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Article

Observatory for Sociopolitical Developments in Europe

The transnational anti-gender movement in Europe

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This article provides an introduction to the term "gender ideology" and to the emergence as well as central lines of argumentation of the anti-gender movement. Furthermore, the ambivalent relationship of this movement towards the European Union is discussed. The example of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is used to illustrate how the strengthening of the movement can currently be observed in concrete terms.[1]

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[1] This article was originally published in Newsletter Nr. 2/2021 of the Observatory: "No to Gender – Yes to what exactly? Insights into the European anti-gender movement".

Introduction

Right-wing populist and anti-feminist movements mobilising against gender equality as well as sexual and reproductive health and rights (SRHR)[2] have gained strength across Europe in recent years. This strengthening also brings to light an increasingly transnationally organised and financed independent anti-gender movement that attacks the rights of women and LGBTIQ*[3] persons as well as civil society. This is evident not only at the national (and local) but also at the European level, where alliances are organising transnationally in attempting to undermine the foundations of the European Union and to reverse already existing consensus on European level. The anti-gender movement attacks the basis of human rights in various ways, always united under the common bogeyman concept of a so-called "gender ideology".

"Gender Ideology" as projection screen for a common enemy

> Gender essentially refers to social gender relations, i.e. the ideas, expectations and norms directed at people within a society. These gender relations are not predetermined by nature, but by society. They include, for instance, assumptions about how women and men should behave according to their gender. Depending on the historical period and different societies, these assumptions may vary and change over time. Gender relations are therefore not unalterable but can in fact be changed and shaped.[4]

There is enormous diversity among the actors of the anti-gender movement in terms of their motivations, their respective lines of argumentation as well as their degree of institutionalisation. Despite national, historical and social differences in the development and shaping of these movements in Europe, there is evidence of a strong transnational strategic and financial networking against a common enemy: "gender ideology". To summarise the opposition against the concept of "gender", several terms like anti genderism, War against Gender, or anti-gender movement are being used. Despite these differences in terminology, there is consensus in the literature that we are dealing with a transnational phenomenon that uses national and local narratives but remains consistent across borders.[5]

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[2] The right to sexual and reproductive health and rights is enshrined in international and European human rights law. States are obliged to provide access to affordable and high-quality health care and services. These include, for instance, comprehensive sexual education and information, effective and modern contraceptive methods, legal and safe abortions, as well as maternal health care. Find more information from the Commissioner for Human Rights of the Council of Europe here.

[3] LGBTIQ* is an abbreviation for the terms lesbian, gay, bisexual, trans *, inter* and queer and thus an abbreviation for sexual orientations and gender identities. We are using "LGBTIQ*" in this newsletter, any deviating spellings are taken over from the original texts and are used in a context-specific way.

[4] Gärtner et al. (2020): *Was der Gender Care Gap über Geld, Gerechtigkeit und die Gesellschaft aussagt.* Research report. p 8.

[5] This contribution uses the term anti-gender movement which is most used in international contexts.

Kuhar & Paternotte (2017): *Anti-gender campaigns in Europe: Mobilizing against equality*. Rowman & Littlefield, p 4.

The fight against “gender ideology” serves as a common denominator and projection screen for different political objectives within the movement. Thus, the term functions as a broad projection area for racism, anti-Semitism, homophobia and transphobia, ethnic-nationalist ideas as well as hostility towards elites. The common enemy unites a multitude of different actors such as right-wing groups, right populist parties, Christian fundamentalist organisations, but also bourgeois conservatives or neoliberal circles.[6]

Origins of the term “gender ideology”

The emergence of the term has its origins in the Catholic Church and arose in particular as a backlash against demands for the empowerment of women’s sexual and reproductive rights, for example in the context of the World Conference on Human Rights in Vienna (1993), the International Conference on Population and Development in Cairo (1994) and the World Conference on Women in Beijing (1995).[7]

