A Revolution of Dignity? LGBT Rights Before and After Euromaidan

A Qualitative Study of LGBT Rights in Ukraine

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Summary

This thesis seeks to examine legal and public perceptions of LGBT rights in Ukraine. Ukraine was the first post-soviet country to decriminalise homosexuality, but during Ukraine's 25 years of independence, the development of expanding LGBT rights has moved rather slowly. In 2008, however, Ukraine increased its cooperation with the EU through the signing of the Visa Liberalisation Action Plan (VLAP) and in 2014, after the Euromaidan revolution and the Russian annexation of the Ukrainian peninsula Crimea, the president of Ukraine signed the Association Agreement. Both agreements include certain anti-discriminatory measures which Ukraine is recommended or even obliged to implement.

Using a qualitative interpretative approach this thesis examines how LGBT activists and parliamentarians perceive the cooperation with the EU and Ukraine's LGBT legislation. The data from in-depth interviews is analysed and presented using a thematic analysis. These themes concern how the LGBT activists participating in this research engage in advocacy work and whether they see the effects of Ukraine's cooperation with the EU and the Euromaidan as challenges or opportunities.

Moreover, the thematic analysis includes an assessment of the Ukrainian parliament on implementing LGBT legislation. Ukrainian politicians are reluctant to address LGBT issues in public, and according to the respondents participating in this research, the sole motivation for adopting anti-discriminatory legislation to Ukraine's Labour Code in 2015, prohibiting discrimination on the grounds of sexual orientation and gender identity, was for Ukrainian citizens to be granted visa freedom to the Schengen countries. Here I ask what seem to be the greatest challenges in regard to addressing LGBT issues, in addition to examining the arguments in use for not implementing more LGBT rights. As a historical backdrop the thesis also includes a portrayal of the treatment of and argumentation in use for criminalising homosexuality during the Soviet Union. I also seek to explore whether this argumentation is still valid in Ukraine's current discussions on implementing LGBT rights.

Finally, nationalism in Ukraine and its possible threat against LGBT people and implementation of LGBT rights will be included in the thematic analysis.

Preface

I want to thank my supervisor Geir Flikke, at the Institute of Literature, Area Studies and European Languages, University of Oslo, for guidance and constructive comments during the writing process of this thesis. I also want to thank the National University of "Kyiv Mohyla Academy" for enrolling me as a research student and to my supervisor there, Tamara Martseniuk, at the Department of Sociology, for introducing and guiding me through the fieldwork of this research, as well as giving me constructive comments and literature recommendations along the way. Also, thanks to family and friends who have read drafts and supported me in this process. Last but not least, I want to thank all those who agreed to participate in this research, for that I truly am grateful.

Abbreviations

AUCCRO	All-Ukrainian Council of Churches and Religious Organizations
EHCR	The European Court of Human Rights
EU	European Union
KIIS	Kyiv International Institute of Sociology
LGBT	Lesbian, Gay, Bisexual and Transgender
MSM	Men who have Sex with Men
NAP	National Action Plan
NGO	Non-governmental Organisation
NHRS	The National Human Rights Strategy
NSD	The Norwegian Centre for Research Data
SOGI	Sexual Orientation and Gender Identity
UNHCR	The UN Refugee Agency
VLAP	Visa Liberalisation Action Plan

Transliteration

Romanisation system from Ukrainian

When transliterating from Ukrainian I have chosen to use the Cabinet of Ministers of Ukraine's resolution of January 27, 2010 No 55 "On Regulation of Transliteration of the Ukrainian Alphabet by means of the Latin Alphabet" (Kabinet Ministriv Ukraini, 2010).

Ukrainian Alphabet	Latin Alphabet
Аа	a
Бб	b
Вв	v
Гг	h
Ґг	g
Дд	d
Ее	e
Єє	e (initial position), ie (in other positions)
Жж	zh
Зз	z
Ии	y
Іі	i
Її	yi (initial position), i (in other positions)
Йй	y (initial position), i (in other positions)
Кк	k
Лл	l
Мм	m
Нн	n
Оо	o
Пп	p
Рр	r
Сс	s
Тт	t
Уу	u
Фф	f

Хх	kh
Цц	ts
Чч	ch
Шш	sh
Щщ	shch
Юю	yu (initial position), iu (in other positions)
Яя	ya (initial position), ia (in other positions)

Soft sign and apostrophe are not transliterated from the Ukrainian alphabet to the Latin alphabet.

Romanisation system from Russian

When transliterating from Russian I have chosen to use the BGN/PCGN 1947 Romanisation system for Russian (U.S. Board on Geographic Names Foreign Names Committee Staff, 1994, pp. 93-92).

Russian Alphabet	Latin Alphabet
Аа	a
Бб	b
Вв	v
Гг	g
Дд	d
Ее	ye (initial position, after the vowels a, e, ё, и, о, у, ы, э, ю, я and after й,ъ, and ь.) e (in other positions
Ёё	yё (when the dieresis is shown: initial position, after the vowels a, e, ё, и, о, у, ы, э, ю, я and after й,ъ, and ь.), ё (in other positions). When dieresis is not shown, the character may still be romanised in the preceding manner, or alternatively, in accordance with romanisation of Ee above).
Жж	zh
Зз	z
Ии	i

Йй	y
Кк	k
Лл	l
Мм	m
Нн	n
Оо	o
Пп	p
Рр	r
Сс	s
Тт	t
Уу	u
Фф	f
Хх	kh
Цц	ts
Чч	ch
Шш	sh
Щщ	shch
Ъъ	”
Ыы	y
Ьь	'
Ээ	e
Юю	yu
Яя	ya

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1 Introduction

1.1 Research topic: Public and Legal Perceptions of LGBT Rights in Ukraine

Ukraine has been through a wide range of transitions in a short period of time compared to other East European countries. These transitions have put society to a severe test, the latest test during the winter of 2013 and 2014 when hundreds of thousands Ukrainians gathered at the *Maidan Nezalezhnosti* (the Independent Square), in the centre of Kyiv to demonstrate against the ruling president Yanukovych who despite promises to the EU and the people of Ukraine refused to sign the Association Agreement with the EU in November 2013.

The protests on Euromaidan attracted people from all layers of society (Kvit, 2014), thus the president's decision not to sign the agreement had obviously been a disappointment for many. This thesis does not aim do describe Ukraine's transitions nor the total spectrum of reasons for discontent towards their president and top officials. It aims to analyse the public and legal perception of one of Ukraine's most marginalised groups, the Ukrainian lesbian, gay, bisexual and transgender (LGBT) community. Activists from the LGBT community were also present during the protests but without LGBT symbols, as they were not protesting specifically for LGBT rights, but as citizens of Ukraine fighting for a better life with higher European standards for themselves, their relatives and friends (Gay Alliance Ukraine, 2013, 2014; Kamoflyazh, 2014).

With the signing of the Association Agreement by the current president of Ukraine, Petro Poroshenko, on the 27th of June 2014 (Delegation to the European Union to Ukraine, 2016, p. 9), and fulfilling the obligations in the Visa Liberalisation Action Plan with the EU, Ukraine is obliged to introduce a more non-discriminatory LGBT legislation to the current legislation. If implemented successfully this would have been a significant step for the development of LGBT rights in Ukraine, which since the country's independence has moved rather slow, despite the fact that Ukraine was the first country to decriminalise homosexuality out of the post-soviet countries. The cooperation between Ukraine and the EU embodied within these two agreements would also send off a clear signal to Russia stating that Ukraine no longer would be interested in following Russian legislative guidelines or recommendations. Ukraine's choice of Europe became even clearer after the Russian annexation of Crimea, an act that was and still is, perceived as a violation of Ukraine's

sovereignty and international law by Ukraine and members of the international community, like the EU and which has led the EU and Ukraine to impose restrictive measures against Russia (Shuklinov, 2015).

One could, however, even with this history of geopolitical importance as a backdrop, suggest that the proximity of the West, its relative attraction, and also, the European choice of Ukraine, would have an effect on the perception of LGBT rights, and other social issues. On the other hand, however, Ukrainian nationalism and Russian restrictive measures towards LGBT rights might overpower western influences, which could lead to the implementation of, or urge to develop LGBT rights to fall between two stools.

An important event is the above-mentioned revolution that took place the winter of 2013-2014. This revolution has been called by many names; The Revolution of Dignity, Euromaidan, or simply Maidan. I will hereafter use the term Euromaidan, or the Revolution of Dignity when referring to this revolution. Whenever Ukraine's integration into Europe or the word Eurointegration is mentioned in this thesis, it will first and foremost mean Ukraine's cooperation with the EU and also conditions on the freedom of movement based on the signing of the Association Agreement and the Visa Liberalisation Action Plan (VLAP).

What effect does the Eurointegration have on LGBT issues in Ukraine? Through the perception of LGBT activists, has the cooperation between the EU and Ukraine led to opportunities or challenges for the LGBT community? Hence, in this thesis, I will forward the following research questions:

- How has Ukraine's integration towards Europe and EU, mainly through the Association Agreement and the Visa Liberalisation Agreement, influenced Ukrainian legislation on LGBT rights?
- Has the situation after Euromaidan opened up for new possibilities as to how LGBT organisations do advocacy work?
- How do LGBT activists perceive the current situation for LGBT rights and what do they perceive as the biggest challenges for implementing LGBT rights?
- How are politicians addressing LGBT issues, and how is the parliament handling LGBT legislation? Are they ambivalent?
- What characterises the current radicalisation, level of hate crime and tolerance, and ultra-right movements' attitude towards LGBT people? Do members of parliament

and LGBT activists perceive these aforementioned phenomena as a threat? If yes, to what extent?

- Does Russian argumentation for not implementing LGBT rights resemble the Ukrainian argumentation? Is Soviet argumentation for not implementing LGBT rights still in use in Ukraine?

In this regard, my hypothesis is that the LGBT activists perceive the EU as a normative power based on Manners' understanding of the EU through procedural and transference diffusion. That is, an institutionalisation of a relationship between the EU and a third party (procedural), and an exchange of goods or assistance with the third party as a result of the exportation of community norms and standards (transference) (Manners, 2002, pp. 244-245). The procedural and transference diffusion of norms is in this regard assessed through the two aforementioned agreements between the EU and Ukraine, promoting, among other things, the implementation of anti-discriminatory measures.

1.2 Theory

1.2.1 Previous Research

Heteronormativity

To achieve a greater understanding of the situation for LGBT people in Ukraine it is necessary to look into how the situation was during the Soviet Union as Ukraine's legacies and ideologies have remained strongly shaped by its past as a Soviet socialist republic. Scholars have also claimed that because of the influence from the Soviet Union it has been difficult to create a national Ukrainian identity after the establishment of its independence, and that this also shapes Ukraine's current approach to addressing gender equality – despite Ukraine's many transitions (Hankivsky & Salnykova, 2012, pp. 8-9).

Richard Sakwa (1999) argues that post-communist studies take place in the shadow of the communist experiment, attempting, among other things, to understand its philosophical roots and social transformations (Sakwa, 1999, p. 709). In this thesis, the issue of LGBT rights in Ukraine is arguably a phenomenon highly influenced by the Soviet regime, largely due to the criminalisation of homosexuality that lasted until after the Soviet Union dissolved. Therefore, I have found it important to include a historical chapter, examining the key arguments for criminalising homosexuality after the communist revolution, and the treatment

of LGBT people until Ukraine became independent, and then, in the analysis, see whether these arguments are used in the current discussion on the implementation of LGBT rights.

LGBT activists in Ukraine have, since the country received its independence, found themselves in a difficult position for advocating LGBT rights, and the LGBT community has become one of Ukraine's most marginalised groups. As the first LGBT NGOs emerged in the end of the 1990s, studies have shown that negative attitudes towards homosexuality among the Ukrainian population are high. In a survey, conducted in 2013 by The Centre of Social Expertizes of the Institute of Sociology of National Ukrainian Academy of sciences, 59% of Ukrainians thought homosexuality was socially unacceptable (Pryvalov, Trofymenko, Rokitska, & Kasianchuk, 2013, p. 14).

Another survey was conducted by the LGBT NGO Nash Mir (Nash Mir Center, 2007) in 2002 and 2007 including 1200 respondents from all over Ukraine. Similar surveys including the same questions were also conducted in 2011 and 2016 by the same organisation and show that the negative attitudes toward homosexuality have increased also after Euromaidan (Nash Mir Center, 2016a):

Table 1.

"Do you think that homosexual residents of Ukraine should be entitled to the same rights that other citizens of our country have?"

	2002	*2007*	*2011*	*2016*
Yes, all should have equal rights	43%	34%	36%	33,4%
No, there should be some restrictions	34%	47%	49%	45,2%
Difficult to answer	24%	19%	15%	21,3%

(Nash Mir Center, 2007, p. 67) (Nash Mir Center, 2016a, p. 46)

Table 2.

"Do you think that homosexual couples should have the right to register their relationship like ordinary married couples do?"

	2002	*2007*	*2011*	*2016*
Yes, they should have this right	19%	16%	19%	4,8%
No, they should not be granted this right	54%	63%	64%	69%
Difficult to answer	27%	21%	17%	26,5%

(Nash Mir Center, 2007, p. 67) (Nash Mir Center, 2016a, p. 46)

What has been found in previous research regarding the situation for LGBT people in Ukraine? Tamara Martseniuk has done extensive research on LGBT and gender issues in Ukraine, and in her articles "The state of the LGBT Community and Homophobia in Ukraine" (Martseniuk, 2012a) and "Ukrainian Societal Attitudes towards the Lesbian, Gay, Bisexual, and Transgender Communities" (Martseniuk, 2012b) she aims to identify what has caused this rise of negative attitudes against homosexuality by using an sociological approach. The primary data in these articles consist of the results from public opinion surveys, including the results from the 2002 and 2007 survey above, reports on hate-speech conducted and published by LGBT NGOs, observations of LGBT NGOs, their activities and development in post-soviet Ukraine.

Martseniuk (2012a, 2012b) identifies the increase of LGBT activism and visibility in public as one of the factors that has stimulated negative attitudes among the Ukrainian population. The first organisations to focus on LGBT rights were registered in the late 1990s. Before this, including the Soviet period, there were no organisations working for the protection of LGBT people or advocating for LGBT rights. The development of these organisations will be discussed in chapter 5.

The second factor Martseniuk (2012a, 2012b) identifies is the negative portrayal of LGBT issues in the media and by politicians. She argues that intolerance towards LGBT people are standard in Ukraine and that politicians have upheld this intolerance by discriminating and using hate speech when publicly addressing LGBT issues and that has made an influence on the public's perception of LGBT people (Martseniuk, 2012b, pp. 404-405). Martseniuk (Martseniuk, 2016, p. 404) explains this intolerance with the term heteronormativity, arguing that heteronormativity is standard, not only for Ukrainian politicians, but for the Ukrainian society. What does this term imply?

Heteronormativity originates from queer theory (Teteriuk, 2015, p. 3) and is understood in Martseniuk's research as a social norm where everything that is not heterosexuality is discriminated (Martseniuk, 2012b, p. 405). Heterosexuality is the norm and is therefore also taken for granted, whereas other sexual experiences are perceived as abnormal. This distinction and discrimination against everything that is not heterosexuality creates a binary between heterosexuality and other not-heterosexual orientations.

In a heteronormative society, according to Martseniuk (2012b), people who are not heterosexual, are perceived as abnormal - even deviant. In such a political climate it is hard for LGBT activists to fight for the implementation of LGBT rights, and further receive any

attention or support from decision makers. From the activists' perspective, the implementation of such rights is indispensable for LGBT people living in Ukraine, and thus, since the country received its independence LGBT, activists have tried to convince the state authorities and the majority of the population that "along with race, national and religious affiliation, gender and other characteristics, sexual orientation, gender identity are inherent elements of everyone's dignity, and thus should not be a ground for discrimination or violation of rights" (Martseniuk, 2012b, p. 385).

Studies on heteronormativity are based on the presumption that heteronormativity leads members of society to perceive themselves and others in particular ways (Habarth, 2008; Kitzinger, 2005; Teteriuk, 2015). According to Habarth (2008), heteronormativity exists among all layers of society and is maintained in social institutions such as marriage as well as by everyday actions taken by individuals (Habarth, 2008, p. 2). Through these social institutions heterosexuality is reproduced as the norm and those who fit into the prescribed assumptions of heterosexuality are given certain privileges. Simultaneously this norm creates categories of acceptable and unacceptable people (Habarth, 2008, p. 3).

Kitzinger (2005), describes heteronormativity as "the myriad ways in which heterosexuality is produced as a natural, unproblematic, taken-for-granted phenomenon" (Kitzinger, 2005, p. 478). What is taken for granted is that there are only two sexes and that people of different sexes are attracted to each other. Therefore, according to Kitzinger (2005), heteronormativity does not necessarily intend to discriminate against LGBT people; rather, such beliefs and attitudes are conceptualised in homophobia.

Interestingly, Ukraine was the first post-soviet country to decriminalise non-violent sex between men in 1991 Ukrainian politicians and state officials have been reluctant to implement legislation that protects LGBT people. Instead, politicians representing every political ideology in Ukraine have publicly expressed intolerance towards LGBT people (Martseniuk, 2012b, p. 396), and as such defend a heteronormative culture in Ukraine.

Maria Teteriuk in her 2015 discourse analysis "Gay Rights and Europeanisation Processes in Eastern Europe: the case of Bill 2342 "On Amendment to Some Legislative Acts of Ukraine Concerning the Prevention and Combating of Discrimination in Ukraine" argues that Ukrainian politicians play a dominant role in sustaining heteronormativity. As an empowered class they sustain heterosexual privileges through homonegative articulations of sexual norms and their access to media platforms allows them to dominate public discourse (Teteriuk, 2015, p. 3). The empirical data in this research consisted of statements produced by the government (the President, Prime-Minister, Ministry of Justice, Ministry of Foreign

Affairs), the main parliamentary parties which won the election in 2012, the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Ukrainian Orthodox Church of the Moscow Patriarchate, the Ukrainian Greek Catholic Church, religious NGOs, LGBT NGOs and anti-gay NGOs, collected between February 2013 when the bill was introduced and November same year (Teteriuk, 2015, pp. 9-10). The opponents of the bill consisted of all the churches, the anti-gay NGOs and the majority of the parties in parliament. After it became evident that the president declined to sign the Association Agreement in Vilnius in November 2013, the Azarov government also became opponents of the bill (Teteriuk, 2015, p. 20), thus according to Teteriuk's research the geopolitical confrontation between Russia and Europe is an important factor for sexual politics in Ukraine as the government supported the bill only while the president intended to increase cooperation with the EU. During the discussions concerning the implementation of bill 2342, despite the fact that it never reached the parliament's agenda, the bill's opponents constructed Ukrainian national identity as exclusively heterosexual and the "procreative marriage was represented as the only normative form of social/sexual partnership within the Ukrainian nation" (Teteriuk, 2015, p. 17), whereas homosexual relationships were explicitly condemned.

Other recent research on sexuality and politics in Ukraine also show that Ukrainian politicians have tended to adopt conservative moralising remarks from anti-LGBT NGOs, religious NGOs, churches and nationalistic groups which oppose the implementation of LGBT rights and that this has led to a radical right rhetoric on the state level (Chermalykh, 2012, pp. 56-57). These aforementioned groups hold a common position on protecting "traditional family values" and "traditional family roles" in society, while simultaneously opposing rights that protect LGBT people (Chermalykh, 2012, p. 56). According to LGBT activist Andrii Kravchuk (2014), almost all leading Ukrainian politicians "exploit the conservative theme of "traditional values" which certainly in one form or another includes intractable homophobia[1]" (Kravchuk, 2014).

Other discursive studies of public debates on sexual orientation and gender identity in post-communistic countries, like, Romania (Stan & Turcescu, 2005) and Poland (Keinz, 2011) also suggest that traditional values and the favourable position of the Orthodox and the Catholic Church has been an obstacle for advocating for and implementing LGBT rights. In these countries, as in Ukraine, political actors have been part of the discursive battle over what Teteriuk calls "the heteronormative status quo in Eastern Europe" (Teteriuk, 2015, p. 3).

[1] In this research when I refer to homophobia I use Martseniuk's definition of homophobia "as an irrational fear of, aversion to, or discrimination against homosexuality or homosexuals" (Martseniuk, 2012a, p. 61).

These political actors include, among others, politicians, various churches and LGBT NGOs, which have played an important part in trying to stop the government from implementing LGBT rights by manifesting "traditional" gender roles, values and moral.

A state could become less heteronormative by, for example, providing legislation that protects LGBT people which recognises the fact that same-sex couples exist, and as such, provide some form of legal same-sex union/partnership or marriage legislation. A state could also become more heteronormative by removing or restricting the rights of LGBT people and only acknowledging heterosexual social/sexual relationships. As mentioned above, heteronormativity promotes heterosexuality as the only normal and accepted sexuality. Therefore, if a state begins to promote and acknowledge homosexuality, transgender identity and bisexuality as normal sexuality of equal status with heterosexuality, this state has become less heteronormative.

In the current study I will use the term heteronormativity when examining how political leaders and MPs have and are addressing LGBT rights and issues. This includes public statements taken from political discussions on the implementation of LGBT rights and statements from MPs that have participated in this research as I want to examine how politicians and the Ukrainian parliament have handled LGBT rights after Euromaidan.

The LGBT community on Euromaidan

In the wake of the Euromaidan protests which ended in February 2014, Tamara Martseniuk conducted a study of LGBT activists' perception of the protests and what events they considered to be of significance for the LGBT community. The primary sources in this study consisted of 20 LGBT activists that participated in the Euromaidan demonstrations who answered open ended questions sent to them by email using the snowball method (Martseniuk, 2016, p. 52).

During Euromaidan the LGBT activists chose not to be visible and attended the protests as citizens of Ukraine rather than as representatives of the LGBT community. In this case Ukraine as nation and state were prioritised over LGBT interests. This choice Martseniuk (2016) calls the strategy of invisibility (Martseniuk, 2016, p. 62). Another cause for following this strategy was the potential threat of violence by right-wing groups that also participated in the protests. The threat of violence is therefore also one of the causes of the invisibility strategy (Martseniuk, 2016, p. 62). Martseniuk (2016) also argues that the Euromaidan involved "a revival of the discourse of traditional gender roles where normative masculinity reproduces anger and domination" (Martseniuk, 2016, p. 59) and that this

challenged alternative masculinities like homosexual masculinities and femininity. “In this case, to legitimize the protest space, normalisation mechanisms were used that appealed to so-called “traditional values” based on gender roles” (Martseniuk, 2016, p. 59).

Adriana Helbig (2014) argues in her 2014 article “The Struggle for LGBT Rights in Post-Euromaidan Ukraine” that heteronormativity existed on the Euromaidan and she shares Martseniuk’s conclusion on the LGBT community’s choice to be invisible out of fear of discrimination and violence. Nevertheless, she also states that the Euromaidan did have a significant effect in how people related to one another “bringing together gays and non-gays in the fight against corruption and political oppression” (Helbig, 2014, p. 78). This relation also includes an ironic element according to Helbig (2014), as LGBT activists protested alongside right-wing groups from whom LGBT people had previously suffered discrimination and violence (Helbig, 2014, p. 79).

Martseniuk’s (2016) study revealed that the geopolitical factor was of extreme importance for the LGBT activists and their perception of the future situation for LGBT in Ukraine. LGBT activists, despite the fact that they chose to be invisible during the protests and that they were not able to promote their political interests there, supported the Eurointegration of Ukraine as they were pointedly aware of the situation in Russia, where laws restricting LGBT rights are a part of the legislation (Martseniuk, 2016, p. 65). This support was rooted in the potential of Euromaidan, together with the support of the results from Ukraine’s Eurointegration (Martseniuk, 2016, p. 71). Pro-Russian and Anti-European political movements tried to organise provocations on the Euromaidan by disguising themselves as members of the LGBT community, aiming to stir up homophobic sentiment in Ukrainian nationalist groups that participated in the revolution. These provocations did enjoy limited success, and where common during the revolution and created a hostile atmosphere (Martseniuk, 2016, p. 64).

The study also revealed that despite the activists’ choice to remain invisible during the revolution, many of the activists that participated in the study emphasised more visibility and participation in public protests and demonstrations is important for the future of the LGBT community (Martseniuk, 2016, p. 69). This came in addition to holding educational trainings in the field of human rights and publishing more research on LGBT issues.

Interestingly, Martseniuk’s study also found that the LGBT activists lack political leaders and political parties that can promote their interests and support the inclusion of sexual orientation and gender identity issues in Ukrainian legislation (Martseniuk, 2016, p. 71). Three years after the Euromaidan took place and two years after Martseniuk conducted

her study on LGBT activists' perception of the Euromdain revolution there have been no further studies of how the LGBT movement has perceived the political and legal fallout of Ukraine's Eurointegration. The current research does not include visions of how the activists perceived the happenings on the Euromaidan, although it does raise the question of how the Eurointegration is perceived by LGBT activists and NGOs and whether it has changed or introduced new ways for the movement to advocate for their rights.

1.3 Thesis Outline

In the introduction I have laid out the research topic and research questions that I want to answer in this thesis and I have provided the reader of previous research and terms that I will be using in the analysis. The empirical base for this study consists of interviews with LGBT activists and members of parliament (MPs) from the parliament of Ukraine, the Verkhovna Rada. A methodology section describing the approach I have chosen for this study is presented in chapter 2, where I will also discuss whether the choice of approach is fitted for this study and why.

In chapter 3, "The Soviet Era – LGBT Taboos and Ideology 1917-1990", I will shed light on family politics in the Soviet Union and discriminatory legislation in regards to LGBT rights.

In chapter 4 "Independent Ukraine – European Aspirations 1991-2012" I examine adopted LGBT legislation and international conventions that Ukraine has ratified. First and foremost, this includes legislation that has been obligatory for Ukraine to implement through the Association Agreement and the VLAP. In this chapter I will also discuss whether LGBT rights in Ukraine have been perceived as a legal problem or a value problem by analysing, among other things, statements from Ukrainian politicians.

Chapter 5, "LGBT rights in Contemporary Ukraine: An Inside View", will work as one of the main chapters in this thesis consisting of analysed material from interviews with LGBT activists and MPs. Here I will look at several aspects influencing the situation for LGBT people in contemporary Ukraine. Among them are how the activists and organisations supporting LGBT work in order to implement LGBT rights and whether their methods have changed in any way since the Euromaidan revolution.

In this chapter I will also seek to find out which divisions in Ukrainian politics are supportive of LGBT rights and which are not. I will also look at the treatment of law projects concerning LGBT rights in the Verkhovna Rada. This chapter also discuss what the LGBT

community experiences as the main problems for LGBT in Ukraine today. This will be based first and foremost on the material from interviews with LGBT activists. By presenting what the community itself regard as the biggest challenges one would get a good insight in what characterises the situation for LGBT rights today and what might be done in the future to improve it.

As mentioned earlier in this section, this thesis also seeks to explore which arguments are used against implementing LGBT rights. In chapter 6, "A return of the "Soviet" propaganda? (2013 – 2016)", I want to explore which arguments are used today and whether this can be compared to the argumentation that was used during the Soviet Union. Chapter 6 will also include a section concerning Ukrainian nationalism and homophobia. Here I have found it useful to examine arguments for not implementing LGBT rights in Russia and the Russian argumentation line towards Ukraine in regards to Ukraine's cooperation with the EU. The data collected through interviews with activists and MPs will also be used here to examine whether and to what extent these groups conceives Ukrainian nationalist groups and parties as a threat toward implementing LGBT rights in Ukraine and LGBT visibility in public.

In the final chapter, chapter 7, I will present the conclusion and findings of this study.

2 Methodology: Qualitative Interviews/ Limitations and Promises

2.1 Research Rationale

Since this topic, and LGBT rights in Ukraine in general, have been given little attention in literature and academia, a lot of material has been produced by the LGBT community itself I thought it best for my research to interview and collect data from LGBT activists that preferably would come from a variety of LGBT NGOs. As King and Horrocks (2010) claim, qualitative approaches are generally, but not always founded on interpretive analysis. Interpretative as a term can be quite broad, but interpretative research is generally ideographic, which, according to King and Horrocks (2010), literally means "describing aspects of the social world by offering a detailed account of special settings, processes and relationships" (King & Horrocks, 2010, p. 11).

When outlining a research proposal, it is good practice to develop a clear rationale for the research, where the researcher has to make connections between the research, overall strategy and how the collecting and analysing of data will be achieved (King & Horrocks, 2010, p. 15). An interpretive approach focuses on understanding how individuals experience social phenomenon and what it means for them (King & Horrocks, 2010, p. 16), which is also the rationale that suits my research questions best.

Furthermore, using in-depth interviews, the research questions should focus on meaning and experience, rather than causal relationships and generalised patterns (King & Horrocks, 2010, p. 26), thus the research questions may focus on the perceptions of causality from the perspective of the participants. This is also the goal of this research, as I seek to examine how the LGBT activists and MPs perceive the causes of Ukraine's cooperation with the EU in regards to challenges and opportunities for the LGBT community. It might be argued that the numbers of external variables presented in this research are too many. Nevertheless, the aim of this research is to explore how people differ in relation to a particular phenomenon, that is the LGBT situation in Ukraine, and what they have in common, and last but not least how the community itself experiences hopes, dreams, disappointment in connection with the Eurointegration. To explore this social phenomenon, I have chosen a broad and holistic approach. Emphasis is put on what the informants

participating in this research find most important, what they have in common and what differs in their opinion about the current situation for LGBT people in Ukraine.

2.2 Interpretative Thematic Analysis

Furthermore, in order to align an interpretive approach as research rationale, I have chosen to use a thematic analysis of the data. A thematic analysis identifies and reports patterns within data (Braun & Clarke, 2006, p. 6), and according to Braun and Clarke (2006) "a theme captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set" (Braun & Clarke, 2006, p. 10). These themes should be organised in a way that reflects how they relate to each other (King & Horrocks, 2010, p. 150).

