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### **THE TROUBLE WITH "GENDER" IN LATVIA: EUROPEANISATION THROUGH THE PRISM OF THE ISTANBUL CONVENTION**

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#### **ABSTRACT**

The article analyses the dynamics of Europeanisation revolving around the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in Latvia. Whereas the document has not yet been made a part of EU *acquis communautaire*, the EU has committed to applying the norms enshrined in the Convention by any means, not least through the EU Gender Equality

Strategy 2020-2025. The discussion on the repercussions of the implementation of the Istanbul Convention in Latvia's legislation has occupied a noteworthy place in the discussions of the national parliament of Latvia (Saeima) since 2016. The article first uses critical frame analysis and defines the most important issue frames, document frames and metaframes that are employed by different political parties/politicians and Ministries/Ministers when talking about the Istanbul Convention to promote or refuse the ratification of the document. The article shows how the camps for and against the ratification draw on different and often opposing issues, documents, and meta-frames to substantiate their arguments. Next the article applies two models of Europeanisation: the external incentives model and the social learning model. The article concludes that the social learning model is better positioned to explain the non-ratification of the Convention, mostly due to exclusive national identity and the lack of resonance of the Convention in Latvia. Whereas some liberal-centre political parties are framing the ratification of the Istanbul Convention as aligned with Latvia's commitment to European values, the framing by national-conservative players which argues that the Istanbul Convention is not in line with Christian values, has borne more fruit.

#### **KEYWORDS**

Europeanisation, Istanbul Convention, gender, equality between men and women, Latvia

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## INTRODUCTION

The process of Euro-Atlantic integration has been a constant foreign policy objective of Latvia's since the regaining of independence in 1991.<sup>1</sup> The "return to Europe" meant becoming a part of the EU not only in a technocratic sense, but also in terms of norms, values, identity and political paradigms. For this to happen, Latvia had to undergo the process of Europeanization. Broadly speaking, Europeanization is related to political behaviour changes, causing the institutionalization of discourse, normative framework and EU influence in the national political system.<sup>2</sup> Thus, Europeanisation is, according to Radelli:

Process of (a) construction (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structure and public policies.<sup>3</sup>

He particularly refers to public policy, stressing the importance of change in the logic of political behaviour. He argues that Europeanization involves the domestic assimilation of EU policy, hence the definition refers to processes of institutionalization both by organisations and individuals.<sup>4</sup>

The article analyses the dynamics of Europeanisation revolving around the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in Latvia. In particular, the Convention contains the term "gender" (in the discussion in Latvia, often referred to as "social gender"), which is widely debated in feminist literature. Judith Butler in *Gender Trouble* uncovered that gender is essentially a performance of what is associated with the male and the female. Therefore, the actions appropriate for men and women have been transmitted to produce a social atmosphere that both maintains and legitimizes a seemingly natural gender binary.<sup>5</sup> Before Butler, Money and Ehrhard introduced the distinction between bodily sex (the male and the female) and social roles (masculinity and femininity), noting the difference between the sex, assigned at birth, and the role.<sup>6</sup> It has consequently become a wide-spread opinion

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<sup>1</sup> *Latvijas ārpolitikas pamatvirzieni līdz 2005 gadam (Directions of Latvia's Foreign Policy until 2005)*, Ministry of Foreign Affairs of Latvia // <https://www.mfa.gov.lv/arpolitika/latvijas-arpolitikas-pamatvirzieni-lidz-2005-gadam>.

<sup>2</sup> Ivo Rollis, "Eiropēizācijas konceptuālais ietvars un tā izmaiņas": 28; in: Žaneta Ozoliņa and Tālis Tisenkopfs, ed., *Latvija Eiropēizācijas kurstceļos (Latvia in the Crossroads of Europeanization)* (University of Latvia, 2005).

<sup>3</sup> Claudio Radelli, "The Europeanization of Public Policy": 30; in: Kevin Featherstone and Claudio Radelli, eds., *The Politics of Europeanization*, (Oxford University Press, 2003).

<sup>4</sup> *Ibid.*

<sup>5</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge, 2011).

<sup>6</sup> John Money and Anke Ehrhardt, *Man and Woman, Boy, and Girl: The Differentiation and Dimorphism of Gender Identity from Conception to Maturity* (Johns Hopkins University Press, 1972).

that gender is a result of socialisation. The Istanbul Convention employs a similar definition of "gender", inspired by gender studies.

Until very recently, EU law did not provide definitions of the concepts of "sex", "gender" and "transgender".<sup>7</sup> The EU Gender Equality Strategy 2020-2025 is the first document that embraces the notion of the term "gender" as "the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men, see Article 3(c) of the [Istanbul Convention]".<sup>8</sup> Even before the introduction of this notion in EU political agenda, the framing of "gender" as a socially learned behaviour has stirred considerable disagreement among the EU member states such as Poland and Hungary, as well as Latvia. These countries, next to Bulgaria, the Czech Republic, Lithuania and Slovakia,<sup>9 10</sup> all member states of the EU, have refused to ratify the Istanbul Convention, as the introduction of the term "gender" in national legal documents is, broadly speaking, considered to amount to the erosion of traditional family values, the clear distinction between the male and the female sex, and could even lead to the introduction of "gay marriage".

The Istanbul Convention – the main bone of contention that has uncovered the disagreement on the definition of gender – aims, as defined in its Article 1, at the prevention of, protection from and prosecution of violence against women and domestic violence.<sup>11</sup> It is the first legally binding document of its kind. Answering to the criticism voiced by conservative EU statesmen, the Council of Europe has published a questions and answers document, where it clarifies: "There is no undertone or 'hidden agenda' to the Istanbul Convention."<sup>12</sup>

In the meanwhile, Latvia's position gives this explanation little credit. It refuses the ratification of the document, despite the fact that the country has consistently reported on the headline goals of the Beijing Platform for Action (1995), which already uses the notion of "gender" as "socially constructed gender roles, rather than immutable biological differences".<sup>13</sup> Latvia is also a part of

<sup>7</sup> Alexandra Timmer and Linda Senden, *Gender Equality Law in Europe How Are EU Rules Transposed into National Law in 2018?* (Publications Office of the European Union, 2019), 10.

<sup>8</sup> European Commission, "A Union of Equality: Gender Equality Strategy 2020-2025" (5 March 2020) // <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN>.

<sup>9</sup> European Parliament, "Istanbul Convention: All Member States Must Ratify it Without Delay" (28 November 2019) // <https://www.europarl.europa.eu/news/en/press-room/20191121IPR67113/istanbul-convention-all-member-states-must-ratify-it-without-delay-say-meps>.

<sup>10</sup> The UK, who has also not ratified the Istanbul Convention, is not analysed in this cluster, as the reasoning behind the non-ratification act differs considerably.

<sup>11</sup> *The Council of Europe's Istanbul Convention on Violence Against Women*, Council of Europe, // <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>.

<sup>12</sup> Council of Europe, "Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). Questions and Answers" // <https://rm.coe.int/istanbul-convention-questions-and-answers/16808f0b80>.

<sup>13</sup> Ministry of Welfare of the Republic of Latvia, "Informatīvais ziņojums par Pekinas rīcības platformas īstenošanu Latvijā" (Informative Report on the Implementation of the Beijing Platform of Action in Latvia) (2016) // [http://www.lm.gov.lv/upload/dzimumu\\_lidztiesiba\\_a/pekinas\\_zinojums\\_30012017\\_1.pdf](http://www.lm.gov.lv/upload/dzimumu_lidztiesiba_a/pekinas_zinojums_30012017_1.pdf).

