



## Resolution 2432 (2022)<sup>1</sup>

# Tackling discrimination based on social origin

## Parliamentary Assembly

1. Social origin means the social or class milieu into which a person is born and that shapes their formative years: their origins, upbringing or starting point in life. A person's social origin can determine attributes ranging from their accent to self-perception, or the existence of personal or professional networks, which can affect their prospects in many spheres and persist throughout their life.
2. Social origin must not be confused with socio-economic status, which refers to a person's current situation as regards wealth, property, housing, level of education and other similar characteristics and which may change over the course of a person's life. Social origin and socio-economic status may coincide, notably where there is little social mobility in a given society, but the two notions are distinct.
3. No one's outcomes in life should be determined by their birth, let alone conditions prior to their birth. Yet there is broad evidence that across Europe, a person's social origin, including their conditions at birth and upbringing, plays a strong role in determining their future. The chances that those who start life in less prosperous conditions will complete secondary or higher education, earn the same salary as persons from a more advantaged background, own their own home, avoid poverty or have a high standard of health are significantly lower than for those who start life in wealthier circumstances.
4. Discrimination based on social origin increases the persistence of poverty and social exclusion and deprives those affected of prospects for development and self-fulfilment, in turn affecting overall economic development. By threatening social cohesion and engagement, it can also place democracy at risk.
5. Such discrimination may be direct, leading to class floors that protect individuals from more advantaged socio-economic backgrounds from downward social mobility and class ceilings that hinder the upward social mobility of individuals from less advantaged socio-economic backgrounds. The class ceilings may also arise from hidden causes, mainly from ingrained perceptions and stereotyping based on social origin and social status which affect how individuals are perceived and treated by others.
6. Discrimination based on social origin also results in class pay gaps even after adjusting for educational attainment. Factors such as parental means, misrecognition of merit and informal sponsorship based on pre-existing networks or cultural affinities contribute to the existence of a class pay gap that persists throughout people's lives, even where they have identical levels of educational attainment. The use of artificial intelligence can also aggravate discrimination in this field. Furthermore, discrimination based on social origin may manifest itself as a lack of social mobility, necessitating a broader and holistic perspective in policy design.
7. Discrimination based on social origin has been expressly prohibited in international law since the adoption of the Universal Declaration of Human Rights in 1948. This prohibition has been included in numerous international and European human rights instruments since then, including the European Convention on Human Rights (ETS No. 5), Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) and the European Social Charter (revised) (ETS No. 163), as well as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

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1. *Assembly debate* on 26 April 2022 (12th sitting) (see [Doc. 15499](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Selin Sayek Böke). *Text adopted by the Assembly* on 26 April 2022 (12th sitting).



8. All Council of Europe member States are thus parties to treaties that expressly prohibit discrimination based on social origin. However, few European States include social origin among the protected grounds in their constitutional or legislative anti-discrimination provisions. As a result, individual remedies for discrimination based on social origin are difficult to access, as the dearth of case law in this field demonstrates. In addition, few member States collect reliable and comprehensive data in this field, possibly due to difficulties in measurement.

9. To tackle discrimination based on social origin effectively, it must first and foremost be clearly prohibited by legislation that also provides genuine remedies to individual victims of such discrimination. Intersectional perspectives must also be taken into account, ensuring that interactions between grounds such as gender or ethnic origin, on the one hand, and social origin, on the other, are identified and can be targeted. To avoid continually reproducing discrimination based on social origin, effective legislation must, moreover, exist in tandem with holistic measures designed to ensure merit-based mechanisms, to promote social mobility and social justice, creating societies that are fairer for all.

10. Regarding discrimination based on socio-economic status, which is a related but distinct issue that must also be tackled, the Parliamentary Assembly recalls its [Resolution 2393 \(2021\)](#) “Socio-economic inequalities in Europe: time to restore social trust by strengthening social rights”, in which it noted that, despite growing overall prosperity in Europe, disparities in all economic and social dimensions have widened, with a parallel slowdown in social mobility, negatively affecting individuals and communities while also restraining overall economic development, undermining social justice and hurting the functioning of our society.

11. The Assembly also recalls its [Recommendation 2205 \(2021\)](#) and [Resolution 2384 \(2021\)](#) “Overcoming the socio-economic crisis sparked by the Covid-19 pandemic”, in which it called on member States to take action to overcome the negative current and longer-term impact on social rights of the Covid-19 pandemic, and its [Resolution 2343 \(2020\)](#) “Preventing discrimination caused by the use of artificial intelligence”, in which it called on States to put in place strong safeguards in order to ensure that the use of artificial intelligence does not result in violations of the principles of equality and non-discrimination, including on the ground of social origin.