The organised opposition to the promotion of gender equality policy as well as sexual and reproductive health and rights – and also the term “gender ideology” itself – is not a new phenomenon in European societies. The discourse has been led since the 1990s by conservative actors, the Catholic Church and right-wing populist parties. However, a political mobilisation of broader parts of society occurred only later.[8] The term “gender ideology” in particular found strong resonance in the far-right scene and would not have become as well-known without its inclusion in right-wing populist narratives.[9] A new development in the past ten years has been the transnational unification and organised alliance-building between different subgroups of this opposition – all under the narrative of fighting “gender ideology”.[10]

The anti-gender movement and right-wing populism

Right-wing populist movements and the anti-gender movement are closely intertwined, as the concept of “gender ideology” has experienced considerable upward momentum from

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Korolczuk & Graff (2018): Gender as “Ebola from Brussels”: The anticolonial frame and the rise of illiberal populism. *Journal of Women in Culture and Society*, 43(4), pp 797-821.

[6] Henninger et al. (2021): Einleitung: Mobilisierungen gegen Feminismus und ‚Gender ‘. Erscheinungsformen, Erklärungsansätze und Gegenstrategien. *Gender: Zeitschrift für Geschlecht, Kultur und Gesellschaft*, (Special edition 6), pp 10 ff.

[7] Kuhar & Paternotte 2017: 9 ff.

[8] Kuhar & Paternotte 2017: 255 ff.

[9] Kuhar & Paternotte 2017: 13 ff., Brinkschröder (2021): Rettungsinseln in „LGBT-freien Zonen“. In *Anti-Genderismus in Europa*. transcript-Verlag, pp 298 f.

[10] Graff & Korolczuk (2022): *Anti-Gender Politics in the Populist Moment.* Taylor & Francis, p 5, Denkovski et al. (2021): *POWER OVER RIGHTS Volume II*. pp 53 f.

right-wing populist actors. The concept of "gender ideology" shares some ideological structures as well as certain rhetoric with right-wing populism. Common to both is in particular (but not only) a strong sense of community of "us" in distinction to "the others". The latter can be perceivably corrupt elites, international and supranational powers (e.g. "Brussels"), or a feminist "lobby". The term "gender" is usually not translated into the respective national language in order to make it seem foreign and imposed from "outside". Nevertheless, anti-gender campaigns should not be seen as a manifestation or direct consequence of surging right-wing populism. The diversity of the actors – which is much greater within the anti-gender movement – and the strong religious orientation of the anti-gender movement make a clear and direct conflation with right-wing populism impossible.[11]

The first explicit anti-gender campaigns emerged in the mid-2000s in European countries such as Spain, Croatia, Italy, and Slovenia. These were directed, for example, against the introduction of same-sex marriage or against sexual education in schools. With more than 120,000 participants, the mass protests of the "Manif pour Tous" movement against a law introducing same-sex marriage in France in 2012 marked a peak of mobilisation and a level of visibility that was unprecedented at that time.[12]

Manif pour Tous – Demo für alle

The "Manif pour tous" is an alliance of various movements and non-governmental organisations that emerged in France in 2012. The network consists of Catholic organisations, conservative think tanks, bloggers, and intellectuals. The movement mobilised thousands of demonstrators against same-sex marriage and against "gender ideology". In November 2012, the first demonstration against same-sex marriage took place in Paris, gathering more than 120,000 participants.[13]

This momentum is seen in the literature as an incisive turning point and as the beginning of a stronger spread of similar movements in Europe, for instance in countries like Germany, Italy, Poland, Russia, and Slovakia. There followed a surge of movements which took at times current political debates and concrete legislative proposals as an occasion for action, or acted pre-emptively to forestall feared policy changes at other times. Attacks are particularly directed against the rights of LGBTIQ* persons, reproductive rights and medicine, as well as against

[11] Kuhar & Paternotte 2017: 13 ff., Paternotte & Kuhar (2018): Disentangling and locating the "global right": Anti-gender campaigns in Europe. *Politics and Governance*, *6*(3), pp 13 ff.

