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The Women, Peace and Security Agenda in EU Border Management

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Abstract/Executive Summary

The year 2020 commemorated the 20th anniversary of the adoption of the United Nations Security Council's landmark Resolution 1325 (UNSCR 1325) on Women, Peace and Security (WPS). Despite the notable advances achieved at a legislative and regulatory EU level, the implementation and integration processes still fail to ensure an effective protection of women's rights. One important gap in this regard concerns borders and migration which are not fully recognised as WPS-related issues nor are they integrated into the appropriate policy frameworks. Against this background, this paper calls for a greater acknowledgement of the increased danger faced by women arriving at European borders including, but not limited to, sexual and gender based violence (SGBV), and for appropriate levels of protection.

The exposure of migrants to gendered violence and insecurity is connected to the risky nature of European borders. On one hand, women can encounter violence perpetrated by fellow travellers, human traffickers, or border guards. On the other hand, they are subject to discriminatory security practices, such as Artificial Intelligence (A.I.) assisted profiling and military style surveillance. This, in conjunction with the EU's efforts to externalise and outsource tasks and responsibilities to non-EU actors has further reduced accountability and oversight on fundamental rights breaches. Such violations have already materialised into unjust practices such as illegal pushbacks and controversial third-country agreements aimed at circumventing non-refoulement provisions. The European Border and Coast Guard Agency (Frontex), a powerful actor in EU border security, seems to be at the center of many of these issues.

While the EU has adopted several measures in the WPS context, from its first *Comprehensive Approach on WPS* in 2008 to the present-day *EU Action Plan on WPS (2019-2024)*, migrant women's experiences have been marginalised. Under the current EU WPS framework, out of the eighteen EU member states that have a National Action Plan (NAP) on UNSCR 1325, only nine countries acknowledge the relevance of conflict-affected migrant women's experiences at and within European borders. We attribute this to the narrow adoption of the WPS agenda as a foreign policy tool as well as the persisting patterns of coloniality and unequal power balances between the EU and migrants' countries of origin and transit. Hence, the EU tends to locate conflict and insecurity outside of its own borders and promotes a self-identity as a "safe haven". However, European borders' reality is stridently different from this image. Failing to challenge problematic understandings of conflict, gender, and migration means perpetuating the very root causes of gendered insecurities.

In light of this, we argue for an expansion of the WPS Agenda to cover issues of migration and border management in the EU - an extension that follows a broad understanding of gender and takes into

account Europe's responsibility for historical injustices dating back to colonial times as well as contemporary structures of violence. Austria with its long-standing commitment to WPS is ideally placed to push for such a change and also implement this extension domestically. Due to the central role of Frontex in managing borders but also reproducing structures of violence, we propose a set of recommendations for policy-makers that are specifically geared at EU and Austrian actors and target Frontex as a main area of reform. These recommendations include: improving gender-sensitive knowledge, skills, and periodical training not only for border agents, but also management of national and EU border units; strengthening accountability in cases of misconduct; the inclusion of NGOs, civil society and research institutes in policy-making processes; and intensification of dialogue and harmonisation between the realms of foreign and interior affairs.

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Deutsche Zusammenfassung

Im Jahr 2020 wurde das 20-jährige Bestehen der UN- Sicherheitsratsresolution 1325 (UNSCR 1325), die die Agenda für Frauen, Frieden und Sicherheit (WPS Agenda) begründete, gefeiert. Doch trotz merklicher Fortschritte auf legislativer und regulatorischer Ebene ist der Implementierungs- und Integrationsprozess der Agenda in der EU weiterhin mangelhaft in Hinblick auf den effektiven Schutz von Frauenrechten. Eine relevante Lücke stellen in diesem Zusammenhang die Themen Grenzen und Migration dar, welche nicht ausreichend als Teil der WPS Agenda betrachtet werden. Während Frauen in Konfliktregionen als schutzbedürftig gelten, fallen von Konflikt betroffene Frauen auf der Flucht nicht in den Wirkungsbereich der Agenda. Vor diesem Hintergrund unterstreicht dieses Arbeitspapier die Notwendigkeit, den Schutz von Frauen auf der Flucht und Migrantinnen vor wachsenden Gefahren auf Migrationsrouten und an den europäischen Grenzen auszuweiten.

Geschlechtsspezifische Gewalt und daraus resultierende Unsicherheiten sind unmittelbar mit dem zunehmend gefährlichen Charakter der europäischen Außengrenzen verbunden. Zunächst kann Gewalt gegen Frauen von anderen Geflüchteten sowie Schmugglern und Grenzpersonal ausgehen. Zusätzlich sind Frauen auch vermehrt diskriminierenden Sicherheitspraktiken ausgesetzt, wie bspw. militärischen Überwachungstechnologien, die gestützt sind von fehleranfälliger künstlicher Intelligenz, und der Externalisierung von Grenzen. Diese fortschreitenden Anstrengungen der EU, die Verantwortung und Aufgaben für Grenzüberschutz an nicht-europäische Akteure auszulagern, führen zu zusätzlicher Gewalt sowie zu einer sinkenden Haftbarkeit für und Kontrolle von Grundrechtsverletzungen. Diese äußern sich in illegalen Pushbacks und umstrittenen Vereinbarungen mit Drittstaaten, die ein Umgehen des rechtlich bindenden *non-refoulement* Gebots zur Folge haben. Zunehmend verstärkt sich der Eindruck, dass die europäische Grenzschutzagentur Frontex eine zentrale Rolle in diesen problematischen Entwicklungen einnimmt, die der Sicherheit von Migrant*innen insgesamt und von Frauen im Besonderen abträglich sind.

