

The Professed Support of the Left

The first period, spanning the 1990s and leading up to 2005, was characterized by the gradual, cautious, and mainly superficial support of left-wing political parties for the efforts of LGBT organizations to regulate same-sex partnerships. At the same time, this period was also marked by relatively unstructured and fragmented opposition from right-wing, conservative parties. The Catholic Church occasionally joined the debate, but their arguments were mostly framed with biblical discourse, which [had little resonance](#) in Slovenia's increasingly secular society.

The first period sought to find an approximation to marriage. The debate on marriage equality was virtually non-existent, but there was agreement in principle and in public statements that this area should be regulated, at least in certain respects. Although some representatives of left-wing political parties actively campaigned for the adoption of marriage-equality legislation, the legislative process was blocked time and again, not least because left-wing political parties, which were the sponsors of such legislation, did not have enough support within their own ranks to pass it. Specifically, some individuals in left-wing parties, due to their moral and ethical values, refused to support the changes proposed by their own parties. Such opposition within left-wing political parties subsequently disappeared, indicating a growing social consensus on how these issues should be regulated. Moreover, right-wing parties gradually came to accept the need for some kind of legal regulation of same-sex partnerships, although they insisted on a clear symbolic and legal distinction between this and heterosexual marriage. Furthermore, adoption represented a fundamental “no-go” zone. Slovenian society continues to have the biggest problem with this issue, just as other European societies do ([Eurobarometer 2006](#), [Eurobarometer 2019](#)).

The Right Takes over the Issue

The second, shortest phase began with the victory of right-wing political parties in the snap election of 2004. Janez Janša, president of the right-wing [Slovenian Democratic Party](#) (SDS), became Prime Minister. His party had strongly opposed equal rights for homosexual and heterosexual couples. As this was already a major political issue at the time, and in the years to follow it would become a standard question from journalists in pre-election debates, the Janša government adopted the issue as “its own” and dealt with it within just a few months. In 2005, Slovenia became the first country in the world where legislation on same-sex partnerships was adopted at the national level by a right-wing political grouping. While the act was inadequate, discriminatory in some respects, and adopted without dialogue with the LGBT community, it struck a blow to left-wing political parties, which had failed to muster enough political will to regulate same-sex partnerships following their lengthy debates on the issue. The outcome of the decision made by the Janša government was threefold. First, when Slovenia became a member of the European Union, the Janša government strategically portrayed the adoption of this legislation as a sign of their tolerant, progressive, and inclusive policy. Second, domestically, it temporarily silenced the LGBT community, as the latter had finally been granted some rights. Third, the public was given the impression that the issue had been satisfactorily dealt with, while the Janša government satisfied its electoral base by establishing legal and symbolic distinctions between same-sex partnerships and heterosexual marriage. In effect, the law legalized the second-class status of homosexual citizens: it granted them limited rights (inheritance, hospital visits), while also establishing clear symbolic distinctions between marriage for heterosexual couples (who could marry on Saturdays in a solemn event) and the registration of same-sex unions (which was reduced to an administrative procedure at the municipality to be carried out during office hours on weekdays).

The third phase was the most wide-ranging, and it represented a significant change in the strategies of those groups opposed to the adoption of the legislation. In 2009, when the Ministry of Labor, Family, and Social Affairs proposed the new Family Code (which had not been comprehensively amended in more than 40 years since it was drafted in the former Yugoslavia), it included equal provision for same-sex couples. The tabling of the bill in Parliament in September 2009 was accompanied by the entry onto the scene of a new actor—the Movement for Families and Children—that would become the leading anti-gender actor in Slovenia in the years that followed. The movement initially strived to present itself as a group of concerned parents, but it soon became obvious that it was run by the Catholic Church as part of their [plan of re-evangelization](#). Accordingly, the movement functioned as a satellite of the Church. Another important development was the changed discourse of Church representatives in the debate on the new Family Code. Instead of biblical references, they began to cite the findings of sociological and psychological research, but they presented them in a distorted form. This laid the foundations for what we now call the anti-gender movement in Slovenia. Although in 2009 these actors were not yet referring to gender theory (in Slovenia the term “gender theory” is used rather than “gender ideology”), the argumentation frameworks had already been set up at that time; subsequently, their arguments were simply attached to the empty signifier of gender theory. These discourses then became part of the activities of right-wing political parties, especially Janša’s SDS, which had been radicalized and was moving rapidly toward populist practices.

