call him names like ‘thick’ because he could not read properly and how, in turn, the other students would pick on him. He went on to describe how he was unable to concentrate in school and was getting into fights because *“nobody was giving him a chance!”*

An example of discrimination on a large scale was when the project was told of how, from the outset, one school would not admit children from a particular local area to it, instead encouraging their parents to register them to one much further down the road. This case would influence the 2002 assessment quoted by Lynch in her contribution to the Oireachtas Joint Committee report. One woman described how eventually she stood up and said, *“I want my child to go to the school that’s closest”*, and in turn was told by the Principal, *“No, this isn’t the right place for your child, they’ll probably be much happier in the other*

*(further away) school". Eventually parents began to realize that the policy of this school was to treat the catchment area in a way that pushed children from a more disadvantaged socio economic background out, bringing in instead only those children the school wanted. This specific form of discrimination led them to conclude together that, "Hey, hang on, there's something here, and it's not just me", which was a collective realisation separate from the title of this project, "Does it only happen to me?"*

Two other type of situations were described by participants - one involving parents and one involving teachers.

Mothers who wait outside school for their children, with limited time to spend there because of the multiple challenges of their lives, feel clearly the non-inclusive/non-welcoming groups of other mothers, who seemed to have more time to meet and chat at the school doors.

One young respondent in the ATD focus group shared emotionally her 10 to 15-year memories of her childhood in school when her name and some others were publicly listed and blamed in class by the principal or the teacher because voluntary contributions and other fees were not paid by the parents.

To comment on these last two situations, and to conclude this overview of school as one of the public service discussed in this project, we choose to quote extracts of the May 2019 speech by Senator Lynn Ruane during the Second Stage Seanad debate on the Free Education (Prohibition of Fees and Charges) Private Bill introduced by Senator Aodhán Ó Ríordáin:

*"I continue to be surprised by the distance between politicians and the lived experiences of people in this country. (...) A huge number of today's contributions have been about how great boards of management are, how great schools are and how much we need to realise that it takes an awful lot of work to run a board of management. I can tell the House in no uncertain terms that the conversations at meetings of boards of management are not reflective of what goes on in a classroom. I am sorry to tell Senator H. that just because he does not see it happening, does not mean it is not happening. He should believe us when we say that not being able to pay contributions means it is embarrassing to drop a child to school and that on many occasions we are shamed. Years ago, when I was on the lone parent's allowance, I was embarrassed time and again when my child came home telling me the teacher had asked about the money. There was no note coming to my door in a closed envelope. It was a direct question to my child about contributions.*

*"The problem is that because people like us, and even me now, are not affected, we fail to see it is happening. This is because we listen to the well-meaning conversations of boards of management, but they do not reflect the reality or what is happening. I do not care about how a school feels about keeping the lights on if it is going to be to the detriment of a family that cannot keep its lights on. We should not place this burden on any family. We must not shame a family into thinking that if it does not pay a voluntary contribution, a school will not be able to buy art supplies. Why should any parent living on €180 to €250 per week, paying colossal rent and trying to feed and clothe a number of children be the one who has to pay to keep the school lights on? It is such a manipulative way to get money from people. It is manipulation and abuse. It is abuse to say to parents a certain thing cannot be done in a school if they do not pay the student contribution fee. It is failing to account for their inability to make a contribution. The embarrassment it causes is significant. Those affected do not show up for parent-teacher meetings. (...)*

*"Teachers are saying to students that they will not be able to engage in a certain activity until the contribution is made.*

***Children are being told directly that the contribution was supposed to have been paid three months ago. Children are being poverty-shamed in front of their classmates, making the rest of the class aware that they have not paid.***

*“(...) I dealt with a case involving a grandmother who was caring for a child. I am not sure what happened to the child's mother. The grandmother did what used to be done in the 1980s. She wrapped the schoolbooks with leftover wallpaper because that was what was done at the time. The school took it off, said it did not look neat and told the grandmother she was to go out and buy brown sheets of paper to cover the books. This is happening every day in classrooms.*

*“I am only scratching the surface because I only ever have so much of the information. We must not continue to have these conversations and talk about how great boards of management are. We know they are doing the work but their members go home to their own lives and are not the children who go home feeling absolutely ashamed of themselves because they believe they are now poor.*

*“As a mother, I would have lied my way through anything when I did not have enough money to pay for something. I would have found myself explaining myself. I have watched my friends do it. They do not even tell each other they cannot afford to pay because they are embarrassed. They just say they forgot to drop up the payment and that they will drop it up the following week. That is literally what parents are doing. They cannot even admit it among themselves that they cannot afford to pay because they feel ashamed and that there is something wrong with them as a consequence. It is happening in every school and children are being shamed.*

*“We need to shift the conversation. If we believe boards of management and teachers are great, let us support them by giving them adequate state funding. They should not keep telling us they have to demand voluntary contributions and place the burden on families that are already feeling embarrassed and ashamed. They must deal with enough without having to tell their child they cannot afford something he or she needs. It is completely unethical. It is completely immoral. (...) Until one walks for a day in the shoes of the affected families, what one says here is completely irrelevant. Talk of teachers and their being well-meaning is completely irrelevant to those who have faced what I describe, who have watched their community face it, and who have watched families with five, six or seven children try to pay for schooling.*

*“Often in communities with a high rate of deprivation and poverty, there is already a negative experience of education. The last thing one needs to do is compound and reinforce that experience by creating a negative relationship between children and their classmates or teacher because their families cannot afford something. There should be a relationship based on equality, allowing the children to flourish.*

*“As Senator Ó Ríordáin stated, when the money factor is introduced, a transactional relationship is created between the family and school or the family and the teacher. It becomes less about learning and more about demanding money. It becomes a service like every other service with which many working class communities already have negative interactions. (...) We are creating a negative relationship between the schools and families instead of supporting schools by giving them adequate funding so they can have a transformative educational relationship with those they work with.*

*“ I shall refrain from getting really annoyed. I ask Members to note, when speaking, that just because they do not see something does not mean it is not happening. They should open their eyes a little more and engage with family members who experience what I am talking about.” (Ruane 2019)*

## Health Services

The health sector was the one area for which we collected a large number of stories / experiences, and also some of the most disturbing. One issue that came up time and time again was the unfair treatment of those coming from a history of addiction or methadone treatment, and also the presumption from those in the medical field that those clients coming from a certain socio-economic background were addicts.

The prevalence of these issues in our collection of stories might be viewed as biased responses. Many groups connected to the ATD project have a large number of members facing drug and/or mental health issues. We recognise this bias. Our aim was not to reach representative groups of participants.

The **Service User Rights in Action** (SURIA) group, whose members have been associated with this project as trainers and experts, have also significant expertise in these issues, which will be referred to in the next chapter of our report.

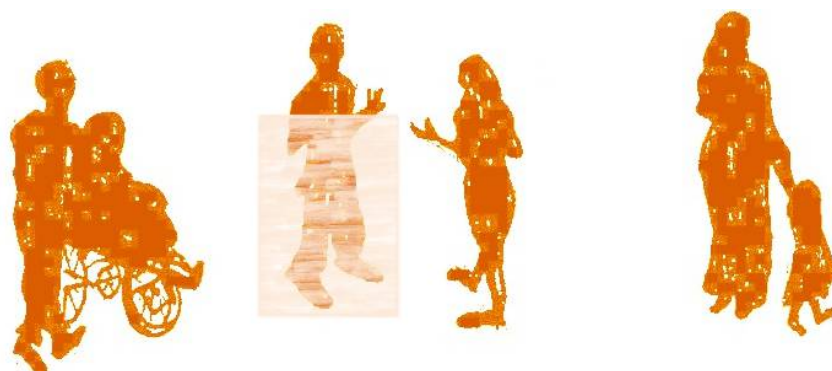
One respondent described being looked down upon because of their social condition: *“You’re talking to a nurse, and you can see as soon as methadone comes up, you can hear the change in voice, you can see the change in attitude, and it’s like, ‘Alright, here we go’, you know what I mean? That’s a bit crappy... same with doctors as well”.*

Others gave examples of how this bias was taken further when they were physically labelled by health professionals whilst receiving treatment.

