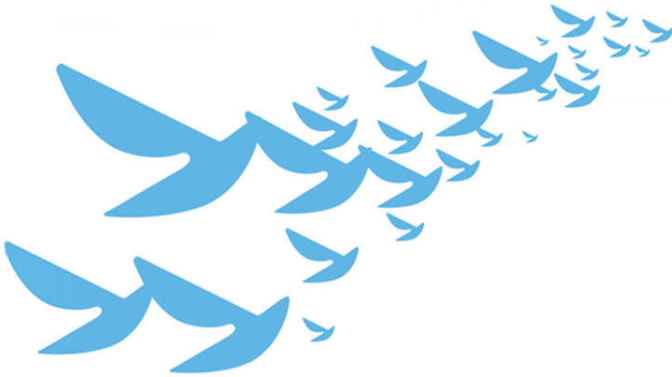




Discrimination  
on the basis of  
poverty



Plea for a European approach  
to tackle discrimination on the  
grounds of poverty



# Discrimination on the basis of poverty

## Plea for a European approach to tackle discrimination on the grounds of poverty

### **Preface**

In September 2015, the Netherlands Institute for Human Rights (het College voor de Rechten van de Mens) invited the ATD Fourth World Movement in the Netherlands to give its opinion on Article 1 of the Dutch Constitution, a provision prohibiting the State from discriminating.<sup>(1)</sup> The following question was submitted: *Do you think it necessary to add a criterion on the grounds of poverty to Article 1?* This article already contains a series of criteria.

In his presentation Niek Tweehuijsen, national coordinator of the movement, answered positively.<sup>(2)</sup> He mentioned the *Guiding Principles: Extreme Poverty and Human Rights* adopted by the UN Human Rights Council in September 2012.<sup>(3)</sup>

He underlined the need to add to Article 1, justifying this with examples and contributions from people experiencing extreme poverty and also from other members of the movement. Many people living in poverty are crippled by debts and have to survive with an income under the minimum level. They are refused access to decent housing. Public authorities, such as the Tax Office, do not abide by the minimum taxation threshold below which it is prohibited to seize a person's property. A number of citizens living in the Netherlands are not permitted to register on the Civil Register or are recorded as living in a

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<sup>1</sup>. Redegeld, Ton: *Discrimination based on poverty grounds. Plea for a European approach to tackle discrimination on the grounds of poverty* (Pierreelaye, ATD Quart Monde, 2017) © **ATD Quart Monde**. The text is a revised version of a Dutch publication: *Discriminatie op grond van armoede. Het bevorderen van een (Europese) aanpak* (Den Haag, ATD Vierde Wereld, 2016) Vierde Wereld Verkenningen no. 25, maart 2016. There exists also a French version.

<sup>2</sup>. The full French text can be consulted at: <http://www.atd-quartmonde.org/vers-une-nouvelle-constitution-fondee-sur-legale-dignite/>

<sup>3</sup>. On September 27, 2012, the UN Human Rights Council adopted by consensus the *Guiding Principles: Extreme Poverty and Human Rights* intended as a tool for designing and implementing poverty reduction and eradication policies, and as a guide to how to respect, protect and fulfil the rights of persons living in extreme poverty in all areas of public policy. (A/HRC/21/39).

foreign country. They therefore become ghost citizens, unable to benefit from all the rights which theoretically they should benefit from.

Niek Tweehuijsen also referred to a French initiative whereby a group of NGOs and Consultative Institutions, including the French National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme)<sup>(4)</sup> advocated the introduction in the legislation of a new criterion of discrimination, namely on the grounds of poverty. A French Senator took the initiative for introducing this bill entitled "*a bill aiming to combat discrimination linked to social vulnerability*". The French Senate adopted the bill in June 2015, followed by the French National Assembly in June 2016.<sup>(5)</sup>

Finally, the ATD Fourth World Movement suggested to the Netherlands Institute for Human Rights that they should consult people who are victims of serious discrimination on the ground of poverty, in the framework of its future work on the Constitution (and other related legislation).

This article deals with the subject of discrimination on the grounds of poverty in the Netherlands and in Europe, and concludes with some proposals. As we will see a European approach for introducing a criterion of discrimination on the grounds of poverty in EU Directives and in the legislation of the Member States is an urgent priority.

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<sup>4</sup>. La Commission nationale consultative des droits de l'homme (CNCDDH) is the French Human Rights Institute.

<sup>5</sup>. Source: Texte adopté no. 757, Petite loi. Assemblée nationale, Constitution du 4 octobre 1958, quatorzième législature session ordinaire de 2015 – 2016, 14 juin 2016, *Proposition de loi visant à lutter contre la discrimination à raison de la précarité sociale*. (Texte définitif).

# Contents

<b>Discrimination on the basis of poverty.....</b>	<b>1</b>
<b>Plea for a European approach to tackle discrimination on the grounds of poverty.....</b>	<b>1</b>
Preface.....	1
I. Why have an explicit criterion for discrimination on the grounds of poverty?.....	5
1. What is discrimination?.....	5
2. Poverty: cause and consequence of discrimination, a process that deprives people of their rights.....	6
3. Why don't people claim their rights?.....	7
4. Recognise poverty explicitly as a discrimination criterion.....	8
II. How is discrimination on the grounds of poverty dealt with in normative texts outside the Netherlands?.....	9
1. Poverty is a criterion for discrimination in the Universal Declaration of Human Rights and the related international treaties.....	9
2. According to the <i>UN Guiding Principles: Extreme Poverty and Human Rights</i> , poverty is often a consequence of discriminatory practices.....	10
3. European treaties prohibit discrimination on the grounds of "social origin".....	11
4. The EU non-discrimination Directives ignore poverty.....	12
5. In France, a new bill recognises poverty as a discrimination criterion.....	14
5.1 The National Consultative Commission for Human Rights has advocated in favour of a discrimination criterion on the grounds of social vulnerability.....	14
5.2 New legislation adopted by the French Senate and by the National Assembly.....	15
How to define discrimination on the grounds of "social precariousness"?	17

III. The Dutch approach to equal treatment ignores extreme poverty...	20
1. The Dutch Constitution.....	20
2. The Criminal Code.....	20
3. General law on equality of treatment and other related laws.....	21
3.1 Content of the legislation.....	21
3.2 Other anti-discrimination mechanisms.....	21
3.2.1 Law concerning anti-discrimination mechanisms on local level.....	21
3.2.2 The Netherlands Institute for Human Rights has as one its missions the reception of complaints.....	22
3.2.3 Other mechanisms in the Netherlands.....	22
4. Dutch jurisprudence.....	22
IV. A criterion for discrimination on the grounds of poverty and social exclusion is necessary.....	23
1. UN Human Rights Bodies are advocating this criterion.....	23
2. The Netherlands Institute for Human Rights recognises the existence of a fragile socio-economic situation and should follow the French example.....	24
V. Conclusion: Advocacy of a European approach to tackle discrimination on the grounds of poverty.....	28
1. A discrimination criterion on the grounds of poverty must be included in the Dutch Constitution, Criminal Code and equal treatment legislation.....	28
2. Raise awareness of discrimination against the poorest, among the general public and relevant professions.....	28
3. Public policies to implement to improve the conditions of people living in extreme poverty.....	29
4. Advocacy of a European approach.....	29
List of recommended publications.....	31

## ***1. Why have an explicit criterion for discrimination on the grounds of poverty?***

### **1. What is discrimination?**

Discrimination means the failure to provide equality of treatment, i.e. someone is treated in a way that according to objective criteria, is inappropriate and is not acceptable; it is a difference in treatment that cannot be justified.<sup>(6)</sup>

In the event of discrimination, an individual is treated favourably or unfavourably due to their personal characteristics or their personal choices. It is a violation of the principles of equality in dignity and equality under the law, as proclaimed by the UN Universal Declaration of Human Rights of 1948.