Obwohl die EU eine breite Anzahl an Maßnahmen zur WPS Agenda verabschiedet hat, wie den *Comprehensive Approach on WPS* im Jahr 2008 oder den aktuellen *EU Action Plan on WPS (2019-2024)*, spielen Frauen und ihre Migrationserfahrungen in diesem Kontext keine nennenswerte Rolle. Unter dem aktuellen EU-Rahmenvertrag erwähnen nur neun der 18 Staaten mit einem Nationalen Aktionsplan konflikt-betroffene Frauen mit Migrationsgeschichte innerhalb der europäischen Grenzen. Aufgrund dieses mangelnden Bewusstseins bleibt dieses Thema weitestgehend unbeleuchtet. Daraus ergibt sich die Tendenz, Konflikt und Unsicherheit in Regionen außerhalb der europäischen Union zu verorten und eine europäische Selbstwahrnehmung als ‚sicherer Hafen‘ zu propagieren. Jedoch fordert die Situation an den europäischen Außengrenzen dieses Narrativ lautstark heraus.

Vor diesem Hintergrund wird in diesem Arbeitspapier für die Ausweitung der WPS Agenda plädiert, um drängenden Fragen rund um Migration und die europäische Grenzpolitik begegnen zu können. Dazu ist es notwendig, WPS nicht allein als außenpolitisches Instrument zu begreifen, sondern auch jene Gender-Aspekte zu berücksichtigen, die im Bereich der Justiz und Inneres (JHA) liegen. Weiters gilt es, bestehende Muster von Kolonialität und ungleichen Machtverhältnissen zwischen der EU und Ländern, aus und durch welche Menschen flüchten, zu hinterfragen und erweiterte Begriffe von Gender und Konflikt einzusetzen. Nur so können die Ursachen geschlechtsspezifischer Unsicherheiten effektiv bekämpft werden. Österreich ist mit seinem kontinuierlichen Engagement im WPS Kontext in einer optimalen Position, sich für eine solche Ausweitung sowohl außen- als auch innenpolitisch stark zu machen. In diesem Sinne legen wir folgende Empfehlungen für politische Entscheidungsträger*innen vor:

- 1) Mit Blick auf die zentrale Rolle von Frontex im EU-Grenzmanagement und angelehnt an die Empfehlungen des Frontex Consultative Forum aus dem Jahr 2017 sollte eine verstärkte Institutionalisierung der Grundrechtsagenda mit Fokus auf Gender und Intersektionalität innerhalb von Frontex erfolgen. Dies sollte sich in der Personalpolitik, in den Praktiken an den Grenzen und in bedarfsorientiertem gender-sensiblen Training mit Fokus auf SGBV, Menschenhandel und anderen Menschenrechtsverletzungen niederschlagen. Solche Trainings sollten auf allen Ebenen und bereichsübergreifend stattfinden, d.h. auf allen Zuständigkeitsebenen vom Management bis zu Grenzbeamt*innen. Diesbezügliche Aktivitäten sollten regelmäßig kontrolliert und evaluiert werden. Außerdem sollten Mitarbeiter*innen im Falle von gewaltsamen oder unzulässigem Fehlverhalten, wie illegalen Pushbacks und Misshandlung, konsequent zur Verantwortung gezogen werden.
- 2) WPS Ansätze, die Grenzen und Migration mitberücksichtigen, sollten das koloniale Erbe Europas und seiner Grenzpraktiken reflektieren, um den Ursprüngen von geschlechtsspezifischen Unsicherheiten und Gewalt ganzheitlich entgegentreten zu können. Diese stehen vielfach in Zusammenhang mit globalen Ungleichheitsverhältnissen, ökonomischen Abhängigkeiten, repressiver Migrationspolitik und Geschlechterstereotypen über Migrant*innen. Diesen komplexen Verhältnissen angemessen zu begegnen, bedeutet, sich der historischen Verantwortung Europas für (post)koloniale Kontinuitäten anzuerkennen und diese in Zusammenhang mit den daraus resultierenden Unsicherheiten und gewaltsamen Praktiken an europäischen Außengrenzen aufzuarbeiten.
- 3) Aufgrund stetig wachsender Unsicherheiten und genderspezifischer Herausforderungen sollte die EU die Verwendung und die Notwendigkeit von militarisierten Technologien sowie die Externalisierung der europäischen Grenzen neu evaluieren. Jedenfalls sollte eine gendersensible

Perspektive in jeweilige Implementierungsprozesse und Vereinbarungen mit Drittstaaten mit- einbezogen werden.

- 4) Als engagierter Akteur im WPS Bereich sollte Österreich sich für die verstärkte Integration der WPS Agenda in der EU und für die Erweiterung um den Bereich Migration einsetzen. Dies sollte über Justiz und Inneres (JHA) als auch über die Gemeinsame Sicherheits- und Verteidigungspolitik (GSVP) und die Gemeinsame Außen- und Sicherheitspolitik (GASP) erfolgen.
- 5) Das Österreichische Bundesministerium für Landesverteidigung (BMLV), das Bundesministerium für europäische und internationale Angelegenheiten (BMEIA) sowie das Bundesministerium für Inneres (BMI) sollten im Rahmen der interministeriellen Arbeitsgruppe einen regelmäßigen Dialog und gegenseitige Unterstützung im Bereich Grenzen, Migration und Asyl in Bezug auf WPS etablieren. Basierend auf diesem Austausch könnte der österreichische NAP zur WPS Agenda (2012) hinsichtlich der Kompatibilität mit dem aktuellen EU Action Plan zu WPS (2019-24) aktualisiert und überarbeitet werden. Als *best-practice* Beispiele können hier die NAPs der Länder Irland, Deutschland, Finnland und Frankreich hinzugezogen werden.
- 6) Alle relevanten österreichischen Ministerien und Institutionen sollten angemessene Maßnahmen, Wissen und Expertise etablieren, um die Gendersensibilität mit Blick auf Grenzen und Migration zu erhöhen. Zivilgesellschaftliche Akteure, NROs und Forschungsinstitute sollten von politischen Entscheidungsträger*innen in diesen Prozess einbezogen werden. Außerdem sollte mit Migrations- und Frauenorganisationen aus solidarischen und selbstorganisierten Kontexten, wie DaMigra in Deutschland oder die Association of Sub-Saharan Women Immigrants (ADIS), kooperiert werden, um die Stimmen und Erfahrungen von Frauen in Policies einfließen zu lassen und die Handlungsfähigkeit von Frauen zu stärken.

