

Anti-gender movements against trans people

**In Central Europe, Eastern
Europe and Central Asia**

Boglárka Fedorkó



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About GATE

GATE is an international advocacy organization working towards justice and equality for trans, gender diverse and intersex communities. Rooted in our movements, we work collaboratively with strategic partners at the global level to provide knowledge, resources and access to international institutions and processes. Our vision is a world free from human rights violations based on gender identity, gender expression and sex characteristics. Our strategy is to transform the landscape of global advocacy, knowledge creation and resource distribution through critical inclusion of trans, gender diverse and intersex movements at all levels of political, legal and socio-economic processes.

Find out more about GATE by visiting www.gate.ngo

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Foreword

With this report, GATE begins a series of publications entitled Building resistance. It is a series focused on reconstructing and analyzing the devastating effects of contemporary anti-gender movements on the human rights of trans and gender diverse people in different regions and countries of the world.

The thematic focus of this series is explained, in part, by GATE's commitment to its constituency. It is also explained by the extreme anti-trans virulence of those movements, which makes it imperative to address them paying specific and disaggregated attention to their attacks against our communities.

We are deeply grateful to all the activists, experts, and donors who contributed to making this report possible. GATE stands in solidarity with all of you.

As the name of the series indicates, we believe that community-driven knowledge production is key, not only to build and strengthen collective resistance against those effects but also to confront them, dismantle them, and leave them behind once and for all.



Mauro Cabral Grinspan

Executive Director

GATE – Trans, Gender Diverse and Intersex Advocacy in Action

1 | Introduction

Anti-gender movements against trans and gender diverse people
in Central Europe, Central Europe and Central Asia.

Bogiarka Fedorkó*

The intensification of anti-gender movements has received much attention globally in the past decade by academics, civil society organizations, and media. However, very few attempts have been made to analyze anti-gender discourses and campaigns and their impact on trans and gender-diverse communities and activism, particularly in Central-Eastern Europe and Central Asia (CEECA)¹, a region which has recently seen a rapid deterioration of LGBTI and women's rights and strong de-democratization trends.

Anti-gender movements are comprised of religious, nationalistic, and conservative actors that oppose so-called “gender ideology”, “gender theory”, or “genderism”. They reject the concept of gender and believe it to be constructed as an attack on nature (religious actors), the nation (nationalistic actors), or normality (conservative actors).² They often use human rights language - arguments for religious freedom, anti-colonialism, individual choice, or morality - to oppose marriage and gender equality, reproductive rights, sex education, gender mainstreaming, and the rights of trans and gender-diverse people.

While opponents of “gender theory” or “gender ideology” started to receive mainstream attention around 2012 and 2013 in Europe, specifically during the French protests of *Manif pour tous* against marriage equality, the rhetoric of the movement had surfaced already in the 1990s in the Vatican's response to the gains of feminist and LGBT organizations during the UN World Con-

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1. In this report, we use the term Central-Eastern Europe (CEE) to include the Eastern bloc countries and the independent states in former Yugoslavia (which were not considered part of the Eastern bloc). The Central Asia (CA) region consists of the former Soviet republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

2. Kuhar, Roman and Zobec, Aleš. [“The anti-gender movement in Europe and the educational process in public schools”](#). *CEPS Journal* 7 (2017) 2, pp. 29-46, 2017.

ferences on issues concerning reproductive rights, gender mainstreaming, and sexuality. Since then, anti-gender movements have advanced ideologies and campaigns in different European countries and beyond, borrowing strategies and messages from one another around the globe.

Countries in Central-Eastern Europe and Central Asia are viewed by international anti-gender activists as new battlegrounds for the defense of their “traditional (family)” values. The region’s growing anti-gender discourses are embedded in trends of de-democratization of these recent democracies with state socialist pasts, characterized by mainstreaming of extreme right, populist, anti-liberal, and anti-Western views, and coupled with shrinking civil society spaces.

Additionally, a nascent anti-trans and often anti-sex work group within the radical feminist movement also opposes the concepts of gender and gender identity, and advocates for anti-trans policies and measures. In this context, the word “gender” is strategically used to underscore the imported nature of a Western construct, as in many languages of the region, the word itself does not exist.³ This tactic is widely applied by various actors to help demonize the concept of gender and related scholarship, gender studies.

The aim of this report is to fill some of the gaps in existing knowledge of how anti-gender movements impact trans and gender-diverse organizing, specifically in CEECA. It is not a systematic comparative analysis but uses particular countries as cases to highlight the development of anti-gender discourses and political mechanisms in the context of de-democratization and attacks on gender equality, based on available literature and interviews with trans and gender-diverse rights activists from the region.

This resource attempts to provide context for human rights activists, academics, and policy makers by giving an overview of the human rights of trans and gender-diverse people in the region, and mapping anti-gender movements and their strategies. Finally, the work of trans and gender-diverse activists and organizations is highlighted in countering anti-gender and anti-LGBTI forces and their campaigning.

3. For example, in Bulgarian, “gender” is now being used as the English word transliterated, and that transliteration has ended with the word being used as a slur, e.g. instead of calling someone a pejorative term for gay, one would use “gender”.

2 | The rights of trans and gender-diverse people in the CEECA region

The Central-Eastern Europe and Central Asia (CEECA) region is a heterogeneous one with diverging historical, political, and cultural contexts. Countries share a common Soviet/former Eastern Bloc legacy and have undergone decades of “transition” from the Soviet model of political and economic systems to democratic and market-oriented societies. Hostile attitudes towards LGBTI people were deeply rooted in the Soviet Union’s state-sponsored homo- and transphobia and are reinforced through oppressive state policies across the region.

During the Soviet period, LGBTI people had to live a clandestine life. Although in 1922 the tsarist laws of 1832 banning male homosexuality were repealed following the October Revolution, the Soviet government re-criminalized homosexual activity in 1934 under the leadership of Joseph Stalin. Same-sex relations remained illegal until 1993, when liberalization trends began in the immediate post-Soviet period. Some countries of the region, such as Hungary, Bulgaria, Yugoslavia, and the German Democratic Republic (GDR)⁴, decriminalized homosexuality sooner in the 1960s and 1970s, while Poland decriminalized “homosexual conduct” earlier, in 1932⁵.

The current laws that impact trans, gender-diverse, and intersex people’s human rights in the region are strongly influenced by the Soviet pathologizing tradition of “treating” LGBTI people.⁶ LGBTI people were frequently arrested based on criminalization provisions in the Soviet Union, or were placed in psychiatric hospitals, often diagnosed with “sluggish schizopre-

4. Englestein, Laura. “Soviet policy toward male homosexuality: its origins and historical roots”. *J Homosex*, 1995 29 (2-3), 155-78.

5. Kampania Przeciw Homofobii. [Queer Studies. Podręcznik kursu](#), 2010.

6. Sitnikova, Yana. “[Psychiatric abuse of transgender people in Russia](#)”. *Open Democracy*. 2015.

nia". This diagnosis was used to detain in mental hospitals not only members of the LGBTI community, but also opponents of the government and others whose behaviour was considered to be against social norms. There is less information available about the medical mistreatment of trans people, but some accounts of the torture trans people had to endure in these institutions are recorded.⁷

Legal gender recognition procedures in the region still carry the legacy of pathologization. They require humiliating, invasive, and abusive procedures in order to change one's gender in official documents. In the region, Kazakhstan, Turkey, Romania, Slovakia, the Czech Republic⁸, Latvia, Serbia, Montenegro, Kosovo, and Bosnia and Herzegovina require sterilization as a prerequisite to legal gender recognition; all of the countries in CEECA with legal gender recognition processes in place demand a mental health diagnosis.⁹

After the systemic erasure of LGBT identities in the public during the communist-socialist era, invisibility in the 1990s and early 2000s, a period of increased visibility followed in the region due to the emergence of LGBTI activism, which was facilitated by the dramatic collapse of authoritarian regimes and their replacement with governments committed to democratization and integration into liberal international institutions like the European Union (EU) and the Council of Europe (CoE).

