

# REPORT

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## **DISSEMINATION LEVEL**

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# Contestation of Istanbul Convention: A Comparative Analysis of Treaty Commitment

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## Abstract

This paper examines the ratification patterns of Istanbul Convention and seeks to understand the conditions in which the IC is contested. We first provide a descriptive overview of ratification patterns with respect to time to ratification and whether IC is ratified. The descriptive analysis demonstrates that Eastern and Central European countries are least likely to ratify the IC and even when they ratify, it takes longer in average. We then built our own theoretical model to understand the paths to blocked and/or delayed ratification. We argue that a complex recipe of political and sociological factors is conducive to contestation and non-ratification.



## Introduction

Prior work in the GLOBE project has shown that the global governance system is characterized by the exercise of authority beyond the nation state. International institutions, including formal inter-governmental organizations (IOs), but also treaty bodies, formulate policy agendas and generate substantive regulation, propose and monitor rules of conduct between states and other global actors with the goal to further the provision of public goods for a global community.<sup>1</sup> The actions of authoritative institutions are thereby based on certain normative values that undergird global governance. Among the most prominent of these is the recognition that individuals are not only part of global governance but that ultimately states have a legal and moral obligation to protect their rights and liberties. Yet, despite their relevance in fostering human rights norms, many international institutions are challenged and contested by governments and non-state actors alike, as for example in the case of global trade and development where many civil society organizations criticize the negative effects of global trade arrangements on human rights practices (Del 3.1).

Yet, recently, many state and non-state actors alike contest not so much the effects of institutions, but rather their very normative basis, questioning the validity and universality of global human rights norms, among others. The growing backlash against liberal human rights values can not only lower the effectiveness of international institutions, but also contribute to undermine the normative fabric on which many global governance arrangements are built: the protection of individual liberties. In contrast to other issue areas, international institutions in human rights typically lack strong enforcement procedures (Posner 2014). Rather, they seek to improve domestic human rights practices by developing and promoting treaties that codify

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<sup>1</sup> See deliverable Del 7.1.



individual rights and define standards of appropriate behavior for governments in the treatment of treating their citizens. The growing contestation of such treaty norms by government and societal actors, however, risks weakening the development and domestic implementation of globally adopted norms, threatening thereby also societal resilience.

Because contestation of human rights can weaken the societal resilience, it is important to understand how and why governments, who ultimately negotiate treaties and decide on their adoption, contest human rights norms. And while we know that authoritarian governments across many world regions simply ignore binding international human rights law (Simmons 2009; Vreeland 2008), it is less well understood why human rights are being contested in densely institutionalized regions with strong and enforceable human rights and where democratic forms of government prevail. We therefore shift our analytical focus to Europe and on the Council of Europe (CoE) in particular. The CoE actively promotes and harmonized human rights standards in Europe through a set of conventions. The European Court of Human Rights, which enforces the European Convention on Human Rights, is considered to be the most authoritative regional court. As a result, Europe is densely institutionalized in terms of human rights norms.

The Council of Europe Convention of Violence against Women and Domestic Violence (Istanbul Convention, IC) was opened for signature in 2011 and came into force in 2014. As of October 2021, out of the 46 Council of Europe (CoE) member states eligible to ratify, 34 have ratified the Convention. Although the IC was a success story in terms of its establishment and the initial signing and ratification process, it later turned into a heavily politicized and contested convention. Today, even countries that ratified the Convention earlier are discussing withdrawing from it, as in the case of Poland, or have already withdrawn, like Turkey. There are also cases where the IC was ratified despite mass mobilizations and failed to ratify due to such mobilization. In sum, what we see is a complex landscape of contestation around the IC's



ratification.

This paper attempts to make sense of this landscape with a comparative outlook. We believe that conventions such as the IC embody a minimum set of shared norms and principles of societies. Although sometimes only symbolic, states' commitment to such conventions is indicative of resilient societies that can coalesce around certain norms that protect individual liberties and lives. At a minimum, commitment to international treaties builds the legal basis for international organizations to coordinate and implement human rights policies. By adopting the international conventions governments bind themselves to protect a certain set of rights vis-à-vis their population that is monitored by international actors. The delay and lack of commitments, fueled by societal polarization around conventions, shows us the opposite: non-resilient and fragmented societies. With this perspective, we hope to understand what political and sociological factors contribute to societies' resilience in the face of threats against human rights.

Although in some countries, voices were raised against it from the beginning, it was not until 2015 that the Convention encountered a widespread contestation from various groups located in different countries. These groups have a shared vocabulary for what they contest: the so-called "gender ideology" prescribed by the Istanbul Convention. Their master frame is that "gender ideology" is against the "family values" of their respective societies, and in many cases, the way gender is described in the Convention<sup>2</sup> was deemed unconstitutional. They also described the Convention as a threat to national sovereignty in matters of local cultural practices. It should be noted that the contestation of IC does not take place in a vacuum. It is a part of a general trend: a growing global wave of anti-feminist/anti-gender mobilization. Those movements use similar frames and strategies and consist of a similar set of actors. However,

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<sup>2</sup> The Article 3 of the Convention describes gender as "socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men."



depending on the context, they politicize and target different issues ranging from abortion rights to sex education and same-sex marriage to gender equality. Contesting IC is another manifestation of this broader trend, which has the potential to undermine global efforts of international institutions to enshrine and protect individual liberties.

Actors contesting the Istanbul Convention consist of conservative civil society organizations, religious groups, churches, political parties, think tanks, and state institutions. Configurations of who initiates and leads such coalitions vary contextually. However, this does not mean that these groups are just home-grown. On the contrary, they have strong transnational ties, convene regularly, and come up with common frames (Chappell 2006, Corredor 2019, Roggeband 2019, Goetz 2020). It is also worth noting that many of these actors fight on multiple grounds, both nationally and internationally. Contestation of the IC is one manifestation of their actions reflecting a more general pattern of global contestation against gender rights and feminism, which we see happening on various platforms, including multiple domestic contexts (Kantola & Lambardo 2019; Verloo and Paternotte 2018; Kuhar and Paternotte 2017;), the EU (Datta 2018, Yamin et al. 2018), and the UN (Cupać and Ebetürk 2020 and 2021). However, that does not mean that it is exactly the same actors fighting the same battle in different arenas. It is rather actors with similar ideologies, with some transnational connections, that attack similar progressive agendas. It is among our goals to understand which conditions make them more salient and powerful. We think the contestation of IC is particularly interesting in this regard for reasons we explain below.

