

DISCUSSION PAPER

DEMOCRATIC BACKSLIDING AND THE BACKLASH AGAINST WOMEN'S RIGHTS: Understanding the current challenges for feminist politics



No. 35, June 2020

CONNOR ROGGE BAND AND ANDREA KRIZSÁN

**BACKGROUND PAPER PREPARED FOR THE EXPERT GROUP MEETING ON THE 25TH
ANNIVERSARY OF THE BEIJING PLATFORM FOR ACTION, TO INFORM THE 64TH SESSION OF THE
COMMISSION ON THE STATUS OF WOMEN**

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TABLE OF CONTENTS

SUMMARY

1. INTRODUCTION 1

2. BACKLASH AGAINST WOMEN'S RIGHTS: ACTORS AND STRATEGIES 4

3. FRAGILE DEMOCRACIES AND THE RISE OF ANTI-DEMOCRATIC AND ANTI-GENDER GOVERNMENTS 8

4. IMPLICATIONS OF BACKLASH ON STATE- MOVEMENT RELATIONS: A TRIADIC APPROACH 11

4.1 Top down: State responses to movements 14

4.2 Bottom up: Women's movements' responses to reconfigurations 19

4.3 Interactions between women's movements and movements opposing gender equality 25

5. IMPLICATIONS OF BACKLASH FOR WOMEN'S RIGHTS AND GENDER EQUALITY POLICIES 28

5.1 Discursive delegitimization of gender equality policies 29

5.2 Policy dismantling and reframing 30

5.3 Undermining of implementation arrangements 32

5.4 Erosion of inclusion and accountability mechanisms 32

5.5 Dismantling patterns and strategies 33

6. CONCLUSIONS 36

BIBLIOGRAPHY 40

SUMMARY

Trends of de-democratization across Europe and the Americas have emerged along with opposition to gender equality and threats to previous gender equality policy achievements. Yet, de-democratization is rarely analysed through the lens of gender equality and, so far, efforts to systematically examine the implications for inclusive democracy and the representation of gender interests are fragmented. Backsliding on gender policies and on state commitments to gender equality, and new forms of feminist engagement with hostile governments and audiences, also raise new

challenges to the literature on gender and politics. In this paper, we propose a conceptual framework to discuss these two interrelated realms: backsliding on gender equality policies and the emerging political space for feminist responses to this backsliding. We illustrate our framework with empirical observations from three Central and Eastern European countries: Croatia, Hungary and Poland. We aim to contribute to an understanding of the gendered aspects of de-democratization and the functioning of illiberal democracies.

RÉSUMÉ

Les tendances à la « dé-démocratisation » (le recul de la démocratisation) à l'oeuvre en Europe et dans les Amériques ont convergé avec la montée de l'opposition à l'égalité des sexes et des tentatives de sabotage des victoires enregistrées par les politiques en faveur de l'égalité des sexes. Pourtant, la « dé-démocratisation » est rarement analysée à travers le prisme de l'égalité des sexes et, à ce jour, les efforts déployés pour examiner de manière systématique ses répercussions sur la démocratie inclusive et la représentation des intérêts genrés sont fragmentaires. Le recul des politiques en faveur de l'égalité des sexes et des engagements contractés par les États pour garantir l'égalité des sexes et les nouvelles formes d'engagement féministe face à

des gouvernements et des audiences hostiles font également apparaître de nouveaux défis pour la littérature sur le genre et la politique. Dans ce document, nous proposons d'élaborer un cadre conceptuel permettant de débattre de ces deux volets interdépendants : le recul des politiques en faveur de l'égalité des sexes et l'émergence d'un espace politique pour apporter des réponses féministes face à ces reculs. Nous illustrons notre cadre avec des observations empiriques provenant de trois pays d'Europe centrale et d'Europe de l'Est : la Croatie, la Hongrie et la Pologne. Nous voulons contribuer à améliorer la compréhension des aspects genrés de la « dé-démocratisation » et du fonctionnement des démocraties non libérales.

RESUMEN

A lo largo y ancho de Europa y las Américas, han surgido tendencias de desdemocratización junto con una oposición a la igualdad de género y amenazas a los logros en materia de políticas de igualdad de género. Sin embargo, la desdemocratización pocas veces ha sido sometida a un análisis desde una perspectiva de igualdad de género y, hasta ahora, los esfuerzos para examinar sistemáticamente las implicaciones para la democracia y la representación inclusivas de los intereses de género se dan de forma fragmentada. Tanto el declive de las políticas de género y de los compromisos de los Estados con la igualdad de género como las nuevas formas de compromiso feminista frente a

gobiernos y públicos hostiles también plantean nuevos desafíos para la literatura sobre género y política. En este trabajo, proponemos un marco conceptual para discutir estas dos esferas interrelacionadas: el declive de las políticas de igualdad de género y el espacio político emergente para las respuestas feministas a dicho declive. Ilustramos este marco con observaciones empíricas realizadas en tres países de Europa central y oriental, a saber: Croacia, Hungría y Polonia. Con ello aspiramos a contribuir a una comprensión de los aspectos de género del proceso de desdemocratización y el funcionamiento de las democracias conservadoras.

1.

INTRODUCTION¹

The adoption of the Beijing Platform for Action at the 1995 Fourth World Conference on Women was widely celebrated by feminists for its progressive global commitments. Yet, the hard-won gains on women's rights are currently under attack in fields as diverse as political participation, the labour market, care work and violence against women. Trends of backsliding and de-democratization have emerged across Europe and the Americas, starting mainly around the time of the economic and financial crisis. We see articulated opposition to gender equality and threats to previous gender equality policy gains. Women's rights are particularly vulnerable in fragile and nascent democracies where such rights have been more recently established and where the space for civil society actors to defend them is limited and even shrinking². While significant attention has been devoted to democratic backsliding³, there is a striking lack of research into its gendered aspects and implications.

In this paper we propose a conceptual framework to analyse and reveal the consequences of these processes for inclusive democracy. The quality of democracy can be assessed by the degree of its inclusiveness and representativeness of societal interests, including its responsiveness to women's interests.⁴ We ask: What does backsliding mean for gender equality policies and what are its implications for women's rights? How do feminists respond to and resist backsliding in the newly hostile political environment?

We define backsliding in the field of gender equality policies with reference to the substantive normative content of gender equality as a benchmark. But we see the meaning of gender equality as differing depending on the political, social and cultural context.⁵ To use a substantive but contextualized approach, we define backsliding as States going back on previous commitments to gender equality norms as defined in their respective political contexts.

To develop our conceptual framework, we use empirical illustrations gathered in previous and ongoing comparative research on the Central and Eastern European (CEE) region,⁶ which has been in the forefront of backsliding in gender equality policies in recent years.⁷ In a number of CEE countries, populist governments with hostile views on gender equality have taken office since 2010. As a result, official political discourses changed from positions that were either largely supportive of or silent on gender equality to openly challenging formally adopted and accepted policies.⁸ We examine the gender equality implications of these changes in three countries noted in recent studies as facing strong opposition to gender equality from both civil society and government actors: Croatia, Hungary and Poland.⁹

The Law and Justice (*Prawo i Sprawiedliwosc*, PiS) Government in Poland, elected in 2015, launched a series

1 This report is part of an ongoing research project on de-democratization processes and the backlash against gender equality policies and activism. Parts of it have been previously published (Krizsán and Roggeband 2018b and Roggeband and Krizsán 2018) and presented at different conferences. We thank Agostina Allori for her research assistance in writing this report.

2 Carothers and Brechenmacher 2014; Rutzen 2015; Baker et al. 2017.

3 Greskovits 2015; Bermeo 2016.

4 McBride and Mazur 2010.

5 Lombardo et al. 2009.

6 Data for our analysis come partly from our previous comparative project focusing on the development of policies on violence against women in these countries (Krizsán and Roggeband 2018a). These data are complemented with desk and media research and interviews with feminist activists and femocrats conducted in the three countries. We would like to thank Marianna Szczygielska, Leda Sutlovic and Andrea Sebestyén for their valuable inputs to the data collection process.

7 Krizsán and Roggeband 2018a, b; Roggeband and Krizsán 2018; Kikas 2016; Szelewa 2016.

8 Krizsán and Roggeband 2018a, b.

9 Krizsán and Roggeband 2018b; Felix 2015; Zbyszewska 2017; Kikas 2013; Kajinic 2015.

of targeted attacks on reproductive and sexual rights. In close alliance with the Roman Catholic Church, the state opposes feminists, lesbian, gay, bisexual and transgender (LGBT) groups and 'Western' liberal values. In Hungary, women's organizations are discredited as 'foreign agents' threatening national identity, and the Council of Europe Convention on Violence against Women and Domestic Violence (Istanbul Convention) is interpreted as an attack on the ideal of marriage and the traditional heterosexual family. In Croatia, men's rights, family protection and anti-gender ideology groups have become the reference for gender equality issues. Removal of gender equality instruments and funding for women's groups is a recurring threat from government actors. Hungary and Poland, and to a lesser extent Croatia, are also countries whose governments are challenging fundamental democratic principles and European Union (EU) norms. The countries have divergent records in establishing gender equality regimes. Croatia can be considered a pioneer in the region for adopting and implementing laws and policies related to gender equality. Poland, instead, was a weak performer until 2008. However, it made important progress in establishing a comprehensive policy regime between 2009 and 2015. Hungary has been a notorious laggard in adopting and institutionalizing gender equality norms beyond formal EU requirements.¹⁰

Our study is not a systematic three country comparative analysis but uses these particular countries as cases to highlight political mechanisms that are in place in the context of de-democratization and attacks on gender equality. On the one hand, they all demonstrate some backsliding, while on the other hand they all also show varying degrees of resilience in the face of attacks. We do not follow and compare the three country cases consistently; rather, we present illustrative examples taken from their contexts in boxes throughout the paper.

What is specific for countries of the CEE region? They were part of broader wave of democratization in the 1970s and 1980s, often referred to as "third wave democracies",¹¹ and thus can be considered recent

democracies. They share a state socialist past and the experience of a decade-long transition to democracy and a market economy and towards democratic gender equality regimes. The years between 1989 and 2008 can be characterized as a period of relatively steady progress in gender equality policies in the region, even if the quality of adopted gender policies and institutions varied across countries¹² and the quality of their implementation also diverged.¹³ The progressive trend was disrupted when the economic crisis hit in 2008 and many countries started to show signs of backsliding.¹⁴ The economic crisis along with the disappearance of the EU accession incentive also led to changes in political regimes. Populist parties or parties hostile to gender equality started to govern in Hungary (2010), Croatia (2011) and Poland (2015). Whether some of these countries were facade democracies all along, which were responding to the constraints of the EU and global human rights actors, remains a debated question.¹⁵

The patterns we witness and discuss may not be typical only for these countries and the CEE region but may well be expanded to other contexts witnessing democratic backsliding. Recent studies indicate that this phenomenon is affecting many parts of the world, not only recent democracies. Currently, almost one third of the world's population lives in countries undergoing democratic reversals, particularly in those regions with the highest levels of democratization: Western Europe and North America, Latin America and Eastern Europe and Central Asia.¹⁶ This requires a deeper exploration of the mechanisms of gender equality policy backsliding and responses to it in other parts of the world.

Structure of the paper

In section 3, the paper maps the recent strengthening of the transnational arena of anti-gender equality actors and illustrates manifestations of the offensive against gender equality with examples taken

¹⁰ Krizsán and Roggeband 2018a.

¹¹ Huntington 1991.

¹² Krizsán et al. 2010.

¹³ Falkner et al. 2008; Open Society Institute 2005; Sedelmeier 2009; Spehar 2011.

¹⁴ Sitter et al. 2017.

¹⁵ Ibid.

¹⁶ Lührmann et al. 2019.

from various national contexts. The section looks at actors, networks and framing. Section 4 moves on to discuss two fundamental contextual elements for understanding the current backlash against gender equality: the coming to power of anti-democratic and illiberal governments, especially in the context of fragile democracies; and the consequent curtailing of democratic rights including the closure of civic space.

Our fifth section looks at how the relationship between women's movement actors and the state changes in the context of hostility to gender equality and women's rights, taking into consideration both hostile governments and hostile publics and civil society. We ask how the access, voice and political standing of women's rights advocates change in the context of hostility. We look at the implications of anti-genderism on women's rights advocates, the main drivers of gender equality policies.¹⁷ We ask how the capacities and strategies of women's movements change, adapt or decay in the context of state and public hostility. We argue that, in the context of

de-democratization and attacks on gender equality, we need to move from a bilateral understanding of relationships between state and women's movement actors to one that takes into account the role of anti-gender equality actors in shaping this relationship.

Section 6 analyses the implications of attacks on gender equality and women's rights on gender equality policies. Here we assess whether and how discursive attacks on gender equality translate to policy dismantling. We explore the conditions of decline and reversal of gender equality policies and their impact on the political representation of women. We argue that in order to understand the nature of gender policy backsliding, it is not sufficient to look at changes in laws and policies adopted; we also have to look at changes in implementation patterns, in accountability mechanisms of the state vis-à-vis women's rights advocates, as well as the discourses used by governments to delegitimize previously accepted gender equality objectives. A final section offers some concluding comments.

17 McBride and Mazur 2010; Htun and Weldon 2012, 2018; Beckwith 2013.

2.

BACKLASH AGAINST WOMEN'S RIGHTS: ACTORS AND STRATEGIES

While gender equality has always been contested, opposition to gender equality and to women's rights activism has become more vocal, global and better organized in recent years. A variety of actors has emerged and strengthened, including religious groups and conservative actors, right-wing populist and nationalist groups, men's rights groups and anti-gender ideology movements.¹⁸ Some of these groups are long-established actors and others, such as the anti-gender ideology movements, are newly emerging.