Convention on the Elimination of All Forms of Discrimination against Women (1979), which recognizes “that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women” and “it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights.”<sup>14</sup> The term “gender” is defined as “characteristics of men and women that are socially constructed” by all major organisations Latvia is a part of, including the Organisation for Security and Cooperation in Europe (OSCE)<sup>15</sup> and others.

Prior to the accession, Europeanization of Latvia has primarily been viewed through the lens of conditionality.<sup>16</sup> This power asymmetry also created a situation where Latvia diligently filled out all EU recommendations.<sup>17</sup> However, even after 2004, the EU largely relaxed its firm grip. The strongest “payoff” to Latvia – its membership – was achieved, and the Europeanisation process has continued without any major interruptions. The resistance to ratify the Istanbul Convention presents an interesting case to analyse the dynamic of Europeanisation, as it permits the evaluation of how EU political commitments, which have not yet made “soft” or “hard” EU law, reflect and impact on national domestic policy debates, adding to the body of literature gendering Europeanization. In addition, it is also relevant to the growing body of literature that describe the so-called “war on gender” in Central and Eastern Europe.

The article first employs critical frame analysis to show that the resistance to the notion of “gender” is by no means new – the first warning shots were fired by national-conservative forces in 2012, when gender was first framed as a Trojan horse that can destabilize the traditional values of the Latvian society by national-conservative actors. The article will show that the negative framing of the Istanbul Convention and its content is countered by positive frames, out forward by liberal-central actors. Both camps operationalise different metaframes: national-conservative forces capitalizing on sovereignty and constitutional order, and the liberal-central forces – to international solidarity, gender equality and justice.

The article follows Schimmelfenning and Sedelmeier and applies the external incentives model and the social learning model. The models follow different logics – the logic of consequence for the external incentives model, which is strongly linked

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<sup>14</sup> *Convention on the Elimination of All Forms of Discrimination against Women*, United Nations // <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

<sup>15</sup> OSCE, “Glossary on Gender-related Terms” // <https://www.osce.org/files/f/documents/1/2/26397.pdf>.

<sup>16</sup> Heather Grabbe, *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe* (Palgrave Macmillan, 2005), 4.

<sup>17</sup> *Ibid.*, 5.

to conditionality, and the logic of appropriateness, which is linked to identity and values.<sup>18</sup>

The article concludes that the social learning model has more explanatory power in the analysis of the dynamics of Europeanisation revolving around the ratification of the Istanbul Convention. The primary reason for this is that the EU has not yet tied any conditionality to the norm, making the social learning model unfit to explain the dynamics. However, should the EU enshrine the norms in it is *acquis Communautaire*, a cost-benefit analysis among the Latvian politicians could radically change. The ratification process could also go forward if the Latvian Constitutional court deems the text of the Istanbul Convention compliant with the Latvian Constitution (*Satversme*).

## 1. GENDERING EUROPEANISATION

The body of literature that works on gendering various policies has been steadily growing since 2000's. Liebert and Stiff's *Gendering Europeanization* studies how the EU's diverse social welfare and gender regimes have been influenced by the EU equality norms. The book's conclusion is that, whereas the EC (EU) equality norms have produced some cross-national convergence, harmonisation is not achieved. They show that the analysed member states have different logics of EU norms application from an institutional, cognitive, and rational perspective.<sup>19</sup>

A more recent contribution by Lombardo and Forest adopts a discursive-sociological approach to studying Europeanisation through the lens of gender. The book shows that Europeanisation does not lead to convergence; instead, often, the outcome of policy change is divergence. They show how even in "soft" policy areas, such as domestic violence, the EU has still had influence on policy developments. Among the outcomes, they mention re-negotiation of the EU conditionality during accession processes, the promotion of social learning through EU funding, and the strategic discursive action of gender advocates.<sup>20</sup> It is from this work that the article borrows the idea of exploring the dynamics of Europeanisation surrounding the Istanbul Convention, which is, as of yet, not a part of the EU *acquis*.

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<sup>18</sup> Frank Schimmelfenning and Ulrich Sedelmeier, "Introduction: conceptualizing the Europeanization of Central and Eastern Europe" (January 2006) // [https://www.researchgate.net/publication/30528042\\_Introduction\\_conceptualizing\\_the\\_Europeanization\\_of\\_Central\\_and\\_Eastern\\_Europe](https://www.researchgate.net/publication/30528042_Introduction_conceptualizing_the_Europeanization_of_Central_and_Eastern_Europe).

<sup>19</sup> Ulrike Liebert and Stefanie Siffert, *Gendering Europeanisation: EC Norms on Equal Opportunities and Equal Treatment of Women and men in France, Germany, Italy, Spain, Sweden and the UK in Comparative Perspective* (Peter Lang, 2003).

<sup>20</sup> Emmanuela Lombardo and Maximine Forest, *Europeanization of Gender Equality Policies. A Discursive-Sociological Approach* (Palgrave Macmillan, 2012).

As gender policies have gained prominence on an EU level increasingly over the last decade, a new strain of academic literature has emerged. Sedelmeier argues that democracy in Central and Eastern European countries is deteriorating<sup>21</sup> and Cianetti, Dawson and Hanley even argue that this trend is much broader, touching countries beyond the traditionally debated Hungary and Poland.<sup>22</sup> Krizsan and Roggeband construct a conceptual framework to analyse the struggles over Democracy for gender equality, including the common dimensions of 1) discursive (de)legitimation of gender policy; 2) dismantling existent policies; 3) undermining implementation; and 4) erosion of accountability and inclusion mechanisms.<sup>23</sup> As the democratic standards are eroding, illiberalism seeks to content the effects of neoliberalism and the EU.<sup>24</sup> Graff and Korolczuk show how the opposition to "gender ideology" is becoming an ideological construction. They argue that today's global right, while selectively borrowing from liberal-left and feminist discourses, is "in fact contributing a new universalism, an illiberal one, that replaces individual rights with rights of the family as a basic societal unit and depicts religious conservatives as an embattled minority."<sup>25</sup> Grzebalska and Peto explore how illiberalism feeds on the refusal of open societies and emancipatory politics. They explain that "gender ideology" is made the enemy in Poland and Hungary, where attacks on reproductive rights, rights of sexual minorities and gender studies are common.<sup>26</sup>

This short literature review feeds into the following article by determining its theoretical approach and the methodology of the study by selecting critical frame analysis, which is also employed by Lombardo and Forest. It is also interesting to note that even democratically resilient countries such as Latvia seem to exhibit illiberal trends common in the region, which express themselves through the resistance against the ratification of the Istanbul Convention (and the connected non-recognition of LGBT+ rights).

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<sup>21</sup> Ulrich Sedelmeier, "Anchoring democracy from above?" *JCSM Special Issue* Vol. 52 (2018): 105 // DOI: 10.1111/jcms.12082.

<sup>22</sup> Licia Cianetti, *et al.*, "Rethinking 'democratic backsliding' in Central and Eastern Europe – looking beyond Hungary and Poland," *East European Politics* Vol. 34 No. 3 (2018): 243 // DOI: 10.1080/21599165.2018.1491401.

<sup>23</sup> Andrea Krizsan and Conny Roggeband, "Towards a Conceptual Framework for Struggles over Democracy in Backsliding States: Gender Equality Policy in Central Eastern Europe," *Politics and Governance* Vol. 6, No. 3 (2018): 93 // DOI: <http://dx.doi.org/10.17645/pag.v6i3.1414>.