Among the two substantive goals of the Istanbul Convention are eliminating violence against women and eliminating of all forms of discrimination against women while advancing gender equality. Although the Convention discusses gender as a socially constructed phenomenon, developing policies based on this understanding is not among the core aims of the Convention. As its name suggests, the IC's focus is combatting violence against women. In



developing policies, the gendered dimensions of the problem are addressed, yet the Convention does not reinvent the wheel. Instead, it brings together decades-long feminist theory and practices on violence against women (Krizsán and Roggeband 2021: 3). That is to say, the IC does not bring a completely new agenda to the table. Despite this, the IC became the target of systematic attacks and failed to be a convention that is ratified smoothly and widely by the member states. Notably, the IC became heavily politicized.

In this project, we seek to explore, through a macro-level analysis of ratifications patterns, the extent to which states embrace or avoid commitment to the IC. Governments can contest international norms in several ways. A particularly important one is the evasion or delay of binding international commitments as states thereby signal lacking willingness to embrace human rights norms (Hathaway, 2007; Simmons, 2009). We argue that by ratifying a convention, states show their willingness to commit to the principles covered by the convention. By looking at temporal data on whether a state ratifies and how long it takes to ratify, we can identify patterns of commitment and thus better understand states' inclination toward the norms of the Istanbul Convention. Our macro-level analysis is particularly warranted for this purpose as it allows us to uncover more systematic trends that are often not reflected in micro-level analysis. This will allow us to probe into some prominent explanations of state commitment to human rights treaties and contrast their expectations with what we find. As a result, we discuss possible reasons for the observed ratification behavior and propose a theoretical framework for further study.

In rest of this paper, we first review the literature on IC ratification and contestation. Then, we provide a descriptive analysis of the ratification landscape of the IC using an original dataset. Having described the most noteworthy ratification and contestation patterns, we discuss possible theoretical explanations, focusing on the political and social conditions under which IC becomes politicized and contested. We argue that, in addition to country-level factors,





regional forces as well as four other variables capturing state-society relations are the main blocks in explaining ratification and contestation behavior.

## What do we know about Istanbul Convention so far?

The majority of studies on ratification processes and contestation of the Istanbul Convention are single case studies. Among these, studies about the situation in Central and Eastern European (CEE) states are the most prominent (see: On Croatia: Bosak and Vajda 2019, Obajdin et al 2021, Runjić-Stoilova and Stanković 2018; on Poland: Gwiazda 2020, Korolczuk and Graff 2017; on Armenia: Ghazaryan 2021; on Bulgaria: Ilcheva 2020, Stoenchava 2021, Vassileva 2018, Popova et al 2020; on Ukraine: Basha 2018, Ketelaars 2019, Zorgdrager 2020; on Latvia: Bračina 2019, Isaacs and Rudzite 2021, Vizgunova and Graudina 2020; on Turkey: Elmas et al 2021, Türközü 2021). These studies provide valuable contextual knowledge about the identity of the contesters and their frames and goals. They also provide invaluable background about the political context that would precede the ratification or non-ratification of IC. Some scholars address the transnational character of the contestations and non-ratification decisions (Kuhar & Paternotte 2017, Paternotte & Kuhar 2018). Some studies compare a small number of cases concerning causes and outcomes of contestations (Krizsán and Roggeband 2021) and controversies over ratification (Balogh 2020). What is missing from the literature is a macro-level comparative study of ratification and commitment processes combined with societal contestations. Below, we first briefly summarize the findings of the existing literature and identify the gap. In the next section, we produce new data for comparative analysis of commitment/ratification and then discuss possible theoretical explanations.

There is a limited number of studies that discusses IC ratification dynamics from a comparative perspective. Most of the scholarly work on IC ratification employs a legalistic approach and discusses the Convention with respect to national constitutions and their



compatibility (Niederhauser 2021, Lange et al 2020). A relatively larger body of work is also devoted to examining the causes of non-ratification or delayed ratification in a single case. A few studies also discuss the IC within the context of international law and with respect to other similar conventions (Grans 2018, Niemi et al 2020). Among these legal studies, those examining the controversies around the ratification with a comparative lens are limited in number.

One example is Balogh's paper that reviews the ratification status among EU member states (Balogh 2020). Balogh's review demonstrates the presence of anti-gender mobilization in all EU countries in some form or another. However, this does not automatically translate into mobilization against IC. Not all anti-gender movements take up the issue of blocking IC ratification as part of their agenda. Moreover, the delayed ratification was not always linked to the politicization of the Convention. For instance, in Germany, where ratification took a little more than six years, the main reason was bringing the national legislation to full conformity with the Convention (Balogh 2020: 8). In the UK, on the other hand, where the IC was not ratified, the main reason was the Brexit and the IC being overshadowed by it. While non-ratification in some Central and Eastern European states is plausibly the result of societal contestation, the IC was ratified despite mass mobilizations against it in many other cases. Balogh's review of the status of ratification in the EU is not a systematic one, meaning she does not come up with causal mechanisms or paths that would explain ratification or non-ratification. Moreover, focusing only on EU member states misses important non-EU cases that contribute to significant delays in ratifications. However, she suggests possible reasons for individual cases<sup>3</sup> while describing what precedes the decision to ratify or not.