Discrimination can take different forms:

Direct discrimination is held to occur when one person is treated less favourably than another is, has been or would be treated in a comparable situation.

E.g.: a person is not employed or promoted, because they are a woman although she has the same qualifications as a man; a person is not employed because of their address, the area where they live, appearance, clothing or a foreign name.

Indirect discrimination occurs when an apparently neutral provision, criterion or practice puts persons at a particular disadvantage compared with other persons, unless the criterion or practice can be objectively justified by a legitimate need, and the means to achieve the objectives pursued are necessary and appropriate.

This is the case if an employer requires perfect knowledge of the language which is not strictly necessary for the job. This would be prejudicial for people who have less education or have studied in another country.

Systemic and structural discrimination is caused by different actors, but is not the result of a concerted action.

The law on an enforceable right to housing (*droit au logement opposable*, DALO) in France illustrates this. People in an urgent

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<sup>6</sup>. This chapter is inspired by the document: *Discrimination et pauvreté, livre blanc : Analyses, testings et recommandations*, (Paris, ATD Quart Monde, Institut de recherche et de formation aux relations humaines et ISM Corum, 2013).

housing situation in France can launch legal proceedings and bring their case before the courts to demand decent housing. But there are many obstacles, because many institutions share responsibility (shortage of housing, cities refusing to build the stipulated number of houses), and different organisations are involved in construction. It is not clear who is responsible and accountable. Even with the intervention of the courts it is almost impossible to exercise your "enforceable right to housing", even though it is a legal obligation on the part of the government.

In the Netherlands a similar situation is described in the book written by Albert-Jan Kruiter and Clara Pels: "*The day that Peter blocked his door. Why people who need our help the most, don't get it.*"<sup>(7)</sup> The book presents the case of an (imaginary) family surrounded by many different practitioners. None of them intervene effectively; they each refer the matter to someone else to assume responsibility, because the situation is too complex. The book speaks of "*problem organisations*" instead of "*problem families*".

Finally, multidimensional and inter-sectional discrimination occurs when different factors are combined: a migrant woman can be discriminated against at work due to her origins and because she is a woman.

## **2. Poverty: cause and consequence of discrimination, a process that deprives people of their rights**

Definitions of vulnerability, poverty and extreme poverty lead to many discussions. Most of the definitions are based on the notion of need. But for a number of years the approaches to these processes and their eradication are adopting another vision: the mobilisation of human rights.<sup>(8)</sup> Instead of focusing on needs, this approach aims to build capacities.<sup>(9)</sup>

Discrimination results from many social and heterogeneous processes. One individual or group is disqualified compared to others, and the structure of society and dominating values amplify this process. Society gives less value and a lower status to certain persons. They are categorised as unemployed, dependent on social services, and not as

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<sup>7</sup>. Albert-Jan Kruiter en Clara Pels: *De dag dat Peter de deur dicht timmerde. Waarom mensen die onze hulp het hardst nodig hebben, niet geholpen worden?* (Amsterdam, Van Gennep, 2013).

<sup>8</sup>. *UN Guiding principles: Extreme Poverty and Human Rights*, *ibid*.

<sup>9</sup>. Patrice Meyer-Bisch: *L'homme et son droit. Mélanges en l'honneur de Marco Borghi*, Zufferey, Dubey, Previtali (éds.), Zürich, Bâle, Genève, Schulthess, pp. 331-348.



fully fledged citizens. Then a number of prejudices arise. People are considered incapable or their attitude is seen as inappropriate. They are defined by shortcomings (jobless, without qualifications, homeless, without resources). It destroys the self-image of the victims.

This process culminates in a kind of moral condemnation, where a situation of poverty, caused by social inequalities, will be considered as someone's destiny and something they are personally responsible for. The people concerned will feel responsible for the situation and feel ashamed. There is for instance a tendency to consider that a mother receiving social benefits is incapable of managing their budget or is part of a group of swindlers; and that more control and investigations are necessary. As a consequence procedures for obtaining legal benefits become an obstacle course for many people.

### **3. Why don't people claim their rights?**

Many people meet the requirements set down in law to obtain a (social) right, but for one reason or another they do not receive it. There are different explanations for this:

- they don't know the right exists,
- the benefit claim is rejected and they don't appeal,
- or other reasons.

Opinion polls often claim that too many people receive benefits and that they abuse the system. In reality, many people decide not to ask for benefits, to avoid stigmatisation. They fear they will not be considered fully fledged citizens and hope they will be able to find solutions themselves, staying independent, keeping control over their own lives, and not being considered as people dependent on others.<sup>(10)</sup>

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<sup>10</sup>. See Prof. Dr. Gijsbert Vonk : *Kwetsbare verzorgingsstaat. Over juridische aspecten van extreme armoede* (Vulnerable Welfare State. Legal aspects of extreme poverty) in NJB (Nederlands Juristenblad) 15 May 2015 no. 19.

ODENORE (Observatoire des non-recours aux droits et services) did enquiries in France concerning people that do not obtain their rights.

See also: Colloquy *Pauvreté et ineffectivité des droits, Non-accès et non-recours aux droits*, 16 December 2014 at the Belgian Senate, <http://www.luttepauvrete.be/colloque-Pauvrete-et-ineffectivite-des-droits-16decembre2014.htm> organised by the Combat Poverty, Insecurity and Social Exclusion Service, in Belgium.

As a consequence of this process of condemnation, people living in poverty suffer from the violence of contempt. They fall silent.<sup>(11)</sup> When whole population groups fall silent, it creates a serious problem for democracy. These groups will disappear from collective awareness. Society will be inclined to ignore them completely. In a democracy it is essential that all citizens have opportunities to make their situation known and are able to express themselves. This is absolutely vital in order to eradicate discrimination.

#### **4. Recognise poverty explicitly as a discrimination criterion**

For this reason, the reality of discrimination on the grounds of poverty must be included in the legislation and be officially recognised. Such recognition will help victims of discrimination to realise how abnormal it is that they are considered as second-class citizens. They will then no longer hesitate to demand their rights. It could also stimulate them to take a more active role as citizens. Recognition of discrimination will therefore be beneficial for society.