As state-sponsored homo- and transphobia have intensified in the 2000s and LGBTI people became hypervisible in many societies as a result, public attitudes towards the community have also worsened. According to a 2016 opinion poll surveying 23 countries from all world regions on attitudes towards trans people, Russia, Hungary, and Poland ranked amongst the most transphobic countries.¹⁰ Similarly, the 2019 Eurobarometer on discrimination shows that countries of the CEECA region are the least accepting of

7. Kirey, Anna. [*The Process of \(de\)Regulation of Homosexuality and Gender Identity Issues in Post-Soviet Kyrgyzstan*](#). Thesis, University of North Carolina, 2015.

8. The Committee of the Social Charter found that the legal requirement for transgender persons in the Czech Republic to undergo medical sterilization in order to have their gender identity recognized seriously impacts a person's health, physical and psychological integrity, and dignity. Even in the face of a clear and direct international institutional decision on sterilization, the Czech Republic has not subsequently changed its legal gender procedures.

9. More on the legal situation of trans people in Europe: Transgender Europe (TGEU). [*Trans Rights in Europe & Central Asia Index 2020*](#). May 13, 2020.

10. Ipsos. [*Global Attitudes Toward Transgender People*](#), Report Prepared by Ipsos Public Affairs in discussion with The Williams Institute, January 2018.

trans people: in Hungary, for instance, 60% of survey respondents oppose the possibility of legal gender recognition, the change of one's gender marker in their civil documents to match their gender identity.¹¹

10

11. Eurobarometer on Discrimination. [The social acceptance of LGBTI people in the EU](#), 2019.

3 | Anti-gender movements in CEECA countries

11

Anti-gender movements have emerged in various contexts in Europe, including in Western European countries with strong democratic traditions and feminist and LGBTI organizing. Spain appears as the earliest case: the Catholic Church, conservative groups, and political parties mobilized against the government's same-sex marriage bill from 2004.¹² Early mobilizations have also been identified in Croatia (2006, mobilizations against sex education), Italy (2007, mobilizations against same-sex civil partnership), and Slovenia (2009, mobilization against marriage equality).¹³

At first glance, these campaigns and the ones following in the 2010s might seem distinct in their topics, objectives, and contexts, but the identification of a common enemy, namely "gender", ties them together. The rhetoric of various anti-gender actors, including religious and political entities, not only opposes women's and LGBTI rights activism but the scholarship (gender studies) deconstructing essentialist assumptions about gender and sexuality as well.

Although the core elements of anti-gender rhetorics and campaigns may vary, many campaign groups can be characterized by their use of the following messages:

- "gender ideology" is a new form of totalitarianism, a new form of Marxism and Fascism,
- it is promoted by a global power elite of Western activists, governments, and funders who try to export their decadent values to the East and advance foreign interests,

12. Fernandez, S. Aguilar. "La jerarquía católica española en perspectiva comparada: La confrontación política entre la Iglesia y el Gobierno socialista a comienzos del siglo XXI "[The Catholic hierarchy in comparative perspective: The political confrontation between the Church and the Socialist Government at the beginning of the 21st century]. *Revista Internacional de Sociología*, 2013 71(2), 309–334.

13. Kuhar, Roman. "Playing with science: Sexual citizenship and the Roman Catholic Church counter-narratives in Slovenia and Croatia." *Women's Studies International Forum*, 2015 49(1), 84–92.

- its true objectives are packaged in equality and human rights language to deceive the public,
- its proponents aim to seize power and impose deviant values on average people, especially on minors,
- women's and LGBTI rights activists are threats to the "traditional family model" and "natural order".

As mentioned by several activist informants of this resource, the role of Russia is central - but not solely determining - to understanding the transnational nature of anti-gender movements in CEECA. After the loss of its superpower role and economic crisis, retraditionalization of "national" gender roles and remasculinization processes took place in the 1990s. Anti-gender campaigns in the country and in the wider region have since been directly engineered from the Kremlin with the support of the Russian Orthodox church, as it is illustrated later on in this publication. As part of the state machinery, they are instrumentalized to restore the international status of Russia through a global defense of national sovereignty and "traditional values".

Anti-gender campaigns dominate public discourses in diverse environments in CEECA, even in countries where governments do not align themselves with Russian political directions, such as Ukraine. The key factor in their success is convening a wide array of religious, political, and civil actors who would usually not work together and amplifying their critiques of numerous issues, such as women's and LGBTI rights or sex education.

Far-right political movements

Shrinking civil society spaces

The global phenomenon of "closing" or "shrinking" civil society spaces has increasingly affected human rights activism in the CEECA region since the beginning of the 2000s. Feminist and trans organizing is disproportionately impacted by state restrictions on the fundamental rights of freedom of expression, association, and peaceful assembly, given that gender-focused work is particularly targeted by anti-gender political actors and has been furthermore traditionally under-resourced in the region.¹⁴

14. Bishop, Kate. "[Standing firm. Women- and Trans-Led Organisations Respond to Closing Space for Civil Society](#)" *Urgent Action Fund and Mama Cash*, 2017.

In these hostile environments, governments are erecting legal and logistical barriers to externally funded democracy and rights projects run by NGOs by decreasing available financial support, imposing increased conditionality of funding that limits advocacy activities, eliminating possibilities of consultation mechanisms, increasing online and offline surveillance, and posing restrictions on setting up new organizations and holding public meetings.

Government tactics to control civil society¹⁵

Limit freedom of association	Restrict freedom of association by limiting access to legal functioning and funding, including imposing administrative barriers to registration of new NGOs, forcing re-registration of existing NGOs that receive foreign funding, imposing disclosure clauses for sources of funding and spending, undertaking invasive auditing procedures, suppressing the functioning of non-aligned NGOs, creating a plethora of government-organized non-governmental organizations (GONGOs), and forcing registration with certain governmental platforms or associations to control programs and actions of independent civil society.
Limit freedom of expression	Restrict freedom of expression and assembly by the adoption of anti-defamation laws, restrictive internet regulations, and surveillance policies and laws that undermine the right to demonstrate. Authorities come down hard on public protests; persecute independent voices; harass, censor, or close independent media; extend state ownership of media outlets; impose political control over media outlets; and engage in many other forms of repressive governance that reduce the independence of civil society.
Delegitimise human rights work and human rights activists	Delegitimize causes, organisations, and activists by describing their work as playing into the hand of anti-national forces. Human rights groups are framed as foreign-steered and potentially dangerous for national sovereignty. Sometimes the causes and the vulnerable groups served by NGOs are deemed as an import of Western ideology, an “invented” problem that is alien to the national reality. NGO workers are often depicted as foreign agents supporting financial or political interests of other governments or secret organisations.

15. Table from: Costache, Irina; Baigazieva, Saadat; Gejadze, Ekaterine. [Mapping digital landscapes of trans activism in Central Asia and Eastern Europe](#). Astraea Lesbian Foundation for Justice: New York, 2018.

Deploy security narratives to restrict human rights	Use security narratives to legitimise a disregard for plural civil society. Governments with a deficit in human rights harness legitimate concerns about terrorism and their wide latitude on national security issues as an excuse to target domestic actors they consider opponents, including civil society.
Policing and censoring social media	Restrict online communication through policing and censorship of social media, for example via internet and social media blackouts in times of political protests, banning access to certain social media, monitoring social media users and their activities, trolling, and disseminating fake news.

Crackdown on women's rights march in Bishkek, Kyrgyzstan¹⁶

Kyrgyzstan police arrested and held about 70 activists, most of them cis women and trans people, for hours on 8 March 2020 without telling them the grounds for their detention or providing access to lawyers. The activists were attacked at their peaceful International Women's Day march in Bishkek, Kyrgyzstan's capital. At least three journalists were also detained.

A mob of men, many wearing medical masks or other face coverings, attacked the activists as they were beginning the march, which sought to call attention to the serious problem of violence against women in Kyrgyzstan. According to reports from activists and media, the masked men threw eggs at the marchers, dragged them to the ground, and destroyed their banners. When police arrived, the mob dispersed, but rather than seeking out the attackers, police forced the activists to board a bus and took them to the police station. Some reported physical abuse by the police.