A brief examination of the broader literature on ratification and commitment process is also

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<sup>3</sup> Such as France, Germany, Croatia, or Poland, for example.

helpful to understand states commitment behavior towards the IC. States can express their opposition to international human rights norms in several ways. States can simply ignore their international obligations by not complying with them (Simmons 2009). Nevertheless, before they refuse to implement international human rights norms, they can avoid binding legal commitments by withholding ratification of international treaties (Hathaway 2007). Moreover, even if they decide to ratify an agreement, they can---particularly in the case of international human rights treaties---issue a reservation for specific articles and obligations. States can thus customize the content and bite of international obligations they are willing to shoulder (Hill 2016; Neumayer 2007). How states commit to international law is essential for their subsequent implementation behavior. The commitment stage sets the international legal framework that states are obliged to follow and creates expectations among other states and particularly societal actors within states about their governments' intentions and behavior. Indeed, questions of treaty ratification dominate the human rights literature in international relations and accordingly many scholars have dedicated most of their empirical work on studying treaty ratification dynamics. Unlike in other issue areas of world politics, ratifying governments do not receive tangible benefits through ratifications, such as in the case of arms control agreements, where two states mutually reduce their weaponry. Instead, in human rights, governments constrain themselves vis-à-vis their own population, guaranteeing it the implementation and protection of enforceable legal rights (Dai 2002; Hafner-Burton and Tsutsui 2005). Because motivations to bind other governments are weak and international organizations cannot force states into human rights treaties, much depends on governments' willingness to ratify conventions. This has important implications for the study of commitment to human rights norms. First, to capture that willingness, scholars have not only focused on whether ratification happens or not, but also on the time it takes for governments to legally bind themselves to a human rights convention (Cole 2005; Hafner-Burton and Tsutsui 2005; Hathaway 2007; Lupu 2013; Simmons 2009).



Long delays in ratification may thus indicate a tendency of governments to withhold from their citizens human rights that they themselves have negotiated and agreed upon on the international level. Indeed, this is particularly puzzling in the case of the IC, where the member states of CoE drafted and ultimately consensually adopted the IC, but differ widely in their ratification propensity. Analyzing ratification delays, moreover, allows us to systematically assess which factors affect states' willingness to speed up or delay ratifications. This is particularly important because the second implication from the analysis of governments' commitment to human rights treaties regards the set of relevant explanatory factors. While some international explanatory factors do seem to play a role, such as states' reputational concerns when they fail to ratify human rights treaties (Simmons, 2009), the bulk of explanatory variables is located at the domestic and transnational levels. Domestic political institutions, societal pressure, or transnational advocacy networks have been shown to decisively affect states' willingness to commit to and then implement human rights norms (Keck and Sikkink 1998; Risse, Ropp, and Sikkink 2013).

In that regard, the majority of the human rights literature has focused on the role of transnational advocacy networks that push their human rights agenda and have often successfully constrained government to adopt effective human rights protections. However, recently scholars have observed a shift in political focus and contestation of transnational activists; some are increasingly contesting international human rights law. Apart from studies examining ratification processes, many studies of anti-gender mobilizations in Europe touch upon the contestation of the Istanbul Convention. For these studies, the contestation of the IC is another manifestation of the current global anti-gender movement. Although the foci of these studies are not exclusively on the IC, their findings of the transnational character of these movements are noteworthy. In the final section, we review some of the main findings of these studies about the causes and outcomes of anti-gender mobilization.



## Ratification Landscape: A Descriptive Analysis

To examine states' commitment behaviour to the Istanbul Convention, we create new data on the ratification patterns of the convention by the 46 member states of the Council of Europe (CoE). The IC has been negotiated within the CoE, and its member states are the primary targets of its regulations. Hence, they are eligible to ratify the agreement in the first place. When considering the ratification of the IC, we are not only interested in how many states ratified it or not. Instead, we attach greater weight to ratification delays, i.e., the time it takes for each state to ratify the IC. =. Faster ratifications thereby indicate a greater propensity to embrace human rights norms, while slow ratifications, correspondingly, show a weak propensity. Failure to ratify the convention, in turn, may signal a lack of interest in the treaty and its norms.

### Ratification

We collected data on the ratification of the IC for all 46 CoE members and generated an event history or survival data set (Box-Steffensmeier and Jones 2004).<sup>4</sup> The outcome measure is the time until ratification, measured in years, of the IC---the event of interest---for each state. The onset of ratification risk for all states is May 2011, the date of the adoption of the IC. From that date on, each CoE member could ratify the convention. Should it do so after some time, the state exits the analysis, or cast in the survival analysis jargon, experiences a failure. For example, a state becomes eligible to ratify the IC in May 2011 and takes two years until ratification (May 2013). Its time-until-ratification, or survival time, is, therefore, two years or 24 months. Should ratification not occur until the end date in our study (January 2021), the state is censored, i.e., it leaves the data without ratifying the convention. Our data comprise 46 states and the time from May 2011 until January 2021, yielding multiple-record survival data where

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<sup>4</sup> We consider only full CoE members and not observers.

we follow each state over several consecutive month-years until ratification happens or the state is censored. Note that while we follow each state monthly, we present findings on an annual scale. With our survival data, we can compute various statistics that inform us about the ratification patterns of the IC.

Figure 1 informs about the ratification rates of the IC. Intuitively, the ratification rates captures ratifications per unit of time. More specifically, the plot shows the survival probability, which is a function of time. Time is hereby expressed as the years that passed since the adoption of the convention. The y-axis describes the survival probability and informs about the relative proportion of states not having failed, i.e., those that did not ratify at that point in time and that have thus “survived”. For example, in the year of adoption (zero on the x-axis) 100 percent of state parties have yet to ratify the convention, and hence the probability that states survive (i.e., do not experience the event of interest, ratification) is 100 percent. With the passage of time, this probability declines in a stepwise manner. For example, at about three years after the adoption of the IC, about 75 percent of states survive (have not failed), which means that 25 percent have failed or ratified the convention. At the bottom of Figure 1, we indicate the number of states that have not ratified the IC at each analysis time. In the year of the IC’s adoption, 46 have not ratified the convention, while four years after the adoption 28 states did not commit to this treaty. In the tenth year since adoption (i.e. 2021), 13 states are still refusing to ratify the IC. This implies that by now, 33 states have ratified the IC (72%). Focusing on this aggregate share of adherence to the IC by eligible states masks, however, important variation in commitment dynamics. Therefore, a closer examination with the tools to survival analysis and its specific metrics is necessary.



