

edited by Andrea Krizsán and Conny Roggeband

Gendering Democratic Backsliding in Central and Eastern Europe.

A comparative agenda.



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“Gendering Democratic Backsliding in Central and Eastern Europe is a must-read for anyone interested in the contemporary dynamics of illiberal democracies and reconfiguration of gender regimes. The theoretical introduction by Andrea Krizsán and Conny Roggeband displays great clarity and provides a neat structure for the whole volume. The book collects thick, but well nuanced and insightful analysis of recent developments of four CEE countries: Croatia, Hungary, Poland, and Romania. The case studies are fascinating, impressive for their richness, but thanks to the common analytical framework, the volume is consistent and accessible. The book is timely and essential for better understanding of what is happening to our democracies, gender policies and feminist movements.”

*Marta Rawłuszko, Assistant Professor
University of Warsaw*

“So far we missed analysis of gender – state – civil society relations under the process of de-democratization. “Gendering Democratic Backsliding in Central and Eastern Europe” by Krizsán and Roggeband fills this gap while constructing a careful theoretical framework that is coherently applied by their co-authors to country case studies covering Croatia, Hungary, Poland and Romania. Authors of the book present the regression and reversal of gender equality policies and the changing landscape of women’s activism in such novel circumstances. A must read to all who are concerned about the future of gender equality and women’s activism in the region.”

*Szikra Dorottya, Senior Research Fellow
Institute of Sociology, Hungarian Academy of Sciences*

Two decades after transition to democracy, countries in the Central Eastern European region are now experiencing democratic backsliding. De-democratization processes not only challenge democratic institutions but can also be seen as a form of cultural backlash against social and political changes that took place during the last decades. Gender and sexual orientation based equality is particularly hit: the cultural backlash translates into gendered processes of de-democratization. Attacks on gender equality and against actors standing for it are particularly widespread in countries of the Central and Eastern European region. This book aims to map gendered aspects of the decline of democracy in four countries in the Central and Eastern European region: Croatia, Hungary, Poland and Romania. We have a dual focus. First, we look at how processes of de-democratization affect previously established gender equality rights and what forms gender policy backsliding takes in the region. We are interested in learning how governments operate to block or reverse gender equality policies and what specific policy fields or issues are the main targets. Are policies actively removed or do we see more subtle dismantling strategies? First, we ask if these dynamics and mechanisms are country specific or whether we can find similar patterns across countries? Second, we look at how these developments affect defenders and promoters of gender rights. How do women movements respond to these attacks? Do they change strategies? Do they falter in hostile conditions or we see resistance, maturing, diversifying coalition capacities? What do the anti-gender attacks and hostile states mean for movement capacities and strategies? The introduction provides a conceptual framework for the analysis. Separate chapters discuss gendered dynamics of de-democratization in the four countries.

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GENDERING DEMOCRATIC BACKSLIDING
IN CENTRAL AND EASTERN EUROPE
A COMPARATIVE AGENDA

Edited by

Andrea Krizsán and Conny Roggeband

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PREFACE

When finishing our book on the development of domestic violence policies in five Central and Eastern European countries in 2017 (Krizsán and Roggeband 2018a), the recent democracies in the region were experiencing serious backlash and we noticed how domestic violence policies, but also more generally gender equality policies were becoming more fragile and started regressing. In four out of the five analyzed countries we were detecting trends of backsliding and difficulties in women's movement organizations to partner with government actors. Negative trends and their simultaneity was evident. It remained unclear however whether this was qualitatively different from gender policy weaknesses one could always detect in these countries or something new was happening, and this time we were witnessing a more direct and more blatant attack on the fundamental idea of gender equality. This was the reason why we started a new research project on policy backsliding. Much of the existing scholarship on gender equality policies focused on policy progress and on the conditions facilitating them, overlooking the fact that these policies can also be subject to backsliding. We wanted to explore this topic theoretically, but also map if policies were indeed backsliding and how women's movements that had played an important role in developing these policies were working in its prevention. We searched for feminist researchers in the countries we had been studying before to help us in our endeavor. Mainly through the CEU community we found four talented and enthusiastic young scholars willing to take up this challenge with us. This book results from our common work and is part of a larger project the two editors are conducting on gender policy backsliding, feminist resistance and their impact on gender democracy.

Our project operated under poor conditions, with little funding. Three of the four researchers joined us within the framework of a related project TRANSCRISIS – Enhancing the EUs Transboundary Crisis Management. TRANSCRISIS mapped impact of the economic crisis and its management in some countries of the region in the wider equality field. Our team of doctoral researchers helped to extend the number of countries and go much deeper on only one aspect: gender equality. We also thank the University of Amsterdam for providing us with some funding to pay our fourth researcher. Meanwhile we have to acknowledge that our limited funds hardly allowed us to pay our researchers properly. These conditions made our research dependent to an important extent on the commitment of the feminist scholars doing the research in each country to make visible what is happening. We thank our researchers Ana Chiritoiu, Marianna Szczygielska, Leda Sutlović and Andrea Sebestyén for the time they dedicated to this project, the rich data they gathered and for developing rigorous research reports for our larger backsliding project. The reports ended up being more than simple research reports. Therefore, we wanted to give them a platform to write their own text and make their own arguments on what is happening to gender equality policies and the women’s movements in their respective countries. We dedicate this edited e-book to be such a platform. The four chapters they have written – while using the conceptual framework on policy backsliding we developed (Krizsán and Roggeband, 2018b; Roggeband and Krizsán, 2018) – also contain their own analysis. We learned a lot from their first-hand observations and insights and are happy that the book gives us the possibility to refer to their own original writing in our larger project.

This book seeks to raise awareness among a large public, also beyond the region, that gender equality progress cannot be taken for granted and the hard-fought gains are now lost at high speed. Much is at stake and the losses are daily. Large scale mobilization is necessary and as the case studies demonstrate is also happening in a number of countries. While backsliding has clear negative consequences, research also needs to consider the gains in terms of revitalizing, maturing women’s movements and potentials in

gendering pro-democracy frames that may result. More systematic and in-depth research is needed for exploring the link between gender aspects of backsliding and gendering pro-democracy processes. Another research direction is to explore the link between democratic backsliding and the regression of women's rights, beyond region. These are our ambitions and the book is a first step towards that direction.

INTRODUCTION:
MAPPING THE GENDERED IMPLICATIONS OF
DEMOCRATIC BACKSLIDING
IN THE COUNTRIES OF THE CEE REGION

Andrea Krizsán and Conny Roggeband

Two decades after its transition to democracy, the Central Eastern European region is now experiencing democratic backsliding (Greskovits, 2015). Many countries in the region have first been hit hard by the economic crisis, and now in several of them right wing and populist governments using authoritarian practices came to power. Democratic institutions and practices such as the rule of law and independence of judiciary, free media, transparency and accountability, as well as the availability of a free and inclusive space for civic society are challenged. As a response, pro-democracy groups organize, and protests have become a regular feature in these countries. Yet, so far, protest has been largely unsuccessful in halting widespread erosion of civil and political rights and curtailing of civic space.

Processes of democratic backsliding, illiberalism and autocratization are widely discussed in scholarly debates. Democratic backsliding describes policies that change political institutions and political practices. Democratic backsliding degrades citizens' rights, government accountability, and citizen's power to influence policy (Waldner and Lust, 2018). Leading scholars have argued that current processes are more vexing than previous forms of backsliding (Bermeo, 2016; Waldner and Lust, 2018; Foa and Mounk, 2017). As Bermeo argues: "Ironically, we now face forms of democratic backsliding that are legitimated through the very institutions that democracy promoters

have prioritized” (Bermeo, 2016:7). Governments use newly elected constitutional assemblies, referenda, as well as courts and legislature to increase their power and weaken opposition. Next, backsliding tends to have a gradual, incremental character, rather than radical breakdown. Greskovits (2015) therefore points out that we need to conceptualize backsliding as a process rather than an exact turning point when democracy is demised. He finds that “semi-authoritarian projects of East Central Europe [...] advance in an almost surreptitious way via adoption of a patchwork of worldwide existing legal and institutional ‘worst practices’ to gradually weaken democracy” (Greskovits, 2015:30). The question that emerge is whether democratization was ever complete in the post-communist countries of the Central and Eastern European region or if these regimes always remained hybrid (Plattner and Diamond, 2007; Sitter et al., 2016), making reversal of democratization a more imminent danger in these countries of Europe than elsewhere (Sitter et al., 2017).

De-democratization processes not only challenge democratic institutions but can also be seen as a form of cultural backlash against social and political changes that took place during the last decades (Norris, 2016, Fomina and Kucharczyk, 2016). Gender and sexual orientation based equality is particularly hit: the cultural backlash translates to gendered processes of de-democratization. Attacks on gender equality and against actors standing for it is a recurring phenomenon in many parts of the world, but particularly widespread in countries of the Central and Eastern European region. Contrary to the previous decades when gender equality, even if rarely supported proactively, was accepted as a legitimate policy objective, we now see governments across the region openly questioning and attacking formally adopted and accepted policies (Krizsán and Roggeband, 2018b). Governmental and non-governmental actors come together at local, national and transnational levels (Korolczuk and Graff, 2018) to challenge the normative assumptions behind the need for gender equality progress, to attack hard fought achievements and block further progress in gender equality rights and empowerment. While negative trends and their simultaneity are evident, it remains to be analyzed whether this is qualitatively different from gender policy weaknesses one could always

detect in these countries or something new is happening, and this time we are witnessing a more direct, more blatant attack on the fundamental idea of gender equality.

Research and reporting identifies several gendered dimensions of democratic backsliding; each of them require more attention.

First, regimes moving towards illiberalism and authoritarianism are often led by governments expressing nativist and nationalist ideologies in which gender equality and sexuality rights are depicted as values externally imposed on them, for instance by the European Union, threatening national values, identity, and state sovereignty (Bolzendahl and Gracheva, 2018). This reasoning is used as a justification to question and terminate existing policies and legislation. Gender equality processes and institutions that were in place are now de-funded and marginalized, which leads to the erosion of policy arrangements and turns existent policies and legislation into empty vessels (Krizsán and Roggeband 2018b; Roggeband and Krizsán 2018). Also, defenders of gender equality rights are depicted as “foreign agents”, which limits the recognition, space and participation of women’s rights advocates in policy processes (Korolczuk and Graff, 2018). The emphasis on “traditional” values negatively affects the position and rights of women and sexual minorities. Women are referred back to their roles as mothers and reproducers of the nation in contexts as diverse as Bolivia, Hungary, Poland, and Turkey. Abortion and reproductive rights are curtailed across Central and Eastern Europe. The most recent international convention on women’s rights, the Istanbul Convention on violence against women is at the centre of attacks. The political debates, referenda and policy changes promoting traditional family values opposed to the rights of women and diverse family forms signal a move from a rights-based approach towards an approach where individual rights are subordinated to collective nationalist and familialist objectives (Krizsán and Roggeband, 2018b; Roggeband and Krizsán, 2018).

Second, efforts to defend and advance gender equality rights are obstructed by the closure of civic space which is identified in the literature as one of the vital aspects of de-democratization (Carothers and Brechenmacher, 2014; Rutzen, 2015; Baker et al., 2017). Studies on civil society and protests in backsliding or (semi-)autocratic states indicate

that governments moving towards authoritarianism often use a range of different methods of control to suppress civil society organizations they perceive as threatening (Carothers and Breichenmacher, 2014; Rutzen, 2015; Poppe and Wolff, 2017). State hostility not only entails threats to the rights of civil society, but also obstruction and repression (Baker et al., 2017; Human Rights First 2017; Geró and Kerényi, 2017). Methods may include exclusion from consultative platforms, co-optation by using the reliance of organizations on state funding or cooperation to control their activities; and repressive or even violent actions, which limit and disempower organizations (Baker et al., 2017; Nimu, 2018). The decreased space for civic organizing and protest is a major threat for women as they have often been excluded from state institutions and male dominated politics, and therefore particularly depend on civil society organizing (Howell, 2005; Strolovitch and Townsend-Bell, 2013). Securing voice through co-operation with state actors was previously the most efficient strategy used by women's groups in achieving gender policy progress (McBride and Mazur, 2010; Krizsán and Roggeband, 2018a). A decrease in civic space means the reduction of a key channel for the advancement and protection of gender equality and for upholding the rule of law.

Third, gendered aspects of de-democratization are not only impacting patterns of democratic backsliding but are also present in popular responses to de-democratization. Gendered attacks on democracy in various places have to confront fierce reactions from women's and LGBT movements that in some places appear to be reinvigorated by the backlash (Geró and Kerényi, 2017). Protests such as the Women's March in the US (Chenoweth and Berry, 2018), the Polish "black protests" or protests against presidential candidate Bolsonaro in Brazil became important catalysts for new pro-democracy efforts. While women's rights activism plays an important role in defending democracy, movement capacity to engage with democratic backsliding and rights reversal diverges. Over time women's movements have used a myriad of strategies to challenge and engage state actors and institutions, like protest and grassroots activism, but also networking and lobbying. Yet, increased hostility towards critical civil society organizations in general, and towards human rights organizations in particular, blocks

earlier successful strategies of engaging the state. In Central and Eastern European countries women's movements have traditionally been weak and relied mainly on transactional strategies (Tarrow and Petrova, 2007), meaning that they had little or no grassroots and disruptive protest capacities, but rather used networking and lobbying capacities to engage state actors and institutions. In some countries in the region, women's rights activists have now successfully turned to grass roots activism, and protests on gender equality issues have become a constitutive part of wider pro-democracy protests. In Poland, pro-abortion protests are among the largest and best organized street protests since the Law and Justice (PiS) government has taken office. In Croatia, the debate over sexual education is a key element of the protest agenda that expelled the populist government in 2016. In Romania, women's rights and violence against women were central issues in pro-democracy and transparency protests in 2012. Women's movement capacities and strategies may be changing in this new wave of struggles over democracy and liberal norms. Moreover, due to the centrality of gender in attacks to democracy, gender issues may become a genuinely integral part of mainstream pro-democracy struggles.

These developments make the Central and Eastern European region a key site for studying and understanding democracy, gendered democracy, de-democratization and resilience to it. Processes that develop gendered democracy here may be somewhat different, and probably more extreme compared to more consolidated democracies, yet, in a global context of increasing right wing populism and nationalism with important gender dimensions and a strongly emerging need to oppose them, discussing the Central and Eastern European experiences can become relevant well beyond the countries of the region.

In this book we aim to map gendered aspects of the decline in democracy in four countries in the CEE region: Croatia, Hungary, Poland and Romania. We focus on countries which exhibit particularly strong and yet diverse gendered patterns of backsliding and resistance to it: some radical, others incremental, some ongoing over long periods of time, others stopped by impressive patterns of civil society resistance (Krizsán and Roggeband, 2018b; Kikas, 2016; Szelewa, 2016).

We have a dual focus. First, we look at how these processes affect previously established gender equality rights and what form gender policy backsliding takes part in the region. For this purpose, our introduction proposes a way of conceptualizing gendered aspects of democratic backsliding. We are interested in learning how governments operate to block or reverse gender equality policies, and what specific policy fields or issues are most targeted. First, are policies actively removed or do we see more subtle dismantling strategies? Also, we ask if these dynamics and mechanisms are country specific or whether we can find similar patterns across countries. Second, we look at how these developments affect defenders and promoters of gender equality rights. How do women movements respond to these attacks? Do they adapt their strategies? Do they falter in hostile conditions or do we see resistance and strengthening of movements? We pay attention to civil society organizations that mobilize against gender equality and sexual rights, and promote an anti-feminist discourse as well. To deal with these important questions we introduce a specific framework of analysis.

Mapping policy backsliding: conceptual framework and methods

To capture patterns of policy backsliding, as well as policy resilience and stickiness, we propose a conceptual framework (see also Krizsán and Roggeband, 2018b; Roggeband and Krizsán, 2018) that draws on two sets of literature. First, it relies on and adds to the literature on opposition to gender equality (Verloo, 2018; Kuhar and Patternote, 2017; Kováts and Poim, 2015) and on the gender politics of the economic crisis (Bettio et al., 2012; Karamessini and Rubery, 2013; Walby, 2015; Kantola and Lombardo, 2017; Jacquot, 2017) as well as recent discussions on democratic backsliding and policy dismantling (Greskovits, 2015; Bermeo, 2016; Bauer et al., 2012). Second, it relies on literature that can conceptualize gender policy change (McBride and Mazur, 2010; Htun and Weldon, 2012; Krizsán and Roggeband, 2018a; Annesley, Engeli and Gains, 2015; Htun and Weldon, 2010).

Regression or reversal of gender equality policies so far received little attention. The comparative gender and politics literature predominantly

focused on policy progress and on conditions facilitating this. The assumption, particularly in established Western democracies, was that the increased participation of women in political realms and existing institutional channels is conducive to gender equality progress. This focus on the spread and uptake of gender equality policies, overlooks that these policies can be subject to backsliding. Backsliding has become a particularly urgent topic in recent years as governmental attacks on gender equality have increased in several countries (Verloo, 2018; Kuhar and Patternote, 2017; Kováts and Poim, 2015). Understanding the character of backsliding and its underlying mechanisms raises new challenges to the literature on gender and politics.

Literature on policy change also predominantly operates on the assumption of institutional stability and incremental policy change, paying far less attention to policy dismantling and reversals (Bauer and Knill, 2014). Analysis of policy change mainly concentrates on degrees of change, and causality, but the direction of change is seldom taken into account. Along with Bauer and Knill (2014) we are interested in looking at changes in a negative direction. Yet, whereas Bauer and Knill (2014) use the somewhat neutral concept of “policy dismantling”, we prefer to use the more normative concept of backsliding, which links it to democratic backsliding and opposition to gender equality. We define policy backsliding as a decrease of a government’s previous policy commitments to gender equality norms.

How do we conceptualize backsliding in the realm of gender policies? Bauer and Knill (2014) conceptualize policy dismantling along two dimensions: policy *density* and *intensity*. *Density* refers to changes in the number of policies and in the number of instruments in a given policy field over time, while *intensity* refers to a change in the settings of instruments or procedural/administrative enforcement (Bauer and Knill, 2014:34). Conceptualization of policy dismantling based on numerical decrease of policies and policy instruments does not allow us to also map a decrease in the *quality* of policies and policy measures, nor does it enable us to trace how the configuration of policies to address gender inequalities may

be affected. We therefore propose to develop Bauer and Knill's intensity dimension drawing on the literature on gender policy change. Policy outcomes are conceptualized in a variety of ways: some approaches are more output oriented – analyzing whether policies are adopted in critical fields (Htun and Weldon, 2012) –, while others also examine the quality and framing of adopted policies (Bacchi, 1999; Lombardo, Meier and Verloo, 2009). In addition, scholars suggest that along substantive output elements, procedural elements also have to be integrated, in particular the inclusiveness of policy processes beyond agenda setting (McBride and Mazur, 2010; Ferree and Gamson, 2003; Krizsán and Roggeband, 2018a). Based on these studies, we suggest conceptualizing negative outcomes along substantive and procedural dimensions. The recent literature on backsliding of gender equality policies in the context of the economic and financial crisis of 2008 indicates that anti-discrimination policies and other legal gender equality instruments often remained in place, but that cuts particularly affected budgets and institutional frameworks (Bettio et al., 2012; Karamessini and Rubery, 2013; Walby, 2015; Kantola and Lombardo, 2017; Krizsán and Zentai, 2017). Jacquot points to the “progressive extinction” (Jacquot, 2017:43) of EU gender equality policies over the last decade through institutional repositioning, budget cuts, erosion of implementation arrangements and decreased consultations with civil society. From these studies, policy implementation and enforcement emerge as important additional dimensions to trace policy backsliding, in particular in the context of CEE countries, which tend to perform exceptionally well in adopting international gender equality norms, without genuine policy practice supporting these. Keeping formal policies in place, while cutting policy instruments, institutions and budgets supporting these can turn policies into “dead letters” or empty vessels (Falkner et al., 2008).

Finally, we bring in the aspect of increased (discursive) opposition to gender equality that governments use (Kováts and Poim, 2015; Kuhar, 2015; Kuhar and Paternotte, 2017; Verloo, 2018). While this is not a direct form of policy dismantling, we contend that such oppositional statements, in particular when made by high level political actors who are part of the

governing structure or governing political party, question the legitimacy of gender equality as a goal and discredit existing policies. It sends out a message to officials dealing with gender equality policies that they are deemed undesirable and thus should or may be marginalized or sabotaged. Oppositional statements may thus undermine the implementation and execution of policies at different levels.

Along these lines, we discern four dimensions of policy backsliding: 1) policy decay, which affects the substance of gender equality policies; 2) undermining implementation; 3) erosion of consultation mechanisms and 4) discursive delegitimization of gender equality policies. We discuss each dimension below:

1) *Policy decay.* Backsliding can affect gender policies in their substance.

We identify three forms of policy decay. The most radical form is to discontinue or dismantle existing gender equality policies. Policy decay however, can also take place by reframing policies. Policy regimes are underpinned by policy frames: a set of ideas about the nature of the problem, its causes and consequences and its solutions (Verloo, 2005:20). Policy frames (Verloo, 2005) are a useful tool to analyze policy decay. Reframing may occur when a policy is amended so that its new framing contrasts with gender equality meanings or allows for contrasting interpretations. Next, policy decay also happens when gender sensitive issues previously present in policy frames disappear. Finally, gender equality policy decay may occur through the adoption of new policies that are openly hostile to gender equality objectives.

2) *Undermining implementation.* Backsliding of policies can take less direct forms that Bauer et al. (2012:14) label “dismantling by default.” In such cases, policies stay in place, but institutional arrangements for effective policy implementation are challenged. Backsliding can thus affect policy enforcement agencies, mechanisms of policy coordination, intergovernmental and other partnerships, strategic and programmatic processes, or allocated budgets. Dismantling

institutional capacities of implementation contribute to sustaining façade democracies in which laws and policies remain dead letters (Falkner et al., 2008).

3) *Erosion of consultation mechanisms.* Gender policies can be particularly hit by procedural dimensions of backsliding. Accountability processes, notably policy making and consultation processes inclusive of women's rights advocates, are recognized as critical for gender policy progress (McBride and Mazur, 2010; Ferree and Gamson, 2003; Krizsán and Roggeband, 2018a). Policy inclusion is a policy outcome in itself, but it is also a factor that secures more gender sensitive policy outputs. Gender equality policies may be particularly hollowed out if women's rights advocates are not meaningfully involved in processes beyond agenda setting (Krizsán and Roggeband, 2018a). De-democratization of policy making processes is identified as a critical element of backsliding gender policy (Walby, 2015; Kantola and Lombardo, 2017; Krizsán and Zentai, 2017; Jacquot, 2017). Erosion of consultation mechanisms can range from dismantling the platforms of consultation to persecution of civil society actors (Johnson and Saarinen, 2011; Krizsán and Zentai, 2017). These patterns of action make participation of women's rights organizations in consultation processes difficult if not impossible, challenging accountability patterns and contributing to de-democratization.

4) *Discursive delegitimization of gender equality policies.* A widely noted and prominent aspect of policy backsliding is a change in official political discourses from positions largely supportive or silent on gender equality to statements that openly challenge gender equality objectives (Krizsán and Roggeband, 2018). Discursive opposition to gender equality when made by high-level political actors who are part of the governing structure or governing political party delegitimize existing policies. This invites and allows for sabotaging the implementation and execution of policies by lower level policy executors.

We see these four dimensions of backsliding – policy decay, undermining implementation, erosion of consultation mechanisms and discursive delegitimation – as complementary and mutually influencing each other. For example, erosion of consultation mechanisms may ultimately result in policy decay or affect implementation. Following Annesley, Engeli and Gains (2015) and Htun and Weldon (2010) we further expect that patterns of policy backsliding will differ across sub-issues. Issue distinctiveness recognizes that different gender equality problems each ‘involve a distinct set of actors, activates different cleavages and conflicts and has distinct implications for gender relations’ (Htun and Weldon, 2010:208).

It has been argued earlier that various gender equality policy sub-issues are characterized by different policy dynamics, including diverse patterns of actor dynamics, specific forms of political representation, institutional friction and veto points, which may result in variations in policy attention and outcomes (McBride and Mazur, 2010; Htun and Weldon, 2012; Annesley, Engeli and Gains, 2015). Research makes clear that issues related to sexual and reproductive health and rights, sexual education, regulations around parenthood and care and family rights are particularly sensitive to contestation by conservative and religious actors who see these issues as “private” and as a matter of morality or religious doctrine and contest certain state interventions in these areas (Kuhar and Paternotte, 2017; Kuhar, 2015; Kovats and Poim, 2015). Class based issues emerge as a topic of political struggle in the context of the economic and financial crisis (Karamessini and Rubery, 2013; Bettio et al., 2012; Kantola and Lombardo, 2017; Krizsán and Zentai, 2017). In contrast, legal frameworks to promote equality and prevent discrimination that are embedded in international norms and treaties may be less prone to backsliding.

This framework of analysis for policy backsliding guides the analysis in the chapters and allows the authors of the book to point to various patterns of policy backsliding, but also to fundamental similarities in terms of issue specificity, importance of implementation problems and dismantling of policy processes that allow less or no voice for women’s rights defenders.

Women's rights activism under attack

Hostile states not only attack gender equality rights, but also the promoters and defenders of these rights. Recent reports indicate that in many countries, together with other human rights defenders, women's rights activists are targeted because of the area of their work (Bishop, 2017; Human Rights First, 2017). These attacks limit the pluralism and diversity of civil society and attempt to erase critical voices. The obstruction of women's participation reinforces the social political marginalization of women and limits them in exercising their rights. Having voice through civil society is critical for women as they are still underrepresented in male dominated politics and excluded from policy making processes (Howell, 2005; Strolovich and Townsend-Bell, 2013). Studies on civil society and protests in backsliding or (semi-)autocratic states indicate that governments moving towards authoritarianism often use a range of different methods of control to suppress civil society organizations they perceive as threatening (Carothers and Brechenmacher, 2014; Rutzen, 2015; Poppe and Wolff, 2017). Reports (Baker et al., 2017; Carothers and Brechenmacher, 2014; Human Rights First 2017; Gerő and Kerényi, 2017) make clear that governments take a range of measures to curtail the space of civil society organizations and that such measures particularly affect human rights organizations. Government actions range from legal constraints or obstructing funding opportunities, to more repressive action such as policing, disproportionate auditing or even raids, effectively limiting civil society organizations in their functioning.

Women's movements also confront a social movement 'backlash' in the form of antifeminist (Chafetz and Dworkin, 1987) or anti-gender movements (Kuhar and Patternote, 2018; Korolczuk and Graff, 2018). Social-movement theorists invented the 'countermovement' concept to refer to actors that emerge in reaction to prior movements, and oppose or block their initiatives. A central premise in the literature on countermobilization is that a movement that gains visibility and is successful in mobilizing bystanders and/or pushing for policy change is likely to generate a countermovement that actively opposes this movement and its agenda (Roggeband, 2018). Since feminist actors challenge dominant gender

roles and gender inequalities, opposition comes from actors that seek to maintain traditional gender roles which may include various pro-family groups, men's and father's groups, clergy or leaders of major orthodox religious organizations; vested economic interest groups (unions, employer organizations); or conservative or religious civil society organizations (Roggeband, 2018; Kuhar and Patternote, 2018; Korolczuk and Graff, 2018; Kovacs and Poim, 2015). Governments may also actively support or even create organizations embarking on such conservative and anti-gender agendas. The creation of so called GONGOs (government operated non-governmental organizations) is an often used strategy to influence the realm of civil society in a way that directly supports state power (Doyle, 2017). Women's rights organizations are then side-lined in favour of groups with interests that align with government ideology and that actively oppose gender equality. Hostile states may thus reconfigure civic space rather than closing it and turn civil society into an ideological device to promote and justify a vision of the state promoting patriarchal family models rather than gender equality rights (Howell, 2005). In the Central and Eastern European region, counter-movements have started to mobilize massively and stir public debate as the country studies in this book show.

Recent research into the global trends of civil society repression and closure of civic space has not applied a gendered analysis and fails to recognize how the closure of civic space reinforces and widens existing gendered inequalities in society and politics. Our edited volume is an attempt to contribute to understanding the impact of these attacks on gendered democracy.

With our analysis of CEE countries we aim to examine how the emergent patterns of state hostility and anti-genderism towards human rights – including women's rights – organizations blocks previous dominant strategies used by women's movements to mobilize for gender justice. The chapters of the book discuss and analyse new patterns of interaction and esilience.

In order to capture changes in women's rights activism in the current context our chapters propose to move beyond the analysis of the bilateral

relationships between state and women's movements, or between movement and counter-movements, and turn to a framework that captures the triadic relationship between movements, counter-movements and the state. This brings us to a number of key elements and questions for analysis.

First, it is important to examine how state actors and institutions treat women's rights organizations. What strategies are used to deal with women's organizations? Are pre-existing patterns continued or changed? If changed, what do these changes entail? Do funding patterns change? How do state actors deal with the claims and demands of women's rights activists?

Second, what is the relation between state actors and institutions, and countermovements? Who are the actors that oppose gender equality? Are these GONGOs or do they emerge and organize relatively independently from the state? Are they included in policy processes, do they have a voice and standing in women's rights issues?

Third, is there an existing or emerging dynamics between women's organizations and counter-movements? Here we focus on how women's movements interact and react to counter-movement mobilization and claims. We discuss whether this relationship is a direct one –between the two movements –, or indirect, mediated through the state. We expect this to be empirically different if the relationship is only mediated or it is direct.

Fourth, we are interested to see what strategies women's movements have at their disposition to be able to respond to attacks and active repression. Emergent state hostility towards women's rights advocates has consequences in how women's movements can maintain their role in promoting democratic representation of women's interests. In the next paragraph we explore the literature on women's movements responses to hostile conditions.

New strategies for women's right activism

Social movement literature is remarkably silent about movement strategies under conditions of democratic backsliding. Literature on responses to the economic crisis points to instances of demise and failure of movements, but in some cases also to revival and maturing and the emergence of innovative

forms of resistance (Kantola and Lombardo, 2017; Krizsán and Zentai, 2017; Krizsán and Roggeband, 2018b). More recently literature started looking into the potential role of anti-genderism for catalyzing women's rights activism (Korolczuk, 2016; Chenoweth and Berry, 2018; Roth, 2018).

Movement capacity and movement strategies of engagement with the state are dimensions we previously took (Krizsán and Roggeband, 2018) to conceptualize movement influence on policy-making. Both dimensions are affected by the increased state hostility discussed above. Feminist resilience and responses to backsliding will, on the one hand, depend on the capacity of women's movements and their strategies of state engagement before backsliding, and, on the other hand, on the modes and strategies of policy dismantling used by governments, to which movements react.

The strength of women's movements previous to the situation of democratic backsliding is an important factor shaping feminist resilience. Movement strength can be mapped along two central dimensions: *movement capacity* and *strategic engagement* (Krizsán and Roggeband, 2018a). The first dimension, movement capacity, relates to material, human and organizational resources, including leadership, networks and alliances. In their discussion of the political consequences of movements, Amenta, Caren, Chiarello, and Su (2010) argue that "the ability to mobilize different sorts of resources is key for the impact of movements, and mobilization of resources and membership does provide some political influence" (Amenta et al., 2010:296). We have argued elsewhere that a diversified movement infrastructure is particularly important for its mobilization strength. The second dimension is the strategic engagement of movements with the state (Beckwith, 2007). Here, the capacity to do grassroots, disruptive forms of action and form wider coalition patterns with other pro-democracy groups and aiming to gender pro-democracy frames are important for resisting the negative impact of democratic backsliding. These two dimensions determine the capacity of women's movements to stage protest against hostile governments, to mobilize grassroots constituencies, or to form new coalitions in backsliding states. Diversified movement capacities and strategies gain importance in this context: grassroots capacities, just

as much as transactional activism in relation to other rights groups and pro-democracy mobilizations, are fundamental when access to state and policymakers is limited or blocked.

Feminist resilience will also be shaped by modes or strategies of policy dismantling used by governments. Movements may react differently to active dismantling than to dismantling by default. Active dismantling will more likely generate disruptive protests and wide coalitions of protest. Nevertheless ideologically inconsistent coalitions are difficult to sustain over longer periods of time, in cases of slow backsliding or dismantling by default.

Finally, strength of anti-genderist counter-movements and their entanglement with governments will also be influential on how women's groups respond to backsliding and attacks.

Divergent patterns of feminist responses and ways of feminist coping with the context of hostility to gender and de-democratization can emerge. We identify three particularly prominent three: 1) disruptive protest, 2) new patterns of coalition building, 3) abeyance and demise.

Turn to grassroots and disruptive protest

Historically women's organizing used less obtrusive persuasive strategies, including participation in consultation processes or lobbying policy makers, more often than disruption (Htun and Weldon, 2012). In the Central and Eastern European region women's rights groups strongly relied on transactional activism during the democratization period. (Krizsán and Roggeband, 2018a; Tarrow and Petrova, 2007) rather than grassroots activism to pursue gender policy change, meaning that they focused on networking with other organizations, including state actors. It is through strategically chosen patterns of engagement with the state and with other civil society actors that gender policy progress could take place across the region (Krizsán and Roggeband, 2018a). In the current context, networking with state actors becomes difficult if not impossible as women's organizations are increasingly side-lined, persecuted or co-opted by governments. Women's rights groups are now forced to reconsider their strategies of action and keep

the women's rights agenda alive. More disruptive repertoires, including petitioning policy makers, street protests, other protest actions or well-communicated events that may change public opinion (McAdam and Su, 2002), or suing the state before international courts or organizations, rather than cooperation with states are necessary. On the one hand, such confrontational or disruptive strategies may result in more radically-framed claims that are less open to negotiation. On the other hand, use of such strategies requires different movement capacities and infrastructure (Andrews, 2001) than earlier used persuasive strategies, such as legal expertise to litigate, grassroots capacity and infrastructure to mobilize that, but also openness to coalition work. Strength and capacity of movements before the period of backsliding will make a difference to whether such capacity is available. Movements which had diversified capacities (Andrews, 2001) might be in a better position to turn to confrontational strategies.

New patterns of coalition building

Backsliding of gender policy regimes comes in the context of de-democratization or austerity measures responding to the economic crisis. In these contexts gender equality comes under attack together with other democratic values, human rights and rights of other vulnerable groups. These common external threats may bring together coalitions between actors that would not cooperate in their absence (Van Dyke and McCammon, 2010) and contribute to overcoming ideational tensions (Borland, 2010). Women's movements in CEE countries were rarely part of democratization movements and good working relations with other rights groups were the exception rather than the rule (Krizsán and Roggeband, 2018a). Yet, the changing context may lead to shifting strategies. Including intersectional groups such as minority women's groups, LGBT lesbian groups, or left-wing groups (such as housing rights group) with a strong gender equality agenda enhances movement strength and even may block backsliding of gender equality rights (Berry and Chenovetz, 2018; Popa, 2015; Korolczuk, 2016). Gendering pro-democracy frames is an important potential that could result from these coalitions (Alonso and Lombardo, 2018).

Abeyance and demise

While threat and opposition can reinvigorate opposition and strengthen it by activating grassroots capacities and by forging new coalitions, it can also be strongly incapacitating particularly for weaker and more institutionalized movements. Abeyance (Taylor, 1989) is a response that can emerge in such cases. Abeyance is a state of survival in which a social movement manages to sustain itself and mount a challenge to authorities in a hostile political and cultural environment, thereby providing continuity from one stage of mobilization to another (Taylor, 1989). Abeyance is like a last resort, when a movement is hardly able to openly challenge the state or function as usual. Abeyance structures promote movement continuity by sustaining organizational infrastructure from which a new protest wave may emerge in a different political environment. A move away from political activism towards academic feminism, organizing workshops, small group discussions is also a strategy that may be used, and is a familiar ground for many women's movements in CEE.

Our chapters analyze the shifting place of women's movements in some Central and Eastern European countries in the context of challenges to democracy. Together the chapters narrate the ongoing story of feminist activism in the region and to move beyond the understanding of women's movements in the region as inexistent, weak or servile to foreign interest.

Methods and data

The authors of the four country chapters all conducted qualitative case studies in which they used process tracing (Bennett 2010) to analyze and understand particular patterns of backsliding and feminist responses in each country. In the four countries we included in this book we see different processes of backsliding, either related to the economic crisis or to democratic backsliding or both. This implies that the period under study is different for each of the countries studied as gender equality backsliding also started at different moments. Data were gathered between the Autumn of 2017 until Spring 2018.

The authors have used a variety of different sources to trace processes of backsliding. A first step in reconstructing backsliding processes was based on media analysis, including traditional news media (newspapers) and social media sources. Next, they conducted a content analysis of policies and public debates around them, and statements by politicians in the media. In addition, in depth semi-structured interviews were held with key feminist activists and women working in gender equality state institutions. These qualitative data allow for a careful analysis of both the different dimensions of gender equality policy backsliding and feminist responses to these processes. The authors analyzed the role of state agents and conservative civil society organizations, and the links between these, in reversing gender equality policies as well. Overall, the case studies provide rich accounts of country specific actors and mechanisms currently at work.

Introducing the chapters

The four country chapters follow a similar conceptual framework as set out in this introductory chapter yet, highlight slightly different aspects of challenges to gender equality and varying patterns of resistance. In the Croatian chapter, we learn about the various arenas where gender equality advocates and anti-gender forces clash. The struggle takes place on the street just as much as within different state platforms. While the contestation is certainly detrimental to the gender equality project we still see considerable resilience of state structures promoting gender equality, and even some progress, for example the ratification of the Istanbul Convention despite aggressive protests against it.

The Hungarian chapter shows a politicization of gender equality as a result of repeated governmental and government supported attacks on its legitimacy in a context of de-democratization. It also shows concerted governmental attacks of defenders of democracy and gender equality. In this context, the weakness and incapacity of democratic resistance in general, and within that, the decreasing capacity of the women's movement, are the most remarkable findings of this case study.

In contrast, the Polish case study, which describes similarly strong tendencies of de-democratization over a much shorter time period, illustrates the importance and potential of a strong grassroots women's movement mobilization that is well connected to wider pro-democracy forces.

Finally, the Romanian chapter challenges altogether the applicability of the idea of backsliding in the Romanian case. It demonstrates the weakness of gender equality structures and poor patterns of implementation and efficiency for existent gender equality laws and policies throughout the last decades. It shows the perseverance of women's groups, but warns about their small size and limited scope of activity that mainly focuses on violence against women, but not on other gender equality issues.

All the four chapters neatly integrate in the conceptual framework provided and fill it with valuable empirical information. Yet, importantly they all indicate the need to take contextual factors into consideration. In our conclusions we will present some comparative thoughts and point towards future directions of research.