Those organizations that represent marginalized communities, such as women and trans groups, are impacted by these restrictions unequally, given that in many countries, they are chronically underfunded and lack human resources and other capacities. Most trans-led NGOs or informal groups are relatively newly founded and operate on shoestring budgets¹⁷, mainly secured through international private funders. They are thus in weak positions to mitigate state-sponsored attacks and cannot afford to experience any further restrictions.

A particular type of legislation that has been considered and adopted in various countries of the region is the "foreign agent" law. **Russia** adopted its

16. Human Rights Watch. "[Kyrgyzstan: Women's Activists Detained](#)." March 11, 2020.

17. See for instance: American Jewish World Service, Astraea, GATE and Global Philanthropy Project (GPP). "[Funder Briefing: The State of Trans Funding](#)." GPP, 2017.

“foreign agent” law¹⁸ in 2012, which determined that any civil society organization receiving its funding from an outside country was to be labelled a “foreign agent”, meaning “traitor” or “spy”. The law obligates any Russian NGO that does “political work” and receives financial support from foreign organizations to be listed in a registry. Any public material produced by this NGO should have the label “produced by a foreign agent” applied. NGOs listed as “foreign agents” are subject to frequent checks and audits and have limited opportunities to cooperate with state agencies.

The law inspired other legal measures in the region as well. In 2014, the government of Ukraine adopted a law very similar to the Russian bill which was then swiftly repealed. In Tajikistan, a regulation was approved in March 2016 stating that all foreign grants must be registered with the Ministry of Justice’s Registry of Humanitarian Aid. Bills on foreign agents were repealed in Kyrgyzstan and Kazakhstan parliament, yet softer measures of control over NGOs have been reported, while negative attitudes toward NGOs and activists continue to rise. Hungary introduced its version of the “foreign agent” law in 2017, according to which NGOs that receive at least 7.2 million HUF (app. 25.000 USD) annually from foreign sources need to register with the court, report about their foreign funding annually, and include the label “organization receiving foreign funding” on their website and publications (in 2020, the European Court of Justice ruled that Hungary is in violation of EU law restricting NGO financing).¹⁹ Most recently, Poland is also considering similar laws to “disclose the financing of NGOs”, despite the fact that such regulations have existed for several years in the Corporate Income Tax Act.²⁰

The discussions on these laws usually are situated within government smear campaigns against civil society that aim to discredit them and delegitimize their human rights and pro-democracy work. These campaigns - often led by government-owned media and government-organized non-governmental organizations (GONGOs) - use scare tactics to cripple NGOs through unannounced raids while they spread misinformation about their work and depict them as dangerous to families and “traditional values”.

18. For more information, check Freedom House. “[Factsheet: Russia’s NGO Laws](#)”, January 2006.

19. TASZ. “What Is The Problem With The Hungarian Law On Foreign Funded NGOs?” October 9, 2017.

20. Civic Space Watch. “POLAND: The Minister of environment is planning a law on foreign funding for NGOs”, September 9, 2020.

The federal law “for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values”, also known as the “gay propaganda law” or the “propaganda law”, was unanimously approved by the State Duma of **Russia** in 2013 and was signed into law the same year.²¹ Under the guise of protecting minors from “unwanted and harmful” information, the ban is designed to silence LGBT organizations. In Russia, activists have been arrested and detained and owners of public venues have refused to rent premises for LGBTI events. Research shows that the number of people who had been victims of LGBT-phobic crimes grew substantially after 2013.²²

Russia, being a highly influential actor, promoted this legislation in the whole region. There have been attempts to introduce regulations against so-called “homosexual propaganda” in Ukraine, Moldova, Armenia, Latvia, Lithuania, Kazakhstan, Kyrgyzstan, and Belarus. Moreover, such a law was adopted in Moldova in 2013 and then overturned by the Parliament following international concern. The bill was introduced again in 2016 but never passed. Conversations on the need for similar regulations have come up in Georgia, however efforts have primarily been directed at lobbying for the removal of sexual orientation and gender identity from the anti-discrimination law. In 2021, Hungary - following several anti-LGBT laws during the COVID-19 crisis - introduced a propaganda law banning LGBTQI-themed educational programs and public service advertisements. It bans the “portrayal and promotion of gender identity different from sex assigned at birth, the change of sex and homosexuality” in schools and in public service advertisements for persons under 18.²³

21. In 2017, the European Court of Human Rights issued a judgment in the case of Bayev and Others v. Russia, finding Russia’s legislative prohibition of the “promotion of homosexuality” among minors to be a violation of Article 10 and Articles 10 j. 14. Strasbourg Observers. [“ECHR finds Russia gay propaganda law discriminatory in strong worded judgment.”](#) July 11, 2017.

22. Kondakov, Alexander. [“The influence of the “gay-propaganda” law on violence against LGBTQI people in Russia: Evidence from criminal court rulings.”](#) *European Journal of Criminology*. November 2019.

23. HÁTTÉR Society. [“Hungarian government launches Russia-style attack on freedom of speech and children’s rights.”](#) June 10, 2021.

Anti-gender mobilization campaigns against the Istanbul Convention

17

A variety of political anti-gender mobilizations gained momentum around the ratification process of the Istanbul Convention.

The 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention²⁴, establishes standards on preventing and combating gender-based violence. This legally binding instrument is based on the understanding that violence against women and gender-based violence “are forms of violence that are committed against women because of their gender or that affect women disproportionately.”

In the Convention, the term “gender” is defined as “the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men”. Under the Istanbul Convention, the definitions of “gender” and “sex” are two separate concepts. The Convention’s explanatory report emphasises that the “term “gender” under this definition is not intended as a replacement for the terms “women” and “men” used in the Convention”.²⁵

The transnational anti-gender campaign opposing the Istanbul Convention began unfolding around 2012. In April 2012, the then-Minister of Justice in **Poland** publicly opposed the ratification of the Convention. The key argument against the Convention was the inclusion of the concept of “gender”. Opponents saw it as a danger to traditional families and values, including the traditional roles of women and men. This was embedded in a more general campaign against “gender ideology”. Other arguments included that it promoted homosexuality and “transsexuality”, and discriminated against men. The Convention however was ratified in 2015, but upon ratification Poland issued a declaration that it “will apply the Convention in accordance with the principles and the provisions of the Constitution”. Since its entering into force, several attempts have been made to renounce Poland’s commitment. In **Slovakia**, ratification was postponed several times. In 2018, the Prime Minister declared Slovakia would not ratify the convention. He called it a “controversial document” that could violate the Constitution and lead to the introduction of same-sex marriage, and emphasized that it “needlessly questions natural differences between men and women and calls them stereotypes”²⁶.

24. CoE. [“About the Convention”](#), *nd*.

25. CoE. [“What is the Convention?”](#) [Factshet], February 2018.

26. REUTERS. [“Slovakia rejects treaty combating violence against women,”](#) February 22, 2018.

In **Bulgaria**, not only far-right parties, but even left-wing political actors turned against the Convention.²⁷ The Bulgarian Socialist Party and the Orthodox Church initially backed the convention, but later changed their communications and started to vocally oppose it. In 2018, after 75 members of Parliament asked the Constitutional Court for an opinion about the constitutionality of the Convention, the Court ruled that the Convention does not conform to the Bulgarian Constitution. In 2020, amidst the anti-corruption protests, Bulgaria's Deputy Prime Minister for Public Order and Security stated the following: "We cannot let a few Sorosoid NGOs and small parties that are not even in the parliament get in power and destroy the country. In the name of what? To introduce gay marriage and to create a gender republic"²⁸.

In **Hungary**, women's rights NGOs were not part of nor invited to the group tasked with the preparation for the Convention accession in 2013. A negative shift in government communication was detected in the following years. At the end of 2017, leaders of the governing party started to openly speak against the Convention, using arguments based on a misinterpretation of the concept of gender. In 2020, amidst the COVID-19 crisis, the national Parliament adopted a political declaration that rejects the ratification of the Convention, after the co-ruling Christian Democrats party (KDNP) submitted a policy statement arguing that certain parts of the Convention go against the country's migration policy due to its strong gender-based asylum claim provisions.²⁹

Anti-gender forces mobilized against the Convention on the international level as well. In March 2018, 333 organizations from 9 countries turned to the Secretary General of the Council of Europe requesting the modification of the Convention in relation to its content regarding "gender".

