Women, CEAS and Vulnerability: Discursive Neocolonial (Re)productions of Vulnerability in the Common European Asylum System

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Table of Contents

Introduction

Issues surrounding asylum and forced migration in Europe are widely debated and so appear frequently in political and media discourse. Under particularly tragic circumstances, these issues came once again to the political fore in Europe during the year 2015, which saw a large influx of refugees crossing or attempting to cross into the EU from regions experiencing conflict. Millions of people fleeing well-documented situations of conflict attempted to cross the Mediterranean Sea into the EU, often on overcrowded, inflatable dinghies, facing extreme weather and sea conditions whilst doing so (UNHCR, 2018). This has resulted in a high number of deaths along migratory routes into the EU and a worsening humanitarian situation for those who survive the journey (UNHCR, 2018). This influx of people seeking refuge from situations of conflict into the EU has revealed cracks in the EU's migration policy framework. At the centre of this debate is an ongoing, complex project of integration of asylum processes in Europe, which aims to establish common standards and regional cooperation, known as the Common European Asylum System (CEAS). The system is facing unprecedented pressures in the wake of recent global and regional political events. In the last decade, conflicts in Syria, Iraq and Afghanistan, alongside the ongoing conflict in Ukraine, have triggered a large increase in the global number of displaced persons, many of whom decide to seek safety and stability in Europe. These recent pressures on CEAS are thrusting issues surrounding the protection of those facing forced migration in Europe under the spotlight again and draw scrutiny towards its legitimacy as an inter-state framework of asylum.

In an attempt to implement greater needs-based sensitivity into asylum policy and legislation, there has been a growing tendency to stipulate extra protections on the grounds of vulnerability (Atak, Nakache and Guild 2018). Indeed, in 2018, The European Union Agency for Asylum (EUAA) Vulnerability Experts Network was launched "in order to enhance the identification and response to the special needs of vulnerable persons who apply for or are in need of international protection" (EUAA 2022). At a glance, the implementation of extra considerations and policies which provide greater protection for vulnerable asylum seekers and refugees (many of whom are women) within Europe may seem an unproblematic, positive development in CEAS' efforts to protect women facing forced migration from gender-specific threats. However, as this thesis aims to highlight through discourse analysis, the reality is more nuanced when we consider the impact of how vulnerability and autonomy are considered within CEAS on women from a feminist, neocolonial theoretical perspective.

The term 'vulnerable' is not neutral; it is based upon an understanding and conceptualisation of a person's susceptibility to and capacity to deal with risks. As Freedman highlights: "The concept of vulnerability is

often linked to gendered constructions and norms which portray women as intrinsically weaker and thus more physically exposed to danger than men, and thus more in need of protection." (2018: 2). Due to the influence of gendered and racialised constructs and norms on understandings of vulnerability, the categorisation of individuals as such in CEAS is a politicised judgement and has serious consequences in determining who is in need of greater help due to their circumstances.

In order to unearth and examine this interaction between ideology, vulnerability and the autonomy of women within CEAS, a discourse analysis will be conducted. Gender and power inequalities, ideologies and practices are produced by, reflected in and maintained through language, making it a key focus for examination in feminist IR scholarship (Lazar 2007). As such, thorough feminist discourse analysis can unearth mutations, rather than absences, in the expressions of certain ideologies, providing better analysis of gender and power dynamics within particular structures, institutions or cultures. As such, it is useful to analyse CEAS' categorisation of vulnerability through feminist discourse analysis.

As this paper will argue, feminist neocolonial discourse analysis within CEAS reveals latent paternalistic, core-periphery discourse continue to permeate European frameworks and policy, including CEAS, which construct women as passive, vulnerable victims of conflict lacking agency and ultimately reproduces historical power imbalances, drawn across ideological lines that remain prevalent in the West.

This thesis aims to examine how **discourse around autonomy and vulnerability within CEAS impacts its aim to protect women facing forced migration in the EU.** In order to do so, a thorough review of the existing literature on the subject of vulnerability and women facing forced migration will first be conducted. The following section will outline this paper's feminist, neocolonial theoretical framework and how this will support a critical analysis of discourse in CEAS. It will then give an introductory overview of CEAS, its structure and functions and address the gender-specific threats women facing forced migration in Europe face from a feminist perspective. The discourse analysis will then be conducted on the Reception Conditions and Qualification Directive and the results will be synthesised into conclusions in response to this paper's research question.

Literature Review

Concepts of gender, migration and vulnerability offer a multitude of options for investigation, according to which academic discipline it is conducted from. This section of the paper will analyse existing academic literature surrounding feminist understandings of vulnerability and autonomy for women facing forced migration in Europe. In its investigation of discursive neocolonial (re)productions of vulnerability in CEAS, this paper seeks to build upon the existing body of literature on the women who face forced migration within CEAS and may serve as a foundation for further analysis into the effectiveness of CEAS and European refugee organisations in their consideration of women within the system.

As this paper will focus primarily on gender as a variable for its investigation into the experiences of women seeking asylum in Europe and the role that words and social constructs play in building specific situations of vulnerability, it is natural to begin by briefly unpicking gender as a concept. Poststructuralist feminist philosopher and queer theory pioneer Judith Butler changed the way that gender is understood when she produced her ground-breaking work *Gender Trouble* (1990), in which she distinguishes between gender and biological sex. Drawing upon literary analysis and how culture is expressed through language, Butler proposes that gender differs from biological sex in that it is culturally produced and reproduced. Crucially, this highlights the socially-constructed aspect of gender that we often mistake for biological inherency. This distinction between gender and biological sex is important in the context of this study, when analysing the biologically inherent versus socially-attributed or fostered characteristics of men and women seeking refuge. A deconstruction of gender in accordance with Butler's gender theory helps to move beyond the analysis of men and women as categorically different and reveals different aspects of existing power structures and social orders that often go unquestioned or are inaccurately biologically attributed.

Feminist theorists such as Butler have shone a light on socially-constructed notions of gender, and allow us to question much of the traditional, realist thought that dominates global politics and the study of IR through a gendered perspective. Feminist IR theory has thus played a crucial role in challenging sexist norms and assumptions underpinning international politics (Caprioli 2004). Though the field of IR began to develop in the early 20th century, feminist IR theory only came to prominence in the 1980s, when pioneering theorists had the goal of unearthing the nature and influence of gender and masculine standardisation in international politics and IR theory, as well as the often-unseen masculine biases in ideological 'norms' and in the way that knowledge has traditionally been constructed and reproduced (Tickner 2006). Without challenging normative assertions surrounding peace and security, all gender perspectives save the (traditionally white and heterosexual) male perspective are neglected (Gentry and Sjoberg 2015).

Though other critical schools of IR theory have developed and challenged normative assumptions of the world, they often lack nuanced perspective which focuses on identity and how the world can be seen as a multiplicity of realities, dependent on whose perspective is considered (Nayak and Selbin 2013, p.19). Feminist IR is perhaps the only IR theory which succeeds in this respect. In response, it has offered a distinctive methodological framework, centering gender as an important variable in these political contexts (Hudson 2005, p.155). Feminist IR theory also deviates from state-centric analysis of global politics and power relations by focussing on the lived experiences of a wide range of individuals and thus provides fresh insight into global political issues by incorporating perspectives that are typically neglected in the field (Rose 2016). The hope is that through uncovering these under-acknowledged gender hierarchies in social organisation, we may begin to challenge them and take steps towards ratifying these power inequalities. For example, by centring female experiences of political issues such as war and violence, feminist IR theory challenges the normalisation of global issues such as sexual violence and in doing so, can entirely redefine understandings of peace, security and political priorities. When examining discourse surrounding vulnerability and autonomy in the face of gender-specific threats within international structures, a feminist lens will therefore offer this study a more nuanced and gender-sensitive understanding than much of traditional IR theory.