Oppositional actors started to organize and network transnationally in the mid-1990s when significant progress in women's rights was made at the international level.¹⁹ At the 1995 Beijing conference, religious and conservative governments and non-state actors made some small but significant inroads, including blocking the inclusion of sexuality rights in outcome documents.²⁰ This created the impetus for conservative actors to seek further collaboration within the framework of the UN conferences. An alliance emerged between a wide range of conservative groups—such as fundamentalist religious groups, both Christian and Islamic, and States with governments that share a particular conservative and traditional perspective on gender issues—seeking to contest, undermine and prevent further progress of women's rights internationally.²¹ This coalition operates and mobilizes at both the transnational and national level in favour of traditional family values and roles for women and men and thus counteract gender equality progress. Over the last decade, oppositional forces have become stronger

and better organized.²² The successful transnational counter mobilization of conservative and religious non-state and state actors potentially threatens existing international agreements and commitments and may undermine the work of international organizations and treaty monitoring bodies (see Box 1).²³

A leading actor in this transnational opposition is the Vatican. During the preparations for the 1994 Cairo International Conference on Population and Development (ICPD), the Vatican sought support from Iran and Libya to oppose language on women's rights and reproductive rights in the document.²⁴ Often in tandem with the Vatican, the Organization of Islamic Cooperation (OIC), an international organization with 57 member States, has acted as a powerful player opposing gender equality.²⁵ Another source of opposition is conservative pro-family non-governmental organizations (NGOs), which initially were principally US- and Canada-based organizations with a focus on either national-cultural tradition (e.g., the Heritage Foundation) or religious and family values (e.g., the

18 Bob 2012; Kováts and Poim 2015; Kováts 2017; Kuhar 2015; Kuhar and Paternotte 2017; Korolczuk and Graff 2018; Roggeband 2018; Verloo 2018.

19 Buss and Herman 2003; Chappell 2006.

20 Chappell 2006.

21 Buss and Herman 2003; Chappell 2006; Bob 2012; Sanders 2018; Roggeband 2019.

22 Bob 2012; Halperin-Kaddari and Freeman 2016; Sanders 2018.

23 Alston 2017.

24 Buss and Herman 2003; Chappell 2006.

25 Zwingel 2016.

BOX 1:**Mobilizing against the Istanbul Convention**

The Council of Europe Convention on Violence against Women and Domestic Violence (the Istanbul Convention) has become one of the central sites of contestation over gender equality across Europe, at the national as well as the transnational level. Opened for signature in May 2011, the Convention is to date the most comprehensive international policy instrument addressing violence against women. Various actors started to mobilize to prevent its ratification in their countries. These include various ultra conservative organizations, men's rights groups, churches (most prominently the Catholic and the Orthodox Churches) and related organizations, family protection groups advocating for traditional family models and also new grassroots initiatives (Korolczuk and Graff 2018). The main points of attacks appear to concern the attempt to introduce what opponents label 'gender ideology'. They engage with article 3 of the Convention, which defines gender as "socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men", and articles 12-16, which prescribe the requirement for States to "promote changes in the social and cultural patterns of behaviour of women and men" by means of education and other methods. The concept of gender used in the Convention, in their view, goes against differences between biological sexes and traditional understandings of the family and the roles of women and men in society. Over the past five years, opposition has skyrocketed. Resistance is particularly strong across the CEE region, and attempts to block ratification have been successful in several countries (Bulgaria, Hungary, Latvia and Slovakia).

Catholic Family and Human Rights Institute and conservative evangelical organizations such as the World Family Policy Center, the Howard Center and the Family Research Center)²⁶ or on promoting an 'alternative female voice' to counter the perceived dominance of 'radical feminists' (e.g., Concerned Women for America and REAL Women of Canada).²⁷

These conservative North American NGOs have forged coalitions with NGOs in Islamic, Catholic and post-Soviet States. For instance, the World Congress of Families—a loose coalition of pro-family and pro-marriage Christian organizations from around the globe—was launched in Moscow in 1995 by North American and Russian sociologists. It organizes bi-annual world conferences. In 2016, it formalized its structure and now operates under the name of the International Organization for the Family, which is headquartered in the United States and links organizations from North America, Latin America and post-Soviet countries. World Congresses have been held in Georgia (2016), Hungary (2017), Moldova (2018)

and Italy (2019). The conservative Spanish organization HazteOir, founded in 2001, launched the international platform Citizengo in 2013 that has local branches in Europe, Latin America and Russian Federation. The platform coordinates large-scale e-petitions to influence national politics in relation to reproductive and sexual issues. In 2015, Belarus, Egypt and Qatar established the Group of Friends of the Family (GoFF). Many of these NGOs have consultative status with the United Nations Economic and Social Council.²⁸

At the national level, anti-gender movements started to mobilize in the mid-2000s.²⁹ There is no easily identifiable turning point when anti-gender equality networks consolidated. In some countries, an anti-gender rhetoric inspired by the Catholic Church was always present to some extent as, for example in Poland.³⁰ In other countries, an incoming right-wing illiberal government and the opportunity provided by transnational mobilization against the Istanbul Convention and sexuality rights facilitated the upsurge, such as in Hungary (see Box 2).³¹

26 Bob 2012; Sanders 2018.

27 Blakely 2010.

28 Roggeband 2019.

29 Paternotte and Kuhar 2018.

30 Gruziel 2015.

31 Felix 2015.

BOX 2:

The role of anti-gender actors

In **Poland**, the Roman Catholic Church has been a particularly powerful actor since the collapse of communism, with a strong institutional position allowing it direct access to the state and a claim of moral authority on sexual and reproductive issues (Gruziel 2015). Yet, direct attacks on gender equality started to strengthen remarkably during the pro-Europe Civic Platform Government between 2007 and 2015 (Gaweda 2017). Opposition gained further strength after 2015 when the PiS Government made anti-genderism a fundamental part of their governmental ideology, and Prime Minister Beata Szydło started promoting the slogan “Good change” in line with a “compassionate conservatism” (Szczygielska 2019: 1). While anti-gender organizations are partly reliant on Church infrastructure, they are well networked and also include groups such as the *Ordo Iuris* Institute for Legal Culture (established in 2013), which acts as a main legal expert group for the Government in developing its policy proposals. In recent years, the main strategies of the anti-gender movement have been intertwined with governmental initiatives. The Istanbul Convention was opposed by the Catholic Church, religious and conservative civil society actors and political parties, and this opposition started well before its signing and ratification—already, in 2014, an ‘Anti-gender Ideology’ Parliamentary Committee had been formed in Sejm (Gruziel 2015). The Polish Episcopate warned against the harmful effects of the Convention, stating that signing it would result in dismantling the understanding of the family as a marital relationship between a woman and man, in legalizing same sex marriages and in children’s adoption by same sex parents (ibid.). The Episcopate also stated that despite Poland being part of the EU, according to EU accession criteria Polish legislation is not subject to any international regulations with respect to moral order, dignity of family, marriage, child-raising and life protection (Konferencja Episkopatu Polski 2012, cited in Gruziel 2015).

In **Hungary**, anti-gender equality groups emerged under the protective and supportive umbrella of the Orbán Government. These tendencies have been further supported by transnational initiatives such as *Citizengo*, which recently started campaigning in the country, or the US-initiated World Congress of Families held in Budapest in 2017 with state sponsorship and in Italy in 2019 with high-level government representation. The anti-gender movement is strongly intertwined with the Government, and their claims often resonate with positions voiced by government actors (Krizsán and Sebestyén 2019). This is discussed further in Box 10.

In **Croatia**, groups opposed to gender equality and partly linked to the Catholic Church have been present since the beginning of the democratic period. They slowly articulated their positions more clearly after 2008, when the conservative HDZ Government started to be more supportive of protecting traditional family values. It was during this period that fathers’ rights movements were also emerging in the country, with institutional allies and supporters within academic circles. The WAVE network report (2015: 101) found that there was “a reported increase in traditional and religiously extreme attitudes ... by the mass media and public institutions that provide services”. The 2013 referendum for a constitutional amendment to make marriage a union reserved for a man and a woman, supported by over 60 per cent of voters, helped bring together a variety of actors and position them in the following years as ‘right-wing civil society’ with funding and access to policy processes. The main organization, In the Name of the Family (*U ime Obitelji*), emerged in the context of the referendum but remained a central organization of the anti-gender movement afterwards. Other organizations included the local branch of the Polish *Ordo Iuris* Institute (see above), GROZD (Voice of Parents for Children) and *Vigilare*. Their campaigns—directed against family policy reforms, sex education, abortion, domestic violence policy reforms and, primarily, the Istanbul Convention—run under the umbrella of a war against gender ideology. Often in cooperation with the Church, they run major public campaigns and organize demonstrations but also sit in various working groups developing gender equality-related policies. For example, the group called *Istina o Istanbulskoj* (The Truth about the Istanbul Convention) argued that, under the guise of protecting women from violence, the Convention would introduce ‘gender ideology’ into Croatian legislation. Anti-gender actors argued that the Convention was against the Croatian family, tradition and culture and that by signing it the State would renounce part of its sovereignty. The leader of *Istina o Istanbulskoj* attempted to create moral panic by stating that children in schools would have to choose their gender (Sutlovic 2019).

The Catholic Church played a crucial role in the emergence and spread of anti-gender movements,³² but the Christian Orthodox Church also played a significant role in countries such as Bulgaria and Russian Federation.³³ Also, in Latin American and African countries, evangelical and Pentecostal churches are actively involved in anti-gender movements.³⁴ These movements share a critique of the concept of gender, which they see as ideology and political strategy, “a sort of conspiracy aimed at seizing power and imposing deviant and minority values on average people”.³⁵ They mobilize against LGBT rights, reproductive rights, sex and gender education in schools, gender studies and the use of the concept of gender in policy documents and legislation and in defence of freedom of religion and a certain understanding of democracy.³⁶ The different national mobilizations share strong resemblances in terms of issues, slogans and logos, pointing to the transnational dimension of the movement.³⁷

These new actors are often acting in coalition with established agents such as churches, conservative and religious civil society organizations and (old or new) political parties. Important allies are populist right-wing organizations and political parties that strengthened in many countries as a result of the global financial crisis and the subsequent widespread austerity measures at the beginning of the millennium.³⁸

Many of these right-wing populist organizations tend to be racist, heterosexist and homophobic and attack both human rights and gender and LGBT equality legislation and discourse.³⁹ Occasionally left-wing populist parties or leaders, such as Daniel Ortega in Nicaragua, also promote an anti-gender agenda.⁴⁰

Literature on anti-gender mobilization⁴¹ points to the infiltration of these anti-gender actors in different state structures, as well as their capacity to mobilize the grassroots often supported by religious actors and related organizations. States, along with international actors, can also facilitate the emergence of quasi-autonomous anti-gender equality actors. This is more likely in countries where conservative and religious traditions were not politicized previously.

Conservative religious actors and right-wing populist organizations act in concert to promote their views and block or alter policies and legislation they see as a threat to traditional values. Their repertoire of action includes demonstrations, stand-ins and sit-ins, petitions and the collection of signatures, litigation, expertise and knowledge production, lobbying, referendum campaigns, electoral mobilization and party politics.⁴² Anti-gender activists are extremely active on the web and make extensive use of the opportunities and possibilities offered by new information and communication technologies.⁴³

32 Case 2016; Kuhar and Paternotte 2017.

33 Darakchi 2019.

34 Beltrán and Creely 2018; Kaoma 2018.

35 Paternotte and Kuhar 2018: 9.

36 Paternotte and Kuhar 2018.

37 Ibid.

38 Kováts 2017.

39 Ibid.; Mudde and Kaltwasser 2017.

40 Kampwirth 2008.

41 Kuhar and Paternotte 2017; Korolczuk and Graff 2018; Kováts and Poim 2015; Corredor 2019.

42 Paternotte and Kuhar 2018.

43 Ibid.

3.

FRAGILE DEMOCRACIES AND THE RISE OF ANTI- DEMOCRATIC AND ANTI- GENDER GOVERNMENTS

To understand the current success of forces that oppose international women's rights in many countries across the globe, two interrelated political developments are relevant: democratic backsliding,⁴⁴ often led by (right- and left-wing) populist and nationalist governments; and the closure of civic space.⁴⁵

The past decade was marked by a wave of hollowing and backsliding of democracies in Central and Eastern European (CEE) countries,⁴⁶ but Turkey, the United States and Latin American countries such as Brazil, Nicaragua and Venezuela are also now led by anti-democratic and exclusionary forces. The wave of democratization that began as early as the 1970s is now rolling back and global freedom is in decline.⁴⁷ A greater number of countries across the globe have seen deterioration rather than improvement in the quality of their liberal democracies (24 vs. 21 countries, respectively).⁴⁸ Processes of democratic backsliding seem to be related to a wider discontent with liberal democracy, declining levels of political participation and trust and an erosion of traditional party systems.⁴⁹ Democratic backsliding has also been related to a cultural backlash against ongoing social changes including progress in gender equality.⁵⁰ Theories that link structural-economic variables to democratic transitions and breakdowns point instead

to a correlation between high rates of inflation and the risk of democratic breakdown.⁵¹ In the CEE, governments of countries that were hard hit by the 2008 global financial crisis attempted to gain control over the media, civil society and key democratic institutions.⁵² Finally, rising populist and nationalist parties often hold an ambiguous relationship with democracy.⁵³ As Müller argues, as “principled anti-pluralists, [populists] cannot accept anything like a legitimate opposition”⁵⁴ and reject the democratic process. Populist leaders in the CEE have argued in favour of ‘illiberal democracy’ and have gradually dismantled democratic institutions.