According to King and Horrocks (2010), a thematic analysis has three stages. The first includes descriptive coding of the data, where transcripts that might indicate the participant's views, experiences and perception to the topic of research are highlighted (King & Horrocks, 2010, p. 153). In stage two, the researcher focuses more on the researcher's own interpretation of the transcripts and defining codes (King & Horrocks, 2010, pp. 154-156). In stage three, the researcher identifies a number of themes that characterises the key concepts in the analysis (King & Horrocks, 2010, pp. 154-156). I used these stages as a guide in my own research. When organising my data, I first read the transcripts, highlighted and commented on interesting passages that indicated the interviewees' views and perception of the research questions.

Moreover, I would read my own comments to the passages which had been highlighted and file these under fitting codenames. The key concepts in this analysis were made up by the codes that were made in stage two. That is, the codes were compared and connected, and filed under a wider theme. These themes are: Political Communication (5.1.1), Political Limitations (5.2.1), European Legislation and Expectation (5.2.2), Church Communities (5.2.3), Europe and European Values (5.2.4), Internal Conflict (5.2.5) in chapter 5: LGBT rights in Contemporary Ukraine: An inside view. In chapter 6, the themes are Russian Restrictive LGBT Legislation and the "Value Dimension" (6.1), Internal Ukrainian Nationalism and LGBT rights (6.2) and LGBT Rights in an Informational Gauntlet? (6.3).

When interviewing respondents, I have used a semi-structured interview guide, which will be further explained later in this methodology chapter, thus using an interview guide means that I already had already carved out some categories extracted from the research

questions. This does not mean that the overarching themes in the following analysis of the data will be these categories, as theme analysis is open for the emergence of new themes in the process of the analysis (Braun & Clarke, 2006, p. 7). Thus, Seidman (2006) argues that one should not read transcripts with a set of categories outlined, to which one wants to find excerpts, but the researcher will bring a certain predisposition to the reading of the transcripts (Seidman, 2006, p. 127). The themes do not necessarily need to coincide with the number of times a category has been mentioned in the interviews, as long as they capture an important element of the posed research questions (Braun & Clarke, 2006, p. 10), which gives the researcher flexibility. In the analysis, the reader will see that this thesis is no exception, as some themes are relevant not because of the number of times they have been highlighted, but because they have been perceived as important in regard of the research questions.

The challenges of theme analysis includes balancing clarity and inclusivity, as one of the major purposes of using a qualitative approach is to provide analysis that is rich and deep, whereas the other goal when using a thematic structure is to provide a clear and comprehensive presentation of the results (King & Horrocks, 2010, p. 151). In this research, I started with a number of themes, and during the analysis, this number increased. I have therefore tried to represent these themes following a structure in which the themes are presented in order, highlighted, and supported with excerpts from the data set.

2.3 Qualitative Interviews

By using LGBT activists as the main respondents for this research, I expect that the data collection will consist not only of descriptions of the legislation concerning LGBT rights, but also of the LGBT community's perception of the situation. Subsequently, this research would involve an interpretive element. As a rule, when collecting data to be used in all types of research, it is best for the data collection if it is extracted from primary sources. With regards to the situation for the LGBT community in Ukraine I will argue that the activists of this community are the primary source. They are the prominent agents for potential change of LGBT issues and the promotion of these rights, as the legislation has a direct impact on their lives. This rests on the assumption that many LGBT activists actually belongs to the LGBT community and have a vested interest in promoting these rights.

Using LGBT activists as informants for collecting data, this thesis will also function as a document giving voice to the LGBT community in Ukraine. While this is not of primary importance for the study, but more of a motivational factor, the manner in which this group

can voice concerns in Ukrainian domestic policies can also yield information about how the political system interacts with civic interest groups. After the Euromaidan civic interest groups and transnational advocacy networks expanded their work and communication with authorities in Ukraine, and independent journalists, civic groups and non-profit organisations have played a heroic role pushing the government to fulfil its promises, according to Ilya Lozovsky (Lozovsky, 2016).

The in-depth interviews were conducted in November and December 2016, and January 2017. 14 interviews were conducted face to face, 1 interview was conducted through Skype. Where the interviews took place varied, but as a rule I would let the interviewees decide where we should meet as I wanted it to be as convenient for them as possible to participate in this study, thus some interviews were held in cafes, offices, and in the private homes of the interviewees. There are arguments for and against conducting interviews in private persons' homes. On the one hand the interviewee would be in his or her territory, which might lead him or her or her to talk more freely during the interview, on the other hand there might be disturbance from other people that also live there which might influence the study. This would not apply for my case as all interviewees chose to see me where we could talk without being interrupted or disturbed.

Every interview was recorded with my personal mobile phone. The recordings would thereafter be transferred to my computer so that I could listen to the recordings and transcribe the interviews. I found it important to do the transcription while the memories of the interview were still fresh in order to apply any facial expressions or gestures that would not be recorded along with speech. If something was not clear in a transcript I could return to the tape-recordings for accuracy and I could also study my own interviewing techniques and improve them. The average interview with an activist lasted 58 minutes, the average interview with a politician lasted 30 minutes. The transcriptions were made verbatim (King & Horrocks, 2010, p. 143), in all consisting of 100 pages 10p.

Conducting in-depth interviews involves the gathering and storing sensitive personal data about the informants. This research is no exception. I have therefore sought to follow the ethical principles for qualitative research in regards of confidentiality and secure storage of sensitive personal data. The informants participating in this research have been given information about what the research will entail, that participating in this research is voluntarily, and that the researcher maintains complete confidentially regarding the sensitive personal data about the informants during and after the research process has ended. This information was given the informants to sign in an informed consent form (attachment 6, 7)

before the interview started. Information about the research project was also given to the informants before the interviews by mail or phone. Hence, the Norwegian Centre for Research Data (NSD) in Norway has approved the informed consent form and the interview guide, and provided guidance for storage of data end ethical conduct[2]. In line with the NSD statutes on research and storing of sensitive personal data, material including sensitive personal data will be deleted after the research project has ended.

2.4 Respondent Group 1, LGBT Activists

The first group of respondents consist of LGBT activists (attachment 1). The only criteria for being a respondent was that the person had to identify him or herself as a LGBT activist in Ukraine, preferably being an activist long enough so that he/she was able to give detailed information on how the situation was perceived before the Euromaidan revolution and after. Nine out of ten activists participating in this research considered themselves to be activists before the Euromaidan revolution took place. Some of the organisations that the activists participating in this research work for KyivPride, Gay Alliance, Insight, Gay Forum Ukraine and Nash Mir Centre.

I myself am not part of the LGBT community, and this is not a field that I have researched before. Therefore, in order to get in touch with possible respondents I found it necessary to seek out LGBT activists and introduce myself to the different LGBT non-governmental organisations (NGOs) at different LGBT events and conferences where LGBT NGOs and LGBT activists might attend. By attending various events, I was introduced to LGBT activists and given an introduction to what the different organisations were working on. Another criterion that I decided to use during the interview process was not to interview activists that were all connected to the same organisation.

Seven activists stated that they were affiliated with an LGBT NGO (Interviewees 1,2,3,4,5,6,7). I have chosen to call them "institutional activists" when it is useful to talk about them as a group. Three of the informants participating in this research also stated that they did not belong to any LGBT organisation and presented themselves as grassroots activists (Interviewee 8, 9, 10). These three activists, not affiliated with any organisations will hereafter be called "grassroots activists" whenever it is useful to talk about them as a group.

This also led me to raise new questions as a response to the activist's statements, which could offer new perspectives of what I had not originally included in the interview

[2] NSD Project number 52618

guide. I decided to expand the topics of my research. Such unexpected findings also led me to increase the number of interviews, as I had to find respondents who could give me more information on these new topics. Though some findings did come unexpectedly, this is common in most research that uses a qualitative approach, which the researcher must be prepared for in order not to lose information that may be valuable for the research.

By choosing a sample of respondents, which were activists, my initial aim was to get respondents from all over Ukraine, which would give a more representative population of respondents. Therefore, when searching for respondents I, was in touch with or tried to reach, activists living in other cities; Lviv, Odessa, Kharkiv, Zaporizhzhia and Zhitomyr. Unfortunately, however, these activists did not respond to my emails, or declined to participate in the research. Thus, 9 out of 10 activists in this research currently live in Kyiv. Nevertheless, as table 3 (attachment 1) shows, the majority of respondents come from distinct areas of Ukraine, and on some occasions, the respondents shared their experience in activism from other towns in Ukraine besides Kyiv.

The topic of LGBT rights in Ukraine is highly sensitive and the activists' identities have therefore been made anonymous in this research. This was presented to them in the informed consent form (attachment 6,7).

2.4.1 Interview Guide

The interviews were conducted using a semi-structured interview approach, which is characterised by using an semi-structured interview guide that functions as a base for the interview, whereas the different topics, questions and the order may vary (Johannessen, Tufte, & Chistoffersen, 2015, p. 137). A semi-structured interview can also be characterised by a Key-point format, which consists of topics or questions in the format of short phrases or bullet points (King & Horrocks, 2010, pp. 38-39).

The interview guide (attachment 3,4) for the interviews with LGBT activists consisted of five topics with more or less five questions listed under each topic. Prior the interview I spent a lot of time narrowing down the topics and questions that would comply with the research questions of this thesis, which resulted in an interview guide with questions that were open-ended. Using full questions during the interview decreases the possibility for giving the interviewee leading questions, nevertheless it does not encourage flexibility, which again makes the interview more systematic rather than conversational (King & Horrocks, 2010, pp. 38-39). This was the case with the first interview I conducted, and something I tried

to avoid later, by using shorter formulations of the questions while simultaneously being aware of not giving leading questions. The order of topics in the interview guide was not followed systematically during the interviews, as more often than not, the respondents would start talking about one topic and touch upon other topics on the way, whereas I used clarifying questions if I wanted more details. I would also use follow up questions in order to get more information on a topic which was not necessarily already listed as a topic or question in the interview guide. Because new questions were raised during the interviews, none of the interviews were identical and did not necessarily include the same topics.

2.5 Respondent Group 2, Members of Parliament (MPs)

The second group of informants were politicians – members of the Ukrainian parliament as seen in table 4 (attachment 2). They were an important source of data to answer my research questions regarding how politicians perceive LGBT issues and to see if there are any interaction or cooperation between politicians and the LGBT community.

Before the interview process with the politicians started, I decided to use the same method for being introduced to new respondents in parliament as I did in order to find respondents among activists, using the snowball method (Johannessen et al., 2015, pp. 109,124). This because my first interviewee who is a member of parliament has also participated in one of my earlier research projects, and I used this opportunity to ask the respondent who he or she would recommend I talk with. The respondent gave me some names of MPs from two different political parties, and some of them agreed to talk with me. But in order to achieve varied and representative data to define Ukrainian parliamentarians' views on the LGBT situation in Ukraine, I deemed it necessary to find respondents from every political party in the Ukrainian parliament.

When designing this research project, the original thought and goal was to interview one or two MPs from each political party, but after acknowledging that there are more MPs associated with groups and factions within the parliament, than there are MPs who were elected through party lists, I found that it might have been better to inquire MPs based on their belonging to factions and groups in order to achieve a sample of respondents with a higher representativeness of the parliament itself. Nevertheless, in order to get an overview of the political parties' perspective and their participation and/or cooperation with the LGBT community, it was more useful to find respondents by using the party lists, resting on the

assumption that members of a party would know more about this party's program than non-members.

After deciding that the respondents should, preferably, be MPs that were voted to parliament on party lists, I had to find out what would be the best way to reach out to possible respondents to achieve data with high representativeness. My first respondent, did, as mentioned above, give me some suggestions, but these people did only represent two political parties in parliament. I found that I had to orient myself in a complex institutional setting. The Ukrainian parliament has 450 seats divided between representatives from political parties, factions, groups, and independents, but as of the 14th of November 2016, only 432 of the seats are taken. According to the government's website (Verkhovna Rada Ukrainy, 2016a) there are 198 MPs that have been elected through party lists, 377 of the MPs are members of either factions or groups within the parliament.

Moreover, there are in total six political parties (not groups, or factions) registered in parliament as of November 2016; *Narodnyi Front, Blok Petra Poroshenka, Samopomich, Opozytiinii blok, Radikalna Partiia Olega Liashka* and *Batkivshchyna* (Verkhovna Rada Ukrainy, 2016a), and in order to achieve high representativeness in the sample of respondents I sent out emails to every fifth MP on the party lists that are shown on the parliament's web site (Verkhovna Rada Ukrainy, 2016a), in addition to reaching out to the MPs that my first respondent recommended. Because the respondents also needed to come from political parties in the parliament, the sampling of respondents is also based on certain criteria (Johannessen et al., 2015, p. 109).

Since the method of sampling is a mix of recommendations and random selection, whereas the only criteria is to be a MP belonging to a party in parliament, the sample does not include an even number of female and male MPs, as the number of female MPs today is 52, with the number of male MPs being 371 (Verkhovna Rada Ukrainy, 2016a). Neither is the sample based on age or how long the MPs have been active in politics.

The sampling of respondents who are MPs would therefore be a mixed sample collection of MPs that have been recommended by other MPs, and MPs that have agreed to participate be based on an informational email that has been sent to them using random selection. Because the political parties have uneven numbers of members, I decided to send out a minimum of eight emails to each party, which means that at least members of each party would receive an email asking them to participate in this research project. In the parties in which there were less than 40 members, when choosing the eight party members, I continued the count passing the top of the list again. Emails where also sent to those parties

with MPs that I had already been recommended to talk with. This was because none of the MPs that I had been recommended to talk with had yet answered my previously sent emails. In all, 42 emails were sent within over a of two weeks.

I considered that if I did not get replies from all the parties represented in the parliament that would have a negative effect on my research, because I wanted to show all the parties' range of opinions on LGBT issues. Accordingly, I adopted a second strategy; pending reply from all the parties represented in parliament or not, I would also use the parties' websites and programs to see if and how they addressed LGBT issues.

2.5.1 Interview Guide

As with the activists, I also spent time adjusting the questions in the interview guide (attachment 5) for the politicians. During the interviews I would present different topics and open-ended questions and then let the interviewees talk freely about that topic. I would also ask follow up questions to the interviewees, which was not necessarily related to the topics or questions in the interview guide. Using this method, the interviewees would not be influenced by how I presented the question, and they would have the opportunity to talk about what was most important for them, and their immediate associations to the topics they were presented (King & Horrocks, 2010, pp. 38-39). How the researcher asks the questions and the wording of the questions may influence on how the interviewees answer. As a general rule, this is something that should be avoided in all types of research, and this is also why I thought it was important to spend time on adjusting the questions I wanted to ask my interviewees making sure that the questions could not be interpreted as leading, judgemental or being too long and complicated (Johannessen et al., 2015, pp. 49-52).

Also, in order to participate in this research project, the MPs had to sign a form of consent stating that their participation was voluntarily (attachment 6, 7). Unlike the form of consent that was signed by the activists, which stated that their identity would not be disclosed in my master's thesis, this paragraph was removed from the form of consent presented to some of the MPs, dependent on whether they wanted to be anonymous or not. On beforehand they were asked about anonymity, and two out of five MPs agreed to participate in this research if they were provided with anonymity in the published thesis. The reason for why informants in respondent group 2 were given the choice of anonymity, whereas the informants from respondent group 1 was not presented with this choice, was because the politicians are public figures, and because I also wanted to examine their parties'

view on LGBT rights, in addition to their personal stand on LGBT rights. I found it best if their names were published together with their party alignment. In chapter 5.2.1 Political Limitations, explanation is given for why two out of five MPs did choose anonymity.

2.6 Participant Observation

In addition to data collected through interviews, I will also use data that has been collected through observations conducted at different events in Kyiv. These events have all been organised by LGBT organisations. Many LGBT organisations use Facebook as a tool for spreading information about their events, and by following the pages of these LGBT organisations on Facebook I have also received information about what events will take place and where. The selection of events that I have attended could therefore be characterised as random, thus it is based on informational pages that has caught my attention on Facebook, or by LGBT activists themselves that has reached out and told me about events that would take place in near future. It is therefore a risk that many events have taken place without me knowing about it. The data from observations consists of field notes and pictures that has been taken during the events and right after. The observations are participant observations, as I have participated in the events, which helps the researcher gain personal contact with the subject of research (Johannessen et al., 2015, p. 126). Articles and TV programs about the events that has been published after the event has taken place have also been collected and used as data.

During the research period starting from September 2016 until March 2017, I attended several demonstrations and conferences on various LGBT issues.

- Film screening "Це Гей Пропаганда" ("This is Gay Propaganda"), The Canadian Embassy in Kyiv, 04.10.2016 and Mystetskyi Arsenal Kyiv, 11.10.2016,
- International Day of Action for Trans Depathologisation march, Kyiv 22.10.2016
- IX Національна ЛГБТ-ЧСЧ конференція (IX National Conference LGBT-MSM Conference) 30.10.2016
- Conference "Two and a half years of conflict: The impact in tolerance and perception of minorities", UNHCR, Kyiv, 03.11.2016
- International Woman's day march, Kyiv, 08.03.2017

- Конференція «Одностатеве партнерство в Україні: сьогодні та завтра» (Conference “same-sex partnership in Ukraine: today and tomorrow”) Nash Mir Centre, Kyiv, 21.03.2017

The Eurovision song contest which was held in Kyiv on the 13th of May 2017, and the Kyiv Pride parade “March of Equality”, held in Kyiv on the 18th of June 2017, are not included in the research as these events transpired after my research period in Kyiv had ended.

When planning this research, I decided not to include the position of the churches, because the Orthodox Church, like other Christian churches around the world, have represented conservative views on implementing LGBT rights for a long time. Nevertheless, both activists and MPs considered the church as having a significant negative influence on LGBT rights in Ukraine. That is, the Ukrainian Orthodox Church of the Moscow patriarchate, the Ukrainian Orthodox Church of the Kyiv patriarchate, and the Ukrainian Greek Catholic Church. Therefore, I will explore this topic further.

2.7 Validity

One of the main differences between qualitative and quantitative research, is the recognised criteria for assessing quality of the analysis in quantitative research, whereas in qualitative research, there is no general agreement about which criteria to use when assessing quality (King & Horrocks, 2010, p. 158).

However, the researcher can try to align her or his research with certain criteria to achieve higher quality of research. This includes, among other things, making sure that the sampling of respondents participating in the research has followed certain sampling criteria. When sampling respondents for this research I strived to use only one sampling strategy per respondent group; only in respondent group 2, I had to use two strategies in order to find respondents. However, by providing the steps of the sampling, this would also account for research reliability and whether an independent researcher could follow the same steps which would give similar results. However, King and Horrocks (2010) argue that qualitative research generally assumes that real-world settings change inevitably, and therefore replication cannot be achieved (King & Horrocks, 2010, pp. 160-161). The method of sampling of respondents in this research is provided for above in chapter 2.4.

Another issue when sampling respondents is the geographical representability of the respondents, as one would assume that there are differences regionally in Ukraine on, among other things, the level of homophobia and tolerance. Earlier in this chapter I questioned this research's representability, as nine out of ten informants in respondent group 1 live and work in Kyiv. However, the majority of these informants have lived and worked with activism in other cities in Ukraine as well, and this experience has also been included in this research, where appropriate. In this case, I argue that this qualitative research can be expanded and continued using in-depth interviews; by increasing the number of respondents, including activists working all over Ukraine, one would get a more representative result, which simultaneously could serve to expose the differences between LGBT activism in bigger cities and smaller towns. Here one could also include politicians that work in local authorities as respondents, which would give a more representative picture of whether local political actors have the same attitudes toward LGBT rights as the politicians who are members of parliament. In this regard, one could also examine whether lack of political ideology within the Ukrainian parties is as prevailing on a local level as on the national, as I will argue in this research in section 5.2.

How the data is gathered is also a central issue in qualitative research. By using a qualitative approach for gathering data in this research, the in-depth interviewer, which in this case is the researcher, must be recognised and affirmed as an instrument. Rather than critiquing the fact that the instrument affects the data which it gathers, Seidman (2006) argues that the interviewer can be adaptable, flexible and responding to situations with skill and understanding (Seidman, 2006, p. 23). This is also relevant in regards to bias the researcher might let influence his or her research. The researcher will always bring a certain set of presuppositions into a study, whereas what is important is that the researcher is aware of this, so he or she can identify or avoid this in the analysis (Seidman, 2006, p. 117).

It should also be mentioned that I, as an interviewer, developed new skills through the interview period. I felt more comfortable as a researcher as more interviews were conducted, despite having conducted a few mock interviews before the real interviews started. Researches and authors (Kvale, 1996, p. 147) that write about qualitative approaches in research, states that conducting good interviews is achieved as a "learning by doing" process.

But how can the researcher trust the respondents on whether what they are saying actually is their opinion and if it is true, hence are their answers valid? By interviewing a number of respondents, their experiences can be compared with each other's. Furthermore, Seidman (2006) argues that the goal of the research is to understand how the respondents

understand and make meaning of their experience, in this case, how they perceive and make meaning of Euromaidan and LGBT rights in Ukraine, among other things. Therefore, "if the interview structure works to allow the respondents to make sense to themselves as well as to the interviewer, then it has gone a long way toward validity (Seidman, 2006, p. 24)".

I have already elaborated on the use and content of the interview guide above, where I have also argued that using a semi-structured interview guide allows the respondents to bring the perspectives he or she finds most important when various themes or topics are introduced to the respondent, which I argued will give the respondents a chance to answer more freely, which might also influence on whether they are giving their true opinion on the topic. Thus, the decision to use a semi-structured interview guide was not made for the respondents answers to be more valid, rather because the use of such an interview guide would be a better way to operationalise the research questions of this study.

In order to show consistency between the interpretation of the analysis and the subject of study, the researcher should provide detailed descriptions of the phenomenon of study and its context (King & Horrocks, 2010, p. 164). In chapter 3 and 4, a description of LGBT rights from the end of the Russian Empire until the end of the Soviet Union (chapter 3), will be provided. Legislation on LGBT rights in independent Ukraine is also provided (chapter 4). This will give the reader insight in the context of the research and research question.

A second set of primary data consists of citations, given by political figures in Ukraine and Russia. As I argue in chapter 5, politicians in Ukraine are reluctant to address LGBT issues in public. The citations that I have found and examined in this research, however, show that when politicians comment on LGBT issues it is rarely positive. Kjelstadli (1999) argues that qualitative research often uses a hermeneutical approach where the researcher seeks to interpret meanings within a small amount of data (Kjelstadli, 1999, p. 183). By interpreting these citations, I want to explore how politicians address LGBT issues, as they serve as a component to understand the situation for LGBT people in Ukraine.

In the analysis of the in-depth interviews, chapters 5 and 6, I will follow the guidelines established for using and presenting a thematic analysis, that is - presenting and discussing the overarching themes in turn (King & Horrocks, 2010, p. 165). The presentation of the analysis is narrative, as one should not only provide a descriptive summary of the analysis and content of the theme; rather, building a narrative that helps the reader understand how the findings in the analysis illustrates the topic at hand which goes beyond description of the data and makes an argument in relation to the research question (Braun & Clarke, 2006, p. 25) (King & Horrocks, 2010, p. 165).

Using citations from the interview data in the representation of the analysis also serves to the purpose of casting light upon the research question, and King and Horrocks (2010) recommend to use longer excerpts which are vivid, easy to understand, and which simultaneously show some character of the interviewee (King & Horrocks, 2010, p. 165). The excerpts also serve as proof for how I have reached my conclusions. On these grounds, I have therefore, chosen to use excerpts to a great extent, despite the fact that this has made the thesis expand to 100 pages.

Every participant was given the choice of whether to have the interview conducted in English or in Russian. Considering most Ukrainians are fluent in Ukrainian and Russian, especially in Kyiv, I found it reasonable to only offer Russian as an option for the interviews. This decision was also taken out of necessity, as I do not master the Ukrainian language on a such a level that I am comfortable conducting an interview in this language. However, the majority of interviews were held in English. Those interviews which were held in Russian I translated during the transcription of these and I used great care in finding the right words in English. Seidman (2006) argues that unless the analysis is not semantic or the subject of the interview is the participant's language development, the researcher is obligated "to maintain the dignity of the participant in presenting his or her oral speech in writing" (Seidman, 2006, pp. 121,122). When finding citations that serve to illustrate the analysis I have therefore deleted the characteristics that the participant would not use in writing, for example "ahs", "uhms" and poor grammar.

2.8 Secondary Literature

LGBT issues were not a topic of priority during the Soviet Union, not for the communist party, nor for the general public, not to mention academic studies. On the contrary, LGBT rights were taboo, and if you were a gay man, this was something that would make you a criminal according to Soviet legislation. Therefore, there is not much literature concerning LGBT rights written in the Soviet Union, especially during the Cold War period. This dearth of secondary sources is visible in the literature list for the historical chapter in this thesis. Thus, to examine the situation and legislation I have, to a great extent, used literature written by Igor Kon, psychologist and sexologist in the Soviet Union and Russia. On some fields, for example on LGBT and family legislation under Stalin, I have managed to find other authors challenging and confirming Kon's research, but only to some extent.

Literature that has been presented in chapter 1.2 and which will be used to further highlight and support the findings of the current study mostly includes research conducted on the LGBT situation in Ukraine by Ukrainian researchers.

I have also collected information from Ukrainian LGBT organisations' webpages. News articles, meaning online versions of *Ukrainska Pravda*, *Novosti.ua, Radio Svoboda/RFL/RL* and others. In addition to articles and published reports I have also examined Ukrainian and Russian LGBT legislation, which were collected from the respective governmental webpages.

3 The Soviet Era – LGBT Taboos and Ideology (1917-1990)

3.1 The Criminalisation of Homosexuality In the Russian Empire

Post-communist and post-soviet countries have, as mentioned in the introduction, had difficulties with implementing and guaranteeing the protection of rights for LGBT people. The LGBT situation in Ukraine is therefore not unique in regards to the situation in other former communist republics. In this chapter I will highlight the arguments used when the Soviet Union criminalised voluntary sex between men in 1934. Until the beginning of the 19th century, the Russian Empire found no need to criminalise homosexuality or the expression of homosexual behaviour, as this was not a concern of the state, but of the church. However, in 1832 this changed, as the criminal code was renewed and a bill about "*muzhelozhstvo*"[3] (sodomy) was amended. This law[4] (Svod Zakonov Rossiyskoy imperii 1832, 1832) criminalised anal contact between men, and the punishment included four to five years of work in Siberia. According to Healy (2001), the law did not mention women as they were regarded as less than complete sexual and civil subjects and female homosexuality was only a problem when force was used (Healy, 2001, p. 77). This does not mean that homosexuality between women were accepted; rather, homosexuality among both sexes met the same negative attitudes from the general public – a negative abnormality, associated with prostitution (I. S. Kon, 2003, p. 345).

[3] The term Мужеложство (Rus., noun) translates to English as sodomy, meaning anal contact between men. Men, no matter their sexual orientation, that were caught having anal contact with other men, could therefore be called sodomists, by the terms myzhebludie and myzhelozhstvo (I. Kon, 2003, p. 10). In Ukrainian Мужолозтво (Ukr., noun) and the synonym Педерастія (Ukr., noun), means unnatural sexual relations between men (Slovnik Ukrainskoi Movi (Словник української мови), 2016).

[4] The reference system used in this thesis is APA 6th. However, guidelines in the APA manual relate to American legislation, and is therefore not applicable with Ukrainian legislation. I have therefore chosen to refer to laws retrieved from the internet as websites and owner of the website as author. These are The Verkhovna Rada of Ukraine, The Ministry of Health of Ukraine, The President of Ukraine Petro Poroshenko Official Web Site and The Russian State Duma. The year referred to is the year that the law entered into force.

3.2 Criminalisation of homosexuality in the Soviet Union

After the Bolshevik revolution in 1917, the criminal code of the Russian Soviet Federative Socialist Republic, which was renewed in 1922, and 1926, did not have any mentioning of homosexuality. Soviet doctors and lawyers were very proud of their progressive legislation, and at the International League for Sexual Reform, and in Copenhagen in 1928, the law was proclaimed to have set an example for other countries. In 1930 M. Sereyskiy and P. Preobrazhenskiy (1930) wrote in the "Large Soviet Encyclopaedia" that: "The Soviet law does not recognize so-called crimes directed against ethics/morals. Our law comes from the principal of the protection of society, and calls for punishment on those occasions where the object in interest for the homosexuals is underage" (Sereyskiy & Preobrazhenskiy, 1930, pp. 595-596). The official position of Soviet doctors and lawyers in the 1920s was that homosexuality was an intractable or a disease without a cure, not a crime. "Understanding the unfair development of homosexuality, the society can't blame or lay guilt on the people who carry these special features" (Sereyskiy & Preobrazhenskiy, 1930, p. 595).

Soviet authorities, however, did not share the progressive position of Soviet doctors and lawyers. On the 7th of March 1934 an all-union decree was published by the All-Russian Central Executive Committee stating that voluntary sexual relations between men, *muzhelozhstvo* would be subject to prosecution (Healy, 1998, pp. 137,138). In article 121 On *Muzhelozhstvo* in the RSFSR criminal code, the punishment for sodomy would be imprisonment for five years, and if the case also involved physical violence or threat of violence, or if the act involved underage men, the punishment would be increased to eight years of imprisonment (I. S. Kon, 2003, p. 352). Ukraine was the first union republic to incorporate the decree into its criminal code in article 165 On *Muzhelozhstvo* (Ugolovniy Kodeks USSR, 1942) with the same text as in the RSFSR.

Why did this law return? Apparently several factors were characterised as important enough to criminalise homosexuality in the pre-war period in the Soviet Union.

Kon (2003) argues that the State Political Directorate (GPU) took the main initiative to reinstate this law and also to reinforce it (I. S. Kon, 2003, p. 352). Already in September 1933 there was a raid targeting people suspected of having a non-traditional sexual

orientation[5] – a non-heterosexual orientation. As a result, 130 people were arrested and charged for involvement in sodomy (I. S. Kon, 2003, p. 352).