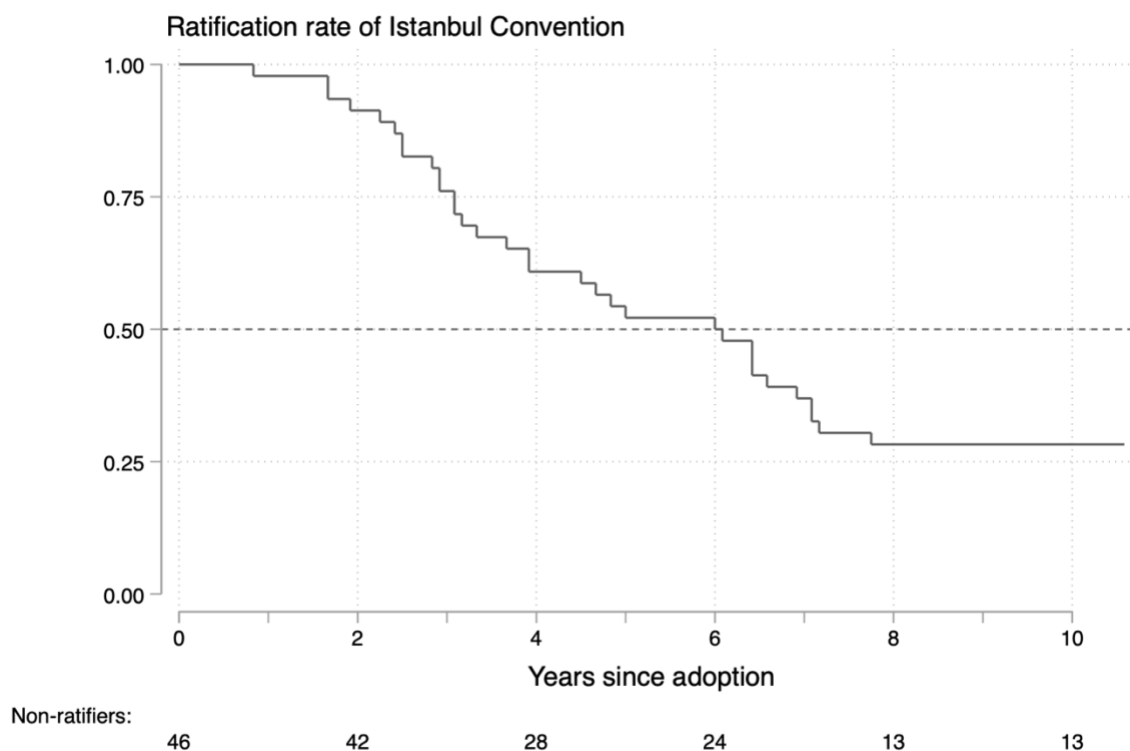


Figure 1 Ratification rate of Istanbul Convention

To have reference number for the IC’s median survival time, we report the median survival time of a different but related convention, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The same CoE members took on average five years to ratify CEDAW, indicating thereby a slightly quicker commitment than in the case of the IC with a median survival time of six years. Of course, CEDAW has been adopted and opened for ratification almost three decades earlier than the IC and hence the specific circumstances of its ratification differ from the ones of the IC. Nonetheless, it provides a reference for determining how quickly (or slowly) the same set of CoE member states have committed to a related human rights treaty.

While the ratification rates of CEDAW and the IC do not differ significantly from each

other, there is considerable variation in IC ratification across the sub-regions of CoE member states. Table 1 shows the number of total ratifications per region along with the number of countries in each region. We adopt the regional classification of the United Nations and slightly adapt. For example, we include the former European Soviet Republics, such as Lithuania or Estonia, among Eastern Europe, completing thus the full set of Central and Eastern European countries. We also include the successor states of the former Yugoslavia, Bulgaria, and Romania in that regional category. Moreover, we drop henceforth from our analysis the European micro-states, such as Monaco or San Marino, limiting the number of CoE members to 42 states for which we can gather also other data.<sup>5</sup>

*Table 1 Total ratifications of IC per region*

	<b>Ratifications</b>	<b>Countries</b>
Eastern Europe	8	17
Northern Europe	6	7
Southern Europe	7	7
Western Asia	2	4
Western Europe	7	7
<b>Total</b>	<b>30</b>	<b>42</b>

Only eight out of 17 countries from Eastern Europe have ratified the IC.. Commitment to the IC in Eastern Europe falls even behind Western Asia, where half of all states have ratified the IC (Turkey, Armenia, Georgia, Azerbaijan). This stands in stark contrast to Western and Southern European commitment rates, which reach 100%, and Northern Europe, where only the United Kingdom refuses to ratify the IC.

<sup>5</sup> Data on many important variables, such as political system or economic output, are typically not available for these micro-states.



While informing about general IC ratification across regions, the aggregated IC adherence rates to the IC across regions does not inform us about how quickly states ratified the conventions. When we plot the survival probabilities across all regions in Figure 2, we see significant variation in the median time until ratification. While Eastern Europe does not even reach a median survival time (a fourth of Eastern European states has ratified the IC after four years), half of all Southern European states have ratified the IC after three years. Indeed, the ratification of the IC is faster in Southern Europe than in both Northern and Western European states that take on average four and six years, respectively, to commit to the IC.