Within the school of feminist IR theory, postcolonial thought has developed into a distinct feminist critical theory. Postcolonial feminism is born in resistance to unchallenged colonialist and imperialist assumptions which permeates much of traditional feminist thinking. It criticises a tendency by Euro-American feminists to universalise their own experiences of oppression, in the name of a common struggle, often omitting consideration of important differences in the experiences of women from other cultural, religious, sexual or ethnic backgrounds (Martínez-Cairo and Buscemi 2021). Postcolonial feminists champion diverse feminisms which reject absolute truths and encompass a multitude of world experiences, drawing upon regional knowledge and a multidisciplinary approach towards global gender inequality (Tickner 2011). The work of postcolonial feminists will be relevant for the purposes of this study, analysing issues of migration, identity and relationships that occur along power gradients. When studying the concept of vulnerability in forced migration, I will draw upon the work of postcolonial feminists, particularly with regards to power inequalities and racial dynamics within the international system.

Whilst postcolonial feminists are interested in examining politics from a multitude of perspectives, intersectional feminists explore how different identities shape the way in which we experience the world and global politics. Intersectional feminism was a term first coined by Kimberlé Crenshaw and refers to the

multiple social forces, identities, and ideological instruments through which power and inequality are expressed and reproduced (2017). Regarding violence against women, Crenshaw highlights that there has been a tendency in liberal discourse to avoid delineating groups who are specifically at risk of violence, for fear of worsening bias or discrimination (1991, p.1242). She argues that the problem in conflating groups who have experienced different types of threat, which are often linked to other dimensions of their identity such as race or social class, is that their specificities are ignored. She concludes that this has the effect of silencing these issues and how they disproportionately impact women of colour and that it is therefore essential to shine a light on these intersections of identity in order to deconstruct existing racialised and gendered hierarchies of power and inequality (1991). Her ideas around intersecting identities and how they impact experienced vulnerability will be relevant to this study when examining transnational issues of forced migration. A fully feminist analysis of vulnerabilities will therefore incorporate different components of identity which form the axes of power relations that produce disparities, exclusions, and even violence (Hyndman 2011, p.180).

As the object of study in this inquiry is language and its role in creating and reproducing vulnerability and autonomy in CEAS, a qualitative rather than quantitative analysis will be undertaken. This will be supported by poststructuralist thinking. Poststructuralism is an "inherently critical" school of IR theory, which places strong emphasis on the role of language on the construction of reality and problematises traditionalist, state-centric assumptions about the nature of the international system as anarchic, universal and timeless (Campbell 2013, p.232). Rather than an exact theory, poststructuralism is rather a critical approach which emphasises the importance of perspective and the role of discourse in understanding the relationship between knowledge and power in IR (Campbell 2013, p.232). Poststructuralist feminist IR theory rejects the promise of absolute truth and objectivity, as it considers traditional knowledge to be constructed from male perspectives and therefore subject to bias. Poststructural feminists argue that knowledge is entwined with power, and is reproduced based upon patriarchal, Western power interests and norms and conclude that it therefore cannot be neutral (Hyndemann 2011). Poststructuralist feminist theory will therefore be a useful tool for the aim of this thesis, in investigating how vulnerability and autonomy appears in discourse within CEAS in relation to women facing forced migration. By focusing on experiences which deviate from the standardised masculine norm, as well as the influence of language on perceptions of vulnerability and identity, this paper seeks to investigate CEAS' discourse and the impact that it has on women.

Feminist theorists have drawn together existing academic findings from the fields of IR and Refugee Studies - what Hyndman calls 'feminist geopolitics' - in order to assess current feminist IR thinking around vulnerability and forced migration (2011). The forced migration of women is a highly gendered experience, where women often face specific threats to their safety, which should be viewed within broader contexts of

global perceptions of women (Hyndman 2011). It is only in recent times that the international community has begun to recognise the specific threats that women face during conflict (the UN first officially recognised rape as a systematic weapon of war as recently as 2008) and therefore their specific needs during asylum processes. In recognising that these specific needs and threats are often overlooked and unaccounted for in political discourse and policy, feminist IR scholars would argue that gender-specific vulnerabilities to threat merit closer examination in the study of IR and geopolitics (Ayotte and Husain 2005; Rose 2016; Peroni 2018). They would therefore view the concept of vulnerability in forced migration as part of a broader conversation around attitudes and perceptions of women (particularly non-Western women) and their experiences of migration (Maher and Segrave 2018).

Certain Feminist IR scholars view vulnerability as a deeply politicised concept. Beattie argues that, historically, in the quest to develop knowledge that would inform political practices that engender peace, stability and predictability, there has been a tendency to universalise the human experience in accordance with 'natural law', or so-called inherent human traits and behaviours which govern their actions and decision-making (2013, p.62). This thinking then moulds social orders around a 'problem-solving' mentality developed in line with a universalised vision of the human experience and contempt for human vulnerability, which, particularly from a rationalist standpoint, is viewed as the source of much fear, insecurity and conflict (Beattie 2013 p.62). Beattie then argues that this particularly negative view of vulnerability then translates to a negative moral judgement of those experiencing vulnerability, an ascribing of blame towards the individual for their life choices. She thus argues against this thinking and towards greater provisions and protection of vulnerable persons at international level, in the form of legal human rights as a counterbalance to this mentality which permeates institutional design. These ideas will aid the investigation of this thesis, when considering how vulnerability may be viewed and engendered by discourse in CEAS, as well as the political nature of vulnerability and autonomy experienced by women who forcibly migrate.

Whilst a long way from being considered to be gender-sensitive, European asylum processes are beginning to develop an awareness of the gender-specific experiences and threats faced by women seeking asylum (Freedman 2017). Some argue that classifications of vulnerability recognise specific threats faced by certain individuals and as such may indeed afford them greater protections in international systems, where such designations factor into policy and law, such as special reception needs and procedural guarantees that affect the asylum applications of women considered particularly vulnerable (Freedman 2010). Da Lomba regards the identification of vulnerability as a foundation and tool of international human rights law with a view to sensitising institutions and states to the specific needs of certain groups of individuals (2017).

Specifically writing with respect to the European Court of Human Rights, she argues that the classification of vulnerability recognises these groups as fully-fledged ECHR subjects and therefore entitles them to certain benefits within the jurisdiction of ECHR states (2017).

However, some scholars point out that while it may be the case that this marks a shift towards greater gender-sensitive policy, there may be harmful unintended consequences in the categorisation of a group as vulnerable (Freedman 2018). La Spina praises CEAS for its sophisticated provision of international protections for vulnerable asylum seekers in Europe but suggests that the basis for determining access to these protections are too often unclear and subjective, leading to narrow interpretations of vulnerability and also therefore the application of special protections (2021). She is critical of the fact that additional protection is only offered for women when they are considered particularly vulnerable, for example pregnant women and women who have been victims of gender violence or trafficking. She highlights that these categorisations of vulnerability are based on traditional ideas of female vulnerability, which do not provide protection for women who may face increased risks to their safety as a result of their sexuality, religion or ability and suggests that some rejection results from the possible identity-based stereotypes related to migrant vulnerability.

Freedman analyses the categorisation of women as vulnerable in the context of EU asylum law and policy and expresses concern that too often vulnerability is reduced to a simplistic and essentialised categorisation (2019). Through examination of EU policy as well as interviews conducted with refugees and asylum seekers, she concludes that such categorisations can provide better protections for women, but also argues that such classifications are highly gendered and racialised and that ultimately, they can represent "forms of symbolic violence which reduce agency and autonomy" (Freedman 2019). Freedman goes further in her criticism of classifications of women as vulnerable victims of conflict by stating that this removes agency from them and enables international structures of support to ignore women's agency and voices, leading to a depoliticisation and homogenisation of them as a group (2019). She believes the categorisation of women claiming asylum as 'vulnerable' represents a symbolic violence which restricts an individual's autonomy and agency (2019 p.1). She argues that the usage of the term 'vulnerable' paints a picture of asylum-seeking women as helpless victims, which is unhelpful when seeking to rebuild an individual's autonomy and sense of control over their situation. She proposes a feminist IR approach towards issues of forced migration which engages more with women and men who seek international protection, creating intersubjective understanding of individual needs, as well as their capacities (Freedman 2019, p.13).

