Vilnius University
INSTITUTE OF INTERNATIONAL RELATIONS AND POLITICAL SCIENCE

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2nd year

UKRAINE'S LGBT RIGHTS MOVEMENT IN LIGHT OF EUROPEANIZATION

MASTER'S THESIS

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2020/05/25
Vilnius

MASTER'S THESIS FLYLEAF

Conclusions of the tutor of the Master's thesis (concerning the public defence):

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The Master's thesis has been submitted to the Commission of Defence:

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(date)   (signature of the secretary of the Commission of Defence)

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....

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BIBLIOGRAPHICAL ENTRY

Summary

This research tests and confirms the oppositional theory by O'Dwyer in a case study on Ukraine. The research shows that the Europeanization mechanism of conditionality to pressure Ukraine in adopting legislation for sexual minorities mobilized strong opposition against homosexuality. This resulted in a political backlash that temporarily worsened the political situation for LGBT activism, but eventually created a stronger and better-organized LGBT rights movement. Thereby, backlash in reaction to EU pressure stimulated the LGBT rights movement.

CONTENTS

LIST OF ABBREVIATIONS

AA	Association Agreement
BYUT	The Yulia Tymoshenko Bloc
EaP	Eastern Partnership
ENP	European Neighborhood Policy
EU	European Union
ILGA	International Lesbian and Gay Association of Europe
LGBT	Lesbian, Gay, Bisexual, and Transsexual*
MP	Member of Parliament
NGO	Non-Governmental Organization
NHRS	National Human Rights Strategy
POS	Political Opportunity Structure
PR	Party of Regions
UDAR	Ukrainian Democratic Alliance for Reforms
USSR	Union of Soviet Socialist Republics
VLAP	Visa Liberalization Action Plan

*This abbreviation has multiple varieties. The most common abbreviation is used in this thesis, including the T but leaving out the I for intersex.

INTRODUCTION

"I hear some fake information which says that there may be same-sex marriages in Ukraine. God forbid, this will ever happen. We will never support this."[1]

This phrase was said by Volodymyr Groisman, a speaker of parliament, in 2015 when Ukraine's parliament passed an anti-discrimination law in the workspace, which included discrimination based on sexual orientation. This law was the last out of ten requirements that had to be approved for the European Union (EU) to grant Ukraine visa-free travel. It was adopted upon the sixth vote, after Groisman had assured deputies that the law would not threaten "family values." Ukrainian president at the time, Petro Poroshenko, said "Ukraine is breaking free from the shackles of discrimination from the Soviet past. Meanwhile, family values remain inviolable."[2]

Non-discrimination towards sexual minorities is a core EU norm[3], and the EU applies conditionality to pressure non-member states to include non-discrimination to their labor codes in exchange for EU benefits.[4] While it provides opportunities for local LGBT activism, O'Dwyer emphasizes that "if any region would seem unreceptive to LGBT activism, it would be post-communist Europe,"[5] and Ukraine seems to be no exception.

Background

In the decade following the dissolution of the Soviet Union in 1991, a part of the former Eastern Bloc including three post-Soviet countries started adopting legislative reforms and undertaking concrete structural changes as part of the EU accession in 2004.[6] The EU, however, was not willing to include Ukraine, which in itself lacked the political will and societal pressures to pursue accession. The Orange Revolution of late 2004 showed a change, namely the societal will to take part in European integration.[7] That same year, Ukraine's European prospects improved with the creation of the European Neighborhood Policy (ENP). In 2009, the EU launched a new program specifically aimed at deeper cooperation between the EU and six post-Soviet countries including

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[1] BBC News, "Ukraine passes anti-discrimination law." BBC News, 12 November 2015. <https://www.bbc.com/news/world-europe-34796835> [2019 01 08].
[2] Ibid.
[3] EUR-Lex, "Glossary of summaries." <https://eur-lex.europa.eu/summary/glossary/nondiscrimination_principle.html> [2020 05 06].
[4] Mark Bell, "The European Union – a new source of rights for citizens in the accession countries?" In: *Equality for lesbians and gay men. A relevant issue in the EU accession process*, Brussels: ILGA-Europe, 2001, 82.
[5] Conor O'Dwyer, The Benefits of Backlash: EU Accession and the Organization of LGBT Activism in Postcommunist Poland and the Czech Republic, *East European Politics and Societies and Cultures*, 20(10), 2018, 1.
[6] European Commission, "25 Years after the Fall of the Iron Curtain." Luxembourg: Publications Office of the European Union, 2014, 12.
[7] Natalia Shapovalova, "Ukraine: A New Partnership." Book: Richard Youngs (ed.) *The European Union and Democracy Promotion: A Critical Global Assessment*, Baltimore: The Johns Hopkins University Press, 2010, 60.

Ukraine – the Eastern Partnership Program (EaP).[8] This resulted in two agreements between the EU and Ukraine, the EU-Ukraine Association Agreement (AA) and Visa Liberalization Action Plan (VLAP), which led to the adoption of legislative reforms, including in the area of LGBT rights.

The Brussels-based LGBT advocacy group ILGA-Europe yearly publishes a Rainbow map, which shows the legal and policy status for LGBT across Europe. In 2011, Ukraine scored -4 on a scale of -7 (gross violations of human rights) to 17 (respect and full equality).[9] In 2019, this had changed to 22 percent on a ranking system of 0 (gross violations of human rights) to 100 percent (respect and full equality).[10] This score is purely based on the legal perspective and does not say anything about societies' view of LGBT issues.

Most research on the politics of homosexuality in Eastern Europe is focused on explaining policy change or attitudinal trends. Various scholars have analyzed how Europeanization has influenced domestic policy adoption and norm change, including in the area of LGBT rights.[11] Less research has been conducted on the state of LGBT activism in Eastern Europe. It is an interesting angle, while a country can have the bare minimum of LGBT rights but a strong LGBT rights movement or have a relatively good legal and policy situation but lack a strong movement. Existing theory shows that this result depends on whether a backlash against LGBT rights occurred. Ayoub and Paternotte explain that activists prefer a backlash from the mobilization of anti-LGBT groups over silence, as this brings visibility to the LGBT community and makes their rights politically salient. The interactive relationship between political opportunity from Europeanization and threat from backlash should fuel the LGBT rights movement and make them stronger and better organized.[12] O'Dwyer confirms that a backlash aimed against a perceived effort by the EU and its transnational advocacy networks to diffuse LGBT rights norms can paradoxically benefit the domestic organizing capacity of LGBT rights advocates.[13] He argues that the conflict between EU norms and highly rooted social customs fosters the LGBT rights movement in countries where homosexuality remains an issue bound up in strong social taboos.[14] This research tests this theory on the LGBT movement in Ukraine. The theory is elaborated on in the next chapter.

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[8] European Union External action, "Eastern Partnership." EEAS, 19 October 2016. <https://eeas.europa.eu/diplomatic-network/eastern-partnership/419/eastern-partnership_en> [2020 05 06].

[9] ILGA-Europe, "Rainbow Europe, Map 2011." ILGA-Europe, 2011. <https://www.ilga-europe.org/sites/default/files/Attachments/europe_map_a.pdf> [2018 06 14].

[10] ILGA-Europe, "Rainbow Map 2019." ILGA-Europe, 2019. <https://rainbow-europe.org/#8665/0/0> [2019 03 06].

[11] Koen Slootmaeckers, Heleen Touquet and Peter Vermeersch, *The EU Enlargement and Gay Politics: The Impact of Eastern Enlargement on Rights, Activism and Prejudice*. London: Palgrave Macmillan, 2016, 178.

[12] Phillip M. Ayoub and David Paternotte, "Introduction." Book: Phillip M. Ayoub and David Paternotte (eds.) *LGBT Activism and the Making of Europe: A Rainbow Europe?* Basingstoke: Palgrave Macmillan, 2014, 44.

[13] O'Dwyer, The Benefits of Backlash, 2.

[14] O'Dwyer. 2014, 15.

Research outline

The main research question is: "Does Europeanization stimulate or hinder the LGBT rights movement in Ukraine?" The hypothesis is that Europeanization resulted in a homophobic backlash, which in turn resulted in a growth and strengthening of Ukraine's LGBT rights movement. The dependent variable is the organization of the LGBT rights movement, the independent variable is Europeanization and the intervening variable is the backlash.

The first chapter consists of a theoretical framework. The chapter following motivates the choice of the case study as the research method. The third chapter provides the results, structured in time frames that each present the political opportunity structure, framing of homosexuality and the development of activist networks. Results have been gathered starting with the period following the break-up of the USSR until a couple months before finishing this writing. These roughly 30 years provide a full picture of the situation before LGBT rights became an issue in EU–Ukrainian relations as well as during and right after the use of EU conditionality. The final chapter uses this information to discuss whether the oppositional theory is confirmed or falsified in case of Ukraine.

Research challenges

The main challenge of the research has been measuring the organization of activism over time while organizations arise and others dissolve, as well as there are different levels of activism, namely high-level, regional and individual activism. This research focused on high-level activism mainly. Regarding individual activism, the number of people marching in gay prides has been used as the indicator in the research. Also, Ukraine's contextual conditions somewhat vary from the countries on which the theory is based; the Eastern European countries that joined the EU in 2004. This is further specified in chapter 1.3.

1. THEORETICAL FRAMEWORK

This chapter provides the theoretical framework. The first sub-chapter explains the concepts of external incentives and social learning from the theory of *Europeanization.* The second sub-chapter discusses the *oppositional theory*, which includes three features: political opportunity structure, framing, and activist networks. Both theories show how the oppositional theory builds on Europeanization theory and provides a better explanation for social movement mobilization.

1.1 Europeanization theory

Europeanization is a broad concept, defined by Radaelli to include

> "processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing," and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures, and public policies."[15]

In other words, it is the process of transferring EU policies, instructions, rules, beliefs, and values to other countries.[16] According to Slootmaeckers et al., the process and discourse of Europeanization is a key aspect of understanding and explaining the development of resistance to LGBT rights in the Eastern European region.[17] The two mechanisms of Europeanization that have been adapted to Eastern enlargement, and in particular to Europeanizing liberal democratic norms, are external incentives and social learning. The first is based on the idea that, depending on clarity, the credibility of the promise of reward, their magnitude, and the leverage of domestic veto players, EU norms will be adopted.[18] External incentives are used to pressure states in adopting legal protections that they would not have ratified otherwise, such as legal protections for sexual minorities.[19] Domestic LGBT activists can serve as brokers between the EU-level institutions and their own state and assist in monitoring policy promises and implementation, which will increase their political significance.[20] The second mechanism, social learning, assumes that once non-member states

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[15] Claudio M. Radaelli, "The Europeanization of Public Policy." Book: Kevin Featherstone and Claudio M. Radaelli, *The Politics of Europeanization.* Oxford: Oxford University Press, 2003, 30.

