



# Interdisciplinary Conference on European Advanced Studies

# IDEAS

***(Dis)integration from an (in)equality perspective***

**11-13 May, 2022**

***Institut d'études européennes  
de l'Université libre de Bruxelles***

39 Avenue Franklin D. Roosevelt, 1050, Brussels



BRUSSELS  
SCHOOL OF  
GOVERNANCE



UNIVERSITÉ  
LIBRE  
DE BRUXELLES



**11-13 May, 2022**

***Institut d'études européennes  
de l'Université libre de  
Bruxelles***

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Philosophie et  
Sciences sociales



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María Isabel SOLDEVILA

## Welcome to IDEAS22

It is our pleasure, as convenors, to welcome you to the Institut d'études européennes of the Université libre de Bruxelles for the first edition of the biennial "Interdisciplinary Conference on European Advanced Studies" (#IDEAS2022). For three days, the IEE-ULB will host the international gathering of scholars focussing on "(Dis)integration from an (in)equality perspective".

The topic could not be more timely, as the question of inequalities, one of the key concerns among EU institutions and citizens alike, is further exacerbating with the green transition and the foreseeable economic and social consequences of the war in Ukraine. Housing issues, in-work and energy poverty, gender and all kinds of discriminations are undermining the fabric of all European societies. And the EU recovery agenda shows how pressing it has become to close gaps of welfare across the East, West, North and South of the continent.

Scholars across different disciplines have analysed the concept of inequality. Nonetheless, as inequalities in Europe are persisting - if not growing, a lot remains to be done to understand how the European Union addresses the problematic lack of social cohesion and where it fails to do so, and why.

It is our honour to bring together approximately 60 scholars – both junior and senior – from a broad range of disciplines (including history, sociology, political science, political economy or law) who will present their research across 17 panels. Beyond fostering scientific discussion and peer-review, our aim is to promote wider exchanges with the Brussels-based policy-making community. This will be allowed by two special moments during the conference, namely a keynote speech from an academic and practitioner, Prof. Olivier de Schutter, and a policy panel co-hosted with the Foundation for European Progressive Studies (FEPS) featuring personalities from politics, think tanks and the academia. Conceived deliberately as an in-person conference fostering scientific and intellectual exchange, IDEAS 2022 is the first edition of a cycle which we see flourishing in the years to come.

The conference therefore marks a further step in the ongoing collaboration between a trio of close partners, namely the IEE-ULB, the Institute for European Studies of the Vrije Universiteit Brussel (IES-VUB), and the University of Warwick. It also serves as the launching event of the newly awarded EUQUALIS to IEE-ULB, a three-year Jean Monnet Centre of Excellence bringing together academics, students and policymakers to reflect on all forms of inequalities in the EU.

Finally, we want to thank those at the IEE-ULB who helped bringing our initial project to fruition. First, Jozefien van Caeneghem, Research coordinator at IEE-ULB until March 2022, who worked hard on preparing the conference in close collaboration with Frederik Ponjaert. We are also particularly grateful to Maria-Isabel Soldevila and her team (Michela Arcarese, Olga Minampala) for mastering brilliantly the communication and logistics of the event.

Wishing you all a fruitful three days, in hopes that we set a strong basis for many IDEAS conferences to come.



*Amandine Crespy & Chloé Brière*

# #IDEAS22 (Dis)integration from an (in)equality perspective

## PROGRAMME OVERVIEW

### Morning activities

Wednesday, 11 May, 2022

Thursday, 12 May, 2022

Friday, 13 May, 2022

	<p><b>8:30-9:00 a.m.</b> Registrations &amp; Welcome coffee - IEE Foyer</p> <p><b>9:00-10:30 p.m. - Panels</b> EU Social Policy-Making in Times of Social Insecurity - Room Spaak</p> <p>EU Addressing Inequality beyond its Borders - Room Geremek</p> <p>Inequality and Criminal Justice - Room Kant</p> <p><b>10:30-11:00 a.m.</b> Networking opportunity - IEE Foyer</p> <p><b>11:00 a.m.-12:30 p.m. - Panels</b> EU Governance, Crises and Inequality - Room Kant</p> <p>Inequality, Mobility and Migration within the EU- Room Geremek</p> <p>EU Instruments in the Fight against Intersectional Discrimination - Room Spaak</p>	<p><b>8:30-9:00 a.m.</b> Registrations &amp; Welcome coffee - IEE Foyer</p> <p><b>9:00-10:30 p.m. - Panels</b> EU Discourses and the Mediterranean Space: Fragmentation and inequality - Room Geremek</p> <p>EU Policy-Making and Today's World of Labour - Room Spaak</p> <p>Inequality, Global Mobility and the EU-Kant</p> <p><b>10:30-11:00 a.m.</b> Networking opportunity - IEE Foyer</p> <p><b>11:00 a.m.-1:00 p.m. - Panels</b> Inequality between Mobile Persons - Room Kant</p> <p>Equality and Anti-Discrimination: is the EU doing it right? - Room Spaak</p> <p>Integration of Migrants and the Role of Various Actor- Room Geremek</p>
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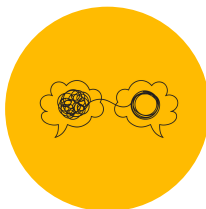
### Afternoon activities

Wednesday, 11 May, 2022

Thursday, 12 May, 2022

Friday, 13 May, 2022

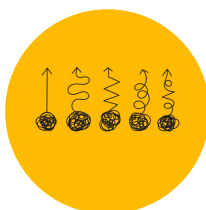
<p><b>1:30-2:30 p.m.</b> Registrations &amp; Welcome coffee - IEE Foyer</p> <p><b>2:30-4:00 p.m. - Panels</b> The Multiple Facets of (In)Equality: is the EU a force for good? - Room Kant</p> <p>EU Global Cyber Capacity Building and Global Digital Inequality -Room Spaak</p> <p>Intersectionality as Collective Action Strategy at the EU Level - Room Geremek</p> <p><b>4:00-5:00 p.m.</b> Registrations &amp; Welcome coffee - Dupréel auditorium - ULB, Institut de Sociologie</p> <p><b>5:00-6:30 p.m.</b> Opening Kenote by Prof. Olivier De Schutter Dupréel auditorium - ULB</p> <p><b>6:30-7:30 p.m.</b> Reception - Launch of EUqualis Dupréel auditorium - ULB</p>	<p><b>12:30-1:30 p.m.</b> Walking lunch - IEE Foyer</p> <p><b>1:30-3:00 p.m. - Panels</b> Unequal Access to Environmental Justice - Room Geremek</p> <p>Socio-economic freedoms and inequality in Europe - Kant</p> <p><b>3:30-3:30 p.m.</b> Registrations &amp; Welcome coffee - IEE Foyer</p> <p><b>3:30-5:30 p.m.</b> Policy panel co-hosted with FEPS: Policy measures for a just transition: Ideas for designing a structural transformation to reduce Inequalities - Room Spaak</p> <p><b>5:30-6:30 p.m.</b> Networking cocktail- IEE Foyer</p>	<p><b>1:00-2:0 p.m.</b> Closing Walking lunch - IEE Foyer</p>
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## 1:30 - 2:30 P.M. WELCOME DESK

*Registration & Welcome Coffee*

Location: Institut d'études européennes (ULB) - Foyer

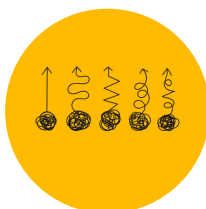


## 2:30 - 4:00 P.M.

*Panel 1*

### THE MULTIPLE FACETS OF (IN)EQUALITY: IS THE EU A FORCE FOR GOOD?

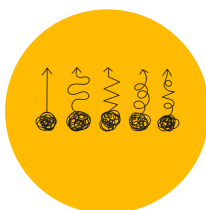
Location: Institut d'études européennes (ULB) - Salle Kant



*Panel 2*

### EU GLOBAL CYBER CAPACITY BUILDING AND GLOBAL DIGITAL INEQUALITY

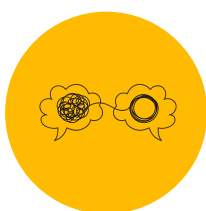
Location: Institut d'études européennes (ULB) - Salle Spaak



*Panel 3*

### INTERSECTIONALITY AS COLLECTIVE ACTION STRATEGY AT THE EU LEVEL

Location: Institut d'études européennes (ULB) - Salle Geremek



## 4:00 - 5:00 P.M.

### WELCOME DESK

*Registrations & Coffee break*

Location: Institut de Sociologie (ULB) - Salle Dupréel



## 5:00 - 6:30 P.M.

*Session Chair: Prof. Amandine Crespy*

### OPENING KEYNOTE BY PROFESSOR OLIVIER DE SCHUTTER (UCLOUVAIN)

Location: Institut de Sociologie (ULB) - Salle Dupréel



## 6:30 - 7:30 P.M.

*Reception*

### LAUNCH OF EUQUALIS JEAN MONNET CENTRE OF EXCELLENCE

Location: Institut de Sociologie (ULB) - Salle Dupréel

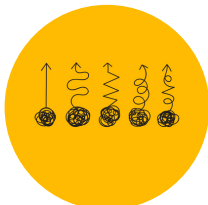


**8:30 - 9:00 A.M.**

### WELCOME DESK

*Registration & Welcome Coffee*

Location: Institut d'études européennes (ULB) - Foyer

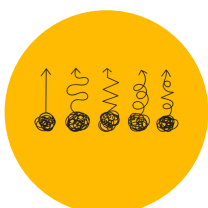


**9:00 - 10:30 A.M.**

*Panel 4*

### EU SOCIAL POLICY-MAKING IN TIMES OF SOCIAL INSECURITY

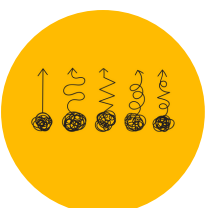
Location: Institut d'études européennes (ULB) - Salle Spaak



*Panel 5*

### EU ADDRESSING INEQUALITY BEYOND ITS BORDERS

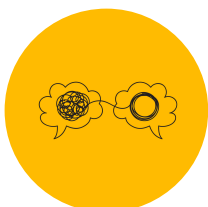
Location: Institut d'études européennes (ULB) - Salle Geremek



*Panel 6*

### INEQUALITY AND CRIMINAL JUSTICE

Location: Institut d'études européennes (ULB) - Salle Kant

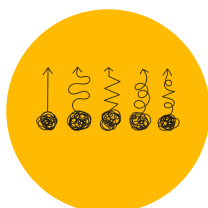


### NETWORKING OPPORTUNITY

**10:30 - 11:00 A.M.**

*Coffee break*

Location: Institut d'études européennes (ULB) - Foyer



**11:00 A.M. - 12:30 P.M.**

*Panel 7*

### EU GOVERNANCE, CRISES AND INEQUALITY

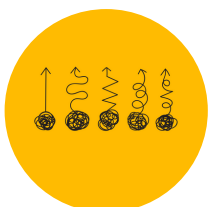
Location: Institut d'études européennes (ULB) - Salle Kant



*Panel 8*

### INEQUALITY, MOBILITY AND MIGRATION WITHIN THE EU

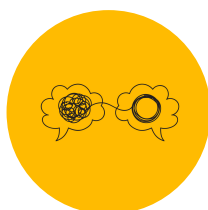
Location: Institut d'études européennes (ULB) - Salle Geremek



*Panel 9*

### EU INSTRUMENTS IN THE FIGHT AGAINST INTERSECTIONAL DISCRIMINATION

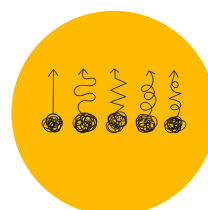
Location: Institut d'études européennes (ULB) - Salle Spaak



**12:30 - 1:30 P.M.**

### LUNCH

Location: Institut d'études européennes (ULB) - Foyer

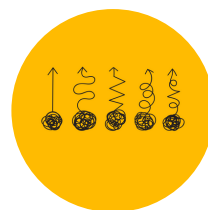


**1:30 - 3:00 P.M.**

*Panel 10*

### SOCIO-ECONOMIC FREEDOMS AND INEQUALITY IN EUROPE

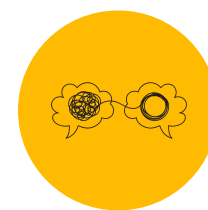
Location: Institut d'études européennes (ULB) - Salle Kant



*Panel 11*

### UNEQUAL ACCESS TO ENVIRONMENTAL JUSTICE

Location: Institut d'études européennes (ULB) - Salle Geremek

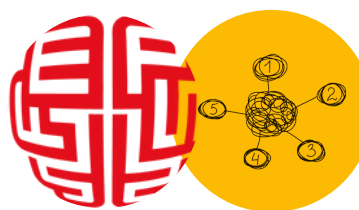


**3:00 - 3:30 P.M.**

### WELCOME DESK

*Registration & Welcome Coffee*

Location: Institut d'études européennes (ULB) - Foyer



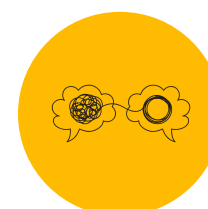
**3:30 - 5:30 P.M.**

*Policy link panel co-hosted with FEPS*

*Session Chair: László Andor (FEPS, Secretary General)*

### POLICY MEASURES FOR A JUST TRANSITION: IDEAS FOR DESIGNING A STRUCTURAL TRANSFORMATION TO REDUCE INEQUALITIES

Location: Institut d'études européennes (ULB) - Salle Spaak  
Livestreamed on Youtube