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THE IMPACT OF NEOCONSERVATIVE ACTIVISM ON GENDER POLICIES AND THE WOMEN'S MOVEMENT IN CROATIA

Leda Sutlović

Introduction

Neoconservative activism in Croatia has recently marked five years of successful work. From mobilizing against “gender ideology” in education (Hodžić and Štulhofer, 2017) to the Marriage referendum, the neoconservative movement has managed to utilize opportunity structures and leverage political power (Petričušić, Čehulić and Čepo, 2017). It has also managed to significantly influence public opinion that, not so long ago, nominally favored gender equality. This is especially visible in the sheer size of neoconservative protests, some of the most well-attended demonstrations in the country. In their work, neoconservative organizations often enjoy open support from the Catholic Church, while their other allies include right-wing parties and war veterans’ associations, among others. By promoting the idea of ‘right-wing civil society,’ neoconservative organizations have managed to establish themselves as legitimate actors in relation to the state and thus become eligible to participate in policy processes in consultative roles. In other words, neoconservative activism in Croatia has achieved its success through using civil society tools and democratic procedures and also through mobilizing their powerful network. Neoconservative organizations targeted primarily gender policies and gender equality institutions, a field

that up until recently was the almost exclusive working domain of women's and feminist organizations.

Although neoconservative organizations have exerted significant pressure on state institutions, their impact on state actors proved to be ambivalent in influencing gender policies. This chapter claims that state actors still resist the pressure and favor gender equality. More specifically, the assumption is the state is maneuvering between the requests of neoconservative and feminist actors. When considering gender policies, it seems that apart from the Marriage referendum, the neoconservatives did not manage to exert significant influence. In order to examine this claim, this chapter analyzes the extent of backsliding of gender policies in Croatia. Furthermore, changes in public discourse have also affected the women's movement, forcing it to reassess its internal issues and consider pursuing new strategies. This chapter also discusses the influence of neoconservative mobilizing on women's movement strategies.

The research question that guides the analysis investigates how neoconservative mobilizations have influenced state institutions, gender policies, and the women's movement in Croatia. In other words, what changes have occurred in the gender equality field since the neoconservative activation? The chapter starts with an analysis of neoconservative activism. The goal is to assess the meeting points between state institutions, neoconservative activism, and the women's movement to assess changes in gender policies and the gender equality field. This chapter further explores how the state positions itself vis-à-vis the new actors, and also how this positioning influences its relation to feminist organizations. The analysis of connections between the three actors – the state, neoconservatives, and feminists – will therefore provide an insight into the shifts in the positioning of the state as well as the backsliding of gender policies. The chapter relies on media excerpts, organizational web pages, institutional documents, and interviews with feminist activists.¹

1 The interviews were conducted with five Zagreb-based activists and one Rijeka-based feminist activist, from November 2017 to January 2018. The activists belong to the following organizations: Autonomous Women's House, CESI- Centre for Education, Research and Counselling, fAktiv, PaRiter and Women's Room.

The chapter argues, that even if neoconservative activism did exert a significant influence on public discourse and utilize political opportunities, it did not fully succeed in influencing the backsliding of gender policies. The reason can be found neoconservatives' failure to align the state completely on their side, which is illustrated by the lack of government statements against gender equality. This is especially visible in the existence of both progress and backsliding in different gender policy fields.

This chapter provides a causal analysis of the Croatian case to demonstrate how neoconservative activism has influenced the gender equality field. Relying on the wider socio-political context that includes economic crisis, austerity policies, and distrust in institutions and mainstream politics, the first part of the chapter analyzes political opportunities for the emergent neoconservative activism. The second part assesses the backsliding of gender policies by focusing specifically on general gender equality policies and policies for combatting violence against women. Finally, the chapter looks at protest responses to attacks on women's rights – mainly reproductive rights and violence against women – to understand changes in women's movement strategies.

Contextual and Conceptual Framing

The first showing of neoconservative initiatives and their success in Croatia can be analyzed within the context of delayed democratization and late Europeanization, specific to the country (Bohle and Greskovits, 2012:254). The process of EU accession in Croatia lasted for almost thirteen years, starting with signing of the Stabilization and Accession agreement in 2001 and ending with the full EU membership on July 1 2013, in the midst of the economic crisis. The severe economic crisis began in 2009 (Lendvai and Stubbs, 2015:457), however it was not until the spring of 2010 that “under the pressures of declining output, surging unemployment, and public finances spiraling out of control an economic recovery program was at last presented” (Bohle and Greskovits, 2012:254). At the end of 2011, the change of government² from center-right to left-liberal did not bring

2 From 1990 to 2019, Croatia was mostly governed by the center-right party (HDZ); the left-liberal, social democrats (SDP) intersected this reign twice, in 2000-2003, and 2011-2014.

changes in economic policies, but did herald the intensification of austerity measures. As in other countries hit by the economic crisis, the processes of de-industrialization, rising job insecurity, and unemployment threatened basic citizens' rights, leading to a legitimacy crisis and the reemergence of class cleavages (Della Porta, 2015:44).

In Croatia, these processes were accompanied with corruption and distrust in institutions and mainstream politics, which brought to a series of economic-driven protests, such as the student strike in 2009 and massive "Facebook protests" in 2011, during the mandate of the center-right government. Similar to other (Southern) European countries, these protests also foregrounded the existence of a crisis of representation (Altiparmakis and Lorenzini, 2018). Regardless of the visible dissent of Croatian citizens, the new left-liberal government continued with austerity politics, but also opened up different worldview issues, such as sex education and same-sex marriage. It is in this context that opening up of worldview issues served as political opportunities for the public establishment of neoconservative initiatives.

The process of EU accession in Croatia can also be seen as a "reconfiguration of the state," evident in structural changes within the state and the changing relationship between the state and civil society (Banaszak et al., 2003:4). This changing relationship is witnessed by the offloading of state responsibilities to different organizations, which in return transforms the organizations (Banaszak et al., 2003:8). In the Croatian case, the changes brought about by EU accession signified a change in the strategy of the women's movement towards the state, from confrontational to cooperative and legalistic (Irvine, 2007). This strategy change is most evident in the participation of women's organizations in establishing the extensive system of gender equality institutions (Deželan et al., 2013; Kesić, 2007; Špehar, 2007). Regardless of the change of governments, these institution-building processes continued. This institution-building also stimulated the forming of the new relations between feminist bureaucrats, women's movement representatives and academics, known in the literature as the "velvet triangle" (Woodward, 2003:77), signifying the soft power of the women's

movement. Both the creation of new institutions and new relations ensured the presence of women's voices in the political arena (Squires, 2007), and indeed, this represents the success of the feminist political project as conceived of in the EU accession period.

However, the corollaries of this cooperative strategy include the “depoliticization and pacification” of the women's movement (Zore, 2013), the occurrence of inner divisions, and finally its splintering. Women's Network Croatia, which in the 1990s included more than 50 organizations, broke up with departure of B.a.b.e. in 2005 and later several other organizations (Kajinić, 2015:87; Broz, 2013:154). This splintering of the movement could be explained by the changes in funding practices that required a higher level of expertise, causing not only rising competitiveness for scarce funds, “NGO-ization and professionalization” (Lang, 1997), but also the “official sanctioning of particular organizational forms and practices among feminist organizations” (Alvarez, 2009:176). This also implies the favoring of large, Zagreb-based organizations and the neglect of smaller organizations in non-urban areas that lead to a weakening of connections with their constituencies (Irvine and Sutlović, 2019), characteristic of movement institutionalization (Kriesi in Tilly and Tarrow, 2015:163). According to Kriesi, organizational institutionalization combines the formalization of internal structures, the moderation of goals, the adoption of a more conventional action repertoire, and integration into established systems of government. This is why some authors, such as Kesić (2007, 92), perceive that in the second half of 2000s, the movement started losing its power and influence, while its activity came to be replaced by organization building and institutionalization.

In the first half of the 2010s, the economic crisis and reemerging class cleavages influenced the rise of critical left-feminist voices within the women's movement that targeted the depoliticization and domination of identity-based politics (Siročić, 2015:50). According to this inter-movement criticism, the liberal positioning of feminism had transformed it into a theory of representation and identity that lacked socio-economic analysis (Čakardić, 2015:428). In other words, the movement had been emptied of

the concepts necessary to respond to pressing social and economic issues. To sum up, at the time of the emergence of neoconservative initiatives, the women's movement had established a solid connection with the authorities, but had weakened its connection to its constituencies, while also facing internal critique. Regardless of the pitfalls of Europeanization, the overall activity of women's movement in that period can be perceived from the outside as very successful, and this may have provoked the emergence of a neoconservative counter-movement.

Counter-movements emerge in reaction to another social movement that is politically successful or highly visible, mostly in situations when a particular group perceives this success as a threat to their own interests or status (Roggeband 2018: 22). According to Tarrow (2011, 33) contentious politics is produced "when threats are experienced and opportunities are perceived, when the existence of available allies is demonstrated, and when vulnerability of opponents is exposed". In the Croatian case, the circumstances behind the emergence of neoconservative activism and movement/counter-movement contestation may be found in the end of EU conditionality. The weakening of the women's movement, the economic crisis, and distrust in the institutions represent additional favorable circumstances. However, the term counter-movement may not sufficiently encompass all dimensions of neoconservative activism. As Roggeband (2018:26) points out, the movement/counter-movement dynamics presumes that both actors are easily identified or located, leaving out less visible and more dispersed allies. Perceiving movements and counter-movements as networks or coalitions can amend these limitations of social movement scholarship, and even invoke the concept of "velvet triangles" (Roggeband, 2018:20). The notion of a network may foreground the relations resembling those of a "velvet triangle," as it allows for the inclusion of allies from state institutions, the Church, and other influential bodies to the counter-movement.

Furthermore, neoconservative activism does not exhaust itself in opposition to women's movement, but aims to counteract the feminist political project more broadly, including gender equality institutions and policies, as well as other "products" of feminism (Roggeband, 2018). These

“products” can include diverse political issues: in Croatia, these range from health education and same-sex marriage to violence against women and general education. The flexible concept of the network may therefore be useful to encompass the breadth of topics and vehicles used for undoing the feminist political project.

Finally, the movement/counter-movement dynamics should be perceived in the context of the post-EU accession “reconfiguring of the state” (Banaszak et al., 2003), depicting the changing relationship between the state and civil society and assuming that this time, the state might reconfigure itself in order to accommodate neoconservative demands. This context requires a focus on the changing role of the state towards newly established neoconservative initiatives and away from cooperation established with the women’s movement. The changing role of the state can therefore be understood as democratic backsliding or de-democratization. Democratic backsliding implies “the erosion of accountability mechanisms and the symbolic importance of openly oppositional policymaker discourses, which delegitimize gender equality policies and represent gender issues in exclusionary ways” (Krizsán and Roggeband, 2018:92). This erosion can potentially occur through a “discontinuous series of incremental actions, not a one-time *coup de grace*” (Waldner and Lust, 2018:95). Finally, de-democratization is here understood in a wider sense, as a “destabilization or even a reversal in the direction of democratic development” (Greskovits, 2015:28; Krizsán and Roggeband, 2018:92).

In order to uncover the changes in the relation between the state, the women’s movement and neoconservative counter-movement, this chapter references several contextual points that include the weakening of women’s movement, the economic crisis, the crisis of representation and distrust in state institutions, the ending of EU conditionality and “a reconfiguring of the state,” and finally democratic backsliding and de-democratization. As neoconservative mobilizations have exerted the most influence in the field, the chapter starts with an analysis of its characteristics and continues with an assessment of its political opportunities. The main targets of neoconservative activism – gender policies and gender equality institutions – are addressed later on.

Counter-movement

The Main Characteristics of Neoconservative Activism

This chapter recognizes five main characteristics of neoconservative mobilizations in Croatia: diffusivity (structure); size (manifestation); international impact (development); human rights discourse (framing); and law mechanisms (the principal tool of contention).

The diffusivity of the counter-movement is primarily visible in the program orientations of neoconservative organizations, which for most of them represents the pro-life agenda.³ Protecting traditional family values in contemporary society constitutes the mission of professionalized and publicly visible organizations, such as In the Name of the Family (*U ime obitelji*) and GROZD – The Voice of Parents for Children (*Glas roditelja za djecu*).⁴ The goals of organizations such as Vigilare or the Centre for the Renewal of Culture (*Centar za obnovu kulture*) include advocating for limited government and economic freedoms; in other words the free market, lower taxes, and greater entrepreneurial freedoms in relation to the state intervention.⁵ Over recent years, the number of neoconservative organizations has greatly proliferated, while their activity encompasses other various fields, such as youth and cultural issues, the provision of social services, charity work or family counseling, among others.

The diffusivity of neoconservative activism is also visible in the movement's structure: it consists of several prominent and professionalized organizations, a large number of small civil society organizations with

3 For example, the Center for Natural Family Planning (*Centar za prirodno planiranje obitelji*), the Croatian Alliance for Life CRO-VITA (*Hrvatski savez za život CRO-VITA*), Choose Life (*Život biraj*), Croatia for Life (*Hrvatska za život*), the “Association for Promotion of Family Values ‘Blessed Alojzije Stepinac’” (*Udruga za promicanje obiteljskih vrijednosti ‘Blaženi Alojzije Stepinac’*), and Vigilare (Latin: to be awake, watchful), among others.

4 Specifically, “promotion of general, human values – marriage and family” or “improving the quality of children’s upbringing as well as the position of the family in contemporary society”; GROZD – Association of Parents for Children; available at: <http://www.udrugagrozd.hr/o-nama> (accessed November 15, 2018), In the Name of the Family; available at: <https://uimeobitelji.net/o-nama/> (Last accessed November 15, 2018).

5 Centre for the Renewal of Culture; available at: <https://cok.hr/en/>; Vigilare-Identity, Main Areas of Activity; available at: <http://vigilare.org/en/tko-smo/> (Last accessed November 15, 2018).

low visibility, and several highly visible civil initiatives.⁶ Through the display of mass citizen activism – the most visible being the largest pro-life demonstration in the country, the Walk for Life – these initiatives have attracted significant public attention. The neoconservative movement includes an impressive number of volunteers, while their protests are among the most attended in the country. What stands in contrast to this public display of civic activism is the tendency of the small civil society organizations, usually those organizing the highly visible initiatives, to remain clandestine and not make themselves visible as organizations.⁷ This can be perceived as an effort to hide the ‘real’ organizers and even to mimic a genuine grassroots civic mobilization.

The international impact on Croatian neoconservative mobilizations is evident in the fact that some of the most visible and widespread initiatives, such as the Walk for Life and 40 Days for Life, originate from abroad, namely the USA.⁸ International impact is also evident in the programs of the two neoconservative festivals, “Progressive Culture Festival – Kulfest,” organized by Centre for the Renewal of Culture and “Tradfest – festival of tradition and conservative ideas,” organized by Vigilare. These festivals promote the “modern conservatism, its view on economy and political thought, lectures and discussions on the pro-life movement,” and “human rights, protection of the unborn, gender ideology, and militant secularism.”⁹

6 These include: People Decide (*Narod odlučuje*), the Truth About the Istanbul Convention (*Istina o Istanbulskoj*), 40 Days for Life (*40 dana za život*), Prolife.hr, I Was an Embryo Too (*I ja sam bio embrij*), Don't Touch the Children (*Ne dirajte djecu*).

7 The Croatian legal framework does not recognize civil initiatives, which is why these groups are registered as civil society organizations. For instance, Choose Life (*Život biraj*) stands behind the highly attended Walk for Life (*Hod za život*). The same applies to Croatia for Life, which has been organizing 40 Days for Life (*40 dana za život*) since 2014, an “ecumenical pro-life prayer initiative for life and indirectly for the abortion ban.” 40 days for Life, available at: <http://40danazazivot.com/o-inicijativi/> (Last accessed November 15, 2018).

8 40 Days for Life, the US web page; available at: <https://40daysforlife.com> (accessed November 15, 2018); Walk for Life, the US web page; available at: <http://www.walkforlife.com> (Last accessed November 15, 2018).

9 Progressive Culture Festival – Kulfest; available at: <https://cok.hr/category/eventi/kulfest/> (accessed November 15, 2018); Tradfest – a festival of tradition and conservative ideas; available at: <https://www.facebook.com/TradFestCro/> (Last accessed November 15, 2018).

The international guest-speakers come from like-minded organizations, often from the USA and Poland.

The neoconservative organizations frame their traditionalist and conservative values within a human rights discourse that serves to legitimize their claims (Petričušić et al., 2017:72). By appropriating such terms as ‘progressive’ or ‘human rights,’ neoconservative activists have managed to attribute different meaning to their set of values and to differentiate themselves from the Catholic Church (Petričušić et al., 2017). The use of human rights discourse and referencing democratic pluralism and democratic principles has proved to be a successful strategy not only when in terms of citizen mobilization, but also in relation to state institutions. Specifically, the human rights framing has made neoconservative organizations eligible for cooperation with state institutions, such as consultative bodies or when preparing funding applications. In other words, the human rights framing has justified the mission of neoconservative organizations and assisted in their establishment as ‘right-wing civil society,’ which was previously non-existent in Croatia. This was officially confirmed in 2017 when the National Foundation for Civil Society Development, an institution devoted to democratization, provided financial support to the first neoconservative organization.

The establishment of neoconservative organizations as ‘right-wing civil society’ brought focus on the issue of their transparency. Specifically, in their annual reports, neoconservative organizations rarely declared the funding they had received from international neoconservative networks.¹⁰ This contradicts the law-abiding image that these organizations have built for themselves in public.

The skillful usage of legal mechanisms represents the chief repertoire of neoconservative organizations that “positioned them as a credible and legitimate new political actor” (Petričušić et al., 2017:80). The reason

10 “The response of the Croatian Government to the parliamentary question regarding the activity of neoconservative organizations” has established irregularities and the lack of transparency, the reason for these organizations being reported; available at: <https://vlada.gov.hr/UserDocsImages//2016/Sjednice/2018/07%20srpanj/110%20sjednica%20VRH//110%20-%2030.3%201.pdf> (Last accessed November 15, 2018).

why this legal strategy has resonated well in public may be connected to the growing distrust in state institutions, the crisis of representation, and frequent corruption cases, as it portrays the neoconservatives as new, unblemished political actors.

The principal tool of neoconservative contention is the referendum. The first and only successful referendum initiative was on the constitutional definition of marriage held in 2013, which defined marriage as a life community between a man and a woman. Other initiatives that did not become referenda include Let's Choose Representatives by Their Name (*Birajmo zastupnike imenom i prezimenom*)¹¹ organized by In the Name of the Family in 2014, and the two initiatives of 2018, The People Decide – Referendum for a More Just Electoral System (*Narod odlučuje – referendum za pravedniji izborni sustav*) and The Truth About the Istanbul Convention (IC) (*Istina o istanbulskejoj*).¹² These referendum initiatives targeted the question of political representation and the responsiveness of political representatives, because according to neoconservative actors, recent political decisions did not reflect the will of 'the people.' Indeed, the neoconservative movement regularly invoked the argument of the "silent majority" under constant pressure from a "militant minority" (Hodžić and Štulhofer, 2017:67).

These characteristics illustrate how neoconservative activists have succeeded in establishing themselves as political actors. Characterized here as diffuse and massive, neoconservative activism consists of prominent organizations, established as 'right-wing civil society,' and small, clandestine organizations, which often stand behind highly visible civil initiatives. Together with their powerful networks and skillful human rights framing strategy, neoconservative organizations have ensured citizens' mobilization

11 In the Name of the Family, Let's Choose Representatives by Their Name; available at: <https://uimeobitelji.net/u-ime-obitelji-birajmo-zastupnike-imenom-i-prezimenom/> (Last accessed November 15, 2018).

12 The first initiative is connected to In the Name of the Family, while GROZD members organized the second. The People Decide – Referendum for a More Just Electoral System; available at: <https://narododlucuje.hr> (accessed 15/11/2018); The Truth About the Istanbul Convention <http://istinaoistanbulskejoj.info/gradanska-inicijativa> (Last accessed November 15, 2018).

and cooperation with the state. Neoconservative organizations are often characterized by a lack of transparency, most evident in the omission of international support from their financial reports. Yet due to their skillful usage of legal tools and manipulation of public discourse, these organizations enjoy the reputation of a credible political actor. The use of legal tools has assisted neoconservative organizations in positioning themselves in opposition to corrupted political elites, and as representatives of the ‘will of the people,’ which they perceive as overlapping with their ideas of ‘modern conservatism’ that include pro-life, traditional family values, limited government, and market freedoms.

Political Opportunities and the Rise to Prominence

This section identifies three political opportunities: debates on health education in 2006 and 2012; the debate on changes to the regulation of medically assisted fertilization in 2012; and the lowering of referendum requirements in 2013. Except for first, these political opportunities took place during the left-liberal government that, along with imposing austerity measures, also insisted on opening up different worldview issues. These issues were recognized and, for the most part, successfully utilized by neoconservative activists.

The first political opportunity arose during the debates over attempts to introduce health education in schools in 2006 and 2012. In 2006, the Ministry of Science, Education, and Sports issued a tender for the creation of health education programs. From among 13 applicants and 24 programs,¹³ the Ministry chose the program created by organization GROZD – The Voice of Parents for Children (*Glas roditelja za djecu*) for experimental implementation. GROZD offered an abstinence-based program “Teen STAR,” originally developed in the USA, built on the Catholic view on sexuality, which promotes “protection of life, family

13 “Health Education in Schools Experimentally,” *Poslovni Dnevnik*, available at: <http://www.poslovni.hr/hrvatska/zdravstveni-odgoj-eksperimentalno-u-skolama-12522> (Last accessed November 16, 2018).

and religious freedom” (Hodžić and Bijelić, 2014:24).¹⁴ Many feminist, LGBTIQ, and human rights organizations strongly criticized the choice of this program, stating that it provided incorrect and discriminatory information, withheld information from children, and was non-compliant with Croatian legislation, as well as with international human rights instruments (Hodžić and Bijelić, 2014). The public debate that ensued concerned values (Bijelić, 2008:338), with neoconservatives arguing for a close connection between religious and traditionalist values, while the human rights-based arguments criticized the program’s heteronormativity and gender inequality. The impromptu committee of the Ministry made the implementation of GROZD program conditional upon changes to its module on sexuality (Hodžić and Bijelić, 2014:335). As GROZD did not fulfill this condition, the Ministry decided to recall the introduction of health education into schools. This decision can also be interpreted in the context of the conditionality of EU accession processes at the time. Nevertheless, the attempt to introduce health and sexual education points to two conclusions. First, the choice of the GROZD program indicates the controlling position of the Church in the educational system (Bijelić, 2008:334); and second, the debates over health education issues introduced neoconservative actors to the wider public for the first time.

The issue was re-initiated in 2012 when the Ministry of Science, Education and Sports presented the new, comprehensive health education curriculum. This was soon opposed by different organizations due to the module on gender equality and responsible sexual behavior; GROZD gained the most visibility by calling the curriculum ideological education that spreads “homosexual propaganda.”¹⁵ This time, the Catholic Church also voiced strong disapproval of the curriculum, at times even referring

14 The Teen STAR program spread worldwide through trainings, which is also how GROZD organization members brought it to Croatia where it has been implemented as an extracurricular activity in 60 elementary and high schools since 2003. Teen Star, the US website, available at: <https://teenstar.org> (accessed November 16, 2018); Teen Star, Croatian website, available at: <http://www.teenstar.hr/hrvatska> (Last accessed November 16, 2018).

15 “Health Education Introduces Homosexual Propaganda into Schools,” *Večernji List*, available at: <https://www.vecernji.hr/vijesti/zdravstvenim-odgojem-u-skole-se-uvodi-homoseksualna-propaganda-470716> (Last accessed November 16, 2018).

to it as “anti-Croatian and anti-Catholic.”¹⁶ Unlike previous occasions, when the connection between the Catholic Church and neoconservative organizations was not visible and when these organizations presented themselves as autonomous associations, this time, the connection between the two was openly demonstrated and the Church openly sided with neoconservative activism. The Church distributed a leaflet outlining its position on the health education curriculum, arguing that it introduced “the correction of children” through “juvenile sex, masturbation, pornography, contraception, gender ideology, abortion,” which is why it had to be opposed through different forms of civil dissent.¹⁷ The magnitude and intensity of the political debate between the neoconservative groups, the Catholic Church, and the left-liberal government represented an unprecedented conflict on worldview issues in Croatia.

Public debates over the second attempt to introduce health education in schools culminated with the visit (organized by Vigilare) of Judith Reisman, a controversial American researcher and professor. Her speeches in different Croatian institutions were typified by the use of pseudoscientific facts, connecting health education with gender ideology, the hypersexualization of children, and pedophilia (Kuhar 2015, 89). Ms. Reisman’s visit received remarkable media attention that contaminated public discourse with invented and manipulative concepts. After a long and heated public debate, health education was brought to the Constitutional Court, which terminated its implementation due to procedural deficiencies.¹⁸ This political opportunity was utilized by emerging neoconservative organizations and the Catholic Church, first of

16 “Catholic Church Against Minister Jovanović: Sabotage the Teaching of Health Education!,” *Slobodna Dalmacija*, available at: <https://www.slobodnadalmacija.hr/novosti/hrvatska/clanak/id/187821/katolicka-crkva-protiv-jovanovica-sabotirajte-nastavu-zdravstvenog-odgoja> (Last accessed November 16, 2018).

17 Zagreb Archbishopry, “About the Health Education Program in Schools,” available at: http://www.zg-nadbiskupija.hr/UserDocsImages/stories/Download/letak_zdravstveni_odgoj.pdf (Last accessed November 16, 2018).

18 Decision of the Constitutional Court, Republic of Croatia, on Health Education. Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2013_05_63_1257.html (Last accessed November 16, 2018).

all, to sharpen the conflict between the political elites – perceived as the followers of international dictates – and the people and the traditional family. Indeed, the Church often denounced the left-liberal government as a ‘non-people government’ (*nenarodna vlast*). In the context of the health education debate, neoconservative activists proved themselves capable of exerting pressure and embedding certain concepts in public discourse.

The issue of health education therefore shows, on the one hand, the complete lack of adequate preparations by the left-liberal government for the introduction of such an important and delicate subject.¹⁹ On the other, it displays a rare case of direct political activism by the Catholic Church in openly supporting the neoconservative political agenda. With the change of government at the 2015 elections, from left-liberal to right-wing, this support ceased to be as outspoken. The health education debate ended by revealing the political ambitions the neoconservative actors, as two prominent leaders founded a political party: HRAST-Movement for Successful Croatia (*Pokret za uspješnu Hrvatsku*).

The second political opportunity was the change announced to the Law on Medically Assisted Fertilization in 2012.²⁰ With its plan to change the existing law – one of the most restrictive of its kind in Europe – the left-liberal government planned to introduce the possibility to freeze embryos and to include single women as users of this medical procedure (Jožanc 2013, 118). These announcements provoked the formation of the civil initiative I Was an Embryo Too (*I ja sam bio embrij*). Instigated by the government’s contemptuous attitude towards neoconservatives, a new organization Vigilare called on citizens “not just to observe how foreign public persons or institutions endanger, ridicule, and humiliate their values,”²¹ but to take action. As stated by the activists, the goal of I Was an Embryo Too was to reintroduce into public discussion the

19 Interview with a feminist activist, November 28, 2017.

20 Civil Initiative ‘I Was an Embryo Too,’ available at: <http://vigilare.org/akcije/gradanska-inicijativa-i-ja-sam-bio-embrij/> (Last accessed November 16, 2018).

21 Vigilare – Identity, Main Areas of Activity, available at: <http://vigilare.org/tko-smo/> (Last accessed November 15, 2018).

thesis of life beginning at conception.²² Neoconservative activists worked towards rearticulating this issue through on-line activism, lobbying among parliamentary representatives, and public events, yet they did not succeed in influencing the announced legal changes. Nevertheless, *I was an Embryo Too* represents the first mobilization in the chain reaction of neoconservative activism that soon gained momentum. As is evident from the initiative's public announcements, they believed that the (re)opening of question on the beginning of life was closely connected to family policies.²³ Placing the family at the center of Croatian society and parental control over their children's upbringing soon became the requirements of many other neoconservative initiatives. This political opportunity was therefore successfully used for re-introducing the question about the beginning of life into public discourse, and for the positioning of neoconservative actors as protectors of the traditional family.

The third political opportunity concerned the lowering of the referendum requirements created to favor the EU accession referendum (Petričušić et al., 2017:73). Aware of voters' political apathy, the political elites abolished the threshold for a nation-wide referendum, which had previously required a turnout of more than half of the registered voters (Petričušić et al., 2017). The neoconservative organizations recognized this lowering of the referendum requirement as a window of opportunity, and succeeded in seizing it through a nation-wide citizens mobilization. In 2012, the government announced the preparation of the law on same sex communities²⁴ that, similar to other European countries, triggered a neoconservative mobilization (Patternote and Kuhar, 2018:8). In 2013, *In the Name of the Family* took action and organized 6,000 volunteers to

22 'I Was an Embryo Too' promotional video, available at: <https://www.youtube.com/watch?v=84YE6xMcFL8> (Last accessed November 16, 2018).

23 Open Letter of the Civil Initiative 'I was an Embryo Too' and organization *Vigilare*, available at: <http://vigilare.org/priopcenje/otvoreno-pismo-gradanske-inicijative-i-ja-sam-bio-embrij-i-udruga-vigilare/> (Last accessed November 16, 2018).

24 "I Hope it is Okay to the People in Croatia," *Tportal*, available at: <https://www.tportal.hr/vijesti/clanak/nadam-se-da-je-to-u-redu-ljudima-u-hrvatskoj-20120511> (Last accessed November 17, 2018).

collect the signatures necessary for calling a referendum.²⁵ The goal of the ‘Marriage Referendum’ – the inclusion of definition of marriage as a life community between a man and a woman into the Croatian Constitution – was supported by almost 65% of voters. The overall turnout was less than 38% (State Election Commission Republic of Croatia 2013).

The low referendum turnout may indicate the priority of other political issues over ‘protection of the traditional family,’ as it was framed by the referendum. The success of the ‘Marriage Referendum’ can be interpreted within the context of economic crisis, the distrust in mainstream politics and the crisis of representation, but also in terms of the ending of the long period of EU conditionality. The Marriage Referendum represents one of the biggest successes of neoconservative activism not only in Croatia, but also throughout Europe, as similar initiatives in Slovakia and Romania failed.

These mobilizations represent the most prominent, key events that led to establishing neoconservatives as a relevant political actor. By opposing the ‘non-people government’ and presenting themselves as “the true defenders of oppressed people as well as the savior of national authenticity against international powers” (Kuhar and Paternotte, 2018:10), neoconservative organizations managed to gather a respectable number of volunteers and supporters.

The image of the true representatives of the people has recently been reinforced with the organization of large protests, such as that against the Istanbul Convention ratification and the Walk for Life, as well as the earlier referendum initiatives that gathered hundreds of thousands of signatures. Furthermore, besides organizing as a diffuse counter-movement, neoconservative activism in Croatia also uses the form of a political party. Interestingly, the popularity demonstrated at the large protests did not translate into parliament seats for HRAST (led by GROZD members) or for the In the Name of the Family – Project Homeland (*Projekt Domovina*)²⁶

25 “6000 Volunteers Participated,” *In the Name of the Family*, available at: <https://uimeobitelji.net/referendum-o-braku-1-12-2013-gradani-pobijedili-politicare-njihove-udruge-i-medije/sudjelovalo-je-6000-volontera-3/> (Last accessed November 17, 2018).

26 The party was founded prior to the 2015 parliamentary elections when it did not manage to enter Parliament. This might explain their decision not to run in the 2016 snap elections.

party at the 2015 parliamentary elections. However, these elections ended the mandate of the left-liberal government and brought a right-wing coalition connected to the neoconservatives into power. Although the 2016 snap elections brought a more moderate right-wing coalition into power, the connections with the neoconservatives remained. After seizing these three political opportunities, neoconservative activism had become well established, recognized by state institutions and a certain part of the citizenry, and connected to the authorities. This provided a solid position for influencing gender policies.

Backsliding of Gender Policies

As demonstrated, the years before Croatia entered the EU were marked by several opportunities created by the left-liberal government that were for the most part successfully used by the neoconservatives. By framing their activity within a human rights framework and playing the democratic pluralism card, neoconservative organizations moved from being political outsiders to becoming legitimate participants in civil society, eligible for cooperation with the state. The next part assesses the influence of neoconservative activism on the backsliding of gender policies.

This section argues that under the 2011-2015 left-liberal government, the backsliding of gender equality policies was linked to austerity measures. As Kajinić (2015) indicates, the first backsliding of gender policies took place in 2011 when a new Criminal Code²⁷ removed the prohibition of “violent, abusive, or particularly insolent conduct” within the family (Article, 215A). With this change, violent behavior in the family was reduced to the level of misdemeanor and sanctioned with public works.²⁸ The evident lack of understanding of violence against women further demonstrates the limitations of the neoliberal governing model. Prompted by the overburdened penal system and high budget deficits, the left-liberal government seemed to have perceived violence against women as an expense

27 Official Gazette 125/2011. Criminal Code. Available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html (Last accessed November 20, 2018).

28 Interview with a feminist activist, January 9, 2018.

that can (temporarily) be removed. The same reasoning is evident in the left-liberal government's decision to remove the financing of autonomous women's houses from the state budget, making these houses dependent on grant funding.²⁹ Furthermore, the same government signed the Istanbul Convention, but did not ratify it due to high implementation expenses. These examples demonstrate how the austerity cuts to the welfare system primarily affected the protection of women from violence which, in the time of crisis, was perceived as an unnecessary expense. These examples, as well as the fact that up until recently, Croatia was ahead of other European countries regarding regulation of violence against women (Krizsán and Popa, 2012:58), demonstrate how easily such regulation can backslide.

In 2015, the political circumstances substantially changed when a right-wing coalition, which also consisted of far-right and neoconservative parties, came into power and brought related ideas into the political mainstream. These ideas remained embedded in public discourse after another government change at the 2016 snap elections that brought a more centrist right-wing coalition into power. Frequent elections and government changes have created a politically unstable situation that, thanks to the connections between neoconservative actors and governing structures, facilitated the access of the neoconservative network to policy-making processes.

However, participation in the formal political arena did not enable neoconservative actors to exert direct influence or achieve their goals. This chapter argues the neoconservative activism did not fully succeed in bringing about the backsliding of gender policies. Regardless of the exerted pressures, the state did not completely align with the neoconservative demands. There are two indicators of this claim: first, the lack of statements from high-ranking politicians against gender equality, and second, the existence of both progress and backsliding in gender policies. This is further demonstrated by the two most significant examples of policy contestation, the National Policy for Gender Equality, and the Law for Ratification of the Istanbul Convention.

29 Interview with a feminist activist, January 9, 2018.

National Policy for Gender Equality

The National Policy for Gender Equality, the basic strategic document of the Republic of Croatia, has been regularly adopted since 1997. From that point onwards, the state has established a democratic procedure of adopting a new strategic document every four years. This, however, was not the case with National Policy for Gender Equality between 2016 and 2020, which to this day has not been adopted. The institution in charge of the process, the Government's Office for Gender Equality, explains this delay with reference to bureaucratic issues connected to the changes of government, while feminist activists perceive it as the result of pressure from neoconservative groups.³⁰

The policymaking process began as planned at the end of 2015, when the constitutive meeting of the working group in charge of document creation took place. According to feminist activists, work on the National Policy for Gender Equality was stalled with the arrival of the new right-wing coalition in power, which also included neoconservative members. In interviews, feminist activists often recognize the pressures the neoconservative groups have exerted on the government, with the goal of inclusion in the working group and influencing the policy document.³¹ These efforts, however, were obstructed by the government's collapse in 2016, which led to the termination of the working group.

The second attempt to create the National Policy was in 2017, when the government's Office for Gender Equality released a new call for participation in the working group, but this time proscribing a set of eligibility criteria. One of the criteria, requiring "a minimum five years of activity in the field of gender equality and women's rights" (Government's Office for Gender Equality 2018), proved to be unsurpassable for the neoconservatives. As feminist activists have identified, the repeated pressures from neoconservative actors asking for participation, along with the bureaucratic issues around the new government formation, further

30 Interview with a feminist activist, January 9, 2018.

31 Interview with feminist activists, November 22 and 28, 2017, January 9 and 10, 2018.

prolonged the process of policy creation.³² At present, the new National Policy for Gender Equality is expected to be out soon, and instead of 2016-2020, it will cover the period 2019-2022.

Feminist activists perceived the decision of the Government's Office for Gender Equality to introduce participation criteria in the working group as exceptionally positive. This positive assessment stands in contrast to their general evaluation of the Office, predominately perceived as "invisible and inactive."³³ However, this inactivity may also be interpreted as a reluctance on the part of the state to express a stance openly, and therefore to provide itself more space to "reconfigure" its position towards the feminist movement and neoconservative counter-movement.

The delay in bringing of the new National Policy for Gender Equality is illustrative of the state positioning towards gender equality in two ways. On the one hand, the inner political struggles within the ruling center-right party, whose radical wing's values somewhat overlap with those of neoconservatives, render the state's positioning towards gender equality quite volatile. The ruling party's allegiance to the EU often tends to outweigh state positioning in favor of gender equality. On the other hand, the budget cuts to the Government's Office for Gender Equality (40% in 2017), including further reductions the following year, may be illustrative both of the internal struggles and the government's positioning towards gender equality.³⁴ The case of National Policy therefore indicates the volatile positioning of the state towards both the feminist movement and neoconservative forces, which were powerful enough at one point to stall the established democratic procedure. As the policymaking processes continued, neoconservative activism succeeded in destabilizing the political framework for women's and feminist organizations, but without winning

32 This was stated by several activists interviewed. A similar conclusion can be drawn from the annual report of the Government's Office for Gender Equality, stating that out of 16 civil society applicants, "nine applications did not fulfil formal criteria" (Government's Office for Gender Equality, 2018).

33 This was stated by almost all feminist activists interviewed.

34 Government's Office for Gender Equality, Financial Documents for 2016, 2017 and 2018. Available at: <https://ravnopravnost.gov.hr/financijski-dokumenti/2034> (Last accessed November 18, 2018).

further gains. By destabilizing the established democratic practices and causing a three-year delay in the creation of the country's main gender policy, neoconservative activism has caused democratic backsliding.

The Law for Ratification of the Istanbul Convention

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention, aims at the prevention of violence, victim protection and prosecution of perpetrators.³⁵ In Croatia, the processes surrounding ratification of the Istanbul Convention (IC) have generated unprecedented public controversy that could best be described, as one interviewee puts it, as the state of “gender ideology madness.”³⁶

The steps towards the IC ratification were taken in 2017 when the center-right government formed the working group for creation of the ratification law.³⁷ Unlike the Government's Office for Gender Equality call, this call did not prescribe specific eligibility criteria, which resulted in the creation of a working group that included both feminist and neoconservative representatives. While the representatives of women's and feminist organizations possess decades of experience, neoconservative representatives had no record of work in the field. Moreover, feminist activists emphasized the case of one organization, Ordo Iuris, which had no working record at all; it was registered weeks prior to the working group founding.³⁸ At the

35 Council of Europe, The Convention in Brief. Available at: <https://www.coe.int/en/web/istanbul-convention/the-convention-in-brief#%7B%2211642062%3A%3A%7D> (Last accessed November 18, 2018).