Homosexuality was also associated with spies and counter-revolutionary activity. In a declaration to Stalin, Genrikh Yagoda from the People's Commissariat for Internal Affairs (NKVD) wrote about the discovery of hidden groups in Moscow and Leningrad. The people involved where not only engaged in sodomy, they were also spies and contra-revolutionists. According to Yagoda these people worked actively for

> The creation of a network of salons, homes, brothels, groups and other organized groups for pederasts (педерастов[6]) with the further transformation of the unions into direct spy cells […] pederasts, using caste isolation and pederast circles for counterrevolutionary purposes, politically decomposed different social youth layers, particularly young workers and also they who tried to get into the army and the navy. (Yagoda as cited in I.S. Kon, 2003, p. 352)

In his answer, Stalin (as cited in Kon, 2003) wrote: "It is necessary to punish the sodomists and to introduce the relevant governing ordinance to the legislation" (I. S. Kon, 2003, pp. 352-353). Once again Yagoda (as cited in Kon, 2003) wrote to Stalin about necessary precautions in order to stop what was going on: "Sodomists have recruited and corrupted perfectly healthy young people, soldiers, sailors and individuals. […] We consider it necessary to publish the relevant law on criminal responsibility for sodomy" (I. S. Kon, 2003, pp. 352-353).

After the decree criminalising homosexuality came into force, the state police department of the USSR was to operate on this matter in silence, but the discussion was also brought to the public. On the 23rd of May in 1934, an article called "Proletarian Humanism", written by Gorky, was published simultaneously in Soviet's most circulated newspapers, *Pravda* and *Izvestiya* (az.lib.ru, 2015). In this article Gorky calls homosexuality a social crime, brought to the world by the bourgeoisie Europe:

> Not tens but hundreds of facts talk about the destructive, corrupting influence of fascism on the European youth. […] I shall mention, however, that in a country with a courageous and successful economy of the proletariat, homosexuality, which corrupts youth, is recognized as a social and criminal offense, but in the "cultural" country of great philosophers, scientists, musicians, it [homosexuality] acts freely without punishment. (az.lib.ru, 2015)

[5] In this research when I refer to sexual orientation I will refer to the definition given by Amnesty International: "refers to a person's sexual and emotional attraction to people of the same gender (homosexual orientation, another gender (heterosexual orientation) or both genders (bisexual orientation) (Amnesty International, 2004).
[6] Педераст – According to Kon (2003), men who had anal contact with other men would be called pederasts in Europe and in Russia in the 17th century (I. S. Kon, 2003, p. 10).

Dan Healy (as cited in Hoffman, 2003) claims fascism became associated with homosexuality because of the propaganda war between fascism and communism, where both parties accused each other of spreading homosexuality (Hoffman, 2003, p. 108). These associations were also expressed by Gorky in the same article where he referred to the sarcastic slogan saying "Уничтожтье гомосексуализм - фашизм изчеснет!" ("End homosexuality and fascism will vanish!") (az.lib.ru, 2015). This article sent out a very clear message about the cruelty connected to homosexuality; fascism being the worst of these. The article was published six years before the start of the Second World War and fascism was already clinching its fist around some of Europe's countries, Germany first of all, and the Soviet Union had already taken a clear stand against fascism and Hitler. Two years after the publication of Gorky's article "The Proletarian Humanism", Soviet's Minister of Justice, Nikolay Krylenko (as cited in Kon, 2003) proclaimed that homosexuality was a product of the exploiting classes that just did not know what else to do with their spare time, thus strengthening the connection between Europe and homosexuality and the perception of homosexuality as abnormal: "amongst us, amongst workers, who has a perspective of normal relationships between the sexes, we don't need men of this sort" (I. S. Kon, 2003, p. 354).

Another argument for criminalising homosexuality was demographic contingency and heteronormativity was indeed demonstrated in the Soviet legislation and policies; the Soviet government championed the family in order to manage and encourage higher reproduction and therefore reinforced norms of sexual behaviour and family organisation (Hoffman, 2003, pp. 9-13). Same-sex relationships were, on the other hand, considered to be unnatural (противоестественные) (Nash Mir Center, 2000, p. 8)[7]. Healey (as cited in Hoffman, 2003) claims the attack on homosexuality was also a measure for the Soviet government to "cleanse cities of 'social anomaly' and promote the (heterosexual) family" (Hoffman, 2003, p. 109). Other measures for increasing the birth rate included outlawing abortion and making it more difficult to get a divorce (Hoffman, 2003, p. 88).

According to Don Hill (as cited in Kon, 2003) the total number of people who were prosecuted for *muzhelozhstvo* in the Soviet Union reached 250 000 between 1934 and 1993 (I. S. Kon, 2003, p. 355). Despite the fact that many people where prosecuted for homosexuality during the Soviet period, the anti-homosexual campaign in the Soviet press did not last long. Kon (2003) argues that after the publication of Gorky's article "Proletarian Humanism" in the 1930s, there was little public discussion regarding homosexuality. By the

[7] Nash Mir Center (Наш Світ in Ukrainian, Наш Мир in Russian,) LGBT NGO founded in 1999 as one of the first LGBT NGOs in Ukraine (Nash Mir Center, 2017).

end of the 1930s, this was a subject that existed in complete silence. In academia, the subject was left out of the syllabus (I. S. Kon, 2003, p. 358). Only in some special juridical and medical literature, inaccessible to most people, could the issue be discussed, but outside these closed circles, homosexuality was a taboo topic from the 1930s onwards (Nash Mir Center, 2000, p. 9). Any literature that mentioned homosexuality and other "unnatural" sexualities was not translated (Nash Mir Center, 2000, p. 9).

Because of the prosecutions and the fact that the issue was marked as taboo and not discussed among the general population, the Nash Mir Center claims that there were two strata of society living in parallel worlds, without knowing of each other (Nash Mir Center, 2000, p. 10). One strata of people lived with an "unnatural" sexuality, not understanding who they were or what they had done wrong, yet being aware of their less worthy existence, too improper to even discuss. The other strata of people with a "normal" sexuality, pretended to never had heard about homosexuality as these were convinced that this only existed in prisons, in monasteries, or somewhere in Europe. Pretending to think that homosexuality does not exist is also a demonstration of heteronormativity, as this leads to the discrimination and denial of the fact that people with sexual orientations other than heterosexual also are citizens of a given country. Even the former president of Ukraine, Leonid Kravchuk, expressed shock when he allegedly heard about homosexuals for the first time:

> Until now, I just didn't believe that THIS is something that appears in life. I thought that this was some kind of artificial fantasy that people had made up. But when I reached a certain age I watched all this films, screenplays and documentaries – and I just couldn't find words to describe this phenomenon. I have no words to describe it now either. (Leonid Kravchuk cited in Burda, 1999, pp. 43-44)

The utter silence about homosexuality also influenced the physiological work on this subject, and when the first books about sexopathology[8] were published in the 1970s, homosexuality was still described as sexual perversion (половое извращение) and a disease (I. S. Kon, 2003, p. 358). In comparison, the American Psychotherapy Association removed homosexuality as a disorder category in the Diagnostic and Statistical Manual of Mental Disorders in 1973 (I. S. Kon, 2003, p. 83).

Even though the law did not apply to all forms of homosexuality (indeed, only anal sex between men was mentioned in the paragraph on *muzhelozhstvo*), Kon (2003) claims it was impossible for both gays and lesbians to be open about their sexuality and meet openly in

[8] Sexopathology (medical sexology) is defined by Lev Shcheglov (Shcheglov, 1993, p. 152) as "the area of clinical medicine that studies functional aspects of sexual disorders, including behavioural, personal and social".

public. In large cities, places where they could gather did exist, but there was always a risk that their hide out would be discovered by what Kon claims to have been organised hooligans who looked upon themselves as saviours of high morality. These groups would attack the hide outs, often with the secret support of the police (I. S. Kon, 2003, p. 357). With an anti-gay law, a muffled discussion in academia and in the press and violence, there was not much space to bring up a discussion concerning the rights of homosexuals or a change in the law. Kon (2003) claims that doctors and lawyers tried to raise the question in the 1980s, but that the ministry of health was against bringing up the subject (I. S. Kon, 2003, p. 360). During the AIDS epidemic in the 1980s the stigmatisation of gays reached new levels as the leaders of the epidemical state program blamed them for the outbreak and flagged them as carriers of the virus (I. S. Kon, 2003, p. 359).

4 Independent Ukraine: European Aspirations (1990-2012)

In this chapter I seek to explore the degree to which Ukraine has included LGBT rights in its legislation. This is basically a question of non-discrimination legislation, guaranteeing LGBT people state protection against discrimination on the grounds of sexual orientation and gender identity[9] (SOGI).

4.1 Ukraine's Adoption of European Conventions

As a Soviet republic, Ukraine was part of the legislation that was brought to effect in the Soviet Union as a whole. And as argued in chapter 3, on the 7th of March 1934 the Presidium of the Central Executive Committee of the USSR published a decree which forced the Central Executive Committee of the Union republics to include an article in their criminal codes: "sexual intercourse of a man with a man (sodomy) entails imprisonment for a term of 3 to 5 years. Sodomy committed with application of violence of with the use of the dependent status of the victim, entails imprisonment for a term of 5 to 8 years", duplicated from the same law prohibiting homosexuality enacted in 1933 in RSFSR (Prezidium Tsentral'nogo Ispol'nitel'nogo Komiteta SSSR 1934, 2011-2017) According to this decree voluntary sexual relations between two men was prohibited all over the USSR territory.

This said, Ukraine repealed criminal responsibility for non-violent male homosexual intercourse between adults shortly after the country's independence in 1991 (Verkhovna Rada Ukrainy, 1991). However, this was the only law that secured one right for LGBT for a very long time. In the new law, article 122 on *Muzholoztvo* (sodomy), in the Criminal Code of Ukraine 1960 (Verkhovna Rada Ukrainy, 1960), sexual intercourse between men was only considered a crime if committed with violence. In the new Criminal Code of Ukraine, enforced in 2001, there is no article mentioning *Muzholoztvo*.

Other changes in Ukrainian law also ensued. On the 17th of May 1990, homosexuality was removed from the International Statistical Classification of Diseases and Related Health Problem 10 (ICD-10). As of the 1st of January 1999, Ukraine also followed this directive, as

[9]Referring to gender identity I will again use Amnesty International and their definition of this term stating that gender identity refers to a person's experience of self-expression in relation to social constructions of masculinity or femininity (gender). A person may have a male or a female gender identity, with the physiological characteristics of the opposite sex. (Amnesty International, 2004)

the Ministry of Health and other health institutions in the country made a transition to the standards of the ICD-10 as the only international normative instrument for the formation of accounting and reporting in health care. This was decided in a directive from the Ministry of Health dated 08.10.98 (Ministry of health of Ukraine, 1998)[10].

The changes made in the early 1990s have many shortcomings. Ukraine's current national legislature does not envisage protection from discrimination based on sexual orientation (N. V. Kozarenko, S.I. Yakovenko, S. Y. Ponamarov, L. M. Geydar, & A. A. Yaroshenko, 2012, p. 28). Ukraine's Constitution, Criminal Code and Criminal Procedural Code have articles concerning discrimination and the legal responsibility that follows if prosecuted for discrimination. Yet, none of the articles mention protection from or legal responsibility for discrimination on the grounds of SOGI (N. V. Kozarenko et al., 2012, p. 47). Ukraine's Constitution article 24 (President of Ukraine Petro Poroshenko Official Website, 1996) states that citizens shall have equal constitutional rights and freedoms and shall be equal before the law. There shall be no privileges or restrictions based on race, skin colour, political, religious, and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristic (N. V. Kozarenko et al., 2012, p. 47).

Article 161 in Ukraine's Criminal Code, Violation of citizens' equality based on their race, nationality or religious preferences, provides criminal liability for "Wilful actions inciting national, racial or religious enmity and hatred, humiliation of national honour and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, colour of skin, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics" (Verkhovna Rada Ukrainy, 2009).

New steps of legal liberalization were made in the late 1990s. Ukraine ratified the European Convention of Human Rights charter in 1997 (European Court of Human Rights, 2016), and in doing so, pledged adherence to article 14 on discrimination, which prohibits discrimination "based on sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status". The wording "*based on […] other status*" is used to designate discrimination based on a person's sexual orientation, but only when used in combination with another article from the charter, for example article 14 Prohibition of discrimination based on sexual orientation from

[10] APA6th does not mention how to cite directives. I have therefore chosen to cite it as a web page, as it is retrieved from the Ministry of Health of Ukraine's webpage.

section 1 Rights and Freedoms (ECHR, 2010, p. 12), and article 10 Freedom of expression (ECHR, 2010, p. 11).

This said, domestic liberalization of gender laws prohibiting discrimination against women has been slow. The law on gender equality was enacted in Ukraine at first in 2005 (Verkhovna Rada Ukrainy, 2005b): that is, after the Orange Revolution, to achieve equality for women and men in all spheres of social life, which included prohibition of sexual harassment and discrimination. Achieving equality for LGBT people and prohibiting discrimination on the grounds of SOGI is not mentioned in this legislation.

As mentioned in the introduction previous research on LGBT issues in Ukraine have stated that heteronormativity is standard in Ukrainian society, and I have also pointed out that heteronormativity was demonstrated in the Soviet Union in chapter 3 as homosexuality was treated as an abnormality. Practices of heteronormativity were also transferred to Ukrainian family policies where same-sex relationships are not acknowledged in the legislation. According to the Ukrainian family code article 21 *Poniattia Shliubu* (Definition of marriage) (Simeyniy Kodeks Ukraini, 2002), family relations consist of a man and a woman that have voluntarily entered into marriage. Nevertheless, article 58 *Diisnist shliubu, ukladenego za mezhami Ukrainy* ("Validity of marriages entered outside Ukraine") in the law on international private law of Ukraine (Verkhovna Rada Ukrainy, 2005a) declares that when marriage between citizens of Ukraine and citizens of Ukraine with foreign nationals are enacted outside of Ukraine and in accordance with the laws and practices of marriage established the place of its conclusion, these marriages are recognised as valid in Ukraine as long as there are no conflicts with the articles in the Family Code. Article 58 also states that marriage between foreign nationals, foreign nationals and stateless persons, or between stateless persons will be valid in Ukraine without the mentioning of correspondence with the legislation of the family code.

In practice this would mean that same-sex marriages that have been formed outside Ukraine between a Ukrainian citizen and a citizen with a foreign nationality or a stateless person would not be made valid in Ukraine, since the family code of Ukraine states that marriage consists of a man and a woman. As for same-sex marriage between two citizens with foreign nationalities, this would be made valid in Ukraine because none of the two persons that have entered in marriage are Ukrainian citizens.

As of July 2017, 14 European countries have legalised same-sex marriage and another 14 European countries have legislated some form of same-sex union/civil partnership (Lipka, 2017). Nevertheless, one should have in mind that expanding rights for LGBT people has

been a sensitive issue for some time, and still is, for countries that have been through transitions, thus this case is not specific to Ukraine.

In Ukraine, to be in a registered partnership is not valid as marriage, and foreign registered partners of Ukrainian citizens, this being a same-sex couple or not, will not be recognized as each other's spouses for the time they are in Ukraine (Nash Mir Center, 2000, p. 50). This would mean that people that are in a same-sex relationship in Ukraine, regardless of nationality or the place of marriage or registered partnership, will not be recognized as entitled to the legal rights and responsibilities that follow marriages in Ukraine. Only non-Ukrainian citizens that have entered marriage within a country where same-sex marriage is legal would be juridically treated as a married couple in Ukraine.

Furthermore, by banning same-sex marriage and simultaneously not providing for any form of registered partnerships or unions for same-sex couples, same-sex couples are not viewed as legally bound to one each other in any way. This means that nobody is entitled to acknowledge two people in a same-sex relationship as each other's next of kin. If one is hospitalised, the partner might therefore not be given access to visit and he or she will not be consulted for consent for medical treatment. It also means that if either two in a same-sex relationship dies without making a will, the other partner is not guaranteed to inherit. Also, same-sex couples cannot jointly adopt children.

Not only does the current legal framework neglect to protect LGBT rights and ban same-sex marriage for Ukrainian citizens, there have also been attempts to pass legislation further discriminating against LGBT people. In October 2012 the law project bill 0945 "On amendments to some legislative acts (regarding protection of children's rights to safe informational environment)" (Verkhovna Rada Ukrainy, 2012a) was adopted in the first reading in the parliament. This law project aimed to establish criminal liability for actions that promoted same-sex relations in public or on TV or radio (Verkhovna Rada Ukrainy, 2012a). Despite the fact that the law was adopted in the first reading, it never got any further, and the law is as of today suspended[11]. According to Nash Mir Center (Nash Mir Center, 2014, p. 2) the parliamentary Committee on Freedom of Speech and Information of the current convocation, the 8th Verkhovna Rada of 2014, recommended to remove it from

[11] Russia introduced so-called "anti-gay" legislation as early as in 2006 when the Duma of Ryazan Oblast adopted Article 3.10 "Public acts aimed at the propaganda of homosexualism (sodomy and lesbianism) amongst minors" and in 2013, after 10 more local Dumas had adopted corresponding legislation, the bill outlawing "propaganda of non-traditional sexual relations to minors" was passed as a federal law (Wilkinson, 2014, pp. 365-366).

consideration under pressure from international organisations and public opinion. A similar bill, Bill 1155 "On prohibition of propaganda of same-sex relations aimed at children" (Verkhovna Rada Ukrainy, 2012b) was approved by the Committee on Legislative support of law enforcement activity, though it never made it to the parliament agenda (Nash Mir Center, 2014, p. 2). According to the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) four so-called anti-propaganda bill suggestions have been removed from the parliament agenda after the Euromaidan revolution (ilga-europe, 2015).

4.1.1 New Amendment to the (Old) Labour Code

Since Ukraine has expressed that becoming a member of the European Union is a foreign policy aim, one should ask: What are the consequences of Ukraine's European Integration in the field of non-discriminatory policies of sexual minorities? Ukraine's integration into Europe consists of, as of 2017, two agreements that Ukraine has signed with the European Union. One is the Association Agreement signed by president Poroshenko in 2014, and the other is the Visa Liberalisation Action Plan (VLAP), signed in 2008. The VLAP was adopted in May 2017 by the Council of Ministers after the European Parliament endorsed the deal in April 2017 (European Parliament, 2017) and since the 11th of June 2017 Ukrainians have been able to travel visa free within the Schengen area (RFE/RL, 2017). Both agreements have certain demands in legislation that are obligatory for Ukraine to put in place in order to achieve both free trade (Association Agreement) and visa free travel for Ukrainian citizens in the Schengen area (Visa Liberalisation Action Plan). In the current study these agreements are considered as external incentive mechanisms which promotes human rights and freedoms in Ukraine.

> The VLAP consists of four blocks of benchmarks of technically relevant issues, "with a view to adopting a legislative, policy and institutional framework (phase 1) and ensuring its effective and sustainable implementation (phase 2)" (European Commission, 2015a, p. 2). In order to move from phase 1 to phase 2 Ukraine had to provide for the adoption of a legislative, policy and institutional framework of these four benchmarks. In block four, "External relations and fundamental rights", one of the obligations for Ukraine is to adopt the prohibition of discrimination on the grounds of sexual orientation in the Labour Code (European Commission, 2015b, p. 10).

It is fair to say that Ukrainian politicians have been ambivalent, to say the least. The first time anti-discrimination legislation which included prohibition of discrimination on the grounds of sexual orientation should have been brought up in parliament, was on the 13th of

February 2013. It was labelled bill 2343 and this national bill mandated the demands of the anti-discrimination legislation that the EU required including prohibition of discrimination on the grounds of sexual orientation. This was before Euromaidan and less than a year before the signing of the Association Agreement between the EU and Ukraine was planned to take place (Teteriuk, 2015, p. 2). Teteriuk (2015) claims that this bill was brought up only because it was a demand in the Visa Liberalisation Action Plan, thus suggesting that it was necessity for other reasons than non-discrimination:

> Subsequently, Bill 2342 – "On Amendments to Some Legislative Acts of Ukraine Concerning the Prevention and Combating Discrimination in Ukraine"- developed by the Ukrainian Ministry of Justice to satisfy requirements of the Visa Liberalization Action Plan, only proposed to add an explicit prohibition of discrimination based on sexual orientation to the Labour Code. Besides this, the bill introduced number of general changes to the Law of Ukraine "On Principles of Prevention and Combating Discrimination", including specification of types of discrimination, de-legalization of discrimination, transfer of responsibility for substantiation from complainant to defendant. The bill was submitted to parliament by Prime Minister Mykola Azarov on 19. February 2013. (Teteriuk, 2015, pp. 5-6)

Interestingly, this law was never enacted and it never even made it to the parliament's agenda "due to the resistance of some parliamentary parties and the united lobbying efforts of efforts of churches and right-wing grassroots religious movements" (Teteriuk, 2015, p. 2). In chapter 5 I will examine to what extent this resistance still exists in the parliament using the data gathered from interviews with parliamentarians and activists as my primary source.

New attempts were made, however. The national bill 4581 "On Amendments to Certain Legislative Acts of Ukraine (on the Prevention and combating of Discrimination)" was introduced in April 2014 by the temporary government led by Arseniy Yatsenyuk, containing the same anti-discrimination measures as Bill 2342, except prohibiting discrimination on the grounds of sexual orientation. Bill 4581 was adopted on the 13th of May 2014 (Verkhovna Rada Ukrainy, 2014). This law made changes in the "Law of Ukraine on Principles of Prevention and Combating Discrimination" in the Constitution and in the Labour Code. According to Teteriuk (2015), the Court of Ukraine for Civil and Criminal Cases provided appeal courts with information, explaining that the list of prohibited grounds for discrimination in the labour sphere in the Constitution of Ukraine, the "Law of Ukraine of Principles of Prevention and Combating Discrimination" and in the Labour Code are open, which would mean that sexual orientation is protected in the "other grounds" mentioned in these acts (Teteriuk, 2015, p. 6).

Strangely, even though the amendment was enacted without the mentioning of sexual orientation, Ukraine still proceeded to the second phase of the Visa Liberalisation Action Plan (VLAP) in June 2014 after the Council of Europe endorsed it on the 23rd of June. The endorsement was made after a delegation from the European Union visited Ukraine in March 2014 (Delegation of the European Union To Ukraine, 2014).

Bogdan Globa (2014), a politician and activist for LGBT rights, claims that the demand for including prohibition of discrimination on the grounds of sexual orientation was taken out of the list of demands during the delegation's visit to Ukraine (Globa, 2014a). According to Globa, EU officials later told Ukrainian LGBT organisations that the anti-discrimination amendments in the Labour Code were no longer needed to move from phase one to phase two in the VLAP procedure (Globa, 2014a). Why did this happen?

According to Globa (2014) this was done because the country was halted by instabilities, such as ongoing war in Eastern Ukraine and the upcoming governmental election in May 2014 (Globa, 2014b). Due to these instabilities the Ukrainian government and the EU agreed upon postponing the amendment to the Labour Code until the situation in Ukraine had improved (Globa, 2014b) (Nash Mir Center, 2015, p. 4). Obviously, the introduction of legislation protecting LGBT people from discrimination at the work place was perceived too big a threat for the politicians that was hoping to win the May 2014 elections.

On this background it might be reasonable to talk about association by proximity for Ukraine, as implementation of liberal legislation is crucial in order for Ukraine to increase their cooperation with the EU. In the case of the National Bill 4581, Ukraine did just that by implementing legislation that approximates to EU standards. Despite the fact that sexual orientation was not mentioned explicitly in the text of the law, the EU approved the law and Ukraine moved from phase 1 to phase 2 in the VLAP. LGBT NGOs did not support this move, and many thought this would send negative signals to the Ukrainian population, as politicians claimed that the EU was happy to integrate Ukraine without the protection of LGBT rights. Without the EU's support and pressure on LGBT rights the LGBT NGOs predicted that lobbying for such rights would become more difficult (Globa, 2014b).

However, despite the fact that the EU moved Ukraine to phase 2 without providing for the adoption of the prohibition of discrimination based on sexual orientation in the Labour Code, this did not mean that the EU would grant Ukraine visa free travel without this adoption. In the fifth VLAP progress report published and assessed in May 2015 (European Commission, 2015b, p. 10) it is stated that Ukraine is recommended "to amend the Labour

Code to explicitly prohibit discrimination on the grounds of sexual orientation" in order for the benchmark to be fulfilled (European Commission, 2015b, p. 10).

Bill 3442 was introduced by a group of MPs, some of which are the so-called Eurooptimists. The Eurooptimists is an interfactional group in parliament, registered in the Ukrainian parliament in February 2015, consisting of 24 MPs belonging to different political parties and factions, *Petro Porshenko Bloc, Samopomishch*, *Narodniy Front*, *Batkivshchyna*, with a common understanding of maintaining Ukraine's cooperation with the EU (samopomich.ua, 2015; Ukrainska Pravda, 2015a). Most of them who belong to this interfactional group are young and have never been acting politicians or MPs before they were voted in to parliament in 2014. This bill proposed the required changes in the Labour Code on prohibition of discrimination on the grounds of sexual orientation also adding gender identity, but not in the "Law of Ukraine of Principles of Prevention and Combating Discrimination" (Verkhovna Rada Ukrainy, 2015d), which means that sexual orientation is still listed in the imprecise category of "on other grounds" in this law.

The new law, Bill 3442, was enacted by the parliament on the 12th of November 2015 and signed by the president on the 23rd November same year, "On Amendments to Code of Labour Laws of Ukraine Concerning Harmonisation of Legislation in Sphere of Preventing and Combating Discrimination with European Union Law" adds the prohibition of discrimination based on sexual orientation to article 2 in the current Labour Code (Verkhovna Rada Ukrainy, 2015c). This amendment was called the first big step for legislating and securing LGBT rights since the decriminalisation of homosexuality in 1991 (Nash Mir Center, 2016c, p. 3).

According to the sixth report on the implementation of the VLAP (European Commission, 2015a, p. 10) which was assessed and published in December 2015 Ukraine has entered and fulfilled all the benchmarks of the second phase of the VLAP regarding sustainable implementation of the legislative and policy framework (European Commission, 2015a, pp. 2,12). However, the report also stated that the new Labour Code, currently pending adoption in the parliament, need to guarantee the same prohibition against discrimination on the grounds of sexual orientation (European Commission, 2015a, pp. 10-11).

The question is whether the EU has any leverage if the parliament chooses not to pass the prohibitions of anti-discrimination on the grounds of SOGI in the new Labour Code. In a document named "Tekst zakonproektu do drugoho chitannia" (Law project text prior to second reading) dated 27.07.2017 (Denisova, Yuzhanina, Pavelko, Sobolev, & Yunova,

2017), SOGI is included in the draft to the new Labour Code but this inclusion has not been voted for in parliament and is currently not included in the parliament's agenda (Verkhovna Rada Ukrainy, 2017b). As the EU has already approved the visa waiver for Ukraine, and visa obligations were lifted on the 11th of June 2017 (Eriksson, 2017; European Parliament, 2017), it is unlikely that the EU will stop the visa free accordance should the Ukrainian parliament fail to pass the new Labour Code's inclusion of SOGI. However, it is stated in the sixth report on the implementation of the VLAP that the European Commission will continue to monitor Ukraine's implementation of all benchmarks (European Commission, 2015a, p. 10)

4.1.2 The National Action Plan

In the fifth VLAP progress report it was also recommended that the Ukrainian government implement even more antidiscrimination directives (European Commission, 2015a, p. 10). The sixth progress report of the second phase of VLAP, however, considers the benchmark fulfilled (European Commission, 2015a, p. 10), the reason for this being Ukraine's commitment to approximating its legislation with EU's anti-discrimination directives in the Association Agreement by implementing the National Human Rights Strategy (NHRS) with the National Action Plan (NAP), which includes identified gaps regarding antidiscrimination (European Commission, 2015a, p. 10).

The NHRS was signed by a presidential decree on the 25th of August 2015 and the NAP drafted to implement the NHRS was signed by the Cabinet of Ministers on the 23rd of November of the same year (Council of Europe & Raoul Wallenberg Institute, 2016). In March 2016, the Ukrainian Parliament Commissioner for Human Rights Valeriya Lutkovska, approved the NAP to implement the NHRS, which will ensure the implementation of the NRHS by the Ombudsperson's office (DHRP Praxis Portal, 2016).

The NAP includes 135 strategic aims, conforming to the expected result of the NHRS and a set of measures aimed at achieving these aims (Verkhovna Rada Ukrainy, 2015a). Yet, most of these results are drafted legal amendments for the ministries or the parliament to consider and they do not have any immediate effect on the current legislation without approval from the parliament. This also includes measures for improving LGBT rights. Most measures are based on the development of legal drafts and there is no saying whether these will be adopted or not. The provisions in the NAP do mention how these drafts shall be implemented, and which institution is to be responsible for implementation mechanisms. However, it is not known what kind of implementation mechanisms should be set in place

and who will be responsible for them if some amendment recommended in the NAP is adopted by the parliament.

Among other things, the following measures became the most crucial for the development of LGBT rights in Ukraine when the strategy was released in 2015:

- To draft new anti-discrimination legislation also prohibiting discrimination on the grounds of SOGI, which will be in compliance with the provisions of EU legal acts (Verkhovna Rada Ukrainy, 2015a, pp. 137-138).
- To develop and submit a draft law to the Cabinet of Ministers of Ukraine on legislation about registered civil partnership of same-sex couples (Verkhovna Rada Ukrainy, 2015a, p. 141).
- To develop new procedures in order to eliminate discriminatory bans on adoption for transgender people (Verkhovna Rada Ukrainy, 2015a, p. 141).
- To develop a new procedure for changing gender for transgender people (Verkhovna Rada Ukrainy, 2015a, p. 142).
- To develop and submit a draft law on amending the Criminal Code, the Code of Ukraine on Administrative Offences and Civil Code with regards to punishment for crimes committed on the motives of intolerance on the grounds of sexual SOGI (Verkhovna Rada Ukrainy, 2015a, pp. 138-139).

There has also been extensive public discourse on non-discrimination of LGBT people and women. The Istanbul Convention is the first legally binding document in Europe on domestic violence and violence against women (Council of Europe, 2016). The convention also includes a paragraph on non-discrimination on the grounds of SOGI obliging the states to put in place non-discrimination legislation and to develop gender-sensitive policies. Ukraine is obliged to ratify the Istanbul Convention in the EU Ukraine Association Agreement (Zhuk, 2017), and EU officials have recommended representatives from the Ukrainian government to begin the ratifying process ever since the Association Agreement was signed on the 27th of June 2014 (Verkhovna Rada Ukrainy, 2017a).