**5:30 - 6:30 P.M.**

*Reception*

### NETWORKING COCKTAIL

Location: Institut d'études européennes (ULB) - Foyer





**8:30 - 9:00 A.M.**

### WELCOME DESK

*Registration & Welcome Coffee*

Location: Institut d'études européennes (ULB) - Foyer



**9:00 - 10:30 A.M.**

*Panel 12*

### EU DISCOURSES AND THE MEDITERRANEAN SPACE: FRAGMENTATION AND INEQUALITY

Location: Institut d'études européennes (ULB) - Salle Geremek



*Panel 13*

### INEQUALITY, GLOBAL MOBILITY AND THE EU

Location: Institut d'études européennes (ULB) - Salle Kant



*Panel 14*

### EU POLICY-MAKING AND TODAY'S WORLD OF LABOUR

Location: Institut d'études européennes (ULB) - Salle Spaak



**10:30 - 11:00 A.M.**

### NETWORKING OPPORTUNITY

*Coffee break*

Location: Institut d'études européennes (ULB) - Foyer



**11:00 A.M. - 12:30 P.M.**

*Panel 15*

### EQUALITY AND ANTI-DISCRIMINATION: IS THE EU DOING IT RIGHT?

Location: Institut d'études européennes (ULB) - Salle Spaak



*Panel 16*

### INTEGRATION OF MIGRANTS AND THE ROLE OF VARIOUS ACTORS

Location: Institut d'études européennes (ULB) - Salle Geremek



*Panel 17*

### INEQUALITY BETWEEN MOBILE PERSONS

Location: Institut d'études européennes (ULB) - Salle Kant



## PANEL PRESENTATIONS



Wednesday, 11 May, 2022

Panel 1

### THE MULTIPLE FACETS OF (IN)EQUALITY: IS THE EU A FORCE FOR GOOD?

Time: Wednesday, 11 May, 2022 : 2:30pm - 4:00pm

Location: Institut d'études européennes (ULB) - Salle Kant

Chair: Martin Delheix, Université libre de Bruxelles

#### *(In)equality in the EU: a comparative analysis of media discourse*

**Tatiana Coutto**  
Sciences Po, France.

Concerns about increasing economic and social inequality in Europe are not new, but have gained momentum with the 2008 Eurozone crisis and, more recently, following the Covid-19 pandemic. This work uses quantitative textual data analysis supported by machine learning techniques (topic modelling) and qualitative insights, this work seeks to analyze how various dimensions of inequality (economic, social, political/governance) have been reported by mainstream media in France and Italy from the early 1990s until today. We argue that the emergence and strengthening of a narrative that emphasizes the economic and market-based aspects of European integration as well as its strong intergovernmental character has resulted in the framing of the EU as a perpetrator of economic and social disparities among and within member states. Data stem from newspapers online archives (Le Monde, Le Figaro, la Repubblica and Corriere della Sera) and from Factiva news database. Results contribute to a better understanding of attribution of responsibility to the EU by mainstream media.

#### *The European social question* **Amandine Crespy**

Université libre de Bruxelles, Belgium.

The concepts of vertical and horizontal inequality have been elaborated to depict how the former, namely inequality among individuals within national societies - is being complemented by inequality among societies themselves due to persisting disparities in socio-economic developments across EU member states – sometimes described as a core vs. periphery. As a result, governments and EU institutions have to face a complex structure of inequality whereby vertical inequality are nested into horizontal inequality. The book *The European social question. Tackling key controversies* provides a critical account of how the decision makers have dealt with this challenge at the EU level. The question tackled here is not whether European societies suffer from inequality, but whether the EU has and can contribute to effectively address vertical and horizontal inequalities. This begs a second question, namely whether the EU capacity should be enhanced or, on the contrary. The main areas of social action of the EU are examined, namely regulation, liberalisation, the European social dialogue, soft coordination and redistribution. The contribution to the panel will argue that three main lines of analysis compete in assessing how the EU is tackling inequalities. Scholarship conceives the EU action as a) irrelevant, b) catching-up or c) dangerous. From these perspectives, one may infer whether the EU's social action should be curtailed or even dismantled, whether gradual capacity or a major philosophical and institutional overhaul should be encouraged.



### *Between the Rock and a hard place: Inequality and European (dis)integration*

**Sean O' Dubhghaill, Sven Van Kerckhoven**

Vrije Universiteit Brussel, Belgium.

This paper aims to explore the contours of a uniquely situated island in Europe: Gibraltar. The paper explores the legal basis for a continued and maintained presence within the European Union; Gibraltar joined the Schengen acquis on the 31st of December 2020 at midnight. This variation in approach from the United Kingdom has placed Gibraltar into an altogether different category of its own which has presented challenges to the ongoing predicament of Brexit, has exacerbated its outlier position within the EU, and has given rise to two questions that this paper aims to address:

“What kind of place is Gibraltar and what are the extant relations that it has with the United Kingdom after Brexit?” and “What is the legal backdrop against which Gibraltar is currently engaged, particularly since December 2020?”

Brexit has already proven a test case for the positive negative repercussions that occur when insufficient regard is paid to the United Kingdom's overseas concerns, such as in the (partial) implementation of the Northern Ireland protocol.

Gibraltar is also unique with respect to Europe's Outermost Regions, regions typified by their comparative remoteness from the capital city of the country to which they belong and these regions have historically occupied core-periphery-style relationships with the 'home' countries to which they belong.

The unique case of Gibraltar, examined from anthropological/economic lenses, allows us to better understand (in)equality throughout Europe, such as those of Europe's Outermost Regions (ORs), and how (in)equality has been exacerbated with the United Kingdom's departure from the European Union.

#### Panel 2

### **EU GLOBAL CYBER CAPACITY BUILDING AND GLOBAL DIGITAL INEQUALITY**

Time: Wednesday, 11 May, 2022 : 2:30pm - 4:00pm

Location: Institut d'études européennes (ULB) - Salle Spaak

Chair: George Christou, University of Warwick & Joe Burton, Université libre de Bruxelles

### *Global inequalities in Cyber Diplomacy: the promise and pitfalls of cyber security capacity building*

**Andrea Calderaro**

Cardiff University, United Kingdom & European University Institute, Italy.

Given the growing demand for a transnationally coherent and coordinated governance approach to cybersecurity, cyber diplomacy is emerging as a priority in states' foreign policy. However, due to the fast-changing geography of the internet where most of the internet users live in the Global South, there is a significant need to develop cyber diplomacy dialogue beyond the Global North. With the prospects of an inclusive governance model that will outlive the current securitization of cyber policies, key questions emerge about unequal capacity among countries in contributing to the global cyber diplomacy agenda: who are the influential actors in the negotiations of cybersecurity treaties in intergovernmental venues, such as the UN GGE? How do countries from the Global South enhance their role in international cooperation in the cybersecurity domain? This paper answers these key questions by providing a novel theoretical contribution addressing the concept of capacity building in the context of cyber diplomacy, with empirically grounded research benefitting from participatory observation in cyber diplomacy dialogues, with process tracing and discourse analysis of documents produced in cyber diplomacy fora including the UN GGE. The idea is to compare the role and kind of support of the EU and other actors in various cyber diplomacy capacity building initiative.



### *Why inequality is a cause of cyber insecurity (and what the EU can do about it)*

**Joe Burton**

Université libre de Bruxelles, Belgium.

This paper assesses the extent to which societal and global inequality is a cause of or contributor to cyber insecurity. Despite the exponential growth in cyber attacks, data breaches, and harms caused by state and non state actors in cyberspace, there has not been enough attention given to the relationship between inequality and cyber security, or the political-economic drivers of cyber insecurity. This paper seeks to begin to redress this imbalance. It begins by providing a conceptual analysis of what it means to be unequal in a cyber context. Next, it explores a number of recent cyber incidents in which a variety of complex inequalities appear to have played a role, including the Wannacry case (which affected states and organisations who were still using legacy software), the increase in ransomware and other forms of cyber crime, and cases where a lack of access to broader economic goods (lack of education, access to cyber security software and hardware, and knowledge inequality) has been a cause of cyber insecurity. Finally, the paper examines what the EU as a regional and global actor can do about inequalities that cause cyber insecurity. It argues that there has been some recent progress - e.g. in EU cyber capacity building efforts (internal and external) - but that there are also some political-economic blindspots in EU policy, including a lack of consideration of cyber inequalities in the debate about digital/technological sovereignty.

### *Dual-use cyber tools and the EU's narrative construction on cybersecurity capacity building*

**Agnes Kasper**

Tallinn University of Technology, Estonia.

The European Union's carefully crafted motto "Thinking global, acting European" implies two parallel strategies to address cybersecurity: lessening its own vulnerabilities by shielding Europe from the harmful effects of global cyberspace and reducing the threats originating from outside the EU using various legal, policy and technological means. International cybersecurity capacity building might just work for both aims. It has been recognized as an integral element of cybersecurity policies and strategies, and it also appeared in the EU's first Cybersecurity Strategy in 2013 pledging to work towards closing the digital divide and participating in international efforts to build cybersecurity capacity. By today, the field of cyber capacity building has grown in complexity and arguably such initiatives can be used to push geopolitical agendas as they likely reflect the donor's value system. Cyber capacity building is not value-neutral, in particular when it comes to policy dilemmas, such as uses of encryption, exploitation of software or hardware vulnerabilities, or deployment of different emerging technologies. With the recast EU dual-use Regulation nr 2021/821, covering for example cyber-surveillance technology, the union indicates some of the limits of its cyber capacity building policy, however the EU ISS (2021) stated that overarching narrative is still missing. We propose that when the EU is exercising its technological sovereignty – by keeping a tighter grip on technologies – it is inadvertently constructing such a narrative. This research identifies elements of that narrative using discourse analysis focusing on rather what is considered as borderline or beyond acceptable in cyber capacity building.



## PANEL PRESENTATIONS



Wednesday, 11 May, 2022

Panel 3

### INTERSECTIONALITY AS COLLECTIVE ACTION STRATEGY AT THE EU LEVEL

Time: Wednesday, 11 May, 2022: 2:30pm - 4:00pm

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Isabelle Rorive, Université libre de Bruxelles

#### *Lobbying for intersectionality : the influence of civil society coalitions on the EU's anti-discrimination policy agenda*

**Oriane Calligaro**

Catholic University of Lille, France.

The paper proposes to study the strategies of civil society organizations to influence the EU's anti-discrimination policy. It focuses in particular on a coalition of actors, with at its core a private foundation, the Open Society Foundations, a European umbrella NGO, ENAR (the European Network against Racism) and ARDI, the intergroup of the European Parliament dedicated Anti-Racism and Diversity. In recent years, these actors, interacting and collaborating in various modes, have lobbied the European institutions in order to put controversial policy issues on the EU's agenda, like negrophobia, islamophobia or ethnic profiling, issues that are systematically framed in terms of intersectionality, or to include an intersectional approach in existing policies, like the fight against the discrimination of Roma populations. Through a qualitative investigation based on documents analysis, interviews and observation, the paper will first trace how intersectionality is intellectually defined by these organizations (especially by their academically-trained staff) and how this policy approach circulate among them. It will then analyze how the intersectional approach is disseminated and implemented in common projects, like "Forgotten Women: the impact of Islamophobia on Muslim women" in 2016 with an attempt at involving the European Women's Lobby, or the recent report "Intersectional discrimination in Europe", commissioned by ENAR and written by the Center for Intersectional Justice in 2020. The paper will show how the creation of synergies between topics and advocacy groups, which is not always a smooth and successful process, aims at making "acceptable" at the EU level sensitive and contentious policy issues.

#### *From critical theory to litigation strategy: Can intersectionality transform EU equality law?*

**Raphael Xenidis**

University of Copenhagen, Denmark & The University of Edinburgh, United Kingdom

The notion of intersectionality has been widely discussed in the context of EU non-discrimination law, and in particular in relation to the jurisprudence of the CJEU. Existing scholarship has mainly focused on criticizing the Court for not recognizing the existence of intersectional discrimination, a specific form of discrimination involving synergies between different systems of disadvantage attached to multiple protected grounds. Part of the explanation for this focus on judicial recognition is that only scarce information is available on how intersectional discrimination is litigated before the CJEU. This paper thus displaces the focus from the judicial reception to the litigation of intersectionality and asks: How and why has intersectionality been seized and framed by European legal entrepreneurs in EU non-discrimination law fora?