The promoters of the new Family Code and the LGBT organizations that participated in the drafting of the legislation were thus confronted with an organized opposition that used new discourses and new ways of action, centering its arguments around the concept of human rights and a moral concern for “our children,” “our families,” and “our nation.” The Slovenian anti-gender movement features—mostly in a copy-paste manner—virtually all [the strategies used by anti-gender movements](#) around the world, including two legislative referendums in 2012 and 2015. In [2012](#), a law that would have put same-sex couples on an equal footing with heterosexual couples—the only differences being the name of the institution (marriage vs. civil partnership), a ban on adoption for same-sex couples, and a ban on assisted insemination for same-sex couples—was defeated in a referendum. In [2015](#), a law that had provided for full equality of same-sex and heterosexual couples was likewise repealed in a referendum forced by the anti-gender movement.

Both legislative acts were passed under left-wing governments at a time when left-wing political forces were strongly in favor of the proposed solutions, but time could not be turned back: the indecisiveness of the left at the beginning of the new millennium would allow the right and the neo-conservative opposition to determine the pace and topics of the debate for the next 20 years. Marriage equality advocates were often put on the defensive. However, it was this fact that ultimately led to a rapid reversal of the situation: in parliamentary proceedings the day after the second referendum in 2015, the left-wing coalition tabled a “compromise” version of the bill that was virtually identical to the one that had been repealed in the 2012 referendum. This time, the left—partly as a direct response to the hostile actions of the anti-gender movement and its political allies—passed the law. The anti-gender movement ran out of steam after the second referendum: while they prevented full equality of rights, their actions contributed to mobilizing an angry left, which kept losing legal battles but ultimately became determined to resolve the issue. In 2016, a law was passed that guaranteed equal rights to same-sex and heterosexual couples, except for the name of the institution, the possibility of joint adoption, and assisted insemination.

Strategic Litigation

The last phase in this long tale is strategic litigation. Two facts are interesting here: the last step was not taken by LGBT organizations, which had lost the left-wing political parties as an interlocutor after the adoption of the 2016 act (as the issue seemed to have been adequately regulated), but by individuals frustrated by the years-long ravages of the anti-gender movement in Slovenia. A constitutional challenge was lodged by two gay couples: one because they wanted to get married, the other because they wanted to adopt a child. The LGBT movement had avoided taking this step, knowing that it would put the entire struggle at risk. After all, it was by no means certain that the Constitutional Court would rule as it did—and had it ruled otherwise, it would have been an overwhelming victory for the anti-gender movement.

Enter the Anti-Gender Movement

Just like the phases of adopting legislation on same-sex partnerships and families, the anti-gender movement in Slovenia has also been changing.

In the early period—when the idea of “gender theory” as an empty signifier was applied in Slovenia mainly to denote an attack on traditional families and “our children”—the movement tried to create an image for itself as a civil society organization that represented the voice of reason. Its starting point was the observation that things had simply gone too far and that their intervention was therefore essential. Members of the movement positioned themselves as concerned and silenced citizens and/or parents fighting “corrupt elites.” The basic matrix of their populist action was absolutely clear.