The Forced Migration Research Network, based at the University of New South Wales, is formed of scholars who work alongside civil society organisations, government bodies and international actors in conducting research and policy analysis around forced migration. Drawing on its own research, it suggests that groups labelled as 'vulnerable' often face discrimination and subordination because of this special status, as vulnerability is interpreted as stemming from individual traits or lifestyle choices (2017). It suggests these individuals are "differentiated from those who hold positions of social power, have unequal access to decision-making, infrastructure and resources, and have their personal capacities ignored" (2017). Crucially, it highlights that this categorisation overlooks the root causes of such vulnerabilities and any role the state and other institutions play in perpetuating vulnerabilities (2017). Maher and Segrave support this perspective, asserting that: "this process of individualisation very often in neoliberal societies means these groups are then understood as creating and/or responsible for their own vulnerabilities (2018). Descriptions of them as particularly vulnerable moves our focus away from the risks in these structural and institutional contexts to a more individualised account of victimhood" (Maher and Segrave 2018). This thinking around the individualisation of vulnerability will partially inform this study when examining the role of CEAS' discursive constructions of vulnerability and the impact that this has on women.

The main themes explored throughout this paper are forced migration in Europe and the concept of vulnerability, explored within a feminist IR theoretical framework. This literature review has demonstrated that in the field of IR, the traditional approach towards analyses of forced migration in Europe tends to be state-centric, focussing on state policy and how these policies reflect primary state interests. Feminist scholar Arlene Tickner asserts that these ideas and presumed knowledge around the functioning of the international system are rooted in world experiences lived by men. As such, they ignore bodies of experiences that have the potential to offer fresh perspectives and ways of thinking about interstate practices (Tickner 1992, p.17). When applying feminist IR theory to inter-state issues, we reveal new insight by shifting analysis to focus on the experiences of the individual as a result of such policies and the suffering of those fleeing threats to their lives. Feminist analysis therefore gives new perspective to traditional, typically realist approaches towards international matters such as asylum and the protections of women in CEAS and may offer new solutions to contemporary dilemmas (Tickner 1992, p.17). These may include the ongoing political and economic fallout of the recent COVID-19, and so-called 'shadow pandemic', in which measures taken by individual Member States to limit the spread of disease have impacted services and organisations, causing disruption and secondary consequences that continue to impact those seeking international protection, as well as the ongoing war in Ukraine, during which CEAS has been forced to confront new challenges that have put women fleeing threats to their safety at even greater risk of harm (Doliwa-Klepacka and Zdanowicz, 2022).

However, research into the body of existing feminist IR literature on the topic reveals gaps its accounting for individuals with liminal identities, such as asylum-seeking women, those who have not yet obtained refugee status. Feminist IR theory tends to focus on the individual experiences of women at a domestic level, omitting consideration of those who occupy the 'in-between', a space between borders and state law, such as asylum-seeking women. In this sense, awareness of and accounting for the suffering of those fleeing war-torn regions such as Syria could be greatly diminished in the EU (Rose, 2016).

Though feminist IR theory has earned its place on the core curriculum of IR study globally, in practice, it remains a neglected blueprint for regional and domestic asylum policy, which often states a state-centric approach in pursuing objectives. Feminist IR theory offers a different lens through which to view inter-state issues, which may reveal new and more effective means of facing current crisis and for CEAS to achieve its goals. This paper seeks to draw upon existing feminist IR scholarship, in particular poststructuralist feminist thought in order to analyse discourse within CEAS and its impact on autonomy and vulnerabilities of women facing forced migration in Europe.

Neocolonial Structures, 'Core-Periphery' Dynamics and Decentering International Relations

The following section will outline the research problem of this study, along with the theoretical underpinnings and methodological approach used to investigate it.

Research Problem

The principal aim of this paper is to **analyse how neocolonial gender discourse around vulnerability within CEAS impacts its aim to protect women facing forced migration in the EU,** by investigating how their vulnerability and autonomy are constructed within the system and the impact that this has on these individuals. In order to do so, this study has first drawn upon current feminist, neocolonial and post-structural IR literature in order to shine a light on the gendered dimensions of asylum in Europe. Operating within feminist, neocolonial and post-structural schools of IR thought, this paper will explore more specific theoretical ideas around situational vulnerability and core-periphery dynamics in CEAS discourse and how these relate to women facing forced migration in the EU. It will then outline the methodology implemented in order to answer the research question, namely a critical discourse analysis of the Reception Conditions

Directive and the Qualification Directive, based upon Foucauldian ideas surrounding the production of meaning and identity through discourse and applying Fairclough's model of critical discourse analysis. Finally, drawing together the above mentioned analyses, **it will argue that CEAS deploys a neocolonial discourse that reproduces vulnerabilities of women facing forced migration in the EU, representing a symbolic violence and failure to decolonise its core structures.**

Theoretical Framework

In order to assess gendered, neocolonialist power inequalities reflected in discourse within CEAS, this paper will draw from neocolonial IR thought, more specifically around core-periphery dynamics. Neocolonialist theory, born in response to neoliberal performance indicators and a dehistoricisation of international politics and policy, examines political relations and power dynamics between former imperialist powers and formerly colonised nations. In particular, it addresses indirect forms of control by Western superpowers over formerly colonised nations, through cultural, political and economic means (Nkrumah, 1965). Distinct from statist-realist political theory, neocolonialist theory places significance on colonial history when analysing issues of nationhood and identity.

Within neocolonialist IR thinking, scholars criticise what they call a 'core-periphery' dynamic, in which imperialist dominance of the Global North over the Global South persists in many different forms. Notably, they highlight this dynamic within the (re)production of knowledge, where mainstream academic theory originates predominantly in Europe and North America (Nayak and Selbin 2010). They argue the resulting presence of "analytical categories and research programs that are defined by academic communities within the North while also reinforcing Northern dominance within international practice itself" (Tickner 2013).

Nayak and Selbin argue for a 'decentering' of IR to counteract this core-periphery dynamic, challenging disciplinary myths and norms through the incorporation of a greater diversity of non-Western perspectives into theory and analysis of global politics (2010). They argue that this practice democratises the discipline and has an emancipatory potential in relation to indigeneity, human rights, globalisation, peace and security (2010). Tickner argues not only for an incorporation of diverse perspectives in IR for its decentring and decolonisation, but also for greater engagement with history in the process of creating and reproducing knowledge, specifically regarding persistent imbalances of power (2013).

Neocolonial theory, specifically surrounding this core-periphery dynamic, will aid this study in taking a 'decentred' approach towards examining the impact of discourse in CEAS on migration and women seeking

refuge in the EU. More specifically, this lens will be useful in the analysis section of this thesis, when examining how these discourses fail to acknowledge the histories behind situations of forced migration, re-producing core-periphery dynamics and neocolonial structures of power, which disproportionately impact women asylum seekers and refugees, who are predominantly from the Global South (UNHCR 2022).

Methodological approach: identifying passivisation and situational vulnerability in discourse

Critical discourse analysis (CDA) relies upon a critical theory of language, which views the use of language as a form of social practice. In conducting a CDA, this paper will follow Fairclough's methodology, which is in turn formulated around Foucauldian ideas of the role of discourse in power relations. A Foucauldian perspective argues that in society, we are constituted in and by discourse (Janks 1997). Fairclough explores this dialectical nature of discourse and reality, in which the two elements are co-constitutive, proposing that discourse creates and in turn is created by social practices, structures and institutions (1992). As social beings, we make sense of the world through language and communication and rely on language in order to communicate ideas and instructions (Conboy, 2007 p.2). Meaning itself is both created by language and relies upon language to be communicated (Conboy, 2007 p.2). Each linguistic choice within discourse therefore contributes to the maintenance and replication of the social order and unequal power dynamics within it. Social practices are interlinked with different historical contexts and through them, existing social relations are reproduced or contested and different interests are served (Janks, 1997 p.329). It is also through language that we conduct political debate and there is thus great power in the production of discourse and its real-life impact on policy-making in CEAS. As such, conducting a critical discourse analysis can reveal dynamics between particular language and power and how this co-constitutive relationship impacts social relations and the (re)production of knowledge. Given that gender is socially constructed, power dynamics are present in language and visible through CDA. It is therefore worth conducting a CDA within the context of CEAS in order to transcend perceived norms and assumptions relating to gender and assess its efficacy in its treatment of women in the EU.

