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The impact of the EU on the perception of homosexuality by Ukrainian political elites after the Euromaidan revolution.

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Summary

Since the EuroMaidan revolution in 2014 the mindset of the Ukrainian political elite is European. In the aftermath of the revolution, the European Union concluded two important agreements with the Ukrainian government. The Association Agreement and agreement on the visa-liberalisation for Ukrainian citizens travelling to the EU, led to domestic legal changes in Ukraine.

A majority of EU-citizens live in a country where they can marry with a same-sex partner (ILGA-Europe, 2017). LGBT-rights are more and more considered as one of the core norms and values of the European Union. Academics have determined that LGBT-rights have been part of the EU's foreign affairs policy as well (Buzogány, 2012; Slootmaekers et al., 2016; Ayoub, 2016). Their research mainly focussed on countries involved in the accession programme of the EU.

This master thesis examined the impact of the European Union on the perspectives of homosexuality by the Ukrainian political elite since the EuroMaidan revolution. Despite Ukraine still being a rather homophobic country (Martsenyuk, 2012; ILGA-Europe, 2017), the country introduced four legal improvements for the LGBT-community. The first one considers the implementation of an amendment to the labor code that prohibits discrimination on the grounds of sexual orientation and gender identity. The second change is the abolishment of the legal process to introduce an anti-propaganda law concerning the LGBT-community. The third change is the composition and commitment by the Ukrainian government to execute a National Human Rights Strategy. The Action Plan attached to this strategy shows the commitment to introduce a broad anti-discrimination law concerning LGBT-people and the implementation of civil partnerships for same-sex couples. Last, since EuroMaidan Pride Marches in Kyiv were much more secure. This encompasses the Ukrainian commitment to the 'Freedom of Assembly'.

Through fieldwork in Kyiv and Brussels in-depth interviews with experts were executed. These interviews were analysed through thematic discourse analysis. The outcomes of this interviews clearly match the hypothesis. For all four reforms the European Union was the main influencing factor. While issue-linking during the negotiations processes for visa-liberalisation and the Association Agreement seems to be the most effective tools, the pro-European spirit since the EuroMaidan revolution should not be underestimated as well.

While EU-influence clearly led to legal changes, both Ukrainian and European officials and activists determined that the changes were rather marginal. While new laws liberalised some policies towards LGBT-people, the Ukrainian society, including the Ukrainian parliament remain rather homophobic. The openness towards the LGBT-community seems to be limited to the executive branch of power. Hindering factors for the evolvement of LGBT-rights in Ukraine are religion, nationalism and the occupation by the Russian Federation and pro-Russian separatists in certain Ukrainian regions.

Preamble

Research on post-materialist values in a post-Soviet Republic leads to certain difficulties. While the average temperature during my field research in Kyiv, Ukraine was around -15°C, I was able to receive lot's of warmth by Ukrainians that introduced me in the topics of my research. I would like to offer a special thank you to LGBT-activist Sofia Lapina and dr. Maryna Shevtsova. Ms. Lapina invited me to a high-level conference on homophobia in Ukraine by Nash Mir and introduced me to several Ukrainian LGBT-activists.

Dr. Maryna Shevtsova gave me a lot of tips on how to approach certain subjects within Ukrainian LGBT-politics and helped me making contact with Ukrainian policy-makers.

Finding interviewees on a highly contentious subject like LGBT-politics 2000 kilometers away from my comfort zone, was not an easy task. Therefore I would like to thank all five Ukrainians who approved to my interviews. Despite language barriers these people showed commitment and bravery to their work. Roman Baiduk, the Head of the International Cooperation Unit of the Ukrainian Patrol Police Academy, gave me insights in the enforcement of legislation concerning the LGBT-population while introducing me to the gastronomic Ukrainian culture. Ksenia Rondiak invited me for a tour within the offices of the Ombudsman of Ukraine. As a head of the unit for monitoring discrimination she was able to introduce me to the more general Ukrainian policies towards the LGBT-community. Despite her very tight schedule member of parliament Svitlana Zalischuk agreed to an interview as well.

A special thanks goes to LGBT-activists Andrii Kravchuk and Ulyana Movchan who gave me insights about the situation on the ground for LGBT-people in Ukraine.

At the EU-side Leonhard Den Hertog made me understand how the European Parliament deals with LGBT-issues within and outside the EU. A high-ranking official of the EEAS approved to an interview which made me understand to what extent LGBT-issues are present in the relations with Ukraine.

Dayna Radusza gave me insights about how she, as a advocacy officers for ILGA-Europe, works on LGBT-issues in Ukraine and helped me finding academic literature on the topic.

A special thanks goes to my supervisor Prof. Dr. Jonathan Holslag who supported me during the process of constituting my master thesis. While finding evidence for influence seemed to be a difficult methodological struggle, he gave me very useful tips on how to deal with it. Prof. Dr. Vjosa Musliu helped me with drawing the contours of the discourse analysis I conducted on the in-depth interviews.

My parents and grandparents showed their support both mentally and financially during my travels to Ukraine. Without this support, the results of this master thesis would not have been the same. A special thanks goes to Thibaut Deweert as well who checked my master thesis for language errors.

- Rémy Bonny

List of abbreviations

EEAS = *European External Action Service*

EU = *European Union*

GLAAD = *Gay & Lesbian Alliance Against Defamation*

ILGA = *International Lesbian & Gay Association*

LGBT = *Lesbian, Gay, Bisexual & Transgender*

LGBTI = *Lesbian, Gay, Bisexual, Transgender & Intersex*

NGO = *Non-governmental organisation*

SOGI = *Sexual Orientation & Gender Identity*

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1. Introduction

While the sun was shining through the windows and warming up the upper floor apartment, in freezing mid-February, in the Eastern part of Kyiv, LGBT-activist Andrii Kravchuk was elaborating on his disbelief about the progress the LGBT-community made in the last few years. Since the EuroMaidan revolution, the political mindset of the Ukrainian political elite is one of more European integration. Since 2014 there is a clear policy shift concerning LGBT-rights. This master thesis clearly determines the causes of this policy shift. The European Union has been the most important influencer of this policy shift.

While in 2013 the Yanukovich regime was negotiating with the EU on the Association Agreement, posters were put up on billboards throughout the country with homophobic comments. The posters were linking closer cooperation with the EU with the fading of sexual standards. Experts link these campaigns with the homophobic rhetoric in Russia (Slootmaeckers et al., 2016, 3). Eventually, Yanukovich tried to withdraw from the Association Agreement negotiations. This was the trigger for what's called EuroMaidan or the Revolution of Dignity (Kvit, 2014).

According to the Gay Alliance Ukraine and GLAAD, Ukraine approved to consider a Russian-style anti-propaganda bill on homosexuality in 2012 in the Verkhovna Rada. During the negotiations with the new Ukrainian government about the visa liberalisation for Ukrainian citizens, it was a direct requirement of the EU to 'unconsider' the 2012 proposal. In 2014 the draft was removed from consideration (Gay Alliance Ukraine, 2014; GLAAD, 2015). This shows the influence of the European Union on human rights issues during the negotiations process.

The research gap on queer theory in countries within the framework of the EU's Eastern Neighbourhood Policy (ENP), the lack of research on LGBT-issues within the theory of 'europeanisation' and the post-revolutionary and pro-European mindset of the Ukrainian political elite, makes it very interesting to focus the research for this master thesis on the subject of LGBT-rights in Ukraine. The exact research question is: "What has been the impact of europeanisation on the perspectives on homosexuality by the Ukrainian political elite? Was there a change in perspectives in comparison with the pre-Euromaidan revolution?".

The information to answer the research question of this master thesis has been gathered via fieldwork and in-depth interviews. This fieldwork and in-depth interviews were analysed through discourse analysis.

2. Research Design

Documenting influence on a qualitative scale is not an easy task within political science. Therefore, a combination of several research methods has been executed. The research question has been embedded within the theoretical framework of europeanisation. To measure

the influence and study the situation for LGBT-people in-depth interviews have been conducted during field research both in Kyiv and Brussels. These interviews have been analysed through discourse analysis.

2.1 Data relevance

Academic and social relevance is key to the author's views on research within political science. Therefore, it is necessary to embed the research question within a wider theoretical framework. This was made possible through an extensive literature review of the work conducted on the theory of europeanisation. Classical authors of europeanisation, like Radaelli, have been discussed next to authors who focus more on gender and queer theory within international relations. Chapter 3 on 'LGBT-Politics within the theoretical framework of Europeanisation' clearly shows why this master thesis brings new insights to the theory of europeanisation.

2.2 Data collection

Studying the politics of LGBT-people is not possible without getting to know the situation on the ground. Therefore field research in Ukraine was necessary. Through field research, it was possible to make contacts with Ukrainian officials and activists. The fieldwork was conducted within the metropolitan borders of Kyiv. Ukraine is a centralised country, with its political center based in the capital. The field research was being conducted between the 22nd of February and the 1st of March. On the 23rd of February, Nash Mir organised an international conference in Kyiv on homophobia. This was the starting point for the author of this master thesis to make contacts and get to know more about the LGBT-situation on the ground. In chapter 4 'Discourses Towards LGBT-people In Ukraine' the situation from before EuroMaidan has been discussed through a literature review. Since EuroMaidan little research has been done on LGBT-issues in Ukraine. Therefore in depth-interviews with Ukrainian officials and activists have been conducted.

The in-depth interviews can be considered as expert interviews. The questions presented during the interview were semi-structured. There have been eight interviews conducted with officials and activists both from the Ukrainian and EU side. There has been interviewed as many women as men. This means that the interviewees' population is gender balanced. A total of six of these interviews have been transcribed and can be found in the annex of this master thesis. The outcomes of the two other interviews can be found in the annex of this master thesis as well. From the Ukrainian side, three officials were interviewed. The first was Roman Baiduk, head of the Department of Legal Affairs and International Cooperation of the Ukrainian Patrol Police Academy. His knowledge and views were relevant since activists and reports show that the enforcement of anti-discrimination legislation is not up to standard. The Ombudsman of Ukraine is dealing with the monitoring of anti-discrimination matters. Therefore an interview has been conducted with Ksenia Rondiak. She is Head of the Unit of the Ombudsman of

Ukraine for Monitoring and Response on Discrimination Issues. Svitlana Zalishchuk is Member of the Ukrainian Parliament. She was involved in the organisation of previous Pride Marches in Kyiv. Besides a brief introduction at the International Conference on Homophobia Mrs. Zalishchuk her interview has been conducted via e-mail since she had no time to meet for an in-person interview.

Besides these three officials, two Ukrainian LGBT-activists have been interviewed as well. The first one was Andrii Kravchuk. As an internally displaced person from the Donbas region, he is living in the headquarters of Nash Mir. He was one of the founding members of what is now the oldest LGBT-organisation of Ukraine. Another major NGO dealing with LGBT-issues in Ukraine is Insight. Their PR-manager, Ulyana Movchan, approved to an interview as well. This interview was very interesting to better understand the practical situation of LGBT-people in Ukraine.