So far, however, efforts to explain democratic backsliding remain incipient and we are lacking an obvious theoretical framework for understanding it.⁵⁵ An underlying explanation could be the lack of conceptual clarity.⁵⁶ There is no clear definition available of what democratic backsliding entails. Bermeo remarks that “at its most basic, it denotes the state-led debilitation or elimination of any of the political

44 Bermeo 2016; Greskovits 2015; Lust and Waldner 2015.

45 Carothers and Brechenmacher 2014; Rutzen 2015.

46 Greskovits 2015; Sitter et al. 2017; Krizsán and Roggeband 2018b.

47 Freedom House 2018.

48 Lührmann et al. 2019.

49 Mair 2006; Greskovits 2015; Waldner and Lust 2018.

50 Fomina and Kucharczyk 2016; Norris 2016.

51 Kapstein and Converse 2008.

52 Greskovits 2015.

53 Norris and Inglehart 2016.

54 Müller 2015; 85.

55 Waldner and Lust 2018; 109.

56 Bermeo 2016; Lust and Waldner 2015.

institutions that sustain an existing democracy”.⁵⁷ Yet, it is not only formal political institutions that are affected by processes of backsliding; informal political practices may also be altered, which reduces the capacity of citizens to make enforceable claims on governments.⁵⁸ Democratic instruments such as referenda or constitutional amendments are used and abused to curtail democratic rights and the due process of law. Processes of backsliding are often difficult to identify as they take place gradually, resulting in ambiguously democratic or hybrid political systems.⁵⁹ Manifestations of such fluid and ambiguous change are executive aggrandizement, where new laws are developed to undermine executive accountability, and strategic manipulation of elections.⁶⁰ Along the same lines, Greskovits 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”.⁶¹ These incremental tactics make it difficult to assess the exact moment in which backsliding becomes critical. Assessing de-democratization processes requires not only fine-tuned measurement instruments but also a refined conceptualization of democracy.⁶²

In addition, we need a gendered conceptualization of democracy and democratic backsliding as current debates are strikingly gender blind and pay no attention to gender dynamics and the implications of backsliding for the rights and position of women. This is all the more remarkable as we see that many of the backsliding regimes promote state projects to enforce heteronormative and patriarchal family models,⁶³ aim to curtail reproductive rights and are strongly opposed to the rights of sexual minorities. Women are referred back to their roles as mothers and reproducers of the nation in contexts as diverse as Bolivia, Hungary, Poland, Turkey and Venezuela. Nicaragua and Russian Federation are rolling back legal protections against

domestic violence, and in an alarming number of countries existing legislation is poorly implemented.⁶⁴ Abortion and reproductive rights are curtailed across the CEE. Such agendas not only pose restrictions on the reproductive and sexual rights of women but also affect their position in the labour market and in politics.

Political representation and the participation of women in political decision-making are key elements for defending their rights. Accountability of the state with respect to gender equality commitments is also crucial for gender democracy.⁶⁵ Yet, feminist scholarship has pointed to the problems of representation through formal political channels. The lack of receptiveness of political parties to feminist demands needs to be compensated through the active presence of and space for civic associations and groups, including feminist ones. Women’s collective mobilization has been crucial for the advancement and protection of gender equality.⁶⁶ Alternative democratic spaces are particularly vital for women in fragile and nascent democracies where formal institutions are weak and women’s rights were only recently established and not strong enough.

However, as a specific element of democratic backsliding, civic space is diminishing in many countries across the globe. Civil society organizations, particularly those defending human rights, are facing increasing political restraints all over the world, including restrictive legislation to control their activities and to ban or restrict foreign funding.⁶⁷ Since 2012, over 100 laws aimed at restricting funding, operations and registration of civil society organizations have been passed in different countries.⁶⁸ State hostility entails not only threats to the rights of civil society but also repressive or even violent actions ranging from disproportionate auditing as a means of control

57 Bermeo 2016: 5.

58 Lust and Waldner 2015.

59 Bermeo 2016; Lust and Waldner 2015.

60 Bermeo 2016.

61 Greskovits 2015: 30.

62 Erdmann 2011: 39.

63 Baker et al. 2017; Bishop 2017.

64 Council of Europe 2017.

65 Galligan 2015; Alonso and Lombardo 2018.

66 Cornwall and Goetz 2005; Htun and Weldon 2018; Krizsán and Roggeband 2018a.

67 Christensen and Weinstein 2013; Carothers and Brechenmacher 2014; Rutzen 2015; Poppe and Wolff 2017.

68 IHRG 2016.

to policing of and physical attacks on activists.⁶⁹ What needs far more attention is how this closure of civic space is a gendered phenomenon that particularly affects women's rights activism. Not only are women's rights activists targeted because of the focus of their work, which is often viewed as endangering 'traditional values', but opposition to women's rights also uses gendered mechanisms to restrict and repress organizations that promote such rights, including gender-based violence, harassment and intimidation.⁷⁰ In their efforts to restrict women's rights activism, governments are sponsoring oppositional movements and using them to influence the realm of civil society in a way that directly supports state power.⁷¹ The closure of the civic space for women's rights defenders both obstructs them in exercising their rights and also limits their role in safeguarding existing gender equality policies and arrangements and preventing the erosion of these.⁷²

Approaching democratic backsliding from a gender perspective urges us to revise the narrow focus on procedural elements that prevail in the current mainstream conceptualizations. We have pointed to specific gendered dynamics that are central to current processes such as the curtailing of sexual and reproductive rights and legal protections against gender-based violence, the promotion of state projects to enforce heteronormative and patriarchal family models,⁷³ strongly oppositional discourses against gender equality rights and the rights of sexual

minorities and the gendered closure of civic space, making it a phenomenon that particularly affects women's rights activism. These are starting points to rethink democratic backsliding from a gender perspective.

In the rest of the paper, we will discuss what these developments imply for the inclusion and participation of women. How are the relations between the state and women's rights organizations reconfigured and what space is there to defend and promote women's rights? We introduce an analytical model to explain the current politics of gender equality in countries facing democratic backsliding and anti-gender mobilizations. This triadic model offers a diversified and gendered understanding of civil society—including both women's movement organizations and anti-gender movement organizations and how these two relate to the state—in order to better understand current struggles and power dynamics around gender equality.

Next, an important question is to what extent the change of political regimes and the instability of democratic institutions impacts existing regulatory arrangements: Do we see an erosion of women's rights, a dismantling of gender equality policies and the decay of inclusive policy processes? We develop a conceptual framework to map the patterns of backsliding or resilience of gender-equality policies.

69 Baker et al. 2017; Human Rights First 2017; Márton and Kerényi 2017.

70 Bishop 2017; Human Rights First 2017.

71 Doyle 2017.

72 McBride and Mazur 2010; Krizsán and Roggeband 2018a, b.

73 Baker et al. 2017; Bishop 2017.

4.

IMPLICATIONS OF BACKLASH ON STATE- MOVEMENT RELATIONS: A TRIADIC APPROACH

During the last decades, research on the role of women's movements in the advancement of women's rights has devoted a central role to movement-state relations. Rather than seeing governments and policies as contextual variables for women's movement activism, this literature discusses the state as an active partner of women's movement organizations and often sees femocrats (feminist bureaucrats) as movement actors.⁷⁴ The literature on state feminism proposes that women's movements and governments are partners rather than opponents, thus going against traditional feminist critiques of the state as patriarchal structure and against social movement literature that also sees the state as opposed to movements.⁷⁵ This approach sees movement-state relations as fundamental for women's empowerment and looks at different interfaces (from women's policy agencies through feminist triangles of empowerment to femocrats) that have proved successful in achieving gender equal change.⁷⁶

However, this approach shows limitations if applied in the context of the current political hostility to gender equality. First, it operates on the assumption of the benevolent (if not necessarily pro-active) state, where institutional continuity exists and democratic premises such as the need for adequate political representation of women are not challenged, at least not directly. In the current context of governments with an openly anti-gender equality position, which makes partnership between the state and women's movement organizations difficult, this assumption of the benevolent state needs to be amended or at least reviewed (see Box 3).

Second, this approach largely operates on the idea of a bilateral relationship between the state and women's movements, including feminist experts. It pays no systematic attention to anti-gender movements and their claim for representation within policy processes concerning gender equality issues, and what such claims do to the relationship between the state and women's movements. In the context of de-democratizing the state, groups opposed to gender equality gain new leverage and standing in policy processes. Empowerment triangles made up by the state, women's movements and feminist experts⁷⁷ need to be reconsidered in ways that integrate voices opposed to gender equality.

74 Banaszak 2010; Spehar 2007.

75 Stetson and Mazur 1995; McBride and Mazur 2010.

76 Stetson and Mazur 1995; Nijeholt et al. 1998; Rai 2003; Woodward 2003.

77 Nijeholt et al. 1998; Woodward 2003.

BOX 3:

Illiberal governments and reconfiguring the state

A populist and right-wing Government (FIDESZ) took office in **Hungary** in 2010. It engaged in a drastic revision of the whole political and welfare system and used the economic crisis as a justification for carrying out major reforms including the dismantling of policies serving gender equality. Opposition to gender equality became particularly vocal in the context of the ratification of the Istanbul Convention in May 2017 (Szikra 2014; Krizsán and Sebestyén 2019). Among the first amendments made by the Government was the revision of a 2009 governmental decree about gender-equality education for kindergartens. The articles on gender-sensitive education were removed with reference to ‘gender ideology’ (Felix 2015). The Government has also taken a hostile stance towards women’s rights groups, which have seen an unprecedented absence of funds, including the blocking of funding from non-state donors such as the Norwegian Civil Grants (Tasz 2016).

The PiS Government in **Poland**, elected in 2015, has set out a broad institutional reform, of which a central element is a strong anti-gender-equality rhetoric that presents ‘gender ideology’ as a major threat to society and to Catholic family values. Statements that challenge gender equality are issued on a regular basis by government officials. The Government started a multifaceted process targeting gender-equality policies, particularly in the fields of reproductive rights, family policy and violence against women, through dismantling policies, adopting new hostile policies and reframing. Several policies established by the previous government were reversed, including the state-funded IVF programme in December 2015 (Szelewa 2016). One month later, the Government made access to emergency contraceptives difficult. It further introduced the ‘For Life’ project (see Box 12).

In 2011, women’s movement organizations in **Croatia** lost an important government ally as Jadranka Kosor, Minister for Family, then Prime Minister and leader of the main right-wing party Christian Democratic Union (HDZ), lost the elections. The left-wing Government that took office was less accessible to gender equality advocates, who even labelled this shift as the “return of the hostile state” (Kajinic 2015). Since then, subsequent Governments gradually altered the playing field, giving more space to oppositional actors, including politicians and institutional actors, and less to women’s rights activists (ibid.). Oppositional voices within the Government are more manifest in debates around family policies, sex education and violence against women (Kuhar 2015; Sutlovic 2018). Importantly though, at no point does the Croatia state hostility to gender equality reach the levels present in Hungary or Poland (Krizsán and Roggeband 2018a).

The growing importance of anti-gender equality arguments from a variety of actors, including social movement and state actors, has implications both for the state and how it relates to women’s rights groups and for women’s rights groups and how they approach the state.

We propose a new conceptual framework based on the following premises:

a) The assumption of the benevolent state needs to be amended.

b) The premise of a bilateral relationship between the state and women’s movement organizations needs to be changed to a triangular understanding in which the state is seen in relation to both women’s movements and anti-gender equality movements.

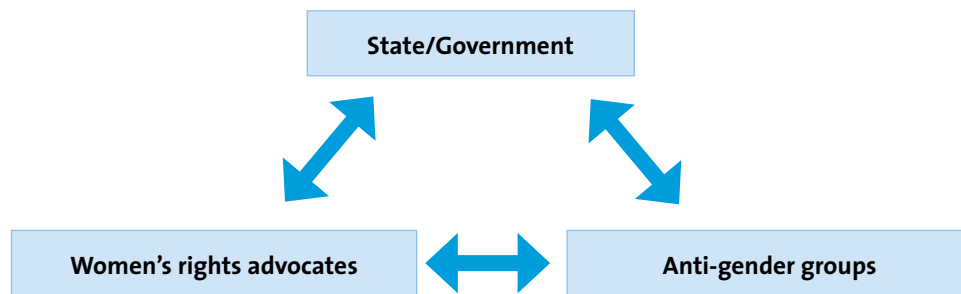
c) Thinking about women’s movements transactional engagement with the state as the only and most successful form of engagement has to be revisited. New relationships may call for more complex forms of engagement, with mixed strategies and capacities. This may mean developing or

strengthening different capacities (grassroots, less institutionalized) and different strategies (disruptive, confrontational rather than institutionalized, negotiated) compared to previously dominant ones.

An alternative conceptual framework would better serve our understanding of the current dynamics of gender politics and struggles for gender policy progress. To disentangle changes in the relationship

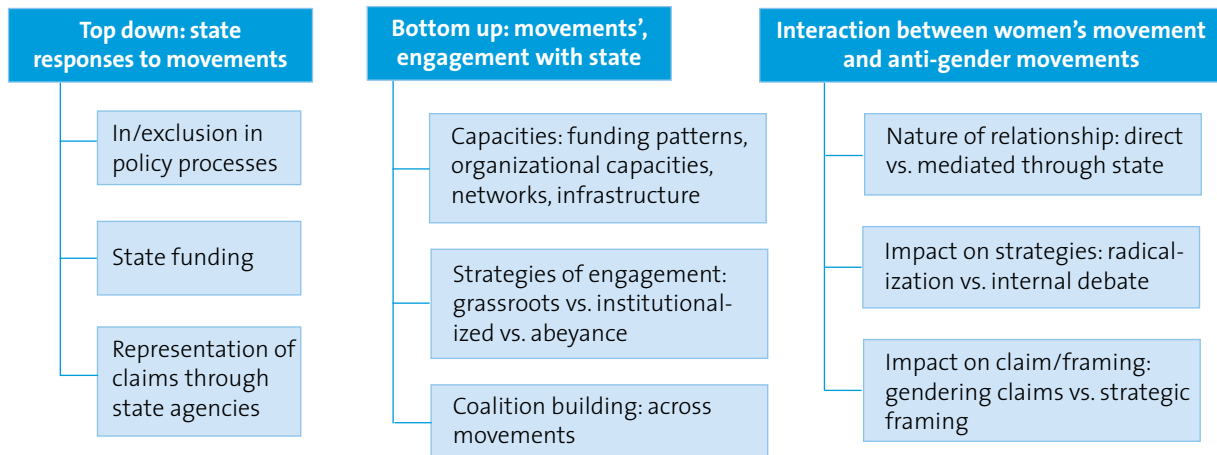
between the state and women’s rights activism in the current context, we need to move beyond the analysis of bilateral relationships between the state and women’s movements, and between women’s movements and anti-gender movements, and turn to a framework that captures the triadic relationship between women’s movements, anti-gender movements and the state. It is the interactions and interrelations between these three actors that are critical to capture the full picture of current changes.

A triadic model for understanding relations between state, women’s movements and anti-gender groups



While our main focus is on women’s movements and women’s rights, we need to discuss them as part of these ‘gender power triangles’, as we conceptualize them. We propose to analyse dynamics within these triangles along three axes.