<sup>24</sup> Weronika Grzebalska and Andrea Petó, "The gendered modus operandi of the illiberal transformation in Hungary and Poland," *Women's Studies International Forum* 68 (2018): 164-165 // DOI: <https://doi.org/10.1016/j.wsif.2017.12.001>.

<sup>25</sup> Elżbieta Korolczuk and Agnieszka Graff, "Gender as Ebola from Brussels: The Anticolonial Frame and Rise of Illiberal Populism," *Journal of Women in Culture and Society* Vol. 43, No. 4 (2018): 789 // <https://doi.org/10.1086/696691>.

<sup>26</sup> Weronika Grzebalska and Andrea Petó, *supra* note 24: 167.



## 2. METHODOLOGY

Critical frame analysis considers that the subject – Istanbul Convention and the term “gender” it contains – is a contested concept that evolves over time and gains a new meaning in different contexts. The following study will use the notion of policy frames. Policy frames form the basis on which “public policies rest on frames that supply them with underlying structures of beliefs perceptions, and appreciation”<sup>27</sup> and serve as an “organizing principle that transforms fragmentary or incidental information into a structured and meaningful problem, in which a solution is implicitly or explicitly included”.<sup>28</sup> The analysis will operate in macro (national, or institutional in certain policy domains) and micro (individual actor) levels, and it will show how different norms entrepreneurs strategically deploy arguments for and against the ratification of the Istanbul Convention in Latvia.

The article will use three distinct types of frames throughout the analysis, namely: issue frames, which provide a coherent reasoning behind an issue (or how a certain cause will lead to pre-defined consequences). The issue frames can be employed by state and non-state actors, these can be dominant or contested. The issue frames are typically tied to normative aspects: they offer a certain social problem and propose the needed changes. Positive issue frames, which were less dominant, were:

- The Istanbul Convention is a European document, the ratification of which will show Latvia’s solidarity with the rest of the EU in fight against domestic and gender-based violence;
- The introduction of the Istanbul Convention is necessary, as Latvia’s national legal system has proven not to be enough to protect the victims of domestic and gender-based violence. The Convention’s ratification will also show that such acts of violence are not acceptable in Latvia;
  - The Istanbul Convention is a matter of Latvia’s international reputation. The most common negative issue frames found in the sample are:
    - Introducing the Istanbul Convention in Latvian legislation is in the interests of a small part of the population (radical feminists and LGBT+ people) and will lead to the introduction of homosexual marriage;
    - The Istanbul Convention contains the notion of “gender”, which is not compatible with the present formulation of Satversme. The introduction of the

<sup>27</sup> Frank Fischer, *Reframing Public Policy: Discursive Politics and Deliberative Practices* (Oxford University Press, 2003); quoted in: Tamas Dombos, *et al.*, “Critical Frame Analysis: A comparative Methodology for the QUING project” (2012): 3 // <https://cps.ceu.edu/sites/cps.ceu.edu/files/cps-working-paper-critical-frame-analysis-quiring-2012.pdf>.

<sup>28</sup> Mike Verloo, “Displacement and Empowerment: Reflections on the Concept and Practice of the Council of Europe Approach to Gender Mainstreaming and Gender Equality,” *Social Politics* Vol. 12, No. 3 (2005): 344-365 // DOI: 10.1093/sp/jxi019; quoted in: Tamas Dombos, *et al.*, *supra* note 27: 3.



Convention would constitute an imposition of “gender ideology” on the Latvian population;

- The Istanbul Convention, even if introduced in EU legal *acquis*, is not compatible with Latvian and Christian values;
- Latvia already has all the necessary legal preconditions to combat domestic and gender-based violence, and the introduction of the Istanbul Convention is therefore not necessary.

Document frames, in contrast, explain how a certain document constructs the issue at hand. The framing in documents can overlap with issue framing. Within the critical frame analysis, documents are, too, seen as assemblages of rational sets of interventions for certain purposes. The most relevant document frames reviewed in the document are:

- The Conceptual Report of the Ministry of Welfare of 2016 “On Latvia’s joining the Council of Europe Convention on preventing and combating violence against women and domestic violence”, that frames the Istanbul Convention as a necessary addition to the Latvian legal system that will lead to better protection against domestic and gender-based violence;
- The Legal Analysis by Inga Kačevska’s Lawyer’s office, on behalf of the Ministry of Justice of 2016, “On the Council of Europe Convention on preventing and combating violence against women and domestic violence. Potential impacts on Latvia’s legal system”. This document frames the Istanbul Convention as incompatible with the present formulation of the Satversme, an instrument of radical feminism, as well as contests the EU competence in case it joins the Istanbul Convention, as Latvia has not joined a treaty that speaks of “gender equality”, but of “equality between men and women”.

Lastly, metaframes are overarching themes that stretch over different policy issues. The document’s most relevant metaframes include gender equality and equality between women and men, framed differently by liberal or national-conservative political players; solidarity with the EU and international community; and justice, as the Istanbul Convention protects victims of domestic and gender-based violence; traditional or family values, connected to the Latvian national identity and “way of life”; and sovereignty, as certain actors consider the Istanbul Convention unconstitutional.

To operationalise the methodology, the article will use documents prepared by supranational and national institutions relating to the Istanbul Convention, political party and NGO homepages and news media accounts on statements by politicians and statesmen and roundtables of experts. The period of sampling is largely from the first half of 2016 to the middle of 2020. This approach to sampling is largely

concept-driven, considering that each of the sources approaches a different audience (in this case, the audiences considered are mostly liberal or national-conservative). The material was coded using the time-date stamp and the actor involved (by last name, political party, or organisation title). Overall, 24 materials were identified for the purpose of this study.

In order to apprehend the existing frames, the author will try to answer the question: What is the discourse different political actors try to construct about the Istanbul Convention, and how does it promote or hamper the Europeanisation process? What normative or reality-structuring arguments are used in the forming of their position?

### 3. THE MODELS OF EU NORM ADOPTION IN THE THEORY OF EUROPEANIZATION

Within the theory of Europeanization, one way of analysing the dynamics of the ratification process of the Istanbul Convention is through the rational institutionalist lens. Here, Europeanization is an "opportunity structure" which can empower some but disempower others. Thus, when joining the EU, Latvia saw an opportunity to reduce their transaction costs and gain a seat at the table to elaborate on policies that the Union puts in place. Based on this, Schimmelfenning and Sedelmeier developed the external incentives model in which actors are following the logic of consequences, where "government adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs."<sup>29</sup> In order for a norm to be adopted, the following factors come into play: the determinacy of conditions (the norm has to be legally enshrined and clear, helping actors to understand what rules they have to comply with to get a reward), and the size and the speed of rewards.<sup>30</sup> The norm loses strength and credibility if the EU does not have the ability to monitor it, or the member state disagrees about the norm. The states might use this situation to delay the application of the norm. Eventually, norm adoption depends on the costs it imposes on national governments: the authors therefore infer that the "[...] likelihood of rule adoption decreases with the number of veto players incurring net adoption costs from compliance."<sup>31</sup>

The other model is the constructivist social learning model. According to this model: "[...] the more an external state identifies with the international community that the organization represents and the more it shares the values and norms that define the purpose and the policies of the organization, the stronger the

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<sup>29</sup> Frank Schimmelfenning and Ulrich Sedelmeier, *The Europeanization of Central and Eastern Europe* (Cornell University Press, 2005), 10.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

institutional ties it seeks with this organization [...].<sup>32</sup> Three factors come to play in this mode: legitimacy, identity, and resonance. Schimmelfenning and Sedelmeier argue that “the likelihood of rule adoption increases as the legitimacy of the rules increases.”<sup>33</sup> Legitimacy is positively impacted by the clarity of rules, the ability of a third state to adhere to the rules and hierarchies, based on “constitutive norms and values of the community”, the acceptance of rule-making procedures, an “international rule consensus” and the deliberative character of EU rule transfer. The second intervening factor – identity – means that the EU is seen a community with which a third state shares values, identity and beliefs, and norms. This leads the authors to conclude that “[..] the likelihood of rule adoption increases with the identification of the target government and society with the community that has established the rules.”<sup>34</sup> The last factor, resonance, will increase if domestic rules that have become delegitimized due to policy failure will lead to openness and increase the likelihood of new rule and procedure adoption. The stronger the belief that EU rules are appropriate, the bigger the likelihood of their adoption. However, this likelihood can be decreased if domestic practices or norms, considered as a part of national political culture or enjoying broad support, are in conflict with EU practice(s).