Measuring the influence of the European Union cannot be executed without interviewing persons working on the EU side. The first interviewee was Leonhard Den Hertog. He is a policy advisor to Sophie In't Veld. Mrs. In't Veld is Member of the European Parliament and specialised in LGBT-issues. She visited the Kyiv Pride in 2016. The second interviewee wanted to stay anonymous. This person is a high-ranking official of the European External Action Service who was directly involved in the negotiations for the VISA-liberalisation of Ukrainian citizens and the Association Agreement between the EU and Ukraine. Besides the negotiations experience, the interviewee is still busy with monitoring the execution of the agreements of the EU with the Ukrainian government. The International Lesbian & Gay Association in Europe (ILGA-Europe) is responsible for advocating LGBT-issues throughout the continent on an EU-level. They approved to an interview with Dayna Radusza. She is the advocacy officer for ILGA-Europe focussing on Eastern Partnership Countries and EU-accession countries.

2.3. Data analysis

These interviews have been analysed through discourse analysis. Discourse analysis is being used to find more in text than just its narrative meaning. Discourse analysis looks beyond the words and studies the meaning of them and how certain sentences are formulated. It helps a political scientist to reveal certain discourses within a political debate (Bryman, 20212, 528). The main objective of this master thesis is to find the main influencers for LGBT-politics in Ukraine. Therefore three main influencing political factors have been identified as necessary for this research: European, internal and Russian influence. The main method used in this master thesis is thematic discourse analysis. A matrix was set up to identify the views of the interviewees concerning the three different types of influence. The matrix made it possible to structurally compare the different views and can be found in the annex of this master thesis.

2.3.1. Hypothesis

Considering that euro-integration was one of the main subjects of the Revolution of Dignity, it is plausible that the European Union had a big impact on the more liberalised policies introduced towards the LGBT-community since 2014. Keeping in mind the current civil and political ideology in Ukraine, it is possible to state that similar types of influence will be found in the country. To keep the bigger picture this research also looks into other factors of influence. Not only the urge towards euro-integration plays its role, but also the anti-Russia spirit in the country does. Since Russia is being seen worldwide as an opposer of LGBT-issues, it is not unthinkable that this also had an influence on the Ukrainian decision-makers (Ayoub, 2016; Slootmaekers et al., 2016). It would be misleading to only look at the factors that improve the legal status of LGBT-citizens. Therefore factors that could hinder the further development of LGBT-friendly policies will also be taken into consideration. Religion and nationalism are an important part of the Ukrainian civil and political society. Therefore one can assume that they also influence the decision-making process on LGBT-issues.

2.3.2 Discerning policy shifts/Indicators of Influence

As stated in the introduction, the political regime has changed due to a revolution. Since 2014 a pro-European government is in power. As will be elaborated on later, this led to some more progressive measures for LGBT-citizens undertaken by the Ukrainian government. These policy shifts have mainly been identified in chapter 4 on 'the situation for LGBT-people in Ukraine' and chapter 5 on 'EuroMaidan'. While chapter 4 focusses more on the changes in (political) discourse, chapter 5 outlines the laws that have changed since the Revolution of Dignity.

The sources to map these policy shifts differ. The policies before EuroMaidan have been determined mainly by reviewing the academic literature on homosexuality in Ukraine. The major author in this field is dr. Tamara Martsenyuk. Since little research has been conducted in LGBT-issues since the EuroMaidan revolutions, conclusions on the shifts in policy towards the LGBT-community have been withdrawn from in-depth interviews, popular media and EU or Ukrainian policy documents. A major document to determine the current policies of the Ukrainian government is the Action Plan to implement the National Human Rights Strategy. Progress Reports during the negotiations on the Association Agreement also made clear that the former Ukrainian government was less committed to LGBT-issues or European integration than the current.

2.3.3 Tools of influence

To make influence visible it is necessary to determine those factors and tools that led to the influence. This research wants to measure the impact the EU had on LGBT-politics in Ukraine. Therefore several tools and indicators of influence have been determined. The types of influences should be distinguished in direct and indirect impact. The direct impact on Ukrainian

politicians by the EU refers to the negotiation power. Two main agreements that were reached between the EU and the Ukrainian government - the Association Agreement and the agreement on the visa liberalisation for Ukrainian citizens - and their negotiation process are the two main factors of direct EU impact. Other factors of direct impact like the funding of LGBT-organisations by EU embassies and the monitoring of the agreements by the EU Delegation to Ukraine have been examined as well. One particular tool of indirect is the 'European spirit' that is present since the EuroMaidan revolution in the Ukrainian political elite.

Other tools of influence have been taken into account as well. This will add nuance to the hypothesis of EU-influence. Inside Ukraine both positive and negative influencers are present. The positive internal influencer is the happening of the EuroMaidan revolution. This influencer is interlinked with the tool of influence 'European spirit' as defined in the previous paragraph. Two negative factors of influence inside Ukraine can be defined as well. The first one is religion. Since the Ukrainian Orthodox Church and the Council of Churches still play an important role within national politics in Ukraine, it is necessary to take them into account as well. Nationalism is another negative factor of influence. Since EuroMaidan not only the power of pro-Europeans grew, but also the power of Ukrainian nationalists.

Besides internal influence, another factor of influence that should be taken into account is Russian influence. The factors of Russian influence can be divided into both positive and negative influence as well. The positive one is the 'anti-Russian spirit'. This is the opposite of the 'European spirit'. Since EuroMaidan the political mindset in Ukraine has shifted towards one of European integration and lesser cooperation with Russia. The first negative factor of influence is the Russian occupation of Crimea and the war in the Donbas region against pro-Russian separatists. The second negative factor of influence is Russian propaganda.

All these tools of influence have been discussed in chapter 6 of this master thesis.

2.3.4 Evaluating the tools and indicators of influence

Chapter 4, 5 and 6 have listed up the policy shifts and the tools that may have led to these policy shifts. Chapter 7 will evaluate to what extent the tools used by the European Union led to changes in the policies towards the LGBT-community in Ukraine. From this moment the discourse analysis conducted on the in-depth interviews comes into play. During the semi-structured interviews, the interviewees were asked specifically to evaluate the several tools of influence by the European Union. Both the interviewees from the European side and the interviewees from the Ukrainian side answered this question. From their answers, certain discourses could be determined.

Combining the tools and indicators of influence the impact the EU had, but also takes into account the internal and Russian factors of influence. As mentioned above, these are factors

that can as much establish progress as they can slow down progress on LGBT-rights in Ukraine.

3. LGBT-Politics within the theoretical framework of Europeanisation

Queer theory within international relations is one of the research subjects getting more and more attention in the recent decades. In 'Sexualities in World Politics' Markus Thiel (Florida International University, USA) and Manuela Lavinas Picq (Universidad San Francisco de Quito, Ecuador) tried to get an overview of the impact of several international, supranational and national institutions on the rights for lesbian, gay, bisexual and transgender (LGBT) people by gathering scholars from all over the world (Picq & Thiel, 2015). Another book is written by Phillip M. Ayoub and is published by Cambridge University Press. 'When States Come Out: Europe's Sexual Minorities And The Politics Of Visibility' investigates the trans-national LGBT movement within Europe and what their impact is on the EU-level (Ayoub, 2016). Nowadays research focusses mostly on cases within the European Union. Little research has been done on the impact of international relations on LGBT-rights in the countries involved in the Eastern Neighbourhood Policy (ENP).

This master thesis will have a look at the impact the EU has in terms of LGBT-rights in its neighbourhood. The theory of 'Europeanisation', as described by scholars like Kevin Featherstone and Claudio M. Radaelli, focuses mostly on economic influence (Featherstone & Radaelli, 2003). A lot of research has already been done on the impact of the process of Europeanisation in certain countries on an economic level (Featherstone & Radaelli, 2003; Ladrech, 1994; Moumoutzis, 2011). Little research has been done on the impact of the EU and the process of europeanisation on a social and civil level, especially in the fields of queer studies.

Research on the impact of the EU on LGBT-issues has been conducted. One of them was about the impact of the EU on the views on homosexuality in Poland (O'Dwyer, 2012). This research was conducted in 2012. At that time, Poland was already a member of the EU. The purpose of the research for this thesis is to examine what the impact of the EU is on a non-EU country. Therefore, the master thesis will focus on contemporary Ukraine. The case of Ukraine seems to be relevant because of its specific current situation. In 2013 demonstrations for more European integration, called EuroMaidan, broke out all over the country. These demonstrations led to a full-blown revolution with the overthrown of the former Ukrainian political elite. In 2015 the Ukrainian government concluded an Association Agreement with the European Union. Within this agreement, the EU made plans with Ukraine on various economic and social fields. Another important agreement between the EU and Ukraine is the agreement on the liberalisation of the visa-regime for Ukrainian citizens. It is obvious that the mindset of the Ukrainian political elite is one of europeanisation.

As mentioned above, the master thesis is examining to what extent europeanisation has an impact on the political perspectives on homosexuality by the contemporary political elite in Ukraine. In the last decades, a lot of research has been conducted on europeanisation. One major author in this theory is Radaelli. He defines europeanisation as “[p]rocesses of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things,’ and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies” (Radaelli, 2003, 30).

The EU is considered to be a “normative power”. This means that the EU had an impact on several countries in its neighbourhood on issues like human rights. Ian Manners refers to the abolishment of the death penalty in Azerbaijan in 1998 as an example of normative power (Manners, 2002, 250).

According to a European LGBT Organisations Survey by Ayoub in 2014, there is a strong link between European institutions and domestic LGBT politics and policy. Almost one third (29%) responded that the EU has ‘a lot’ of influence. More than half (53%) of the respondents in the research of Ayoub said that there has at least been ‘some’ influence by the EU. At the same time, 57% of the respondents said that the EU does not have much impact on the domestic perspectives on LGBT-people (Ayoub, 2016, 57).

The EU has been seen as the most progressive and effective institution on an international level in securing civil rights for LGBT-citizens. They are also seen as the most important institutional factor in promoting the rights of LGBT people around the world (Thiel, 2015, 75). A 2000 anti-discrimination labor directive was passed by the EU. This directive also included sexual orientation as one of the grounds for legal anti-discrimination security (Thiel, 2015, 75-76). Research shows that the urge to implement LGBT-rights within the EU is mostly market-based. As long as the economic market does not accept equal rights for LGBT citizens, the EU will not implement it. A hierarchy can be found. For instance, heterosexual women are put higher in the hierarchy than gay men (Thiel, 2015, 88).