36 Interview with a feminist activist, January 9, 2018.

37 Decision on founding the Working group for the creation of drafting “the Law proposition on ratification of the Convention of Council of Europe on preventing and combating violence against women and domestic violence,” brought on February 14, 2017; <https://mdomsp.gov.hr/UserDocsImages/Vijesti2017/Odluka%20Radne%20skupine%20za%20Nacrta%20prijedloga%20Zakon%20ao%20potvrdivanju%20Konvencije%20VE%20o%20sprecavanju%20i%20borbi%20proti%20vnasilja%20nad%20zenama%20.pdf> (Last accessed February 6, 2018).

38 Almost all the activists interviewed expressed this. The representatives of the neoconservative organizations in the working group were from In the Name of the Family and Ordo Iuris. Feminist organizations included B.a.b.e. and Autonomous Women's House.

first working group meeting, feminist representatives raised the question of the criteria upon which neoconservative organizations were selected to participate, and further openly commented on the incompetence of certain members on the issue, revealing the political connections that brought them into this consultancy body.³⁹ State bureaucrats defended their choice with reference to democratic criteria, according to which both left and right civil society representatives should be represented.⁴⁰ According to activists, the question of ineligibility of the neoconservative members, and the lack of knowledge and work experience, was left aside.

The neoconservative mobilization that followed revealed the reasons behind the participation of neoconservatives in the working group. According to neoconservative materials, in their view, the IC “introduces gender ideology into Croatian legislation,” which is why they strongly oppose its ratification. This means “the mandatory definition of gender would be introduced into Croatian legal system with the IC, and would influence the introduction of ‘gender ideology’ in education, limit the primary role of parents in upbringing, endanger freedom of thought and religious expression, and would be promoted in non-formal education, sports, culture and media.”⁴¹ As the preparations for IC ratification progressed, these views began to overflow into public discourse. Public debate rapidly intensified, revealing support for the neoconservative political agenda from far-right political parties, war veterans’ organizations, and others. More and more statements were issued on the connection between IC ratification and international conspiracies against Croatian tradition: for example, “under the guise of protection of women from violence the IC introduces gender ideology.”⁴² The term ‘gender ideology’ became embedded in public discourse, demonstrating once again the neoconservatives’ skill in framing their claims. Finally, the fact that the new National Policy and

39 All of the activists interviewed expressed the same position.

40 Interview with a feminist activist, January 9, 2018.

41 “Let’s Say No to Gender Ideology,” *The Truth About the IC*. Available at: <http://istinaoistanbulskoj.info/download/letak.pdf> (Last accessed November 18, 2018).

42 Ibid.

Law on Domestic Violence was introduced in the same period without any contestation or participation from neoconservative representatives further indicates the neoconservative interest in this field and their actual political agenda. This further demonstrates the parallel existence of both progress and backsliding of gender policies.

Evidently, the changes to regulation of participation in consultancy bodies have caused several de-democratizing trends. First, as the literature on backsliding informs us (Krizsán and Roggeband, 2018), the inclusion of participants expressing openly oppositional policy discourses leads to their symbolic importance, equating them with feminist activists. Second, this activity illustrates the changing relationship of the state towards women's and feminist organizations. The literature on backsliding further illustrates the relationship between the inconsequential involvement of women's advocates in policy processes and the undermining of gender equality policies, which is also a consequence of the selective inclusion of civil society actors (Krizsán and Roggeband, 2018:94). Indeed, several feminist activists have expressed concern at the deterioration of their relations with the state, in terms of fewer meaningful opportunities for cooperation, and the lack of acknowledgment of women's organizations as places of expertise.⁴³ Third, the case of this consultancy body may be seen as "one of the incremental actions in a discontinuous series" (Waldner and Lust, 2018:95), which in the long run contributes to the erosion of democratic practices. The sporadic occurrence of neoconservative activism across different social issues, from the electoral law to violence against women, confirms this.

Regardless of the backsliding of democratic procedures, the 'IC ratification law' mostly contained the requests of feminist groups and was finally adopted by Parliament.⁴⁴ The weeks prior to parliamentary discussion on the IC ratification represent the unprecedented magnitude of public contestation or "gender ideology madness." Polarization of society

43 Interview with a feminist activist, January 10, 2018.

44 The only exception was reparation of damage, on which the feminist representatives agreed to reach a compromise as all their other requirements were met. Their decision was to lobby for reparation after IC ratification (Interview with a feminist activist, January 10, 2018).

was growing almost daily, as different professional and other organizations, prominent intellectuals, and public persons declared themselves to be ‘pro’ or ‘against’ the convention. Members of far-right parties and neoconservative organizations stated repeatedly that the IC was against Croatian family, tradition and culture, and that by signing it, the state renounces a part of its sovereignty. The leader of the opposition to IC ratification, the *Istina o istanbulskoj* (The Truth About the IC) initiative,⁴⁵ frequently spread misinterpretations and provoked panic by stating, for instance, that children in schools will have to choose their gender, while the Catholic Church openly supported this initiative. The state of moral panic and the politically charged atmosphere culminated with a large public protest in Zagreb against the IC ratification.

The convention was nevertheless ratified in April 2018. However, it included the ‘interpretive statement’ stating that it does not contain gender ideology. In the aftermath, the neoconservative opposition to ratification succeeded in embedding the term ‘gender ideology’ in public discourse, mobilizing new forces on the neoconservative side that include war veterans’ organizations, far-right parties, and politicians, and commenced a referendum initiative to repeal the IC. Yet ultimately, this neoconservative mobilization within the working group, in public discourse, and on the streets did not reach its goal. The case of working group revealed the power of the neoconservative network that caused democratic procedures to be eroded, but also revealed the strength of strategic framing and the reach of the new interpretation of ‘democratic pluralism.’ The two most prominent cases of policy contestation – the National Policy for Gender Equality and ‘the Law for the IC ratification’ – demonstrate how neoconservative actors have destabilized democratic procedures and caused democratic backsliding, without fully succeeding to bring about backsliding in gender policies.

45 The Truth About the IC is led by GROZD members, and supported by Vigilare, the Centre for Renewal of Culture, and other similar European and international organizations. *Civil Initiative the Truth About the IC*. Available at: <http://www.istinaoistanbulskoj.info/gradanska-inicijativa> (Last accessed November 15, 2018).

The Influence on the Women's Movement

In order to assess the influence of neoconservative mobilization on the women's movement, we first need to reassess its state at the outset of neoconservative organizing. Since the late 1990s, women's and feminist organizations were gathered around the Women's Network Croatia, which at the time represented one of the central democratization actors on the civil scene (Irvine, 2007). At the beginning of the 2000s, with the EU accession process, the women's movement started endorsing a cooperative strategy towards the state, signifying participation in the processes of building gender equality institutions (Deželan et al., 2013; Kesić, 2007; Špehar, 2007). This participation stimulated the formation of new relations between the women's movement and state bureaucrats who, according to the activists interviewed, "respected the women's movement expertise."⁴⁶ However, the corollaries of this cooperative strategy included depoliticization and pacification of the movement (Zore, 2013). This was exacerbated by the changes in funding practices that accompanied EU accession, and which further contributed to the "NGO-ization and professionalization" of women's organizations (Lang, 1997). In 2005, these processes contributed to the break-up of the Women's Network (Broz, 2013; Kajinić, 2015).

The peak of economic crisis in the early 2010s also brought about the rise of inter-movement critique, as left-feminist voices targeting its depoliticization and the domination of identity-based politics became more audible (Siročić, 2015:50). This critique especially addressed the liberal positioning of feminism and the lack of socio-economic analysis within the movement (Čakardić, 2015:428). In the context of rising unemployment and massive protests against austerity, some authors perceive that women's organizations remained strangely silent (Stubbs, 2012). Endorsing the cooperative strategy used in the EU accession period therefore seem to have emptied the women's movement of the concepts necessary to answer the pressing issues. However, left-feminist groups managed to shift some of the discourse around women's issues towards socio-economic problems (Irvine

46 Interviews with feminist activists. November 28, 2017, and January 9 and 10, 2018.

and Sutlović, 2019). Left-feminist groups also pursued the political strategy of building alliances, particularly with labor and union organizations, perceiving that it would lead toward more transformational class-based feminist politics (Irvine and Sutlović, 2019).

In 2016, with the arrival of right-wing coalition, which also contained far-right and neoconservative parties, the political context abruptly changed. This provoked the emergence of new feminist initiatives featuring a younger generation of feminist activists. The most prominent group, the feminist collective fAktiv, started by organizing actions to bring the problem of femicide to public attention, and this soon grew into the biggest protest for women's rights in recent Croatian history.⁴⁷ The Night March (*Noćni marš*), which takes place on March 8 each year, attracts around 6,000 people protesting for reproductive rights, ratification of the IC, against femicide and all forms of violence, among other issues. The success of the Night March may be interpreted as a response to heightened political tension and neoconservative mobilizations in particular. On the other hand, it can also be perceived as the outcome of a different generational approach to feminist activism. In comparison to other feminist protests held over the years, it is the Night March and new feminist activists who have succeeded in bringing larger numbers of people onto the streets and gained media attention. Indeed, almost all interviewees recognized the differences in generational approaches to feminist activism.

As Kajinić notes (2015:95), long-term activists are prone to continuing with the strategies that so far served them well. This is why she argues that the backlash against gender policies questions both the continuity of the Croatian women's movement and also its ability to change strategy. Kajinić further indicates the need to find new ways to confront the backlash, possibly through the entry of new recruits. These new recruits are evidently present, but so are the misunderstandings between different generations of activists over the choice of an adequate movement strategy.

47 Interview with a feminist activist, January 10, 2018. "About 6,000 people at the Night March: There is no Going Back. Now is the Time to Resist!" available at: <https://www.libela.org/vijesti/8531-oko-6-000-tisuca-ljudi-na-nocnom-marsu-nema-povratka-sad-je-vrijeme-otpora/> (Last accessed November 20, 2018).

This chapter aims to argue that overcoming the generational issue is a prerequisite for the change of movement strategy, essential for confronting the gender backlash. The evident lack of a new generation of feminist leaders points to the failure of many feminist organizations to effect a generational turn. The emergence of new, self-made activists may therefore indicate an innovation in movement recruitment and organizational models, but also a lack of confidence in the relationship between new and long-term activists. According to the interviewees, another point of generational disagreement concerned ideology, as younger generations tend to embrace left-feminism and situate their response to the backlash within a wider anti-capitalist framework.⁴⁸ Finally, there is also an ‘in-between,’ mid-generation of activists who acknowledge “there is a need to embrace the feminist legacy and acknowledge past work,” but also want to “accept the new ideas.”⁴⁹ The further splintering of Women’s Network with the 2016 departure of Women’s Room (*Ženska soba*) underlines the need to articulate a new movement strategy in relation to the “reconfiguring state” in the post-EU accession context. The need for a new movement strategy was indeed expressed by a majority of activists interviewed.

These intra-movement contestations can partially be seen as a result of the provocation of neoconservative activism. According to Roggeband (2018:30), opposition often places a movement in a defensive or reactive position. The fear of losing newly acquired gender equality legislation and institutions may turn feminism into a “conservative” movement as it becomes preoccupied with the preservation of the gains achieved (Roggeband, 2018). The rise of a counter-movement can also lead to the deradicalization of women’s organizations which, out of fear, might start adopting more careful positions or change their action repertoire (Roggeband, 2018). This can include refraining from speaking out at public events or in the media (Blais and Dupius-Deri, 2012:34; Roggeband, 2018:30). The analysis of Croatian women’s movement points to similar tendencies: several feminist activists have stated that their current goal is “to preserve existing gains

48 Interview with a feminist activist, January 9, 2018.

49 Interview with a feminist activist, January 10, 2018.

and rights” while also emphasizing the deteriorated relationship with state institutions.⁵⁰ Furthermore, growing contestations over ratification of the IC brought gender issues into media spotlight, but have also revealed the representatives of peace, anti-corruption, and other organizations as those speaking in favor of gender topics. Although the well-known older generation of feminists is still present in the mainstream media, the change in media representation may be interpreted as fear or the lack of a new generation of feminists fit for the role.

While acknowledging the organizational and ideological heterogeneity of the women’s movement, this chapter shall now address the cases in which a more or less unified feminist response to the neoconservative mobilizations was present: the Walk for Life and the protest against the IC ratification, in which movement/counter-movement interaction was the most intense, at some points leading to the spiral of contention. The interviewed activists identified reproductive rights and ratification of the IC as women’s issues requiring urgent attention, which underlines the choice of cases.

Walk for Life

Neoconservative mobilization targeting reproductive rights should be seen as a reaction to the changes announced to the so-called ‘abortion law’ or the Law on Health Measures for Exercising the Right on Free Decision-making Regarding Childbirth, dating from 1978. The first appeal to the Constitutional Court asking for a constitutionality review took place in 1991, with more requests piling up over the next two decades. Applicants included the Croatian Bishops’ Conference and In the Name of the Family. After 26 years, the Constitutional Court finally brought an ambiguous decision,⁵¹ neither ‘pro’ nor ‘against’ the abortion ban, stating that the new

50 Interviews with three feminist activists, held on November 28, 2017 and January 10, 2018. The Ministry of Education, Science and Sports stands out as an institution with whom the relationship has deteriorated the most, and this was also stated by the Ombudswoman for Gender Equality.

51 “The decision on the constitutionality of the Law on health measures for exercising the right to free decision-making regarding childbirth,” available at: [https://sljeme.usud.hr/usud/praksaw.nsf/7114c25caa361e3ac1257f340032f11e/c12570d30061ce54c12580d100416faf/\\$FILE/U-I-60-1991%20i%20dr.pdf](https://sljeme.usud.hr/usud/praksaw.nsf/7114c25caa361e3ac1257f340032f11e/c12570d30061ce54c12580d100416faf/$FILE/U-I-60-1991%20i%20dr.pdf) (Last accessed November 20, 2018).

Law cannot place a total ban on abortion. The Court left the finalization of this decision to the Croatian Parliament, requiring that the new law be in line with the Constitution of 1990 and include new medical terms, since those used in the current law are outdated. The envisaged two-year time window for adoption of the new law, which expired in February 2019, is extended. This time window further provoked contestation on reproduction rights.

Propelled by these changes, anti-abortion activism started including more frequent organization of prayer groups in front of hospitals, online campaigns, petition platforms, and social networking (Hodžić and Bijelić, 2014). However, the biggest event of this kind is the Walk for Life (*Hod za život*), a yearly event imported from the USA that, since 2016, has promoted “the beginning of all human rights with conception.”⁵² The official aim of the Walk is to “promote respect towards women in today’s society, and that every woman who wishes to harmonize motherhood and career, or wishes to stay at home with her children, has social support.”⁵³

The first National Walk for Life attracted around 7,000 people to march for “Life, Family and Croatia.”⁵⁴ Officially organized by the citizen’s organization Choose Life, but also with evident influence from In the Name of the Family and other groups close to the Catholic Church, the first Walk for Life literally brought people from all around the country to Zagreb by offering free transportation that was, most likely, funded by the Church. The Walk succeeded in sending a desired positive image of people of all generations standing up for the protection of children, both born and unborn. As stated on their website, the gathering also aims to “express solidarity with women who are mothers, the state has an obligation to secure specific measures for better harmonization of

52 Walk for Life, available at: <https://www.hodzazivot.hr> (accessed November 20, 2018); “The First National Walk for Life,” available at: <https://vijesti.hrt.hr/335892/hod-za-zivot-organizira-hod-pod-geslom-za-zivot-obitelj-i-hrvatsku> (Last accessed November 20, 2018).

53 Ibid.

54 “Tensions in the Centre of Zagreb,” available at: <https://dnevnik.hr/vijesti/hrvatska/dva-skupa-u-zagrebu-hod-za-zivot-i-obrani-pravo-na-zivot---437834.html> (Last accessed November 20, 2018).

family and professional life.”⁵⁵ This framing of anti-abortion protest within socio-economic demands can be interpreted as a way to test public opinion by hiding its true agenda. However, this framing can also be seen as an appropriation of the space left vacant by feminist organizations, as they turned towards gender equality institution-building and other tasks during the EU accession period. A year later, the organizers of the Walk were more straightforward, with the slogan: “For Life - the Basic Human Right,” but it was the 2018 Walk that expressed this thesis most poignantly by stating “All Human Rights Begin With Conception,” under which it succeeded in attracting more than 10,000 people.⁵⁶ Judging by the sharpened rhetoric, and encouraged by their previous successes, the Walk organizers decided to push the thesis on the beginning of life further. The emphasis on the ‘national’ component of the Walk for Life may also signal an intention to mobilize social groups on the political right. Neoconservative anti-abortion activism therefore demonstrates innovative framing strategies that successfully utilize human rights discourse with the goal of extending its network to the political (far)-right. This is backed up by the fact the initial socio-economic framing was only sporadically used in later years.

As a reactive protest action to the first Walk for Life, the women’s movement responded by gathering feminist organizations and activists within the initiative “Defend the Right to Choice” (*Obrani pravo na izbor!*) and organizing a counter-protest. In comparison to the massive attendance of the Walk, this was a small event that attracted 400 people. In the following years, these reactive actions have taken a more organized turn as the Walk for Life spread to two other cities, Split and Rijeka. Feminist activists organized a sit-in and temporarily stopped the Walk, while along the route of the Walk, activists held protest signs, and large banners stating “The Walk for Life Runs Over Women” were hoisted on the main square. Performative actions, such as the drawings of a clothes hanger next to a

55 “Why Walk for Life,” available at: <https://www.hodzazivot.hr/zasto-hod-za-zivot/> (Last accessed November 20, 2018).

56 “10,000 People on ‘Walk for Life, police arrested women in black’,” available at: <http://hr.n1info.com/Vijesti/a303459/Hod-za-zivot.html> (Last accessed November 20, 2018).

woman's silhouette, accompanied with a sign "We do not want to go back!" (*Nećemo natrag!*), were also present.⁵⁷ The most visible counter-protest took place in 2018 in Rijeka, where activists organized a Walk for Freedom (*Hod za slobodu*) with "the goal to stop the emergent conservatism, and to send a message on the endangering of women's rights and the rights of all the minorities."⁵⁸

The women's movement reactions to the Walks for Life may have developed from being completely caught by surprise with the sheer size of neoconservatives' mobilization to organizing response activities within the limits of possible. As one activist explained, the goal of these actions is "at least to remind a part of the people that thinks with their head that things are not okay, that they have gone too far."⁵⁹ The reactions to the Walk for Life demonstrate efforts towards achieving greater cohesion as well as the creation of broad alliances. But overall, the movement's reactions point to the lack of strategy.

With the goal of creating a unified response to the rising neoconservative attacks, but also to put an end to misunderstandings and personal animosities that have long been present in the movement, the younger generation of activists established the Platform for Reproductive Rights of Women.⁶⁰ Although both mid-term and long-term activists responded to the call to participate, some of them see the Platform as "a continuation of long and unfruitful discussions, characteristic of the movement, during which mutual misunderstandings once again rise up."⁶¹ Some activists perceive the Platform to be good at "reaction activities," such as protests

57 "Action on the Walk for Life route: We do not Want to go Back!," available at: <https://www.libela.org/vijesti/8684-akcija-na-ruti-hoda-za-zivot-necemo-natrag-pobacaj-mora-biti-legalan-siguran-i-b/> (Last accessed November 20, 2018).

58 "Walk for Freedom held in Rijeka: This struggle will not be easy," available at: <https://www.vecernji.hr/vijesti/u-rijeci-je-odrzan-i-hod-za-slobodu-ova-borba-nece-biti-laka-1246480> (Last accessed November 20, 2018).

59 Interview with a feminist activist, November 22, 2017.

60 Interview with a feminist activist, January 9, 2018.

61 Interview with a feminist activists November 28, 2017.

to the current events, but lacking the capacity, interest, and willingness to think strategically in the long run or to perform more demanding tasks, such as legal analysis and lobbying.⁶² These feminist responses to the Walk for Life therefore point to the tendencies to maintain one's generational 'activist habitus.' More specifically, it seems each generation of activists is prone to continuing with strategies and tools that so far served them well, and this may be holding back the establishment of a more comprehensive strategy. However, the generational issue represents an important and complex question that greatly surpasses the limits of this chapter, and calls for additional research.

Croatia Against the Istanbul Convention

The other contentious process concerned the ratification of the Istanbul Convention (IC). In 2013, the left-liberal government signed, but did not ratify the IC due to the austerity politics pursued at the time. In 2017, the founding of the working group for the creation of ratification law signified the first steps towards IC ratification. Although the IC could have been ratified without the creation of the law, by insisting on this specific procedure, the government may have aimed to mitigate public debate.⁶³ This turned out to be difficult to avoid.

Through the Truth About the Istanbul Convention initiative, neoconservative activists succeeded in mobilizing citizens against 'gender ideology,' which, according to them, is inscribed into the convention. In their view, ratification of the IC would require "the signatory countries to submit their culture, customs, religion, and tradition to the goals of the Convention."⁶⁴ They claimed that via the IC, 'gender ideology' would "enter legislation, education and the media, endanger religious freedom and freedom of thought, limit the role of parents' influence in a child's life,

62 Interview with a feminist activists November 28, 2017.

63 Interview with a feminist activist, January 10, 2018.

64 "Let's Say No to Gender Ideology," *The Truth About the IC*. Available at: <http://istinaoistanbulskoj.info/download/letak.pdf> (Last accessed November 18, 2018).

and generally destroy the Croatian way of life.”⁶⁵ The Catholic Church openly supported the Truth About the IC initiative, expressing its concern over the “quiet introduction of ‘gender ideology’ under a noble purpose of suppressing violence,” and also called on parliamentary representatives to vote against it.⁶⁶ Meanwhile neoconservatives campaigned for the highest possible protection standards against domestic violence, without ‘gender ideology.’

The discussion around the IC soon provoked a spiral of contention, as the interaction between neoconservative and feminist forces started to create an on-going atmosphere of tension. Extremely sharp and frequent public discussions divided society into ‘pro’ and ‘contra’ camps. The culmination of this contentious process elevated the issue of the IC to the level of national sovereignty that Croatia would, according to neoconservative arguments, give away with ratification.⁶⁷ The conflict culminated with a massive protest in Zagreb, titled “Croatia Against the IC” which, according to organizers, attracted 70,000 people, while the police estimated the number of protestors at 5,000.⁶⁸ Once again, people were brought to Zagreb free of charge. The protest also attracted far-right political parties, war veterans’ associations, and politicians from the right of the political spectrum among others, demonstrating the flexibility and inclusivity of the neoconservative network.⁶⁹ It seemed the size of this protest aimed at demonstrating the

65 “In the Name of the Family at a public debate: The Istanbul Convention is based on gender ideology,” available at: <https://uimeobitelji.net/uio-na-javnoj-raspravi-istanbulska-konvencija-utemeljena-je-u-rodnoj-ideologiji/> (Last accessed November 20, 2018).

66 “The Bishops called on MPs to vote against the ratification of the Istanbul Convention,” available at: <https://www.tportal.hr/vijesti/clanak/biskupi-pozvali-zastupnike-da-glasaju-protiv-ratifikacije-istanbulske-konvencije-foto-20180410> (Last accessed November 20, 2018).

67 “What is the Truth, and what is the Lie about the Istanbul Convention?,” available at: <https://www.index.hr/vijesti/clanak/istine-i-lazi-o-istanbulskoj-konvenciji/1034837.aspx> (Last accessed November 20, 2018).

68 “Tens of Thousands on ban Jelačić Square: They are Hiding Gender Ideology Behind Victims of Abuse!,” available at: <https://direktno.hr/direkt/pratite-direktnom-prosvjed-hrvatska-protiv-istanbulske-konvencije-117318/> (Last accessed November 20, 2018).

69 “A Front Against the IC is Growing: Here is All Who are Against and Who is Preparing for the Protest,” available at: <https://www.tportal.hr/vijesti/clanak/raste-fronta-protiv-istanbulske-evo-tko-je-sve-protiv-i-tko-se-sprema-na-prosvjed-foto-20180320> (Last accessed November 20, 2018).

will and unity of ‘the people’ against the ‘non-people government’ that supposedly represents the interests of international elites.

To this growing mobilization of neoconservative actors, the women’s movement responded with a protest performance. The most visible protest attracted around twenty women dressed as characters from Margaret Atwood’s “Handmaid’s Tale” marching through Zagreb, accompanied with hooded drummers, while figures from public and cultural life read out excerpts from the convention.⁷⁰ In what may be the strongest attack on women’s rights in recent Croatian history, feminist organizations coming mostly from the Women’s Network answered with their usual protest tactics. The innovation, however, may represent the creation of a wider alliance with the inclusion of public figures from various spheres of social life. The interviews with feminist activists confirm that the creation of wider coalitions indeed represents the new strategy: the mobilization of organizations and individuals outside the women’s movement, and outside civil society, for instance medical doctors and nurses, parents’ associations, progressive believers, and artists.⁷¹ The tensions in public sphere point to the necessity to create wide coalitions with organizations and individuals outside the women’s movement who are willing to speak in its name. In other words, the level of “gender ideology madness” has not only placed the women’s movement in a defensive position, but has also brought fear of speaking out on its own. This is why different generational segments of the women’s movement have resorted to their allies outside of the movement, as a strategic decision in the given environment. Moreover, resorting to ‘external’ allies also reflects the fact that gender issues have spilled over to other societal spheres, and now require an equally diverse defense. Instead of provoking greater cohesion of the women’s movement, the heightened tensions have imposed the need to create wide ad hoc coalitions in order to make political claims.

70 “Handmaids March for Ratification of Istanbul Convention,” available at: <http://glashrvatske.hrt.hr/en/news/domestic/handmaids-march-for-ratification-of-istanbul-convention/> (Last accessed November 20, 2018).

71 Interview with two feminist activists on November 28, 2018.

Overall, the women's movement response to neoconservative mobilization developed from being caught by surprise to the creation of more articulated resistance, yet still without a unified, comprehensive strategy. The successes of neoconservative activism has, on the one hand, revealed a generational division of the women's movement, evident in the maintenance of strategies that have so far served activists well, and in the lack of new feminist leaders within the well-established organizations. On the other hand, the appearance of neoconservative activism has partially propelled innovation in feminist activism, visible in the new organizational forms, such as collectives or platforms. It also provoked the emergence of new, self-made feminist activists in Zagreb and other Croatian cities. Abrupt changes to the political context and the fast progress of neoconservative activism, as well as the fatigue of women's movement seem to have provoked a younger generation and reinvigorated long term activists, all of which makes the movement vibrant.

Conclusion

This chapter has demonstrated that neoconservative activism in Croatia did not fully succeed in bringing about the backsliding of gender policies, regardless of its significant influence on public discourse and general success in utilizing political opportunities. The reason can be found is the failure of neoconservatives to align the state completely to their side. This is visible in the lack of government statements against gender equality but also in the concurrent existence of both progress and backsliding in gender policies. This situation also indicates the shifting position or maneuvering of the state between neoconservative and feminist actors, depending on the wider political context. Examples include the deteriorated relationship between the feminist activists and state institutions after EU accession, and the state's sporadic inclusion of and cooperation with neoconservative actors. Nevertheless, in the end, the state remained on the side of gender equality, as is demonstrated by the ratification of the IC and other policy documents.

Neoconservative efforts to reverse the progress of gender policies resulted in de-democratization processes and democratic backsliding. Paradoxically,

the neoconservative use of democratic tools – civil society mechanisms, human rights framing, democratic pluralism discourse and referenda – finally caused the erosion of democratic procedures. The use of these tools and pursuing of a legal strategy enabled neoconservative representatives to take part in consultancy bodies. Here, the power of the neoconservative network comes to the fore, as they participated in consultancy processes concerning subjects on which they have no competence. Consequently, their participation contributed to the depreciation of knowledge and expertise of women's and feminist organizations.

The post-EU accession context turned out to work in favor of neoconservative activism, making the working environment for women's and feminist organizations difficult. The depreciation and lack of acknowledgment of feminist representatives in relation to the state is interpreted here within the post-EU accession context, in which their knowledge is no longer indispensable for reaching political goals. Although neoconservative groups were long present, their activity gained traction after EU accession when they began attacking the gains achieved during the accession period. In doing so, neoconservatives took incremental actions targeting different social issues with the goal of undoing the feminist political project.

The influence of neoconservative activism on the women's movement is twofold at least. Efforts to resist neoconservative mobilizations first revealed the existence of a generational issue in the women's movement. This signifies the tendency of feminist organizations to pursue tactics that worked well in the past, and also questions their ability to change strategy. Overall, feminists' differences in generational approach make the pursuit of new movement strategy more difficult. The chapter argued that overcoming this generational issue is a prerequisite for changing movement strategy. The second neoconservative impact on the women's movement is the creation of wide coalitions and alliances. Placed in a defensive position and exacerbated by the tense public atmosphere, the women's movement gathered allies as it started to fear speaking out on its own. Here, different generational segments of the women's movement resorted to their usual

allies, which possibly also hindered the creation of a unified movement strategy. Regardless of these divisions, neoconservative mobilization has propelled innovation in feminist activism, visible in new organizational forms, the emergence of new self-made activists, and a reinvigoration of the work of long-term activists, all of which makes the movement very vibrant.

Finally, as the recent public contestations have demonstrated, gender issues have spilled over from their previous frames into other social domains. This change of location points to the need for an adequate response through both a unified women's movement strategy and the creation of wider coalitions, resembling the form of a network. As the Croatian case demonstrates resistance of the state to neoconservative attacks, this cross-movement/outside alliances tactic might provide the necessary strategy.

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POLITICIZING GENDER EQUALITY AND WOMEN'S MOVEMENT REACTIONS TO IT IN HUNGARY

Andrea Krizsán and Andrea Sebestyén

Hungary emerges as a remarkable case in recent de-democratization literature. It demonstrates an outstanding pattern of retrenchment in terms of rule of law, rights and compliance with EU norms.¹ As the Universal Periodic Review Compilation in 2016 states “in 2013, the United Nations High Commissioner for Human Rights (Pillay, 2013) urged the Government of Hungary to revoke a series of constitutional changes that had been widely criticized by international and regional human rights bodies as representing a backward step in human rights protection, underscoring that the changes undermined the independence of judges and were a serious threat to democracy.” Attacking gender equality rights and the promoters of these rights were increasingly part of this process of democratic backsliding (Félix, 2015). This is particularly interesting because gender equality never played an important role on the Hungarian political agenda and the transition to democracy never brought forward gender equality as an important political goal. A de-politicization of gender equality was prevalent in Hungary since the early democratization years (Krizsán and Roggeband, 2018a). This meant that neither supportive nor oppositional approaches engaged directly with gender equality. Political discourses and policies generally attempted to discuss even highly gendered issues (such as for example domestic violence) in gender neutral terms (Krizsán and Roggeband, 2018a).

1 See the Opinion of the Venice Commission (2011), Tavares Report (2013), Sargentini Report (2018).

Yet, de-democratization brought attacks to gender equality increasingly to surface and repeatedly made gender equality a central target of governmental attacks and resulted policy change. These direct attacks on gender equality and ensuing gender policy backsliding can be related to the right-wing political turn after parliamentary elections in 2010. Parliamentary elections in 2010 brought a super majority for the right wing FIDESZ – KDNP alliance still in government as of 2019. These governments (three as of 2019) engaged in a drastic revision of the whole political and welfare system and used the economic crisis (Szikra, 2014) and later the migration crisis as a justification to carry out major reforms in an emergency manner. Starting from 2010, and still ongoing in 2019, government policy was increasingly framed in nationalist, familialist terms and was coupled with serious democratic and rule of law backsliding.² Government action targets gender policies and women’s movement organizing with an increasing intensity since 2010.

This chapter aims to assess the consequences of these attacks. As a first important step, the chapter assesses the state of gender equality policies before democratic backsliding.

The state of gender policies in Hungary before 2010

Before the 2010 political turn, Hungary could be considered a laggard in gender equality policies even in comparison to other Central European countries (Krizsán and Roggeband, 2018a; Gender Equality Index EIGE), which showed no remarkable improvement regardless of the color of government. Proportion of women in parliament was around 10%, even during times of socialist-liberal government (2002-2010). Hungary never had a comprehensive gender equality law or violence against women law in place; its women’s policy agency was weak and marginal to government decision making, the proportion of women in politics was lowest across the EU and

2 CEDAW Report (2013) stated: “The Committee urges the State party to review its family and gender equality policies to ensure that the former do not restrict the full enjoyment by women of their right to non-discrimination and equality”. Raday Report (2017) stated: “The Fundamental Law contains robust provisions for the protection of the family, to which it refers as “the basis of survival of the nation” and encourages the commitment to have children.”

consultation patterns between government and women's rights groups were always erratic, including during left wing governments (Krizsán and Zentai, 2012). Waves of policy progress came with joining the Beijing process in the mid 1990s, and during the EU accessing process in the early 2000s, but policy steps were always moderate, and implementation was lagging behind (see CEDAW reports from 2013). More remarkable developments took place during the 2009-2010 technocratic crisis government, largely due to the openness of the Prime Minister at that time (Gordon Bajnai). Despite the neoliberal economic restructuring package launched during this period, a National Gender Equality Strategy was adopted in 2010 (the first one since 1997), a law on restraining orders for domestic violence was passed in 2009, and consultation patterns with women's groups seemed to stabilize.

Weak gender policies are also related in Hungary to a relatively weak women's movement, even in comparison with other countries of the region. The movement is made up of a small number of mostly elite based, capital city located women's movement organizations, with limited grassroots capacity, or capacity to mobilize outside Budapest (Krizsán and Roggeband, 2018a). It grew increasingly diversified in functional terms over the years, with separate groups providing services, working on advocacy or awareness raising and communication, and was relatively well-networked, yet rarely able to mobilize large protests. Part of the reason for the weak movement capacity has to do with limited resources. Hungarian governments, left and right, never provided long-term, sustainable financial support for women's groups, especially not institutional support. Most mobilization work was either voluntary, was funded by international organizations, but never as extensively as in other countries of the region (Krizsán and Roggeband, 2018a), or, more recently, financed by small-scale corporate donations.

The women's movement had few long-term allies in Hungary. Links between the movement and wider democratization processes and pro-democracy and pro-rights protests remained very weak and incidental until the 2010 turn. While civil rights, Roma rights, and LGBT rights groups often formed common platforms, women's rights groups only sporadically took part of them. Women's rights claims were rarely backed by civil rights groups before 2010, with the exception the occasional support from international rights groups, such as Amnesty International or Human

Rights Watch in the late 2000s. Overall the Hungarian women's movement developed a low capacity to influence the state, and gender equality remained marginally institutionalized within state structures until 2010.

Against this background the emergence of attacks on gender equality and women's groups seems puzzling in Hungary. Only limited analysis is available about these gender components of de-democratization (Szikra, 2014; Juhász, 2012; Félix, 2015; Pető and Grzebalska, 2018; Kováts, 2016). Even less analysis discusses women's movement responses to these new challenges of an authoritarian and hostile state. This chapter aims to fill the literature gap by asking the following questions: what the scope of retrenchment in gender policies in Hungary is, and how is the women's movement impacted, whether by strengthening mobilization and maturing capacities or showing signs of withdrawal and decline. Is de-politicization of gender changing in the current context?

The chapter is structured the following way. First, we look at what the de-democratization turn means for gender policies and women's rights, what policies remain in place and what is challenged, which gender policy issues are more vulnerable, and which are the ones that remain in place or even progress, how politicization of gender issues changes in the process. Second, we look at attacks and challenges to the women's movement coming from an increasingly authoritarian and right-wing government and its ally, the increasingly vivid anti-gender equality movement, and look at how feminist groups cope with and respond to those challenges, through changes of their capacities and changing mobilization strategies.

Our research follows the conceptual framework defined in the Introduction of this book (Krizsán and Roggeband this volume). Our data comes from a research on policy changes including documents analysis, interviews with women's rights advocates, and desk research of secondary sources for the period between 2010 and 2018.³

3 We analyzed laws, policies, institutional budget numbers related to gender equality. We conducted interviews with women's rights activists, public intellectuals, we participated in and observed feminist events and protests. We covered with desk research available secondary and grey literature on democratic backsliding and attacks on gender equality. Interviews conducted with: Judith Wirth, NaNe, Eszter Kováts, FES, Mariann Dósa, Közélet Iskolája. January 2018-March 2018. Part of this research was conducted within the framework of the Transcrisis EU project (<https://www.transcrisis.eu>), last accessed May 27, 2019.

Policy backsliding in Hungary

We first look at the impact of recent de-democratization trends on gender policies. Given the limited scope of gender policies in Hungary and the high level of depoliticization that characterized gender issues prior to 2010 one would expect little policy backsliding in this field. In this section we examine this phenomenon. We take a wide understanding of policy backsliding, one that goes beyond a simple dismantling of policies in place to adoption of adverse policies but also to include implementation factors, factors related to policy process and discursive factors. Along the lines proposed in the introduction of the book we look at the following four aspects of backsliding:

- Gender policy decay (dismantling and reframing)
- Undermining implementation of gender policies
- Erosion of consultation mechanisms between the government and women's rights advocates
- Discursive delegitimization of gender policy objectives

Gender policy decay

Given the limited scope of gender policy progress during the previous decade in Hungary, one would expect limited policy backsliding in the field. Yet, changes in gender policies took place in several policy fields after 2010. Policy decay took the form of dismantling as well as reframing. Depending on the issue, we see some visible and harsh dismantling in some fields, and little change in others. Remarkably, there is also some progress in some policy fields.

In the center of the Orbán cabinet's mission is the nationalist aim to stop Hungarian demographic decline by increasing the fertility of the Hungarian population.⁴ In this context women are seen primarily

4 See speeches by Prime Minister Orbán on both Budapest Forums on Demography, November 2015 <http://www.kormany.hu/hu/a-miniszterelnok/beszedek-publikaciok-interjuk/Orbán-viktor-beszede-a-budapesti-demografiai-forumon> and May 2017 <http://www.miniszterelnok.hu/Orbán-viktor-beszede-a-ii-budapesti-demografiai-forumon/>. (Last accessed May 27, 2019.)

through their reproductive capacities. This demographic objective places the Hungarian family in the spotlight instead of women's rights. The 'liberalization' of family relationships is seen as the main reason behind declining birth rates. This leads to the strategic priority to reinstate traditional family values and fight gender equality and non-heterosexual relationships (Szikra, 2014). Gender mainstreaming was now replaced with 'family mainstreaming' as a strategic principle (Juhász, 2012). During the Hungarian Presidency of the European Council in 2011, the high-level gender event requested by presidency protocols was organized with the title 'Europe for Families-Families for Europe.' As the expert of the Hungarian Women's Lobby puts it; "the Hungarian message was clearly that only an increased birth rate can prevent demographic decline in Europe (as opposed to immigration)" (Juhász, 2012). The gender equality policy regime thus shifted from serving gender equality objectives towards serving demographic sustainability objectives. Occasionally this may imply that specific policy tools serve gender equality, yet without that being the objective. This strategic principle (of increasing birth rates) informs legal and policy changes on gender equality since 2010, primarily in parenting and employment policies, but also has repercussions for education policy, reproductive rights policies and policies addressing violence. These are the fields that we map in this chapter.