12. In the light of these considerations, the Assembly calls on Council of Europe member States, as regards anti-discrimination law and public governance, to:

12.1. expressly prohibit discrimination based on real or perceived social origin in anti-discrimination legislation at all levels of the domestic legal system, where it is not already covered by existing grounds of discrimination, and ensure that social origin is defined and interpreted in an evolutive manner, not limited to questions of belonging or not belonging to nobility but including all class backgrounds;

12.2. also expressly prohibit discrimination based on real or perceived socio-economic status in anti-discrimination legislation at all levels of the domestic legal system, where it is not already covered by existing grounds of discrimination, and ensure that the terms used in legislation are adequate to cover all necessary situations in the country concerned, and are regularly reviewed to keep pace with changes in society;

12.3. ensure that effective and accessible individual remedies are available for these forms of discrimination;

12.4. mainstream anti-discrimination measures in all legislation;

12.5. ensure that national equality bodies are competent to deal with discrimination on these grounds both in individual cases and in broader matters such as data collection and situation testing, and that they have the necessary human and financial resources to carry out these tasks;

12.6. run training courses to help civil servants working in this field to recognise and better tackle this form of discrimination;

12.7. consider making the public sector subject to an equality duty in this field, requiring all authorities exercising public powers to do so having due regard to the need to exercise them with the aim of reducing inequalities of outcome resulting from disadvantage based on social origin or socio-economic status;

12.8. provide training to judges, prosecutors and other persons exercising public powers to raise their awareness of the impact of discrimination based on social origin and socio-economic status and enable them to identify such discrimination, whether it occurs based on these grounds alone or in situations of multiple or intersectional discrimination, and tackle it accordingly;

- 12.9. compile data on social origin, including from an intersectional perspective, with due respect for the principles of confidentiality, informed consent and voluntary self-identification and avoiding stigmatisation of persons who are already victims of discrimination based on social origin;
  - 12.10. require both public and private companies to publish class pay gap data;
  - 12.11. initiate public debate on how merit is defined and how institutions, especially those related to education and the labour market, should respond to a drive towards a merit-based system;
  - 12.12. review the bases on which talent and merit are measured in public-sector occupations, so as to ensure that the criteria used in recruitment, assessment and promotion procedures place value on the competences needed to do a job well, and encourage private-sector employers to do likewise.
13. The Assembly further calls on Council of Europe member States to intensify their efforts to promote social mobility and social justice in line with [Resolution 2393 \(2021\)](#), [Resolution 2384 \(2021\)](#) and [Resolution 2343 \(2020\)](#).
14. Bearing in mind that discrimination based on social origin occurs during early childhood and throughout all stages of education and all stages of participation in the labour market, the Assembly also invites member States to:
- 14.1. ensure free, equitable and accessible public provision of early education and childcare services;
  - 14.2. implement policies to publicly provide free, equitable and quality education to all, regardless of social origin and throughout each individual's life;
  - 14.3. design redistributive fiscal policies that will enable the cycle of material deprivation inhibiting social mobility to be broken;
  - 14.4. design fiscal spending programmes to provide social safety nets and equality in initial financial support to ensure equal opportunities for all in terms of taking risks when building careers, both when entering the labour market and when transitioning between jobs;
  - 14.5. implement reskilling, upskilling and lifelong learning schemes to eliminate friction in job transition;
  - 14.6. formalise recruitment, assessment and promotion procedures and make them transparent;
  - 14.7. implement positive action mechanisms such as fast-track graduate recruitment schemes that can promote the recruitment of persons from disadvantaged social backgrounds in careers where they are currently under-represented;
  - 14.8. take measures to encourage employers to ensure that all internships are duly advertised and remunerated, and consider banning unpaid internships;
  - 14.9. undertake awareness-raising campaigns to tackle the under-reporting by victims of discrimination on the grounds of socio-economic status;
  - 14.10. encourage the private sector to design and run training courses aimed at raising awareness of and eliminating unconscious bias;
  - 14.11. promote the creation of professional support networks designed to counterbalance and avoid the hidden injuries experienced by many persons on an upwardly mobile social trajectory;
  - 14.12. review residential, zoning and housing policies to overcome residential segregation and ensure affordable housing for all, and design *in situ* urban and rural transformation projects to enhance community interaction in residential areas that include people from all social backgrounds;
  - 14.13. implement the European Social Charter.