

# Structural Factors of Post-Migration Inclusiveness: The Struggle for EU Free Movement as a History of Possibilities, 1985-2015

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*This is part of our special feature, **The Politics of Postmigration.***

This study approaches post-migration as migrants' experiences of settlement and assimilation after migration. It reviews past debates held in the European Parliament (EP) since the inception of the European Union's (EU) policy on the free movement of persons to examine the contrast between the principles of human mobility rights—upheld as core democratic objectives—and the actual difficulties encountered by migrants while integrating in host societies. The studied timeline ranges from the Schengen Area's inception in 1985 to 2015, moving through the most impactful post-Cold War turning points in the European integration process. More particularly, this contribution focuses on the proposals and initiatives of the European Parliament's (EP) pro-migration actors devoted to the defense of fundamental freedoms and rights over economic priorities and security concerns. These key players are members of progressive political parties at the EP who have been dedicated to advancing human mobility rights *per se*.<sup>[1]</sup> The Historical Archives of the European Parliament (HAEP) in Luxembourg reveal essential milestones in highly controversial discussions about the genesis and development of the EU's free

movement of persons and about the commitment to the social wellbeing of migrants in their post-migration phase; this commitment has been understood as a framework for the settlement and social integration of immigrants in host countries. These past discussions inspire us to unfold pro-human mobility rights potentialities in the face of pressing challenges today.

This article provides a reflection on the relevant factors of migrants' social wellbeing after their experience of migration. These factors generally include a commitment by progressive political actors to fight against structural hindrances such as discrimination, lack of access to resources and economic opportunities, isolation, and absence of well-established structures. These elements are necessary for the socio-cultural integration and personal growth of migrants after their transit and settlement.[2] To honor the EU Parliament's commitment to the wellbeing of migrants, it is essential to facilitate post-migration situations by addressing best practices regarding how economic, social, and psychological factors intervene in the social integration of migrants. Such groundwork also entails the legal framework and the sociopolitical experiences of migrants after they arrive and settle in a host country.

While we are already familiar with the disruptions of persistent gatekeeping that Ohnmacht and Yıldız detail in their analysis of migrants' daily experiences while navigating social integration in host societies after migration,[3] we need to better understand the sources of the current challenges facing migrants' full social inclusion, as Daenzer accomplishes in a comparative case study involving Canada.[4] Indeed, looking into the origin of the EU's social integration policies and the principles and norms on which these policies are based allow us to better address the complexities of their effective implementation in contemporary contexts. For instance, free movement has become a fundamental right of migrants from so-called "third countries" in the EU, implying that migrants could acquire the capacity to move freely across the Schengen Area. In this context, I use the term post-migration mainly to refer to former migrants' lived experiences in their destination countries after they have migrated.[5] These post-transit experiences of assimilation entail the rate at which migrants integrate into mainstream cultures and societies and the challenges they encounter as part of this process. Hence, in this article I explore post-migration experiences as post-transit experiences. Past studies have analyzed how the experiences of migrants after migration could be made more humane and fair through an increased focus on fundamental freedoms and on the provision of rights as a main guiding framework. This article brings together identity, community, and migrants' mobility rights within the context of the European integration process.

### **A daring inception: structural sociopolitical factors of post-migration wellbeing**

When discussing policymaking factors related to the wellbeing of migrants after migration, the emphasis is placed on the ways in which migrants gradually adapt to the host country and its particular social environment. However, structural factors linked to the positive

contributions migrants make in increasingly multicultural societies remain important and must be considered when pursuing inclusiveness. Indeed, the basic material wellbeing of migrants is not only centered on having a job, income, and proper housing, but also on quality of life. In the post-migration phase, the latter has often been overlooked, especially in the case of refugees.[6] Factors contributing to quality of life include health, work-life balance, access to education and skills capacity building, social connections,[7] access to modes of civic engagement and governance,[8] access to a natural environment of quality, personal safety, and, last but not least, subjective wellbeing.[9] The key measure in this wellbeing framework is its sustainability, which requires a societal commitment to preserve migrants' environmental, economic, social, and human capital after migration. Migrants' post-migration condition is thus understood as a compendium of factors that either amplify possibilities of assimilation in the host society or fragment such opportunities, further expanding modes of exclusion and facilitating the emergence of second-class citizens.

