

A FEW REMARKS ON THE CONTENT OF THE EUROPEAN CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN

Miloš Velemínský

University of South Bohemia in České Budějovice, Faculty of Health and Social Sciences, Institute of Physiotherapy and Selected Medical Disciplines, České Budějovice, Czech Republic

Submitted: 2020-11-02

Accepted: 2020-12-14

Published online: 2020-12-31

INTRODUCTION

The European Convention on the Prevention of Violence was established in the first decade of the 21st century. It has already been ratified in 33 countries. The Czech Republic has acceded to the Convention, but the Parliament has not ratified it yet.

The problem with ratification lies in the fact that the Convention also addresses gender ideology in the fight against violence. The content of this ideology can interfere with the system of raising children and negatively affect the traditional family.

The aim of this paper is to warn the reader that ratification may pose risks to the upbringing of children and the current family institution. The author of the article is a paediatrician and draws attention to the mentioned risks. He realizes that this may be a specific professional view.

The European Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is a document on preventing and combating violence against women and domestic violence. The main mission of the Istanbul Convention should be to protect against violence, especially violence against women (Bárta, 2019; Grans, 2018). However, it turns out that, in addition to the fight against violence, the Convention promotes gender ideology as a social norm, which in its consequences seeks to disrupt family relationships, i.e. to erase the differences between men and women. The terms “mother, father, child,

son and daughter” are being removed (Butler, 2006; 2016). As a result, the family as a basic unit of society is endangered (Mikloško, 2018; Šturma, 2018; Vilček, 2018). The first idea cannot be called into question, although the existing possibility of violence against men by women is not emphasized. The Convention actually discriminates against only men, who are seen as bullies. Violence against children also receives little emphasis. However, violence against women is perceived as gender-based (Citizens of the Czech Republic Initiative, 2018). Here, the issue of gender has become part of law as part of gender ideology. Brix (2018) states that “violence against women is the result of an unequal distribution of power between men and women, with which the women fundamentally disagree. It is an unscientific and insufficient justification for violence, which is multifactorial and only one cause cannot be solved and eliminated”.

There are three approaches to domestic violence: psychological, which perceives violence as a problem of a person suffering from various personality disorders related to psychopathological traits; sociological, which focuses on the position and functioning of the family in today’s society; and gender, which emphasizes gender inequalities. Opponents of the gender stance mainly criticize the one-sided approach. The gender approach shows that men are always assessed as potential perpetrators of violence. The text further states that violence against women is caused by the unequal distribution of power between

men and women (Bárta, 2018; Brixová 2018). However, a whole range of violence is known in society, not only between men and women, but also mutually between women and men. The general relationship between drug and alcohol abuse and violence is well known. The financial crisis and depression can also lead to violence. The gender approach to violence against women is based on eliminating the gender gap, i.e. eliminating the stereotypical role of men and women (Butler, 2016).

However, this section raises a number of debatable issues related to violence. Engels (1949) also talks about erasing the differences between men and women, in the sense of social involvement in society.

The difference between gender and sex

What is a sex?

Sex: biologically conditioned differences between women and men that are universal. These are biological characteristics that distinguish human beings as men and women, especially differences in the genital and reproductive organs (CZSO, 2016). Sex is binary – male, female. The third sex, intersex, is allowed. According to gender ideology, there is a whole range of types of gender. However, we will not be discussing these gender types in this paper.

What is a gender?

Gender: in short, we are talking about the social gender; the content of which is a set of certain interests, behaviours, characteristics, and appearance, which are associated with the classic image of a man or woman. However, this social picture is different in various societies. In the modern world, the structuring of typical differences between women and men is ingrained. However, these structures are not very important in gender-neutral education. Gender or social gender represents “culturally and historically variable characteristics and models assigned to male or female biological gender” (Babanová and Miškolci, 2007, p. 148). These roles change over time and significantly vary in national cultures and historical stages of social development. Thus, they are not a natural, given difference between men and women, but a temporary developmental stage in social relationships (Connell, 2013; Krížková, 2001).

Ideology of gender roles

Individual gender is one of the key elements of a social life, as individuals participate in the formation of their position in interpersonal relationships. Although there are many stereotypes and expected manifestations associated with masculinity and femininity, individual genders are not precisely definable in all aspects (Spade and Valentine, 2008). Behaviour that is expected or accepted from an individual based on gender is called a gender role. The sum of these expectations is then referred to as the ideology of gender roles (O'Brien, 2008).

What is gender ideology?