In a meeting in July 2015 between the Verkhovna Rada Committee on Foreign Affairs and foreign experts of the Council of Europe Project “Preventing and combating violence against women and domestic violence: on the path towards the ratification of the Istanbul Convention by Ukraine”, participants stressed the importance of the ratification of the

convention "Given the fact that in Ukraine, a legal and social state, human rights are the highest value, and their protection is a key to its European integration" (Verkhovna Rada Ukrainy, 2015b). The ratification of the convention is also listed in the provisions for the National Action Plan (Verkhovna Rada Ukrainy, 2015a, pp. 126-127).

Ukraine signed the Istanbul Convention on the 7th of November 2011 and in autumn of 2016 the ratification of this convention came up to discussion in the Ukrainian parliament. However, the parliament failed to ratify the convention because a majority of the MPs in session disagreed with the convention's wording on SOGI, and agreed to prepare a document with the necessary remarks to send to the European Council, so that the convention could fit with Ukrainian values and ethical standards (LB.ua, 2016). In addition to disagreeing with the wording in article 4, paragraph 3 of the Istanbul Convention (Council of Europe, 2011), which states that victims of violence should not be discriminated on the grounds of SOGI, the parliamentarians also wanted to change the term "gender" (гендер) with "sex" (стать). In this regard Bill 5294 "On preventing and combating domestic violence" (Verkhovna Rada Ukrainy, 2016b) was adopted by the parliament in the first reading. However, in this version SOGI is not mentioned, which was the politicians' demand in order to adopt the bill (LB.ua, 2016).

4.2 Are LGBT Rights a "Legal" or a "Value" Problem?

During Ukraine's 25 years of independence, the development of expanding LGBT rights has moved rather slowly. According to Kravtchuk and Zinchenkov, it was not until 2013 that representatives of the authorities recognised LGBT problems in Ukraine (Nash Mir Center, 2014, p. 3). That was when the Ukrainian Ombudsperson, Valeriia Lutkovska, stated her support for introducing more legislation prohibiting hate crimes, including hate crimes against LGBT people, that is hate crimes on the grounds of sexual orientation or gender identity (Nash Mir Center, 2014, p. 3).

In Teteriuk's study, "Gay Rights and Europeanization Processes in Eastern Europe: the case of Bill 2342", a discourse analysis of the discussions concerning bill 2342 "On amendments to some legislative acts of Ukraine concerning the prevention and combating discrimination in Ukraine" (Verkhovna Rada Ukrainy, 2013) was conducted. As mentioned in the subchapter on previous research actors were involved in the discussions in 2013 concerning this law project were included in the study (Teteriuk, 2015, p. 2).

According to Teteriuk (2015) the use of "traditional values" as an argument against this law was used by its opponents, which excluded homosexuality from "traditional" values, as homosexuality subsequently was defined as a "non-traditional orientation" (Teteriuk, 2015, p. 17). This is yet another demonstration of heteronormativity, where what was referred to as the "traditional family" is perceived to be the only normal and accepted family construction. As mentioned in the introduction and previous research heteronormativity is not only demonstrated in a country's legislation, but also in political discourse. Opponents depicted Ukrainian national identity as exclusively heterosexual, promoting a heterosexual family that should preserve "traditional" patriarchal gender norms where homosexuality and gender equality were perceived as possible threats to marriage and reproduction (Teteriuk, 2015, p. 17). According to Pahulich (2012), the argumentation of such anti-gay groups, and the Church, revolve around the danger of popularisation of homosexuality, which they claim, will threaten Ukraine's demography and the "traditional" family institution (Pahulich, 2012, pp. 90,91). These organisations have also argued that the threats of homosexuality are imposed by Europe and or the West in order to destroy the Ukrainian nation (Pahulich, 2012, p. 74).

According to Nash Mir Center (2014), all political parties represented in the parliament during the discussions on the bill 2342 in 2013, except Vitalii Klichko's pro-European party "UDAR"[12], opposed the law and expressed their negativity towards its adoption because it included prohibiting discrimination on the grounds of sexual orientation (Nash Mir Center, 2014, p. 5). This was the first time the decision makers in Ukraine had to take a stand on LGBT rights that would be of great significance and importance to Ukraine's future. There were considerable incentives: citizens of Ukraine that hold a valid biometric passport could eventually be allowed to travel within the borders of the Schengen area for up to three months without holding a Schengen visa if the VLAP passed. However, when the government decided not to sign the Association Agreement with the EU in 2013, Prime Minister Mykola Azarov focused not on the incentives, but on the values, and stated:

> We must meet a number of conditions. […] We need to legalise gay marriages, we have to adopt a law on the equality of sexual minorities. Is our society prepared to this? Our churches are totally against it, both the Orthodox Church of the Kyiv Patriarchate and the Greek Catholic Church and the Orthodox Church of the Moscow Patriarchate. All priests, all

[12] UDAR, Ukrainian Democratic Alliance for Reform (УДАР, Український Демократичний Альянс за Реформ), was established in 2010 by Vitalii Klitchko, who also is the leader of the party. The political program of the party included bringing Ukraine closer to Europe and introducing European standards to Ukraine, directing Ukrainian politics based on fundamental European standards (Partiia Udar Vitaliia Klichka, 2011).

> believers are against it. One must work, must negotiate, but now we are not ready for this. (Nash Mir Center, 2014, p. 7)

In this statement, Prime Minister Azarov explained that he based the decision not to sign the Association Agreement solely on EU's binding obligations for Ukraine, which, according to him, includes the adoption of legislation that allows same-sex marriages and provides equality for LGBT people. However, the adoption of legislation that allows for same-sex marriage in Ukraine was never an obligation for Ukraine and not explicitly linked to the Association Agreement, or the VLAP. Azarov's statement might therefore be interpreted as an argument in favour of "national" value, or simply an attempt to increase sympathy for the decision not to accept EU agreements by using a heteronormative and discriminating rhetoric, built on fear and prejudice towards same-sex couples, sexual minorities, and thereby also indirectly, Europe. Azarov also made a nod towards the church's opinion, thereby making the foundation for justifying the decision even stronger. Indeed, in this statement it is merely the church that stands out as the main power in Ukraine, not the parliament or the president. Azarov also states that all believers are against these "obligations" from the EU.

This could potentially appeal to a lot of people. According to a sociological survey conducted by the Kyiv International Institute for Sociology (KIIS) in 2016, which included interviews with 2010 respondents all over Ukraine, 81 % of the respondents indicated that they belonged to a particular religion, of which 80% stated that they belonged to Christianity (Bogdan, 2016, p. 2). According to Olena Bogdan, (2016) "being a believer" in Ukrainian and Russian language[13] has a religious or a spiritual connotation (Bogdan, 2016, p. 1). Considering the high number of people that consider themselves believers among the population in Ukraine, a statement, which indicates the endorsement of the three biggest churches[14] not to sign the association agreement because of their resentment towards increasing marriage rights for same-sex couples would presumably catch the attention of Ukraine's population.

On the other hand, this interest in LGBT issues, publicly addressed in a negative tone, could be considered a revelation of fear due to lack of knowledge about LGBT people and LGBT rights. This could again be one of the main reasons for why LGBT matters are avoided

[13] Ukrainian: Бути Віруючим. Russian: Быть Верующим

[14] In 2015 92% out of 25 000 respondents claimed to be religious. 28,5% out of all religious respondents claimed they belonged to the Ukrainian Orthodox Church of the Kyiv Patriarchate, 27,7% the Ukrainian Orthodox of the Moscow Patriarchate, and 8,1% to the Ukrainian Greek Catholic Church. (Tsentr Sotsialnykh ta marketingovikh doslidzhen SOCIS, Sotsiologichna grupa "Reiting", Tsentr Razumkova, & KMIS, 2015).

in public discourse. In addition to stating their fear for the potential negative consequences the implementation of LGBT rights could bring upon the Ukrainian society, statements such as these also show the strong influence the church has in parliament – or how politicians use the position of the church on LGBT issues of why LGBT rights should not be implemented so that the politicians themselves do not have to discuss it. Teteriuk (2015) claims that the church' influence became particularly obvious during the discussions of Bill 2342, as the three churches considered to be the biggest churches in Ukraine participated in a number of meetings with MPs and governmental officials, including President Yanukovych. LGBT activists on the other hand did not have the same support in government (Teteriuk, 2015, p. 11). The influence of the church in parliament was also brought up by the MPs and activists participating in this research. This will be further elaborated on in chapter 5.

Interestingly, after the Euromaidan and the signing of the Association Agreement in 2014 (Ukrainska Pravda, 2014), politicians have continued to use arguments about "Christian values", "family values" and "traditional values" when they oppose further implementation of LGBT rights in Ukraine. Thus, heteronormative discourse among politicians did not cease to exist despite the intensified Eurointegration. The former chairman of the Verkhovna Rada, Volodymyr Hroisman proclaimed this for the parliament during the voting of bill 3442, amendment to the Labour Code prohibiting discrimination on the grounds of sexual orientation and gender identity, after the parliament had voted against the amendment 15 times (Verkhovna Rada Ukrainy, 2015c):

> We stand with you for the family values, and in no case – I hear some fake talks that some same-sex marriage can be possible in Ukraine. God forbid this to happen, and we will never support it […] We spoke today with the Prime Minister – and it is obvious that we need to affirm family values. (Ukrainska Pravda, 2015c) (irs.in.ua, 2015)

Only after Hroisman had reassured the parliament that same-sex marriage was not included in the voting and not a demand in the two agreements with the EU, the parliament managed to amend the bill protecting LGBT people from discrimination at the work place. In this regard, heteronormativity might still be perceived as the supreme norm and the implementation of this law an exemption from it due to cooperation with the EU.

Before the March of Equality (*Marsh Ravenstva*) in Kyiv in June 2015, President Petro Poroshenko stated the following:

> I regard the March of Equality as a Christian and as a European President. These two things are compatible. I will not participate in it, but I see no reason for someone to interfere, because it is the constitutional right of every Ukrainian citizen. […] I have my own

> Christian values that I was brought up with, that my children are growing up with, but I do not share the indignation of certain political forces, who want to PR themselves with this, it is not the case for PR at all. (Ukrainska Pravda, 2015b)

In Poroshenko's statement, being a Christian president and being a European president are viewed as two different roles, and according to the president himself, these two roles are compatible. This does not imply, however, that the president would take part in the March of Equality: The European role for the president lets him vouch for the organisation of the march. According to Nash Mir Center (2016) this occasion was the first time a Ukrainian president addressed LGBT people in a public statement, and his positive stance of the March of Equality might also have been a strong factor for why the police provided security for the attendants of the march (Nash Mir Center, 2016c, p. 5). This statement is, however, evidence for the level of influence the church has on politicians and also on Ukrainian citizens. It might also imply that the president is challenging heteronormative discourse, which has been standard for Ukrainian politicians, as Poroshenko, in this statement, emphasised every Ukrainian citizen's right to peaceful assembly (Teteriuk, 2016) and by that acknowledging the fact that LGBT people also are Ukrainian citizens.

4.3 Conclusion

In this chapter I have argued that the legislation concerning LGBT rights in Ukraine is still rather underdeveloped, despite Ukraine being progressive when decriminalising homosexuality. However, there has been positive development in the past three years, much because of the increased cooperation with the EU and the two agreements between Ukraine and the EU; the Association Agreement and the VLAP, which demands Ukraine to ratify a law prohibiting discrimination on the grounds of sexual orientation. Despite Ukraine's attempt to duck out of this part of the agreement and the EU's postponement of the execution of this specific demand, Ukraine still had to ratify this amendment to its existing Labour Code in order to fulfil the last stage of its part of the VLAP. This clearly shows that the implementation of this right protecting LGBT people from discrimination at the work place was of high importance of the EU.

In the Association Agreement Ukraine is also advised to ratify the Istanbul Convention on preventing and combating violence against women and domestic violence. During the ratification of this convention the parliament did manage to exclude the

convention article stating prohibition of discrimination against sexual orientation and gender identity.

Values and religious affiliation is despite this cooperation used as an argument to not further implement LGBT rights and Ukrainian politicians are still defending a heteronormative stance when they address LGBT issues. Furthermore, LGBT rights continues to be depicted by politicians as something European, in this regard, the implementation of LGBT rights is a criterion for closer association with the EU, which I have tried to depict by using statements from politicians and their way of addressing LGBT issues. Clearly, LGBT rights continues to be viewed as European also after the Euromaidan revolution.

In this case, I would therefore argue that LGBT rights are, and will continue to be, a legal and a value problem until a more liberal legislation is enabled in Ukraine, which will further protect LGBT people from discrimination and providing them with the same rights as is guaranteed for other Ukrainian citizens. This would have to be accompanied by political voices addressing LGBT rights in a more positive way than has been done until now, in order for the population in Ukraine to hear the politicians' support for increasing LGBT rights and not as something that is incompatible with "Ukrainian and traditional values".

5 LGBT Rights in Contemporary Ukraine: An Inside View

In this chapter I will present the results from the thematic analysis based on data gathered from in-depth interviews with LGBT activists and MPs. Why is it important to examine how the LGBT activists perceive the current situation? They are, first and foremost, as I argued in chapter 2.4, the group who experience the challenges and opportunities of the implementation of LGBT legislation and they take a direct role in the promotion of these rights. LGBT organisations are the independent authority that publish the most literature on the LGBT situation in Ukraine[15]. Therefore, I would argue that LGBT activists are the most knowledgeable about the situation for LGBT people today in Ukraine.

The first organisations in Ukraine to focus on LGBT issues and rights were registered at the very end of the 1990s (Martseniuk, 2012b, pp. 386,387). During the Soviet Union, there were no gay clubs or organisations working for the protection of LGBT people or advocating for LGBT rights. Thus, in the late 1990s the opening of gay clubs and organisational work developed simultaneously, suddenly and almost out of nowhere (Maerchik, 2009).

There were, however, many organisations working in Ukraine in regards to HIV/AIDS prevention and treatment from the beginning of the 1990s. These organisations did not specifically mention LGBT advocacy work in their statutes and therefore it was easier for them to achieve official registration within national and regional justice departments in Ukraine. One of the informants is affiliated with one of the oldest LGBT organisations. The respondent stated that upon registration the organisation was met with resentment from the local authorities that processed the application; they could not accept the wording of the organisation's statutes, stating that one of its aims was to improve the situation for LGBT people (Interviewee 4). The respondent continued:

> At the same time there were many organisations that were already working with LGBT people, but they were mostly focused on HIV and did not have mentioning of LGBT or

[15] See for example http://upogau.org/ru/materials/library/ retrieved 25.11.2016, http://insight-ukraine.org/publikacii/ retrieved 25.11.2016, http://gay.org.ua/blog/category/info-resursnij-center/prosvitnytska-literatura-pro-lgbt/ retrieved 05.10.2016, http://t-o.org.ua/resursy/ retrieved 03.12.2016.

> homosexuals in their documents. […] In the 90s we had to explain to people what the term homosexual meant, because most people didn't know. (Interviewee 4)[16]

According to Tamara Martseniuk (2012a, 2012b), the LGBT community has become more institutionalised, and the number of LGBT NGOs has expanded since the first LGBT organisations were officially registered in the end of the 1990s (Martseniuk, 2012b, p. 386). In 2012 there were about LGBT 150 activists and 32 registered LGBT NGOs, a quarter of which formed in 2010 and 2011 (Martseniuk, 2012a, pp. 54-55). Additionally there were 20 LGBT groups not officially registered (Martseniuk, 2012b, pp. 386-387). According to the latest update on Gay Alliance Ukraine's website, there are 45 registered organisations that provide service and represent the LGBT community (Gay Alliance Ukraine, 2017). Out of these, 30 are considered to be active. In addition to the registered organisations that work with LGBT issues there are about 20 foundations that are not formally registered. The activity level of the different organisations and initiative groups varies, as does the number of members and how many are affiliated with them (Interviewee 2).

The LGBT NGOs work on both national and local levels but there are regional differences. Western Ukraine has, for example, the smallest number of LGBT NGOs compared to other regions in Ukraine (Martseniuk, 2012b, p. 387).

The informants affiliated with organisational work in this research belonged to different organisations or informal groups, which represented different directions within LGBT organisational work, including hate crime monitoring, advocacy, informational work, judicial help, activity centres, trainings on hate crime and tolerance for different state institutions and branches, arranging demonstrations and protests (public and closed), holding seminars, sporting activities etc. When it comes to protesting in public Martseniuk (2012a) claims that the LGBT NGOs rather have preferred to host academic events, for example discussions and conferences (Martseniuk, 2012a, p. 57). However, the range of activities is wide and most organisations usually are responsible for more than one activity.

Most organisations also have their own target audience, as some represent and specialise in activities directed towards one group or offer services targeted towards the entire LGBT community. Transgender and bisexual people are the least visible groups even within the LGBT community, as there are few organisations that represent these groups. They are also less visible in the general public and there is less information about transgender and

[16] Excerpts from the interviewees participating in this research have been taken out from the transcribed and translated interviews, transcribed and translated by me. I therefore take full responsibility of the content of the citations is what the interviewees stated during the interviewees.

bisexual people compared to information about lesbians and gays (Martseniuk, 2012b, p. 396).

Ukrainian LGBT NGOs have, among other things, advocated for same-sex registered partnerships or marriage for same-sex couples in Ukraine but, as was mentioned in the previous chapter, Ukraine does not provide for any form of official recognition of same-sex unions. LGBT NGOs have also lobbied for protection of privacy rights and prohibition of discrimination on the grounds of sexual orientation and gender identity issues (Martseniuk, 2012b, pp. 401,403). By drafting law proposals and providing governmental institutions with information about LGBT issues in Ukraine with the call for the Ukrainian state to protect human rights of LGBT people, NGOs have not succeeded. Martseniuk (2012b) argues that there are no administrative or legislative measures to improve and secure human rights for LGBT people in Ukraine and there has been no governmental initiative to, for example, keep statistics or research the violation of human rights for LGBT people (Martseniuk, 2012b, pp. 403,404). Rather an important part of the work of the LGBT organisations in Ukraine has been to monitor and conduct these statistics themselves (Martseniuk, 2012b, p. 386).

In this chapter, I seek to find out how the organisations describe the conditions for advocacy work before and after Euromaidan[17] and the subsequent Eurointegration. Is there a marked change brought about by Eurointegration for LGBT activism in Ukraine? Can we talk about change at all?

5.1 NGOs Pressing for Rights – Advocacy Work in Contemporary Ukraine

One of the directions within activism is advocacy and lobbying for rights. Some of the activists interviewed in this research affiliated themselves with organisations that do advocacy work. Advocating and lobbying for LGBT rights involves talking with legislators, influencing and informing decision makers and organising informational campaigns with the aim of changing their vote and contributing to the implementation of LGBT rights. According to the activists, before Euromaidan, contact between LGBT activists and legislators in Ukraine had been minimal. Has it changed since? Are the effects of the revolution perceived as challenging or opportunistic? These were among the topics upon which the activists participating in this research could not agree. During the analysis, I did,

[17] In the interviews, the respondents would use Euromaidan, the Euromaidan Revolution, the Revolution of Dignity, or simply just Maidan when referring to the revolution.

however, identify a set of themes deemed as important to describe the situation for LGBT activists and community in current Ukraine.

When conducting interviews for this research, questions including the terms "Euromaidan" or "The revolution of dignity" were deliberately not used until the interviewee used the terms him/herself. This is because I wanted to see whether the informants themselves would bring this up, and if yes, in what context would Euromaidan happenings be important from the interviewees' perspective? Some interviewees did not use the terms at all, and in these interviews I would bring up the EU and Euromaidan by using clarifying questions that I had already prepared in the interview guide.

Five of the activists brought up Euromaidan themselves (Interviewee 1,3,4,5,10). On two occasions, the respondents described the events of Euromaidan and the subsequent Eurointegration as not living up to their hopes and expectations. They also felt that there was stagnation in the development of LGBT rights (Interviewee 1,3). The expressions of stagnation were connected with the exclusion of SOGI in the anti-discrimination bill 4581 which was adopted in May 2014 (Verkhovna Rada Ukrainy, 2014), where discrimination on the grounds of SOGI was vaguely referred to as discrimination on "other grounds".

In this sense, it may be interpreted that a part of the LGBT movement had higher expectations towards Euromaidan and Ukraine's Eurointegration than what the outcome was. This will be further elaborated on in section 5.2.

5.1.1 Theme 1: Political Communication

In this theme I present the analysis of the data set consisting of interviews with activists that present themselves as activists affiliated with an LGBT NGO. These are also the activists that do advocacy work. In theme 6: Internal Conflict, I will present the analysis of the data set consisting of interviews with activists that were not affiliated with any LGBT NGO and that presented themselves as grassroots activists.

One of the positive effects of the Eurointegration, or what was perceived as an opportunity, was, among other things, the increased possibility for NGOs and activists to communicate with politicians and governmental institutions. In this regard, communication includes contact and communication with politicians, that is members of parliament (MPs) and other decision makers within the government, parliamentary committees, ministries and law enforcement institutions.

> For 15 years [since the organisation was registered] all our proposals to the parliament were totally ignored, and all our proposals on draft laws were totally ignored, only after the Revolution of Dignity, when the real integration to Europe began, we saw the wind of change. (Interviewee 4)

This opening of communication was depicted as a direct consequence of the Eurointegration, and had Euromaidan not happened, the possibility for increased political communication would probably not have existed either. This was the view of the informants who saw positive effects. One respondent even linked this explicitly to increased cooperation with the EU, assuming that this had led to an increase in the international community's attention to Ukraine, and therefore, the government might be more vulnerable in regards to people's movements (Interviewee 6).

Informants differed in their views as to the extent of such communication between activists and politicians. One reason might be that some organisations have more of this communication than others because this type of communication coincides with the organisation's advocacy work and their central advocacy issues. This means that communication with politicians is still limited within the LGBT movement. Interviewees, nevertheless, emphasised that this method of work should be used more, and that it will probably increase in the future. Communication with politicians is also limited to a rather small group of politicians. On all occasions where such communication was mentioned, there was mention of the Eurooptimists.

> We have some contacts with parliamentarians but the problem is that none of them were connected with Ukrainian LGBT movements previously, all of them are just young, more or less young, European oriented, modern, progressive politicians, who are members of the informal parliamentary group Eurooptimists. Also we have some support from politicians, for example from the head of the parliamentary committee on human rights, he is an experienced politician and member of the block of Yulia Tymoshenko. So we have some support from the very different political forces in the parliament, but it is just a few such deputies, just a few individuals, around ten maybe out of all 420 parliamentarians. (Interviewee 4)

Even though the group of MPs with which the LGBT organisations have contact is presented as rather small, informants think it is important to develop a dialogue with MPs. Even though such cooperation might not be very fruitful today, some informants emphasised that it may become more beneficial in the future. Nevertheless, it is a fresh development compared to how it was before Euromaidan.

> I think that this type of work now is not working badly, it's working well. Why? Because on key events for the LGBT community, MPs, leaders in ministries come and participate. This contact exists, this connection exists, we will of course develop this, but now we have to use

> those resources that we have at the moment. I would want that there were more of this people with this kind of force within the LGBT movement, but in order for this number to increase we should consolidate with the community, to see if there are any new ones, that can support this movement and development as an LGBT activist, so that this person also became a visible person in the LGBT movement. (Interviewee 2)

Communication with politicians is mainly held through the MPs' assistants because the MPs themselves are rather busy and not usually available. Nevertheless, some MPs also find time to participate in events where LGBT issues are discussed, something the informants expressed as important.

> So I think it is very important to work with politicians, to be involved and try to be, you know, try to make politicians think that we are useful for them rather than being afraid of us, like unknown people. And I am sure this will help change the idea that supporting LGBT is political suicide. And supporting LGBTI [Intersex[18]] as actually something that can bring the party more votes, not only from the community but also from people who support the community. (Interviewee 6)

Some informants also emphasised that the MPs also reach out to them when there are legislative drafts that concern LGBT issues. Governmental institutions have also reached out to LGBT organisations for advice.

> Higher organs of the government started, on their own initiative, to communicate with LGBT organisations, with questions on what it is necessary to write in some new law. Earlier, we ourselves reached out to the bodies of power, we said do this and this, and they did not even answer our requests. […] sometimes our opinions are taken into account, sometimes not, but anyway, we are a part of the dialogue. (Interviewee 2)

When informants were describing how LGBT organisations have increased their communication with MPs and governmental institutions, they tended to place great significance on that this was a novelty for LGBT organisations' lobbying. Three informants (interviewee 2,4,5) stressed that this took place on the initiative of their organisation, which included receiving information or requests from, among other, the Ministry of Health, Ministry of Emergencies, and the department for the newly established patrol police on LGBT issues.

Why have these institutions and MPs become interested in LGBT issues? According to some the informants, this has been dependent on the number of new faces in these institutions. For example, some informants claimed that the reason why the new patrol police have opened up for human rights training, including LGBT rights, is because none of the new police officers in this department belonged to a Ukrainian police force before they joined the

[18] LGBTI. Some activists would use this abbreviation in the interviews. The I stands for Intersex people.

patrol police. However, Interviewee 4 stated that other police departments, namely chief investigation departments and local police is part of the old police system, controlled by police officers who also served as police officers under Soviet legislation. They show less understanding for why it is important to protect LGBT rights, according to Interviewee 4, though LGBT organisations try to work with them as well. But this sort of communication does not depend solely on the existence of new spheres of influence. One can also find examples of people changing their attitude toward LGBT within the established system. Interviewee 5 mentioned, that a former MP that initiated one of the restrictive law projects earlier referred to as anti-propaganda laws (section 4.1) in 2012, allegedly worked on a draft on same-sex partnership in 2016.

Even though the number of MPs and institutions that have contact with LGBT organisations is low, this type of communication was described as very important for the development of LGBT rights in Ukraine and something that the LGBT movement should exploit to the fullest as long as this opportunity exists. In the excerpt below, interviewee 3 underlines that communicating with politicians may be a good method for advocacy, but that this method is not used much at present. Thus, there are other instruments that the organisations use in order to put pressure on the government as well.

> It may be a way, but it is not used, for some reason […] The problem is that it is difficult, we often don't know how, and the worst thing is that the politicians are not ready to listen to, you know, normal people. The new generation of politicians they are much more receptive, like the Eurooptimists, they are cool. But the old generation of politicians, they think that you are nothing, and the only way to talk to them and influence them is through international organisations and foreign governments, for them to put pressure on them. (Interviewee 3)

In addition to cooperating with MPs and governmental institutions, whenever this is possible, the LGBT organisations and activists also communicate with diplomatic representatives for governments in other countries, mostly through the countries' embassies in Ukraine. If the organisations cannot trust the politicians to read the information that they send them, the chances of catching the politicians' attention might increase if diplomatic missions and international organisations that know and support the LGBT movement in Ukraine can help reinforce their advocacy work.

Among the tools available to activists is appealing to international institutions, which again can put pressure on Ukrainian authorities. Filing complaints to the European Court on Human Rights (ECHR) for the absence of legislation on registered partnerships for same-sex

couples in Ukraine is one example of how some activists put pressure on the government by using a European institution.

> We can see that the opinion of ECHR currently is that *a European country* [emphasis added] should at least have registered partnership for same-sex couples or same-sex marriage. So, a total absence of any recognition of same-sex couples is a breach on the European Convention on Human Rights. (Interviewee 4)

In addition to having contact and communicating with politicians, some activists also mentioned being active in political parties as a measure for advocating LGBT rights. Currently there are not many activists doing this. I based this on statements from the activists who could only mention a couple of activists that are or have been involved in politics, one of which is Bogdan Globa who I referred to in chapter 4. According to the informants participating in this research there is only one activist doing this kind of work, which includes drafting the party program on human rights and providing the party with arguments supporting the inclusion of protection of LGBT rights in the party program. Providing a political party with such arguments would allow for this proposition to the public, which might lead to an increase of support for LGBT rights in Ukraine.

Another reason why this activist is providing the party with such arguments is also because members of the party do not know how to argue for the inclusion of LGBT rights in their party program. Understanding why and how to support this stance is important so that they can defend it when they speak to the Ukrainian electorate.

Having connections with people that are a part of the decision making progress is also believed to be important in other cities in Ukraine, like Dnipro. Interviewee 7 is working in Dnipro, and like the interviewees working in Kyiv, the respondent stated that having connections to decision makers is crucial when the respondent's organisation tries to organise events; for example, the Festival of Equality[19] which was held summer of 2016.

> I have a lot of contacts and acquaintances in the city administration, like in the mayor's office. You have to know people. And when we organised the festival we had a deal with people, with the mayor […] their help led to the festival being held in safety. (Interviewee 7)

Even though interviewee 7 has a lot of contacts with the local authorities, being a member of the LGBT community and being in a same-sex relationship is not something

[19] The Equality Festival is an event organised by the LGBT NGO Insight based in Kyiv. The organisation has offices in different cities around Ukraine and the festival unites vulnerable groups, including LGBT, with a goal to provide a space and interactive discussion platform for different identities. The festival was first held in Kyiv in 2014 ("Festival rivnosti," 2015).

interviewee 7 talks about, as interviewee 7 thinks this might scare away the contacts. Since the Festival of Equality is an event uniting many vulnerable groups, not only LGBT, it might be easier to ask for support and protection of such an event compared to an event which is mainly connected to the LGBT community.

> When I talk to the authorities they ask me, they treat me well, but they ask me to not talk about this [sexual orientation] when I go to see someone in a higher position. So if I want to talk about the rights for LGBT it is better to talk about this in the end of our conversation, and use most time on women's rights. People might be more tolerant than they show, but the society is more homophobic than it is tolerant. (Interviewee 7)

According to interviewee 7, this communication is not directly tied to Euromaidan or the Eurointegration, but rather a benefit the respondent has obtained on a personal basis. This differs from the statements given from the interviewees in Kyiv, who emphasised the Eurointegration as a main factor, not necessarily personal connections.

