

Does it only happen to me?



Living in the shadows
of socio-economic
discrimination

From the Report Foreword

By Niall Crowley, former Chairperson of the Equality and Rights Alliance

“Does it only happen to me?” chronicles powerfully 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.

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.

1 Equal Status Act

9 ½ grounds recognised

18 years of mobilisation

1 Private Bill

1 Public Sector Duty

8 focus group discussions

10 organisations

8 months

3 questions

60 participants

5 areas of action in Public Services

19 recommendations



Introductio

This 10-page summary report provides an overview of the “Does it only happen to me?” report by All Together in Dignity (ATD) Ireland launched by Senator Lynn Ruane in the Auditorium of the Human Rights and Equality Commission on 18th September 2019 (see pages 7 & 8).

The full report tackles the lived experience of socio-economic discrimination and presents the learnings of 8 months of work by the volunteers involved with ATD Ireland. 60 participants from deprived background in the Dublin area answered 3 questions:

- When you hear 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 or background you come from?
- What is the impact of these unequal treatments?

The ATD volunteers chose to follow a specific methodology when collecting and recording the views expressed in focus groups or individual interviews (see graphic). Over 100 pages of transcripts were produced. During the analysis of these transcripts at least 30 different situations of unequal treatments because of the socio-economic status of the participants were identified.

With the support of the Service Users Rights in Action (SURIA) Group, the authors drafted **19 recommendations** calling on various stakeholders of the democratic representative bodies and institutions and of civil society (see page 6). Five requests to public services were also been identified:

- to avoid a lack of response to service users' requests
- to limit the bias suggested by information from the service user's records
- to assess the perceived “unfair” allowances
- to avoid behaviours and decisions which can be seen as “control on the service user's life”
- to monitor the consistency of decisions and avoid decisions perceived as “lottery” by the service users.

The practices expected by service users could have a positive impact on the delivery of the Human Rights and Equality Public Sector Duty and the experience of 'unequal treatment'. The authors of the report invite also interested stakeholders to improve knowledge and assessments of discrimination based on socio-economic status in the following sectors: Education, Health and the practices of An Garda Síochána.

ATD Ireland hopes the report and this summary will contribute to remove a few more bricks from the wall that causes so much suffering, despair and unfair treatments experienced by so many people in our country. It is also ATD's 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.

Three choices

1. We didn't set a list of what had to be understood by “discrimination”.
2. We valued all inputs and views.
3. We accepted to collect a limited picture of “public services” (no questions on the positive impacts of services) and about “discrimination”

To download the full report, visit www.atdireland.ie/wp/socioeconomicground

The Irish Journey So Far

Socio-Economic Status as a Ground for Discrimination Under the Equality Legislation

The full report details the key developments over the 20 past years and the role key stakeholders in the journey to achieving recognition of the socio-economic status as ground for discrimination under Irish equality legislation. From this detailed overview, we have selected here some of the most important milestones.

2014 – Creation of the Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission was established on 1st 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.

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 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.

2016 – “Housing assistance” is a new discriminatory ground

On the 1st 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”*.

2016 – The Equality & Rights Alliance Report

In October 2016, the Equality and Rights Alliance published the report *“An analysis of the introduction of socio-economic status as a discrimination ground”*. It shows that legislation in 20 of 35 European countries provides protection against discrimination on a ground related to socio-economic status. 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.

November 2017 - Launch of 'Who experiences discrimination?' 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.

2017 – The Private Bill

ERA worked with Jim O’Callaghan TD and Fiona O’Loughlin TD to develop a private members bill. The resulting *Equality (Miscellaneous Provisions) Bill 2017* was brought before the Dail on 27th 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.”*

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. 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.

2018 – The Sustainable Development Goals National Implementation Plan

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. Ireland adopted in 2018 an initial National Implementation Plan to match its commitment towards the Agenda and as Tamas 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.

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.



An Experience 24 / 7

“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.”

Almost everyone ATD interviewed mentioned experiencing nearly daily unequal treatment based on socioeconomic related factors such as their background, the way they speak or how they dress – and generally from a very young age. This cumulative daily experience and how it impacts mental health and emotional wellbeing 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.

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. 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”*.

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.”*

"You can be made to feel like that!"

ATD also asked members of its 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".

"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."

"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. "

Socio-Economic Discrimination Experienced in Public Services

"When they mess up, it's never their fault, it's our fault!"

When it comes to socio-economic discrimination in the Public Sector, the stories from project respondents were plentiful and diverse. They include interactions with schools, health services, Intreo, Tusla, housing agencies, homeless services and the police. The chapter on public services is 16 pages long in the full report with sections on School, Health Services and An Garda Síochána. Some experiences of discrimination are not easy to summarize in a few words. We choose to quote briefly various sections of the report's "public sector" chapter.

