



*Discrimination on the
basis of socio-economic
status*

Introduction	3
I. Why is it necessary to recognize discrimination on the basis of socio-economic status?	4
A. Take account of poverty in all its dimensions.	4
B. The various forms of discrimination.	4
C. To better understand the interactions between poverty and discrimination.	5
D. Discrimination faced by people experiencing poverty in their daily lives.	5
Access to health care.	5
Access to housing.	6
Access to the canteen.	7
Access to education.	7
E. Understand the importance of recognizing discrimination on the basis of socio-economic status.	8
II. What is the current state of international, European and Member State legislation?	9
A. International treaties.	9
B. Council of Europe.	9
C. European Union.	9
D. Some examples from the European Union member states.	9
Hungary	10
Ireland	10
France	11
Belgium	11
Italy	11
III. Recommendations	11

Introduction

Poverty is a daily ordeal for the individual and an endemic and constant crisis for society. In 2019, according to EUROSTAT, more than 91 million people were living in poverty or social exclusion, which is 20.9% of the population of the European Union (EU27). For the year 2020, the figures are expected to increase due to the Covid-19 related crisis.

While poverty is often seen as a series of deprivations, the discrimination experienced by those affected is less well known. Yet, people experiencing poverty are confronted daily with violations of their rights because of their poverty: difficulties in obtaining medical appointments, jobs, housing, enrolling children in daycare or schools. Very often, the reasons for this lack of access to rights are linked to specific obstacles due to the situation of poverty, and to the way these people are perceived and treated. People often say that "poverty sticks to them" or that they "are treated like dogs".

There are words for different forms of discrimination: homophobia, sexism, xenophobia, etc. However, there is no real word to describe the discrimination linked to poverty: "To name things wrongly is to add to the misfortune of the world" (Albert Camus).

The specific discrimination experienced by people living in poverty has, however, been the subject of scientific studies, which have recognized this reality. For example, various surveys¹ have shown that in France, patients receiving CMU (universal medical cover) have less chance than others of getting an appointment with a doctor, especially a specialist. A scientific test carried out by ATD Fourth World, in partnership with ISM Corum², analyzed the impact of two signals related to precariousness when sending out CVs. One of the two applications mentioned an address in a shelter and social reintegration center, and a passage through a social integration company in the professional path. Of the applications that received a response, 83.1% of the referral candidates were granted an interview, compared to 53% of the applications with the characteristics of precariousness.

This reality has been recognized in some European Union countries, which have adapted their legislation. France, for example, recognized discrimination on the grounds of economic vulnerability as the 21st criterion of discrimination in June 2016. In Belgium, Article 10 of the Belgian Constitution and Article 3 of the law of May 10, 2007, protect against discrimination based on "wealth" and "social origin". In early October 2020, the Irish government announced the launch of a public consultation to make "socio-economic discrimination" illegal under the Irish Equal Status Act.

These initiatives are to be welcomed but are not enough.

¹ "Les refus de soins discriminatoires liés à l'origine et à la vulnérabilité économique : tests dans trois spécialités médicales en France", Défenseur des droits.

² ATD Quart Monde, Discrimination et Pauvreté : « On n'est pas traité comme tout le monde », 2013. ISM CORUM: Inter Service Migrants - Centre d'Observation et de Recherche sur l'Urbain et ses Mutation.

ATD Fourth World would like the Fundamental Rights Agency to carry out a Europe-wide study on discrimination on the grounds of poverty. This research would enable us to draw up an assessment of the discrimination faced by people living in poverty on a daily basis, as well as a report on the solutions implemented to protect against this form of discrimination within the European Union (legislation, regulations and case law).