Basierend auf interministeriellem Dialog sollte Österreich seine gendersensible Infrastruktur ausbauen, um Themen wie konflikt- und migrationsbedingte Traumata von geflüchteten Frauen begegnen und somit für deren psychologische Gesundheit umfassend sorgen zu können. Diese Programme und Angebote sollten sich nicht ausschließlich auf SGBV beziehen, sondern auch auf Themen rund um die sexuelle und reproduktive Gesundheit von Frauen. Diese Beratungsangebote sollten ganzheitliche gendersensible und mehrsprachige (psychotherapeutische) Ansätze beinhalten und für alle Gruppen, unabhängig von ihrem rechtlichen Aufenthaltsstatus, zugänglich sein. Österreich sollte sich zudem auch auf EU-Ebene für die Einrichtung einer solchen Infrastruktur an den europäischen Außengrenzen einsetzen, um ein Umfeld zu schaffen, in dem Frauen Unterstützung in Anspruch nehmen können, die über humanitäre Grundbedürfnisse hinausgeht.

1. Introduction

October 31st 2000 marks the date on which the United Nations Security Council (UNSC) endorsed and first adopted Resolution 1325 (UNSCR 1325) on Women, Peace and Security (WPS).¹ The Council's unanimous consensus to this document represented a firm acknowledgement of the fundamental importance of women's participation in peacebuilding and peacekeeping efforts, while reasserting their role in the prevention and resolution of conflicts. In parallel, the resolution also encourages states' active adoption of instruments and measures to safeguard women prior, during and in the aftermath of conflicts, while reaffirming the need for greater respect of women and girls' fundamental rights and equal participation in decision-making processes. To this end, UNSCR 1325 encompasses four key elements, namely, 1) women's active position in conflict prevention, 2) their involvement in peacebuilding, 3) the defence of women's rights before and after conflict, and finally, 4) their particular needs during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction.² This landmark document is the first in a series of resolutions that were adopted by the UNSC, in a conjoined effort of EU member states' National Action Plans (NAPs) and Regional Action Plans (RAPs) to form the so-called UN WPS Agenda.³ The introduction of nine subsequent resolutions between 2008 and 2019⁴ has allowed for a significant thematic expansion of the WPS international policy framework, widening the scope and breadth of gendered peace and security policy.

At the European level, the EU has been at the forefront of the promotion of WPS since the Agenda's inception and it introduced several initiatives to stimulate its implementation shortly after. This is exemplified by the adoption of a *Comprehensive Approach on the EU Implementation of UN Security Council Resolutions 1325 and 1820 on WPS*⁵ in 2008, the first of several documents concerning the integration of security and gender issues. The EU then introduced several provisions leading to the

¹ United Nations Security Council (UNSC) Res 1325 (31 October 2000) UN Doc S/RES/1325.

² Department of Political and Peacebuilding Affairs (DPPA) (no date) Women, Peace and Security. https://dppa.un.org/sites/default/files/dppa_one-pager_wps.pdf

³ Kühhas, B. and Möller, M. (2020) Refugee Women as Agents for Peace. The UN Women, Peace and Security Agenda in the Context of Forced Displacement. Country Study Austria. Available at: https://www.vidc.org/fileadmin/user_upload/vidc_study_refugee_women_as_agents_for_peace.pdf [Accessed 20 April 2021].

⁴ Resolutions: 1820 (2008); 1888 (2008); 1889 (2009); 1960 (2010); 2106 (2013); 2122 (2013); 2242 (2015); 2467 (2019); 2493 (2019)

⁵ Council of Europe, (2008) Council of Europe, 2008, *Comprehensive Approach on EU Implementation of the United Nations Security Council Resolution 1325 and 1820 on Women, Peace and Security*. p. 19. Available at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news187.pdf [accessed 04 April 2021].

most recent *EU Action Plan on Women, Peace and Security WPS 2019-2024* (EU RAP).⁶ Such documents emphasise the crucial importance of women's leadership in all policy areas as well as their fundamental role in peacekeeping efforts. However, notwithstanding all the EU's notable accomplishments, we are still witnessing limited success and much is yet to be achieved at a legislative and operational level.

One important gap is that the Strategy on UNSCR 1325 has neglected migration as a topic, in general, and migrant women's experiences, in particular. Research has found that 13 out of 22 NAPs⁷ make no mention of the violence experienced by forcibly displaced women in refugee centres and at the European border. Scholars argue that such marginal and exclusionary logics have a direct impact on women's experiences, as it increases their level of insecurity, exposes them to xenophobic discourses and limits their access to basic services.⁸ Others have pointed out that the EU strategy, hitherto, reinforces the problematic image of women as victims, failing to acknowledge women's role as 'active agents of change'⁹. Furthermore, conceptual limitations lead to spatial and temporal narrowing, whereby gendered violence and insecurity are perceived as "outside" of EU territory, leading to a neglect of WPS-related issues in the realm of borders and migration.