"There needs to be humanity when you're dealing with people"

While it is debatable whether legal experts would define these situations as "discrimination", here are some moments when participants of our focus groups described experiences of "unequal treatments" by public services.

No answer - "Not one member of staff came up"

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.

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'. Many people discussed a lack of human connection and empathy between some professionals working in these positions and themselves.

Financial support - *“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.

It’s a Lottery – *“Factors outside my control influence the response of public services”*

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.

Disadvantage and barriers to education

Socio-economic inequality in opportunities and outcomes in education has been a major research focus for decades. 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. 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.

Health Services

The health sector was one area for which ATD collected a large number of stories / experiences, and also some of the most disturbing. An 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. In addition to quoting many stories, the report includes GP Austin O’Carroll perspective on systemic discrimination in the public health system.

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”. In 2018 the Irish Government endorsed the *“Commission on the Future of Policing in Ireland”* report. This report sets out as a first principle that *‘human rights are the foundation and purpose of policing’*. Yet many participants in ATD’s project shared how they were regularly discriminated against by the police. The full report details stories collected and discusses briefly the human rights opportunities of the “Future of Policing in Ireland”.

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

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. 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. For SURIA, one predominant factor in this poor service delivery is the fact that many clients have little input into their own service experience.

SURIA and ATD are linked. Both aim to employ 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.

To make the best of the material and stories gathered, ATD Ireland invited the SURIA Group to provide an *Analysis of a large selection of stories*. Drawing from their work, SURIA proposed recommendations and comments regarding the campaign for a tenth ground of discrimination. SURIA underlined that: *“Many of the participants who took part in the ATD 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. Recent literature has suggested that welfare is now predicated upon conduct and behaviour as opposed to genuine need and wellbeing.”* As part of its comments SURIA notes also that the Public Sector Equality and Human Rights Duty Act is at risk 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.

A set of recommendations (extracts)

Recommendations regarding the recognition of the 10th ground

1. We call on all members of the Oireachtas to support the parliamentary process that will lead to the adoption of the Equality (Miscellaneous Provisions) Bill 2017.
2. We invite all concerned stakeholders to monitor the advancement of the 2019 research project contracted by the Department of Justice and Equality (DJE) to “create a more precise definition of any potential new equality ground”.
3. We call on the Department of Employment Affairs and Social Protection (DEASP) to include in the new National Action Plan for Social Inclusion a provision to regularly monitor discrimination on the basis of socio-economic status.
4. We recommend to the Department of Communication, Climate Action and Environment (DCCAE), responsible for the Agenda 2030, to develop expertise on socio-economic discrimination. (...) We call on the DCCAE and the Government to include the “Goal 10” improvement of the Equal Status Act with the recognition of new grounds in the next National Implementation Plan of Agenda 2030.
5. In case of a call for General Elections, we invite concerned Irish stakeholders to make sure all Elections Manifestos will include a commitment to improve the Irish Equal Status Act with the added protection against socio-economic discrimination.
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 addressing socio-economic discrimination as unequal treatment.

Recommendations regarding the Public Sector Duty

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-a-vis discrimination based on socio economic status.

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.

3. With other stakeholders, the IHREC could prepare or further develop a strategy for awareness raising, training and monitoring related to discrimination based on socio economic status.

6. Inspired by Senator Lynn Ruane's views 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 in the child protection care system as well as persons with criminal conviction.

Our common duty

1. We call on 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 discrimination.

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 to continue their voluntary commitment and work of fostering knowledge and understanding, bringing people together, advocating for positive change for those people in society who continue to be discriminated against on socio economic and other grounds and who remain left behind.

“It’s about the rest of us deciding that it hits us in the gut”

Launching the 'Does it only happen to me?' report

The “Does it only happen to me?” report was launched by Senator Lynn Ruane on 18th September 2019 in the Auditorium of the Human Rights and Equality Commission. The event included panel discussions and the formal launch. The 65 participants took part in short group work sessions. More than 20 people among them were previously involved in the ATD focus group consultation. Here is a selection of quotes from the formal speeches and the discussions.

“In IHREC’s founding legislation we are mandated to carry out our work with a view to encouraging and supporting the development of a society in which “there is respect for the dignity and worth of each person” and where “a person’s ability to achieve his or potential is not limited by prejudice, discrimination, neglect or prohibited conduct”. This report and the experiences shared here today forcefully remind us that poverty and social exclusion undermine people’s dignity, limit their potential and expose them to discrimination in a very profound way which urgently needs to be acknowledged and addressed.”