While a few flagship cases have come to be repeatedly cited and analysed in scholarly discussions on intersectionality and EU law, the question of the litigation of intersectionality before the CHEU has not yet been studied in a systematic and exhaustive manner. This paper fills the existing 'knowledge gap' by offering a bird's eye view of the litigation of intersectionality at the CJEU, relying on an original case law database put together and coded by the author. The central endeavour of this paper is to examine how legal entrepreneurs translate the critical repertoire of intersectionality into legal frames at the CJEU, what claims and demands for legal change these frames convey towards EU anti-discrimination law, and how they seek to transform the meaning of equality in EU law.



### PANEL PRESENTATIONS



Wednesday, 11 May, 2022

### *Intersectional feminist activisms in Europe: Invisibility, inclusivity and affirmation*

**Serena D'Agostino**

Vrije Universiteit Brussel, Belgium.

Intersectional feminist groups in Europe are not new to mobilising and organising themselves politically. Yet, they have been mostly invisible both in European politics and academia. Unlike the USA, European gender scholars researching activisms and mobilisations have mainly focused on mainstream (white) women's movements and how 'inclusive' they are of intersectional constituencies. This paper contributes to filling in this gap by bringing intersectional feminist activists from the periphery to the centre of the inquiry. Namely, it investigates how intersectional feminists – such as, Black feminists, Afrofeminists and Romani feminists – have affirmed themselves as agents of change and created new forms of collective (political) resistance in contemporary Europe.

### **OPENING KEYNOTE BY PROF. OLIVIER DE SCHUTTER: COMBATING HORIZONTAL AND VERTICAL INEQUALITIES IN THE EU: THE ROLE OF NON-DISCRIMINATION IN A MARKET INTEGRATION PERSPECTIVE**

*Time: Wednesday, 11 May, 2022: 5:00pm - 6:30pm*

*Location: Dupréel Auditorium – Institut de Sociologie (ULB)*

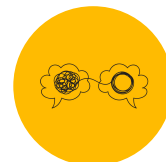
**Chair: Amandine Crespy, Université libre de Bruxelles**

**Prof. Olivier de Schutter**

UCLouvain, Belgium.

Markets have a paradoxical relationship to the fight against discrimination. On the one hand, they "filter" discrimination, imposing on economic actors that they take decisions on the basis of rational considerations, rather than based on prejudice. On the other hand however, markets register social norms, including discriminatory bias. Against this background, this presentation will assess how the fight against discrimination relates to the establishment of an internal market, which is at the core of the European integration project. Examining the fight against both horizontal and vertical inequalities, it will make the case for the fight against vertical inequalities, including by the prohibition of discrimination on grounds of socio-economic disadvantage, as a key component of the "social market economy", the model of capitalism to which the EU is committed.





Panel 4

## EU SOCIAL POLICY-MAKING IN TIMES OF SOCIAL INSECURITY

Time: Thursday, 12 May, 2022: 9:00am - 10:30am

Location: Institut d'études européennes (ULB) - Salle Spaak

Chair: Amandine Crespy, Université libre de Bruxelles

### *Creating Constraints or Opportunities? Social Democratic Parties, Europe and Financial Reform*

**Virginia Crespi de Valldaura**

London School of Economics (LSE), United Kingdom.

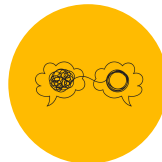
The political objectives of Spanish and French Socialist governments in enacting deregulatory financial reforms in the 1980s remain a puzzle. Both parties had been elected on staunchly Keynesian platforms but went on to become the first social democratic parties to embrace financialization, subsequently supporting the enshrinement of financial liberalization at European level through the 1988 capital movements directive. Financialization has been identified as a key driver of economic inequality, which has rendered traditional social democratic policymaking tools increasingly irrelevant and constrained governments into pursuing market-oriented policies. What were social democratic parties trying to achieve politically through these reforms? Two contradictory accounts dominate the literature. The first sees financial reform as a quid pro quo with Germany in exchange for monetary union, which social democrats hoped would eventually lead to the development of a European-level Keynesian space. The second posits that these parties had in fact adopted new “modernising” economic ideas and were therefore looking to create an economic framework that would encourage more market-oriented domestic reforms. This paper applies a historical institutionalist approach, tracing the two-level interactions between the domestic and the European spheres to elucidate the political intentionality of social democratic policymakers. It will use Bayesian process tracing to adjudicate between the two narratives outlined above, using biographies, parliamentary debates, trade union reports and newspaper articles as sources. In this way, the paper will shed light on the understudied relationship between the transition to market-oriented social democracy and the shaping of the current European political economy.

### *Migrating EU citizens and their access to social benefits. Does equal treatment matter anymore?*

**Dominika Ewa Harasimiuk**

University of Warsaw, Poland.

Access of EU citizens to social benefits is one of the elements shaping their material status in the host member states. The position of the CJEU on access to social benefits has evolved over years. In Grzelczyk case (C-184/99, 2001) CJEU connected access to social benefits with the principle of non-discrimination based on nationality. It marked a departure from a paradigm of market citizenship towards more universal and inclusive personal status, which contributed to the development of social citizenship. During the following years CJEU's position with minor tweaks remained unchanged. The breakthrough moment came as an aftermath of the financial crisis, looming Brexit referendum, and growing critiques of the EU itself. In Dano (C-33/13, 2014) tackling the access to social benefits of an economically inactive EU citizen, CJEU started to apply strict conditions of sufficient resources allowing for the legal right of residence, hence equal treatment and possible access to social assistance. The flexible genuine link test was replaced by the formalistic scrutiny of conditions set by directive 2004/38/EC. The inclusive approach steps down to an exclusive one, focusing on strict compliance with rigid legal conditions. The goal of the paper is to reflect on the socio-legal and political reasons and consequences of the major interpretation shift by the CJEU.



### *The free movement of workers and the unequal access to social security: the export of unemployment benefits*

**Christina Grabbe**  
University of Bremen, Germany.

Due to asymmetrical mobility of EU workers, their access to national welfare states is a central question among policy makers and in the scholarly debate. While policy makers in some EU member states call for restrictions on EU workers' access to social benefits, others reject policy change. What are the reasons for these opinions?

As an example of this, the paper analyses positions of Western European states towards the proposal of the European Commission to reform the European Coordination of social security. The crucial problems of this reform can be seen on the discussion on the export of unemployment benefits. Although Western European states have insurance-based and comprehensive unemployment systems, they represent conflicting opinions on the export of unemployment benefits.

To explain this, I conducted a comparative case study of Denmark, the Netherlands and Germany. Data was generated via expert interviews and policy documents. Cases were analyzed through the theoretical lens of institutional approaches.

The diverging positions can be explained by a fear of moral hazard that is caused by the institutional features of the unemployment systems and the degree of politicization of the topic.

The study emphasizes that although the reform of the European Coordination of social security set out to reduce inequality in terms of EU workers' social security access, welfare systems of Western European states remain diverse. The European coordination of social security cannot equalize institutional features and economic heterogeneities of member states. They remain firmly in place and keep the access to welfare state rights unequal.

### *Ideological turn or opportunistic move? Tracing the Commission's role in the swift adoption of SURE in the covid-19 pandemic*

**Robin Huguenot-Noël (1) , Francesco Corti (2)**

(1) European University Institute, Italy; (2) Università degli Studi di Milano, Italy.

One year after its official adoption, the EU Support instrument to mitigate Unemployment Risks in an Emergency (SURE) appears unequivocally as a success story both economically and socially. While the debate on whether SURE will become a permanent instrument already started, the question remains open as to how, after a decade of heated and unsuccessful debates on the European Unemployment Reinsurance Scheme (EURES), a quasi-automatic fiscal stabilizer supporting jobs and incomes across the EU could be so swiftly adopted. Drawing on an extensive documents' analysis of the political debate as well as expert semi-structured interviews with key policymakers and EU officials, this article reconstructs the politics behind the non-adoption of the EURES after the Great Recession with the aim to shed light on the political conditions that allowed – by contrast – a swift adoption of SURE. Rather than denoting an ideological turn in EU policymaking, SURE emerges as a largely pragmatic move by the European Commission. By exploiting the reappraisal of welfare provisions opened up by the pandemic and building on its knowledge of existing divides on the EURES in the Council and the European Parliament, the Commission managed to advance a proposal allowing it to overcome partisan opposition while addressing mounting demand for EU solidarity.





## PANEL PRESENTATIONS



Thursday, 12 May, 2022

### Panel 5 **EU ADDRESSING INEQUALITY BEYOND ITS BORDERS**

Time: Thursday, 12 May, 2022: 9:00am - 10:30am

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Seda Gürkan, Université libre de Bruxelles

#### *Shaping regionalism from within: The European Union's support to regional organisations in Africa*

**Frank Mattheis**  
United Nations University, Belgium.

The European Union (EU) plays an important role in supporting integration process in other regions. It provides substantive funding in particular to regional organisations in Africa, in many cases more than the countries of the actual region. Yet, the academic understanding of how the EU shapes regionalism is undermined by overly sharp distinctions between internal and external actors, between members and non-members. Either an actor is 'in' or 'out'. A dichotomous understanding prevails in the scholarship, based on a formalistic conception in which a country can only be 'in' if it is recognised as a member state to the founding treaty of a regional governance framework. External actors are relegated to an exogenous force that solely intervenes 'from outside' as opposed to the regional actors that shape regionalism 'from within'. This paper argues that foreign funding provides the EU with both the opportunities and the means to become deeply involved into regionalist projects and regional organisations to the point that it behaves similar to insiders. The paper thus proposes to rethink the conventional distinctions of inside/outside and member/non-member.

#### *The EU's GSP schemes: vectors of (in)equality? Critical assessment of the current EU GSP schemes and the new Commission proposal*

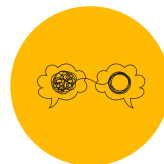
**Areg Zarouhi Navasartian Havani**  
Université libre de Bruxelles, Belgium.

In 1971, the UNCTAD instituted the General System of Preferences (GSP) schemes, which allow LICs to access markets with preferential rates. The EU offers a three-tier GSP: standard GSP, GSP+, Everything But Arms.

The EU views GSP as a means for countries to achieve sustainable development through trade. Beneficiaries must respect 15 core international conventions listed in the GSP Regulation, and 27 additional conventions for GSP+ beneficiaries, relating essentially to human, environmental and labour rights and good governance. Countries who do not respect these conventions, can see their preferential access withdrawn.

While such schemes are promising on paper, they have been criticized, among others for their inequal enforcement against certain countries, whereas other countries with equally problematic human rights, labour or good governance issues do not face the same scrutiny. In response to such criticism and in light of the impending ending of the current GSP framework on 1 January 2024, the Commission has adopted a proposal for a renewed GSP framework, that would enhance monitoring of the commitments and allow for a swifter withdrawal process in urgent cases.

The proposed paper will firstly critically address the issues of enforcement of the current GSP framework and examine whether criticism regarding double standards is justified. The author emits the hypothesis, based on previous research, that such criticism is, in fact, warranted. Then, it will assess whether the new Commission proposal will be able to overcome these challenges and allow for a more equal treatment of the different beneficiaries.


**PANEL  
PRESENTATIONS**


Thursday, 12 May, 2022

*EU's Fragmented Anima via the European Neighborhood Policy (ENP)*

**Syuzanna Vasilyan**  
Université libre de Bruxelles, Belgium.

EU's foreign policy towards its political neighborhood covering North Africa and the Middle East, and the former Soviet Union exhibits not only the unequal capacities of its member-states and/or sub-regional institutions vis-à-vis partners and/or regional blocs in the neighborhood, but also varying degrees of effort invested by specific EU agents. This paper will dissect EU's (in)coherence as a polity, variety of the policies of its agents, and conduct political discourse-analysis, thereby, de-constructing the Union as an international actor.

It will disclose the geopolitical/institutional/policy-focused (direct/indirect) and strategic/tactical/technical (explicit/implicit) inequalities among EU agents. Firstly, geopolitically France and Italy have concentrated on the south, Germany and the Eastern European states - on the east. Secondly, the nature of involvement has been direct (positive), e.g. militarily in Libya or indirect (negative) – wariness of Russia. Thirdly, some EU agents have acted institutionally due to their inward roles, e.g. in NATO, or outward, e.g. France being the mastermind of the Union for the Mediterranean and Sweden and Poland – of the Eastern Partnership. Fourthly, there has been diversity of policy focus in pursuit of a) regional cooperation, e.g. between the Baltic Council and the Black Sea Economic Cooperation Organization, b) security/conflict-resolution, e.g. France in the OSCE Minsk Group, c) democracy promotion, e.g. Germany, d) energy projects, e.g. Italy. Where the EU acts as a single entity, e.g. in the Middle East Quartet, dissonance among EU agents has been implicit. Whereas the explicit disparities imply separation of tasks, they entail competing/conflicting political/policy agendas displaying EU's fragmented anima.