Euromaidan and Ukraine's cooperation with the EU have, according to the activists participating in this research, had an impact on the development of LGBT activism. Not necessarily because of the legislation that has been adopted, but because of the trends the revolution and Eurointegration has brought with them, such as possibility of talking with MPs, the same MPs that openly support LGBT and participate in KyivPride[20], which again may have led to ministries and other institutions being more open to discuss LGBT issues. Most importantly, the LGBT community feels more included when LGBT issues are discussed, and this communication is a method of work the activists would like to develop. It is highly welcomed and valued by LGBT organisations, according to the informants in this research. Some activists also emphasised more abstract advantages, like the "spirit" of the association agreement, which could lead to a change in political attitudes towards minority groups, including LGBT as these rights were now linked to a judicial document with the EU.

> In the association agreement neither sexual orientation nor gender identity is mentioned. But the spirit of the agreement, respecting human rights for minorities and anti-discrimination, leads to the fact that they who are now in power are reacting with more positivity on initiatives from the LGBT movement compared to how they reacted earlier. (Interviewee 2)

5.2 Divisions in Ukrainian Politics: Who are Fore and Who are Against Implementing LGBT Rights?

[20] KyivPride was launched for the first time in 2012, including events and a public march (Teteriuk, 2016). KyivPride will be further discussed in chapter 6.2.

LGBT issues are rarely addressed by politicians in Ukraine. According to the activists participating in this research, politicians will only raise this issue in response to an LGBT event, like KyivPride. Keeping a neutral profile and not commenting on LGBT issues at all is, according to the politicians, how the majority of MPs treat LGBT issues. Nevertheless, the use of hate speech by politicians is less used now than before, according to the informants.

> It looks like the only politicians that can allow themselves to utter hate speech in public, are those leaders of a small electorate, when speaking to this electorate, which consists of the people who are willing to go out and demonstrate against homosexuality. […] like the Svoboda party, it did not come to parliament, the Right Sector did not get to parliament. This means that there is this kind of division in Ukraine, but they do not exist in the parliament, only in the local authorities. This says that this ideology is not popular among the voters. (Interviewee 2)

Political parties like Svoboda[21] and Right Sector[22] openly express their negative position towards LGBT people and further enhancing LGBT rights. The other political parties that are now in parliament, prefer to stay neutral, whereas none of the parties represented in parliament mention LGBT rights in their political program. According to some of the informants, cooperation with the EU has also had some influence in this field, as the VLAP and the obligation of adopting anti-discrimination legislation in the Labour Code also forced politicians to address this.

> It was only with the discussion on visa liberalisation that politicians were forced to say at least something. They did not want to do this, it is still considered that if politicians speak about LGBT he or she would be accused of being gay, especially men […] so they are rather afraid of it, regardless of what they actually think. (Interviewee 3)

According to the informants, politicians who openly support LGBT rights are those belonging to the informal Eurooptimist group, the same ones that the activists have succeeded in communicating with in regards to information and drafting new legislation.

5.2.1 Theme 2: Political Limitations

According to the informants participating in this research, political communication is partly disrupted by the lack of diversity and ideologies in Ukrainian politics. The excerpt

[21] The all-Ukrainian Association Svoboda (Freedom), is a nationalist political party, registered in Western Ukraine by the Ministry of Justice in 1996. The Svoboda party was active during the Euromaidan ("istoriia VO "Svoboda",")

[22] Pravyi Sektor (Right Sector), also a political party that has positioned itself as nationalistic. Established in 2013 as a result of the Euromaidan (Pravyi Sektor, 2016).

below is a response to a follow up question on whether interviewee 1 thinks communication with politicians should be increased.

> I would say if we were somewhere *in Europe* [emphasis added], but as for Ukraine, the traditional divisions of the parties in Ukraine, everybody in the different parties they have different business interests. It's not like we have greens or conservatives, here they are just all together near the ponds. So it's really hard to advocate for something or lobby for something in this situation because there is no ideology. (Interviewee 1)

The lack of political ideology and traditional political parties is also perceived as a hindrance for knowing which politicians are for LGBT rights and which are against. The lack of ideology in the political parties also makes it difficult for the party members to unify on political issues, like LGBT legislation. There is also no guarantee that the party will support LGBT legislation just because some party members are open to it. In addition to political parties, the Ukrainian parliament includes independent MPs, who are more likely to be member of or belonging to a political faction within parliament.

Five MPs agreed to participate as informants in this research; all of them are listed under political parties on the government's website. Being on party lists is also how they got their seats in the parliament in the last election in 2014. Nevertheless, all MPs that I interviewed asked that their statements should be referred to as their personal views or as belonging to a different party than the party they were enlisted in the government's website. Two of the MPs asked for their identity to be kept anonymous and will therefore be called "Parliamentarian X" and "Parliamentarian Y" hereafter. The other three MPs are Serhii Leshchenko and Svitlana Zalishchuk, who originally came to parliament by being on the Block Petro Poroshenko list and who now are members of Democratic Alliance, and Oleksii Riabchyn who is a member of the Batkivchyna party[23]. Both Leshchenko and Zalishchuk have background from political investigating journalism. Leshchenko, Zalishchuk and Riabchyn came to parliament in the 2014 election and are members of the interfactional Eurooptimist group. Again, I would like to stress the fact that the MPs agreed to participate in this research on the condition that their statements were presented as their personal opinions, not as statements given on behalf of the party they belong to in parliament. Nevertheless, during the interviews, all MPs commented on their party's treatment of LGBT issues.

[23] Batkivshchyna (All-Ukrainian Union "Fatherland"), registered by the Ministry of Justice in 1999, holds a conservative liberal democratic ideology, in addition to being Pro-European(parties and elections in Europe, 2014; Vseukrainske obiedannia Batkivshchyna, 2017).

The newly established Democratic Alliance[24] is the first and only party in Ukraine which promotes LGBT rights in their program, including support for adopting a law on civil registered partnership for same-sex couples in Ukraine (Zalishchuk) (Kostrova, 2016). This party is not represented in the government.

According to Zalishchuk there are only ten MPs that currently are willing to talk about LGBT issues, the reason being that it is not a popular topic among the electorate. The number of MPs coincides with the numbers the activists gave during the interviews, which would mean that the people involved in this new political communication, both activists and politicians, know of one another. Nevertheless, she agrees that opinion leaders and activists have become more influential after Euromaidan, and emphasised that the amendment to the Labour Code never would have been adopted had it not been an obligation from the EU in order to move forward in the VLAP agreement.

> Yes, I think we managed to adopt the Labour Code amendment, deliberately because it was a part of the visa liberalisation program, and it was obligatory for us to adopt it in order to get visa free regime. I don't believe that we would be able to adopt the amendment without this obligation. This means that we need such an influence from the EU. (Zalishchuk)

Nevertheless, the fact that the parliament is reluctant to talk about LGBT issues is a barrier for the expansion of LGBT legislation. Why the majority of MPs prefer not to comment on and support implementation of LGBT rights was explained primarily as fear from contestants and lack of knowledge.

According to the MPs participating in this research, publicly supporting LGBT rights is used by the anti-LGBT parties to discredit pro-LGBT politicians and this scheme works because the level of tolerance in Ukraine is low – and the level of homophobia is rising, which will be further elaborated on in chapter 6. The parties Samopomich, The Radical Party of Oleh Lyashko and the Opposition Block, were mentioned by the MPs as being opposed to implementing LGBT rights, and MPs belonging to these parties in parliament were also mentioned to openly protest against the implementation of LGBT rights. Addressing your support for LGBT rights as an MP was also described as political suicide, toxic (Riabchyn), and bad for ratings (Parliamentarian Y).

According to Leshchenko, parties will use the topic of LGBT rights to get votes, mainly by talking about LGBT rights in a negative way and promoting their lack of tolerance

[24] Demalians (Democratic Alliance) was registered as a political party in 2011 (Demalians, 2011-2017; Kostrova, 2016).

towards LGBT people. Leshchenko claims that the reason why these political parties continue using this rhetoric in order to gain votes is because no other parties are willing to argue against them. Again, this is due to the fact that nationalist and populist parties respond by increasing the use of arguments degrading LGBT people, and in addition discredit LGBT-supporting parties and pro-LGBT MPs. In this sense, it is easier for anti-LGBT parties to attack liberal parties or liberal MPs on this issue than vice versa, and this might be a reason why liberal parties and MPs are so reluctant to show support for LGBT rights, and why no party in parliament is willing to support LGBT rights in Ukraine. According to Leshchenko, pressure from the EU has therefore been inevitable for adopting more liberal LGBT legislation:

> I think this was the only possible way to put this issue on the map, because there are some kind of stereotypes and myths on this topic in Ukrainian society, which is conservative and very paternalistic, and the adaptation of this legislation was only possible as a part of the visa liberalisation. I think that without such a stick and carrot approach, this type of legislation would not be possible to adopt in Ukraine now. (Leshchenko)

Also, an independent MP adhered to this:

> The population now is very sensitive to various issues, for the population of Ukraine does not have stabile political preferences and trust to the politicians, that is why, unfortunately, some issues like LGBT rights are misused by various politicians in informational wars and society gets manipulated on these issues. (parliamentarian X)

In other words, parliamentarian X also shared this explanation for why LGBT topics are rarely mentioned and presented this as political manipulation. Use of such political manipulation was also the reason parliamentarian X requested that his identity be kept anonymous as parliamentarian X is an independent MP and does not necessarily wish to be on the same party list come next parliamentary election. This makes parliamentarian X vulnerable for accusations about supporting LGBT rights should the respondent seek new affiliates.

> This is also because of the populist rhetoric and manipulation, because, I tell you frankly, that I have nothing against LGBT rights, and that it should be stated in the legislation, but if my words were to reach my opponents, for example my opponents in Western Ukraine, a hostile society, quite conservative – not only because of the Moscow church, but also the Greek Catholic Church, my opponents will use it against me. They will say that I am for LGBT rights and that I want to promote gay couples. (Parliamentarian X)

If this is the position of other MPs as well, the LGBT community might have more supporters within the parliament than they are aware of, and reaching out to MPs that do not

position themselves as pro-LGBT could be a way to activate this support. Being contacted by activists and organisations that can provide politicians with information about LGBT issues might also strengthen politicians support for LGBT rights, thus according to some activists providing politicians with such information is already a part of their informational work.

Parliamentarian X states that the politicians' lack of knowledge on LGBT issues is also a hindrance for having more discussions on LGBT issues and also a reason why politicians are reluctant to argue against negative speech on LGBT issues. The reluctance to address LGBT issues can therefore also be explained by the MPs' lack of knowledge of LGBT topics, which does not necessarily mean that most MPs are homophobic, only that they just do not know enough to participate in a discussion, and so the fear of being discredited increases.

Another challenge for the LGBT community that was emphasised in the interviews was the politician's perception of LGBT as a low ranking minority in Ukraine. This was mentioned among grassroots and institutional activists, often when the conversation concerned how and when politicians address LGBT issues in public. The activists think it is harder to organise a public LGBT event compared to other public events held by other minority groups:

> […] often when LGBT people are using their right to peaceful gathering in public, local governments turn to the courts for them to prohibit the event and it will prohibit events like these. *Of course, for other groups of people* [emphasis added], these prohibitions are more seldom. Here, discrimination is not in the law itself but within the courts' practices. (Interviewee 2)

This was also mentioned when activists were asked about the level of tolerance in Ukrainian society, their perception was that other minority groups "ranked higher" than the LGBT community.

> I realised that the general HR scene and activist scene in Ukraine are quite problematic, there are these establishments, which were created back in the 90s, and they think of themselves as the successors of the Soviet era dissidents. But these people they are very narrow-minded when it comes to what is actually human rights, and they definitely do not consider many important issues to be human rights issues. And so, for instance, many of these human rights defenders or advocates are not preoccupied with questions about women in society, they don't care about LGBT rights at all. It is almost anecdotal but many of them are quite homophobic, and this is also a legacy from Soviet times, and Soviet dissidents they were really homophobic and that has influenced not only Ukraine but also Russia. (Interviewee 8)

Politicians also state that Ukraine does not have any problems in regard to LGBT people, and therefore there is no need to bring LGBT rights up to discussion:

> I don't know much about this sphere, and I don't think we have any problems with LGBT people and these LGBT groups in Ukraine, in labour and, I don't know, political rights, election rights, we don't have any problems. (Parliamentarian Y)

Clearly this is also demonstrating the lack of knowledge on the situation for LGBT people in Ukraine today and or it may also be a mechanism that will discharge the discussion.

This approach to LGBT rights also occurs outside Kyiv. An example is Dnipro, where LGBT issues are never addressed and therefore it is not perceived as a problem (Interviewee 7). This feeling of not being as important as other minority groups goes hand in hand with the politicians' arguments that there are other issues that are more important. The unstable economy has also been used an argument for why Ukraine at this moment in time is not ready to talk about LGBT rights. According to the activists, there is always some excuse not to deal with LGBT issues in society and currently the reason to wait with to handle these issues is the ongoing war in Eastern Ukraine:

> In Dnipro it is very difficult to organise such activities. Dnipro is practically a front line city. Many people have left the city to fight in the war. There are many soldiers. A very popular slogan in Ukraine is "Ne na chase" ["it's not the time"], even if there are issues concerning LGBT there are no one to support it, because there are other problems like the war, like people with disabilities. They don't talk about LGBT people, but try to help the soldiers and internal displaced persons. (Interviewee 7)

Activists and the MPs from the Eurooptimist group agree upon the fact that the majority of politicians are reluctant to address LGBT issues in public. Furthermore, respondents from both respondent groups sought to explain this reluctance with, among other things, lack of knowledge, discrimination, homophobia and fear of being discredited by opponents. In addition to this, both respondent groups suggested that MPs do not perceive LGBT rights as important for Ukraine, and that this is also why LGBT rights have not been and are not prioritised in parliament.

In chapter 4 I discussed whether LGBT issues are to be perceived as a value problem or a legal problem. Various political statements were used to demonstrate how LGBT issues are treated in Ukrainian policy making as something not Ukrainian and not applicable with Ukrainian traditions or moral – but something European. These statements were also discriminating towards LGBT people as LGBT issues and rights were depicted to be negative for Ukraine and the Ukrainian society.

In this section, however, activists and MPs found it more important to emphasise that LGBT issues are rarely discussed by politicians, and as such, respondents were more

concerned about the concealment of the topic of LGBT in Ukraine and the fact that LGBT rights rarely are prioritised. As such, LGBT rights and LGBT people continue to be marginalised and with this marginalisation heteronormativity continues to be the principal norm in Ukraine. Despite Ukraine's Eurointegration, the concealment of LGBT issues in Ukrainian policy making is prevailing.

As underlined in previous research (Marstseniuk, 2016) LGBT activists and the LGBT movement in general had hoped that the Eurointegration and the Euromaidan revolution would lead to changes for LGBT people living in Ukraine. Activists participating in the current research did also express this. In regard to how LGBT issues and rights are discussed in parliament, however, the topic of LGBT rights is still a topic that continues to be concealed unless there are acute events pressing for the parliament's stand on LGBT rights.

The last events or circumstances that have triggered a discussion on LGBT rights in Ukraine have not been initiated from the parliament itself, rather have it been the demands in the VLAP and Association Agreement with the EU that has made discussions on LGBT rights indispensable for the Ukrainian parliament in order for Ukraine to move forward by fulfilling their part in both agreements. In this theme it has been underlined that the majority of the MPs is not willing to include the implementation of LGBT rights on their political agenda as this might injure their political reputation and that pressure from the EU therefore was indispensable for the implementation of anti-discrimination legislation.

5.2.2 Theme 3: European Legislation and Expectations

The majority of the politicians that participated in this research stated during their interviews that more LGBT legislation would be adopted in Ukraine following closer cooperation with the EU. None of them were able to say when this could be expected. However, both activists and MPs agreed that it was only because of the EU's obligations that the amendment on prohibiting discrimination on the grounds of SOGI in the old Labour Code was adopted by the parliament in 2015. As the new Labour Code is pending in the parliament, the question is whether or not the parliament will pass it with the inclusion prohibiting discrimination on the grounds of SOGI. The activists participating in this research fear that there might be a risk of the new amendment being left out and agree that this would be a major setback for the community.

> There is a huge risk that MPs voted for the amendment to make Europe happy, and later they can just vote for a new labour code without SOGI and it will be a huge setback. Now

> my colleagues and I are trying to find out how we can be a part of the working group to bring back SOGI, but it is really hard. (Interviewee 5)

Some of the activists also emphasised that the amendment had been adopted to fulfil the obligation and move on to the second stage of the VLAP, not to protect LGBT rights. The MPs' wish to please the EU rather than the LGBT community in Ukraine was not perceived as positive for future amendments, as these might not be obligatory for Ukraine to adopt from the EU's side – but a demand from LGBT organisations, and therefore, probably harder to adopt. Nevertheless, having the amendment adopted was still perceived as a good thing.

The politicians in charge of cooperation between Ukraine and the EU have also been criticised by the activists in this research for how they deliberately exclude or halt the adoption of LGBT legislation, while on the other hand accept all other recommendations from the EU; that is, accepting anti-corruption recommendations, health recommendations, and social policy recommendations, but not implementing those recommendations on LGBT rights. (Interviewee 1,3,5).

According to the activists, this is what ought to have happened when SOGI was left out of the anti-discrimination, bill 4581, law and put in "other grounds".

> So I guess we lost some instruments during for instance the VLAP [Visa Liberalisation Action Plan], because some politicians thought there should be some silent discussions about LGBT rights in Ukraine, in the government, that's how we lost this anti-discrimination law. They didn't put SOGI on there because a compromise was made, the representatives from the Ukrainian government managed to tell the EU officials that it's not possible to include it there, because this would lead to huge tensions in society, so it was better to keep it out. Not to wait for better times, better to just adopt without. (Interviewee 1)

Nevertheless, the MPs in this research emphasised the development of LGBT rights that would come later, as the cooperation between the EU and Ukraine continued to evolve. President Poroshenko has stated that he will not sign the new Labour Code if it does not include the anti-discriminative measures that the EU has obligated Ukraine to implement in order to achieve visa free travel in the Schengen area (Roshchenko, 2017). Nevertheless, the EU has allowed Ukraine to exclude SOGI, as the new Labour Code was not voted on before Ukraine was granted visa liberalisation. However, the activists still perceived the EU as a normative power on anti-discriminative LGBT legislation. The EU was also perceived as a catalyst for the implementation of LGBT rights in Ukraine as neither the activists nor the MPs participating in this research thought this amendment would be passed through without pressure from the EU.

None of the activists expressed that influence from the EU, given the cooperation between the EU and Ukraine, would make the LGBT organisations more passive or dependent on the EU and EU officials. On the contrary, many of the activists expressed enthusiasm over this cooperation, nevertheless emphasising that organisations would have to follow up on every development and legislation proposals (for example those set up in the National Action Plan (NAP) (Verkhovna Rada Ukrainy, 2015a), discussed in chapter 4.2, in addition to expressing their willingness to engage in this work (Interviewee 2,3,4,5,6)).

Many of the provisions in the NAP are drafts of amendments that need to be passed in the parliament or by the Cabinet of Ministers. Keeping in mind how difficult it was for the parliament to amend the amendment to the Labour Code, bill 3442, which was necessary to achieve visa liberalisation with the EU, it is hard to imagine that the government will vote for these provisions in the action plan, which does not contain any obligatory measures from the EU or any other international institutions. The LGBT organisations have a higher chance of achieving successful implementations of the provisions that does not have to pass through the parliament, and according to the activists that work with these drafts it is something they are both aware of and prepared for.

> As far as we can see our Ministry of Justice does not want to do their share of work, and they do not want to work out the necessary documents. It's not a problem, we can draft the documents ourselves because it was our proposals and we are ready for this activity. The problem is to adopt it, it depends on the government and that is out of our control. (Interviewee 4)

In those interviews where NAP was brought up, the activists did not express any high expectations for the parliament's voting on the NAP provisions concerning LGBT rights. Many of them saw the proposal as a small victory in itself, independently of whether the provisions would be adopted. Many of the issues the activists fight for are mentioned in it, which can lead to an increase in the politicians' attention on some of these issues. This will be used by the activists as a measure to push politicians to take a stand and vote for these issues in the parliament. The excitement of being included, something the LGBT community claims is rather new according to the activists participating in this research, does resemble the excitement some activists expressed over the Association Agreement between Ukraine and the EU. This was despite the fact that the agreement did not mention sexual orientation nor gender identity but activists still felt that the agreement would have a positive effect on LGBT issues because of the spirit of the agreement (interviewee 2).

> If suddenly, there will be a political fight for registered partnership, for same-sex couples, in Ukraine, we should be ready to back this law project. When the people who decide this say yes we are ready for this, we should bring them a finished product that works. We try to work for this, and if something suddenly happens we can say yes, everything is ready. (Interviewee 2)

The Association Agreement also recommends that Ukraine ratify the Istanbul Convention. As mentioned in chapter 4.3, the Istanbul convention was signed by Ukraine in 2011. The first attempt to ratify the convention took place while conducting interviews for this research. The session ended with a decision to exclude the words "sexual orientation" and "gender identity" from the convention before it could be ratified (LB.ua, 2016). The result of the vote on the 17th of November 2017 caused dissatisfaction among the activists and some of the politicians that participated in this research and they brought this up in the interviews. I therefore felt it was useful for this research to use their comments on the ratification as a picture for the prevailing situation, despite the fact that some respondents had been interviewed before the voting had taken place (that is, before the 17th of November 2017).

Ratifying the Istanbul Convention and bringing the laws of Ukraine into compliance with the requirements of the convention (that is, the Criminal Code, Code of Civil Procedure, Code of Ukraine on Administrative Offences and other regulatory acts), is listed in the NAP with an execution term of two years (2015-2017) (Verkhovna Rada Ukrainy, 2015a, pp. 126,127).

The activists that brought up the Istanbul convention during the interview were those I spoke to after the voting had taken place, three out of five activists in total, and they perceived the results as a major setback for the development of LGBT rights in Ukraine (Interviewee 5,6,10) and more importantly, as a sign that the most important task for the LGBT community now is to protect those achievements that the community have accomplished so far.

> I think that there is an obvious goal to first protect the achievements that we have already, so we do have this anti-discrimination provision in the labour code, but there is no guarantee that it will stay there when they make the new one. Just last week, we saw this stupid discussion in parliament on SOGI in the part of the legislation on domestic violence [17.11 Istanbul Convention], so there is a fight to protect what we have achieved. (Interviewee 6)

The activists' impression of the voting and discussion about taking SOGI out of the convention was discontent and a sense of failure from the government's side. The result of

the voting was also perceived as a continuation of the MPs' way of rejecting those parts of the EU's recommendations that they did not find suitable or appropriate for Ukrainian society. I am referring to the rhetoric that was used during the vote, which had emphasis on Ukraine as a Christian country that needed to take care of its Christian values (LB.ua, 2016).

MP Zalishchuk also brought up the Istanbul Convention when stating that the handling of this question makes a good example as to how conservative the parliament is. Riabchyn on the other hand, who unlike Zalishchuk does not have LGBT rights as a prioritised political field but prefers to stay neutral, said he would have supported the convention in parliament with or without the revisions, as the law for him was about domestic violence and that he voted for the law in the way it was presented. Parliamentarian Y argued to take out gender from the text:

> For the meaning of gender is not possible to understand for Ukrainian society, because there are more than 54 gender positions in the Istanbul convention, it is not possible. […] Yes, we said we will join, but like Poland, we will join, but we have a special document stating why we don't agree with this article. We don't have government churches like in Poland but, in Ukraine this influence [from the church] in parliament is very high. (Parliamentarian Y)

The All-Ukrainian Council of Churches and Religious Organisations (AUCCRO)[25], stated that it is against the use of the term gender in the convention, as the convention is the first international document that defines gender: (VRCIRO, 2017) "gender shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men" (Council of Europe, 2011, pp. Chapter 1, article 3, c). AUCCRO fears this meaning will be used to define the word gender used in the Ukrainian constitution as well, which, according to AUCCRO, would lead to a popularisation of gender roles and same-sex relationships in Ukrainian schools and universities (VRCIRO, 2017).

The activists, expressed that the MPs' wish to replace the word "gender" (гендер) with the word "sex" (стать) was very unexpected and a major setback, as the word gender is not only used in regards to gender identity. The term "gender equality" is, for example, also used in the gender equality law of 2005 (Verkhovna Rada Ukrainy, 2005b). However, in this law, gender equality is defined as equality between men and women, without mentioning gender as socially constructed roles.

[25] Всеукраинский Совет Церквей и религиозных организаций (The All-Ukrainian Council of Churches and Religious Organisations, AUCCRO) was established in 1996 to coordinate cross-confessional relations and to cooperate with state authorities on legal initiatives which touch upon interests of religious groups (Vseukrainskiy Sovet Tserkvei i religioznikh organizatsiy, 2014)

The church and the fear of being discredited as a supporter of LGBT rights, followed by falling ratings and support in the electorate are, according to the MPs the two main obstacles of developing LGBT legislation. The arguments for not strengthening LGBT rights are often connected to Christian and Ukrainian traditional values, whereas LGBT rights do not conforms to these.

5.2.3 Theme 4: Church Communities

The influence from the church is, according to the politicians one of the factors contributing to why the parliament rarely discusses LGBT issues. All five politicians participating in this research mentioned the church and its strong influence as a hindrance for the development of LGBT rights. Only parliamentarian Y expressed the church's influence as positive, as his party is conservative and is aligned with the Orthodox Church.

The level of influence of the church was brought up as another hindrance for developing LGBT rights. Not all of the above-mentioned obstacles hindering a comprehensive discussion on LGBT issues in parliament were mentioned by all politicians but all five MPs participating in this research mentioned the church and its strong influence as a hindrance for the development of LGBT rights.

State and church are two separate entities in Ukraine. Nevertheless, the Orthodox Church and the Greek Catholic Church have, according to the MPs who participated in this research, powerful influence in parliament. Leshchenko argues that many members of parliament are also members of the Orthodox Churches and that this membership influences their work. And this influence seems to be, according to the politicians, one of the factors contributing to why the parliament rarely discusses LGBT issues.

Riabchyn thinks that the Orthodox Church has importance in parliament when it comes to discussing LGBT issues, as he believes that there is a big parliamentary circle that is influenced by the Orthodox Church. According to Teteriuk, all three major churches in Ukraine have correspondence with the parliament (that is, the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Ukrainian Greek Catholic Church, and the Ukrainian Orthodox Church of the Moscow Patriarchate (Teteriuk, 2015, p. 11). These churches are also rather conservative when it comes to implementation of LGBT rights as they promote their perception of the "traditional family" and "traditional family values" as the only normal form for social relationships. This is a clear example of the demonstration of heteronormativity. The implementation of legislation that protects LGBT people and or acknowledges LGBT

people and same-sex relationships are therefore not applicable with these churches' views on accepted relationships. The churches' influence in parliament is also contributing for upholding the principal norm of heteronormativity.

AUCCRO (Religious Information Service of Ukraine, 2013) also communicates with the parliament, and according to Riabchyn, MPs belonging to this circle will advocate against the implementation of LGBT rights if they are told to. Riabchyn says Batkivchyna, his political party, respects human rights and equality for all. The party has voted for all Eurointegration laws but does not explicitly mention LGBT legislation. He also claims that there is an orthodox wing within the party, highly influenced by the Orthodox Church, which is not supportive of LGBT legislation. The fact that political parties, like Batkivchyna, can have two different positions on LGBT rights is also an example of how party ideology is not something deeply rooted within the political parties in parliament, and therefore it might be difficult for parties to unite on certain issues.

As mentioned in chapter 2, the Orthodox Church was originally not meant to be a subject of research. Nevertheless, after analysing the data collected from the interviews, the Orthodox Church had been mentioned as rather significant by both activists and MPs in regards influencing LGBT rights, thus I decided to include this subject in the presentation of the data. The effort of the church was also recognised as one of the main factors why parliament never voted for bill 2342, the first amendment prohibiting discrimination on the grounds of SOGI in the Labour Code in 2013, according to Teteriuk (2015, p. 2.).

The political party *Narodnii Rukh Ukrainy* (People's party movement), of which parliamentarian Y is a member, is also a party affiliated with the church, according to parliamentarian Y. The party is not represented in parliament. Furthermore, parliamentarian Y claims that all decisions when it comes to LGBT issues in parliament are influenced by the church. The People's Movement Party is a conservative party, which in their statutes promote "Ukraine's accession to the EU and NATO conditioned on the preservation of traditional Ukrainian national, philosophical, and spiritual values" (Narodnii Rukh Ukrainy, 2016)

> And our party is also conservative, and we will support the Ukrainian Orthodox Church. And we talk about families in our program, about relationships between men and women, and on conservative relationships in Ukrainian society, we don't want to advertise LGBT groups, we cannot, it is not our political position. So, the party will continue to advertise for a traditional family. Between man and woman. We speak in our program about incomes – economy, to develop the Ukrainian economy by using families, having more children, and that's our political position. (Parliamentarian Y)

Parliamentarian Y presents a demographic argument for not implementing LGBT rights. Out of all politicians participating in this research, parliamentarian Y is the only one introducing LGBT rights as a demographic problem. That, in despite of parliamentarian Y's belief that the whole LGBT community in Ukraine is limited to around 10 000 people and that it does not seem to be any big challenges connected with LGBT people in Ukraine.

Interviewee 4 claims that the cooperation with the EU and the war with Russia has led to a change on the use of hate speech, including the churches:

> The enemy for the LGBT community in Ukraine are ultra-right nationalists, but first of all our enemy is the Church because it is rather homophobic. But, nevertheless, Russian aggression made changes even in this area, because currently non-Ukrainian mainstream political force or main stream church, cannot afford to be openly pro-Russian, and to be anti-LGBT is equal to being pro-Russian. So they cannot afford to be openly aggressive towards LGBT. Of course they remain homophobic but, nevertheless, they diminished their rhetoric and they almost also seized to suggest homophobic laws to the government, like the one in Russia on homosexual propaganda. We had similar draft laws in our parliament, and one of them was even adopted in the first reading, but after the Revolution of Dignity all of these documents were cancelled. So currently we don't have any homophobic draft laws in our parliament and that is already progress in the country. (Interviewee 4)

Apparently, after Russia's annexation of Crimea and the war with separatists in the East started on the 20th of February 2014, the Orthodox Church has had to decrease its verbal negativity towards the LGBT community, in order not to be regarded as pro-Russian in this ongoing conflict between Russia and Ukraine. This stands in great contrast to when all the churches cooperated in order to stop the inclusion of sexual identification and gender orientation in bill 2342 in 2013 before the Euromaidan revolution took place (Teteriuk, 2015).