The movement initially concealed its close ties to the Catholic Church. Instead, it portrayed itself as a group of concerned citizens, both religious and secular. However, this image began to disintegrate as its links to the Church became clearer. Not only was their official website hosted on the server of the Slovenian Catholic Church, but the organization within which the movement operated had been founded in 2009 by a theologian who would become the Secretary General of the Slovenian Bishops’ Conference. Thereafter, members of the movement began to discursively emphasize that their Catholic identity was under threat, associating this with the issue of human rights. Although they still tried to address broad masses of people regardless of religious affiliation, self-referential statements such as “We Catholics believe ...” began to appear in their public statements and press releases. But this was not their only line of communication with the public. They specifically tried to address protective modern parents by creating episodes of moral panic and encouraging them to protect their children, who were said to be subjected to brainwashing by activist groups in schools. They exploited the broken relationship between the authority of educators/schools and some parents, who increasingly try impose their particular values upon school curricula—all in the name of protecting children. While some of the movement’s activities provoked discomfort related to homosexuality, others fomented existing mistrust of social institutions, such as schools, which were alleged to be in the hands of corrupt elites. In this case, it was not homophobia that was being exploited, but the belief that things were crossing a line: homosexuality could be tolerated, their message went, but “we won’t be giving up our children.” This concern for children became even more pronounced during the Covid-19 pandemic: anti-vaccination movements partly overlapped with anti-gender movements (similar overlaps have been identified in Sweden by [Martinsson and Ericson](#)).

Children Are at Stake, but So Are Grandparents!

A distinctive feature of the Slovenian anti-gender strategy is its explicit reference to grandparents as a group at risk, which is a deliberate strategic move in an aging society such as Slovenia’s. It has activated strong emotional

responses, as grandparents relate to the issue of same-sex partnerships mainly through the question of adoption. The anti-gender movement has consistently claimed that if same-sex adoption is legalized, it is grandparents who will suffer the greatest harm: they will not be able to adopt their grandchildren in the event of the death of the children's parents; instead, the children will be forced into the hands of homosexuals. The explosive nature of this claim was clearly evident during a national radio call-in program: although a spokesperson for the Ministry of Labour, Family, Social Affairs and Equal Opportunities explained that the claims of the anti-gender movement were not true and clarified how adoptions were processed in Slovenia, the listeners nevertheless, one after the other, yelled emotionally into the phone that they were not giving up their children and asked what paperwork they had to fill out to prevent their children from being "taken by faggots" in the event of their death.

The claim that grandparents cannot adopt their grandchildren is technically correct, but the inference is completely misleading. Under Slovenian law, an adoptive parent receives the status of "biological relative" and all corresponding rights. Therefore, the law does not allow adoption within the close family, because it would break down family relations (for example, the grandmother would become the child's mother, the child's uncles and aunts would become their siblings, etc.). That said, whenever a child loses their parents, the best interests of the child are always considered first in the context of the child's family network. The child can be placed with grandparents or other relatives, who become the child's foster parents (rather than adoptive parents) with the same rights. However, this second part has been completely obfuscated in the movement's populist manipulation, which is in line with their discursive formula: facts are mixed with fabricated information, which is then bundled into simple claims that the movement repeats over and over again until they become "mobilizing truths." The mantra of grandparents as victims of same-sex adoption is the movement's most persistent claim, alongside the mantra that a child needs a father and a mother, and that even a good father cannot replace the mother (and vice versa). These soundbites are spread by the actors of this movement through the megaphone of social networks, their own media, and the reproduction of their discourse in the mainstream media. The image of the child and the homosexual triggers various phantasmatic scenarios of disgust, rejection, and anxiety, and this was the main mobilizing force during both referendums.

Transformations of the Anti-Gender Movement

The anti-gender movement in Slovenia has undergone a series of transformations. Initially called the Civil Initiative for Family and Children's Rights, the organization later changed its name to the more punchy and moral-panic-stoking "It's All about Children." Having gained considerable political capital by winning both referendums, in 2017 the movement founded the Voice for Children and Families party, of which Aleš Primc, the movement's most prominent figure, became president. [The party's program](#), which it summarized as "traditional values that keep the nation alive," was a mix of social policies (youth employment, fair pay, care for the elderly), themes related to the anti-gender movement (demographic winter, the heterosexual family, the unacceptability of abortion), and nationally specific themes, such as the functioning of the country's legal system, which they claimed was still a prisoner of communist political elites. They also advocated the reintroduction of military service for young men.