**Panel 6 INEQUALITY AND CRIMINAL JUSTICE**

*Time: Thursday, 12 May, 2022: 9:00am - 10:30am*

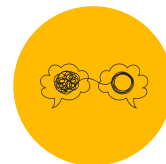
*Location: Institut d'études européennes (ULB) - Salle Kant*

**Chair: Julia Burchet, Université libre de Bruxelles**

*A security-driven agenda:  
Victims of gender-based violence and access to justice across the EU*

**Cristina Saenz Perez**  
University of Leeds, United Kingdom.

The unequal balance between freedom, justice, and security has been at the centre of the development of EU criminal law. From its inception, the state-focused approach adopted in this area favoured law enforcement and judicial cooperation whilst disregarding the status of the individual within this area, whereas as victims or defendants. Fundamental rights have only been integrated within the legal framework of the AFSJ as a result of the spill overs generated by security-driven cooperation, with the goal of ensuring a minimum common ground upon which integration can be attained. This paper will examine this process with a focus on the protection and rights of victims of gender-based violence within the EU. To this end, it will carry out a victimological analysis of the Victims' Rights Directive and the European Protection Order, which are at the centre of the EU's strategy within this area. This analysis will demonstrate that, despite the increasing efforts to enhance the participation and guarantee the protection of these victims within criminal proceedings, they remain largely neglected within the pre-trial and execution phase of criminal proceedings. Budgetary constraints, a lack of support and knowledge of the instruments available within the Member States, and different notions of who constitutes a victim of gender-based violence all explain the deficient protection and access to justice of these victims.

*Inequality and evidence-based evaluation in counter-terrorism***Irina Van Der Vet**

Vrije Universiteit Brussel, Belgium.

The paper will address the problems of inequality that are often embedded in counter-terrorism programs and tools, which are lacking evidence-based evaluation and assessment. The meaning of the concept of inequality can be extracted from the context, where the concept is embedded. In the overall context of prevention of violent extremism and radicalization, the issues of inequality arise in many domains. For example, labeling individuals as “radicalized” in various national watch lists, or databases is based on the limited and problematic definition of “radicalization” that often limits the arsenal of applicable tools and techniques meant for practitioners. The UK has recently introduced a new law, representing scholars involved in research on terrorism, as suspects and subject of analysis by intelligence. The usage of such tools often brings individuals whose name is put in such watch lists to unlawful treatment, as the practice is often based on presumptions and limitation of freedoms. On the other hand, such tools are meant to simplify the work of practitioners. The counter-terrorism sector is penetrated by various programs, tools, and strategies that are servicing practitioners in countering violent extremism and radicalization. However, the problem arises when it comes to evidence-based assessment and evaluation of such programs. Evaluation becomes often neglected, and, if not done in secrecy to disclose funding expenditures, it is conducted by individuals without previous competence in evaluation. To address these gaps, the European Commission is pushing for local counter-violent extremism actors for evidence-based evaluation of their tools and practices.

*The EU's contribution to the fight against inequalities in the world through its support to a better access to justice***Chloé Brière**

Université libre de Bruxelles, Belgium.

The Treaty of Lisbon introduced fundamental changes in the EU's external activities, with the consecration of the “promotion of human rights in the wider world” as one of their objectives. This has in a way formalised initiatives previously undertaken in favour of the reduction of inequalities enshrined in external policies and programmes, such as human rights dialogues, specific funding under development cooperation, or human rights conditionality in accession negotiations.

Among the human rights promoted, access to independent and impartial judicial authorities deserves a closer attention. It plays an important part in the reduction of inequalities as it participates to the protection and enforcement of rights that vulnerable groups and individuals derive from international, regional and national sources. It is thus integrated in the UN 2030 Agenda (SDG n°16) or in the New European Consensus on Development.

The proposed contribution would examine and assess the EU's measures supporting access to justice outside the EU's territory. To that end, it would conduct a mapping exercise including a.o. the EU's mobilisation of the UN and other international initiatives, and the identification of relevant EU programmes and fundings in that field. It would also examine the question of access to EU courts (CJEU and national courts) by non-EU parties and the potential advantages and limits to such path.



## *On the unequal Protection of the European Union's financial Interests*

**Maddalen Martin Arteche**

University of Geneva, Switzerland.

This paper explores the unequal protection of the European Union's financial interests against fraud and corruption. Two main reasons explain such unequal protection. On the one hand, not all EU Member States take part in the enhanced cooperation leading to the creation of the European Public Prosecutor's Office ('EPPO'). Hence, the EPPO's powers to investigate and prosecute suspects and preparators of crimes against the EU's financial interests in the territory of the non-participating Member States is limited. The present paper will examine how the differentiated integration within the EPPO affects, among others, the qualities of accountability for EU funds.

On the other hand, it is not clear whether financial assistance channelled through the EU institutions to the Member States (the SURE loans provided to the Member States to face the consequences of the COVID-19 pandemic, for example) or outside the EU institutional framework (the European Stability Mechanism credit line available to the Member States at the outbreak of the pandemic, for example) falls under the definition of 'financial interests of the EU' and therefore, whether the EPPO is competent to protect them. This paper will explore whether the fact that the institutional framework of the EU is used to channel financial contribution to the Member States brings the contribution under the scope of the financial interests of the EU or not.

The salience of the paper is not confined to the financial interests of the Union, as unequal protection of the latter creates a problem for EU citizens as well.

### *Panel 7* **EU GOVERNANCE, CRISES AND INEQUALITY**

*Time:* Thursday, 12 May, 2022: 11:00am - 12:30pm

*Location:* Institut d'études européennes (ULB) - Salle Kant

**Chair:** Ramona Coman

## *Post-Covid Macroeconomic Stabilisation in the EU: To what extent do national parliaments control the new fiscal politics of the European Council?*

**Tiago Moreira Ramalho, Tom Massart**

Université libre de Bruxelles, Belgium.

The European response to the economic consequences of the pandemic has highlighted the long-term trend in a concentration of authority in the European Council. The substantial increase in the number of gatherings of heads of state and the policy areas in which these summits have intervened are two indicators of the growing centrality of the EC. Part of this shift can be observed in the field of fiscal policy. The Next Generation EU (NGEU) constitutes an institutional leap in both the logics of redistribution of income amongst Member States and the logics of EU financing. As this (new) intergovernmental fiscal authority expands, this paper seeks to understand how national parliaments—institutionally the pillars of fiscal politics in the EU—perceive these shifts and how they attempt to exert control over decisions at the EC. Using both quantitative and qualitative text analysis, the paper comparatively explores the institutional foundations and the discursive practice of parliamentary debates on the EC in four countries (Belgium, Netherlands, Portugal, and Spain) in the period 2020-2021. Our results indicate substantial variance in the instruments of control amongst cases and point to a sustained demise of parliamentary authority over public finances at the domestic level.



## *A gradual hybridization process: how fiscal flexibility has become a new logic of European economic governance since 2015?*

**Tom Massart**

Université libre de Bruxelles, Belgium.

Since the financial crisis, European economic governance has undergone a gradual process of hybridization. It involves a reinterpretation of traditional fiscal rules as well as the creation of new instruments of redistribution (Caporaso et al., 2015). Historical institutionalists would describe this gradual process as layering (Mahoney & Thelen, 2010). This redefinition of fiscal rules can also be considered as political work from a political Commission (see Mérand, 2021) and as a strategy to deal with a very politicized matter (Van der Veer & Haverland, 2018). The objective of this paper is to study fiscal flexibility since 2015 within the European Semester and Next Generation EU. Our research questions are the following: how has fiscal flexibility been framed and implemented within the European Semester since 2015? How does fiscal flexibility through Next Generation EU translate into conditionality? We use a frame analysis on European semester documents for the 2015-2021 period. We also look at new rules and conditionalities under Next Generation EU as well as at Recovery and resilience plans. We select as cases three different but highly indebted eurozone countries: Belgium, France and Italy. Our paper is divided into three parts. First, we elaborate on the hybridization of European economic governance and on the layering process. Second, we discuss SGP rules, the flexibility introduced by the Juncker Commission as well as conditionalities introduced by Next Generation EU. Finally, we analyze the way in which flexibility has been framed since 2015.

## *The Place of Inequality in the fight for Rule of Law*

**Louise Fromont**

Université libre de Bruxelles, Belgium.

On the occasion of the covid-19 pandemic, the European institutions have decided to strengthen the protection of the rule of law within the European Union (EU). To this end, they developed a new tool: the rule of law conditionality in the framework of the EU Recovery Plan - known as Next Generation EU - and the EU budget. The rule of law conditionality has the effect of linking the granting of EU funding to respect for the rule of law.

This contribution aims to analyse the extent to which the fight against inequality is taken into account in the rule of law conditionality. It will in particular analyse the strategy developed by the EU institutions as well as the reforms put forward in the framework of the rule of law conditionality (taking mainly Poland and Hungary as examples).

The contribution will assume that the rule of law conditionality - being mainly anchored in economic and budgetary tools - focuses on specific issues such as judicial independence, fraud, and the fight against corruption. As a result, the fight against inequality, although present in the institutional discourse notably in relation to the European Pillar of Social Rights, will probably not benefit from the development of this new tool.



## Panel 8 **INEQUALITY, MOBILITY AND MIGRATION WITHIN THE EU**

Time: Thursday, 12 May, 2022: 11:00am - 12:30pm

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Ilke Adam, Vrije Universiteit Brussel

### *Regulating the Poor through Internal Borders: The EU in Historical and International Perspectives*

**Martin Seeleib-Kaiser**

Eberhard Karls Universität Tübingen, Germany.

Tensions associated with internal migrants' access to welfare and associated politicizations as to who should shoulder the 'fiscal burden' are not unique to the EU. Based on a most different systems case design and following an institutionalist approach this paper analyzes the developments associated with freedom of movement and access to poor relief/social assistance in four economically and politically diverse jurisdictions and its implications for the EU. The four cases analyzed are: industrializing England, contemporary China, Germany, and the United States. Although economic integration was a necessary, it was not a sufficient condition for the abolishment of residence requirements for internal migrants in all four jurisdictions. Moreover, it took political power, various coalitions or the leadership of actors to overcome the barriers and hurdles on the path towards social citizenship in the wider territorial jurisdictions. Solidarity as a precondition did not play a significant role.

### *The Equality of Citizens: A meaningful concept, or free movement's poor relation?*

**Gareth Davies**

Vrije Universiteit Amsterdam, The Netherlands.

Free movement of Union Citizens creates inequalities between the mobile and those who are left behind. The literally left-behind are those who remain in states where opportunities are fewer, while their compatriots leave. The figuratively left-behind are the least privileged members of destination state societies, who see their distance from the top, or even the middle, made greater by competition from incoming migrants. Ironically, a policy aimed at integration thereby creates divisions, and feeds into populism and Euroscepticism.

The case law exacerbates these differences, by emphasizing the mobile not just as equal citizens, but as a class apart, and a privileged class. U-turns, family and naming rights, and cases on procedural protection emphasise the precedence of individual interests over the normative choices of the local majority. Yet the tensions, even the opposition, between free movement and equality are unexamined in the judgments, as is the potential conflict between equality in a given case, and wider equality in society – between all Union Citizens.

The Court's narrow casuistic reasoning, and ad hoc instrumental deployment of equality, does not befit its de facto role as social legislator. More importantly, it does not provide an adequate answer to the concerns about solidarity and equality that free movement raises. Precisely if Citizenship law is to continue to be such an impactful and sometimes radical body of law, the judgments need to contain fuller definitions and more complete recognition of the interests at stake.



PANEL  
PRESENTATIONS

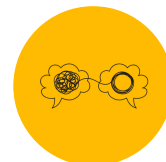
Thursday, 12 May, 2022

*Inequality among EU Citizens because of  
Disintegration within the Schengen Area***Mariana Mykyliuk**  
University of Salzburg, Austria.

In light of the constant cross-border terrorist activity, the refugee crisis of 2015-2016 continuing until this day and recently the COVID-19 crisis of 2020-2021, it became obvious how unstable the Schengen project is. The 'temporary' reintroduced and frequently prolonged national border controls and other sweeping mobility restrictions in response to the severe challenges shaping the EU are fostering inequalities among EU citizens. Putting the initial purpose of the elimination of border checks into question and disintegrating the EU, these asymmetric restrictions, at the same time, impressively demonstrate the value of the free movement of persons.

In this context following questions arise. Is the range from 'temporary' to 'permanent' national border controls with additional mobility bans still compatible with the EU law? What scenarios can be developed to redress the disintegration within the Schengen area and restore the free movement? To answer these questions, it is, however, not planned to provide a detailed analysis of the fundamental status of European citizenship, but rather to challenge the practical implementation of such legal limitations to its core element (the freedom of movement) as public policy, internal security and public health.

Thereby, the proposal assumes that already initial implementation weaknesses within the Schengen framework had produced inequalities within related policies. These shortcomings are still jeopardising and forcing the Member States to implement unilateral national measures in the event of a serious threat, while the EU is not able to respond. How to break this vicious circle?