The impact of the EU on Central and Eastern European, at that time, candidate member states have been measured in the past. If it comes to legal changes, in 2002 the Hungarian Constitutional Court vanished Article 199. The European Parliament Committee on Foreign Policy asked to eliminate this law because it was discriminating the rights of LGBT citizens by having another age of consent for heterosexuals and homosexuals. Hungary had already known a more liberalised LGBT-scene before negotiations with the EU even began. There was no evidence found that it was because of the EU that this scene became even more liberal

(Buzogány, 2012, 152). The case of Romania is more complex. It is obvious that the urge to join the EU was the major factor for a more liberalised policy by the Romanian government towards LGBT-citizens. 'Formal and informal incentives' were being used to introduce 'far-reaching' anti-discrimination policies. Far more than in Hungary, Romania knew a big counter-movement against the liberalisation of LGBT-rights. Due to the high influence of the Romanian Orthodox Church, protest against LGBT-rights was more organised. Despite the counter-movement, a gay pride was organised in 2005 in Bucharest. This has been seen as "a litmus test of (the) 'Romania's Europeanness'" (Buzogány, 2012, 153-155). Romania has been rewarded by Human Rights Watch in 2006 for its undertaken policies on the rights of sexual minorities (Buzogány, 2012, 159). If it comes to same-sex marriage, a less liberal stance by the Romanian government can be determined. The Senate approved a clarification to the Family Code that limits families to partners of a different sex (Buzogány, 2012, 160).

More recently (2015) the European Parliament asked the Albanian government and the government of Bosnia-Herzegovina to establish rights for LGBT-couples and include discrimination on grounds of sexual orientation as a hate crime in their penal code. This was a rather bold and rare statement, since the EU is mostly more cautious about these subjects, i.e. they don't want to bother their own member states (Ayoub, 2016, 58-59).

While, as proven above, research on the impact of the European Union on the improvement of the fundamental rights for LGBT-persons in countries engaged in accession processes has been conducted, little research has been conducted on countries engaged in Association or Cooperation Agreements. The coming pages will be a first attempt to fill this research gap.

4. Discourses towards LGBT-people in Ukraine

Understanding the situation for LGBT-people in Ukraine is only possible when the current situation is contextualised within a pre- and post-Euromaidan reality.

"The Ukrainian society is homophobic." This statement summarises a paper by Dr. Martsenyuk on homosexuality in Ukraine before EuroMaidan. Public opinion polls show that the tolerance towards homosexuals was even declining in the last decade. It is especially striking how the tolerance by young people was declining (Martsenyuk, 2012).

Despite the fact that young people are half as tolerant to homosexuals as in the early 2000s, they still remained as one of the most tolerant groups in the Ukrainian society. In 2002 63,2% of the people between 16 and 29 agreed with equality for homosexuals. In 2007 only 40% of the youngsters agreed to the same question. This decline of tolerance is something that could be seen as a wider trend among all age groups in Ukraine. (Martsenyuk, 2012, 54)

There is also a regional component towards views on homosexuality. Inhabitants of Kyiv and Crimea show the most tolerance towards LGBT people. Urbanisation explains this higher

tolerance, according to Martsenyuk. People in Western and Northern Ukraine seem to be the most homophobic. (Martsenyuk, 2012, 54)

Besides age and region, also gender and education play a role in understanding the levels of tolerance within the Ukrainian society. Women and high-educated persons seem to be less homophobic than their male and less-educated counterparts. (Martsenyuk, 2012, 53)

There are two main reasons for the decline in acceptance of homosexuality. First of all, Martsenyuk refers to an increased visibility of the LGBT-movement. The negative image portrayed by the media and politicians about LGBT-issues is the second reason. (Martsenyuk, 2012, 54)

It can be said that the political direction before EuroMaidan was Russia. In 2012 the first reading of a bill concerning an 'anti-propaganda law' for Ukrainian LGBT-organisations got accepted by the Ukrainian parliament. After the revolution, there was no legal continuation of this bill. Ukrainian politicians seem to have set their minds more towards Europe since 2014.

What started as an urge towards a more integrated Ukraine in the European Union, became one of the most astonishing revolutions of the last decade. The EuroMaidan movement became a broad movement against corruption, more democracy and a more equal Ukraine.

The former minister of education and science of Ukraine Serhiy Kvit wrote an article on "the ideology of Euromaidan". During EuroMaidan, all kinds of people fought side by side. From nationalists to LGBT-organisations. They had one common goal: overthrow the (former) Ukrainian regime. That's why, according to Kvit, there were only marginalised hostilities in between the people at Euromaidan (Kvit, 2014).

Kvit stresses that the main value of the EuroMaidan is 'unity in diversity'. Finding what these groups had in common is a complex exercise. The former minister stresses that the protesters should be considered as individuals and not as interests (Kvit, 2014).

Russia should not consider the revolution in Ukraine as a threat towards its sovereignty, but as a threat towards 'Russian autocracy', according to Kvit. He argues that the Russian intervention in Eastern Ukraine and Crimea proves that EuroMaidan was also about ideology. He also refers to Timothy Snyder who stated that EuroMaidan led to a 'unification of the unconnectable' (Kvit, 2014).

Organisations from different, sometimes conflicting, backgrounds fought shoulder to shoulder. Their own agendas transcended the broad agenda of the EuroMaidan revolution. At the same time, LGBT-organisations fought together with far-right organisations without any big problems. (Kvit, 2014, 31)

Some observers found out that participation in the Euromaidan protests gave women more self-confidence. Scholars see progress in the role of women in Ukrainian politics. Two women participated in the presidential elections of 2014 and three women were offered cabinet positions in the new government. Gender experts work closely together with the Ukrainian government to increase gender equality (Phillips, 2014, 414-426).

In March 2011 there were 32 registered LGBT organisations, 1 association of LGBT organisations and 26 informal LGBT groups. Martsenyuk says that the LGBT-movement in Ukraine has both internal and external goals. Their internal goals are "developing the LGBT community as a public force in civil society". The external goals are "achieving equal rights and opportunities for LGBT people". If the LGBT community doesn't want to be further marginalised, it should move closer to the 'Ukrainian civil society'. Martsenyuk thinks that linking LGBT-issues to issues like xenophobia can 'teach' the Ukrainian society (Martsenyuk, 2012, 54-57). Ukrainian political elites from the wider political spectrum seem to be homophobic. For instance, Olexandr Turchynov - the 'second-in-command' of the Tymoshenko group - categorised same-sex marriage as a sin. The homophobic discourse of politicians was seen by the author as one of the main reasons for the intolerance towards LGBT in the Ukrainian society (Martsenyk, 2012, 58). Today the situation for NGO's striving for LGBT-equality remains the same. There are still a lot of organisations and little coordination between them. But the environment and cooperation with the government have changed. Representatives of the LGBT-community often meet with government officials from the Ministry of Internal Affairs and the Ombudsman of Ukraine. According to Nash Mir-activist Andrii Kravchuk, LGBT-friendly politicians can be found in several major political parties. He states that the 'Poroshenko Block', the party of the current Ukrainian president Petro Poroshenko, is the most LGBT-friendly political movement in Ukraine's history. But also within the party of former Ukrainian prime minister Yulia Timoshenko, some politicians are more open towards LGBT-rights than before. Kravchuk argues that this is because of the spirit of European integration. Ulyana Movchan, an activist of NGO Insight, is less enthusiastic. She stated: "*In reality [...] they did not become progressive. But they think that they should be more progressive.*".

Despite legal improvements (see chapter 5), Ukraine remains a rather homophobic country. Nash Mir, one of the biggest LGBT-organisations in Ukraine, received 226 reports about homophobic incidents in 2017. According to the NGO, this is only the tip of the iceberg. LGBT-people often don't trust the government or NGOs. This is why most homophobia stays under the radar. The governmental organisation dealing with the issue of homophobia is the Ombudsman of Ukraine. Last year they received only 27 reports (Ombudsman of Ukraine, 2018). Activists also stress that on the ground police officers don't always follow the legislation if LGBT-people report homophobia. If it comes to the enforcement of legislation, the Ukrainian government still has a lot of work to do. Since the beginning of this year, the Patrol Police Academy introduced classes for recruits on anti-discrimination matters. They asked for and got

the support of the Canadian police mission to Ukraine for this specific issue. This shows that the executive branch of the Ukrainian government takes the issue more and more seriously.

Religion still plays a big role in Ukrainian politics. According to NGO Article 19, the Council of Churches hindered the adoption of several international treaties in the Ukrainian parliament (Article 19, 2018, 90).

Homophobic incidents happen quite often. They differ in scale. People get physically attacked on the streets by individuals. But far-right groups also organise homophobia more structurally. In 2016 the Equality Festival organised by NGO Insight in Lviv was physically attacked and made impossible by right-wing groups. In that year, a lot of homophobic incidents were reported during the Kyiv Pride as well. The Ukrainian government took measures to secure events organised by the LGBT-community. According to ILGA-Europe these actions are very impactful and secure the 'freedom of assembly'.

Since the annexation of Crimea by the Russian Federation and the occupation of the Donbas region by separatists in 2014, the law in these regions is mainly based on Russian law. This means a worsening of the situation for LGBT-people in this region. According to Nash Mir, LGBT-organisations in Kyiv help internally displaced LGBT-persons from this region by providing free shelter (Interview Nash Mir).

As Martsenyuk puts it, the discourse of Ukrainian politicians before EuroMaidan was homophobic (Martsenyuk, 2012). Since EuroMaidan the executive branch of power showed their commitment towards the fundamental rights of the LGBT-community. Not only by introducing new laws (see chapter 5), but also by improving the security of Pride Marches and enforcing legislation. As a Nash Mir-activist puts it, the Poroshenko government is the most friendly government towards LGBT-people in Ukrainian history.

5. Legal changes since EuroMaidan

According to one of the founding members of Nash Mir, EuroMaidan is by far the most important political event since Ukraine's independence. Since EuroMaidan the legal situation for the LGBT-community has changed.

According to activists, the revolution brought more visibility to the problems of the community. Pride Marches throughout the country grew and became more secure with the help of the local authorities. According to an EU-official and a lobbyist of ILGA, it is important for the Ukrainian authorities to make sure these marches happen without incidents. The possibility to organise Pride Marches has been seen as an important part of the 'Freedom of Assembly'. ILGA-Europe stated that the Ukrainian government is doing a good job in securing them.

Progress reports of the European Union on the implementation of the goals to conclude an Association Agreement stated a few times that the Ukrainian government was lacking behind for years in the introduction of anti-discrimination legislation (European Commission, 2013). When the new regime came to power, this legislation was introduced within a year.

On a legal level, things have changed since the regime changed. In 2013 Ukraine received a score of 12% on the Rainbow Index of ILGA-Europe. In 2017 this score was 19%. Ukraine is ranked on the 36th place among 49 countries. The Rainbow Index "reflects the legal and policy rights situation of lesbian, gay, trans and intersex (LGBTI) people in Europe" (ILGA-Europe, 2017, 2013). The information gathered in this report is gathered directly by local activists.