#### **4. CRITICAL FRAMING ANALYSIS: POLICY FRAMES AND DOCUMENT FRAMES**

##### **4.1. POLICY FRAMES SURROUNDING GENDER PREDATING THE ISTANBUL CONVENTION**

This section demonstrates that gendered policy frames have been a part of national-conservative parties since Latvia joined the EU. Whereas these frames are not identical to the policy-frames identified above, they strongly connect to them. Importantly, the powerful national-conservative political actors and parties described in this chapter have been a part of the Latvian political spectrum for a long time and have played a role in the shaping of the discussion on the Istanbul Convention. Their position in the eyes of electorate as “defenders of the Satversme” has largely helped them to establish themselves as a part of Latvian conventional politics.

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<sup>32</sup> Frank Schimmelfenning and Ulrich Sedelmeier, “Theorizing EU enlargement: research focus, hypotheses and the state of research,” *Journal of European Public Policy* Vol. 2, Issue 4 (2000): 513 // DOI: <https://doi.org/10.1080/13501760210152411>.

<sup>33</sup> Schimmelfenning and Sedelmeier, *supra* note 29, 19.

<sup>34</sup> *Ibid.*

During the last years of Latvia's pre-accession period, the 8 Parliament (*Saeima*) was led by the Prime Minister Einars Repše from "New Era" (center-right "*Jaunais Laiks*", JL). The Deputy Prime Minister Ainārs Šlesers was the leader of the "First Party of Latvia" (*Latvijas Pirmā Partija*, LPP). Šlesers was outspoken about his Christian values and beliefs.<sup>35</sup> Despite the fact that Šlesers's party had only 10 seats in the Saeima, it moved efficiently to lobby to amend to Article 110 of the Satversme which determined that the state protects marriage, and that "a marriage is a union between a man and a woman" (as opposed to the previous redaction which ensured that the state protects the family, and the rights of the parents and children). The explanation that was provided in the annotation to the amendment was the following: "Given the traditional view of marriage and the family that has developed in Latvia as a result of cultural and historical development, as well as the constant threats to this traditional value, it is necessary to include a definition of marriage in Latvian legislation."<sup>36</sup> Šlesers was present in the "couloirs of power" after that: he was the Minister of Traffic from 2006-2009, but fell out of favor due to various corruption scandals and attempts to monopolize power.<sup>37</sup> It is interesting to note that the issue frame here connects strongly to one that we see in present day: both the traditional values, characteristic to Latvia, and an implicit rejection of homosexual marriage, which is perceived as a threat to Latvia cultural traits.

In 2012, several prominent politicians engaged in the discussion around two books – *The Day when Kārlis was Karlīna* and *The Day when Rūta was Rihards*, which were translated from Danish with the support of the Nordic Council of Ministers by the Ministry of Welfare. The plot of the books told a story about the boy Kārlis, who turned into a girl for one day, and enjoyed a certain attitude from everyone. In the other book, Rūta turns to Rihards and also enjoys a different experience. According to a public statement by the Ombudsman, the books were foreseen as methodological material that promoted the breaking of gender stereotypes for kindergarteners.<sup>38</sup> This, however, did not sit well with several of Latvia's politicians. Inguna Rībena (independent since June 2019, formerly from

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<sup>35</sup> Conor O'Dwyer and Katrina Schwartz, "Minority Rights after EU Enlargement: A Comparison of Antigay Politics in Poland and Latvia," *Comparative European Politics* Vol. 8, No. 2 (2010): 227 // DOI: 10.1057/cep.2008.31.

<sup>36</sup> *Par grozījumu Latvijas Republikas Satversmē (On the Amendment in Latvia's Constitution)*, Saeima of the Republic of Latvia (08 September 2005) // [https://www.saeima.lv/L\\_Saeima8/lasa-dd=LP1335\\_0.htm](https://www.saeima.lv/L_Saeima8/lasa-dd=LP1335_0.htm).

<sup>37</sup> LSM, "Žurnāls: Rīdzenes sarunas atklāj, kā oligari centušies pakļaut medijus" (Journal: The Conversations of Rīdzene Reveal the Plot of Oligarchs to Submit the Media) (28 July 2017) // <https://www.lsm.lv/raksts/zinas/latvija/zurnals-ridzenes-sarunas-atklaj-ka-oligarhi-centusies-paklaut-medijus-savas-ietekmes-buvesanai.a241610/>.

<sup>38</sup> Ombudsman of the Republic of Latvia, "Viedoklis par grāmatu 'Diena, kad Kārlis bija Karlīna', 'Diena, kad Rūta bija Rihards'; un metodisko materiālu" (Opinion on the Books 'Day, when Ruta was Rihards', 'Diena, kad Karlis was Karlina' and the Methodological material) (26 September 2012) // <http://www.tiesibsargs.lv/news/lv/viedoklis-par-gramatu-diena-kad-karlis-bija-karlina-quot-diena-kad-ruta-bija-rihards-quot-un-metodisko-materialu>.



continues to receive legitimisation, not least by becoming the Advisor to the ex-Europarliamentarian and present Prime Minister of Latvia Krišjānis Kariņš (NU) in the matter of demographic questions. The gendered dynamics, described in this sub-chapter, presents another issue frame where the rights of women to choose over their bodies is contested by political figures, on the basis of the greater good of the nation, because of the rapid demographic decline.

Dzintars Rasnačs (NA), the Minister of Justice from 1995-1998 and then repeatedly from 2014-2018, as well as a consecutive member of Saeima since 1998, was also in favor of the amendments in the Law on Sexual and Reproductive Health. He also became a central player in opposing the ratification of the Istanbul Convention.

#### **4.2. DOCUMENT FRAMES IN THE CONTEXT OF THE ISTANBUL CONVENTION**

The discussion of “gender” intensified when Latvia’s then-Welfare Minister Jānis Reirs<sup>47</sup> (NU) signed the Istanbul Convention on behalf of Latvia in May 2016. The Ministry published a conceptual note on Latvia’s joining the Istanbul Convention, which explains that the Convention is the first international instrument to combat violence against women and domestic violence of its kind, which justifies the need to ratify it. The document provides an explanation as regards to Articles 12 and 14, which often cause distress among the conservative parts of society.<sup>48</sup> As regards to Article 12, the document explains that the current patterns of female and male behaviour are often influenced by prejudices, gender stereotypes and gender-discriminatory customs or traditions. The Parties to the Convention should therefore take the necessary measures to encourage changes in thinking and attitudes. The document carefully explains that the document only refers to general obligations, and specific measures the Parties to the Convention must take and thus leaves them free to act.