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<sup>11</sup>. International Movement ATD Fourth World: *Extreme poverty is violence, breaking the silence, searching for peace*, (Paris, ATD Quart Monde, 2013).

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

### **1. Poverty is a criterion for discrimination in the Universal Declaration of Human Rights and the related international treaties**

Article 2, paragraph 1 of the UN Universal Declaration of Human Rights of 1948 includes an anti-discrimination clause: *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

This article is literally transcribed in the two related treaties that implement the Declaration, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR) (art. 2.2.) and the International Covenant on Civil and Political Rights (ICCPR) (art 2.2). These two treaties were adopted in 1966.

The Universal Declaration and these two international treaties prohibit discrimination, without any distinction. They enumerate a non-exhaustive number of grounds, including "social origin". There are many other international treaties, such as the International Convention on the Right of the Child, or the International Convention on Discrimination in the Field of Work and Employment (ILO Convention 111), prohibiting discrimination based on "*social origin*".

For each treaty, a Committee verifies that the parties apply the provisions of the treaty. In the case of the ICESCR, the UN Committee on Economic, Social and Cultural Rights supervises its implementation. In July 2009 this Committee adopted General Comment no. 20 *Non-discrimination in economic, social and cultural rights* (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)<sup>(12)</sup> This text gives a number of directives concerning interpretation of the non-discrimination clause.

Paragraph 1 of this General Comment establishes that discrimination undermines the fulfilment of economic, social and cultural rights for a significant proportion of the world's population. Economic growth has not, in itself, led to sustainable development, and individuals and

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<sup>12</sup>. General Comment no. 20 *Non-discrimination in economic, social and cultural rights* (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) (E/C.12/GC/20, 2 July 2009).

groups of individuals continue to face socio-economic inequality, often because of entrenched historical and contemporary forms of discrimination.

Paragraph 35 states: *Individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person's social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places.*

## **2. According to the UN Guiding Principles: Extreme Poverty and Human Rights, poverty is often a consequence of discriminatory practices**

The recent *Guiding Principles: Extreme Poverty and Human Rights* contain a huge subchapter III B, with the title: *Equal enjoyment of all human rights by persons living in extreme poverty*, paragraph 18 - 22. We will now examine the main sections.

Discrimination is both a cause and a consequence of poverty. Poverty frequently originates from discriminatory practices, both overt and covert. Those living in poverty are also subject to discriminatory attitudes and stigmatization from public authorities and private actors precisely because of their poverty. Thus, those living in poverty tend to experience several intersecting forms of discrimination, including on account of their economic status (paragraph 18).

States must ensure that persons living in poverty are equal by law and that by virtue of law they are entitled, without discrimination, to the equal protection and benefit of the law. States must repeal or modify laws and regulations that are biased against the rights, interests and livelihoods of persons living in poverty. 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 (paragraph 19).

Equality and non-discrimination are immediate and cross-cutting obligations that must underlie all measures taken by all relevant stakeholders in relation to persons living in poverty. They require States to identify vulnerable and disadvantaged groups in society and to ensure, as a matter of priority, that such groups enjoy human rights

on an equal basis. States have an obligation to take specific and positive measures to reduce or eliminate conditions that cause or help to perpetuate discrimination.

Positive measures must be taken to ensure de facto equality of persons living in poverty. Such measures should include legislative, executive, administrative, budgetary and regulatory instruments and specific policies, programmes and affirmative action in poverty-sensitive areas such as employment, housing, food, social security, water and sanitation, health, education, culture and participation in public life (paragraph 22)

### **3. European treaties prohibit discrimination on the grounds of "social origin"**

All the European Human Rights treaties ratified by the Netherlands and most European countries contain an article prohibiting discrimination on the grounds of "social origin", "birth" or "wealth".

This is the case for the Council of Europe treaties: the European Convention on Human Rights (ECHR) (article 14), Protocol no.12 to the ECHR (adopted in 2000) (article 1), and also the European Social Charter (ESC) (Revised) (Part V, article E).

Article 30 of the Charter defines *The right to protection against poverty and social exclusion*. According to this text, the Parties undertake: *to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance.*

The European Union Treaty also prohibits discrimination. According to article 2, the European Union: *is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*

And according to article 3, paragraph 2, the Union: *shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.*

The Charter of Fundamental Rights of the European Union which has the same legal value as the Treaties contains a provision prohibiting discrimination (article 21, paragraph 1)<sup>(13)</sup> which enumerates a long list of grounds, among them "*ethnic or social origin*" and "*property*".

But in contradiction with the above mentioned Human Rights Treaties, article 19 of the Treaty on the Functioning of the European Union<sup>(14)</sup> limits the action of the Council in the field of combatting discrimination to a restricted number of grounds and does not mention "*social origin*".

According to Equinet, a European network of equality bodies, action against poverty and discrimination in the EU is therefore fragmented, inconsistent and ambivalent.<sup>(15)</sup>

#### **4. The EU non-discrimination Directives ignore poverty**

A series of EU Directives formulates the prohibition of discrimination as mentioned in article 21 of the Charter of Fundamental Rights.<sup>(16)</sup> But they do not cover all the discrimination criteria discussed in this article. It is astonishing that they omit "*social origin*". The directives each have their own criteria and do not all have the same scope.

Originally, the Treaty Establishing the European Economic Community (1957) only contained a provision prohibiting discrimination on the basis of gender in the context of employment and social security. This was to prevent Member States gaining a competitive advantage over each other by providing lower rates of pay or less favourable working conditions to women.

During the 1990s, public interest groups calling for the prohibition of discrimination to be extended in EU law to cover a number of other

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<sup>13</sup>. The Charter of Fundamental Rights, Article 21 Non-discrimination, paragraph 1.: *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.*

<sup>14</sup>. Art 19 Treaty on the Functioning of the European Union: (...) *the Council (...) may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.*

<sup>15</sup>. The Equinet, European network of equality bodies, in its *Opinion Addressing poverty and discrimination: two sides of the one coin*, December 2010 (page 6, 7).

<sup>16</sup>. This part is inspired by the *Handbook on European non-discrimination law* (Luxembourg: Publications Office of the European Union, 2011) European Union Agency for Fundamental Rights, Council of Europe, pages 11 - 19.

areas carried out significant lobbying. This resulted in several new EU Directives.

In 2000, the Employment Equality Directive was adopted. It prohibited discrimination on the basis of sexual orientation, religious belief, age and disability in the area of employment.

Another directive, the Racial Equality Directive prohibited discrimination on the basis of race or ethnicity in the context of employment, but also for access to the welfare system and social security, plus goods and services.

The Directives thus each have their own criteria and do not have the same scope.