An amendment to the labor code has been approved to ban discrimination on the grounds of sexual orientation and gender identity. The National Human Rights Strategy includes the introduction of a more broadly anti-discrimination legislation as well. This law would include sexual orientation and gender identity. According to activists, the current Ukrainian government lacks behind in the execution of these plans.

Another legal implication of the Revolution of Dignity was the shutdown of the legal procedure to introduce a 'Russian style' anti-propaganda law in Ukraine. The law would ban any public communication in favour of the demands of the LGBT-community. It was adopted by the Ukrainian parliament after the 'first reading' in 2012. After the revolution, the legal procedure to implement the law was shut down.

Local LGBT-organisations and ILGA-Europe complain about the enforcement of the laws and the empathy of the local authorities. The Ukrainian government does not only take efforts on paper but also tries to enforce them in real life. Since January 2017 the Patrol Police Academy introduced anti-discrimination courses within the curriculum of new recruits. The way the local authorities of Kyiv secure the annual Pride also shows their commitment to the issue.

The Action Plan to implement the National Human Rights Strategy also includes the introduction of civil partnership for same-sex couples. But according to UNIAN, the Ministry of Justice declared that protest in the Ukrainian civil society is too big for this (Shevchenko, 2018). The Ukrainian government also lacks behind in time in implementing the Action Plan, according to activists and a high-ranking source at the EEAS. There are still no signs of the implementation of a broader anti-discrimination legislation, as proposed in the Action Plan.

The regime change clearly brought changes on a legal level for the LGBT-community. The continuation of an anti-propaganda bill was shut down and an amendment to the labor code that prohibits discrimination on the grounds of sexual orientation and gender identity was introduced. Serious measures were undertaken to secure Pride marches.

6. Factors of influence

World politics is all about having influence. In most well-known cases this is about trade or other economic relations between countries. As Manners already described in 2002, countries or organisations can also have an impact on other countries or organisation domestic policies. Manners called this 'normative power' (Manners, 2012). From the content of the in-depth interviews, three main influencers were identified: the European Union, the internal Ukrainian influencers and the Russian Federation. It is important to note that these different types of influence are interlinked. EuroMaidan is seen in this research as an internal Ukrainian factor, but as mentioned above one of the key themes of the revolution was euro-integration. Same thing for religion. The Ukrainian Orthodox Church is a rather internal factor but has strong ties with the Russian Orthodox Church. Another example is the anti-Russian spirit in Ukraine. This spirit became mainstream in the Ukrainian political landscape, because of the EuroMaidan revolution. The coming paragraphs will elaborate on this three types of influence by digging in in their characteristics.

6.1 European influence

From what's mentioned above, it seems logical that the European Union played an important role in the liberalisation of certain legislation for LGBT-people. It is important to identify how the EU can do that. Therefore it is important to note that there are two types of influence the EU could have had. This has been found clearly through thematic discourse analysis. The first form of influence is direct impact. Through issue-linking, the EU asked the Ukrainian government to implement certain LGBT-friendly policies during negotiations. Besides direct impact, the EU also had an indirect impact. Since the EuroMaidan revolution, the political direction of the Ukrainian regime is set to "euro-integration". The so-called "European spirit" convinces some Ukrainian politicians that they have to undertake steps to ensure the fundamental rights of the Ukrainian LGBT-citizens. In contrast, indirect impact can be witnessed on other stages as well. The EU Delegation and the embassies of EU member states often support LGBT-organisations in the country. In the coming paragraphs, all these types of influence by the European Union will be clarified more extensively. These will take a deeper look at the different parts of negotiation power the EU has. As identified above they will be handling the Association Agreement, the visa-liberalisation, the European spirit and other types of impact by the European Union.

6.1.1. Association Agreement

The negotiations on the Association Agreement between the EU and Ukraine were finished in 2015. It took years and years and a regime change to negotiate this. According to EU-experts, the Association Agreement is not the main instrument to advocate for more LGBT-friendly policies within the EU.

The Association Agreement itself makes no mention about LGBT-rights, nor mentions 'sexual orientation' and 'gender identity'. Only general notes about human rights' issues are made in the Association Agreement itself. For instance Article 14 asks for 'respect for human rights and fundamental freedoms'. As mentioned above, EU-officials see the possibility of safe Pride Marches in Ukraine as a part of the 'freedom of assembly'. Not only from EU-side the safe happening of a Pride March is seen as an important part of the Freedom of Assembly, but also the Ukrainian MP Svitlana Zalishchuk acknowledges that this is about fundamental freedoms.

While most interviewees agree that the Association Agreement was not the most influential negotiation method of the EU to advocate for LGBT-equality, ILGA-Europe and an official of the European External Action Service mention that there is still room for improvements during the monitoring of the agreement. A European Parliament Policy Document acknowledges this. But it states that it still is the only agreement of its kind with such a comprehensive attention for human rights (Ràcz et al., 2018, 17). According to the advocacy officer of ILGA-Europe the annual Association Councils, organised by the European Commission, have some interest in human rights. Also, the official of the EEAS stressed the commitment of his organisation to try to improve legal conditions for LGBT-people during the monitoring of the agreement. This commitment can be found in official documents as well. In March 2015 the Association Council created the 'EU-Ukraine Association Agenda'. It is a roadmap on how to implement the Association Agreement. As mentioned above, the Association Agreement only mentioned human rights in very broad terms. The Association Agenda is more specific. The document specifically calls the Ukrainian government to 'combat the growth in intolerance and the incidence of hate crimes'. Amongst racism, xenophobia and anti-Semitism, homophobia is specifically named as one of the grounds of discrimination. Besides tackling hate crimes the Association Agenda also asks the Ukrainian government to ensure the 'freedom of peaceful assembly' (EU-Ukraine Association Council, 2015, 11-12). Besides the Association Council, also an EU-Ukraine Civil Society Platform was created. A roadmap was created which 'aims to mainstream civil society in EU-Ukraine cooperation and increase its capacity in the area of human rights monitoring' between 2014 and 2017 (Ràcz et al., 2018, 18).

6.1.2. Visa-liberalisation

On 6 April 2017, the European Parliament made it legal for Ukrainian citizens to travel to the EU without a visa (Ràcz et al., 2018, 42). This decision was taken after years of negotiations on the regime for visa-free travelling to the European Union. According to most interviewees, the negotiations were way more influential for the improvement of the legal status of LGBT-citizens. During the negotiations about the visa-free regime for Ukrainian citizens two main documents listed important limits on human rights for the Ukrainian government: the 2007 Visa Facilitation and Readmission Agreement and the 2010 Visa Liberalisation Action Plan.

It took years and years for the European Union negotiators to convince the Ukrainian policy-makers to approve an anti-discrimination clause for sexual minorities in the labor code. Several so-called 'Progress Reports' mentioned that the Ukrainian government was lacking behind in achieving these goals. Initially, the EU even asked for a more general anti-discrimination law, but they had to lower their ambitions during the process. In 2013 the first draft of an amendment to the labor code was presented to the Ukrainian Parliament (European Commission, 2013, 3). It took until autumn 2015 for the Ukrainian Parliament to approve the amendment.

According to the EU-lobbyist of ILGA-Europe, the visa liberalisation was the most important negotiation moment to lobby for LGBT-rights in Ukraine. They got exactly what they asked for: anti-discrimination legislation on the grounds of sexual orientation and gender identity in the labor code. In the beginning, it was even difficult for ILGA-Europe to convince local activists about the possibility to amend these provisions to the labor code. This is why lobbying for this was not only necessary in Brussels. ILGA-Europe also organised advocacy meetings in Kyiv. Not only to talk with officials, but also to give the local activists tools to lobby for their issues. Not only ILGA-Europe acknowledges the impact of the visa-liberalisation, but also the EEAS interviewee agrees to that. But he also acknowledges that they did not achieve the most ambitious outcome for LGBT-rights. According to his views, a more ambitious outcome would have been a general law that prohibits discrimination on the grounds of sexual orientation and gender identity. As mentioned in the paragraphs about the Association Agreement, he stresses the vulnerability of the anti-discrimination amendment in the current labor code. The EEAS will suspend the Association Agreement if this clause disappears in the new labor code. But he says the situation is not as vulnerable as it is with the anti-corruption clauses in the visa-liberalisation agreements and Association Agreement.

It was never explicitly mentioned in any policy document, but several sources confirm that it was via the visa-liberalisation negotiations that the EU blocked the anti-propaganda bill for the LGBT-community in Ukraine. The EEAS-official confirmed that such a law would endanger the Freedom of Assembly in Ukraine and that the reaching of the goals for an agreement with the EU on visa-free travelling would have been very difficult.

The visa liberalisation did not only bring legal improvements to the condition of LGBT-people, according to Roman Baiduk, a high-ranking official of the Ukrainian Police. He sees the young Ukrainians who were able to travel and study in the European Union as 'agents of change inside Ukraine'.

6.1.3. Other tools

Besides the two tools of influence, as mentioned extensively above, other factors of EU-influence can be distinguished. These factors of influence came up during the interviews with officials and activists from both the European side and the Ukrainian side. These factors are both direct and indirect.

The Human Rights Dialogue between the Ukrainian government and the European Union is another instrument to liberalise human rights conditions in Ukraine. This Human Rights Dialogue is held every year since the signing of the Association Agreement. Since its existence, LGBT-rights have been on the agenda of the conference every year. The joint press release afterwards also explicitly refers to LGBTI as a topic during the talks (EEAS, 2015, 2016, 2017). According to the advocacy officer of ILGA-Europe, these Human Rights Dialogues are far more influential for European human rights lobbyists than the negotiations before the signing of the Association Agreement. She also stated that for LGBT-issues these talks are more influential than the Association Dialogues. These dialogues are set up to monitor and evaluate the evolution of the Association Agreement.

The Delegation of the European Union to Ukraine monitors the most pressing issues concerning the LGBT-community. They also maintain contacts with local LGBT-activists as well. According to a high-ranking official of the EEAS, they were the main EU institution to lobby for a safer Pride March.

Since member states of the EU take action on LGBT-issues in Ukraine themselves on several levels, the direct influence of European governments goes beyond the institutional agreements of the European Union. One level of influence is the financial aid for LGBT-organisations by member states' embassies. Both Ukrainian activists interviewed for this master thesis declared that they received financial aid for their activities. This aid is for different types of activities. European member states' embassies do not only support the daily activities of LGBT-organisations, but also the organisation of conferences or the research for policy papers. The conference on homophobia by Nash Mir in February 2018 was co-financed by the British embassy. The annual report of Nash Mir, called 'On The Rise', was co-financed by the Dutch and British embassy. The Dutch, Swedish, German and British embassies are among the most important donors for Nash Mir. Little to no funding has been received from any Ukrainian governmental organisation.