In order to conduct a critical discourse analysis of the Reception Conditions and Qualification Directives, an integrated textual, process and social analysis of linguistic selection in the documents will be conducted, which constitute the three dimensions of discourse as outlined by Fairclough's 1992 model. The linguistic functions I will examine in the text are lexical choice and the use of the active and passive voice. Both of these linguistic functions help to construct textual, ideational and interpersonal meaning in discourse and are part of a longer checklist which is based on Halliday's *Introduction to Functional Grammar* (1985 in Janks 1997, p.335). As the issue of asylum in the EU is contentious and politically sensitive in nature, the

lexical choice surrounding the topic is useful to examine in order to unearth deeper levels of coded social meaning that extend beyond the textual meaning. The use of the active and passive voice is also a powerful discursive tool. The deliberate passivisation of the subject shifts focus away from them and elevates the object of the sentence to the subject position, which often has the result of ascribing or removing agency from the subject being discussed (Numanbayraktaroğlu 2020). Therefore, in this examination of how power dynamics, agency and vulnerability are reflected in discourse, the decision to use the passive or active voice will be examined. I then draw conclusions from this analysis as to how these documents frame discourse around women facing forced migration within CEAS.

Operating within the larger framework of feminist theory, this paper will focus more specifically on ideas of vulnerability and agency in relation to identity and women. In order to work closely with the concepts of vulnerability and agency, it is important to start from a clear understanding of what each is understood to be. This can be done by following the taxonomy provided by feminist scholar, Mackenzie et al. (2014), which describes different sources of vulnerability, as well as her work around feminist understandings of autonomy (Mackenzie and Stoljar 2000).

Exploring the concept of vulnerability and the ensuing moral obligation to protect and deliver justice, Mackenzie et al. craft a taxonomy of vulnerability, which will form the basis of this paper's assumptions surrounding vulnerability (2014). Mackenzie begins by drawing attention to the array of terms within discourse around vulnerability which are often (mis)used interchangeably. In response, she identifies two distinct categories of vulnerability which she argues are often mistakenly referred to interchangeably and are useful to untwine when identifying risk factors that women confront when migrating. Firstly, she refers to *inherent vulnerability*, a universal vulnerability that is intrinsic to the human condition, corporeality and dependence on our environment and community. Secondly, she identifies *situational vulnerability*, which describes the external context human beings face and which is impacted by a range of social, political and economic circumstances they live among, particularly where they confront oppression, subjugation and injustice. For the purposes of this thesis, these social, political and economic circumstances will be understood as those driving from colonial histories and their legacies. Situational vulnerability therefore relates to how a person may become vulnerable to harm or exploitation as a result of one or more inequalities of power, dependencies, capacities or needs. These different understandings of vulnerability will provide a means to untwine women's identity from the risk factors they face due to gender and circumstance.

Mackenzie and Stoljar also argue that understanding agency is essential in overcoming vulnerability to oppression and subjection from a feminist perspective (2000, p.3). In highlighting that most definitions of agency rest upon masculinist normative understandings of rational society, Davies argues that agency is defined and constructed by those in power and therefore is in itself a problematic categorisation (1991, p.44). Feminist theorist Leeb rejects the idea of the free and autonomous subject as social beings, arguing that agency exists in relation to other people and society and must acknowledge the "connection between power and discourse and the ways in which discourse constitutes subjectivity itself" (2017, p.3). As such, in order to examine constructions of vulnerability and agency in CEAS, it is essential to understand power dynamics reflected in discourse and the construction of subjective vulnerability. Therefore, postcolonial and feminist theory will aid this investigation in accounting for gendered, social and historical power imbalances and their influence on the capacity for agency of women in CEAS. The above typography of vulnerability and understanding of agency will be useful for the purposes of this paper, as a basis for understanding situational vulnerability and agency and analysing how these distinctions are considered in discourse in CEAS, through the lens of neocolonial theory. The conclusions will then be used to assess CEAS' protection of women in the system, against its own objectives to do so.

CEAS is an EU-wide organisation made up of large sub-organisations and frameworks. Therefore, due to its structural complexity and size, it would be impossible to produce a coherent discourse analysis on the whole system within the confines of this paper. As such, I have selected the Reception Conditions Directive and the Qualification Directive as two core policy documents to examine, analyse and assess the impact of this discourse on women facing forced migration in Europe. Though this may represent only a small sample size of its policy documents, as will be detailed in the analysis, these represent the most relevant core texts, selected in order to closely examine CEAS' discursive construction of vulnerability.

Evidently, forced migration impacts men as well as women. However, as this thesis takes a feminist approach in its research, it will focus specifically on women, in an effort to counterbalance the tendency to neglect their specific perspectives and experiences in mainstream IR study (Rose, 2016). It should also be noted that, in using a poststructuralist approach, this paper aims to be sensitive to the impact of linguistic selection on the construction of meaning. However, in what Billig (2008, p.748) describes as an 'inescapable problem' of paradox in discourse analysis; it is impossible to investigate power and ideology in language without using language itself, the selection of which is also ideological and socially coded. In this context, in avoiding the use of 'vulnerable' terminology, it is possible to create and perpetuate meaning in new or different ways through other linguistic selection, thus it should be noted that there is inevitably a degree of contradictory nuance in presenting an argument in a widely comprehensible fashion, whilst also

potentially perpetuating unhelpful narratives by playing into these existing linguistic tropes and dynamics. It is therefore firstly important to recognise one's own positionality in producing critical analysis, as well as the perspectives omitted as a result of the researcher's positionality. As a white, Western woman who has not experienced forced migration, I will be producing a thesis through interpretation and analysis which takes place within these parameters and the consequence of which is the omission of certain perspectives. Furthermore, this paper aims to mitigate against the perpetuation of such narratives through its engagement with situational vulnerability as understood and reinterpreted through feminist and neocolonial theory, which seek foremost to disrupt unconscious bias by highlighting the historical origins and lasting effects of power inequalities.

Contextualising Asylum in Europe for Women

The aim of this essay is to analyse how discourse around vulnerability within CEAS impacts its aim to protect women facing forced migration in Europe. Firstly, given the context of this study, it will be helpful to provide a short background on CEAS, its structure and functions. Secondly, as this paper focusses specifically on women within CEAS, it is important to recognise the reality of the risks that they may face along their journey, as they are often gender-specific and different to those faced by men. It is important to note these additional risks faced by women in order to better understand the gender-specific experiences of forced migration and to give context to the subject of autonomy and vulnerability in CEAS, which will be examined further below. Therefore, this section will also address these gender-specific threats from a feminist perspective.

Europe has a long history of offering sanctuary to those fleeing persecution and conflict. Indeed, the leading global framework for asylum, the 1951 Geneva Convention, was established in Europe, in response to the needs of those fleeing violence during World War Two. This convention has formed the basis of international policy protecting the rights of refugees and asylum seekers around the world. The EU has since sought a far more integrated European asylum system (Chetail, De Bruycker and Maiani 2016 p.5-22).