The authors of the *Handbook on European non-discrimination law* underline, in our opinion quite rightly - that the expansion of the scope of non-discrimination - in the Racial Equality Directive - recognises that in order to allow individuals to reach their full potential on the employment market, it is also essential to guarantee them equal access to areas such as health, education and housing, and not only work and employment.

In 2004, the Gender Goods and Services Directive expanded the scope of sex discrimination to the area of goods and services. However, protection on the grounds of gender does not quite match the scope of protection under the Racial Equality Directive since the Gender Social Security Directive guarantees equal treatment in relation to social security only and not to the broader welfare system, such as social protection and access to healthcare and education.

We can conclude that taken as a whole, the EU anti-discrimination Directives constitute a sophisticated and complicated patchwork. Moreover these directives completely ignore the "*social origin*" criterion, and therefore poverty and social exclusion.

The European Union Agency for Fundamental Rights has recognised that poverty plays a major role, even when examining discrimination claims on the basis of accepted criteria. Often it is poverty that creates obstacles to accessing the areas of health, education or housing "*on an equal basis*".<sup>(17)</sup>

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<sup>17</sup>. See: Contribution of Morten KJAERUM, Director of the European Union Agency for Fundamental Rights in: CNCDH/ATD Quart Monde: *Protection of the poorest people's rights in the European Union* (Paris, Proceedings of the study day, 28 March 2011), pages 33 – 37.

Why is the Agency unable or unwilling to recognise this reality explicitly?<sup>(18)</sup> One of the reasons is that a certain number of EU Member States object. Despite a EU Parliament resolution, the Council of Ministers refused to include poverty as a major subject in the Agency's Action Plan. This fact precludes the Agency from tackling the reality of discrimination on the grounds of poverty.

It also explains why national legislators in different countries such as the Netherlands and until recently France,<sup>(19)</sup> tend to apply the sophisticated and complicated patchwork of the EU anti discrimination Directives as is, without taking into account the social context of discrimination.<sup>(20)</sup>

The European Institutions seem to be envisaging harmonisation of the protection offered by the different EU Directives (a draft for a horizontal Directive). We think that such a draft should be the occasion to take the reality of extreme poverty into account.

## **5. In France, a new bill recognises poverty as a discrimination criterion**

### **5.1 The National Consultative Commission for Human Rights has advocated in favour of a discrimination criterion on the grounds of social vulnerability**

The National Consultative Commission for Human Rights (CNCDH) has played a pioneering role, by advocating and explaining the need to consider social vulnerability as a criterion for discrimination.<sup>(21)</sup>

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<sup>18</sup>. Reaction of Régis BRILLAT, Executive Secretary of the European Social Charter, in: *Protection of the poorest people's rights, ibid.*, page 65 - 69..

<sup>19</sup>. Belgium is an exception in this regard: article 10 of the Constitution and article 3 of the "Loi du 10 mai 2007" transposes EU Directive 2000/78/CE and creates a general framework to combat discrimination. Among the grounds, "*social origin*" is mentioned.

<sup>20</sup>. The Equinet, European network of equality bodies, in its *Opinion Addressing poverty and discrimination: two sides of the one coin*, December 2010, (page 7) mentions also that - notwithstanding the efforts of the European Commission - the policy responses to poverty and discrimination continue to be fragmented and characterised by different strategies and approaches. This diminishes the effectiveness of both anti-poverty and anti-discrimination strategies. A more integrated approach would better reflect people's real experience of inequality and would hold greater potential to eliminate inequality.

<sup>21</sup>. Commission nationale consultative des droits de l'homme (CNCDH) : *Avis sur les discriminations fondées sur la précarité sociale*, du 29 septembre 2013 (Paris, Documentation française, 2013).



According to its report in September 2013, certain persons suffer from a form of characterised discrimination, whereby they are considered responsible for their situation and at the same time are blamed for their poverty and situation of exclusion. What they say is discredited, their actions and attitudes are criticised, and this stems solely from the fact that they seem to be citizens without any recognised status or representation (...). Among the people concerned this form of social and political discrimination creates feelings of shame, guilt and suffering because they are not considered equal to other citizens in their own society. Among the people who produce this discrimination, even passively, it leads to a situation where scorning or being indifferent towards the poorest becomes the norm.

Poverty corresponds not only to a material need, but is also strongly linked with a breaking down of links, a lack of relations, an absence of participation in different areas or of responsibilities in public life. Poverty denies also the cultural origin and the capacities of the people concerned.

Poverty is therefore also a violation of human dignity and can lead to unequal treatment in different areas. According to the CNCDH, the problem cannot be resolved by making up for deficiencies, or a piecemeal approach. Poverty should be tackled in a global way and in terms of human rights. Efforts are necessary to effectively guarantee the fundamental rights of these individuals.

The report gives concrete examples of discrimination: people abandon their right to social aid or health insurance; they encounter difficulties renting a house; they are treated in a discriminatory way at school. The post is not distributed. Doctors or taxi-drivers do not come to their area. They cannot get loans.

Therefore, the CNCDH considers the introduction of a new criterion for discrimination on the ground of social vulnerability to be a necessity. Furthermore the introduction of a criminal penalty could have a beneficial effect and discourage this type of discriminatory attitude. Victims will then be able to appeal. Even in the case of discrimination on the grounds of race, poverty is often the underlying reason.

### *5.2 New legislation adopted by the French Senate and by the National Assembly*

The French Senator, Yannick Vaugrenard, together with some colleagues has introduced a draft bill entitled "*A bill aiming to combat*

*discrimination due to social vulnerability*".<sup>(22)</sup> This draft proposes a new criterion for discrimination in different French laws.

We will present here some of the ideas shared during the Parliamentary discussions of this bill.

The French Senate's Commission on constitutional laws, legislation, universal suffrage, regulations and general administration (Law Commission) has sought to find a suitable definition of this form of discrimination. According to its report<sup>(23)</sup> discrimination should fulfil clear criteria, bearing in mind that not all forms of discrimination are a breach of the principle of equality. The criterion of social vulnerability in the bill was considered flexible, but too vague and not sufficiently precise on a legal level.

Poverty is, according to the report, a reality with many aspects and can be defined in many ways. It corresponds to stigmatisation, a feeling of exclusion. There are many prejudices towards people living in poverty. The people concerned do not have a good self-image. But, on a legal level, the feeling of not being treated like others is very difficult to grasp.

In the case of discrimination, this is treatment that violates the principle of equality. This violation is detrimental to people who are treated according to criteria prohibited by law, in the event that and because it is possible to prove - using legal arguments - that this discrimination corresponds to arbitrary treatment.

Under French law, discrimination is combatted on the basis of articles in the Criminal Code, in Labour Law and in a Law of 2008 transposing EU Directive 2008/496.<sup>(24)</sup>

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<sup>22</sup>. Source: no. 2885 Assemblée nationale. Constitution du 4 octobre 1958, Quatorzième Législature, enregistré à la Présidence de l'Assemblée nationale le 18 juin 2015. Proposition de Loi, adoptée par le Sénat, visant à lutter contre la discrimination à raison de la précarité sociale, transmise par M. le Président du Sénat.