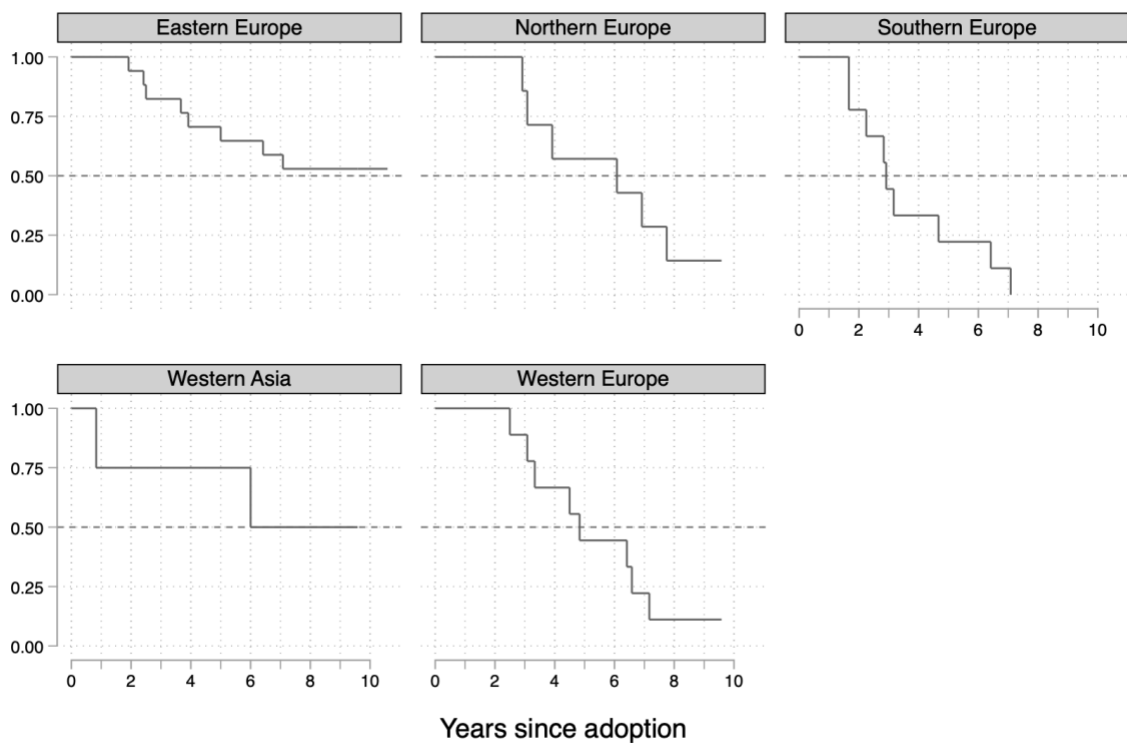


Figure 2 Ratification rates across regions of CoE member states

The difference in ratification rates across regions is statistically significant, as indicated by a log-rank test ( $\chi^2(4): 13.27, p < 0.01$ ).

However, commitment to human rights treaties is a function of region-specific identities and political dynamics and many more factors. Accordingly, we next examine how key predictors of treaty commitment affect IC ratification patterns.

First, we more closely consider states' domestic political systems. The IC establishes and protects the individual rights of women and can be thus considered an integral element of liberal normative values.<sup>6</sup> Accordingly, the more states enshrine liberal values in their constitutions, political institutions, and practices, the easier should commitment to the IC be. We, therefore, assess whether there are differences in ratification rates between countries with weak liberal values and those with strong ones. To measure that variable, we use the liberal democracy index from the V-Dem project that how the political system safeguards and promotes liberal values.<sup>7</sup> We dichotomize this variable, where the value 1 represents states with a liberal democracy score of the 25th percentile and below, and thus weak liberalism, and zero otherwise.

Second, we consider the quality of democratic institutions. Many CoE member states can be considered young democracies, having only recently transitioned from authoritarianism to democracy. For example, Poland's or Armenia's democratic institutions are far younger than France's or Sweden's. To capture this difference and thereby possibly divergent incentives for IC commitment, we encode whether a country is a strong or a weak democracy. We use V-Dem's polyarchy index, which is particularly suited to represent the strength and quality of institutions among different democracies. All countries with a polyarchy score at or above the 90th percentile are coded as strong democracies.

Third, being an EU member is a strong motivation for committing to human rights treaties

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<sup>6</sup> To plot differences in survival probability/ratification rates, we dichotomize all independent variables. This allows us to discern, visually, whether there are notable differences in ratifications between the groups of states constituted by the binary variables. Moreover, we can run statistical hypothesis test (the log-rank test) for survival analysis.

<sup>7</sup> <https://www.v-dem.net/en/data/archive/previous-reference-materials/reference-materials-v9/>

(Milewicz and Elsig 2014). This is because strong domestic human rights norms are a prerequisite for EU membership and because the members of the Union often coordinate their treaty ratifications. Moreover, the EU is broadly considered a normative agent, actively promoting human rights norms and the IC in particular. For these reasons, EU members should face significantly lower hurdles in ratifying the IC than others.

Finally, a key predictor for states' treaty commitment is their GDP per capita. This is because GDP per capita informs about a state's economic ability to implement a convention. The IC comes with many administrative requirements and demands from its ratifiers to build domestic apparatuses and institutions that help implement its provisions. This requires resources and the administrative capacity to do so on the side of the states. Accordingly, we consider whether a country's relative income level as measured by GDP per capita contributes to differences in ratifications. We dichotomize this variable setting the cut-off at 30,000 US dollars per year and person (sample average). States above that threshold can be considered wealthy, while states below that will have a harder time implementing administratively demanding treaties.

Figure 3 displays the ratification rates for the four different predictors presented above. Concerning liberalism, we can see that the median ratification time for weakly liberal countries is around three years, while the one for strongly liberal around six years. This might indicate that weakly liberal states might seek commitment to the IC to strengthen the domestic role of liberal values, while strongly liberal states would already have robust liberal norms in place (Moravcsik 2000).