These limitations are partly a consequence of the EU's relegation of matters of gender and security to foreign and security policy, mostly in the context of the Common Security and Defence Policy (CSDP). Additionally, at a national level, the issue is replicated by member states' Foreign Affairs departments being mainly responsible for WPS, whereas migration is often addressed in the field of domestic policy. Additionally, the focus is usually on women (equated with gender), while other structures of inequality such as race, class, or ability and how they intersect with gender are not considered. Likewise, Europe's colonial past that has shaped border practices as well as our understanding of its gendered implications is rarely accounted for in this context. This is particularly relevant with regards to current trends towards border externalisation, i.e. the outsourcing of practices and responsibilities to non-EU actors and third-countries in border security. This process is driven by narratives emanating from colonial

⁶ General Secretariat of the Council (2019) *EU Action Plan on Women, Peace and Security (WPS) 2019-2024*. Available at: <https://data.consilium.europa.eu/doc/document/ST-11031-2019-INIT/en/pdf> [Accessed 20 March 2021].

⁷ Holvikivi, A. and Reeves, A. (2020) 'Women, Peace and Security after Europe's "refugee crisis"', *European Journal of International Security*, 5:2, p.136.

⁸ Holviki, A. and Reeves, A. (2017) *LSE, Centre for Women, Peace and Security: The WPS Agenda and the "Refugee Crisis": Missing Connections and Missing Opportunities in Europe*. London School of Economics and Political Science. p.5.

⁹ Kühhas B. and Möller M. (2020) n. 5

legacies and relations that contribute to the social classification of vulnerable migrants as sources of risk, justify heightened border control, and foster violent gendered outcomes.¹⁰

With this in mind, the paper will begin by explaining how borders are gendered and have gender-specific effects. We will further discuss how WPS is currently implemented at the EU level, highlighting the EU's primary role in the operationalisation of the agenda, the criticism it has faced, and the need for an expansion of its approach to include migration and border security from the viewpoint of gender. The discussion will address the importance of connecting gendered borders to postcolonial power relations for a comprehensive understanding of gender insecurities and an effective implementation of the WPS agenda. Throughout the paper, we argue that acknowledging the relevance of gender-related security concerns, addressing the root causes of violence and uprooting that often lie in the colonial past, and recognising the wider relevance of the agenda beyond a narrow focus on conflict-affected bodies, geographies and territories is imperative to allow for better protection of women and girls on the move. We will close with recommendations that build on these arguments and particularly take into account the central role of Frontex in problematic security and management practices. We will further highlight Austria's legacy in engaging with WPS and steps that can be taken within the Austrian context and beyond to push the agenda forward.

2. Gender, border management and postcolonial power relations

The politicisation of the 2015 migration movements towards the EU has had a lingering impact on the depiction and perception of the migration phenomenon as a predominantly male experience. While affecting migrants as a whole, this has particularly contributed to the increased neglect of considerations for female migration.¹¹ For instance, the incessant media portrayal of migrants principally as young males with predatory tendencies has added to growing anti-immigrant sentiment and simultaneously adversely impacted female experiences.¹² In actuality, the UNHCR found that women and children are disproportionately represented in the refugee population.¹³ Hence, while migrant experience is moulded by several factors ranging from age, religion and race to ethnicity

¹⁰ Guerrina R., Wright, K. (2016) Gendering normative power Europe: lessons of the Women, Peace and Security agenda, *International Affairs*, 92:2, pp. 293–312.

¹¹ Migreurop (no date) 8:1. Available at: https://www.migreurop.org/IMG/pdf/note_8_en.pdf Accessed [01 May 2021].

¹² Mattoscio, M. and MacDonald, M.C. (2018) Introduction: Gender, Migration, and the Media, *Feminist Media Studies*, 18:6, 1117-1120.

¹³ UNHCR Global Data Service (2020) Global Trends Forced Displacements in 2019. Available at: <https://www.unhcr.org/be/wp-content/uploads/sites/46/2020/07/Global-Trends-Report-2019.pdf> [Accessed 05 March 2021].

and health, it cannot be considered gender-neutral. Migrant women undergo distinct and acute forms of insecurity and face higher mortality risks than men during sea crossings.¹⁴ Furthermore, in areas such as Nador, Morocco, in the premises of the Spanish enclave of Melilla, or in Tangier, women are commonly exposed to sexual violence, sexual extortion and rape at the hands of those involved in the trafficking network, local civilians or fellow travellers.¹⁵ Evidence pertaining to migration movements through Libya also points to soldiers' and border management agents' active involvement in perpetrating violence on the vulnerable people whom they are mandated to guard and protect.¹⁶ As recent allegations highlight,¹⁷ Frontex - the most central and powerful actor in the EU border security architecture - appears to be involved in illegal pushbacks and has been tardy in implementing fundamental rights provisions.¹⁸ The agency's role in many of the security practices and policies that are problematic with regards to gender, such as externalization and the use of militarised technologies, certainly warrants close attention from a WPS perspective.

Thus, while migrant women may experience sexual and gender-based violence (SGBV) and ill-treatment in conflict-affected areas, violence is not exclusively limited to the "traditionally" risky zones. Border zones also have become areas of extreme insecurities for women seeking to emigrate or travel.¹⁹ Human rights violations take place at border intersections or in transit as a monetary exchange for smugglers; just as commonly as in cases where it is 'a feature of torture for extortion [...]; an element of forced labour, coerced sex and sexual slavery; or in street harassment fuelled by anti-black racism.'²⁰ An illustration of this is the rise in cases of transactional sex, namely 'forced sexual intercourse to continue one's journey, and sexual assault to degrade and exploit vulnerable

¹⁴ Freedman J. (2012) Analysing the Gendered Insecurities of Migration, *International Feminist Journal of Politics*, 14:1, pp. 36-55.

¹⁵ Migreurop (no date) n. 11

¹⁶ Kirby, P. (2020) 'Sexual violence in the border zone: the EU, the Women, Peace and Security agenda and carceral humanitarianism in Libya', *International Affairs*, Volume 96, Issue 5, pp. 1209–1226.