[16] Simon J. Bulmer, "Theorizing Europeanization." Book: Paolo R. Graziano and Maarten P. Vink, *Europeanization: New Research Agendas*. Basingstoke: Palgrave, 2007.

[17] Slootmaeckers et al., 100.

[18] Frank Schimmelfennig and Ulrich Sedelmeier, *"The Europeanization of Central and Eastern Europe."* London: Cornell University Press, 2005, 12-7.

[19] Conor O'Dwyer, "Does the EU help or hinder gay rights movements in post-communist Europe: the case of Poland." *East European Politics*, 28(4), 2012, 333-4.

[20] O'Dwyer, 2014, 15-6.

consider EU norms and rules to be appropriate, they will adopt them.[21] Through this model, domestic actors start to collaborate with European actors, increasing the domestic groups' organizational resources and providing legitimization. Together they lobby national governments and promote EU norms in the domestic political debate.[22] Regarding LGBT rights, the domestic actors consist of advocacy networks of social movements, NGOs engaged with LGBT issues and state agencies responsible for non-discrimination policy. European actors include the European Commission, the European Parliament, and the International Lesbian and Gay Association of Europe (ILGA-Europe). An indication of the effectiveness of social learning is the transformation of some parties developing tolerant stances toward LGBT.[23] Knill and Lehmkuhl have, however, shown that social learning is most effective when the government and society identify with the EU.[24] In countries where EU norms do not resonate with domestic ones, social learning proves to be complicated.[25] These two mechanism of Europeanization theory offer hypotheses for how post-communist LGBT movements develop, which is shown in the theory in the following sub-chapter.[26]

1.2 Oppositional theory

Whereas the Europeanization theory focuses on the legal effects, the oppositional theory looks at social movement development.[27] The theory argues that the EU more influences movement development through the unintended consequences of a backlash, rather than through the mechanisms of conditionality and social learning. The EU's use of conditionality for the implementation of legal protection for sexual minorities provokes political backlashes, which worsen the political situation for LGBT groups at least temporarily, but in turn create stronger and better-organized rights movements. This means that backlash drives activism. When a backlash does not occur, EU conditionality can have the opposite effect on the LGBT movement, because of the lack of threat which boosts activism.[28]

O'Dwyer uses the definition of backlash introduced by Mansbridge and Shames: "A reaction by a group declining in a felt sense of power." The actors feel like they lost power, or it is

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[21] Christoph Knill and Dirk Lehmkuhl, "How Europe matters: different mechanisms of Europeanization. *European Integration Online Papers,* 3(7), 1999, 20.

[22] Schimmelfennig and Sedelmeier, 18-20.

[23] Conor O'Dwyer, "From Conditionality to Persuasion? Europeanization and the Rights of Sexual Minorities in Post-Accession Poland." *European Integration*, 32(3), 2010, 232-4.

[24] Knill and Lehmkuhl, 20.

[25] O'Dwyer, 2012, 335.

[26] Conor O'Dwyer, "Social Movements between Communism's Legacy and Europe's Pull: The Case of the Gay-Rights Movement." Paper presented at the workshop "Whither Eastern Europe? Changing Political Science Perspectives on the Region." Florida: University of Florida, 2014, 15.

[27] Conor O'Dwyer, *Coming Out of Communism: The Emergence of LGBT Activism in Eastern Europe.* New York: New York University Press, 2018*,* 12.

[28] O'Dwyer, 2012, 333-4.

at least threatened, and undertake action to regain this. There are three defining features. The action should be reactive because it lashes back at something another has done; it should involve coercive power, albeit this might be only in subtle forms; and it should attempt to reinstate the preferences of the declining group.[29] Coercive power includes actual repression and the threat of it, but also less physical forms such as hateful rhetoric and policy retrenchment. O'Dwyer distinguishes backlash from counter-movements and other forms of resistance. The existence of counter-movements is a precondition for a backlash, yet, the backlash "constitutes the moment at which such opposition become credible contenders for government power as a hard-right political coalition – thereby representing a new order of threat to sexual minorities."[30]

Oppositional theory examines the impact of EU conditionality on the political opportunity structure, issue framing, and activist networks in post-communist EU member states. These three elements show that progress on one dimension may be accompanied by backsliding on another, which is the result of interaction between domestic politics and transnational pressures of EU integration.[31]

The first concept, political opportunity structure (POS), means the established power relations in which social movements are embedded. This includes the degree of openness of formal political institutions, especially the perceived threat of (in)direct repression of activism; the hard rights capacity to threaten the stability of elite arrangements; and the number of elite allies. According to O'Dwyer, the environment in which the LGBT rights movement has developed in the Eastern European region is defined by two distinctive features that constitute the POS for rights activists.[32] The first one is the communist legacy, which for LGBT activism includes the demobilization of civil society and repressed homosexuality. The second one is demand from European integration, which looks at how EU pressure shapes the landscape of domestic politics in which social movements, both advocates and opponents of LGBT rights, mobilize and pursue their goals.[33] EU pressure is of fundamental importance for the mobilization of anti-LGBT groups, which play a vital role in the domestic debates about LGBT rights.[34]

The second concept is issue framing, which looks at whether groups manage to shape their message and policies around the requirements of the EU. The frame that the EU provides for the LGBT rights movement is based around legal rights and representation for all persons. The

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[29] Jane Mansbridge and Shauna Shames, "Toward a Theory of Backlash: Dynamic Resistance and the Central Role of Power." *Politics and Gender,* 4(4), 2008, 625-7.
[30] O'Dwyer, The Benefits of Backlash, 3.
[31] O'Dwyer, Coming Out of Communism, 12.
[32] O'Dwyer, Coming Out of Communism, 33-56.
[33] O'Dwyer, 2012, 337-8.
[34] O'Dwyer, 2010, 230.

contrast between the new (transnational norms) and the existing frame (domestic norms) should trigger a framing contest between norm opponents and norm advocates. This only happens in case of strong opposition.[35] The framing contest should bring media attention to the issue, which should increase the issue's visibility and centrality and eventually should lead to the acknowledgement of the issue as symbolic of wider EU principles.[36] At this point, the LGBT movement should be able to attract allies.[37] Previous studies suggest that the government, parliamentary parties, churches, right-wing grassroots religious movements, and LGBT organizations are the key political actors and interest groups in the public policy debates over anti-discrimination legislation in Eastern European countries.[38]

The third concept is activist networks, which takes a closer look at the polarization of the advocates and opponents of LGBT rights. The advocates consist of self-help groups, support-service providers, NGOs, and grassroots supporters. Opponents include political parties, churches and grassroots groups with anti-LGBT messages. The theory provides three criteria to study the activist networks, namely density, coordination and capacity. Density is the size of the movements and the number of active groups. Coordination is the ability of groups to cooperate and organize together for large-scale public events, meaning whether the groups agree about goals, funding and cooperate on broader projects. Capacity refers to the ability to influence political action.[39] One good indicator of activism are gay prides. These function as a test of movement strength and show whether LGBT persons can exercise their civil liberties in the public sphere.[40] Prides generate solidarity, visibility, and provide a venue for allies to endorse LGBT rights. Tracing the size and character of the gay prides over time highlights backlash's catalyzing effects.[41]

1.3 Oppositional theory applied to Ukraine

This sub-chapter explains the contextual conditions for Ukraine. According to Inglehart's post-materialism thesis, when "economic development raises living standards, it reduces the political salience of bread-and-butter economic issues and citizens will turn their political engagement to "values issues" such as environmentalism, multiculturalism, gender equality, and tolerance of homosexuality."[42] As a result of a structural lack of economic growth, Ukrainians still focus on

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[35] O'Dwyer, 2012, 338.
[36] O'Dwyer, Coming Out of Communism, 57-83.
[37] O'Dwyer, Coming Out of Communism, 1-32.
[38] Teteriuk, 9.
[39] O'Dwyer, 2012, 339.
[40] O'Dwyer, Coming Out of Communism, 1-32.
[41] O'Dwyer, The Benefits of Backlash, 22.
[42] Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies.* Princeton: Princeton University Press, 1997 cited from O'Dwyer, *Coming Out of Communism*, 33-56.

"survival values". A society focusing on survival promotes intolerance.[43] Ukraine has a "closed" political culture, meaning it is characterized by comparatively high levels of religiosity and lower tolerance of self-expressive values. Anti-LGBT rights mobilization is politically effective when narratives of the nation are based on religious identity because this indirectly links sexual politics to nationalism.[44]

Ukraine is not an EU applicant or potential applicant state, which means it is not bound by EU legislation and has no obligation to implement EU directives. However, EU agreements such as the AA and VLAP contain commitments, also including legal protections for sexual minorities.[45] In this perspective, Ukraine differs from the Eastern European countries on which the theory is based, where the EU used conditionality to push for the implementation of legal protections for sexual minorities as part of the accession process. In accession states, EU leverage waned soon after the countries implemented the legal protections for sexual minorities, whereas leverage remains for Ukraine, which has still a long road of reforms ahead to move towards the EU's norms and values and which is not even a potential EU member state. Therefore, the Ukrainian government has to show its commitment to European integration. One way of showing commitment is by adopting legislation benefiting sexual minorities. However, both the potential payoff for rights adoption as well as the credibility of the EU's promise is weaker than for applicant and potential applicant states. The comparatively weaker effect of external incentives undercuts the position of domestic NGOs as brokers and means that transnational groups invest fewer resources.[46] Nevertheless, the key factor that plays a role in the theory is the EU's influence on national legislation.