- Laurence Bond (Director, IHREC)

“The type of report that ATD has produced is extremely valuable because it gives us an insight into the daily lived dynamic of how it feels to be discriminated against because of your socio-economic background and social class. It compliments other existing evidence of socio-economic discrimination in Ireland. We discover the types of injustices that people are routinely subjected to. For many, these injustices literally wear them down and make life even more difficult than it already is. There are a lot of lessons there for researchers, policy makers, people working in NGOs, government officials and politicians. We need to ensure that the expertise of people whose experience is captured in this report is at the centre of debates about policy and law reform.”

- Judy Walsh (Director, UCD Equality Studies Centre)

“We know that it can be difficult to prove that someone didn’t get a job because of their gender, race, or religion, and it’s probably going to be equally as difficult to prove that someone didn’t get a job because of their disadvantaged socio-economic status. But, that’s not a reason not to do it! This is a legislation that should be enacted.”

- Jim O’Callaghan (TD, Fianna Fáil Spokesperson on Justice and Equality)

“The voices of the people in the shadows are starting to come forward and that’s what the shared knowledge is for me. They need to be at the table... That’s what this report does. It takes people out of the shadows and gives them a platform. It’s opening up the debate... when we’re talking about people who have lived this experience, the shame, the guilt, the rejection. The way people start to think, ‘Am I a part of this society?’ That’s horrible on an everyday basis for a person.” - Paul Uzell (ATD Community Activist)





“We have to commend people’s honesty, their integrity, their bravery in putting their stories out there because that’s very hard. To do that and say ‘this is the impact on my life’, or ‘this is the impact on my family’s life’; to bare your soul in public and to be treated so poorly that this is what it does. The title of the report ‘Does it Only Happen to me?’ tells a lot. This is very much the hidden form of mass levels of discrimination in Irish society. It’s not spoken about. We know that the first point is the inward bit. It’s damaging people’s lives on an ongoing basis. They’re being treated differently and people know that feeling. They know its impact and how it limits their expectations for education and employment. If it’s not spoken about it becomes normalised in society. That’s really important as we start talking about the impact of how it makes people feel. (...) We all know that discrimination dehumanises people. It robs them of their humanity. There are people’s lives here that have been damaged on an ongoing basis. That’s the important part of this report! (...) While we have a Bill that is currently stalled, and if we do go into election this year, I think if we are serious about this as people passionate about change, we need to let politicians know about this. We need commitments that they will see this through in the Dáil 2020. We have a potential opportunity to say ‘Let’s have our voice heard about this!’ We now know. We have got the documentation to bring those real life experiences to politicians.”

- Damien Walshe (Director, Independent Living Movement Ireland)

“People haven’t really moved from the idea that equality is not necessarily access or equity. We have a very privileged frame of equality, and sometimes it’s couched as equality of opportunities. To really move towards a space where people aren’t being discriminated against because of social economic disadvantage, well then we need to move towards a conversation that looks at equality of environment. Then, if all our environments don’t look the same, all those equalities that speak about are actually unattainable for a large proportion of society, because the very foundations upon which we stand on dissolve a bit too far away from achieving it.”

- Lynn Ruane (Senator and Community Activist)

“Today there was a lot of quality conversation reflected in the mixture of people who talked and those who presented. There was an equality of engagement between people who live with inequality, and discrimination, and people who are campaigning in other spheres. (...) I think in the report, the stories that people tell give a very simple measure for defining socio-economic status and discrimination. It’s something that takes away their dignity, their respect, and presents them with an obstacle course for realising and living to their full potential. They know it instantly and when we hear the stories, we too know it. The recommendation in this report is the call to everybody to make society not accept that any longer. So it’s not about advocacy, or ‘please can we’, or whatever. It’s about the rest of us deciding that when it hits us in the gut it’s wrong and we should not have a society that allows that to happen. We should have robust systems in place where everybody knows it’s wrong. All recommendations, to me, can be boiled down to one, that is: “It’s wrong. I don’t want to live in a society like that. I want to change it. -

- Cecilia Forrestal (Community Action Network)

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- Cecilia Forrestal, Community Action Network
- Community Lynks Project
- European Anti-Poverty Network (EAPN) Ireland
- Dublin Adult Learning Centre (DALC)
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- North West Inner City Training and Development Project (NWICTDP)
- Paul McKeown, Irish Human Rights and Equality Commission (IHREC)
- SAOL Project
- Service User Rights in Action (SURIA) group
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Gail Seekamp, Chairperson, ATD Ireland, 10th November 2019

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

ATD Ireland is a member of the Irish Coalition 2030, the Children's Rights Alliance, the Community Platform, Dóchas, EAPN Ireland, the Irish 17 October Committee, the Wheel and the International Movement ATD Fourth World.

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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

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