[12] Paternotte & Kuhar 2018: pp 7 f.

[13] Kováts & Põim (2015): „Gender as symbolic glue." *Budapest, Foundation for European Progressive Studies*. p 27.

sexual education and gender equality.[14] Progress in these areas is reframed as "propagating homosexuality" or "abolishing the family".[15]

The ambivalent relationship of the anti-gender movement towards the European Union

Despite limited powers in the field of social rights and equality, the European Union influences national policies via 'soft' mechanisms – for instance, through common minimum standard setting or strategic direction as provided in the Gender Equality Strategy and the LGBTIQ Equality Strategy[16]. Furthermore, the European Union helps shape national legislation through a strong framework of anti-discrimination directives[17], including on equal treatment in the labour market, and by means of the European Court of Justice's case law.

On the one hand, the European Union (often rather abstractly: "Brussels") as well as other international organisations are seen as a "corrupt elite" that undermines nation states and their national sovereignty and values.[18] As an example: At a large demonstration against sexual education and information in Warsaw in 2015, some protest signs read that gender was "Ebola from Brussels". The image of colonialist oppression by the European Union, and thus the EU as a source of the evil, is deliberately conveyed.[19]

On the other hand, transnational networking of the actors – up to their representation in the European Parliament – is an important component of the movement. With the 2019 elections to the European Parliament, the proportion of members of the European Parliament who oppose gender equality, women's sexual and reproductive rights, sexual education, same-sex marriage, and the Istanbul Convention on Combating All Forms of Violence against Women doubled to an estimated 30 per cent.[20]

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[14] Paternotte & Kuhar 2018: 7-8, Kuhar & Paternotte 2017: 1-16; 253-272, Brinkschröder 2021: 297-310, Kováts & Põim 2015: 126 ff., cf. Friedrich-Ebert-Stiftung (2016): GENDER MATTERS! ANTIFEMINISM *Newsletter on gender activities by the Friedrich-Ebert-Stiftung* – No. 6.

[15] See the section on Central lines of argument.

[16] The Strategy for Gender Equality 2020-2025 and the Strategy for Equality of LGBTIQ Persons 2020-2025 were published by the European Commission under its priority of a "Union of Equality".

[17] **Anti-discrimination directives of the European Union**: Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services, Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. A **fifth anti-discrimination Directive**, which among other things is intended to create a uniform level of protection for people with disabilities, has been blocked in the Council of the European Union since 2008. According to its political guidelines, the Commission of Ursula von der Leyen will propose new legislative measures in the field of anti-discrimination.

[18] Kuhar & Paternotte 2017: 7.

[19] Korolczuk & Graff 2018: 811 ff., Kováts & Põim 2015.

[20] Zacharenko (2019): The neoliberal fuel to the anti-gender movement. *International Politics and Society* (online).

The anti-gender movement in the European Parliament

In particular, the strong election results of the Italian Lega, the British Brexit party (having left parliament on 31 January 2020), Poland's Law and Justice, Hungary's Fidesz and France's Rassemblement National contributed to a surge of the movement. Most of these MEPs belong to the right-wing populist and nationalist Identity and Democracy (ID) or the European Conservatives and Reformers (ECR) parliamentary groups. However, there are also members of the European Parliament representing these views within the European People's Party (EPP) and the Progressive Alliance of Socialists and Democrats (S&D) groups.[21]

The research project Gender, party politics and democracy in Europe: A study of European Parliament's party groups (EUGenDem), based at the University of Tampere in Finland and funded by the European Research Council, analyses, among other things, party politics in relation to gender. The workshop "Mobilizing around gender and sexual and reproductive rights in the EU institutions", hosted by the project in April 2021, focused on the political implications of the presence and influence of the anti-gender movement in the institutions. A video recording of the workshop is available on the project's website.