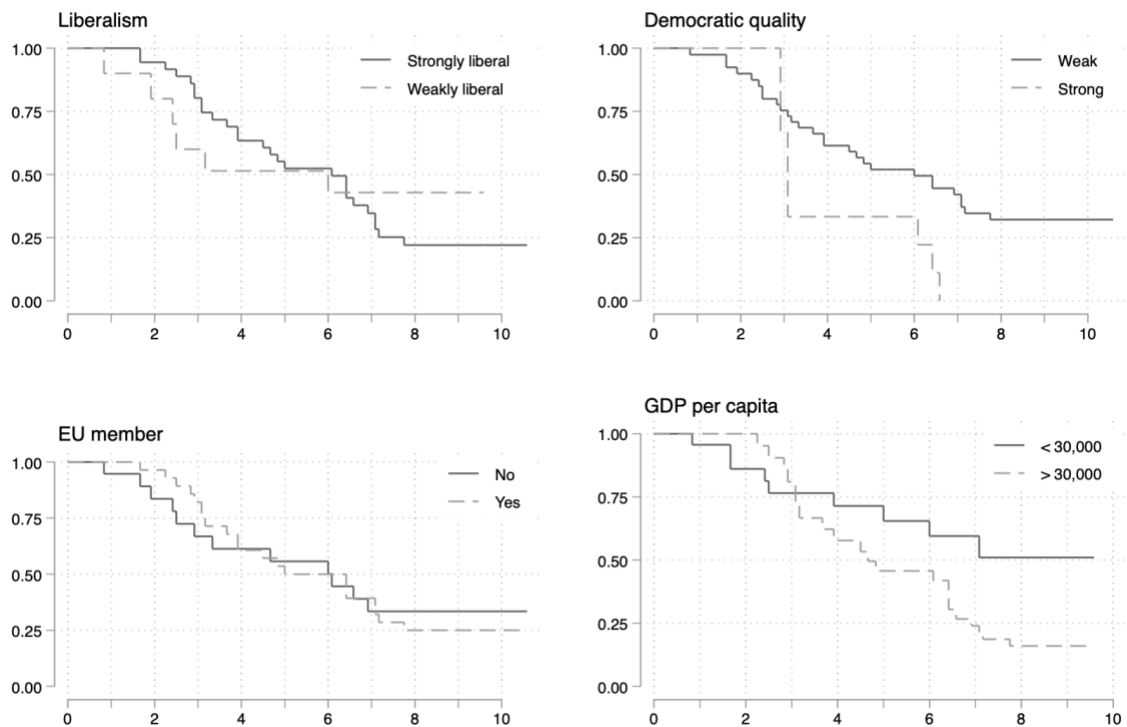


Figure 3 Ratification rates across predictors of commitment

The plot on the upper right corner indicates that countries with strong democratic institutions are considerably faster in IC ratification than with weak institutions. The former ratify the IC after three years on average, while the latter take six years. Concerning the role of EU membership, no difference in ratification rates between EU members and non-members is discernible. Both take on average six years to ratify the IC, which is identical with the median ratification time from Figure 1. Finally, wealthier countries seem to more quickly commit to the IC than their less affluent counterparts. The former ratify the IC after less than five years on average, while the latter take more than seven years.

The graphical pattern shows some differences in ratifications rates. However, are these systematic or a product of chance? To answer this question, we perform a series of bivariate log-rank tests for survival data to test whether the survival curves/ratification rates in the plot differ from each other or not. We find that ratification rates among weakly or strongly libera

( $\chi^2(1): 0.30, p < 0.53$ ), weakly or strongly democratic ( $\chi^2(1): 2.4, p < 0.12$ ), and EU or non-EU ( $\chi^2(1): 0.02, p < 0.9$ ) do not differ from each other. The differences are statistically insignificant. However, our dichotomous category of affluent and less affluent states, as captured by GDP per capita, contributes to different ratification rates. More affluent states ratify the IC significantly faster than their less affluent peers ( $\chi^2(1): 3.97, p < 0.046$ ). In sum, while many plausible predictors suggest different propensities for commitment, the ratification rates significantly differ only with respect to GDP per capita and, significantly, the sub-regions of CoE member states.

## Relative ratification risks compared

Having described general patterns of IC ratification, we next assess how strongly each of the presented predictors affects commitment. To do so, we estimate a Cox proportional hazards model that allows us to compare the relative contribution of each predictor on states' risk of ratification. The outcome of interest in Cox models is the hazard rate, a time-varying function of the relative ratification risk. It describes the probability of ratification, conditional on not having ratified the IC, per unit of time. A large hazard rate indicates a higher risk of ratification, while a low hazard rate describes a low risk of ratification. The quantity of interest in the Cox models is the relative hazard or hazard ratio. It compares the hazard rates of two groups formed by our binary predictors and informs us how much higher or lower the risk of ratification is. That is, the hazard ratio always involves a comparison between at least two groups.

In a stepwise way, we include all the predictors presented above in a Cox model and estimate their hazard ratios. Estimates are shown in Table 2. Hazard ratios below 1 indicate that the respective variable reduces the hazard of ratification. Hazard ratios above one indicate that the variable increases the risk of ratification, and hazard ratios of 1 indicate no effect.

We first describe findings on the regional indicators. Here, we define as baseline category



Western Europe and assess how other regions compare to it. For example, Eastern European states have an estimated hazard ratio of 0.297 in Model 1. This is interpreted as follows. Being a country from Eastern Europe is associated with a reduction in the hazard of IC ratification of about 70 percent, compared to Western Europe. We obtain this percentage decrease as follows:  $(1 - 0.297) * 100\% = 70.3\%$ . This is a large change in the ratification risk, quantifying how much Eastern European states eschew the IC. The estimated hazard ratio for Eastern Europe is also the only statistically significant predictor in Table 2.

While the remaining predictors do not attain conventional levels of statistical significance, they are related in interesting ways to the ratification hazard of the IC. Northern Europe's ratification hazard is slightly below the one of Western Europe but does not differ in any important way. Interestingly, Southern European states seem most drawn to the IC when compared to other regions. Their relative hazard is 1.65-times the one of Western Europe. Being a Southern European state raises the hazard of ratification by almost 65% compared to Western European states in Model 1; specifically,  $(1.648 - 1) * 100 = 64.8\%$ . While Southern European states do not differ from Western European states significantly, they do differ from Eastern European states. When we compare the hazard ratios of Southern European to Eastern European states, we find that the former are almost six times more likely to ratify the IC than CEE countries. Specifically, we can divide the hazard ratio of Southern Europe by the one for Eastern Europe to obtain a hazard ratio of 5.7 from the estimates in Model 4 ( $1.825/0.320$ ). The difference is also highly statistically significant, with  $p < 0.006$ .



