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## "A Human Rights Approach to Tackling Poverty and Social Inequality: An All Island Perspective"

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Panel: Vindicating Economic, Social and Cultural Rights  
and Application in Policy and Practice

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### **The Guiding Principles on Extreme Poverty and Human Rights, a new tool for breaking the trap of poverty?**

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#### **I. The Guiding Principles on Extreme Poverty and Human Rights<sup>1</sup>**

One of the challenges in making human rights law work for people living in poverty is that the very challenges of their lives can lead them to mistrust structures and mechanisms as an additional threat. Their whole life experience is one of feeling more controlled and intimidated than supported. One woman living in poverty in Lille, France, explains:

*I was being monitored by a service of educators in the field. When I saw social workers arrive at my house with a huge file, a lot of questions came to my mind. I didn't feel comfortable. When they left, my head was spinning and I felt nauseated... As a little girl, I was sent off to a foster family in a public assistance program and ever since then I have never been able to get out of the system. I always needed them without really needing them. I have never been able to get out of the web of social welfare services.*

The woman who said this, Ms. Claudine E., should actually be counted among the co-authors of the Guiding Principles on Extreme Poverty and Human Rights because she shared this experience during a consultation with one of the UN Special Rapporteurs charged with drafting them. These Principles, adopted by

<sup>1</sup> [http://www.ohchr.org/Documents/Publications/OHCHR\\_ExtremePovertyandHumanRights\\_EN.pdf](http://www.ohchr.org/Documents/Publications/OHCHR_ExtremePovertyandHumanRights_EN.pdf)

consensus by the UN Human Rights Council in September 2012, are the first global policy guidelines focused specifically on the human rights of people living in poverty. They are intended for use by governments to ensure that all public policies reach the poorest members of society, respect and uphold their rights, and take into account the significant social, cultural, economic and structural obstacles to human rights enjoyment faced by persons living in poverty.

They are also unique because of the extent to which people living in extreme poverty were able to contribute to shaping them. ATD Fourth World first called for the UN to recognize extreme poverty as a violation of human rights in 1982, with a petition signed by 300,000 people from around the world. Work done by Joseph Wresinski (ATD's founder) with both the French government and the UN Commission for Human Rights in the 1980s was followed (after his death) by two decades of extensive collaboration between ATD Fourth World and the UN's special rapporteurs<sup>2</sup> and experts on extreme poverty and human rights.

When these Guiding Principles were being written, the special rapporteur was able to consult extensively with people living in poverty and extreme poverty, many of them members of ATD Fourth World in France, Poland, Switzerland, Peru, Senegal and Thailand. This means that the Guiding Principles draw directly on the experience and knowledge of people in poverty. The story of these consultations<sup>3</sup> should be shared so that other people in poverty can share a sense of pride and ownership in the Guiding Principles.

The Guiding Principles state that governments have a legal obligation under human rights law to eradicate extreme poverty and that human rights should play a major part in tackling poverty and guiding all policies affecting persons living in poverty. The text stresses that these persons should be recognized as rights holders and agents of change. It thus signifies a breakthrough in traditional thinking that, until now, tended to consider these persons as passive recipients of a minimum level of humanitarian aid or as objects of charity. People in poverty have the right to participate in all stages of developing policies and programs that affect them directly. Nearly every section of the text contains recommendations for government policy-makers, international institutions, businesses and civil society regarding impacts on people living in poverty.

To help make these guidelines known to community-level workers, an implementation manual is being prepared by a group of non-governmental organizations. This project was initiated and is being coordinated by ATD Fourth World and Franciscans International. Ten other NGOs are participating.<sup>4</sup> The

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<sup>2</sup> Danilo Turk, then Leandro Despouy, then Magdalena Sepulveda.

<sup>3</sup> [http://www.atd-fourthworld.org/IMG/pdf/Dignity\\_in\\_the\\_Face\\_of\\_Extreme\\_Poverty-Final.pdf](http://www.atd-fourthworld.org/IMG/pdf/Dignity_in_the_Face_of_Extreme_Poverty-Final.pdf)

<sup>4</sup> Arab Network for Development, BICE (International Catholic Child Bureau), Center for Economic and Social Rights, FIAN, International Commission of Jurists, International Council of Women, International Disability

manual provides a step-by-step guide to using a human rights based approach when working with government policy-makers and practitioners, to ensure that national and local authorities implement their legal obligations. Its goal is to help those working directly with people living in poverty to understand the situation of those in poverty and to help them and local authorities undertake activities that help them enjoy their human rights and escape their situation.