In the 1990s—in particular in the aftermath of the entry into effect of the Maastricht Treaty in 1993—many of these background factors conditioning either the positive or the negative unfolding of the post-migration phase for mobile populations were connected to the primacy of the rule of law and to fundamental rights and freedoms. Among these freedoms, the free movement of persons within the EU has been considered “a fundamental right to have rights” in legal historical studies.[10] In the 1990s, the EP constituted an impactful soundboard for fundamental discussions and decisions aimed at attempting to manage increasingly diverse societies. Discussions about the main factors guaranteeing the feasibility and sustainability of migrants' post-migration wellbeing addressed social integrations challenges, and an outline for the free movement of persons was launched. However, at the time, the upholding of human mobility rights *per se* was already being overshadowed by manifold forms of anti-immigration discrimination modalities, which have remained influential to the present.

Therefore, examining past EP debates and decisions helps us rethink how to move forward by providing clarity about crucial points concerning post-migration, thus constituting a legal and sociopolitical framework in which migrants can settle after their transit into the host society. Hence, the question becomes, what structural socio-political factors that could help improve post-migration inclusiveness in the present have recently deteriorated? This article introduces notions that were once upheld as key commitments to human mobility rights: the preeminence of fundamental rights and freedoms over security concerns; the upholding of asylum rights as a humanitarian priority; the fight against linking terrorism to migration and against the consolidation of “Fortress Europe”; the emphasis on socioeconomic cohesion in fair, diverse societies; and the pursuit of democratic values.

### **Challenges to refugees' integration and security concerns overshadowing fundamental rights and freedoms**

The securitization of migration has had an impact on migrants, making it difficult for them to successfully socially integrate and to move beyond the persistent forms of discrimination encountered in their lived experiences when settling after migration. Securitization transforms migration primarily into a security issue not because of the actual nature or significance of any perceived risk but because migration is institutionally declared as a threat. The securitization perspective became salient and politically influential in the 1990s. Indeed, in 1993, immediately after the Maastricht Treaty was implemented, Eurosceptic views started emerging. These included an exclusionary and conservative understanding of the Schengen Agreements that became influential, as it was attached to the idea that the free movement of people within the EU put the Union's stability at risk. These views triggered migration-related discourses centered on security interests and were deliberately oblivious to human rights:

*We consider it necessary to denounce strongly the Schengen Agreements which encourages [sic] illegal immigration, insecurity, drugs [sic] trafficking and terrorism and threatens [sic] national identity and civil order.[11]*

As it accented a supposed nexus between migration and growing insecurity, this perspective was subsequently solidified, especially in the realm of electoral politics. Conversely, progressive players such as French MEP Aline Pailier (Confederal Group of the European United Left / Nordic Green Left) recalled the humanitarian implications of the 1990 Schengen Convention. She mentioned an essential factor centered on the development of a social consciousness about the fragility of refugees[12] and of a commitment to human rights, further recalling that “on the very day the Convention implementing the Schengen Agreements (CISA) entered into force in 1995, 44 Zairean refugees were expelled, via a European charter flight, from Germany, France, and the Netherlands.”[13] These expulsions marked the inception of the violation of the Geneva Convention principle of *non-refoulement* and critically counteracted humanitarian approaches to human mobility rights.

In the 1990s, many debates in the EP underlined the risks of relying on intergovernmental procedures instead of on supranational approaches. These discussions included a criticism of the lack of democratic control in the Schengen process and caused the EP to increasingly highlight the risk of instilling fear toward migrants and refugees for domestic electoral gains.[14] EP debates also sent an early warning about the threat of addressing asylum policy-making from a repressive angle focused on security concerns at the expense of refugees' fundamental rights. The notion of “democratic justice” was then indicated as a possible way to open new pathways in counteracting these concerns. Nonetheless, approaches centered on the idea that refugees were a security risk *per se* were never dispelled and have remained influential in the way refugees' narratives are linked to increasing insecurity, often serving electoral objectives away from any social dialogue.