¹⁷ Fallon, K. (2020) 'EU border force 'complicit' in illegal campaign to stop refugees landing', *The Guardian*. Available at: <http://www.theguardian.com/global-development/2020/oct/24/eu-border-force-complicit-in-campaign-to-stop-refugees-landing> [Accessed: 1 June 2021].

¹⁸ *ibid*

¹⁹ Standke-Erdmann, M. (2020) Germany Should Acknowledge and Counter Violence Against Refugee Women at the EU's [Weblog] PeaceLab. Borders Available at: <https://peacelab.blog/2020/07/germany-should-acknowledge-and-counter-violence-against-refugee-women-at-the-eus-borders> 20 July 2020. [Accessed 10 March 2021].

²⁰ Kirby P. (2020) n. 15

situations women refugees face.²¹ In recent years, it was found that phenomena carrying a adverse global socio-economic impact, such as the COVID-19 pandemic, may lead to a further increase of transactional sex among forcibly displaced people.²² Nevertheless, it is important to emphasise that the gendered nature of borders transcends the issue of SGBV and also encompasses mental health issues and matters regarding sexual and reproductive health and rights (SRHR).

In the European context, two trends give rise to further concerns over gendered insecurities with regards to borders and migration: 1) the use of military-style surveillance technology and increasingly sophisticated A.I. assisted profiling; and 2) the current externalisation of borders to non-EU actors and territories. These practices have aided the reproduction of societal logics of dominance and unequal power relations.²³ The recently proposed reforms to expand the European Dactyloscopy (Eurodac) database by deploying facial recognition is a prime example of this. Studies have shown such technologies' proneness to error, bias and consequential risks for discrimination and unjust exclusion.²⁴ From a gender and postcolonial perspective, research has found that face scan technology is trained on data which excludes and misidentifies women and especially women of colour.²⁵ Given that Frontex is deploying military-grade surveillance drones and thermal vision vehicles in the Mediterranean and Aegean to identify migrants and refugees trying to reach Europe,²⁶ these technologies may become a source of additional insecurity, discrimination and abuse.

Efforts to delocalise, externalise and outsource tasks and responsibilities in border protection to neighbouring, non-EU actors and territory has further aggravated the situation and reduced accountability and oversight on fundamental rights issues. This has led to violations such as illegal

²¹ Freedman, J. (2016) 'Engendering Security at the Borders of Europe: Women Migrants and the Mediterranean "Crisis"', *Journal of Refugee Studies*, 29(4), pp. 568–582.

²² Jacobson L. et al (2020) Transactional sex in the wake of COVID-19: sexual and reproductive health and rights of the forcibly displaced, *Sexual and Reproductive Health Matters*, 28:1.

²³ Haastrup T. and Hagen J. (2021) Racial hierarchies of knowledge production in the Women, Peace and Security agenda, *Critical Studies on Security*. pp. 1-5.

²⁴ FRA – European Union Agency for Fundamental Rights (no date) Facial recognition technology: fundamental rights considerations in the context of law enforcement Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-facial-recognition-technology-focus-paper-1_en.pdf [Accessed 01 June 2021].

²⁵ Buolamwini J. and Gebru T. (2018) Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. *Proceedings of Machine Learning Research* 81:1–15.

²⁶ Fallon, F (2020) n. 36

pushbacks²⁷ in which national border units as well as Frontex were complicit²⁸, and grave abuse and human rights violations in detention facilities outside of the EU.²⁹ Agreements with third-countries have caused, not only implemented, violent and discriminatory migration control practices as external borders progress into non-EU territory in the form of training, for instance.³⁰ They also increase the risks and insecurities of marginalised groups such as women or people identifying as LGBTIQ. These patterns often emanate from historically grown political and economic dependencies between former colonisers and countries in Africa, Asia, and the Middle East. Formerly colonised states are often pressured into these agreements to receive foreign aid. To their financial disadvantage, the EU increasingly links economic cooperation to conditions under which third-countries, such as Niger or Libya, are to perform migration and border control management in accordance with EU requirements, leading to further deprivation of living conditions.³¹

Beyond the issue of externalisation, colonial patterns generally inform understandings of and narratives on migrants and migration in the EU, drawing on gendered and racialized notions of not only the helpless, exoticised and feminised migrant, but also the risky, (economically) exploitative and dangerous masculinised migrant. These constructions have been identified as a continuation of racist and sexist tropes dating back to times of colonialism.³² Although these patterns have been proven to shape the multitude of border control practices outlined above, these highly problematic narratives are barely addressed³³ - neither within WPS nor within the context of border policies.

²⁷ Human Rights Watch (2020) 'EU: Probe Frontex Complicity in Border Abuses'. Human Rights Watch. Available at: <https://www.hrw.org/news/2020/11/09/eu-probe-frontex-complicity-border-abuses> [Accessed 25 May 2021].

²⁸ Fallon, K. (2020) n. 17

²⁹ Sunderland J. and Salah H. (2019) 'No Escape from Hell - EU Policies Contribute to Abuse of Migrants in Libya'. Human Rights Watch. Available at: <https://www.hrw.org/report/2019/01/21/no-escape-hell/eu-policies-contribute-abuse-migrants-libya> [Accessed 20 May 2021].

³⁰ Andrijasevic, R. and Walters, W. (2010) 'The International Organization for Migration and the International Government of Borders', *Environment and Planning D: Society and Space*, 28(6), pp. 977–999.

³¹ Schilndwein, S. (2019) Irgendwo in Afrika: Konsequenzen der Auslagerung der EU-Grenzen Bundeszentrale für politische Bildung, Available at: <https://www.bpb.de/gesellschaft/migration/kurzdosiers/283720/konsequenzen-der-auslagerung-der-eu-grenzen> 11 January 2019. [Accessed 07 June 2021]. ; Stachowitsch, S. et al (2018) EU Grenzpolitiken – zur Externalisierung von Migrationsmanagement und Grenzschutz der EU. OIIP. Available at: <https://www.oiip.ac.at/publikation/eu-grenzpolitiken-zur-externalisierung-von-migrationsmanagement-und-grenzschutz-der-eu/>. 18 September 2018. [Accessed 07 June 2021].

