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EU Foreign Policy in a Fragmenting International Order

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CHAPTER 4

The European Union and the Fragmentation of the International Human Rights Regime: The Case of Violence Against Women

Diego Badell and Esther Barbé

INTRODUCTION

Three out of the five permanent members of the Security Council, which have the right to veto resolutions, have challenged to a different extent the universality of human rights. On one hand, China attempts to modify international human rights obligations by emphasizing the importance of state sovereignty (Chen Weiss & Wallace, 2021). On the other hand, Russia has launched a campaign to redefine human rights based on what the country defines as traditional values (Horvath, 2016). In a similar vein, the US under Trump embraced the existence of a hierarchy of human rights (US State Department, 2019). Such a diverse and plural understanding of what human rights are echoes the definition of norm

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fragmentation put forward by Terman and Búzás (2021). Norm fragmentation is characterized by a departure from a unified community bound by a common standard, revealing instead a multitude of communities with distinct combinations of normative positions (Terman & Buzás, 2021, p. 497).¹

Delving into human rights areas, women's rights¹ arise as one that has attracted the attention of diverse actors with the aim of breaking down the existing unified community (Roggeband & Krizsán, 2020; Sanders, 2018). Relevant to this book chapter is the issue of combatting violence against women.² Indeed, the area had long been considered an area impervious to fragmentation. Yet, some cracks have taken place at the international level. In November 2017, the US, in a resolution presented to the UN General Assembly's Third Committee, attempted to replace the condemnation of "all forms of violence" against women and children with the phrase "unlawful violence", suggesting the possibility of violence being considered permissible under certain circumstances (Sanders, 2018). In the same year, Russia enacted a law that decriminalized certain forms of violence against women (Walker, 2017). Significantly, the cracks have also reached the pan-European level. In 2021, Türkiye withdrew from the Council of Europe Convention on preventing and combating violence against women and domestic violence, the so-called Istanbul Convention. Therefore, it can be posited the existence of an ongoing transformation of the existing liberal international order when it comes to combatting violence against women that is marked by diversity and plurality (Flockhart & Korosteleva, 2022, p. 466).

Against this backdrop, the European Union (EU) and its Member States have clearly rejected the possibility of having an international order that fails to uphold the universality of human rights. Indeed, human rights is a cornerstone of the EU foreign policy, to the extent of speaking the language of normative power (Manners, 2002). Thus, it can be inferred that an inevitable normative confrontation between the EU and the rest is

¹ We consider gender equality to have two dimensions. On one hand, it encompasses women's rights. On the other hand, it encompasses sexual orientation and gender identity (SOGI) rights.

² The United Nations in the 1993 Declaration on the Elimination of Violence against Women defined violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (UN, 1993).

very likely to take place. Significant to this book chapter is that the EU has presented itself as the main actor willing to combat the ongoing fragmentation in the area of violence against women. Along these lines, the Union has firmly rejected the US attempts to water down the existing consensus on combatting violence against women by launching, in 2017, in partnership with the UN, the Spotlight Initiative focused on ensuring that women and girls live free from violence and harmful practices. Narrowing down the focus to the case study of this book chapter, the Istanbul Convention, we find a similar readiness coming from the EU to halt the contestation³ of the rights enshrined in the Convention. To begin with, President Von der Leyen has declared that the EU accession to the legal instrument is a priority for the Commission (European Commission, 2019); while the European External Actions Service's (EEAS) High Representative, Borrell, has stated the EU's willingness to reject any action challenging the Convention. Along these lines, Borrell expressed regarding Türkiye's withdrawal that “[the EU] cannot but regret deeply and express incomprehension towards the decision of the Turkish government [pulling the country out of the Istanbul Convention]” (EEAS, 2021).

Despite this, within the EU, some actors, mainly in Central and Eastern Europe, have started to see the Union as a vehicle for the imposition of “gender ideology” on sovereign states (Barbé & Badell, 2022, p. 10; Graff & Korolczuk, 2017). The Istanbul Convention has become the focus of widespread opposition in Poland, Bulgaria, and Hungary, among other Member States (Kirzsán & Roggeband, 2021). That is why, in this book chapter, our central objective is to develop a comprehensive understanding of the Istanbul Convention in the context of the EU. We posit that the Convention has become a site of conflict as some proponents push for a shift toward a less universalistic conception of human rights. The opposing force that consists of both civil society and Member States has, during the process of ratification, revealed a growing divide within the EU. On the one hand, we have a constellation of actors, upholding the claim that human rights are universal, that wants the EU to ratify the Istanbul Convention. On the other hand, we have a constellation of actors that opposes the EU ratification of the Convention by stating that the implementation of the Convention shall only take place at the level of

³ In this book chapter, we consider contestation to be the main causal mechanism leading to fragmentation (c.f. Garcia-Duran et al., 2023, p. 2).

Member States and/or others considering that the values enshrined by the Convention are colliding with their national traditional values. On top of that, the process of regionalization in the context of the Istanbul Convention is actually strengthening the existing international regime (i.e. the Convention on the Elimination of All Forms of Discrimination Against Women) as connections between regional and international levels have been built.

The following section addresses the evolution of global governance related to violence against women. In the third section, the evolution of violence against women in the EU's agenda is examined, while the fourth section delves into the responses of EU actors to the growing concerns on this issue, with a particular emphasis on the Istanbul Convention. Finally, the last section presents the findings of this book chapter and suggests avenues for further research.

FRAGMENTING THE GLOBAL GOVERNANCE OF VIOLENCE AGAINST WOMEN

As we proceed with our discussion, we will observe that the violence against women regime is characterized by a dense institutional framework and the diffusion of authority. While at first glance, one might agree with the assessment made in 2001 by the President of the International Court of Justice, who cautioned against the risk of fragmentation leading to a proliferation and overlapping of institutions, methods, and procedures, we will argue otherwise.

This section contends, following Peters (2017, p. 680), that the fragmentation observed in the field of violence against women has been welcomed from the international level, and, at the same time, a feedback loop has been built between the international level and the regional instrument, which has strengthened the international regime.