## **The risks of associating migration with terrorism and the rise of “Fortress Europe”**

The dissemination of the connection between migration and terrorism has remained a hurdle for migrants to be included in host societies. In the post-Maastricht era, the EP has also been a sounding board for this debate:

*If the national Parliaments ratify the Schengen Agreements, this will only encourage and facilitate various types of terrorism. We believe that the Schengen Agreements violate the sovereignty and the internal and external security of the Member States. We call from penalties, including the death penalty, to be introduced to make an example of terrorists.*<sup>[15]</sup> [sic]

Such extreme views encountered equally firm contrapositions advancing fundamental rights, but they have remained influential over time and have constituted the basis for security-centered business models used to define the control of the EU's external borders, as they exist today. Indeed, social fears still dominate many political narratives and have prevented migrants from being included or valorized as contributors in host societies. This social dissociation has also been linked to the concept of "Fortress Europe" as a barrier to integration.

The concept of "Fortress Europe" arose as people started associating migration with humanitarian crises and with the anticipated costs of responding to these crises through domestic policymaking in host countries. This association has had a direct impact on public opinion, which has remained divided on migration and asylum policies, oscillating between fear of supposed invasions and appropriations of jobs and social benefits and a welcoming sense of empathy and identification with sudden situations of fragility, statelessness, and dispossession. The rise of anti-immigration political parties in the EU has also made it difficult for Member States to find a common ground to communicate about the potentially mutual benefits of migration for natives and newcomers.

The reinforcement of the EU's external frontiers with "third countries" has been inextricably linked to the way in which the EU has developed its policy with regard to the Global South. In the post-Maastricht period, representatives such as MEP Klaus-Heiner Lehne (European People's Party – European Democrats) considered that people's freedom of movement within the Union was, initially, an unshakable goal. Hence, underachieving on this goal by renouncing its human rights dimensions and bypassing these rights through a degradation of the quality of democracy in the EU could only lead to the creation and consolidation of Fortress Europe. In Lehne's words:

*There is a risk that the initial inviolable objective—freedom of movement for persons within the Union—might be supplanted by its corollary, namely tighter immigration controls and the creation of a "Fortress Europe." The new agreements introduce, by unconventional means, constraints on the future immigration policy, which must be devised within the Union's institutional framework.*<sup>[16]</sup>

In addition, these constraints have not simply entailed hard borders and visa restrictions but also difficulties for migrants to settle and integrate. Debates at the EP have shown that MEPs are partially willing to engage in initiatives on a "peoples' Europe"<sup>[17]</sup> and

“citizens’ Europe.”<sup>[18]</sup> However, such initiatives have been severely undermined by the EU’s decision not to impose a democratic (parliamentary) control of the Schengen process and not to include fundamental human mobility rights in these frameworks.

### **Socioeconomic cohesion and threats to democracy**

A key way to measure the level of inclusion and wellbeing of migrants in their post-migration experiences of settlement and assimilation is to assess the extent to which socioeconomic cohesion is promoted as a guiding principle in their social integration. For example, in 1989, MEP Carlos Carvalhas (Left Unity – Portugal) stated that the completion of the single market had to be accompanied with, and in some cases preceded by, a commitment to economic cohesion and to the social dimension of human mobility rights, which was particularly significant for disadvantaged regions, where it would not be enough to increase the amount distributed through the Community’s structural funds. He also maintained that a move toward genuine economic convergence was required, which in turn necessitated greater efforts to lessen structural imbalances in the weakest economies.<sup>[19]</sup> Intra-social and inter-regional cohesion would also be fundamental in counteracting economic discrimination, inequality, and the lack of access to social resources and to opportunities migrants face as they attempt to settle in host societies.