While important changes are thus visible in a number of policy fields, policy dismantling and reframing has not impacted blueprint policies (Mazur, 2002) such as the anti-discrimination law.

Gender equality in educational curricula

Among the first legal amendments of the FIDESZ government in June 2010 was the revision of provisions affecting gender equality within the education system. Articles on gender sensitive education were removed from the governmental decree on the National Program for Education in Kindergartens from 2009⁵ with reference to their potential to spread gender ideology (Félix, 2015). In August 2018 this program was further amended

5 363/2012.(XII.17.) Government Decree on the National Program for Kindergarten Education.

without any consultation with educational professionals⁶ to now require systematic curricular emphasis on national identity, Christian cultural values, patriotism and bonding with family and homeland.⁷

A more recent challenge came in 2018 with the withdrawal of accreditation licenses from gender studies programs in higher education. The amendment proposed in August 2018 and adopted in October by means of an executive decree to the Higher Education law has removed gender studies from the list of accredited undergraduate degrees.

Policies on Parenting/Motherhood/Child care

The main objective of parenting-motherhood/care policies during the Orbán governments was to improve the demographic viability of the Hungarian nation and to do so mainly by increasing fertility rates. All policy changes and new measures served this objective in some way, even if the approach on how this would be served best changed and was often inconsistent over the years. Childcare and parenting related policies were traditionally controversial in Hungary. For the last decades debates were mainly about whether policies should be need or income based (Fodor and Kispéter, 2014). Another contested element was whether these policies should encourage traditional gender roles for women or should serve labor market integration of women. Since 2010 policies in this field had specific responses to both of these controversies. Tools used by the Orbán government combined the objective of supporting a traditional family model and traditional gender roles for women and the objective of integrating women with children in the labor market. While many of these instruments ultimately served better

6 Nemzeti nevelés az óvodában: módosították az alapprogramot, de senki nem tudott róla, 2018. augusztus 6. http://eduline.hu/kozoktatás/nemzeti_nevelés_az_ovodában_9ZNP2. (Last accessed May 27, 2019.)

7 137/2018. (VII.25.) Governmental Decree on amending the National Program for Kindergarten Education 363/2012. (XII.17.). <http://www.magyarkozlony.hu/dokumentumok/cbecb91aaa99eec67948809d18a02b6923cc1ef9/megtekintes>. (Last accessed May 27, 2019). For example, “kindergarten supports children to learn about their environment, which will be the basis for stable national identity, respect for Christian cultural values, love for country and the family.” Article 3, chapter on Emotional, moral and community education.

gender equality, this support was always framed in terms of the need for better demographic increase. We illustrate some of the key elements of this inconsistent policy making.

In 2011 a new constitution (The Fundamental Law) was adopted without much deliberation in parliament given the super-majority of the governing party. One of its articles stated that the family shall be based on the marriage of a man and a woman (Article L) thus excluding non-heterosexual relationships from constitutional protection. This reframing triggered down also to policies concerning parenting and childcare support.

The December 2010 pension reform gave exceptionally high credit for caring, allowing women's retirement after 40 years of work, regardless of their age (the pension limit is 65 since 2010 for both sexes), with time spent on maternity leave included, unlike time spent in higher education.

Care related policies followed an income-based approach and in this supported disproportionately those who had stable and higher incomes at the expense of unemployed or people in precarious jobs. While the pre-2010 government used policies to address child poverty and social assistance (increasing universal child allowance, family-related social assistance and limited tax credits), the FIDESZ governments detached family policies from social policies and targeted them at increasing fertility rates among 'appropriate' working families (Szikra, 2017). Szikra points out how FIDESZ governments instrumentalize family policies to widen the gap between worthy hard-working families and others who fall between the cracks in employment terms, a disadvantage which often overlap with belonging to the Roma minority. This intention is well illustrated by a failure to index the universal family allowance since 2009, which thus lost about 20% of its value throughout the years, and the tendency to gear support towards working families by introducing tax breaks and family taxation that are dependent on availability and level of income. According to the website of the government⁸ the new simple, proportional and familial taxation system introduced on 1st of January 2011 aimed to support parenting alongside

8 Information on family taxation. February 10, 2011. <http://2010-2014.kormany.hu/hu/> (Last accessed May 27, 2019.) gyik/tajekoztato-a-csaladi-adozasrol.

employment. Meanwhile, regardless of employment status, paid parental leave which was reduced to 2 years after birth under the previous economic crisis government was re-extended to 3 years after birth in 2010.

In 2012 amendments were introduced to the Labor Code,⁹ removing the previous guarantee that employees with children under 3 cannot be dismissed from work (65§ 3), but also obliging employers to accommodate requests for part-time arrangements by parents of under 3 (60.§ 3).

Changes also concerned the possibility to work alongside parental leave. While initially beneficiaries were not allowed to work, this restriction was now applicable until the 6th month of the child only (from 1 January 2018). Therefore, parental support (GYED) is now available for two years even if parents work full time.¹⁰ According to Szikra this is a very wasteful practice, but positive effects can be identified for women in higher education, as it favors those who became parents when enrolled in higher education. Support in such cases lasted for 1 year initially, but from January 2018 it was extended to 2 years after birth.¹¹ While initially the proposal suggested that this benefit would be restricted to mothers, the adopted policy ultimately included fathers,¹² as well.

As these recent amendments show, the government recognized that in order to achieve population growth it is not enough to focus on unborn babies but it is equally important to support the labor market integration of parents (mainly women). Support for child care facilities was also enhanced. The existing system of institutions called ‘*családi napközi*’ (family childcare) was replaced from January 2017 with new forms of early childcare institutions¹³ (such as creches within workplaces) which had to meet simpler operational requirements. Municipalities were requested to

9 Act I of 2012. <https://net.jogtar.hu/jogszabaly?docid=A1200001.TV>. (Last accessed May 27, 2019.)

10 Act LXXXIII. Of 1997 on mandatory health insurance benefits 42/B. § (1) és 42/C. d).

11 Act LXXXIII of 1997. 42/E. § (2).

12 Act LXXXIII of 1997. 42/E. § (3).

13 6/2016. (III. 24.) Ministerial decree on childcare institutions and their tasks and conditions. See <https://net.jogtar.hu/jogszabaly?docid=A1600006.EMM×hift=20170101&txtrreferer=99800015.NM>. (Last accessed May 27, 2019.)

establish small crèches if there were more than 40 children under the age of 3 or in case at least 5 parents demanded daycare. Financing was secured with a tender system, which implied a heavy, often impossible financial burden on municipalities on the countryside¹⁴ leading to fewer childcare institutions than needed.¹⁵ A new strategy and budget were announced in 2018 to further develop the infrastructure. The government's goal is to further increase early childcare places in the period until 2020.¹⁶

Overall, the approach taken by the government detached family policies from social policies and made them tools towards increasing fertility rates among 'appropriate' working families. The result was the benefit of some women, particularly middle class and working women, while leaving poor, unemployed women (many of them Roma) very vulnerable. The reception of the policy among women's groups was limited and ambivalent. It was positive as these policies primarily benefitted women, but also critical given the nationalist/demographic objectives against which these measures were lined up.

Reproductive rights/abortion regulation

Dismantling was more unequivocally present in this policy field. In the "General Principles Guiding Hungary's Constitution" of the new 2011 Fundamental Law a specific provision protects the fundamental human right to life from the moment of conception. Resonating with the new Constitution the new *Family Protection Law* in force since 2014 was framed in strongly religious terms both in its definition of marriage and concerning

14 Kötvelező a mini bölcsőde nyitása, de sok helyen nincs rá pénz, 2018.09.13. https://hvg.hu/gazdasag/20180913_Kotelezo_a_mini_bolcsode_nyitasa_de_sok_helyen_nincs_ra_penz. (Last accessed May 27, 2019.)

15 Mégsem fontos a kisgyerekes munkaerő, 2018.08.13. https://nepszava.hu/3004792_megsem-fontos-a-kisgyerekes-munkaero. (Last accessed May 27, 2019.)

16 4,5 milliárd forinttal újabb bölcsődefejlesztési pályázat indult, 2018. szeptember 28. <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/csalad-es-ifjusagugyert-felelos-allamtitkarsag/hirek/4-5-milliard-forinttal-ujabb-bolcsodefejlesztesi-palyazat-indult>. (Last accessed May 27, 2019.)

protection of fetal life from conception.¹⁷ Spelling out the right to life from the moment of conception thus introduced a more restrictive approach to abortion than laws in force suggested. While the government stated to CEDAW that this does not imply any restrictions to current policies, as the CEDAW Committee warned in 2013,¹⁸ this Constitutional article still allows for the possibility of restrictions. In the summer of 2018, the government announced its intention to “clarify” the regulation on abortion.¹⁹ Abortion was recently linked to decreasing fertility rates by the current state secretary for Human Resources.²⁰ However concrete amendments discussed (though not adopted) only concerned changes in the pre-abortion information procedures (Ámon, 2018).

Violence law

Policy decay was gradual in the field of violence against women. Some positive developments took place in the domain of domestic violence in the early stages of the FIDESZ – KDNP governments. In 2012-2013 Hungary criminalized domestic violence for the first time, using a relatively progressive definition of what is now labeled partnership violence.²¹ Following this, however, a parliamentary resolution adopted in 2015²²

17 Act CCXI of 2011 on Protection of Families: “Marriage is the basis of the family. It is a communion based on love and respect deserving special appreciation. The family is functioning well if the long-term and solid relationship between the mother and the father comes to completion through their responsibility for the children.” The Fundamental Law Article II. Freedom and Responsibility chapter “the life of the fetus shall be protected from the moment of conception”.

18 “The Committee notes the State party’s statement that the new article in the Fundamental Law protecting life from the moment of conception will not be used to restrict the present legislation and the access of women to abortion.”

19 Pontosítani akar az EMMI az abortusz szabályozásán, 2018.08.27. <https://24.hu/kozelet/2018/08/27/emmi-abortusz-pontositas/>. (Last accessed May 27, 2019.)

20 Kásler Miklós szerint 20 millió Magyar lenne, ha nem létezne abortusz törvény, 2018. április 30. <https://merce.hu/2018/04/30/kasler-miklos-szerint-20-millio-magyar-lenne-ha-nem-letezne-abortusztorveny/>. (Last accessed May 27, 2019.)

21 Criminal Code (2012. C.) Article 212/A on partnership violence.

22 30/2015. (VII. 7.) Parliamentary decision on a national strategy addressing partnership violence <https://mkogy.jogtar.hu/jogszabaly?docid=a15h0030.OGY>. (Last accessed May 27, 2019.)

framed domestic violence mainly in child and family protection terms.²³ The document conceded that the number of victims of partnership violence is disproportionately higher amongst women but does not refer to the socio-structural, gender inequality roots of violence against women, nor discusses it as a gender-based discrimination problem, or as a women's human rights issue. On the contrary, it frames it as a violent crime which threatens marriage, family and children.

Hungary signed the Istanbul Convention in March 2014, but ratification was blocked with reference to the threat of gender ideology. Independent women Members of the Parliament (MPs), and green party and socialist women MPs tried to keep the issue of violence against women on the parliamentary agenda, but without achieving much success. While debates on the ratification of the Istanbul Convention catalyzed strong governmental resistance, it has not impacted other policies in place concerning violence against women.

Undermining implementation

Our analysis of policy dismantling and re-framing shows no consistent negative pattern of backsliding but rather a consistent nationalist reframing of objectives. Moreover, we find that changes are very much issue dependent in Hungary. Sexual education, reproductive rights and family policy/care issues highly profiled, while others neglected, and marginalized but not backsliding. Our second indicator shows a consistent pattern of decay in implementation arrangements, which hits all gender equality policy fields evenly, in institutional, programming and budgetary terms. The only field considered as gender equality field where implementation arrangements are not undermined, and budgets not cut is care/parenting. The reframing of the issue into a nationalist priority explains how this field can evade the logic of backsliding typical for other gender equality and women's rights policies.

23 "Recognizing that partnership violence is a crime that constitutes serious threat to marriage, family and children, while recognizing that most victims are women and children, though men can also suffer from it, the Parliament decides (...)"

Downsizing gender equality institutions and stalling gender equality programming affected the entire field of gender policies. The gender equality machinery was dismantled soon after the governmental change. Prior to 2010 a small and relatively marginal yet operational Department for Gender Equality existed within the Ministry of Social and Labor Affairs. The new government downsized the department and its portfolio to ‘policies affecting women’ and transferred it under Deputy State Secretary of *Family and Population Policy* in the Ministry of Human Resources. Currently the body concentrates primarily on the role of women as mothers within the family of their motherly responsibilities. In 2012, the minister of National Economy appointed a Ministerial Commissioner in charge for Women Participation on the Labor market with a 2-year length mandate. Her role was to identify barriers to women’s participation in the labor market and initiate programs. According to civil society reports (HWL and ERRC, 2013) this position had little weight, and during its mandate the question of gender equality has never been raised.²⁴

The Equal Treatment Authority (hereafter “the Authority”), responsible for the enforcement of anti-discrimination policy, also faced constraints after 2010. The budget of the authority was cut in 2010-11, but then it started to slowly increase after 2012. The number of staff working on equality issues with the Authority has also decreased and has been replaced during these years of shortage, starting with the replacement of the director already in 2010. Finally, the Equal Treatment Advisory Board, which was the main expert body supporting the Authority was also dismissed in 2012. The financial independence of the Authority ultimately increased in 2013 when it became a central budgetary agency and received a separate line within the budget. Protected grounds under the anti-discrimination act include sex, gender, motherhood and pregnancy (or during reproductive treatment) and familial status. Yet, the Authority made very few gender

24 “The approach of the special ministerial commissioner on women’s employment, appointed by the Minister for the Economy, has been seriously questioned by women’s organizations for her lack of public visibility and her focus on portraying women’s employment in a positive light, while neglecting essential issues, such as the gender pay gap, economic decision-making, and the sharing of care work.” (Raday report 2017)

equality claims, mainly related to equal pay and sexual harassment. Since 2010 the Authority favored the anti-discrimination ground of motherhood over gender, thus prioritizing and communicating widely those cases in which employer practices discriminated mothers or pregnant women (Weverka, 2017). During the year 2017 amongst the decisions which settled infringements (30) there were no cases on gender. There were 4 based on maternity/paternity, 3 based on gender identity.

The gender equality strategy was fully stalled after 2010. The pre-2010 Bajnai government adopted the Hungarian National Strategy for the Promotion of Gender Equality – Guidelines and Objectives 2010-2021 which was the first comprehensive Hungarian gender equality strategy since 1997, framed in gender mainstreaming terms. The first action plan has also been accepted just before the second round of the national elections in April 2010. Formally the Strategy is still in force today, however the FIDESZ governments completely blocked its implementation and its cabinets repeatedly brought measures that went against its objectives. This document and its afterlife is seen by women's rights actors as a perfect illustration of the Hungarian women's movement inefficient strategy. Despite being a progressive and well written policy document cumulating the movement's knowledge, it is not enacted.²⁵

Other bodies in the gender equality infrastructure included a Parliamentary sub-committee on women's equal opportunities (under the Human Rights Committee) in place between 2013-14, but without any remarkable operations. In 2015 the sub-committee on 'Women's Dignity' (under the Committee on Culture) was established in the Parliament.²⁶ This sub-committee was in charge of issues of women's safety and domestic violence and the preparatory work for the ratification of the Istanbul Convention. However, according to the minutes of its meetings²⁷; the

25 Interview with Eszter Kováts, FES.

26 <http://www.parlament.hu/documents/129412/450715/N%C5%90MA+alap/d04a88f1-8680-4786-af5b-0de50ad5ac82>. (Last accessed May 27, 2019.)

27 <http://www.parlament.hu/documents/static/biz40/bizjkv40/KOB/A464/1706071.pdf>. (Last accessed May 27, 2019.)

only task allocated to the sub-committee was to monitor the process of improving childcare infrastructure, while other women's rights issues like the ratification of the Istanbul Treaty remained neglected. The sub-committee was closed down shortly after the 2018 elections.

Funds were diverted from gender equality objectives towards other objectives, often contradictory to gender equality. In the Spring of 2011 for example, money from the European Union Progress Fund allocated to Hungary for 'improvement of gender mainstreaming in national policies and programs' was used for an anti-abortion and pro-adoption billboard campaign. The Commission has called upon Hungarian authorities to stop the campaign immediately and communicated the consequences of inappropriate use of the Progress Fund money. The CEDAW Committee urged Hungary to cease all negative interference with women's sexual and reproductive rights like campaigns that stigmatize abortion and seek to negatively influence public opinion on abortion and contraception (CEDAW 2013).

Another case of diverting public funding was in the field of domestic violence policy. The State Secretary for Family and Population Policy announced in March 2017 the allocation of 1,16 billion HUF from European Commission (EC) funding towards combatting domestic violence (for training of professionals and establishing safe houses) and named the company 'Family Friendly Country non-profit Ltd.' ('Családbarát Ország Nonprofit Közhasznú Kft') as the distributor for the funds. Women's rights NGOs with long-term experience in providing services for victims of violence were entirely left out from the process and the tasks ahead. The choice of the interlocutor indicates a framing of domestic violence as a family issue not as a problem of structural gender inequality. Moreover, this allocation of funding was meant to replace the limited and decreasing public funding available for shelter spaces and crisis centers for victims²⁸.

28 Kapcsolati erőszak: 1,16 milliárdot fordítanak a krízisközpontokra, 2017. március 28. <https://mno.hu/belfold/kapcsolati-eroszak-116-milliardot-forditanak-a-krizis-központokra-2392175>. (Last accessed May 27, 2019.)

Since 2010 implementation mechanisms of gender equality policies are systematically dismantled: institutional representation of gender is dismantled, programming is frozen, and budgets are cut or redirected. Gender equality policies are turned into empty vessels in the absence of actors, programs and budgets to enact them.

Erosion of consultation mechanisms

Consultation mechanisms between state actors and women's rights groups were not very consolidated in Hungary prior to 2010, with some minor improvement between 2009 and 2010. Yet, after 2010 the situation further deteriorated. Consultative relations first moved from formalized consultative status to ad-hoc involvement in a limited number of policy processes. More recently this moved gradually towards limiting forms of cooperation between state actors and women's groups and ultimately turned into the persecution of these groups. Instruments of persecution include administrative and financial control mechanisms such as tax controls or audits, and, since 2017, labeling organization receiving foreign funding as foreign agents. At the same time the political space given to actors undermining gender equality gradually increased throughout the years. This process had implications both for voice and for funding of women's rights advocates.

The Council for Gender Equality was the main consultative body in place in Hungary before 2010 for formal consultation between women's groups and government representatives.²⁹ The Council was relatively active under the previous Bajnai government and was involved in proposing and developing legal and policy proposals and evaluating the impact of current and future policies for gender equality. It was the main motor behind the process of developing the 2010 Gender Equality Strategy. After 2010 the Council was not convened, ending any formalized interaction between the government and women's rights organizations (Juhász, 2012; Szikra, 2014). In February 2012, a Working Group and Roundtable on Human

29 A tripartite body including representatives of ministries, NGOs and of independent experts serving as a consultative forum for discussing issues of gender equality. Established in 1997 existed with long interruptions until 2010.

Rights (Emberi Jogi Munkacsoport és Kerekasztal) was established³⁰ for consultation purposes. The chair of the working group is the State Secretary of the Ministry of Justice, and the members are high-level political leaders of all the ministries. The stated objective is to observe human rights development in Hungary, but also to serve as the Universal Periodic Review process consultation platform. Sessions are operating through 11 thematic groups including a group on Women's Rights chaired by the State Secretary of Family and Youth Affairs within the Ministry of Human Resources. Inclusion of women's right groups was now channeled into this Women's Rights Thematic group which meets twice a year. While some of the previous Council members were included as members, also a long series of other groups such as several disability groups, minority rights groups, LGBT groups, numerous conservative women's groups and family protection groups, including Hungarian Baptist church and even a governmental think tank participate.³¹ The agenda is set by the ministry and while women's rights organizations take part in the meetings, they do not have a role in its decisions.

After 2010 government policy increased its control over funding available for civil society: both public funding and funding from foreign donors. The *Law on Civil Societies*³² regulating public funding for civil society was amended in 2011. This Law regulates the National Civic Fund, which distributes public funding for civic society actors through a tender system. The amendment limited the number of NGOs which had "public interest" status and reorganized the workings of the National Civic Fund. In addition, Boards deciding about the tenders came under governmental control: their members now included 3 civil society actors (selected by an elector system), 3 persons delegated by ministers of the relevant policy

30 1039/2012 (II. 22.) Government Decree on the Working Group and Roundtable on Human Rights.

31 Membership, minutes of meetings included on the website of the working group available at: <http://emberijogok.kormany.hu/nok-jogaiert-felelos-tematikus-munkacsoport>.

32 Act CLXXV of 2011 of freedom of association, public interest status and operation and support for civil society organizations. <https://net.jogtar.hu/jogszabaly?docid=A1100175>. TV. (Last accessed May 27, 2019.)

fields and 3 persons delegated by the minister of Human Resources after a consultation with strategic civil society partners of the government. Consequently, the framing of the calls and their selection process could now follow the government's official agenda. These changes seriously limit funding for women's rights NGOs and allow for very low-level occasional funding. Currently to receive state funding as an NGO the applicant should be a partner of the government or its program should be based on ideas and values approved by the government. Calls for tender are all framed in terms of a family-mainstreaming discourse; supported activities are connected to governmental goals related to women, families and population growth including objectives such as popularization of family-friendly public opinion, strengthening values of marriage and family and cooperation/dialogue between generations. Framing of calls defines clear normative expectations towards organizations applying for funding on women's rights issues. Interviewees shared the opinion that tendering with the state is a waste of effort.³³ Thus women's rights groups in Hungary have seen an unprecedented absence of public funding under the FIDESZ government.

More recently women's organizations involved in providing services or training on domestic violence or other women's rights issues to relevant public institutions (police, judges, social services) are blacklisted and prohibited access to these authorities.³⁴ Besides no access to public resources since 2015 governmental challenges to the availability of foreign funding also increased. The Norwegian Civil Fund was the first to be challenged because its refusal to channel funds through governmental actors. Waves of auditing and raids took place in Hungary against several rights NGOs (women's rights, LGBT, civil rights) funded by the Norwegian Civil Fund. Auditing procedures run for years and were closed without finding any irregularity.³⁵ The Norwegian Civil Grants was blocked in 2014–2015,

33 Interview with Judith Wirth, Mariann Dósa.

34 Interview with Judit Wirth.

35 A „Norvég civil támogatások” a NER-ben, 2016. április 8. https://ataszjelenti.blog.hu/2016/04/08/a_norveg_civil_tamadasok_a_ner-ben. (Last accessed May 27, 2019.)

and only resumed after 1.5 years.³⁶ Scarce NGO capacities were tied for years due to these investigations. Moreover in June 2017 the NGO Law (the so-called Stop Soros law³⁷) was passed modelled after a Russian law, which requires a special registration for NGOs that receive foreign funding and a public display of the foreign funding, in the spirit of labeling these groups as foreign agents.³⁸ Open Society Institute, a long-time international donor for rights issues in the region was also persecuted, and this ultimately resulted in their departure from the country.³⁹

In the absence of access to public funding these measures targeting foreign funding strongly hit women's rights groups, as we discuss below.

This side-lining and persecution of women's rights groups took place in the context of a general erosion of democratic processes, including the marginalization of parliamentary politics and downscaling of existent consultation processes with all rights advocacy groups (Krizsán and Zentai, 2017) and their replacement with groups whose priorities are aligned with government priorities. Non-feminist conservative women's organizations are now actively supported by the government and included in consultation platforms. Close links between state actors and conservative groups are repeatedly demonstrated by government officials attending events organized by these groups or making statements supportive of them.⁴⁰ For example, the founder of one of the conservative association called Women's Perspective on Ordinary Days is the deputy mayor of a district of Budapest governed by FIDESZ. When her organization held its first meeting (January 2016,

36 Alkut kötött a Kormány és a Norvég Alap, újra jöhetnek a pénzek, 2015. December 10. https://hvg.hu/itthon/20151210_Ujra_erkeznek_a_Norveg_Alap_tamogatasai_f. (Last accessed May 27, 2019.)

37 Legal Analysis of Hungary's Anti-NGO Bill, June 2018 <https://www.opensocietyfoundations.org/briefing-papers/legal-analysis-hungary-s-anti-ngo-bill>. (Last accessed May 27, 2019.)

38 Joint statement on the Hungarian NGO Law, July 04, 2017 <https://www.liberties.eu/en/news/joint-statement-lexngo-hungary/12429>. (Last accessed May 27, 2019.)

39 The Open Society Foundations to Close International Operations in Budapest, May 15, 2018 <https://www.opensocietyfoundations.org/press-releases/open-society-foundations-close-international-operations-budapest>. (Last accessed May 27, 2019.)

40 <http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/hirek/tarsadalmi-nemek-nincsenek-tarsadalmi-szerepek-azonban-vannak>. (Last accessed May 27, 2019.)

Újbuda), the state secretary for family affairs (Novák Katalin) and Pelczné Gál Ildikó FIDESZ MEP were the honorary guests. Mutual support goes both ways: members of these GoNGOs' escort politicians to official political or diplomacy events, demonstrating the civic legitimacy of governmental objectives. For example, at the Female Ambassadors' Club in February 2017 Novák Katalin spoke on behalf of the government and her statement was followed by the same chair of the Association Women's Perspective on Ordinary Days, who informed the audience about the resonance between their objectives to show younger generations the advantages of living in families and the government's family friendly policies. High-level FIDESZ party politicians attend events organized by these GoNGOs on symbolic days concerning women and families as guest speakers. These events give opportunities for the government to repeatedly declare core values or make symbolic announcements publicly. In 2017 on the International Women Day (8 March) an event was organized by the Association Women's Perspective on Ordinary Days and the Hungarian Women's Union called "The soul of a Woman – I am living as a woman". In confines of the conference mainly newly established organizations were representing women and families. There, as a response to the ongoing public discourse on 'gender ideology,' Balog Zoltán, Minister of Human Resources, stated that the government says NO to gender but says YES to changing social roles. FIDESZ MP Dunai, at that time the chair of the parliamentary sub-committee for 'Dignity of Women,' contributed by saying "there is no discrimination between men and women today, if there is, it is for the benefit of women".

This process of change in civil society actors favored by the government can also be detected through analyzing funding processes. Hungarian women's NGOs never received systematic funding from the national or local governments. The funding open to them after the EU accession in 2004 was mainly EU development funds, or other related development funds such as the Norwegian Civic Funds or Swiss Development Funds. However few women's NGOs had the necessary financial capacity to apply for EU funds (Oxfam, 2011). Since the EU accession women's groups remained vulnerable to the whims of project funding (Roth, 2007).

From 2010 skewed public funds were increasingly used to support the emergence of new NGO's working on objectives aligned to government priorities who could now win significant amounts on public tenders. These organizations are also supported with public buildings allocated for their programs. Their objectives emphasize women's roles in sustaining the nation and its traditions, including traditional family norms. Websites of these organizations use modern, professional, often 'magazine style' design for communicating their content, to reach wider audiences. For example, the Union of Hungarian Women (UHW, Magyar Női Unió) was established in June 2016 by Batthyány-Schmidt Margit (chair), who is a well-known conservative, government supporter. Currently she is also the Hungarian government representative to European Commission's EIGE. In its mission statement UHW claims to "dissociate itself from the radical wings of feminism, with the aim of acknowledging and supporting men's roles in society."⁴¹ Another example is the already mentioned Association Women's Perspective on Ordinary Days (name derives from a similarly titled blog 'Mindennapok Női szemmel'). Its mission is to "observe the world with open heart but being in opposition to the bizarre attempts of mixing the sexes and to foreign ideologies which disregard the dignity of women".⁴²

In May 2017, on the occasion of the international day of families, these organizations established a network facilitating new ways to connect to politics and especially to the government. Six new NGOs were amongst

41 "Az Egyesület a feminista mozgalom szélsőségeitől távol tartva kívánja tevékenységét folytatni, a férfiak társadalomban lévő szerepének és helyének elismerése és támogatása mellett." [The Association aims to keep its activities distant from the extremism of the feminist movement, while supporting the place and role of men in society] IN Egyesületi Alapszabály, <http://mnunio.hu/wp-content/uploads/2017/01/Alapszab%C3%A1ly-2016.06.27.pdf>. (Last accessed May 27, 2019.)

42 "A Női szem blog csapatának küldetése, hogy mindezek tudatában, ellenállva korunk nemek összekeverésére tett bizzarr kísérletének éppúgy, mint a Nő méltóságát semmibe vevő idegen eszmék arculcsapásainak, a világot mindig nyitottan figyeljük, elemezzük, kérdéseket tegyünk föl és válaszokat keressünk, sőt igényt formálunk szűkebb és tágabb környezetünk életének alakítására. Hogyan is másképp? Női szemmel, mindig nyitottan!" <http://www.noiszem.hu/mindennapok-noi-szemmel/>. (Last accessed May 27, 2019.)

the organizers of the “Family=Resource” conference in the Parliament,⁴³ but their members also include MPs and members of local governments.

In addition to the marginalization and reframing of the women’s policy agency in Hungary, and the replacement of women’s rights groups by countermovement groups in consultation processes with the government, women’s voice is curtailed in other ways, as well. Percentage of women in the parliament, while always low in Hungary, reached its lowest level since 2010.⁴⁴ Furthermore, the second Orbán government (2014-2018) is the first Hungarian government for many years without any female member. The other two governments in power since 2010 have also only given token roles to women in their ranks, not higher than mainly at the level of state secretaries.

Discursive delegitimization of gender policies

Even if policy framing shifted from a rights language to a language of traditional family and national sustainability, explicit attacks on gender equality from governmental actors remained rare in the first years of the Orbán governments. Anti-gender equality statements were first made in the context of amending kindergarten regulations in 2010. Secretary of State for education, Rózsa Hoffman, explained the amendment by pointing out that the Kindergarten Education Decree had the potential to influence the mental and moral development of children in ways that served “gender ideology” (Félix, 2015). After this initial instance governmental discourse on gender ideology became more articulate in 2013-14 in the context of the Estrela and Lunacek reports (Félix, 2015). But attacks became most articulated and systematically built up in the context of the ratification of the Istanbul Convention in May 2017.

43 Fiala Családok Egyesülete (Association of Young Families); Három Királyfi Három Királylány Mozgalom (Movement for three princesses and three princes); Magyar Család- és Nővédelmi Tudományos Társaság (Hungarian Association for evidence based protection of family and women); Melletted a Helyem Egyesület (Association My Place is Near You); Mindennapok Női Szemmel Egyesület (Association for Women’s Perspective); Nők a Nemzet Jövőjéért Egyesület, (Association Women for the Future of the Nation).

44 World Bank: Proportion of seats held by women in national parliaments(%) <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS?locations=HU>. (Last accessed May 27, 2019.)

Anti-gender equality statements were made by the deputy head of the FIDESZ party in government, by the youth section of the minor partner in government: the Christian Democratic Party and a government related think tank (Alapjogokért Központ⁴⁵/Center for Fundamental Human Rights) when arguing that the Istanbul Convention is a form of “sneaking-in gender politics” and problematized framing domestic violence as a form of violence against women. Moreover, in November 2017 FIDESZ MP Németh Szilárd (Commissioner for Reducing Utilities), stated in a public television program that Hungary did not sign the Istanbul Convention and will never do as long as his party is in government. In December 2017, Katalin Novák, State Secretary for Family Affairs (in charge for women’s issues), connected to the debate by saying that gender issues are stretched too far, and are often washed together with LGBT issues, which is damaging for women’s rights, given the often-provocative nature of LGBT claims.⁴⁶

Attacks started earlier in the Parliament. In November 2012, in response to a petition with over 100,000 signatures, Parliament debated the criminalization of domestic violence as a specific crime in the Criminal Code. FIDESZ MP Varga claimed that women would not go on so much about domestic violence if they had more children, and proposed that rather

45 “Hungarian research institute dealing with legal analysis since 2013. The Center considers preserving national identity, sovereignty and Christian social traditions as its mission, especially amongst the 21st century’s heightened process of globalization, integration and technological changes, affecting the field of law as well.” <https://alapjogokert.hu/>. (Last accessed May 27, 2019.)

46 Novák Katalin: Hazánkban mindenki saját vallási és szexuális meggyőződése alapján élhet, 2017. December 29. http://mandiner.hu/cikk/20171228_novak_katalin_interju (Last accessed May 27, 2019.) “Osztom házelnök úr meglátását, egyszerűen nem tesz jót egy ügynek, ha túltolják. Sem az érintetteknek, sem a többségi társadalomnak. A gender-téma ráadásul összecsúszott a szexuális orientáció kérdésével. Vannak jó szándékú meleg emberek, akik csak nyugalomban szeretnének élni, és van egy kisebb, de nagyon hangos csoport, amelynek tagjai pedig folyamatosan provokálnak. Maradjunk a józan ész talaján! Egy kisfiú igenis különbözik egy kislánytól, vannak fiús és lányos dolgok, természetes és szerethető különbségek a két nem között.” [I agree with the Speaker of the House, it is not good for the cause [of gender] if it is overrepresented. It is not good neither for those who are impacted, nor for the majority of the society. Moreover, the gender issue converges with questions of sexual orientation. There are gay people with good intentions who would like to live in peace, but there is a small and loud group whose members continuously provoke. Let’s be rational! A little boy truly differs from a little girl, there are boyish and girlish things, natural and likable differences between the sexes.”]

than regulating domestic violence, policy should encourage women to have more children.⁴⁷ Other attacks followed that were directed at women MPs in opposition for challenging the absence of progress in gender equality.⁴⁸

Anti-gender equality statements were not only made by government officials and politicians from parties in government but also by various government related organizations. Just like across wider Europe, with the increase of opposition to gender equality new actors entered the arena, in particular organizations opposed to what they label gender-ideology, but also other pro-family organisations (Kovats and Poim, 2017; Kuhar, 2015; Kuhar and Paternotte, 2017; Verloo, 2018). As discussed already since 2010 government sponsored think tanks and conservative women's groups increasingly gained standing in debates concerning women's rights. Anti-gender equality groups emerged under the protective and supportive umbrella of the government demonstrating the blurring boundaries between state and anti-gender movement and their joint efforts to challenge gender equality norms. These tendencies were further supported by transnational initiatives such as the transnationally networked grassroots initiative Citizengo, which started campaigning in Hungary more recently, or the US initiated World Congress of Families held in Budapest in 2017 with state sponsorship, or in Torino in 2019 with high level Hungarian representation.

The anti-gender movement is strongly intertwined with the government in Hungary, and positions voiced by government actors often resonate with their claims. This far we witness very limited autonomous organizing. Continuity between state and counter-movement make these organizations "government-organized non-governmental organizations" (GONGOs). The government represents the interests of these (neo)conservative groups in effectively opposing the position and voice of women's rights activists.

47 Speech by Member of Parliament Istvan Varga (FIDESZ) on September 10, 2012. Debate on the adoption of a new Criminal Code.

48 Statement from CEU Gender Studies to the CEU Community, September 18, 2013 <https://gender.ceu.edu/article/2013-09-18/statement-ceu-gender-studies-ceu-community>; Barbizás, törpillázás, kleopátrázás a Parlamentben, June 3, 2014. <http://valasz.hu/itthon/szep-napot-uraim-mibe-veszik-a-noi-kepviseloket-a-parlamentben-100064>. (Last accessed May 27, 2019.)

Overall the hostile discursive environment driven by governmental or closely related actors makes the fragile gender equality policy regime even less legitimate. Direct challenges to existing policies and norms underlying them, together with dismantling implementation tools sends unequivocal signals to street level bureaucrats and the population more widely about the place of gender equality in the current political context.

Conclusion on policy backsliding

Overall, in Hungary gender policy dismantling went along with the increase in direct discursive attacks on gender equality. Policy dismantling affected primarily gender equality education, family policies, labor and pension rights and reproductive rights. Other fields such as anti-discrimination, assistance in mothering/institutionalized child care or domestic violence were hit by cutting implementation capacities, but some progress was made as well. Most affected were gender equality institutions and accountability mechanisms, where women's rights organizations were replaced by conservative groups, but also attacked by the government.

Feminist resistance and survival

The previous section showed mechanisms of backsliding of gendered democracy in Hungary. We not just found policy changes and increasing governmental attacks on various aspects of gender equality but also changes in patterns of inclusive policy making: in how inclusion of women's rights groups in decision making deteriorated to the point of defunding and persecuting these groups. This section looks at how the Hungarian women's movement is affected by these changes and particularly by new anti-NGO or antifeminist state action. To understand the effect, we look at changes in women's movement strategies, including repertoires of action in engagement with the state, coalition building patterns and framing, and ensuing new movement capacities, including (funding patterns, organizational capacities, networks, and infrastructure).

The prolonged and increasing hostility of the Orbán governments to values of democratic inclusion lasting now for 9 years allows for looking not just at immediate reactions and resistance of movement actors but also some longer-term changes in patterns of resistance. The question is whether under the increasingly autocratic conditions set by the FIDESZ governments the women's movement presents potential new ways to resist and organize in order to maintain a gender equality sensitive critical public space (Gessler, 2005), or falls in abeyance: a state of survival in which the movement manages to sustain itself but cannot mount a challenge to authorities in a hostile political and cultural environment (Taylor, 1989).

Changing women's movement strategies

During the decade preceding the 2010 political shift Hungarian feminist organizations predominantly used a liberal approach towards the state (Mueller and McCarthy, 2003), seeking ways to engage with it and influence its policies, while remaining critical of its activities. Their access to government and policy processes was however rather uneven throughout the last decades. The 2009-2010 period was a relatively good period securing solid consultation processes. Starting from 2010 the increasing state closure and hostility made previously used strategies difficult if not impossible and slowly led to changes in feminist strategies. Former participants in consultation processes between state and NGOs talk about the very limited number of consultation opportunities and decreased or disappearing standing for women's rights groups on women's rights issues during the last few years. Our interviewees⁴⁹ speak about the strategies they use to deal with the remaining pseudo consultation mechanisms. One of the interviewees argued that she uses the platform for the purposes of sharing her opinion with a larger civil society audience without the illusion of her voice being heard by the government. Another interviewee argues about the uselessness of attending even in cases when an official invitation is being sent to them. Meetings are mostly attended, she argues, "by the one

49 Interview with Judit Wirth, Eszter Kováts.

NGO member who has the tolerance to sit through these meetings, but the others would not attend”.⁵⁰ But if cooperation with state actors was a dead end what other strategies existed? Over time, different patterns of action emerged depending on levels of state hostility and movement capacities. A turn to disruptive and grassroots strategies was one way to go (Krizsán and Roggeband, 2018b).