<sup>23</sup>. Source: no. 507 Sénat, session ordinaire de 2014-2015, enregistré à la Présidence du Sénat le 10 juin 2015. Rapport fait au nom de la Commission des lois constitutionnelles, de législation, du suffrage universel, du règlement et d'administration générale sur la proposition de loi de M. Yannick Vaugrenard et plusieurs de ses collègues visant à lutter contre la discrimination à raison de la précarité sociale, par M. Philippe Kaltenschbach, Sénateur.

<sup>24</sup>. The French legal system, as does the Dutch legislation, follows on the whole the different EU Directives, see paragraph II,4

Some experts felt it was not necessary to add a new element to existing laws. According to them, the issue is already covered by other grounds such as, "*the address*" "*appearance*", "*clothing*", "*family situation*". Poverty is not a personal characteristic, it is a temporary or chronic symptom. Another argument put forward is that only a few cases relating to the existing grounds are brought before the criminal courts and that new legislation could create false expectations among victims.

The Law Commission considered these arguments but nonetheless advocated the need for a new discrimination criterion and concluded that this prohibition could be useful. It could promote the idea that the persons concerned should access to their rights. The refusal of medical care is already prohibited, but a new criminal penalty could enforce this prohibition.

### *How to define discrimination on the grounds of "social precariousness"?*

According to the Law Commission, a discrimination criterion has to comply with legal terms that are applicable and respect the "*principle of legality*", a principle formulated in the 1789 French Declaration of Rights of Man and Citizens (articles 7 et 8).<sup>(25)</sup> It means that a provision of criminal law has to be precise according to article L. 111-4 of the Criminal Code.

The legislator is under obligation to precisely define the scope of applicability of the criminal law so that crimes and offences are defined in a clear and precise manner. The criterion must not depend on case law, because otherwise there is a risk of unending judicial battles and argument. Persons seeking to obtain their rights will not understand this.

The Law Commission examined different possible definitions.

The definition in the Bill and its title come from the CNCDH report and refer to "*social vulnerability*". This is a subjective, vague concept, covering a broad diversity of situations.

The grounds indicated by international treaties are "*social origin*", "*birth*" "*property*". Only one ruling has been handed down by the European Court of Human Rights based on these grounds, namely in

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<sup>25</sup>. The same principle (of article 8 de la Déclaration française) is mentioned in article 16 of the Constitution of the Kingdom of the Netherlands: *No one can be punished other ways than on the basis of an established law that is published on forehand.*

the case of Chassagnou against France, which concerns the grounds of "*property*".<sup>(26)</sup>

The Law Commission considered the expression "*social origin*" too limited, because it refers to origin or birth and does not take social mobility into account; people can leave their poverty-stricken situation or return to it in certain circumstances.

Article 10 of the Human Rights Charter of Quebec mentions "*social condition*" among the grounds for discrimination. Quebec is different from France, because its legal system is based on "*common law*" where jurisprudence defines and specifies legal terms. In France with its tradition of written law, and especially in criminal law, the legislator cannot adopt such a broad criterion. In the case of Quebec, jurisprudence has ruled that the "*status of beneficiary of social assistance*" can be grounds for prohibited discrimination.

Considering the situations of discrimination encountered by people in a vulnerable situation, this type of legal approach analysed through the prism of social assistance or social security benefit can be a pertinent argument. The legislator could take the definition developed in the doctrine in Quebec as a reference, but not as such, because, according to the rapporteur, this concept of social circumstances goes against the principle of national solidarity written in the French Constitution. It is not possible to reduce someone's status to being a beneficiary of social assistance, because this is temporary and is not inherent to their person.

The Law Commission finally chose a notion existing in French law as the basis for its definition, namely "*vulnerability caused by an economic situation*". In the Criminal Code, some provisions take into account "*vulnerability caused by an economic or social situation*", sometimes as a prerequisite for an offence, sometimes as an aggravating circumstance. The aim here is to protect people in a situation of dependency, particularly if this dependency is economic, for instance people whose working or housing conditions are contrary to human dignity.

These notions of vulnerability, especially in the economic domain, have been adopted and implemented by jurisprudence.

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<sup>26</sup>. Case Chassagnou and others v. France (Applications no. 25088/94, 28331/95 and 28443/95), 29 April 1999.

The Law Commission decided therefore to opt for a definition of discrimination based on vulnerability caused by an economic situation, as follows: “*any distinction made between persons which is based on any specific vulnerability caused by their economic situation and which is apparent or known to its perpetrator*”.

Subsequently, the report of the Law Commission has been debated in the Plenary Session of the Senate.

In the debates, Senators have, among other things, underlined that people living in poverty are often considered as inferior, an exterior judgement that influences their self-image.

The proposed new criterion of vulnerability will be the 21st discrimination criterion in the Criminal Code. Several Senators wonder if the increase in the number of criteria over the last few years has any sense, and if this will be efficient for combatting discriminations as a whole. The approach consisting in regularly adding new criteria with different scopes, deserves to be reconsidered.

In the end a majority of the Senate was of the opinion that pending a more fundamental approach to the field of non-discrimination,<sup>(27)</sup> the bill should be considered as an outstretched hand and should be supported by the legislator. The Senate adopted the bill on 18 June 2015. The National Assembly adopted it in June 2016.<sup>(28)</sup>

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<sup>27</sup>. Such as a EU horizontal Directive, See paragraph II, 4, above.

<sup>28</sup>. The law was adopted by the National Assembly on 14 June 2016, See note 5.

### **III. The Dutch approach to equal treatment ignores extreme poverty**

#### **1. The Dutch Constitution**

Article 1 of the Dutch Constitution gives a list comprising virtually all the grounds for discrimination in Article 1 of the UN Universal Declaration of 1948, but it does not mention “*social origin*”; thus neither poverty nor social origin are taken into account. Since 1975, the text also indicates “*without distinction of any kind,*” as does the UN Declaration, making the list of grounds non-exhaustive. But there are no examples known where this general criterion was invoked.

The Netherlands have ratified the principal international treaties that given the criterion “*social origin*”.<sup>(29)</sup>

#### **2. The Criminal Code**

Article 90d of the Criminal Code defines discrimination as follows: “*Discrimination or the act of discriminating embrace any form of distinction, exclusion, restriction or privilege that aims or could have as a consequence that the recognition, the enjoyment or the exercise - on the base of equality - of fundamental rights and freedoms in the political, economical social or cultural field, or other fields of life in society may be affected or violated*”.

The Criminal Code provides protection regarding fifteen limitative criteria, namely: race, origin, colour of skin, religion, age, political or any other opinion, gender, nationality, sexual preference, civil status, handicap, chronic sickness, duration of labour, (full-time or part-time job) and the type of labour contract (defined or indeterminate duration). The law does not mention “*social origin*” or poverty.