The Convention on the Elimination of All Forms of Discrimination Against Women and violence against women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the backbone of the UN's gender architecture. Adopted by the General Assembly in 1979, the treaty has 189 state parties, being one of the few international human rights instruments

to have almost universal ratification. The US and Iran stand out as two of the most prominent states that have not ratified the Convention.

We consider that is relevant to delve into the US' characteristics, which will be later be useful to understand the role of some EU Member States (see section four). It is pertinent to note that during the tenure of the Carter Administration, the US signed the Convention in 1980. Yet, the Senate did not proceed to ratify the instrument. Placing this within a broader context, it becomes evident that the situation concerning CEDAW represents a not isolated case wherein the US has engaged in the signing of a human rights treaty without preceding to its ratification. When considering legally binding instruments within the realm of human rights, notable instances emerge such as the 1989 Convention on the Rights of the Child, which the country signed in 1995 but did not ratify, alongside the 1966 International Covenant on Civil and Political Rights, which the US ratified in 1992. This behavior does not preclude the US from retaining significant influence during the negotiation phases of such treaties. However, domestic factors curtail the country's international agency within the realm of human rights. This observation leads to the assertion that the US operates as a nationalist actor, as it abstains from transferring its authority to the international arena. Put differently, the nation opposes the adoption of hard law instruments that entail sovereignty costs. Significantly, this pattern of behavior remains consistent across administrations, irrespective of whether under Democratic or Republican leadership.

Furthermore, pertinent to the focus of this book chapter, it is of significance to highlight that the US has abstained from both signing and ratifying its regional instrument addressing violence against women. This instrument, negotiated during the Clinton Administration, relates to the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. As we shall explore, this hesitance to extend authority beyond its domestic jurisdiction resonates with certain Member States within the EU when deliberating on the feasibility of the Union's ratification of the pan-European instrument on violence against women.

Notwithstanding the aforementioned, the behavior of the US has not halted the emergence of a worldwide consensus regarding women's rights. Nonetheless, the CEDAW does not contain provisions explicitly addressing violence against women. Notably, the key articles of the convention, ranging from Article 6 to Article 16, do not make any

references to this issue. The CEDAW's pioneering contribution to the international human rights framework lies in its comprehensive cataloguing of civil, cultural, economic, and reproductive rights that must be guaranteed for women in both public and private spheres, as well as in its groundbreaking definition of discrimination against women. It is the CEDAW Committee, which is tasked with the evaluation of the extent of the convention's implementation by state parties, the institution that established a connection between discrimination against women and violence, despite the absence of any specific provisions on the latter issue.

With this in mind, it is worth noting the significant changes that the Committee established by CEDAW has undergone before delving into its crucial role in linking discrimination against women and violence. Indeed, the Committee has undergone three significant changes. During the first era, which commenced in 1986, the Committee began adopting General Recommendations as permitted under Article 21 of CEDAW. These recommendations primarily addressed technical aspects related to the reporting and implementation of the Convention. In the second era, which started in the 1990s, the Committee began to acquire authority by interpreting themes or provisions of the Convention. Finally, in the third era, which is linked to the adoption of the Optional Protocol, the Committee now plays an increasingly intrusive and central role in the Convention's architecture. The Committee assumes the role of an arbiter or quasi-judicial body by issuing "views" and "decisions" on violations of the Convention in response to individual or state party requests.

Indeed, the Committee plays a vital role in addressing violence against women, a matter not covered by the CEDAW (refer to the sub-section below). To this end, the Committee has issued three General Recommendations: 12, 19, and 35.⁴ General Recommendation 12, introduced in 1989, marked the first international acknowledgment of violence against women. It identified Articles 2, 5, 11, 12, and 16 of CEDAW as relevant to this issue, representing a pivotal moment in recognizing violence against women as a public concern rather than a private matter. However, it did not provide a clear explanation of how CEDAW was linked to violence against women. In 1992, General Recommendation 19 significantly expanded on the linkage between CEDAW and violence against

⁴ The sub-section on the Istanbul Convention addresses General Recommendation 35, as the two are interconnected.

women. Issued in the context of a proposal for a Convention on violence against women, it is considered one of the most crucial recommendations by the CEDAW Committee. General Recommendation 19 detailed the obligations of States to prevent and address gender-based violence against women, establishing a legal foundation for understanding the link between discrimination and violence.

Notably, General Recommendation 19 jurisprudence has been developed in cases of violence against women under the Optional Protocol to CEDAW, as well as in the jurisprudence established by the European Court of Human Rights.

Violence Against Women: The International Normative Gap

The existing framework for addressing violence against women, which includes both international and regional instruments, has been characterized by a normative gap resulting from a misalignment between different levels of governance. As noted by the UN Special Rapporteur on Violence against Women in 2017, this gap has contributed to a complex and fragmented regime, which has been convoluted in its implementation (UN, 2017). The concept of a normative gap highlights the challenges that arise when addressing complex issues such as violence against women, which require a coordinated approach across different governance levels. Following these lines of thought, fragmentation of the regime addressing violence against women further underscores the need for greater coherence and coordination in the development and implementation of legal and policy measures aimed at preventing and addressing violence against women.

According to the Rapporteur, a potential solution to the challenges confronting the regime addressing violence against women would be to propose a novel international treaty, which could take the form of a new optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), or alternatively, as an independent treaty (Manjoo, 2018, p. 210). Yet, the proposal for a new international treaty is not shared by all stakeholders. On the one hand, civil society organizations are firmly convinced of the necessity for a new treaty. On the other hand, the CEDAW Committee posits that the existence of General Recommendations is sufficient, and hence an additional treaty is deemed unnecessary (McQuigg, 2018, p. 310).

The rationale behind the CEDAW Committee position is two-fold. First, it points out that combatting violence against women has evolved into a principle of customary law. The consideration is based on the fact that the Committee's interpretation of violence against women was endorsed by all State parties to the Convention, of which all 27 EU Member States are part (UN, n.d.). Secondly, it can also be attributed to the unsuccessful attempt in the 1990s to negotiate an international treaty. In the UN Expert Meeting of 1991 in Vienna, the Canadian working paper entitled "Issues in the Development of an International Instrument on Violence Against Women" identified the need for an international treaty to address violence against women in a consistent and coordinated manner due to the absence of relevant international instruments. But this has not been the only unsuccessful attempt to provide the international system with a legally binding framework. Back to the 70s, the Belgian delegate during the CEDAW negotiations attempted to include an article addressing this matter, which was rejected as it was not deemed a relevant topic at the time (McQuigg, 2018, p. 307).