PANEL  
PRESENTATIONS

Thursday, 12 May, 2022

## Panel 9 **EU INSTRUMENTS IN THE FIGHT AGAINST INTERSECTIONAL DISCRIMINATION**

*Time: Thursday, 12 May, 2022: 11:00am - 12:30pm*

*Location: Institut d'études européennes (ULB) - Salle Spaak*

**Chair: Joe Burton, Université libre de Bruxelles**

### *Revisiting the concepts of gender-based discrimination: towards a refreshed narrative and legislative framework for algorithms*

**Fabian Luetz**

Université de Lausanne (UNIL), Switzerland.

Algorithms work differently than humans, notably by correlating data instead of taking conscious decisions based on causality. While the dogmatic concepts of direct and indirect discrimination were developed before the algorithmic age, this paper explores the adaptability and limits of the principle of equality between women and men. It sketches out ideas how the principle of non-discrimination could be refined and explores avenues how algorithms could be regulated to capture gender-based algorithmic discrimination.

First, relying on the insights of behavioral economics, the paper compares human and automated decision making and draws lessons for the principle of non-discrimination and its ability to capture gender based algorithmic discrimination. Data as source of bias, inaccuracy and discrimination can reflect existing inequalities and stereotypes of society, reinforce discrimination, and create new forms of discrimination. A holistic approach goes beyond the purely legal analysis and tries to understand socio-economic phenomena that underly gender inequalities, notably by following a behaviorally informed analysis.

Second, building on the discussion of flexibility and limits of the principle of non-discrimination, this section will sketch out different avenues for regulation to safeguard gender equality where the current legislative framework is insufficient. It critically addresses the danger of an (in)visible shift from classical public lawmaking towards private rule-setting when algorithms take decisions.

Third, considering the global nature and reach of algorithms, an analysis needs to include the external dimension of EU law and the interaction with other relevant international legal instruments from the United Nations, Council of Europe, or the OECD.

### *EU Policy on AI development: how to deal with algorithmic discrimination and bias*

**Tomasz Braun (1), Dominika Ewa Harasimiuk (2)**

(1) Lazarski University, Poland; (2) University of Warsaw, Poland

Biased and discriminatory outcomes of AI systems are the nowadays technological reality with various racial and gender AI-based discrimination cases confirmed. This issue can be addressed through existing EU law anti-discrimination law. Also, due to the fast-growing AI industry, the EU is working on the comprehensive regulation of ethical aspects of AI technologies. From the EU policy-making perspective, the fight with algorithmic bias may consist of different forms - promoting diverse design teams, setting mechanisms for stakeholders' participation in AI development, creating ways in which full accessibility of AI systems regardless of users' age, gender, disabilities or belonging to any minority group is being assured. The particular focus should be put on public services using AI technologies. Another policy priority relates to the need to establish a European Strategy for Better and Safer AI for Children. The paper will provide a review of current policy documents relating to the abovementioned problems, together with existing and future EU legal framework which can be used in order to fight algorithmic discrimination and inequalities.





*The European data protection reform:  
an enabler or disabler to intersectionality?*

**Alessandra Calvi**

Vrije Universiteit Brussel, Belgium, & CY Cergy Paris, France.

In the European Union, antidiscrimination policies have evolved towards an intersectional dimension in the last years, the traditional sectorial approach being insufficient by neglecting the differences in terms of gender, ethnicity, age, social status, ability, sexual orientation, etc. within the same vulnerable group. In parallel, European data protection law has been reformed and enriched with new instruments, including the General Data Protection Regulation (GDPR). Considering that the collection and analysis of information that affect oppression dynamics grounds the operationalisation of intersectionality principle, European data protection law could play a pivotal role in enabling intersectionality. Nowadays, the GDPR grants a specific protection to some “special categories of data” (which include racial or ethnic origin, genetic data, data concerning health or data concerning a natural person's sex life or sexual orientation, data relating to criminal convictions or offences, etc.) that, to a certain extent, overlap with the information that should be disaggregated in accordance with the intersectionality principle. The processing of these data is forbidden, unless one of the exceptions foreseen in Article 9(2) and 10 GDPR applies. Yet, are these exceptions framed in a way to promote or undermine intersectionality principle? The objective of this contribution is to provide critical reflection in that respect

*The Digital Exclusion in the Context of the EU Governance Transformation*

**Tomasz Braun**

Lazarski University, Poland.

Citizens of Europe have been proposing numerous innovative approaches to traditional models of representative democracy. Most of these proposals assume that the return of power to the people may translate into better-informed choices within the decision-making processes for all levels of public governance. Consequently, it can play a much more active role in eliminating existing divide and disparities. Much effort has been put in to build organically civic activism and societal pressure to help it happen.

However, there is a risk connected to the pace of technological development, which may have an adverse impact. The digital literacy for individual, average users is of particular importance once they are recipients of public services powered by information and communication technologies. The risk related to the unequal levels of e-literacy may result in the exclusion of certain social groups of citizens unable of using digitally powered participatory tools. This relates to the so-called ‘democratic divide,’ which describes the differences between those who use and those who don't use digital participatory mechanisms. In this type of situation, the internet reinforces active citizens' positions, while others remain disengaged and are not able to follow the pace of technological progress. Therefore, it is crucial to design e-participatory and e-democratic tools in a way that such a drawback is mitigated. An inclusive approach may be achieved through understandable language, friendly communication, and blended tools, which allow to switch from online to offline if it is conceptualised, designed, and deployed to counter the inequality.



Panel 10

## SOCIO-ECONOMIC FREEDOMS AND INEQUALITY IN EUROPE

Time: Thursday, 12 May, 2022: 1:30pm - 3:00pm

Location: Institut d'études européennes (ULB) - Salle Kant

Chair: Louise Fromont, Université libre de Bruxelles

### *The Poverty, Social Exclusion and Inequality of the European Parliament*

**Paul Copeland**

Queen Mary University of London, United Kingdom.

Algorithms work differently than humans, notably by correlating data instead of taking conscious decisions based on causality. While the dogmatic concepts of direct and indirect discrimination were developed before the algorithmic age, this paper explores the adaptability and limits of the principle of equality between women and men. It sketches out ideas how the principle of non-discrimination could be refined and explores avenues how algorithms could be regulated to capture gender-based algorithmic discrimination.

First, relying on the insights of behavioral economics, the paper compares human and automated decision making and draws lessons for the principle of non-discrimination and its ability to capture gender based algorithmic discrimination. Data as source of bias, inaccuracy and discrimination can reflect existing inequalities and stereotypes of society, reinforce discrimination, and create new forms of discrimination. A holistic approach goes beyond the purely legal analysis and tries to understand socio-economic phenomena that underly gender inequalities, notably by following a behaviorally informed analysis. Second, building on the discussion of flexibility and limits of the principle of non-discrimination, this section will sketch out different avenues for regulation to safeguard gender equality where the current legislative framework is insufficient. It critically addresses the danger of an (in)visible shift from classical public lawmaking towards private rule-setting when algorithms take decisions. Third, considering the global nature and reach of algorithms, an analysis needs to include the external dimension of EU law and the interaction with other relevant international legal instruments from the United Nations, Council of Europe, or the OECD.

### *The Rise of Legal Inequalities and Uncertainties in Fundamental Human Rights Protection when Interacting with Fundamental Economic Freedoms: The European Court of Justice's (ECJ's) Approach*

**Constantina Lazaridou**

University of Birmingham, United Kingdom.

Imagine that EU workers decide to stop importing goods from one EU Member State to another and demonstrate because of poor working conditions. Whilst the demonstration is their fundamental human right, it leads to the illegal obstruction of an economic freedom, (the free movement of goods) under EU law. This clash between two of the foundational values of the EU, ranked as legally equal on the EU's legal scenery, raises questions of prevalence, hierarchy and interaction between these two principles. The EU's legal framework is unfortunately silent in answering such inquiries. This paper will thus turn to the ECJ to assess its appropriateness as an institution to solve this conundrum, but also attempt to identify certain trends or factors arising from the jurisprudence which might provide some answers.

The ECJ's varying approach will be depicted, where not all rights and freedoms are treated analogously. For instance, the right to strike when clashing with the free movement of goods does not lead to an identical result with the right to human dignity when clashing with the same freedom. More significantly, the paper will present how social rights have been undermined in relation to civil and political rights when both reacted with either the same or a different economic freedom. This varying treatment dependant on the nature of the human right, shows the unequal treatment human rights receive within the Union when competing with other foundational values, such as the economic freedoms and the ECJ's limited guidance leading to legal uncertainty.



*The Legal Normativity of Soft Law:  
The Case of the European Pillar of Social Rights*

**Sophie Dura**

University of Amsterdam, The Netherlands.

The impact of the Court of Justice's case law on (national) social rights is contentious. It is argued that the Court gives precedence to the economic rights of the Treaties, which leads to an erosion of national welfare regimes. The European Pillar of Social Rights (EPSR) as a 'soft law' instrument is said to do little about this imbalance. This paper argues for a cautious but more positive reading of the potential legal normativity the instrument can produce. It shows how the Commission drafted the EPSR considering its later use by the Court, establishing it with a view to the case law regarding two previous, (initially) non-binding fundamental (social) rights catalogues: the Community Charter of the Fundamental Social Rights of Workers and the Charter of Fundamental Rights. This case law delivers several potential avenues through which the EPSR could potentially enfold legal effects. Methodologically, the paper is based on an empirical analysis of the EPSR's adoption process based on 14 interviews and a comprehensive case law analysis of relevant cases of the Court of Justice. The findings are used to build a bridge between the legal status of the EPSR, previous fundamental (social) rights catalogues and the legal effects of social rights within the case law. These findings cater to three different strands of scholarship: the discussions on the relevance of social rights in the Court's case law, the role of the Court within the EU decision-making process and a better understanding of soft-law making at EU level.

*Inequality between economic entities in the internal market*

**Olivier Dussauge**

Université Saint-Louis Bruxelles, Belgium.

There is a de facto inequality between economic entities operating within the internal market. We can differentiate the latter according to their original characteristics: either they are egalitarian (democratic mode of governance according to the rule of one person one vote), solidary (equitable sharing of the revenues of economic activity) and ecological (integration of environmental considerations in the orientation of economic activity), or they are authoritarian (hierarchical mode of governance and distribution of management powers according to the capital held), unequal (inequitable sharing of the revenues of economic activity) and ecocidal (externalization of environmental considerations in the orientation of economic activity). This is a broad brushstroke distinction, the reality is more nuanced. The effectiveness of the second category of entities in economic competition as it is organised today is proven. Indeed, the economic system naturally selects the entities that make the best monetary profit and eliminates those that are not as profitable. However, the egalitarian, solidarity-based and ecological characteristics of the first category of entities negatively affect their ability to make profits. Sometimes, they are not even motivated by the search for financial gain. Is EU law, as interpreted by the CJEU and produced by its legislator, capable of taking this inequality into account and of remedying it with a view to a fairer competitive structure and equal access to the internal market?

PANEL  
PRESENTATIONS

Thursday, 12 May, 2022

Panel 11 **UNEQUAL ACCESS TO ENVIRONMENTAL JUSTICE**

Time: Thursday, 12 May, 2022: 1:30pm - 3:00pm

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Chiara Armeni, Université libre de Bruxelles

*Inequalities and Public Participation in the Climate Crisis: An EU perspective***Chiara Armeni**

Université Libre de Bruxelles, Belgium.

The European Green Deal is presented as transformational in the European Union (EU)'s fight against climate change. It is constructed around achieving climate neutrality by 2050, with all sectors of the economy contributing to this target. Despite political and policy commitment, far less detail is given on how the EU will deal with the inevitable inequalities surrounding this ambitious strategy and on the role of democratic participation in decisions on its implementation.

These aspects are important as climate change is not simply a technical problem, with a technical solution to be revealed by technical experts. It is a much more fundamental social and political challenge that poses questions about how costs and benefits are distributed and which directions are chosen, by whom and how.

Against this background, this paper is interested in the conceptual understanding of inequalities and in the scope for participatory rights within the current EU climate law and policy framework. My (preliminary) claim is that, while aiming towards a 'Just and Fair Transition', the EU's predominantly technocratic approach to the climate crisis fails to fully engage with the multiple forms of inequalities associated with its climate agenda and limits legally protected rights to participate in the decision-making. The climate crisis is pressing, but more attention to (in)equality and participatory rights is needed to ensure an effectively just and fair transition.

*Moving the spotlight of access to justice from environmental to climate matters: a developing discussion***Ilina Cenevska**

Ss. Cyril and Methodius University Faculty of Law, Republic of North Macedonia.

This paper will focus on the issue of standing of private applicants before supranational courts such as the CJEU, acting as a major procedural impediment to the achievement of environmental and climate justice.

First, the paper will assess the degree of stringency the CJEU exercises when applying the standing criteria for private applicants prescribed by EU law, specifically, with respect to climate change-related cases. The analysis will weigh in on the arguments that the CJEU and the parties to the proceedings before it have advanced, concerning the possibility of endorsing a less strict interpretation of the rules on standing in the context of climate-related cases.

Second, the paper will discuss the necessity for and feasibility of adopting a new, unique approach towards standing of private applicants as one specific to climate cases and one that goes beyond the traditional 'access to justice in environmental matters' frame. The discussion will examine the degree to which such a climate-specific approach is merited, especially in view of the unique nature of both climate change as a matter of urgent planetary concern and climate change litigation as a rising legal phenomenon.