*“Say I had a big abscess and I went to the hospital, what they do because I’m a drug addict is put an X scar on me, so anytime I’m at the hospital and the doctors see that X, they know I’m a drug addict who has been injecting drugs. So, if I’m lying there and I’m, like, I’m in pain, she says, ‘You self-inflicted it’ – ‘It’s your own fault’”- ‘You did that to yourself’ – ‘So why should you get painkillers’- that’s more or less what they say to us. You’re there crying with an abscess and they just say that. That’s discrimination!”*

Respondents spoke about how in dentists and maternity hospitals for example if you have a more stigmatised physical illness (which is more common with those from disadvantaged backgrounds) such as HIV or Hepatitis, as well as some mental health disorders, it is harder for you to obtain your file. One woman also gave the example of going to the dentist with Hep C and seeing that there was a big yellow sticker on her file. *“Now everyone knows you have an infection and they see you differently. Of course it has to be noted, but the discrimination that comes with it is just shocking!”*

Two particular extreme stories shared by participants in the focus groups (see Story 1 and Story 2) led the project team to try to address the issue beyond the limited number of respondents reached by the project. A GP and public health trainer working in the north inner city area of Dublin, Dr. Austin O’ Carroll DHealth MICGP, was invited to contribute to the consultation process with a specific paper. This paper will conclude the section on health.



## Story 1

*“My medical record had in bold writing to emphasize ‘Never worked a day in his life’”*

One contributor told us how an accident where he stubbed his toe led to a serious infection and a whole lot of presumptions, misdiagnosis and unequal treatment.

He described how after his partner found him on the ground in a terrible state, the ambulance staff came, but straight away started giving him the ‘self-inflicted’ line. He remembers distinctly hearing one of them go on a rant saying things like *“I’m sick of people like you”* and how *“You are a waste of tax payers’ money”*, etc. He then made the respondent walk up the stairs on his legs even though at this stage he was half unconscious, in extreme pain and his legs were 2 or 3 times their normal size with severe heat and inflammation – and then dragged, and heaved him into the ambulance. The contributor described how, unfortunately, the hostility in no way ended there.

*“I was brought to the hospital and I was laid out on a gurney in casualty and I was lying there for however amount of time and they were asking me lots of questions and they kept going on saying I was an intravenous drug user - this was their assumption. So one doctor straight away was saying, like, we’re going to have to take the leg, and told my partner to sign the form. They wanted to amputate it and she said there’s no way I’m going to do that, [...]; she was terrified! I was trying to tell the doctors what was wrong with me, but they were treating me for what they were treating me for which was intravenous drug use and they were saying I was putting needles into my leg, and the whole standard of treatment I got, reflected that – until they realized their mistake because the x-rays showed up no needle tracks. I didn’t get an apology and that was just the start of this attitude!*

*“I was in the hospital for 3 months [...] I got someone to get me my medical record from behind the stand where the doctor had them because I said I wanted to know what was going on here as they weren’t telling me and in reading it I came across a page and it had in bold writing –to emphasize - ‘Never worked a day in his life’. That was on my medical records up in the hospital and it just told me everything. [...] And all the labels that have ever been said about drug addicts or anything like it in the media or wherever else was being reinforced in the way they were treating me and there’s no denying that. For the ambulance man to go ‘self-inflicted’ and to pull me bleedin’ up. Now he’s got a duty of care – I did first response, a little bit of training - you don’t start dragging patients around, no matter what. Even if I don’t like them, I’ll give them treatment. So for me, that was an eye opener in how they judge and label people from a certain area or with a certain accent.”*

## Story 2

*“It’s because I’m an addict that he sent me home”*

One woman described being at work when she fell terribly sick – she was faint, her skin was grey, her lips were blue and she started violently vomiting, but after arriving at the hospital via ambulance the doctor looked at her chart and said, *“Oh right, you’re an addict - viral infection!”* and sent her home. The next day she explains how she felt even worse and was dying sick with blood coming from her nose, ears, and rectum, but when she got another ambulance in, the same doctor sent her home with anti-bacterial medication because she was an addict. So the third time on the next day, she described how she was getting carted out on a stretcher, half dead – and that her children were traumatized,

seeing their mother getting carried out not knowing if they're ever going to see her again.

She went on to explain how, *"I slipped into a coma for 3 months. My ma had the crematorium and all booked ... [...] they thought I was dead.*

*But yeah, it's because I'm an addict that he sent me home twice. I wouldn't have got as bad if they had brought me in the first time and checked me, checked my bloods properly. He couldn't get a vein and was too proud to ask for help because he was a doctor. My blood pressure was so low that my veins had all sank into my body. So instead of going to ask for help, he just sent me home. (...)*

*Because I was a street drug user, I was a junkie. I wasn't a person facing addiction, I was a junkie! And I heard him behind the curtain saying, 'She's a junkie you know, she's probably after using bad gear, send her home'. Whereas I wasn't, the fucking septicemia was running through me. (...) He just thought: 'Ha, well she's an addict so ... let her off, she'll be alright, she'll go and get another bag and she'll be grand' ... or maybe he thought: 'Let her just go off and die, and then she's another one we don't have to deal with.' I honestly do think he thought that because he had no compassion, absolutely no compassion. [After 3 month coma], I had to learn to walk again, I had to get dialysis. I was in hospital for 11 months. I'd only given birth to my daughter. "*

The same woman described how she had heard similar things, and worse, happen to people with drug addiction from deprived areas like hers. She believes that she was treated differently, not only because of her addiction, but also her economic status and that if someone from a higher economic background had come in with similar issues, even with addiction, they would have been treated differently than she was.

### **A GP Perspective on Systemic Discrimination in the Public Health System** – from conversations with Dr. Austin O'Carroll DHealth MICGP

"One of the issues we face all the time is to try to manage people's health. Homeless people have much worse health than the general population: one in two of them have depression; two out of five of them have anxiety; one in three has attempted suicide in their lives. From a mental health perspective, it's terrible. From a physical health perspective it's no better: one in twenty have Hepatitis B; one in twenty have HIV; one in three have Hepatitis C. They've much higher rates of chronic obstructive lung disease, heart disease, chronic arthritis. You'd have a high rate of amputations. A lot of diseases are due to the fact of homelessness. A lot of the illnesses are due to drug related issues. So, one of the issues is that when we are trying to stabilise them, we're trying to address the physical health issues, but we're also trying to manage the drug addiction because the drug addiction leaves them highly exposed to the risk of getting a more significant disease such as HIV, Hepatitis, clots in the leg, amputations, and just general and overall deterioration or managing their alcoholism.

"But if you're from a certain deprived socio-economic background, how can you stabilise drug use? How can you stabilise your health? How can you stabilise your mental health? As one homeless patient said, *'You're out on the streets. You look around. Everyone you're sleeping with is using.'* He said, *'It's really depressing out there. What is there to do but take drugs?'* These people suffer at the hands of the services systemic bias.

"Dublin City Council say that if they take on everyone that is homeless in this country, that they'd be flooded out. So, I understand the systemic policy, but the problem is that there are people suffering at the end of this policy. The system needs to come up with a better model.

"In hospitals, the classic thing is you put homeless people at the end of the queue. The problem with this is that a lot of homeless people are addicted to alcohol or drugs and they end up going into withdrawals. When they go into withdrawals, they basically can't hang around and they end up going out, shooting up or using, and come back in and get told that they actually left the queue and have to go out again.

"I know many homeless people who go into casualty. What happens is they are often left in the queue and then they end up taking their own discharge. We believe that they're sort of subtly encouraged to take their discharge. It's very hard to actually pin down. For example, I saw one guy who was on the wards and we admitted him for pneumonia. He was very sick, but two days later he came out despite still being this sick. I said, *'What are you doing out of the hospital?'* And he says, *'Oh, I left!'* And I said, *'Why did you leave?'* He replied, *'I wanted to go out and go down and get my social welfare, but they said if I left the ward that I'd have to take my own discharge. So, I had to sign this form that said when I left that I was gone.'* And off he went! That's an example of how a system isn't necessarily clearly discriminating, but it basically is because it's not adapting to the needs of the person to be cared for. It is treating a group in a way that their needs are often not met and they leave. They'll say, *"Well, we've done our duty."* But, effectively, it has not met the needs of group who need this type of input.

"We get people coming up from the country who can't access methadone in their own local town. What they do is that they go homeless. They become homeless because then they know that they can get access to methadone treatment; like going on the streets of Dublin. There was this one young girl, in her twenties, who came up from a midland town. She had a four-year-old child. She went on the streets, became homeless, went into hospitals then came to us. We started her on methadone and in fact, she did very well! Very quickly she became clean off heroin. What we did was that we couldn't get a GP to take over her care because there was no GP in her town that would prescribe methadone. So we found a pharmacy which would dispense it. We would give her a week's script. She would go back to her home town and then go to the pharmacy and she was reunited with her child.