This last point paves the way to address the UN Member States' views on the need for an international treaty. At the present time, there is no critical mass of member states willing to push for a new international instrument in the area of violence against women. That is something that was recognized by the UN General Assembly in 1994 in the UN Declaration on the Elimination of Violence against Women (DEVAW). But critical to this book chapter is that the DEVAW was actually encouraging, in article 4.q, "intergovernmental regional organizations [...] to include the elimination of violence against women in their programmes, as appropriate" (UN, 1993). In other words, the international level was inviting regional organizations such as the EU, the Council of Europe or the African Union, to fill the existing gap. This implies assuming the risk of not having a unified community bound by a common standard (Terman & Buzás, 2021, p. 497). Even more relevant is the mention of "as appropriate," as it suggests that the international level is not only externalizing the responsibility to address the issue but also acknowledging the potential for diverse interpretations of what violence against women means in different regions of the world.

The Complex Regime of Violence Against Women

A regime complex usually consists of multiple institutions governing a specific issue, with overlapping rules but no established hierarchy. Where decisions made in one forum do not automatically apply or override agreements from other forums (Raustiala & Victor, 2004, p. 279). This definition was revisited by Kissack (2023), considering that a regime complex is characterized, among other elements, by an intricate interplay of multiple institutions and the establishment of a feedback loop whereby institutions reference and rely on one another (Kissack, 2023, p. 24). As we will see in the following lines, the violence against women regime presents traces of this revisited definition, thus leading to characterize violence against women as a regime complex.

At the core of the regime lies international agreements that assume a crucial role in tackling violence against women by laying out principles, norms, and responsibilities for states to prevent, punish, and eliminate this form of human rights violation. The most important one is the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) as it acts as a compass of action for the rest of institutions and instruments (see Table 4.1). As it has been said in the abovementioned section on the CEDAW, the CEDAW Committee is responsible for overseeing the implementation of the Convention and issuing General Recommendations that offer guidance on various aspects related to women's rights, including violence against women. The Optional Protocol to CEDAW provides individuals with a mechanism to submit complaints to the Committee regarding violations of their rights under the Convention.

In addition to CEDAW, several other international treaties also recognize the vulnerability of certain groups to various forms of violence and discrimination, including women and girls. These treaties establish standards and obligations for states to prevent and address these violations, including the UN Convention on the Rights of the Child, the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, the UN Convention on the Rights of Persons with Disabilities, or the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Therefore, at the international level, the issue of violence against women is characterized by

Table 4.1 Examples of Regional Instruments Referring to the CEDAW

	<i>African Union-Maputo Protocol</i>	<i>Council of Europe-Istanbul Convention</i>	<i>Declaration on the Elimination of Violence Against Women in the ASEAN Region</i>
Preamble	RECALLING that women's rights have been recognized and guaranteed in all international human rights instruments, notably the Universal [...] the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol	Having regard to [...] the United Nations Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW", 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women	RECALLING the Declaration on the Elimination of Violence against Women adopted by the United Nations General Assembly in its Resolution 48/104 of 20 December 1993, and the Convention on the Elimination of all Forms of Discrimination Against Women

Source Own elaboration

an institutional density and overlap, indicating a complex network of interdependent institutions and actors.

Moreover, violence against women has been presented in different thematic international conferences, which have contributed to the recognition of violence against women as a cross-cutting issue part of the human rights and development agenda. For instance, the World Conference on Human Rights and the International Conference on Population and Development have both been crucial in the global fight against violence against women. The Fourth World Conference on Women in Beijing produced the Beijing Platform for Action, a comprehensive plan of action for gender equality and women's empowerment that includes a specific section on violence against women.

Also of greater importance, international courts, such as the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Criminal Court, have all played a role in recognizing violence against women as a form of international crime. These courts have contributed to anchoring violence against women not only in the human rights and development agenda, but also as a matter of international peace and security. The courts have been instrumental to develop international jurisprudence on sexual

violence in conflict and have held individuals accountable for perpetrating acts of violence against women.

All of this is emanating from the work of the UN, which has been actively involved in addressing violence against women. For example, the UN General Assembly, the UN Human Rights Council, and the UN Security Council have adopted resolutions and appointed special rapporteurs to address this issue. The Commission on the Status of Women, a functional commission of the UN Economic and Social Council, has made violence against women one of its priority themes. And focusing on the executive level, the UN Secretary-General has also conducted a study on all forms of violence against women and appointed a Special Representative on Sexual Violence in Conflict to promote the prevention of such violence.

Regional initiatives have played a crucial role in strengthening the global efforts to address violence against women. These initiatives have built on the principles and norms set out in international treaties, such as the CEDAW, to promote greater cooperation among states and develop regional norms and standards. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) are examples of regional treaties. Other regional initiatives, such as the Association of Southeast Asian Nations' 2012 Declaration on the Elimination of Violence Against Women in the ASEAN Region, also contribute to the global efforts to tackle violence against women.

Overall, the existence of international treaties, conferences, courts, and organizations reflects the existing normative density, both horizontally (i.e. international level) and vertically (i.e. regional level) in the violence against women regime.

The Pan-European Response to Violence Against Women

All of this leads us to the elaboration and drafting of the Istanbul Convention. On the one hand, it codifies General Recommendation 19 by establishing that violence against women is “violence that is directed against a woman because she is a woman or that affects women disproportionately”, while significantly expanding upon that recommendation. In

fact, the Istanbul Convention in the Preamble explicitly makes a reference to the CEDAW General Recommendation 19 (Simonovic, 2014).

Therefore, the Istanbul Convention represents a regionalized response to violence against women that is clearly connected with the international level (see Table 4.1). Evidence of this is found in the very close synergies generated between both levels, both at the level of Committees between the CEDAW Committee and GREVIO Committee (Istanbul), but also in how, while initially the CEDAW influenced the Istanbul Convention, now the Istanbul Convention repatriates advances at the international level. An example of this can be found in General Recommendation 35 of the CEDAW Committee, which is directly derived from the Istanbul Convention. On top of that, the similarities between Article 4 of the Istanbul Convention and Article 2 of the CEDAW are striking, particularly given that all EU Member States have ratified and signed CEDAW. Article 4 of the Istanbul Convention appears to be a restatement of the principles outlined in Article 2 of CEDAW.