Another difference in the contextual conditions for Ukraine compared to the 2004 Eastern European accession countries is the geopolitical confrontation between Russia and the West. Bordering the EU to the West and Russia to the East, Ukrainian politics has swung back and forth between the two sides since gaining independence from the USSR. As has been shown previously, the EU promotes human rights, including LGBT rights, beyond its borders. LGBT rights have become part of European identity, and "Europe" and "LGBT rights" have become connected in contemporary political discourses. Russia, on the other hand, has increasingly been focusing on being Europe's "other." LGBT-Europe is Russia's "sexual other."[47] In reaction to EU

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[43] O'Dwyer, Coming Out of Communism, 1-32.
[44] Ayoub and Paternotte, 41.
[45] Aengus Carroll, "Make It Work: Six steps to effective LGBT human rights advocacy." Belgium: ILGA-Europe, October 2010. <https://www.ilga-europe.org/sites/default/files/Attachments/ilga-europe_manual_make_it_work_six_steps_to_effective_lgbt_hr_advocacy.pdf> [2020 05 06].
[46] O'Dwyer, Coming Out of Communism, 33-56.
[47] Ayoub and Paternotte, 16-9.

expansion eastward, Russia created a nationalistic project through which it promotes traditional values and defends "authentic" national cultures within and across Russian borders. By doing so, they reject imposed democratic standards from the EU and "the West." Russia aims to become the leader of a new political and cultural model that offers an alternative. LGBT rights play a significant role, as it turned into a powerful symbol of the Europe Putin seeks to oppose. The 2013 Ukrainian crisis shows how Ukraine is caught between both powers, as the EU and Russia compete for influence. Both Ukrainian society and state authorities considered the pros and cons of orienting either to "the West" or to "the East," and LGBT rights came to play a significant role in geopolitical struggles.[48] Hence, Russia shaping the debate around LGBT in Ukraine is included in this research.

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[48] Ayoub and Paternotte, 1-2.

2. METHODOLOGY

This research makes use of the case study method. This method proves to be highly applicable as it plays a central role in testing an existing theory on a different country to confirm or falsify and to generate new hypotheses. It allows for exploring the theory's plausibility. Gerring defines a case study as "an in-depth study of a relatively bounded phenomenon where the scholar's aim is to elucidate features of a larger class of similar phenomena."[49] There is a single unit – Ukraine − with the aim to provide insights across a larger set of units. A case is comprised of several relevant dimensions – "variables" – each of which is built upon an "observation". The dependent variable refers to the outcome of the research – the organization of the LGBT rights movement. The independent variable – Europeanization − refers to the explanatory factor, that which the outcome is supposedly dependent on. The case study is focused on within-case variation with a diachronic observation, meaning the case is observed through time.[50] Through this method the impact of Europeanization on Ukraine's LGBT rights movement can be observed. Using a single case study also gives space to find other variables that played a role in the development of the LGBT movement.

Qualitative research is chosen over quantitative research, because qualitative research can provide a better insight into the reasons that led to the development of the LGBT rights movement. The main limitation of conducting a case study is an absence of systematic procedures, yet this has been solved by applying the structure of the theory. Another limitation consists of researcher bias resulting from the sensitivity of the research topic. In this research, researcher bias has been limited through the use of an existing theory and by basing its confirmation or rejection on a large amount of empirical data from carefully chosen sources.[51] A case study is also highly time-consuming, which is why the research consists of larger and shorter time frames, depending on whether the situation around Europeanization and the issue of homosexuality shifted or not. Finally, for validity reasons, generalizations can only be made between countries that have similar variables and contextual conditions that influence the LGBT rights movement.[52]

The research relies on secondary sources of information, which were carefully chosen on their validity and reliability. Information from books and academic journals are at the basis of the research due to their objectivity. Publications from various academic researchers specialized in

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[49] John Gerring, "What is a case study and what is it good for?" *The American Political Science Review,* 98(2), 2004, 341.

[50] John Gerring, "The Case Study: What is it and what it does." Book: Carles Boix and Susan C. Stokes, *The Oxford Handbook of Comparative Politics.* Oxford: Oxford University Press, 2007, 95.

[51] Ibid., 100.

[52] Ibid., 100.

the LGBT movement in Ukraine, especially the articles written by Tamara Martsenyuk and Maria Teteriuk, have greatly contributed as these provided reliable information about the issue framing as well as the development of the LGBT rights movement. Information about Europeanization in Ukraine has been gathered from several books and articles. Besides, articles published by journalists, including well-known Ukrainian queer journalist Maxim Erstavi, and the investigative journalism website Bellingcat contributed to this work. Also of high value were movement-generated reports by LGBT Human Rights Nash Mir Center, which publishes yearly publications about the situation of LGBT in Ukraine and is also used in reports of the Council of Europe Commissioner for Human Rights, the United Nations, and other organizations.[53] In addition, information from reports and articles published by international organizations, such as ILGA-Europe, Amnesty International, Human Rights Watch, and Freedom House contributed to the research. Information about gay prides was taken from various news portals, such as the Kyiv Post and RFE/RL's Ukrainian Service.

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[53] LGBT Human Rights Nash Mir Center, "About Nash Mir." Nash Mir, n.d. <https://gay.org.ua/en/about-nash-mir/> [2020 05 13].

3. RESULTS

This chapter provides an overview of empirical data on the political opportunity structure in which the LGBT rights movement developed, the framing of LGBT issues, and the structure of the activist network. The chapter is divided into specific time frames, all consisting of these three features from oppositional theory. To provide a full overview of the development of the LGBT rights movement, the first period follows Ukraine's independence from the USSR despite a lack of Europeanization. The data will be discussed in the chapter following.

3.1 Independence from the Soviet Union until the year 2000

The *political opportunity structure* for LGBT activism was deeply negative considering the domestic environment and the absence of EU involvement. Moderate nationalists got favorable treatment from the authorities after Ukraine's gained its independence from the USSR in 1991, but national radicals were perceived as a destructive element and occupied only a marginal position in the Ukrainian political and public spheres.[54] One of the legacies of communism was repressed homosexuality. In the USSR, Art. 192 of the Criminal Code deemed non-violent homosexual sex between adults to be a crime.[55] Ukraine was the first post-Soviet country to decriminalize homosexuality, but this remained the only legislative change for LGBT persons and was not followed by a mental shift in society and among officials.[56] Homophobia prevailed, and the social taboos on homosexuality were further fostered by the Orthodox Church. The underlying idea of the decriminalization of homosexuality in 1991 was most likely to demonstrate Ukraine's commitment to democratic values to the West.[57] However, the EU was not willing to include Ukraine and Ukraine's political elites lacked the political will to undertake concrete structural changes towards Europeanization.[58]

The *framing* of homosexuality was a continuation of the legacy framings; those understandings of homosexuality formed before 1989. These had been shaped by the state's policies toward homosexuals and lesbians under communism as well as by the HIV/AIDS epidemic in the 1980s.

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[54] Yuriy Shveda and Joung Ho Park, "Ukraine's revolution of dignity: The dynamics of Euromaidan." *Journal of Eurasian Studies*, 1(7), 2016, 89.

[55] Carroll.

[56] Tamara Martsenyuk, "The State of the LGBT Community and Homophobia in Ukraine." *Problems of Post-Communism*, 59(2), 2012, 56.

[57] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine." Kyiv: Nash Mir, 2016 <https://gay.org.ua/publications/nashmir2016engl.pdf> [2020 05 06].

[58] Kataryna Wolczuk, "Integration without Europeanisation: Ukraine and its Policy towards the European Union." European Union Institute Working Papers, RSCAS No. 2004/15. Florence: Robert Schuman Centre for Advanced Studies, 2004, 2-3.

Homosexuality was framed as a sexual perversion, a mental disease, and an immoral life choice.[59] In this decade, nothing much was known about the views of Ukrainian state and political leaders on LGBT issues. One of the first to speak on the subject was President Kravchuk, who stated in 1999 that there are more important issues than LGBT rights to discuss in parliament and that homosexuality is caused by a mental illness or the corrupting influence of foreign films.[60]

Regarding the *network of activism*, communism had led to a demobilized civil society and repressed homosexuality. The Ukrainian LGBT community had been in a certain underground for a long time as a result of the criminalization of homosexuality in the USSR.[61] The first NGOs to focus on LGBT issues emerged only by the end of the 1990s.[62]

3.2 From pro-Russian to pro-European and back: 2000-2010

The *political opportunity structure* for LGBT rights activists remained largely negative despite the 2004 Orange Revolution. This was not more than a democratic moment, because corrupt regimes reinstated themselves shortly after.[63] While the right-wing party Svoboda, which was founded in 2004, only won less than one percent of votes in the 2006 and 2007 parliamentary elections, the party became a major force in local government in Western Ukraine after the 2009 and 2010 local elections.[64] After the 2004 round of EU accession which included Eastern European and Post-Soviet countries, Ukraine became a member of the newly established ENP. Despite this, the first talks about an Association Agreement between the EU and Ukraine began only in 2007. The dialogue for EU-Ukraine Visa Liberalization started on 29 October 2008, and the VLAP was presented to Ukraine on 22 November 2010.[65] EU conditionality for LGBT rights was, however, absent.[66]

The *framing* of homosexuality in the public discourse remained negative, focused around the HIV/AIDS crisis. Hate speech based on sexual orientation by Ukrainian politicians was common

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[59] Carroll.

[60] Nash Mir (Our World) Gay and Lesbian Center, "Ukrainian Homosexuals & Society: A Reciprocation." Kyiv, 2007. <https://www.gay.org.ua/publications/gay_ukraine_2007-e.pdf> [2020 05 13].

[61] Tymur Levchuk, "History of LGBT-movement in Ukraine." National LGBT-portal of Ukraine, 12 May 2016. <https://www.lgbt.org.ua/en/materials/show_4230/> [2020 05 06].

[62] Martsenyuk, The State of the LGBT Community and Homophobia, 54.

[63] Olga Burlyuk, Natalia Shapovalova, and Kateryna Zarembo, "Civil society in Ukraine: building on the Euromaidan legacy." Euromaidan Press, 16 March 2018. <http://euromaidanpress.com/2018/03/16/civil-society-in-ukraine-building-on-euromaidan-legacy/> [2020 05 13].

[64] Shveda and Park, 89.

[65] European Commission, "Visa liberalization with Moldova, Ukraine and Georgia." European Commission, n.d. <https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia_en> [2020 05 11].