5.2.4 Theme 5: Europe and European Values

The respondents' perception of the EU through the cooperation between Ukraine and the EU is a vital part of this research, and with it, also how the respondents would talk about and describe their perception of Ukraine's relationship to Europe, European values, and the EU. This is included as a continuous thread throughout the analysis of the data set. During the interviews, activists and MPs mentioned Europe and European values but did relate to the terms in rather different ways.

Oleksii Riabchyn from the Batkivschina party says LGBT issues is not his main field of politics, but he can see that Ukraine is behind other European countries in regards to the protection of human rights, including rights for LGBT people. Nevertheless, he states that the

parliament is a mere reflection of society and therefore the parliament will not vote for any implementation of LGBT rights before the electorate says this is what it wants. Currently, according to Riabchyn, there is no majority in Ukraine that wants this.

> We have people who are leaning more towards *European values* [emphasis added], who are ready to discuss the issue, but I don't think that this is a topic for Ukraine to discuss right now, there is no political will in society and not in parliament. The parliament is just a sensor, adopting what society wants. I don't think that in society there is a debate or that it is a huge demand from people to support it. (Riabchyn)

Riabchyn labels LGBT issues and rights as something that is a part of "European values", but does not see Ukraine as a part of Europe in this regard, because society is not ready for this. He does not see Ukraine as a bearer of so-called "European values". Zalishchuk also mentioned European values during the interview, as something that people that participated in the revolution fought for. This included human rights, which is seen as something that can be enforced in Ukraine as a part of the country's Eurointegration.

> What was Euromaidan about? It was about dignity and dignity is the core idea of the human rights concept. And they were very active, the participants of Euromaidan, they were there, all in the streets. They were fighting together for *European values, standards, and rights* [emphasis added]. (Zalishckuk)

According to these two MPs, European values are not something that Ukraine has obtained yet, rather is it a set of values with incentives for Ukraine to adopt, alongside various reforms and technical help that the EU has offered to help Ukraine with in the VLAP and the Association Agreement. On the other hand, the activists who mentioned European values kept an ironic distance to the term by putting in it quotation marks, followed by an explanation of how no one really knows what the term means nor how it should be used. This is especially true in Ukraine, where Europe and the noun "*evropeiskyi*" (Ukrainian)/ "y*evropeyskiy*" (Russian) occurs often, and many times on products to imply that the quality is good and better than standard of Ukrainian products (Interviewee 3). Thus, some of the activists emphasised that what is often perceived as "European values" to them is a set of global values, protecting human rights for all, not something that should be treated as something distinctly European or imported from Europe.

The majority of activists also made a distinction between Europe and Ukraine in the interviews, not perceiving Ukraine as a part of Europe in regards to different practices of LGBT legislation and treatment of LGBT people.

> I don't even know what these European values are. I think that there are human values, but somehow Ukrainian people believe that there are some existing European Values. Its global values really, respect for diversity, respect and protection of human rights is a global thing. But after the Revolution of Dignity, people call them European Values. So we need to show that we want *to be a part of Europe* [emphasis added], that we would adopt these "European Values" […]. (Interviewee 5)

> These changes should be expected if Ukraine, *if Ukrainian society, really wants to integrate with modern Europe* [emphasis added]. […] It is very important, it is crucial, because of all those *so-called modern European values* [emphasis added], in some way they are imposed on Ukrainian society, but it is inevitable, we have lived for several decades under Soviet regime, we just did not know another way of life, another way of thinking, so I understand that for many years, first years of Ukrainian independence, all those *European standards* [emphasis added] seemed alien to our people. And they seemed imposed on our society on our state from abroad. (Interviewee 4)

Nevertheless, the activists did not perceive Ukraine as a part of Europe in regards to the treatment of LGBT issues and this was presented as something negative, not necessarily because they want to become a part of Europe but because they wanted LGBT issues to be recognised in Ukraine as they are recognised in other European countries. As mentioned in the introduction, LGBT activists in Ukraine have since the country became independent, fought to convince the government and the general public that LGBT people should be granted the same rights as other citizens. Currently for Ukraine, the immediate approach in order to achieve this is to follow through with the cooperation and integration with the EU and Europe, according to the activists and politicians.

Ukraine's heritage from the Soviet Union and the treatment of LGBT people during the Soviet Union was brought up as one of the obstacles for why it is hard for Ukrainians to accept or acknowledge LGBT rights and why many believe that LGBT people is a geographical phenomenon from Europe. Both activists and parliamentarians used the Soviet heritage as a historical backdrop for the current situation in Ukraine. This heritage was also used to explain why there is a lack of knowledge about what LGBT is and why it is important to address those issues that LGBT people meet in Ukraine today. As described in chapter 3, LGBT issues in the Soviet Union became taboo and therefore the general public did not learn or hear about the obstacles lesbian, gay, bisexual and trans persons met in their everyday life, many did not even know what it meant to be a person with a sexual orientation that was not heterosexual. According to both activists and parliamentarians participating in this research stereotypes and prejudices about LGBT people remained in Ukraine after the Soviet Union dissolved. Moreover, heterosexual relationships continued to be perceived as the only normal relationships, whereas same-sex relationships were still perceived to be a deviation from normal.

In this excerpt below, interviewee 5 accentuates people's perception that LGBT is something that is brought upon Ukraine by Europe and that the Soviet Union is associated with a time where the topic of LGBT and same-sex relationships did not exist.

> They think that Europe is trying to impose something, and they miss the Soviet Union, how great it was at that time, how great it was to live without gays, they do believe that there were no gay people in the Soviet Union, and they became more homophobic. They say that Ukraine is trying to change their country. (Interviewee 5)

Other activists (interviewee 1,2,4,5,8) also brought up the Soviet Union and Ukraine's Soviet heritage as an explanation for why there is a lack of knowledge on LGBT issues among the population. Some also expressed that they understood the hostile attitudes toward LGBT people in Ukraine after it received its independence because of the Soviet heritage as it was a part of peoples' mind-set. Therefore, it was not expected that change could be brought upon the Ukrainian society during the first years of independence. 26 years after Ukraine became independent the activists however have little or no accept for the current treatment of LGBT people and the lack of attention that LGBT issues have among politicians and society in general because of the treatment of LGBT people in the Soviet Union. However, according to the respondents in this research, Soviet practice is considered to be a factor for why Ukrainians are negative towards LGBT people and implementation of LGBT rights. Here I would also argue that because of this heritage and its negative influence on people's perception of LGBT people, the anti-LGBT appeal would gain more support compared to pro-LGBT movements.

Russian attitudes in regards to LGBT issues and legislation was on the contrary, presented as the opposite of European attitudes, used to picture a worse situation for LGBT people than the situation for LGBT people in Ukrainie. Indeed, many activists emphasised on the LGBT restrictive legislation which was adopted in the first reading in the Ukrainian parliament in 2012 as mere copies of Russian legislation. The reason for why this legislation was permanently stopped was also presented as a consequence of the VLAP and the Association agreement with the EU. Russian LGBT legislation will be further examined in chapter 6.

5.2.5 Theme 6: Internal Conflict

As mentioned above the activists that participated in this research were divided in two groups. The first one is the group of activists who work with activism on a daily basis as

employees of human rights or LGBT NGOs who I have chosen to call institutional activists, and the second one is a group consisting of grassroots activist, who do not have the same belonging and employment relationship to an LGBT organisation, but who engage in activism that is not necessarily institutionalised.

The grassroots activists expressed a distinct perspective on what should be the key issues for the LGBT community in Ukraine today.

In addition to using different approaches and work methods, the gap between grassroots activist and institutional activists has also led to problems with mutual understanding as activists and how the different groups perceive 'right' or 'wrong' activism. Two of the grassroots activists expressed discontent over how many activists within the LGBT community treated them and their work. According to the grassroots activists, their activism was not perceived as important enough because this was not their work of profession, but something they did in their spare time, and because it did not include lobbying for LGBT rights in governmental institutions.

> I do not affiliate with any of them, and I have a lot of questions about mainstreaming GL [gay and lesbian] mainly organisations, that function in Ukraine. I chose not to work with that. Some people, I guess, think that I am not really an activist because I do not, kind of, explicitly deal with questions of LGBT situation in Ukraine in my everyday activities, and I think that for many people activism is considered to be a professional thing, so people that consider themselves to be activists they go "I work at this organisation, and I do this and this is really important"[26]. But then when they meet and interact with grassroots, very often they go "really, the things you are doing, you thought it was activism? It's not activism! – For instance, what I do, I go to some policemen, or MPs, or I lobby, that is activism, what you do on your everyday level this is not activism". (Interviewee 8)

> But the grassroots have to do their everyday job to earn money for a living, and then on top of that engage in some sort of activism in their free time. Burning out, and stress is widely spread. At the same time the grassroots activists meet with the establishment [leaders of LGBT NGOs], and they say ok what have you really achieved? (Interviewee 9)

Grassroots activism included holding lectures, participating in workshops about LGBT issues, participating in protests, running websites where LGBT people can read and publish their personal stories. For most of the grassroots activists having a platform where different meanings could be expressed was perceived as ideal for future activism. Why? According to the grassroots activists, the problems Ukraine is facing when it comes to homophobia and intolerance are not just connected to LGBT but to all minorities. This was also mentioned by some of the institutional activists (Interviewee 1,5). Therefore, if tolerance in the country is to increase, one has to promote tolerance towards all minority groups, not

[26] When quotation marks are used in the citations like this, it is to mark that the respondent cites someone else.

only LGBT people. The grassroots activists claim that the source of change lay within changing people's perception of LGBT people. Nevertheless, some of the institutional activists also emphasised the importance of informational work and working with different groups in society, which could lead to a more tolerant climate.

This disconnect between the two groups of activists was brought up rather early in the interviews with the grassroots activists, an indication that they see the issue as important for the work of the LGBT movement.

As mentioned above, institutional activists have increased their relationship with MPs and government officials, because they feel more included in the decision making process now than before Euromaidan. The activists presenting themselves as grassroots activists on the other hand did not express the same faith in the parliament and do not have the same relationship with politicians. The grassroots activists did not have the same positive perception of Ukraine's cooperation with the EU, nor did they express enthusiasm when discussing whether this cooperation would have any positive effects on the LGBT movement in Ukraine. Rather were they sceptical towards the EU and its human rights practices.

During the interviews with the grassroots activists about the EU, the activists did not mention increased cooperation with MPs or governmental institutions. Rather, the visa free regime was mentioned as a measure for obtaining hormonal treatment abroad. On whether the increased cooperation had had any influence on Ukrainian legislation for LGBT, the grassroots activists answered that this was more of a formality, not beneficial or influencing LGBT people's lives now. Instead, according to these activists, working towards changing people's attitudes and increasing tolerance towards LGBT people should have higher priority. Being too dependent on the hypothetical results, which could come from cooperation between the EU and Ukraine, would therefore make the movement weaker or lead to a wider disconnect between the two activist groups (grassroots and institutional activists).

> The Eurointegration process causes infantilism, infantilism among the LGBT community because they think that the Eurointegration will solve all our problems without any extra addition from us. And the second dangerous thing that I think I can predict from the Eurointegration on LGBT, and we can see it already now, is that after some period of hope, now a very big part of Ukrainians understand that it will not be any further integration with EU within the next 50 years, only they understand that it will be the same situation like in Turkey or Macedonia. And then there is a rise of populists with slogans like "Fuck Moscow and Brussels we don't need them, we need to create our own national state", they have more and more followers, and sure, they are homophobic and sexist and conservative. (Interviewee 10)

Whether the EU is perceived as a protector of human rights or a normative power for LGBT rights was also an important question that the grassroots found it important to include in the discussion on how EU could influence LGBT rights. The grassroots activists, however, expressed a more sceptical view of the EU in this regard; thus, regardless of the EU being a normative power or not, it's influence would not lead to a better situation for the LGBT community in Ukraine.

> I am really not sure that the EU will be a haven for human rights for much longer. I would eat my shoe if it turns out that EU will be able to live through all these challenges and remain – and not even remain, already there is bad human rights practice, look at the treatment of migrants and refugees. (Interviewee 8)

Both grassroots and institutional activists criticised those activists that often represent the LGBT community in the media and in society in general because they focus too much on issues that are only relevant for some LGBT people, not all (e.g. same-sex partnership). By focusing on issues that are only relevant for some LGBT people, other problems that might be an issue for all LGBT people are not treated as important. This might also become a source of conflict and a hindrance for holding the community together.

> I would advocate for more anti-discrimination protection in the laws rather than same-sex partnership. I mean it is a step further, I think we have more immediate stuff to do. There are some activists who force this agenda [implementation of same-sex partnership]. (Interviewee 3)

Some of the interviewees were especially concerned about the situation for transgender people in Ukraine and that the issues that transgender Ukrainians struggle with are not recognised as important enough and therefore not promoted when these so-called representatives of the LGBT community talk about LGBT issues. This has also led to the fact that transgender issues specifically has very low support from politicians and accordingly, attention on transgender issues has not been influenced by Ukraine's Eurointegration some activists stated.

> We have a very active and strong gay community, that often represent the whole LGBT community, and talk about problems as if they were problems for all LGBT, they talk about it in such a way that people think that the problems for LGBT is marriage, and this is the only problems that exists. Because transgender, bisexual and queer people aren't visible, and when they talk about LGBT these issues for BTQ [queer[27]] they aren't

[27] LGBTQ – "Queer". As stated earlier in this chapter, the activists would use terms freely when talking about the current situation. In this case, interviewee 9, uses an abbreviation including the letter Q, which stands for "queer".

> discussed. [...] Well, it's like there is no one who thinks about solidarity with transgender issues and rights. (Interviewee 9)

> The forced sterilisation of T [transgender] people, I think this is one of the most shocking infringements of HR [human rights]. This is also, just to illustrate the mainstream HR leaders, when they talk about the infringement of HR in Ukraine, they never talk about this. I read a report on forced hospitalisation, a legacy from the Soviet Union, […] And in this report, there was not a single word about T [transgender] people, so do they not think this is an important issue? Mainstream HR community is blind to this issue. (Interviewee 8)

5.3 Conclusion

In this chapter I have examined how LGBT activists in Ukraine perceive the situation for LGBT people with emphasis on what the activists find most important, particular concerns about whether the situation has changed for the LGBT community, and LGBT organisational work after the Euromaidan revolution.

The results from the analysed material show that the majority of the activists have experienced positive change when it comes to communication with MPs, an aspect of advocacy work that, up until the election after Euromaidan, had been described as impossible. This type of communication is still limited to some LGBT organisations and only a handful of MPs.

In addition to communication with MPs, activists also expressed that they feel more included in the decision making process now than before, whereas their contributions to drafting laws and regulations are to a greater extent, included and accepted within the institutions responsible for drafting new legislation. First and foremost, this has been highlighted in the 2015 NAP.

Nevertheless, activists still perceive the parliament as rather reluctant to implement LGBT rights, claiming that the amendment to the Labour Code prohibiting discrimination on the grounds of SOGI would not have been ratified in parliament without external pressure from the EU and the promise of granting visa liberalisation for Ukraine the EU.

The parliament's reluctance to prioritise LGBT rights is also reflected in the responses of the MPs participating in this research. According to the MPs, fear of being discredited by opponents and loss of popularity are two of the main reasons why MPs prefer to maintain a neutral stance on LGBT issues. This was also why one of the MPs participating in this research requested anonymity. Yet another reason the parliament seldom implements LGBT rights is the Orthodox Church's influence in parliament, which is very conservative in regard to family politics. This influence was clearly illustrated during the parliament hearing on the Istanbul Convention on the 17th of November 2016. The argument for not implementing this

convention was its wording and use of the word “gender”, something that the Orthodox Church openly believes might pose a threat against Ukrainian traditional values.

Those activists that presented themselves as grassroots activists did not express the same positivity towards Ukraine’s cooperation with the EU as the institutional activists. They were more concerned about the ongoing conflict between institutional activism and grassroots activism and that gay and lesbian issues, like same-sex partnership legislation, get more attention than transgender issues.

6 A Return of "Soviet Propaganda"? (2013-2016)

6.1 Theme 7: Russian Restrictive LGBT Legislation and the "Value Dimension"

In chapter 3, I argued that one of the factors for reintroducing a prohibition of homosexuality to the criminal code in 1934 was Yagoda's outrageous claim that homosexuality was associated with espionage and counter revolutionary activity. It was also associated with the bourgeoisie life represented by Western European countries and the fascist movement in Nazi-Germany.

Following Ukraine's independence and the need to establish a national Ukrainian identity, Ukraine has also seen the rise of nationalistic groups, some more extreme than others. However, Ukrainian nationalism has existed for a long time, especially in Western Ukraine. The Organisation of Ukrainian Nationalists (OUN), established in Western Ukraine in 1929, remains one of the most infamous ultra-nationalist groups (Rudling, 2013, p. 229). The OUN's main goal was to achieve a totalitarian and ethnically homogenous Ukrainian nation-state, relying on terrorism, violence and assassinations to achieve their goal. Thousands of Poles, Russians, Ukrainians and Jews were assassinated until the organisation was stopped by the Soviet Union in 1953. After an internal disagreement the organisation split in 1938, and the wing following the leadership of Stepan Bandera initiated a cooperation with fascist Nazi-Germany at the beginning of the second world war in the hope of establishing the Ukrainian state as a loyal satellite of Nazi Germany in 1941 (Rudling, 2013, p. 229).

This nationalist organisation received great support during the second World War, and despite the fact that it had some difficulties re-establishing itself in independent Ukraine, again being split into two camps, the heritage from the organisation still enjoys some respect and support in Ukraine, particularly in Western Ukraine, first and foremost through the heir organisation Svoboda (Rudling, 2013, pp. 228,235).

The All-Ukrainian Association Svoboda, established by a merge of several ultra-nationalist organisations and student fraternities in Lviv in 1991, subscribes to the OUN tradition of national segregation, and demands the re-introduction of the Soviet "nationality"

category in Ukrainian passports (Rudling, 2013, pp. 235,237). The political party Svoboda and their participation in Ukrainian politics during the last few years has been a gift to Russian propaganda makers who often highlight the nationalistic group's cooperation with the Nazi movement in the past. Critics claim that Svoboda's past still characterises its current activity and is therefore a movement that poses a threat to Russia, thereby questioning the validity of the Revolution of Dignity (Færseth, 2015).

After the Euromaidan revolution and the Russian annexation of the Ukrainian peninsula Crimea, the Ukrainian government and army are represented as "violent extremist organisations", "pro-Nazis" and "fascists" in Russian articles and newspapers, according to a discourse analysis conducted in Russia, (Kolmogorova & Gornostaeva, 2016, pp. 4-5). Strangely, the Russian discourse concerning LGBT rights and Ukraine and Europe is characterised by Russia's attempt to "other" LGBT people by stating LGBT rights as inapplicable with Russian traditional values and morals. On one hand, the Russian position discards the Ukrainian government as extremist, on the other hand, Russia upholds a position that is based on a solid conceptualization of "our values" and "our traditions". How does this compile?

We should note that Russian restrictive policies started before Euromaidan and, as has been mentioned in the introduction and previous research (Martseniuk 2016), LGBT activists have stated that they do not perceive cooperation with Russia as beneficial for the implementation and protection of LGBT rights in Ukraine. Russia is one of the most restrictive European countries in regards to LGBT rights and the protection of sexual minorities. On the 11th of June 2013 the Russian State Duma approved an amendment "for the purpose of protecting children from Information Advocating for a Denial of Traditional Family Values", which was signed by the president on the 30th of June the same year (Russian State Duma, 2013). This law criminalises so-called "homosexual propaganda", which according to the law can be harmful for children's health and development, without providing an explanation of what homosexual propaganda is. This has made the law vague and therefore open to interpretation, that is, one might claim that all actions, pictures, audio or video which includes LGBT symbols, could be interpreted as homosexual propaganda.

The law was met with criticism from abroad both for being an assault on freedom of expression and for breaching the country's international obligations to protect LGBT people from discrimination (Amnesty International, 2013). Not only does Russia not live up to its obligation to protect LGBT people from discrimination; this law might even justify

discrimination and violence towards LGBT people through the depiction of homosexuality as harmful towards children.

But how does Russia perceive the implementation of LGBT rights in Europe and Ukraine? Russia's president, Vladimir Putin, has addressed homosexuality and Russia's restriction on LGBT rights, comparing the country's laws with the EU's and the majority of European countries' implementation of LGBT rights, arguing that it is a sign of Europe's decline and Russia's greatness.

> We can see how many Euro Atlantic countries actually have reached a point where they chose a path of rejecting their own roots, including Christian values, which have been the base for the Western civilisation. They deny the beginning of moral and every traditional identity: national, cultural, religious or even sexual. They implement policies that level a large family with same-sex partnerships, a belief in God with the belief in Satan. (Putin, 2013)

In this excerpt, the president differentiates between the "West" and the morally superior Russia by adding certain negative features to the West, which in this case is legislation opening up for same-sex partnership. According to Putin (2013), this is destroying the values that the West is built upon, claiming that Russia is in fact more "European than Europe". Without mentioning Russia, Putin (2013) is still depicting his country as superior to the Euro-Atlantic countries. Russia is not leaving its roots, which according to Putin (2013) Europe and Russia have in common as he claims Christianity "is an integral part of Russia's identity and historical heritage in the real life of its citizens" (Putin, 2013). Fellow at the think tank New America, Franklin Foer (2017) describes Putin's views on homosexuality as a secularist scourge that he has used to smear those who opposed Russia's invasion of Ukraine (Foer, 2017).

After separatists established the so-called Donetsk People's Republic (Russian: *Donetskaya Narodnaya Respublika*, Ukrainian: *Donetska Narodna Respublika*) and Luhansk People's Republic (Russian: *Luganskaya Narodnaya Respublika*, Ukrainian: *Luhanska Narodna Respublika*), laws prohibiting homosexual propaganda were put in place by the self-proclaimed authorities in these territories, in addition to laws prohibiting homosexual relations in general (Rakhuba, 2016). These areas are not currently under control of the Ukrainian government. This has caused many LGBT people from these areas to flee their homes and seek safety in other Ukrainian cities (Interviewee 4). Russian legislation has also been implemented in Crimea, including the law against homosexual propaganda (Rakhuba, 2016).

There seems to be support for Putin's view inside Russia. Negative depictions of LGBT people and their protective rights that are currently in place in Europe are frequent in

social media outlets in Russia and in Ukraine. These rights are depicted as something that is being imposed on Russia and Ukraine by the West. In October 2016, the Russian Embassy in London posted a cartoon on their Twitter page depicting the EU as fat pigs with rainbow flags and Russia as a big brave bear together with text implying the West is declining as a consequence of the implementation of LGBT rights (England, 2016). This is an example of how homosexuality still is perceived as a geographical phenomenon, as it was depicted in the Soviet Union, and how Russian officials attempts to connect LGBT people and rights with the EU in order to increase discontent toward the West among the Russian population.

According to Teteriuk (2015), this form of argumentation was also used by those who opposed the implementation of bill 2342 when it was discussed in 2013 in Ukraine. The opponents of the law, the church and the right wing party Svoboda, used argumentation against the implementation of LGBT rights organised around the conspiracy theory of "gender-gay dictatorship" (Teteriuk, 2015, pp. 4,21). This theory suggests that homosexuality is imposed on Ukraine by the West and Europe in order to destroy the Ukrainian nation posing a significant threat to Ukrainian society (Teteriuk, 2015, p. 4).

Pavlo Unhurian (as cited in Teteriuk, 2015, p. 14), parliamentarian in the Verkhovna Rada from 2008 until 2012 in the Yulia Tymoshchenko block, explained what might happen to Ukraine if they chose to implement rights for LGBT people in an amendment to the Labour Code:

> As the first step, LGBT usually push the idea of protection from discrimination, compelled by the idea of universal human rights which is embedded in the Word of God, but they manipulate these concepts. The second step is a powerful wave of public events, gay-parades, "prides". The next step is the change in educational standards: the introduction of education, which is tolerant of alternative sexual lifestyle for children, adolescents, and children in kindergarten. The next step is the legalization of same-sex marriage and child adoption by same-sex partnerships. And the fifth, most dangerous step, is discrimination and persecution of dissent. This has happened for example in the United Kingdom, the Scandinavian countries and others. Though we are now standing only before the first step, we must understand that no one will stop at that. (Teteriuk, 2015, p. 14).

The term "gayropa", a portmanteau of "gay" and "Europe", is also used in line with this argumentation: to depict Europe as a place where homosexuality and the legalisation of same-sex marriage is a threat to the traditional family. In social media and on the internet the term is widely used to characterize the European gender order (Riabova & Riabov, 2014). According to Riabov and Riabova the term "gayropa" as a concept is also a geopolitical argument, which was used even before Euromaidan began (Riabova & Riabov, 2014). Alexei Pushkov from the Russian newspaper *Izvestiya* wrote on Twitter November 2013 that "the

release of Timoshenko will provoke EU demands that Ukraine should broaden the reach of gay culture. Instead of victory parades, Kiev will be holding gay-pride marches" (Riabova & Riabov, 2014). In this excerpt, Pushkov figuratively describes what will happen to Ukraine following the government's choice to increase the cooperation with the EU, rather than with Russia and the Eurasian Customs Union (EAEU). According to Teteriuk (2016),

> […] the protection of "traditional values" in the Russian Federation, which includes denying homosexual people full citizenship, has turned into a kind of state ideology that provides the wider public with a simple and easily intelligible justification for Vladimir Putin's opposition to "the West". At the geopolitical level, it has become a cornerstone of the new messianic idea of saving humanity from modern European degeneracy. (Teteriuk, 2016, p. 5)

Argumentation for not adopting newer legislation, like the Istanbul Convention that was up for discussion in the Verkhovna Rada on the 17th of November 2016, also included elements resembling the arguments used in Russia. The content of the convention was perceived as incompatible with Ukrainian morality and values (LB.ua, 2016), in the same way as the Russian parliament and the Orthodox Church use argumentation implying that LGBT rights are incompatible with traditional Russian values.

Keeping in mind the focus on traditional family values and heteronormativity in Ukrainian discourse after the country received its independence (Chermalykh, 2012; Martseniuk, 2012b; Teteriuk, 2015), this line of argumentation against the implementation of LGBT rights in Ukraine and Russia has similarities. In this sense, one could argue that the Russian Federation has and is currently upholding the same arguments the Azarov government did in Ukraine during discussion on Labour Code amendment 2342, hence the Azarov citation in section 4.2.

Was this confluence of views at the level of political elites reflected in the views of the activists? That is, did activists in general see these views as a specific "Russian" influence, or not? Interestingly, Russia was mentioned in the majority of the interviews with the activists; not aligning with the aforementioned pattern, but as a contrast to Ukraine's European choice. On all occasions, "Russia" was depicted negatively as a country that restricts the rights of LGBT people and the lesser alternative for Ukraine when choosing between the EU and the EAEU (Interviewee 1,2,3,4,5,6,8,9).

> Tolerance is a bit of a foreign concept for our society. […] People just don't understand what it means. And during the last years the general climate has brought a negative connotation to this tolerance term, in the media with stories from *Russia* [emphasis added], they out these negative things to tolerance. Like, tolerance means everybody can do

> anything, LGBT people will kill your children and eat them, and migrants will come. (Interviewee 1)
>
> But when it comes to homosexuality, and equality for all, no, no, no, "it is something that Europe want to impose on us, this is not Ukrainian values, this are European values and that is not for Ukraine" [the parliamentarians]. So they [the parliament] were picky, only accepting what they wanted. But come on, if you don't want this and this [LGBT rights] you can become a member of *Russia* [emphasis added], and join their homophobic law, anti-humanity law, that is my opinion. (Interviewee 5)

The content of these excerpts disclose how the activists perceived tolerance and equality as universal values. Nevertheless, these are universal values that Russia does not take part in, as demonstrated by Russia's restrictive laws against LGBT people. Russia is therefore not an option for Ukraine if Ukraine wants to implement more LGBT legislation and incorporate these universal values. As Putin argued in the Valdai Discussion Club, the Euro-Atlantic countries are rejecting the Christian roots that founded the Western civilisation by legislating same-sex unions (Putin, 2013). Also, despite Ukrainian politicians' ambivalent handling of LGBT rights after the Euromaidan revolution as discussed in chapter 4, activists still see the current political path of Ukraine as the better choice over increased cooperation with Russia.

Based on the excerpts and article sources provided in this chapter and section 3.2, it may be argued that Russia's use of the fascist argument (as a continuation of Gorki's and the Soviet Union's use of the fascist argument against homosexuality in Europe pre-World War II), is now used to generally discredit Ukraine and the Ukrainian government. Even Putin himself compared the actions of Ukrainian military actions in Donbas with the German fascist attack on Leningrad during World War II when he spoke at the All-Russian Youth Forum *Seliger* in August 2014 (news.bigmir.net, 2014; ria.ru, 2014). In Russia, LGBT rights are perceived by the authorities as incompatible with Russian values and morals and by choosing Europe over Russia, Ukraine becomes a part of a Europe in decline due to its liberation of LGBT rights.

6.2 Theme 8: Internal Ukrainian Nationalism and LGBT Rights

I have already mentioned the political party Svoboda earlier in this chapter, though there are several other nationalistic groups in Ukraine, whereas some of these, like Svoboda, claim to be heirs of the OUN.

Hanna Grytsenko (2012) argues that among the various types of nationalism in Ukraine, the main dividing characteristic is whether the nationalistic group belongs to Ukrainian nationalism or Pro-Russian nationalism. She (Grytsenko, 2012) argues that Ukrainian nationalism is secularised and though it cooperates with different churches and perceives religion as a cultural and traditional element of Ukraine, the church's view is not the main argument for being anti-LGBT (Grytsenko, 2012, p. 130). Pro-Russian nationalism in Ukraine, is on the other hand, very much connected to the Orthodox Church. According to Grytsenko (2012), the fundamental ideology for Ukrainian nationalism is based on biological essentialism. That is, most nationalistic groups actively protect and demonstrate the "traditional family" consisting of men and women with children as an answer to the "demographical crisis" and the "development of the country" (Grytsenko, 2012, p. 147).