Delving into the negotiating stage, between 2006 and 2008, an assessment was conducted to evaluate the effectiveness of non-binding recommendations in the area of efforts to combat violence against women. To that end, a task force was established to oversee the evaluation process. The task force ultimately concluded that non-binding measures were inadequate, and called for the adoption of a legally binding document to ensure consistency in the region's approach to combating violence against women. Meanwhile, a separate group also recommended the creation of a legally binding instrument focused on domestic violence. These recommendations were further bolstered by a request from the Parliamentary Assembly of the Council of Europe for the development of a legal mechanism to address gender-based violence. The three requests highlighted the pressing need for a comprehensive and binding approach to preventing and responding to violence against women and domestic violence across Europe.

At this point, a tension emerged since two groups had different ideas for a convention: feminists wanted one focused on violence against women, while criminal lawyers preferred one on domestic violence. This tension persisted throughout the negotiation stage, highlighting the complex and sometimes conflicting interests and perspectives involved in the development of international legal frameworks aimed at protecting women from violence. Ultimately, the Convention was adopted, but this historical tension between different stakeholder groups underscores the

ongoing challenges of balancing diverse viewpoints and priorities in the context of global legal and policy development in the area of violence against women.

Indeed, while some argued that all forms of violence should be covered, others believed that domestic violence should be specifically addressed, given its prevalence as the most common form of violence globally and as the number one human rights violation in the world. However, this decision to separate domestic violence from other forms of violence was also aimed at ensuring, for instance, that men who suffer from domestic violence are also protected under the Convention. As a result, the Convention incorporates both gender-specific and gender-neutral approaches in addressing violence against women and domestic violence, reflecting the complex and diverse perspectives that shape global efforts to protect women's rights.

And it is precisely this complexity of addressing two different yet interconnected themes, namely violence against women and domestic violence, coupled with the normative language of gender-specific and gender-neutral approaches, that ultimately laid the groundwork for normative contestation by actors opposed to the Convention.

THE EUROPEAN UNION'S STRATEGIES AND VIOLENCE AGAINST WOMEN

The EU has recognized the issue of violence against women in different contexts since 2003. For instance, in the 2003 European Security Strategy, violence against women was mentioned in two contexts. The EU identified women as victims of cross-border trafficking for sex trade, which was a part of organized crime activities. The same strategy also acknowledged the role of women in building peace and recognized the UNSCR 1325 and 1820 as essential tools for effective implementation of the Women, Peace and Security (WPS) agenda. Yet, the 2008 report on the implementation of the European Security Strategy solely focused on the WPS agenda, with a specific emphasis on addressing sexual violence as a weapon of intimidation and terror in conflict and post-conflict zones.

However, in 2016, there was a shift in the EU's official position on the issue of violence against women, with the 2016 European Global Strategy taking a more inward-looking approach. While it acknowledged gender and women, the focus was on how the EU must integrate gender issues in terms of agenda and practices, promote gender balance, and mainstream

gender issues in EU policies. The strategy reinforced the transformative approach of the WPS agenda, emphasizing the empowerment and participation of women in peace efforts. But the 2016 European Global Strategy Implementation Plan on Security and Defense that followed suit explicitly mentioned gender sensitivity, UNSCR 1325, and the promotion of respect for international law, including human rights and humanitarian law, as integral to the EU's efforts to provide strategic advice, training, mentoring, and monitoring in CSDP civilian and military missions.

However, the issue of violence against women was not mentioned in the 2017 Implementing European Global Strategy Year 1. In 2018, the EU finally began to explicitly mention violence against women as such in its official position, with the start of the Spotlight Initiative, a partnership of the EU and the UN, which aimed to eliminate all forms of violence against women and harmful practices. This initiative signaled a more explicit commitment by the EU to address the issue of violence against women as a standalone issue, beyond its instrumental and neutral use in the context of security and defense. This was further advanced in the 2019 Implementing European Global Strategy Year 3. For the first time, the EU's focus on violence against women was upgraded, as it was mentioned as an objective of EU foreign policy. Also, the Spotlight Initiative was further advanced as it sought to include partnering with non-state actors to fight against violence against women. The EU also highlighted the role of women in peace processes, specifically in decision-making and mediation, citing Syria as an example.

More recently, the 2022 Strategic Compass for security and defense took a more comprehensive approach, addressing the issue from the basis of gender inequalities and values of gender equality to the normative framework of the WPS agenda, with a focus on both the transformative (women's empowerment) and preventive (prevention of sexual-based violence) dimensions. The document called for the systematic mainstreaming of human rights and gender perspectives in all civilian and military actions, and the increase in the number of women in leadership positions. Additionally, the EU emphasized the implementation of the WPS agenda in its strategic partnership with NATO and the EU-UN Framework Agreement on Mutual Support. The EU stated its commitment to promoting joint gender-responsive conflict analysis and political and operational coordination and cooperation with the UN.

All in all, violence against women has been implicitly addressed in EU documents since the European Security Strategy, particularly in the

context of sexual violence in conflict. And it was not until 2018 and 2019 that there was a direct mention of violence against women, which was linked to the EU-UN Spotlight Initiative and influenced by the context of the signature of the Istanbul Convention and the hostility of the Trump administration. Over time, EU documents became more operational, including the implementation of the Common Security and Defence Policy (CSDP), EU-UN cooperation, and the EU-NATO Partnership. Throughout these documents, the values of gender equality and strategies for women's empowerment underpin the issue, highlighting the double dimension of the WPS agenda: transformative approach to women, including human rights, gender equality, participation, and empowerment; and women as victims, including International Humanitarian Law and protection. The most comprehensive approach to the issue is presented in the Strategic Compass, which comprises values, instruments, and objectives. Overall, the evolution of the EU's official position on violence against women reflects a growing recognition of the importance of the issue and a commitment to take action to address it.