[66] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."

and media portrayed LGBT issues as deviant and abnormal.[67] The increased visibility of the LGBT movement in combination with the negative image provided by media and politicians resulted in a further decline of the acceptance of homosexuality among society.[68] Broader society believed LGBT persons had a disorder.[69]

The *network of activism* for LGBT rose from 2005 when Ukraine began to receive financial assistance from international donors for the prevention of and to combat HIV/AIDS. Across the country, approximately 25 gay groups and organizations had been founded and the lesbian community also increased their activities. The activism was, however, informal and on a local-scale level with an apolitical orientation.[70] In 2000, the international conference "LGBT Issues and the European Integration of Ukraine" was held for the first time and three more times in the years following. The event was eventually cancelled due to a lack of public and political will to change. "We saw no sense or benefit in holding any more conferences solely for discussions bounded within a circle of friends".[71] In 2008, three NGOs co-founded a new association: The Union of Gay Organizations of Ukraine. Besides HIV prevention, its goals were to "unite the efforts of its participants in advocating for the rights and freedoms of gay people and to mobilize the LGBT communities towards building civil society in Ukraine."[72]

In 2003, the anti-LGBT organization Love Against Homosexuality was founded, who campaigned for laws in favour of criminal penalties for "propagandizing" and "popularizing" homosexual behavior in 2007, on the grounds that these were threats to national security.[73]

3.3 President Yanukovych until Euromaidan: 2010-2013

The *political opportunity structure* for the LGBT rights movement changed with the presidency of pro-Russian Viktor Yanukovych in 2010, who cooled off relations with the EU and revived relations with Russia.[74] He governed Ukraine in a more autocratic way, thereby actively repressing activism. A wave of state-sanctioned repressions in 2011 included mass inspections of NGOs'

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[67] Tamara Martsenyuk, "Ukrainian Societal Attitudes towards the Lesbian, Gay, Bisexual, and Transgender Communities." Book: Olena Hankivsky and Anastasiya Salnykova (ed.), *Gender, Politics, and Society in Ukraine.* Toronto: University of Toronto Press, 2012, 392.

[68] Martsenyuk, The State of the LGBT Community and Homophobia, 54.

[69] Heartland Alliance, "Human Rights Violations of Lesbian, Gay, Bisexual, and Transgender (LGBT) People in Ukraine: A Shadow Report." Submitted for consideration at the 108th Session of the United Nations Human Rights Committee (Ukraine), Geneva, July 2013, 7.

[70] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."

[71] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."

[72] Martsenyuk, Ukrainian Societal Attitudes, 386-7.

[73] Carroll.

[74] Elena Korosteleva, "EU partnership/governance in Ukraine." In: Elena Korosteleva, "The European Union and its Eastern Neighbours: Towards a more ambitious partnership," London: Routledge, 2012.

activities, directors of targeted NGOs were threatened, documents were confiscated, and various social programs were cancelled.[75]

In 2012, the right-wing party Svoboda was the first radical nationalist party to enter the Ukrainian Parliament after the party won 10.5 percent of votes. This did not signify popular support for the radical Ukrainian nationalist ideology. It was rather a protest against the anti-Ukrainian policy of Yanukovych, of which Svoboda was the fiercest opposition.[76] The party formed a coalition with more centrist parties, including the Yulia Tymoshenko Bloc (BYUT) and the Ukrainian Democratic Alliance for Reforms of Vitaliy Klychko (UDAR).[77]

Following Russia's law on the banning of gay propaganda, three bills were introduced in between 2011 and 2013 which aimed to prohibit the "propagation of homosexualism." Parliamentarians justified these bills through homophobic media distribution, created by anti-LGBT organizations.[78] Bill 8711 was drafted by six members of parliament (MPs) from all parliamentary factions except one and was passed in the first reading[79] with 289 against 61 votes. When the Ukrainian LGBT organization Insight tried to organize a protest, its executive director Olena Shevshenko was summoned to an administrative court hearing. The court banned the protest with the reason that "the mass action may be viewed as provocative by conservative-minded citizens and groups which could lead to the threat of conflict". The NGO nevertheless moved the protest to another location after which Shevchenko was arrested together with seven other LGBT activists.[80] The bill stalled and was eventually removed from the agenda in 2015 after international pressure[81] including from the EU, because it stands in contradiction to the requirements of the VLAP for which Ukraine had to adopt to the labor code a law banning discrimination on the grounds of sexual orientation in the workplace. In Ukraine, this became Bill 2342 submitted to parliament in February 2013. The bill was never put to a vote that year due to a lack of support among all factions. Svoboda and BYUT introduced alternative anti-discrimination bills not including sexual orientation.[82] Also,

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[75] Nash Mir (Our World) Gay and Lesbian Center, "One Step Forward, Two Steps Back. Situation of LGBT in Ukraine in 2010-2011." Kyiv: Nash Mir, 2011, 10.

[76] Shveda and Park, 89.

[77] Maria Teteriuk, "Gay Rights and Europeanization Processes in Eastern Europe: the Case of Bill 2342 "On Amendments to Some Legislative Acts of Ukraine Concerning the Prevention and Combating of Discrimination in Ukraine"." *Emecon,* 5(1), 2015, 5.

[78] Teteriuk, 4.

[79] Levchuk.

[80] J. Lester Feder, "The Russian Plot To Take Back Eastern Europe At The Expense Of Gay Rights." BuzzFeed News, 9 November 2013. <https://www.buzzfeednews.com/article/lesterfeder/russia-exports-homosexual-propaganda-law-in-effort-to-fight#py4il1> [2020 05 06].

[81] Levchuk.

[82] Teteriuk, 5-6.

the propaganda ban bill was reintroduced in July 2013 and broadly supported among parliamentarians and Yanukovych's parliamentary representative.[83]

Ukrainian political actors were divided into three groups. First, "supporters of both Euro-integration and Bill 2342 (the government; part of the Party of Regions (PR); UDAR; individual members of BYUT; LGBT and human rights organizations). Second, supporters of Euro-integration but opposing the bill (all the churches, Svoboda, individual members of the PR, individual members of UDAR and BYUT), and third, opponents of both Euro-integration and the bill (the Communist Party, part of the PR, and anti-gay NGOs)". Political actors from Svoboda and the Communist party as well as members of the oppositional BYUT and the pro-government PR who were divided on whether to side with Europe or Russia were able to unite due to their opposition to the bill.[84] Russia was involved in the debate by using fear of gay marriage as an instrument to keep Ukraine outside the EU's sphere of influence. Around the EU summit in Vilnius, billboards throughout Ukraine showed messages that read: "Association with the EU means same-sex marriage."[85] By promoting a moral conservatism and using LGBT rights to distinguish Russia from Europe,[86] Putin aimed at conservative Ukrainians who might be sympathetic to Europe but oppose LGBT rights.[87]

Regarding the *framing* of homosexuality, in public discussions over anti-LGBT bills, Svoboda, churches and the religious right stated that homosexuality was being promoted by Europe and "the West" in order to destroy the Ukrainian nation. The Ukrainian government tended to adopt these statements resulting in a fixation of far-right rhetoric on the state level.[88] Teteriuk's study, which covered the political framing of bill 2342, showed that the bill resulted in four master frames. The rights master frame "concerned political, social, and juridical (in)equality between homosexual and heterosexual citizens." This frame turned into a political struggle within which multiple frames were developed by both sides. The values/norms master frame "concerned the compliance of homosexuality to social norms, which included two contesting frames of traditional and European values/norms". The public opinion master frame was developed by the opponents in line with their

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[83] Feder.

[84] Teteriuk, 10-11.

[85] Kyle James Rohrich, "Human Rights Diplomacy Amidst "World War LGBT": Re-examining Western Promotion of LGBT Rights in Light of the "Traditional Values" Discourse." Book: Anthony Chase et al., *Transatlantic Perspectives on Diplomacy and Diversity*, Humanity in Action Press, 2015.

[86] Ayoub and Paternotte, 47-8.

[87] Kyle James Rohrich, "The Geopolitics of Intolerance: Putin's "Straight Pride"." Center for Transatlantic Relations. <https://archive.transatlanticrelations.org/publication/geopolitics-intolerance-putins-straight-pride-kyle-james-rohrich/> [2018 10 12].

[88] Teteriuk, 4.

lobbying strategies and "established causation between public opinion and political decisions." The Euro-integration master frame "situated Bill 2342 in the perspective of relations between Ukraine and the EU". The Euro-integration and traditional values/norms frames turned out to be strong counter-frames.[89]

The opponents' framing created and supported by the alliance of parliamentary parties, churches, and the religious right turned out to be stronger than the proponents' framing, created and supported by individual MPs and LGBT and human rights organizations. The government and members of parliamentary parties, who were the most resourceful actors among the proponents, solely supported the bill to obtain the benefits from the EU and agreed in most other areas with the opponents. By using only limited arguments within the Euro-integration frame, they confirmed that there were only external reasons in support of the bill. Many opponents and proponents agreed that when it came to sexual norms, "European values" were in conflict with the "specific mentality of Ukrainian people" and "traditional values," which resulted in a consensus against the bill. LGBT and human rights organizations had individually responded to the opponents' framings. Thereby they had created a diverse set of frames following human rights rhetoric, but they did not manage to create strong master frames. The opponents had common framing strategies and managed to bring forth strong frames despite their conflicting views on Euro-integration.[90]

Regarding the *network of activism*, ILGA-Europe published that by 2010 around ten LGBT organizations as well as ten clubs and cafes in the larger cities existed, and some more organizations providing HIV/AIDS services.[91] After 2010, funding to prevent and combat HIV/AIDS began to decline, and many projects were cancelled.[92] Besides HIV prevention, most organizations focused on developing the social life of LGBT people through sport and other recreational events. Some, however, also engaged in advocacy.[93] Joint counter-efforts by LGBT activists, human rights defenders, Western politicians and diplomats managed to prevent the adoption of an anti-LGBT law.[94]

In May 2012, the first ever Kyiv Pride had to be cancelled by the organizers due to the threat of right-wing activists.[95] A year later, sixty-one politicians had signed a petition to forbid the

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[89] Teteriuk, 12-3.
[90] Ibid., 20-2.
[91] Carroll.
[92] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[93] Carroll.
[94] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[95] Levchuk.