"So, it was all going very well. What we didn't know though was that when she came up to Dublin she would often check into a hostel the night before, just so she could come into us the next day. One particular night, she checked into a hostel... now, the level of sexual assault is very high in hostels.... and she was sexually assaulted quite violently. She became very depressed. As a result, she went straight on the streets and she died of an overdose within a few weeks. For me, if the GPs in the local area had treated her, that wouldn't have happened. I'm sure that's not an isolated case. I know there are plenty of cases of people who are up in Dublin to get methadone treatment. I think that a number of them who have died wouldn't have if they had gotten treatment in their local town. She was in her early 20s, so she was, and her child is now motherless.

"I also came across a guy who I first met when he was sleeping in a rubbish tip. He had schizophrenia. He would talk to himself. He was barred from several hostels because he was talking to himself. So, he was a man who had schizophrenia, obviously needing support and help, but because of this behaviour had been barred from the very services he needed. That was when I met him. People were scared of him and his behaviour. He wasn't violent at all. It was just the behaviours that frightened staff. I also, in this research, had a number of responders who reported being barred by GPs. One client said, *'I had a GP, he just knocked me off. He told me he didn't want to be my GP anymore because I kept getting sick. I had him since I was four.'* The problem about barring is that it's often for a certain length of time, but when you're talking about a chaotic group of people such as homeless people or drug users. It effectively means the end. We need to have better methods.

"I had a woman who had a benzodiazepines addiction. She said she was very depressed and feeling suicidal. When you're on benzos, or on drugs, they often say, *'Well, your psychiatric or mental health symptoms are related to the drug.'* It's called dual diagnosis. So, in general hospitals say that you should really go to a psychiatrist in a drug treatment centre. But I often find it impossible to get appointments for psychiatrists in

a drug treatment centre. So, I sent off a letter to the psychiatrist in the drug treatment centre, but I also rang this hospital and said, 'Listen, I'm really concerned about her. Will you see her?' He agreed to see her. He rang me back and said, 'I agree with you, I think she is at suicidal risk. I'm sending her to a different hospital because she's not in the right catchment area.' She went to the different hospital. They sent her to casualty because she said that she needed to get assessed in case she has drug problems. She went to casualty and then left. I caught her the next day and sent her back to the mental health hospital. They kept her overnight, but then they discharged her. They said that her mental health was due to the drug addiction. And, she was dead a week later by drowning in the Liffey.

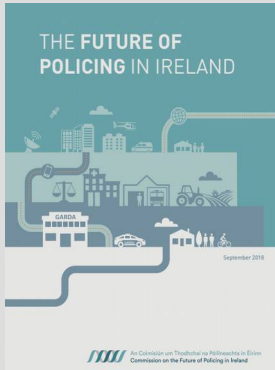
"The issue with dual diagnosis is that if you have drugs, they'll say your depressive symptoms are related to your drug addiction and that may be true, but that doesn't mean that you don't need to be kept in a hospital to keep safe. This is something that is well known in the system. People with dual diagnosis are not getting appropriate treatment. If I get someone coming into me, who is depressed and on drugs, I send two letters to two different psychiatrists: one, who is the general psychiatrist and the other who is the psychiatrist who treats drugs. It would be rare to get an appointment from either of them. We've told the system this many times. We fight over it. We've told them that we're not getting treatment for people who urgently need it. It's well known. The HSE accepts this - that people with dual diagnosis are not getting treatment.

"What we can do is that we can teach professionals about discrimination and stigma using what we call the 'Contact Hypothesis'. The idea is that you have to have meaningful contact between the stigmatised person and the person doing the stigmatising to actually overcome stigma. It's based on the idea that people are not at fault for having stigmatising attitudes. It's a societal issue. But, to break it down, you have to have meaningful contact. 'Meaningful contact' means that you have to have a contact within a setting where the contact would be authentic. So, if you're working in a hospital, where there are very negative attitudes towards people who cause hassle, that's not going to be meaningful contact. Meaningful Contact Hypothesis is based on the presumption that stigma isn't a real black and white issue. It's all really subtle - that when you meet someone who doesn't fit that particular label, so rather than changing the label, you change the person. That's how subtle stigma is. I do whole sessions on this. It's not the only presumption. It's a series of very subtle presumptions about people. The only way to break them down is to actually meet them. It's to have that meaningful contact. I think you never lose your stigma. You just become aware of it.

"I think one very good thing is the Social Inclusion units within the HSE. They can be very positive. In my experience, social inclusion depends on who you come across. It depends on their attitudes. A lot of them are extremely good. I think that this is the system that makes a big difference. However, sometimes when you point out stigma, people take offence, including social inclusion people sometimes. I think it's a question of not being able to be open. We need to change systems constantly to address the presumptions because they are presumptions. So, the classic presumption is, 'We've sent out an appointment there. We've done our duty.' You know, it's so ridiculous. We know for years that homeless people don't keep appointments. We know they often don't get the appointments. For the system to not take that on board is just ridiculous. It's madness! It's a form of systemic discrimination almost."

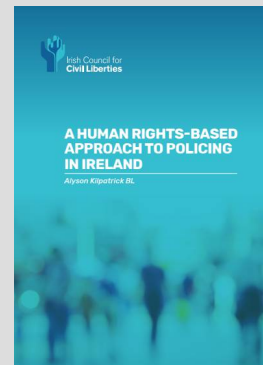


## The Future of Policing in Ireland and socio-economic discrimination



Despite being part of the public service, An Garda Síochána is not bound to the provision of the “Public Service Duty”. Yet, on the 18 December 2018, the Irish Government endorsed the “*Commission on the Future of Policing in Ireland*” report and agreed to accept all its recommendations. The report (CFPI 2018) launched on 18 September 2018 sets out as a first principle that ‘*human rights are the foundation and purpose of policing*’. Various recommendations of the report (e.g. the creation of a Human Rights Unit, a new Garda Code of Ethics) aim to provide the framework within which human rights and equality can be firmly embedded in the ethos and operations of An Garda Síochána at all levels. This new framework puts An Garda Síochána on similar tracks as those set out in the Public Sector Equality and Human Rights Duty.

Anticipating the official report, the Irish Council of Civil Liberties launched the Alyson Kilpatrick report, “*A Human-Rights Based Approach to Policing in Ireland*” on 14 September which contains 45 recommendations. Many of the ICCL recommendations aim to prevent risk of discrimination. Some of them underline the need to work with groups at risk (*inter alia*: “the garda should consult with representatives of minority groups to ensure that diversity and cultural awareness training is tailored to meeting human rights obligations for diverse and hard to reach groups” (Kilpatrick 2018) - Recommendation 35 on training).



While recording the various statements and allegations of contributors in this regard, the “*Does it Only Happen To Me?*” project tried to keep its focus on services with mandatory obligation to implement the Public Service Duty. The reported statements/allegations made to the project are not in any way viewed by the authors of this report as a systematic assessment of the work of An Garda Síochána.

As the debates of many focus group were facilitated to discuss services falling under the obligations of the Public Sector Duty, participants spontaneously shared stories of stereotyping and name-calling as part of their encounters with An Garda Síochána.

Many participants shared how they were regularly discriminated against by the police. For some, they relate this to their past history of criminality, discussing how because the Gardaí know that they’ve been involved in crime in the past that they think they have the right to stop and search them constantly even though they are now doing nothing wrong. However others noted that, despite having no record of involvement in crime, the same thing happens to them regardless, simply because of their socio economic background.

Contributors spoke about this way of being treated by officials as an “*abuse of their authority*” and described how it happens to many people from their communities, regardless of age, gender, disability or whatever. One person shared a story about their son who, despite never having been in trouble before, got stopped at 7am at a bus stop on his way to a football match and had his body and his schoolbag searched. His parent described how he came back home sobbing, having missed the match saying, “*I done nothing wrong*”, mentioning how the child was “*very frightened*” by the forcefulness of the whole experience.

Whilst respondents did acknowledge that there are many respectful Gardai, they also made it clear that many of them are not - describing how sometimes they will *“put you in a cell, give you a beating and let you out, probably without a charge sheet”*. Some discussed how respect has to work both ways and questioned how they are meant to respect the police force when the force does not respect them. Respondents noted times where the police used both physical and mental abuse against them, with one person describing how despite not having been in trouble in the last year or two, that Gards used to shout out the windows at them, *“Ya knacker, ya knacker!”*, making the point of how in comparison, *“There are communities in Ireland that a copper wouldn’t dream of doing that in”*.