Indeed, the early Orbán government years (2012-2013) witnessed one of the most prominent disruptive feminist demonstrations in the last years, which aimed for the criminalization of domestic violence. This protest was spurred by the absence of adequate response from the Parliament to the petition mentioned above and the misogynist statements made in the Parliament by MP Varga. The petition was initiated by an ordinary woman, Halász Pálma, in the name of her organization “Life, Value Foundation”. While the mobilization initially avoided any association with women’s groups, it was joined in later stages by the main women’s groups active in the field: NANE, Patent, MONA and Amnesty. Over one hundred thousand signatures were collected, sufficient to initiate parliamentary action without the intervention of a parliamentarian. In response to the negative approach of the Parliament⁵¹ serious street and Facebook based protest actions started. Not only were street protests and Facebook activism stronger than before, but also new allies have also emerged. For the first time in the history of domestic violence mobilization in Hungary wives of right wing politicians in the government as well as right wing women parliamentarians acted successfully as brokers to bring back the issue on the parliamentary agenda (Krizsán and Roggeband, 2018a). As a result, Parliament passed an almost unanimous declaration on the need for the domestic violence amendment. Unfortunately, the policy process that started after the Parliamentary declaration was far from inclusive. The expert groups working on the amendment initially included women’s rights advocates and experts along Halász, but in the process these groups were increasingly marginalized and

50 Interview with Judit Wirth.

51 Speech by Member of Parliament Istvan Varga (FIDESZ) on September 10, 2012. Debate on the adoption of a new Criminal Code.

excluded. In addition, the previous tensions between Halász and women's groups re-emerged. Women's groups ultimately left the consultation process in disappointment. The adopted domestic violence clause, although relatively progressive, did not satisfy the movement.⁵²

In the following years, when domestic violence was ultimately criminalized, Hungarian women's movement organizations could not maintain high levels of mobilization. Excluded from policy processes and even service provision, and later defunded the state of the Hungarian women's rights NGOs started to deteriorate. Not only there was very limited engagement with state actors, but the movement was also not able to mobilize grassroots activism or reach a wider constituency. Tactics were predominantly Budapest based small scale marches, workshops or other events with limited outreach.

Some remarkable exceptions of grassroots organizing need to be mentioned, which though not organized by feminist groups and not using an explicitly feminist agenda were nevertheless organized by women and for objectives highly relevant for women's rights. One was the wave of protests by the movement called 'Change the status quo in the field of Child birth!' ('Mássalapotot a szülészetben!') peaking in 2016. Launched by a long existent grass roots initiative, which was becoming better networked and more vocal in a very short time, partly due to social media, actions around homebirth and against coercive birth experiences in healthcare institutions were launched, including marches for a humanized, mother and baby centered child birth care system (Fábián, 2013). The online activism helped to connect to supporting groups from all over the country and even got some support from Hungarians abroad. The novelty was the move away from the capital city towards a strong presence at the countryside and also the grassroots tactics of recruiting. While, new in approach, the protests did not advance a gender equality agenda, were supported by very diverse constituencies and only had indirect gender equality implications.

52 NANE, Patent 2013. "Jó, de még nem elég", June 5, 2013. <http://nokjoga.hu/sites/default/files/filefield/2013-nane-patent-mona-ne-csbe-onallo-tenyallas-2013jun5.pdf>. (Last accessed May 27, 2019.)

Another example was a grassroots movement launched in 2016 which focused on the perilous condition of the Hungarian health care system and was aimed to improve healthcare conditions. The movement was launched by a nurse, Sándor Mária, who started to wear a black uniform at her workplace as a performative act of resistance. Movement members were initially employees from the health care sector, but involvement extended widely beyond. Their repertoire of action included demonstrations in front of the Parliament, professional institutions and the residence of the President of the Republic, visibility through round table discussions and an open letter to the prime minister, among others. After a year the movement faltered, and the nurse quit her job disillusioned by the lack of any changes. While women's rights were not part of the claims and discussion here, women's rights are an important part of this story both because of the overrepresentation of women among nurses and because of the predominant role of women in performing care duties and consequently their disproportionate role in dealing with healthcare institutions.

Yet another important grassroots initiative was the struggle for increasing the care giver benefit and recognizing care for disabled relatives as work in 2016–2018, orchestrated by the association *Lépjünk*. Here again the relevance of the issue for gender equality was tantamount, many women participated in the mobilization, but feminist groups stayed away.

Besides grassroots activism, coalition building is another important strategy for coping with backsliding and illiberal democracy (Krizsán and Roggeband, 2018b). Backsliding of gender policy regimes comes in the context of de-democratization, meaning that gender equality comes under attack together with other fundamental rights and democratic values. These attacks generate widespread discontent in the wider population. The common external threats may bring together coalitions between actors that would not cooperate otherwise (Van Dyke and McCammon, 2010) and contribute to overcoming or at least suppressing ideational tensions (Borland, 2010). Previously, the core of the women's movement remained largely disconnected from wider human rights (Krizsán and Roggeband, 2018a)⁵³ and democratization protests and women's rights claims were rarely

53 See also talk by Judit Wirth on February 27, 2019 at the Corvinus University, Budapest.

backed by these groups. Good working relations with other rights groups could be seen here as the exception rather than the rule. This disconnect has seriously limited the appeal of gendered policy claims as well as the constituency that supported them throughout the last decades, but also in the context of backsliding. Current attacks on gender equality came as an opportunity to challenge this path. Yet, so far coalition building had only limited impact for women's rights in Hungary.

The 2012 mobilization to criminalize domestic violence, discussed above, was an instance of cooperation. This protest integrated various publics beyond the usual feminist groups, as well as voices of conservative women. Feminist speakers were also featured incidentally in protests against the FIDESZ government and discussed the gender aspects of the shrinking democratic space.⁵⁴ But most protests had no gender issues included in their agenda and no feminist speakers. For example, the main opposition protest against the new Constitution, which introduced serious limitations to abortion and other gender equality rights featured only male speakers, women's groups were not present, and gender topics were not addressed, despite their centrality to the new constitution.⁵⁵

A more systematic attempt to coalition building is the creation of the awareness platform SZIAMACI⁵⁶ in 2015, during attacks against the Norwegian Civic Fund and against NGOs financed by it. The objective here was to raise awareness about activities pursued by civil society and to facilitate networking between them to defend against governmental attacks. SZIAMACI includes 11 women's rights organizations, basically all the important groups. However, visibility of the platform remains limited to date.

Following the direct attacks on civil society organizations in 2017 and the withdrawal of accreditation of gender studies in 2018, gender equality

54 One million for press freedom protest, October 23, 2012 <https://www.facebook.com/sajtoszabadsagert/photos/a-mai-milla-t%C3%BCnter%C3%A9s-15-%C3%B3rakorkezd%C5%91dik-m%C5%B1sorvezet%C5%91-cs%C3%A1k%C3%A1nyi-eszter%C3%A9s-kulka-j%C3%A1n/443948495641933/> or 'Békésen zárult a közfelháborodás-napi tüntetés Szegeden <https://szegedma.hu/2014/11/oligarchat-uldoznek-szeged-belvarosaban-hetfo-delutan-video>. (Last accessed May 27, 2019.)

55 <http://www.blikk.hu/aktualis/ellenzeki-tuntetes-az-operanal/2fesev> January 2, 2012. (Last accessed May 27, 2019.)

56 <http://sziamaci.hu/>. (Last accessed May 27, 2019.)

issues became part of protest agendas, though no clear evidence of coalition building attempts can be identified⁵⁷ even in this context.

Overall, based on preliminary research, following 2010, while some protests included feminist speakers and attempts of cooperation somewhat strengthened, pro-democracy organizing, and protests have not treated gender equality as a central issue on their agenda, and women's rights groups rarely became actors in wider coalitions. Further research will be needed to determine whether this was due to reluctance or lack of capacity on the side of women's groups, lack of openness on the side of other groups and coalitions, or the general apathy of the Hungarian civil sector and the relative absence of any strategic coalition building.

Women's movement capacities

In parallel with shifting movement strategies, capacities of the women's movement also changed in many ways during the last years. Certain aspects of capacity change point to a maturing and diversification of the movement, while more recently we also see tendencies pointing towards abeyance or even collapse.

By 2010, when the first Orbán government came to power, Hungary had few women's movement organizations, mainly Budapest based NGOs serving a relatively diversified set of functions: providing services, legal advocacy or awareness raising and communication, but with no grassroots capacity. The Hungarian state never provided sustainable financial support for women's groups, neither at the national nor at the municipal level, and structural foreign funding was also lacking (Krizsán and Roggeband, 2018a).

The almost immediate restructuring of the gender equality architecture by the Orbán government in 2010, largely blocked movement communication with state actors. Yet, relatively continuous funding from Norwegian Civil Grants and Open Society Foundations, but also some

57 Veto of the Heroes protest against the STOP Soros law April 12, 2017 <https://www.facebook.com/events/1178668815589658/>, protest for freedom of education and research. November 24, 2018, <https://www.facebook.com/events/319236592191960/>. (Last accessed May 27, 2019.)

corporate donors such as Avon and Vodafone was available in the first years after the 2010 shift. It was with this funding that in November 2010 five Budapest based women's rights NGOs and Amnesty International formed the Keret Coalition addressing violence against women.⁵⁸ The coalition was based on a conscious division of labor between service providing NANE, legal aid and advocacy group Patent, communications group MONA and Amnesty International, the Hungarian Women's Lobby and STOP Férfierőszak as supporting partners. It was during these years of better funding that the 2012 protests for the criminalization of domestic violence took place.

After 2013, when domestic violence was ultimately criminalized, mobilization decreased. Excluded from policy processes and even service provision and in the absence of grassroots capacity by 2016 the state of the Hungarian women's rights NGO could be characterized as abeyance. There is very limited engagement with state actors, no successful attempts for grassroots mobilization or outreach to a wider constituency. Tactics used for asserting feminist objectives are mainly Budapest based small scale marches and workshops and other events with limited outreach. As discussed above, connections to the wider pro-democracy protests are not well established, although they slightly improved after direct attacks on civil society (2015) and gender studies in 2018.

Starting from 2010 the government foreclosed women's rights groups from any, even project based, state funding and also blacklisted them for any forms of cooperation with public authorities.⁵⁹ In a next wave of attacks international donors giving funding to rights groups, including women's rights groups were targeted by the government. Following the attacks on the Norwegian Civil Funds, funding for these core women's rights NGOs became even more scarce.⁶⁰ Ultimately attacks led to blocking Norwegian

58 <http://keretkoalicio.blogspot.com/2010/12/keret-koalicio-uj-tamogato-partnere.html>. (Last accessed May 27, 2019.)

59 Interview with Judit Wirth, NANE.

60 Hungarian Women's Lobby and Mona lost all funding. Mona closed down (2014). HWL maintains a symbolic presence but has no paid activists on board since 2017.

funding towards civil society and to driving Open Society Foundations Offices away from Hungary. Currently several of the ‘veteran’ women’s groups went out of business or maintain limited levels of activity.

Resistance now shifted to non-NGOized activism, to Facebook groups and mailing lists, isolated activists, academics and MPs, and is mainly localized in workshop level discussions and academia. While most existing organizations faltered, some new feminist initiatives emerged. These are fragmented and not necessarily linked to specific organizations, yet their presence contributes to intensified feminist debates and, one could argue, a diversification and maturing of the movement. Generational diversification, that can be noted in several countries of the region (see other chapters of this volume), is partly explaining this phenomenon. Diversification emerges in relation to the long existing women’s rights organizations such as NaNe, Patent or the Hungarian Women’s Lobby and brings a new generation of mostly non-affiliated activists working with new strategies and often using an intersectional approach coming particularly from class and LGBTQI perspectives.

New generation feminists criticize the organizational structure of the network of women’s movement organizations in Hungary. They argue that in the current political climate the NGO form does not serve well the women’s movement.⁶¹ Reasoning refers to inefficient use of resources (time and people), poor and inefficient communication and access to the world of politics and thus no success in facilitating change. Some of these criticisms suggest new platforms for gathering, sharing ideas, such as independent FB groups.

Various new forms of organizing emerged in response. Nőkert⁶² is a voluntary association established around a group of feminists from Szeged in 2009. It became an important facilitator for protests, workshops, internet-based debates. It initiated various new forms of organizing and it also operates the main internet-based hub for gender equality related information in Hungary (nokert.hu). Nőkert importantly widens the agenda of feminist issues and the repertoires of action used.

61 Interview with Eszter Kováts, FES.

62 <https://nokert.hu/tartalom/1390/nokert-egyesulet>. (Last accessed May 27, 2019.)

Another new manifestation is the use of performative actions,⁶³ e.g. using media provocation or art performances to raise attention to important themes. The website abortourism.com is one manifestation of these new modes of activism. The website was a feminist media hack created by young artists (with professional support provided by Patent). The aim of the project was to raise awareness about abortion services, giving a map of services around Europe, with information about prices, regulation, and duration. The provocative question of the site was: where is most efficient to get abortion. The National Media and Info-communications Authority started *ex officio* legal proceedings against the site reasoning that its content could popularize abortion, which is largely restricted under Hungarian legislation. This led to shutting down the website.

During the last few years the Budapest office of the Austrian social democratic foundation Friedrich Ebert Stiftung⁶⁴ became an important facilitator of debates on women's rights, and an agenda setter for feminist political research.⁶⁵ While present for a long time in the Hungarian scene, their pro-activism in gender issues strengthened in 2012 with the creation of a specific gender program within their portfolio. Their activities aim to mediate between the spheres of politics, civil society and academia across the Central and Eastern European region, but with a strong Hungarian focus, by initiating conversations on difficult women's rights subjects such as the neoliberal interpretation of human rights, the connection between gender, art and media, political representation of women, conservative women's movements, or lately the issue of care and mobilization around it. Their objective is to encourage women's rights debates and discussions in Budapest. Events organized by FES are well attended and tend to have

63 For example, the activist performance by Orsolya Bajusz artist, documented by her writings and collaboration on the abortourism.com project. See more: <http://tranzitblog.hu/author/bajusz-orsolya/http://nyugatifeny.hu/2017/11/16/nem-az-elte-n-hanem-a-corvinuson-tanul-a-papp-reka-kingat-osszekopkodo-es-fejbevago-ertelmisegi-no>. (Last accessed May 27, 2019.)

64 <https://www.fes-budapest.org/>. (Last accessed May 27, 2019.)

65 <https://www.fes-budapest.org/en/topics/gender-equality-in-east-central-europe/>. (Last accessed May 27, 2019.)

good media coverage, as such they emerge as a successful platform for feminist debates.

Most recently feminist activism also emerged as a part of various left-wing activist groups. Important relatively new actors here are the Budapest based grassroots housing movement (A Város mindenkié) or the grassroots civic engagement group Közélet Iskolája, both of which use a feminist approach in combination with other critical approaches, in providing services, education as well as outreach.⁶⁶ Besides organizationally tied feminist voices a series of new feminist and women's rights related Facebook groups and blogs (like *Nőtéma*, *a Nők Lázadása*, *Szabadnem blog*, *GENDERFÉSZEK* and *LMBTQIA közösségi tér*) are also important new feminist arenas that give space for political debates on feminist objectives and show the existence of a new generation of radical feminists.

Yet, like previous activism, new waves of activism remain relatively loose in Hungary and weak in visibility and creating critical mass. Although the diversification of feminist initiatives has mobilization potential, they also bring along tensions and conflicts which revolve around sex work, trans issues and intersectionality, the feasibility of the human rights paradigm for tackling women's rights, as well as radicalism of framing used in communication with mainstream audiences.⁶⁷ While these debates and divisions between feminists may seem counterproductive in engaging with hostile states and environments, they are also important venues for politicizing key feminist issues and may facilitate a maturing process for the relatively young and highly NGO-ized women's movement in Hungary. Whether these capacities evolve over time to better serve grassroots and disruptive strategies and cross coalition pro-democracy work remains to be seen. As illustrated in the previous section this remains a potential only so far.

66 <http://www.kozeletiskolaja.hu/> <https://avarosmindenkie.blog.hu/>. (Last accessed May 27, 2019.)

67 Based on participant observation of both authors: attending workshops, protests, observing social media and interviews with feminist activists (Dosa, Wirth, Kovats 2018).

Conclusions

Hungary arrives to the age of illiberal democracy and attacks on gender equality with a relatively weak gender equality policy regime: no targeted gender policies, weak and marginal gender equality agency and sporadic consultation patterns with women's movements (Krizsán and Roggeband, 2018a). Its women's movement is made up of few Budapest based NGOs without much local capacity.

Yet, while before 2010 gender equality was never central on the Hungarian progressive policy agenda, it was neither challenged openly nor subject to targeted attacks. This depoliticization meant limited attention both in terms of progress and in terms of misogynist attacks in formal politics and policy making before 2010. One would be tempted to think that little could be lost in terms of policy progress in Hungary. However, the 2010 political shift disrupted this pattern of depoliticization and brought some gender policy issues closer to the center of political debate. Policies on issues that were core to the EU gender equality agenda (such as anti-discrimination, equal pay, sexual harassment, human trafficking and basic care requirements) remained unproblematized, while policies on other issues, such as violence, sexual education, family policy and to some extent reproductive rights became politicized and suffered cutbacks. Attacks by politicians with an effect of delegitimizing gender equality objectives only occurred in politicized fields and ignored the others.

In addition to this shift in de-politicization, the dismantling of implementation arrangements and of inclusive policy processes and any kind of consultation with women's rights advocates severely affected all gender equality fields and resulted in what Falkner, Treib and Holtzleithner (2008) call dead letter policies.

The narrowing civic space and attacks on gender issues challenged the already not very strong Hungarian women's movement. The movement had to cope with blocked or extremely difficult communication with state actors and with radicalization of gender debates. Some new grassroots, voluntary initiatives emerge bringing a diversification especially along lines of intersectionality, but also more political debates and tensions within the

movement. This generational and ideational diversification may be indicative of a maturing women's movement, and capacity for widening coalitions to hold up to hostile states. Overall our analysis shows a weakening of the women's NGO sector, mainly due to defunding and broken links to state actors, and surprisingly few attempts to define new partnerships and join pro-democracy coalitions with other rights groups to protest the anti-gender equality illiberal democracy. The opportunity to frame in gender equality terms the few genuinely grassroots initiatives that emerged on topics of care and reproductive rights is also missed. Whether the potential that exists in generational diversification and common interests with other not necessarily feminist framed mobilizations can be channeled into a livelier and more assertive women's rights movement remains to be seen.

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"GOOD CHANGE" AND BETTER ACTIVISM: FEMINIST RESPONSES TO BACKSLIDING GENDER POLICIES IN POLAND

Marianna Szczygielska

Introduction

In March 2015 Andrzej Duda, back then a little-known member of the Law and Justice (hereafter PiS) who was the party's presidential candidate, promised that he would not ratify the Convention on Combating Violence Against Women (the Istanbul Convention), which Poland had already signed in 2012. In a public interview Duda described the Council of Europe treaty as "a legal act that carries not only danger, but also perfidy",¹ and highlighted that according to him, it includes concepts that are in conflict with Polish tradition and culture, and thus, poses danger for Polish society and even for the future of the nation (TVN, 2015). With this fearmongering statement, the soon-to-become president of Poland aligned with the ongoing conservative outcry over what other right-wing politicians and religious fundamentalists call "the gender ideology," framed as an imminent foreign threat to Christian civilization and its values. However, Duda did not get a chance to fulfill his promise, because just a month after this public statement, president Bronisław Komorowski ratified the Istanbul Convention shortly before leaving the office (MSZ, 2015).

1 All translation from Polish to English are done by the author.

Up until this point, most reports and policy documents on the changing landscape of gender politics in post-state-socialist countries praised Poland as an example of positive changes in the domain of gender equality policies (Gruziel, 2015). In political science scholarship the period between 2007 and 2014 has been characterized by progressive reforms in terms of equality measures and infrastructure (Krizsán and Roggeband, 2017). With strong feminist civil society and pro-EU political context there was a tendency towards improvement in implementing anti-discrimination infrastructure: the long-awaited “anti-discrimination” law introduced in 2010 along with setting up the governmental office of Plenipotentiary for Equal Treatment, the introduction of electoral gender quota system in 2011, the new Programme for the Prevention of Domestic Violence for the Period 2014-2020, and finally the aforementioned, signing and ratification of the Istanbul Convention.

This period of relative progressive reforms in selected areas of equality legislation (mostly concerning domestic violence laws, sexual assault laws, and electoral quotas) was followed by a shift towards more hostile political context after the 2015 presidential and parliamentary elections. After two terms (2006-2014) of center-right and pro-EU Civic Platform (PO) party in office, the mainstream right-wing and increasingly nationalist Law and Justice party (PiS) took the stage and political power. First, Andrzej Duda won the presidential elections. Subsequently, PiS won the overall majority in parliamentary elections securing seats both in Sejm (the lower chamber of parliament) and the Senate. The newly elected conservative government quickly began to dismantle gender equality infrastructure and started substituting it with traditionalistic pro-family reforms. With Beata Szydło² as Prime Minister promoting the slogan “Good Change,” the character of this illiberal transformation is in line with the softened image of “compassionate conservatism” (Fomina and Kucharczyk, 2016).

2 Beata Szydło was a less controversial figure than the party leader Jarosław Kaczyński and served as the Prime Minister between November 16th, 2015 and December 11th, 2017. Since her resignation, Mateusz Morawiecki, a financier and banker, was sworn into the office.

The first part of this chapter maps out the processes of backsliding gender policies in Poland between 2015 and 2018 in order to understand the wider context of transnational anti-gender mobilization (Kováts and Póim, 2015). My description and interpretation of the recent wave of delegitimization of gender equality policies in Poland is based on an analysis of critical policy documents and reports, as well as a comprehensive review of media coverage of governmental actions and various responses to them. In sharp contrast to previous steady improvements in this domain, the 2015-2018 period shows clear evidence of backsliding, cutting across all four dimensions of this phenomenon formulated by Andrea Krizsán and Conny Roggeband, namely 1) policy decay; 2) undermining implementation; 3) erosion of consultation mechanisms; and 4) discursive delegitimization of gender equality policies (2018). Following this conceptual framework, I map out the mechanisms of dismantling and undermining gender equality infrastructure at the levels of policy-making, funding distribution, and discursive attacks.

In the second part, I move to analyzing feminist responses to backsliding to show how these deeply gendered processes of de-democratization transform feminist movement and what counter-strategies they generate. As has been evidenced in previous studies, feminist mobilization across civil society has an enduring impact on policy development (Htun and Weldon, 2012; Krizsán, 2015). In what follows I wonder how Polish feminist movement, that is to large extent institutionalized in NGOs, responds to the rapid change in governance and gradual dismantling of policy infrastructure developed throughout years of state-civil society negotiations (Jacobsson and Korolczuk, 2017). Which models of organizing prove useful under these unfavorable conditions? What kinds of new strategies of resistance emerge when a dialogue with the state becomes impossible? For this section, apart from reviewing press reports on protests and other actions, organizational websites and official statements, I interviewed feminist actors representing both NGOs and formal politics. Additionally, as a feminist scholar and activist I took part in a number of events and solidarity actions I describe below, and have contributed to public debates on the rise of “anti-genderism” in Poland. Thus, my account of these events

often builds on my own experiences of participating in feminist organizing, but also of being the target of the anti-gender discourse.

I believe that in Poland attacks on equality politics, especially if discursive aspects are covered, started well before the formal erosion of policies. These attacks involved various actors, and put into question the progressive narrative on the gender equality reforms conceptualized as individual rights and in terms of recognition. As repeatedly pointed out by the representatives of feminist NGOs in Poland, the anti-discrimination legislature was usually a compromise between centrist and conservative political elites and with a prominent role of the Roman Catholic Church as an extremely powerful third party,³ resulting in a minimalist version of the legal provisions that only partially integrated the EU recommendations, while avoiding controversial areas (Piotrowska and Synakiewicz, 2011). Those unresolved tensions and the initial defensive reaction of the feminist movement to the anti-gender campaign perceived as a backlash, rendered the few hard-won gender equality policies extremely fragile, simultaneously revealing the fragility of liberal democracy with its framework of civil liberties and individual rights subjugated to neoliberal economy. Moreover, the newly emergent version of right-wing politics realized by the PiS government since 2015 not only appropriates the rhetoric of human rights, but also intervenes in those social security areas that have been largely neglected by the neoliberal policymaking model. Combining selected welfare state policies (usually limited to the domain of family planning and pro-natalist social benefits) with authoritarian regime often breaching the democratic rule of law, this new conservative formation makes gender policies its main target in the turn towards illiberal populism (Kováts and Póim, 2015).

- 3 The Roman Catholic Church in Poland is formally separated from the state. According to a concordat between the state and the Church, the teaching of religious education in school is allowed and the government partially subsidizes catholic schools, as well as the salaries of religious teachers. Despite the legal separation of Church and state, the former holds a strong political power in Poland, directly influencing politicians, as well as the larger electorate. For a historical view on the impact of the Roman Catholic Church on women's right in Poland see, (Jankowska 1991; Eberts 1998; Fuszara 2005).

Mapping out backsliding in gender equality policy

Since 2015 Poland experiences democratic backsliding evidenced by the government's attempts to control all independent democratic institutions: courts, media, and the civil society. Especially the reforms of the Constitutional Tribunal raise serious concerns over undermining the rule of law and transparency. In this hostile environment the domain of gender equality is at the forefront of the process of de-democratization.

However, this focus on gender-related issues is no longer an antifeminist opposition to equality policies implemented after the accession to the EU, but rather a broader ideological agenda encompassing attacks on gender studies, LGBT rights, reproductive and sexual health measures, migration and other arenas of exercising human rights. These are demonized under the common denominator of “gender ideology” or “genderism” as one of the main facets of liberal politics. Following feminist scholars who argue that gender is a rhetorical tool that functions as a “symbolic glue” allowing a wide array of right-wing and conservative actors across Europe to unite their programs (Grzebalska and Pető, 2018; Kováts and Póim, 2015), I show how gender policy backsliding is not only driven by moral panic or opposition to liberal elites, but rather is most successful when it responds to neoliberal precarity.

While Polish economy avoided recession in 2008 and with steady economic growth and joblessness at the lowest since 1989 Poland did not need to introduce harsh austerity measures, a recent study of top income demonstrates that the apparent economic growth concerned only the wealthiest eight percent of Polish households (Bukowski and Novokmet, 2017). These structural inequalities bred by the neoliberal economic model coupled with rights-based equality infrastructure largely neglecting the dissolution of welfare state, left gaps in social security system quickly filled by the new brand of conservative politics. In fact, specifically understood “care issues” lie at the core of the pro-family reforms adopted by the current government. Therefore, the specificity of backsliding in the gender domain requires a multidimensional typology of policy changes that looks beyond the formal dissolution of policies and remains sensitive to the fragile political

context that often falls out of the general framework. Both economic and discursive backsliding is present in the Polish context, albeit with different intensity of policy changes. The sections below give a detailed overview of this process.

Dismantling and reframing existing policies

While the PiS government managed to directly intervene in some crucial areas of the democratic rule of law with the reform of the Constitutional Court or with passing the new media law, similar trends follow in the area of gender equality. Although there was no policy termination, other forms of backsliding occur in this context. What can be observed is a multi-faceted process of (a) reversing existing policy frames; (b) reinterpreting existing policies, and (c) introducing new laws as a way of re-contextualize the legal landscape of equality. I discuss those three types of policy decay below.

When it comes to (a) reversing existing policies that is especially evident in the domain of reproductive rights and the ongoing attempts at further restricting the Polish anti-abortion law. Under the 1993 *Act on Family Planning, Human Embryo Protection and Conditions of Legal Pregnancy Termination* abortion in Poland is illegal with the exception of three cases: when the pregnancy is a result of rape or incest, when woman's life or health is in jeopardy, or when the fetus is seriously malformed. The most recent anti-choice project proposals aim at cancelling all or some of these exceptions, while also introducing penalties for women seeking pregnancy termination. It is important to note that since 2015 none of the anti-abortion law projects were authored by the government, but rather by conservative civil society actors gaining more political power under the current regime. The Civic Coalition "Stop Abortion" formally submitted both 2016 and 2017 law project proposals that were prepared by the Ordo Iuris Institute.⁴ Only after major protests against the bill the ruling party dissociated itself from this legislative initiative. Nevertheless, prominent representatives of

4 Ordo Iuris Institute for Legal Culture, conservative, anti-abortion group. Website: <http://en.ordoiuris.pl/>. (Last accessed July 15, 2019.)

PiS expressed their support for restricting abortion, pointing towards the importance of discursive delegitimization of policies in backsliding.⁵

However, the policy reversal also affects other areas of reproductive and sexual health. In May 2017 a law reform limiting access to emergency contraception was passed (Dz.U. 2017 Poz. 1200). This bill drafted by the government reversed the earlier ordinance of the Ministry of Health in accordance with the implementing decision of the European Commission from January 2015 that allowed the sales of emergency contraception without prescription in all member states (C(2015)51 final). In April 2015 only one type of this drug was made available behind the counter from pharmacies for women and girls aged 15 years and older. As a result of the 2017 reform, the so-called morning-after pill is only available on prescription to women above the age of 18. In the context where physicians have the right to refuse treatment based on their religious beliefs, this policy reversal seriously limits women's access to emergency contraception (Federa, 2017).

Another strategy is (b) reinterpreting existing policies, for example when in November 2016 the National Prosecution Office reinterpreted article 152 paragraph 2 of the Penal Code stating that “providing information on access to abortion is punishable with up to three years in prison” and extended it to any information on access to legal abortion abroad (Szczerbiak, 2018). This reinterpretation, based on a memo prepared by the *Ordo Iuris* and circulated by the Prosecution Office to all its regional units, was clearly targeting feminist and women's groups that started to organize support networks providing such information. Within this reinterpretation, policies can be also amended so that their priorities or objectives change. In Poland, it is especially visible in prioritizing the integrity of the “family” rather than safety of female victims in the implementation of anti-domestic violence laws. According to the latest report surveying 318 local programs on combating domestic violence, over 90 percent of them did not recognize the gendered character of this form of violence (Piotrowska, 2016:21).

5 One of the discursive strategies used by the anti-choice campaigners and politicians is introducing a term “eugenic abortion” for the cases when abortion is legally permitted under the current law due to a serious malformation of the fetus. The emotive power carried by reference to “eugenics” is used here to polarize the debate between life and death. That is also consistent with the introduction of the program “For Life” (“*Za życiem*”) discussed below.

This directly links to another very prominent way of reframing existing policies that occurs through (c) introducing new laws aimed at protecting family values as a way of re-contextualizing the legal landscape of equality policies and channeling it towards refamiliarizing care. While attempts at completely outlawing abortion in Poland has been so far successfully halted by massive feminist protests, new legislative initiatives from the government aim at strengthening the “pro-life” discourse. For example, the “For Life” (“Za Życiem”) project for years 2017-2021 introduces a one-time financial benefit (4,000 PLN) for women who decide to give birth to a child that was prenatally diagnosed with a serious malformation, a life-threatening health condition, or if this condition was acquired during the labor (Dz. U. 2016 Poz. 1860). All of these conditions qualify for legal abortion under the existing law. Thus, while the new legislation is explicitly framed as an assistance for women and families, it is part of the larger anti-abortion campaign supported by the government.

Additionally, the Ministry of Family, Labor and Social Policy carried out a large-scale consultation for the “For Life” program with a declared aim of researching the needs of persons with disabilities and their families under the reform of the law on occupational and social rehabilitation of persons with disabilities. The consultation was 85 percent covered by the European Social Fund (“Konsultacje +”, 2018). In other words, instead of surveying social inclusion and anti-discrimination of persons with disabilities on the labor market, the Ministry utilized EU funding for consulting and implementing the governmental program designed for lowering abortion rates. This reveals how these redistributive policies designed to reframe the abortion debate instrumentalize disability rights for the pro-life discourse. The consultations for the program took advantage of EU funding reserved for equalizing opportunities for employees with disabilities to instead survey policies aimed at “protecting the lives of the unborn”, while entirely neglecting the plight of adult persons with disabilities and their families who organized a desperate month-long occupation protest in the Parliament between April 18th and May 25th 2018 (Greniuk and Przybyszewski, 2018).

Another example of reframing equality policy is Prime Minister Beata Szydło’s signature project “Family 500 Plus” that was presented not

only as a pronatalist measure, but also as a tool for combating domestic violence. Launched in April 2016, this child benefit program provides unconditional monthly payment worth PLN 500 (120 EUR) for every child in a family whose per capita income is lower than PLN 800 per month, and for every second and subsequent child regardless of family income. According to Elżbieta Rafalska, the Minister of Family, Labor and Social Policy: “Through the Family 500 Plus program the PiS government gives freedom and choice. A woman who was a mother in a large family got financial support of 1,5-2 thousand PLN. If there was domestic violence in the family she could decide to rent her own flat and it gave her financial independence. This money gave her self-reliance, changed her position in the family” (PTWP, 2017). Feminist activists heavily criticized this approach. Joanna Piotrowska, the founder of Feminoteka Foundation, one of the largest feminist NGOs in Poland warns that there is no evidence supporting claims that “the Family 500 Plus program will help women free themselves from violent relationships” (Piotrowska, 2018).

The program provoked heated debates about social justice. In a way it reinvigorated the redistribution vs. recognition discussion, where, according to Nancy Fraser, “cultural recognition displaces socioeconomic redistribution as the remedy for injustice and the goal of political struggle” (1995: 68). As a governmental handout aimed at boosting fertility rates and introduced in the midst of the “war on gender,” Family 500 Plus was received with a certain dose of skepticism from women’s organizations. While some feminist activists saw positive sides of this redistribution policy that could potentially transform the job market for women, others perceived it as a tool to keep women out of the job market and promoting traditional patriarchal family model. This latter approach further provoked a discussion on classism tangible in certain critiques of the free-for-all program, especially in shaming poor large families for benefiting from the program. After all, the Family 500 Plus is the most expensive and universal social benefit program introduced in Poland after the fall of state socialism.

In the context of this analysis, the generous child benefit functions not only as a pro-demographic measure, but it also re-contextualizes the debate around reproductive rights by appropriating pro-choice vocabulary (“giving

women choice”) for strengthening the pro-family discourse. Moreover, the Family 500 Plus program defines childcare solely as women’s task within a heterosexual family unit with financial, rather than infrastructural support from the state. Combined with no incentives for women to return to the labor market and the recent decision to lower the retirement age to 60 for women and 65 for men, these policies take advantage of the gendered character of care work. Women who retire earlier receive lower state benefits and are expected to contribute to the extended household, thus cementing their poverty and role as the primary caregivers within the traditional family model.

This hijacking of the language of care and welfare by the conservative discourse is an alarming trend (Charkiewicz and Zachorowska-Mazurkiewicz, 2000). Especially because despite the expensive and widespread redistribution policy, the gendered economy of care still functions as an infinitely capacious sphere where the costs of social reproduction are relegated, as in the case with lowering of the retirement age from 67 to 60 for women to exploit their care work potential (Charkiewicz, 2009:5).

The three levels of dismantling and reframing existing policies discussed above, further affected equality infrastructure dependent and curtailed women’s rights group involvement in consultation bodies.

Undermining equality infrastructure

Equality bodies also come under attack. Although the PiS government did not dismantle any equality bodies, some serious changes rendered them inactive or passive in implementing gender equality policies. In January 2016, two governmental bodies were merged when Wojciech Kaczmarczyk was appointed to serve both as the Plenipotentiary for Equal Treatment and the Plenipotentiary for Civil Society. This decision was widely criticized and interpreted as creating a fake office, or in fact, terminating the equality body that was responsible for monitoring and implementing anti-discrimination infrastructure. After only twenty months in office, Kaczmarczyk was replaced by Adam Lipiński, another politician with little interest in civil society, further deemphasizing the role of the Plenipotentiary and thus, stalling the implementation of EU regulations on equal treatment.

Redistribution of funding is another large area in which backsliding takes effect, both at national and local level. After a suggested governmental reform of the redistribution of the Norway Grants (worth 800 million EUR) (Ambroziak, 2017), a new coordinating body was established in 2017 as an umbrella institution to centrally decide on the redistribution of funding for civil society organizations. Thus, the “National Freedom Institute – Centre for the Development of Civil Society” was inaugurated as part of the Program for Support of the Development of Civil Society under the office of the Prime Minister (Dz. U. 2017 Poz. 1909). It was supported by Kaczmarczyk, who since October 2016 served as the director of another newly established body, namely the Department for the Development of the Civil Society in the Chancellery of the Prime Minister. In November 2017, Kaczmarczyk was appointed the director of the Institute.

The declining inclusion of women’s rights advocates in policy processes has been further curtailed by the institutional changes detailed above. In November 2016, thirteen experts resigned from serving as consultants to the office of the Plenipotentiary for Equal Treatment and Civil Society explaining their decision with lack of any actual influence on decisions made by the office. In response to the diminishing role of this equality body, the experts wrote an open letter to Minister Lipiński, listing factors such as lack of consultations on law projects or cooperation programs with NGOs, termination of consultation bodies and dialogue mechanisms next to the ministries, lack of transparency in redistribution of public funding as some of the reasons for their withdrawal.⁶

Apart from dismantling formal consultation structures, activities of other independent public advocate bodies are under scrutiny. The Ombudsman, Adam Bodnar appointed by the previous government, has been vocal about gender equality issues. His ongoing support for minorities and women’s rights was met with criticism from the PiS government manifested by repeated cuts to his office’s budget (Koźmiński, 2017).

6 See <http://wiadomosci.ngo.pl/wiadomosc/2001518.html>. [13 people resign from participation in expert teams]. (Last accessed July 15, 2019.)

Defunding and securitization of actors implementing gender policy

Dismantling policies at the institutional level takes varying forms in the context of Poland from defunding, changing equality bodies, to attacking civil society organizations. One example of such practice is ending public funding for the in vitro fertilization (IVF) treatment. The controversial bill on treating infertility was introduced in 2015. It followed a deeply divisive public debate on the ethical issues surrounding the procedure that was largely influenced by the Catholic Church's opposition to freezing embryos or embryonic tissues. Poland was the last country in the EU to legally regulate this medical procedure. In 2016 the Minister of Health, Konstanty Radziwiłł terminated public funding for the program, claiming that it was too expensive for the state to continue with it (Kim, 2018). Although the law remains in power, defunding the governmental program deactivates the policy.

At the local level, policy implementation is endangered due to cutting and limiting funding for women's organizations that are the main actors executing gender equality policies. Those groups that depended on governmental funding because of being active in implementing the anti-discrimination infrastructure were among the most affected. In December 2016, the Ministry of Labor, Family and Social Politics cancelled the agreement with "Autonomy Foundation" (Fundacja Autonomia) for realizing violence-prevention programs (Fundacja Autonomia, 2016). One of the most illustrative example of this practice is the defunding of the Centre for Women's Rights, one of the oldest women's rights organizations in Poland dealing with issues of gender-based violence. Since 2016, ministerial funding for continuing the Centre's activity was denied for the third year in a row (Ambroziak, 2018). Before that, the Centre was receiving governmental funding regularly since its foundation in 1994. The justification from the Ministry of Justice on terminating the funding was that the Centre is "narrowing down its help to a specific group" (Ambroziak and Chrzczonowicz, 2017). In other words, the problem was that the NGO provides services mostly for female clients, even though according to international standards it is agreed that women constitute the majority of persons experiencing domestic violence (CEDAW, 2004).