pride.[96] The court banned the pride to take place at Kyiv's main square. Despite this ban, it took place a few kilometers from the original location with around 50-60 participants, part of which were foreign representatives.[97] The police protected the marchers and made thirteen administrative protocols to stop counter-activists' attempts to hinder the march.[98]

The anti-LGBT organizations Parents Committee of Ukraine and Ukrainian Choice held rallies against the signing of the AA. The latter was founded in 2012, funded by Viktor Medvedchuk, a wealthy businessman and former parliamentarian with personal ties to Putin. He created the organization to lobby against Ukraine strengthening its ties with the EU and thereby exploits opposition to LGBT rights.[99]

Regarding the lobbying around Bill 2342, the lobbying effects of the LGBT movement in support of the bill proved weaker than the lobbying effects of the anti-LGBT organizations, churches and the religious right against the bill.[100] The latter two had sent overwhelmingly many individual letters and collective petitions to members of parliament and the government. Churches had criticized the bill during meetings with government and parliamentary representatives and the All-Ukrainian Council of Churches met with President Yanukovych and the head of parliament. Besides, common protest actions were held in Kyiv, Odessa and Dnipropetrovsk. The protest on the first day the bill was supposed to be considered was reported by all major Ukrainian TV channels. The lobbying efforts of LGBT and human rights organizations gained less public visibility. Unlike the opponents, LGBT and human rights organizations did not have powerful supporters in parliament. However, the Ukrainian authorities did provide a formal opportunity to influence the decision-making process, which was an improvement compared to the discussion of the "anti-propagation" bills when their protests and official statements were mostly ignored. Also, some LGBT NGOs were invited to the parliamentary hearings on visa liberalization, during which the executive director of Tochka Opory, Bohdan Hloba, marked history as the first openly gay person to give a speech to the parliamentary committee. The proponents also sent information requests and individual appeals to parliament members but much less compared to the opponents. Indirectly, they tried to influence political elites through EU officials, including the EU Ambassador to Ukraine Jan Tombinski. However, LGBT organizations were not aligned. Whereas

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[96] Anna Kirey, "Dispatches: To Be or Not to Be - Anti-discrimination and LGBT Rights in Ukraine." Human Rights Watch, 4 November 2013. <https://www.hrw.org/news/2013/11/04/dispatches-be-or-not-be-anti-discrimination-and-lgbt-rights-ukraine> [2020 05 13].
[97] Euronews, "Court ban does not stop Ukraine's first ever gay pride event." Euronews, 25 May 2013. <https://www.euronews.com/2013/05/25/court-ban-does-not-stop-ukraine-s-first-ever-gay-pride-event> [2020 05 13].
[98] Levchuk.
[99] Feder.
[100] Teteriuk, 2.

Gay Forum requested persistence in demanding anti-discrimination legislation, Gay Alliance supported the conclusion of the AA and VLAP even if Bill 2342 was not accepted.[101]

3.4 Euromaidan and the Revolution of Dignity: 2013-2014

The *political opportunity structure* showed a major shift when right before the AA was supposed to be signed in November 2013, President Yanukovych suspended negotiations with the EU and supported Russia's Customs Union. This abrupt policy shift from pro-European to pro-Russian was followed by massive protests in Kyiv, which became known as the Euromaidan protests followed by the "Revolution of Dignity" or also called the "Revolution of Values" in February 2014. After Yanukovych was ousted, pro-European opposition parties formed a temporary government.[102] Several leaders from the far-right nationalist party Svoboda had been given ministerial posts, including the vice-prime minister position.[103] The presidential and parliamentary elections in May and October 2014 fixed the predominance of pro-European actors and president Poroshenko signed the AA in June 2014.[104] While this was a positive development for the LGBT movement, the power and legitimacy of far-right nationalist groups had increased as well. These groups spearheaded the revolution and after the invasion of Crimea and the outbreak of hostilities by pro-Russian separatists, the Ukrainian government had to rely on these paramilitary far-right groups to defend the Ukrainian territory in the East. Despite their extreme views, these groups were seen as legitimate protectors of the Ukrainian nation and the Ukrainian government provided them funding.[105] Formed by ultra-right nationalist groups, two far-right nationalist parties were founded after the revolution; UKROP and Right Sector.[106] The latter had won one seat in the 2014 parliamentary elections. Another right-wing nationalist party, People's Front, was founded and won 81 seats and its founder, Yatsenyuk, became prime minister. Radical Party of Oleh Lyashko, founded in 2010, won 22 seats.[107]

While the revolution sought to bring Ukraine in line with the EU's democratic freedoms and liberal values, political actors continued promoting the homophobic discourse. During the first month of the protests, Prime Minister Azarov stated that to get a visa-free regime with the

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[101] Teteriuk, 11-12.
[102] Ibid., 6.
[103] Maxim Eristavi, "The New Ukrainian Government Is Poised to Abandon the LGBT Activists Who Were on the Front Lines." The New Republic, 31 March 2014. <https://newrepublic.com/article/117170/lgbt-rights-sidelined-after-ukrainian-revolution> [2020 05 13].
[104] Teteriuk, 6.
[105] Eristavi, 2014.
[106] BBC News, "Profile: Ukraine's Ultra-Nationalist Right Sector." BBC News, 28 April 2014. <https://www.bbc.com/news/world-europe-27173857> [2020 05 13].
[107] Anders Aslund, "Ukraine What Went Wrong and How to Fix It." Washington, DC: Peterson Institute for International Economics, 2015, 117.

EU, it is necessary to "legalize same-sex marriages and adopt a law on the equality of sexual minorities". He insisted that "Ukrainian society was not ready for this, and, especially, religious organizations of various confessions."[108] The new government also actively tried to block the anti-discrimination bill. Some opponents of the law argued that support for it would feed the perception, popular in Moscow, that Ukraine is having unpopular liberal values forced upon it and this would give Russia free reign in their campaign to delegitimize Western values.[109] With the anti-gay propaganda law still pending in the Ukrainian parliament and Bill 2342 not being passed, Ukraine still officially proceeded to the second phase of the VLAP in June 2014.[110]

The *framing* of homosexuality in the public discourse calmed down during the revolution and after that with the subsequent annexation of Crimea and the establishment of the unrecognized Luhansk and Donetsk "peoples Republics" in Eastern districts of Ukraine, since these events took all public attention.[111] Russia, however, increased its anti-gay messages in Ukraine, using multiple instruments varying from political lobbying to media campaigns[112] to convince Ukraine's conservative population that LGBT rights are part of a foreign agenda and a threat to Ukraine's national and religious identity. Euromaidan protesters were framed by Russian authorities as "gay" westward alignment as an abandonment of Ukraine's moral and traditional values. The term Gayropa was created and used in Russian popular commentary. Alexei Pushkov, chairman of the Russian Duma's Foreign Affairs Committee, explained to Ukrainians that turning toward a demasculinized Gayropa would mean "an expansion of the sphere of the so-called gay culture, which has now turned into the official policy of the EU".[113] According to a poll, the majority of the Ukrainian population still considered homosexuality as a "perversion" and a "mental disease".[114]

Regarding the *network of activism*, during the Euromaidan protests LGBT activists protested alongside far-right nationalists. Aware of the situation in Russia, many LGBT activists decided to join the protests in their support of European values.[115] To avoid confrontation with the right-wing segment of the protesters, they joined the protests as citizens of Ukraine instead of as

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[108] Levchuk.

[109] Eristavi, 2014.

[110] Teteriuk, 2.

[111] Ibid., 6-7.

[112] Bogdan Globa, "Guest op-ed: How Russia exports homophobia into Ukraine." Georgetown Public Policy Review, 19 March 2019. <http://gppreview.com/2019/03/19/guest-op-ed-russia-exports-homophobia-ukraine/> [2020 05 13].

[113] Ayoub and Paternotte, 47-8.

[114] Dimiter Kenarov, "Dashed Hopes in Gay Ukraine." Kyiv: Foreign Policy, 19 January 2015, <https://foreignpolicy.com/2015/01/19/dashed-hopes-in-gay-ukraine-maidan-russia/> [2020 05 13].

[115] Eristavi, 2014.

representatives of the LGBT community. Thereby they chose a strategy of invisibility.[116] Pro-Russian and anti-European political movements paid people to pretend to be part of the LGBT community, thereby trying to stir up homophobic sentiment in nationalist groups.[117] LGBT activists held a counter-press conference, published several press releases, and spoke at the Euromaidan to avoid physical confrontation. Other anti-LGBT actions included a mass media campaign against the AA by the organization Love Against Homosexuality. This included printed posters, organized protests, and leaflets distributed in subway stations. They were joined by Ukrainian Choice, which launched another anti-LGBT campaign in the Kyiv subway.[118]

In 2014, the Kyiv Pride was banned by the authorities under the pretext of "the war is now – not the time for this".[119] The number of LGBT organizations, however, had almost doubled by 2014 compared to 2010.[120]

3.5 President Poroshenko: 2015 until 2019 elections

The *political opportunity structure* changed when the majority of actors who were part of the opponents of Bill 2342 were excluded from mainstream politics.[121] However, in the period following the revolution, LGBT subjects were withdrawn from big policy considerations due to the war in the East and Russian aggression.[122] EU agreements eventually forced politicians to take LGBT rights into account, but some deputies who favored anti-LGBT legislation remained in parliament and continued to both shape public discourse and influence the legislative agenda.[123]

On 12 November 2015, the parliament approved the law banning discrimination based on sexual orientation and gender identity in the workplace, one of the requirements in the VLAP.[124] The amendment was added to the Code of Labor Laws retained since the Soviet Union era while a draft new Labor Code was already approved by parliament in the first reading a week before, which did not contain non-discrimination.[125]

That same year, Ukraine adopted its first action plan to implement the National Human Rights Strategy (NHRS) from 2015 up to 2020, which included almost all proposals from