EP documents produced after the Maastricht Treaty went into effect show that debates took place about how to prevent the largely condemned “democratic deficit,” all the while acknowledging that a “Europe of markets” was not sustainable and that only a “citizens’ Europe” could guarantee the durable legitimacy of the European integration process. Against the backdrop of these discussions, pro-migration EP players linked such long-term views to a growing concern about the sustainability of the EU’s free movement of persons. They also recalled that it was important to overlook the socioeconomic cohesion principle when considering the widening gap between the civil rights and liberties afforded to non-migrants and those afforded to migrants. For this reason, these MEPs also considered that overestimating economic integration over a commitment to the sustainability of the European social model could rupture the links between European institutions and citizens, which has been happening. This cautionary concern initially followed the signature of the CISA in June 1990.<sup>[20]</sup> The EP then expressed critical views regarding the way in which negotiations over the CISA were conducted and concluded. This criticism was mainly focused on the process’s lack of democratic legitimacy, the fact that the CISA sidelined the independent power of the judiciary, and the disregard for the supranational dimension of human mobility rights. More particularly, MEPs manifested their preoccupation about the fact that the CISA had been negotiated outside the Community’s institutions. Thus, they were concerned that parliamentary and democratic control would not be guaranteed in the application of the CISA—an issue that was perceived to fundamentally hinder the level of democracy within the Community to a point of no return. This hindrance also affected migrants’ post-migration wellbeing and the

extent to which they were included in society because it led to a lower level of democratic fairness and diversity. It also led to increased discrimination, impacting the livelihoods and experiences of migrants after arrival.

Some of these consequences started becoming visible in EP discussions on the functioning of the European Union Treaty, notably in light of the 1996 Intergovernmental Conference.<sup>[21]</sup> Hence, the EP called for decisive progress in the field of justice and home affairs as well as for a balanced approach to asylum policy, the crossing of external frontiers, and immigration policy. Indeed, it sought to bring these issues within the jurisdiction of the Community in view of the gradual integration of the third pillar of its policy, by which the EP firmly considered that the Schengen Agreements should be progressively integrated into Union policy.<sup>[22]</sup>

### **Outsourcing external borders and the issue of privacy rights**

The 1990 Schengen Convention paid special attention to the potential implications of outsourcing the management of the Community's reinforced external borders in relation to migration flows. In this regard, the potential violation of data privacy rights was brought to the fore as an exponential risk for citizens and residents and for the future of migrants' social integration. At that point in time, as the frontiers of the Community were being internally eliminated and externally reinforced, the link between security and data privacy was made. For instance, MEP Pascale Van Ootridge (Party of European Socialists – Belgium) considered that the nascent Schengen Information System (SIS) may “weaken the protection of privacy and the legal protection for persons whose particulars are entered in the system.”<sup>[23]</sup> Indeed, discriminatory profiling approaches and the violation of privacy rights for newly arrived mobile populations entail vital risks for the inclusive integration of migrants and create opportunities for deportation and social exclusion. The SIS has continued to be further utilized, for example in relation to events such as the 1998 creation of the “EU area of freedom, security and justice” and the entry into force of the EUROPOL Convention. However, despite attempts to introduce “democratic justice” into these emerging systems, privacy rights violations increasingly occurred, as external border management became a business model. To remedy the situation, the EP urged the Commission to ensure that Interpol be subjected to the directive aimed at the protection of personal data, in line with the principles of the European Convention of Human Rights.<sup>[24]</sup> This urging entailed that the collecting, passing on, and use of data relating to migrants by the police had to abide by fundamental rights,<sup>[25]</sup> which has remained relevant to this day.

### **Racism and xenophobia as essential hindrances**

The interplay between the free movement of persons and the tackling of racism and xenophobia at the European level have constituted another ground for a commitment to making migrants' experiences inclusive. In EP documents produced in the post-



Maastricht era, deep feelings were expressed on the matter.