Table 2 Cox proportional hazards model

	(1)	(2)	(3)	(4)
Eastern Europe	0.297+ (0.198)	0.288+ (0.195)	0.323+ (0.214)	0.320+ (0.208)
Northern Europe	0.708 (0.293)	0.709 (0.293)	0.714 (0.282)	0.718 (0.286)
Southern Europe	1.648 (0.611)	1.631 (0.629)	1.846 (0.794)	1.825 (0.764)
Western Asia	0.414 (0.471)	0.366 (0.467)	0.412 (0.522)	0.425 (0.552)
GDP pc	1.127 (0.792)	1.138 (0.802)	1.154 (0.798)	1.146 (0.790)
Weak liberalism		1.143 (0.675)	1.183 (0.705)	1.250 (0.669)
Democratic quality			1.813 (0.764)	1.895 (0.911)
EU member				1.116 (0.471)
chi2	14.00**	17.93***	19.23***	19.67**
Log-likelihood	-91.75	-91.74	-91.18	-91.16
N	2980	2980	2980	2980

Exponentiated coefficients; Standard errors in parentheses  
+ p<0.10, \*\* p<0.05, \*\*\* p<0.01

To summarize, we find that Eastern Europe significantly lags in IC ratifications. Less than half of the states in Central and Eastern Europe show interest in the IC, but the speed of ratification is also very slow. The propensity to commit to the IC among Eastern European states is only 30% of their Western European neighbors. When we compare Eastern Europe to Southern Europe, we find the starkest contrasts. Southern European states are almost six times more likely to commit to the IC than governments from Eastern Europe.

## Explaining the variation in ratification and contestation: Towards a theoretical model

Our examination of IC commitment patterns yields one clear finding: Eastern Europe differs in important respects from states in other regions. Central and Eastern European states delay ratification of the IC or avoid it altogether. States from that region lag significantly behind and show strong signs avoiding the obligations implied by the IC. Southern Europe, by contrast, sets the counter-example. States from that region are most likely to commit in a very short amount of time.

Having identified systematic variation in IC commitment patterns through a comparative statistical analysis, we now discuss possible ways of explaining this variation. In that regard, it seems that one-size-fits-all explanations have difficulties accommodating the identified variation. As some have claimed, different experiences with authoritarianism and democracy might affect countries' willingness and ability to embrace international human rights law (Bernhard and Karakoc 2007; Milewicz and Elsig 2014; Moravcsik 2000). While a country's past certainly shapes its future, we also see that those authoritarian legacies by themselves do not exert a uniform effect when it comes to commitment to human rights norms and, in particular, to IC ratification. Both Southern and Eastern Europe have had long-lasting authoritarian regimes, but their IC ratification and adoption of strong norms protecting the physical integrity of women differ markedly. This suggests that the particular kind of authoritarian legacy, military regimes vs. Leninist party states (Geddes 1995) might play a role in commitment patterns once countries have transitioned to democracy. Others have suggested that young democracies in particular, seek to bind themselves through international human rights law to prevent autocratic reversals (Elsig, Milewicz, and Stürchler 2011; Hafner-Burton,





Mansfield, and Pevehouse 2015; Moravcsik 2000). While we see some support for this conjecture, particularly with respect to the role of liberal values, it is questionable whether this is the entire story. Most young democracies can be found in Eastern Europe and hence incentives to commit to the IC should be particularly strong there.

Similarly, and as documented in many case studies, influential religious actors are at the forefront of IC contestation. Yet, here again, their effect seems to differ by context. Otherwise, we would observe similar ratification patterns in societies with dominant church actors (Southern and Eastern Europe). Finally, it has been suggested (Balogh 2020) that anti-feminist movements create strong opposition all over Europe but not all target the IC. We see that IC contestation and ratification differ significantly and strongly across Europe.

These explanations provide helpful starting points to investigate the causes of IC contestation further. However, the brief empirical examination also suggests that context matters a great deal for understanding why the IC, in particular, is picked as an object of fierce political and societal contestation. For example, anti-feminist movements create pressure, yet not every government follows their grievances and rejects the IC; some even ratify the IC (without reservations) despite strong societal mobilization against it. Accordingly, we need to understand the political context under which the IC can become a target of anti-gender mobilization to predict/explain when these are successful or not in blocking or delaying IC commitment. So, our main question is in which contexts the mobilization against the IC is successful.

Some scholarly work on Istanbul Convention discusses the contextual factors that would make the contestation of IC more likely. In Kuhar and Paternotte's edited book, *Anti-Gender Campaigns in Europe* (2017), different manifestations of anti-gender movements from Europe are cited. In this book, the attack against the IC is discussed as part of the anti-gender movements in the cases of Poland (Graff and Korolczuk 2017) and Slovenia (Kuhar 2017). The



Polish case demonstrates that anti-gender movements in these countries have both transnational and local characteristics. Transnationally, anti-gender groups share a vocabulary: they are against the so-called “gender-ideology,” they want to protect the “traditional family”, and they resist the foreign influence of “global elites” in cultural issues. Actors on the national level use different combinations of similar discourses to appeal to voters. For instance, in Poland, the anti-gender rhetoric made an alliance between nationalism and religious fundamentalism possible (Graff and Korolctzuk, 2017: 176). In theorizing the interplay between the transnational and the local, Kuhar and Paternotte argue that although anti-gender mobilizations are very similar discursively and in terms of actors’ ideological backgrounds across different countries, their targets and strategies are primarily determined by local political opportunity structures. While this might also be the case, the Istanbul Convention was not targeted in cases where anti-gender movements were strong and active, such as in instances where they mobilized against same-sex marriage, abortion, or sexuality education. Kuhar and Paternotte do not specifically theorize about the political contexts in which the Istanbul Convention was politicized, as their book is about anti-gender movements in general.