Besides financial aid, member states also encourage LGBT-friendly policies on another level. In the light of the reform of the Ukrainian police, European governments support the current Ukrainian government by sending police missions to the country. These police missions should help the current Ukrainian police in their fight against corruption and the enforcement of the

fundamental rights of the Ukrainian citizens. Since the beginning of this year, the Patrol Police Academy started to organise classes on anti-discrimination legislation for new recruits. These lectures are being monitored by the Canadian Police Mission to Ukraine and have a special interest in dealing with homo- and transphobia. According to Roman Baiduk, the cooperation with European police forces is still in its infancy, but he hopes that his Police Academy will become a member of the European Association of Police Colleges.

6.1.4. European spirit

Moving from forms of direct impact to forms of indirect impact brings this master thesis automatically to the current 'European spirit' in Ukraine. Since EuroMaidan the mindset of the political elite in Ukraine is one of European integration. LGBT-equality is more and more considered as a part of the common set of values shared within the European Union. This is why the Ukrainian officials seem to be more progressive towards LGBT-issues than before.

Leonhard Den Hertog, a policy advisor to a Member of the European Parliament, talks about the 'soft power' of the EU. An indirect impact of the EU-countries is for instance when the current Ukrainian governmental elite, got educated in an EU member state. This can amplify the idea of a 'progressive European set of values' versus the idea of a 'traditional Russian set of values'. Roman Baiduk, a high-ranking official within the Ukrainian police, interviewed for this master thesis, achieved a Master's Degree in European Interdisciplinary Studies at the College of Europe in Warsaw.

The advocacy officer of ILGA-Europe underlines that what the Ukrainian government is doing right now, is going beyond the implementation of LGBT-friendly legislation. During the interview, she explained extensively how the local authorities of Kyiv secure the annual Pride March. According to her the force that is shown to secure this demonstration is never seen in the world. This shows for her that the current Ukrainian government takes LGBT-issues very serious. Of course it should be noted that this is mainly because of the demand by the European Union. The importance of the 'Freedom of Assembly' has been expressed both in policy documents like the Association Agreement and the in-depth interviews conducted with people working or on the EU-side.

6.2. Internal influence

Besides European influence, also other factors have an impact on the perception of homosexuality by the Ukrainian political elite. Internal influence can be considered as all domestic factors that have or could have had impact on the recent introduction of LGBT-friendly policies. As mentioned above, the European Union was far more influential for LGBT-rights than any domestic or any other international influencer. To keep the bigger picture, it is

necessary to not only focus on the European impact. Three internal factors will be discussed in the coming paragraphs. The first one is a rather positive factor. This factor refers to the 'Revolution of Dignity' and the impact on the perception of the political elite about homosexuality. The other two factors are rather negative: religion and nationalism. They lead to conservatism and traditionalism. These factors will be examined more extensively through thematic discourse analysis in the coming paragraphs.

6.2.1. Revolution of Dignity / EuroMaidan

The Revolution of Dignity began as an urge towards more European integration. Social groups from all over the country started to protest against the Yanukovich regime and their pro-Russian stance. The Revolution of Dignity was extensively discussed in the chapter on 'EuroMaidan'.

All Ukrainian officials interviewed for this research agree that since EuroMaidan things have considerably changed for the LGBT-community. MP Svitlana Zalishchuk stresses that since EuroMaidan the LGBT-community and its problems became more visible to the public. At the same time, the representative of the Ombudsman of Ukraine states that it is mainly the executive branch of the government whose views on homosexuality turned more progressive. She refers to the failure to adopt the treaty of the Istanbul Convention in the Ukrainian Parliament. Article 4 of this Council of Europe Convention on preventing and combating violence against women and domestic violence clearly prohibits overall discrimination on grounds of sexual orientation (Council of Europe, 2011). Nor the Ukrainian parliament under the Yanukovich regime, nor the elected parliaments after EuroMaidan did adopt this convention. But according to MP Zalishchuk the Ukrainian Parliament "maintains steady interest to the Istanbul Convention and possibility of implementing its provisions in the Ukrainian legal system".

The representatives of the Ukrainian LGBT-organisations interviewed for this master thesis agree with the officials. The LGBT-expert of Nash Mir named several high-ranking government officials that showed support for the LGBT-community since EuroMaidan. According to him, EuroMaidan did not only change the minds of politicians but also changed the minds of the wider public. Ulyana Movchan (Insight NGO) agrees with that. She states that EuroMaidan gave visibility to the LGBT-community.

From the EU-side, the impact of EuroMaidan is less clear. Dayna Radusza (ILGA-Europe) stated that despite Poroshenko being a big change, she cannot say if EuroMaidan was the big changer. She stipulates that this question can only be answered by local activists. Within the EEAS they find it much more easy to discuss LGBT-topics with the Ukrainian governments since EuroMaidan.

6.2.2. Religion

Religion has been seen as one of the biggest struggles for more LGBT-equality throughout the world. Ukraine is an ethnically diverse country, but the Eastern Orthodox Church can be considered as the leading religious leader in the country. Since religion does not stop at the borders of a country, it is not just a domestic factor. It is interlinked with Russia and the European Union as well.

According to an MEP policy advisor, the religious lobby is better organised and has more funds than the pro-LGBT lobby. The policy advisor and the representative of the Ombudsman of Ukraine both state that members of parliament find it difficult to think outside their own religious beliefs. Rondiak is stating that on a Ukrainian level. Den Hertog states that the religious lobby has also been integrated into the European Parliament. He refers to the president of the European Parliament, Antonio Tajani, who would not act against his own Catholic beliefs.

According to the police official Roman Baiduk, Ukraine is less religious than for instance neighbouring country Poland. For him, religion does not totally explain the homophobic stances of the Ukrainian population. Their impact on the current political debate should indeed not be overestimated. This year a petition submitted on the website of the president of Ukraine that asked the presidency to reconsider its ideas on homosexuality and traditional family values was deleted by the office of the president. According to the Ombudsman of Ukraine, the petition was violating the rights of the LGBT-community (Union of Orthodox Journalists, 2018).

Within the Eastern Orthodox Church, it seems that there is no debate about the stance on LGBT at all. But a book published in the USA in 2016 and written by an anonymous Eastern Orthodox Bishop tells another story. This book lists up why a person can be homosexual within the religious beliefs of the Eastern Orthodox Church (An Eastern Orthodox Bishop, 2016).

6.2.3. Nationalism

Another interesting factor that could have an impact on the perception by the current political elite in Ukraine of homosexuality, is nationalism.

During the EuroMaidan revolution not only pro-European citizens were protesting against the pro-Russian regime, but also far-right nationalistic forces did. These groups are assumed to be less pro-European. After the invasion of Crimea by the Russian Federation 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 Donbas region.

According to Roman Baiduk, because of EuroMaidan, the opinions of far-right nationalists shifted "in a more human way". He stated that this is because of the fact that LGBT-people were fighting next to nationalists to overthrow the former Ukrainian regime. But although their opinions may have shifted towards a more "human way", they still are not very open towards LGBT-equality. Especially on the local level, hostilities by authorities towards the LGBT-community become visible. These local authorities sometimes refuse to cooperate with the central government in Kyiv. One example of this is the mayor of one of the major Ukrainian cities Ivano Frankivsk, Martsinkiv Ruslan. According to a government official, he states that he won't create a safe environment for the LGBT-community since they can't be considered as patriotic citizens.

Right-wing nationalists are seen as a real struggle for the demands of the LGBT-community. Because of their help in the fight against the separatists in the East, they have the possibility to increase their social impact. People show some respect for them. The right-wing groups have shown a lot of hostilities towards the LGBT-community. They try to disrupt LGBT-advocacy events like the Pride March but also undertake certain actions on a daily basis. According to NGO Insight, "*they can attack [...] only because of their appearance or when you just take the hands of your friend*". In May 2018 the Azov battalion attacked an Amnesty International conference on LGBT-rights in Russia which was organised in Kyiv. The police did not react to the attack (Amnesty International, 2018).

Besides the changes in the political mindset towards more European integration, the internal factors may rather slow down the further development of LGBT-rights in Ukraine. Both religion and nationalism have their impact on national politics in the post-Soviet republic. While the impact of religion, is according to interviewees, rather limited, the impact of nationalism should not be underestimated. Since the Ukrainian government relies on these nationalists, they have a disproportionate impact on the policies of the Ukrainian government.

6.3. Russian influence

Since ages, Russia has been the most important (foreign) power in the territory of Ukraine. After the breakdown of the Soviet Union, Ukraine became an independent republic. Nonetheless, the country remained to have narrow ties with Russia. The two major political events, the Orange Revolution of 2004 and the Revolution of Dignity of 2014, can be framed somehow as anti-Russian. The debate about Russian influence on the domestic political agenda in Ukraine has been present since its independence. Russian influence may not be as influential as the European and internal influence, it still plays its role in Ukrainian politics. Therefore it is necessary to distinguish the types of influence that are related to the Russian Federation. Through analysing the interviews two negative factors and one positive factor for the perception of homosexuality by the Ukrainian political elite can be found. The positive factor is

the 'anti-Russia spirit'. The negative factors are Russian propaganda and the occupation of Crimea by the Russian government and the occupation of the Donbas region by pro-Russian separatists.

6.3.1. Anti-Russian spirit

As mentioned several times above, EuroMaidan was a pro-European and an anti-Russian revolution. It was a threat towards Russian autocracy (Kvit, 2014). Especially since the annexation of Crimea by the Russian Federation relations between both countries are totally disrupted. LGBT-activist Kravchuk states that the situation for the LGBT-community has never been as good in Ukraine as today. Even in times of peace, the situation was worse, according to the activist. According to a high-level official of the EEAS, there was a very popular saying amongst the demonstrators during the revolution: "*Better Brussels gays, than Kremlin faggots*".

Since the introduction of an anti-propaganda law in 2013 by the Russian Duma, Russia is seen in the world as the leader against LGBT-rights (Ayoub, 2016). High-level Russian politicians often present a very hostile position towards LGBT-citizens and propagate traditional family values. In the build-up to the 2014 Sochi Winter Olympics, a lot of international attention was given to the situation for the LGBT-community in Russia. This made the division between Russia and the West very clear.

A majority of Ukrainians became very hostile towards the Russian Federation. This led to a marginalisation of pro-Russian politicians, according to police official Roman Baiduk. He stated: "*All values propagated by Russia [...] are considered by many citizens of Ukraine as the values of our enemy. And, respectively, the values of Western World [...] are considered as values of our allies against Russia. So even people who are very sceptical [...] towards rights of minorities (including LGBT) now often are forced to change their statements to a more balanced one in order to avoid accusations of a pro-Russian position*".