Men and women have always been socially distinguished on the basis of gender characteristics. However, the English word “gender” has several different meanings. In international treaties, the definition of gender almost never occurs. The only exception is the Rome Statute of the International Criminal Court, which explicitly states that gender is synonymous with biological sex. This is not the case in the Istanbul Convention (IC). The concept of IC is the first international agreement containing a definition of gender. Women and men are biologically and socially distinguished. Gender ideology is therefore based on the assumption that we are not actually born as men or women, but that we choose the sex during our lives, i.e. we possibly change it as well. It is clear that this concept is contrary to the laws of nature, as each cell in the body is defined as male or female using chromosomes XX and XY. The proponents of this theory – man, woman, marriage, family, father, mother, sexuality, fertility – have no right to naturalness. The Istanbul Convention promotes the disappearance of the use of the words father and mother, which are being replaced with the gender-neutral terms parent 1 and parent 2 (Butler 2006; 2016; Report of the 4th World Conference on Women in Beijing, 1995).

The conclusions of gender ideology also show that the influence of parents on the upbringing of their own children is limited in all areas, including sexuality. From this aspect, the existence of family as a basic social component is endangered. Cuba (2014a, b), Levy (2014), Mikloško (2018) and Chromík (2018a, b) are critical of these facts.

For example, Article 12 of the Convention even recommends eradicating the rules of customs, traditions and requirements that are based on a stereotypical view of the role of women and men. The stereotypical roles of both men and women include heterosexual marriages between one man and one woman – according to IC, however, these stereotypes are overcome. The main concept of gender ideology is the claim that sexuality and gender are not received biologically, but an individual can choose them as they feel (Butler, 2006; 2016).

Gender neutral education – asexual education

In his work, Doblhofer (2008) deals with the content and implementation of so-called gender mainstreaming, i.e. gender equality or equality between men and women. The content of the so-called gender equality is an effort to eliminate male and female stereotypes (Butler, 2006; 2016). In recent years, in connection with the publication of the Istanbul Convention, the so-called gender equality and asexual education have been spreading.

Asexual education begins at a young age and during development, with the child choosing whether to feel more like a girl or a boy. Asexual education includes addressing the child as well as the overall approach to him or her. In asexual education, parents bring up their children without indicating their sex, calling them “they” and waiting for the children to decide whether they feel like girls or boys. A person’s identity develops from the moment a child begins to perceive itself as an independent individual. Education for one or the other sex can be redirected within the first two years at the latest. However, gender identity does not have to be externally manifested. Adolescents can behave exactly as society stereotypically expects them to, even if they do not internally identify with their gender. A parent is referred to as “1, 2”, the birth certificate states “he” or “she”. The child is referred to as “it”. The different colour of boys and girls, i.e. blue and pink, is removed.

For example, as part of asexual education, it is recommended that girls play with cars and boys play with dolls during their childhood. Gender dressing should also be linked to gender ideology. Children can choose what clothes to wear, what toys to play with and what their room will look like.

Regenus (2017) states that children need both mother and father. They want a stable presence of their (at best) mother and father. Mikloško (2018) and Šturma (2018) express the same opinion.

Foreign critics of the Convention draw attention to the current content of textbooks and recommend replacing them with textbooks corresponding to gender ideology (Butler, 2016).

The Grevio Institute ensures compliance with the Convention. This supervisory body, as a supranational organization, has the task of influencing national legislation.

There are two camps in the Czech Republic with different views on the content of the Istanbul Convention. This discrepancy also applies to other countries, such as Slovakia. There is a relatively strong feminist movement in the Czech Republic. Even politically, acceptance is acceptable for some government parties (Kopřiva, 2018).

CONCLUSIONS

The Czech Republic has signed up to the Istanbul Convention. The problem, however, is that the Parliament of the Czech Republic has not ratified it. It is understandable that several Members of Parliament support its ratification. The author of this article, as a paediatrician, criticizes the possible conclusions based on the individual articles of the Convention regarding points that may disrupt the integrity of family and the upbringing of children.

Conflict of interests

The author has no conflict of interests to declare.