In response to these accusations, the organization highlights that it utilized the funding to realize the aims of the 2012/29/EU Directive of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, that obliges the Polish government to provide resources and services for the victims of domestic violence and sexual violence. The effectiveness of this strategic defunding reveals the weakness of the neoliberal model of state-civil society relations, in which social services that the state is obliged to fulfill are relegated to the third sector.

Furthermore, the way that public funding for combating violence was later distributed to Catholic and pro-family conservative organizations (RPO, 2016) suggests that the building of an alternative civil society is another tool for reframing policies through their implementation. In this case the secular anti-discrimination goals are being redefined toward religious, nationalist, pro-family agenda.

In addition to the cutting of public funds, the Centre for Women's Rights was subject to intimidation via targeted audit-like procedure executed with the use of law enforcement. On October 4th 2017, the police entered the offices of Center for Women's Rights in Warsaw, Gdańsk and Łódź and Association "Baba" in Lublin asking for documentation regarding projects financed by the Ministry of Justice for years 2012-2015. Computers, discs, folders and documentation were seized. Officially, this raid was connected to an ongoing investigation on the employees of the Ministry, but the representatives of the NGOs are sure this was a form of policing their activities, especially given that the events took place just one day after the second round of the "Black Protests" which fought against restricting abortion rights. Piotrowska comments on this: "It's actually really easy to finish us off. All you need to do is a control that will be very detailed and will last for a couple of months. All feminist organizations in Poland are small, and if you remove one or two key persons from everyday activities by making her respond to accusations or go to court, it means shutting the works of such organizations for a few months. You can destroy it this way" (Piotrowska, 2018).

Unfortunately, this grim scenario is actually taking place. In their report for 2015-2017, the National Federation of Polish NGOs documented 39 cases of violations of the principle of subsidiarity and partnership by the Polish government in their cooperation with non-governmental organizations (Kiełbiowska and Polubicka, 2017). According to Andrea Petó and Weronika Grzebalska, through securitization of human rights NGOs and ideological distribution of funding the illiberal state manages to radically reshape and re-politicize the civil society: “Their aim is to change the language, the actors and the framework, occupies not only the social space that previous secular, human rights based NGOs were occupying but also support and resources” (Grzebalska and Petó, 2018:169). This has disastrous consequences for the most vulnerable beneficiaries of women’s organizations, who oftentimes depend on their services. Not only women’s rights groups lost their role in implementation, but they are also excluded from consultations on the policy process.

The rise of conservative civil society

At the level of consultation mechanisms, new actors replace former experts and thus, are instrumental to the processes of backsliding gender policies described above. From an analysis of media reports it is clear that when it comes to consulting law projects, new actors emergent in civil society or previously marginal organizations start to play an increasingly important role. This is evident in the burgeoning role of the so-called “government-organized non-governmental organizations” (GONGOs), especially active in spheres such as: the rights of Catholic families, religious freedom, children’s rights, tradition, heterosexual marriage, anti-abortion, anti-migration, nationalist agenda, etc. These are usually pre-existing charity organizations that are now being privileged in the redistribution of public funding. The biggest concern at the moment is that the newly established National Freedom Institute – Centre for the Development of Civil Society will selectively distribute funding, systematically replacing human-rights – focused groups labeled “leftist” with these new civil society actors loyal to the government and its nationalist, anti-feminist and anti-refugee agenda.

That is why closely monitoring the activities of the Institute and following funding flows is crucial for documenting the backsliding processes.

Among many Catholic pro-family groups there is one organization that stands out as particularly active in providing legal expertise for anti-equality changes: the name “Ordo Iuris” crops up in this chapter a lot. The Institute for Legal Culture (its full name) is mostly known for its strong support for the anti-choice movement, especially through authoring the law project on the total ban of abortion, which sparked the waves of “Black Protests” all over Poland. This non-governmental organization operating as a foundation was established in 2013 in Warsaw by the Reverend Piotr Skarga Institute for Social and Religious Education Foundation. The founding group’s origins has been traced to a Brazilian fundamentalist religious organization Tradition, Family, and Property (TFP) that is considered as a pseudo-catholic sect in France (Piątek, 2017). The main activities of Ordo Iuris include providing expertise in lawmaking, monitoring legal procedures, representing anti-choice activists in litigations, education and guidance for young professional lawyers, and organizing academic conferences (“Ordo Iuris” n.d.). On their official webpage they cryptically refer to “various radical ideologies that aggressively question the existing social order.” As the self-proclaimed guardians of the legal order (hence, the name of the group), they declare to defend “the natural identity” of marriage and family, protect life “from conception until death” and uphold “freedom of conscience” understood as the core value guiding anti-choice medical professionals. In 2017 they established a Centre for Bioethics as another platform for lobbying against abortion, the IVF method, euthanasia, and biotechnological interventions in medicine.

Ordo Iuris is a highly professionalized group, efficiently backing up any conservative attacks on gender equality, reproductive and LGBT rights, etc. This far-right legal think-tank not only strongly supports the governing party, but is also tied to it politically: its first director Aleksander Stępkowski served as the undersecretary of state in the Ministry of Foreign Affairs of the PiS government in 2015-2016. From 2018 the group has their representative in the board of the National Freedom Institute. Even though Ordo Iuris operates primarily at the national level, they have developed

extensive international lobbying networks at the Council of Europe, UN, OSCE, and European Parliament. The Institute even has an office in Brussels. They also frequently comment on legal developments in the areas of their interest that take place in other national and supranational contexts, from Ireland to Guatemala. There is no doubt that when it comes to language, methods of organization and outreach, the group's conservative agenda targeting gender-related issues aligns with similar civil society actors proliferating across Europe and beyond. These far-reaching transnational connections linking key local actors to wider anti-gender mobilization have been researched by numerous scholars who signalize the emergence of a novel global movement (Paternotte, 2014; Korolczuk, 2014; Kuhar and Paternotte, 2017; Korolczuk and Graff, 2018).

Discursive delegitimization of policies

Although political discourses aimed against gender equality policies in Poland have been prominent before the backsliding discussed here has started, their intensity combined with the political leverage gained by their authors, makes this process into another factor indicative of backsliding.

Overall, the rhetoric used by right-wing politicians forms a complex web of versatile and interlocking discursive strategies that affect implementation of existing policies, but also prepare the ground for new legislative initiatives from the conservative government. Those include appropriations of human rights and welfare state vocabulary discussed above. Moreover, with the use of a highly emotive language gender equality policies are presented not only as a threat to national sovereignty, but also as legal acts smuggling dangerous transgressive norms, framed as deviations and pathologies that are being imposed by demoralized Western supranational lobbies. In their recent article, Graff and Korolczuk argue that the anti-colonial rhetoric employed by the right-wing is the key discursive structure for anti-gender mobilization (Korolczuk and Graff, 2018). In the Polish context, well-rehearsed tropes of national victimhood, messianism and moral superiority allow the advocates of anti-genderism to claim a moral high ground and hijack the anti-colonial framework for their cause (Janion, 2006). In a

larger regional context, the threat of alleged treacherous colonization from the West grants the Eastern European conservative elites the role of saviors of the Christian “civilization of life,” especially because they present themselves to be already experienced in defeating the “evil forces” of communism.

Anti-communism is a strong component of the mobilization against gender equality imagined as yet another international plot, which seems to be a continuation of earlier dismissals of feminism and women’s emancipation as a communist legacy. In 2016, Jarosław Gowin, the newly appointed Minister of Science and Higher Education denounced gender studies, more specifically gay and lesbian studies, as the most radical example of “pseudoscience” and compared the disciplines to Marxism in state socialism (PAP, 2016b). Previously, as the Minister of Justice in the first cabinet of Donald Tusk (2011-2013), Gowin has been a vocal opponent of the Istanbul Convention, and one of the first high-ranking politicians to publicly speak against “gender ideology” and “homosexual propaganda.” Scholars point out that within this discourse of foreign-imposed ideology and propaganda, the figure of an “innocent child,” endangered with depravation by sexual education in schools or any mention of non-normative sexualities, is especially prominent (Korolczuk, 2014; Duda, 2016).

I briefly illustrate discursive backsliding on the example of the 2015-2017 debates around the Istanbul Convention.⁷ Already in his presidential campaign in 2015 Andrzej Duda spoke strongly against the ratification of the Convention as mentioned in the introduction. Promising he will not sign it as the future President, Duda highlighted that according to him, the Convention includes concepts that are in conflict with Polish tradition and culture. He claimed: “gender [as socially constructed – author’s note] is not legally defined in Polish law and most people commonsensically are aware that sex is determined by nature” (TVN, 2015). Beata Szydło called the Convention a “mystification” and Elżbieta Rafalska, the Minister of

7 Weronika Grzebalska has identified those earlier debates on the Istanbul Convention from 2012-2013 as one of the key triggers in the wave of anti-gender campaign in the Polish context (Grzebalska 2015, 83).

Labor a “legal monster”.⁸ In 2016, Rafalska confirmed that a governmental commission was formed to discuss the termination of the Convention, as an act considered to be harmful to traditional family values (Grochal, 2016). Two months later, President Duda once again questioned the ratification of the treaty, stating that the existing regulations on domestic violence in Poland are functioning well, so that the implementation of any additional provisions is redundant (Podgórska, 2017). He did not speak about terminating the agreement, but assured that Poland should not implement the Convention. These statements openly challenge a formally accepted policy. The crux of the struggle over the Istanbul Convention (which started well before its signing and ratification⁹) is the introduction of the term “gender” understood as socially constructed to the Polish legal system, perceived by the conservative critics as a viable threat to “traditional family values,” and therefore, as not compatible with Polish Constitution. Giving rise to a large discourse against the so-called “gender ideology” this debate was heavily influenced by the Catholic Church as a vehicle for fundamentalist anti-feminist attitudes, and with significant political influence (Graff, 2014; Fuszara, 2005; Szelewa, 2014).

Just as it needs its victim figures, the anti-gender discourse is fueled by the rhetoric of crisis: that of the family or fertility, masculinity, Christian values or civilization, among others. Operating in a permanent emergency mode it manages to mobilize diverse interest groups. The “refugee crisis” that started in 2015 is another instance when a strongly gendered and racialized rhetoric has been swiftly utilized in the ongoing election campaign. What followed was a wave of sensationalist news about the apparent threat of sexualized violence that positioned the security of white European women as a political priority, but only when it plays into the anti-immigration arguments.¹⁰

8 See <https://www.polityka.pl/TygodnikPolityka>. (Last accessed July 15, 2019.)

9 Already in 2014, an “Anti-gender Ideology” Parliamentary Committee was formed in Sejm.

10 One of the most illustrative examples of this logic is the cover of the right-wing weekly *W Sieci* from February 2016 featuring a report titled “Islamic rape on Europe: what media and elites in Brussels hide from the EU citizens.” The cover image shows Europe personified as a blond woman who is being groped by multiple hairy arms, aggressively pulling her hair and

On an even deeper level, in according to this rhetoric, the assumed weakness of Europe lies in the decline of fertility rates that is blamed on the gender equality policies. According to Monika Bobako, the Polish version of what she calls “the resentment islamophobia” is integrally linked with the discursive framework characteristic for the “war on gender ideology” (Bobako, 2017:367). Indeed, several discursive strategies discussed above are repeated and intertwined here: the strong anti-colonial frame directed against the EU, resurgence of religious nationalism, selective appropriation of human rights discourse, national exceptionalism, the need for cultivation of normative gender roles and protection of traditional family values, all served in an alarmist tone and with a large dose of moral panic. Just as the resentment islamophobia forms a strand specific for the semi-peripheral political context, the anti-gender discourse born out of Poland makes a pretense to its particularity and special role of CEE in saving Europe from itself.

Combined, these discursive strategies prove extremely effective in mobilizing electorate through channeling anxieties and insecurities caused by the neoliberal economy model. As observed by Grzebalska and Pető, “equality politics functions in the illiberal transformation as a symbol of everything that is wrong with the current state of politics” (Grzebalska and Pető, 2018:165). In this sense, they not only undermine existing gender equality policies and block their implementation, but also create an even more hostile environment for feminist activists, whose work became increasingly precarious. In the section below, I describe how this difficult political situation transformed the feminist movement.

Analyzing feminist responses to backsliding and modes of resilience

Faced with state hostility and repressions, women’s movement in Poland resorted to several varied strategies to cope in this new political context. From street protests to new ways of coalition building, the movement

silky EU-flag dress. This xenophobic imagery of sexual violence implies vulnerability of the EU project that the Polish conservatives criticize for its liberal immigration politics and for imposing the “refugee quotas” on Central and Eastern European countries that vocally oppose accepting refugees.

experienced both challenges and a boost of energy that redefined policy goals within the institutionalized realm, as well as reformulated the means of gender equality activism beyond it. This brought a significant change in the movement's mobilization capacity. Below I overview the most important factors of these feminist transformations and counter-strategies.

Black protests, All-Poland Women's Strike, and other collective actions

The most spectacular way of responding to policy backsliding in the domain of reproductive rights were the massive protests that took the streets of Polish cities in 2016 and 2017 in response to the proposed further restriction of the anti-abortion law. The scale and scope of these grassroots protests was unprecedented with over 200 thousand participants in 142 cities and towns across Poland, widespread international solidarity with the movement, and the formula being adopted in other contexts with Black Protests in Mexico, Argentina, South Korea, Italy, and other countries.

Access to abortion has been a recurrent topic on the political agenda since 1989 marking the process of “democratization” in post-state-socialist Poland (Holc, 2004). After passing the anti-abortion law in 1993 it was difficult for feminist organizations to mobilize women across the society (and beyond certain core numbers) to actively protest the so-called “compromise,” which allows legal abortion only in three strictly regulated and difficult to access cases.¹¹ One of the strictest abortion laws in Europe has been considered a “compromise,” because it deleted a proposed provision that would make women liable to imprisonment for terminating their own pregnancy (Zielińska, 1993). It was indeed a bittersweet compromise that muzzled any attempts at challenging the deal settled between the newly elected democratic government and the Catholic Church at the expense of women's reproductive rights. According to Dorota Szelewa, since 1993 defending this silent pact has been equated with maintaining “social peace” in Poland (2017:23). Nevertheless, in July 2016 when a proposal of a bill

11 For an overview of the debates between 1989 and 1991, see (Fuszara 1991; Jankowska 1991).

absolutely prohibiting abortion and envisioning criminal charges against anyone terminating their own or other pregnancy (reminiscent of the early 90s proposal) has been submitted to Sejm, the situation shifted dramatically.

The first wave of protests started already in April 2016 in response to right-wing NGOs (“Life and Family” foundation, “Pro – The Right to Life” foundation and others) collecting signatures under the civil law project “Stop Abortion.” The conservative network supported by the Catholic Church infrastructure managed to gather more than 400 thousand signatures in just three months. Despite such proposals being submitted to the parliament in recent years along with attempts at introducing a protection of “life since conception” into the Constitution, this time the project enjoyed a considerable support from the ruling party, and thus, posed a viable threat of a total ban on abortion.

In response, a new civic initiative “Save the Women” (“Ratujmy Kobiety”) quickly formed and drafted an alternative law project that postulated abortion on demand until the twelfth week of pregnancy, as well as universal access to sex education and contraception. Grassroots voluntary groups managed to collect 215 thousand signatures supporting the project by September 2016, and twice as many (over 500 thousand signatures) one year later when the project was resubmitted, showing that the public support for liberalizing the anti-abortion law grew rapidly. In fact, this was the first time a bill liberalizing abortion ban has been submitted to the parliament since 1995 (Sawka, 2018).

When on September 23rd 2016 the parliament rejected the pro-choice law project while accepting the criminalizing proposal for further works, feminist actions started spearing first online and then to the streets of Polish cities and towns. They culminated with Black Monday on October 3rd when more than 200 thousand people took part in protests, pickets, and rallies, another 200 thousand joined the strike action, and 500 thousand wore black in solidarity (Majewska, 2018:234). After many years of feminist organizing and political lobbying against the abortion ban, these recent events brought not only different demographic strata of supporters – namely, many young women previously not engaged in such disruptive

actions – but also allowed for qualitative change in priorities, shifting them from efforts to maintain the *status quo* to demanding liberalization of the restrictive anti-abortion law.

This is not to claim that reaching such an outstanding support for challenging the “abortion compromise” was an easy negotiation, as many of the newcomers to the movement would not even openly identify with feminism. Initially, the mobilization was focused on blocking the “Stop Abortion” law project to be voted into law, so in other words, maintaining the “compromise.” However, along the way and within the dynamics of an *ad hoc* social movement in the making, the demands on liberalizing the existing anti-abortion law started to become more prominent. The already existing dense network of women’s and feminist groups, that were able to quickly respond to potentially divisive debates and support the movement with their expertise and know-how, allowed for the feminist pro-choice trajectory to be set out.

According to Elzbieta Korolczuk, it was the rapid change of political context that sparked the mass mobilization around the black protest– “increased political conflict, accompanied by the closing of communication channels between the state authority and the citizens, drastic limiting of public dialogue” (Korolczuk, 2016a:33) – which defines this volume as part of wider processes of democratic backsliding. She also points out that this change of context brought support of the mainstream media for the protesters and their cause, making reproductive rights, which before oscillated at the fringes of political journalism, into a viable topic for media coverage and public debate. Furthermore, Korolczuk notes that “of key importance for ‘scaling up’ of protests was the fact that the mobilization followed the logic of connective action based on personalized engagement, in which communication became an important element of organizational structure” (Korolczuk, 2016b:94). She also argues that by adopting an open formula for the strike – which went beyond the traditional labor protest reminiscent of the 1980s Solidarity actions – and incorporating softer forms of contestation, the movement allowed for more flexibility and inclusion (Korolczuk, 2016b:103-4). These softer forms of contestation

like expressing solidarity with the strike by wearing all-black or formally taking a day-off and thus, avoiding any disciplinary repercussions, are also indicative of the precarity that characterizes contemporary neoliberal labor market in Poland.

The strike not only enjoyed international resonance, but also was itself inspired by the 1975 Icelandic strike, when the majority of women stopped work and refused to do household chores for one full day, demanding that their domestic labor is valued.¹² On September 24th 2016, Krystyna Janda, a well-known and respected actress, was the first to bring up the Icelandic strike when on her social media account she publically announced that Polish women should follow their example. Next day, during a protest in Wrocław Marta Lempart, a feminist activist responded to this call and initiated the All-Poland Women's Strike. This became an impulse for actions in other countries with Women's Strike in South Korea against introducing harsher punishments for doctors performing abortions, "Non una di meno" movement in Italy against gender-based violence, and coincided with large demonstrations against femicides in Argentina after a brutal rape and murder of a 16-year-old girl. Activists from these countries were in contact, and as a result of this collaboration, by winter 2016 a transnational grassroots movement was forming under the name "Paro de Mujeres" or "International Women's Strike" with plans for coordinated actions in over 54 countries to take place on March 8th 2017 ("Paro de Mujeres" n.d.).

As suggested above, it is important to put those multiple protests across Poland in a broader context. First, the intensity of changes directly affecting women's everyday reproductive choices increased rapidly with a wave of political decisions by the new government, such as terminating funding for IVF, defunding programs combating domestic violence, and reduced access to contraception. The threat of passing the full abortion ban and punishing even involuntary miscarriages with criminal charges (up to five years of imprisonment) became a tangible possibility. Additionally, public statements by high-ranking politicians about their future policy

12 Whereas in Poland the formula of strike was successful, it would not easily catch on in Hungary.

plans augmented the severity of the situation. In the aftermath of the most intensive protests Kaczyński gave a long interview in which he distanced his party from the project by *Ordo Iuris*, but also added: “We are determined to make even those cases of very difficult pregnancies when the child is destined to death, or is severely deformed, to end with birthing so that this child could be baptized, buried, and have a name” (PAP, 2016a).

Second, recent years brought even more visible activities from conservative groups focusing on anti-gender and anti-choice campaigns, like the horrifying anti-abortion billboards and pickets in front of hospitals, drawing from U.S.-style fundamentalist evangelical organizing. Third, black protests followed the first wave of anti-government street protests organized in the early spring of 2016 by the Committee for the Defense of Democracy (KOD), a newly formed grassroots initiative largely inspired by the Solidarity movement and the Committee for the Defense of Workers (KOR), and focusing on the issue of court independence. Political decisions affecting women’s everyday lives, backlash against anti-choice activism, and first protests against the PiS government within the context of more general processes of democratic backsliding combined, formed an important background for further mobilization against the law project entirely banning abortion.

Another important factor that contributed to the inclusivity and scope of mobilization were the forms of communication used that has been highlighted by Korolczuk (2016). Thanks to social media and other online platforms, the main communication channels emerged outside of the formal NGO networks. Małgorzata Adamczyk from the newly formed extra-parliamentary leftwing party “Razem” (“Together”) initiated the visual identification of the black protest by calling women to share photos in black and white, or wearing black to “mourn” women’s rights in Poland.¹³ This simple formula spread rapidly with thousands of women uploading their photos and tagging #czarnyprotest, making it a number

13 Wearing black by women as a symbolic act of national mourning has a long tradition in Poland, dating back to the January Uprising of 1861-1866, (See, Zakrzewski 2017; Majewska 2018, 230–31).

one hashtag on Polish social media in 2016. According to Agnieszka Dziemianowicz-Bąk,¹⁴ a member of the National Board of Razem, “the main motivation to organize online was to include women from smaller towns and villages in this movement, and not only those women who can get to the protest by metro” (2018). The main Facebook groups gathering supporters and activists – namely, *Dziewuchy dziewczuchom* (Gals for Gals with 113,674 followers) or *Ogólnopolski Strajk Kobiet* (All-Poland Women’s Strike with 53,181 followers) – grew in numbers in a short time span. Quickly attracting many new members and spreading into local groups, these channels created a platform for discussions and grassroots organizing. Dziemianowicz-Bąk also highlights that the mobilization was spreading on other online platforms that might have been easily missed by the “feminist old guard,” and mentions Instagram with much younger users in their teens or early twenties (2018).

Again, it is important not to underestimate the already existing feminist channels of information that largely contributed to the success of the Black Protests. For example, “*Codziennik Feministyczny*” (“Feminist Daily”) is an online feminist journal founded in 2013 that provides information and space for debates and organizing. As Piotrowska notes, many feminist activists devoted their time and energy to support the young movement with their expertise in the spirit of “grassroots education” (2018).

The non-hierarchical character of this mobilization with only a few identifiable leaders reframed the debate and gave way to a diverse and heterogenous movement. Ewa Majewska, describes it as a non-elitist, countrywide and international mobilization of women (2016). Applying Nancy Fraser’s concept of “subaltern counterpublics” (1990), Majewska analyzes the Black protests as redefinitions of the public sphere that included mass number of protesters cutting across class and other social divisions. She writes: “Combining resistance to ultra-conservative politics of the Polish government with a critique of the liberal political and cultural elites, the Black Protests form feminist counterpublics” (Majewska 2018: 263).

14 The *Foreign Policy* named Agnieszka Dziemianowicz-Bąk and Barbara Nowacka from the “Save Women” initiative among the Top 100 Global thinkers of 2016 for their role in the Black Protests.

Considerably wide outreach of social media also contributed to geographical spread of the protests that reached even smaller towns.¹⁵ This resulted in engaging new actors in dispersed and diverse forms of contestation – from strikes, street actions and petitioning, through the usage of easily identifiable symbolic like wearing all-black or bringing an umbrella that emerged as symbol of the protest, to more disruptive and creative actions like walkouts from Church masses, blockades of party offices, sending coat hangers (internationally recognized symbol for underground abortions) to the office of the Prime Minister, or even posting detailed updates on one's menstrual cycle to the official Facebook page of the PM. Many spontaneous grassroots initiatives followed and gave rise to new forms of feminist organizing.

To sum up, the successful blocking of the vote on the law proposal on October 6th 2016 was owed to a variety of factors characterizing mass mobilization of the black protest. Although it is debated whether one can label this movement a feminist one, or simply see it as a reaction to the draconian law proposal, the slogans visible during protests included many women's rights issues beyond the right to abortion: domestic violence, rape culture, alimony, access to IVF, labor rights, etc. Paradoxically, the movement was focused and dispersed at the same time, with more gender equality issues catching on along the way.

Decentralization

The resilience and mobilizing power demonstrated by the Black protests strengthened and, to a certain extent, reconfigured the strategies adopted by the more formalized feminist and women's groups. That can be observed especially in the way decentralization is resonating beyond the street protests. For example, in September 2017 the ninth Congress of Women (Kongres Kobiet) was held in Poznań instead of Warsaw, like it used to be for the past eight years. This relocation from the capital, exemplifies a broader trend in decentralization. Gathering over 4 thousand participants

15 The last time Poles took the streets in a comparable scale was to protest the ACTA, restricting freedom of Internet in 2012 (Jurczynszyn et al., 2014). For more on the parallels between the Black Protests and anti-ACTA protests see, (Korolczuk 2016b, 98–99).

under the theme “Alert for women’s rights,” the Congress explicitly criticized the government’s politics and actions undermining democracy, even though this organization inscribes into mainstream liberal politics. Local politics also played a role in choosing to host the Congress in Poznań: the city recently experienced a shift towards the left in local governance, when Jacek Jaśkowiak replaced a long-term PiS mayor Ryszard Grobelny. Jaśkowiak was a PO candidate, but his political career started with the local Right-to-the-city movement (“My Poznaniacy”). His office is known for progressive politics and strong support for women’s rights. For example, in 2016 he created a new office in his cabinet, appointing Dr. Marta Mazurek as the Plenipotentiary for Combating Exclusions.

It is important to note that the trend in decentralization of the movement is rooted in earlier forms of organizing around women’s rights, as well as relatively dispersed networking that characterizes feminist and women’s activism in Poland. In comparison with other countries in the region, feminist movement is less centralized in Poland. Commenting on the newly formed Anti-Violence Women’s Network, Piotrowska says: “It was our priority to avoid making anti-violence actions only in Warsaw, but for it to rather spread locally, because anti-violence activities are realized locally. It is the local governments that have to allocate funding for it and are responsible realizing the objectives of the law. It is up to us to convince the local authorities to acknowledge this problem” (2018). In the case of the Congress of Women, recent years brought more local caucuses organized during each year, and even a separate Congress of Women from Rural Areas (2015).

Another example for that is “Manifa,” the annual feminist demonstration organized in various cities and towns across Poland since 2000. It was started to celebrate the International Women’s Day in a political way. Even though the largest march usually takes place in Warsaw, other cities and towns hold their own Manifas and surrounding events. This localized context laid groundworks for further fast spread of decentralization that could be observed during the black protests. Although the fragmentation of leadership can be framed as a weak point of Polish women’s movement, in the context of backsliding it proved to give an advantage in facilitating fast and effective mass mobilization.

New forms of coalition building

Another characteristic of mobilizing against gender backsliding in Poland is the increased number of new groups and networks dealing with women's rights. Some of these grassroots initiatives have emerged outside of the formal NGO framework, and thus, function independently from state control. This process started already in 2015 and is crucially linked to the previously discussed decentralization. For example, the Anti-Violence Women's Network (Antyprzemocowa Sieć Kobiet) monitors the anti-violence programs at the local level to ensure gender-specific implementation of the policies combating domestic violence. The initiative led by Feminoteka and funded by the Norwegian Grants is a new coalition of over thirty organizations that emerged from engaging new actors after the Polish edition of the One Billion Raising campaign ("Antyprzemocowa Sieć Kobiet (ASK)" 2015). Their main task is monitoring local anti-violence programs. According to Piotrowska, "There's more and more of those kinds of coalitions. We are networking and joining forces. It's an excellent idea to include those persons who got engaged in the Black Protests and the All-Poland Women's Strike into our joint coalition WKURW ["PISSSED OFF"]. There are many *ad hoc* coalitions being formed" (2018).

Most of the new initiatives are in direct response to gradual backsliding of specific policy issues, especially visible when it comes to reproductive rights. Several new coalitions formed quickly after the "Stop Abortion" network submitted the proposal for the bill banning abortion. While "Reclaim the Choice" (Odzyskać wybór) feminist coalition organized protests and direct actions, another network "Save the Women" focused on preparing a civic law project, as discussed earlier in this chapter.

At the same time, next to disruptive protests and attempts to bring policy change, many other networks focused on tactical and practical strategies of resistance. One of the groups called "Abortion Dream Team" is travelling around Poland giving workshops and talks about practicalities of legally accessing abortion abroad. Another informal initiative gathering medical professionals called "Lekarze Kobietom" (Doctors for Women) was formed in 2017 in response to the Ministry of Health's decision to reinstate

the requirement for a prescription to access emergency contraception. This initiative aims to fill the gap in reproductive health needs by uniting doctors from across Poland who commit to aiding women in easy and fast access to emergency contraception. This is especially important in the context where the so-called “conscience clause” is a widespread practice allowing healthcare providers to refuse prescribing contraception or accessing legal abortion for religious reasons.

At the same time, women’s rights activists and femocrats highlight that it is more difficult to mobilize when it comes to issues of gender-based violence. For example, Dziemianowicz-Bąk notes that despite widespread declarations by prominent politicians about withdrawing from the Istanbul Convention, “it was difficult to convince Polish women that this is something key and life-changing” (2018).

In March 2018 a coalition of nursery workers, culture workers and representatives of the tenants’ association organized the first “Social Congress of Women” (“Socjalny kongres kobiet”) in Poznań. As an alternative to the business-oriented neoliberal character of the Congress of Women, this event focused on the issues of labor and housing as core aspects of politics affecting women’s lives. In their twenty-point memorandum, the organizers postulate shortening the workweek to 35 hours, introducing universal pension not lower than the minimum wage, increasing social control over budgeting and decision-making of local governments, lowering the cost of pre-school education, implementing a provision that in case of domestic violence the perpetrator is required to leave the household, among other demands (Socjalny Kongres Kobiet, 2018). The second Social Congress of Women took place on September 13th 2018. There was no governmental participation in any of these events. In this new grassroots initiative care and labor take central stage and thus, directly respond to a neglect of these issues in mainstream feminist organizing – a liberal omission that has been skillfully appropriated by the conservative government in their patriarchal pro-family policies.

Another direct response to backsliding in the domain of funding redistribution was the creation of a unique women’s grant-making fund in 2017. “FemFund” offers mini-grants (each worth 4,400 PLN) for

women-led NGOs and informal groups. The initiative operates through a participatory grant-making model, in which decision-making involves the very communities affected by funding decisions. The creators of FemFund explain: “it was set up in the context of skyrocketing backlash to support feminist movements. (...) It also aims to encourage feminist philanthropy at country and community level to make feminist movements more resilient and resistant to attacks on women’s human rights” (FemFund, 2017). Their priority is to support self-organizing feminist and queer groups from outside of large urban centers. In 2018 the organization has announced its second round of funding and received a total of 154 applications, including from villages with less than 100 inhabitants. When the conservative state takes advantage of the dependency of women’s rights NGOs on public funding, this kind of actions strive for creating financially autonomous women’s movements.

In this section I have presented multiple ways in which feminist actors responded to political disenfranchisement, and more specifically to backsliding gender equality policies. It is important to notice a close connection between some of these feminist actions and a quick response from the state through new policy proposals, or what Julia Kubisa calls “adopting a ‘soft-core’ approach” (Kubisa, 2017:31). For example, the governmental project “For Life” was introduced directly after the first wave of black protests as an attempt at downscaling and reframing the abortion debate while cultivating the pro-life rhetoric. Keeping in mind this tension between action and counter-action, my aim in this part was to analyze the trajectory of the most recent changes and see how this hostile political climate allowed for new forms of coalition building and further decentralization of the feminist movement in Poland.

Conclusions

In 2018 Poland celebrated two centenaries: that of regaining independence after World War I and of women’s suffrage. They also coincided with local election, where a record number of female candidates were registered with 18 percent running for mayor’s offices and 41 percent for district

councils (Szewczyk and Mierzejewski, 2018). This significantly increased involvement of Polish women in local politics might be seen as resulting from the trickle down effect in the aftermath of women's mass mobilization around reproductive rights in the last three years. However, the celebrations of the two anniversaries take very different turns. Whereas the galvanized women's movement critically reflects on one hundred years of female political rights, on November 11th 2018 the government aligned with openly nationalist groups in the controversial Independence Day march organized in Warsaw. This symbolic discord between different ideas of what constitutes a political community reflects the current state of affairs in Poland under the conservative rule.

In the first part of this chapter I described in detail the formation of this new brand of right-wing nationalist politics that selectively implements some aspects of the welfare state policies, while utilizing fiercely nationalistic and anti-egalitarian rhetoric. While many controversial laws threatening the independence of courts, media, and the civil society were passed in a swift manner and without any public consultation, I argue in this chapter that gender equality policies are the nexus of more general processes of democratic backsliding. According to Barbara Gaweda, "the ambivalent position of the political establishment in terms of their commitment to gender equality in political discourse has paved the way for the current dismantling of the already weak institutional guarantors of anti-discrimination and equality" (Gaweda, 2017:251). These rapid changes not only reveal the formalistic nature of anti-discrimination measures undertaken by the previous government, but also bring to the open the unresolved tensions over the issue of "gender ideology" that characterized both the parliamentary and public debate around setting up and implementing equality infrastructure in Poland since 2007. Mobilization against "gender ideology," or "anti-genderism" proved to be a powerful discursive strategy in undermining gender equality objectives with long-lasting effects (Grzebalska, 2015, 2016; Kuhar and Paternotte, 2017)".

The conservative version of welfare policies is a powerful tool for reaffirming "traditional family values" along with unequal division of labor, while routinely undermining gender equality policies by presenting them as

lethal for the family and, by extension, for the whole nation. These new laws refamiliarizing care constitute well-timed interventions precisely into the areas of precarity produced by neoliberalism. Moreover, they correspond with the right-wing critiques of women's reproductive rights in the "war on gender" by making gender equality policies synonymous with degeneration and moral decay epitomized by abortion, non-normative sexualities, and sexual education demoralizing children (Korolczuk, 2014). Within this framework, the political economy of social reproduction still depends on women's unpaid labor, while both reproductive and care work are harnessed within the normative family structure for the survival of the nation.

In response to gradual dismantling of policy infrastructure, defunding of women's NGOs, and undermining of gender equality, the feminist movement in Poland had to reorganize and mobilize in new ways. With the recent wave of mass protests against further restriction of the anti-abortion law, the movement not only regained power, but has also significantly transformed. The struggle for reproductive rights functioned as a catalyst for reformulating the means of feminist activism beyond the formalized NGO structures. Whereas some scholars analyze these redefinitions of the public sphere in terms of the formation of feminist counterpublics (Majewska, 2018), I highlight the role of earlier structures of feminist organizing that laid the groundwork for the current movement's mobilization capacity and its international resonance. Cautious of Nikita Dhawan's concern about the uneven access to counterpublics by subaltern groups (2015), I analyzed how political agency has been distributed beyond the mass street protests and what resistance strategies have emerged when dialogue with the state is impossible. With decentralization and new forms of coalition building as the main factors driving these vibrant mobilizations, the transformed Polish feminist movement sets out a trajectory for a social change that is non-elitists and potentially more inclusive of working-class issues. Whether this will be another "unfinished gender revolution" (Grabowska, 2012) or a successful way of challenging the backsliding processes, feminist responses to illiberal transformations in Poland and across Europe are of key importance for creating political alternatives to conservative politics.

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THE CONVOLUTED GENDER POLICY PROCESSES IN ROMANIA: INSTITUTIONAL DISARRAY AND ACTIVIST RESILIENCE¹

Ana Chirițoiu

Introduction

The concept of ‘democratic backsliding’ does not map neatly onto the Romanian political realities of the past decade. While the overall situation of democratic practices and institutions in Romania does not differ significantly from that in neighbouring countries championing ‘illiberalism’, democratic malfunction was not achieved through an explicitly ideological opposition to gender issues, but rather through inconsistencies in governance. Gender equality policies and institutions in particular have undergone an erratic, convoluted trajectory, from top-down institutionalization at the time of Romania’s EU accession onto dismantlement under austerity, and later on to reconsolidation and political capture and/or malpractice. This, together with an overall faulty implementation of gender policies, has rendered this

1 Research for this report was conducted intermittently between December 2017 and December 2018. Data collection consisted of the analysis of media reports, policy documents, activity reports of NGOs and state institutions, and other recent publications on gender topics (referenced below). In addition, I conducted interviews with members of feminist organisations and with one representative of the major state institution that tackles gender equality, ANES. I am grateful to all my interlocutors for accommodating my queries, and especially to Andreea Bragă from Centrul Filia, who has offered me constant help throughout this research and, beyond it, her friendship.

field largely void of content and leverage, or de-politicised. The present chapter provides an account of this process of de-politicisation though a lack of regulation, rather than through opposition, and records the feminist responses to it. Moreover, it accounts for the few notable gains made in this field, such as the ratification of the Istanbul Convention and a progressive regulation of the restraining order.

My analysis of gender legislation and its implementation, based on interviews with civil society and institutional actors, makes clear the extent to which gender policy processes are shaped by the inconsistencies of political intent. It often indicates faulty regulation, ineffective implementation, or sheer neglect, rather than a sense of explicit opposition to what neoconservative groups in other countries in the region write off as 'gender ideology'. In Romania, no major politician opposes gender equality explicitly, but for gender equality to backslide, stagnate, or to remain inoperative, it is enough if they simply do nothing about it. This chapter argues that backsliding is not so much the result of clear political intentions or opposition to democracy, but can equally take place insidiously, when the functioning of democratic institutions falls through the cracks left in governance by negligence, ignorance and malpractice.

For the best part of the three decades since the regime change in 1989, including the dozen years since its EU accession, Romania has been at the bottom of most scales measuring various indicators of democratization, particularly gender equality. Whatever progress was achieved was usually achieved by local women's organisations with the help of EU pressures, expertise, and funding. As a result, the institutionalization of gender equality generally looked more convincing on paper than in practice – an inconsistency that Romanian civil society on its whole could resort to in order to criticise the state into living up to its own regulations. This erratic institutionalization has been a critical feature of the gender policy process, rendering gender policies and institutions fragile both at the time of the economic crisis of 2012, and later, in 2016-2018, when religious neoconservative groups mobilized to oppose gender policies. This latter trend was epitomized in the 2018 referendum to modify the definition of

marriage in the Constitution, which failed for lack of quorum – a result of malfunctions in Romanian politics, rather than a diagnosis of how the general population feels about same-sex marriage. However, in spite of this highly contingent result, and even though the government ratified the Istanbul Convention, and gender equality institutions have been re-established after the crisis, gender remains a poorly regulated and even more poorly implemented domain. It continues to render insufficient indicators compared to the EU 28 average, but similar, or slightly better results, than countries in the region (as per the 2018 Report on equality between women and men in the EU issued by the European Commission). This chapter asks: why does gender equality continue to be a fragile domain, although relatively progressive gender policies have been passed and there is little explicit opposition to it in Romanian politics? What are the moments, and the mechanisms of backsliding of this stagnation of gender policy in Romania? What role did the economic crisis play, and how has the gender policy process evolved since then? In order to tackle this question, I describe the process of gender equality institutionalization and how civil society responded to it, against the broader social and political context.