The paper will conclude by arguing that the gravity and urgency of the climate threat justify taking a broader, more elastic approach towards standing of private applicants. This is especially true since the existing EU rules on standing present a considerable – almost insurmountable – procedural obstacle that has thus far prevented the CJEU from deciding climate cases on their merits.

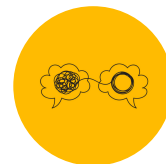
*The EU's approach to extraterritorial adverse impacts on ecosystems***Liliana Lizarazo Rodriguez (1,2), Joao Teixeira de Freitas (1)**

(1) Vrije Universiteit Brussel, Belgium; (2) Universiteit Antwerpen, Belgium.

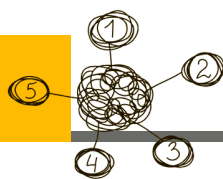
Initiatives to foster sustainable development such as the Green Deal, the central EU strategy to implement the Agenda 2030, and other seeking corporate responsible behavior when conducting economic activities, such as the UN Guiding Principles on Business and Human Rights or the OECD Guidelines for Multinational Enterprises aim at reaching global justice, by tackling, among others, environmental injustices.

This article will focus on how the EU has been both an important actor within these initiatives, and an actor allegedly responsible for redressing structural inequalities. The article will therefore assess three EU legislative strategies with important extraterritorial environmental implications: a) Requiring due diligence and other precautionary procedures when sourcing crucial raw materials such as timber, conflict minerals and biofuels; b) Regulating carbon markets, exports of waste of electrical and electronic equipment and of hazardous chemicals; and c) Nudging sustainable behavior of certain corporations by conditioning green claims or by requiring them to disclose how they manage social and environmental risks.

This assessment combines Business and Human Rights and Political Ecology approaches to inquire whether these three EU legislative strategies tackle issues considered as ecological debts or unequal exchange when dealing with risks, hazards or harms originating from EU state and non-state actors that may affect third countries. It also assesses whether these EU regulatory approaches align with the global objectives of the Green Deal and provide mechanisms to obtain access to justice for geographical and historical environmental injustices.



## POLICY PANEL



Thursday, 12 May, 2022

*Policy Panel co-hosted with the Foundation for European Progressive Studies (FEPS)*

## THE EU AND JUST TRANSITION

*Time: Thursday, 12 May, 2022: 3:30pm - 5:30pm*

*Location: Institut d'études européennes, salle Spaak & Youtube*

*Chair: László Andor, FEPS Secretary General*

FOUNDATION FOR EUROPEAN  
PROGRESSIVE STUDIES  
FONDATION EUROPÉENNE  
D'ÉTUDES PROGRESSISTES



### *Policy measures for a just transition: Ideas for designing a structural transformation to reduce Inequalities*

The structural transformation of our economic systems to a state that no longer inflicts harm on climate and environmental systems provides opportunities to also tackle multidimensional inequalities. Some observers have suggested that environmental destruction and increasing inequalities stem from the same causes, policies and ideas. In this context, inequalities are not only limited to economic issues but can also pertain to unequal access and visibility with regards to decision making in climate policies and to the unequal suffering of adverse effects from the climate crisis and environmental degradation. Policy discussions in Europe and across the world have started to incorporate the inequality dimension through concepts such as the “just transition” and “climate justice”. Notably, these concepts go beyond compensatory measures and consider the reduction of inequalities as a necessary condition for climate action. At the EU level, proposals for a Social Climate Fund and Just Transition Mechanism seek to integrate an inequality focused perspective by including policies such as investments in affordable energy and transport systems as well as industrial and labour market policies that aim at providing low carbon employment. Currently, these initiatives are, however, still being debated and contested. Hence, there is value in further specifying the design and the interplay of policies that can be both environmentally friendly and help reduce inequalities. The panel will look at climate policies that help reduce inequalities across multiple levels of governance and integrate perspectives from policymakers, academics and civil society.

15:30 – 15:35 INTRODUCTORY REMARKS | László Andor, FEPS Secretary General

15:35 – 15:55 KEYNOTE | Diederik Samsom (Head of Cabinet of Frans Timmermans, European Commission)

16:00 – 17:00 DISCUSSION OF THE RESULTS AND IMPLICATIONS FOR FUTURE POLICY

Chair: László Andor, FEPS Secretary General

Discussant: Andreas Dimmelmeier, Policy Analyst, FEPS

- Javi Lopez, Member of the European Parliament (ES, chair of PES Environment, Climate Change & Energy Network).
- Stéphanie Lepczynski, Cabinet member of the Secretary of State, Brussels Capital Region, Responsible for Economic Transition and Scientific Research
- Félix Mailleux, Advisor on Climate, Energy and Industrial Policies, ETUC
- Chiara Armeni, Professor, Université libre de Bruxelles

17:00 – 17:30 Q&A

17:30 – 17:40 CONCLUDING REMARKS | Andreas Dimmelmeier, Policy Analyst, FEPS





Panel 12 **EU DISCOURSES AND THE MEDITERRANEAN  
SPACE: FRAGMENTATION AND INEQUALITY**

Time: Friday, 13 May, 2022: 9:00am - 10:30am

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Jihane Sfeir, Université libre de Bruxelles

*Equality Abroad, Inequality at Home:  
Concept of (In)equality in Turkish Populist Discourse*

**Melike Akkaraca Kose**

Universidad de Navarra, Spain.

This paper studies the concept of (in)equality in Turkish political discourse by employing post-structural discourse analysis as a methodological approach. In Turkey, concept of equality becomes a tool to bring the contradictory demands together within a hegemonic project by the governing party of the Justice and Development Party (AKP). In this context, it serves as a floating signifier in the populist discourses, especially of the President Erdogan. The contrasting meanings of 'equality' in his populist discourse becomes more obvious if one compares the articulations of the demands for 'more equality and justice in international politics' with the re-articulation of concept of equality in response to increasing domestic grievances and demands.

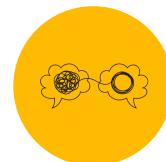
Recent political discussions on gender equality in Turkey presents a good example of how the concept of equality is emptied and re-defined in domestic politics to serve the expectations of the AKP supporters coming from the conservative and traditional circles of society. These re-articulations of equality are constructed on the antagonistic representations of the equality in the West and in Turkey and, on the identity claims of moral superiority against both Western and Westernized domestic 'Others'. The paper will use discourse analysis as a method to explore how these different constructions of 'equality' are linked to political power struggles at national and international level.

*10 Years after the Revolution: why the EU has failed to address the social,  
economic, and political inequalities in Egypt*

**Marie Ruyffelaere**

Université libre de Bruxelles, Belgium.

This contribution investigates why the European Union (EU) has failed to address the social, economic, and political challenges in the Mediterranean in the aftermath of the Arab Spring, using the case study of Egypt (2011-2021). Social and economic inequalities in addition to persistent authoritarianism were the root causes of the Egyptian revolution in 2011 and also drew attention to the shortcomings of fifteen years of EU cooperation policies in the country. Critics encouraged the EU to revise its neighborhood policy. However, ten years after the demise of Hosni Mubarak, the political situation in Egypt has worsened, and inequalities have increased. Scholars largely agree that little has changed in the EU's new approach toward the region. I propose to discuss the reasons behind this inconsistency by looking at the role played by the EU Member States individually. Following Federica Bicchì's approach on intergovernmentalism in EU policy making toward the Mediterranean, I intend to demonstrate how the national interests of the Member States act as an obstacle to EU initiatives in Egypt. My contribution will be built on a content analysis of grey materials, EU and Member States' official documents and interviews with EU and Member State representatives. For feasibility reasons, my analysis will focus on France, Germany, the United Kingdom, and Italy, as preliminary research has found that they are the most influential European States regarding EU politics in Egypt. I argue that at the expense of addressing inequalities in Egypt, these States have prioritised their own interests.



*Inclusion, exclusion and the discourses on “inequality” and “injustice”:  
Deciphering the Discourses on EU-Turkey Relations in Turkish and European  
Parliaments through Critical Discourse Analysis*

**Basak Alpan (1), Seda Gürkan (2)**

(1) Middle East Technical University, Turkey; (2) Université libre de Bruxelles, Belgium.

This paper aims to analyse and interpret discourses on EU-Turkey relations both in the European and Turkish Parliaments within the scope of a theoretical framework that espouses Critical Discourse Analysis (CDA). The specific focus will be on the discourses on “inequality” and “injustice” as constructed by the Turkish Parliament as a justification for Turkey’s disintegration within the EU accession process and on how this “inequality” scheme is conceived in the European Parliament. The aim of the paper, thus, is to unfold the contested meanings and discourses attached to Turkey’s European (dis)integration and to understand the discursive context that makes the discourse of inequality salient in EU-Turkey relations. The selected discourses are those of the Turkish and European parliamentarians, covering the eight legislative term of the European Parliament (2014-2019), a period which is also marked by a disenchantment on both sides and Turkey’s accelerated distancing from the EU. By gathering a broad spectrum of voices of those involved in Turkey’s European (dis)integration at a parliamentary level, the article contributes to the vast literature on EU-Turkey relations as very little is known how legislators view these relations despite the importance of legislators as mass representatives. Furthermore, by studying how Turkish legislators legitimize Turkey’s distancing from the EU, the article contributes to the nascent literature on the external perceptions of the EU from an inequality perspective.

*Learning Mechanisms in EU universities and IR*

**Alessia Chiriatti**

Istituto Affari Internazionali, Italy.

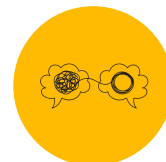
Considering the radical transformation of the global politics, particularly after the Covid-19 outbreak, the teaching and learning agenda is currently making strides in higher education across Europe in order to deal with new challenges deriving from the international and geopolitical dynamics. More importantly, it is fundamental to estimate the impact on the students of new teaching and information methodologies in the construction of an active and global citizenship.

The first aim of this paper is to evaluate the changing patterns of teaching International Relations at university level and to analyze the education instruments of this discipline, through classical (traditional) and interactive methods.

After a depth analysis focused on the evolution of the teaching methods of International Relations with a comparative approach between models, the research will be conducted studying three case studies, considering the IR’s level of analysis and represented by: standard IR’s courses, held with an audience composed by university students from different education background; simulations games; massive open online courses developed on e-learning platforms. These variables and cases of study confer to the research a specific enrichment, giving the chance to appreciate the differences among the several educational systems.

The final aim of this research is to evaluate the best practices and to consider the possible evolution of teaching IR in the future for EU Member States.





### Panel 13 **INEQUALITY, GLOBAL MOBILITY AND THE EU**

Time: Friday, 13 May, 2022: 9:00am - 10:30am

Location: Institut d'études européennes (ULB) - Salle Kant

Chair: Florian Trauner, Vrije Universiteit Brussel

#### *Beyond the narratives: Unraveling the European Pact on Migration*

**Soumaya Majdoub, Ahmad Wali Ahmad-Yar**

Vrije Universiteit Brussel, Belgium.

The European Union has been facing challenges in the implementation of an efficient and comprehensive approach on migration and asylum over the last few decades. The EU has previously tried to take several initiatives. However, to date, the EU measures on asylum and migration have failed to address the challenges. The announcement of the New Pact on Migration and Asylum raised mixed reactions from political parties across Europe.

This paper investigates the distinctions between previous EU measures in place and the New Pact. In particular, what does this New Pact offer more than previous policies? Which interests are represented? How are facts formulated?

Looking at the problematisation of migration in the New Pact, by means of Bacchi's WPR approach to Critical Discourse Analysis, we seek to clarify the ideological basis of the discourse on migration, to outline dominant discourses and interests and to reveal the fundamental mechanisms of thinking.

The primary data include the content of the official document and meeting coverages.

The second component consists of semi-structured interviews with officials from the European Commission, Members of the European Parliament, EU Council and other experts to provide additional in-depth context.

The preliminary results show that while the Pact appears to be promising for the EU's current migration challenges, the implementation and practicability of the Pact will follow the same challenges as the previous measures. In the same vein, the member states take the restrictive measures indicated in the Pact into account more than the humanitarian support and solidarity propositions.

#### *A liberal or a Western bias of the EU?*

#### *Explaining (lack of) cooperation in third-country posting*

**Josephine Assmus (1), Anita Heindlmaier (2), Susanne K. Schmidt (1)**

(1) University of Bremen, Germany; (2) University of Salzburg, Austria.

The recent reform of the posted-workers directive succeeded in mandating the principle of 'same wage in the same place'. It can be regarded as the outcome of exceptionally benign circumstances for Western member states as there is a structural conflict between West and East. However, the conflict continues. The posting of third-country nationals via Eastern member states is a growing loophole. Formally, the 'same wage in the same place' rule should apply. But the control and implementation of protective rules is the more difficult, the poorer workers are, and if negative effects on the posting country are low.