Given that the EU has recognized the UN as a crucial partner in the fight against violence against women, it is imperative to closely examine the addresses delivered by the President of the European Council at the annual session of the UN General Assembly. These speeches represent a prime opportunity for the EU to advocate for its priorities related to violence against women and to foster increased collaboration and action with the UN and its member states. Therefore, it is crucial to recognize the significance of these addresses in advancing the shared goal of eliminating violence against women.

Since in 2016, there was a shift in the EU's official position on the issue of violence against women, it is worth analyzing the addresses from that year to our days. Donald Tusk, president of the European Council (2014–2019), addresses to the United Nations General Assembly did not make any specific mentions of women's rights or gender equality in his speeches. The absence of any mention of women's rights in Tusk's speeches suggests that the issue was not among the top priorities during his tenure. Contrary to Tusk's addresses, Charles Michel, President of the European Council (2019–2023), addresses the United Nations General Assembly have systematically been focused on issues related to women's rights and gender equality. Indeed, Michel has been a vocal advocate for women's empowerment and the fight against discrimination, particularly in developing countries. In his 2021 UN General

Assembly address, Michel highlighted the prevalence of violence against women in conflict zones, citing examples from Iraq, Afghanistan, and the Horn of Africa, and called for immediate action to protect women's rights and ensure access to humanitarian aid. And in 2022 violence against women continued to be high on the agenda as Michel expressed the EU's solidarity with Afghan and Iranian women, and strongly condemned cases of violence against women in the conflict in Ukraine initiated by Russia. Overall, Michel's speeches at the UNGA underscore the European Union's major commitment to advancing women's rights and promoting gender equality as a critical element of global development and peace.

The European Commission has demonstrated a consistent commitment to the advancement of gender equality by means of producing annual reports, at least, since 2014, which have highlighted the pervasive issue of violence against women through dedicated chapters. Notably, in 2021, there has been an important shift in the reporting approach, as the reports no longer focus solely on the comparison between men and women, but instead address gender equality as a whole. This represents a positive step toward recognizing the multifaceted nature of gender equality. This goes in line with the 2019 Von der Leyen's opening statement as candidate for President of the European Commission, where she proposed to "add violence against women on the list of EU crimes defined in the Treaty" as well as proclaiming that "the EU should join the Istanbul Convention". In other words, Von der Leyen made of gender equality and combatting violence against women a top priority of the 2019–2024 European Commission (Von der Leyen, 2019).

THE EUROPEAN UNION AND VIOLENCE AGAINST WOMEN: THE ISTANBUL CONVENTION

As of December 2023, the Convention has been signed by all European Union Member States, while 22 of them (Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia,⁵ Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovenia, Spain, and Sweden) have ratified it. On the other

⁵ In 2022 the Latvian Constitutional Court declared that the provisions of the Istanbul Convention comply with the Latvia Constitution. In October 2023, the Latvian government supported the legislative draft for the ratification of the Convention. The Convention will entry into force on 1 May 2024.

hand, Bulgaria, Czechia, Hungary, Lithuania, and Slovakia have not yet ratified it. Poland declared its intention to withdraw from the Convention in July 2020, but the decision was withdrawn in January 2024.⁶

More to the point, the mapping of EU Member States ratification of the Istanbul Convention is intrinsically linked with the emergence of the communitarism vs. cosmopolitanism cleavage in European politics (Zürn & de Wilde, 2016), denoted as nationalists and Europeanists in the following lines. In this vein, nationalist opposition to the Istanbul Convention is characterized by a rebuttal of transferring authority from states to international institutions as well as a lesser acceptance of liberal/intrusive norms (see nationalists' column in Table 4.2).

Table 4.2 Reactions to the Fragmentation of Violence Against Women

	<i>Nationalists</i>	<i>Atlanticists</i>	<i>Europeanists</i>
Reactions	EU cannot ratify the Istanbul Convention (Poland with PiS, Bulgaria, Hungary) <ul style="list-style-type: none"> a. Poland has been willing to withdraw from the Istanbul Convention b. Hungary has not ratified the Convention c. Bulgaria declared the Istanbul Convention unconstitutional 	Nationalists are blended with atlanticists: rejection of a regional hard law instrument (i.e. rejection of supranational authority) Nationalists collaborate with the US under Trump in reframing of gender equality along the lines of biological distinction: the Geneva Declaration (i.e. rejection of liberal intrusiveness)	EU could ratify Istanbul Convention (European Court of Justice) EU should ratify the Istanbul Convention (European Commission, European Parliament) EU should go further: EU Directive on violence against women (European Commission)

Source Own elaboration

⁶ On 30 January 2024, the new elected Polish government headed by Donald Tusk decided to withdraw the request to examine the constitutionality of the Convention from the Polish Constitutional Court.

Nationalism Blended With Atlanticism: Opposition to the Istanbul Convention

During the European Parliament's consent vote to ratify the EU's accession to the Convention in May 2023, all major far-right parties, including Fidesz (ruling party in Hungary) and Law and Justice (ruling party in Poland until December 2023) voted against. Their opposition to EU's accession is based on two major points that led to label such political forces as nationalists. First, by referring to the EU's subsidiarity principle they argue that ratification of the Istanbul Convention is a matter of national sovereignty. They despise the potential involvement of a European level. Second, they frame the Convention as part of the so-called gender ideology that seeks to erode traditional values (Berthet, 2022). In other words, they contend that gender is not a socially constructed concept, as codified in the Convention, but rather a biological designation that determines the distinction between a man and a woman. Moreover, to exert such opposition to the Istanbul Convention, such political parties count on the support of a transnational network, mainly based in Central and Eastern Europe, consisting of 333 illiberal NGOs (RISU, 2019).

Returning to the initial point regarding the invocation of the subsidiarity principle and its correlation with the analytical framework outlined in this edited volume, it could be posited that we are witnessing a confluence of characteristics typical of nationalists and Atlanticists. Thus, we are encountering a case of nationalism blended with Atlanticism tendencies. Indeed, there exists a resonance between arguments rooted in the subsidiarity principle and the positions adopted by American administrations regarding their regional initiative on violence against women.