³² Bhambra, G. K. (2017) The current crisis of Europe: Refugees, colonialism, and the limits of cosmopolitanism. *European Law Journal*, 23 (5), 395-405.

³³ M'charek, A.; Schramm, K.; Skinner, D. (2014) Topologies of Race: Doing territory, population and identity in Europe, *Science, Technology, & Human Values*, 39 (4), 468-487.

Instead, EU migration and border politics are mostly driven by an agenda to reduce so-called causes of flight in countries of origin, to control migration movements and to externalise the EU's border regime. Colonial gender stereotypes often underpin these policy discourses and the associated practices, which, in turn, exacerbate violence and insecurity for marginalized migrant populations. It is therefore important that the EU member states, in their migration and border politics, understand and account for the consequences the colonial past continues to have. A first step towards that would be to cooperate with NGOs and civil society actors from self-organized migrant and solidarity movements. In line with the EU Action Plan's emphasis on enhancing meaningful cooperation with these actors,³⁴ such an inclusive bottom-up approach would value voices currently marginalized in the debates on WPS and border security and integrate their concerns and experiences into attempts to alleviate insecurities and violence.

3. Current EU measures within the WPS framework

The European Union was the first regional body to formally recognise the importance of UNSCR 1325 in the context of its Common Security and Defence Policy (CSDP). The EU began gaining traction as a leading actor on matters concerning gender, peace and security, by developing its *Comprehensive Approach on the EU Implementation of UN Security Council Resolutions 1325 and 1820* on WPS in 2008.³⁵ This document determined the foundational principles of member states' approaches to gender in crisis management and focused on the impact of gender across diverse policy areas ranging from nation-building to women's civic participation.³⁶ The 2008 Comprehensive Approach was followed by another paramount document *Lessons and Best Practices of Mainstreaming Human Rights and Gender into CSDP Military Operations and Civilian Missions* in 2010.³⁷ This delineated an operationalisation plan to include gender within various stages of CSDP missions after

³⁴ Generation Equality (2020) Generation Equality Compact on Women on Women, Peace and Security and Humanitarian Action. https://forum.generationequality.org/sites/default/files/2021-02/WPS-HA%20Compact_Concept%20Note.pdf

³⁵ Council of Europe, (2008) *Comprehensive Approach on EU Implementation of the United Nations Security Council Resolution 1325 and 1820 on Women, Peace and Security*, p. 19. Available at: http://www.consilium.europa.eu/ueDocs/cm/member_states_Data/docs/hr/news187.pdf. [Accessed April 15 2021].

³⁶ *ibid*

³⁷ Council of Europe, (2010) *Lessons and Best Practices of Mainstreaming Human Rights and Gender into CSDP Military Operations and Civilian Missions*. p. 6. Available at: https://www.civcap.info/fileadmin/user_upload/Working_Group/CIVCOM_LessonsLearned.pdf [Accessed 10 March 2021].

gathering data from CSDP operations and missions.³⁸ Parallely, member states began showing commitment to this novel policy architecture by developing specific NAPs and RAPs. In the case of Austria, an inter-ministerial group aided by members of the civil society presented the country's latest NAP in 2012. The Austrian NAP urges for a national and global understanding of the WPS agenda with the purpose of advancing women's participation in high-level decision-making processes and eradicating GBV and advocating for women's rights.³⁹ For these purposes, Austria is also a contributing donor to the Women's Peace and Humanitarian fund, a worldwide partnership which is aimed at supporting women in conflict zones.⁴⁰

While acknowledging the importance of these contributions to the EU CSDP landscape, EU documents and policies were also criticised. A first concern related to the exclusion of EU and third country civil society and actors with specific expertise on the strategy's planning and implementation.⁴¹ Secondly, the early approaches were accused of not taking into account the structural imbalances and unequal power relations inherent in conflicts.⁴² This entailed the perpetuation of problematic discourses concerning the representation of women as passive victims of conflict who are deprived of their agency and are unable to participate as catalysers of effective change.⁴³ Further, as discussed in the previous section, some commentators highlighted that this *first generation* of measures was centred on a notion of support towards women which was temporally and spatially limited to conflict-affected and post-conflict zones.⁴⁴ Finally, concerns were raised over states' primary response in the form of increased numbers of female officers, military contingents including

³⁸ *ibid*

³⁹ N.A., N. D. (no date) 'Austria – 1325 National Action Plans'. Available at: <http://1325naps.peace-women.org/index.php/austria/> [Accessed: 20 May 2021].

⁴⁰ *ibid*

⁴¹ Kühhas, B. and Möller, M. (2020) n. 5

⁴² Deiana, M.A. and McDonagh, K. (2018) 'Translating the Women, Peace and Security Agenda into EU Common Security and Defence Policy: Reflections from EU Peacebuilding', *Global Society*, 32:4, 415-435.