REFERENCES

1. Babanová A, Miškolci J (2007). Genderově citlivá výchova: Kde začít? Příručka pro vyučující základních a středních škol, vydaná v rámci projektu Rovné příležitosti v pedagogické praxi [Gender Sensitive Education: Where to Start? Handbook for primary and secondary school teachers, published within the project Equal Opportunities in Pedagogical Practice]. Praha: Žába na prameni (Czech).
2. Bárta J (2019). Istanbulská úmluva o prevenci a potírání násilí vůči ženám – dočká se naší ratifikace? [Istanbul Convention on Preventing and Combating Violence against Women - will it be ratified?] Právník – Teoretický časopis pro otázky státu a práva. 158(8): 803–818 (Czech).
3. Brixová Z (2018). In: Youtube 17.5.2018. [online] [cit. 2020-10-11]. Available from: <https://www.youtube.com/watch?v=FxkYtaXGL6U>. Kanál uživatele Steve Gonzales.
4. Butler J (2006). Gender Trouble. Abingdon: Taylor and Francis, 272 p.
5. Butler J (2016). Závažná těla – O materialitě a diskursivních mezích „pohlaví“ [Serious bodies – On the materiality and discursive limits of “gender”]. Praha: Karolinum. 344 p. (Czech).
6. Chromík A (2018a). In: Youtube 23.5.2018a. [online] [cit. 2020-10-11]. Available from: <https://www.youtube.com/watch?v=ZguifmU7cas>. Kanál uživatele Steve Gonzales.
7. Chromík A (2018b). In: Youtube 23.5.2018b. [online] [cit. 2020-10-11]. Available from: <https://www.youtube.com/watch?v=E1O9VboWNAo>. Kanál uživatele Steve Gonzales.
8. Connell R (2013). Gender. Wiesbaden: Springer VS, 203 p.
9. Czech Statistical Office – CZSO (2016). Gender: Základní pojmy [Český statistický úřad – ČSÚ] (2016). Gender: Basic concepts]. [online] [cit. 2020-01-22]. Available from: https://www.czso.cz/csu/gender/gender_pojmy (Czech).
10. Doblhofer D (2008). Gender Mainstreaming. Berlin: Springer, 278 p.
11. Engels F (1949). Původ rodiny, soukromého vlastnictví a státu [The origin of family, private property and state]. Praha: Svoboda. 172 p. (Czech).
12. Grans L (2018). The Istanbul Convention and the Positive Obligation to Prevent Violence. Human Rights Law Review. 18(1): 133–155. DOI: 10.1093/hrlr/ngx041.
13. Kopríva F (2018). Komentář Františka Koprívy k ratifikaci Istanbulské úmluvy [František Kopríva's commentary on the ratification of the Istanbul Convention]. Pirátské listy. [online] [cit. 2020-10-11]. Available from: <https://www.piratskelisty.cz/clanek-2169-komentar-frantiska-koprivy-k-ratifikaci-istanbulske-umluvy> (Czech).
14. Křížková A (2001). Genderová identita – základní definice, konstrukce, koncepty [Gender identity - basic definitions, constructions, concepts]. Gender, rovné příležitosti, výzkum 2(3): 1–2 (Czech).
15. Kuby G (2014a). Gender, nová ideologie ničí rodinu [Gender, a new ideology is destroying the family]. Brno: Kartuziánské nakladatelství, 24 p. (Czech).
16. Kuby G (2014b). Globální SEXuální revoluce: Ztráta svobody ve jménu svobody [Global SEXual Revolution: Loss of freedom in the name of freedom]. Brno: Kartuziánské nakladatelství, 416 p. (Czech).
17. Levy DL, Edmiston A (2014). Sexual Identity, Gender Identity, and a Christian Upbringing: Comparing Two Studies. Journal of Women and Social Work 29(1): 66–77. DOI: 10.1177/0886109913509542165.
18. Mikloško J (2018). In: Youtube 17.5.2018. [online] [cit. 2020-10-11]. Available from: <https://www.youtube.com/watch?v=ims9wclD7L8&t=37s>. Kanál uživatele Steve Gonzales.
19. O'Brien J (2008). Encyclopedia of Gender and Society. Los Angeles: SAGE Publications.
20. Regenus M (2017). Zneužití vědy [Abuse of science]. RCMonitor 3/2017. [online] [cit. 2020-10-11]. Available from: https://petice-adopce.cz/_files/200001299-ea1f8eb1a7/MONITOR-2017-3%20-%20Zneu%C5%BEit%C3%AD%20v%C4%9Bdy.pdf (Czech).
21. Report from the 4th World Conference on Women [Zpráva ze 4. světové konference o ženách] (1995). (Peking 4.–15. 9. 1995). [online] [cit. 2020-10-11]. Vláda.cz. Available from: https://www.vlada.cz/assets/ppov/rada-pro-rovne-prilezitosti/oddeleni/dokumenty/Peking-1995_1.pdf (Czech).
22. Spade JZ, Valentine CG (2008). The Kaleidoscope of Gender: Prisms, Patterns, and Possibilities. Newbury Park: Pine Forge Press.
23. Šturma J (2018). Pozvání do rodiny [Family invitation]. Katolický týdeník. 29(15) (Czech).

24. The Czech Republic Citizens Initiative (2018). Istanbul Convention and gender – pitfalls and facts [Iniciativa občanů České republiky (2018). Istanbulská úmluva a gender – úskalí a fakta]. Příbram: Michal Jiříček, 36 p. (Czech).
25. Vilček P (2018). In: Youtube 17.5.2018. [online] [cit. 2020-10-11]. Available from: <https://www.youtube.com/watch?v=pGYr8dfHThc>. Kanál uživatele Steve Gonzales.

 **Contact:**

Miloš Velemínský, University of South Bohemia in České Budějovice, Faculty of Health and Social Sciences, Institute of Physiotherapy and Selected Medical Disciplines,
B. Němcové 585/54, 370 01 České Budějovice, Czech Republic
Email: veleminsky@zsf.jcu.cz