The EEAS official stated that the more progressive stances towards the LGBT-community came "both ways". The Russian influence was a very hindering factor for the EU to propagate for LGBT-issues by the Ukrainian government before EuroMaidan. As the EEAS official puts it, since EuroMaidan Ukrainian officials try to be coherent with their aspirations. This means a less hostile position towards the LGBT-community and the securing of their fundamental freedoms. The authorities also see it as a way to get away from Russia.

Getting away from Russia was also a reason to introduce more LGBT-friendly policies in the recent years in the opinion of Radusza (ILGA-Europa). Countries wanting not to be associated with Russia is something that has been seen more and more in the recent decades. Radusza

referred to the Baltic states who were among the first to welcome Chechen refugees that fled from the “concentration camps” for homosexuals in the Russian region.

6.3.2. Russian propaganda

As in Soviet times, Russia tries to build a ‘sphere of influence’. This ‘sphere of influence’ basically is the neighbouring countries, basically post-Soviet republics, that rely on Russia on an economic and social level. Roman Baiduk puts it as “Slavic Orthodox brotherly countries”, but according to several NGOs, it goes beyond religion. Russia tries to spread its traditional family values into all former post-Soviet republics. At the end of 2017 Amnesty International released a report about the Russian influence on LGBT-rights in Armenia, Belarus, Kazakhstan and Kyrgyzstan. According to the NGO LGBTI-activists in these countries witness a status quo. This status quo is due to the political debate about being pro-Russian and pro-Western. Nonetheless, the situation for the LGBT-community remains very tense (Amnesty International, 2017). A status quo could be witnessed in Ukraine until 2014 as well. Legal changes for the LGBT-citizens were in the pipeline. An anti-discrimination amendment to the labor code was already on the table since 2013. But the possibility of anti-gay propaganda law was very high since 2012 as well. Since the revolution, only legal steps were taken to improve the living conditions of the LGBT-community.

Despite the anti-Russian spirit in the country, Russia still remains their efforts to spread propaganda on traditional family values in Ukraine. According to MP Zalishchuk besides a physical war, there is an information war by Russia against Ukraine as well. She states that Russia wants to split the society. Russian officials often speculate on the introduction of same-sex marriage in the country. Further European integration is seen as a fading of sexual standards (Slootmaeckers, 2017). Russian media and officials often portray the European Union as ‘Gayropa’ (Ayoub, 2016). Insight-activist Movchan stated that this ‘Gayropa’-rhetoric from the Russian government became very visible after the Revolution of Dignity.

6.3.3. Occupation

Since the occupation of Crimea and the Donbas region, a lot of the political efforts go to these conflicts. Officials often tell that it is no time for anything else besides fighting the war. Since the occupation of these regions, the situation on the ground for homosexuals has became worse. According to activists a lot of gay people have migrated to other cities in Ukraine. These people are called internally displaced persons. One of the interviewees for this research is an internally displaced person, Andrii Kravchuk. Nowadays he lives in Kyiv, but his parents still live in the Donbas region.

Crimea was one of the most LGBT-friendly places before the annexation by the Russian Federation (Martsenyuk, 2012). There was even an openly gay resort, according to Kravchuk. Since Crimea was annexed by Russia it is basically under the Russian law. This kind of places can't exist under the law on gay propaganda in Russia anymore. ILGA-Europe also acknowledges the worsening of the situation on the ground for the LGBT-community in these regions.

Activist Movchan says she can understand the stance of the government officials stating that it's not the time for anything else but fighting the war. But she stated that if the Ukrainian government wants to integrate more in the European Union, there is no way to ignore the demands of the LGBT-community.

Russia may not be as influential as before in Ukrainian politics, it still plays its role. Just like the pro-European spirit, the anti-Russia spirit leads to the further development and commitment of LGBT-issues by the Ukrainian government. While EU influence led to a liberalisation of LGBT-policies on a national level, in Ukrainian regions it may differ. Especially a backlash can be determined in the Russian occupied Crimea. In practice, Russian law applies to this area. In the Donbas region policies towards the LGBT-community seem to be shifting to Russia as well. This region is led by pro-Russian separatists. During the EuroMaidan revolution a very hostile rhetoric towards the LGBT-community could be determined, but since then no evidence can be found of a serious impact on LGBT-issues by Russian propaganda.

7. Wielding EU-influence

While LGBT-activists are happy that the recent negotiations with the EU, changed something for the good for of them, Ksenia Rondiak is less positive about it. Rondiak is head of the unit for Monitoring and Response to Discrimination Issues at the Ombudsman of Ukraine. She stated that the politicians only approved this bill because they had to from the EU.

Four major policy shifts were discussed in chapter 5 and 6. The amendment to the labor code, the abolishment of the anti-propaganda bill, the National Human Rights Strategy and the securing of the Freedom of Assembly were mainly passed because of European influence.

Amongst all Ukrainian interviewees there is a wide understanding that the Ukrainian government should be liberal towards the LGBT-community if they want closer cooperation with the European Union. That's why they all agree that since the EuroMaidan revolution and the pro-European regime change the legal situation for LGBT-citizens became more liberal.

Several Progress Reports for the Action Plan for visa-liberalisation mentioned the demand of the European Commission to implement anti-discrimination legislation in the labor code. The

2015 Progress Report explicitly mentioned the fulfilment of this demand as a ground to approve the visa-free regime. It was one of the reasons why the European Commission decided to approve the visa-liberalisation for Ukrainian Citizens (European Commission, 2015, 10-11).

The European demand to abolish the anti-propaganda bill is in line with the commitment of the European institutions to the 'Freedom of Assembly'. This right is one of the fundamental rights of the EU and is based on and can be found in the Association Agreement as well. According to an EEAS-official, it would not have been possible to finalise the negotiations about the Association Agreement and the visa-liberalisation without the abolishment of this law. It was a direct request of the EU to abolish it before continuing the negotiations. The EU delegation's efforts to secure the Pride march in Kyiv is also in line with this commitment.

Considering the pro-European spirit in Ukraine, the outcomes on LGBT-issues after the negotiations were rather limited. This is in line with the 2015 findings of Schimmelfennig (see 7.1). A more ambitious outcome would have been a general anti-discrimination legislation in all spheres of life, according to an EEAS-official and the advocacy officer of ILGA-Europe.

The influence of the European Union did not stop after finalisation of the Association Agreement and agreement on the visa-liberation. The commitment of the European Union's institutions towards human rights in Ukraine can be seen in the suspension method created for breaches by the Ukrainian government in the Association Agreement. As mentioned above, recently Ukraine amended anti-discrimination grounds for sexual orientation and gender identity to their labor code. According to an official of the EEAS, the current labor code dates back to Soviet times. This means that it is required to make a whole new labor code in the coming years. The EEAS will extensively monitor if the anti-discrimination clause for sexual orientation and gender identity does not slip out of the new labor code. If this happens, the EU will suspend the Association Agreement with Ukraine, according to the high-ranking official of the EU. Also, the policy document of the European Parliament on human rights issues underlines the possibility of suspension if there are breaches in human rights issues in Ukraine (Ràcz et al., 2018, 17).

Another important factor for the success of LGBT-community during the negotiations is their connection with commissioner Malmström. At the key moment of the negotiations, she was one of the leading commissioners in the process and an ally of ILGA-Europe.

7.1. Nuances to EU-influence

The impact of the EU on third countries is subject to debate. In essence: the more pro-European the political elite in a third country is, the more they are willing to adopt EU-regulations. On the subject of human rights the impact of the EU is rather low (Schimmelfennig, 2015).

The research of Schimmelfennig can be applied to the Ukrainian case. As discussed above, the EU had a few instruments the last years to influence the Ukrainian political elite on LGBT-issues. Nonetheless, the outcomes were not very ambitious, according to an official within the EEAS. The advocacy officer of ILGA agrees that the outcomes of the EU were not very ambitious. According to her, the EU does not want to bother their own member states since debates on LGBT-issues are still very contentious within the EU as well.

In the final stages of the negotiations the EU asked for the abolishment of the 2012 approved anti-propaganda bill and the introduction of an amendment to the labor code to prohibit discrimination on the grounds of sexual orientation and gender identity. This may be considered as the absolute minimum, according to an EU-official and an advocacy officer to the EU. The amendment to the labor code is a necessity to be in line with EU regulations. A 2000 EU Labor Directive prohibits the discrimination on the grounds of sexual orientation within the European Union.

The EU does not only influence Ukrainian LGBT-politics directly. Support of member states' embassies to the activities of LGBT-organisations in Ukraine can also be considered as an indirect form of European influence (as determined in 6.1.3.).

According to the Ukrainian MP Svitlana Zalishchuk, the European Union cannot just impose LGBT-rights on a society. A debate needs to be done extensively, according to the Ukrainian MP. She sees the EU as a valuable partner to the Ukrainian government to encourage them to improve human rights conditions. For the Ombudsman interviewee, the impact of the EU does not go far enough. A distinction between the perceptions on LGBT-issues can be made between the legislature and the executive branch of the government. While the debate on LGBT-issues in the Ukrainian parliament is still very contentious, this is less the case within the Ukrainian government. Ulyana Movchan (Insight) argues as well that the main reason for the more progressive perception of LGBT-issues in the recent years is the urge towards more European integration.

Besides European factors, other factors also influenced the policies of the current government in Ukraine. One of them is nationalism. The influence of nationalism is high on a national political level. According to a high-ranking source within the EEAS, nationalists have a

disproportionate impact on national politics in Ukraine. He stated that these right-wing battalions are against a deeper cooperation between Ukraine and the European Union. Local and national authorities shy away from the actions these groups undertake.

Since Russia is propagating traditional family values, some interviewees declared that the aversion towards Russia also plays a role in the shift of political discourse by the Ukrainian political elite. "It's the getting away from Russia thing.", according to Radusza (ILGA-Europe).

8. Conclusion

While the legal status of LGBT-citizens of Ukraine improved in the recent years, the situation on the ground remains rather hostile towards the community. Before EuroMaidan the Ukrainian society was becoming less tolerant towards LGBT-citizens. This was due to the negative perception towards the demands of the LGBT-community by Ukrainian politicians (Martsenyuk, 2012). Activists and officials acknowledge that since EuroMaidan the mindset towards LGBT-rights has changed. EuroMaidan must be seen as a turning point. It set the political direction towards the European Union.

LGBT-equality seems to be seen more and more as a part of the common set of values within the European Union. While the ambition could have been higher, the EU achieved the implementation of four LGBT-friendly legislation. Local activists perceive the EU as the most valuable partner.

Through the visa-liberalisation, and in lesser a extent the Association Agreement, the EU was able to introduce an amendment to the labor code in Ukraine. This amendment prohibits discrimination on the grounds of sexual orientation and gender identity within labor spheres. Representatives of the EU acknowledge that this was not the most ambitious outcome. A more ambitious outcome would have been a general anti-discrimination law in all spheres of life.