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[116] Tamara Martsenyuk, "Sexuality and Revolution in Post-Soviet Ukraine: LGBT Rights and the Euromaidan Protests of 2013-2014." *Journal of Soviet and Post-Soviet Politics and Society*, 2(1), 2016, 62.
[117] Ibid., 64.
[118] Globa.
[119] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[120] Martsenyuk, 2016.
[121] Teteriuk, 20-21.
[122] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[123] ARTICLE 19, "Challenging hate: Monitoring anti-LGBT "hate speech" and responses to it in Belarus, Kyrgyzstan, Moldova, Russia and Ukraine." London: ARTICLE 19, February 2018, 90.
[124] Martsenyuk, The State of the LGBT Community and Homophobia in Ukraine, 56.
[125] LGBT Human Rights Nash Mir Center, "Old Problems, New Prospects LGBT Situation in Ukraine in 2019." Kyiv: LGBT Human Rights Nash Mir Center, 2020, 4.

the LGBT organizations.[126] The same-sex civil partnership should have been adopted by 2017, but in 2018 the Ministry of Justice stated that this could not be implemented due to "numerous appeals from the regional councils, the Council of Churches and other religious organizations".[127] The government under Poroshenko ultimately failed to fulfil any of the proposals.[128]

In 2015-2016 a positive change was noticed in the attitudes of law enforcement agencies towards LGBT people, due to a radical change in the structure and composition of the police.[129] However, in 2018 Freedom House reported a gradual rapprochement between Ukrainian far-right organizations and the state authorities, especially observable within law enforcement agencies when Neo-Nazists Vadym Troyan and Andriy Biletsky were appointed to high-level positions in the national police.[130]

With the newly elected pro-EU government, the *framing* of homosexuality continued with the debate around the anti-discrimination law. Although many of the previous exponents had been excluded from mainstream politics, the conservative nationalist and religious consensus against the bill – based on far-right rhetoric – proved strong enough to persist after the revolution.[131] After acceptance of the bill, various MPs publicly clarified that they had been forced to do so, thereby supporting the frame that LGBT rights are an import from the West.[132]

Reports on public attitudes toward the LGBT community, however, suggest that while Ukraine's public was far from progressive, it did not hold ideas that align with those of the far right. A survey by the Ilko Kucheriv Democratic Initiative Foundation found that 47 percent say to be intolerant of LGBT people, but only 21 percent support limiting their rights. A 2017 ILGA World report notes that 37 percent of Ukrainians strongly agree, 19 percent somewhat agrees, and only 14 percent strongly disagrees that "equal rights and protections should be applied to everyone, including people who are romantically or sexually attracted to people of the same sex."[133]

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[126] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[127] Iryna Shevchenko, "Same-Sex Marriage in Ukraine: Accept or Deny?" Unian, 14 February 2018.
<https://www.unian.info/society/2395054-same-sex-marriage-in-ukraine-accept-or-deny.html> [2020 05 13].
[128] ARTICLE 19, 90.
[129] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."
[130] Vyacheslav Likhachev, "Far-right Extremism as a Threat to Ukrainian Democracy." Freedom House, May 2018.
<https://freedomhouse.org/sites/default/files/ukraine%20brief%20final.pdf> [2020 05 13].
[131] Teteriuk, 20-21.
[132] BBC News, Ukraine passes anti-discrimination law.
[133] Oleksiy Kuzmenko, "Calls To "Fight" LGBT People By Ukrainian Cleric Emblematic Of Church's Proximity To Far Right." Bellingcat Anti-Equality Monitoring, 21 June 2019. <https://www.bellingcat.com/news/uk-and-europe/2019/06/21/calls-to-fight-lgbt-people-by-ukrainian-cleric-emblematic-of-churchs-proximity-to-far-right/> [2020 05 12].

Regarding the *network of activism*, Shevtsova states that the LGBT movement "adopted more confident and visible strategies of political engagement and activism in the post-Euromaidan period" and resultingly, the visibility of LGBT civil society organizations grew in the political sphere. She argues that "the LGBT movement's disillusion over the new government's lack of support triggered a wave of LGBT activism that has resulted in new political strategies."[134] After Euromaidan, civic interest groups and transnational advocacy networks expanded their work and communication with the government.[135] The Council of LGBT Organizations of Ukraine, the umbrella organization that i.a. sends recommendations to the government, counted 26 members.[136]

The International Conference "LGBT Issues and the European Integration of Ukraine," which was cancelled mid-2000s was held again in 2016. Ukrainian representatives of the Ombudsman, the Ministry of Justice and Social Policy, police, and MPs were present. Human rights activists, lawyers, teachers and students of higher education institutions, and LGBT activists from throughout Ukraine and from several European countries participated in the conference.[137] With the support of several embassies, LGBT Human Rights Nash Mir Center had organized the conference in partnership with the Council of LGBT organizations in Ukraine, Coalition for Combatting Discrimination in Ukraine, ILGA-Europe.[138] Various other conferences related to LGBT issues were organized by LGBT organizations in coordination with domestic and international partners as well, of which several for the first time.[139]

In 2015 the authorities allowed KyivPride despite advice from the mayor to cancel the event because of the threat of violence. For the first time two MPs joined the march, Sergii Leshchenko and Svitlana Zalishchuk.[140] Both are young and active parliamentary reformers who have spent time in the West.[141] While at least 1,500 police and national guard soldiers were present to protect around 250 marchers, violence occurred due to a lack of coordination with the event organizers and the failure to put an evacuation plan in place.[142] The pride in 2016 was, despite

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[134] Maryna Shevtsova, "Learning the Lessons from the Euromaidan: The ups and downs of LGBT Activism in the Ukrainian Public Sphere." *Kyiv-Mohyla Law and Politics Journal,* 3, 2017, 157.

[135] Ilya Lozovsky, "Why Ukraine's Desperate Struggle Gives Me Hope." Foreign Policy, 21 September 2016. <https://foreignpolicy.com/2016/09/21/why-ukraines-desperate-struggle-gives-me-hope/> [2020 05 13].

[136] LGBT Human Rights Nash Mir Center, About Nash Mir.

[137] LGBT Human Rights Nash Mir Center, "The Situation of LGBT People in Ukraine."

[138] Munich Kyiv Queer, "LGBT-conference: Ukrainian government and EU reaffirmed common views on human rights for LGBT people." Munich Kyiv Queer, 18 March 2016. <https://munichkyivqueer.org/6775/ukrainian-government-and-eu-reaffirmed-common-views-on-human-rights-for-lgbt-people/> [2020 05 13].

[139] Levchuk.

[140] Maxim Eristavi, "'I'm gay in Ukraine and my country despises me'." Kyiv: Politico, 27 November 2015. <https://www.politico.eu/article/gay-ukraine-my-country-despises-me/> [2020 05 13].

[141] Lozovsky.

[142] Amnesty International, "Ukraine: Homophobic violence mars gay pride rally in Kyiv." Amnesty International, 6 June 2015. <https://www.amnesty.org/en/latest/news/2015/06/homophobic-violence-mars-gay-pride-rally-in-kyiv/> [2020 05 12].

several dozen counter-protesters, the first peaceful pride to take place in Kyiv. This demonstrated well-organized cooperation between activists and the police.[143] Approximately 2,000 people attended the pride, protected by almost 7,000 police and other law enforcement officers. Around 57 people were detained.[144] In 2017, around 2,500 people joined KyivPride protected by around 5,500 police officers. A few hundred ultranationalists held a counterdemonstration. Six were arrested after clashing with police.[145] In 2018, between 3,500-5,000 people joined KyivPride and again around 5,000 police officers provided protection. The police had dispersed more than 150 far-right protesters and detained approximately 57 members of radical groups.[146]

Prides and other LGBT events were also organized outside the capital. Whereas in Kyiv, police had started to ensure participants safety, this was not the case here. In 2015, the equality march in Odessa was banned because of a threat by right-wing nationalists.[147] Also in Lviv, the equality marched in 2016 had to be cancelled.[148]

Overall, the number of violent attacks against LGBT people rose until 2017.[149] Right-wing nationalist forces increased and strengthened their homophobic rhetoric and aggressiveness throughout the country. The fight against LGBT people had become one of the main directions of their socio-political activities.[150] In 2016, far-right nationalist party National Corps was established, as the political wing of the Azov movement. The party was described as a "nationalist hate group" in a State Department human rights report and proved to be highly homophobic.[151] Their second-anniversary march in March 2019 brought 2,000 ultra-nationalists to the streets in Kyiv, roughly three times as many people as the year before.[152] In 2018, anti-gay groups managed to get 23,000 signatures for a petition which asked the presidency to reconsider its ideas on homosexuality and

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[143] Freedom House, "Nations in Transit 2017 – Ukraine." Refworld, 3 April 2017.
<https://www.refworld.org/docid/58f74fd1f.html> [2020 05 12].
[144] Amnesty International, "Ukraine: Kyiv Pride: a genuine celebration of human rights." Amnesty International, 14 June 2016. <https://www.amnesty.nl/actueel/ukraine-kyiv-pride-a-genuine-celebration-of-human-rights> [2020 05 12].
[145] RFE/RL's Ukrainian Service, "Thousands Rally For Gay Pride In Kyiv, Amid Massive Police Presence." Kyiv: RFE/RL, 18 June 2017. <https://www.rferl.org/a/ukraine-kyiv-gay-pride-march-of-equality-police-presence-lgbt/28561373.html> [2020 05 12].
[146] RFE/RL's Ukrainian Service, "Thousands March For LGBT Rights In Kyiv." Kyiv: RFE/RL, 17 June 2018.
<https://www.rferl.org/a/lgbti-activists-gather-in-central-kyiv-for-march-of-equality-/29293367.html> [2020 05 12].
[147] Levchuk.
[148] Shaun Walker, "LGBT festival in Ukraine abandoned after far-right protest." Moscow: The Guardian, 20 March 2016. <https://www.theguardian.com/world/2016/mar/20/lgbt-festival-in-ukraine-abandoned-after-far-right-protest> [2020 05 12].
[149] Amnesty International, "Ukraine 2019." Amnesty International, n.d. <https://www.amnesty.org/en/countries/europe-and-central-asia/ukraine/report-ukraine/> [2020 05 12].
[150] LGBT Human Rights Nash Mir Centre, "On the Rise: LGBT situation in Ukraine in 2017." Kyiv: Nash Mir Centre, 2018. <http://gay.org.ua/en/blog/category/situation-of-lgbt-in-ukraine/> [2018 06 12].
[151] Kuzmenko.
[152] Kate Baklitskaya, "National Corps: why Ukraine's far-right party is enjoying growing support." Euronews, 3 March 2019. <https://www.euronews.com/2019/03/03/national-corps-why-ukraine-far-right-party-is-enjoying-growing-support> [2020 05 12].

