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The culture war over the Istanbul Convention in East Central Europe

Between right-wing polarisation and progressives' blind spots, the culture war over 'gender' rages with full force

Against the background of corona pandemic's catastrophic effects on health and the economy, the right-wing political forces in East-Central Europe are apparently falling back on their old, familiar strategy of turning frustration and insecurities into a culture war.

For example, Poland has recently tried to tighten up an already very restrictive abortion law. In Slovakia too, restrictions on access to abortion have again been on the agenda in parliament. In Hungary in September and October, a polarising debate took place over a book of fairy tales whose purpose was to sensitize children to the acceptance of various minorities, including gay, lesbian, and transgender people. And now, restricting the adoption rights of gays/lesbians and single parents is on the agenda as well.

At the heart of the culture war in the Visegrád Group, however, is the Istanbul Convention signed by the EU in June 2017, known formally as the 'Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence'. In all four countries it came under fire by the government during the pandemic. Instead, an alternative 'Family Rights Convention' has even been initiated in its place, which, in contrast to the Istanbul Convention, contains chapters on abortion and same-sex marriages.

Poland had already ratified the convention, with the other three Visegrád countries having previously signed it. However, the parliament of Slovakia voted against the ratification in February, and that of Hungary in May – in the middle of the first wave of the pandemic. In Slovakia, conservative NGOs initiated another petition in May so that the country's President should take action and withdraw their signature. In the Czech Republic, under right-wing pressure, the planned ratification was taken off the government's agenda in summer. And in July, in the midst of anti-LGBT propaganda, the Polish Minister of Justice

announced that he would withdraw from the convention.

Since then there has been a standstill in the four countries around the Convention – but as we are currently seeing in Poland, with the abortion ban having been outsourced to the constitutional court, this can heat up again at any time.

What the Istanbul Convention is – and what it is not

Hence, it is all the more important to be clear about what the convention actually is: no more and no less than a comprehensive instrument to address the root causes of gender-based violence and bring about the necessary institutional changes.

While feminists complain that the Convention, with its neutral definition of gender-based violence – 'violence directed against a woman because she is a woman or disproportionately affects women' – does not explicitly state that its roots are in institutionally anchored patriarchal structures, their opponents claim the opposite problem: it is too feminist and gives rise to a conflict between women and men.

This is one of the reasons why, despite the social consensus that violence against women is unacceptable, conservative forces oppose the Convention. Instead, they see the two sexes as complementary – which in practice leads to the perpetuation of traditional gender roles. Most conservatives, however, reject the assumption that the complementary relationship between men and women would behierarchical – or even if so, that this would cause domestic or sexual violence against women. There we have a disagreement.

But there is another reason why conservatives are against the Convention, and that is exactly why progressives should engage in critical self-examination. The right-wing political forces in Central and Eastern European countries are attacking the Convention mainly with the argument that it would propagate the idea of many non-binary gender identities. It is assumed that 'gender' refers to the felt sense of gender identity.

The Bulgarian Constitutional Court, for example, declared the Convention to be unconstitutional, arguing that the gender concept would be based on 'subjective perceptions' about one's own gender and that, as the deputy prime minister of the right-wing party VMRO put it, it would open the door in Bulgarian law to the introduction of a third

gender.

The gender definition of the convention is clear however: 'The term "gender" [denotes] the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.' The convention therefore does not question sexual dimorphism (that is, that humans are born male or female). Thus, the accusation coming from the right is distorted. If it weren't, they would probably find another way to polarise and another reason not to ratify the Convention nonethelesss.

The ambiguity of 'gender'

Nevertheless, it is not so easy to claim that the accusation is wrong – a problem that progressives fall prey to over and over again. It is wrong about the Convention, but not in general. This definition of gender, which is denounced by the right wing, exists. As a result of the successful lobbying work of LGBT organisations, the term 'gender' is used in more and more EU documents and in LGBT-themed awareness-raising materials with regard to subjectively perceived gender – which is to say, for gender identity.

Progressive actors often fail to see this ambiguity. They treat the definitions presented by the Istanbul Convention and queer politics as being synonymous, or even mix the two. This ambiguity is then celebrated in the name of a diversity presented as conflict-free.

The right-wing parties are exploiting precisely this unseen, or deliberately subsumed ambiguity, which is perhaps not even recognised as a problem because of the imperative of diversity. When it comes to gender stereotypes, as in the case of the Istanbul Convention, this would be the first step for the right to introduce the myriad of gender identities based on the Anglo-American example. In this way, gender equality – a legitimate progressive goal – is reinterpreted to be a mere pretext so as to later propagate the infinite gender identities.

A space for discussion among progressives

It is not the same whether one calls into question the binary nature of gender roles (that women and men are in a hierarchical relationship to one another and have to be such and such) or the binary nature of sexes (that biological sex cannot be read on the body, but that would be only an interpretation of it – arbitrarily assigned at birth, and accordingly, that

subjective identities would be better and fairer indicators of whether the gender of a person is man, woman, or something else).

Queer feminism represents this second notion but it cannot be viewed as having a social or global consensus. To large parts of society in the countries of the core such as the US, where this theory was developed, this also appears out of sync with reality. If, in countries where this approach is considered an import, it is communicated as the only valid path of progress, it is quickly perceived as ideological colonisation – a phenomenon which, unfortunately, is shrewdly instrumentalised by the right.

Therefore, awareness-raising materials and fairy-tale books are not only about conveying openness and tolerance. In the progressive spectrum, we need more critical debates on supposedly emancipatory and progressive demands – before all space for it is monopolised by the right.



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