I. Why is it necessary to recognize discrimination on the basis of socio-economic status?

A. Take account of poverty in all its dimensions.

Poverty is much more than a lack of money. While it is now widely perceived as a multidimensional reality, its contours are not well defined. A recent participatory research project initiated by ATD Fourth World and Oxford University has helped to better define the various dimensions of poverty. It was conducted in six countries and involved researchers, professionals and people living in poverty. The study highlighted nine dimensions of poverty, divided into three categories. To begin with, there are the deprivations that often come to mind when talking about poverty: **lack of decent work, insufficient and insecure income, and material and social deprivation**. However, there are also relational dimensions. This refers to the difficulties that poor people face in their relationships with others: **social abuse, institutional abuse, and lack of recognition of their contributions**. And at the heart of the experience, in a third group of dimensions, we find the impacts and inner personal dynamics: **disempowerment, suffering in the body, mind and heart, struggle and resistance**. These nine dimensions of poverty are closely related and interdependent. People experiencing poverty suffer as much from the dimensions of "deprivation" as from the relational and personal dimensions. All dimensions must be taken into account to act effectively against poverty. Thus, discrimination, which is a reality mainly linked to the relational dimensions of poverty, should be combated in the same way as deprivation.

B. The various forms of discrimination.

The purpose of the right to non-discrimination is to protect individuals by guaranteeing them fair and equal access to the opportunities available to them³. Discrimination is therefore the failure to respect equal treatment. It is a question of a difference in treatment, which cannot be justified.

It is important to be aware of the various forms or mechanisms of discrimination: **direct discrimination, indirect discrimination and systemic and structural discrimination**. Also,

³ "Handbook on European non-discrimination law", FRA, 2010.

several grounds of discrimination can combine and create **multi-dimensional and inter-sectional discrimination**.

Indirect or systemic and structural discrimination is less visible and more complex, but it is probably more frequent and just as painful as direct discrimination.

C. To better understand the interactions between poverty and discrimination.

The United Nations "Guiding Principles on Extreme Poverty and Human Rights" provide guidance focused on the rights of people living in poverty. It identifies poverty as a major human rights concern. The UN often views poverty as a "vicious cycle", consisting of many interrelated factors. Those affected regularly have their civil, political, economic, social and cultural rights violated and their dignity denied. Yet dignity is the very foundation of human rights and is one of the founding values of the European Union⁴.

Discrimination is both a cause and a consequence of poverty⁵. Indeed, poverty is often the result of discriminatory practices, whether they are open or hidden. The people concerned are also confronted with discriminatory behaviours on a daily basis and with stigmatization simply because they are poor, which often leads to their marginalization. They suffer from a lack of positive relationships, participation and responsibility in public life. Because of the prejudice against them, many of them do not take advantage of their social rights because they fear being further stigmatized. They fear that they will not be considered as full citizens. Victims of this prejudice end up living with a feeling of inferiority and become locked into this identity assigned by society.

Some of the people affected by poverty and discrimination belong to groups that are also discriminated against on other grounds. This may, for example, be the case for people with disabilities, people from the LGBT community, or people from ethnic and religious minorities. Women from communities affected by poverty are disproportionately impacted compared to others⁶.

D. Discrimination faced by people experiencing poverty in their daily lives.

The examples mainly come from EU states where discrimination on the basis of socio-economic status is recognized, actively combated or studied. Therefore, it is not possible to have documented examples from all EU countries. This demonstrates the need for a Europe-wide study.

⁴ Article 2 of the Treaty on European Union.

⁵ Article 18, "Guiding Principles on Extreme Poverty and Human Rights," July 2012 ; <https://daccess-ods.un.org/TMP/1264193.80307198.html>, consulted on May 5, 2021.

⁶ "Pauvreté et discrimination", Ludo Horemans, 2008.

Access to health care.

According to Eurostat statistics⁷, clear differences appear when analyzing the relationship between people's self-rated health and their level of education. In fact, in the European Union, 56.7% of the population with at most lower secondary education perceive their health status as good or very good in 2019, compared to 80.6% of the population with higher education. A study conducted by INSEE⁸ in France shows that thirteen years of life expectancy separate the poorest men from the richest. While the gap is smaller for women (eight years), life expectancy increases with the standard of living for both men and women.

In addition to the higher risk of getting sick for the most disadvantaged, there is also a higher risk of not recovering from the disease. Indeed, people living in poverty often face difficulties in accessing health care. According to a 2017 Department of Health report, social inequalities in access to health services are very significant. The report states that economic barriers to accessing health care are particularly notable for non-prescription care (such as dental care), care with a very long waiting list, and also for examinations carried out before a major health problem occurs (screening).