The strengthening and growing representation of right-wing populist parties in the European Parliament, but also in the European Council or the Council of the European Union, is leading to their increased influence in gender equality policy debates, for instance when it comes to blocking the term or concept of "gender" in official documents.

Disputes around the term "gender" in official documents

Polish and Hungarian representatives in particular are waging a struggle in Brussels over the use of the term "gender equality". Both countries are referring to the wording "equality between women and men" in the Treaty on European Union. Equality between women and men was introduced as early as 1957 with the Treaty of Rome as a fundamental principle of the European Union, based on the principle of equal pay for work of equal value. By omitting the addition "between women and men" and instead using the more current and inclusive wording "gender equality", opponents of the term see their fears of "gender ideology" confirmed: The perceived dissolution of the two "natural" sexes, i.e. man and woman.[22] A concrete example is the Porto Declaration on Social Affairs, adopted by the European Council on 8 May 2021. Several media reported in advance that Poland and Hungary blocked the wording "promote gender equality" in section 10 of this declaration and additionally lobbied

[21] Zacharenko 2019.

[22] POLITICO; EU's foreign policy gender plan faces resistance from Poland and Hungary (25.11.2020); c.f. also Kováts (2019): Neuen Mut statt neue Tabus – Dilemmata der Genderpolitik in der EU überwinden, *Gunda Werner Institut, Heinrich Böll Stiftung* (online).

for the reference to Principle 2 of the European Pillar of Social Rights, which requires that "equality of treatment and opportunities between women and men must be ensured and fostered in all areas". The final version now avoids the term "gender" and includes the wording to „promote equality […] for every individual in our society".[23]

Central lines of argument: Glorifying "natural" gender roles and a traditional family image as well as protection of children's wellbeing

In addition to the rejection of the concept of "gender"[24], the anti-gender movement has the following core themes across transnational borders, which can also be used to highlight their major lines of argumentation:

- **Same sex marriage:** This issue often triggers protests and usually goes hand in hand with discussions about adoption rights for same-sex couples, surrogacy, reproductive medicine and access to it for both, individuals and same-sex couples. The rights of LGBTIQ* persons are often at the forefront of attacks by the anti-gender movement. In this context, same-sex marriage is presented by the anti-gender movement as a gateway for political reforms that specifically aim to abolish the "traditional", "natural" role of mother and father and, in general, the binary gender concept of women and men as the sole two sexes. The resulting sexual diversity is thus considered an "abolition of the family" (meaning the heteronormative nuclear family).
- **Reproductive rights**: Historically, this is the issue that sparked the movement's emergence in the 1990s. Abortion, contraception and access to reproductive medicine continue to be central topics to the movement. Abortion is seen as a "culture of death" and is particularly strongly opposed by the Catholic Church and other religious organisations.
- **Sexual education and information in schools:** The teaching of subjects such as gender equality and homosexuality is particularly strongly attacked. The anti-gender movement uses the image of the innocent child who is permanently damaged in his or her development, among other things by the blurring of "natural facts" such as the existence of only two genders/sexes. This confrontation with "excessive" sex education and the promotion of "sexual promiscuity" would allegedly lead to a "hypersexualisation" of children at a young age.
- **Democratic rights:** In this context, "gender ideology" is presented as a political project. Often, "corrupt elites" are highlighted, allegedly aiming to enforce "gender ideology" as a new form of totalitarianism against the will of the public/the people. In some cases,

[23] EURACTIV: Poland, Hungary block 'gender equality' from EU social summit (08.05.2021).

[24] Definition see section "Gender ideology" as a projection screen for a common enemy.