The first part of the chapter discusses to what extent the notion of ‘backsliding’ is relevant to the gender policy process in Romania. Looking at political decisions, statements, policies, and civil society responses, this section describes the process of dismantling the fragile and recent policy and institutional structure tackling gender equality. This occurred gradually: first, gender equality and gender violence institutions were dissolved in the context of the economic crisis, after less than a decade of functioning. Secondly, after being reinstated, the institutional setting lost much of its legitimacy because of political takeover, fraud, and ineffective implementation practices. What further complicates this process is that certain progress has also taken place, the most notable of which is the ratification of the Istanbul Convention in 2016 or the repeatedly improved regulations regarding the restraining order. However, as practitioners report, these apparent advances are stalled in practice due to the absence of clear implementation and enforcement mechanisms.

The second section discusses the strategies adopted by feminist civil society in response to the process outlined above and shows how it has been itself shaped by it. Women's movements in Romania have a long tradition of working in the margins of the state for most of the post-socialist transition and only a short history of institutionalization following EU accession. After 2012, they straddled both of these traditions in order to respond to backsliding, as they not only confronted, but also cooperated with state institutions. Moreover, feminist organisations have maintained their relevance throughout this time when gender policy has swung from oblivion to progress and further to malpractice, by adopting two main strategies: one was to frame women's rights as an issue of democracy, both in their communication with state institutions and in the coalitions they forged with other disenfranchised groups through street protests; the other was to prioritize the topic of domestic violence – on which they focused most of their scarce resources. These strategies have rendered relative success, inasmuch as they managed to maintain gender violence on the public agenda, and ensure its better regulation.

Lastly, the third section discusses the rise of neoconservatism in Romania as the main future contender against gender equality and democratization more broadly. This trend is not yet at the core of the Romanian political establishment, but in the past three years, it has made a decided (re) appearance in Romanian politics. Conservatism has a prodigious recent past in Romania, recalling the nationalist and reactionary tropes that dominated local politics throughout the 1990s² and that only subsided under external pressures, around the country's EU accession. One decade later, following a certain amount of popular disenchantment with the EU and compensatory admiration for how the Hungarian and Polish governments maintained their 'sovereignty' in the face of 'foreign rule', this undercurrent can be

2 It is symptomatic that political organisations with an explicit conservative, if not far-right agenda that had vanished by the 2000s are making a comeback into mainstream politics. One example is 'Uniunea Vatra Romaneasca', a far-right organisation that ignited ethnic violence across Transylvania in the 1990s, which was recently relaunched by the former nationalist mayor of Cluj Gheorghe Funar as a new nationalist political formation. Agerpres 2018.

easily reawakened. A certain amount of ‘ambient conservatism’³ has always persisted in Romanian society and politics, and it can be manipulated for electoral gains. One recent attempt in this direction was the referendum to modify the Constitution. It started with a group of anti-abortion religious militants from various religious groups who mobilized to collect signatures so that marriage is defined as the union ‘between a man and a woman’, instead of ‘spouses’. Having collected 3 million signatures (with the help of the Orthodox Church), they pushed for the organisation of a referendum on this topic, in the fall of 2018. The campaign for the referendum was not limited to members of the clergy and religious organisations, however, but was quickly taken over by prominent mainstream politicians hoping to ride the wave of popular mobilization and harness some support. Since trust in the government was at a rather low point at that time, this move was not successful. Its rejection by the public, then, was procedural rather than content-oriented. This sort of opportunism, coupled with a sense that politicians can make such moves with impunity as far as EU is concerned, makes this trend likely to challenge, or even reverse the feeble and erratic democratization process that Romania underwent in the past decades. The chapter argues that three processes – the *de facto* policy process, civil society responses, and neoconservative trends in politics and society – are clearly interrelated and must be considered together to describe where the future erosion of democratic institutions might come from.

To what extent does ‘backsliding’ describe the gender policy process in Romania?

The members of women’s organisations and representatives of state institutions whom I interviewed for this chapter all indicated their reservations regarding the notion of ‘democratic backsliding’ that I tried

3 This notion builds on Engelke’s notion of ‘ambient faith’ (2012), and especially on its subsequent uses by Wanner to describe the the Orthodox post-soviet space (2014), and by Luehrmann to show how it blurs the distinction between religious symbols and public morality (2019). I elaborate in the third section why this is a relevant notion for the Romanian case, given that Romanian (neo)conservatism is thoroughly infused with religious (Orthodox and Evangelical) tropes.

to address in our discussions. Mihaela Săsărman, the representative of the Network of NGOs on Prevention and Combating Violence against Women (VIF Network), expressed it in the very beginning of our interview: ‘There should have been some progress first in Romania, prior to the crisis, in order for us to talk about backsliding now.’ Throughout our interview, she substantiated her implicit claim that the ‘progress’ of gender policies is a fraught notion and documented how difficult most of the landmark policies have been to achieve and maintain. Moreover, her dismissal of the notion of ‘backsliding’ suggests that the evaluation of ‘progress’ needs to be done not only in comparison to other countries in Europe and to general benchmarks, but that ‘progress’ should be seen as a more contingent process, through an examination of the local trajectory of gender equality as a public and political issue. This is what the current section aims to do.

My interlocutors were quite adamant that, at least in the field of gender violence, which is by far the most prominent area of struggle for feminist NGOs in Romania, progress has been slow and erratic. Being fully aware of the challenges that women’s rights organisations face in other countries in the region, where politicians’ opposition to gender equality is explicit and translates into policies, they admitted that this is not a problem in Romania. However, they added, while Romanian decision-makers are not averse to gender equality, neither do they appear to be particularly interested in implementing it, since gender equality is never prioritized, and when it is finally regulated, the policies often lack proper implementation and monitoring mechanisms. My interlocutors remarked that before they could celebrate that a particular piece of legislation was passed, they would need to write letters and engage into consultations on how to amend it in order to make it fully functional.

It is in this sense that the civil society representatives whom I interviewed found the narrative of ‘backsliding’ insufficient to capture the functioning of gender policies in Romania. They pointed to policy decay and institutional dismantling, especially in the aftermath of the economic crisis as examples of backsliding. However, they also noted that these policies and institutions had not always worked properly before their functioning was

stalled, nor did they resume a normal functioning after being reinstalled. They all found it difficult to draw a line between progress and backsliding, and, as I show in what follows, they preferred to discuss specific cases to exemplify how convoluted and difficult to characterise the policy process is.

My interlocutors also indicated that, while some progressive policies have been adopted by the Romanian state – most notably, the ratification of the Istanbul Convention in 2016 – even these prominent policies are still poorly regulated and implemented and require lobbying and shadow reporting for the legislators to fully implement them. These remarks are consistent with my observations based on media surveys and the analysis of policy documents, which indicate a rather messy policy process. De-democratisation does not emerge as an explicit purpose or the result of an ideological agenda from this analysis, but rather as the side-effect of poor regulation and even poorer practices. This section takes a procedural perspective to describe how gender policy has been emptied of meaning through faulty or non-existent implementation, and how civil society has reacted to counter this tendency.

It is difficult then to capture a ‘turning point’ when gender policy was voluntarily stalled or reversed for ideological reasons, although several critical points in its functioning can be identified. It could be argued, for instance, that the dismantling of gender equality institutions operated by the democrat-liberal government in 2010-2012 is an example of backsliding, albeit economic rather than democratic. However, after one of these institutions was re-established in 2014, it underwent political capture and was made part of a corruption case, which decreased its legitimacy. Looking at the functioning of this institution before and after the ‘critical event’ of dismantling in 2010 shows that a linear narrative of either progress or regress is difficult to maintain. In what follows, I exemplify this observation by tracing the convoluted trajectory of two central institutions for gender equality: the National Agency for Equal Opportunities (ANES), and the National Agency for Family Protection (ANPF).

The institutionalization of gender equality

When the economic crisis began to be manifest in Romania, in early 2010, several structures were already in place to oversee and implement gender policies. Most of them had been set up in the context of Romania's accession to the EU in 2007, following a trend of top-down institutionalization. The role of international bodies and norms in establishing such institutions largely gave way to 'a gradual but continual transfer of (...) political power from the national to the EU level' (Norocel, 2014:120-121). On the one hand, this enabled civil society to pressurize the national policy-making process by reference to European bodies and norms, but on the other hand it relieved national institutions of some responsibility.

Prior to EU accession, in 2003, equality commissions had been set up in the Senate and Deputies' Chamber, and certain prerogatives in the field of gender equality were assigned to the Ombudsman. However, according to my interviewees, the Ombudsman rarely exercised these prerogatives in practice, as its function has been permanently politicised. In effect, it was NGOs that acted as the watchdogs of gender equality and signalled cases of legal breaches. In 2004, the National Agency for Family Protection (ANFP) was established, with domestic violence on its mandate. Two institutions were set up in the early 2000s to tackle equal opportunities and to combat discrimination: The National Council for Combating Discrimination (CNCD), established in 2001, and the National Agency for Equal Opportunities for Women and Men (ANES), established in 2005.⁴ Both are subordinated to the government, but their functioning is grounded in different laws: CNCD runs by an ordinance (137/2000), later on turned into law, that tackles discrimination more generally, while the functioning of ANES is regulated by a law (202/2002) that stipulates equal opportunities and treatment for women and men. Moreover, CNCD has a stronger executive role, while ANES has a merely consultative one, and cannot issue sanctions. In practice, then, there are two bodies addressing discrimination, their functioning regulated by different laws; one of them

4 It is significant to mention that both ANES and ANFP were created through an EU PHARE program with assistance from the Woman's Institute in Spain.

is dedicated explicitly to gender issues, but has no executive power, while the other can impose sanctions, but does not routinely tackle gender discrimination. This inconsistency singles out gender inequality from other forms of discrimination, and what's more as a field in which sanctions are often ineffective.⁵

Gender equality institutions dismantled due to austerity

Romania entered economic recession in early 2010 and consequently the democrat-liberal government adopted numerous and rather abrupt austerity measures, such as a 25% cut in public sector wages, a decrease of social payments by 15%, a raise of the VAT from 19% to 24%, and other cuts in governmental expenditures. These measures had severe effects upon the already insufficient provisioning of social services. Austerity caused foreseeable discontent among the population, culminating in large-scale protests in January 2012, when thousands of people took to the streets in Bucharest and other large cities, calling for an end to austerity. Several cabinets were changed, but civil unrest continued, embracing a wide range of issues, from environmental ones to the educational reform and the poor conditions in hospitals (Stoica and Mihailescu, 2012).

In the context of this heterogenous political unrest, feminist NGOs joined broader social causes, whereby gender issues gained unprecedented salience and attracted the solidarity of broader coalitions. Feminist organisations made their presence explicit in this fluid assemblage of civil grievances by way of transmitting two core messages. One is that women are equal members of the body politic, who bear the costs of austerity and take to the streets to protest it; the other was that women's rights are part of the public agenda, their imperilment a damage to the democratic process. As feminist organisations gained more prominence as civic actors,

5 See also Country report – Gender equality – Romania 2017. How are EU rules transposed into national law?. By Iustina Ionescu, European network of legal experts on gender equality and non-discrimination. European Commission, Directorate-General for Justice and Consumers, 2017. p. 6. Available at <https://www.equalitylaw.eu/downloads/4356-romania-country-report-gender-equality-2017-pdf-1-28-mb> Last accessed: November 16, 2018.

they forged and strengthened alliances with broader citizen groups. This solidarization inaugurates a new stage in the recent Romanian gender rights movement, whereby women's mobilization through street protests managed to successfully frame gender issues as a matter of democratic deficit (Norocel, 2014:135). This variety of framing strategies endures until today, and, as the present chapter shows, it has often proven to be an apt way of critiquing the inconsistencies of Romanian gender policy, its defective implementation, as well as broader societal trends that impact on women's rights.

The two main institutions tackling gender equality, the National Agency for Equal Opportunities for Women and Men (ANES) and the National Agency for Family Protection (ANPF), were dismantled as part of the austerity measures. ANES was transformed into a Directorate and then a Department within the Ministry of Labor, without a budget of its own, its established ties with the territory severed, and its personnel reduced to nine people. As its activity was interrupted, several projects that were underway, amounting to EUR 11 million, largely from EU funds, were also stalled. Until its reestablishment in 2014, ANES was effectively unable to oversee the implementation of the National Strategy Regarding the Equality of Chances between Men and Women (2010-2012). In short, it was rendered 'practically inexistent' altogether, as ANES representative Andra Croitoru declared in my interview with her.

The other institution, ANFP, was joined together with the National Authority for the Protection of Children's Rights in 2010, but the new body was again reformed within a year. Other two bodies that tackled family issues, the Pilot Center for Assistance and Protection for Victims of Domestic Violence (Centrul Pilot de Asistență și Protecție a Victimelor Violenței în Familie) and the Center for Information and Consultancy for the Family (Centrul de Informare și Consultanță pentru Familie) were also dissolved as part of austerity measures. Throughout this process, the topic of domestic violence simply disappeared from the attributions of any institution until 2015, when ANES was re-established. The coordination and implementation of the government strategy on domestic violence

became then part of its mandate, albeit the Agency was not allocated any resources for this task, and no monitoring mechanism either.⁶

In our interview, Andra Croitoru, ANES councillor,⁷ discussed the effects of the crisis on the institution by referring to the detrimental effects that the disappearance of gender equality from the public agenda produced. Describing the years between 2010 and 2014 as having ‘a negative and almost traumatic effect on the institution’, she also emphasized how the cuts affected the functioning framework and infrastructure of the institution. Specifically, becoming a department within a ministry, rather than an independent agency, with its own budget and personnel amounted to a decrease of political leverage. Moreover, the cross-institutional and the territorial networks (CONES and COJES)⁸ that had been set up in the previous years, when ANES had begun functioning, with impetus (and financing) from the European Commission, were also lost, and have not been recovered since.

All of this resulted in the stalling of the anyway ‘rudimentary’ gender mainstreaming efforts undergone by Romanian institutions. Croitoru insisted that the most severe effects of the disappearance of ANES and, with it, of any institutional representation of gender equality were to be seen in the equality indices that followed the crisis, which testified to the stalling of this topic both at the policy level, and among the broader population. The stalling can be explained further through what Andra Croitoru called ‘the frequent institutional blockages’. These testify to the fact that gender equality remains inconsistently regulated and continues to depend largely on the goodwill of individual politicians and decision-makers.

6 Committee on the Elimination of Discrimination against Women – Concluding observations on the combined seventh and eighth periodic reports of Romania. CEDAW/C/ROU/7-8, para. 14. 2017. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fROU%2fCO%2f7-8&Lang=en. Last accessed: November 16, 2018.

7 Previously state secretary within ANES and a long-time employee of the institution.

8 County commissions for equality of chances (COJES) and the National commission for equality of chances (CONES) brought together practitioners and political actors from across institutions, and worked under the coordination of ANES. As Andra Croitoru explains in her interview, CONES had members from across ministries, and discussed national policies, while COJES ensured a good country-wide representation.

Gender equality institution re-established, its mandate reformed

It was in the context of institutional void described above that civil society began to mobilize most decidedly around the topic of domestic violence and to lobby more insistently for its regulation. As a first measure, numerous NGOs signed a protest letter against the dissolution of ANES, arguing that the dismantling of the only institution in Romania dedicated to gender equality contravened with the engagements taken by Romania in the context of EU accession, and especially with the European Parliament's resolution of 17 June 2010 on gender aspects of the economic downturn and financial crisis (2009/2204(INI)), as well as with UN recommendations.⁹ As they indicated, the establishment of ANES had been among the criteria for EU membership, and its dismantling effectively meant scattering all the efforts done in the past years by the government and civil society alike and turning back to the situation from before 2004. It is symptomatic that NGOs resort to the EU framework and EU values whenever they petition the executive, as the ratification of EU regulations provides them with something resembling contractual terms when national legislation seems unreliable. The request was not met with success, but it managed to mobilize a large number of NGOs around the topic of gender equality. The fact that NGOs, which had previously cooperated with ANES in its early years, as well as criticised some of its malfunctions (Grünberg, 2006), now protested its dissolution, anticipated a constructive cooperation between civil society and the institution after it was reinstalled.

In 2014, the Social-democratic government created a Department for Equality of Opportunities with the statute of state secretariat, and in 2015 returned ANES to its previous name and its former prerogatives, with its own budget and the status of state secretariat – except for their connection to the territory. Significantly, its consultative attributions regarding the implementation of the National Strategy for Gender Equality, which had been diminished since 2008, were also reinstated, and in 2014 the National Strategy for Equal Opportunities between Women and Men for 2014-2017

9 See <http://xa.yimg.com/kq/groups/9816271/186924600/name/Scrisoare+de+protest+desfiinare+ANES.pdf>, last accessed January 24, 2018.

together with the General Plan of Action for its implementation were adopted. As a complaint mechanism, CNCD maintains a quasi-judiciary mandate, whereas ANES has been part of the executive since its establishment. Its attributes are to give their letter of consent on the gender dimension of normative acts. As Andra Croitoru explained, ‘this is the only form of gender mainstreaming that currently exists in Romania. A rudimentary one, but the only one.’ Although the legal framework allows ANES to introduce the gender dimension into policies, gender mainstreaming is still effectively inexistent, and ANES has no competence to implement it. This is because, as per Ms. Croitoru, decision-makers ‘don’t understand and don’t know’ what gender mainstreaming or gender equality are, and consequently they fail to regulate them. As for the ANFP functions that were integrated in the mandate of ANES, Andra Croitoru asserts that no institutional resources and mechanisms were provided in order to tackle them, so they remained largely on paper, impossible to implement.

Some further weakening of the institution’s credibility occurred after it was reinstated, and it became involved in a case of corruption, in the context of a project that ANES undertook in 2014-15. The project, titled ‘Start – Quality life in safety’, was meant to address domestic violence and human trafficking, and received EUR 38 million in EU funds. One of its measures was to hand out 6000 RON (approx. 1500 EUR at the time) to victims of domestic violence so that they could start a new life. However, fraud investigations concluded that only one fifth of this money had reached the victims. The rest of the money was designated for social assistance (EUR 8 million) and formation courses and were paid to the National Intelligence Academy ‘Mihai Viteazul’, which was a partner in the project, and to the IT firm owed by a politician close to social-democrat circles who has since been investigated in other cases of fraud.¹⁰ The project ran between October 2014 and December 2015, when the institution was under the leadership of a relative of the prime minister at the time, social-democrat Victor Ponta, who re-instated ANES. A former member of civil society who worked for

10 See <https://www.riseproject.ro/articol/afaceri-pe-spinarea-femeilor-batute> and <http://www..decatorevista.ro/normalitatea-celor-38-de-milioane-de-euro/>. Last accessed May 7, 2019.

ANES in 2014 told me about this case of fraud that she ‘simply found the project on her desk’. The measures it included appeared comprehensive and in line with previous discussions within the institutions, but in terms of implementing and accountability there was little transparency – even inside the institution – as to what was really happening in the project. While seemingly addressing one of the most stringent issues of gender policy, this fraudulent project severely damaged the credibility of topic, and of the institution that ran it.

At the same time, ANES played a key role in the ratification of the Istanbul Convention in May 2016, which is to say that its institutional performance cannot be judged solely on the basis of certain practices of one of its temporary, politically-appointed presidents.

The ANES representative and civil society actors alike agree that the reinstatement of ANES, as well as its role in ratifying the Istanbul Convention was very much incumbent upon the personal investment in this matter of two women MPs within the social-democrat party, namely Rovana Plumb and Ana Birchall, both social-democrats (Baluta, n.d.:5). While this type of involvement is certainly salutary, it remains problematic that the adoption and implementation of gender policy depends to this extent on the personal commitment of individuals in decision-making positions. This lack of structural support, which in effect is either supplemented by personal benevolence of key actors, or appropriated by personal interests, renders the field of gender policy unpredictable.

Having documented these malfunctions in the implementation of gender policy in Romania, as recounted both by members of feminist organisations, and by a representative of ANES, it needs to be mentioned that other dimensions discussed in this volume as part of the backsliding process are largely absent in Romania, particularly the reframing and discursive delegitimization of gender policies. To be sure, politicians do resort to occasional gender scapegoating,¹¹ and conservative groups and

11 A recent example is the distribution of campaign materials stating that one of the main opposition parties, USR-PLUS, aims to make abortion mandatory for families who do not have an average income, who cannot afford to raise children, or where both partners are unemployed. USR-PLUS have vigorously denied that any of their members suggested such a policy, and denounced the materials as a calumny.

intellectuals do voice their complaints about ‘political correctness’, but so far none of these have constituted a thorough, consistent, ideologically-driven attack on gender policy. However, as the next section documents through a focus on the domain of domestic violence, backsliding can also be the result of faulty policy processes, and not only of explicit opposition.

Consultation and accountability in the field of domestic violence

Having followed the trajectory of ANES, as the main institution concerned with gender equality, we turn now to the issue of domestic violence, which is the most prominent topic for feminist NGOs in Romania and has mobilized an impressive number of resources over the past decade. The Romanian state did not address gender violence in any comprehensive manner until the early 2000s, when the law for domestic violence was passed and ANFP was established, in 2003.¹² Moreover, between this time and 2012, when the restraining order was introduced, the legislation had not improved significantly.¹³ Both of these moments owe massively to the mobilization of women’s groups and to external funds, expertise, and pressure. This is why, in our interview, Mihaela Săsărman, representative of Transcena and The Network of NGOs on Prevention and Combating Violence against Women (VIF Network), expressed her reservations about the notion of ‘backsliding’:

There should have been some progress first in Romania, prior to the crisis, in order for us to talk about backsliding now. We cannot say that there had been many actions to support victims of these two forms of violence, or economic reintegration for the victims of domestic violence, therefore it’s difficult to measure any progress or regress.¹⁴

12 Until 2003, it was mostly women’s organisations that offered support services for the victims of domestic violence, most notably in Târgu-Mureş, Cluj and Timișoara, sometimes with state funding, but most often relying on external grants.

13 Two notable, but insufficient exceptions are the two pilot centers for the protection of victims of domestic violence established in Bucharest in 1996 and 1998.

14 Interview conducted online, December 2017.

With the establishment of ANPF in 2003, whatever state funding there had been for NGOs to provide services to victims of domestic violence was withdrawn, but the fact that the state took over this topic did not necessarily entail a more comprehensive approach towards it. As Mihaela Săsărman recalled in our interview, the personnel of ANPF was initially trained by members of feminist organisations, who had in their turn been trained by various foreign NGOs. At first the employees of state directions had only a general training concerning these topics, whereas in NGO shelters the personnel was specifically trained to deal with such cases, having dealt with them first-hand since 1997. So, while the establishment of ANPF was in many ways a step forward, practically speaking it also entailed some losses, especially as regards the commissioning by the state of services provided by NGOs, which were now going to be provided by insufficiently trained employees of ANPF. However, due to this initial cooperation in the setup of the institution, women's organisations maintained a consultative role for a while:

We had a collaboration of sorts [with ANPF]. In 2003, when the law on domestic violence was voted, this institution was also set up. There used to be norms for the application of the law, which nowadays is no longer a practice. The coalition of NGOs that were active around this issue was consulted, and the specialists in NGOs were involved in forming the personnel of the institution. The institution ran several Programs of National Interest, in which the coalition [of gender NGOs] was consulted.¹⁵

This means that, despite the lack of funding from state institutions, civil society could still maintain its leverage power for a while, by means of the consultative process. As Săsărman pointed out, for a while now NGOs have no longer been invited to consultations. Moreover, as of 2010 the obligation of local authorities to provide services to victims of domestic

15 Idem.

violence also dissipated among the numerous policy changes, including decentralization. The absence of clear legal provisioning regarding this issue endures until today, leaving it at the latitude of individual local politicians whether they should fund shelters or any kind of services for battered women. In Săsărman's summary, as of 2010, the institutional framework within which gender violence was tackled largely disappeared, and, despite formal measures and half-hearted attempts to recuperate it, it has not been fully reinstated after the crisis.

Between 2010 and 2014 state institutions tackling gender policy were dismantled. In 2012, however, a landmark piece of legislation was passed regarding domestic violence, but, as I explain further, it was not clear which institution would tackle it. In practice, it was left to NGOs to mitigate the effects of this institutional void, and to maintain the visibility of gender issues. They did this by organising street protests, quite numerous in this interval, by continuing to supply services – depending on whether local politicians allocated funds to tackling the issue of domestic violence or denied that it was a local issue – and by organising themselves in coalitions. The most prominent networks were the VIF Network (Network for the Prevention and Combatting of Violence Against Women), the Network 'We break the silence about sexual violence' (Rupem tăcerea despre violența sexuală), initiated by the Association for Freedom and Gender Equality, and the Coalition for Gender Equality (Coaliția pentru Egalitate de Gen). Several members of these networks overlap, and the relative diversity of these networks has to do with the fact that they each focus on one topic (domestic violence, sexual violence, and gender equality, respectively), through different strategies.

For instance, VIF Network was the most active on the topic of domestic violence and focused most of its efforts on the introduction and, later, the regulation of the protection order. This was by no means a new topic, as Săsărman recalls, but it was the creation of a 'critical mass' around this topic that helped pass the law through Parliament:

Since 2004, several proposals aimed at improving the law had been lingering in Parliament, but as of 2010, a critical mass was created, and until the end of 2011 many stakeholders advocated for the introduction of the protection order, and finally in May 2012 the law was passed.¹⁶

The creation of ‘critical mass’ centered around the urgency of domestic violence corresponds to the dismantling of ANPF and the other institutions tackling gender equality, so in this sense civil society stepped in when the state withdrew, in order to keep these issues on the agenda. As we have seen, the institutionalization of gender equality initially entailed some disarray, since these institutions took over many of the functions that feminist organisations had been providing, which weakened civil society for a while; however, since the functioning of institutions was far from optimal, civil society maintained its critical vocation, and occasionally was invited to cooperate. The weakening of institutions, conversely, strengthened civil organisations, as they moved to fill the void.

Malpractice in the implementation of gender policy

A significant feature of this ‘institutional void’ is the fact that the role of NGOs did not end when the law of the protection order was passed. Some organisations oversaw its implementation over a period of time with their own funds, and concluded that the functioning of the law was still defective, as in practice it was up to individual policemen, prosecutors and judges whether they deemed cases of domestic violence a priority or not. My interlocutors from feminist organisations point out that many women who did report suffering domestic violence did not end up getting a restraining order; in the case of those who did, the police could not oversee whether the order was respected or not, and a few highly-mediatized cases exposed the failures of law implementation when a number of women who had filed

16 Interview conducted online, December 2017.

complaints, and whose partners had even gotten restraining orders, still ended up being murdered. Although the law was in place, its application had obvious shortcomings.

As Săsărman summarizes,

The process of turning [laws] into practice is anyway long. Various factors play into this process, such as which party is in power, or whether there are political changes in the interval since the programs are elaborated until they are put into practice.¹⁷

This view was confirmed by all my interlocutors, who described in detail how long and convoluted the process of political negotiation is, from inviting themselves to consultations for the deliberation of laws and policies concerning gender, through lobbying for the legislative to pass a law once its usefulness was decided upon, to organising workshops with practitioners in the field to train them in implementing the legal instruments. They remarked bitterly that often it takes months to become acquainted with an inter-ministerial commission and to convince its members of the necessity of gender equality policies, only to find out when the time comes to vote for the law that the politicians or staff who had taken part in consultations had been dismissed in the meantime. Then the process has to start over again. This takes a certain amount of resilience – as one of the civil society representatives that I interviewed put it, ‘they send you out through the door and you return through the window’.

Civil society actors ascribe the difficulties in the implementation of policies tackling domestic violence to the lack of clarity in the law and the overall lack of resources, indicating the lack of training on this topic among police officers, the reluctance of prosecutors to take on these cases, or that it is not clear who needs to monitor the protection orders. Andreea Bragă from Filia gave an overall assessment of practical blockages:

17 Interview conducted online, December 2017.

There are many prejudices about this topic – for instance, social workers try to mediate among the victim and her aggressor, although this is no longer allowed by the law, because the victim cannot sustain herself financially, or there are no shelters and she has nowhere to go, or for other reasons. Or policemen who don't want to file complaints, because victims often withdraw their complaints – this is the dynamic, but they don't know this – and they grow frustrated with having worked for nothing, so they often fail to register the complaints (...) Essentially, in its current form, the law leaves the choice of how to apply it to people with decision power, because the law is not clear and leaves room for interpretation and for personal whims to intervene – for instance you end up with judges who say that a woman of 70 kilos might not be a victim after all, because she is strong enough to defend herself. The law currently leaves room for people's prejudices to manifest themselves. But there are also felicitous cases, various magistrates and judges who are committed to this cause and who are in a position to affect changes.¹⁸

Mihaela Săsărman from Transcena expressed a similar opinion:

There is certainly a lack of interest among local authorities regarding domestic violence, as they do not perceive it as a serious enough problem. I am not even sure all local decision-makers understand what this phenomenon entails (...) Since 2011-2012 since our network monitors the implementation of protection orders, we often interact with policemen, judges, prosecutors – it's difficult to say that there is a patriarchal resistance around this issue, but our experience inclines us towards this conclusion.¹⁹

18 Interview, Bucharest, November 2017.

19 Interview conducted online, December 2017.

In December 2018, a law was finally passed allowing police to establish whether a domestic conflict presents a death threat for the victim and to issue a temporary restraining order without having to wait for a decision from a judge.²⁰ This is a relative victory for the civil society organisations that have been militating for more than a decade for a better regulation to tackle gender violence, although it remains to be seen whether it will function in practice. In order to understand how this milestone was achieved, having documented the fragility of the policy process, the next section turns to how civil society responded to it.

The strategies of women's organisations

This section takes as its core case-study the concerted campaign deployed by feminist NGOs to raise the awareness of policy makers and the broader public with regard to gender violence in general, and domestic violence in particular, in the context of the overall frailty of the gender policy process in Romania. For almost a decade, gender violence has been the main focus for feminist organisations, leading to the formation of coalitions and to the shaping of concerted strategies to call for its regulation. This concentration on a single topic is itself a strategy, meant to channel the limited resources of civil society, and the equally limited attention span of policy-makers, onto what was perceived as the most urgent issue at hand. Civil society actors stated in our interviews that the improvement of policies tackling domestic and sexual violence needs to come before any other issues – as one activist put it in our interview, ‘this is a matter of life and death’. Or, as another activist said in a private conversation: ‘Once women stop dying at the hands of their spouses we can start worrying more about how they get paid or whether they have political representation’.

Indeed, if during the economic crisis feminist civil society mostly focused on street protests to convey the message that women's rights are essentially part of the public agenda, later most organisations gathered

20 <https://www.ordinea.ro/in-cazurile-de-violenta-domestica-politistii-pot-emite-ordin-de-protectie-provizoriu/>. Last accessed May 7, 2019.

increasingly around the topic of gender violence. In doing so, they employed a variety of strategies: public consultations, street marches, targeted research, and lobbying the state to support battered women. This topic gained new momentum after Romania ratified the Istanbul Convention in 2016, which provided NGOs with a legal standard. As one of my interviewees stated, one would think that since the government ratified the Convention, it would be just a matter of time before it was put into practice. However, as we have seen in the previous section, this process was not so straightforward.

Having discussed how policies designed to address gender issues in general and gender violence in particular fail to translate the law, more specifically the Istanbul Convention, into commensurate actions, next I discuss strategies employed by feminist NGOs to mitigate this process and to make sustained, concrete demands on the governing bodies.

A critical mass around gender violence

In 2011, a large protest targeting women's rights took place in Bucharest, 10 years after the previous one on a similar topic, targeting three proposals for legislative amendments that had been stalled in Parliament for several years. The protest was initiated by the Filia Centre, with allies from across civil society, including organisations for the rights of Roma women, which gained more prominence in the past few years. Shortly after this protest, negotiations took place in the two chambers of Parliament, mediated by several female politicians who took interest in this topic, and in 2012 the Parliamentary Commission on Equal Opportunities and the Commission on Legal Issues supported the introduction of the restraining order, which then entered Romanian legislation for the first time.²¹

The 'critical mass' which came together around the issue of the restraining order can be counted among the successful strategies that NGOs developed to amend concrete policies. Around 2011-2014, the nation-wide Network for the Prevention and Combatting of Violence

21 In 2012 Romania was the only EU country that had not institutionalized this measure of protection for the victims of domestic violence (European Commission 2011).

Against Women (VIF Network) took shape, with the explicit purpose to advocate for modifications to Law 217/2003 so as to regulate the restraining order. As I suggested, it is likely that the network came together also as a counter-reaction to the effects of the crisis, especially the dismantling of the two agencies that used to formulate and implement gender policies, ANES and ANPF, when the task of monitoring gender policy remained strictly in the hands of NGOs. And, after ANES was reinstated and given attributions in the field of domestic violence as well, the Network still provides consultation and monitoring in the policy process. For instance, Transcena Association initiated a parallel monitoring of how restraining orders were implemented at national level since 2012, seeing that the monitoring done by the state was deficient. The initial funding for this program came from the Open Society Foundation, and then was continued with the association's funds, secured from foreign donors. Based on this monitoring, NGOs could signal dysfunctionalities in implementation. For example, even though the legislation specified that judges should issue the restraining order in 72 hours after the police registered the complaint, the legislation did not specify who should monitor that the order was respected, so in practice often it was not monitored at all. NGO representatives felt that consultations with state institutions – magistrates, police officers – were infrequent on this topic, given the ‘closed’ nature of the competent ministries, but they hoped that practitioners in these institutions eventually learn more from their peers in other countries.

In 2013, two studies were launched within the Campaign for Women's Safety supported by several NGOs (VIF network), monitoring how the Law no. 25/2012 regarding domestic violence was implemented, and calling for modifications. In 2017, two other books were published on the topic of domestic violence with the support of NGOs: one is a collection of court cases put together by two lawyers and published by Anais Association in Bucharest, demonstrating shortcomings in the application of the law, aberrations that can result in some cases, and its overall lack of effectiveness (Nemes and Crisan, 2017). The other volume investigates gender violence in Romania, with case studies that document women's life experiences

regarding violence and power structures, and the role of the state in regulating (or maintaining) the latter (Bragă et al., 2017). These studies mapped the practical inefficiency of the existing law regarding the restraining order and called for its amendment in accordance with the strategic initiatives that the Romanian government took to prevent and combat violence against women, after consultations with women's organisations.²²

An additional strategy of NGOs to put pressure on institutions to improve gender policy is the practice of shadow reporting. In February 2015, by way of preparing for the Romanian CEDAW reporting, VIF Network issued a shadow report in which it describes the blockages resulting from how the law regarding domestic violence is applied.²³ Further reports (e.g. Country Report – Gender Equality – Romania 2017) similarly describe that the law is applied in a defective manner, and that policies are not adapted to social realities of women and aim to create international pressure that might improve the policy process in Romania.

Apart from conducting and publishing studies and shadow-reporting, feminist NGOs have also been increasingly resorting to street protests. With two particularly gruesome instances of domestic and sexual violence (the 'Perla' case in Bucharest, 2012, and the collective rape in Vaslui, 2015), feminist NGOs took to the streets to signal the urgency of more effective laws to prevent such cases. Similarly, in cases of sexual harassment emerging inside police structures or in universities, feminist organisations signed protest letters, and on a few occasions organized flashmobs. In 2015, the first edition of the march 'Together for the safety of women' was organized in Bucharest by VIF network, and has been going on every year since, with a growing number of participants.

22 An open letter on behalf of VIF Network and other co-signatories calling on the government to implement the initiatives taken with regard to violence against women can be consulted here: http://centrulfilia.ro/new/wp-content/uploads/2016/06/Open-letter_violence-against-women.pdf, last accessed December 10, 2017.

23 The report can be consulted at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ROU/INT_CEDAW_NGO_ROU_27790_E.pdf, last accessed January 22, 2018.

It has been argued that this turn towards street protests and civil disobedience marks a distinct, more activist stage in the recent history of women's movements in Romania (Popa, 2015). Indeed, while it builds on the 'professionalization' achieved in the previous decade, in the context of EU accession, the current movement is more reactive, more prone to forge alliances with other groups subjected to inequality, and more critical towards state policies. It builds up to a pattern of 'critical institutionalization' (Krizsán and Popa, 2015) which helps shape policy in a more decisive manner, employing in various measures consultations or cooperation with protest and criticism.

Switching between working with institutions and criticising them, Romanian NGOs have shown a remarkable resilience throughout this time – in the words of one of my interviewees, their most durable strategy has been their insistence to be taken into account. With the notable exception of ANES, institutions generally show little interest in consultations, and often NGOs have to invite themselves to working-groups, by means of open letters. Moreover, when summoned by ANES, representatives of other institutions or ministries often do not participate, or pay little attention to the recommendations received from civil society, unless these are accompanied by the political support of high-ranking politicians.

Thus, while the practice of inviting NGOs to consultations has been relatively constant in the past few years, mainly thanks to the mediation of ANES, consultations are generally formalistic. Moreover, sometimes at the consultations recent organisations show up which are not part of any coalition and which take stances that are manifestly distinct from the viewpoint of the majority of civil society. One example concerns the consultations regarding the restraining order, where one NGO insisted that the rights of the aggressors also need to be protected, so that the debate took a completely different direction than civil society actors who had been campaigning for the protection order for years had hoped to. These diversions are usually countered thanks to the existence of coalitions, which can agree on sustained unified messages.

The limited institutional leverage power of civil society can and has been supplemented by other strategies that I mentioned in this section, such as direct interpellations made by NGOs, in the form of open letters, protest marches, flash-mobs, and shadow reporting. These strategies rely on the maintenance of coalitions, and to some extent this has proven successful, albeit time-consuming, in the case of domestic violence policies. Further alliances with other groups whose rights and interests are not represented by the current policy tendencies, such as organisations for Roma and other marginalized groups, and with political groups to the left of the spectrum are instrumental in maintaining gender equality on the public agenda, and in confronting the diversions brought about by the growing conservative voices.

Ratifying the Istanbul Convention and addressing gender violence institutionally

After street protests, consultations, research, and open letters, in 2015, shortly before Romania ratified the Istanbul Convention, the issue of gender violence returned more decisively on the institutional agenda, under the mandate of ANES. As Andra Croitoru observes, this move reflects ideological changes at EU level: in 2009 the issue of gender equality was transferred from Labor to Justice, turning it into an issue of human rights, which in turn helped link inequality to gender violence. Ultimately, she says, ‘the fact that ANES took over the topic of gender violence shows an understanding of the fact that violence is indeed an issue of inequality, and to tackle both by the same institution is an integrated approach’.²⁴ However, it was not clear from our interview whether ANES had been endowed with the instruments necessary to tackle this issue, and in fact the overall message that Andra Croitoru transmitted indirectly, given her official quality, was that gender policy was still very much at the whim of political actors and would often get derailed by what she euphemistically called ‘institutional blockages’.