Eastern member states should be less interested in third-country posting as this does little to boost income or lessen unemployment in their own countries. This makes it an interesting case to discuss whether the conflict of interest between the economically very heterogeneous Western and Eastern member states is more dominant or whether the liberalising bias of the internal-market regime is more dominant. This paper compares the different cases of Poland and Slovenia. Interestingly, Slovenia has been more cooperative towards Western demands than Poland, which appears to more readily undermine efforts of controlling wage competition by giving visas for workers being sent on with little control. If the East-West conflict were dominant, we could expect a more accommodating position on third-country posting as benefits for Eastern member states are much lower. If the capital-labour conflict is more dominant, we would not expect Eastern member states to curb third-country posting.



## *The Lack of Development of Legal Aid in relation to Asylum Seekers and Undocumented/Irregular Migrants in the UK*

**Ayesha Riaz**

Queen Mary University of London, United Kingdom.

In this article, I examine how the British state engages with the private and charitable sector to fund legal services for asylum seekers/undocumented migrants who are unable to pay themselves. The legal aid system has been subject to frequent and profound change since its establishment in 1949 rendering it a highly unstable system in a profession which reifies stability. The instability is strongly correlated with changes in government from Labour to Conservative and back and forth from 1949 to 2020 who appear to have a monopoly over the system. The monopoly has weakened the profession's commitment to the system. The result of the state taking the place of the client in paying for legal services for the poor has been that the state has intentionally sought to transform solicitors into civil servants because of increased bureaucratisation of this sector by applying work/quality inspection obligations for solicitors which would not apply to them where their fees were paid directly by clients. These heavy procedural obligations are unwelcomed for solicitors who are accustomed to operating as a self-regulated profession. The consequence is frustration, loss of autonomy, time and money and resentment among solicitors in regards to the payment system, which has the effect of diminishing the attractiveness of legally aided work (asylum and undocumented migrants) and thus concentrating the work in the hands of a smaller number of altruistic solicitors who are vulnerable to being demonised by hostile governments. For example, Priti Patel, the current Home Secretary called such solicitors 'lefty' lawyers.

### Panel 14 **EU POLICY-MAKING AND TODAY'S WORLD OF LABOUR**

Time: Friday, 13 May, 2022: 9:00am - 10:30am

Location: Institut d'études européennes (ULB) - Salle Spaak

Chair: Nicolas Verschuere, Université libre de Bruxelles

## *Risk and the double responsabilisation of gig workers: Responsibilised work and welfare access in Italy, Sweden and the UK*

**Lorenza Antonucci (1), David Young (2)**

(1) University of Birmingham, (2) University of Salford, United Kingdom.

Work through digital platforms has attracted much policy focus (Taylor Review, 2018), and academic attention in socio-legal studies, but less coverage within social policy literature. While gig economy work concerns a minority of the working population, its features are central to the future of work debate, in relation to the development of 'new platforms' with technological innovation. Sociological studies suggest that gig workers are affected by work insecurity, but less attention is paid to the institutional context of such work and its "manufactured instability" (Doogan, 2009).

This article proposes the use of 'responsibilisation' to understand gig work's insecurity, and positions gig work within the broader shift towards responsibilised work and welfare. We show that gig workers are affected by a double responsabilisation. First, they experience 'responsibilised work', namely work with self-employment features requiring them to take increasing responsibility for risks. Secondly, their insecurity is also reproduced by institutionally manufactured exclusion from social protection systems (a 'reponsibilisation by exclusion'). To evidence this second form of responsabilisation, we present an analysis of the forms of institutional exclusion in access to social protection for gig workers in the UK, Italy and Sweden. We show that, even if the three countries present various forms of legal recognition for gig workers, worker responsabilisation cuts across legal contract typologies of gig work. This article suggests the need to move beyond a socio-legal analysis of gig work and investigate real access issues experienced by gig workers, as well as social policy barriers.

*Equal treatment and inclusion at the workplace: friends or foes?***Evelien Timbermont**

Vrije Universiteit Brussel, Belgium.

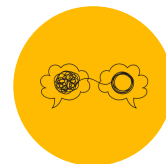
This research examines whether the principle of equal treatment can reinforce more diversity in the workplace or whether it acts as an obstacle. Specifically, a critical analysis of a number of recent judgements of the Court of Justice of the European Union (CJEU) concerning (in)direct discrimination on the basis of religion the research will serve to explore whether the current regulations offer sufficient levers to achieve inclusion at the workplace or whether an adjustment of these regulations is required. The research focuses on the main sources of law in this field, namely the Equality Framework Directive 2000/78/EC and the Achbita, Bougnaoui and Wabe case law. A first analysis of these judgements seems to suggest that equal treatment law does not promote inclusion. Consequently, the focus will be on whether this interpretation is legally sound or subject to criticism and/or what alternatives are available.

Thus, the research will offer a first indicator as to whether the current equal treatment regulations are a tool for groups that are currently under-represented (e.g. ethnic minorities, people with disabilities) to gain a foothold in the labour market. A more diverse workforce and an inclusive labour market appear to be essential since one of the objectives set out in the 2021 Action Plan on the implementation of the European Pillar of Social Rights includes an employment rate of at least 78% of the population aged 20 to 64 by the end of this decade.

*Flexible Network Cooperation in the Enforcement of EU Mobile Workers' Labour Rights: Structures of Cooperation between German and Polish Actors***Josephine Assmus**

University of Bremen, Germany.

During the covid-19 pandemic, several incidents in the meat processing and harvesting sector demonstrated that labour rights of EU mobile workers are frequently violated. Existing literature illustrates that enforcement often fails due to differences between administrative actors across member states or a lack of access to interest representation. While the importance to foster cooperation for more efficient enforcement of EU law has been widely acknowledged, the focus often remains on cooperation between member state authorities. This paper aims to shed light on cooperation beyond the structures of horizontal and vertical cooperation. Therefore, I examine how political and administrative actors, but also actors from civil society interact and cooperate in the cross-border enforcement process. Under which circumstances do actors in the enforcement process cooperate? What does this mean for the enforcement of labour rights of mobile workers over all? I examine cross-border cooperation between Germany (one of the main host countries) and Poland (one of the main countries of origin). Empirically, this paper is based on semi-structured interviews with union representatives, political actors, and administrative staff in Poland and Germany. I interpret my data through qualitative content analysis and supplement my interviews with government and media reports. Analysing actor behaviour and building on existing literature on cooperation and enforcement of EU law, I find that cooperation to enforce mobile workers' labour rights does not work merely linearly between authorities on one level, but functions in networks of various actors and along the lines of specific projects.



*Inequality and social exclusion in urban spaces:  
The criminalization of people experiencing homelessness in Denmark*

**Pia Lynggaard Justesen**  
University of Aalborg, Denmark.

The paper investigates the criminalization of homelessness in EU member states with a particular focus on Denmark. In the Lisbon Declaration on the European Platform on Combatting Homelessness from 21 June 2021, the European Union, the Member States, and civil society agreed to work towards the ending of homelessness by 2030. At the same time member states continue to uphold laws criminalizing begging and sleeping rough.

The paper takes as a starting point this seeming discrepancy between the overall European commitment to end homelessness and the actual legal situation in individual member states. Because of criminalization, people experiencing homelessness feel more unsafe. They hide, which makes it more difficult for authorities and civil society to help them away from the street and eventually end homelessness.

The focus of the paper will be the case of Denmark and when it comes to criminalizing homelessness, issues of social inequality are numerous. When the Danish prohibition of so-called intimidating camps in urban spaces was enacted in 2017, the political intention was to target migrants having a Roma background (and not Danish individuals experiencing homelessness). The paper will include a legal analysis of the preparatory works of the prohibition as well as case law and statistics. The aim is to analyze whether the criminalization of so-called intimidating camps constitutes discrimination based on ethnic origin.

Panel 15 **EQUALITY AND ANTI-DISCRIMINATION:  
IS THE EU DOING IT RIGHT?**

Time: Friday, 13 May, 2022: 11:00am - 1:00pm

Location: Institut d'études européennes (ULB) - Salle Spaak

Chair: Emmanuelle Bribosia, Université libre de Bruxelles

*Equality under the EU Charter: an appropriate and effective legal basis for  
children to have equal access to child care related leave?*

**Alicia Hendricks**  
Universiteit Hasselt, Belgium.

When considering childcare-related leave legislation and policy, gender equality and work-life balance concerns are dominating the field. Conversely, the position of the child is rarely taken into consideration. That is remarkable, given that the EU Charter protects the rights of the child under Article 24 and the right to respect for private and family life under Article 7. Both rights are underpinned by a general provision of equality (article 20). Furthermore, Article 21 prohibits 'any discrimination on any ground'. Nevertheless, current EU childcare-related legislation, policy and case-law overlook children's needs and interests, and this might lead to inequalities amongst children. Against this backdrop, this contribution quests for the meaning of equality between children in relation to childcare-related leave arrangements and the possible legal means to achieve it. Following an overview on how equality and non-discrimination fit and are understood within children's rights in general, this contribution critically examines the current EU childcare leave legislation and CJEU case-law that jeopardise equality between children. It then discusses and integrates the principles of equality and non-discrimination from a child-oriented perspective. To this end, the EU Charter might offer an entirely new view. Indeed, giving an effective and meaningful application to the relevant provisions of the EU Charter might secure an equal access to childcare related leave for all children.

*Positive Actions in Europe: Definition and Identification under the Spotlight*

**Anaïs Brucher, Sophie Mercier**  
UCLouvain, Belgium.

The adoption of positive actions has been enabled at the EU and national levels to fight against substantial inequality. Their efficiency, while admitted when it comes to discriminations based on the “age” or (arguably) the “sex”, is questionable for individuals discriminated against on the basis of “invisible”, “difficult-to-be-proved” or “sensitive” criterion, such as “race” (or ethnic origin) and “religion” (or belief).

Two obstacles to the efficiency of positive actions can be identified at the EU and domestic levels. First, the legal definition of “race” and “religion” as criteria of discrimination, and their interpretation by the judge, presupposes a societal analysis, which can be potentially biased and places the judge in a delicate situation. Second, the factual identification of those in need of positive action remains sensitive and highly limited by the right to privacy, including data privacy, of those individuals. Our analysis will compare the EU and the Belgian levels, both to study their interactions in the implementation of positive actions and to identify improvement paths that one could draw from the other.

As such, our research aims thus at replying to the following questions: how can we overcome those two obstacles to the efficiency of positive actions in cases of discrimination based on race or religion? Is the adoption and application of positive actions even an adequate tool to act against discriminations based on criteria that are difficult to identify or whose collection of data might be sensitive?

*The CJEU and Muslim minorities’ equal and effective enjoyment of fundamental rights: a disappointing balance sheet*

**Kristin Henrard**  
Vrije Universiteit Brussel, Belgium.

The EU likes to depict itself as an organization that has human rights high on its agenda. In a societal context tainted by Islamophobia, it seems warranted to investigate closely whether the CJEU’s growing case law on themes of specific relevance to Muslim minorities, such as the wearing of the headscarf and ritual slaughter, provides adequate protection of these minorities’ fundamental rights.

The paper analyses whether the CJEU in its case law on headscarves is sufficiently alert to attempts to disguise Islamophobic policies under the veil of ‘neutrality’, while identifying relevant factors. Regarding ritual slaughter, the legal standards reveal that notwithstanding the importance attached to animal welfare, the freedom to manifest one’s religion should not be disproportionately limited. Also in these cases the CJEU’s (lack of) attention for Islamophobia playing in the background is assessed, while being attentive for possibly stigmatizing messages in the Court’s reasoning.

The paper also shows how the CJEU after some promising statements about its supervisory role in relation to religious rights in earlier cases, has embraced the European Court of Human Rights line of jurisprudence, granting states broad discretion when there is no European consensus on a particular matter. The latter line of case law can be criticized for compromising the effective protection of fundamental rights of (religious) minorities. Some promising developments in the latest cases on headscarves at work notwithstanding, this paper presents a disappointing balance sheet about the extent to which the CJEU protects Muslim minorities’ equal and effective enjoyment of fundamental rights.





## *Constitutionalising Equality for LGBTIQ People within the EU*

**Olivier Baillet**

Max Planck Institute, Luxembourg.

In November 2020, the Commission adopted its “LGBTIQ Equality Strategy 2020-2025”, designed “to promote equality for LGBTIQ people” and show its “commitment to building a Union of Equality”. Despite this voluntarism, the issue of equality for LGBTIQ people divides within the Union and questions its capacity and legitimacy to develop a constitutional principle of equality that goes beyond the functionalist protection of rights.

Legally, both the principle of conferral and the scope of application of EU law limit aspirations to comprehensive equality, as the grounds for pending infringement proceedings against Poland and Hungary show. This legal issue further collides with the philosophical foundations of the EU as a pluralistic polity. Member States increasingly resort to the national identity clause embedded in article 4(2) TEU to justify discrimination before the Court of Justice as well as in political discourse, framing a dangerous alternative between inequality and disintegration.