27. Radio Bulgaria. "[Bulgarian Socialist Party reaffirms opposition to Istanbul Convention in official statement](#)," October 6, 2020.

28. Slavova, Emilia. "[Notes from the gender republic: the curious case of translating gender in Bulgarian](#)". *Gender Campus*, December 2020.

29. Hungary Today. "[Parliament Adopts Declaration Rejecting Istanbul Convention](#)." May 5, 2020.

In 2020, in the midst of the COVID-19 crisis, the region has seen a new form of anti-trans and anti-gender political and legal oppression, namely the introduction of laws that directly ban the legal gender recognition of trans, gender-diverse, and intersex people. In **Hungary**, a draft bill was presented on 31 March 2020 – Trans Day of Visibility³⁰ – just hours after the Prime Minister gained the right to rule by decree indefinitely due to the coronavirus pandemic.³¹ As per the omnibus bill that was later approved by Parliament and addressed a number of other issues besides trans rights, gender is defined as “biological sex based on primary sexual characteristics and chromosomes”, and people’s “sex at birth” should be legally registered into the civil registry and can not be amended later on.³²

Constitutional amendment and ban of adoption by unmarried persons in Hungary during the second COVID-19 wave

On 11 November 2020, just before strict coronavirus restrictions took effect, the Hungarian government presented several bills unrelated to the epidemic.³³ The draft bill proposing what would be the 9th amendment to the Hungarian Constitution written in 2011 by the second Orbán government enshrines religious doctrines in matters of marriage, gender, and childrearing. The first paragraph of the Constitution retains a passage defining marriage as between a man and a woman, but adds language amending the legal definition of the family: “The basis of the family is marriage and/or the parent-child relationship. The mother is a woman and the father is a man.” Furthermore, a provision on “the right of children to self-image congruent with their sex assigned at birth” was also added.

A separate bill amends Hungary’s laws on adoption, requiring that children only be adopted by married couples unless special permission is granted by the Minister for Family Affairs.

A similar proposal was brought forward the State Duma of **Russia** in July 2020, entailing several amendments to the Family Code to “strengthen the institution of the family”.³⁴ The proposed changes to article 70 that regulate legal gender recognition would introduce a new and unchangeable cate-

30. International Transgender Day of Visibility is an annual event occurring on 31 March dedicated to celebrating trans and gender-diverse people and raising awareness of discrimination faced by them.

31. ILGA Europe. “[Hungary rolls back legal protections, puts trans and intersex people at risk.](#)” May 19, 2020.

32. Transvanilla. “[Legal gender recognition \(LRG\) for Hungary!](#)”. May 19, 2020.

33. Holroyd, V and Associated Press. “[Hungary’s government proposes draft legislation to ban adoption for same-sex couples.](#)” Euronews, November 12, 2020.

34. TGEU. “[Protect trans rights in Russia!](#)”, July 21, 2020.

gory of “sex” on Russian birth certificates. The bill specifies that “corrections and changes to the record of the birth certificate of a person who has changed their sex are not allowed.” Furthermore, the proposed amendment was planned to work retroactively: trans people who obtained gender recognition in the past and already changed their birth certificates would be legally obliged to change their birth certificates again in order to list their sex assigned at birth instead of their recognized gender identity. The proposal was later revoked in November 2020.

Romania also used the COVID-19 uncertainties and restrictions on public protests to enact outright anti-trans legislation. The law approved in June 2020 banned all educational institutions from “propagating theories and opinion on gender identity according to which gender is a separate concept from biological sex”. This was even a step further from the scope of Hungary’s similar legislation from 2018, which removed accreditation and funding for gender studies at the university level.³⁵ The law was reviewed and revoked by the Constitutional Court in December 2020.³⁶

“The reason behind my amendment is to stop a Marxist ideology toxic to the development of children. According to this ideology, the biological sex you have at birth can’t define a child as being man or woman, each child being left to choose from the 114 invented genders concocted by the supporters of this theory. The danger is real. NGOs get in our schools and teach this theory to our kids.”

Vasile Lungu, Senator, Romania, one of the law’s initiators³⁷

35. Kent, Lauren, and Tapfumaneyi, Samantha. “Hungary’s PM bans gender study at college saying ‘people are born either male or female’” *CNN*, October 19, 2018.

36. González Cabrera, Cristian. “Romanian Court Slams Law Banning Discussion of Gender in Education.” *Human Rights Watch*, December 7, 2020.

37. Gherasim, Cristian “Student unrest over Romania gender-studies ban.” *EUObserver*. 2020.

Timeline of key anti-gender political events in CEECA

21

2006	Russia	Policies outlawing “propaganda of homosexuality” among minors were passed in 11 Russian regions.
2011	Kazakhstan	Code on Marriage and Family deems marriage between persons of the same sex legally prohibited.
2012	Russia	Law on foreign agents enacted, obligating any Russian NGO that does “political work” and receives financial support from foreign organizations to be listed in the registry of “foreign agents”.
2013	Russia	Federal law enacted “for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values”.
	Croatia	Traditional marriage petition and referendum (successful).
	Moldova	“Anti-propaganda” law inspired by the Russian legislation was enacted under Moldova’s Contravention Code, later repealed by Parliament.
2014	Kyrgyzstan	“Anti-propaganda” bill in Kyrgyzstan’s Supreme Council (failed).
2015	Slovenia	Petition and referendum to halt marriage equality (failed).
	Poland	President vetoes the Gender Accordance Act.
	Kazakhstan	Parliament approved the draft law “On the Protection of Children from Information Harmful to Their Health and Development.” Among other things, the bill includes information that “promotes non-traditional sexual orientation” as such information. The bill was, however, found inconsistent with the Constitution by the Constitutional Council.
2016	Poland	The government proposed a ban on abortion, followed by widespread protests.
	Belarus	The government amended article 37 of the Law on Children’s Rights to include protection from “information harmful to their health and development”, preventing the dissemination of information that “discredits the institution of family and marriage” to minors.
2016-2017	European Union	European Citizens’ Initiative (ECI) “Mum, Dad & Kids” (failed).
2016-2018	Romania	Traditional marriage petition and referendum (failed).
2016-2018		Campaigns against the adoption of the Istanbul Convention (Hungary, Poland, Slovakia, Bulgaria).



2018	Bulgaria	Constitutional Court of Bulgaria Declares Istanbul Convention unconstitutional.
2017	Serbia	Ministry of Education drops educational package against sexual assault after media campaign refers to the curriculum as “a declaration of war against the family and family values” and “propaganda of LGBT and gender ideology”.
	Hungary	Introduction of “foreign agent” law.
2018	Hungary	Suspension of legal gender recognition in Hungary.
2019	Bulgaria	Campaign after the adoption of the Strategy for the Child, claiming that children would be taken away from their parents to foster care or sold to Norway, to be given to gay couples to sexually abuse them. The national hysteria resulted in the Prime Minister revoking the Strategy.
	Poland	First LGBT-free zone declared.
2020	Hungary	The government outlaws legal gender recognition by an omnibus bill amidst the COVID-19 crisis.
	Romania	The government bans gender education.
	Russia	A legal proposal is tabled to ban legal gender recognition, later revoked.
	Kazakhstan	Amendment No. 539 to the draft “Code on the health of the people and the healthcare system” prohibits legal gender recognition for trans people between 18 and 21 and trans people with “behavioral disorders” of all ages.
	Poland	A court decision banning nearly all abortions (the court ruling deemed abortion due to fetal defects to be unconstitutional), followed by protests all over the country.
	Hungary	The government proposes the 9th constitutional amendment, enshrining religious doctrine in matters of marriage, gender and childrearing, and a ban on adoption by unmarried persons.
	Romania	Law banning gender education found unconstitutional by the Constitutional Court.