During interviews with the activists (both grassroots and institutional) and the MPs, the topic of nationalism and the level of homophobia in Ukraine was discussed and the informants used different terms to describe nationalistic groups, including "far-rights (interviewee 6)", "far-right movements (interviewee 3)", "ultra-rights (interviewee 1,4)", "rightists (interviewee 2)" and "nationalists (interviewee 4,8,9)".

On every occasion where the activists mentioned nationalistic groups or homophobia, it was perceived as a negative phenomenon and a threat towards LGBT people. It was also brought up by the activists as an important component of their perception of the situation for LGBT people in Ukraine today. As mentioned in chapter 5, the majority of the activists named the Orthodox Church as the greatest obstacle to adding LGBT rights to Ukrainian legislation, but, according to the activists, ultra-right and nationalistic groups pose a different threat to LGBT people than the church, though both nationalism and the church oppose LGBT rights; nationalistic groups and their members constitute, on more occasions than not, an actual threat towards LGBT people in the form of physiological and emotional violence against individuals. This is especially evident when LGBT activists use public space to direct attention to LGBT issues and in the current research this was underlined by both activists, MPs and my own observations of various events in Kyiv.

During the observation of two marches organised by LGBT activists and various NGOs masked people wearing black clothes showed up to observe the march. These were referred to as nationalists and or ultra-rights by some of the activists. One march marked the international day against forced sterilisation of transgender people, and the other marked International Women's Day.

In the first march, held in the centre of Kyiv on the 22nd of October 2016, about 15 of these masked people appeared, but because of police protection by approximately 20 police officers, kept their distance while the march was moving and after it had reached its destination. According to my observations, about 50 people participated in the march. With the slogans *Moe telo – moe delo* (My body – my business) and *Ya ne bolen, ya gorzhus* (I'm not sick - I'm proud), the march was held to mark the International Day of Action for Trans Depatholigisation[28] (TGEU, 2016). The main focus was on order no. 60, which states that transgender people need to be sterilised in order to have their sex changed in their official documents (Radio Svoboda, 2016). The attendees of the march also wanted more attention for reform approaches to health care for transgender people and transphobia. Interviewee 9 told me after the march that the initiators had called the police ahead of the march, and that no one who attended the march had been injured or hurt, as the masked people did not attack because of the police presence.

The march marking the International Women's Day on the 8th of March 2017 consisted of a bigger crowd, approximately 300 participants (Kamoflyazh, 2017), and did also have uniformed police protection escorting the march from beginning to end. LGBT activists also participated in this march, waving LGBT flags and demonstrating against domestic violence against any woman, no matter the sexual orientation of the victim or the abuser or whether the victim and the abuser are in a same-sex relationship. One activist from a LGBT NGO also held an appeal expressing LGBT organisations' disappointment over the parliament's failure to ratify the Istanbul Convention urging it not to exclude the paragraph on protection from discrimination on the grounds of SOGI. Despite protection, masked men, claiming to be nationalists, managed to attack the participants of the march, covering some of them with green paint and fermented milk (Radio Svoboda, 2017). The real threat took place after the end of the march, as masked people, claiming they did not belong to any particular organisation, attacked participants of the march as they were returning home using the Kyiv metro (Interviewee 9). According to the informants, there has been a rise in such attacks in the last few years. On the question "how would you describe the situation for LGBT people in Ukraine now?" Interviewee 10 answered:

> Painful question. I would like to describe it as awful. First of all, I have noticed this, and sociological research confirms that homophobia is rising year by year. And I remember for

[28] Transgender people have for a long time been defined as pathological, which means that gender transition processes are classified and treated as mental disorders (Espineira, Suess, & Walters, 2014). The International Day of Action for Depathologisation calls for an end for this classification and treatment of gender transition processes (TGEU, 2016).

> example in the middle of the previous decade it was easier to talk about this on TV, on radio, in newspapers, to have public festivals and so on. Now every public event is attacked, people say "you know there is a war and there is no time for your human rights, just stay in your closets and don't show us your perversion". (Interviewee 10)

Such attacks by self-proclaimed nationalistic individuals and organisations have also taken place during and after other marches focusing on implementing rights for women and LGBT people. According to Grytsenko (2012), there have been, from March 2009 until October 2012, 12 attacks by various nationalistic groups, including Svoboda, on events and private persons who are openly LGBT or allies (Grytsenko, 2012, pp. 143-146).

Heteronormativity is also a part of the nationalistic groups' ideology expressed in nationalistic discourse. According to Grytsenko (2012) gender roles are set through descriptions of what the woman should do, what the man should do, and thus which qualities they should strive to embody. The man should always be the head of the family, while the woman should do everything in her power to support her husband and help him in that role (Grytsenko, 2012, p. 132). According to Riabov (as cited in Grytsenko, 2012), nationalism is one of the strongest indicators to masculinity. In this sense, nationalistic norms and gender norms are deeply intertwined, as a "real" and strong man should be a nationalist, and if he is not, he is a weakling (Grytsenko, 2012, p. 131).

One of the biggest threats against nationalist groups is therefore sexuality, which gives an alternative to heterosexuality and the tenacious heteronormative norm, and is a threat to the nation's development; first and foremost, to reproduction (Grytsenko, 2012, p. 134). The church, on the other hand, perceives LGBT rights as a threat towards its values, not towards its existence, which further differentiates the church from nationalistic groups in regard to how they perceive the implementation of LGBT rights.

The first KyivPride march was supposed to be held in 2012, but due to lack of police protection, the march was cancelled. According to some activists, this was a key year for the LGBT community as it declared its right to use public space. 2013 was the first time the march was actually held, but with a low number of participants (approximately 50 people), as the organisers kept a closed participation list (Teteriuk, 2016, p. 4). In 2014 the march was renamed the March of Equality (*Marsh Ravenstva*) but it was cancelled again because the police could not guarantee the safety of the participants (Teteriuk, 2016, p. 3). The next two years, marches were held, and with the support of president Poroshenko the police did provide protection. However, in 2015 when 250 people participated in the event, 18 people were injured by, among other things, a homemade bomb made by members of Right Sector,

and 30 attackers were detained (Teteriuk, 2016, pp. 7,8). This means that it was only after Euromaidan that the government has managed to guarantee protection to the participants of these marches, which in turn has politicised the topic of LGBT rights even more.

During these marches, counter demonstrations against LGBT rights and for the protection of "traditional families" appeared, Svoboda and Right Sector have also urged citizens to use force against what they have called "illegal manifestation of perversion" (Amnesty International, 2015; Carlson, 2016) Violent attacks by nationalist protesters have also occurred where both participants, and police protecting the march have been injured (Teteriuk, 2016, pp. 7,8).

Nevertheless, Teteriuk (2016) argues that the march held in 2015 was met with a more positive reaction from the public compared to marches pre-dating Euromaidan (Teteriuk, 2016, p. 8). Media established during Euromaidan, such as *Hromadske TV* and *Hromadske Radio,* and pro-European media, such as *Ukrainska Pravda* and *Radio Svoboda,* expressed sympathy for the march and the participants (Teteriuk, 2016, p. 8). According to the activists, the LGBT community has become more and more visible as a result of informational work, easy access to information on the internet and an increase of activists and LGBT themed events, such as the March of Equality, which has, during the years after Euromaidan, achieved more support.

According to Interviewee 5, last year's (2016) March of Equality was the first successful march that has been held in Ukraine, as the location of the march for the first time was in the city centre where the participants of the march enjoyed effective police protection. This year, approximately 1500 people participated protected by approximately 5000 police officers (ukrainesolidaritycampaign.org, 2016) (Laba, 2016), and according to the activists this is due to Ukraine's aspirations and cooperation with the EU who used the Kyiv Pride event to demonstrate how LGBT activism in public space has changed since Euromaidan.

This success of the latest marches of equality, according to the activists is rooted in the fact that politicians like President Poroshenko have supported the march and the fact that some MPs have attended. Leshchenko and Zalishchuk, who are members of the Eurooptimist group, were the first politicians to participate in the March of Equality (in 2015). In 2016, there were, in all, according to Zalishchuk, seven MPs that participated, which, according to her, is a strong increase and a good sign for the development of LGBT rights. Leshchenko made no secret of the fact that he participated in the march. This is obviously a good method for politicians to show their support as they receive attention in the media and they have the opportunity to speak with participating Western European diplomatic missions. According to

Parliamentarian X, LGBT issues are only debated prior to and during the March of Equality, especially if nationalistic groups oppose the organisation of the march, however Parliamentarian X does not think politicians should participate in Pride because this participation is not rooted in society:

> The politician, he reflects the mood of the society, and the mood of the society is not about these issues. So far I am not ready to be a transmitter and shaper of society and the mood of society […] participating in Pride, it would create negative consequences for my political support […] In case there are some disruptions, some problems of this Pride, let's say some big crash, let's say from the government, the police, Nazis, nationalist groups, I would stand and support LGBT, if I saw the need for this. But, promoting myself as a supporter of LGBT rights, I do not see any reason for this right now. (Parliamentarian X)

The activists did say that despite first and foremost being primarily an obstacle to enemy the LGBT community, nationalistic groups do attract attention to LGBT issues and that this has also made politicians after Euromaidan aware of the needed protection of these marches. The silver lining to these attacks is, according to the activists, that more people are coming out[29] because they see the need for fighting for their rights, thereby increasing LGBT visibility:

> And also the Pride wouldn't be that popular if it wasn't threatened. So the far-right movements that are so aggressive, they do a lot of work that publicises these events, so they actually do a good thing for publicity and visibility of LGBT issues, and for the need to support human rights for LGBT people. (Interviewee 3)

Despite increased positive attention from some politicians (not to mention the growing number of people who have joined the march) some activists still fear attacks from nationalistic groups, and questions remain whether the March of Equality is a good method for establishing LGBT rights when there is such a dire need for police protection:

> And I am basically scared of what they will do during the next Pride march, because so far they have been neutral, but I am not sure they will keep it like that for the next years' marches, so I would expect more violence. Which actually will not have much support on a national level, but they are very strong on a regional level. Svoboda is very strong in the west, and they work together with the churches, it depends on the region which church is the favourite but they work with all of them. (Interviewee 6)

> At least the police were willing to protect the parade, but it's still a lot of work that should be done, no one wants to have an equality gay pride when the police have to block the participant so no one can see the parade, only you. (Interviewee 1)

As an answer to a question on whether the LGBT activists have perceived any changes during the last four years, interviewee 4 answered "The recent negative tendencies

[29] A metaphor for when LGBT people disclose their gender identity or sexual orientation

that we can see, is a rise of violence and hate crimes against LGBT, and we especially observe a rise of hate crimes against gay men" (Interviewee 4).

What might be the reasons for the rise of hate crimes and violence against LGBT after Euromaidan? One explanation might be the taboo LGBT rights have elicited in Ukraine, and that until recently there has been no focus on LGBT issues from politicians until recently (unless negative). When the LGBT community became more visible and received more attention from politicians and the international community, people might have found themselves in a position where they were forced to make up their mind regarding these issues. The increased attention LGBT events recieve from nationalistic groups influences the level of general attention LGBT issues receive in Ukraine.

> The general situation is that negative attitudes toward homosexual people are increasing, it is getting worse, so it was less homophobia some years ago, compared to how it is now […] the fact that LGBT people have become more visible, and this rhetoric of nationalism and traditional values that definitely goes against human rights for LGBT people have helped people who were uncertain make up their minds. (Interviewee 3)

Out of fear and lack of knowledge, most people have negative attitudes towards LGBT people. Some choose to react aggressively, but some activists claim that this is only a small part of the population:

> Attitudes toward LGBT people in society is basically negative, but this is not a problem because people who have these negative attitudes, most of them, won't commit or carry out acts of violence, aggression in connection with LGBT events. (Interviewee 2)

As a result of the war, activists claim that there is increased radicalisation among the Ukrainian population and that this has led to an increase of sympathy toward nationalistic groups, possibly because nationalistic groups have taken an active role in the war against the separatists. When they retract from the front lines and return home, they are treated like heroes and it becomes more difficult to openly disagree with their opinions, as this might be viewed as unpatriotic (Interviewee 5).

The reason why nationalistic organisations have been able to participate in the war is a presidential decree issued in 2014 allowing volunteer battalions to participate in the Anti-Terrorist Operation (ATO). This is because the ATO itself, from when it was launched on the 15th of April 2014, did not have sufficient resources to fight against the separatists alone (Klein, 2015).

One of these battalions is called Azov, a member of the Ukrainian National Guard since November 2014. According to John Færseth (2015) many Ukrainians see the Azov

Battalion as heroes who have liberated important landmarks from the separatists, while others point to close links between the battalion and the Social-National Assembly (SNA) and its paramilitary wing Patriot of Ukraine, which are both perceived as ultra-nationalist groups with neo-Nazi leanings (Færseth, 2015). The leader of the Azov Battalion, Andriy Biletsky, is also leader of the SNA, and both groups use the ancient German emblem "Wolfsangel" also used by several divisions of the Nazi SS (Færseth, 2015). The group claims that the symbol is comprised of the letters N and I meaning "national idea" (RFE/RL, 2016b). Patriot of Ukraine and SNA have roots to the former paramilitary wing of the Social-National Party of Ukraine, which later became Svoboda (Færseth, 2015). Right Sector also has its own voluntary battalion that has fought in Eastern Ukraine since 2014 (Pravyi Sektor, 2017; Shramovich, 2015)

The decision to allow organisations perceived to have nationalistic leanings in the war in Eastern Ukraine has caused debate within Ukraine and in the international community (Færseth, 2015). The battalion has also received respect for its efforts in the war, as well as sympathisers abroad. Some of them have also joined the battalion in the fighting (Novosti Donbassa, 2016). The Azov Battalion registered as a political party 14th of October 2016, which accordingly is the day when nationalists mark the creation of the Ukrainian Insurgent Army (UPA), the paramilitary wing of OUN (RFE/RL, 2016b).

When it comes to Azov's position on issues concerning LGBT rights, articles on the organisation's website call for protection of the traditional family (that is, marriage between men and women) (Deus, 2017). The organisation also holds open lectures about their ideology, where the audience is warned about various threats to Ukraine if LGBT rights are implemented (Novosti Donbassa, 2016). This clearly demonstrates not only how the Azov battalion aligns with heteronormativity in its ideology and discriminates against LGBT people but it also shows that it is willing to cross the lines of heteronormativity and use violence ro further their cause.

On the 18th of October 2016, a film screening of the movie "This is gay propaganda" directed by a Ukrainian-Canadian filmmaker was to take place in Chernivtsi, a city located in Western Ukraine. According to the organisers, about 20 people showed up to watch the movie along with approximately 50 masked men claiming they belonged to the Azov Battalion and Right Sector. They allegedly showed up to stop the screening from taking place, arguing that the film was homosexual propaganda (RFE/RL, 2016a; Update, 2016). Their argument to disrupt the screening was based on how the showing of a film containing

homosexual propaganda violated human rights and breached Ukrainian moral code, in addition to introducing and protecting the rights of paedophiles (Update, 2016).

> Ultra-right movements, we see them in each region. And the last case was a disruption of the movie called "This is gay propaganda", they tried to show it in Chernivtsi, I was not there but activists from our initiative group they tried to show it. So yes, like the week before we presented it here [in Kyiv] in a gallery, openly, we also had ten or twelve sporty people coming there but they did not do anything because they saw that there were so many people there and police, so they basically were there, but they didn't do anything, but in Chernivtsi we saw the situation as completely different. (Interviewee 1)

In this excerpt, interviewee 1 uses the example of the film screenings in Chernivtsi and in Kyiv to depict the different level of active nationalistic groups and their ability to disrupt events, that portray messages they do not agree with. I also attended the movie screening in Kyiv, where the number of people in the audience was so high that the organisers decided to screen the movie twice. As interviewee 1 states, the movie screening in Kyiv was held with the presence of police officers. In Chernivtsi, on the other hand, police were accused of not protecting the film screening and its participants, thus allowing Azov battalion members and other nationalists disrupt the event.

Pictures and videos from the event used in articles online show some of the men who disrupted the event wearing military clothing (Update, 2016). Men in military uniform, representing a battalion which is a part of the National Guard of Ukraine, claiming they are in a position to disrupt such an event because of their interpretation of morals, might be an example of how the inclusion of such groups in the war has led to such groups' strengthened self-proclaimed authority and assumed power over Ukrainian citizens. Simultaneously, Ukrainian authorities defend their choice to include these battalions to fight with them in the ongoing war with the separatists because of the insufficient state of the army when the war broke out in 2014 (Klein, 2015, p. 1).

It should also be mentioned that about a month later, the organisers in Chernivtsi were able to screen the movie successfully, but only because they changed the event from public to closed (Kamoflyazh, 2016). Police protected the event and its participants and no one disrupted the screening. However, some masked people did show up with banners saying "slava natsii - ni LGBT-integratsii ("glory to the nation – no to LGBT-integration") (Kamoflyazh, 2016).

Even though activists claim that nationalistic groups have become more radical and an increased number of people claim to sympathise with them and their ideology, one should keep in mind that these organisations, and their political parties like Svoboda and Right

Sector, got less than five percent of the votes in the parliamentary election in October 2014 (Shevel, 2015, p. 160). Despite the nationalists' lack of seats in the Ukrainian parliament, the activists participating in this research emphasised their perception of an increase in radicalisation in Ukrainian society due to the war and that these groups limit the public space that LGBT activists can use to engage in informational work.

> With all this and the terms of war that is going on in the east of Ukraine, we really strongly feel the radicalisation of society. Neo-Nazis and neo-Nazi groups, and some political parties even, far-right, they are getting more power, more support from Ukrainian society. (Interviewee 5)

Other activists chose to point out that these parties have low support on a national level, but enjoy high support on a local level (Interviewee 6), and therefore not perceived to be a significant threat in regards to influencing national politics. Svoboda, for example, has many supporters in western regions of Ukraine. When asked about diversity between the regions in Ukraine in regard to level of homophobia, the activists claimed that the level of homophobia is highest in the west where the OUN and Svoboda are the most established. According to Martseniuk (2012b), the western region of Ukraine also has the smallest number of LGBT NGOs (only two in 2012). She argues that because this is the more traditional and religious part of the country, it might be more difficult to organise public activities there in comparison to other parts of Ukraine (Martseniuk, 2012b, p. 387).

> The situation is different in each region. In Lviv its sad, in the east, that is not occupied, it's a little better. But it depends of course, we see ultra-right movements in each region. (Interviewee 1)

> In Lviv the community is much less visible, and it is much more difficult there [compared to how it is in Kyiv]. They tried to organise an equality festival there [in 2016], it has of course been labelled as a gay march, and local authorities, the local police and the city mayor actually didn't do anything to protect it. (Interviewee 6)

In this excerpt Interviewee 6 mentioned the equality festival and the challenges this festival were faced with when NGOs tried to organise it in Lviv. This is a festival uniting many minority groups, including disabled people, refugees and LGBT people, but in spite of the festival's focus on equality and diversity, the stigmatisation of LGBT people surpassed all arguments or incentives that all should have equal rights.

> Homophobia is worse outside the city. But there are differences between the regions. Like in Western Ukraine it's awfully hard to be LGBT, because of religion and nationalism, people are very religious there, I know this because my ex-boyfriend was from Western Ukraine. But in other parts of Ukraine, like the East and the South its better […] And we have the Equality festival, and it take parts in different cities, and in all cities, like Dnipro,

> Kiev and Odessa, there were problems but, nevertheless, it happened. But in Lviv there were homophobes, attacks, it was cancelled before it even began. (Interviewee 10)

Considering these nationalistic groups' position and ideology that have been expressed through their actions and published articles on their websites[30], it is safe to say that they do present themselves as intolerant towards implementing LGBT rights in Ukraine. According to Teteriuk (2015), these organisations sided with the church when bill 2342 was discussed in the parliament in 2013 and their voice contributed to the bills that were presented in the parliament in 2012 and 2013, suggesting to weaken LGBT rights by prohibiting homosexual propaganda (Teteriuk, 2015, p. 4).

In addition to threats from nationalistic organisations, after Euromaidan Ukraine has been frequently visited by Russian homophobes that travel from city to city, lecturing about how to humiliate and torture homosexual men. This has for obvious reasons become an increasing problem for LGBT people and for homosexual men in particular (Interviewee 4):

> They find them through dating web sites, these guys contact gay men and the victim comes to the place so they can beat them, insult them and rob them just to destroy their lives. […] We see that this sort of crime has increased in the previous years, but currently we also see that some of these crimes were not committed out of homophobia, but out of greed. […] young men, young criminals use gay men as convenient victims, they understand that they in most cases wouldn't go to the police for protection, so they rob them or take money from them, without consequences. […] this happens all over the country, it's not a local problem, it's a national one. (Interviewee 4)

Criminals are here described as exploiting young gay men, who, because of their sexual orientation and fear of disclosure do not seek help from the police. Interviews with activists also show that they do not think that LGBT people in Ukraine seek help from the police due to a lack of trust in the police, and fear to be discriminated against by the police. In Dnipro, Interviewee 7 stated that only a few cases concerning LGBT issues are registered with the police, because people that have been victimised, do not go to the police out of fear that reporting the case to the police will not help – or it would make the situation worse for the victim.

> We don't have any legislation against hate crime, and the problem is that many ultra-right groups they actually try to build themselves as political parties. The last example is now Azov, which now is an ultra-right political party, officially registered. So they are doing many bad things, disrupting many events, they hit people, and nobody else deals with that,

[30] See for example: http://azov.press/ru/gomointegraciya Retrieved 15.03.2017 http://azov.press/ru/slidom-za-siriycyami-vlada-virishila-podbati-pro-gomoseksualistiv Retrieved 15.03.2017, http://pravyysektor.info/programa.html Retrieved 15.03.2017 http://pravyysektor.info/news/news/1958/zayava-spilki-zahistu-simejnih-cinnostej.html Retrieved 15.03.2017

> because usually if we registered a [hate crime] case it would be [registered as] hooliganism. (Interviewee 1)

Since there is no law protecting LGBT people from hate crimes, it is simply not possible to measure hate crime against LGBT people in Ukraine accurately. And, since there is no hate crime law, any hate crime against LGBT people that is reported to the police would be treated as hooliganism (Verkhovna Rada Ukrainy, 2001). Criminals are therefore not convicted for hate crimes even where appropriate. This leads to a lack of knowledge of what this crime is for citizens and legislators alike, hence interviewee 1's claim that no one deals with ultra-right groups that commit hate crimes. How do you deal with crimes that, according to the law, do not exist?

Nash Mir Centre, with the help of their 30 activists located all over Ukraine, monitored and gathered information on incidents of hate crime from 2014 until 2016. People with a registered profile on websites for gay people were contacted and asked to fill out a questionnaire concerning hate crime. The organisation notes in its report that the methodology of the study will not be statistically significant but nevertheless, it is of an illustrative character demonstrating the existence of hate crime and where it occurs (Nash Mir Center, 2016b, p. 1).

According to the monitoring, the largest number of cases were recorded in the most populous cities of Ukraine, with the peak number of incidents (40) taking place in 2015 in Kyiv (Nash Mir Center, 2016b, p. 6). In total, the centre gathered information on 123 cases of hate crime in 2014, 152 in 2015, and 116 in the first nine months of 2016 (Nash Mir Center, 2016b, p. 5). An overwhelming majority of these cases were not reported to Ukrainian law enforcement or other government agencies by the victims themselves and the majority of those who did seek help did not get it (2014 when 123 cases where registered, 28 out of these cases were reported and only in 10 cases did the victim receive help from the governmental agencies he/she reached out to (Nash Mir Center, 2016b, p. 7)). According to interviewee 4, "The main problem is that the victims of such crimes in Ukraine usually do not want to protect their rights, they are afraid of social homophobia and do not want to out their personal life" (Interviewee 4).

6.3 Theme 9: LGBT Rights in an Informational Gauntlet?

What do the politicians participating in this research think about nationalistic groups, radicalisation, and the level of homophobia in Ukraine? As I argued in chapter 5.2, political parties and politicians are reluctant to address LGBT issues because this might be used to discredit them. According to Parliamentarian X, the Svoboda party uses this technique, in addition to discrediting LGBT people in general to mobilise voters. Three politicians participating in this research thought that the radicalisation in the country had risen because of the war, and that this radicalisation would have a negative effect on people's view of LGBT people:

> In the past years we have had an uprising of the Right party and right movements, because of the war in the east. Nationalistic youth, they went to fight in the army, now the right movement is probably more popular than some years ago, among the population in general. That is why the right movement gets political support and it can be dangerous promoting it [LGBT Rights] in society. But I think, that the nature of Ukrainian society is more tolerant on all kinds of issues, not only LGBT, unless it's not accelerated by some religious or political instrument. (Parliamentarian X)

> […] society is very conservative, and parliament is the reflection of society to a certain extent. Of course, in Kyiv, or big cities, there are some social groups that are more advanced and want more rights and fight for them but nevertheless, these are minority groups in society at the moment, and also there are a lot of radical groups at the moment, especially they who have been radicalised in the war during the war in Ukraine, so we are also suffering from that. (Zalishzhuk)

In addition to commenting on the increased radicalisation and its negative influence on LGBT issues, radicalisation and other consequences of the war were explained to be more pressing than fighting for the implementation of LGBT rights, a line of argumentation that the activists said had been in use since the LGBT community started to fight for the implementation of LGBT rights at the end of the 1990s.

> People feel more radical than they did before, there are a lot of soldiers that have returned from the front and they feel, I mean people are poor, they think more about rallying for a better job, better salary, smaller energy tariff, rather than for dignity. A lot of people feel frustrated about the economy and they feel that injustice has been brought upon them. […] They are reacting on anything that might be irritating them, which is not on their top priority list. (Riabchyn)

Nevertheless, the MPs' and the activists' statements from the interviews show that they agree upon the fact that radicalisation is a threat to LGBT rights, whether it is in the form of violence and homophobia, or just moving attention away from LGBT issues. But for majority of the MPs (Riabchyn, Parliamentarian X and Parliamentarian Y) it is more important to work on issues that causes this radicalisation, like the war and the unstable economy, rather than the threat from radicalisation to LGBT people.

In addition to a rise in radicalisation, how is the level of intolerance in Ukraine perceived by the MPs? When I asked the MPs about intolerance towards LGBT people in Ukraine, they would convey on how they think intolerance can be prevented, which might be an indicator on whether they perceive intolerance as a problem in Ukraine or not.

The MPs perceived the level of intolerance very differently. Parliamentarian Y and Parliamentarian X perceived the level of intolerance among the Ukrainian population as non-existent and clearly demonstrated a lack of knowledge in this field.

> I don't have any data on this, but I think Ukraine as a country is quite tolerant. Homophobia is mainly developed by right parties, but in general, I don't see any background for why Ukraine is not a tolerant country, towards LGBT rights. (Parliamentarian X)

Other issues in Ukraine were expressed to be more pressing and more important than intolerance against LGBT people.

> We have bigger problems, like the war, economic decline, demographic problem, corruption. It is like a 110 problems in Ukrainian society, so we don't see this problem, we don't understand this people [LGBT people], we don't see this people [LGBT people], we don't have any conflicts, not any problems, I don't know, how many people in Ukraine are officially LGBT people, or wants to join this group, maybe ten thousand, that's all. Small, small, small group in Ukrainian society. (Parliamentarian Y)

Yet, despite Parliamentarian Y's vision of LGBT issues as a rather small problem in Ukraine, the respondent, as was discussed in section 5.2.2, was not willing to talk about LGBT rights in public nor implement rights for LGBT people, but would see the party promote marriage between men and women in order to increase reproduction:

> I think that the Ukrainian society is very very, very, very polite, with all groups, with LGBT, we don't want to destroy the sexual orientation or the rights of some individual, or their liberty, we don't want to touch these questions, we would like to stay and advertise for a traditional family, and exactly that, we don't want to agree with or broadcast some special program about LGBT groups, we prefer to advertise for a traditional family, children and so on. (Parliamentarian Y)

Increasing reproduction was, as I argued in chapter 3.2, one of the arguments for criminalising homosexuality during the Soviet Union. The material collected from the interviews with MPs show that this argument is the only one that is in use against increasing LGBT rights, and is only used by Parliamentarian Y.

Leshchenko and Zalishchuk, on the other hand, both acknowledged that the level of tolerance is very low and that this is due to lack of knowledge along with a cultural heritage from the Soviet Union and Soviet legislation.

> Homophobia in Ukraine, I think it is really, really high because of culture, religion, and lack of knowledge about this topic. Did you know, homosexual relationships were criminalised in the Soviet Union, and even though Ukraine was the first out of the post-soviet countries to decriminalise it, people come from that society. We still have society formed on those conditions [from the Soviet Union], it lasted for decades in their minds, heads, and culture. So why would it change so quickly without proper communication? I mean, that is the real problem, that we were a such a closed society. So homophobia is really high, even among parliamentarians. (Zalishchuk)

The fact that these MPs know about and acknowledges the level of intolerance in Ukraine show that they have taken an interest in LGBT rights and that they understand the problems that LGBT people encounter. Zalishchuk also emphasised the need for more provisions than just implementing LGBT rights. To increase the level of tolerance in Ukraine the topic of LGBT issues should be taught in schools and universities. Making changes in school systems which promotes more complete sexual education is also what the majority of the activists perceived as a concrete solution for decreasing the level of homophobia in Ukraine (interviewee 1,3,4,5,7,10). This was suggested in addition to informational work and campaigns directed towards the general population of Ukraine.

But who would finance the work of the LGBT NGOs in Ukraine, and has financing in terms of attention changed since Euromaidan? LGBT organisations do not receive funding from the Ukrainian government, and are therefore dependent on foreign aid. During the interviews, Interviewee 2 emphasised that most of the work that is done for LGBT people in Ukraine today is volunteer work, and that many LGBT organisations therefore do not receive funding from abroad.