## **II. Applying the Guiding Principles in Practice.**

The draft manual begins with a focus on the time needed for grassroots practitioners to build trust with people living in poverty, and to avoid raising false hope. As useful as the Guiding Principles can be, it is unfair to promise people that complex and devastating situations can be resolved quickly. The manual also stresses the importance of assessing the risks that human rights advocacy may carry for people living in poverty. Landlords, employers, and public officials may have an interest in maintaining exploitative situations. They may also have the power to endanger low-income people and communities. Specific members of a community may be more vulnerable than others to a given risk.

Here in Europe, one of the very highest risks to a low-income parent is having their children placed into foster care, or removed for adoption. While situations exist where institutional intervention is beneficial to children, society has a distrust of people in poverty that often causes harm to children removed from non-abusive parents.

The Child Welfare Organizing Project, in New York, is one example of an NGO that is addressing this risk. It was founded by Michael Arsham, a social worker who was fed up with seeing the human rights of families in poverty violated. Through CWOP, low-income parents are the ones training their peers to be aware of their rights, and to support one another in dealings with child placement. Parents who have had children placed in foster care and then succeeded in reuniting their own families work through CWOP to use their experience both to help other parents facing similar challenges, and to organize for system change. These parents also lecture to students of law and social work, develop training curricula for child welfare professionals, and regularly meet with and advise public and elected officials. Their work began in 1998, long before the adoption of the Guiding Principles, but it is a strong model of the kind of self-help and collective advocacy for which the Guiding Principles now constitute a strong framework.

There is also a useful set of UN Guidelines specifically on the issue of children without parental care: the 2009 Guidelines for the Alternative Care of Children, which enhance the implementation of the Convention of the Rights of the Child

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Alliance, International Federation of Social Workers, PLAN International, and the World YWCA.

and focus on ensuring that children do not find themselves in alternative care unnecessarily. The continuing challenge is these guidelines' implementation. They call for comprehensive strategies to support families in need, as well as ways for the child and his or her family to have meaningful participation in the decision-making process by social services.

Trying to minimize the risks of advocacy for people living in poverty is just one step in implementing the Guiding Principles on Extreme Poverty and Human Rights. The draft manual stresses the strength to be gained from unity. Following individual dialogues, community workers are encouraged to bring people together in order to develop group solidarity, and to provide the space for them to together analyze their problems, clarify their aspirations, and develop the proposals that they would like to make to the relevant authorities in order to address their key concerns. Once trust has been established, people should be encouraged to share information with one another. People living in poverty have the right to know the relevant facts and arguments, to be aware of their rights and to develop the necessary skills and capacity to assert these rights.

However, even when people do know and assert their rights, prejudice against people in poverty can lead to this being held against them. In the UK, people living in poverty report that often their distress and desperation at failing to get fair treatment is too easily interpreted as aggression by service staff, and can lead to assistance being denied. Low-income parents have described the school cafeteria staff telling their children that their parents are lazy, and giving them the worst of the food to eat.<sup>5</sup> Because of this kind of backlash against people in poverty who advocate for their own rights, it is also crucial to convince others to mobilize around people in poverty.

For instance, this can be done by organizing meetings or workshops with professionals and by raising awareness among the media and the general public of how to respect the human rights of people in poverty. To this end, it can help to build strategic alliances with relevant civil society organizations, religious institutions, non-governmental organizations, trade unions, or professionals. When these alliances are built, however, it is crucial to ensure that people living in poverty remain able to effectively participate in decision-making. A news report about a situation of injustice could help to effect change—but it could also exacerbate the risks faced by people in poverty, so they must be able to weigh the risks themselves before deciding whether and how to approach the media. To fight stigmatization of low-income people and communities, it could sometimes be more effective to encourage the media to share positive information about their experiences, hardships, culture and values.

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<sup>5</sup> <http://www.jrf.org.uk/publications/poverty-uk-denial-peoples-human-rights>

### III. People and communities experiencing poverty taking ownership of the Guiding Principles in France

One of the foundational principles of the Guiding Principles is that “States must prohibit public authorities, whether national or local, from stigmatizing or discriminating against persons living in poverty and must take all appropriate measures to modify sociocultural patterns with a view to eliminating prejudices and stereotypes.” Even before the Guiding Principles were formally adopted, the importance of this principle was stressed by young people living in poverty in France. In 2010, ATD Fourth World invited many young people to speak out about their lives. Their anguish at being stigmatized stood out powerfully: “The way people look at you can kill you inside,” they said. They called on the prime minister and on European institutions to work against classism and “to see every youth as a chance for society.”