Integrating movements, counter-movements and state: three axes



4.1 Top down: State responses to movements

Discussions of state responses to women’s movement claims cannot be based on bi-lateral relations between the state and women’s movements. Movements and actors that make (different or contrasting) claims on gender issues also need to be taken into account. Analyses of state responses should therefore be comparative, in order to capture the nature of changes in the place of gender equality in government agendas. This can be captured through three dimensions: inclusion or exclusion in policymaking through consultation/co-governance or other governance structures; state funding allocated for relevant civil society/movement organizations; and, finally, representation of claims through state agencies (women’s policy agencies or other).

Consultation and inclusive policy processes are critical elements of democracy and participation: They are instrumental for the promotion of rights through policies but are also seen as policy and movement outcomes in themselves.⁷⁸ Governments moving towards authoritarianism often use methods of control to suppress the voice of civil society organizations they perceive as threatening. These methods may range from closing consultation channels formerly in place or populating them with government-organized NGOs (or GONGOs) that directly support state power,⁷⁹ through cutting or regrouping funding of organizations to repressive or even violent actions against these groups. Such violent action may range from disproportionate auditing as a means of control to policing and violence, which limit and disempower organizations.⁸⁰ Women’s policy agencies are critical structures giving representation to women’s rights

within the government.⁸¹ Analysing the dismantling, reframing or replacing of these agencies with agencies giving voice to conservative anti-gender agendas is another way to capture changes in state-movement relations.

Our data challenge the assumption of the benevolent state and show either state hostility towards women’s rights actors or a newly emerging state neutrality, which gives equal voice and standing on women’s rights issues to women’s rights advocates and anti-gender equality actors, contrary to earlier times when women’s rights advocates had exclusive standing. We see how previous partner relationships between the state and women’s movement organizations are being replaced, or at least complemented, by partnerships with anti-gender equality groups. These developments have drastically changed the relations between the state and women’s movements.

4.1.1 In/exclusion in policy processes

We see different efforts to sideline women’s rights organizations from policy processes that partly depend on the position that women’s organizations had established in previous periods (see Box 4).

4.1.2 State funding

A shift in state approaches to women’s rights advocates—replacing them with conservative groups or bringing conservative groups along with them to the process—is further illustrated by funding patterns. We see three models of limiting funding depending on what was there before: attacks on international funding; cutting public funds; and a move from institutional funds to tendering (see Box 5).

78 Ferree and Gamson 2003; Krizsán and Roggeband 2018a.

79 Doyle 2017.

80 Baker et al. 2017.

81 Stetson and Mazur 1995; McBride and Mazur 2010; Squires 2008.

BOX 4:**The inclusion or exclusion of women's rights organizations in policy processes**

The FIDESZ Government in **Hungary** has targeted gender policies and women's movement organizations with increasing intensity. Consultation mechanisms between state actors and women's rights groups were previously not very consolidated, with some minor improvement between 2009 and 2010, but after 2010 the situation deteriorated. The Government dismantled most of the gender equality structures. The Council for Gender Equality was no longer convened, ending any formalized interaction with women's rights organizations (Juhász 2012; Szikra 2014). Consultation groups became ad-hoc, and they now included conservative pro-family groups and conservative women's rights groups. Women's organizations lost their standing in relevant policy processes and were replaced by conservative and religious organizations. The Government started to provide support and opportunities for non-feminist conservative women's organizations. In 2013, an alternative coalition (Association of Hungarian Women) was launched that aimed to challenge the place of the Hungarian Women's Lobby in the European Women's Lobby and also to delegate a representative to the European Institute for Gender Equality. Starting from 2013, the Government moved beyond exclusion towards the repression of women's movement actors using methods ranging from regulatory tools such as excessive auditing and surveillance to more violent and repressive tools such as police searches. Thus, they limited the capacity for activism both by means of threat but also by actions demanding unnecessary and mostly unavailable resources (see also Box 5).

Poland improved considerably regarding the inclusion of women's rights advocates in policy processes in the period between 2009 and 2015, both by creating different issue-specific consultative forums and by developing good cooperation with the Women's Congress. In 2015, there were abrupt changes, however, as the PiS Government dismantled existing gender equality institutions and institutional arrangements, cutting the principal channels of state access available to women's organizations. An analysis of media reports reveals that the Government actively promotes new conservative actors emerging in civil society or previously marginal organizations especially active in spheres such as the rights of Catholic families, religious freedom, tradition, marriage, anti-abortion, anti-migration, the nationalist agenda, etc. to play an increasingly important role in consulting on law projects. Government officials, such as the Plenipotentiary for Civil Society and Equal Treatment, have stated that they seek to develop 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 (Polish Commissioner for Human Rights 2016). In 2017, the Government began a financial review of targeted 'liberal' NGOs, requiring many to produce documents in an audit-like procedure for the first time. It also ordered several organizations to return grant money while withholding funding from others (Human Rights First 2017: 5). Also, women's organizations and LGBT groups were subjected to police searches, raiding of offices, seizure of computers or even arrests of activists. The timing of police raids on the offices of the main women's rights organizations in several cities in October 2017—the day after the organizations had staged anti-government marches to protest the country's restrictive abortion law—suggests they were an intimidation tool (Associated Press in Warsaw 2017).

Croatia previously had successful arrangements for inclusion and even co-governance on women's rights issues between women's rights and state actors (Krizsán and Roggeband 2018a). However, rhetoric opposed to gender equality gradually strengthened after 2011. As a result, patterns of cooperation faltered and women's rights organizations lost their exclusive insider status. Contrary to the abrupt patterns of reconfiguration in Hungary and Poland, Croatia had a more subtle process, which channelled conservative actors opposing gender equality (men's rights groups, Vigilare, U ime Obitelji) into consultation processes

alongside women's movement organizations. In this way, oppositional actors managed to introduce some of their demands and viewpoints on the traditional family, sexual and reproductive rights and against the concept of gender. Yet, women rights organizations were not left out of the process and on some issues remained an important voice. The ratification of the Istanbul Convention in 2018, despite massive anti-gender movement protests and the inclusion of anti-gender actors in the political consultation process, suggests that women's organization were not silenced. The working group created for the ratification in 2017 included both feminists and conservatives' representatives. The main reason behind conservatives' participation was the alleged inclusion of 'gender ideology' in Croatian legislation through the Convention. Regardless of the backsliding of democratic procedures, the Convention ratification law mostly captured and contained feminists' requests and was adopted by the Parliament (Sutlović 2019). The Government seemed to assume a position as 'neutral arbiter' that does not choose sides, but this position is also highly ambivalent as conservative actors were also appointed in top-level government posts. This indicates that the Government does not openly support anti-gender movements, which is very different from the Hungarian and Polish cases.

4.1.3 Representation of claims through state agencies

A third dimension illustrating changes in women's movement-state relations can be captured through the marginalization, closure or reframing of women's rights agencies to now meet conservative agendas. Women's policy agencies are critical structures giving representation to women's rights within governments.⁸² The extent to which these agencies represents the voice of the women's movement may

vary and their efficiency in representing women's rights may be determined by this relationship.⁸³ Women's policy agencies in recent democracies such as countries of the CEE region were always exposed to political changes, and their cooperation with movement actors already varied considerably⁸⁴ before the period of dismantling. Yet dismantling, reframing or replacing these agencies compared to their previous position in the government is another way to capture changes in state-movement relations (see Box 6).

BOX 5.

Changes in funding patterns

In **Hungary**, women's rights groups never received substantial funding from government budgets at either national or local level. This continued under the Fidesz Government. After 2010, the Government increased its control over funding available for civil society: both public funding and funding from foreign donors. The amendment of the *Law on Civil Societies* limited the number of NGOs that had 'public interest' status and reorganized the funding mechanism. Boards deciding on the tenders came under governmental control. Consequently, the framing of the calls and their selection process followed the Government's official agenda, thus further limiting funding for women's rights NGOs. Currently, to receive state funding as an NGO the applicant should be a partner of, or its programme should be based on ideas and values approved by, the Government. Due to this change, new NGOs have emerged working on objectives aligned to government priorities who now win significant amounts on public tenders. These organizations are also provided with public buildings for their programmes. Their objectives emphasize women's roles in

82 Stetson and Mazur 1995; McBride and Mazur 2010; Squires 2008.

83 McBride and Mazur 2010.

84 Krizsán and Zentai 2012.

sustaining the nation and its traditions, including traditional family norms (Krizsán and Sebestyén 2019). Since 2015, the Government has also curtailed the availability of foreign funding, the main source of funds for women's rights groups. The Norwegian Civil Fund was the first to be challenged because of its refusal to channel money through government actors. Waves of auditing and raids took place against several rights NGOs (women's rights, LGBT, civil rights) that it funded. Auditing procedures ran for years but were closed without finding any irregularity (TASZ 2016). Scarce NGO capacities were tied up for years due to these investigations. In June 2017, the NGO Law—the so-called Stop Soros law (Open Society Foundations 2018a)—was passed modelled after a Russian law, which requires special registration for NGOs that receive foreign funding and a public notice of the receipt of foreign funding, with the aim of labelling these groups as foreign agents (LibertiesEU 2017). The Open Society Institute, a long-time international donor for rights issues in the region, was also persecuted, which ultimately resulted in their departure from the country (Open Society Foundations 2018b).

In **Poland**, there are governmental strategies to defund women's rights organizations and redirect public funds to alternative, government-friendly women's organizations: What they call a cadre of 'conservative' NGOs. The newly established National Freedom Institute-Centre for the Development of Civil Society, which distributes state funding to civil society organizations, aims to systematically replace human rights-focused groups labelled as 'leftist' with these new civil society actors loyal to the government (Sczygelska 2019). Several women's organizations that previously received state funding have now lost this support. The most illustrative example is the defunding of the Centre for Women's Rights, one of the oldest women's rights organizations in the country dealing with issues of gender-based violence and that had received state support since 1994. The Centre has been denied funding on three subsequent occasions since 2016 (Ambroziak 2018). The justification from the Ministry of Justice on terminating its financial support was that the Centre is "narrowing down its help to a specific group" (Ambroziak and Chrzczonowicz 2017).

In **Croatia**, new right-wing civil society organizations count on support from the Government. For instance, in 2017 the right-wing organization In the Name of the Family (*U ime Obitelji*), founded in 2013, which focuses on the protection of the traditional Croatian family, was awarded with three-year support from the National Foundation for Civil Society Development (Sutlović 2018). It was later turned into a political party (Sutlović 2019). Women's organizations were not simply denied funding, as in the Polish case, but the strategy used by the state to restrain women's groups is to put funding available for services for victims of domestic violence out to tender. Tendering requires an extremely high investment of resources by women's groups as well as conforming to complex protocols that are often contrary to feminist principles (Minnesota Advocates et. al. 2012). This forces women's organizations to invest a lot of time in 'selling their product'. As one activist remarks: "...we should not have to imagine every time something new and innovative, what we do is established practice; the state does not recognize the obligation to finance the (autonomous) shelters."⁸⁵ Conditionality imposed on women's groups and resulting patterns of dependency have long been discussed in relation to neoliberal states (Alvarez 1999; Ghodsee 2004). A move towards replacing previous earmarked state funding with tendering, however, is a relatively recent phenomenon in the CEE and gains new relevance when combined with state hostility to and closure of women's rights groups. As one activist in Croatia argues "they ignore us and keep cutting our funds for work. I would say that both the previous and current government slowly play on the card of exhaustion, thinking, these women are not afraid and are not bribable, let's exhaust them."⁸⁶

85 Interview with Mamula conducted by Leda Sutlović.

86 Interview with Neva Tölle, conducted by Leda Sutlović in January 2018.

BOX 6.

The dismantling of women's policy agencies

In **Hungary**, 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 Labour Affairs. The new Government downsized the department and its portfolio to 'policies affecting women' and transferred it under the 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 and their motherly responsibilities. In 2012, the Minister of National Economy appointed a Ministerial Commissioner in charge of women's participation on the labour market with a two-year mandate. Her role was to identify barriers to women's participation in the labour market and initiate programmes. According to civil society reports (HWL and ERRC 2013), this position had little weight and during its mandate the question of gender equality was never raised. The Equal Treatment Authority, responsible for the enforcement of anti-discrimination policy, also faced constraints after 2010. Its budget was cut in 2010-2011, although it started to slowly increase after 2012. The number of its staff also decreased and members were replaced, starting with the director in 2010. The Equal Treatment Advisory Board, which was the main expert body supporting the Authority, was also dismissed in 2012. Since 2010, the Authority has favoured the anti-discrimination ground of motherhood over gender, prioritizing and communicating widely those cases in which employer practices discriminated against mothers or pregnant women (Weverka 2017).

In **Poland**, the Office of the Plenipotentiary for Equal Treatment, which acted as the gender equality policy agency, was merged with the Plenipotentiary for Civil Society. The post was renamed Plenipotentiary for Civil Society and Equal Treatment, but the new portfolio focuses only on civil society issues (Szelewa 2016). To protest these developments, 13 experts serving as consultants to the office resigned in November 2016, explaining their decision as due to the lack of any actual influence on decision-making. Also, in January 2016, the Parliament drastically reduced the budget of the Polish Ombudsman, which PiS associated with promoting 'gender ideology'. PiS MP Mularczyk justified the decision by saying: "The Parliament is not going to pay for gender".

Croatia stands out as a pioneer of feminist activism and gender equality in the region. After the war, it emerged as a forerunner regarding gender policy reforms. Gender equality institutional structures emerged in the early 2000s, with the Gender Equality Ombudsperson in place since 2003 and the Office for Gender Equality since 2004. On their creation, both offices were led by feminist experts who worked in cooperation with feminist groups. These structures have remained remarkably stable over time, despite the economic crisis, shifts in governments and the strengthening opposition to gender equality (Krizsán and Roggeband 2018a).