Europeanisation has been the biggest influencer for the progress on the legislation for the LGBT-community in Ukraine. Besides direct impact through treaty negotiations, the EU also had an indirect impact. Since the Revolution of Dignity, the political elite in Ukraine is pro-European. This European spirit makes politicians conclude that they have to undertake positive measures for the LGBT-community to be considered more Western.

Progress has been made, but experts state that it is going very slowly. The Ukrainian government is lacking behind in the implementation of their 2020 Action Plan for the National Human Rights Strategy. This strategy would include a broad anti-discrimination law and the introduction of civil partnership for same-sex couples. The Ministry of Justice already declared that they won't introduce civil partnership. Besides the progress the EU made in Ukraine, some hindering factors for the demands of the LGBT-community can be found as well. Far-right nationalists get disproportionate political power, because of their help in the war against pro-Russian separatists. Religion also plays a role in Ukrainian politics. Members of Parliament often don't want to think outside their religious beliefs. Russia can be seen both as a positive

and negative factor for the LGBT-community. Since EuroMaidan the political mindset in Ukraine is anti-Russian. Since Russia is seen on an international level as one of the biggest opposers of LGBT-rights (Ayoub, 2016), the current Ukrainian political elite wants to take decisions which are the opposite of what Russia is propagating. Meanwhile, Russia is still propagating traditional family values into the Ukrainian society, according to activists and officials. They link the European integration with the fading of sexual standards. In the occupied Ukrainian territories the Russian law applies. This means a worsening of the situation on the ground for LGBT-citizens as well.

Europeanisation left and is still leaving the biggest impact on the perception of homosexuality by the current Ukrainian political elite. Russia and domestic factors could hinder the further evolution of LGBT-equality in the Post-Soviet republic. While the EU clearly has a big impact on the perception of homosexuality by the Ukrainian political elite, their ambition could be higher. Russian aggression is not just a hindering factor, the anti-Russian spirit in Ukraine can be seen as a factor of improvement as well.

8.1 Further research

As mentioned above the European Union does not use their full potential as a normative power if it comes to LGBT-rights. It would be very interesting to commit research on the internal and external factors of the EU's reticence on an international level about the rights of sexual and gender minorities.

Another interesting topic of research could be the exercise of drawing a map of countries wherein the former sphere of influence of the Soviet Union the EU has more impact than Russia and the other way around concerning LGBT-rights.

The author of this master thesis commits himself to further research within this field. He has been admitted to a European Master's programme at the European Inter-University Centre for Human Rights and Democratisation. During the application procedure, he showed interest in continuing his work on LGBT-politics in Central & Eastern Europe and all post-Soviet Republics.

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Annex

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Transcript Interview Roman Baiduk

Head of the Department of Legal Affairs and International Cooperation of the Ukrainian Patrol Police Academy

25/02/2018 4:30PM; Пузата Хата, Verkhnii Val St, 30A, Kyiv, Ukraine

Rémy Bonny: So let's start recording. So first of all it would be nice if you could introduce yourself. What your function is and those things. #00:00:13.64#

Roman Baiduk: Sure. So my name is Roman Baiduk. And currently I'm a head of department of international relations and legal affairs at the academy of petrol police here in Kiev. So basically this is a new institution created in the line of recent Ukrainian reforms of law enforcement bodies and what we trying to do now we are trying to reform the Ukrainian police. In a nutshell we are trying to impose so to say American model so each and every new member of Ukrainian police will be in the future because we hope to start his or her service in petrol police and after gain some experience some practical experience on the streets if he or she wants go through some examination, procedures, etc. and become a detective etc. This is why petrol police academy is so important, because basically this is the first institution we are creating police officers. We are picking people from the streets without any previous experience with any law enforcement bodies and we train them and we are providing Ukrainian people with a new member of law enforcement. #00:01:54.66#

Rémy Bonny: Ok that already answered my second question as well. So as I understood you are also responsible for international cooperation#00:02:06.18#

Roman Baiduk: That's exactly... So why it's so important. We are basically aware that our old system which we had as our so to say legacy from the Soviet regime. It wasn't working properly at least and we are trying to reform it. We are try to gain as much experience from our foreign colleagues as possible. In this case we currently using mainly experience from our American colleagues and Canadian colleagues, but we for example we are trying now to establish more and more contacts with countries and police academies from the different countries of European Union. And in general the mission of the European Union here in Ukraine. So we have working contacts and personally I am very optimistic about this because we know that our European colleagues from the European Union have a lot of experience and in any case we are neighbours and we must cooperate, not only on Interpol or Europol line of cooperation, but just as good neighbours. In the line of good friendship and neighbourhood#00:03:34.86#

Rémy Bonny: So which are actually the main member states of the EU who you are cooperating with now? #00:03:40.44#

Roman Baiduk: Currently we established contacts with Austrian academy of police, because currently Austria is residing the European Association of Police Colleges. And we are trying to become a member of this association and we are trying to do this. We established very good cooperation with the Police Academy of Amsterdam actually. So recently we had a major international conference here in Kiev about police education and we had the possibility to communicate with our colleagues, with representatives of different police academy colleges from basically all over the world. From Canada, the United States, from Austria, Netherlands, Croatia, you name it. So we accumulated a lot of experience and currently we are trying to pick out the best for our programme, for our people.

Rémy Bonny: So especially concentrating on the content of cooperation. What is the main content of the cooperation? #00:04:55.48#

Roman Baiduk: The main, like topics?

Rémy Bonny: Yes the main topics... #00:05:00.43#

Roman Baiduk: Well basically we are trying currently in this period of transforming our existing four months programme to a six months programme. And we try to learn as much as possible about more effective way to organise educational process in the police academy and we especially we try to learn from the countries maybe from the former eastern bloc so to say, which had to go the same way as we are here now. To reform the law enforcement, to reform the law enforcement in order to have new modern police patrols. #00:05:55.85#

Rémy Bonny: So you said that your department is already a new department since the revolution. What are in general the changes that happened since the Euromaidan revolution? #00:06:09.74#

Roman Baiduk: Well... Academy academy police academy of petrol police established just last year, so it's not since the revolution. It's a long process and it's established since last year. And basically as an entity as a legal entity. It started functioning just in November of 2017. And only in the beginning of 2018 we are started actual educational programmes, so currently we already have our first cadets and we already teach them. But it's as I mentioned it's very new institution. So we are in a process of formation so to say. #00:06:57.56#

Rémy Bonny: So now focussing more on LGBT-issues. What effects can be seen , oh sorry, what effects can be seen because of the Euromaidan on the perspectives of politicians and government officials on LGBT-issues? #00:07:15.28#

Roman Baiduk: Well, I must say that if we take this special issue in the big field of human rights my personal opinion is that with the revolution of dignity we have a lot of changes, positive changes, positive dynamic. Because off course Ukraine historically as probably each and every country of eastern Europe is quite patriarchal, quite conservative, for example we are not so conservative as a Pole. Because probably Ukraine is not so religious. The revolution was like the impulse to change things to go more deeply probably on this path of westernization. So it was about dignity, it was about human dignity, it was about human rights. And off course you cannot separate this issue from the general issue of human rights. And this is exactly the reason why paradoxically even considering the fact that in the revolution of dignity participated a lot of people of white right wing with nationalistic views. Even those people basically they I am not saying that they changed their being completely, but there point of view shifted. Basically when you are fighting against the right police of regime and risking your life each and every day and you see open representatives of LGBT-community fighting next to you, you may like it or not but you have some shifting in your personal opinions. Your personal perception of such people. I talked personally with a lot of people who actually said to me yes I consider them, meaning the representatives of the LGBT-community, differently now. So now they consider even right wing I'm not saying everybody, but many of them now may shifted their opinion in a more human way. #00:09:55.25#

Rémy Bonny: And that's because of their cooperation during the Euromaidan. #00:09:58.05#

Roman Baiduk: Yes, it is because of when you go through such events with death and life experience. Well basically you have this feeling of comradery. And there were people from any backgrounds, any nationalities, any religion, etc. and including representatives of open LGBT, of representatives of different LGBT-organisations. And this is why I think. And this is the main reason. #00:10:38.06#

Rémy Bonny: And do you think, like you mentioned that Poles are more religious than Ukrainians, you think that the progress will go faster in Ukraine than it went in Poland? Because now Poland is more progressive, but off course there is difference in ...#00:10:56.50# #00:10:58.26#

Roman Baiduk: Well I can say again from my personal experience because I lived here and I have a lot of Polish friends and I communicated a lot with Poles in different cities, citizens with different background, different social stratas, etc. and my personal opinion Poland is more conservative, because Poland is more homogenous, is more mono-ethnical, is more mono-religious. We in Ukraine have this mosaique of different ethnic groups, of different churches, etc. And maybe this why it is easier for us to be more open-minded. And currently Poland sadly, sadly because I really love this country, I love this people, they are turning quite right. With this right-wing party, ruling party, and I think this party deliberately exploits such nationalistic rhetoric in order to basically gain and maintain political parties. #00:12:07.15#

Rémy Bonny: So moving back to the police now. What are the main challenges within the Ukrainian police if it comes to LGBT issues?#00:12:14.44#

Roman Baiduk: Well challenges is I would I would put it like in normalisation. So already if I compare myself the situation and the public opinion general public opinion like 20 years ago and now it's completely two different things like Ukrainian people became quite more liberal considerably LGBTQ in particular. But we have off course we have a lot to do a lot to reform people minds so to say, and this is why exactly it is very important we have this special course inside our curriculum for new police officers as we are training them in the academy and this course is about constitutional rights/human rights, because we have a progressive constitution and actually it directly prohibited in our constitution to put any discrimination to any person on any grounds, so basically including ground of LGBT too. And we not only considering the constitution but we also going deeper. We talking about discrimination and how to recognise discrimination and how one should fight discrimination. And we teaching them to respect to treat equally any citizen of Ukraine, not only citizens of Ukraine, but let's say any people you met on the street. So that could also be a foreigner and off course it's not easy. It's not an easy path, but I already can see among those young people because like they are different categories among them but in general they are quite young people, girls and guys, like 20 to 25 years so they are already the new generation. I see that they are actually more progressive, they are now more open-minded and this is good. I could even not compare them to the old militia absolutely. So this actually the source of hope so to say. And probably off course statistically among those new police officers I'm sure there are some LGBT persons. But sadly off course most probably they are in the closet, because it is still a lot of tragedies in society but I hope that some point we may be have the same situation as chief of Canadian police mission mentioned this recent conference on LGBT-rights. So we even encourage hope and LGBT people to enrol in police forces to have special units to deal with special situations etc. It is a very important issue and we should do the same.