In this context, nationalists echo the assertions of US administrations that the acceptance of sovereignty costs should remain within the domain of national governments, leading to hesitancy in relinquishing such authority. A sharp contrast emerges clearly when juxtaposing the nationalist perspective, permeated with Atlanticism as captured in the Geneva Consensus Declaration—emphasizing “the importance of national ownership and the primary role and responsibility of governments at all levels”—against the Europeanist ethos of “a Europe that protects all of its citizens in their diversity”. Essentially, both nationalists and US administrations are inclined toward fragmenting the regime addressing violence against women, as fragmentation manifests in the non-acceptance of their

respective regional instruments. In other words, given that the regime is constructed upon regional instruments, the rejection of these instruments by an actor contributes to the fragmentation of the regime itself.

Examining the nationalist advocacy for traditional values, we discern not only a willingness to replicate the US stance on the regional instrument concerning violence against women but also a readiness to foster close collaboration. The concept of traditional values, which delineates gender solely based on biological distinctions, finds champions not only among nationalist Member States such as Poland and Hungary but also within the Trump Administration. Significantly, there has been substantial collaboration among these actors, as emphasized by the US ambassador to the UN, referring to them as “our like-minded partners” (UN, 2020). This collaboration was particularly evident in the case of the 2020 Declaration on the Geneva Consensus, which exclusively defined gender in biological terms. This document, sponsored by the US, received sponsorship or endorsement from Hungary and Poland.

Delving into the case of Poland, at first, the Polish government supported the ratification of the Istanbul Convention, but later yielded to pressure from conservative factions. For instance, in July 2017, a bill was presented to the Polish parliament by a group of MPs, seeking to retract Poland’s signature from the Convention. An important development occurred in July 2020, when the Polish government declared its intent to initiate the process of withdrawing from the Convention. Despite this announcement, the withdrawal has yet to materialize; instead, the opposite seems to be occurring. But such opposition in Poland is coming from various groups, including the Catholic church and conservative groups. The groups’ opposing narrative is often framed around a perceived threat to traditional values, family structures, and national identities.

A similar pattern can be observed in Hungary. The issue of gender equality was not at the forefront of Hungarian politics until 2017, when the process of ratifying the Istanbul Convention was initiated. Indeed, Hungary’s signing of the Convention in March 2014 was not contentious. Yet, actors such as the Hungarian Center for Fundamental Rights have portrayed the monitoring body of the Istanbul Convention, GREVIO, as a body designed to criticize the country.

Opposition to the Convention is often centered around the protection of national sovereignty⁷ and the preservation of traditional national values. Numerous opposing organizations have affiliations with religious traditions and churches, while others are primarily concerned with the protection of men's rights or the safeguarding of the family unit.

The EU Process of Ratifying the Istanbul Convention

While some Member States opposed to the EU's accession to the Convention, the Istanbul Convention includes provisions that permit the EU to join, to the extent of its competences. To that aim, the Commission released a roadmap in 2015 to facilitate EU accession to the instrument. Based on the argument that EU accession would engender a consistent EU-level framework to counteract violence against women, the Commission issued, in 2016, two proposals for Council decisions. One relating to the Convention's signature, and the other on its ratification on behalf of the EU. Subsequently, in May 2017, the Council adopted two signatures' decisions, the first covering articles of the Convention on criminal cooperation, and the second covering articles on asylum and non-refoulement, based on different legal grounds. The EU signed the Istanbul Convention on 13 June 2017; however, progress toward ratification has encountered major obstacles, mainly coming from a few Member States and illiberal civil society.

In front of all of this, the European Parliament became the main institutional actor protecting and pushing forward policies addressing violence against women. As a matter of fact, the Commission⁸ released the EU's Istanbul Convention roadmap after the Parliament urged to do so in its

⁷ In 2022, the UK formally ratified the Istanbul Convention but expressed similar concerns about the need to safeguard its sovereignty. The primary concern for the country revolved around a specific provision concerning migrant women. Ultimately, the UK Government chose to exercise its right to reserve Article 59 of the Convention, opting out of the commitment to protect migrant women.

⁸ The Commission, in March 2022, adopted a proposal for a directive on combating violence against women and domestic violence. The proposal seeks to secure a consistent level of protection against violence across all Member States, which applies to all forms of violence regardless of whether they transpire through online or offline means. It is worthy to note that the Commission is using the Istanbul Convention as a reference point to put forward the directive, but also filling voids that were not covered by the Convention such as online sexual harassment.

Resolution on Combating Violence against Women of 25 February 2014 (European Parliament, 2014). And while the EU was only granted accession to the Convention regarding the chapters on criminal cooperation and asylum and non-refoulement, the Parliament was advocating for a comprehensive and unrestricted accession of the EU (European Parliament, 2017). Such advocacy reached its height in 2019. With a mounting mobilization against the Convention, which included Member States, Members of the European Parliament, and transnational civil society organizations, the Parliament decided to request an opinion from the European Court of Justice (ECJ) regarding the appropriate legal basis and the scope of EU accession to the Istanbul Convention and the ratification procedure. Resorting to the ECJ is a crucial step since it has the authority to interpret Treaties, national laws, and national courts. That is why the ECJ's ruling in October 2021 stating two main points was so relevant for the fate of the Convention. Firstly, it clarified that the appropriate legal basis for accession is Articles 78(2), 82(2), 84, and 336 TFEU. Secondly, it considered that unanimity was not a prerequisite, and therefore the ratification could be based on qualified majority (European Court of Justice, 2021).

This paved the way for the Council in a meeting held on February 2023 to seek the consent of the European Parliament regarding the ratification of the Convention. In other words, all pertinent EU institutions were mobilized, united in their assessment that the EU's ratification of the Convention should or could occur. Yet, the Council's draft decisions on the finalization of the ratification procedure emphasize the EU's commitment to accede to the Convention solely with regard to the areas falling within its exclusive competences, as defined by the agreed common rules pertaining to judicial cooperation, asylum, non-refoulement, and the Union's institutions and public administration.

Nevertheless, Bulgaria did not support the decision due to a ruling by its Constitutional Court in 2018 that deemed certain legal concepts related to "gender" in the Convention incompatible with the country's constitution. But the Bulgarian government and civil society expressed a strong commitment to combating domestic violence and violence against women, albeit in a manner consistent with its constitutional framework. Hungary has emerged as another prominent opponent of the Istanbul Convention, with its opposition being one of the primary factors prompting the EU to pursue ratification through a qualified majority

rather than unanimity. This development underscores the broader divisions within the EU regarding the Convention, where Member States such as Bulgaria and Hungary remain cautious about embracing its provisions fully. More importantly, such consent was given by the Parliament in May 2023.