All three dimensions discussed show changes in relations between the state and women's movement organizations. If these are looked at through the lens of the gender power triangle we propose, we can identify a marginalization and replacement of women's rights advocacy actors with new or strengthening conservative civil society organizations making anti-gender equality claims, rather than a complete closure of the civic space. The facade of democratic consultation remains in place but becomes one that can easily result in curtailing

rights rather than advancing them. We find different types of state action towards women's movement organizations. While in some countries distinctions between state policy and anti-gender movement agendas are blurred, in other cases the state may play the neutral arbiter between pro-gender equality and anti-gender equality groups by insisting on including both parties in consultation processes or by adopting alternate policies that serve both sides (for example, by adopting a progressive partnership law just days after a successful referendum amends

the constitution to the contrary in Croatia). We find that cooperation patterns between women's rights organizations and state actors are now weakened or disrupted due to the rise of anti-gender movements and their proximity to government agendas. Previous arrangements largely dissolve, particularly in States with openly hostile agendas. No strong state feminism emerged in these countries before,⁸⁷ but now we even see the opposite: hostile States that actively discredit gender equality as a goal. This is done with the help of civil society organizations that are used to replace women's organizations in state agencies and consultation mechanisms. In contexts where state feminism was better embedded, such as Croatia,⁸⁸ the struggle goes on inside and outside state arenas. Still, even in these cases, the political space that can be claimed by women's rights advocates is narrower compared to what was there in the 2000s.

Having discussed changes in state responses to women's movement claims (a top-down approach), we now turn to an analysis of how women's movement strategies and capacities change in the context of altered state-movement relations, increased public hostility to gender equality and strengthening anti-gender movements (a bottom-up approach). We ask: What are the implications of the backlash against gender equality for women's rights advocates?

4.2 Bottom up: Women's movements' responses to reconfigurations

How do women's movement organizations respond to attacks on gender equality and emergent state hostility? In the context of hostile States and strong competition for access with anti-gender equality groups, women's rights organizations accommodate by changes in both their capacities and their strategies in advocating for women's rights. If threats and opposition are systematic and long term, these can be incapacitating particularly for weaker and institutionally more dependent movements. Abeyance⁸⁹

can emerge, as a last resort, when a movement is hardly able to openly challenge the state or function as usual. A move away from political activism towards academic feminism, organizing workshops and small group discussions, is also a strategy that may be used and is familiar ground for many women's movement organizations in the CEE. However, threat and opposition can also reinvigorate activism and strengthen it.⁹⁰ Giving up on political activism and the state might not be a good strategy for women's rights advocates given the importance of the state in the provision of many basic women's rights. New strategies to persuade States and policymakers and to work with state actors may need to be identified. In this section, we provide a framework for analysing the ways in which women's movements alter and diversify their strategies and develop new capacities along the way.

We propose to capture changes by looking at three dimensions: changes in movement capacities, changes in strategies of engagement with the state and new patterns of coalition building.

4.2.1 Capacities

The first dimension, movement capacity, relates to material, human and organizational resources, including leadership and networks. In their discussion of the political consequences of movements, Amenta et al. 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".⁹¹

In cases of state hostility, capacities for institutionalized action—previously prevalent for women's movement organizations in countries of the CEE⁹²—may prove less beneficial while capacities for mobilizing the grassroots, de-centralized action, networking beyond close circles and generating alternative sources of funding may become more beneficial (see Box 7). New ways of persuading state and public policy actors may emerge. Transnational embeddedness can also influence movement capacity.

87 Krizsán 2012.

88 Spehar 2008.

89 Taylor 2013.

90 O'Dwyer 2012.

91 Amenta et al. 2010: 296.

92 Krizsán and Roggeband 2018a.

BOX 7.

The capacities of women's movement organizations

The **Polish** women's movement exhibits particularly remarkable changes in developing capacities independent of state actors. The most important response to backsliding in the field of reproductive rights was the massive 'black protests' that took place on the streets in 2016-2017 as a reaction to further limitations in anti-abortion laws. The number of participants was unprecedented (over 150,000 in 142 cities and towns and widespread internationally as well). Following many years of feminist lobbying and organizing against an abortion ban, these protests not only brought together different demographic strata of supporters (long-time feminist NGO activists and also young women and volunteers) but also gave place to a qualitative change in priorities, demanding the liberalization of restrictive anti-abortion laws. The law project by the civic initiative *Ratujmy Kobiety* (Save the Women) advocated for abortion until the 12th week of pregnancy, as well as access to sex education and contraception. Grassroots organizations managed to collect 215 signatures supporting the project in 2016 and over 500,000 in 2017. These protests should also be understood in a broader context. First, the proposed changes directly affected women's daily reproductive choices: reduced access to contraception, defunding programmes to combat domestic violence, terminating funding for IVF and the threat of a bill banning all access to abortion. Second, the protests can be interpreted as a backlash against anti-choice conservative campaigners. Third, 'black protests' had followed the first wave of anti-government street protests organized in the early spring by the Committee for the Defence of Democracy. Another factor that contributed to the scope and inclusivity of the mobilizations were the use of social media and other online platforms (beyond NGO formal channels). Furthermore, the protests were also characterized by non-hierarchical leadership, which gave way to a diverse and heterogeneous movement. (Szczygielska 2019).

The **Croatian** movement has been characterized by quite developed and diversified capacities from 1990s onwards (Krizsán and Roggeband 2018). Backlash in recent years enabled the emergence of new feminist initiatives orchestrated by a younger generation of feminist activists, who added to the capacities of an already mature women's movement. The Night March (*Noćsi marš*), which takes place on 8 March every year, attracted around 6,000 people in 2017 with heterogeneous claims: protesting for reproductive rights, for ratification of the Istanbul Convention and against femicide and all forms of violence. This march could be seen both as a reaction to newly emergent conservatism and as the outcome of a different generational approach to feminist activism. This diversified movement played a key role in responding to two anti-gender mobilizations: the 'Walk for Life' and the protest against ratification of the Istanbul Convention. Women's movement organizations responded to the 'Walk for Life' with several initiatives, the most visible being the counter-protest 'Walk for Freedom' (*Hod za slobodu*) in 2018 in Rijeka. In response to a civil society initiative called 'The Truth About the Istanbul Convention'—which brought together far-right political parties, war veterans' associations, politicians from the right political spectrum and conservative civil society organizations—women's movement organizations staged a protest performance: 20 women dressed in costumes inspired by Margaret Atwood's *Handmaid's Tale* marched through Zagreb accompanied by public figures and hooded drummers. This created wider alliances and included public figures from different spheres of social life (Sutlović 2019).

The capacities of the **Hungarian** women's movement have changed in many ways during the last few years. Certain aspects point to a maturing and diversification of the movement, while more recently there have also been tendencies pointing towards abeyance or even collapse. By 2010, when the first Orbán Government came to power, there were few women's movement organizations, mainly Budapest-based NGOs providing services, legal advocacy or awareness raising and communication but with no grassroots capacity. The almost immediate restructuring of the gender equality architecture by the Government in

2010 largely blocked their communication with state actors. The early Orbán Government years (2012–2013) witnessed one of the most prominent disruptive feminist protests in some time, which aimed for the criminalization of domestic violence. 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 organizations, it was joined in later stages by the main women’s groups active in the field: NANE, Patent, MONA and Amnesty. Over 100,000 signatures were collected, and not only were street protests and Facebook activism more forceful than before but also new allies emerged. 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, women’s rights NGOs are almost inactive. Resistance shifted to non-NGO activism—Facebook groups and mailing lists, isolated activism, academics and MPs—and is now mainly localized in workshops or academia. While most existing organizations faltered, some new feminist initiatives emerged. These are fragmented and not necessarily tied to organizations, yet their presence contributes to intensified feminist debates and a diversification and increasing maturity in the movement. Diversification emerges between veteran activists and a new generation of mostly non-affiliated activists bringing new strategies to the movement and an intersectional angle. Yet, as with previous activism, new waves of activism are also far less dense in Hungary than in some other contexts in the region (Krizsán and Sebestyén 2019).

4.2.2 Strategies

The second dimension where change might be remarked is strategic engagement of movements with the state. Women’s movement organizations traditionally use persuasive strategies, including participation in consultation processes or lobbying policymakers, more often than disruption.⁹³ Yet, in the context of state hostility and closure such strategies are inefficient. More disruptive repertoires—including petitioning policymakers, street protests, other protest actions or well-communicated events that achieve influence by changing public opinion,⁹⁴ or suing the state before international courts or organizations—come to be prioritized. 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,⁹⁵ such as legal expertise to litigate, grassroots capacity and infrastructure to mobilize as well as openness to coalition work. The strength and capacity of movements before the period of backsliding

has an impact on whether such capacity is available. Movements that had diversified capacities⁹⁶ might be in a better position to turn to confrontational strategies.

During the democratization period, women’s rights groups in the CEE strongly relied on transactional activism⁹⁷ rather than grassroots activism to pursue gender policy change, meaning that they focused on strategically chosen patterns of engagement with the state and with other civil society actors to make progress in this regard.⁹⁸ Movements with diverse organizational patterns that combined insider and outsider strategies with the state, using both a compromise-seeking approach and a more radical and critical approach, were the most successful in gendering adopted policies.⁹⁹

Increased hostility towards critical civil society organizations in general and women’s rights organizations in particular has blocked earlier successful strategies of engaging with the state. Rather than relying on institutionalized strategies, organizations either opt for more radical grassroots

93 Htun and Weldon 2012.

94 McAdam and Su 2002.

95 Andrews 2001.

96 Ibid.

97 Tarrow and Petrova 2007; Krizsán and Roggeband 2018a.

98 Krizsán and Roggeband 2018a.

99 Ibid.

protest actions or withdraw and choose abeyance or demise. Abeyance refers to the less visible survival strategies movements use to sustain themselves in periods when the political environment is hostile or unreceptive. This can entail moving away from the streets and, instead, working within submerged networks, or online-groups, among others.¹⁰⁰

Literature on feminist responses to the economic or democratic crisis points both to instances of demise and failure of movements but in some cases also to revival and maturing and the emergence of innovative forms of resilience capable of achieving positive results.¹⁰¹ Persuading governments to change gender policies has most frequently come through the mediation of insider channels,¹⁰² which is now difficult. However, other more adversarial strategies may be available to women's movement organizations for persuasion such as

indirect influence through changing public attitudes.¹⁰³ Feminist resilience and responses to backsliding will, however, depend on both the previous strength of women's organizations and earlier strategies of state engagement as well as modes of government hostility, the forcefulness of attacks on gender policies and its advocates and whether attacks are sustained over longer periods of time.

Overall, the way movements strategically engage with the state will be affected by the specific dynamics in the gender power triangle. State hostility will impact the strategies and capacities of both women's movements and anti-gender movements. Our focus here is principally on changes in women's movements and their capacity to put pressure on the state in times of backsliding. Box 8 illustrates different patterns of change.

BOX 8.

Strategies of the women's movement organizations

The **Polish** women's movement has shifted strategies from relatively successful cooperation with different state actors in the period 2009-2015 to active resistance, street action and grassroots mobilization. Its capacity and resilience is well illustrated by the resistance it could exhibit in relation to the restriction of abortion policy (in 2016 and 2017). Women's movement organizations managed to stage mass mobilization beyond the narrow feminist circles. Street protest and petitions, but also Internet and social media-based tools, aided the mobilization effort and made women in rural and small-town areas also reachable. Beyond Facebook, other social media outlets such as Instagram facilitated access to younger generations as well. Data analysis also shows that the success of strategies used in the black protest impacted mainstream feminist organizations and generated new attempts to move beyond the capital city and to extend regionally. Organizing the Women's Congress (*Kongres Kobiet*) in 2017 in oppositional town Poznan rather than Warsaw is indicative of such a tendency. Another characteristic is increased forms of coalition building, some of which—such as the Anti-Violence Women's Network (*Antyprzemocowa Sieć Kobiet*)—have emerged outside the formal NGO framework and are independent from state control (Szczygelska 2019).

The **Hungarian** women's movement, though weak and with basically no grassroots constituency, also exhibited disruptive protest activity during the early years of the Orbán Government in 2012. After the misogynistic reception by the Parliament of a petition to criminalize domestic violence supported by 100,000 signatures, serious street and Facebook-based protest actions were launched. Not only were these protests more forceful and more gendered than earlier tactics, but new allies also emerged. For the

100 Taylor 1989.

101 Kantola and Lombardo 2017; Sitter et al. 2017; Popa 2015; Korolczuk 2016; Berry and Chenoweth 2018.

102 Krizsán and Roggeband 2018; Weldon 2002.

103 Soule and Olzak 2004.

first time in the history of domestic violence mobilization in the country, the wives of right-wing MPs and right-wing women MPs acted as brokers, returning the issue to the parliamentary agenda (Krizsán and Roggeband 2018a). In the years to come however, the already weak and underfunded women's movement organizations could not maintain levels of mobilization beyond the achievement of the policy change. Excluded from policy processes and even service provision and in the absence of grassroots capacity, by 2019 the state of the women's movement can be characterized as abeyance. Tactics used are mainly Budapest-based small-scale marches and workshops and other events with limited outreach. Some remarkable exceptions of grassroots organizing can be mentioned that, 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. These included the movements for alternative birth and for improvement to the health-care system and health-care employee status. However, these remained unconnected to the women's movement agenda (Krizsán and Sebestyén 2019).

In response to the growing state hostility, **Croatian** women's movement organizations increasingly diversified their capacities and strategies. Inclusion in policy processes became more ad-hoc following 2011. Yet, a practice of establishing working groups for every important new policy process (for example, the ratification of the Istanbul Convention, the new domestic violence law, the new family policy and the new gender equality strategy) was maintained and women's groups were still invited to join, though their standing in these processes decreased as discussed previously. Yet, importantly and unlike Hungarian or Polish women's organizations, they remained included and could put direct pressure on state actors and fight various anti-gender equality groups within these formalized settings. At the same time, struggles intensified on the streets as well. The women's movement long had strongholds in cities beyond the capital, and this decentralized movement capacity is now increasingly mobilized. Based on a dense network of NGOs across the entire country, grassroots and local level and social network-based mobilization is used particularly in Night Marches and in abortion protests. It is mainly connected to the Platform for Reproductive Rights but was also impressive in the protest against education reform in 2016. While attacks on gender equality have intensified mobilization, especially through the involvement of younger generations of feminists, overall, they have not caused radical changes to strategies used by movement organizations during the progressive years. This lack of flexibility may represent a challenge to overcome anti-gender mobilization (Sutlović 2019).