“Gender ideology” as a framework originated largely from conservative religious organisations, which viewed it as a threat to Catholic teachings on the difference between and complementarity of sexes. The Roman Catholic Church has developed strategies to counter the liberalisation of sexual freedom and independence of women since the UN Cairo conference on Population and Development in 1994 and the UN Beijing conference in 1995. At that time, the term “gender” started to emerge in the official documents of these conferences, replacing the more essentialist term “sex”, in order to show that gender inequality is not a result of biological differences, but rather primarily of socially constructed differences between genders.³⁸

During these conferences, however, the Holy See expressed explicit reservations about the term “gender” and insisted that the final documents of both conferences use the term “sex”. For the Holy See, gender, or the idea that “male” and “female” are socially constructed categories, goes against its ideas of the “natural family” in which both men and women have their own distinct roles, as defined by their biological differences (primarily in terms of reproduction). For these reasons, the Vatican tried to promote the idea of “equal dignity” of men and women, rather than equal rights regardless of gender (i.e., gender equality).³⁹

Anti-gender statements from religious actors have since become mainstream in Europe. In 2015, Pope Francis warned against “gender ideology”—a dangerous imposition from wealthy Western countries on developing nations. According to the Pope, foreign aid and education are routinely tied to acceptance of gender equality policies; “this is the ideological colonization,” he claimed, adding that “good and strong families” can overcome this trend.⁴⁰ In 2019, the Vatican released its first official statement on trans identities, entitled “Male and Female He Created Them: Towards a Path of

38. See on the topic: Kováts, Eszter. “The Emergence of Powerful Anti-Gender Movements in Europe and the Crisis of Liberal Democracy”. In Köttig, Michaela; Bitzan, Renate; Petö, Andrea (eds.). *Gender and Far Right Politics in Europe*. Amsterdam:Springer. 2016, 175–189.

Beattie, Tina (2014). “[Whose Rights, Which Rights? – The United Nations, the Vatican, Gender and Sexual and Reproductive Rights](#).” *The Heythrop Journal*. 55 (6).

39. Case, Mary Anne. “[Trans Formations in the Vatican's War on “Gender Ideology”](#).” *Journal Articles*. 9669. 2020

40. O’Connell, Gerard. “[Full Transcript of Pope’s Press Conference on Flight from Manila on Jan 19 2015](#)” *America Magazine*. 2015

Dialogue on the Question of Gender Theory in Education”⁴¹. The document rejects the idea that gender is distinct from biological sex, thus, it claims that the transgender identity seeks to “annihilate the concept of nature”⁴².

In the CEECA region, Catholic, Protestant, and Orthodox churches have played important roles in strengthening anti-gender campaigns to varying degrees in different contexts. In 2013, the Polish bishops’ conference became Europe’s first to denounce “gender ideology” in a pastoral letter⁴³, while in 2014 it attacked state broadcasting directors for allowing a 30 second program defending gay and lesbian people. LGBT-phobic public speeches, the declaration of LGBT-free zones, and attacks on Pride marches by Catholic priests became more intense in 2019, before the national elections. Finally, in July 2020, the country’s ruling Law and Justice (PiS) party announced that it would withdraw from the Istanbul Convention as it has promised to promote traditional family values, in alignment with the Catholic Church’s view of the law as too liberal.⁴⁴

Anti-gender statements quickly spread to Hungary, Slovakia, and the Czech Republic as well. Several archbishops from these countries expressed their support for the 2019 anti-gender campaign of the Polish Catholic Church. This did not surprise: several of these religious organizations had already spoken out against the Istanbul Convention: for instance, the Slovak Catholic Church called on the government to withdraw its support for the Convention in 2018.

The Orthodox Church and clergy have also long stood in opposition to the advancement of LGBT rights, promoting anti-gender ideals. In Georgia, the Georgian Orthodox Church established the Family Purity Day after the massive crackdown on a peaceful demonstration dedicated to the International Day against Homo/Bi/Transphobia in 2013. In Moldova, the Orthodox Church has protested against Chisinau Pride on several occasions. In Ukraine, the church even launched a petition in 2018 against LGBTI people, arguing that they could pose a threat to the values of “family and children”. A similar

41. See: [Congregation for Catholic Education \(for Educational Institutions\)](#)

42. Horgos, Bonnie. “[The Vatican Draws a Line on Gender, and Transgender Catholics Push Back](#)”. *Religion And Politics*, 2019.

43. Luxmoore, Jonathan (2019). “[Church in Poland continues confrontation with the LGBTQ community](#). *National Catholic Reporter*”, 2019.

44. BBC. “[Istanbul Convention: Poland to leave European treaty on violence against women](#)”, July 25, 2020.

signature collection campaign took place in Belarus with the Protestant church involved in 2016, with the aim of adopting a law on the protection of children from propaganda and public expression of “unconventional sex relationships”⁴⁵.

Opposition to the Istanbul Convention by the All-Ukrainian Council of Churches

In the wake of discussions introducing the criminalization of domestic violence, representatives of the All-Ukrainian Council of Churches and Religious Organizations issued statements against the ratification of the Istanbul Convention, stating that it carries serious risks for Ukrainian society and the family, since along with action against domestic violence, a problematic definition of the concept of “gender” is introduced. Such a twisted approach, according to the Council of Churches, can make the Istanbul Convention an instrument for popularising new “gender roles” and same-sex relations in Ukrainian schools and universities, which would be a disastrous direction for Ukraine.⁴⁶

Trans-exclusionary actors on the left of the political spectrum

Besides leftist anti-gender political actors presented in the previous chapter, an increasingly important force promoting anti-gender views in CEE-CA is a group within radical feminist activists, often referred to as “TERFs” (“Trans-Exclusionary [So-Called] Radical Feminists”)⁴⁷, or labelled as “gender-critical” by the group itself. This informal group is increasingly active, especially in online spaces in the region, and opposes the concept of gender identity and fights for the abolition of gender.

45. More on the church's role and actions:

Nehrieieva, Iryna and Gvianishvili, Natia. *Resisting the Resistance. Mapping the situation of LGBT+ people in the Eastern Partnership Countries and Russia, in the context of the increased mobilization of the anti-gender movements*. Stockholm:RFSL, 2020.

46. Editorial board UOJ. “[No to gender: Council of Churches speaks out against ratification of Istanbul Convention](#)”, *Union of Orthodox Journalists*, March 7, 2017.

47. Some cis feminists actively assert that TERFs are not feminists at all, and are working to distance themselves from TERF theories and claims. Trans movements, however, continue to use this term, as it was both initially coined by trans activists, and continues to have utility for the movement in terms of specifically naming its opponents and pointing to the lack of unity with in self-described feminist circles. This can result in TERF being explained as “trans-exclusionary so-called “radical feminists”. This is an ongoing debate.

While TERF organizing is a relatively recent phenomenon in the CEECA region, in the US it has a long history of influencing the narrative about trans and gender-diverse people in the public domain. In the early 1970s, groups that could be now considered “TERF” threatened violence against many trans women who wanted to enter women’s and lesbian spaces. In 1979, radical feminist Janice Raymond, a professor at the University of Massachusetts, wrote the defining work of the TERF movement, “Transsexual Empire: The Making of the Shemale”, in which she argued that “transsexualism” should be “morally mandate[d]... out of existence”, mainly by restricting access to transition-related care.⁴⁸ Soon after, she wrote another paper for the National Center for Healthcare Technology, which resulted in the Reagan administration cutting off Medicare and private health insurance coverage for transition-related care.⁴⁹

After these events, the debate between trans rights advocates and TERF activists became less prominent. However, in the past years, TERF ideals have found fertile ground in many online spaces, following the sudden visibility of trans women in popular culture in the US. Some TERF groups even managed to influence policy-making, for example the Women’s Liberation Front (WoLF) and Hands Across the Aisle from the US, which work alongside conservatives to limit the rights of trans people by barring trans women from women’s homeless shelters.⁵⁰

Similar advocacy that affects legislation can be observed in Europe as well. During the Irish referendum on abortion rights in 2018, some British feminists withheld support for campaigners who supported abortion rights, citing the trans supportive attitudes of Irish feminism, going so far as to schedule an anti-trans meeting in Dublin at the height of the campaign season.⁵¹ Since 2018, the UK also has seen a debate on amending the Gender Recognition Act 2004 (GRA), engaging a large number of vocal self-proclaimed feminists who have been critical of the GRA and the extension of trans rights.⁵²

48. Raymond, Janice *The transsexual empire: The making of the she-male*. Boston: Beacon Press, 1979.

49. Williams, Cristan. “[Fact Checking Janice Raymond: The NCHCT Report](#)”. The Trans Advocate, 2013.

50. Schmidt, Samatha (2020). “[Conservatives find unlikely ally in fighting transgender rights: Radical feminists.](#)” *The Washington Post*, 2020.