Negotiations towards a unified system began at the Tampere Summit in 1999, where EU Member States gathered to consult on the shared regional responsibility to welcome asylum seekers and ensure their fair treatment in Europe by attempting to fully apply the Geneva Convention and standardise application and

reception policy and practices. The resulting CEAS was conceptualised as a constantly evolving set of policies, agencies and regulations that seek to harmonise and elevate common standards of asylum protections across the region (European Commission 2022). The development of a common European asylum system has been an ambitious project of intraregional integration, if not simply due to the compromise of divergent national interests and sovereignty over national asylum policy that it demands from Member States. The system is currently governed by five legislative instruments and one agency which set out reception conditions, clarify grounds for asylum decisions, monitor problems in national asylum systems and provide assistance to Member States with the implementation of policy (European Commission 2022).

In theory, CEAS ensures better conditions for refugees and asylum seekers in Europe, guaranteeing minimum rights in the receiving country, such as rapid legal access to the labour market after arrival. Since its inception, CEAS has also demonstrated a degree of reactivity and adaptability towards the problems it faces. It has been reformed a number of times in response to changing demands on the system, including the recasting of its foundational legislative pillars and agency: in 2022, the EU Asylum Agency replaced the European Asylum Support Office with a strengthened mandate of reinforcing its operational capacity (European Commission 2022).

However, whilst CEAS may be one of the most advanced regional asylum frameworks in the world, the issue of asylum policy is a point of particular political tension within the EU and some scholars question whether conformity on Europe's reception and treatment of asylum seekers and refugees can ever be achievable, given policy adoption is discretionary among Member States (Lavenex 2018). The European Council on Refugees and Exiles (ECRE) highlights troubling gaps in the implementation of CEAS' policies across the EU, notably instances of insufficient housing provision, obstacles to or arbitrary denial of registration and non-compliance with procedural guarantees such as application acceleration for those identified as vulnerable (ECRE 2019, p.2). This has led to considerable diversity around Europe of reception conditions and asylum procedures, which creates backlogs of applications, inconsistencies in policy application and encourages secondary movements to a handful of countries, resulting in political tension in the region (Beirens, 2018 p.2). These political tensions have been intensified in the wake of the so-called 'refugee crisis' of 2015, a humanitarian emergency that occurred during a period of increased forced migration into Europe, which was widely publicised and sparked intense debate around the reception of asylum seekers and refugees through CEAS. One side of this debate argues that there has been a securitisation of migration in the EU following this period, which has resulted in the creation of policies which worsen safety concerns for all those making the journey to Europe, but particularly women

(Freedman 2018, p.30). As Europe seeks a more integrated asylum system, involving greater regional cooperation and standardisation of approach towards asylum issues, analyses of how women are impacted within the system by discourse and policy become more consequential as a tool for evaluating its effectiveness.

Despite often homogenous media representations of refugee flows into and around Europe as predominantly male, the reality is that these movements have been heterogenous. Though accurate statistics on the number of women seeking asylum are scant, more and more women appear to be crossing the Mediterranean in order to reach Europe (Freedman 2016, p.568). Given this, when analysing how discourse within CEAS affects women, who represent a large percentage of people in the system, the conclusions are consequential for many individuals, as vast numbers of women globally are displaced by war, climate change, poverty and other political circumstances. Though their position may often be neglected in mainstream discourse surrounding migration, their experiences of transit and reception in Europe are an extremely important tool for measuring the efficacy of CEAS as a system and identifying blind spots in its protection of women (Freedman 2009, p.175). The life-threatening risks faced by refugees and asylum seekers when crossing has been the subject of much discourse in recent years (UNHCR 2018; The Guardian 2021). In comparison, relatively little research exists into intersections of gender, migration, violence and instability. Scholars have drawn attention to the increased risks women face when fleeing situations of conflict and violence and UNHCR assessments highlight that women refugees and migrants face grave protection risks and that the current response by governments, humanitarian actors, EU institutions and agencies are inadequate (Freedman 2016; Holvikivi and Reeves 2020; UNHCR 2015). Freedman argues that part of this inadequacy stems from a reinforcement of unhelpful gendered and racialised representations of these women's vulnerabilities throughout EU and UNHCR policy, identifying that this negatively impacts "the way that they are treated by both officials and others once they reach Europe.", through denying them opportunities to assert autonomy (2016, p.9). This therefore highlights the direct connection between discourse surrounding vulnerability and agency and inadequacies in the protection of women facing forced migration in the EU.

This paper forms part of a wider academic investigation into these shortcomings by examining the role of discourse within CEAS in the (re)production of neocolonial gender discourse around autonomy and vulnerability and the consequences for its protection of women. This paper will argue that discourse around vulnerability and autonomy in CEAS fails to sufficiently recognise and provide clear guidance around the situational nature of these women's vulnerability, which (re)produces inadequacies in these agencies and systems by drawing focus away from systemic problems and therefore falls short of protecting women.

Women experience distinct and acute forms of insecurity as a result of forced displacement, depending on their social and economic status, and the different conditions in countries of origin, transit and destination (Freedman 2016, p.569). These are as a result of gendered forms of violence, gender-blind division of public and private spaces and relations in power (Freedman 2016, p.568). They face higher rates of mortality than men when making the journey to Europe's borders, partially due to an increased securitisation of migration within the EU in the wake of the so-called migration crisis of 2015 and ensuing attempts to close its borders (Holvikivi and Reeves 2020, p.139). Border closures around Europe have rendered women who attempt to journey towards and across the continent more reliant on smugglers and therefore more at risk of abuse or sexual exploitation as payment for their assistance (Holviki and Reeves 2020, p.139). Once women do reach reception and transit centres, they face rampant gender-based violence (GBV), including sexual violence, early and forced marriage, and domestic violence (Holvikivi and Reeves 2020, p.139). There is also a worrying prevalence of trafficking, forced labour, so-called 'honour' crimes, exploitation and harassment, by those within the immigration system and by local populations (Freedman 2016, p.4).

Having provided an introductory contextualisation of asylum in Europe for women, throughout the rest of this paper, focus will be placed more specifically on how discourse surrounding these additional risks may (re)produce vulnerabilities, rather than fostering autonomy within CEAS.

CEAS Policy Discourse Analysis

For the purposes of this discourse analysis, two of three core CEAS Directives will be analysed. As previously outlined, these Directives, together with another, two Regulations and one agency, form the legislative structure that governs CEAS[1].

[1] The Asylum Procedures Directive and Dublin and EURODAC regulations have not been included in the corpus of this analysis. The first reason for this is the restricted length of this paper, which would not allow for a full and thorough CDA of each. The second is the Asylum Procedures Directive and Dublin and EURODAC regulations are less relevant for the purpose of analysis in answering this paper's research question. The remaining Directive's purpose is to promote coherence in the implementation of CEAS policy and to "ensure that decisions on applications for international protection are taken efficiently and fairly", thus it works as more of a regulatory tool, concerned with State behaviour, rather than a guideline for individual asylum decisions (European Commission, 2020). In this sense, it has less of a direct impact on women facing forced migration and it was eliminated for consideration on this basis. The same can be said for the remaining two legislative instruments of CEAS. The Dublin Regulation establishes the "State responsible for examining the application, and clarifies the rules governing the relations between states", whilst the EURODAC Regulation "supports the determination of the Member State responsible under the

The first document selected for this analysis is the **Reception Conditions Directive**, which, according to the Commission's outline of the Directive, provided on their website, "ensures that common standards for reception conditions (such as housing, food and clothing and access to health care, education or employment under certain conditions) are provided for asylum seekers across the EU to ensure a dignified standard of living in accordance with the Charter of fundamental rights." (European Commission 2020). As it is therefore one of three core directives which directly impact those arriving in the EU to seek asylum through its guidance on applicants' access to basic services and provisions, it is logical to include it in the corpus of this analysis. With the aforementioned and widespread knowledge that women face disproportionate and gendered risk when forcibly migrating, notably in shared spaces, it could reasonably be anticipated that this particular Directive, which, among other things, aims to ensure common safe standards of housing and healthcare, would elucidate these risks and stipulate mitigations against these specific threats, in order to protect them upon arrival in the EU. As such, it is worth investigating its discursive construction of women and vulnerability. Importantly, it also explicitly "provides particular attention to vulnerable persons, especially unaccompanied minors and victims of torture." (European Commission 2020). The fact that this Directive states its specific attention towards 'vulnerable persons' strengthens the basis for its inclusion when analysing discursive constructions of vulnerability within the system.