The largest donors though are, according to the activists, embassies of various European countries and international organisations, mainly focusing on prevention and treatment of HIV/AIDS. Nevertheless, finding financial support was described as easier immediately following Euromaidan because of the restrictive laws that were suggested before Euromaidan took place. Because activists are dependent on financial support from abroad, the organisations receiving international funding are affected by other situations, like the migrant wave to Europe in 2015, to which a lot of money from governments and international organisations was directed.

> Let's say it was better after Euromaidan, and now it is worse after this six months of crisis of migrants in the EU, because, all the funders put their money there, so there is no money for other issues. (Interviewee 1)

> I think the attention was the same regardless of the Revolution of Dignity, the support was always there, from the 90s, activists were present, and embassies were openly supporting us. I think that the visibility of this attention got stronger, because LGBT community itself has become more visible during the last two years. More new countries have started to

> support LGBT community in Ukraine after the revolution, but Sweden and Germany and all them, they have been supporting us all the time. (Interviewee 5)

Activists hold that one frequent way to discredit their work is to criticise their funding and the nationalistic groups mentioned in this chapter, indeed use the flow of funds from Europe to these LGBT NGOs as an argument for how LGBT rights are imposed on Ukraine by the West.

The work of LGBT organisations and LGBT people themselves are threatened by radicalisation and homophobia, as the topic of LGBT issues is achieving more attention now after Euromaidan than before. Nationalistic groups and the church have taken an interest in fighting against the implementation of LGBT rights, and LGBT events are often disrupted. But despite the many obstacles that the LGBT movement face, the latest developments in Ukraine have not stalled or prevented activists from continuing their work, including informational work. It was mentioned by some activists that the current situation in the government and in parts of the population forced the organisations first and foremost to protect what they have already achieved (interviewee 6). However, in the meeting with the activists, I never got the impression that they would reduce their workload. On the contrary, LGBT activism in Ukraine is growing, as the activists said that more people are coming out to join their movement (Interviewee 5), and the workload is high (Interviewee 2).

6.4 Conclusion

In this chapter I have examined the arguments used by the Russian Federation, represented by the Russian president and the findings from a discourse analysis examining how Russian newspapers label Ukraine and the Ukrainian army in regards to Ukraine's cooperation with the EU and the ongoing war in Eastern Ukraine, and whether it can be said that the argumentation is in line with that of the of the Soviet Union for criminalising homosexuality (the fascist-argument). Fascism was a major threat to the Soviet Union pre-World War II and the use of fascism and the possible threat of it is still used to describe Ukraine by Russia in addition to the growth of active nationalist groups with a heritage that is linked to Nazi-Germany.

Furthermore, the argumentation against strengthening LGBT rights in Ukraine and in Russia seem to be similar. Both countries use traditional values, Christian values and traditional family values to designate gender roles in society as reasons for why LGBT rights are incompatible with Ukrainian and Russian norms. This argumentation is though more used

and more tolerated in Russia, as the Russian Federation has adopted three laws restricting LGBT rights. The activists (institutional and grassroots) therefore perceive Russia and Russian-Ukrainian cooperation as negative in regards to the implementation of LGBT rights and treatment of LGBT people in Ukraine, whereas Europe and Ukraine's Eurointegration is perceived to have beneficial influence on Ukrainian policy making on LGBT rights.

Finally, material from the interviews shows that the activists and some of the politicians participating in this research agree upon the increased radicalisation and activity of nationalistic groups in Ukraine after Euromaidan and the war in eastern Ukraine, and that this has affected LGBT people in a negative way. Even though the mentioned nationalist parties and groups do not have any seats in parliament (e.g. Svoboda and Azov), they do pose a significant threat to individuals involved in the struggle for LGBT rights. This has been documented in previous research and in the current study as these groups, in addition to self-proclaimed nationalist, have attacked people participating in public LGBT events.

These attacks have happened simultaneously as the LGBT community has sought to become more visible and demonstrate for LGBT rights in public. The public march, currently named March of Equality, which was launched in Kyiv for the first time in 2012 and did not enjoy efficient police protection until after Euromaidan, have been an important platform for the LGBT community to bring attention to LGBT issues and therefore it has also been under attack from nationalist groups that oppose implementation of LGBT rights.

Additionally, LGBT activists claim to see a rise in hate crimes against LGBT people and these crimes are carried out by people taking advantage of the fact that LGBT people do not seek police help. The rise of hate crimes and attention to LGBT people from nationalistic groups has directed more attention to LGBT rights among the Ukrainian population in general, according to the activists. Some of the activists suggest the LGBT community also benefited from this, as it has become increasingly more clear that the rights of LGBT people need more effective protection.

Whether decision makers are willing to support and make sure a proper discussion on enhancing such protection is, on the other hand, questionable considering that events like the March of Equality have not enjoyed much support from Ukrainian MPs and the fact that MPs do not regard LGBT issues to be of priority in Ukraine now.

7 Conclusion and Findings

In this thesis I have sought to examine the situation for LGBT people in Ukraine before and after Ukraine's latest transition, the Euromaidan revolution. A primary motivation was to question whether the revolution really has been a revolution of dignity for Ukraine's LGBT community. The question mark is still valid. My analysis of how the LGBT activists and MPs in Ukraine perceive the current situation for LGBT people show that the community faces stigmatisation, discrimination and violence despite of Ukraine's recent increased cooperation with the EU.

The thesis points to several reasons for this. First, LGBT rights have been given little attention in Ukraine, and as previous research suggests, the Ukrainian population and its politicians have not been tolerant towards LGBT people or to the implementation of legislation that would benefit the LGBT community. Ukrainian researchers such as Martseniuk (2012b) and Teteriuk (2015, 2016) claim that heteronormativity has been standard in Ukrainian society since the country received its independence, and that this has sustained intolerance towards LGBT people.

Second, there is also some continuity with the past. This intolerance is also part of Ukraine's past from being a Soviet Republic. In 1934 the Soviet Union criminalised male homosexuality in an all-union decree. The argumentation for criminalising homosexuality in the Soviet Union was of a broad span; firstly as a protective measure of reproduction, alongside associations with the bourgeoisie life where homosexuality was perceived to be a result of too much spare time in the exploiting classes.

The past is not uniform, however. In the anticipation of the Second World War, the argumentation for criminalising homosexuality expanded. It was still associated with bourgeoisie life, but was now perceived by the Soviet government to be a feature of European fascism, espionage and counter revolutionary activity. Furthermore, the development of research on homosexuality alongside discussion and access to information was limited, and homosexual people were stigmatised. Heteronormativity was therefore standard in Soviet policies, as homosexuality was considered to be a deviation from the assumed norm.

In the current study, the treatment of homosexual people in the Soviet Union, and the fact that LGBT issues were taboo, has been used by the informants in this research to explain why people lack knowledge about LGBT issues and why many still stigmatise LGBT people.

Clearly, Ukraine is still under some influence by its Soviet heritage on this matter. This analysis also shows that the reproductive argument is the only argument used in the Soviet Union that is still in use in Ukraine today, cited by some MPs and nationalistic groups. Moreover, many, including MPs, nationalistic groups and the Orthodox Church perceive LGBT rights as a European phenomenon that the West and the EU are trying to impose on Ukraine. This belief has sparked additionally when the Ukrainian parliament has discussed the implementation of LGBT rights due to Ukraine's integration with the EU.

One could assume that Ukraine's Eurointegration would dampen this intolerance, but the findings of this study show that the Eurointegration argument does not necessarily do this, although it has had one major impact: it has moderated some Ukrainian legislation on LGBT rights. Ukraine has been cooperating with the EU on the Visa Liberalisation Action Plan (VLAP) since 2008, and according to both activists and MPs the VLAP was the sole motivation for adopting the amendment to the Labour Code (bill 3442) in 2015. Getting the necessary votes was a tribulation requiring multiple roll-calls and the speaker's guarantee on never to introduce same-sex marriage to the Ukrainian legislation. The activists rejoice the adoption of bill 3442 and they do in this regard perceive the EU as a normative power for pressuring Ukrainian authorities to amend it. However, when the parliament is to vote for the new Labour Code, pending in parliament today, the EU has no guarantee that the parliament will pass the new Labour Code including the same amendment.

Another agreement, which sought to increase Ukrainian cooperation with the EU, was the signing of the Association Agreement in 2014. Although this agreement does not mention LGBT rights explicitly, it recommends Ukraine to implement democratic conventions, such as the Istanbul Convention, which includes a paragraph prohibiting discrimination on the grounds sexual orientation and gender identity. The parliament's exclusion of this paragraph in November 2016 and the political discussions leading up to the vote for bill 3442, clearly demonstrates that intolerance and heteronormativity still is prevailing among Ukraine's decision makers. This was also found in the statements from the MPs participating in this research, as they claim there is only a minority that at the least is ready to even talk about LGBT rights. Hence, the LGBT activists face the greatest challenge for implementing more LGBT rights internally as so far Ukrainian legislators are not interested in doing anything to improve the situation for LGBT people beyond what is required of them by the EU. Some of the MPs participating in this research also stated that currently Ukraine does not experience any problems associated with LGBT people and legislation, and therefore they did not see the

need to further enhance the implementation of LGBT rights. Protecting what is already achieved is therefore perceived as an important task for the LGBT activists.

Activists and MPs gave several reasons for why Ukrainian politicians and society are so reluctant to accepting LGBT rights. First of all, many of the respondents blamed this on the strong influence of Ukraine's biggest churches. These churches are against implementing LGBT rights as this is perceived as a threat against Ukrainian traditions and morality. This influence has also, according to studies conducted by Maria Teteriuk (Teteriuk, 2015, 2016), been strong prior to Euromaidan. When legal initiatives beneficial to LGBT people were discussed before the revolution started in 2013, these values ruled the ground, and many activists consider this to be one of the major obstacles for implementing more LGBT rights in Ukrainian legislation.

Another reason the parliament is reluctant to vote in favour of, or even address LGBT issues in public, is the mechanism of neutrality, forcing MPs to stay clear of accusations from the conservative and nationalist parties who use anti-LGBT speech, to mobilise voters and discredit opponents. This was also explained to be a consequence from the lack of political party ideology in Ukrainian parties, where MPs belonging to a party are more likely to serve his or her interests rather than their parties'; because the topic of LGBT rights is more or less perceived as solely negative among the general population and the Orthodox Church, MPs tend to not comment or address LGBT issues as this might hurt their image and reputation, damaging their prospects for re-election.

Despite the reluctance in parliament against introducing full rights, some legislation benefitting LGBT people in Ukraine has been proposed in the National Action Plan (NAP) for implementing the National Human Rights Strategy (NHRS), and the activists have been included in the drafting progress which have led to the inclusion of some provisions perceived to be beneficial for LGBT people. According to the activists participating in this research, this sort of inclusion was not custom prior to Euromaidan. Yet, the majority of activists doubt that the provisions including LGBT rights in the NAP will be ratified in the near future, first and foremost this includes those provisions that need to be ratified in the parliament.

The government's choise for Eurointegration and Euromaidan have therefore contributed to a positive development for the LGBT community also beyond the adoption of bill 3442, as the LGBT NGOs and activists feel more included in decision making processes; they are more visible, and some LGBT events have been successfully held in Kyiv supported

and even attended by some MPs. This is perceived to be a direct consequence of the course of Eurointegration.

Concerning the question on whether the situation after Euromaidan had opened up for possibilities as to how LGBT organisations do advocacy work the institutional activists stated that a new feature of advocacy work, namely communicating directly with MPs, has become possible since Euromaidan had taken place. Indeed, as a new parliament was elected in 2014, MPs would like to listen to public demands more often, and organisations that have been able to attain such communication have expressed deep appreciation for it. Those MPs who engage in communication with activists are also a small group of people. This means that communicating with MPs is still perceived as exclusive and this method of advocacy is, according to the institutional activists, perceived to be a good opportunity for future lobbying, which they hope will expand to more organisations and MPs over time. In order for this to be a possibility though, more MPs have to become open to discuss LGBT rights.

This study also revealed that there are disparities within the LGBT community, and that the community lacks a unified message that all activists support. Here the most important finding was that the grassroots activists did not agree with the institutional activists on whether cooperation with the EU is good for the LGBT situation in Ukraine today; the grassroots activists perceived EU's influence as a mere formality which could eventually make LGBT activism too dependent on help from the EU. The grassroots activists also presented a sceptic view of the human rights practice within the EU, and were therefore not convinced that cooperation with the EU would lead to actual protection of human rights in Ukraine. However, the grassroots activists did not think the Labour Code amendment (bill 3442) would be adopted without pressure from the EU.

The grassroots activists were more concerned about the existing conflict between the grassroots and the institutional activists. The conflict is mainly preoccupied with grassroots activists not being acknowledged by other activists that work in LGBT organisations, and this is perceived by the grassroots activists as an obstacle for the development of the situation for LGBT people in Ukraine. Another concern, raised both by some grassroots and institutional activists, revolved around those activists that are most visible in public and how they tend to draw attention to issues that according to them are not first priority for LGBT people (e.g. same-sex partnership).

In addition to being dependent on lobbying for their rights, LGBT activists, both at the grassroots and institutional level, find themselves in a difficult informational context as LGBT rights have become a very political topic that is often used to discredit Ukraine's

integration to the EU. My findings suggest that the Russian informational strategy has moderate bearings here. I asked whether Russian argumentation for not implementing LGBT rights resembled the Ukrainian argumentation, and in chapter 6 I examined Russia's restrictive legislation on homosexual propaganda and the arguments they use for not improving LGBT rights. The findings suggest, however, that the Russian argumentation against LGBT rights is mostly built upon the premises that implementing LGBT rights will pose a threat to Russian morality and tradition. And thus, according to Russia, both Europe and Ukraine, because of its European choice, are therefore headed towards decline because both the EU and Ukraine have ratified LGBT rights in their legislation.

Indeed, even though Russian argumentation against implementing LGBT rights in Russia resembles that of the leadership of the Azarov government in Ukraine before Euromaidan, and in political discussions on the implementation of LGBT rights after Euromaidan, activists perceive the situation in Russia worse than in Ukraine. This is because of the Russian laws restricting LGBT peoples' lives. Similar laws were also introduced in the Ukrainian parliament, but these were removed from the parliamentary agenda during and after Euromaidan following Eurointegration.

A final finding in this thesis concerns the level of hate crime and tolerance. In the interviews, I asked whether the activists and MPs perceive these phenomena as a threat. As Ukraine has chosen to increase cooperation with the EU, there is also a rise in negative attitude toward LGBT people and the implementation of LGBT rights among the general Ukrainian population, according to the activists. This is yet another internal factor that LGBT people encounter when they demonstrate for their rights and in their everyday life. Activists partly explain this rise of negativity with the fact that the LGBT community has become more visible during the few last years, and more attention has been given to LGBT rights in the parliament as a consequence of the VLAP and the Association Agreement with the EU.

A far more disturbing finding in this analysis is the activist's claim that violent attacks and hate-crimes against LGBT people are not only continuing, but rather: they are on the rise. Those people performing these attacks have gone beyond the lines of the tenacious heteronormative norm to enacting in direct violence. The activists and the MPs concur there is a rise in the level of radicalisation as a consequence of the ongoing war in Eastern Ukraine, and that this has also been damaging LGBT activism in the country. Nationalistic groups, like the Azov battalion, the Right Sector and Svoboda (being political parties as well as military regimens) have disrupted and openly opposed implementation of LGBT rights in Ukraine, claiming that LGBT rights are a threat to Ukrainian demography. The activists do not see

these grouping as a significant threat in regard to national politics as they regard the national support for these groups as low, but they are perceived as a threat toward individuals. An increase in attention on the LGBT community from nationalistic groups has also given more attention on LGBT rights among the Ukrainian population in general, according to activists, and some of the activists meant that the community benefitted from this, as violent attacks make it evident that the rights of LGBT people need stronger protection. This protection has to go beyond the guarantee for safety of the March of Equality annually held Kyiv.

Whether and how the parliament will implement more LGBT rights in the future, including the Istanbul Convention and the provisions listed in the NAP, and how LGBT activists will advocate for the implementation of these rights, is an important subject for future research. Clearly, only new studies will increase the amount of knowledge about the LGBT situation in Ukraine and the state of Ukraine's Eurointegration and democratisation process. Will Ukrainian MPs manage to amend legislation that will give LGBT people the same rights as other citizens without pressure from the EU? Will the church and anti-LGBT parties maintain their perceived influence over MPs and the general population's attitudes towards LGBT people? Will the current exclusive group of MPs that activists have started to communicate with expand in the future, and what effects will this have on the future implementation of LGBT rights in Ukraine?

Currently, the situation for LGBT people in Ukraine after Euromaidan is a mixture of both opportunities and challenges; some brand new opportunities have risen, like the possibility to communicate effectively with politicians, but old challenges, like the level of homophobia and negative attitudes toward LGBT people among the Ukrainian population, Ukrainian MPs and nationalistic groups, remain prevalent. Despite these challenges, the Ukrainian LGBT movement shows no sign of restraining or slowing down their work; rather the movement is gaining support and the number of activists is increasing. And thus, the activist's struggle to convince Ukrainian legislators and the general population of Ukraine that all citizens should be provided with the same rights and be protected against discrimination continues. As does the activist's fight to convince the same people that the right to be protected from discrimination on the grounds of sexual orientation and gender identity are not necessarily a European phenomenon or a European value, but a right inherent to every human being all over the world, including Ukraine, regardless of its Soviet past or its European future.

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Attachments

Attachment 1: Table 3 Respondent Group 1

Interviewee No.[31]	Place of origin[32]	LGBT NGO[33]	Activist how long (years)[34]
1	Central	Yes	13
2	West	Yes	10
3	Central	Yes	16
4	East	Yes	20
5	South	Yes	5
6	West	Yes	11
7	East	Yes	2
8	West	No	5
9	Central	No	5
10	Central	No	5

[31] Each Interviewee is given a number, of which will be their pseudonym in the analysis and presentation of findings.

[32] Respondents in respondent group 1 are anonymised in this thesis, I have therefore chosen not to disclose their place of origin, but more generally stated which part of the country they are from.

[33] The informants were asked whether they belonged to any LGBT NGO, though, in order to maintain their anonymity, which organisation they belong to will not be disclosed. Rather have I given some examples of which organisations they belong to in the methodology chapter.

[34] The informants were asked for how long they have considered themselves to be activists. All activists, except interviewee 7 considered themselves to be activists before the Euromaidan started.

Attachment 2: Table 4 Respondent Group 2

Name	Age	Sex	From	Political Party in parliament	In parliament since
Sergii Leschenko,	36	M	Kyiv (Central Ukraine)	Blok Petro Poroshenko	2014
Svitlana Zalishchuk,	34	F	Zhashkiv (Central Ukraine)	Blok Petro Poroshenko	2014
Aleksei Riabchyn,	34	M	Mariopol (Eastern Ukraine)	Samopomich	2014
Parliamentarian Y[35]	-	-	-	RUKH (Narodniy Rukh Ukrainy)[36]	-
Parliamentarian X	-	-	-	-	-

[35] Parliamentarian Y and Parliamentarian X chose to be anonymous in this thesis. I have therefore not provided for their names, age, their place of origin, or for how long they have been in parliament.

[36] Parliamentarian Y did not want his party of belonging to be anonymised in the thesis.

Attachment 3: Interview Guide Respondent Group 1, English

Interview guide, Master thesis research project "LGBT situation in Ukraine" by Silje Fines Wannebo

My name is Silje Fines Wannebo, I am a master student writing my master thesis at the faculty of humanities at the University of Oslo. My research project aims to explore the current situation for LGBT people in Ukraine.
Interview length: 30-40 minutes

Political Activity/ Introduction

- *Please, tell me about your LGBT activism, how long have you been an activist and with which organisations?*

Overall situation of LGBT in Ukraine after the Euromaidan revolution

- *How would you describe the LGBT situation in Ukraine now? How was the situation let's say 2-3 years ago? Has it changed? (How would you describe the situation for LGBT activists on Euromaidan?)*
- *What do you think about the development of LGBT rights in connection with Ukraine`s integration towards the EU)?*

Clarifying questions
What do you think about Ukraine's cooperation with the EU? Has the cooperation led to any implementation of LGBT rights?

Political attitude towards LGBT

- *What do you think is the general attitude towards LGBT in Ukraine now? What does the politicians say about LGBT? (What do they say about LGBT rights?)*
- *When did the politicians start to talk about or address LGBT matters in public? How do they talk about LGBT and how often? (Are there certain events/happenings that triggers this topic – that makes the politicians talk about LGBT?)*

LGBT organisations' political agenda after Euromaidan

- *Do you think that LGBT organisations and activists have become more political active during the last three years? If yes or no, why and how?*
- *Are there some organisations or LGBT leaders/activists that are more visible than others? Please, tell me who and comment – is this good or bad?*
- *Do LGBT activists work with political parties or political leaders? With who and why? How can this help LGBT activism in Ukraine?*

More about EU's stand on LGBT issues in Ukraine

- *Does LGBT in Ukraine receive attention from abroad? (Has that attention changed during the last 3 years? How? Russia?)*
- *What do you think about the (financial) support from abroad to LGBT organisations? What countries and organisations supports LGBT in Ukraine most of all? Why?*

Clarifying questions

Has this support changed in any way after Euromaidan? Do you know which are the biggest donors to LGBT NGOs and activism in Ukraine?

Homophobia in Ukraine after the Euromaidan revolution

- *What do you think about the level of tolerance towards LGBT in Ukraine? Are there differences between the regions? Which groups are most tolerant towards LGBT? Why?*
- *Has this situation changed after Euromaidan?*
- *What obstacles exist, in your opinion, to eliminate homophobia in Ukraine?*

Clarifying Questions

What do you think about the level of homophobia in Ukraine today? Do you think this has changed after Euromaidan? Which groups are most aggressive, show most hate towards LGBT? Political parties?

Attachment 4: Interview Guide Respondent Group 1, Russian

Интервью с ЛГБТ активистами

Мне зовут Silje Fines Wannebo, я норвежская студентка у факультета гуманитарных наук в университете Осло и у кафедры социологии в университете Киево-Могилянской. Мой проект является магистерской диссертацией, направленной на сбор информации о ситуации ЛГБТ людей в Украине.

Интервью проводится на русском или английском и будет длиться около 30-40 минут.

Кого из активисток / активистов в области прав человека для ЛГБТ (как в Киеве, так и в регионах), посоветуете также опросить для этого исследования? Укажите топ-3 варианта

Введение

Опыт активизма (количество лет): Расскажите о вашем опытом активызма

Аффилиация (организация, должность):

Положение ЛГБТ в Украине

- *Какая ситуация по поводу ЛГБТ сейчас в Украине? Какая была ситуация года 3-2 назад? Она (сильно) поменялась? (Как Вы оцениваете ситуации для ЛГБТ активисты/ демонстрантов Майдана/ участников демонстрации на Майдане?)*
- *Что вы думаете об эволюции прав ЛГБТ (в связи с интеграцией Украины в ЕС?)*

Clarifying questions

Как вы думаете о расширении сотрудничества с ЕС? Приведет ли это к увеличению прав ЛГБТ в Украине? Как?

Политическое отношение к ЛГБТ

- *Как вы думаете, какое отношение к ЛГБТ вообще в настоящее время в Украине? Что говорят политики и политические партии по теме? (что говорят политики о правах ЛГБТ?)*
- *Когда политики начинали говорить публично о ЛГБТ? Как, и как часто политики говорят о ЛГБТ? (Разговор о ЛГБТ вызван конкретными событиями?)*

Политическая агенда ЛГБТ организации

- *Считаете ли вы, что ЛГБТ организации и активисты стали более политически активными после Майдана? Если да или если нет, почему и как?*
- *Какие-нибудь -организации или конкретные ЛГБТ лидеры / лидерки стали более известными заметными? Это хорошо или плохо? Пожалуйста, назовите и прокомментируйте.*
- *Как Вы считаете, ЛГБТ активисты работают с политическими партиямы и/или лидерами? С кем конкретно и почему? Как это может помочь ЛГБТ активизму в Украине?*

Европа и Украина

- *Вы думаете, что ЛГБТ получает внимание из-за рубежа? (это внимание поменялось во время лет 2-3 (Евромайдан)? Как? Россия?)*
- *Как вы оцениваете поддержку для ЛГБТ организации из-за рубежа – из Европы? Какие страны / организации больше всего поддерживают ЛГБТ и почему?*

Clarifying questions

- Эта поддержка поменялась после Евромайдана? Вы знаете кто самые большие доноры к активистам и организациям ЛГБТ

Гомофобия в Украине

- *Как вы думаете, какой сейчас уровень терпимости к ЛГБТ? Есть разница между регионами? Какие группы более всего толерантны к ЛГБТ? Почему?*
- *Эта ситуация изменилось? Какая была ситуация года 3-2 назад? (Эта ситуация изменилось после Евромайдана*)
- *Какие препятствия существуют, по вашему, для устранения гомофобии в Украине?*

Clarifying questions

Как можно сегодня оценить уровень гомофобии в Украине? Какие группы более всего агрессивные к ЛГБТ? Почему? Какие политические партии?

Attachment 5: Interview Guide Respondent Group 2, English

Interview guide, Master thesis research project "LGBT situation in Ukraine" by Silje Fines Wannebo

My name is Silje Fines Wannebo, I am a master student writing my master thesis at the faculty of humanities at the University of Oslo. My research project aims to explore the current situation for LGBT people in Ukraine.
Interview length: 20-30 minutes

Introduction

First, tell me, very short, about your political activity.

LGBT rights

- *Tell me please, what do you know about LGBT and the LGBT situation in Ukraine?*
- *How would you define the concept of Human Rights?*
- *Would you include LGBT rights in the concept of Human Rights?*
- *What do you think about the implementation of LGBT rights in Ukraine?*

Eurointegration

- *What do you think about Ukraine`s integration towards Europe?*
- *What do you think about Ukraine's Eurointegration in regards of the implementation of LGBT rights in Ukraine?*

Communication with LGBT organisations

- *Do you think that the LGBT community has become active in politics during the past three years?*
- *Do you work or communicate with any LGBT organisations or LGBT activists? How and who? (if no, why?)*
- *Do you know any other politicians who communicates with LGBT activists? Who?*

Attitude toward LGBT

- *How do politicians address LGBT rights? (When?)*
- *What do you think about the level of tolerance in Ukraine? (What do you think about the level of homophobia in Ukraine?)*
- *What do you think is the greatest obstacle to eliminate intolerance in Ukraine?*

Last questions

- *Is there something that you don't like about the LGBT activism in Ukraine?*
- *What is your prediction about the agenda of LGBT in Ukrainian politics?*

Attachment 6: Informed Consent Form

Respondent Group 1 and 2, English

Form of Consent, RUS4590, Russian Studies Master Programme, Department of Literature, Area Studies and European Languages, University of Oslo

I volunteer to participate in a research project conducted by master student Silje Fines Wannebo from the University of Oslo. I understand that the project is a master thesis designed to gather information about the LGBT situation in Ukraine. The finished master thesis will be available for all interviewees upon request.

1. My participation in this project is voluntary. I may withdraw and discontinue participation at any time.

2. If I feel uncomfortable in any way during the interview session, I have the right to decline to answer any question or to end the interview.

3. Participation involves being interviewed by Silje Fines Wannebo from the University of Oslo. The interview will last approximately 30-40 minutes. The interview will be audio taped and notes will be written during the interview.

4. I understand that the researcher will not identify me by name in the master thesis using information obtained from this interview, and that my confidentiality as a participant in this study will remain secure.

5. I understand that only the researcher will have access to my personal information, that is name and contact information. This information will be stored until the thesis has been examined by the University of Oslo, approximately at the end of June 2017.

6. I understand that this research has been reviewed and approved by supervisors at the University of Oslo, Faculty of Humanities and the National University of the Kyiv Mohyla Academy, Faculty of Sociology.

7. I have read and understand the explanation provided to me, and I voluntarily agree to participate in this study.

8. I have been given a copy of this consent form.

_____ My Signature

_____ My Printed Name _____

Date/Place

_____ Signature of researcher, Silje Fines Wannebo

For further information, please contact:

Silje Fines Wannebo
siljewannebo@gmail.com
+380 734613116

Attachment 7: Informed Consent Form Russian Respondent Group 1 and 2, Russian

Согласие на участие, Магистерская Программа RUS4590 Российские Исследования в Факультете Литературы, Краеведения и Европейских Языков, Университета Осло

Я добровольно принимаю участие в исследовательском проекте, студентки магистратуры Silje Fines Wannebo из Университета Осло, а также кафедры социологии Национального университета Киево-Могилянской академии. Я понимаю, что проект является магистерской диссертацией, направленной на сбор информации о ситуации ЛГБТ в Украине. Результаты этого исследовательского проекта будут доступны для опрашиваемых по запросу.

1. Мое участие в этом проекте является добровольным. Я могу уйти и прекратить участие в любое время без либо каких штрафных санкций.

2. Если я чувствую себя некомфортно в любом случае во время интервью, я имею право отказаться отвечать на любой вопрос или закончить интервью.

3. Участие включает в себя интервью с Silje Fines Wannebo из Университета Осло. Интервью будет длиться около 30-40 минут. Интервью будет аудио записано и заметки будут записаны во время интервью.

4. Я понимаю, что исследовательница не будет идентифицировать меня по имени в магистерской диссертации с использованием информации, полученной из этого интервью, и что моя конфиденциальность в качестве участника / участницы данного исследования будет оставаться безопасным.

5: Я понимаю, что только исследователь будет иметь доступ к моей личной информации, то есть имя и контактную информацию. Эта информация будет храниться до тех пор, пока диссертация будет проверяться Университетом Осло, примерно до конца июня 2017 года.

6. Я понимаю, что это исследование было рассмотрено и одобрено моими руководителями в Университете Осло, факультет гуманитарных наук и Национального университета Киево-Могилянской академии, кафедра социологии.

7. Я прочитал(а) и понимаю объяснение предоставлено мне, и я добровольно соглашусь участвовать в этом исследовании.

8. Я получил(а) копию этой формы согласия.
_____ Подпись участника
_____ Подпись участника печатными буквами
_____ Дата/место

_____ Подпись исследователя, Silje Fines Wannebo

Для получения дополнительной информации, пожалуйста, обращайтесь:

Silje Fines Wannebo siljewannebo@gmail.com
+380 734613116