*“We all know crimes happen all over the country. But there’s a focus on certain areas because there it’s easy to pick up people. (...) Because you wouldn’t get Gards driving around certain communities calling out people, because it wouldn’t happen, because there’s lawyers already in that community, because they know the law, or they know a friend who knows... so it’s upon us as well. We need to use the law as well.”*

Another story the project heard of being falsely accused/identified was from two women who stated how they are often called *“dirty junkies”* by Garda officers - ‘junkie’ being a disrespectful and misused term that came up time and time again by contributors to the project. These respondents detailed a specific event where they were out walking their dog in the park when two Gardai came up to them and said, *“The drug pushers don’t come out till 10 o clock”*. When one woman answered, *“I’m not looking for drugs, I’m out here with my dog”*, words between them escalated which resulted in the Gardaí *“roaring”* at them. She described how the policeman exclaimed *“Doesn’t everyone be waiting around here for drugs?”* and she replied, *“Not everyone here is on drugs”*. So when she got annoyed about this discrimination, as she saw it, she got arrested. In the station despite apologising, the respondent ended up having to pay a 100 euro fine even though it was the women who felt they were stereotyped by assuming that they were waiting around for drugs.



In June 2019, the SURIA group facilitated two workshops for a number of the project’s story writers. The theme of the first workshop was: *“What it means to be a Rights Holder?”*, while the second was *“The Public Sector Duty”*.



# Voices of the Silenced and the Ignored: Socio-Economic Discrimination

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- An Analysis by the Service User Rights in Action Group (SURIA)

## Introduction and Background

The *Service User Rights in Action* (SURIA) was established in 2012 due to the non-implementation of the recommendations of an HSE commissioned, external audit of Irish Methadone Services. *The Introduction of the Opioid Treatment Protocol Report* (Farrell & Barry 2010) colloquially known as *The Farrell Report*, recommended key modifications to central practices that underpinned, and continue to underpin methadone services in Ireland. SURIA's origins can be situated in the lack of meaningful response and reaction to this *Report* and its concomitant recommendations. Consisting of service users, former service users, service providers and community activists, the primary objective of our grass-roots group is to amplify, unite and magnify the voice of service users and facilitate an avenue to engage with key stakeholders, voice concerns, publish, and most importantly be heard. In the intervening years, and with the assistance of the Community Action Network (CAN), SURIA has continued to accumulate peer-led data, disseminate our work at relevant conferences, while perennially attempting to provide a conduit for a much-maligned, often silent voice; that of the Irish methadone client.

SURIA is a peer-led initiative and our remit is to frame the service user narrative within a human rights paradigm, enabling service users to become active agents in their own recovery. As such, SURIA advocates that methadone maintenance treatment (MMT) clients should be considered important and valuable consumers of public health care, with service provider/user dynamics that foster dignity, respect, equality and meaningful participation.

As a marginalised, vilified and often vulnerable population, the service user perspective is routinely ignored within policy development, service provision and discourse, (King 2011, Van Hout & McElrath 2012). However, in 2018, SURIA, in conjunction with *The Irish Human Rights and Equality Commission* (IHREC), published a pilot Report vis-à-vis *The Public Sector Duty* and the Irish MMT apparatus entitled "*Our Life, Our Voice, Our Say*". This research was peer-led, with members of SURIA responsible for the collection of all data.

The Public Sector Duty Act is pertinent to MMT services as it potentially provides legislation for a traditionally vulnerable, powerless and often maligned population, whom are often perceived to have much to take from and little to offer a progressive society, (Keane 2003). This legislation encompasses Section 42 of *The Irish Human Rights and Equality Commission Act* (2014) and states that all public bodies are required to take proactive steps to ensure that social and cultural rights, including equality, opportunity of treatment and human right protection are invoked in the provision of their service. Human rights, equality and the elimination of discrimination are invoked by this Act, which is mandatory for all public services and their treatment of both staff and clientele.

In mid-2019, All Together in Dignity (ATD) Ireland and SURIA commenced discussion on how both organisations could collaborate in the former's campaign "*Does it Only Happen to Me?*". Under the auspices of this campaign, SURIA agreed to assist in the analysis of qualitative data compiled by ATD. The assembled data was a collection of sixty-five experiences of individuals attempting to negotiate an array of procedures,

institutions and apparatus, many of which were public bodies. Also, these interactions and examples of service provision can be explored through the lens of Public Sector Duty legislation, an endeavour which SURIA had experience in.

The collaboration began with two workshops vis-a vis the sociological reality of being a rights holder and how *The Public Sector Equality and Human Rights Duty* could improve the quality of service experience, eliminate discrimination and propagate fair responses from Public Bodies, which are often influenced by place, accent and dress code. Following this, we compiled this Report which employed the data SURIA had accumulated in our own separate campaign. This was comprised of three primary questions: Is the MMT service user narrative congenial with that of ATD's data?; furthermore, what are the common themes, patterns and experiences of both populaces as they engage with Public services?; and are there recommendations or valuable insights from SURIA's campaign which can inform and advance ATD's aims and objectives?

### Does It Only Happen to Me?

The work of SURIA and ATD Ireland share several common aims, objectives and themes. However, it is the remit to empower marginalised, disillusioned populations that ultimately unites both projects. This mutual goal of evoking and sustaining meaningful change in the public service experience of the marginalised also encapsulates the vision of both projects. SURIA and ATD are linked on account of both aim to employ competent Equality Legislation, under the guise of The Public Sector Duty Act to facilitate change and enhance the lived experience of those who routinely experience discrimination due to their socio-economic status in their engagements with Public Bodies. ATD aim to see Equality legislation translate into tangible entitlements for those who encounter this type of discrimination. SURIA's target population, drug service users, are inexorably linked to this objective. Poverty is traditionally synonymous with drug use (Carr et al. 1980, O'Higgins 1998), and SURIA's research posits that 81% of MMT clients are unemployed, (CAN & SURIA 2018). As such, the target populaces of both organisations' work are argued to coalesce, with populations experiencing routine institutional stigmatisation, marginalisation and mistreatment. This often results in feelings of abandonment, isolation and alienation for the client in their interaction with public sector services and their receipt of key entitlements.

For MMT clients and individuals living in consistent poverty, Sepulveda (2011, 2013) has postulated that a dialectic vicious circle exists in which those living in poverty equate their voice or value with their material wealth. Furthermore, they often remain silent in the face of social injustice, thus reinforcing poverty and powerlessness. It is these groups that require assistance if duty-bearers are to be held accountable for discriminatory practices and rights holders are able to enjoy the full protection of Equality legislation. At present, one in six of the Irish population is said to be living in poverty (CSO 2017), a significant portion of the population.

ATD's broader initiative is the protection of this significant portion of the population's interests and rights through the implementation of new equality legislation. In recent years, international (Sepulveda 2011) and domestic academia (McKeown 2019), NGOs (ATD 2016) and IHREC have cogently identified this population as being unprotected by adequate Equality Legislation. As such, a legitimate gap in Irish Equality Legislation has been located, with many of those whom live in poverty experiencing discrimination and mistreatment. While it is noted that these individuals have suffered due to the non-implementation of existing Irish Equality legislation, socio-economic status has been identified and highlighted as a ground which routinely engenders discrimination. It is argued that it be added to the existing nine grounds which currently buttress Equality Legislation in Ireland. Although this is a cross-disciplinary agenda, subsuming a plethora of Reports, Bills, Amendments and other legal discursive processes (McKeown 2019), this Report,

underpinned by an amalgamation of data from both projects, increases the sample to over 250 individuals whom posit that they are regularly victims of systematic discrimination as they attempt to engage with Public Bodies. Excavating this relatively large sample, one can now explicate the experiences, narratives and encounters of the socio-economically deprived, as they attempt to navigate services replete with discrimination and poor treatment practices.

The lived experience adds to the weight of academic literature, capturing the sociological reality of those who require this legislation change, those who inhabit this legislation gap. Furthermore, it humanises the often-abstract quantitative data which underpins campaigns for legislative change. The added empirical evidence of the drug service user experience further reinforces the findings of ATD. It conclusively shifts the emphasis of “Does it Only happen to me?” from the privatised self or individual to a broader, larger collective or group, further inquiring “Does it only happen to us?”. Unequivocally, the evidence now answers and reinforces the call for a tenth ground, while simultaneously elucidating that there are several key themes and patterns indicative of the lived experience of the socio-economically deprived as they attempt to exercise agency and autonomy in their dealings with public sector services.