The second document selected for analysis is the **Qualification Directive**. The Commission's website describes the purpose of the Directive as: "setting out the conditions for fair, quick and quality asylum decisions. Asylum seekers with special needs receive the necessary support to explain their claim and in particular protection of unaccompanied minors and victims of torture is ensured" (European Commission 2020). This text has been selected due to its role in determining these common qualifying factors, upon which the decision to grant an individual asylum is largely based. The way in which vulnerability is created and understood within this Directive is therefore highly consequential in qualifying for protection in the EU and therefore merits inclusion in the study of the discursive influence on and reflection of unequal power relations between genders and the Global North and South.

The decision to select two key CEAS policy documents for analysis was made for several reasons. Firstly, it is reasonable to begin by examining its core policy documents in order to examine how vulnerability is

Dublin Regulation and allows law enforcement authorities access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes" (European Commission 2020). They have therefore also been omitted from this analysis on the basis of restricted scope and limited relevance to the research question.

understood and constructed within CEAS. Secondly, in comparing and contrasting two CEAS policies side-by-side, systemic discursive patterns are more easily observed and provide a strong basis for textual, ideational and interpersonal analysis. Thirdly, as these are official CEAS policies, adopted by Member States, these documents have an empirical impact on the lives of those seeking asylum in the EU. In this sense, the real-life impact of the discursive construction of vulnerability in CEAS is more likely to be gleaned by examining its policy, which directly affects these women.

Critical Discourse Analysis of CEAS Reception Conditions and Qualification Directives

Discourse analysis is a qualitative research method which focusses on the co-constitutive nature of language and meaning. For this reason, it is an effective tool for analysing how discourse on vulnerability within CEAS impacts its protection of women. As social relations of power are exercised through discourse, a CDA of these documents is a useful tool to investigate the core-periphery dynamic in CEAS. This discourse analysis will draw together elements from a broad theoretical framework of CDA. In doing so, the following texts will first be analysed for discourse surrounding women and vulnerability in order to ascertain the meanings being constructed around these terms. As the aim of this paper is to understand how meaning is constructed in discourse in CEAS, a poststructural approach is taken, observing how meaning around vulnerability is reflected, referring to McKenzie's ideas around situational vulnerability (2014). This will first be done by searching the documents for the frequency and usage of key terms. Next, the documents will be examined for the use of the active and passive voice. Following this, an analysis of how vulnerability is constructed in the CEAS discourse will be considered alongside neocolonial feminist IR theory, in order to investigate core-periphery dynamics and situational vulnerability in the discourse. These analyses will then be synthesised in the concluding section in order to identify discourse patterns and finally to draw conclusions around **how neocolonial gender discourse around vulnerability within CEAS impacts its aim to protect women facing forced migration in the EU.**

Firstly, in order to find the most evident constructions of vulnerability, a scan for the term was conducted. The findings were that 'vulnerable' appears multiple times across both Directives; eleven times throughout the Reception Conditions Directive and twice in the Qualification Directive. The term 'vulnerable' is extremely vaguely defined in the former Directive. Where it does appear, it is loosely or vaguely applied without further stipulation. This is best highlighted in Article 21 of the Reception Conditions Directive, which stipulates that:

"Member States shall take into account the specific situation of **vulnerable** persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant **women**, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.".

Despite the Commission's outline of the Directive explicitly stating that particular attention was paid to vulnerability within the document, no further definition of the term is provided. Given that the purpose of the Reception Conditions Directive is to ensure 'Member States shall take into account the specific situation of **vulnerable** persons', it would seem a reasonable place to start in analysing how CEAS interprets and creates discourse around vulnerability. However, there is no definition provided for or expansion on the concept of vulnerability.

Furthermore, considering the additional, gender-specific risks faced by women in CEAS and a growing effort to implement greater gender-sensitive policy throughout EU asylum frameworks (Atak, Nakache and Guild 2018), it might be expected that core policy would directly address the disproportionate risks for women in the EU who have been forcibly displaced, in order to ensure core policies address their specific needs, resulting from specific threats. However, where threats that are majoritarily experienced by women are mentioned, such as sexual violence, they are expressed as gender non-specific, i.e. '**persons** who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation'. This represents an intentional selection of gender-neutral discourse surrounding considerations for those affected by acts including gender-based violence, such as rape and female genital mutilation.

The observable avoidance of 'women', seen throughout both Directives, could be viewed as an effort to move away from gendered discourse, or be more discursively inclusive of other genders, or alternatively as further illustration of deliberately vague definitions and explanations for vulnerability in CEAS discourse. In conjunction with the findings of this CDA, this analysis argues the latter, the result of which is an "abstraction from particular suffering obscures the actual social and political arrangements that foster oppression and violence" (Beattie 2013, p.16).

The word 'women' appears only twice in the Reception Conditions Directive including the above-mentioned passage, prescribing provisions for vulnerable persons from Member States. Similarly, 'women' appears only once in the Qualification Directive. In all three instances that 'women' appears across both

documents, it is prefixed by 'pregnant'. In addition, whilst extra protection stipulated for 'pregnancy', their specific needs or reasons for this are not expanded upon. As such, there are no explicit references made to women who are not pregnant in either Directive, nor the specific gender-related threats they face. This represents an interesting collocation, or linguistic grouping of two or more words that share meaning in common. Throughout the Directives, there is thus an absence of gender-specific vulnerability, except where pregnant women are grouped into a specific category of vulnerable person. Pregnant women are thus grouped as 'vulnerable' a priori, which again effaces the specific and situational differences which have made them such, specifically gender-related factors.

This grouping of vulnerabilities and effacement of gender-specific threats is also present in Article 4 of the Qualification Directive, which provides guidance as to how individual asylum case applications should be judged for approval or rejection:

"The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account… the individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm".

In this passage, there is a causational link identified between an individual's 'background, gender and age' and potential 'acts' that they may have been or be exposed to, which may amount to persecution or harm. This demonstrates a degree of consideration for how individuals seeking asylum in the EU may experience individualised threats differently as a result of one or more of these factors and acknowledges gender as a determinant. However, the 'personal circumstances' which lead individuals to qualify for international protection are grouped together with others and presented as including 'background, gender and age', demonstrating a lack of gender-specific consideration. These circumstances are their inherent qualities, rather than the specific, situational threats they face as a result of those intersecting factors. These inherent qualities are therefore framed as the causal factor of risk, rather than the threat which exists towards the individual within the broader context of patriarchy and historical imbalances of power, which feeds into assumptions of their inherent vulnerability and represents a missed opportunity to address the broader, historic context.

In the above instances, without addressing their specific needs, the individual's vulnerability is framed as inherent, rather than situational, which would instead be understood within the context of its causational

factors (Mackenzie et al. 2014). The result of this collocation and grouping together is an abstraction of their individualised threat. As Freedman highlights, though this categorisation of vulnerability may in theory recognise specific threats faced by these women, "there is also a danger that this adoption of categories of 'vulnerability' will lead to essentialisation and reification of categories, and to a failure to understand or taken into account the agency of those seeking asylum." (2017, p.7). Evidently, pregnant women face even greater threat due to their specific set of intersecting risks. However, as this is not elaborated upon, policy interpretation relies upon existing prevalent assumptions of vulnerability and pregnancy, which scholars like Kuipers and Mestdagh argue are pervasive in the policy-making, public and medical sphere in Europe (2022, p.71). This simultaneously neglects their agency as well as their perceptions of their own vulnerability.