As regards Article 14, it states that all levels of education should be promoting such values and educating students on the various forms of violence covered by this The Convention. If the training substance appears to be appropriate for the Parties to the Convention, it should be adapted to the ability of students, such as the primary school substance, to the level of primary school pupil’s intellectual

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April 2016) // <https://www.lsm.lv/raksts/zinas/latvija/ar-premjera-rikojumu-izveido-demografisko-lietu-centru-kuru-vadis-paradnieks.a177000/>.

<sup>47</sup> Jānis Reirs has been a constant force in Latvia’s politics since 2004. He has served as the Special Designation minister for Digital Affairs (2004-2006), Minister of Welfare (2016-2019), and Minister of Finance (2014-2016 and 2018-now).

<sup>48</sup> Full text of the convention in English is available here: *The Council of Europe’s Istanbul Convention on Violence Against Women*, *supra* note 11.

capacity. However, it emphasizes that the decisions taken are still in the hands of national governments.

The document also specifically states: "The term 'gender' does not replace the terms 'women' and 'men' used in the Convention and do not apply to an individual. Social gender/gender describes a set of notions about what is 'masculine' and what is 'feminine'. [...] A person cannot choose his or her gender, like a person cannot choose his or her mother tongue".<sup>49</sup>

Shortly after this document, the Ministry of Justice, led by Rasnačš, emitted a response document, debating the potential impacts on Latvia's legal system of the Istanbul Convention. The document provides a radically different view of the Convention, most importantly stating the following: "The first paragraph of Article 12 of the Convention obliges States to make changes to people's thinking and attitudes. [...] Article 1 of the Satversme [...] excludes the possibility of imposing ideas and postulates of one ideology, namely radical feminism, on the State on all for the population, [...]" As regards to Article 14, it stated: "The Istanbul Convention blatantly ignores both the rights of parents in the education of their children as guaranteed in Article 112 of Satversme [...]"<sup>50</sup> It also pointed out that the Convention obliges states to waive discrimination not only on the basis of sex, but also on the basis of "gender" or social sex (gender). "In order to comply with this principle of non-discrimination, Latvia will need to start interpreting Article 110 of Satversme [...] This means allowing same-sex marriages".

The document went as far as claiming that if Latvia joins the Convention, the legislator will have abolished one of the most important fundamental rights in Latvia – equality in front of the law, *a priori* making discrimination against men legitimate, without any rational basis.

The different interpretations of two simultaneously working ministries, led by different political parties, are examples of two radically different document frames that base themselves of different issue and meta-frames. The document of the Ministry of Welfare emphasizes that the ratification of the Istanbul Convention is necessary, first and foremost, to protect the victims of domestic and gender-based violence from the perpetrators. It also emphasizes that the Convention only sets common goals to change the stereotypical attitudes against women and men in

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<sup>49</sup> Ministry of Welfare of the Republic of Latvia, "Konceptuāls ziņojums 'Par Latvijas pievienošanu Eiropas Padomes Konvencijai par vardarbības pret sievietēm un vardarbības ģimenē novēršanu un apkarošanu'" (On Latvia's joining the Council of Europe Convention on preventing and combating violence against women and domestic violence) (2016): 46 // [http://www.lm.gov.lv/upload/publikacijas/lmzino\\_060516\\_stamb-vk.pdf](http://www.lm.gov.lv/upload/publikacijas/lmzino_060516_stamb-vk.pdf).

<sup>50</sup> Ministry of Justice of the Republic of Latvia, "Par Eiropas Padomes Konvencijas par vardarbības pre sievietēm un vardarbības ģimenē novēršanu un apkarošanu iespējamo ietekmi uz Latvijas tiesību sistēmu" (On the Council of Europe Convention on preventing and combating violence against women and domestic violence. Potential impacts on Latvia's legal system) (May 2016): 4-5 // [https://www.tm.gov.lv/sites/tm/files/data\\_content/tminf\\_250416\\_stambulkonv\\_dok.pdf](https://www.tm.gov.lv/sites/tm/files/data_content/tminf_250416_stambulkonv_dok.pdf).



society; however, it does not indicate to what precise measures Latvia should take in this regard. Thus, implicitly, it aims to explain that Satversme will still be the document according to which all decisions during the implementation of the document will be made. The document is using the metanarratives of solidarity with other EU countries to fight against domestic and gender-based violence and justice, and to substantiate the reasoning behind the ratification.

The document of the Ministry of Justice frames the issue in the opposing way. It also explains that the Convention's text propagates a certain ideology which would consequently be imposed on the Latvian population unknowingly. The document explains that the ratification of the convention would lead to same-sex marriages and take the choice of raising children in a tradition or religion of their choice away from parents in Latvia. Furthermore, its implementation into Latvian legislation would require Constitutional change. The metaframes connected to this argumentation are linked to traditional or family values, practice in Latvia and Latvia's sovereign rights, implicitly stating that the Convention tried to breach it by using a "back door".

## **5. OPERATIONALIZING THE MODELS OF EUROPEANISATION**

According to the external incentives model, the EU sets the adoption of norms and rules as conditions for member states to receive a reward by either complying with EU conditionality. The member states are then carrying out a cost-benefit assessment in domestic politics. The most important criteria in the assessment process considered in this chapter are the determinacy and credibility of conditionality, and multiple veto players.

According to the social learning model, a government will adopt EU norms if it is persuaded by their appropriateness. In fact, it is the social learning model seems to be more likely to explain the ratification of the Istanbul Convention, considering that the interaction between the national and the supranational level is based on the logic of appropriateness – or, rather, that the EU norms and values are appropriate to the collective identity of the member state. This section reviews the dimensions of national identity and resonance which have been insufficient to ratify the Istanbul Convention.

## 5.1. EXTERNAL INCENTIVES MODEL

### 5.1.1. LACK OF DETERMINACY AND CREDIBILITY OF EU CONDITIONALITY

Ursula von der Leyen's Commission works with a promise to promote more gender equality. Gender equality is first seen as a component of economic growth and achieve greater competitiveness of the EU in global markets. However, the Commission's political Guidelines also explain that gender-based violence remains a reality for too many people in the EU, and, therefore, the EU "should do all it can to prevent domestic violence, protect victims and punish offenders". The Guidelines continue: "If the accession remains blocked in the Council, I will consider tabling proposals on minimum standards regarding the definition of certain types of violence and strengthening the Victims' Rights Directive. I will propose to add violence against women to the list of EU crimes defined in the Treaty."<sup>51</sup> The Gender Equality Strategy also highlights the need to tackle gender-based violence as its priority. Similarly to the Guidelines, it explains that there is a need to install legal measures to criminalise violence against women.<sup>52</sup> The commitment of the new Commission, therefore, is the expressed in hope that the member states might opt to follow.

The notion of "gender equality" in Latvia is not perceived as the same as "equality between men and women" to which Latvia agreed when accessing the EU.<sup>53</sup> The EU has not been consistent in applying the notions of equality between women and men and gender equality and is often using these as synonyms. Furthermore, the EU also did not provide the definition of the term "gender" until very recently. According to the external incentives model, this seems to have created a situation where the member states do not know exactly what to do. Furthermore, the invitations of the European Parliament and the Commission to join the Convention are becoming increasingly louder only now, yet EU feedback is still without consequences. The member states are likely to prioritize the conditions, set by the EU more when they are more salient.<sup>54</sup>

This lack of determinacy of EU conditions has been quickly picked up by the opponents of the ratification of the Convention. Considering that the backlash against "gender ideology" has been conveniently used by the highly popular national conservative political forces to go as far as to securitize the traditional

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<sup>51</sup> European Commission, "A Union that Strives for more. My Agenda for Europe" (2019) // [https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf).