### Themes and Patterns in the Lived Experience:

For those who encounter socio-economic discrimination and opprobrium in their engagements with Public Bodies, there are several key patterns and themes that arise. Much like the MMT clients of our research, many of the participants who took part in this Report demonstrate an acute awareness of mistreatment and discrimination. As one participant articulated, one must “*play the sympathy-card*” when engaging with Public Services, as the receipt of routine entitlements is often considered a victory as opposed to standard practice. Participants highlight the dehumanising practices of having to manipulate service providers in order to achieve their social welfare entitlements. While others maintain “*it shouldn’t be how cute you are, or how you play the system, the system should be fair*”, a significant portion alludes to having to strategically engage with services to realise their entitlements.

Recent literature has suggested that welfare is now predicated upon conduct and behaviour as opposed to genuine need and wellbeing, (Winicup & Monaghan 2016, Grover & Paylor 2010). The empirical evidence reinforces this logic, with many stipulating to being treated as “spongers”, “menaces” and “uneducated”. A penal culture of stigmatisation, again also analogous with the lived experience of the MMT client, often amplifies feelings of being punished due to poverty. “*It’s (poverty) fair game for abuse of disrespect from people who would not do it to people who have recourse within the law*” was the opinion of one participant, highlighting the reality of socio-economic discrimination in the lives of those affected by this legislation gap.

The experiences of those SURIA represent are often almost identical with the narratives and lived experience we explored with ATD. An inherent lack of trust and fear is often accentuated in the recorded testimonies of engagements with services. Some spoke of being treated as a “suspect”, of “being let down”, with service providers who “lord it over you with their fancy words and degrees”. One participant articulated the lack of trust that is inspired by Public Services. For this individual, the fear that the Local Council would “*pressure him (their father) into paying money (he did not owe) and would not take the time to look through the issue properly*”, informed this person’s confidence and trust in their Local Council. Despite the individual being issued with money as opposed to a bill, the recorded experience embodies the lack of trust that many socio-economically deprived people have in the abilities of Public Services to fulfil their duties and obligations. Moreover, the data suggests a breakdown in the relationship between rightsholder and duty bearer. “*It goes to show they know who they are discriminating against*” is a quote that makes manifest that there is a perceived intent that underpins poor treatment, demonstrating this breakdown in the service user narrative. Entire communities are often demonised, as one’s address, accent

and dress code can now determine how one is treated by Public Services. Constant discrimination fosters “us and them” dynamics within services, where the power relationship is often asymmetrical from its inception.

The Public Sector Duty, and human rights in general, offer protection for sub-ordinated individuals from powerful agents who impose their will at the expense of others through coercion, manipulation or force, (Sepulveda 2013). The Social Welfare authority is often a location within which socio-economic discrimination can affect the individual more than many other Public Services, primarily due to the frustrations and hardships that can be invoked when one is refused financial assistance. Service users, in this case those entitled to social welfare payments, are routinely the victims of stigma and opprobrium, as paid employment and the paying of taxes informs the thin boundary that underpins much of the discrimination, in what has rapidly become a work-centric society, (Patrick 2012). As a result, the Social Welfare is a public service that many fear. As one participant claims, *“....people dread going in there. I have known a lot of people that have been off work....and they say, I don’t want to go over there. Treating us like absolute dirt, that’s wrong. You know some people just don’t have a choice”. “They act like poverty is a choice”*. The necessity of receiving social welfare often leaves the client vulnerable to mistreatment, as the fear of no payment informs an acceptance of mistreatment, allows aggressive, invasive intervention into the lives of clients and often results in the service user declining social assistance.

The data highlights several individuals who had declined the assistance offered by Public Services due to discrimination, mistreatment and a lack of protection from the powerful Public Sector. A populace common to both projects, drug users, discuss the difficulty engaging with many health services due to their history as a drug user. Several articulate to being told by specialists that their condition is “self-inflicted” and therefore not worthy of the “waste of taxpayers’ money”. It is arguable if another social group would receive this treatment from a Public Body. Again, the need for protective legislation is amplified and magnified. The MMT system exerts great influence over its clients, primarily due to the necessity of the medication, in a Public Health service that has been argued to be discriminatory, (Mayock et al. 2018) and regarded as a “free-fix” for people who use drugs, (Carlin 2005). For some who took part in the Report, there was often an acceptance of mistreatment and discrimination that permeated the lived experience, a possible corollary of long-term poor treatment. *“But that’s life”* suggested one, while another states, *“It’s (discrimination) constant...norms, values, beliefs that are embedded within society”*, capturing the powerlessness and lack of protection offered by existing legislation. ATD and SURIA both aim to empower these clients, perpetuating an environment where “that’s life” will no longer be a sufficient justification for poor treatment delivery.

For many participants, the school is delineated as an agent that acerbates discrimination. Considering this is most people’s first experience of socialisation (excluding the family), the mistreatment and discrimination encountered here can have lasting effects, perpetuating deep-rooted mistrust, isolation and abandonment. These often-latent issues can determine the individual's future life experience when dealing with Public Bodies.

In addition, participants allude to fixing housing problems themselves as opposed to engaging with Public Bodies. *“They’ve (council) never come out! I had a leak in my bedroom. Must’ve had a hole in the window. Seen where it was getting in-under the gutter. I was up on the roof of their flats....fixing the roof. I had to do that. The caretakers would never do anything for you”*. For those whose lives are affected by discrimination, attending to one’s own problems is now often chosen over engaging with services, such is the lack of assurances Public Services offer.

The aggressive, invasive strategies employed by social workers after childbirth is consistent with our cohort. Many describe intense feelings of fear at a time when the birth of a child should be celebrated. One participant opined *“When our daughter was born they sent a social worker straight away. How much pressure is it on top of already having a new-born baby.....I went into a panic straight away. I broke down crying”*. Another new parent describes the intimidation of a similar experience, *“Red bells is (sic) going off in my head”*.

The quality of many of the services, in particular the Homeless services, are argued to be unfit for purpose. Interviewees spoke of being offered sleeping quarters that they *“wouldn’t put a dog in the place (with) no windows and syringes everywhere”*. Due to these standards, participants spoke of choosing to sleep on the streets. *“There’s no humanity...and it has been de-sensitised and dehumanised.....there needs to be humanity when you’re dealing with people”*, suggested one participant.

Some of the themes that were highlighted by the data were the feelings of being “judged”, “labelled”, “treated like a piece of shit”, “uneducated” and “spongers” while others articulated that they felt service providers behaved like they “were paying out of their own pocket”. The anger, frustration and infantilisation often prevented service users from engaging with public services and the testimonies provided by ATD and SURIA serve to add weight to the campaign for a tenth ground of discrimination. Both collections of sociological narratives put a face on the legal, discursive processes that have been before the Dail since 1998, (McKeown 2019). In fact, one could argue that it is the lived experience of the marginalised that embodies the ramifications of the legislation gap for those of certain socio-economic status. Ranciere (2004:298) spoke of victims *“unable to enact any rights or even any claims in their name, so that eventually their rights had to be upheld by others”*. This remit of SURIA and ATD cannot be underestimated. The powerlessness that Sepulveda speaks of (2011, 2013) requires a platform, a conduit or a proxy that facilitates the voices of those who inhabit discriminated sections of society. Only then can the impact of discrimination be made manifest to those who make decisions, promoting trust in Public Services, eliminating fear and dehumanisation and providing robust Equality Legislation that translates into tangible entitlements for those that require them.

### Recommendations and Comments by the SURIA Group

A tenth ground of socio-economic status in Ireland, legislation that has to date been ratified by twenty European States, would enable stigmatised populations to be treated with equality and non-discrimination, advancing a legal framework to protect stigmatised populations, and promoting Public Service delivery underpinned by equality and non-discrimination. Drawing from our work, SURIA proposes the following recommendations and comments regarding the campaign for a tenth ground of discrimination.

1. SURIA supports the broader national and international campaign for socioeconomic status to be added to the existing nine grounds of discrimination recognised by existing Equality Legislation. The gap in Equality Legislation regarding the protection of those living with socio-economic deprivation is reiterated by SURIA, and we believe that many of the people we and ATD represent will benefit from new Irish Equality Legislation.
2. SURIA welcomes any movement that highlights the mistreatment of deprived sections of society. Before an issue can be resolved it must be made known. Any campaign that enhances the lived experience of the service user is embraced and applauded.
3. Any new legislation must inform a collection of modalities, initiatives and mechanisms that promote dignity, respect, autonomy, accountability, transparency, equality and non-discrimination, (Barrett 2010, Vizard et al. 2011).