A study conducted in France by the Defender of Rights in October 2019⁹ also demonstrated the difficulty for people receiving CMU-C (complementary universal health coverage) and AMC (supplementary health coverage) to access care. The results showed that 70% of women referrers managed to get a medical appointment, compared to only 58% of patients receiving CMU-C and AMC. In sum, 42% of the women benefiting from complementary health coverage assistance did not have access to an appointment. This very clear difference in treatment constitutes a discriminatory refusal.

Access to housing.

Many households face difficulties in accessing housing. These difficulties stem from a variety of factors, including a lack of available social housing, as well as a lack of solvency on the part of households. In addition to this, there is the discrimination that may be faced by those who find themselves in very precarious situations. Indeed, many landlords are reluctant to rent their housing to certain people and sometimes ask for high minimum incomes from prospective tenants. A report carried out by the Belgian Interdepartmental Centre for Equal Opportunities showed that private landlords discriminate against people who receive the living wage or who are receiving an incapacity benefit. Indeed, the latter were strongly disadvantaged in obtaining an appointment to visit the housing¹⁰. In 2015, the Court of First Instance of Namur (in Belgium) established the existence of discrimination based on wealth.

⁷ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Self-perceived_health_statistics#Self-perceived_health, consulted on May 7, 2020.

⁸ "L'espérance de vie par niveau de vie : chez les hommes, 13 ans d'écart entre les plus aisés et les plus modestes", Insee Première n°1687, February 2018.

⁹ "Les refus de soins discriminatoires liés à l'origine et à la vulnérabilité économique : tests dans trois spécialités médicales en France", Défenseur des droits.

¹⁰ "Baromètre de la diversité > Logement", Centre interfédéral de l'égalité des chances, October 2014.

Indeed, the Interfederal Center had found that a landlord required, in his advertisements, that applicants have a permanent employment contract and a minimum income of 2000 euros. The court then convicted the landlord and ordered him to cease all discriminatory behaviour¹¹.

Women, and particularly single women with one or more children, have great difficulty finding housing. Indeed, the precariousness that affects many women accentuates the mistrust of some landlords¹².

Access to the canteen.

Discrimination also affects children in various everyday situations. Access to the canteen is a telling example of the discrimination that children from economically vulnerable families can suffer. In 2019, 6.8% of the total population of the European Union could not afford a meal with meat, fish or a vegetarian equivalent every other day¹³. In France, the canteen is a place that could theoretically make it possible to compensate for the differences between children and to provide a balanced meal for each one. The available statistical data show that 40% of children from underprivileged families do not eat at the canteen, compared to 17% of pupils from higher socio-professional categories.

In 2019¹⁴, the Defender of Rights in France treated a situation in which some families living in a hotel were unable to enroll their children in schools and in the communal school canteen, following persistent refusals by the town hall. Other children, whose parents had not paid their canteen bills, were given a different menu from the one served to other children¹⁵. Others still, are put aside from the rest of their friends, such as the case of a schoolgirl who had been accepted at the canteen of her school at the end of the service, after the rest of her friends, because of an unpaid bill by her parents¹⁶. These are discriminatory measures, which directly stigmatize people, especially children, living in poverty.

Access to education.

This discrimination can also affect children's access to education. Indeed, a study¹⁷ carried out in Belgium has shown that social class can influence children's school enrolment. This study involved sending applications to be invited to a school visit. The results showed that while 70% of middle-class Belgian parents were granted a school visit, lower-class Belgian parents were half as likely to be invited. As a result, some children are denied enrollment in school simply because of where they live or the economic vulnerability of their families.

¹¹ Trib. 1ère instance de Namur, 5-05-2015.

¹² "Les femmes, la précarité et le mal-logement : un lien fatal à dénouer", N. Bernard, 2007.

¹³ AROPE number.

¹⁴ Decision 2019-256, 2 November 2019, Défenseur des droits.

¹⁵ Decision 2019-291, 22 November 2019; Défenseur des droits.

¹⁶ Amicable settlement RA-2019-096, 11 July 2019, Défenseur des droits.

¹⁷ Study by sociologists Bourabain Dounia, Verhaeghe Pieter-Paul and Stevens Peter.

The Defender of Rights in France has examined several similar situations, for children accommodated in hotels by associations¹⁸ or children living in slums¹⁹, who were unable to enroll in school. This constitutes a serious infringement of the right to education and the best interests of these children.