<sup>52</sup> *Ibid.*

<sup>53</sup> Ministry of Justice of the Republic of Latvia, *supra* note 49.

<sup>54</sup> Schimmelfenning and Sedelmeier, *supra* note 29, 4.

family in nearby Poland<sup>55</sup>, some of Latvia's political forces seem to have followed suit. It was previously mentioned that the Ministry of Justice has framed the Convention's formulation of "gender" as a product of "gender ideology" that aims to erase the difference between men and women. National-conservative political parties, such as NA and ZZS, have supported this and said that the introduction of the term "gender" in Latvia's legislation will inevitably lead to the introduction of homosexual marriage.<sup>56</sup>

Latvia's resistance to ratification of the Istanbul Convention, despite EU's encouragement to all EU member states to ratify the Convention, shows that it lacks credibility. In the theory of Europeanisation, credibility is both the possibility of EU sanctions and the promise of a reward if the conditions are met. However, thus far there are practically no "treats" that link to the Istanbul Convention, considering that it has not become a part of the legal *acquis* of the EU. Member states are therefore free to act according to their own priorities. The EU endorsement for all member states has not yielded any results in Latvia's case, as capitalizing on the perceived offence of "gender ideology" is more beneficial for national-conservative political parties. For this reason, the position of the state remains intact: Latvia insists on the interpretation of the term in Latvian, which is "equal treatment for men and women", tainting the meaning of the EU norm even further. In this regard, the EU is now in stark contrast to Latvia's political reading of "gender equality". The next sub-chapter will point to several veto players use the topic as a part of their political platform which appeals to the national-conservative part of society.

### 5.1.2. MULTIPLE VETO PLAYERS

Within the external incentives model, norm adoption is less likely as the number of veto players increases. The veto players are aware of the costs and benefits EU rule adoption could bring. Opportunity costs are caused by lost alternative rewards from other public and private actors; or the change of position of the said veto actors.

Some veto players have been able to yield a strong influence on Latvia's party politics because of the core structure of it. Firstly, relatively new parties typically managed to leave a lot of impact on Latvian politics because of the under-institutionalisation of party system in Latvia. These parties can enter Saeima and

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<sup>55</sup> Grzebalska and Petó, *supra* note 24.

<sup>56</sup> LSM, "Katoļu arhibīskaps Stankevičs pārliecinājis ZZS deputātus neatbalstīt Stambulas konvenciju" (Catholic Arch Bishop has convinced ZZS deputies not to support the Istanbul Convention) (22 January 2018) // <https://www.lsm.lv/raksts/zinas/latvija/stankevics-parliecinajis-zzs-deputatus-neatbalstit-stambulas-konvenciju.a265128/>.

complicate government formation, thus maximizing their yield. The moderate parties must make compromises with these parties to form coalitions and sustain them. Furthermore, Latvia's most powerful political divide is ethnic (Latvians and Russians), and this spills over into centre-right and centre-left political stances. The ethnic divide is highly relevant in allowing relatively small, national-conservative political parties to leave a significant impact on Latvia's political decision-making.

For instance, the LPP used its small-party leverage on 28 January 2004, prior to Latvia's accession to the EU, when it announced that it will leave the coalition, as the ruling "New Era" could not agree on a number of issues, including amendments to the law on party financing. Repše had also decided to free Šlesers of his duties as a Deputy Prime Minister and demanded that LPP confirms that it wants to continue working in a coalition. This step destabilized the ruling coalition, leaving JL in coalition with ZZS and NA with a total of 45 seats. LPP's step ensured that Repše was removed as Prime Minister and replaced by Indulis Emsis (ZZS), who only held power until December 2004.

Several issues are at stake here. The party was labelled liberal democratic, despite the electoral program before the 8 Saeima elections promising: "LPP will contribute to changes in legislation that will ensure more state aid and protection for women" – a statement which, in combination with the Christian affiliations of the party, rings strongly conservative. LPP's power continued throughout the years until approximately 2011, when its successor party ran for elections of 11 Saeima on a populist, family-value, and Christianity-oriented program, but did not manage to get elected. LPP and its successor parties held 17 Minister in total showing the influence of this force in Latvia's political past.

A new populist party – KPV ("Kam pieder valsts?", To Whom belongs the State?), formed in 2016 – continues to use the under-institutionalised party system of Latvia to its benefit. The party received 16 out of 100 seats and currently holds three ministerial positions, including the Ministry of Welfare. Whereas this Ministry has historically been the most important actor to push for the ratification of the Istanbul Convention, with the ascent in power of Ramona Petraviča this process has stopped. She has argued that the Convention is contrary to family and Christian values. "Why does this term 'gender' appear in the Convention so many times?", she asked, implicitly implying that there must be some covered reason why this particular formulation is used.<sup>57</sup> Whereas the destiny of this political party is currently still unclear, it has managed to prolong the ratification process. It

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<sup>57</sup> LSM, "Koalīcijas vairākums pret Stambulas konvenciju; ministrei Petravičai bažas par jēdzienu 'dzimums'" (Majority of coalition is against the Istanbul Convention. Minister Petraviča worried about the term 'gender') (22 February 2019) // <https://www.lsm.lv/raksts/zinas/latvija/koalicijas-vairakums-pret-stambulas-konvenciju-ministrei-petravica-bazas-par-jedzienu-dzimums.a310479/>.

therefore seems that KPV's success was partially enabled by the structure of Latvian party politics.

NA has been a key player in Latvia's politics since 10 Saeima. A fraction of the party – the For Fatherland and for Freedom/Latvian National Independence Movement – even led the Government from 1997-1998 and has formed the ruling coalition since. The longevity of this party is partially explained by fact that coalition forming is always a calculus of the seats between the "Latvian" and the "Russian" parties. However, an important contributing factor to the popularity of NA is the party's programme, traditionally focused on the continuation of the Latvian people in their fatherland physically and spiritually, as well as the protection against unfriendly external influence. When commenting on the refusal to support the ratification of the Istanbul Convention, NA's leader Raivis Dzintars has explained that it is in particular the notion "gender" that stops the party from supporting it.<sup>58</sup>

An interesting point could be made about ZZS. A fraction of the party – the Green Party of Latvia – was excluded from the European Greens in November 2019, because ZZS's values reflect "radical right populist" ones, rather than those of green parties in Western Europe. ZZS has been consistently opposing the ratification of the Istanbul Convention, which will "inevitably lead to same-sex marriage."<sup>59</sup> This shows another dimension of the under-institutionalization of Latvia's party spectre, where "greens" campaign on a national-conservative platform.

Thus, the systemic factors relating to Latvia's political party system and the political spectrum have been important factors in slowing the Istanbul Convention ratification process. The next sub-chapter will show the debates on the adoption of the Istanbul Convention from the point of perspective of the social learning model, the main "rival" of the external incentives model in its explanatory power. The very nature of the norm put forward by the Istanbul Convention – which is currently non-binding – suggests that the social learning model might be better positioned to explain the dynamics of Europeanisation revolving around the Convention.

## 5.2. SOCIAL LEARNING MODEL

### 5.2.1. IDENTITY

In general, the Latvian national identity is exclusive, having certain specific traits. The previously discussed national-conservative politicians portray it as

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<sup>58</sup> LSM, "Koalīcijas vairākums pret Stambulas [..]", *supra* note 57.