The two tables show the results of the votes held in the European Parliament on two provisions of the Istanbul Convention. The first resolution the EU accession to matters related to institutions and public administration of the Union (A9-0169/2023), which is relevant given that certain areas within the Convention fall under the exclusive jurisdiction of the EU, the ultimate objective of this resolution is to guarantee the EU's adherence to the Convention. The second resolution grants access to the EU's exclusive competence in the areas of judicial cooperation in criminal matters, asylum, and non-refoulement (A9-0170/2023) (Table 4.3 and 4.4).

In the first table, 607 Members of the European Parliament (MEPs) participated in the vote, with 472 MEPs (78%) in favor of granting the EU accession to the provisions related to institutions and public administration of the Union. Meanwhile, 62 MEPs (10%) voted against, and 73 MEPs (12%) abstained. In the second table, 590 MEPs participated in the vote, with 464 MEPs (79%) in favor of granting the EU accession to

Table 4.3 EU
Accession: Institutions
and Public
Administration of the
Union

	<i>Resolution A9-0169/2023</i>	<i>MEPs</i>	<i>Percentage</i>
In favor	472	78	
Against	62	10	
Abstention	73	12	
Total	607	100	

Source Own elaboration

Table 4.4 EU
Accession: Matters
Related to Judicial
Cooperation in Criminal
Matters, Asylum, and
Non-refoulement

	<i>Resolution A9-0170/2023</i>	<i>MEPs</i>	<i>Percentage</i>
In favor	464	79	
Against	81	14	
Abstention	45	8	
Total	590	100	

Source Own elaboration

the provisions related to judicial cooperation in criminal matters, asylum, and non-refoulement. On the other hand, 81 MEPs (14%) voted against, and 45 MEPs (8%) abstained. Delving into the deputies that opposed the ratification, from the Identity and Democracy group we can find deputies from Rassemblement National (France), Lega (Italy), Alternative für Deutschland (Germany), Vlaams Belang (Belgium). Concerning the European Conservative and Reformists, we can identify Vox (Spain), Sweden Democrats (Sweden), and Law and Justice (Poland). In the group of non-inscrits we find Fidesz (Hungary). All things considered, the results of the votes suggest that the majority of MEPs support the EU's accession to both provisions of the Istanbul Convention. The successful ratification of the Convention is of great significance given that it emerged as a hot topic during the 9th legislative session. Notably, the Polish delegation of Law and Justice actively made resisting the Convention's ratification a primary objective during their tenure (Ahrens et al., 2022, p. 813).

All in all, the ratification of the EU's accession by the Council took place in May 2023, completed with the deposit on 28 June 2023, and entering into force on 1 October 2023. But the process to ratify the document proved to be challenging. The decision to abandon the common accord, which required unanimous agreement among all Member states, has been met with criticism from several countries, such as Italy, Spain, France, and Germany (Council of the EU, 2023). Conversely, other Member states, including Bulgaria, Poland, Hungary, and Slovakia, have voiced objections not only to the EU's accession itself but also to a perceived intrusiveness resulting from this decision (Ibid.).

Poland raised objections, contending that the Istanbul Convention "imposes a different perception of traditional social institutions" (Council of the EU, 2023). Poland heavily criticized the EU's accession, arguing that it would grant exclusive powers to the EU in external relations and impose international obligations "against the will of the Member states" (Ibid.). Hungary expressed similar concerns, stating that the Hungarian Parliament opposed the ratification of the Convention and, therefore, the country was "not in a position to support the accession of the European Union to that Convention" (Ibid.). On top of that, Hungary emphasized that the EU's access to the Convention should only occur once all Member states have ratified it at the national level. Also, Bulgaria's opposition was particularly vehement, explicitly asserting that the country "is under no obligation to report to the GREVIO report group" and did not

agree to have third parties (i.e. the European Union) report on its behalf (Ibid.).

Overall, within the EU, it becomes apparent that a distinct division is emerging when analyzing the responses to the Istanbul Convention. This fracture occurs between Europeanist actors, including a vast majority of EU Member states and European institutions, and nationalist actors, a considerable minority of Member states' governments. The Hungarian case is particularly notable as it explicitly stated during the ratification process of the Istanbul Convention by the EU that the decision was in stark opposition with "the National Assembly of Hungary proclaiming that it opposes the ratification of the Council of Europe Convention on preventing and combatting violence against women and domestic violence", therefore, pitting the national level against the European level. The case of Bulgaria differs significantly as the country explicitly stated its refusal to allow third parties to report on its behalf. In essence, Bulgaria's stance allowed the EU to become a party to the Convention with the stipulation that no reports containing Bulgaria's data would be released by the Commission. Delving into the Convention content, opposing forces vividly challenge the notion of gender as a social construct, as exemplified by Poland and Hungary, who refer to "traditional social institutions" (Council of the EU, 2023). While manifestations have succeeded in slowing down the process, ratification talks started in 2016, they have not been able to halt the EU's accession to the Istanbul Convention.

The EU's International Actorhood in the Field of Violence Against Women

The increasing divergence within the EU has been noted as an explanatory factor paving the way for Türkiye's decision to withdraw from the Istanbul Convention (Bodur Ün, 2022, p. 958). Indeed, both conservative religious group and the AKP (the ruling party) have favored rolling back existing gender equality legislation, including the Convention. In line with Hungarians claims, the AKP has stated that the Convention is undermining traditional family values and promoting same sex marriage (Ibidem).

Such a decision was rapidly responded to by the EU's High Representative/Vice-President, Josep Borrell, but also by the US President Joe Biden. Both statements expressed deep concern over Türkiye's withdrawal from the Istanbul Convention, highlighting the importance of

the Convention in combating violence against women and girls.⁹ Borrell emphasized the legal protection the Convention provided to women and girls across the world, while also noting the increased levels of violence against them due to the COVID-19 pandemic. Finally, the High Representative urged Türkiye to reverse its decision and recommit to defending the rights of women and girls (EEAS, 2021). Similarly, Biden's statement also expressed disappointment in Türkiye's withdrawal, noting the rising domestic violence incidents and femicide in Türkiye (The White House, 2021). While the US President emphasized the importance of renewing commitments to end violence against women and protecting women from abusers, no roadmap was presented to ratify the pan-American instrument on violence against women.