> "gender ideology" is also presented as a new leftist ideology based on communism, or as a neo-colonialist Western project. In any case, the anti-gender movement presents itself as a defender of democracy against "gender ideology" as a new undemocratic political system. The right to religious freedom is also often mentioned since the political project of "gender ideology" allegedly forces Christian people in particular to act against their own conscience.[25]

These lines of argumentation are all reliant on mobilising emotions such as fear or anger. "Gender ideology" is presented as a threat to a particular order (e.g. gender roles, family) and the perceived consequences (e.g. endangering the welfare of the child, restricting (religious) freedom) are used to fuel fear and anger towards political correctness, "the elite" or politics in general.[26]

The focus on "traditional" families, the "natural" (i.e. binary) understanding of gender as well as the linking of these issues with the protection of children from the alleged "propagation of homosexuality" or the "abolition of the family" are the classic lines of argument of the anti-gender movement. However, in addition to religious and conservative patterns of argumentation, the anti-gender movement now often appropriates and reinterprets scientific or human rights approaches. One pattern is the narrative that there are competing legal norms: For instance, the argument that international law protects the right to life before birth is being used as a justification for banning abortion.[27]

In addition to the Church and conservative actors who may come across as "outdated", a number of new civil society initiatives have been founded that present themselves as "concerned citizens". These often stage large-scale anti-gender campaigns and organise protests. Examples include Manif pour Tous (France, Italy), Demo für Alle (Germany), U ime obitelji (Croatia), or Civilna iniciativa za družino in pravice otrok (Slovenia), all of which reach a much broader audience since they appear younger and more modern. By criticising liberal values such as individualism, human rights and gender equality, or also global capitalism, they create a new transnational political mobilisation. These anti-gender opponents form an anti-elitist civil society that rejects individualism and minority rights as core values of liberal democracies. These movements can act as umbrella organisations for several sub-organisations and connect transnationally across Europe.[28]

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[25] Kuhar & Paternotte 2018: 9-10, Brinkschröder 2021: 297 f.

[26] Sauer (2021): Affekte und Emotionen in Anti-Gender-Mobilisierungen. *Blog interdisziplinäre Geschlechterforschung* (online).

[27] Denkovski et al. 2021: pp 53 f.

[28] Kuhar & Paternotte 2017: 260; 264 ff., Korolczuk & Graff 2018: 798 f.

An example of the anti-gender movement's surge in Europe: The 'War on Gender' against the Istanbul Convention

One example that illustrates well how the anti-gender movement is currently acting against human rights of LGBTIQ* persons and women on different levels (national, European, institutional) and with different narratives (see specific examples from the countries below) is the Istanbul Convention.

The Istanbul Convention was signed in Istanbul in 2011 and entered into force in 2014. It is to date the most far-reaching internationally legally binding instrument to prevent and combat violence against women and domestic violence. The Convention is based on a comprehensive and broad concept of violence, which basically encompasses all forms of violence. According to the Convention, violence against women and domestic violence constitute human rights violations. Such violence is an expression of a historically grown unequal power relationship between men and women and is to be seen as a consequence of structural discrimination. In this context, the Convention defines the term "gender" – which was controversially discussed during the drafting of the Convention – as socially shaped roles, behaviours, activities, and characteristics that a particular society considers appropriate for women and men. In this sense, the agreement obliges the signatory parties to eliminate prejudices, customs, and traditions, etc. that are based on the idea of inferiority of women or on specific roles assigned to women and men.

Meanwhile, the rights of LGBTIQ* persons are still not sufficiently recognised in international and national law. Also within the Istanbul Convention, there is no structural recognition of these rights.[29] However, in implementing the Istanbul Convention – and in particular in measures to protect the rights of victims – the signatory parties are obliged not to discriminate against persons affected by violence on the basis of, inter alia, their sexual orientation or gender identity.[30] In this regard, the Council of Europe affirms that lesbian, bisexual and trans* women have access to protection measures in their right to live a life free from violence. With regard to domestic violence, gay men may also be included in the victim protection group.[31]

Controversies over the Istanbul Convention's underlying concepts of gender as a social construct and violence as a comprehensive structural phenomenon have in recent years led to an increasingly strong politicisation of the issue by a transnationally organising anti-gender movement. The Istanbul Convention is demonised as a Trojan horse through which the Council of Europe wants to "sneak in" same-sex marriage and more rights for LGBTIQ* persons. It is argued that the "gender ideology" is a concept imposed from "outside" or "above"; a concept which allegedly devalues prevailing traditional values and ideas within the respective country

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[29] Niemi et al (2020): *International Law and Violence Against Women: Europe and the Istanbul Convention*. Routledge, p 82.