<sup>59</sup> LSM, "Intervija ar Augustu Brigmani" (Interview with Augusts Brigmanis) (26 January 2018) // <https://www.lsm.lv/raksts/zinas/latvija/brigmanis-par-stambulas-konvenciju-busim-atklati-tas-ir-cels-uz-viendzimuma-laulibam.a265657/>.

predominantly traditionalist, propagating a family model where roles are defined by heteronormative standards.<sup>60</sup> Latvia's recent history has also created a demographic insecurity caused by the Russification policies of the Soviet Union that brought the ethnic Latvian population down to just 52% of the total population by the time Latvia regained independence.<sup>61</sup> In these conditions, the protection of Latvia's national identity, which is enshrined in the political platforms of national-conservative parties, demands the establishment of a consolidated group with set values which are perceived under threat.

According to the social learning model, resonance of a certain norm can be impacted by domestic practices or norms, considered as a part of national political culture. However, the Istanbul Convention has been framed as unconstitutional and threatening to shake the core of the society's value system in Latvia. The Convention has also been framed as having a secret agenda that would impose a radical worldview on the Latvian society, which is deemed incompatible with its present trajectory.

Latvia is among the least religious countries in Europe. However, this does not mean that churches have no power to serve as norm entrepreneurs in Latvia. In 2014, the new Preamble of the Satversme was accepted, stating: "Since ancient times, the identity of Latvia in the European cultural space has been shaped by Latvian and Liv traditions, Latvian folk wisdom, the Latvian language, universal human and Christian values."<sup>62</sup> The highly controversial Preamble reaffirmed Latvia's attachment to Christian values, which are also the basis of Latvia's belonging to the European family. By proxy, it also confirmed the status of churches in Latvia as norm entrepreneurs that have not been holding back on expressing their opposition to the Istanbul Convention.

Signed by the highest representatives of the Roman Catholic Church, the Arch Bishop of the Lutheran Church, the Latvian Orthodox Church and the Union of Latvian Baptist Parishes, a letter addressing the lacunas of the Istanbul Convention was sent to the President of Latvia in 2016. It stated: "The Convention does not call for the fight against the true causes of violence, but it does open the way for Latvia to impose a social transformation project based on gender ideology"<sup>63</sup> and implying that the introduction of "gender" would lead to the violation of the Article 110 of Satversme. This formulation indicates that European Christian values seemingly

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<sup>60</sup> O'Dwyer and Schwartz, *supra* note 35: 235.

<sup>61</sup> Central Statistics Bureau of Latvia, "Latvijas iedzīvotāju nacionālais sastāvs" (National Composition of Latvia's Inhabitants) // [https://www.csb.gov.lv/sites/default/files/data/Skoleniem/iedzivotaju\\_etniskais\\_sastavs.pdf](https://www.csb.gov.lv/sites/default/files/data/Skoleniem/iedzivotaju_etniskais_sastavs.pdf).

<sup>62</sup> *The Constitution of the Republic of Latvia* // <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia>.

<sup>63</sup> Katolis.lv, "Latvijas kristīgo baznīcu vadītāju atkāļā vēstule par Stambulas konvenciju" (Open Letter of Latvia's Christian Churches against the Istanbul Convention) // <http://katolis.lv/zinas/article/latvijas-kristigo-baznicu-vaditaju-atklata-vestule-par-stambulas-konvenciju.html>.

have a different content in the interpretation of Latvian national-conservative forces than those enshrined in the Treaty of Lisbon.

Especially with the strengthening of the liberal-centrist forces in Latvia with the 2018 elections Saeima elections, the voices explaining that the Istanbul Convention conforms to the Latvian identity have been more active. In June 2020, AP and NU prepared a submission to the Constitutional Court of Latvia, asking it to evaluate if the Istanbul Convention complies with Satversme. The parties argue that the debates in the Saeima on the ratification of the Convention will not be able to move further unless the questions regarding separate norms of the Convention and their conformity to the Constitution are confirmed. The leader of NU Arvils Ašaradens, who is also the ex-Minister of Economy (2016-2019) pointed out: "Latvia is a full member of the EU, and we have to do everything in our power that the Convention of the Council of Europe is ratified and Latvia would join the countries that are fighting the problems, stated in this document", therefore clearly indicating that the ratification is a duty of every EU member state. Leader of AP Daniels Pavļuts and ex-Minister of Economy (2011-2014) pointed explained that the submission is done because the Constitutional Court is highly trusted in Latvia, and to "disperse myths and prejudices, as well as to gain a strong constitutional opinion." Pavļuts explained: "We have to take this symbolic step in the direction of a solidary, humanitarian and open society,"<sup>64</sup> underlining the support the convention gives to the perseverance of liberal values in Latvia. AP has consistently framed the ratification of the Istanbul Convention as a question of the "conscience of the state," framing the constitution as a document which show that acts of domestic or gender based violence are not acceptable in Latvia.<sup>65</sup> AP's Juris Pūce, who is also the Minister of Regional Development of Latvia since 2019, points to the worrying statistics of gender-based violence in Latvia, as every third woman has suffered or is suffering from violence, therefore indicating that, contrary to the national-conservative opinion, Latvia's legal arrangements are insufficient. He criticizes the approach of the Ministry of Welfare under Petraviča, who argues in favor of allowing derogations to certain articles of the Convention.<sup>66</sup> Atis Lejiņš, present in Latvian politics since 1992, even went as far as comparing the ratification of the Convention to Latvia being a part of NATO and the EU, explaining that "it is safer together". He substantiated his point by explaining: "If only Latvia

<sup>64</sup> LSM, "'Jaunā Vienotība' un 'Attīstībai/Par!' lūdz Satvermes Tiesu vērtēt Stambulas konvenciju" ("New Unity" and "Development/Pro" are asking the Constitution Court to Evaluate the Istanbul Convention) (10 July 2020) // <https://www.lsm.lv/raksts/zinas/latvija/jauna-vienotiba-un-attistibaipar-ludz-satversmes-tiesu-vertet-stambulas-konvenciju.a363206/>.

<sup>65</sup> Development/Pro, "Ratification of the Istanbul Convention is a question of Conscience of the State" (25 November 2019) // <https://attistibaipar.lv/zinas/stambula-konvencija-ratifikacija>.

<sup>66</sup> Baltic News Network, "Pūce: Latvijai Stambulkas konveciju jāratificē bez atrunām" (Pūce: The Istanbul Convention has to be ratified without derogations) (25 July 2017) // <https://bnn.lv/puce-latvijai-stambulas-konvenciju-jaratifice-bez-atrunam-238880>.



imposed sanctions on Russia, it would simply not work; but, if we do it together with the rest of Europe – there is an impact, and on an entirely different scale!”<sup>67</sup> NU’s members have consistently emphasized that the ratification of the Istanbul Convention is therefore an expression of European solidarity, which is a founding element of the EU itself.

It is clear that the lack of resonance of “gender” is closely linked to Latvia’s national identity of which the society is highly protective. Various norm entrepreneurs – such as political parties and religious organizations – have stood against the ratification of Istanbul Convention. Concerns of a secret agenda of enforcing the notion of “gender” through the ratification of the convention is also registered. The association of the notion with Marxism places it in a politically unacceptable spectrum which recalls with a recent and highly traumatizing chapter of Latvia’s known history. The notion of “gender” is largely seen as imposed, as unnatural, and therefore fails to capture the interest of the Latvian population. The few supportive voices of the liberal-centre parties are seemingly approaching the problem through less talk and more action, appealing to the Constitutional Court to verify if the Istanbul Convention is compatible with Satversme.