⁴³ *ibid*

⁴⁴ Kühhas, B. and Möller, M. (2020) n. 5

female agents, and female mediators and professionals directly involved in peacekeeping operations. This, the literature contends, was performed at the expense of a comprehensive understanding of the complex role gender has in (post-)conflict.⁴⁵

The *new generation* of Action Plans has attempted to pursue an alternative approach, moving from a mostly state-centred and traditional understanding of security to a wider conceptualisation of gender from a security perspective. On the occasion of the 15th anniversary of UNSCR 1325, the EU introduced several policy documents to reaffirm its commitment to gender and human rights in the context of security. Notable contributions include the Foreign Affairs Council's *Conclusions on Women, Peace and Security*⁴⁶ in December 2018, aimed at exhorting States to implement the WPS Agenda. More recently, the Council has also reiterated the necessity of WPS' effective application in its *Strategic Approach to WPS*.⁴⁷ Here, women's empowerment is identified as pivotal in the *prevention, management, and resolution* of conflict. Other developments include the *EU Action Plan on Women, Peace and Security WPS 2019-2024* (EU RAP)⁴⁸ which complements the *EU Gender Action Plan for 2016-2020* (GAP II).⁴⁹

Even though the evolution of such instruments would suggest an expansion of the EU's approach to WPS, these policy initiatives continue displaying problematic exclusionary translations of gender which ultimately impacts effective implementation. One of the notable gaps is the matter of migration, which continues to be limited to cases requiring foreign intervention. This logic however contradicts EU's discourse and official stances on the issue. In its *Strategic Approach*,⁵⁰ the EU Council defines the protection of refugees, asylum seekers, stateless persons, and internally displaced persons as well as gender-based needs of women, girls, men and boys as foundational principles. This gives primary importance to the interconnectedness of migration and security with a gendered lens.

⁴⁵ Muehlenhoff, H.L. (2017) 'Victimhood states, Soldiers, Peacemakers and Caretakers: The Neo-liberal Constitution of Women in the EU's Security Policy', *International Feminist Journal of Politics*, 19:2, p.164.

⁴⁶ Council of Europe (2018) *Women, Peace and Security – Council conclusions*, Brussels, 10 December 2018, 15086/18; CFSP/PESC 1150; COPS 470; CSDP/PSDC 712; COHOM 161, RELEX 1047.

⁴⁷ *ibid*

⁴⁸ General Secretariat of the Council (2019) n. 8.

⁴⁹ European Commission (2015) *Joint Communication to the European Parliament and the Council. Action Plan on Human Rights and Democracy (2015-2019). Keeping human rights at the heart of the EU agenda*, 28 April 2015, JOIN(2015) 16 final, available at <https://op.europa.eu/en/publication-detail/-/publication/62f7aa16-c438-11e7-9b01-01aa75ed71a1#:~:text=The%20EU's%20Gender%20Action%20Plan,in%20international%20fora%20and%20agendas> [accessed 11 March 2021].

⁵⁰ *ibid* p. 22

However, with regards to refugees and asylum seekers' rights, its *Relief and Recovery* strategic criteria emphasise the centrality of third-country-agreements and the need to provide support only to conflict and post-conflict situations.⁵¹ As Holvikivi and Reeves note, this demonstrates that while the WPS Agenda grew, the image of the conflict-affected woman continued describing an 'archetypal figure located in the conflict zone,'⁵² distanced from European borders, also from a legislative viewpoint. This neglect of the migrant experience reinforces a narrow understanding of insecurity and reveals 'unsettled colonial structures'⁵³ while perpetuating the image of Europe as a safe fortress and exporter of human rights as opposed to the 'unsafe, conflict-ridden, Southern Other.'⁵⁴ However, as the recent events of Ceuta, Melilla, Lampedusa or Kios show, the reality of European borders differs from this promoted image. Conflict-affected women continue facing gender-specific forms of vulnerability, therefore, this inaccurate portrayal of Europe is rather contributing to increasing the level of threat and violence women may face.

Some EU member states, such as France or Germany, have begun to acknowledge their violent colonial heritage in attempts to restore cultural artefacts and to propel a stronger public awareness of these histories. However, these political concessions fail to play a role in the discourse on migration and border politics. EU policy makers still struggle to establish a link between persisting economically and ecologically exploitative relations with countries from the Global South, causes for migration, and their colonial past. If these power dynamics are not addressed and incorporated into gender equality initiatives, EU approaches to WPS risk perpetuating stigmatization of migrants that are currently informing debates on migration in the EU and that are ultimately at the roots of the gendered violences and insecurities outlined in the previous section.

⁵¹ General Secretariat of the Council (2019) n. 8 p. 12.

⁵² Holvikivi, A. and Reeves, A. (2020) n. 8

⁵³ *ibid* p. 136

⁵⁴ *ibid*

4. Conclusions and recommendations

At the EU and member states level, the WPS Agenda is largely understood and utilised as a foreign policy tool, concerning women living in external, conflict affected regions, detached from the EU's supposedly secure borders. This aids in promoting and projecting an image of a peaceful entity. However, instances of brutality do not cease to affect women at the moment of departure. Conversely, violence attaches to people on the move and can have an impact throughout their journey in a transient country and linger in their final destination. These experiences appear to be increasingly commonplace throughout female migratory experiences as both the journey and the arrival include unsafe and substandard conditions which leave women more exposed to the objectification and exploitation of their bodies. A miopic understanding of conflict and violence as temporally and spatially limited occurrences can thus be misleading. Gender specific forms of vulnerability and insecurity are rooted in inappropriate practices, racist policies or the unjust use of technology and necessitate *ad hoc* responses and particular forms of support and protection.

Understanding matters concerning migrant women as WPS-related issues would contribute to a heightened level of protection for women who are forcibly displaced by conflict and to the overall adherence to human rights norms. However, real improvement for women depends on whether the agenda addresses the broader societal root causes of gendered insecurities and violence, rather than being seen solely in instrumental terms. As contended by Muehlenhoff, the fact that 'gender equality is included in EU foreign policies is a success but its ambiguous foundations need to be discussed and investigated more.'⁵⁵ Doing so requires challenging the patterns of coloniality and the unequal power balances currently enshrined in the processes of selection over who is entitled to cross the borders of European countries that present themselves as "gender-progressive" and inclusive. As we approach the 21st anniversary of Resolution 1325, a reorientation of EU and member states discourses and practices on issues pertaining to women and security would ensure that migrant women are no longer erased from the agenda.