*...disturbed by the use of racial prejudice to incite hatred and intolerance. There are between ten and fourteen million migrant residents in the Community, who should be considered as residents with full rights. Nearly eight million of these are migrants from non-Community countries, who suffer discrimination when attempting to obtain employment and also as regards as freedom of movement and social and political rights and, whereas in the light of the Single Market, such discrimination cannot be countenanced. [sic]*

The Community Charter of the Fundamental Social Rights of Workers<sup>[26]</sup> states that workers from non-EU countries and their families who legally reside in a Member State of the EU must be able to enjoy living and working conditions comparable to those enjoyed by workers who are nationals of the Member State at stake. During the time under study here, the EP was concerned about how to make this commitment sustainable and included directives for harmonization at the highest level of legislation in Member States. These directives aimed to prevent racism and xenophobia and promote equal treatment of Community and non-Community migrants, in particular with respect to the acquisition of social rights and freedom of movement.<sup>[27]</sup>

### **Reclaiming a prioritization of human rights over security-centered migration policies**

The EP's resolutions about the Schengen Convention that have overstated the prioritization of human mobility rights set a course of action for the inclusive social integration of migrants in host societies. Nonetheless, opposite roadmaps have prevailed. How could this trend be reverted? The guarantee of human mobility rights within the EU could become part of an inclusive post-migration experience. It would mean legally, politically, and humanely accompanying migrants and mitigating and deliberately easing the challenges they face, hence also addressing racism and xenophobia at the European level.

Above all, current knowledge about historical structural factors must be enhanced. Indeed, such knowledge would allow us to expand the range of sociopolitical actions that guarantee sustainability in mobile populations' experiences of inclusiveness. In short, past reflections are valuable for such re-founding and allow migrants and host societies to engage in a dialogue about integration approaches and actionable sources of mutual empowerment. Diffusing knowledge about past determinations could rekindle the energy necessary to effect crucial change.

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[1] For more details on these particular Members of the European Parliament (MEPs), please refer to Cristina Blanco Sío-López, “Schengen as a Political Territory: Sources of Differentiation in the EU’s ‘Free Movement of Persons’ from 1985,” *Politique européenne*, 67-68 (1-2) (2020), 26–52.

[2] Recent literature on post-migration experiences underlines the importance of non-economic parameters in the social integration of migrants and addresses the significance of factors such as “the formation of social networks in the host country, local language acquisition, a sense of local identity and subjective well-being” in Karin Amit and Ilan Riis, “The Subjective Well-Being of Immigrants: Pre- and Post-migration”, *Social Indicators Research*, 119:1, (2014), p. 247. On this topic, see also Tineke Fokkema and Hein De Haas, “Pre- and Post-Migration Determinants of Socio-Cultural Integration of African Immigrants in Italy and Spain”, *International Migration*, 53:6 (2015), pp. 3–26.

[3] Florian Ohnmacht and Erol Yıldız, (2021) “The post-migrant generation between racial discrimination and new orientation: from hegemony to convivial everyday practice”, *Ethnic and Racial Studies*, Volume 44, Issue 16, pp. 149-169.

[4] Patricia Daenzer, “Post-Migration Policies and Social Integration in Canada” in Paul Van Aerschot and Patricia Daenzer, *The Integration and Protection of Immigrants* (London: Routledge – Taylor & Francis, 2024), pp. 27–46.

[5] For a comprehensive analysis of the different usages of the term “post-migration”, please, refer to Anna Meera Gaonkar, Astrid Sophie Ost, Hans Christian Hansen and Moritz Schramm, *Postmigration. Art, Culture, and Politics in Contemporary Europe* (New York: Columbia University Press 2021).

[6] Dermot Ryan, Barbara Dooley and Ciarán Benson, “Theoretical Perspectives on Post-Migration Adaptation and Psychological Well-Being among Refugees: Towards a Resource-Based Model”, *Journal of Refugee Studies*, 21:1 (2008), pp. 1–18.

[7] See Alexander Nissen, Mathilde Sengoelge and Øivind Solberg, “Post-migration Stressors and Subjective Well-Being in Adult Syrian Refugees Resettled in Sweden: A Gender Perspective”, *Front Public Health*, 9 (2021), pp. 1–12.