51. Burns, Katelyn. “[The rise of anti-trans “radical” feminists, explained](#)”. VOX, 2019.

52. Haynes, Suyin. “[The U.K. Government Has Finally Responded on Gender Recognition for Trans People. LGBT Groups Says It Is ‘Lackluster’](#)”, Time, 2020, September 22, 2020.

Mobilization of women's rights civil society against trans recognition

Anti-trans women's rights activists so far have not managed to influence legislative levels in European policy-making; however, there are documented attempts of trans-exclusionary groups to use European platforms to advocate against laws and measures that leverage protection to trans women by using the terms "gender" and "gender identity". In August 2020, Lobby Europeo de Mujeres en España (European Women's Lobby - Spain branch) put forward a motion supported by 22 European Women's Lobby members to ask decision-makers in Spain to remove "gender" from the wording of three legislative projects (On Sexual Freedom, Protection of childhood and the Modification of the Education Law). The motion was adopted by majority vote at the General Assembly of the largest women's rights network in Europe.⁵³ The motion of the Portuguese Platform for Women's Rights was also approved, asking for an urgent reaction to a study commissioned and published by the European Commission, "Legal gender recognition in the EU", as it was 'conflating gender and "gender identity"' in the Platform's opinion.⁵⁴

Trans rights activists in CEECA report that TERFs have also gained strength in recent years, especially in social media, translating mainly US and UK materials of well-known anti-trans activists. There is no record yet of these activists influencing policies in contexts where governments largely ignore input from women's rights organizations, but they significantly impact emerging trans organizing by using smear campaigns, physical harassment, and cyber-bullying, as well as disparaging trans organizing in the media. This happens in a regional context in which interest in feminism and women's rights only spiked after 1989, with the dismantling of borders, the circulation of various publications, and new possibilities for civil society. In academia and activism alike, feminists in the region were mainly influenced by the Western "second wave"⁵⁵ and its aftermath.

Feminist civil society organizing was complemented by European Union and Council of Europe directives and policies aimed at promoting gender equality (gender mainstreaming). While gender mainstreaming held the promise of finally bringing about many of the policies feminists in Eastern Europe had been demanding, it ended up undermining many of their efforts, and moreover, it triggered an anti-feminist backlash. The policies were rarely accompanied by substantial changes in public discourse or the political

53. European Women's Lobby. ["100+ Feminists across Europe come together for EWL's 2020 General Assembly"](#), September 30, 2020.

54. Ibid.

55. Second wave feminist started in the early 1960s in the U.S. and addressed sexuality, family, the workplace, reproductive rights, de facto inequalities, and official legal inequalities.

process. Local feminists did not become more visible, neither did their demands nor ideas receive much more attention.

Informants of this resource emphasize that TERF activism in the region often, but not always, overlaps with anti-sex work “abolitionist” advocacy, frequently labelled as “Sex Worker Exclusionary Radical Feminism (SWERF)”. Although most often, these groups’ activities are limited to online commentaries, there are cases when conflicts become frictions within feminist organizing. In Ukraine, for instance, several Facebook groups, such as FeminismUA, FemUA Nordicmodel, and Resistanta withdrew from the 2018 Women’s March, because Legalife-Ukraine, a sex worker advocacy organization, was listed as an organizer.⁵⁶

Feminist push to introduce client criminalization in Serbia

In 2016, following pressure from feminist academics and NGOs, Serbia criminalized the purchase of sexual services through amendments to the Public Law and Order Act. The success of these amendments was influenced by abolitionist feminist organizations. Advocacy to introduce the “Nordic model”, however, led to criminalization of both selling and purchase of sexual services. After the law entered into force, sex work became punishable by prison sentences that are twice as long as before, and administrative fines increased tenfold up to 1300 EUR. Sloboda Prava (“Equal Rights”), a sex worker-led organization, reports that sex workers, including many economically precarious trans sex workers, are forced to work with more clients in order to be able to pay fines and evade police, often in secluded locations that are dangerous and where they are exposed to violence by many perpetrators. It is almost impossible for sex workers to get help from police in cases of violence, as this would lead to self-incrimination and the arrest of them and their clients as well.⁵⁷

56. Sex Workers’ Rights Advocacy Network. [Nothing about us without us! A brief guide on meaningful involvement of sex workers and their organizations in Central-Eastern Europe and Central Asia](#) (CEECA), 2019.

57. Equal Rights (Sloboda Prava) [SHADOW REPORT TO THE UN CEDAW COMMITTEE SEVENTY-SECOND SESSION](#), 2019.

4 | Country case studies

Hungary

Hungarian anti-discrimination legislation offers several protections for trans and gender-diverse people. However, recent years have seen increasing government attempts to curb trans and gender-diverse rights, accompanied by heavy anti-LGB and anti-trans political messaging.

The Hungarian government introduced a procedure for legal gender recognition in 2003 and has promised to enact proper legislation and clinical guidelines for trans-specific healthcare. According to the procedure, trans people were able to have their legal gender (only male or female) recognized by means of an administrative policy procedure for the changing of one's name and legal gender at the same time. Thus, official documents could be changed to match one's gender identity. No compulsory medical or surgical intervention, including sterilisation, was required for legal gender recognition, but a mental-health diagnosis had to be obtained.

Legal gender recognition procedures were suspended in 2016 and were only briefly permitted again in the months before the 2018 election, with the suspension reimposed shortly thereafter. In May 2020, Hungary's parliament passed a law making it impossible for trans, gender-diverse, and intersex people to legally change their gender – putting them at risk of harassment, discrimination, and even violence in daily situations when they need to use identity documents. The legislation redefines the word “nem,” which in Hungarian can mean both “sex” and “gender,” to specifically refer to a person's sex at birth, defined as “biological sex based on primary sex characteristics and chromosomes.” According to Hungarian law, birth sex, once recorded, cannot be amended.

The law is a major backwards step on trans and intersex rights, and a milestone in the growing anti-LGBTI and anti-gender political discourse since 2010, when the conservative right-wing Fidesz and Christian Democratic

Party (KDNP) coalition took political power. Since then, the Hungarian government has been using nationalist and conservative ideas about family to attack women's and minorities' rights, including the LGBTI community:

- **2011:** government-financed anti-abortion campaign, portraying the EU as an enemy due to its regulations enforcing women's sexual and reproductive health and rights.
- **2012:** anti-abortion amendment to the Hungarian Constitution (The Fundamental Law of Hungary) by including the sentence: "Everyone has the right to life and human dignity, the life of the fetus is protected from conception."
- **2016:** report published on legal gender recognition by Hungary's Commissioner for Fundamental Rights, asking the Minister of Human Resources to draft legislation which will ensure legal certainty and a fair process for trans people wishing to choose their name and gender according to their gender identity.
- **2016:** suspension of the legal gender recognition process.
- **2017:** the government rejected the ratification of the Istanbul Convention to end violence against women, citing its "destructive gender ideologies," as well as rejecting references in the treaty's text to "gender" and to obligations to receive refugees persecuted over gender or sexual orientation.
- **2017:** Hungary hosted a convention for the International Organization of the Family, a US-based Christian group which the Southern Poverty Law Center has designated as a "hate group" for its anti-LGBT views.
- **2018:** the government announced a ban on gender studies within higher education. The secretary of the Ministry for Human Resources claimed "the content of the course is opposed to all of the government's system of values about humans". The president of Hungary argued that "genderism" is "an intellectual founding of such a human experiment that is nothing better than, let's say, eugenics in Nazi times."⁵⁸

58. Kövér, László. [Nemzeti önrendelkezés](#), ECHO TV, YouTube video, August 9, 2018

- **2018:** suspension of legal gender recognition process for the second time.
- **2020:** ban on legal gender recognition by omnibus bill, constitutional amendment and ban on adoption by unmarried persons.
- **2021:** introduction of a Russian-style propaganda law that bans LGBTQI-themed educational programs and public service advertisements.