When viewed from a feminist IR perspective, this effacing of situational vulnerability results in the disempowerment of these women, where their specific risk factors and agency is not simultaneously recognised alongside their vulnerability. Furthermore, such a framing of vulnerability can be seen as a paternalistic approach towards women's vulnerability in CEAS, where these women are framed as subordinate objects in need of protection, resulting from this seemingly inherent vulnerability. This dynamic therefore illustrates how, by not recognising situational vulnerability and these individual's agency, the discourse in the Reception Conditions Directive reproduces vulnerabilities.

Article 2 of the Reception Conditions Directive provides clarification on applicants with specific reception needs:

"'Applicant with special reception needs' means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive."

Here, the link between being a vulnerable person, obtaining special guarantees and enjoying rights is observed. On one hand, this could be seen as presenting potential for self-empowering strategy, where the individual is able to demonstrate their vulnerability in accordance with CEAS policy and conceivably access the associated protection from a Member State, thus alleviating themselves of a situation of vulnerability. On the other hand, this could be seen as reinforcement of asymmetrical core-periphery power relations between Western-constructed vulnerability and a 'vulnerable' asylum applicant. As Freedman highlights, this sort of discourse may actually heighten the dependency of women facing forced migration on European Member States to improve their situation (2018). Freedman highlights that as women adopt

such categorisations, which determine those 'deserving' of international protection from those who are not, they must prove that they conform to specific criteria (2018, p.2). This may force them to act in ways which may be contrary to their autonomy and agency, ultimately leaving them more susceptible to ill-treatment or harm and thus in greater need of protection (Freedman 2018, p.2). This reinforces asymmetrical relations between Western power structures and women who are predominantly from the Global South, where access to protection is gate-kept by Western judgement and applicants have impetus to act against their own interests to conform to vulnerable categorisation.

The CDA of both texts also revealed instances of nominalisation, which results in the passivisation of the text's subject, in this case, asylum seekers and refugees. In both Directives, there is significant nominalisation and consistency in the avoidance of the use of the active subject. For example, Article 45 of the Qualification Directive stipulates that:

> "Especially to avoid social hardship, it is appropriate to provide **beneficiaries of international protection** with adequate social welfare and means of subsistence, without discrimination in the context of social assistance. With regard to social assistance, the modalities and detail of the provision of core benefits to **beneficiaries of subsidiary protection** status should be determined by national law. The possibility of limiting such assistance to core benefits is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law."

Billig argues that nominalisation, a process of converting a verb into an adjective or noun, is a linguistic choice which has the ideological function of "deleting agency and reifying processes" as well as maintaining unequal power relations (2008, p.783). In the above passage, there is a lack of agency afforded to the human agents (asylum seekers and refugees) being referred to, through the use of the passive voice. For example, not only are these individuals referred to passively as 'beneficiaries of subsidiary protection', but there is nominalisation throughout the article, notably: "the possibility of limiting such assistance…is to be understood as". As such, they are being constructed as devoid of agency and taking any action themselves, merely represented as passive receivers of protection. Understood through a neocolonial feminist lens, this passivisation has a heavy impact on the emancipatory potential of women in CEAS. As discourse theory demonstrates, this is significant because of the co-constitutive potential of discourse. In this context, by referring to these individuals as passive subjects, CEAS is also constructing them as such. As a result, there is further disempowerment and reproduction of existing power imbalances, which is more acute for women, who experience greater risk and therefore are more impacted by how vulnerability is viewed and created through CEAS discourse.

Postcolonial political theorist Gurminder Bhambra notes that despite "European self-assertion as the homeland of rights and justice in the postwar / postcolonial period", there is a 'politics of selective memory' that exists throughout Europe in its approach towards migration and refugee policy (2017, p.405). He argues that rights afforded to European national citizens are not extended to others or are often bypassed in the case of asylum-seekers. Bhambra highlights that these decisions are often due to this 'selective memory', which manifests as a failure to account for the impact of the colonial histories of many Member states on present conflicts, and a lack of accountability taken by Europe for its role in the creation of circumstances under which people have come to seek protection within its borders (Bhambra 2017).

EUAA statistics demonstrate that the majority of new asylum applicants come from previously colonised nations such as Afghanistan, Syria and India and Pakistan (2022b). Fonkem highlights that these individuals are fleeing to Europe "from a situation created for them and their countries by colonial rule and the nature of the decolonisation process", where many aspects of colonial rule have yet to be fully deconstructed (2020, p.67). This politics of selective memory is partially visible through the absence of acknowledged situational vulnerability and explanation of causational factors of the risks that women face in situations of forced migration in CEAS, which include colonial histories.

Particularly within an influential policy document, which establishes asylum decision-making criteria, demonstrable awareness of social power imbalance would serve the interest of rectifying it, which could be partially achieved by avoiding the passivisation of these individuals and with recognition of their agency and autonomous capacity. In order to ensure the situational nature of an individual's vulnerability is recognised, the specific causational factors could be taken into consideration, for example conflict or violence, and mitigated against, for example with specific protection or reception guidelines. Further yet, the context and often colonial histories behind these conflicts, in which the West (and Europe more specifically) has played no negligible role, could be recognised, in order to approach the humanitarian fallout of war with consideration of centuries of colonial destabilisation and continued political domination of Southern nations (Fonkem 2020). Though the two documents analysed do not contain such a recognition, this has been seen elsewhere in the EU, for example in European Parliament texts.

The European Parliament Resolution of 26 March 2019 on Fundamental Rights of People of African Descent in Europe is an example of self-awareness at policy level, which demonstrates an active engagement with its own structural decolonisation and dismantling of core-periphery dynamics. This resolution firstly identifies that people of African descent in Europe may face specific and historically defined discrimination in the EU, along with examples of how this manifests, including increased vulnerability in police custody, harassment, racial profiling and discrimination. It also clarifies its own

discursive selection in its referral to the individuals discussed and its attempt to avoid terms associated with "historically repressive structures of colonialism", thus also recognising the importance of linguistic selection when ratifying institutional power inequalities and some of the injustice still faced by Afro-Europeans as a result of colonial history. Furthermore, it explicitly elucidates Europe's role in the creation of the conditions under which inequality continues today, recognising that: "histories of injustices against Africans and people of African descent, including enslavement, forced labour, racial apartheid, massacres, and genocides in the context of European colonialism and the transatlantic slave trade, remain largely unrecognised and unaccounted for at an institutional level in the Member States.". This active engagement with its own discourse and a historicisation of present inequalities, as well as awareness of Europe's role in them represent an example of how discourse *can* contribute to decolonisation. When analysing the two CEAS policy documents for evidence of a similar approach to discourse, it can reasonably be concluded that the system is a long way from decolonising its asylum policy. The failure to incorporate different ways of understanding vulnerability, such as those unearthed through postcolonial, feminist perspectives represents a missed opportunity for emancipatory potential in the discourse.

As this analysis has demonstrated, CEAS discourse reproduces vulnerabilities of women facing forced migration in the EU through its effacing of specific risks they face and a failure to recognise the situational nature of their vulnerability. This lack of deeper engagement with analytical categories contributes towards CEAS' reproduction of core-periphery dynamics, unchallenged neocolonial and masculinised norms and assumptions, rooted in historical inequalities, fail to account for the specific needs of women facing forced migration in the EU. Clearly, a core policy could not coherently account for *all* diversities of risks and needs and their associated situational vulnerabilities. Furthermore, if it were to explicitly itemise and define such concepts in a glossary-type fashion, it would impose yet another 'universalised', Western standard on what is, in reality, a plurality of histories and trajectories. The result of this could be a greater silencing or invisibilising effect on women facing forced migration in the EU. However, as demonstrated thus far, current CEAS policy is quite some way away from accounting for all diversities. A CEAS policy that is more cognisant of the situational nature of vulnerability and engaged with its own structural decolonisation could, as both Directives do, refer to or cross-reference new or existing resolutions, such as the European Parliament Resolution on Fundamental Rights of People of African Descent in Europe, which *do* account for some of these histories and causal factors of vulnerability.