It was these young people who inspired ATD Fourth World to invest in challenging poverty-based discrimination as a top priority ever since. This discrimination takes many forms:

- Landlords refuse to rent to families based on their physical appearance or their homelessness, despite their ability to afford the rent;
- Children are bullied in school because of bigotry against “shelter kids” or “social parasites”;
- Children of the unemployed are refused access to school cafeterias on the grounds that their parents should have time to pick them up and make them lunch;
- Some mayors decided that public housing would be dangerous because of the residents' poverty or they legislated against begging, camping or scavenging;
- Some doctors refused to treat patients insured by coverage reserved for the unemployed or those who have difficulty getting regular health insurance;
- Job applicants with skills equal to others were discriminated against for living in emergency shelters or having addresses in low-income areas;
- Visitors to a museum were made to leave “because other visitors had complained about their smell”;<sup>6</sup>
- A barbershop refused to cut the hair of a homeless man.
- A woman was fired when her boss learned that she had grown up in foster care.

ATD Fourth World-France launched “No More,”<sup>7</sup> a petition to the French

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<sup>6</sup> Gordts, Eline. “[‘Smelly’ Family Kicked Out Of Paris’ Musee D’Orsay.](#)” The Huffington Post: 29 January 2013.

<sup>7</sup> “[No more: Petition for the recognition of discrimination on the basis of social exclusion.](#)” ATD Fourth World–France. 2013.

government and Parliament denouncing these instances of poverty-based discrimination (sometimes called “povertyism” in the U.K.). While many people face multiple forms of discrimination – based on gender, disability, age, language, ethnic origin, religion or sexual orientation – not being able to name the discrimination linked to poverty can reinforce a sense of alienation that pits people against one another in low-income communities where resources are lacking for people of diverse ethnic origins. The national director of ATD Fourth World-France, Bruno Tardieu says:

*If a kid is insulted at recess with a racist insult, he can shoot back, 'you're racist!' But when kids are bullied for being 'welfare kids' or 'shelter kids,' there are no words to defend them. This is why words are so important. Journalists lately have been writing about 'anti-poor racism' – but those aren't the right words either. The word racism has a specific meaning. What we need is an additional word for naming the discrimination that is experienced by people in poverty.*

In December 2012, the French government organized a National Conference against Poverty and for Social Inclusion. Ten members of ATD Fourth World were invited to be part of the working groups that prepared this conference. During its panel on “Changing the Way People Look at Poverty and Exclusion,” Djemila Mahmoudi and Micheline Adobati spoke before their Prime Minister.

They described the stigmatization, caused by poverty, that they feel is slowly weighing them down “until we no longer dare to look anyone else in the eyes.” During the conference, the issue of CMU<sup>8</sup> insurance was raised. CMU is a French government plan reserved for the unemployed or anyone who has difficulty getting regular insurance. When some doctors refuse to treat people insured by CMU, it discourages others covered by CMU from even trying to seek treatment. It was suggested that sanctions be introduced against doctors who refuse to accept this government-provided coverage.

Since the conference, the French Council of the Order of Doctors asked ATD Fourth World to work on the question of discrimination against people insured by CMU. The CMU Fund<sup>9</sup> and France's Defender of Rights are now inviting professionals, including the Council of the Order of Doctors, to collaborate on a definition of “refusal of treatment” to be used in health ethics guidelines, and the development of legal sanctions. This is a positive sign that will encourage people in poverty to seek health care without fear of being turned away.

Despite this positive outcome to the conference, no measures were taken concerning poverty-based discrimination. In order to develop a national legal

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<sup>8</sup> Couverture medicale universelle

<sup>9</sup> A government body charged with administering the CMU.

framework to address this, ATD Fourth World collaborated with a research center ISM-Corum<sup>10</sup> to investigate whether poverty-based discrimination could be measured. Together, we conducted an experiment in 2013. Eight hundred resumes were mailed out to apply for work as supermarket cashiers. All applicants were in their 30s, with similar vocational qualifications, and had recently held long-term jobs related to the positions for which they were applying. Half of the resumes also included two indicators of poverty: a current address in a temporary housing shelter; and previous employment in a social enterprise designed to hire people having difficulties finding employment.

The resumes showed that this job had been at least seven years ago, and had been followed by other long-term employment. The control group's resumes did not have these indicators of poverty. Applicants who had at one time had difficulty finding work and who were currently living in a shelter were found to be at a disadvantage. Individuals from this group were offered jobs 50% more frequently. The net discrimination rate for applicants whose resumes implied poverty was +30% in total, +25% among men, and +35% among women.<sup>11</sup> Marie-France Zimmer, one of our members who lives in poverty, said:

*This proves we're not liars. [...] To defend ourselves against everything we hear about ourselves and about immigrants it's important to be able to refer to official studies and figures. You can't imagine how important this is for us.*

In 2011, France created a post called the Defender of Rights. As a national ombudsperson, the Defender of Rights protects citizens from the government and has special prerogatives to promote children's rights, the fight against discrimination, and respect for ethics by the police. Since ATD Fourth World's study on discrimination, the Defender of Rights asked us to organize a training session on this topic for the legal and mediation professionals he supervised in all the regions of France on how to recognize discrimination based on social exclusion.