Ways forward for EU institutions include the enforcement of the “values” enshrined in article 2 TEU and the transformation of EU citizenship from freedom of movement to an actual right to equality. Both aspects, however, entail the control at the EU level of the scope and compatibility of national identities with an EU “constitutional identity” yet to be constructed. The inclusion of equality for LGBTIQ people in this new “identity” further requires a substantial, less proceduralist approach to democracy where the counter-majoritarian function of human rights is fully recognised and can be legally enforced against national polities

## *Overcoming Barriers to Create a Balanced and Comprehensive EU Anti-Discrimination Framework*

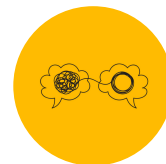
**Rony Boerrigter**

Vrije Universiteit Amsterdam, The Netherlands.

The EU anti-discrimination framework is flawed, as for a group such as ethnic minority women it is difficult to bring a claim that encompasses their complete discriminatory experience. This subgroup, rather than facing discrimination based on one of the identity grounds at a time, often faces discrimination based on multiple, intersecting grounds. For example, ethnic minority women are disadvantaged not merely as they belong to an ethnic minority or because they are a woman, but because they are an ethnic minority woman.

I argue that, to provide comprehensive justice for subgroups like ethnic minority women, the EU should further incorporate the multiple discrimination approach and concurrently endorse the intersectionality approach. To achieve this, three obstacles must be overcome: a hard law infancy, a fragmented structure and a sole comparator approach. Once achieved, the implementation of the multiple discrimination approach will be attainable. This will then open a political and legal opportunity to, based on the intersectionality theory, implement two additional amendments: a new approach to the different identity categories and a shift from a complaints-based to a more structural anti-discrimination framework.

Ideally, the merging of both approaches will lead to legal and political practices which treat the relationship between the identity categories as an open empirical question and gestate the dynamic between the individual, institutional and social factors that play a role in cases of discrimination. Only then will it be possible to recognize the unique story of individuals, such as ethnic minority women, who are seeking justice.



Panel 16 **INTEGRATION OF MIGRANTS  
AND THE ROLE OF VARIOUS ACTORS**

Time: Friday, 13 May, 2022: 11:00am - 1:00pm

Location: Institut d'études européennes (ULB) - Salle Geremek

Chair: Chloé Brière, Université libre de Bruxelles

*Intergovernmental Relations on Immigrant Integration in Multi-Level States*

**Ilke Adam, Eve Hepburn**  
Vrije Universiteit Brussel, Belgium.

Immigrant integration is an increasingly important policy area for governments. However, in multi-level states, immigrant integration is rarely the responsibility of the 'central' government. Instead, it is often decentralized to substate regions, which may have formulated their own, unique approaches. How do multi-level states deal with potentially diverging approaches? The book entitled 'Intergovernmental Relations on Immigrant Integration in Multi-Level States' (Editors: Ilke Adam and Eve Hepburn, Routledge 2021), presented here, examines how governments coordinate on immigrant integration in multi-level states. Four multi-level states form the backbone of the analysis: two of which are federal (Canada and Belgium) and two that are decentralized (Italy and Spain). We find that intergovernmental dynamics on immigrant integration are shaped by a variety of factors ranging from party politics to constitutional power struggles. This analysis contributes not only to our understanding of intergovernmental relations in multi-level systems; it also enhances our knowledge of the myriad ways in which different regions in Europe and beyond seek to foster equality for migrants into their societies, economies and political systems.

*Migrant integration policies and practices at the local level in Belgium:  
Producing equality or inequalities?*

**Louise Hantson, Laura Westerveen, Catherine Xhardez, Ilke Adam**  
Vrije Universiteit Brussel, Belgium.

Between 2014 and 2015, European countries have been confronted with increased arrivals of asylum seekers. In the context of this 'refugee crisis', many small- and medium-sized towns in Europe were faced with the reception and settlement of asylum seekers for the first time. Whereas much has been done to study policies, practices, and structures for the reception and settlement of migrants and asylum seekers at the national level as well as in larger European cities, little has been done so far to map the support for migrants in small- and medium-sized towns in Europe. In this paper, we explore the experiences with migrant integration since 2014 in small- and medium-sized towns in Belgium. Building on extensive fieldwork in four Belgian localities (two in the region of Flanders and two in the region of Wallonia), we analyze and compare migrant integration policies and practices under diverging political dynamics. By also including the structures and networks of support for post-2014 migrants provided by civil society and the market, we go beyond the juridical and formal availability of rights and services. Through interviews with policymakers, local stakeholders, street-level bureaucrats, and post-2014 migrants themselves, we assess how experiences with migrant integration at the local level both foster equality and (re)produce inequalities between migrants and non-migrants. With that, we particularly consider the role of gender, age, and ethnicity in shaping these experiences.



*Understanding integration policies at the regional level:  
a comparative analysis of 25 regions in 7 EU Member States*

**Giacomo Solano (1), Francesco Pasetti (2), Carmine Conte (1),  
Carlota Cumella (2), Stefano Deodati (1)**

(1) Migration Policy Group, Belgium; (2) Barcelona Centre for International Affairs, Spain.

Regions play a critical role in migrants and refugees' integration, being in practice responsible for the development and implementation of social integration policies for migrants and refugees in key policy areas (e.g. employment, health, labor market, education, etc.). Large-N comparative analysis of integration policies has been traditionally carried out at the national level, while the regional level has remained broadly unexplored in such terms (Solano and Huddleston, 2021). This article contributes to a deeper understanding of integration policies at the regional level in the EU, by analysing the integration policies for international migrants and refugees of 25 regions in 7 EU Member States (Austria, Belgium, Germany, Italy, Portugal, Spain, and Sweden). The analysis was conducted using a novel set of indicators focusing on role of regional policies and policymaking. This instrument takes origin from the highest European and international normative standards and existing indicators available in the migrant and refugee integration literature (e.g. MIPEX, NIEM, ICC). Our analysis shows that regions' integration policies and related governance mechanisms are generally more developed for international migrants than refugees. While the process of policy implementation is rather established, regions present significant gaps in evaluation and control mechanisms. In addition, only a few regions formally adopted a comprehensive strategy which includes a wide set of elements for the long-term integration of migrants and BIPs. Regions often fail also to include migrants and other key integration stakeholders in the decision-making process and in the formulation of action plans and strategic programs on migrant integration.

*Exploring the Integration of Post-2014 Migrants in Small and Medium-Sized  
Towns and Rural Areas in the Netherlands*

**Elina Grazia Jonitz, Maria Schiller**  
Erasmus University Rotterdam, The Netherlands.

The arrival of larger numbers of asylum seekers in 2015 has challenged cities to accommodate and integrate these newcomers. Whilst much research has addressed how large cities responded to such challenges in the Netherlands (Van Breugel, 2020) and inform policy-making on national and supranational level, we know little about smaller municipalities and rural areas. In our paper, we analyze how small communities in the Netherlands have responded to the increased arrival and settlement of asylum seekers after 2014. Based on document analysis and qualitative interviews with public and non-public actors, long-term residents, and newly arrived migrants, we aim to gain a better understanding of the outcome of local integration policymaking and the contribution of these policies to the quality of social life in local communities.

Adopting an innovative whole-of-community approach, we conceive integration as a process of community making and pay particular attention to the interactions between multiple actors involved in local integration governance. We highlight how such processes of community making are characterized by differing social positionalities and interests as well as unequal access to networks, resources, and power, and may thus result in complex dynamics of (dis)integration within local communities.

Moreover, we explore the embeddedness of local actors in multilevel frameworks in which regional, national and EU policies and stakeholders may play a decisive role in shaping local integration policymaking. We look at potential collaborations and tensions between actors at different government levels and explore to what extent approaches to immigrant integration converge or differ across these levels.





*Governing Migration through Small Towns:  
The Path-Dependent History of the Dispersal, Local Exclusion and Onward  
Migration of Repatriates and Refugees in Germany*

**René Kreichauf**

Vrije Universiteit Brussel, Belgium.

In recent decades, immigration has impacted the development of small towns and rural areas in Europe, often because of national dispersal policies. Based on extensive long-term fieldwork conducted in a peripherally located small town in former East Germany, this article compares the dispersal of repatriates and Russian Germans in the 2000s to that of refugees since 2014. It explains that in this small town, the dispersal, reception, and movements of, as well as the town's restrictive placement policies and civil society engagement toward, repatriates are not only reproduced and adapted to the reception of recent refugee inflows. They also repeatedly result in cycles of localized dispersal, small-scale concentrations and socio-spatial exclusion, only temporary integration activities, the detachment of both groups from this town, and finally in migrants' subsequent out-migration and relocation to other (and mostly greater) cities. To make sense of this path-dependency—its specific patterns and characteristics—as well as to draw implications for understanding the relation between dispersal, in and out-migration of and to small towns, and local policy framings, I apply a studying through dispersal approach. This reveals that dispersal can turn small towns into productive landscapes for migration governance and for filtering and structuring different forms of migration outside of urban centers, often transforming peripherally located towns into mere waiting zones and transit sites. This not only continues migrants' experiences of displacement, but it also impacts the self-perception of the small town, 'where not even migrants want to stay and permanently reside.'

*Panel 17* **INEQUALITY BETWEEN MOBILE PERSONS**

*Time: Friday, 13 May, 2022: 11:00am - 1:00pm*

*Location: Institut d'études européennes (ULB) - Salle Kant*

**Chair: Julien Jeandesboz, Université libre de Bruxelles**

*The “safe country of origin” notion in EU migration law: a source of inequality  
in the assessment of the applications for international protection*

**Gaia Romeo**

Vrije Universiteit Brussel, Belgium.

The 2013 Asylum Procedure Directive provides that EU Member States can designate some third countries as “safe countries of origin” where they consider that such countries present in general no risk of mistreatment or persecution. On this basis, applications for international protection can be rejected as unfounded. Despite multiple attempts, all efforts to create a EU common list of “safe countries of origin” have failed so far, and the use of this concept is today very heterogeneous across the EU. This leads to an unequal assessment of asylum applications for international protection throughout different EU countries, as the chances of obtaining a protection status are significantly diminished where the applicant is found to come to a “safe” country. The new Pact on Migration and Asylum, presented by the European Commission in September 2020, encourages Member States to make a larger use of this concept, yet not making any step towards its harmonization.

This paper retraces the evolution and integration of the notion of “safe country of origin” in the EU legislation and discusses the (non) compliance of the provision with international, EU and Member States' legislation. As well, it provides a literature review on the issue and outlines possible further directions of research.



*The politics of (un)desirability: the implementation  
of Schengen visa policy in China and in Algeria*

**Juliette Dupont**

Université de Montreal, Canada.

Schengen visa are an instrument of control. They are issued or denied by MS consulates. This paper compares Schengen visa implementation in China, where the number of visas issued and the acceptance rate are constantly increasing (95% in 2019); and in Algeria, where almost one application out of two (45.5% the same year) has been rejected. Is the Schengen visa a tool of a two-standard international mobility, blocking some while facilitating others? This paper exposes results of a comparative ethnography conducted in French consulates in Beijing and in Algiers between '18 & '19. I underline the similarities of bureaucratic cultures between the two services. In Algiers as in Beijing, the issuance of visas is based on a paradigm of suspicion. Agents' task is to assess whether visa applicants present fraudulent documents and/or plan to settle in Europe after entering with a short-term visa. Despite this common transnational bureaucratic culture, the two services are subject to very different policy objectives set by the executive level, which I discuss in a second section. In Algeria, the administration must drastically reduce the number of visas issued with the view of curbing on statistics of irregular immigration. By contrast, agents in Beijing must implement of policy of tourism attractiveness, which uses the visa as a leverage to increase the number of Chinese tourists in Europe. Thus, visa issuance practices tend to refusal by default in Algeria and to grant by default in China, explaining the gap in acceptance rates.

*Diverging return rates and cooperation with third countries:  
Do we see the emergence of a 'return lottery' in the EU?*

**Philipp Stutz (1), Florian Trauner (2)**

(1,2) Vrije Universiteit Brussel, Belgium.

Returning 'unwanted immigrants' has become a main focus of the EU's migration policy and cooperation with third countries is a vital element of this. This paper draws attention to the fact that EU member states may have highly diverging return practices to third countries. In some member states, the probability for a (forcibly or voluntary) return after a removal order is considerably higher than in others, even for same nationalities. This article asks if this phenomenon can be described as a 'return lottery' – analogous to the term of an EU 'asylum lottery', which scholars have used to grasp the lack of harmonisation of member states' asylum systems. The return lottery hence refers to the varying degree of actually returned third country-nationals depending on the member state from which irregular migrants have been ordered to leave. Based on Eurostat data, a large-n comparison is conducted. It consists primarily of bilateral return rates between member states and third countries from 2008 until 2020. The objective is to establish precisely to what extent and for which groups of migrants the divergences in return patterns matter. The paper highlights that the EU's focus on enforced return is contentious and questionable. The EU lacks harmonisation and 'effectiveness' since (a) member states do not have common rules that they apply in (not) returning rejected asylum applicants and irregular migrants; (b) this undermines not only the EU's approach and cooperation on irregular migration, but also creates a situation of prolonged uncertainty for rejected asylum applicants.



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