4.2.3 Coalition building

The third dimension of the bottom-up axis is coalition building. Hostile environments and threats to gained rights may generate coalition work that was not necessarily in place in times of partnership with the state. Looser issue coalitions can come together to respond to such threats or as a result of wider discontent with political trends.¹⁰⁴ Such coalitions could bridge otherwise competing women's rights groups or range across diverse rights and pro-democracy groups (see Box 9). In the context of de-democratization, gender equality comes under attack together with other

democratic values, human rights and rights of other vulnerable groups, and these attacks generate widespread discontent in the wider population. These common external threats bring together coalitions between actors that would not cooperate in their absence¹⁰⁵ and contribute to overcoming or at least suppressing ideational tensions.¹⁰⁶ However, the need for strategic action in times of hostility may also exacerbate competition and generate debate and tension within movements on how to strategize.¹⁰⁷

104 Almeida 2010.

105 Van Dyke and McCammon 2010.

106 Borland 2010.

107 Krizsán and Roggeband 2018b.

BOX 9.**Forming Coalitions**

In **Hungary**, throughout the last decades the core of the women's movement remained largely disconnected from wider human rights and democratization protests, and women's rights claims were rarely backed by these groups. Current attacks on gender equality came as an opportunity to challenge this path. Yet, so far, coalition building has had only limited impact for women's rights. The 2012 mobilization to criminalize domestic violence stands out in this sense. This protest integrated several audiences beyond the usual feminist groups as well as the voices of conservative women, but it remains an isolated instance. Pro-democracy protests after that point have largely ignored gender issues. Feminist speakers have only featured incidentally in demonstrations against the Government, and the gender aspects of the shrinking democratic space have rarely been addressed. For example, the main protest condemning 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 text. A more systematic attempt at coalition building was the creation of a pro-human rights coalition (SZIAMACI) in 2015 during attacks against the Norwegian Civic Fund. The objective was to raise awareness about activities pursued by civil society and to facilitate networking to defend them from governmental attacks. SZIAMACI includes 11 women's rights organizations, ultimately all the important groups. However, the 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 issues became part of protest agendas, though no clear evidence of coalition-building attempts can be identified even in this context (Krizsán and Sebestyén 2019).

In 2015, new networks and groups working with women's rights emerged in **Poland**. They are outside the NGO framework, thus are more independent from state control. Most of the new initiatives were responses to backsliding in specific policies, especially regarding reproductive rights. The 'black protests' in 2016 and 2017 show the importance of connecting women's rights agendas to wider pro-democracy political protests. These demonstrations mobilized wide support that extended well beyond feminist constituencies and thus integrated feminist claims into a wider pro-democracy agenda. The politicization of women's rights as an integral part of democratic achievements to be defended—and not just by women's rights groups—emerged as a successful strategy in this case. At the same time, femocrats and activists highlight that mobilizations and coalitions are more difficult when it comes to gender-violence protests (Szczygielska 2019).

Croatian women's movement organizations, building on a tradition of working in wider pro-democracy coalitions from before 2000 (Spehar 2008; Irvine and Sutlović 2015), have joined wider pro-rights alliances at various moments during the last seven to eight years. They decried austerity measures in cooperation with trade unions and the Women's Front for Work. The campaign 'Citizens Vote Against', organized against the marriage referendum, was the first instance of a wider coalition uniting a variety of groups including greens, peace activists, LGBT groups and feminists. Finally, the 'Croatia Can Do Better' protest in 2016 united 250 civil society organizations covering the full human rights spectrum, including women's rights groups. They contested the education reform, which challenged sex education among other things, but were also against government corruption and the emergent conservative turn in general.

Coalitions of women's rights advocates with other pro-democracy groups can have different consequences. On the one hand, they may be beneficial for gendering democracy. Gendering wider pro-democracy coalitions is shown by research to be a fundamental element of gendering democratization and bringing about gender policy progress.¹⁰⁸ On the other hand, coalition building may require strategic reframing of gender equality objectives to less radical forms¹⁰⁹ and as such could result in a move away from the original feminist objectives.

Women's movements in CEE countries were rarely part of democratization movements. Good working relations with other rights groups are the exception rather than the rule in the region.¹¹⁰ Yet, new patterns of coalition building beyond the usual feminist constituency are appearing in the recent period of de-democratization globally,¹¹¹ and they are emerging in countries of the region as well.¹¹² Current attacks on gender equality can be an opportunity to challenge the previous path and open a window of opportunity for gendering democratization frames.

The successful coalitions between feminists and pro-democracy and human rights groups build on wider popular discontent with the state of democracy and curtailing rights well beyond the gender equality agenda. They achieve their results by linking important gender equality issues to wider democracy concerns. Our data show the importance of wider coalitions for successfully defending the gender equality agenda; yet, they also demonstrate the importance of path dependency as well as the vibrancy of civil society overall in how successful each movement is in building these coalitions or in gendering existing protest waves.

The bottom-up analysis of movement-state relations shows that changes in movement capacities and strategies and in coalition building are important consequences of hostility to gender equality and that adaptation to the changed context can facilitate successful movement outcomes.

108 Viterna and Fallon 2008.

109 Van Dyke and McCammon 2010.

110 Krizsán and Roggeband 2018a.

111 Berry and Chenoweth 2018; Alonso and Lombardo 2018; Popa 2015.

112 Popa 2015; Szczygelska 2019.

4.3 Interactions between women's movements and movements opposing gender equality

The third axis of our analysis looks at interactions between women's movements and anti-gender equality counter-movements and their influence on strategies and on claims. As mentioned earlier, while opposition to women's movements and their agenda has been an enduring story, over the past decade we see oppositional movements strengthening across the globe. This rise of populist and nationalist organizations and of movements that mobilize against 'gender ideology' and LGBT rights has received a lot of scholarly attention recently mapping their transnational and national expressions.¹¹³ Given this extensive literature, we want to focus our attention here primarily on the position of the state in this conflict. Anti-gender movements are instrumentalized by hostile governments in many countries: They are sponsored and used to influence the realm of civil society in ways that directly support state power. This means that the disempowerment, exclusion and persecution of women's rights organizations is accompanied by the empowerment and inclusion of organizations with opposite values and goals. Public funding of women's organizations is redirected to pro-government NGOs, and the positions that women's rights activists previously held in policy processes is now given to organizations with conservative agendas.¹¹⁴ This indicates that rather than closure of civic space we see its reconfiguration. The space of specific civil society organizations defined as anti-state and anti-government is limited, while simultaneously the space and state support to organizations identified as pro-government is expanded (see Box 10).

By actively intervening in the conflict between women's movements and their opponents—either by designing and bolstering counter movements or by providing them with a strong institutional power base—governments give oppositional actors headway above women's movements. The examples of

113 Bob 2012; Kováts and Poim 2015; Kováts 2017; Kuhar 2015; Kuhar and Paternotte 2017; Verloo 2018.

114 Krizsán and Roggeband 2018b.

BOX 10.

Women's movement and anti-gender movement interaction

In **Croatia** after 2011, when governments became more hostile toward gender equality as a policy goal, the playing field for women's movement was altered. The aim was to give more space to actors opposing gender equality, including politicians and institutional actors. Opposition was particularly manifest in debates around family policies, sex education and violence against women (Kuhar 2015, Sutlović 2019). This shift in the government position led to more direct and open polarization and interaction between the women's movement and the anti-gender movement, which was particularly visible in the ratification process of the Istanbul Convention (see Box 7). The final ratification of the Convention showed that women would not be sidelined or silenced.

In **Poland**, women's movements and oppositional actors have co-existed ever since the transition to democracy. Yet, the main oppositional actor, the Roman Catholic Church, established a particularly strong institutional position in the new democracy and religion became a fundamental element of national sovereignty (Ayoub 2014). Women's organizations and conservative organizations have frequently clashed over issues such as violence against women legislation and abortion (Gruziel 2015). Although claims of women's rights organizations prevailed under the pro-European Government before 2015, the position of conservative civil society organizations has become much stronger after 2015 under the PiS Government, which actively promotes new conservative actors in spheres such as the rights of Catholic families, religious freedom, tradition, marriage, anti-abortion, anti-migration and the nationalist agenda, etc. Through its active support for opponents of gender equality and its hostility towards women's organizations, the Government has drastically shifted the balance between the women's movement and the anti-gender movement. Women's movement organizations now face a powerful coalition between the state and anti-gender movements that cannot be analysed through the movement-counter-movement lens as it turns the struggle into one against the state. Women's movement organizations are further disempowered through multiple state strategies such as defunding them and exhausting their resources as well as persecuting them.

In **Hungary**, 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 organizations. As mentioned earlier, anti-gender equality groups emerged under the protective and supportive umbrella of the Government, demonstrating the blurring of boundaries between the state and anti-gender movement and their joint efforts to challenge gender equality norms. Organizations opposing gender equality may be government-organized non-governmental organizations (GONGOs). The Government represents their interests in effectively opposing the position and voice of women's rights activists, while these organizations are often used to legitimize government positions with reference to civil society demands. Since 2010, government-sponsored think tanks and conservative women's groups have increasingly gained standing in debates concerning women's rights (Krizsán and Sebestyén 2019). In this context, much like in Poland, the struggle between the women's movement and the anti-gender movement is in fact a struggle of the women's movement against the government agenda and actors that support this, and it is largely unequal.

Hungary and Poland show governments that actively take the side of antifeminist actors and even actively promote civil society initiatives that oppose women's rights agendas. In addition, counter-movements also receive the support of other powerful vested interest groups and actors, such as the Roman Catholic Church

in Poland. Support from the state and other—often transnationally backed interests—brings resources, repertoires of action and discourses and networks for legitimizing action. This creates a huge power disparity between women's movements on the one side and their opponents on the other.

In other contexts, as the example of Croatia shows, the state presents itself as a neutral arbiter in the conflict rather than a protector of women's rights. This means that the struggle for gender equality has to be fought with the anti-gender movement within and outside state arenas.

Whether the relationship between women's movements and their opponents is mediated through the state or there is direct interaction between civil society actors results in very different political dynamics. When women's movement organizations have to deal with an alliance between state and civil society actors, their opportunities to resist such opposition are limited due to their weak position. Yet, when women's movement actors and their opponents engage in a sustained struggle, this is likely to lead to a politicization of gender, which may result in more articulated, more gendered claims and better visibility for the gendered nature of the social and political problems at stake.¹¹⁵ This can be captured, first, through the impact of movement and counter-movement relations on mobilization strategies. Reactive strategies, radicalization and also internal debates within the movement can be important changes in activism. A second factor is the impact of these relations on claims made by the movements and changes in framing.¹¹⁶ Movements and counter-movements are involved in framing contexts to persuade the authorities and the general public.¹¹⁷ This implies that in the context of the emergence of new counter-movements, women's movement organizations need to strategize their claims and work on two fronts: contesting and counteracting the frames of counter-movements and pro-actively forwarding their own claims and positions.¹¹⁸ Politicization of

claims in conflictual setting can lead to more explicit gendering of claims. Where attacks on gender equality are explicit and radical, women's movement claims also tend to be more explicitly gendered. However, highly institutionalized and not very outspoken opposition to gender claims can also lead to a preference for strategic framing and the search for less radical claims towards gender-sensitive policy solutions.¹¹⁹

We argue that this triadic conceptual framework is a starting point to further theorize the power dynamics between women's movements, anti-gender movements and the state. These dynamics in turn will determine gender equality policy progress or regression. The framework provides an analytical tool to look at the gendered implications of current political developments and the implication and consequences for gender equality policies and rights. In addition, we contend that our model contributes to understanding recent debates on de-democratization. In these debates, gender aspects of de-democratization processes are generally overlooked, and we believe their inclusion is crucial for a more comprehensive understanding of the consequences of democratic backsliding for women. We argue that backsliding mainly leads to decreased inclusion of women's rights advocates in policy processes and in civic space, which are key for women and other groups that are underrepresented in formal politics. Yet, rather than understanding this phenomenon as a process of shrinking civic space, our triadic framework points to a more complex process in which governments reconfigure civic space and use civil society actors and other vested interest groups to support their efforts to undo women's rights.

115 O'Dwyer 2018.

116 Zald 1996; Ayoub and Chetaille 2017.

117 Zald 1996.

118 Ayoub and Chetaille 2017.

119 Krizsán and Roggeband 2018a.

5.

IMPLICATIONS OF BACKLASH FOR WOMEN'S RIGHTS AND GENDER EQUALITY POLICIES

Given the strong backlash against women's rights and their defenders, it is important to consider the implications of this for the gender equality rights, policies and institutional arrangements that have been established over the past decades. This progress can be attributed to the increased participation of women in political realms and existing institutional channels. In particular, the collective mobilization of women has been key to the advancement of women's rights.¹¹⁸

While generally the literature on gender and politics and gender policy change can be seen as demonstrating progress bias, European scholars have recently—in the context of the 2008 economic crisis that strengthened neoliberal trends and led to gendered austerity measures and restructuring packages across the region—started to pay attention to the backsliding of gender equality policies.¹²¹ While anti-discrimination policies and other legal gender equality instruments remained in place, cuts were prominent in budgets and institutional frameworks that negatively affected the inclusion of women's groups and feminist experts in policy processes.¹²² Jacquot also finds patterns of incremental backsliding in EU gender equality policies over the last decade; she identifies changes in framing, institutional placement, budgets and consultations with civil society as critical elements of what she labels “progressive extinction”.¹²³

These studies point to both stability and vulnerability in terms of institutional frameworks, implementation and accountability and to discursive threats to gender equality objectives. They also indicate issue specificity within the wider range of gender policy issues. It has been argued that various gender equality policy sub-issues are characterized by different policy dynamics, including diverse patterns of actor dynamics, different dynamics of political representation, institutional friction and veto points, and this may result in differences in policy attention.¹²⁴ Morality or ‘doctrinal’ issues—such as sexual and reproductive rights, and family policies—are particularly sensitive to contestation¹²⁵ as these touch on religious doctrine.¹²⁶ Htun and Weldon argue that religious and traditional authorities often try to control issues of kinship and reproduction and will use their institutional position and authority to influence policy debates on topics such as family

120 Htun and Weldon 2012; Krizsán and Roggeband 2018.a.

121 Bettio et. al. 2012; Karamessini and Rubery 2013; Walby 2015; Kantola and Lombardo 2017.

122 Guerrina 2017.

123 Jacquot, 2017: 43.

124 McBride and Mazur 2010; Htun and Weldon 2012; Annesley et al. 2015.

125 Kuhar and Paternotte 2017; Kuhar 2015; Kováts and Poim 2015.

126 Htun and Weldon 2018.

law, abortion, contraceptives or fertility assistance.¹²⁷ Class-based issues also emerge as a topic of political struggle in the context of the economic and financial crisis.¹²⁸ On the other hand, legal frameworks embedded in international norms and treaties may be less prone to backsliding.