In September 2013, together with the Defender of Rights, and the French National Consultative Commission on Human Rights, ATD Fourth World registered a formal request to Parliament for existing discrimination law to be amended to include the criterion of social exclusion. We have also continued circulating, together with more than 40 other non-profit organizations, the petition, "No More," calling for recognition of discrimination on the basis of social exclusion. The petition, still circulating, had 22,000 signatures last month and is an important tool for raising awareness among the general public.

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<sup>10</sup> Inter Service Migrants: Center for Observation and Research on Urbanism and its Changes.

<sup>11</sup> "[\*On n'est pas traité comme tout le monde\*](#)": *Discrimination et pauvreté*. ATD Fourth World and ISM-Corum. 2013. 72 pages.

An important step forward was taken on 14 January 2014, when the French Senate ratified National Assembly decision to add a criterion to existing discrimination law: one based on place of residence. From now on, charges can be filed by people who think that their address led them to be refused for employment, housing, paying a merchant with a check or using banking services.<sup>12</sup> The law calls for:

*[...] equality between women and men, policies of integration and struggle against the forms of discrimination victimizing inhabitants of disadvantaged neighborhoods, particularly as linked to a place of residence and to a person's real or imagined origins.*<sup>13</sup>

The remaining challenge is to add another criterion making unlawful any discrimination on the grounds of a situation of social exclusion. The prime minister's Secretary-General for Government has called on all ministers to express an opinion on adding this criterion to the penal code. Pierre-Yves Madignier, president of ATD Fourth World-France, explains that the aim of seeking this law is not to launch a wave of lawsuits: "The goal should be to provide civic standards for each person, to play a role in educating everyone about living in a community, and to ensure that a child who is bullied as a 'welfare kid' can know that this behavior is condemned." While the law has not yet been amended, these steps have led the French National Assembly to agree to take the question under consideration. The Minister of Justice is studying draft legal language for an amendment to the law.

#### IV. Coming together around human rights for all on October 17<sup>th</sup>

The Guiding Principles on Extreme Poverty and Human Rights are an essential tool for institutions and nations to progress together toward overcoming poverty. At the same time, discrimination exists as much in personal attitudes of bigotry as in discriminatory policies. Ending social exclusion requires not only implementing human rights law, but also that all people come together to learn to see one another differently. This is why Joseph Wresinski inscribed a commemorative stone in honor of the victims of poverty, hunger, ignorance and violence. Inaugurated on 17 October 1987 at the Plaza of Human Rights in Paris, the message on the stone is:

*"Wherever men and women are condemned to live in extreme poverty, human rights are violated.*

*To come together to ensure that these rights be respected is our solemn duty."*

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<sup>12</sup> Zappi, Sylvia. "Discriminer les habitants de zones sensibles devient illégal." Le Monde. 15 January 2014.

<sup>13</sup> Law n° 2014-173 of 21 February 2014 on City Planning Urban Cohesion.

That date of October 17<sup>th</sup>, first marked annually by people in poverty around the world was later recognized by the UN as the International Day for the Eradication of Poverty. Many replicas of the stone have been inaugurated since then, one in Dublin<sup>14</sup> and another in Glasgow. The spirit of October 17<sup>th</sup> is about making it possible for people living in poverty and people of all other backgrounds to come together, act in solidarity, and build a culture of human rights and peace. This dynamic<sup>15</sup> creates the conditions needed for people to see and speak to one another in new ways. It fosters vigilance for ensuring that not a single person's dignity is denied.

Without the respect of each and every person's human rights, as inscribed in declarations and conventions, no community nor country can enjoy governance that is fair and equitable for all. Inversely, it is only thanks to neighborhoods and nations that aspire to ensuring respect for everyone's rights that human rights are brought to life to protect and sustain the daily lives of the least powerful people. This constant interaction between legal human rights frameworks and the human commitment needed to implement them is the touchstone guiding us in striving toward peace.

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More on All Together in Dignity in Ireland: [www.atdireland.ie](http://www.atdireland.ie)

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More on All Together in Dignity worldwide: [www.atd-fourthworld.org](http://www.atd-fourthworld.org)

<sup>14</sup> More on October 17<sup>th</sup> on the Irish 17 October Committee website: [www.17october.ie](http://www.17october.ie)

<sup>15</sup> More on the worldwide dynamic: [www.overcomingpoverty.org](http://www.overcomingpoverty.org)