traditional family values.[153] The Council of Churches had been given a unique access to influence policymaking after gaining consultative status with the government in 2016. It is the only public association represented at every ministry and in most parliamentary committees.[154] While the church tries to avoid hate speech and direct calls for discrimination against LGBT people, they openly oppose prides and support non-aggressive homophobic social and political forces that organize counteractions in support of the "traditional Ukrainian family."[155]

3.6 President Zelensky: Elections 2019 until March 2020

The *political opportunity structure* for the LGBT movement changed as a result of the presidential and parliamentary elections in May 2019. Human rights issues did not play a role in the campaign, and the rights of LGBT people as well as the problem of hate-motivated violence, went largely without mention.[156] Attempts to discredit a politician because of association with the LGBT community attracted no public attention and did not affect the popularity of politicians.[157]

      The composition of the new parliament changed; it is younger, less conservative and religious, and more modern. The most active and effective lobbyists of churches' interests and the authors of homophobic legislative initiatives lost their seats and only one MP represents the radical right-wing movement. The newly elected president, Volodymyr Zelensky, is not religious and does not participate in religious activities.[158]

      Within this time, the new government did not implement the LGBT components in the NHRS, but neither did it abandon this commitment and amendments to abandon the LGBT components, developed in 2018, were ignored.[159] In late December 2019, the new government published a draft law of Ukraine "On Labor" which included the anti-discrimination provisions adopted in 2015.[160] Compared to previous years, in 2019, the number of appeals to the central government by local councils to limit the rights of LGBT people significantly decreased[161] and Ukrainian courts did not ban any LGBT events.[162]

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[153] Union of Orthodox Journalists, "Pro-family petition "violating LGTB rights" removed from President's site." Spzh.news, 29 March 2018. <http://spzh.news/en/news/52324-peticiju-o-zashhite-semyi-snyali-s-sajta-poroshenko-iz-za-narushenija-prav-lgbt> [2020 05 12].
[154] ARTICLE 19, 90.
[155] LGBT Human Rights Nash Mir Centre, On the Rise: LGBT situation in Ukraine in 2017.
[156] Human Rights Watch, "Q & A: Ukraine's Presidential Election, A Human Rights Background." HRW, 26 March 2019. <https://www.hrw.org/news/2019/03/26/q-ukraines-presidential-election-human-rights-background> [2020 05 12].
[157] LGBT Human Rights Nash Mir Center, Old Problems New Prospects, 18.
[158] Ibid., 15-24.
[159] Ibid., 3.
[160] Ibid., 4-5.
[161] Ibid., 10.
[162] Ibid., 4-5.

The elections showed limited support for political parties with explicitly far-right ideologies. The nationalist coalition of right-wing parties (including Svoboda, National Corps and Right Sector) only managed to get 2.15 percent of the popular vote in the parliamentary elections, far from the five percent threshold.[163] The new government, however, continues to provide funds to notorious far-right extremist groups and their affiliates to carry out "national-patriotic education" programs aimed at Ukrainian youth, including children. These include programs that are run by several branches of Ukrainian far-right groups, including National Corps.[164]

The *framing* of homosexuality by politicians became more focused on the rights frame instead of the Euro-integration frame only. Various ministries expressed its position on protecting LGBT rights in Ukraine.[165] The media has a friendly or neutral attitude regarding LGBT people, using mostly accurate language. Right-wing nationalist groups, churches and religious organizations continue framing LGBT rights as the propaganda which the West imposed on Ukrainian society.[166]

The *activist network* for LGBT developed, even though participation in public LGBT life has become increasingly dangerous.[167] The 2019 KyivPride had around 8,000 participants and included an official delegation from a government institution – the Ministry of Health – and a group of soldiers and veterans as well as people with disabilities.[168] Activists from KyivPride had held training for police on discrimination and equality beforehand.[169] The activity of right-wing activists who tried to attack the participants of the pride in Kyiv was significantly lower compared to previous years[170] and none of the churches had applied to the government to ban the pride.[171] In Kharkiv, Ukraine's second largest city, the first pride took place with around 2,000 participants protected by 2,500 police. A march in support of traditional values attracted 500 demonstrators.[172] In Odessa, around 300 participants marched, a 1.5 times increase compared to the year before.[173] In

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[163] Oleksiy Kuzmenko and Michael Colborne, "Ukrainian Far-Right Extremists Receive State Funds to Teach "Patriotism"." Bellingcat Anti-Equality Monitoring, 16 July 2019. <https://www.bellingcat.com/news/uk-and-europe/2019/07/16/ukrainian-far-right-extremists-receive-state-funds-to-teach-patriotism/> [2020 05 12].
[164] Kuzmenko and Colborne.
[165] LGBT Human Rights Nash Mir Center, Old Problems New Prospects, 6.
[166] Ibid., 22.
[167] Ibid., 34.
[168] Ibid., 7 & 26.
[169] Ibid., 9.
[170] Ibid., 18.
[171] Ibid., 22.
[172] Vyacheslav Hnatyuk, "Kharkiv successfully holds LGBTQ march, despite threats, attacks." Kyiv Post, 16 September 2019. <https://www.kyivpost.com/ukraine-politics/kharkiv-successfully-holds-lgbtq-march-despite-threats-attacks.html> [2020 05 12].
[173] LGBT Human Rights Nash Mir Center, Old Problems New Prospects, 26.

all three cities the police provided protection.[174] Also, smaller scale public actions were organized in many cities of Ukraine, and conferences, forums and training sessions for various groups such as journalists, teachers and police took place. Nash Mir Center and NGO Insight carried on monitoring the implementation of the LGBT components of the NHRS until 2020 and participated in meetings with other human rights organizations, government officials, politicians, and MPs regarding preparations for drafting a new NHRS. The main obstacles to the activities of LGBT organizations remain threats by far-right nationalists and lack of funding.[175]

Far-right nationalist groups (Carpathian Sich, Right Sector, Tradition and Order, Freikorps, National Corps, C14, Brotherhood, etc.) continued their traditional policy of aggressive intolerance by trying to disrupt LGBT activities.[176] The number of ultra-nationalists in 2019 was estimated at about 10,000.[177] Far-right nationalists are, furthermore, trying to establish ties and to unite with the Ukrainian churches under the slogan of "protecting the traditional family."[178] Religious leaders were seen next to far-right nationalist groups at high-profile public events. At a march in support of traditional family values on 8 June 2019 in Kyiv, the flags of several nationalist organizations were highly visible.[179] The homophobic initiative "All Together!" organizes such marches and festivals in cities throughout Ukraine.[180] Another petition on "protection of Christian values" had over 25,000 signatures and was considered by the president.[181]

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[174] Ibid., 9.
[175] Ibid., 27-9.
[176] Ibid., 17-8.
[177] The Associated Press, "Ukraine's ultra-right increasingly visible as election nears." Kyiv: AP, 27 March 2019. <https://apnews.com/e971db860c7a4c12a5240fc08ce6c95e> [2020 05 12].
[178] LGBT Human Rights Nash Mir Center, Old Problems New Prospects, 48.
[179] Kuzmenko.
[180] LGBT Human Rights Nash Mir Center, Old Problems New Prospects, 23.
[181] Ibid., 12.

4. DISCUSSION

This chapter discusses whether the results of this research are consistent with the oppositional theory and is structured according to the same sub-chapters as the previous chapter.

4.1 Independence from the Soviet Union until the year 2000

The circumstances before the EU started shaping the political opportunity structure are in alignment with the theory. The POS for LGBT activism was indeed shaped by the communist legacy, meaning that civil society was demobilized and homophobia prevailed as a result of repressed homosexuality in the USSR. LGBT issues were politically invisible with the first LGBT organizations only founded towards the end of the decade. The framing of homosexuality resulted from communism, and the church continued promoting the moralizing discourse.

4.2 From pro-Russian to pro-European and back: 2000-2010

Within this period, talks about two agreements between Ukraine and the EU had started, but conditionality to pressure for legal protections for sexual minorities remained absent. Despite that, activism increased as a result of the HIV/AIDS crisis, but it remained local-scaled, informal and with an apolitical orientation as to which the organization of the international conference around LGBT issues and European integration of Ukraine came to a halt. As a result, LGBT activists had no power to influence government, political allies were not available to the movement and the framing of LGBT remained focused around the existing domestic frame further formed by the HIV/AIDS crisis. Homophobic rhetoric of politicians and the negative portraying of LGBT issues in media led to a declined acceptance of homosexuality within society. Counter-activism, which is a precondition for backlash, was noticed in 2007 when the anti-LGBT organization Love Against Homosexuality started campaigning for laws against homosexual propaganda, thereby framing homosexuality as a threat to national security.

4.3 President Yanukovych until Euromaidan: 2010-2013

According to the theory, hard-right political parties and affiliated groups are crucial in national politics for a political backlash to occur. Right-wing party Svoboda indeed contributed to the creation of the various anti-LGBT laws and the associated framing of homosexuality. Supported and adopted by other parliamentary parties, far-right rhetoric reached the state level. The POS for the LGBT rights movement was further shaped by an autocratic pro-Russian government which repressed activism.

In 2013, EU conditionality for non-discrimination in the workplace including that based on sexual minorities drastically reshaped the POS. Parliamentary parties, churches and the far-right started to mobilize because of the clash with domestic norms. They created new frames around the bill, including the traditional values frame, which is a frame shared with Russia. In reaction to the opponents, the LGBT movement and a limited number of proponents of the law started creating frames in support of the bill, which started a framing contest. A complete lack of solidarity within the movement hindered the creation of one strong frame based around legal rights and representation for all persons. Besides, at this moment the LGBT movement lacked political leaders and political parties that could promote their interests. The limited number of Euro-advocates that had become allies of the LGBT movement supported both the Euro-integration as well as the traditional values frame. Since the latter was supported by both the opponents as well as the proponents in parliament, this frame proved to be the strongest one. Nevertheless, LGBT issues had become political and public fury and mass protests had massively increased the salience of LGBT issues in the Ukrainian public debate.