[30] Istanbul Convention article 4, section 3.

[31] The Observatory has analysed the implementation of the Istanbul Convention in various EU member states: Lange et al. (2020): *Violence against Women – On the implementation of the Istanbul Convention in Denmark, Finland & Austria*, Working Paper No 21, Lesben- und Schwulenverband (LSVD): Istanbul-Konvention: Verhütung und Bekämpfung von Gewalt gegen Frauen (online), Council of Europe: Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: Questions and answers (online).

and threatens, among others, the "natural order of the sexes". In addition, a lack of demarcation between men and women would only put women at an even greater disadvantage, one argument goes. The anti-gender movement thus does not focus on violence against women, i.e. the core issue of the Convention, but constructs joining the Convention as a "gateway" for the decay of traditional values and guiding principles by the "gender ideology".[32]

The anti-gender movement has been increasingly successful with this politicisation of the issue of violence against women, which has ultimately led to observable backsliding tendencies in several countries:

- **Bulgaria** signed the Convention in 2016. In 2018, however, the Bulgarian Constitutional Court declared the Istanbul Convention unconstitutional. In an eight-to-four ruling, the court declared that the Convention's use of gender as a social construct violated the Bulgarian Constitution as the latter establishes a binary understanding of gender – male and female.[33]
- **Poland** has ratified the Convention already in 2015. However, a legislative initiative to withdraw this ratification is currently underway in parliament. On 30 March 2021, the corresponding bill "Yes to Family, No to Gender" was passed by the Polish parliament to the parliamentary committees for further drafting work. The Polish government itself argues that the Istanbul Convention does not respect religion and promotes "gender ideology". There are concerns that the Convention might be replaced by a new treaty which would ban same-sex marriages, among other issues.[34]

"LGBT-ideology free zones" in Poland

In the Rainbow Index – which the umbrella organisation of LGBTIQ* associations in Europe, ILGA-Europe, compiles together with activists – Poland ranks last among the EU member states. The index is a continuously updated comparative tool that rates 49 European states on their LGBTI equality laws and policies. ILGA-Europe has also created a timeline about the rise of anti-LGBT hate in Poland from 2018 to the present.

The national conservative Polish ruling party Law and Justice (PiS) uses the narrative of an attack on the traditional family and of endangering the best interests of children to stir up anti-LGBTIQ* sentiment and to thus support corresponding legislative measures. This goes hand in hand with anti-feminist attacks with regard to sexual and reproductive rights. For example, there is a bill to ban sexual education in schools whose text considers, among

[32] Online seminar on the Backlash against Women's Rights and the Istanbul Convention (Video available on Youtube), Niemi et al 2020: 260, Council of Europe (2021): Conference Report – Gender equality and the Istanbul Convention: a decade of action. pp 17 ff. (online).

[33] Human Rights Watch (2018): Speak Out to Protect Bulgaria's Women (online), Darakcho (2019): "The Western Feminists Want to Make Us Gay": Nationalism, Heteronormativity, and Violence Against Women in Bulgaria in Times of "Anti-gender Campaigns". *Sexuality & Culture* 23(4), p 1209.