Certain patterns of backsliding in gender policies emerge, but it remains unclear how systematic these are and what they imply for inclusive democracy and the representation of gender, particularly in the context of fragile democracies. Better conceptual work is needed to bring the various dimensions of backsliding together in a sound conceptual framework.¹²⁹

As mentioned in the introduction, we define backsliding in the field of gender equality policies with reference to the substantive normative content of gender equality as a benchmark. But we see the meaning of gender equality as differing depending on the political, social and cultural contexts.¹³⁰ Thus we define backsliding as States going back on previous commitments to gender equality norms as defined in their respective political contexts.

We propose that backsliding needs to be understood as meaning more than just the removal or dismantling of policies to include subtle and gradual reframing and the undermining of implementation capacities such as institutions, planning or budgets and accountability mechanisms. We therefore operationalize policy backsliding in the field of gender equality along four complementary dimensions: (1) discursive (de) legitimization of gender policy objectives; (2) dismantling and reframing existing policies; (3) undermining implementation; and (4) erosion of accountability and inclusion mechanisms. This multi-dimensional

framework allows us to examine how backsliding patterns vary across specific gender equality issues and across countries, while it also allows for a gradual rather than a dichotomous approach.¹³¹ We see the four dimensions as interrelated and complementary. For backsliding to occur, it is not necessary that all dimensions are present simultaneously; it may be present in only one dimension and not in others. However, we contend that the presence of reversal in one aspect can be expected to lead to further backsliding in the policy regime. Discursive de-legitimization of policies, or broken accountability, may ultimately result in a change of policy framing or institutional arrangements. Below we elaborate on each dimension and provide some empirical illustrations.

5.1 Discursive delegitimization of gender equality policies

A widely noted and prominent aspect of policy backsliding is changes in official political discourses from positions largely supportive or silent on gender equality to statements that openly challenge gender equality objectives, often going in opposition to the formally adopted and accepted policy positions of the country.¹³² Oppositional statements on gender equality 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 (see Box 11).

Backsliding here means increasingly hostile policy processes, where anti-gender equality positions negatively influence how policies are perceived and implemented and thus pose a potential challenge to the rule of law.

127 Ibid.

128 Karamessini and Rubery 2013; Bettio et al. 2012; Kantola and Lombardo 2017; Sitter et al. 2017.

129 Goertz and Mazur 2008.

130 Lombardo et al. 2009.

131 Goertz and Mazur 2008.

132 Krizsán and Roggeband 2018b.

BOX 11.

Discursive delegitimization of policies

Anti-gender equality statements were first made in **Hungary** in the context of amending kindergarten regulations in 2010. The Secretary of State for education, Rózsa Hoffman, explained the amendment by stating 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, government discourse on gender ideology became better articulated in 2013-2014 in the context of the Estrela and Lunacek reports (ibid.). Then attacks became more vocal in the context of the ratification of the Istanbul Convention in May 2017. Anti-gender equality statements were made by the deputy head of the FIDESZ party, the youth section of the minor partner in government (the Christian Democratic Party) and a government-related think tank (Alapjogokért Központ/Centre for Fundamental Human Rights) when arguing that the Convention was 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 programme that Hungary would not sign the Istanbul Convention as long as his party was in government. In December 2017, Katalin Novák, State Secretary for Family Affairs (in charge of women’s issues) connected to the debate by saying that gender issues were stretched too far and were often mixed up with LGBT issues, which was damaging for women’s rights due to the provocative nature of LGBT demands (Krizsán and Sebestyén 2019).

A particularly strong example of discursive opposition comes from **Poland**, where the incoming populist right-wing Government at the end of 2015 started to use a strong anti-gender equality rhetoric in which ‘gender ideology’ is positioned 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 (Szczygielska 2019).

Croatian government actors have rarely used rhetoric delegitimizing their own gender equality policies. Yet, the ratification of the Istanbul Convention was a complicated process that made clear government responsiveness to anti-gender discourses. A member of the HDZ party in government said: “My views are very clear, we must all stand for the fight against violence against women, and we Christian democrats do this by seeking formulations that are in line with natural law, so we cannot support the ratification of the Istanbul Convention, but we can and must support the fight against violence against women” (Dnevik 2018) Also, government actors questioned the work of autonomous women’s shelters supported under government policy. The former minister for Social Policy and Youth Milanka Opačić (minister from 2012 to 2015) would often say that women should stay at home and abusers should be evicted so the funding from women’s shelters could be re-directed to programmes dealing with perpetrators (Krizsán and Roggeband 2020 forthcoming).

5.2 Policy dismantling and reframing

Reversal may take the form of dismantling or removing existing policies. However, radical changes can also take place by reframing policies so that their objectives change. Policy regimes are underpinned by a set of ideas or policy frames about the nature

of the problem, its causes and consequences and its solutions.¹³³ Policy frames are useful tools to analyse reversal or dismantling.

Backsliding may occur when a policy problem is radically reframed so that the new frame contrasts with gender equality meanings or allows for

¹³³ Verloo 2005: 20.

contrasting interpretations, as is shown in the example of changes in the Croatian family law with respect to domestic violence (see Box 12). Reversal may happen when gender-sensitive issues present in the diagnostic or prognostic frames of policy regimes

disappear. Re-framing policies from targeting equal opportunities to, for example, protecting family values or refamiliarizing and giving preference to family care is a pattern that can be observed to reverse progress in gender equality policy regimes.¹³⁴

BOX 12.

Dismantling and reframing policy

In **Croatia**, a new Criminal Code was adopted in 2011 and entered into force on 1 January 2013. It removed the specific prohibition of “violent, abusive, or particularly insolent conduct” within a family (article 215A). Family relations were kept only as an aggravated circumstance for other, more severe criminal offences, such as injuries, severe and extremely severe injuries, threat or coercion (Manjoo 2013). Repealing these specific domestic violence provisions meant that such offenses could now only be prosecuted as misdemeanours, and the coercive control element was no longer part of the Criminal Code (AHR and AWH 2015). In addition, a new Family Law was drafted to “support traditional family values” (Stubbs 2016). The Law contains provisions—such as mandatory mediation in divorce cases—that oppose gender equality and disregard the power dynamics in domestic violence, with serious consequences for a parent who “refuses to cooperate” in raising children and fines for parents who prevent child contact with the other parent. Furthermore, the term ‘domestic violence’ was replaced with the ambiguous ‘highly conflictual relations’. The new Criminal Code and the Family Law brought the family protection framing to the level of statute. The Constitution was also amended following a popular referendum in 2013 initiated by conservative actors, but tacitly supported by the Government, to limit notions of marriage and the family to heterosexual couples (Sutlović 2019).

In **Hungary**, the first policy changes after the 2010 elections aimed explicitly at combating so-called gender ideology: Articles on gender-sensitive education were removed from a governmental decree on kindergarten education passed in 2009 (Felix 2015). In 2011, a new Constitution—which was adopted without much deliberation in the Parliament given the super-majority of the governing party—challenges several aspects of gender equality: It guaranteed the right to life from the moment of conception; redefined family as heterosexual marriage; and removed the principle of equal pay for women and men. There was no gender equality law or other law explicitly addressing gender inequality in place before 2010, thus no dismantling could be witnessed there. The main objective of parenting-motherhood/care policies during the Orbán Governments was to improve the demographic viability of the nation 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 best served changed and was often inconsistent over the years. The new Constitution also 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 also triggered down to policies concerning parenting and childcare support. 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 (by linking most substantive benefits to taxation or the availability of additional resources). This resulted in benefitting 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 in that these policies primarily benefitted women, but also critical given the nationalist/demographic objectives against which these measures were lined up (Krizsán and Sebestyén 2019).

134 Sitter et al. 2017.

The **Polish** PIS Government mainly targeted reproductive rights, family policy and violence against women. In December 2015, it ended the state-funded IVF programme (Szelewa 2016). The recently liberalized law on access to emergency contraceptives (2015) was reversed in June 2017 and access to other contraceptives was made more difficult one month later. Also, the Government proposed a total ban on abortion. This led to massive protests across the country and ultimately to rejection of the bill. In an attempt to further its pro-life agenda, the Government introduced the ‘For Life’ project, which provides a one-time payment of 4,000 PLN to women who decide to give birth to a child prenatally diagnosed with serious malformations or life-threatening health conditions. In April 2016, it also introduced the Family 500+ programme as one of the centrepieces of its demographic pro-family policy. Under the programme, it grants 500 PLN a month for every first child in a low-wage family (earning below 800 PLN a month) and a 500 PLN benefit for every subsequent child regardless of family income, in an attempt to improve fertility rates. The Government’s pro-family line also affected policies to combat violence against women. In December 2016, it announced its plans to withdraw from the Istanbul Convention (Roggeband and Krizsán 2018).

5.3 Undermining of implementation arrangements

Dismantling of policies can take less direct forms, called dismantling by default.¹³⁵ In such cases, policies may stay in place but institutional arrangements serving 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 (see Box 13). The literature about the gendered implications of austerity measures points to stalling strategic programming processes, closing gender equality institutions and cutting funds that make their operation feasible.¹³⁶ Dismantling institutional capacities for implementation contributes to sustaining facade democracies in which laws and policies remain ‘dead letters.’¹³⁷ Dismantling of implementation arrangements is a relatively easy and low-key form of rolling back policies.

5.4 Erosion of inclusion and accountability mechanisms

Accountability processes—especially policymaking and consultation with women’s rights advocates—are recognized as a critical element in the field of gender

policy progress.¹³⁸ Policy inclusion is not only a policy outcome in itself but also a factor in securing more gender equality-sensitive policy outputs. Gender equality policies may be particularly hollowed out if women’s rights advocates are not meaningfully involved in policy processes beyond agenda setting.¹³⁹ As discussed in the section on the relationship between the state and women’s organizations, breaking of accountability loops and de-democratizing policymaking processes can be identified as a critical element of backsliding in gender policy.¹⁴⁰ As we wrote, accountability can be undermined by changing or closing altogether consultation platforms. The functioning of civil society organizations and their participation in consultation can also be undermined by cutting resources, creating alternative voices for consultation processes or even persecution.¹⁴¹ These patterns of action make participation of women’s rights organizations in consultation processes difficult if not impossible. We argue that this is not only a problem in terms of the relationship between the state and women’s rights advocates but should factor importantly in our understanding of backsliding. An essential element of backsliding in the context of the economic crisis is the breaking of accountability loops and the de-democratizing of policymaking processes.¹⁴²

135 Bauer et al. 2012

136 Bettio et al. 2012; Sitter et al. 2017; Kantola and Lombardo 2017.

137 Falkner et al. 2008.

138 McBride and Mazur 2010; Ferree and Gamson 2003; Krizsán and Roggeband 2018a.

139 Krizsán and Roggeband 2018a.

140 Walby 2015; Kantola and Lombardo 2017; Sitter et al. 2017; Jacquot 2017.

141 Johnson and Saarinen 2011; Sitter et al. 2017.

142 Walby 2015; Kantola and Lombardo 2017; Sitter et al. 2017.

BOX 13.

Dismantling implementation

Starting from 2010, the FIDESZ Government in **Hungary** dismantled most of the gender equality structures in place under the previous Government. For example, the gender equality unit was closed and re-established with only two people only board under the deputy state secretary for Family and Population Policy. This implied both a downsizing and a reframing of gender equality policy objectives into family policy objectives. The consultative Gender Equality Council was not convened any more after 2010. The implementation of the 2010 National Gender Equality strategy was immediately stalled after the elections, and no activities were launched under it by the incoming Government. Funds were diverted from gender equality objectives towards objectives opposing it. For example, funds coming from European Commission Progress Fund were used for an anti-abortion campaign in ways that were challenged by EC Commissioner Viviane Reading (EURACTIV 2011).

Gender equality institutional structures have remained remarkably stable in **Croatia** during the last few years. New strategies for implementation were passed by the outgoing Government in 2010-2011: the National Policy for Gender Equality for the Period 2011–2015 and the National Strategy for Family Violence 2011-2016. After 2011, however, the poor capacities and weak impacts of gender equality institutions have been noted (BaBe et al. 2015; Human Right Council 2015). Adoption and implementation of strategic planning documents slowed down. For example, bi-yearly implementation reports were no longer issued for the National Strategy for Family Violence and no new gender equality strategy was adopted after 2015. The domestic violence policy infrastructure continued to operate, but implementation problems persisted here too (Manjoo 2013; AHR and AWH 2012). NGOs denounced the problematic implementation and the distorted framing of domestic violence by some policy actors (AHR and AWH 2012; Human Right Council 2015; BaBe et al. 2015). Absence of training and obligatory reporting by stakeholders led to framing it as a bilateral family conflict, as child abuse or as a family protection problem (AHR and AWH 2012). Overall, the institutional framework for gender equality has remained in place, but implementation weaknesses have clearly emerged (Sutlovic 2019).

In **Poland**, funds for the implementation of the National Action Plan for Equal Treatment 2013-2016 were suspended after the new Government came into office in 2015, even if some work on implementation of the NAP continued at the level of the Plenipotentiary for Civil Society. No new action plan is in the making, even though the previous one is running out. No final evaluation of the NAP has been developed thus far (Szelewa 2016). Similarly, funds for the National Action Plan on Domestic Violence were suspended along with funding for women's organizations working on the implementation of domestic violence policies.

5.5 Dismantling patterns and strategies

What country-specific patterns and mechanisms of backsliding emerge and what are their consequences for gender equal democracy? Three main points emerge from our previous analysis.

