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No One Behind  
promise**

# ***Call for a European approach to tackle discrimination on the ground of poverty***

All Together in Dignity  
and the **Socio-Economic Ground**  
of discrimination in European countries

In September 2015, ATD Netherlands was approached by the Dutch Institute for Human Rights with the following question:

***Do you think it necessary to add a criterion on the ground  
of poverty to Article 1 of the Dutch Constitution?***

## **The Dutch Jurisprudence**

Dutch legislation (following EU Directives) does not yet contain a criterion for discrimination on the grounds of poverty, despite UN Human Rights Bodies advocating this criterion. In its Concluding Observations in November 2010<sup>1</sup>, the UN Committee for Economic, Social and Cultural Rights expresses its concern at the omission of “social origin” from the Dutch legislation concerning non-discrimination criteria. ATD Netherlands is now campaigning with other NGOs to gain the recognition of the socio-economic discrimination.

## **How is discrimination on the grounds of poverty dealt with in normative texts?**

In France, a bill recognising discrimination based on socio-economic grounds was adopted by the French Senate on June 18<sup>th</sup> 2015, and by the National Assembly in June 2016.

Poverty is a criterion for discrimination in the Universal Declaration of Human Rights, as well as the European Convention on Human Rights (ECHR) and also the European Social Charter. According to the UN Guiding Principles on Poverty and Human Rights, the onus is on the State to take specific and positive measures to reduce or eliminate conditions leading to discrimination.

“People may fall into poverty because their rights are not realised, but also because poverty creates situations where people’s rights are not sufficiently protected. Many **people in poverty experience having to live in a vicious circle of powerlessness, stigmatization, exclusion, discrimination and material deprivation.**”

From the Dutch Human Rights College 2016 Report:  
[www.atd-fourthworld.org/mobilization2017/delegation-atd-fourth-world-received-institute-human-rights-netherlands/](http://www.atd-fourthworld.org/mobilization2017/delegation-atd-fourth-world-received-institute-human-rights-netherlands/)

<sup>1</sup> Concluding Observations, E/C.12/NLD/CO/4-5, 9 December 2010, paragraph 11.

## An Emerging Trend in EU States

On **14 June 2016**, ATD France together with other NGOs succeeded in adding social conditions to the anti-discrimination laws. The new French legislation underlines the importance of recognising socio-economic discrimination. Similarly, the Belgian Criminal Code includes the notion of “a vulnerability by reason of a precarious social situation”<sup>2</sup>.

**In 2017 in Ireland**, Deputies Fiona O'Loughlin and Jim O'Callaghan introduced a Private Bill to the Irish Parliament. The amendment aims to prohibit discrimination on the basis of a person's social and economic background. **ATD Ireland will campaign to support this Bill.**

## Do we need “Anti-Povertism” Campaigns?

“If a kid is bullied with a racist insult, he can shoot back, “You're racist!” But when kids are bullied for being “welfare kids” or “homeless kids,” are there words to defend them? We all know words are so important. French Journalists have been starting to write about “anti-poor racism” — but for ATD France these weren't the right words either. The word racism has a specific meaning. That is why ATD France launched a consultation to coin an additional word for naming the discrimination that is experienced by people in poverty. Finding a name for discrimination based on poverty and creating a shared popular culture about it will help shape the conditions necessary for overcoming prejudice and for respecting all people's rights.”

**In 2017, the word introduced in the French language is “pauvrophobie”**

[www.atd-fourthworld.org/france-bans-discrimination-grounds-social-conditions/](http://www.atd-fourthworld.org/france-bans-discrimination-grounds-social-conditions/)

## Gaetane and her Battle for Dignity

“I tried to see the mayor twice, but without success. The first time, I came to get advice on obtaining assistance from the social services, but he said he couldn't help me. The second time, I came to see him during an open session, but he refused to see me. He even threatened me if I insisted!

I already had two children placed in foster care; I don't want them to take my youngest. Then I met ATD. I went back to see the mayor accompanied by an ATD volunteer who came from a different social class and, as if by magic, I was well received.

**Which just goes to show—shouldn't a mayor be unbiased and receive everyone?”**

**Gaetane was one of the community activists who worked with ATD France to gain the recognition of the socio-economic ground of discrimination. From now on, the French law requires all doctors to treat people insured by a government plan reserved for the unemployed, or anyone who has difficulty getting regular insurance. The law defends children of the unemployed who were refused access to school cafeterias on the grounds that their parents should have time to pick them up and make them lunch. It protects job applicants with skills equal to others who were discriminated against for living in emergency shelters or having addresses in low-income areas.**

From <https://storiesofchange.atd-fourthworld.org/gaetane-and-her-battle-for-dignity-93bc71415059>

More at: [www.atdireland.ie/wp/povertyground](http://www.atdireland.ie/wp/povertyground) and [www.es-cr-irl.org/?p=392](http://www.es-cr-irl.org/?p=392)

<sup>2</sup> Art. 433 decies : Sera puni d'un (...) , quiconque aura abusé, soit directement, soit par un intermédiaire, de la situation de vulnérabilité dans laquelle se trouve une personne en raison de sa situation administrative illégale ou précaire, de sa situation sociale précaire, de son âge, d'un état de grossesse, d'une maladie, d'une infirmité ou d'une déficience physique ou mentale, en vendant, louant ou mettant à disposition, dans l'intention de réaliser un profit anormal, un bien meuble, une partie de celui-ci, un bien immeuble, une chambre ou un autre espace visé à l'article 479 du Code pénal dans des conditions incompatibles avec la dignité humaine. (...).