The Biden Administration's forceful condemnation of Türkiye's withdrawal from the Convention stands in stark contrast to the Trump Administration's hostile stance toward gender equality and combating violence against women. Trump's tenure was marked by a regressive approach to women's rights, with his administration taking steps to roll back progress made in this area. An internal memo underscored the Administration's reluctance to support a resolution at the UN equating physical violence against women with sexual harassment. To achieve this goal, there was an emphasis on addressing various categories of harassment, arguing that not all forms of sexual harassment reach the threshold of criminal offense (Badell forthcoming). Aiming to do so, the US under Trump, during the bi-annual resolutions on violence against women in the UN General Assembly, was systematically putting forward amendments to narrow down the scope of violence against women. In response to such pushback, the EU took a firm stand and decided to counter the US actions. Firstly, the EU Member States voted at the UN in a cohesive manner against the US amendments, none of them passed. Secondly, the EU together with the UN launched the Spotlight Initiative, a multi-year initiative specifically focused on eliminating all forms of violence against women and girls. The Initiative was a clear and forceful response to the US, and marked a watershed moment in the EU's commitment to combatting gender-based violence as it resulted in violence against women being explicitly mentioned in the EU's official position.

⁹ The European Commission's enlargement report on Türkiye has also deemed the country's withdrawal from the Convention, while lawful, as a case of serious backsliding (European Commission, 2023, p. 40).

On a final note, it is also worth highlighting that prior to Russia's war of aggression, Ukraine also opposed the Istanbul Convention, with opposition coming from the Orthodox Church and conservative groups. However, the ongoing conflict with Russia has shifted Ukraine's stance on the Convention. The country has since taken steps toward ratification and implementation of the Convention, recognizing its importance in protecting the rights and safety of women and girls in the face of conflict and violence. Ukraine's stance on the Istanbul Convention has undergone a noticeable transformation, particularly in relation to its bid to join the European Union. It has been noted that ratification of the Convention has been made a condition by some EU Member States for granting Ukraine candidacy status (The Kyiv Independent, 2022). This was recognized by the EU ambassador to Ukraine in June 2022 when he celebrated the decisions made by the Ukrainian Parliament to adopt the convention as part of a "dynamic reform cycle to mark the decisive week on Ukraine's EU candidate status" (Maasikas, 2022).

All in all, the EU presents an autonomous voice in the area combatting violence against women. The Union has not acted as a laggard or follower when US actions were clearly targeting policies in the area of violence against women. On the contrary, when this was the scenario, the EU counterbalanced the US actions by not accepting the fragmentation of the issue to the point of becoming a leader as shown with the EU-UN Spotlight Initiative. Such a leadership in the area of combatting violence against women has led the EU to become a somewhat reference point to justify either withdrawing from the Istanbul Convention as in the case of Türkiye or the ratification of the Convention as in the case of Ukraine.

CONCLUSIONS

This chapter has addressed the question of the fragmentation of the violence against women regime, with a specific emphasis on the role of the EU. As we have seen, fragmentation is occurring due to a departure from a unified community, resulting in the emergence of multiple communities addressing the issue of violence against women. This departure within the EU is rooted in the existing push for a less universalistic understanding of human rights.

Additionally, violence against women has been considered a complex regime. It involves, at the international level, a dense and overlapping network of international institutions that cover the three UN

agendas: peace and international security, human rights, and development. However, the international level has not been able to deliver an international legal instrument that addresses violence against women. Indeed, the international level has externalized such as a responsibility by inviting the regional level to present its own instruments that consider its own set of values. The externalization has not hindered the international regime of violence against women. The regional level has consistently produced instruments that tackle violence against women while reinforcing the role of the CEDAW, to the point of making the CEDAW the compass for such regional instruments.

More to the point, the evolution of the EU's official position on violence against women has been gradual. The EU has recognized the issue of violence against women since 2003, but it was not until 2018 and 2019 that there was a direct mention of violence against women, linked to the EU-UN Spotlight Initiative. The EU's position on violence against women evolved from addressing it mainly in the context of sexual violence in conflict to taking a more comprehensive approach that addresses the issue from the basis of gender inequalities and values of gender equality. The most comprehensive approach to the issue is presented in the Strategic Compass, which comprises values, instruments, and objectives.

However, the EU's engagement with the issue of violence against women is convoluted. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) has resulted in the emergence of a fracture within the EU. This dynamic arises from certain Member States adopting a nationalist blended with atlanticism stance against the Convention, while others, including EU institutions, adopt a Europeanist stand in favor of it. Nationalists, aligning with the US argument on their own regional instrument regarding violence against women, believe that the national level is the appropriate governance level to address violence against women. Additionally, in close collaboration with the US under Trump, nationalists sought to reframe the issue in line with traditional values, where gender equality just refers to equality between men and women.

All of it, did not prevent, in May 2023, after a prolonged six-year delay, the EU ratified the Convention. This achievement is particularly significant as the EU not only considers itself but is also perceived as a highly relevant actor in the realm of combating violence against women. In this regard, the EU serves as a reference point for external actors, who

either reject or embrace the Convention (e.g. Ukraine in its quest to join the EU). On one hand, the EU has established itself as an autonomous actor in this area, independent of the US. Notably, the EU remains, at large, unaffected by the shifts in the stance of various US administrations. By bolstering the EU's influence in addressing violence against women and maintaining its autonomous role, there is potential to strengthen the existing regime dealing with this issue. Nevertheless, the EU is faced with navigating opposition from Hungary and other Member States, but there are some indicators suggesting that the Union has already acquired the skills to navigate these challenges (c.f. Badell, 2024).

Finally, despite persistent challenges to the universality of human rights both within and outside the EU, the moral authority of human rights as the benchmark for societal norms remains unquestioned. Therefore, further research should put the focus on the political and theoretical implication of human rights fragmentation for gaining insights into the stability of the international order (c.f. Costa et al. Chapter 1).

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