Kyrgyzstan

Kyrgyzstan does not have anti-discrimination legislation that would cover sexual orientation and/or gender identity, nor does it have provisions protecting trans and gender-diverse people from hate-motivated violence. Emerging trans activism, however, achieved several improvements for the community in recent years, such as the adoption of clinical protocols that set standards for providing medical and social assistance to trans people and that establish a more accessible, transparent, and effective procedure for legal gender recognition.⁵⁹

Kyrgyzstan's political leadership has been influenced greatly by the Russian government since the collapse of the Soviet Union. Both signature pieces of Russian legislation, the "foreign agent" and "propaganda" laws, have been introduced at the Parliament in the past years, enjoying support from nationalist and religious (Muslim and Orthodox Christian) groups. Nationalist groups like Kyrk-Choro ("Kyrgyz Knights") are thought to have committed several assaults on both the LGBT community and sex workers.

- **2014:** Gay Propaganda Bill was presented before Kyrgyzstan's parliament, the Supreme Council (not adopted).
- **2014-2015:** bills to criminalise sex workers presented at the Supreme Council (not adopted).

59. Sexuality Policy Watch. [Kyrgyzstan Manual for Health professionals](#), September 1, 2017.

- **2015:** attack against LGBT activists on the International Day Against Homophobia and Transphobia – IDAHOT in Bishkek.
- **2017:** the Minister of Health of the Kyrgyz Republic signed an order approving important clinical protocols and manuals for healthcare for trans people.
- **2020:** 70 activists, most of them cis women and trans people, are held in detention by police after being attacked at their peaceful International Women’s Day march by a mob.
- **2020:** draft “foreign agent” law passes first Parliamentary reading.

Poland

Trans and gender-diverse people have limited legal recognition and protection in Poland. No comprehensive or partial legal regulations concerning legal gender recognition exist; based on case law, a court decision is required for an amendment to the birth certificate in a proceeding in which trans people file a case to “sue” their parents for incorrectly registering their gender on their birth certificate. Anti-discrimination law does not cover gender identity or expression.

In the run-up to the 2015 parliamentary elections, the Polish Law and Justice Party (PiS) utilized “gender ideology” messaging along with anti-European Union and anti-migrant sentiments to gain votes and establish Poland’s most conservative government since the transition to democracy in 1989. In the run-up to the October 2019 elections, the PiS government narrowed previous “gender ideology” rhetoric to focus more specifically on the LGBTI community, resulting in a win for the conservative party.

Since 2015, the government has repeatedly attacked sexual and reproductive rights in the country, including multiple attempts to ban abortion in almost all cases, ending state funding for in vitro fertilization, restricting access to emergency contraception, limiting state funding to women’s rights organizations, and arguing for the removal of gender studies programs.

- **2012:** Minister of Justice opposed the ratification of the Istanbul Convention, claiming that the Convention is a “carrier of gender ideology.”
- **2015:** President vetoed the law on Gender Accordance, which had been previously approved by the Polish Parliament (Sejm)
- **2015:** Kaczyński, leader of the PiS party called gender recognition and reassignment a “fad” and an “attack on the family”. The politician also claimed that when his party wins the election, it will make Poland a “bastion of freedom” where “society will not be changed.”
- **2016:** #CzarnyProtest (Black Protest) and #StrajkKobiet (Women’s Strike) demonstrations against the proposed complete abortion ban.
- **2018:** leader of the ruling PiS party Jarosław Kaczyński says, as part of a local government campaign, that “no homosexual marriages will occur; we will wait peacefully for the European Union countries to sober up.”
- **2018:** Equality March in Lublin banned by the city’s mayor.
- **2019:** opposition to the Warsaw LGBT+ Charter from a range of religious and political leaders.
- **2019:** over 100 municipalities adopt “LGBT-free zone” declarations.
- **2019:** Equality March of Rzeszów banned by the city’s mayor.
- **2020:** Wrocław court rules that a campaign linking LGBT people to paedophilia is “informative and educational.”
- **2020:** President signs the Family Charter, committing to defend the institution of marriage, to not allow same-sex couples to adopt children, and to protect children and the family from “LGBT ideology.”
- **2020:** Catholic episcopate adopts an official “position on the question of LGBT+”, which includes calls for the creation of “clinics to help people who want to regain their...natural sexual orientation” (i.e. clinics to conduct so-called “conversion therapy”).

In Romania, the process for obtaining legal gender recognition requires an application to the domestic courts. When one is applying for legal gender recognition, national judges have a public order duty to ensure the validity of civil status documents. In practice, national judges acknowledge gender inconsistently: certain judges require burdensome supporting evidence, including proof of sterilization and gender confirmation surgery. Requiring individuals to submit their request before national courts creates an additional layer of formality, which many people find both intimidating and difficult to navigate. Where obtaining recognition necessitates additional legal knowledge, this may prevent individuals from making an application. It may also require legal assistance which many people – especially those in situations of economic vulnerability – may be unable to afford.

Since homosexuality was decriminalized in 2001, anti-LGBT sentiments have been fueled by the Orthodox Church, which has played an increasingly important role in Romanian political and social life since the collapse of communism in the country. Religious forces determined to protect “traditional family” values are supported by powerful domestic groups and their allies in the US Christian right, a cooperation which also manifests in joint actions, such as signature collection by churches against same-sex marriage.

- **2015:** citizens’ initiative launched by *Coaliția pentru Familie* (the “Coalition for Family”) which gathered over three million signatures, to begin the process for a constitutional amendment referendum on same-sex marriage.
- **2017:** national tour in Romania by Kim Davis - an individual who had become popular in conservative communities in the United States after refusing to provide official approval of same-sex marriage and was sentenced to prison for violating the law - made possible by Liberty Council, a US-based Evangelical Christian advocacy group.⁶⁰
- **2018:** referendum held on the definition of the family in the Romanian Constitution. The referendum asked voters whether or not they approve

60. Mărgărit, Diana. *Insurgent conservatism in Romania*. Bucharest: Friedrich-Ebert Stiftung Romania: 2020.

a change to the family's gender-neutral definition as provided by Article 48 of the Constitution, to prohibit same-sex marriage. The referendum failed with 20 percent of registered voters casting ballots. The referendum campaign was supported by Alliance Defending Freedom (ADF), which provided legal counsel to *Coaliția pentru Familie*.

- **2019:** the Orthodox Church called for a ban on a play presented at Cluj Pride Week.
- **2020:** amendment of education law adopted to ban “activities propagating theories and opinions on gender identity according to which gender is a separate concept from biological sex” (revoked by the Constitutional Court in December 2020).

Serbia

The legal system in Serbia provides a certain degree of protection for trans and gender-diverse people in its anti-discrimination law, which was adopted in 2009, and the inclusion of hate-crime provisions in the Criminal Code in 2012. However, there is no formal legal gender recognition procedure. The law enables everyone over 15 years of age to change their personal name, but the registrar usually refuses to make the change if the new name is not consistent with the person's gender marker. The ability to change one's gender marker on demand is not regulated by law.

Despite progress made in some policy areas as a prerequisite to joining the European Union, political will to adequately address LGBT rights has remained low in the past decade. Anti-LGBT teachings of the Serbian Orthodox Church and a violent street culture of nationalist individuals and soccer hooligans are often further legitimised by major political figures and media.

- **2009:** Amfilohije Radovic, a leading bishop of the Serbian Orthodox Church, equated Pride parades with “Sodom and Gomorrah”.
- **2010:** 150 people were injured when nationalists attacked Pride marchers, leading to a ban on Pride events for the following three years.