4. Public Bodies must offer an independent, impartial and robust complaints procedure that promotes participation and inclusion for service users.
5. A partnership approach between the service user and provider must replace the asymmetrical power imbalances that promulgate the silencing of clients, informing powerlessness and the “us and them” dynamics that have been shown to be deeply embedded in the current service user narrative. Allowing service users to be active agents in service delivery promotes dignity, inclusion and self-esteem.
6. The services offered by Public Bodies should be predicated upon the latest International Evidence-Based Practice, recognising the values and perspectives of service users.
7. The policing and implementation of The Public Sector Duty must be robust and transparent. Enshrined in the Act is the power of the Commission to request a review of practice and strategies employed by a Public Body that has their procedures critiqued by multiple service users. SURIA maintain that The Public Sector Equality and Human Rights Duty Act is a blunt human rights instrument when not sufficiently implemented and monitored with regular Equality Reviews to improve service delivery and the lived experience of dealing with mechanisms, procedures and powerful actors who permeate many Public Services.

As a peer-led organisation, SURIA, in conjunction with CAN have trained service users to be aware of their rights and entitlements and concomitantly the appropriate channels through which violations are addressed. We have distributed rights-based literature and continue to monitor the conduct of MMT services through peer-led research initiatives, exercising the access, address and report cycle, (IHREC 2019). We also maintain a social media presence. Similar strategies could be implemented in ATD’s campaign and continued once the ground has been included in the Equal Status Act.

SURIA joins ATD and calls for an end to the culture of blame that is indicative of the MMT service experience and has been made manifest in many of the ATD’s testimonies of socio-economic discrimination. All Public Services supporting vulnerable socio-economic deprived individuals should implement a similar strategy and practices, *“Poverty is not something someone chooses to live in, poverty is something that comes from hardship, misfortune and your environment”* opines a participant of this Report. SURIA also echoes ATD’s calls for the end of the predisposed social misfit rhetoric that is employed by many Public services in their service delivery. A greater understanding of the sociological factors and variables that inform poverty will perpetuate better outcomes, superior service provision, and instil service users with a sense of purpose and self-respect as they avail of any assistance that they may require from the State.

8. Training and awareness vis-à-vis socio-economic discrimination should be mandatory for all Public Service Providers.
9. The active and continuous promotion of a culture of inclusion, respect, equality and human rights is recommended with the aim of promulgating confidence and trust when individuals engage with Public Services. A culture of equality will help dismantle “us and them” relationships and asymmetrical power imbalances, allowing the service user to be heard, valued and respected in the delivery of vital services. For many, this new experience will propagate dignity, respect and self-efficacy, a vital component of a human rights-based approach, (Barrett 2010, Vizard et al. 2011).

10. Contemporary data (Carew & Comiskey 2018, 2018a) demonstrates an aging MMT populace. SURIA argue that the predominant factor in this is poor service delivery and the fact that many clients have little input into their own service experience. Although SURIA's campaign is located within one Public Health service, we believe that valuable lessons can be garnered, advancing prompt, evidence-based responses to Public Sector issues.
11. SURIA recommend regular meetings among those who believe their lives have been affected by socio-economic discrimination. To this end, SURIA will continue to work with ATD to achieve common goals and amplify the voices of those who for too long have been silenced due to opprobrium and stigma.

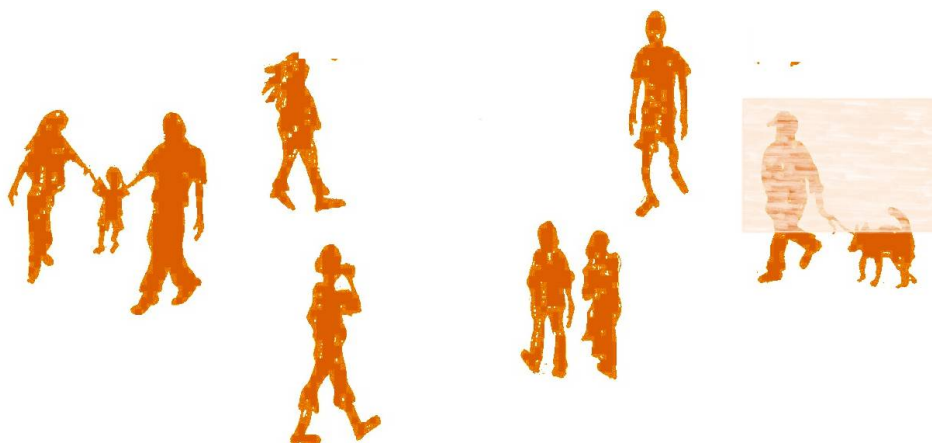
**In the next chapter, ATD Ireland will draw on the previous chapters and on the SURIA group's comments presented here above to formulate learnings, calls and recommendations.**

### Conclusion by the SURIA group

The question *"Does it Only Happen to Me?"* has been cogently answered by this collaborative Report. It makes manifest that for a significant portion of Irish society, there exists an urgent demand and need for this identified legislation gap to be promptly responded to without delay. Unfortunately, the wheels that need to be set in motion for such legislation change are traditionally slow. However, the work of SURIA and ATD is vital as the evidence illustrates that there is a significant portion of the Irish population, usually those who inhabit the fringes of a market-led, utilitarian society that are governed and treated differently. For those who are seen not to possess the necessary attributes to be governed equally, a form of authoritarian governmentality often polices the conduct of these groups, (Dean 1999). These groups are routinely silenced, have their agency and autonomy inhibited and are subordinated.

The Public Sector Duty offers recourse to these disempowered populations, helping to challenge deep-rooted inequality and discrimination. The narratives highlight the need for a tenth ground to protect a significant population, those who are treated differently due to their socio-economic status, their place of birth, accent and dress-code. SURIA fully support ATD Ireland in this endeavour and we believe this legislation will also benefit those who avail of MMT services in Ireland.

Discrimination is nothing new in Irish society, and the work of both projects asks deeper questions of Irish Society. A gap has been identified in the Irish Equality Literature and must be addressed promptly, much like many of our European counterparts, (McKeown 2019).



# The Way Forward:

## Gaining the Recognition of the Ground and the Possible Impact on the Public Sector Duty

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### Conclusion and Recommendations

In this chapter, we will draw on the 3 previous chapters to formulate learnings and recommendations.

***A historic and democratic political responsibility:  
we see and recognise a collective experience of Irish citizens.***

***"As we embark on this great collective journey, we pledge that no one will be left behind. Recognizing that the dignity of the human person is fundamental, we wish to see the Goals and targets met for all nations and peoples and for all segments of society. And we will endeavour to reach the furthest behind first. "***

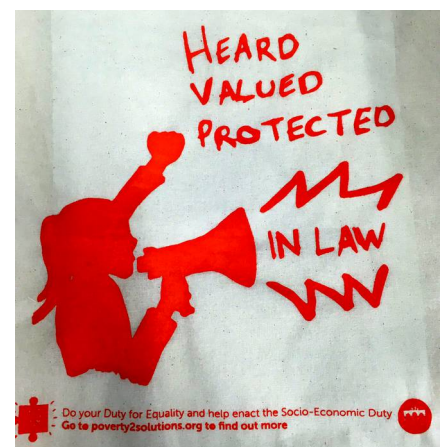
- Extract of the preamble of *"Transforming our world: the 2030 Agenda for Sustainable Development"*, mainly drafted by the Irish Ambassador to the United Nations, Mr. David Donoghue. The full text was adopted at the United Nations by Ireland and 192 other countries on the 25 September 2015.

The 'stories of discrimination' compiled in this report add to the book of evidence of the reality of unequal treatment based on socio-economic status.

Following the German sociologist and philosopher, Axel Honneth, ATD Ireland believes that 'the struggle for recognition' is at the centre of social life and social conflicts. His recognition theory holds that our own identities are socially acquired and the acquisition of self-confidence, self-respect and self-esteem is the foundation of autonomy and agency. The State and its laws have to contribute to this recognition.

Not naming the reality and occurrence of discrimination based on the socio-economic ground in the Equal Status Act can be seen as a way to say to some of the most deprived and vulnerable citizens in the country: *"Equality is not for you!"* We refuse to see and recognise the blaming, shaming, humiliation, stress, sufferings and limited access to goods and services which results from unequal treatments!

The recognition of a 10<sup>th</sup> ground of discrimination is of such powerful symbolic importance, as part of a history of emancipation, that the current "Money question" put on the 2018 Private Bill by the current Government can be viewed as inappropriate and obstructive.



The current resentments of many European citizens of being "forgotten" is more and more recognised as one of the primary motors driving authoritarian populist insurgencies within the EU and around the world. Any current efforts to reinforce the equality frameworks in a way that more citizens will trust that 'equality is for all' should be considered very carefully by all political parties and actors.