[34] Euronews: Istanbul Convention: Poland moves a step closer to quitting domestic violence treaty (01.04.2021), Balkan Insight: Poland's Replacement for Istanbul Convention Would Ban Abortion and Gay Marriage (15.03.2021).

other things, the provision of information about LGBTIQ* persons to minors as “propaganda”. The agitation against LGBT persons became particularly strong during the election campaign in the run-up to the 2020 presidential elections: during a campaign event, the then incumbent and subsequently re-elected president Andrzej Duda said that LGBT persons were not people, but a mere ideology. Starting in the summer of 2019, a good third of Polish municipalities, counties and voivodeships had at least temporarily declared themselves “LGBT ideology-free zones”. The original wording of a newspaper that distributed stickers saying “LGBT-free zone” had previously been banned by the courts. LGBT people living in these mainly south-eastern areas report a significant increase in open discrimination.

By now, the number of such “zones” in Poland has been reduced by half: The Polish region of Swietokrzyskie on 22 September annulled a motion against so-called “LGBT ideology” after the European Union threatened to suspend funding under the REACT-EU (Reconstruction Aid for Cohesion and Territories of Europe) programme. Three other regions followed suit and also voted to cancel their regional anti-LGBT resolutions.[35]

- **Slovakia** was one of the first countries to sign the Convention in 2011. In 2019, the Slovakian parliament decided not to ratify the Convention, though. Opponents, including representatives of the Catholic Church, have in recent years repeatedly criticised the Convention for propagating so-called “gender ideology” and enabling “gay marriage” under the guise of protecting women’s rights. They argue that the issue of women’s protection was very serious and attempts to foist “gender ideology” within such protection frameworks were thus unacceptable.[36]
- **Hungary** signed the Convention in 2014; but in 2020, the parliament passed a resolution calling on the government not to ratify it. The reasons given are the definition of gender in the Convention as well as the recognition of gender-based violence as a form of persecution in asylum procedures. Both endanger Hungarian culture, laws, traditions and national values, the parliament argued.[37]
- **Turkey** was one of the first states to ratify the Istanbul Convention in 2011 and had already passed a law referring to the provisions of the Convention. Ten years later, Prime Minister Recep Tayyip Erdoğan issued a decree to withdraw from the Convention on 1 July 2021. The reason given was that the Convention normalised homosexuality, which would allegedly contradict Turkey’s traditional social and family values.[38]

[35] Die Zeit: Polnische Region hebt Status als „LGBT-freie Zone“ auf (23.09.2021), Lesben- und Schwulenverband (LSVD): „LSBTI-freie Zonen“ in Polen - Steigender Hass im Nachbarland (online), Brinkschröder 2021: 297-310.

[36] EURACTIV: Slovakia still opposes EU accession to Istanbul Convention preventing violence against women (29.11.2019), Nachrichtendienst Östliche Kirchen: Slowakei: “Istanbul-Konvention” wird nicht ratifiziert (19.03.2021).

[37] Index: Hungarian Parliament refuses to ratify the Istanbul Convention for its asylum provisions and inclusion of gender (05.05.2020).

[38] More information and news coverage by Deutsche Welle, BBC.

The developments on national levels also led to a blockade by individual member states regarding the accession of the **European Union** to the Istanbul Convention. European Commission President Ursula von der Leyen had made this accession one of her Commission's top priorities.

Accession of the European Union to the Istanbul Convention

Although the Istanbul Convention was signed on behalf of the European Union on 13 June 2017, it has not yet been ratified as no Council decision to that effect has been taken. The Council has so far made the adoption of such a decision subject to the unanimity of the member states. The Court of Justice of the European Union (ECJ) issued an opinion on the Istanbul Convention on 6 October, which clarifies that the European Union can accede to the Istanbul Convention without unanimity in the Council. According to the ECJ, the Convention covers both areas of competence of the EU and of the member states, which is why it should be signed by the EU and the individual member states. More specifically, the opinion argues that the Council does not need a unanimous decision by all the member states when adopting a decision on the conclusion of the Convention, since the qualified majority voting procedure already laid down in the Treaties (Article 218 TFEU) cannot be extended to include a new upstream step of unanimity.

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This publication does not necessarily reflect the opinion of the Government of the Federal Republic of Germany. The authors Marie Wittenius und Katrin Lange bear responsibility for its content.

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