These discriminations in access to children's education can be inter-sectional and based on several factors, such as origin, place of residence and vulnerability resulting from the family's economic situation.

E. Understand the importance of recognizing discrimination on the basis of socio-economic status.

In our societies, people living in poverty are often victims of stigmatization and are subject to a form of social reprobation. They are judged and considered as "incapable". They are not considered to behave according to societal norms. These people are often defined and reduced by society through the prism of their social and economic conditions. This results in a feeling of shame and devaluation.

This discrimination also affects their access to rights. Indeed, many of them do not exercise their social rights because they fear being further stigmatized. They are afraid of not being considered as fully-fledged citizens, in the same way as others. They do not want to be perceived as "welfare recipients" who live "off the grid". While eight out of ten French people believe that "there is too much assistance and (that) many people abuse social assistance"²⁰, the rates of non-use of measures aimed at supporting better access to rights are high. According to the Observatoire des non-recours aux droits et services (ODENORE), in France, each year more than 5 billion euros of active solidarity income (RSA) are not paid to people who could benefit from it. Therefore, it is essential to take into account and condemn the discrimination experienced by poor people so that they have better access to rights (in terms of housing, health, employment...).

Indeed, by condemning the stigmatization and discrimination they suffer, we directly address the difficulties faced by people experiencing poverty in their relationships with others; that is, the dimensions of social abuse, institutional abuse and the non-recognition of their contributions. The consequence would be to indirectly decrease the other six dimensions of poverty, which are related to material deprivation (as people would have better access to their rights) and personal experience.

The aim is also for people living in poverty to be able to rely on the explicit prohibition of the discrimination they suffer and to be assured that what they experience on a daily basis is not acceptable. However, the ambition of including this ground of discrimination is not

¹⁸ Decision 2017-091, 27 march 2017, Défenseur des droits.

¹⁹ Decision 2021-001, 21 january 2021, Défenseur des droits.

²⁰ Ifop survey, Journal du dimanche, november 2021.

necessarily to condemn the perpetrators of discrimination in large numbers, but rather to make people living in poverty aware that they are not second-class citizens and to stop living with the idea that they are less valuable than the rest of society. Essentially, it is important that they regain confidence and hope by daring to claim their rights. More generally, this recognition would allow us to collectively move away from a state of denial, by raising awareness about what the daily lives of people experiencing poverty are really like.

II. What is the current state of international, European and Member State legislation?

A. International treaties.

Article 2, paragraph 1 of the 1948 UN Universal Declaration of Human Rights includes a non-discrimination clause: “*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*”. The International Covenant on Economic Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) also list a number of non-exhaustive criteria, including discrimination on the basis of social origin.

B. Council of Europe.

In the Council of Europe, the European Convention on Human Rights (ECHR) (Article 14), Protocol No. 12 to the ECHR (Article 1), as well as the Revised European Social Charter (ESC) (Part V, Article E), prohibit discrimination on the grounds of "social origin", "birth" or "property". Article 30 of the European Social Charter states that: "The Parties undertake to take measures within the framework of a comprehensive and coordinated approach to promote effective access, in particular to employment, housing, training, education, culture, social and medical assistance for persons who are, or who risk being, in a situation of social exclusion or poverty, and for their families.

C. European Union.

Article 3§2 of the Treaty on European Union states that the European 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". Article 21 of the Charter of Fundamental Rights also deals with discrimination and lists a long list of grounds, including "ethnic or social origin" and "property". On the other hand, the ‘race’, ‘employment’ and ‘goods and services’ directives completely neglect the criterion of social origin, and thus poverty and social exclusion. However, the EU Fundamental Rights Agency has admitted that poverty plays an important role, even when

examining complaints of discrimination on the basis of the recognized criteria. Poverty often creates barriers to equal access to health, education, housing.

D. Some examples from the European Union member states.

In February 2020, EQUINET conducted a survey²¹ of nine equality bodies in Europe: in Belgium, Bulgaria, Croatia, Czech Republic, Hungary, Latvia, Lithuania, Romania and Slovakia. They responded to a questionnaire, detailing their experiences in relation to their work on poverty discrimination. Some organizations noted the symbolic importance of codifying the criterion of socio-economic status. Others also stated that they receive a significant number of complaints from people who experience this form of discrimination. The results of this survey also showed that poverty results in a weak position to assert one's rights. This means that protection is needed so that people can report what they are experiencing.