### 5.2.2. RESONANCE

Latvia’s political elite and statesmen largely remain resistant to the Istanbul Convention, despite significant activity by the liberal-centrist parties. However, persuasion about the importance of gender equality in broad terms, and the importance of combating domestic and gender-based violence in Latvia, is mostly done by various domestic actors that seek to advance these European positions in the broader society. The Ministry of Welfare is one such actor. Its work has resulted in consistent application of EU legal framework and Latvia’s international recognition as a leader of equality before the law, as well as some notable improvement in domestic attitudes towards gender equality, and the reduction of experience of discrimination. This Ministry was also been one of the most active proponents of the ratification of the Istanbul Convention<sup>68</sup> – that is, until Petraviča took the post of the Minister and turned it upside down.

The other highly relevant actor is the Ministry of Foreign Affairs. The Ministry of Foreign Affairs, led by Edgars Rinkēvičs, who has also been in his position since 2011, has explained that it is Latvia’s responsibility to ratify the Convention. The

<sup>67</sup> Atis Lejiņš, “Klusais ārprāts par ‘sociālo dzimumu’” (Outrage Surrounding ‘Gender’) (15 May 2016) // <https://www.vienotiba.lv/jaunumi/blogi/klusais-arprats-ar-socialo-dzimumu/>.

<sup>68</sup> Ministry of Welfare of the Republic of Latvia, “Reirs: pievienošanās Stambulas konvencijai ir nepieciešama” (Reirs: Joining the Istanbul Convention is Necessary) // <http://www.lm.gov.lv/lv/aktuali/presei/86454-reirs-pievienosanas-stambulas-konvencijai-ir-nepieciešama-7112>.

Ministry has indicated to the possible contradictions between the Latvian and the EU law in case the country continues to resist it.<sup>69</sup>

However, the third actor – the Ministry of Justice – has been held by conservative forces (namely, ZZS, NA and now – JKP) since the signing of the Istanbul Convention. The Ministry's opinion under Rasnačs's tenure (described earlier in this article) has not significantly changed. The last ministry that holds responsibility on gender-related matters is the Ministry of Interior, led by KPV's Sandis Ģirģens. Whereas he has been in the frontlines during lockdown, when many EU member states saw critical increases in cases of domestic and gender-based violence, Ģirģens has been silent on the Istanbul Convention. It therefore seems clear that the present constellation of parties responsible for gender-related matters in the Ministries is not favourable to the ratification of the Convention. Their response shows that the norms pushed by the Convention do not find resonance amongst Latvia's top executive echelons.

It can therefore be inferred that the EU's norm – which is nonetheless only recently set as a policy priority and therefore does not constitute a legal obligation yet – receives little resonance outside the circles of the few norm entrepreneurs mentioned in this section. By the rest, the question of gender equality as such, as the Istanbul Convention, is seen as arbitrary and outside the range of immediate priorities the population has by the majority of the Saeima. It is also seen as contradictory to the Latvian and Christian identity by several politicians and ministers.

## CONCLUSION

By applying critical frame analysis to the examination of the dynamics of Europeanisation revolving around the Istanbul Convention, the article identifies several issue policy frames. On the side of the political actors and statesmen supporting the Convention, it was framed: 1) as a document, the ratification of which will show Latvia's solidarity with the rest of the EU in fight against domestic and gender-based violence; 2) as a necessity, considering that Latvia's legal system is not sufficient to provide victims the protection they need; 3) as a signal that domestic violence in Latvia is not acceptable; and, 4) as a matter of Latvia's international reputation.

On the side of the political actors and statesmen opposing the ratification, the Istanbul Convention was framed: 1) as representing the interests of only a small

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<sup>69</sup> LSM, "ĀM: Latvijai ir atbildība nekavēt Stambulas konvencijas ratifikāciju" (Ministry of Foreign Affairs: It is Latvia's obligation not to delay the ratification of the Istanbul Convention) (28 January 2018) // <https://www.lsm.lv/raksts/zinas/latvija/am-latvijai-ir-atbildiba-nekavet-stambulas-konvencijas-ratifikaciju.a265862/>.

group of people (radical feminists and LGBT+ people), leading to the introduction of homosexual marriage (which is against the interests of the majority of population); 2) as the Convention and the notion "gender" not being compatible with the present formulation of Satversme and using a "back door" to impose "gender ideology" on the population of Latvia; 3) as the Convention not being compatible with the Latvian and Christian traditional values; and, 4) as the Convention being unnecessary, considering that Latvia's legal framework is sufficient to combat domestic and gender-based violence.

The supporting and the opposing camps draw on different document frames, which are emitted by the Ministry of Welfare and the Ministry of Justice. Even though these document frames that largely reiterate the issue frames were emitted in 2016, the arguments they present have not lost their relevance.

Furthermore, the supporting and opposing camps draw on different meta-frames. The supporting camps relies on European solidarity, gender equality and justice, whereas the opposing camps operates primarily with the Latvian national identity and way of life, as well as sovereignty. This distinction is seemingly logical, considering the supporting camp consists of liberal-centrist forces, and the opposing camp of national-conservative forces. However, the present climate in Central and Eastern Europe, especially revolving around the Istanbul Convention and LGBT+ rights, seems to point to the need to pay increased attention to a speedy enshrining of the Istanbul Convention in the *acquis*, in order to push resisting member states, such as Latvia, to comply.

This idea is also confirmed by the operationalisation of the two models of Europeanisation. This article concludes that the present dynamics revolving around the Istanbul Convention are best explained by the social learning model. In particular, the Convention has been consistently framed as threatening or non-conforming to the traits of Latvian identity and way of life. Latvians are also suspicious of any type of attempts to enforce anything that could alter their identity, and the characterization of the Convention as a Trojan horse has further given the opposing platform support. This also explains why the ratification of the Convention lacks support among the Ministries responsible for different aspects of gender equality.

The external incentives model's explanatory power is based in conditionality and the possibility of withholding a reward or sanctioning the member state in case of non-compliance. However, as of now, Latvia's political elites that are working as veto players, together with other EU member states that have not ratified the Istanbul Convention. Yet, they are receiving only encouragement of the EU institutions to ratify the Convention, without any possibility of sanctions. This is

largely due to the fact that the EU has not defined a concrete norm by becoming a party to the Istanbul Convention itself, or proceeded to strengthening its own legal framework of combating domestic and gender-based violence as emphasized in von de Leyen's political guidelines.

Several interesting elements were uncovered in the analysis. For instance, Latvian political parties have been using the under institutionalized party system and political party spectrum in order to enter the parliament and gain more power. It is largely because of this phenomenon that the supporters of the Istanbul Convention, despite their long-standing presence in the Latvian political arena, have faced difficulties in convincing the majority of the Saeima of the need to ratify the document. Furthermore, national-conservative forces have also managed to capitalize upon Latvia's exclusive national identity and frame the Istanbul Convention as a potential threat to it.

The step taken by liberal-centrist forces of asking the Constitutional Court of Latvia to evaluate the Istanbul Convention is a potential way forward, and can bring about the ratification of the Convention. The Constitutional Court enjoys high trust among all political parties, and even the national-conservative forces are likely to lose credibility if they were to choose to go against the decision of the court. The question of the future of the document in Latvia is therefore pending.

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