The party aspired to stand in an election for the first time in 2018. However, having drawn up electoral lists and formally entered the electoral process, they withdrew in all constituencies shortly before the general election. They made a mistake in two constituencies by including too few women on their lists (no gender can be represented on the list by less than 35 percent of the candidates), which led the Electoral Commission to reject their application. Although they could have run in the remaining constituencies, they decided to stand down and the party's president called on voters to vote for the SDS, Janez Janša's increasingly radical right-

wing party, with which Voice for Children and Families had collaborated closely during the referendums. Some political commentators interpreted the party's withdrawal from the election as a [premeditated scenario](#) that would strengthen the power of the largest right-wing party (the SDS) by harnessing the political capital of the anti-gender movement.

At that time, the anti-gender movement in Slovenia was already closely intertwined with established political parties. "Gender theory" became a mainstream political signifier for an important part of the ideological struggles for the cultural hegemony of the right. It became a recognizable signifier to trigger episodes of moral panic and to mobilize mostly conservative segments of society and those who would later organize themselves around anti-vaccination and similar ideas.

The radicalization of the anti-gender movement in Slovenia—especially during and after the second referendum—led to the unmasking of this movement as a mere servant not only of the Catholic Church, but also of the radical right and its key actor, Janša, who acts as a central point of conflict in Slovenian politics. Janša's ambitions are to create a political situation similar to that in Viktor Orbán's Hungary. Orbán is his great ally and friend, who, among other things, ensured that Hungarian investors invested money in Janša's party-political media. The [Orbánisation of Slovenia](#) had been already under way for several years when it intensified during the last Janša government (2020–2022), which used the Covid-19 pandemic as a pretext for increasingly authoritarian measures and laws. Although Janša has a solid core of voters, however, this base is too small for an Orbán-style takeover of the country. This was evident in the last general election, when the Slovenian electorate, which has traditionally leaned center-left, voted overwhelmingly in favor of the newly formed center-left party [Gibanje Svoboda](#) (The Freedom Movement), which had established itself as the counterbalance to "Janšism," the Slovenian version of Orbán's politics.

After 2018, the anti-gender Voice for Children and Families party was not involved in an election until 2022, when the [party's leader ran for Mayor of Ljubljana](#), the capital of Slovenia. He came third, receiving 6.95 percent of the vote.

With a Little Help from the Anti-Gender Movement...

So how has the anti-gender movement in Slovenia contributed to marriage equality? During the first period of attempts to regulate same-sex partnerships, the public generally stayed out of the debate. The key gatekeepers preventing the adoption of the legislation were politicians (including on the political left) and part of the legal profession, due to their insistence on heteronormative concepts of marriage. However, change in this area occurred relatively quickly: since the beginning of the new millennium, the legal, as well as the sociological and psychological, professions have—with few exceptions—been advocating marriage equality, including adoption. Left-wing political parties have also moved beyond internal divisions and, at least in principle, sought to bring about this change. The pressure of so-called European values—understood as progressive policies of equality to be adopted by post-socialist countries that have been lagging behind the seemingly unquestionable Western European values system—has certainly contributed to this.

In 2009, the anti-gender movement intervened in this situation by mobilizing the public against the changes. The movement, which initially tied itself to the established network of the Catholic Church, did not completely deny the necessity of legal regulation of same-sex partnerships. Instead, they presented themselves as "middle-of-the-road," a voice of the reasonable majority that does not deny rights to the minority, but insists on the legal and symbolic superiority of a family composed of a heterosexual couple with children on the grounds that this is allegedly in the best interests of the child, the state, and the nation. This argument, which is fundamentally based on biological reproduction, covers their entire ideological field—from the ancient Platonist argument of