## Calls and recommendations

1. We call on all members of the Oireachtas to support the parliamentary process that will lead to the adoption of the Private Member's Bill, the Equality (Miscellaneous Provisions) Bill 2017, introduced by Mr. Jim O'Callaghan TD and Ms. Fiona O'Loughlin TD.
2. We invite all concerned stakeholders to monitor the advancement of the research project contracted by the Department of Justice and Equality (DJE) to "create a more precise definition of any potential new equality ground". The work on this piece of research is due to commence in September 2019 with a completion date of December 2019. (See Chapter, The Irish Journey So Far)
3. We call on the Department for Employment Affairs and Social Protection (DEASP) to include in the new National Action Plan for Social Inclusion, a 'Roadmap for Social Inclusion', a provision to regularly monitor discrimination on the basis of socio-economic status and in doing so, to inform the Department of Justice and Equality and the public at large of the hidden experiences of unequal treatment suffered by members of disadvantaged communities in Ireland.
4. We recommend to the Department of Communication, Climate Action and Environment (DCCAE) responsible for the overall implementation of the transformative UN Agenda 2030 for Sustainable Development to develop expertise on socio-economic discrimination. Goal 10 (on inequalities), Goal 1 (on poverty) and many other Goals of the Agenda should aim to serve the 'greatest global challenge and an indispensable requirement for sustainable development: eradicating poverty in all its forms and dimensions, including extreme poverty' and the "Leave No One Behind" promise. We call on the DCCAE and the Government to include the improvement of the Equal Status Act with the recognition of new grounds in the next National Implementation Plan of Agenda 2030. We invite all civil society organisations involved in the Irish Coalition 2030 to support the recognition of the SES ground as a critical element in the achievement of Goal 10.
5. If the Private Member's Bill introduced in 2017 is not adopted before the end of the current Dáil and the call for General Elections, we invite concerned Irish stakeholders and political parties to work together to make sure all Elections Manifestos will include a commitment to improve the Irish Equal Status Act with the added protection for citizens of new recognised grounds of discrimination including the socio-economic status.
6. We invite concerned Irish stakeholders to join with other European stakeholders and EU State members advocating for the adoption of the EU Anti-Discrimination Horizontal Directive and in the follow up of the adoption of the 2017 EU Pillar of Social Right to work together to include the Socio-Economic Status as a recognised ground in the future monitoring and development of EU legislation.

To reinforce these efforts, we would count on three European bodies (The European Union Fundamental Rights Agency (FRA), the European Network of National Human Rights Institutions (ENNHRI) and the European Network of Equality Bodies (Equinet) to address socio-economic discrimination as unequal treatment and as a process preventing citizens to enjoy effective access to their rights.

## **Implications for Duty Bearers of the Public Sector Equality and Human Rights Duty**

*"I think when you go visit public services; you are going in with a disadvantage. It's accepted that that's what you have to put up with and then you can work around the problem when you get there. Say when you go in and you want to make a complaint or something to the council or get something fixed – you're at a disadvantage because they have the ball and you can't get it yet."*

*"So, if someone is in poverty and they're going in - it shouldn't be how cute you are or can you play the system - the system should be fair! If you are entitled to something because you are living in poverty - they should not be sitting there and have no compassion - you should treat the individual like the human that they are!"*

*"It's very hard to deal with the public sector. When you're confident, they think you're cocky and then they don't want to listen to you."*

*"Insecure. Because I think with discrimination, I think it can just hammer at a person until they just feel so insecure that they feel like they're not part of society, and like they're on the fringes all the time. I think that if you don't have that insecurity, then you can stand up to discrimination."*

This chapter is based on the learnings described in the review of experiences with the public services and the recommendations drafted by the SURIA Group. If we assume a hypothetical recognition of a broad enough 'socio-economic status ground of discrimination' in the Equal Status Act, the public service provision and delivery, underpinned by equality and non-discrimination, could be affected in different ways.

To match the major expectations identified previously, service users from the communities we represent, should:

- get clear and understandable answers to their requests from the public sector duty bearers;
- be informed about the way official records are used as a basis to deal with them, and be able to comment on or appeal this use;
- have clear, safe, independent, robust and easy mechanisms of complaint when they feel public sector duty bearers have mandatory or no mandatory control on their life;
- be supported by a structured and funded process to gather together at regular meetings if they believe their lives have been affected by socio-economic discrimination.

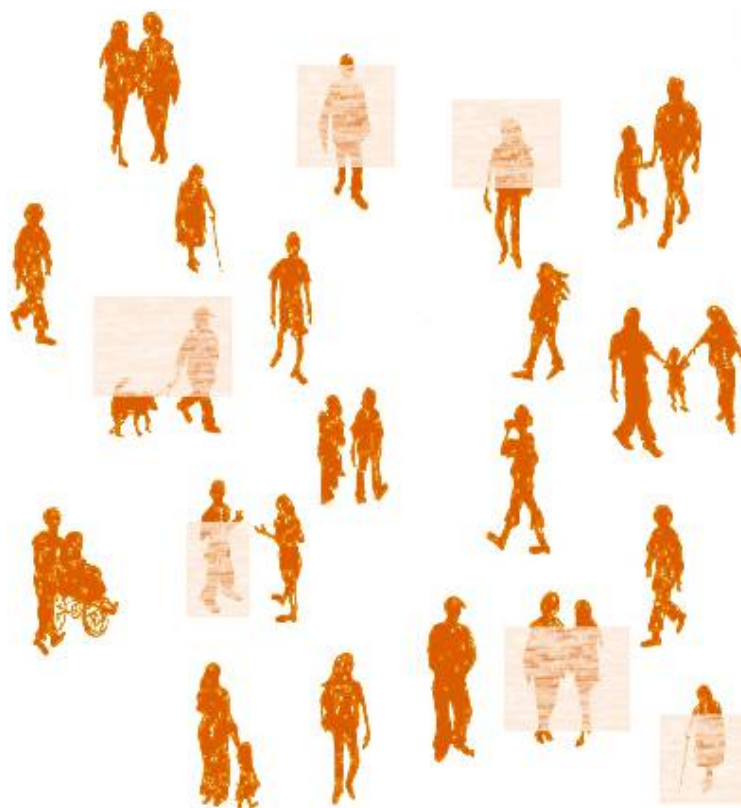
The public sector duty bearers should:

- **Run and/or support targeted or general public campaigns** that enhance the lived experience of service users and highlight the mistreatment of deprived sections of society. As SURIA puts it: *"Before an issue can be resolved it must be made known."*
- **Identify the mitigation strategies developed by service users** to avoid discrimination or arbitrary treatment so as to find formal and informal ways **to support them**. Respondents in focus groups often described a number of strategies to avoid what they felt could be discrimination:
  - Interact by phone or face-to-face with a friend or a support person they trust;

- Identify the opening hours when the staff is less under stress and lower the risk of negative interaction,

These two basic examples of mitigation should inform ways to better serve the public.

- **Develop partnership approaches between the service user and provider** to avoid asymmetrical power imbalances that often promulgate the silencing of clients, reinforcing powerlessness and the “us and them” dynamics. Allowing service users to be active agents in service delivery promotes dignity, inclusion and self-esteem. This partnership approach could also be implemented in a structured way at national level and involve representatives of service users from vulnerable communities in the regular monitoring of the delivery of the Public Sector Duty. The fact that clients could have inputs into their own service experiences should improve service delivery.



**- Support mechanisms and initiatives that empower service users and reduce the fear factor.** The participants in the focus groups discussed the fear of speaking out against the way they are being treated out of a worry that they would be wronged even further – *“No one complains about the methadone clinics because they're afraid they'll be taken off their methadone. I have 100 complaints about my doctor that dispenses my methadone, but I won't put in a complaint because I'm terrified that he might move me from my chemist. So, you don't open your mouth! Fear!”* One way to mitigate this fear is to support peer group support dynamics.

