



**ERA Press Release Wednesday 26 October 2016**

## **Call for new legal equality ground based on socio-economic status**

*Ireland at risk of being out of sync with European equality standards on socio-economic ground*

New research published today recommends the addition of a new ground under equality law that will prohibit discrimination and promote equality on the basis of socio-economic status.

At a report launch in Dublin today, the Equality and Rights Alliance (ERA) which commissioned the research called on the Government to introduce a new socio-economic status ground in equality legislation following legislative and caselaw trends across Europe and to ensure Ireland meets its obligations under EU and international law.

Entitled 'An analysis of the introduction of socio-economic status as a discrimination ground', the report examines the existence and use of the ground in equality law and policies across Europe. It was officially launched by Caoimhghín Ó Caoláin TD, chair of the Joint Oireachtas Committee on Justice & Equality, in the Mansion House at 1pm today.

Commenting on the need for a new equality ground, Chair of the Alliance Niall Crowley said "There is evidence of significant discrimination on the ground of socio-economic status in key areas such as employment, education and housing. The economic and financial crisis has exacerbated this discrimination and ensuing inequality. We have equality legislation that aims to be comprehensive in covering nine grounds. It must now include this tenth ground of socio-economic status if it is to meet any such aspiration.

"The Programme for Government has articulated some concern for economic and social rights. This can be given practical expression with this prohibition of discrimination on the ground of socio-economic status," he said. ERA highlighted the upcoming revision of equality legislation around disability and gender identity as a golden opportunity to examine and discuss a new socio-economic ground.

According to report researcher Tamas Kadar, "Discrimination on a socio-economic status ground has 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. Experience from abroad suggests that it is possible to convincingly answer the sometimes justified hesitation and opposition to introducing a socio-economic status ground and that there are important gains to be realised by doing so."

Key points from the research include:

- In the second cycle of the UN's Universal Periodic Review (UPR) mechanism, in May 2016, Ireland received three recommendations from the Working Group on the UPR to adopt comprehensive anti-discrimination legislation that would cover all grounds of discrimination including "social origin, property, birth or other status".
- Article 21 of the Charter of Fundamental Rights of the European Union (Charter), which has the same legal value as the Treaties since 2009, prohibits discrimination on an open list of grounds, explicitly naming the grounds of social origin and property. The provisions of the Charter are binding for Member States when they are implementing Union law.
- The European Commission has noted a significant move across the EU towards extending the mandate of equality bodies to cover socio-economic status grounds. The most recent overview of equality legislation, prepared by the European Network of Legal Experts in gender equality and non-discrimination, shows that legislation in 20 of the 35 European countries provides protection against discrimination on a ground related to socio-economic status.
- In a 2015 report on equality bodies contributing to economic and social rights, Equinet, the European network of equality bodies, identified a growing number of cases on a socio-economic status ground, mainly in the fields of employment, social services, public and private housing, healthcare and the social protection systems.

Throughout Europe there are examples where socio-economic status is included in equality legislation:

- In Belgium, the federal antidiscrimination act explicitly includes the protected grounds of wealth ('fortune' in French) and social origin ('origine sociale').
- In Croatia, Article 1(1) of the Anti-Discrimination Act lists social origin, property, education and social status among the protected grounds of discrimination.
- In Hungary, Article 8(1) of the Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities prohibits discrimination on the basis of social origin and financial status.
- In France, a legislative proposal that would recognise socio-economic status or social vulnerability ('précarité sociale') as a new ground of discrimination is currently in front of the Senate and the National Assembly.

/ENDS

#### **Notes to editor:**

1. **Equality and Rights Alliance:** The Equality and Rights Alliance (ERA) is a network of over 170 civil society organisations, trade unions and individuals with an interest in equality and human rights. It was established to seek, support, and monitor the highest standards for our

equality and human rights infrastructure. Read more online at <http://www.eracampaign.org/>

2. A **copy of the research** can be accessed on the ERA website [here](#).

**3. Speakers available:**

**Tamás Kádár** is Head of Legal & Policy at Equinet, the European Network of Equality Bodies. In this position he organises capacity-building events for Equinet members and conferences on equality issues, assists some of Equinet's working groups (including its legal working group), and represents Equinet at external events and vis-a-vis external partners.

Tamás worked previously at the Hungarian Equal Treatment Authority as a lawyer, investigating discrimination cases on all grounds and drafting the decisions of the Authority. He was born in Budapest and graduated from the ELTE Faculty of Law in Budapest as a Doctor in Law. He also holds a Master of Economic Science degree from University College Dublin. Tamás has spoken at numerous international conferences and acted as a trainer and expert in UN, EU and OSCE-funded projects on equality and non-discrimination.

**Niall Crowley** is the Chair of the Equality and Rights Alliance. Niall is a former CEO of the Equality Authority and is currently a freelance Equality Expert with both the European Commission and the Council of Europe.