The judgement of who is and is not worthy of international protection within the EU represents great power and asylum decisions decide the fate of non-European non-subjects. These decisions are both based upon and reinforce Western notions of vulnerability, discursively constructed within European structures

(Freedman 2018). This results in the reproduction of colonial structures if unchallenged. As previously highlighted, scholars argue for a 'decentring' of IR to counteract core-periphery dynamics and decolonise IR (Nayak and Selbin 2010; Tickner 2013). The CDA conducted on core CEAS policy documents demonstrate there is a lack of decolonisation of its discourse and a persistence of core-periphery dynamics. This is particularly visible in the avoidance of any engagement with historical, often colonial driving factors of conflict and forced migration witnessed in the world today. Where examples of this historicisation exist, for example in the European Parliament Resolution on Fundamental Rights of People of African Descent in Europe, there is a perceptible effort to decolonise, which is supported by the recognition of colonial history and a moral obligation of the institutional power to mitigate against the negative consequences of their histories which persist in the present day. Where engagement with the concept of situational vulnerability may holistically reflect the circumstances under which women find themselves facing disproportionate risk and therefore recognise their agency, the documents analysed in CEAS demonstrated avoidance to engage with these causational factors at all. The result of this is the maintenance of prevalent assumptions about the inherent vulnerability of non-Western women. As situational vulnerability is not identified and explained, nor the nature of risks that women face, which are commonly linked to colonial histories, the narrative of inherently helpless victims in need of Western assistance is perpetuated. In the absence of more nuanced engagement with vulnerability, it therefore becomes an analytical category imbued with unchallenged neocolonial and masculinised norms and assumptions which fail to account for the specific needs of women facing forced migration in the EU, who face very specific risk. Drawing on Tickner's ideas on core-periphery dynamics, the wider result of these analytical categories being (re)produced by Northern structures such as CEAS, is the continued notable presence of core-periphery dynamics and the maintenance of Northern domination through political means (2013).

This thesis has also highlighted shortcomings when CEAS' discourse and its impacts are analysed against its own objectives. According to the European Commission's website, the purpose of CEAS is to ensure that the EU is "an area of protection for people fleeing persecution or serious harm in their country of origin" whose "member countries share the same fundamental values and joint approach to guarantee high standards of protection for refugees" and CEAS ensures "asylum seekers are treated equally in an open and fair system". However, neocolonial feminist analysis has highlighted how its discourse falls short of these objectives. Though women are rarely identified as having distinct needs-based requirements to men within the system and despite the scarcity of official figures, they make up a large percentage of those facing forced migration in the EU, as identified in previous chapters. Its success in guaranteeing high standards of protection and equal treatment in an open and fair system for women is therefore a key variable for its assessment. Upon critical analysis and through engagement with neocolonial feminist theory, discourse in

CEAS reveals persistent core-periphery dynamics and a symbolic violence towards women. This symbolic violence is rooted in a lack of engagement with and mitigation against factors which drive their situational vulnerability, where doing so would conversely wield significant emancipatory potential, alongside their agency not being recognised at all, contributing to a (re)production of these vulnerabilities within CEAS.

Conclusion

According to certain scholars, the term 'vulnerability' increasingly appears in global discourse around migration and often affords greater protections to those facing disproportionate risk. Whilst this may represent a degree of gender-sensitivity in policy-making, violence and insecurity experienced by forcibly displaced women partly stem from serious shortcomings in the implementation of gender-sensitive refugee and asylum policies, as reported by scholars and human rights agencies (Holvikivi and Reeves 2020, p.139). This is where the value of critical feminist analysis plays an important role.

Feminist IR has the potential to investigate how different intersecting identities shape the way in which we experience the world and global politics. Where other, traditional IR theories may be centred around predominantly white, Western experiences, a postcolonial feminist analysis has the potential to give a voice to issues which disproportionately impact women of colour and to deconstruct existing racialised and gendered hierarchies of power and inequality (Crenshaw 1991). Supported by this thinking and a focus on experiences other than the standardised masculine norm, as well as the influence of language on perceptions of vulnerability, this paper has demonstrated discursive neocolonial (re)production of vulnerability in CEAS and may serve as an impetus for further analysis into the effectiveness of CEAS.

Whilst the notion of 'vulnerability' and 'vulnerable persons' appears in legal instruments of CEAS, the definition of this category remains unclear in its framework (Schweitzer, Consterdine and Collyer 2018). As the analysis demonstrated, there is concerningly vague discourse around vulnerability, consistent across both Directives, where situational vulnerability is not accounted for, resulting in an understanding of 'inherent vulnerability' that reproduces passivity and a lack of agency. The discourse analysis of this paper also revealed a grouping of different vulnerabilities and an avoidance of gender-specific discourse, which effaces specific threat. This vagueness and non-specific discourse therefore translate not only as shortcomings in the protection of women in CEAS, but a disempowering of them and a reproduction of existing sexist, neocolonial social constructions of non-Western women. Furthermore, these categorisations

can shift focus from structural and institutional risks perpetuated within CEAS and therefore its obligation to confront them, towards a more individualised portrayal of victimhood (Maher and Segrave 2018).

The results of the CDA conducted in this thesis also demonstrated a nominalisation and passivisation of women and concluded that these policy documents paint women as passive victims lacking agency and thus exert a disempowering effect on them. As Freedman highlights, in depriving them of this recognition and by reducing them to vulnerable, passive subjects, a symbolic form of violence is exerted on these women within CEAS (2019).

It would be impossible to account for all situational vulnerabilities and causal factors in a coherent policy. In redefining vulnerability in explicit terms, CEAS policy discourse would also likely perpetuate a 'universal standard' being imposed on the plurality of histories and trajectories, and thus having a silencing or invisibilising effect on those with specific needs who fall outside of this standard. However, the problem is that in the vague discourse around vulnerability found in the document, situational vulnerability, as outlined by Mackenzie et al (2014), is not accounted for, resulting in an understanding of 'inherent vulnerability' that reproduces passivity and lack of agency.

As Nayak and Selbin and Tickner highlight, due to historical hierarchies of gender, power and race in the West, core-periphery thinking persists in structures of power, requiring EU policy to demonstrate greater engagement with colonial histories in its decolonialisation or ‘decentering’ (2010; 2013). However, this paper highlighted that, whilst in other policy areas the EU is beginning to recognise the impact of its colonial history on contemporary inequalities, such as discrimination against Afro-Europeans, the same cannot be said for its common asylum system. There appears instead to be a ‘politics of selective memory’, as outlined by Bhambra, where no such historical engagement is demonstrated (2017, p.405). Without considering vulnerability within the context of colonial history and Europe’s role in present conflicts, a dimension of its situational nature is unacknowledged, which ultimately impacts asylum decisions and protection. This represents a missed opportunity to decolonise core EU policy resulting in the reproduction of colonial structures, as traditional neocolonial narratives and masculinised norms go unchallenged.

This paper also drew attention to the specific dynamic between gender and vulnerable categorisation adoption. Discourse observed in the Reception Conditions Directive may at first appear to offer self-empowerment through the securing of special protection. However, in accordance with Freedman’s ideas around the adoption of vulnerability as a strategy for empowerment, further analysis highlighted the disempowering effect this can have, encouraging women to act against their autonomy and agency, leaving

them more at risk of harm (2018, p.2). Thus, this sort of discourse may indeed worsen the dependency of women facing forced migration on European powers to alleviate their situation.

As Mackenzie et al. state, "non-paternalistic forms of protection recognise vulnerable persons or social groups as equal citizens, but as citizens who may need targeted forms of assistance to convert resources into functionings" (2014, p.55). In order to protect women in CEAS in a non-paternalistic fashion, it is important to recognise situational vulnerability in policy, described by Mackenzie et. al and how individuals may become vulnerable to harm or exploitation as a result of intersecting inequalities (2014). Without recognising the specific risks these women face, alongside such required targeted forms of assistance, CEAS discourse takes a more paternalistic, disempowering approach towards women facing forced migration in the EU.

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