Within this period, some LGBT organizations and individual activists had become engaged in advocacy. During discussions over the anti-LGBT bills, activists were mostly ignored by the government and the ability of the movement to cooperate and organize for large-scale public events was poor. Through EU conditionality, the LGBT movement had been given formal opportunities to influence the decision-making process for the first time ever. They proved, however, weak in their efforts to influence political elites. The opponents of the bill, on the other hand, proved strong in their lobbying effects.

4.4 Euromaidan and the Revolution of Dignity: 2013-2014

The initial backlash from EU conditionality was followed by the Euromaidan protests and the Revolution of Dignity. While these events showed the support for EU integration among society, the same events coupled with the subsequent war in Eastern Ukraine increased the role and legitimacy of far-right nationalist groups. In combination with Russia spreading anti-gay messages in Ukraine, the environment for LGBT activism significantly worsened. By using a strategy of invisibility, the movement prevented violence from far-right nationalist groups and did not fuel Russian propaganda, but neither did they promote their political interests and the 2014 KyivPride was banned because of the war in the East. The framing contest was on a hold, and the majority of the new pro-European government kept following the anti-LGBT discourse based on far-right rhetoric. Despite not promoting their political interests and not holding a gay pride, LGBT activists proved to organize quickly by effectively holding a counter-press conference, publishing press

releases and holding speeches on the Euromaidan in reaction to anti-LGBT actions, which positively increased the visibility of the movement. This proves that coming under attack indeed generates solidarity.

4.5 President Poroshenko: 2015 until 2019 elections

LGBT activists had been given new opportunities when the EU pushed the new government for protection of sexual minorities in the workplace in 2015. Despite the anti-Russian spirit, among politicians the conservative nationalist and religious consensus in support of traditional values remained strong, with many politicians still using homophobic language. For the first time, however, some politicians began to publicly speak in favor of LGBT rights and MPs even participated in the Kyiv Pride. A change towards less homophobia among society shows that the Euro-integration and rights frames had become more legitimate in the public eye after the revolution. All in all, the environment for activists had changed with activism no longer being repressed, some political allies had become available to the movement, LGBT activists had become political and there was cooperation with the government.

On the other hand, deputies who favored anti-LGBT legislation were still in parliament and religious organizations were given political influence. This formed an obstacle for the actual implementation of LGBT rights. Besides, anti-gay groups increased their efforts in promoting traditional values and the fight against LGBT people had become one of the main directions of the far-right.

The backlash had boosted LGBT activism, but the LGBT movement still consisted of many different organizations. Nevertheless, the movement significantly increased their public activities, also outside of the country's capital. While the Kyiv Pride was cancelled at the height of the backlash in 2014, the LGBT movement demonstrated its ability to mobilize through ever increasing gay prides in the years following, which shows the backlash's catalyzing effect and increased freedom to assemble.

4.6 President Zelensky: Elections 2019 until March 2020

The elections in 2019 showed that there is almost no public support for right-wing parties and their ideologies. In fact, the POS seems promising for the LGBT movement, with a less conservative and religious composition of parliament and a non-religious president. The attendance of an official delegation from a government institution at the 2019 Kyiv Pride, the media using friendly or neutral language for LGBT people and ministries expressing to support the protection of LGBT rights in Ukraine shows that the LGBT movement and the frame of LGBT issues as rights issues have

become more credible. The fact that the new government's draft law of the new labor code includes the anti-discrimination based on sexual minorities shows that another backlash did not occur.

While the density and coordination of far-right groups and the Orthodox Church increased, their capacity decreased. This means the size of these groups grew, they increased their cooperation and are better able to organize for large-scale public events, but their ability to influence political action is declining. Altogether, since the 2019 elections, the social and political influence of both the church and the far-right is diminishing. The government funding to far-right groups for youth education remains, however, a point of attention.

The LGBT movement developed in all three areas; density, coordination and capacity. The movement increased in size and the various organized gay prides show the increased ability of the movement to cooperate and organize for large-scale events, also on a regional level. Furthermore, the LGBT movement continues monitoring rights implementation and participates in meetings with other human rights organizations, government officials, politicians, and MPs, which demonstrates increased cooperation and increased capacity of the LGBT movement to influence political action.

CONCLUSIONS

This research analyzed the development of Ukraine's LGBT rights movement in relation to Europeanization. As expected, the LGBT movement had a largely apolitical orientation before LGBT rights became an issue in EU–Ukrainian relations and the framing of homosexuality was a legacy from communism. The main variable which had led to the development of LGBT activism until 2010 was the HIV/AIDS crisis. From 2011, anti-LGBT propaganda laws were introduced while activism was repressed and the LGBT movement was ignored. The pressure from EU conditionality for protection of sexual minorities in the workplace in 2013 provided political opportunities for the LGBT movement, but at first created many obstacles during the backlash that occurred. This backlash fits the definition in the oppositional theory, because it was a reaction to EU involvement, it involved coercive power in multiple forms, and attempts were made to follow the hard right's preferences through institutional channels. During the backlash, it were not the actions from the LGBT movement, but the visible actions by anti-LGBT groups and political opponents of LGBT rights that made LGBT issues salient.

The external incentives from EU conditionality proved not strong enough for the government to implement the legislation for sexual minorities. Eventually, the rejection of the AA worsened the situation for LGBT activism. The movement lost the political opportunities from Europeanization and the level of threat increased with the increased power of nationalist groups and Russian propaganda around LGBT and Europeanization. The LGBT movement temporarily followed a strategy of invisibility and did not promote their political interests. When the situation improved and new political opportunities became available, activism had significantly increased.

Different from the theory was the timing of the backlash, which was much earlier in Ukraine than in those countries the theory is based on. Another difference was the involvement of Russian influence which contributed to the backlash against LGBT and eventually stimulated activism.

In conclusion, the EU temporarily hindered the LGBT movement in 2013-14 because the mechanism of conditionality resulted in the mobilization of the opponents of LGBT rights and gave Russia the opportunity to spread propaganda, but this proved to foster the LGBT movement in the years following 2015. The number of LGBT organizations and the number of people marching in gay prides increased. The movement became more professional in organization and started organizing various (first-time) events which target an ever-wider audience. The movement increased its cooperation with the government and achieved some of its political goals. It can thus be argued that Europeanization stimulated the Ukrainian LGBT rights movement through the

interactive relationship between political opportunity from Europeanization and threat from backlash.

   As a result, the hypothesis that EU conditionality for the implementation of legal protection for sexual minorities provoked political backlashes that worsened the political situation for LGBT groups, but in turn created a stronger and better-organized rights movement proves correct, confirming the oppositional theory on Ukraine. Whilst Ukraine still has a long Europeanization road ahead, it remains to be seen whether another backlash will occur or not. The outlook for LGBT activism at the beginning of 2020 is, however, more positive than ever before due to the new government which is less conservative and the decline of the political power of the Church and right-wing nationalist parties and groups. As long as there will be political opportunities for the LGBT rights movement and the Church and the far-right continue the promotion of traditional family values, the LGBT movement is expected to develop.

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CONFIRMATION OF AUTHORSHIP

I confirm that I am the author of submitted thesis: *UKRAINE'S LGBT RIGHTS MOVEMENT IN LIGHT OF EUROPEANIZATION,* which has been prepared independently and has never been presented for any other course or used in another educational institution, neither in Lithuania, or abroad. I also provide a full bibliographical list which indicates all the sources that were used to prepare this assignment and contains no un-used sources.

ABSTRACT

This thesis presents a case study which tests the oppositional theory on the development of Ukraine's LGBT rights movement during the process of Europeanization. Whereas Europeanization theory focuses on legal effects, this research tested the oppositional theory which looks at social movement development. The theory argues that Europeanization brings political opportunities for the LGBT rights movement. In case of strong opposition against homosexuality, EU conditionality for sexual minorities should provoke political backlashes which worsen the political situation for LGBT groups but result in a stronger and better-organized rights movement. EU conditionality can have the opposite effect when a backlash does not occur. The research question is "Does Europeanization stimulate or hinder the LGBT rights movement in Ukraine?" The hypothesis is that Europeanization resulted in a homophobic backlash, which in turn resulted in a growth and strengthening of Ukraine's LGBT rights movement.

The main challenge of the research has been measuring the organization of activism over time, which was solved by focusing on high-level activism – the most visible form of activism. While the theory is based on Europeanization towards EU accession, this research is based on Europeanization and the mechanism of conditionality to pressure for the implementation of legal protection for sexual minorities in the workplace as part of EU-Ukraine agreements. Another factor contributing to the backlash in Ukraine was Russian propaganda in reaction to EU expansion eastward.

Empirical data was gathered over a period of 30 years for the political opportunity structure, issue framing, and activist networks, which are the three features of the oppositional theory. In line with the theory, the political opportunity structure was first defined by the communist legacy; repressed homosexuality and the demobilization of civil society, and then by EU pressure. For every period, the perceived threat of (in)direct repression of activism, the hard rights capacity to threaten the stability of elite arrangements, and the number of elite allies for the LGBT movement was mentioned. Issue framing looked at how LGBT issues were framed. Before Europeanization, the frame was based on a communist legacy. Europeanization provided opportunities for new framing, which triggered a framing contest between norm opponents and norm advocates and increased the salience of LGBT issues. Activist networks looked at the development of the size of the movement; whether the movement cooperates and organizes together for large-scale public events; and whether the movement can influence political action. As a result of the interaction of domestic politics and EU pressure, these three features showed that progress on one dimension was accompanied by backsliding on another.

The findings confirmed that as soon as the EU used conditionality to pressure Ukraine to adopt non-discrimination legislation for sexual minorities in the workplace, a backlash occurred. It also showed that the mobilization of the opponents was much more effective than that of the proponents and that the backlash was the factor that brought great visibility to LGBT issues. The external incentives from EU conditionality proved weak and the movement lost the political opportunities from Europeanization at the end of 2013 when the government rejected the EU-Ukraine Association Agreement. The protests that followed showed the European spirit among society, but the power of nationalist groups increased, and Russian propaganda worsened the situation for the LGBT movement. The 2013-14 backlash resulted in a strategy of invisibility and the LGBT movement temporarily stopped promoting their political interests. When political opportunities again became available in 2015, activism had significantly increased as a result of the backlash, which confirms the theory.