It describes several forms of discrimination, such as: insulting population groups, circulating discriminatory publications or declarations, participation in or support for discriminatory acts, prejudice against someone in the exercise of their function, profession or enterprise.<sup>(30)</sup>

Discrimination on the basis of one of the recognised grounds is prohibited in the Criminal Code, but not all the criteria apply to the same fields. For instance the ground “*gender*” is not valid for the field

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<sup>29</sup>. See paragraphs II, 1 and 3, above, where these treaties are mentioned.

<sup>30</sup>. The articles are: Criminal Code art. 137c, 137d, 137.e, 137f, 137g and 429 quarter.

“insult of a population group”. “Prejudice against someone...” is only valid in the case of racial discrimination.

### **3. General law on equality of treatment and other related laws**

#### 3.1 Content of the legislation

The Dutch provisions concerning “*equality of treatment*”<sup>(31)</sup> correspond to a great extent to the EU Directives that we presented before.<sup>(32)</sup>

They are described in Book 7 of the Civil Code (B.W.), in the General law on equality of treatment and in a series of other related laws.<sup>(33)</sup>

There are in these laws altogether the fifteen criteria corresponding to the criteria in the Criminal Code. The number of criteria is greater than in article 1 of the Dutch Constitution, but the criterion “*social origin*” does not exist (term explicitly mentioned in the UN Universal Declaration).<sup>(34)</sup>

The structure of these laws are similar to each other. There is the definition of equality of treatment. They also formulate exceptions in a case where the difference can be justified by a legitimate objective and the means to reach this aim are adapted and necessary.

The scope of the different laws corresponds to the sophisticated and complicated patchwork of the EU Directives.

#### 3.2 Other anti-discrimination mechanisms

In the Netherlands, apart from legal action taken by the Police and the Public Prosecutors Office, there are several other mechanisms for drawing attention to forms of discrimination and for lodging complaints.

##### 3.2.1 Law concerning anti-discrimination mechanisms on local level

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<sup>31</sup>. The expression: *equality of treatment* corresponds in fact to non-discrimination, but the Dutch legislator does not use this term that is current in the other countries and in the EU Directives.

<sup>32</sup>. See paragraph II, 4, above.

<sup>33</sup>. Articles 646, 648, 667, 670 Burgerlijk Wetboek, BW), the law concerning Equality of treatment between men and women (WGBH MV, 1980), the General law on equality of treatment (AWGB, 1994), the law prohibiting differentiation on the grounds of duration of work (WOA, 1996), the law prohibiting differentiation between contracts for a fixed time and those for an undetermined period (WOBOT, 2002), the law concerning the equality of treatment towards handicapped people (WGBH/CZ, 2003) and the law concerning equality of treatment concerning age in the framework of labour (WGBLA, 2003).

<sup>34</sup>. See paragraph II, 1, above.

The Law of 29 July 2009 obliges every municipality to create an independent and accessible service to combat discrimination. This service must offer independent support for people wanting to bring action against someone and to help them to lodge their complaints effectively.

### 3.2.2 The Netherlands Institute for Human Rights has as one its missions the reception of complaints.

Since the entry into force of the Law of 21 November 2011 setting up the Institute for Human Rights, this Institute has supervised complaints regarding discrimination or inequality of treatment. It verifies if the complaint concerns one of the (15) criteria listed in the legislation, otherwise it must declare the complaint is not admissible. It further examines if the complaint concerns the fields related to this criterion.

### 3.2.3 Other mechanisms in the Netherlands

There are still other mechanisms to combat discrimination in the Netherlands. An organisation named ART 1 (of the Constitution) organises campaigns as do others. However on their website you will not find the word “poverty” or “social origin” as grounds for discrimination. It is the same for the website Discriminatie.nl.

In collaboration with the Home Office, these organisations regularly organise campaigns inviting people to express themselves concerning situations of discrimination that they suffer from.

## **4. Dutch jurisprudence**

A synopsis of 60 decisions by the Supreme Court (Hoge Raad) and the Administrative High Court (Centrale Raad van Beroep) (via [www.rechtspraak.nl](http://www.rechtspraak.nl), dated 6 October 2015) shows that the grounds of discrimination invoked are principally “nationality”. The procedures concern complaints lodged by nationals of other Member States of the European Union or non-residents.

In the rulings of the other Courts, other grounds are cited, but not “social origin”. This seems logical, because as we have seen, this is not a criterion listed in Dutch legislation.



#### ***IV. A criterion for discrimination on the grounds of poverty and social exclusion is necessary***

##### **1. UN Human Rights Bodies are advocating this criterion**

Dutch legislation (following EU Directives) does not yet contain a criterion for discrimination on the grounds of poverty and social exclusion, despite the fact that the UN Universal Declaration and international and European Treaties mention this criterion explicitly.

The UN Human Rights Bodies have drawn attention to this discrepancy.

*The UN Committee for Economic, Social and Cultural Rights* states in paragraph 35 of its General Comment no. 20,<sup>(35)</sup> that people should not be discriminated against due to their origin: “A person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping.”

In its Concluding Observations in respect to the periodic reports of the Netherlands adopted in November 2010,<sup>(36)</sup> the Committee expresses its concern that legislation concerning non-discrimination does not envisage protection against all the discrimination criteria mentioned in article 2.2 of the ICESCR and that it specifically omits “social origin”.

The Committee also observes that a relatively limited number of people apply for the social benefits and social assistance to which they are entitled, bearing in mind that the State has a duty to guarantee effective access to these rights.<sup>(37)</sup>

The Committee observes that poverty exists in all the parts of the Kingdom and states that the government must establish a “official poverty line”, a strategy to combat poverty and also an action plan taking full account of economic, social and cultural rights.<sup>38</sup> In this respect the Committee refers to its “Declaration on Poverty and the ICESCR” of May 2001.<sup>(39)</sup>

In the periodic reports on the implementation of the ICESCR, submitted by the Dutch government in April 2008, it reacted very laconically to the

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<sup>35</sup>. General Comment no. 20 *Non-discrimination in economic, social and cultural rights* (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), paragraph 35 (E/C.12/GC/20, 2 July 2009).

<sup>36</sup>. Concluding Observations, E/C.12/NLD/CO/4-5, 9 December 2010, paragraph 11.

<sup>37</sup>. Concluding Observations, *ibid.* paragr. 19.

<sup>38</sup>. Concluding observations, *ibid.* paragr. 24

<sup>39</sup>. UN document E/2002/22-E/C.12/2001/17, annex VII.

Committee's concern that many people do not access social benefits and that consequently - according to official figures - their purchasing power remains below normal. The government describes some measures it has taken and has requested advice from certain advisory bodies on how to improve the situation. But it adds: "*Personal responsibility is an important factor in reducing the non-uptake of social assistance, since people who are entitled to support ultimately have to decide for themselves whether or not to actually claim it*".<sup>(40)</sup> It is remarkable that the government does not recognise this situation as a form of official unjustified discrimination. For the government, it is the individuals themselves who are responsible for this injustice.