**- Experiment with 'compensation schemes' or positive discrimination service delivery.** In the 24 / 7 experience of unequal treatments, the project discovered the cumulative impact of the discrimination process: *"I think you do internalise these things, you know? And it's not a good thing... and I think men, especially men, don't express how they feel. Because when you get rejected from somewhere, it's quite hurtful, and you can bottle that up easily enough and say, 'Ah, don't fuckin mind them idiots', but really*

*you're hurt, especially if you walk into a shop and the security guy, and you haven't even gone in yet, and they're refusing you at the door or they're following you around."*

The repetitive trauma of socio-economic discrimination outside the Public Sector could be assessed in better ways such that pilot schemes, for example, could be utilised where public sector delivery would avoid reinforcing these negative experiences and try to compensate with targeted positive discrimination practices. These pilot schemes should be designed in partnership with services users. One young woman who had had direct experiences of the services, before studying social care herself, explained how the caseloads of social workers are at breaking point and how, therefore, sometimes they're not given sufficient time to get to know the children that they're working with. However she herself felt *"able to be a social worker and to have empathy and be able to relate to the people, and have the professional and theoretical knowledge. And that's the kind of person that will do the job right. Not the kind of people sitting there teaching, 'Don't build a relationship, keep your barrier'. That's why people aren't connecting with them and fearing some social workers - they're not relating to or working with people enough!"* People with roots in disadvantaged communities should be involved in these pilot schemes.

## Calls and recommendations

1. We call on Public Sector Duty bearers and other stakeholders to partner with service user groups to develop training and awareness raising programmes vis-à-vis discrimination based on socio economic status. These programmes could become mandatory for all Public Service Providers once the new ground becomes recognised.
2. We invite all concerned medical and other stakeholders to discover the professional training programme initiated by Dr. Austin O'Carroll and colleagues at the Irish College of General Practitioners. The North Dublin City GP Training Scheme has been designed so that *"every person and community has access to a professional, quality and holistic general practitioner service that will allow them maximise their health irrespective of background and economic status."* (ICGP 2017). The use of Health Inclusion personnel should be further developed in major hospitals.
3. We invite the Irish Human Rights and Equality Commission to become a key stakeholder in the hoped-for improvement of the Irish Equal Status Act with the added protection of citizens from socio-economic discrimination. With other stakeholders and partners, the IHREC could prepare or further develop a strategy for awareness raising, training and monitoring related to discrimination based on socio economic status.
4. We invite all concerned stakeholders to monitor the latest international evidence-based practice and legislation on socio-economic status discrimination, and especially evidence recognising the values and perspectives of service users.
5. We invite all stakeholders concerned to support and monitor the implementation of the "The Future of Policing in Ireland" framework, with a special focus on the provisions aimed at developing a human rights based approach.
6. Inspired by Senator Lynn Ruane's speech on socio-economic shaming in school, we would support any initiatives to highlight the hidden negative experiences of children and young people from disadvantaged socio-economic backgrounds in the education system, and to explore new ways to unleash their potential.
7. Inspired by calls of focus group participants, we would support any initiatives to highlight the hidden situations of discrimination experienced by children and young people in the child protection care system as well as persons with criminal conviction.

## **“You must be the change you wish to see in the world” - Mahatma Gandhi**

This report will be launched at a time when the world marks the 150th anniversary of the birth of Mahatma Gandhi (2 October 1869). With the above call from Gandhi in mind, what did respondents tell us about our common duty to make change happen, beyond the domain of public services?

**They invited us as voters and the political parties representing our diversity to choose representatives who have a clear and lived understanding of what socio-economic unequal treatment means:**

*"There's nobody from the minority groups that're being discriminated against in power. Like, I seen the other day, the first traveller woman that graduated with a PhD. Like, it's 2019, like what? And it's all over the news...like obviously it's a great achievement for her, like, I can't ever imagine getting to a PhD, and it's a great achievement, but why, like that shouldn't be front page news, that should be the norm for traveller women. But in the media where are the travellers that are writing the columns? Where's the people from the north inner city that's writing the columns? Where's the black man that's playing in golf and sport, or whatever, you know? We're not represented enough in power. And that's why we're still being discriminated against, because there's nobody to represent voices of the minority groups in power, and that's how it's going to keep on continuing until either we raise our voices like this and bring it to parliament, or until we're more represented in powerful positions. And that's how we'll change the mind-set."*

**They told us our media (including the State-funded media) are a key stakeholder if we want to make change happen:**

*"People are very proud of their 'bad neighbourhood'...It's where you were born and bred. There's a lot more good in the world than there is bad. Unfortunately, **the bad is always televised**."(...) The media reinforces a lot of the stereotypes and the labels. You read articles in the newspaper, right? They want you to believe in the myth that these people are pieces of shit and they deserve what we do to them. That's reinforcing the class system, the stereotypes. It's alright to label him, because he hasn't got a job, or he doesn't do this or he doesn't do that, or he's a different colour skin, different accent, whatever. And it's alright for you to do whatever you do, because you played into the system, you done the mortgage, you done this, you done that. That's what's happening. They're setting us against each other. The media is powerful in that it reinforces stereotypes and they're not challenged. And people are influenced by them. And then they disrespect the person they come across who they believe is a stereotype, because they're described the way I read about them in the newspaper. (...), I'm entitled to treat them like a piece of shit, because I read about it."*

**They told us that we can all kill the dream because we probably all discriminate in one way or another and we hurt with words.**

*"But why're they assuming that we're not intelligent? Because of the clothes and stuff that we wear? They assume that like you know? And they're judging us. And it's for us to get together and say that this needs to change in the community. Like when we use a name, 'such and such from Ballymun', automatically people think bla, bla, bla. And then if they really listen to the voice of that individual from that area and he's telling a different story, you know what I mean? With this if you take his address away, you will see: this is her, this is him, this is her dream, this is his story. It's just like basically saying that we're all the same as each other, you know what I mean?"*

## Calls and recommendations

1. We call on all political parties and on organisations of independent candidates to improve the social mix in their list of election candidates.
2. We call on media to assess their practice if they are at risk of disseminating messages which can reinforce socio-economic prejudice and discrimination.
3. We invite all stakeholders concerned to assess, both in Ireland and in other jurisdictions, civil society initiatives focused on challenging stereotypes and prejudices in relation to communities from very economically deprived areas. Reducing and counteracting the negative narratives and the lack of knowledge about real life in socio-economic disadvantaged areas will help contribute to the prevention of discrimination based on socio-economic status.
4. We invite all stakeholders concerned to take stock of the learnings from the new international “The Hidden Dimensions of Poverty” Report. Focusing on what so far was remaining “in the shadow” of lives in poverty, the work by an Oxford University – ATD International team gives new conceptual tools in order to better understand the impact of socio-economic discrimination and why it is important to recognise it.
5. We invite all citizens to develop an interest in approaches and practices which prevent individuals in engaging in negative interactions, stereotyping, blaming and shaming. Among these approaches, we name for example the Non Violent Communication approach, among many others.
6. We call on all members of the ATD community group in Ireland to continue their voluntary commitment and work of fostering knowledge and understanding, bringing people together, support and advocacy, and policy development, so as to bring about positive change for those people in society who continue to be discriminated against on socio economic and other grounds and who remain left behind.



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## This image shows a blank sheet of white paper with horizontal orange lines. The lines are evenly spaced and run across the width of the page, providing a guide for writing or drawing. There are no margins, text, or other markings on the paper.

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The **All Together in Dignity Community Group** in Dublin is one of the 100 groups around the world who come together to form the International Movement ATD Fourth World. This global human-rights movement works through grass-roots projects in partnership with people living in poverty. In 35 countries and 4 continents, it remains focused on constantly reaching out to the most vulnerable families and those who have a long history of poverty and educational disadvantage even in the so-called developed countries.

For the past 20 years, ATD in Ireland has been close to family members facing persistent poverty and struggling daily to live in dignity. The ATD Community Group welcomes everyone. It unites people whatever their origin, social status, culture or beliefs to fight against poverty. In building trust, solidarity and friendship, all have a place to realise their full and best potential. By working together and learning from each other, everyone is free to express themselves without being judged.

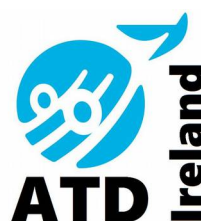
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Coimisiún na hÉireann  
um Chearta an Duine  
agus Comhionannas  
Irish Human Rights and  
Equality Commission

This project is supported  
under the Irish Human  
Rights and Equality  
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**Goal 10 of the United Nations' "Transforming the World: the Agenda 2030 for Sustainable Development"** calls for reducing inequalities in income as well as those based on age, sex, disability, race, ethnicity, origin, religion or economic or other status within a country. The Goal also addresses inequalities among countries, including those related to representation, migration and development assistance.

**Target 10.3:** "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard."

What about Socio -  
Economic  
Discrimination?



*"Does it only happen to me?"* powerfully chronicles the damaging experience of daily lives persistently crashing up against stigma and stereotyping of socio-economic status. It documents the painful stories of those who have suffered the presumptions and behaviours based on these stereotypes across the public and private sectors in both employment and service provision.

Nial Crowley – from the Foreword

Does it only  
happen to  
me?