Hungary

In December 2003, Hungary adopted an Act for Equal Treatment and the Promotion of Equal Opportunities (Act CXXV, 2003). This law lists the prohibited causes of discrimination, including social origin.

This law was implemented in 2018. The Regional Court of Miskolc found a discriminatory practice in a Hungarian hospital. In this case, all women coming to give birth were obliged to pay for a disposable sanitary suit for the person accompanying them to the birth room. However, the price of this garment was too high for families living in great poverty in the county of Borsod-Abaúj-Zemplén, which had a high density of Roma families. As a result, many women had to give birth alone, without any support. In view of these facts, the hospital was condemned on two grounds: direct discrimination on the basis of social origin and financial situation and indirect discrimination on the basis of ethnicity, due to the large percentage of Roma families among the poor families in the area. Thus, this is discrimination of an inter-sectional nature.

Ireland

In early October 2020, the Irish government announced that the Department of Children and Equality would launch a public consultation before the end of 2020 to make "socioeconomic discrimination" illegal under Ireland's Equal Status Act.

In 2016, Ireland had already banned discrimination against people who receive housing benefits or other social benefits.

²¹ "Addressing poverty and discrimination: two sides of the one coin", December 2010.

In the summer of 2020, ATD Fourth World in Ireland produced a report called "Does it only happen to me?". This report outlines the experiences of people from disadvantaged backgrounds in Dublin. Most of the people interviewed by ATD for this report said that they experience daily inequality of treatment based on socio-economic factors, such as their origin, the way they speak or dress, usually from an early age. They cited very concrete examples of situations they regularly face: giving their address for a delivery and never being delivered to, walking into a park and being stopped by the police, failing to order a cab, etc. These experiences affect the way these people approach the services and professionals they encounter in the public sector, as well as the quality of their relationships with them.

France

In June 2016, a 21st criterion of discrimination was added to the French penal code. The wording chosen was "particular vulnerability resulting from his or her economic situation, apparent or known to the perpetrator."

In addition, this law authorizes positive discrimination. It is thus specified that measures taken in favour of vulnerable people and aiming to contribute to their equal treatment do not constitute discrimination.

Belgium

Article 10 of the Belgian Constitution and Article 3 of the law of May 10, 2007 guarantee non-discrimination on the basis of "wealth" and "social origin".

The Belgian penal code, which contains the concept of "social vulnerability", is reflected in the legislation with sanctions for "sleep merchants". These are landlords who provide indecent accommodation conditions for a fee and in indecent conditions. The latter abuse the "particularly vulnerable situation of the victim"; migrants are often victims of these malicious landlords²².

Italy

Article 3 of the Constitution of the Italian Republic states that "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinions and personal and social conditions."

In March 2016, the Piedmont region adopted a regional regulation against any form of discrimination (including that based on social origin, wealth...). This establishes an anti-discrimination network, consultations with relevant and competent organizations and an annual report.

²² Fundamental Rights Agency's "The Fundamental Rights of Irregular Migrants in the European Union", page 72.

III.Recommndations

- We call on the European Union and Member States to carry out in-depth research on discrimination on the grounds of poverty.
- We call on the European Union and the Member States to carry out a legal analysis of the existing protections against discrimination on the grounds of poverty in the Member States of the European Union.
- We call on the Fundamental Rights Agency to include a study on discrimination on the grounds of poverty in its Multi-annual Plan 2023-2027.
- We ask for the addition of the ground of socio-economic discrimination to the list of grounds of discrimination prohibited by the European Union in Articles 10 and 19 of the Treaty on the Functioning of the European Union.

As the European Union's legislation is among the most developed in the world in the fight against discrimination, it now seems more than necessary to take into account the discrimination experienced daily by people living in poverty.

This discrimination is of particular importance in the current context of a global pandemic of an unprecedented nature, which is aggravating inequalities of all kinds and leading to an increase in poverty, the consequences of which we can only begin to perceive, but which we can foresee will not go in the direction of reducing discrimination.