24 Interview conducted online, November 2017.

The perspective of civil society actors on this issue is slightly different. For instance, Mihaela Săsărman acknowledged that ‘because domestic violence is a very prominent issue, and because there was a very vocal group of NGOs militating for the implementation of the Istanbul Convention, the issue of gender equality remained somewhat in the background’.²⁵ However, she did not feel that that these two topics were tackled differently or receive differentiated attention because of the institutional imbalance. Instead, she argued, it is because of their prominence, or ‘appeal (*comandă socială*)’. This speaks about the strategy of prioritizing certain topics, which civil society has been forced to do due to the lack of resources. This prioritization called for a distinction between gender violence, sexual violence, gender equality, equal pay, political representation, and other subtopics pertaining to gender policy. However, it also speaks about an organic process through which certain topics come to the fore due to their sheer urgency, while other remain in the background, because they are seen as less urgent, or of a different order than issues pertaining to life and death, bodily integrity, and injustice.

For instance, citing dire statistics indicating that Romanian women suffer overwhelmingly from gender violence, Andreea Bragă from Centrul Filia, member in the same VIF Network, asserted that this is first and foremost a matter of life and death. As such it emerges quite naturally as a matter of emergency and should be the main priority of civil society. The Network makes further efforts that the restraining order should be better institutionalized, that domestic violence be introduced in the Penal Code, and that procedures be set in place for local authorities to finance services for victims and aggressors. In fact, as Săsărman pointed out, this latter issue is enshrined in law, but ‘the procedure is not clearly defined, so local administrations have reservations about spending money on such services, because it’s not clear how it works’.²⁶ In the absence of any explicit opposition to gender equality, according to my interlocutors from women’s organisations, this topic has not made a lot of progress in Romania, due to poor regulation and institutional incompetence.

25 Interview conducted online, December 2017.

26 Interview conducted online, December 2017.

Despite multiple amendments, the legislation on domestic violence took multiple improvements before it became somewhat effective. Since this prominent policy domain is an illustrative case regarding the approach of state actors towards gender policy, it is important to emphasize the contrived mismanagement that the state operates in this field. As my interlocutors remarked, the state is keen on keeping the appearance of ‘ticking the boxes’, but in practice the laws are met with significant bureaucratic or practical stalls. The fact that political decision-makers are still concerned with ticking European boxes gives civil society a certain leverage to push for improvements in the legislation.

An overview of feminist civil society strategies to maintain gender equality on the agenda

When I asked explicitly about their strategies to keep gender equality on the public agenda and influence policies, my interviewees ignored the question or laughed it off. They are a small group of people, they replied, almost like a family, animated solely by personal convictions and by having fought together for many years, and in multiple ways, on the front of gender issues. Their strategizing cannot go beyond having to respond to what the government does or does not do, so their core strategy is simply to adapt permanently to the unpredictable structure of necessities and possibilities shaped by the state and by international institutions.

One crucial aspect in this process is funding, as for most NGOs it is impossible to access large funds, which require co-financing or advance payments. The state mostly funds service provision, but inconsistently and on unclear criteria, while money from private companies is difficult to access since these would rather associate themselves with more ‘positive’ causes than domestic violence, and anyway all of these require personal connections to access. Due to this severe lack of funding, in the past couple of years the number of people who remained active in organisations has decreased. In its turn, this lack of human, financial, and other resources has resulted in a strict prioritization of objectives. A positive side effect of this dire situation is then the fact that civil society concentrates its (few)

resources on what its active members see as priority topics, namely domestic and gender violence. This constant pressure that civil society exercised on a limited number of topics is a successful strategy, even if partly born out of necessity.

Another strategy, also shaped by necessity rather than design, is the resilience of civil society actors, their sheer perseverance to not give up in the face of institutional neglect, bad faith, or refusal, and to simply push for the policies that they thought necessary by a variety of means. This persistence that they put up seems to respond to the inconsistency of institutions. And, more broadly, this diversification of methods, ranging from institutional interventions such as open letters, consultations, working groups, and shadow reporting, to street protests, the latter often in coalition with other political allies, has also emerged as a reliable strategy. Retrospectively, my interlocutors appreciate that it is this very mixture of various methods, coupled with the focus on a few priority topics, that contributed to the success of certain topics, such as the ratification of the Istanbul Convention. It is also significant that the capacity for quick reactions was a corrective against neoconservative tendencies, for instance in the case of the Convention, which several clerics have recently criticised,²⁷ following the examples of Bulgaria and Slovakia, but alas their criticism came too late, after the Convention had been ratified.

Finally, civil society representatives stated they had a general low level of expectations from political decision-makers, and this shapes the way in which they address institutions, both in what regards their messages, which need to be precise, and their perseverance. Essentially, the success of their demands relies on the personal will and influence of political actors and every time the heads of institutions change, they need to start their dialogue anew. While this might seem like a waste of effort, it is also a way of accumulating effects, which add to the steadiness of a certain objective.

27 <https://b1.ro/stiri/eveniment/razboiul-bor-lgbt-continua-8-preoti-si-profesori-in-frunte-cu-constantin-neacula-denunta-teoriile-gender-adoptate-de-romania-prin-conventia-de-la-istanbul-acuzand-o-agresiune-la-versetele-creatiei-biblice-214556.html>. Last accessed May 7, 2019.

To conclude, the strategies and future expectations of civil society actors in Romania regarding gender policy are shaped not only by principles, but also by the limitations that they encounter. Apart from the absence of consistent funding and (hence) of personnel, the main one is the unpredictability and instability of political actors, their manifest disinterest in gender issues, and the overall lack of appeal of such topics among the population. Their way to counter these forms of institutional and social neglect has been to focus on a limited number of topics of utmost priority through a variety of means, in a sustained manner, as if to counter the inconsistency of policy-makers, and to move from political negotiations and institutional workgroups into the street and back.

Neoconservative revisionism²⁸

In parallel with these negotiations and confrontations between the state and civil society that shaped the policy process in the past decade, a growing conservative undercurrent has been accumulating in Romanian public life. Its presence has been fairly discreet, save for the yearly ‘pro-life’ marches in larger towns and for several incidents concerning LGBT events and sexual education classes in Bucharest. Its most visible manifestation was the ‘March for Life’ organised by an association of pan-religious organisations since 2010. It has been growing steadily under the patronage of the Orthodox Church, reaching tens of locations in Romania and the Republic of Moldova by 2018.²⁹ Beyond this event, and some extremist or ignorant statements occasionally made by politicians from across the political spectrum, Romanian neoconservatism was generally restricted to counter-

28 This section draws significantly on the talk delivered by Simion Pop at the Sociology Department of Babeş-Bolyai University in Cluj on 23 October 2018, titled ‘Brokerii Neamului: Mobilizări Religioase și Politice în România Referendumului pentru Familie’ [‘National Brokers: Religious and Political Mobilizations in the Romania of the Family Referendum’], and on the interview I conducted with him afterwards, for which I am grateful.

29 LE: 5,000 people participated in the march in Bucharest and 4,000 in Cluj, in spite of unfavourable weather: <http://evz.ro/marsul-viata-2018-romani.html>. Last accessed May 7, 2019.

manifestations during Gay Prides³⁰ and protests during film projections. This was the case in 2013 and 2018, when films tackling LGBT topics were projected at the Museum of the National Peasant in Bucharest and were met with protests by some members of the audience, mostly accusing the choice of location, rather than the films on the whole. Unlike in the other cases documented in this volume, the ratification of the Istanbul Convention in 2016 did not spark large protests; while mainstream politicians presented it as an achievement, it was only a few fringe orthodox and/or extreme-right websites that commented unfavourably.

Around 2012-2013, the organizers of the ‘March for Life’ became a coalition of tens of organisations – almost 80 in 2013, around 40 in 2018, most of them of decided religious orientation, both Orthodox and Evangelical. The coalition already mobilized for amending the Constitution in 2013,³¹ asking for a revision that defines the family explicitly as ‘the union between a man and a woman’ (article 48), and not ‘between spouses’, as the current wording goes. In 2016, this initiative returned, having raised 3 million signatures in support, in order to make the Parliament to organise a referendum on this topic. The Orthodox Church initially supported the initiative, but as the referendum drew closer, and the political dimension of the initiative more confrontational, the Church became rather ambivalent.³²

In what regards to official reactions to the initiative for the referendum, the president and the (technocrat) prime minister at the time both called for tolerance – the former more explicitly,³³ the latter in an ambiguous manner,

30 Gay Prides take place annually in Bucharest since 2004 and in Cluj since 2017, and they are often accompanied by more or less spontaneous incidents.

31 The social-democrat prime-minister at the time maintained that this change would ‘not look good’ in Europe, given the recent precedent of a similar change operated in the Hungarian Constitution. Moreover, the Constitutional Court ruled that the change was not constitutional.

32 This is most likely because of the historical relation between the Orthodox Church and the Romanian state: while the church and the state have traditionally been non-confrontational and non-competitive with one another, but rather mutually-reinforcing, on the occasion of the referendum the political ambitions of the Coalition for the Family became apparent, and the Church unofficially delimited itself from this type of political manoeuvring.

33 http://adevarul.ro/locale/constant/klaus-iohannis-declara-fanatismului-religios-societateatrebuie-revina-toleranta-acceptarea-celuilalt-bune-rele-1_58079ce85ab6550cb8b5bad1/index.html. Last accessed May 7, 2019.

expressing nonetheless his ‘respect for the idea of family’.³⁴ On the other hand, the leader of the social-democratic party declared his full support for the initiative, arguing that 3 million signatures cannot be disregarded³⁵, and expressed his guarantees for organising the referendum if his party got to power. The initiative emerged shortly before the legislative elections at the end of 2016, so the statement of the social-democrat leader can be read in an electoral tone. The Coalition for the Family signed protocols with the opposition parties that these would not oppose the initiative. They submitted the proposal to modify article 48 in the Constitution to the Senate in May 2016. A few months later the Constitutional Court gave its favourable notice. In May 2017, the Deputies’ Chamber voted favourably on the referendum proposal, and so did two out of four commissions in the Senate. In November 2017, the government also gave its favourable point of view.³⁶

International organisations, as well as MEPs urged the Romanian Parliament not to organize a referendum on this issue, noting that a favourable result would amount to a violation of the rights of same-sex couples.³⁷ Indeed, while currently there is no legal provisioning for same-sex couples in Romanian law, this amendment of the Constitution would make any form of civil union explicitly impossible. However, the leader of the social-democrat party and a few other politicians expressed reassurances that minorities’ rights would be protected and that a form of civil union would be legislated for them as well. This has yet to happen.

Long before the referendum was organized in October 2018, its idea kept haunting public debates, following various legal stages that the

34 <https://www.hotnews.ro/stiri-esential-21364737-dacian-ciolos-despre-casatoria-intre-persoanele-ancelasi-sex-pleddez-pentru-toleranta-respectarea-ideii-familie-traditionala.htm>. Last accessed May 7, 2019.

35 <https://www.digi24.ro/stiri/actualitate/social/liviu-dragnea-sunt-un-fanatic-religios-593443>. Last accessed May 7, 2019.

36 The legislative procedure can be followed here: https://www.senat.ro/legis/lista.aspx?nr_cls=L569&an_cls=2016. Last accessed May 7, 2019.

37 <https://www.euractiv.com/section/justice-home-affairs/news/meps-urge-romania-against-referendum-on-changing-definition-of-marriage/>. Last accessed May 7, 2019.

modification has undergone, and enabling politicians to accuse one another of disregarding the will of the people.³⁸ Until the summer of 2018, however, when the legislative took concrete measures to organise it, feminist NGOs mostly relegated this initiative to the sphere of the political, dismissing the notion that it might be an actual threat. However, in September 2018, the head of the Social-Democrats announced abruptly that the referendum would take place within a few weeks. While the initiative had begun in a relatively obscure, but robust group of religious NGOs, it was now being taken on by most political parties, both in government and in opposition, and special modifications were brought hastily to the referendum law, such as lowering the threshold for validation to a 30% voter turnout, and organising it over two days, instead of one.

And yet, seeing that the voter turnout was only 21%, and the initiative failed, civil society actors were probably right to assess that this was not a real threat, but merely a political game. Indeed, after the failed referendum politicians from across the spectrum, members of the Coalition for the Family, and Church representatives blamed one another for this failure. Clearly, politicians tried to use this seemingly popular topic to their own advantage. The social-democrats in particular attempted to associate themselves with the referendum, calculating that the high turnout that this topic was expected to warrant would implicitly revive the support for their party. When correlated with the low trust in the government, currently at its lowest since 2013,³⁹ this low turnout suggests that the referendum was rightly understood by all the stakeholders – voters, politicians, and civil actors – as a political occasion. The invalidation of the referendum does not mean that Romanians are more favourable to same-sex marriages than their peers elsewhere in Eastern Europe where such public consultations were successful. It just indicates that voters were likely put off by the outright political instrumentalization of the vote, in the context of rising discontent with the government.

38 <https://www.digi24.ro/stiri/actualitate/politica/tensiuni-in-coalitie-din-cauza-redefinirii-familiei-854424>. Last accessed May 7, 2019.

39 <http://www.contributors.ro/politica-doctrine/referendumul-pentru-familie-in-spirala-nemulțumirii-sociale/>. Last accessed May 7, 2019.

The referendum was the first attempt of the religious neoconservative movement in Romania to articulate itself politically. Its failure to do so is not a failure of its ideology, but owes significantly to the opportunism of other political actors who expected to ride the wave of the popular support that this topic would mobilize. And while the Coalition for the Family might accept defeat for a while, neoconservatism carries on under other guises. Its project, as already articulated by such ideologues as Viktor Orbán, is precisely to replace liberal politics: it opposes human rights-based civil society with a civil religion which is working hard to turn ‘traditional values’ into an operational concept in public policy. Its ultimate targets are not the family, civil partnerships, or abortion, but politics as a whole.

One month after the referendum, one of the most prominent voices of religious neoconservatism in Romania gave a conference under the title ‘Who represents Christians’. The notion that ‘Christians’ are a political group in need of customised representation is new in Romanian politics, but it can be successful given the recent past of nationalist and religious politics that ruled Romania in the 1990s. Unless secular politicians and civil society are able to dismiss this notion altogether, it might very well catch on. Neoconservatives’ aspiration to take part in politics is not reduced to their opposition to reproductive rights, sexual education, or civil rights for LGBTQI+. Indeed, these are epiphenomena of a much deeper and more radical aspiration to reset the political game altogether.

The fact that neoconservative trends start to emerge (or, more accurately, to re-emerge, as they already ruled much of the governing process in the 1990s, prior to Romania’s EU accession) and attempt to shape gender policy runs against the most basic expectations of women’s rights defenders. Indeed, all my interviewees concluded the discussion by expressing their hopes for education as a tool for future social change. Andreea Bragă talked about how the decision-makers’ unawareness of gender issues impacts on their approach to policy, and about a systemic inertia that perpetuates misconceptions and stereotypes and gets in the way of addressing them, such as the notion that gender issues are not a priority in Romanian society. Similarly, Andra Croitoru referred to reforming institutions from the inside, so as to change the mentalities of those who elaborate and implement gender

policy, as a means of effecting broader social change. Mihaela Săsărman, on the other hand, referred to the concerns of the public, and how the lack of alternative models shapes its responses towards issues like gender violence:

It is important if somewhere the local community has a reaction, even outside of civil society. As long as the community is inert, one or two NGOs cannot make an impact, when the topics we militate for do not reflect the real concerns of the public. We in NGOs might well consider that domestic violence violates all sorts of rights, but as long as the family in question would not recognize it, nothing can be done. We need local women to work with other women and to raise consciousness around these topics. And as long as there is no family model available other than the Christian family, it takes longer to change things. If you look at the numerous websites of the Orthodox Church, their advice for young people to be married enumerate arguments in support of the man's right to punish his wife. Where can we see a model of a family based on equality between partners?⁴⁰

This hope that education can eventually lead to structural changes in the way in which policies are elaborated and implemented is challenged by the rise of ever more prominent neoconservative approaches towards the gender policy process. Civil society is not facing these approaches for the first time; in fact, it has been shaped for a big part by confronting them throughout the 1990s and early 2000s. It remains to be seen whether its resilience can respond to the ideological backsliding engendered by this tendency, alongside the institutional backsliding that this chapter has documented.

Conclusions: Convolution rather than 'backsliding', and the resilience of women's activism

The Romanian case stands apart in the context of this volume, as the 'backsliding' narrative does not map accurately onto the convoluted

40 Interview conducted online, December 2017.

trajectory of gender policy in Romania. While gender policies have not encountered an explicit ideological opposition, and in fact such landmark progress as the ratification of the Istanbul Convention has been reached, the policy process has been highly contingent, and did not always translate into commensurate measures and results. The overview of the policy process that I have described in this chapter, as well as my interviews with activists from women's organisations and from state institutions alike all substantiate this verdict. To account for it, my analysis starts from before the moment of the economic crisis and the 'backsliding' measures that this triggered, showing that gender policies and institutions that were in place had only recently, and hesitantly, begun functioning. It was against this background of fragility that the institutional dismantling prompted by austerity measures further weakened the functioning of the gender policy process. This institutional stalling resulted in the strengthening of women's activism, as women's organisations took the streets in the context of country-wide anti-austerity protests, and organised into networks which both criticised the state, and took part in consultations with it. The most prominent area of women's activism was domestic violence, and due to the activists' resilience, it has rendered substantial institutional measures, ranging from the introduction of the restraining order in 2012, to its more effective regulation in 2018, following sustained protests and consultations.

Based on this overview, as reflected by the analysis of the policy process and by my interviews with members of feminist organisations and with a representative of ANES, I argued that the profile of gender policy backsliding in Romania owes mostly to institutional weakness and volatility or malpractice of implementation, rather than outright opposition. Women's organisations have reacted to this context with adaptability and resilience and used moments of crisis to revive their strategies and their priorities. Throughout the nine years of relative institutional disarray that the chapter surveyed, feminist organisations have resorted to various strategies, from confrontation and critique to cooperation, within the frame of reference provided by the international treaties that Romania has ratified (arguably, some of them under pressure from the EU). Moreover, they

have focused their resources primarily in one field: domestic violence, and on one policy measure: the restraining order. This capacity for resilience and the consensual clarity on what the priorities are will continue to be useful strategies for feminist civil society to continue addressing the current institutional disarray. It remains to be seen whether it can also help to tackle the backsliding process of an altogether different nature that is lurking behind the rise of Eurosceptic, religious neoconservatism that is slowly but surely starting to make its way towards the Romanian political mainstream.

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THE CHALLENGE TO GENDER DEMOCRACY

Conny Roggeband and Andrea Krizsán

The four country chapters describe the rather different processes of democratic backsliding in Croatia, Hungary, Poland and Romania. They make clear that even when there are overlaps between patterns and mechanisms of backsliding and their consequences for gender equality policies and women's rights activism in the four countries, variation is still considerable and consequential for gendered democracy and the gender equality policy regimes that the four countries currently exhibit.

A first conclusion is that across the four countries relatively limited direct dismantling or fundamental reframing of existent laws and policies on gender equality can be observed. The most blatant forms of dismantling and restructuring takes place in the fields of reproductive rights, family policies, particularly regarding definitions of family, sexual education and violence against women particularly in the context of the Istanbul Convention. Policy changes affect reproductive rights in Poland, Hungary and Croatia. In Poland, abortion and reproductive technologies are at the core of backsliding. In Hungary, the 2011 Constitution includes a provision for the protection of unborn life from conception but has so far not led to changes in practices around reproductive rights. In Croatia, we also see reversal in domestic violence policy, related to the new definition of the family. Changes in the Criminal Code and Family Law result in a more limited definition of the nature of violence and who counts as a family member. Policies on sexual education are dismantled in Croatia and

Hungary. Anti-discrimination policies, economic issues such as women in the labor market or in leadership, equal pay, and sexual harassment, which are all mainly regulated in alignment with EU norms, are left remarkably untouched by the wave of policy dismantling. Also, gender equality laws and policies are not removed or dismantled formally.

Yet, at the same time, we see more subtle policy changes taking place in all four countries through the reframing of policy priorities and the marginalization of gender equality as a priority. As Szczygielska's chapter on Poland shows, the newly elected conservative government quickly began to substitute gender equality goals with traditionalistic pro-family reforms. Protecting the traditional family model becomes a central policy goal in all four countries. In reaction to previous tendencies to recognize diverse family forms, the family is now (re)defined in traditional terms. This even led to changes in the constitutions of Croatia and Hungary. The emphasis on traditional families is also visible in other legal amendments that signal a move from making care public towards making care a private, principally family concern, and from women active on the labor market towards women as caretakers and reproducers of the nation. Yet, the coherence of policy measures pushing for a return to traditional roles for women is far from being consistent. Women's rights or constraints on them are instrumentalized towards nationalist and demographic objectives. This is particularly evident in Hungary as Krizsán and Sebestyén's chapter demonstrates.

While reversal of formal policies is sporadic, the other three dimensions of policy backsliding outlined in the introduction do a much better job at capturing gender policy backsliding. We see major changes in implementation, in inclusive policy making as well as in the political communication of governmental actors about gender equality objectives.

Implementation of gender equality policies is reversed or stalled in all four countries covered by the book. Institutions responsible for coordinating, executing or monitoring policies are dismantled or reduced, budgets allocated towards gender equality are cut, diminished or reoriented towards reframed objectives, mainly protection of traditional family values,

and demographic sustainability. Yet, we also see differences between the four countries. Gender equality institutions are resilient in Croatia, where they were most consolidated before the crisis. Polish and Hungarian institutions, having a history of volatility, are easily dismantled and reframed towards objectives that are contrary to gender equality norms. In these countries, gender equality strategies are immediately abandoned after the new right-wing governments come to power. In Croatia, where existing policy strategies remain active, no follow-up strategies are adopted, thus stalling important gender equality processes. Romania has a divergent pattern. The implementation of gender equality policies is radically dismantled in the framework of the economic crisis, but reinstalled after 2012, though with lower budgets and low efficiency.

The undermining and dismantling of implementation mechanisms turns gender policies into dead letters (Falkner, Treib and Holzleithner, 2008) and leads to policy dismantling by inaction.

In addition, *inclusion and accountability mechanisms* are also disrupted across the board. Processes of cooperation between states and women's rights groups are discontinued or obstructed. We find critical backsliding in the realm of policy inclusion, consultation and partnership compared to previous practices in all countries. This takes a variety of forms. The most direct challenge is the dismantling of formal consultation structures such as councils or committees established for sustainable communication between civil society groups and governments. Formal consultation mechanisms are particularly hit in Hungary and Poland. Disrupting accountability for gender equality issues is part of a more general tendency to sideline democratic processes through executive decision-making (Sitter et al., 2017). We see such practices happening in Romania in the context of the economic crisis, but also in Hungary.

Formal consultation processes are also curtailed by selective access to consultation based on government preferences. This leads to the exclusion of rights-based groups from consultation and their replacement by government-friendly groups. Women's rights groups are disempowered and limited in their functioning by cutting their funding, making it harder

to challenge these negative developments. Regular funding patterns are occasionally replaced by tendering in which rights groups can easily lose out to organizations working for lower prices, but often lacking specific expertise (Croatia). In Hungary and Poland we see very hostile processes, where important gender equality groups are not only excluded from consultation but are even persecuted through tax and financial audits and negative media campaigns launched by the government. Feminist groups are tagged as enemies of the state and foreign agents (Human Rights First, 2017). Compared to these patterns of radical sidelining of feminist actors in Hungary and Poland, the Croatian government uses a different strategy, by including anti-gender equality groups together with women's rights groups in consultation platforms. While consultation takes place, processes become much more difficult and often inefficient. In Romania, consultation remains rather ad-hoc, with no regular presence secured for women's rights groups. Their resilience and insistence to be included makes up for flows in the system. These measures and actions point to a tendency of state closure in times of backsliding. State closure to democratic consultation is not only problematic in itself but also has serious consequences for democratic control of gender policy content and for policy practice beyond mere symbolic existence of formal policies.

We see *discursive delegitimization of gender equality policies* to some extent in all four countries. This means that gender equality policy goals are delegitimized by hostile communication from governmental actors. Discursive opposition is particularly strong in Poland where, since the end of 2015, the populist right-wing government has used a strong anti-gender equality rhetoric in which 'gender ideology' features as a major threat to Polish society and Catholic family values. Statements that challenge gender equality are issued on a regular basis by government officials, often challenging norms ratified by the country. In Hungary, discursive delegitimation has become stronger over time, with statements challenging existent policies of the country or earlier ratified commitments. Gender equality is positioned as ideology and the government has launched an attack on what it sees as a main promotor of such ideology: gender studies.

The Romanian case deserves some separate attention. The initial patterns of backsliding in gender equality policies and institutions in the context of the economic crisis were softened in response to feminist resilience. Yet, Chiritoiu argues, we need to remember the inefficiency, corruption and marginality of existing policies and institutions and the limited extent of gender policies that existed all along in Romania. She questions the meaningfulness of talking about backsliding when little systematic progress was made in the first place. The argument reminds the reader of the importance of considering earlier paths of development whenever one discusses backsliding. In this sense, as Chiritoiu claims, while letter of laws and policies on gender equality might have been reasonable in Romania, implementation arrangements and inclusive policy making were always troubled, and the negative state captured may not be much worse than whatever was in place before the crisis.

These mechanisms of dismantling implementation tools and reshuffling of inclusive policy processes, which provided some standing for women's groups and secured accountability, impact the performance and effectiveness of all gender equality policies. Backsliding in gender policy along these two dimensions highlights the specific vulnerability and weakness of gender equality policy achievements in countries of the Central and Eastern European region. It reminds us that these were problematic aspects of gender policy in the region already before backsliding started (OSI Equal Opportunity Reports, 2005; Falkner, Treib and Holtzleithner, 2009), as Chiritoiu's argument pinpoints. In the region more than anywhere else in Europe we see extremely fragile and volatile equality architectures (Krizsán, Skjeie and Squires, 2012), which were mainly created under international influence and which were always vulnerable to change and reframing with government changes. This fragility together with the weakening appeal of international norms and strengthening anti-genderist forces expose these countries to the danger of backsliding at an extreme level. The question is whether women's movements have the mobilization capacity to protest and block some of these tendencies as they did in countries like Spain (Lombardo and Alonso, 2018), or United States (Chenoweth and Berry, 2018) or not.

How do women's rights activists respond to these patterns?

The second main focus of the chapters is on how women's rights activists respond to the attacks and backsliding of gender policies. After a decade of slow progress in gender equality norms and some limited recognition of these norms by governments, gender equality has come under direct attack in all of these countries. Women's rights advocates are now labelled by some as advocating for unacceptable aims. Gender equality as a policy goal is under attack to some degree in all four countries, however we see strong variations in the ways governments deal with the defenders and promoters of gender equality rights. In Hungary and Poland, governments use particularly aggressive strategies to curtail or obstruct women's rights activism, which is not the case in Croatia and Romania. Also, the capacities of women's organizations to respond to shifting relations with the state diverge. This can be related to previous legacies of activism and state-movements engagements. We first discuss some of the insights of the chapters provide about how governments in the region deal with women's movements, before we explore the responses of women's rights activists to hostilities and decreasing civic space.

Different strategies to limit the space of women's rights activism

In Hungary and Poland, efforts to limit the space of women's rights activism are strongest. In both countries we see strategies to defund women's rights organizations and redirect public funds to alternative, government-friendly women's organizations. Women's rights groups in Hungary witness an unprecedented absence of funding under the FIDESZ government, including the blocking of funding by non-state donors such as the Norwegian Civil Grants (TASZ, 2016). In the meantime, funding is increasingly directed towards conservative women's groups and neo-conservative family protection groups. In 2013, an alternative coalition (Association of Hungarian Women) was launched to challenge the position of the Hungarian Women's Lobby within the European Women's Lobby, and to delegate an alternative representative to the European Institute for Gender Equality. Similarly, in Poland, government officials like the Plenipotentiary

for Civil Society and Equal Treatment promote the development of a cadre of “conservative” NGOs that can focus on topics such as women’s and family issues, discrimination, and refugees/migration from a traditional perspective. To this end, the government created a competing organization, the Confederation of Non-Governmental Initiatives of Poland, that will presumably become the coordinating body of the new community of government-organized NGOs (Human Rights First, 2017:16).

In addition, we see repressive actions against women’s rights groups using regulatory tools, such as excessive auditing and surveillance to more violent and repressive strategies such as police searches, raiding of offices, holding computers or even arrests of activists. They limit activism both by means of threat but also by demanding unnecessary and mostly unavailable resources for handling excessive auditing. Between 2013 and 2015 aggressive auditing and raids took place in Hungary against several rights NGOs (women’s rights, LGBT, civil rights) funded by the Norwegian Civil Fund. Auditing procedures ended without any findings of irregularity (TASZ, 2016). In a similar vein, the Polish government began a financial review of targeted “liberal” NGOs in 2017, requiring many to produce documents in an audit-like procedure for the first time. It ordered several organizations to return grant money, while withholding funding from others (Human Rights First, 2017:5). Police raided the offices of the main women’s rights organizations in several Polish cities in October 2017, one day after women’s organizations had staged anti-government marches to protest the country’s restrictive abortion law, which suggests that these serve as a tool of intimidation.¹

In Croatia and Romania, we see different patterns of state-movement relations. In Croatia, the women’s movement’s insider status has been more limited since 2011, when actors and rhetoric opposed to gender equality strengthened and governmental allies disappeared. Previously successful patterns of cooperation between women’s rights groups and the state have

1 “Police raid offices of women’s groups in Poland after protests” *The Guardian*. October 5, 2017. Available at <https://www.theguardian.com/world/2017/oct/05/police-raid-offices-of-womens-groups-in-poland>. Last accessed: May 13, 2019.

faltered. Consultation platforms are maintained, but neo-conservative groups without any experience in gender equality topics such as domestic violence are now invited to participate besides women's rights groups. Consultation thus turns to be very conflictual, inefficient, and blocks policy making rather than feeding in constructive input.

In Romania, following the economic crisis, the resilience of women's rights groups and their success to amend policies and reinstate gender equality and violence against women institutional structures brought women's rights groups back into the policy process. Their status is far from formalized, consultations rarely include them by default, but their resilience still results in ultimately having a say, at least in the issues that they find central to the women's rights agenda (namely violence against women).

Womens's movement responses

Empirically, we see divergent patterns of feminist resistance to policy backsliding and state hostility emerge in the four countries, and various ways of feminist coping with the changing context of de-democratization and closure. We identify three strategies: reinvigorated activism, new patterns of coalition building, and abeyance and demise (Krizsán and Roggeband, 2018b).

Reinvigorated activism and disruptive forms of protest are visible in Croatia, Poland and Romania, where women's movement show themselves to be particularly resilient in the face of threat. The Polish women's movement has been able to stage massive protest against the government's proposal for even more restrictive abortion regulations in October 2016 (Davis, 2016), which ultimately led to the withdrawal of the proposal. Also, Polish feminists successfully connected feminist issues to wider democracy and human rights concerns and mobilizations. The Romanian women's movement experienced a revival and diversification around the time of the economic crisis (Popa, 2015). New actors – including young feminists, professional women, as well as minority women's groups, in particular Roma women's advocates – entered the field of women's rights activism. This sparked new debates that engaged more radically with feminism and

introduced more disruptive forms of activism. Croatian feminists entered the times of hostility to gender equality with a lot of fragmentation and internal tensions to the movement. Yet, as Sutlović chapter shows, the increasingly sophisticated mobilization and attacks on gender equality pull feminist forces back together again to some extent. Generational discrepancies exist and are manifested in their responses to attacks, yet the recognition of the need for unified responses helps overcome fragmentation. Feminists developed strong and potentially successful strategies and mobilization tactics in response to the tactics of their neo-conservative challenger, which becomes visible in the process of ratification of the Istanbul Convention.

In Hungary we see some reinvigoration of activism during the early years of the hostile regime (2012) but the following years brought no feminist framed mobilizations. Impressive grassroots initiatives mobilizing for issues related to women's rights (reproductive rights, care or healthcare) are not framed in feminist ways, and the feminist movement doesn't associate with them.

A second strategy is the development of new patterns of coalition building with other civil society actors. In the contexts of de-democratization, gender equality has come under attack together with other democratic values, human rights and rights of other vulnerable groups. These common external threats may forge new coalitions (Van Dyke and McCammon, 2010) and contribute to overcoming divisions (Borland, 2010). Women's movements in CEE countries were rarely part of democratization movements and good working relations with other rights groups are the exception rather than the rule (Krizsán and Roggeband, 2018a). In Hungary, links between the women's movement and wider democratization processes and protests were very weak throughout the last decades and remained incidental even in the context of anti-democratic threats from the government. The women's movement remained largely disconnected from wider human rights and democratization protests; they were neither invited to join nor were interested in joining these platforms, and women's rights claims were rarely backed by these groups.

Romanian mobilizations in 2012, and Polish protests in 2016, show the importance of connecting women's rights-related protests to wider pro-democracy political protests in order to prevent the erosion and reversal of existing gender equality achievements during this continuing wave of de-democratization in the region. In Poland the protest against restricting abortion extended well beyond feminist constituencies, thus integrating feminist claims into a wider pro-democracy agenda. In Romania, a coalition with diverse rights groups and integrating women's rights in the wider pro-democracy and anti-corruption protests strengthened feminist claims and facilitated policy success in blocking further backsliding and adopting new progressive legislation on domestic violence (Krizsán and Roggeband, 2018a). In Croatia, the education reform protests including gender elements included women's groups along with all major pro-democracy actors and resulted in overthrowing the populist government in 2016. Thus, the politicization of women's rights as an integral part of democratic achievements to be defended – and not just by women's rights groups – emerges as a successful strategy in the Croatian, Romanian and the Polish cases.

Finally, we observe a decline and even demise of women's movements, which needs to be analyzed more systematically. In 2016, the state of the previously weak and underfunded Hungarian women's movement organizations can be characterized as abeyance. Hungary enters the hostile times in 2010 with Budapest NGO based limited grassroots capacity women's movement. Though their activities were relatively diversified they were rarely able to mobilize large protests and could not establish long-term alliances with state actors. The state has never provided meaningful financial support for women's groups, neither at the national nor municipal level, and foreign funding has also been weak (Krizsán and Roggeband, 2018a). The right-wing populist FIDESZ government blocked communication almost entirely, cut state funding, and restrained foreign funding. This ultimately forced most women's NGOs out of business by 2016 and limited resistance to a few isolated activists, academics and MPs. Generational diversification and an increase of alternative non-NGO format initiatives can be seen, but their potential is far from clear at this point.

The implications of backsliding for gendered democracy

The various identified patterns of backsliding in gender equality policies that we see in Croatia, Hungary, Poland and Romania, against the more or less prevailing resistance of women's groups have several negative implications for the democratic functioning of these states. Rule of law is threatened by the dismantling of implementation arrangements and turning existing laws and policies into dead letters. But it is also threatened by consistent discursive attacks of government officials on gender equality objectives that are often embodied in laws and policies of the country or in international norms ratified by the country. Both legitimacy and effectiveness of existing laws is challenged this way. Destabilizing constitutional arrangements is another way to challenge the rule of law. As Bermeo (2016) notes, in current backsliding regimes, the disassembling of institutions that might challenge the executive is often done through legal channels, using newly elected constitutional assemblies or referenda. In the countries that we examined, governments either seek to alter existing constitutional arrangements or threaten to disrupt constitutional politics. Majoritarian referenda (Croatia, Romania) or parliamentary supermajorities (Hungary, Poland) are used to curtail gender equality and sexuality rights. The amendment of constitutions, which took place in both Croatia and Hungary (and was attempted in Romania) can be seen as symbolic acts, that not necessarily translate to policy practice. Yet, they function as threats to right holders, and also as signals about weakness and volatility of fundamental institutions and laws in these polities, disguised as pseudo-democratic operations.

Democratic accountability is particularly difficult in the case of gender policies given the underrepresentation of women in politics and public administrations. Inclusive policy processes as well as gender equality policy agencies can be seen to make up for the missing voice. The de-democratizing regimes challenged both of those channels of voice and accountability. Gender equality agencies are dismantled, reframed or marginalized in all four cases. Even in the Croatian case where the agency remains remarkably stable, it is seen by women's groups as becoming weaker compared to its earlier role and importance. Inclusion of women's rights

organizations is challenged in a variety of ways. On the one hand, formal consultation platforms are closed or made inclusive of groups with no relevant expertise thus blocking meaningful consultation. Informal ad-hoc consultation processes now favor civil society organizations that represent views that resonate with government ideologies and that oppose women's rights and gender equality. But most importantly, the functioning of civil society organizations representing gender equality interests is undermined by cutting their funding, sidelining their role in policy making processes, discrediting their status, and subjecting them to excessive monitoring. Along with the dismantling of women's policy agencies and the decreasing political representation of women (in Croatia and Hungary) a fundamental element of gender democracy is undermined: that of participation and inclusion of gender equality interests.

Women's rights groups vary in their capacity to resist these challenges to gender democracy in all four countries. While these challenges to some extent have existed ever since the transition to democracy started in these countries, they are now becoming stronger and more boldly articulated. And the long-known gender-neutral rights language of the democratic transitions, and together with the strategy of transactional activism (Tarrow and Petrova, 2007) may not be sufficient to defend it.

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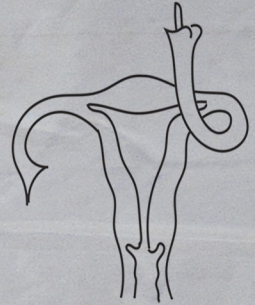
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Gendering Democratic Backsliding in Central and Eastern Europe.

A comparative agenda.



Two decades after transition to democracy, countries in the Central Eastern European region are now experiencing democratic backsliding. De-democratization processes not only challenge democratic institutions but can also be seen as a form of cultural backlash against social and political changes that took place during the last decades. Gender and sexual orientation based equality is particularly hit: the cultural backlash translates to gendered processes of de-democratization. Attacks on gender equality and against actors standing for it are particularly widespread in countries of the Central and Eastern European region. This book aims to map gendered aspects of the decline in democracy in four countries in the Central and Eastern European region: Croatia, Hungary, Poland and Romania. We have a dual focus. First, we look at how processes of de-democratization affect previously established gender equality rights and what forms gender policy backsliding takes in the region. We are interested in learning how governments operate to block or reverse gender equality policies and what specific policy fields or issues are most under attack. Are policies actively removed or do we see more subtle dismantling strategies? Also, we ask if these dynamics and mechanisms are country specific or whether we can find similar patterns across countries? Second, we look at how these developments affect defenders and promoters of gender rights. How do women movements respond to these attacks? Do they change strategies? Do they falter in hostile conditions or we see resistance, maturing, diversifying coalition capacities? What do the anti-gender attacks and hostile states mean for movement capacities and strategies? Introduction provides a conceptual framework for the analysis. Separate chapters discuss gendered dynamics of de-democratization in the four countries.

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