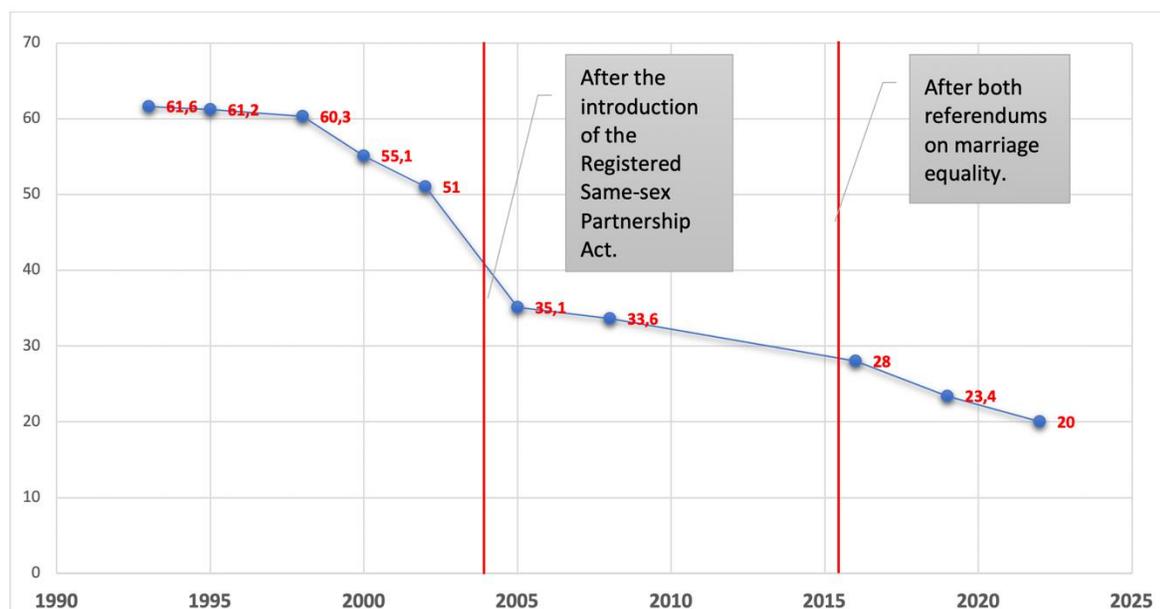
natural sexuality to the denial of modern technology-assisted reproductive processes, women's reproductive rights, and abortion. While their cloak of apparent tolerance was quickly discredited, the movement nevertheless established itself as an important actor in Slovenian society that is entitled to participate in drafting of family and related policies in the country. Today, its representatives are members of expert committees in ministries and are invited as stakeholders to discuss these issues.

The appearance of the anti-gender movement on the scene of political struggles related to sexual citizenship, in addition to democratic backsliding more generally, triggered important political opportunities for the LGBT movement and other progressive movements. Just as hate speech against the LGBT community and feminist groups has often led to a closing of ranks on the side of those who oppose reproductive rights and LGBT rights, this closing of ranks has resulted in a reaction on the other side. In other words, the anti-gender movement has created new opportunities for the LGBT community, and the LGBT community has made good use of them. Both referendums were a defeat in legal terms but a victory for the LGBT community in Slovenia in social terms. Ever since 1984, when the first gay organization in Slovenia, Magnus, was founded, the movement has sought public attention, but its activities have often been circumscribed. However, with the two referendum campaigns and the activities of the increasingly radical anti-gender movement, the public space has been opened up, giving a voice to many in the LGBT community and among its supporters who previously had none. Personal stories of parents with homosexual children, same-sex couples raising children, and of course LGBT activists (who were present before) could all finally be heard. At the level of representation, this has meant significant changes to the visibility of the LGBT community and its political demands. Simultaneously, and for the first time, this has led to the creation of broader networks of alliances, not only between LGBT organizations, but also with other NGOs that recognize the importance of a common struggle for human rights. The more repetitive the anti-gender movement's mantras about adoption and the "real family" became, the more space was created for a more expert debate on these issues. While academia did not participate in the loud populist rhetoric, the issue of sexual citizenship did gain a prominent place within the scientific community thanks to the activities of the anti-gender movement.