First, rather than direct dismantling of laws and policies on gender equality, the core dimensions challenged by processes of backsliding are

implementation and accountability. Dismantling of implementation tools, institutions and budgets and breaking accountability mechanisms takes place in all of these countries to some extent and affects all gender equality policies. While policies may stay in place, even if sometimes reframed, their implementation is reversed or stalled everywhere.

Budgets allocated towards gender equality are also cut, diminished or reoriented towards reframed objectives, mainly protection of traditional family

values and demographic sustainability. In addition, inclusion and accountability mechanisms are disrupted across the board. Processes of cooperation between the state and women's rights groups are discontinued or obstructed. There is critical backsliding in the realm of policy inclusion, consultation and partnership compared to previous practices across the board. 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. Disrupting accountability for gender equality issues may be part of a more general tendency to sideline democratic processes through executive decision-making.¹⁴³

Formal consultation processes are also curtailed by selective access to consultation based on government preferences. This leads to the exclusion of rights-based groups and their replacement by alternative groups. Women's rights groups are disempowered and limited in their functioning by having their funding cut, making it harder to challenge these negative developments. 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.

These mechanisms of dismantling implementation tools and accountability mechanisms are relevant for and impact the performance and effectiveness of all gender equality policies. On the one hand, backsliding in gender policy along these two dimensions highlights the vulnerability and weakness of gender equality policy achievements in the CEE. On the other hand, it reminds us that these were already problematized aspects of gender policy in the region before backsliding started.

Second, more blatant forms of backsliding, through dismantling and reframing policies, are specific to more politicized gender policy issues¹⁴⁴ as well as issues of a genuinely transformative nature. Gender policy issues

that are at the centre of backsliding are reproductive rights, family policies and violence against women (particularly in the context of the Istanbul Convention), as well as sex education issues. Anti-discrimination policies, economic issues such as women in the labour market or in leadership, equal pay and sexual harassment, which are all mainly regulated in alignment with EU norms, have been left remarkably untouched by the wave of policy dismantling.¹⁴⁵

Formal gender equality laws and policies are rarely removed or dismantled. However, more subtle changes emerge through reframing of policy priorities and marginalizing gender equality as a priority everywhere. Protecting the traditional family model emerges at the constitutional level in all three countries. Policies are not cut but transformed into traditionalist family protection frames, or frames promoting demographic sustainability, eradicating or subordinating gender equality objectives to nationalist or conservative projects. In all countries, we witness a move to define or rather re-define the family in traditional terms in reaction to previous tendencies to recognize diverse family forms. The emphasis on traditional families also leads to other legal amendments that signal a move from making care public towards refamiliarization and the giving of preference to family care and from women active in the labour market towards women as caretakers and reproducers of the nation.

Third, patterns of backsliding in gender equality policies undermine the democratic functioning of these States, with the rule of law threatened by dismantling implementation arrangements and turning existing laws and policies into 'dead letters'. In addition, there are consistent discursive attacks by government officials on gender equality objectives that are often embodied in the laws and policies of the country. Both the legitimacy and effectiveness of existing laws are challenged in this way.

Destabilizing constitutional arrangements is another way to challenge the rule of law. As Bermeo notes, in current backsliding regimes the disassembling of institutions that might challenge the executive

143 Sitter et al. 2017.

144 Annesley et al. 2015.

145 Roggeband and Krizsán 2018.

is often done through legal channels, using newly elected constitutional assemblies or referenda.¹⁴⁶ Governments either seek to alter existing constitutional arrangements or threaten to disrupt constitutional politics. Majoritarian referenda (Croatia) or parliamentary supermajorities (Hungary and Poland) are used to curtail gender equality and sexuality rights. The amendment of constitutions can be seen as symbolic acts, not necessarily translated in policy practices. Yet, they function as threats to rights holders and also as signals about the weakness and volatility of fundamental institutions and laws in these polities, disguised as pseudo-democratic operations.

Finally, democratic accountability is also weakened. This is done by undermining the functioning of civil society organizations by cutting their funding, sidelining their role in policymaking processes, discrediting their status and subjecting them to excessive monitoring. Along with the dismantling of women's policy agencies and the decreasing of political representation of women, a fundamental element of gender democracy is undermined: that of the participation and inclusion of women and other marginalized groups.

146 Bermeo 2016.

6.

CONCLUSIONS

During the last decade we have witnessed a visible drive against gender equality across the globe that threatens hard-won gender equality and human rights, including reproductive rights, protection against gender-based violence and funding for women's services. This gender equality backlash is led by transnational networks of conservative, religious and right-wing actors: political parties, churches, NGOs and also governments. The ascendance to power of right-wing parties in many countries provides a window of opportunity for these actors to challenge and reverse gender equality rights and policies. Increasingly, hostile governments are discrediting gender equality objectives and opposing or sidelining the defenders of such rights. We see attacks on gender equality rights, attacks on women's rights groups and—along the way—a change in state openness to include women's rights advocates in policy processes. This alters the relations between women's movement organizations and the state and leads to the backsliding of gender policies in the longer run.

In line with more general literature on de-democratization,¹⁴⁷ we find in the field of gender rights that States rely on a variety of democratic tools that maintain the illusion of democracy but are used to curtail rights, freedoms and liberal democracy. We see how platforms of inclusive policy processes and consultations with civil society are maintained but populated with civil society or pseudo-civil society actors that are supportive of anti-gender equality government agendas. We see the use of popular referenda (in Croatia and Hungary), or nation-wide public consultations (Hungary) as legitimizing new policies, with the power of the majority being used to limit the rights of minorities and underrepresented groups, including women and sexual minorities. We see extensive references to rights such as those of men, of fathers, of families or of unborn children, all applied in ways that limit gender equality and women's rights.

We talk about a reconfiguration of both institutional and civic spaces rather than a closure of the civic space. In institutional spaces, the claim for gender equality is now frequently challenged and delegitimized. This takes place along with the exclusion of other pro-rights voices, those that claim human

rights, minority and migrant's rights and the rights of sexual minorities. Institutional spaces are reconfigured, allowing anti-equality actors a more prominent stance in political processes and decision-making. In consultation processes, either women's rights advocates are replaced with conservative groups or these groups are brought in along with them to participate in the policy process.

In addition, governments use a range of strategies to reorganize civil society by making it hard for women's and other rights organizations to prevent and resist the decay of equality or other democratic rights. Legal restrictions are introduced to control their activities and funding. New legislation limits the number of NGOs that can apply for state funding but also makes it impossible to access channels of foreign funding. In addition, women's and other rights organizations reportedly suffer from more repressive or even violent actions ranging from disproportionate auditing as a means of control to policing, blacklisting and smear campaigns discrediting women's rights activists as anti-state and foreign agents.

To be part of policy consultation processes or receive state funding, civil society organizations now have to

¹⁴⁷ Bermeo 2016; Lust and Waldner 2015.

align with government ideology. We have witnessed attempts to establish an alternative civil society to replace existing civil society organizations. This alternative civil society often consists of new or old regime-friendly NGOs that affirm the policies introduced by the government and manifest their support. These groups are usually portrayed as 'real' NGOs protecting the 'real' interest of the state and democracy.

The decrease in access to the policy process and in having a political voice and standing has severe implications for gendered democracy, where alternative forms of representation are just as important as formal political representation. Changed conditions limit the possibilities of women's rights NGOs to comply with their democratic role. These NGOs play a vital role in maintaining democracy and the rule of law. Their inclusion and access not only serve to promote gender equal policies but also contribute to implementation and monitoring. Inclusion is instrumental to promote better gender equality policies but is also seen by a democratic requirement in itself.

By reconfiguring civic and institutional spaces, rather than closing them altogether, backsliding governments uphold the idea of being formally (and minimally) democratic, because they can claim that civil society is sustained or even promoted and consulted on important political decisions. This contributes to both domestic and international legitimacy. Meanwhile, it also helps build robust social foundations for backsliding regimes to rally or recruit new supporters. Moreover, it is instrumental in expanding the Right's public sphere and forging alliances between domestic and transnational NGOs, churches and existing conservative, nationalistic or religious organizations with similar ideologies or goals.¹⁴⁸

We find that, rather than changing the letter of laws and policies, which only happens in a few politicized fields, backsliding of gender policies takes more subtle forms. To capture backsliding, we therefore propose two dimensions that complement looking at the letter of the law. These are: (1) implementation and (2) policy inclusion, which are the core dimensions

challenged by processes of backsliding as our analysis indicates. Policies may stay in place, even if sometimes reframed; however, their implementation is reversed or stalled, and in all gender equality-related fields. Budgets are not allocated or policies are not acted upon. Gender-equality agencies are dismantled, downsized or de-funded. Dismantling implementation mechanisms turns gender policies into 'dead letters'¹⁴⁹ and leads to backsliding by inaction. In addition, as discussed above, policy inclusion mechanisms are also disrupted everywhere. Backsliding in the realm of policy inclusion, consultation and partnership between women's rights advocates and the state takes a variety of forms from dismantling of formal consultation structures, such as councils or committees established for sustainable communication between civil society groups and governments, through selective access based on governmental preferences to disempowering women's rights groups while empowering oppositional groups. These mechanisms of dismantling implementation tools and accountability mechanisms are relevant for and impact on the performance and effectiveness of all gender-equality policies. The backsliding in gender policy along these two dimensions highlights the vulnerability and weakness of gender-equality policy achievements in recently democratized States such as countries of the CEE region.

In the face of hostility from opponents to gender equality and from reconfiguring governments that are much less likely to grant true standing and voice, women's rights groups need to adapt their strategies and to develop different capacities than needed previously. While threat and opposition can reinvigorate resistance and strengthen it, it may also incapacitate weaker and more institutionalized movements, in particular if hostilities are systematic and long lasting. Activists have to deal with physically and emotionally demanding conditions as de-funding requires unconditional commitment without pay or other resources. As an activist scholar phrased it "these attacks run over the bodies of these feminist advocates".¹⁵⁰

149 Falkner et al. 2008.

150 Comment made by Maria Bucur, Indiana University at Council of European Studies conference, Universidad Carlos III, Madrid, 21 June 2019. Panel: The gendered+ dynamics of Europe's disintegration and de-democratization

148 Greskovits 2017.

Abeyance¹⁵¹ is a response that can emerge in such cases. It is likely to be the last resort, when a movement is hardly able to openly challenge the state or function as usual. It is a matter of survival in which a social movement manages to sustain itself in a hostile political and cultural environment.¹⁵² 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 and small group discussions, is also a strategy that may be used and is a familiar ground for many women's movements in the CEE.

On the other hand, increasing hostility may also have a revitalizing impact on democracy. In the absence of effective entry points to policy processes, women's rights groups in several countries now turn to building and mobilizing grassroots capacities in an unprecedented manner. More disruptive, more participatory strategies of mobilization are used, partly relying on the availability of social media. The attacks also generate new coalitions among actors opposing populist/illiberal/anti-European forces and bring in interesting new actor alignments compared to earlier debates on gender policies. We see new alliances with pro-European, pro-democracy actors from formal politics including government actors who, in the context of gender becoming a threatened value, are willing to be more articulate than before about the link between violence against women and gender equality. We also see widening feminist coalitions standing up against attacks, often including mainstream human rights organizations or various social justice groups. Finally, in this process, we also find a generational and intersectional diversification within women's groups that sparks new tensions and debates about the meaning of feminism and possible strategies but also aids feminist mobilization with new, more radical and protest-driven repertoires of action. More wide-ranging coalition work is not only a strategy widening the constituency for women's rights claims but may also have the potential to

151 Taylor 1989.

152 Ibid.

mainstream gender equality objectives into wider pro-democracy protest frames. Overall, one can notice how the hostility and outspoken resilience to it may have the potential to increase the politicization of gender equality issues and make gender equality more inherently part of the wider democracy agenda than was the case before.¹⁵³

While our report focuses on the CEE region, we think that the two central mechanisms we describe—the reconfiguration of institutional and civic space and policy dismantling—will also apply to other regions with backsliding regimes. Current developments in Brazil or the United States make clear that attacks on sexual and reproductive rights and discourses on 'gender ideology' are part of new government programmes and rhetoric.¹⁵⁴ We see new right-wing populist governments in the Americas aligning with religious actors, not only Roman Catholic and Orthodox churches but also evangelical and (neo)Pentecostal churches and groups, to promote traditional family models and gender roles. Religious and conservative actors have successfully entered political debates in Argentina, Brazil, Chile, Colombia Guatemala, Mexico and Peru to fight 'gender ideology'.¹⁵⁵ This is also occurring in a number of African countries.¹⁵⁶ It is clear that we are facing a global phenomenon with different national expressions. The particular dynamics this creates between women's movement actors, state actors and actors opposing gender equality rights depends on previous configurations between the state and civil society, state-church relations, the vibrancy and resilience of mainstream civil society, and the previous position and strength of feminist actors and their relations to state actors and institutions. Also, varying state configurations and institutional settings may make it necessary to look beyond state level to include subnational configurations in some countries.

As democracy scholars have noted, democratic backsliding is particularly affecting more recent democracies and democracies that were part of the

153 Krizsán and Roggeband 2019.

154 Girard 2017; Corredor 2019; Biroli 2019, Caminotti and Tabbush 2019.

155 Corredor 2019.

156 Kaoma 2018.

so-called 'third wave' such as Central and Eastern Europe and Latin America. Whether the patterns found in the CEE region are applicable across world regions requires further research that moves beyond the CEE to understand commonalities and country- or region-specific patterns of gendered backsliding and feminist resilience to it.

Summary conclusions

- Processes of democratic backsliding urge us to rethink feminist strategies for engaging with the state.
- Relations between feminist movements and the state need to be reconsidered in light of a third actor: anti-gender and conservative movements.
- Rather than a closure of the space for civil society organizations, governments have reconfigured civic space in ways that favour anti-gender equality actors and exclude women's rights organizations.
- Policy backsliding in the field of gender equality can mainly be captured through the dismantling of implementation arrangements and government accountability to women's rights actors rather than the direct dismantling of laws and policies on gender equality.

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220 East 42nd Street
New York, New York 10017, USA
Tel: +1-646-781-4400
Fax: +1-646-781-4444

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