The recent work by Krizsán and Roggeband, *Opposing the Istanbul Convention: Actors, Strategies and Frames* (2021), is the most comprehensive scholarly output that focuses exclusively on the contestation of the Istanbul Convention. The book provides an analysis of four countries where a mobilization against IC is present in some form. It discusses how and why contestation emerged in these countries and the agenda and the frames of the contesters. Krizsan and Roggeband note that the ratification processes of international conventions in Central and Eastern Europe are usually “soft and technocratic.” (Krizsán and Roggeband 2021:31). The ratification process of IC, on the contrary, is highly politicized and controversial. It was not only the politicization of an international convention that is surprising but also that convention being about violence against women. As Krizsán and Roggeband rightly observe,



violence against women is not an issue area that anti-feminist groups previously challenged. On the contrary, they often sought to make it a part of their political agenda (Krizsán and Roggeband 2021: 36). For both reasons, Krizsán and Roggeband's problematization of the contestation of IC also starts from the expectation that the ratification process would be smooth. The rest of the book discusses the possible reasons and outcomes of contestation in four countries: Bulgaria, Croatia, Hungary, and Poland. Their analysis shows common patterns of contestation and ratification as well as some country-specific factors. Common to all these countries is anti-gender coalitions that are "particularly influential when anti-gender rhetoric is appropriated by governmental actors and integrated as part of government ideology" (Krizsán and Roggeband 2021: 56). Similarly, the same set of actors is active in all four cases: religious groups, conservative NGOs, think tanks, political parties, and churches. Who initiated and led the coalition differed in each country. Accordingly, although civil society actors and at least some political parties were active in all cases, the governing parties and state institutions took a different role. In Hungary, for instance, state actors, such as the Ministry of Justice, orchestrated the contestation. In Bulgaria, the Constitutional Court was among the leading forces against the IC. In Poland and Croatia, the IC figured prominently in election campaigns. The political opportunity structures seem to have influenced the type of actors, the specific frames, and the contestation strategies. Krizsán and Roggeband suggest that government ideology, particularly on the EU, and different configurations of actors, particularly the state's role, is decisive of the outcome, either ratification or non-ratification.

These works highlight the role of context for the success of anti-gender mobilization. In that regard, several factors can determine the context of IC contestation, and we present a brief discussion about their relative importance and potential explanatory contribution (See Table 1 for a summary).



**Table 1: A summary of variables and expected outcomes**

<b>Variable</b>	<b>Expected outcome</b>
Political opportunity structure	Blocked or delayed ratification
Elite Fragmentation	Depends. Can go both ways
Capturing of civil society in authoritarian transitions or presence of government organized non-governmental organizations	Blocked or delayed ratification
Discursive opportunity structure	Blocked or delayed ratification
Church as a transnational network	Blocked or delayed ratification

First, different political institutions create different opportunities and incentives to translate societal opposition into political outcomes with respect to international human rights agreements. The exercise of executive authority, parliamentary action and opposition, independent judiciaries, and party competition all play an important role in shaping political opportunity structures for societal contestation to be effective. For example, a fragmented and fluid party system forces political parties to constantly seek societal support and thus can make them more receptive to vociferous societal movements than established party systems where the parties have deep roots in society (Mainwaring 1998). Moreover, in many young democracies and due to their still nascent democratic institutions, nationalist and anti-globalization voices become particularly influential (Crawford and Lijphart 1995) as they can more easily appeal to a highly volatile electorate. This creates, in turn, fertile ground for anti-gender movements, which often reject international liberal norms more generally, to side with government actors that share their ideology and pursue their agenda. For example, mobilizing against the IC to avoid, or at least to lower one's binding commitment to it, could be more successful in contexts where skepticism against European integration and globalization is strong (Meaney 1995).

Second, elite fragmentation might play an important role in certain puzzling forms of commitment behavior. That is, why would governments ratify the IC, despite mass mobilization

against it. In Croatia, for example, the governing party was split about the IC, yet the strong opposition against it did not deter it from fully committing to the IC. One possible reason could be that some elite members would send the wrong signal to their supporters and possibly also to other states by refusing ratification. To avoid electoral losses, but also the opprobrium of other states and societies, certain governing party factions might use their clout to push through IC ratification, and possibly concede on other issues to their rival factions.

Third, like Krizsán and Roggeband (2021), we argue that in contexts where the state actively contests the IC by building alliances with civil society actors, it is more likely for the anti-gender movements to succeed in blocking or delaying the ratification of the Istanbul Convention. This is particularly true for contexts where authoritarian transition/democratic backsliding is accompanied by the emergence of government-supported non-governmental organizations. Through such organizations, some segments of state institutions, such as the judiciary, take control of the civil space and can succeed in constructing their own political agendas. In this way, they can dominate the discussion or help existing groups to unite around certain frames. Thus, we theorize that the relationship between state institutions and anti-IC actors are conducive to the success of anti-IC/anti-gender groups in blocking/delaying ratification.

Fourth, as scholars of anti-gender mobilization stressed, the church has been an important actor in mobilizing people and pushing the governments in favor of anti-feminist agendas. Furthermore, especially the Catholic church that makes transnational ties possible for many of the cases. Thus, it is plausible to expect that the strong societal mobilization against the IC from parts of the church would translate into government behavior and, as a result, into delayed ratification or at least a hesitancy to commit to the IC.

Finally, we argue that coupling the IC ratification with another salient issue around sexual and gender rights might also contribute to success. If an issue, such as sexual education or



abortion rights is politicized heavily by civil society or government actors in a specific political moment, this gives the anti-IC actors a “discursive opportunity structure” with which they can couple their arguments (Koopmans and Statham 1999).

## Conclusion

Our research has shown that there are important differences in how European countries commit to the IC. First, there are some that ratify quickly, notably the Southern European states. Second, most other states from Northern and Western Europe take on average around four to five years to ratify the IC. Third, Eastern European states eschew IC ratification. Not even half of eligible states from that region have ratified the IC. Based on our descriptive macro-level analysis of IC ratification patterns, which were so far lacking in the literature, we have derived some theoretical propositions that will help us to build an adequate theoretical framework. A first discussion of findings indicated that one-size-fits-all accounts cannot fully capture the observed variation. Rather, we need to pay more attention to the specific contexts of IC contestation. To do so, we focus on political and sociological explanations, drawing from both comparative politics, human rights research, and political sociology. We argue that new forms of relationships between civil society and state in contexts of democratic backsliding is important to understand ratification patterns. The role played by the state in supporting or organizing the contestation against IC is key in many cases. Moreover, governments refusal and delay to ratify the IC, especially in a highly institutionalized regional environment with many overlapping and interlocking human rights norms, severely undermines international efforts to build and implement a consistent and effective protection of individual liberties. International institutions do often matter in important ways. However, when governments fall behind in commitment to them, they can do relatively little to affect state behavior and help build resilient societies.



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