Member states such as Austria with a long tradition as a promoter of the WPS Agenda can contribute to this change. Austria adopted its first NAP on UNSCR 1325 in 2007 and its revised Action Plan

⁵⁵ Muehlenhoff H.L. (2017) n. 21

in 2012.⁵⁶ The Austrian NAP emphasises the necessity to implement the WPS Agenda both domestically and internationally and provides three main objectives in order to achieve this: ‘increasing the representation of women in international peace operations; strengthening the participation of women in peace initiatives and high-level decision-making spaces; and preventing gender-based violence and protecting the rights of women in humanitarian settings.’⁵⁷ The Plan defines a monitoring and evaluation scheme consisting of yearly reviews and reports.⁵⁸ In 2020, Austria updated its position based on the progress achieved thus far, highlighting improvements on its promotion, the adoption of implementation guidelines, and the establishment of a working group led by the Federal Ministry for Europe Integration and Foreign Affairs in order to oversee this process.⁵⁹ However, hitherto, the 2012 NAP does not address the position of women migrants, in spite of calls by civil society actors, activists and academics to fill this gap.⁶⁰ In light of this and in order to align the EU’s theoretical aspirations to practical and feasible outcomes, this paper proposes the following recommendations at the EU level, including specific steps that Austria could take:

1. Considering the centrality of Frontex in EU border management and in line with the 2017 Frontex Consultative Forum recommendations,⁶¹ there should be a push for greater institutionalisation of the fundamental rights agenda within Frontex with specific attention to gender and intersectionality. This can be implemented via recruitment, practices on the ground and specific gender-responsive training pertaining to SGBV, human trafficking and other human rights abuses. Such training should be multi-level and cross-sectorial, from the high-

⁵⁶ Austrian Federal Ministry for European and International Affairs (2012) Revised National Action Plan on UN-SCR 1325 (2000) Available at: https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/UN_Security_Council_National_Action_Plan.pdf [Accessed 20 May 2021].

⁵⁷ N.A., N. D. (no date) n. 38

⁵⁸ *ibid*

⁵⁹ N.A. (no date) Nationaler Aktionsplan Zur Umsetzung Von Resolution 1325 (2000) Available at: https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/11._Umsetzungsbericht_zum_Nationalen_Aktionsplan.pdf [Accessed: 28 May 2021].

⁶⁰ See Karen Knipp-Rentrop, Saskia Stachowitsch, Josefa Maria Stiegler: Policy Brief. Der EU-Aktionsplan zur Frauen, Frieden, Sicherheit Agenda – Chancen und Herausforderungen für die Umsetzung der Agenda in Österreich, Wien Jänner 2020.

⁶¹ Frontex (2018) Frontex Consultative Forum on Fundamental Rights 2017. Fifth Annual Report Available at: <https://frontex.europa.eu/accountability/fundamental-rights/consultative-forum/general/> [Accessed 15 April 2021].

- est managerial levels to on the ground border units. Performance should then be periodically monitored and evaluated and all staff should be held accountable for violent misconduct, inappropriate practices and for performing illicit acts such as pushbacks and abuse.
2. WPS approaches to borders and migration need to address the colonial legacies of border practices to counter the root causes of gendered insecurities and violence. These often lie in global inequalities, economic dependencies, repressive migration policies, and the gender stereotyping of migrant men and women that is derived from these structures of inequality. Accounting for these (post-)colonial continuities entails assuming responsibility for past injustices as well as acknowledging and countering insecurities stemming from violent border practices in the present.
 3. The EU should reconsider the use of militarised technologies and externalisation practices as they exacerbate many of the gender-specific problems of border security. At the very least, a gender perspective needs to be included into related policies, agreements with third-countries, and at all stages of implementation.
 4. As a primary actor, Austria should advocate for a greater integration of WPS within the general EU Agenda, broadening its scope to incorporate migration governance through greater cooperation across the Justice and Home Affairs Council (JHA) and the Common Security and Defense Policy (CSDP).
 5. The Austrian Federal Ministry of Defence, the Ministry of European and Foreign Affairs and the Ministry of Interior should engage in dialogue and mutual support on the matter of asylum, borders, and migration within the interministerial working group on WPS. Based on these dialogues, the Austrian NAP on WPS (2012) could be updated to reflect and comply with the advances of the EU RAP on WPS (2019-24). This could be supported by consultations with the relevant ministerial counterparts in best-practice countries (e.g. Ireland, Germany, Finland and France).
 6. At state level, relevant institutions should acquire an adequate set of tools, knowledge and expertise to accrue their level of gender awareness with regards to migration and borders. Civil society, non-governmental actors, and research institutes should advise policymakers and ensure appropriate oversight and monitoring. Finally, practitioners should seek to engage with self-organised refugee women organisations - such as DaMigra in Germany⁶² or

⁶² See: DaMigra: <https://www.damigra.de/>

the Association of Sub-Saharan Women Immigrants (ADIS)⁶³ - to assure that women's agency and coercion cease to be understood as mutually exclusive conditions.

7. On the basis of consultations across ministries, Austria should expand on and invest in its gender-sensitive care infrastructure to address conflict- and migration-inflicted trauma and assure the psychological well-being of women and other marginalized groups. Gender-related programmes should not solely be focused on SGBV, but also include matters concerning sexual and reproductive health and rights (SRHR). They should entail comprehensive gender-sensitive and multilingual counselling and psychotherapeutic services for all migrants, including those undocumented or in pending asylum procedures. Austria should also advocate for such infrastructure at the EU's external borders to create an environment in which women can seek assistance beyond basic humanitarian support.

⁶³ Pescinski, J (2017) How Migrant Women are Leading Locally in France, Spain, and Beyond. Available at: <https://unu.edu/publications/articles/how-migrant-women-are-leading-locally-in-france-spain-beyond.html> [Accessed 11 June 2021].

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