We already mentioned the Guiding Principles adopted by *the UN Human Rights Council*. This text also describes how extreme poverty combines numerous forms of discrimination: "*Discrimination is both a cause and a consequence of poverty. Poverty frequently originates from discriminatory practices, both overt and covert. Those living in poverty are also subject to discriminatory attitudes and stigmatization from public authorities and private actors precisely because of their poverty.*"(...) "*States must ensure that persons living in poverty are equal before the law and are entitled, without discrimination, to the equal protection and benefit of the law.*"<sup>(41)</sup>

We note that UN Human Rights Bodies insist that forms of discrimination due to poverty should be explicitly recognised in the legislation.

## **2. The Netherlands Institute for Human Rights recognises the existence of a fragile socio-economic situation and should follow the French example**

The new French legislation quoted above underlines the importance of effective recognition of the discrimination suffered by people living in a fragile socio-economic situation.

The French CNCDH advocated in favour of creating a discrimination criterion due "*a vulnerable social situation*". The French Senate sought a legal definition and in the end decided to adopt a definition based on "*vulnerability resulting from an economic situation*".

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<sup>40</sup>. Combined fourth and fifth periodic reports of the Netherlands, 9 April 2008 in UN document E/C.12/NLD/4-5 dated 17 July 2009, paragr. 69, page 19.

<sup>41</sup>. *UN Guiding Principles: Extreme Poverty and Human Rights* (A/HRC/21/39) ibid. paragraphs 18 and 19.

The concept of vulnerability does not only exist in French law, the Belgian Criminal Code also includes the notion of “a vulnerability by reason of a *precarious social situation*”.<sup>(42)</sup>

In the meantime, recently, a member of the Irish Parliament has introduced a Bill to amend several non-discrimination Acts<sup>(43)</sup> which goes in the same direction. The amendment aims to *prohibit discrimination on the basis of a person's social and economic background*. It provides protection with respect to employment, access to employment and the provision of services. The explanation defines disadvantaged socio-economic status as meaning *a socially identifiable status of social or economic disadvantage resulting from poverty, level of source of income, homelessness, place of residence or family background*.

We will give now some examples showing that the Netherlands Institute for Human Rights has expressed its concern for groups that are vulnerable in different ways. These examples indicate that the Institute should go further and follow recent initiatives in other European countries.

For instance, the Institute processed several complaints due to discrimination against underprivileged people. These complaints demonstrate that in the Netherlands discrimination on the grounds of poverty or social vulnerability is a reality.

However complaints are only admissible if they are based on criteria listed in the legislation. This is not the case for poverty or social exclusion. For this reason, the Institute has had to condemn situations in a roundabout way. The Chronicles of the Institute for the years 2012 - 2014 provide several examples.

One concerns the situation of travellers (people of Dutch origin) living in caravans. Like the Roma, these people are part of an underprivileged and excluded population group. They are confronted

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<sup>42</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. (...).*

<sup>43</sup>. Irish Parliament, Tuesday 27 June 2017, Equality (Miscellaneous Provisions) Bill 2017 : First Stage, Deputy Jim O'Callaghan.

by a negative image and stereotyped prejudices. These nomads cannot directly make use of the criteria of social-economic vulnerability. The Institute protects them in a roundabout way. It has considered, that because of their culture (living in caravans) these people form a homogeneous group or race in the sense of the UN International Convention on the Elimination of All Forms of Racial Discrimination. It followed this reasoning in the case of a municipality that prevented children from living in a caravan on the land where their parents live.<sup>(44)</sup> And it convicted the municipality.

In another case, a manufacturer of furniture for cats wanted to employ personnel, but their advertisement specified that only people who do not depend on social benefits could apply.<sup>(45)</sup> It is clear that people receiving social benefits are in a fragile socio-economic situation. Here again, the Institute used a loophole (referring to the race criterion) in order to determine that this case formed a situation of unjustified discrimination.<sup>(46)</sup>

These examples prove that (European and Dutch) legislation in the field of combating discrimination is neither coherent nor effective.<sup>(47)</sup> A foreigner (or a woman) who is rejected by an employer because the person depends on social benefits or lives in a poor environment, is able to lodge a complaint for discrimination (based on “*ethnic origin*”, “*race*” or “*gender*”), but the complaint of their neighbour living in the same area, in the same circumstances, will not be considered admissible. It is heart-rending to see that by definition these rules regarding discrimination prevent people living in extreme poverty who encounter many inequalities in different fields, from lodging a complaint. In reality this regulation introduces an extreme form of discrimination and denies the existence of extreme poverty.

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<sup>44</sup>. College voor de Rechten van de Mens, 19 December 2014, Oordeel 2014-165.

<sup>45</sup>. College voor de Rechten van de Mens, Kroniek gelijke behandeling 2013, p. 12.

<sup>46</sup>. College voor de Rechten van de Mens, 15 maart 2013. Oordeel 2013-33.

<sup>47</sup>. We mentioned (See note 17) already that the EU Agency for Fundamental Rights has recognised that extreme poverty plays an important role in cases regarding discrimination. In its report: *Addressing poverty and discrimination: two sides of the one coin*, the Equinet, European network of equality bodies, mentions that many equality bodies in the EU are confronted with the same difficulty, document dated 2010, page 8.

Furthermore, on a general level also the Institute's Chronicles show that it is constantly concerned by the plight of vulnerable groups.<sup>(48)</sup>

It is therefore logical that the Institute should commit itself to ensuring that a criterion on the grounds of poverty or a fragile socio-economic situation is introduced into Dutch legislation. It should take initiatives to eliminate this form of discrimination and inequality.

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<sup>48</sup>. The Dutch Institute has several times expressed its preoccupations for the situation of vulnerable groups in different areas, such as health care and participation. (College voor de Rechten van de Mens: 2012, *Mensenrechten in Nederland, jaarlijkse rapportage*, pages 7, 11, 78 and 102). Recently in May, 2017 it has published its Yearly Report : *Human Rights in the Netherlands : poverty , social exclusion and human rights*. (For the moment there is only a Dutch version).

## **V. Conclusion: Advocacy of a European approach to tackle discrimination on the grounds of poverty**

### **1. A discrimination criterion on the grounds of poverty must be included in the Dutch Constitution, Criminal Code and equal treatment legislation**

For this criterion, The Netherlands Institute for Human Rights could draw inspiration from the new French legislation's definition: *Vulnerability resulting from the socio-economic situation*, or from the recent Irish Bill, that refers to a: *person's social and economic background*, which according to the explanation means: *a socially identifiable status of social or economic disadvantage resulting from poverty, level of source of income, homelessness, place of residence or family background*.