[8] Jörg Dollmann, “The Political Integration of Immigrants: How Pre- and Postmigration Contexts Matter”, *International Migration & Integration*, 23 (2022), pp. 1091–1125

[9] Katherine Whitehouse, Ella Lambe, Sofia Rodriguez, (et al.) “A qualitative exploration of post-migration stressors and psychosocial well-being in two asylum reception centres in Belgium”, *International Journal of Migration, Health and Social Care*, 7:3 (2021), pp. 241–258.

[10] For a further exploration of the meaning and scope of this concept in the studied context, please, see Stephanie DeGooyer, Alastair Hunt, Lida Maxwell y Samuel Moyn, *The Right to Have Rights* (New York: Verso Books, 2018).

[11] Motion for a Resolution of the European Parliament of 19 May 1993 on barriers to the free movement of persons within the Community and Schengen Agreement, OJ C 665/93, 19 May 1993. This resolution follows an earlier action in this direction presented in the Urgent Motion for a Resolution of the European Parliament of 14 May 1990 on the reactivation of the Schengen Agreements by Mr. Le Chevalier on behalf of the Technical Group of European Right, OJ C 976/90, 14 May 1990, which stated the following: “We therefore demand the immediate blocking of the Schengen process till the necessary measures to stop extra-European immigration will not be undertaken in order to end up with the abuses in asylum applications and the excess of flexibility in the nationality requirements of certain Member States. We also demand the intensification of police cooperation regarding the fight against drug trafficking and terrorism.”

[12] Poppy James, Aarti Iyer and Thomas L. Webb, “The impact of post-migration stressors on refugees’ emotional distress and health: A longitudinal analysis”, *European Journal of Social Psychology*, Special Issue: The Social Psychology of Forced Migration and Refugee Integration, 49:7 (2019), pp. 1337–1482.

[13] European Parliament debates of 6 June 1995 on Schengen and the right of asylum, p. 4.

[14] Ibid.

[15] Motion for a Resolution of the European Parliament of 10 June 1990 by MEPs Ceyrac, Martínez, Dillen and Schodruch on behalf of the Technical Group of the European Right on Terrorism in Europe, OJ C 980/91, 10 June 1990.

[16] European Parliament debates of 6 June 1995 on Schengen and the right of asylum, p. 1.

[17] European Parliament debates of 11 October 1989 on the *People’s Europe*, pp. 51-52. The completion of the internal market, No 3-381, pp. 75–112.

[18] Motion for a Resolution of the European Parliament of 8 13 September 1988 on the *Citizen's Europe*, OJ C 497/88262, 8 September 10 October 1988, pp. 40–41.

[19] European Parliament debates of 11 October 1989 on the completion of the internal market, No 3-381, pp. 75–112.

[20] Regarding the Convention Implementing the Schengen Agreements (CISA), please, refer to [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922\(02\):fr:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922(02):fr:HTML) [accessed on the 10th of March 2023]

[21] For more information on the 1996 Intergovernmental Conference of the European Union, please see: <http://www.assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=7652&lang=en> [accessed on the 10th of March 2023]

[22] See [http://www.europarl.europa.eu/igc1996/fiches/fiche27\\_en.htm](http://www.europarl.europa.eu/igc1996/fiches/fiche27_en.htm) [accessed on the 10th of March 2023]

[23] European Parliament debates of 14 June 1990 on the Schengen Agreements, No 3-291, pp. 263-266.

[24] On the European Convention of Human Rights, please, see:

[http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) [accessed on the 10th of March 2023]

[25] Motion for a Resolution of the European Parliament of 23 August 1990 on Interpol, OJ C 1542/90, 23 August 1990.

[26] Regarding the Charter of Fundamental Social Rights, please, refer to:

[http://europa.eu/legislation\\_summaries/human\\_rights/fundamental\\_rights\\_within\\_european\\_union/c10107\\_en.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/c10107_en.htm) [accessed on the 10th of March 2023]

[27] Motion for a Resolution of the European Parliament of 4 October 1990 on the report of the Committee of Inquiry into Racism and Xenophobia, OJ C 1727/90, 4 October 1990.

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