Change of Hearts and Minds

While there was a time when it seemed that the anti-gender movement was winning—populism garnered easily attainable votes from anxious individuals and the double victory in the referendums was a significant confidence boost for the movement—a referendum is not an opinion poll. During and after the referendum campaigns, important shifts in public attitudes occurred, which was another consequence of (and a response to) the anti-gender movement. At the time of the two referendums, as shown in the graph below, social distance from homosexuals in Slovenia began to decline significantly. Whereas in the 1990s more than half of Slovenian citizens did not want to have a homosexual as a neighbor, this figure now stands at 20 percent. The turning points in the reduction of social distance occurred in the period after the first act on registered partnerships was adopted and in the period after the debates on the two referendums (see [Takács, Szalma & Bartus \(2016\)](#) for similar trends in other European countries).

Social distance from homosexuals in Slovenia (“I don’t want a homosexual to be my neighbor”)



Slovenian public opinion poll (1992–2022), FDV-CJMMK

There have also been significant shifts in support for same-sex marriage and adoption. At the time of the referendums, same-sex marriage was supported by around 42 percent of respondents ([Ninamedia](#)); that figure is now 60 percent. Meanwhile, support for adoption has risen from 31 percent in 2006 ([Eurobarometer](#)) to 48 percent, according to this year’s [Slovenian Public Opinion poll](#).

Despite the fact that the anti-gender movement did everything it could to mobilize people against LGBT rights and was successful in the short term (laws that had been passed were rejected in subsequent legislative referendums), the long-term consequences have been positive: increased public support as a result of the anti-gender movement’s struggle has provided the LGBT community with a wide media and political space to discuss these issues. Thus, the anti-gender movement in Slovenia, while successfully gaining support for itself, has also created opportunities for the LGBT community, which the latter seems to have seized. Same-sex partnerships (and, to a lesser extent, same-sex families) have become mainstream.

The Constitutional Court’s Decisions

While the Constitutional Court’s [two decisions this summer](#) were a response to a petition by two same-sex couples, the reasoning of the decisions implicitly addresses the anti-gender movement and the way it operates. The Constitutional Court’s decision was to be implemented immediately, rather than after a change to the law, which the legislator was ordered to make within six months of the decision. There are Constitutional Court decisions in Slovenia that have not been implemented and there was a possibility that the anti-gender movement, in close cooperation with right-wing parties, would try to prevent the existing legislation from being amended in line with the Constitutional Court’s decision. The Court thus decided to take a different approach: it implemented its decision by stipulating that same-sex couples can, on the basis of the Constitutional Court’s decision alone, marry and apply for adoption immediately, even before the legislation is amended accordingly. The act has since been amended, but the anti-gender movement has started collecting signatures for another referendum. Legally, this referendum is not permissible, as decisions of the Constitutional Court cannot be challenged in referendums. Nevertheless, the anti-gender movement has reactivated itself to mobilize its

support, amplify its policies of fear, and reinforce the political frustrations of a certain segment of the society, which they will seek to exploit at the next available opportunity.

The Constitutional Court, in the elaboration of its decisions, as well as in the separate supporting opinions of some judges, clearly refers to the anti-gender movement as an unacceptable way of suppressing the human rights of a minority. Among other things, the Court writes that “discrimination cannot be justified by the traditional meaning of marriage as a union of husband and wife, nor can it be justified by the special protection of the family” and that the implementation of human rights cannot be conditional on the support of the majority of the population ([Constitutional Court Press Release](#)).

The President of the Constitutional Court, Dr. Matej Accetto, adds:

Our happiness cannot be founded on others’ misfortune, our security on others’ danger, our justice on others’ injustice. Accordingly, it is the responsibility of us all to relegate unjustified discrimination against homosexual individuals to the past of injustices that are now outdated and have been overcome ([Accetto’s affirmative dissenting opinion](#), 2022).