### **2. Raise awareness of discrimination against the poorest, among the general public and relevant professions**

Information and education are indispensable tools to promote policies designed to eradicate discrimination, eliminate stereotypical attitudes, preconceptions, bad habits and systematic attitudes. Public authorities should look at measures in all areas.

There is a low level of awareness about discrimination due to poverty, among the general public. Opinion polls should therefore include explicit questions on this subject. Surveys should be carried out to obtain a clear picture of this reality. It is necessary to fully appreciate the extent to which this form of discrimination exists, and to determine current trends.<sup>(49)</sup> At the national level, debates need to be regularly organised to discuss discrimination due to poverty and socio-economic vulnerability.

Education and training for relevant professions (civil servants, police officers, social workers, bailiffs, teachers, etc.) must deal objectively with extreme poverty and the resulting discrimination.

Even now, some politicians regularly treat people living in extreme poverty as scapegoats. This kind of public statement should be denounced.

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<sup>49</sup>. In Belgium the Federal Center for Equal Chances observed that more people are denied housing because their income depends on social benefits. Website of the Combat Poverty, Insecurity and Social Exclusion Service.

### **3. Public policies to implement to improve the conditions of people living in extreme poverty**

Public authorities must take measures to improve the conditions of individuals or groups who are denied access to equal opportunities, because of their fragile and vulnerable social-economic situation.

Authorities must take measures that will encourage people living in poverty to claim that to which they are entitled. Too often these people do not find rights corresponding to their situation, because their situation is insufficiently known, or because the legislation is drawn up without them being consulted. A lot of people living in poverty are not even aware they have rights. They feel powerless or responsible for their own situation. They get the impression their experience does not matter.

Public authorities must support initiatives that can help to change these impressions and attitudes. People living in extreme poverty should have the opportunity and space to express themselves, and give their opinion. They must know they are entitled to rights, and have the right to speak out.

Finally, effective implementation of their rights should be regularly assessed, with the persons directly affected. In the event of new legislation, there must be an assessment of the change in law, to assess what impacts it will have on the poorest, as is already the case on other subjects such as on environmental decisions.

### **4. Advocacy of a European approach**

Non-discrimination policies and relevant legislation are nowadays predominantly drawn up at EU level. This should not prevent Dutch authorities from progressing in the implementation of policies and legislation aiming to eradicate poverty-based discrimination, in the same way as the French example mentioned above.

At the same time it is important to remember that EU legislation must be in line with international obligations of EU Member States. They all have ratified both international and European treaties that deal with the “*social origin*” criterion.

The Netherlands Institute for Human Rights should therefore - in collaboration with other National Human Rights Institutions<sup>(50)</sup> within the EU, such as the National Consultative Commission in France and in

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<sup>50</sup>. These institutions comply with the United Nations endorsed “*Paris Principles*”.

Luxembourg,<sup>(51)</sup> as well as the EU Agency for Fundamental Rights in Vienna - strive to ensure this grave deficiency is eliminated.

Furthermore, the Netherlands Institute should as far as possible, support the European Commission's efforts to achieve adoption of a horizontal EU anti-discrimination Directive, making sure that the issue of "*extreme poverty*" is clearly indicated.

Ton Redegeld <sup>(52)</sup>

Revision of the translation by Andrew Tooms, and thanks to Stuart Williams for his comments

**keywords:** Article 1 Dutch Constitution, (severe) poverty, discrimination, equality of treatment, EU non-discrimination Directives, human rights, international human rights instruments, United Nations, UN Guiding Principles: Extreme Poverty and Human Rights

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<sup>51</sup> Belgium does not yet have a National Human Rights Institution, but different other institutions promote human rights, such as the Combat Poverty, Insecurity and Social Exclusion Service and the Federal Center for Equal Chances.

<sup>52</sup>. Ton Redegeld is a lawyer and member of the international volontariat of the International Movement ATD Fourth World.



## ***List of recommended publications***

UN Human Rights Council: “*Guiding Principles: Extreme Poverty and Human Rights*” intended as a tool for designing and implementing poverty reduction and eradication policies, and as a guide to how to respect, protect and fulfil the rights of persons living in extreme poverty in all areas of public policy. (A/HRC/21/39) (Geneva, UN, 2012)

ATD Fourth World, Franciscans International: *Making Human Rights Work for People Living in Extreme Poverty, A Handbook for Implementing the UN Guiding Principles on Extreme Poverty and Human Rights*. (Geneva, ATD Fourth World, Franciscans International, 2015)

ATD Fourth World: *Artisans of Peace Overcoming Poverty*, ed Diana Skelton, inter alia.

Volume 1: A People-Centered Movement (Pierrelaye, ATD Fourth World, 2015)

Volume 2: Defending Human Rights, (Pierrelaye, ATD Fourth World, 2016)

Volume 3: Understanding the Violence of Poverty (Pierrelaye, ATD Fourth World, 2016)

ATD Fourth World: *Challenge 2015: Towards Sustainable Development That Leaves No One Behind* (Pierrelaye, ATD Fourth World, 2015) ed Xavier Godinot, inter alia.

ATD Fourth World, *Unicef: Reaching the Poorest* (New York/ Pierrelaye, ATD Fourth World/ Unicef, 1996)

Wresinski, Joseph: *The Very Poor, Living Proof of the Indivisibility of Human Rights* (Pierrelaye, Editions Quart Monde, 1994)

Wresinski, Joseph: *The Wresinski Report: Chronic Poverty and Lack of Basic Security* (Landover-Maryland, ATD Fourth World, 1994) translation of the Official Report of the Economic and Social Council of France from February 1987

Wresinski Joseph: *The Poor Are the Church*, (Mystic CT 06355-USA, Twenty-Third Publications, 2002) A conversation with Giles Anouil

College voor de Rechten van de Mens: *Jaarlijkse Rapportage 2016, Armoede, sociale uitsluiting en mensenrechten* (Utrecht, College voor de Rechten van de Mens, 2017)

Commission nationale consultative des droits de l'homme: *Avis sur les discriminations fondées sur la précarité sociale du 29 septembre 2013* (Paris, Documentation française, 2013)

CNCDH/ATD Quart Monde: *Protection of the poorest peoples rights in the European Union* (Paris, ATD Quart Monde, 2011) Proceedings of the study day, 28 March 2011)

European Union Agency for Fundamental Rights: *Handbook on European non-discrimination law* (Luxembourg: Publications Office of the European Union, 2011) European Union Agency for Fundamental Rights, Council of Europe

The Equinet, European network of equality bodies: *Addressing poverty and discrimination: two sides of the one coin* (Brussels, December, 2010)

Van Rijn, Henri: *Grande pauvreté: fatalité ou injustice?* (Paris, éditions quart monde, 2006)

Tweehuijsen, Niek; Defromont, Jean-Michel: *Des pailles dans le sable* (Paris, éditions quart monde, 2011)

Hutter, Ingrid: *The Secret of a New World* (The Hague, ATD Vierde Wereld, 2012)

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