- **2014:** after the Eurovision Song Contest was won by Conchita Wurst, a drag performer, all Serbian media outlets broadcast the statement of the Archbishop of the Serbian Orthodox Church, who said that God was using floods to encourage people to repent, and that the weather conditions in Europe were God's punishment for this year's Eurovision contest winner -who, according to the Archbishop's statement, had claimed to be Jesus Christ and promoted the dissolution of human nature.
- **2016:** introduction of the criminalization of sex workers' clients, coupled with increased fines and imprisonment for sex workers.
- **2017:** Incest Trauma Centre-Belgrade (ITC) launched its government-commissioned educational package against sexual assault in Serbia, which addressed different types of sexual violence against minors as well as providing guidance for teachers on how to approach "issues of body image, sexuality and wanted and unwanted physical contact". Slobodan Antić, a conservative Serbian academic ignited debate around a sexual assault prevention-focused educational package, developed by Incest Trauma Centre-Belgrade (ITC) on government commission in 2016, accusing the toolkit of attempting to "pathologize and sexualise" children, and asserting that it was a "propaganda for homosexual relationships". After intense media attack against the package labeling it as "extreme feminism and totalitarian LGBT and gender ideology", the Ministry of Education withdrew their plans to introduce it in education.⁶¹
- **2017:** introduction of the government Strategy for Encouraging Births, aimed at encouraging higher birth rates in order to mitigate the low fertility rate and population decline in Serbia, which was received with heavy criticism by women's rights groups.⁶²

61. International Network for Human Rights. [Alternative Report for the Evaluation of Serbia. "Gender ideology" discourse as a threat to the full enjoyment of Women's rights and gender equality in Serbia.](#), 2019.

62. Simić, Julija. ["We'll pay you to have babies", Serbia tells its women](#) EURACTIV, 2018.

5 | Impact of anti-gender mobilization on trans and gender-diverse organizing

Trans rights activism has become increasingly visible in many countries of the region in the past decade parallel to the strengthening of anti-gender movements. Almost everywhere across CEECA, trans-led collectives and regional networks have been set up, such as the Russian-speaking Trans Coalition or Trans Mreže Balkan. Despite this successful emergence of community-based NGOs, activist informants for this report provide accounts of serious threats impacting their work, including a deterioration in the mental health and wellbeing among trans communities and activists due to negative political changes and the strengthening of oppressive anti-gender discourses.

Campaigns portraying trans and LGB people as threats to national identity, “traditional values” and religious morals have serious consequences for the community. Security - both physical and online - is reported as a key concern throughout the region. In countries with authoritarian regimes, state-sponsored police raids with the aim of cracking down on LGBT people - especially trans and sex worker members of the community - are frequently reported, for example, in Kyrgyzstan and Tajikistan; in other contexts, trans people suffer daily violence by various non-state actors. Discrimination and violence are often seen to rise after the introduction of legal proposals that infringe on the rights of trans people. This is confirmed by activists from Poland, Hungary, and Romania, countries that saw massive attacks on the rights of LGBTI people in 2020. According to community organizers, the growing demand for mental health support, suicide prevention support, or migration counselling (if one wants to flee their country) is a clear indication of escalating emergency situations.

According to the LGBTI surveys of the Fundamental Rights Agency of the European Union, trans people in Poland reported victimization at higher rates in 2020 than at the time of the last community survey in 2012. In 2012, 7 % stated that they had experienced a physical and/or sexual attack for any reasons in the five years before the survey. This rose to 17 % in 2020.⁶³

Political attempts to curb LGBTI rights severely affect the trans and gender-diverse community, which already has poor mental health due to stigma, exclusion, and discrimination in all spheres of life. Research shows that feelings of depression are extremely high in many contexts among trans and gender diverse people (in Transgender Europe's study, 47,4 % of trans respondents in Georgia said that they felt depressed prior to participating in the survey, in Poland this number was 40,8 %, in Serbia 30,5 %). The rate of suicide attempts among respondents within the last 12 months highlights similar alarming trends: 28,6 % in Georgia, 14,6 % in Poland, 9,6 % in Serbia.⁶⁴

Trans organizations prioritize community security and wellbeing. However, because they are under-resourced, they struggle to keep up with demand from trans people.

Community-based organizations not only face difficulties in running their services and reaching out to as many community members as possible, but also are exposed to physical violence when organizing events to draw attention to the community's hardships. Trans rights and trans-inclusive feminist marches have been attacked by violent counter-protestors in several countries in the region, such as Kyrgyzstan⁶⁵ and Ukraine⁶⁶.

Digital organizing is also restricted in many contexts, specifically for organizations that face systemic online censorship, as in Turkey. Activists also report that online content related to trans people is sometimes blocked by authoritarian regimes, and especially in countries with "gay propaganda laws" in place, such as Russia and Belarus.⁶⁷

63. European Union Agency For Fundamental Rights (FRA) [Survey on fundamental rights of lesbian, gay, bisexual and transgender people in EU](#), 2012.

See the 2020 survey results here: [FRA LGBTI Survey Explorer](#), 2020

64. Transgender Europe, *Overdiagnosed but Underserved*, 2017.

65. Al Jazeera, ["Kyrgyzstan: Women's rights protesters assaulted, by men"](#), March 8, 2020.

66. The Guardian, ["Trans rights activists attacked with pepper spray during Ukraine march"](#), November 18, 2018.

67. Costache, Baigazieva and Gejadze, *Table*, 2018.

The shrinking of independent media further limits trans groups' possibilities for disseminating genuine, multi-faceted narratives about the community to the wider public. The situation of media freedom is especially critical in Hungary and Poland within the European Union, and activists believe the slow decay of media plurality strongly contributes to the invisibility or sporadic visibility of trans and gender-diverse people and the lack of societal support in light of governmental anti-LGBTI actions.

Due to shrinking civil society spaces, local trans collectives are relying on support from foreign donors. Government funding has never been available for trans groups in the region, but government smear campaigns and additional administrative burdens due to restrictive rules on NGOs pose further barriers to organizations carrying out their work and being sustainable. In countries that do not allow registration of LGBTI-focused groups, such as Tajikistan, collectives serving trans communities face difficulties in community outreach and visibility.

Conclusions

Historically, anti-trans discourses and practices of anti-gender movements have been included in the more general context of their attacks against sexual and reproductive rights, as well as against everything that involves LGT-BIQ+ people, communities and movements. However, anti-trans discourses and actions perpetrated by anti-gender movements require a **disaggregated approach to those movements**. Such a disaggregation is needed not only to better understand how trans people are specifically addressed by anti-gender movements, but to extend that understanding to the very role of the anti-trans opposition within a more general opposition to human rights.

Anti-gender movements, including those operating in the CEECA countries examined in this report, portray trans people as “enemies of the people”. To do so, those movements recur to narratives that are, at the same time, very old and very actual: **those of fear and hate against those who look different, sound different, come from a different background or followed a different -and maybe still incomplete- pathway to their legal ID** -including migrants, refugees, Roma and indigenous people and, of course, trans people. And, as it happens with sex workers, and with LGTBI+ people using reproductive technologies, **those narratives include a strong component of moral panic and sexual danger**. Consequently, a wide array of groups become extremely demonized, and, at the same time, other groups become extremely vulnerable. Predictably, **anti-gender movements attacking trans people’s autonomy and self-determination are also advocating to reduce women’s autonomy and self-determination to protect them**. Dismantling the consequences of anti-gender movements -in CEECA societies and everywhere- require to **identify and address the tangled narratives that oppose trans people as potential perpetrators and cis women and potential victims while strengthening the patriarchal System that oppress them both**.

Trans resistance to anti-gender movements is still severely unfunded, which not only impairs activists’ ability to organize and mobilize, but even to remain engaged. Scarcity of resources also has a deeply negative impact in

their operative capacity, including access to the resources needed to ensure personal safety and data security. This situation is dramatically opposed to the obscenely funded anti-gender opposition to trans people's human rights around the world, including the CEECA countries examined in this report. **Increased available funding is more needed today than ever to fuel trans-led initiatives** across the region.

In those CEECA countries, as well as in many other countries around the world, trans people find themselves daily exposed to the attacks perpetrated by anti-gender movements and, many times, forced to survive them personally and politically isolated. Breaking such isolation requires **active cis-solidarity**, that is to say, **cis people leveraging trans voices, breaking the silence and joining them to speak up against stigma, discrimination and violence against trans people.**

Both the virulence of anti-gender movements and the strenuous resistance of trans activism and its allies, their attacks are often presented and understood as "culture wars." However, the situation in the countries considered in this study clearly demonstrates that **anti-gender movements have a decidedly political-institutional content** - and that, therefore, **confronting, defeating and dismantling them also requires political and institutional strategies.** These strategies must necessarily include **building collective and intersectional alliances** among different people, communities and movements -not to win "culture wars", but **to win power back.**



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