In her separate supporting opinion, Judge Dr. Katja Šugman Stubbs is even more explicit:

Some proponents of so-called traditional marriage and family believe that our decision will take something away from those who live in such unions and families, or that it will change their status. This is really hard to understand. They can marry and live in the way that suits them, without anyone telling them what is right and wrong in their family or sex life. If they believe it is only natural and right to marry a partner of the opposite sex, they can do so. If they believe that psychologically healthy children can only be raised in traditional families, then they should do so. Allowing same-sex couples to do the same makes them no less husbands and wives and no less mothers and fathers to their children. Let me repeat it: there is no convincing scientific evidence suggesting that children in same-sex families are worse off. Hence, I think that the battle for traditional families lies more in the domain of the personal beliefs and prejudices of the people who take their beliefs as facts, uncritically believe that only what they believe is right, and patronizingly think that they also know what is right for others. The mere fact that they live in a way that is more common does not give them the right to impose their beliefs on others. Nor can the law take into account that they may feel threatened, outraged or aggrieved just because there may be different marriages and different families from their own. They will simply have to face these feelings. [...] Let me conclude by paraphrasing the words of one of the Constitutional Court judges, which express best how I, as a human being, feel about these issues: who am I to deny to others the rights that I myself can enjoy? ([Šugman Stubbs’ affirmative dissenting opinion](#), 2022).

Conclusion

The claim that the anti-gender movement has contributed to equal rights may seem a little far-fetched. However, both opinion polls and the Constitutional Court’s decisions show that one of the reasons that Slovenia became the first country in post-socialist Europe to adopt marriage-equality legislation is the radical activities of the anti-gender movement. Without this movement, legislation would have been adopted much earlier, but in all likelihood in a truncated form, as no bill that had been proposed up to 2015 fully addressed the issue of same-sex partnerships and adoption. After the adoption of the “compromise act” in 2016, it would have been difficult for the LGBT movement to revive interest in the issues among political parties, as the prevailing view would

have been that they were already well regulated. After all, this perception has emerged in recent years, whereupon the issue disappeared from the agenda of the LGBT movement in Slovenia—partly because the anti-gender movement launched a new offensive, this time against the transgender community. The frustration of the same-sex couples who eventually filed the constitutional complaint was a direct response to the anti-gender movement. However, as one of the couples who lodged the constitutional challenge pointed out, it is not appropriate to interpret the Constitutional Court’s decisions as a “victory;” rather, they should be seen as a “success:”

“A victory would go to the detriment of the other,” they explained, “but [success is for the benefit of everyone](#), of society as a whole. So let’s remain alert to the various injustices in society, especially those that happen to those who are different from us. And let’s not allow anyone to ever pit us against each other on the pretext that more rights for others means fewer rights for us.”

The anti-gender movement in Slovenia has thoroughly shaken up the issues and policies related to sexual citizenship. It has established itself as a stakeholder and, drawing on the know-how and the mobilization of the conservative part of the Slovenian public, achieved visible victories by employing the recognizable strategies of anti-gender movements across Europe, including collecting signatures to trigger referendums. However, in the long run, its activities have also led to the reactivation of the progressive part of civil society in Slovenia. It has forced the LGBT community to think strategically about its actions and to build coalitions with other civil society actors. The greatest impact of the anti-gender movement seems to have been on ordinary people who had not previously been politically active. For a long time, the LGBT community struggled to become more visible and to overcome media representations that primarily portrayed the community through the images of a few activists, but it was not until the referendum campaigns that more individuals with their own stories entered the public sphere. Furthermore, the LGBT community has been supported by prominent individuals from all walks of life, which has also had a positive impact on the public’s attitudes toward the LGBT community. Indeed, the final step in this long story was taken by two same-sex couples who had never been active within the LGBT community. Their action was prompted by the anti-gender movement, which, at least indirectly—and in complete contradiction to its goals—contributed to Slovenia becoming, in the summer of 2022, the first post-socialist country to introduce marriage equality.