Rémy Bonny: So a head of your department what are the objectives you want to establish... in short term and long term?#00:16:15.72#

Roman Baiduk: Well in short term I want my academy to become member of not only European Association of Police Colleges, but maybe also other associations to help our members of staff our instructors to have the possibility to attend different international seminars, conferences to absorb this experience, because even a little bit concentrating on this than he or she has the experience meet the people from other countries talk with them. This is also like people diplomacy to this helps a lot to make them more progressive and by making more progressive our staff, instructors, teachers. We're making more progressive the general atmosphere in our academy. This is very important. #00:17:17.33# #00:17:17.33#

Rémy Bonny: So to what extend do international, and in particular European police partners, address LGBT issues during meeting, but also during the trainings they are doing. #00:17:27.92#

Roman Baiduk: Well unfortunately with the European partners we just in the start of this journey, so we just establishing contacts, but we are working already with American partners with Canadian partners and they are helping a lot with this exact course of anti-discrimination and respect towards rights of different minorities, LGBT included and they are providing us with methodological support. They providing us with their instructors, because this is completely new issue for Ukrainian crew. It was just it wasn't any course of this type before. So they basically showing us how to do this, how to teach cadets, future police officers this way to teach tolerance. #00:18:29.05#

Rémy Bonny: Do you see any impact by the American and Canadian police? #00:18:35.38#

Roman Baiduk: Yes, I think even now in such short term of our cooperation. I think yes and it's not only my words. Recently I talked with representative with the American police and he said to me that when he started this project of reforming and establishing national police in Ukraine just after the revolution 2015. He was very sceptical, he was extremely sceptical, but now like after this three years he sees the results. And off course a lot of difficulties, a lot of some missteps were there, but he said to me I would never imagine such result three years ago. I am really impressed. So, and he is an expert, he saw many new developing police forces in eastern European countries, not only European, but also Asian and African etc. So I trust him. He has a huge experience, so I take it as a good sign. #00:20:02.11#

Rémy Bonny: As a last real question: How would you describe the future of LGBT people in this country? #00:20:08.40#

Roman Baiduk: Well, I hope that we will become European country in all senses of this word. Civilisation so to say. And currently I think European Union is doing a very important job in basically just spreading tolerance, because a lot of countries of European Union even in European Union now especially new members from Eastern Europe. They have basically the same problems as Ukraine. Inside they are EU now, but mentally they basically on our level. And I hope that already existing association agreement with European Union and future step of approximation of Ukraine in European Union it will give more and more impulses to develop human rights development recognising human rights in general, respect for human dignity in general and respect for different minorities in particular. I think it is all important topics. #00:21:30.13#

Rémy Bonny: So this was actually my last question if you wanted to add anything to the interview. If you want to say anything more, just go on #00:21:37.95#

Roman Baiduk: I just want, I would like to thank you for this opportunity and because I'm trying now to and I spend a lot of time in the European Union I've been to different EU institutions, I talk with a lot of politicians from... and currently I'm lobbying European values so to say in Ukraine and I'm happy that I'm not alone. A lot of young and not only young, but the majority of those young Ukrainian people who have this experience of living, studying in the European Union, they are these agents of changes inside Ukraine. And this is why it is so important for example this VISA free regime and different programs, exchanges, student exchanges, etc. because each of these steps brings closer and closer our aim to meet Ukraine country with mutual respect for human dignity, for each and every citizen#00:22:53.26#

Rémy Bonny: So thank you very much for the interview. #00:22:57.17#

Roman Baiduk: Thank you

Additional questions and answers via Facebook:

Rémy Bonny: How would you describe the Russian influence on the mindset of Ukrainian politicians concerning on LGBT-equality?

Who's the biggest influencer in Ukrainian politics concerning LGBT-issues? The European Union or Russia? Why (not) the EU? Why (not) Russia?

Roman Baiduk: Russian influence is destructive. I'm glad that in last years it's less and less potent in Ukraine. Traditional Russian approach to any sexual activity apart from heterosexual one: it's a terrible sin (in the eyes of Orthodox church morals) and it's disgusting (from the point of conservative patriarchal society) and it's suspicious and potentially politically dangerous (from the position of Russian state which is historically considers all people fighting for the rights of LGBT community as 'westernized libertines who can easily sell their Motherland') all those ideas Russia projects in the countries it considers as its 'sphere of influence'

especially in Ukraine and Belarus, which are, according Russian ideology "Slavic Orthodox brotherly countries"

so quite naturally all the political forces in Ukraine, which are sympathetic to the 'Russian world', usually declare negative approach to the LGBT and praise so called "traditional values"

The war with Russia changed traditional balance in Ukrainian society. Now all values propagated by Russia by default are considered by many citizens of Ukraine as the values of our enemy.

And, respectively, the values of Western World, to put it broadly, including the EU, are considered as values of our allies against Russia. So even people who are very sceptical, to put it mildly, towards rights of minorities (including LGBT) now often they are forced to change their statements to a more balanced one in order to avoid accusations of a pro-Russian position

and, of course, state structures, proclaimed a policy of European integration, are now forced to implement norms on the protection of minority rights and freedoms (even if someone does not like it from the old guard in the state apparatus)

Answered on 05/05/2018

Transcript Interview Ksenia Rondiak

Head of the Unit of the Ombudsman of Ukraine for Monitoring and Response on Discrimination Issues

26/02/2018 10:00AM; Ombudsman of Ukraine, Kyiv, Ukraine

Rémy Bonny: So, what did you study? #00:01:08.16#

Ksenia Rondiak: In Lviv, we have a national university of Lviv, national Ivanvoko, national university, law faculty and I have long way to Kiev. I worked in different places. This is my favourite. My favourite one. #00:01:37.35#

Rémy Bonny: And how long are you already working here? #00:01:37.35#

Ksenia Rondiak: Three years. #00:01:40.98#

Rémy Bonny: Since the revolution? #00:01:41.80#

Ksenia Rondiak: Yeah. #00:01:41.80#

Rémy Bonny: Ok cool. So maybe as a first question you already did it a little bit, but can you introduce yourself. Who are you? Where are you coming from? What do you do for living? What's your position, your function... #00:01:55.34#

Ksenia Rondiak: Aha ok. I originate from Lviv, in Western Ukraine. And here I work for three years as I mentioned. My position is like head of unit for monitoring and response on discrimination issues. This unit was established in 2012. Understand? #00:02:31.64#

Rémy Bonny: Yes #00:02:34.86#

Ksenia Rondiak: Because in that time our law on principals discrimination, on non-discrimination, as I can tell like short name of this law was like our parliament this... forgot the word. Like;.. #00:03:08.19#

Rémy Bonny: Anti-discrimination law. #00:03:08.19#

Ksenia Rondiak: Yes. It was this year. And so our institution, our ombudsman, became equality body. I started my work as specialist of first category. And it was my long way to this position. #00:03:35.24#

Rémy Bonny: What do you mean with first category? #00:03:35.24#

Ksenia Rondiak: It is lowest like position in our secreteriat. #00:03:41.88#

Rémy Bonny: Ok. Cool. First of all your English is very good, so #00:03:47.96#

Ksenia Rondiak: No. I forget some words and ... #00:03:52.44#

Rémy Bonny: No no actually you are very good understandable... #00:03:57.61#

Ksenia Rondiak: I understand well, but I can't talk maybe some practice. #00:04:02.58#

Rémy Bonny: You're doing very good so don't be nervous it's going very good. So you deal with let's say people come to the ombudsman for anti-discrimination matters and you deal with their cases, that's what you do? #00:04:21.78#

Ksenia Rondiak: Yes. We have different like wide mandate in this sphere we have different like duties. One of the duties as mentioned is like deciding proceedings of commissioner. We have complaint from person. We open our proceeding and we try to examinate the situation of this person and deal with it and do some like acts of reaction maybe by the commission and it is one our duty. Next one is monitoring. We monitor as like resources of information. #00:05:34.75#

Rémy Bonny: Yes, so you collect data? #00:05:34.75#

Ksenia Rondiak: Yes. Like we open Facebook and others social media, internet, press and look for some cases some information about situation and the rights of LGBT or other representatives of minorities that are violated. Other duty is like court can ask us to make opinion in some case and we prepare this opinions in the cases of discrimination. We have a lot of other duties, but this are the most like ...#00:06:45.61#

Rémy Bonny: Ok, now my other question is, you already mentioned that this department was created in 2012. But have you seen any changes since the revolution in your department? #00:07:04.03#

Ksenia Rondiak: I think we have more complaints, we have more information about violations. I think people trust more to our institution and that is why they ask for help more. I think we have very cooperation with organisation with public organisation with different organisation that also protect people rights. #00:07:57.91#

Rémy Bonny: So now focussing more on LGBT-issues. Since the EuroMaidan revolution what effects can you see? What has changed for LGBT people in Ukraine and especially if you focus on how politicians and the government react to LGBT-people? #00:08:19.09#

Ksenia Rondiak: The question of LGBT-people in Ukraine is very hard question, because it was like lost very long period. We have very people homophobic people. We have big percent of people who are religious and that is why it is hard to explain them that there are human rights, non-discrimination, because they have their religious beliefs. I think that since EuroMaidan this question like rise a lot of time and the authorities start to talk. We have a lot of different examples how they react. When the law about ratification of Stambul Convention was discussed in our parliament. It was very like discussion without rationality. It was very emotional discussion and parliament members, members of parliament, they are not ready to discuss such a questions. But the executive like branch of our power, the authorities, we have to cooperate with them in these issues. When we have some cases of discrimination of LGBT, LGBT-people we ask them in this cases to do something to react. I can show you some example. When we have the meetings of LGBT-people, like the march, march you know? #00:11:02.70#

Rémy Bonny: Yes, you mean the LGBT pride? #00:11:02.70#

Ksenia Rondiak: Pride, yes. We ask the police and the Kiev local authorities to do something to make this Pride safe all the people. And they react very active. They really do a lot of like activities to make this meeting safe for LGBT-persons. I think this change since Euromaidan since, because we have like this progress since that time. #00:11:55.80#

Rémy Bonny: Ok, perfect. So as an ombudsman. How many LGBT-cases did deal with in this, in the last year for instance? #00:12:07.17#

Ksenia Rondiak: We have some statistics. You must understand that LGBT-people they don't like to ask to share the problems with authorities and they very few times report. We had 27 complaints? #00:12:40.96#

Rémy Bonny: 27 complaints? #00:12:43.15#

Ksenia Rondiak: In the last year. This complaints were concerned meetings, homophobic, like not complaints,.... it were cases of local authorities also parliament, and they I don't have my telephone with me and Google Translate... So #00:13:41.68#

Ksenia Rondiak: (Checking on iPhone) #00:13:54.38#

Ksenia Rondiak: Russian? Ukrainian... *laughing* #00:14:08.93#

Ksenia Rondiak: It is not that word. It is not so 'adopt'. Like some organisation initiated that this local parliament... #00:14:38.32#

Rémy Bonny: They are not following what the higher government says what they have to do? #00:14:43.11#

Ksenia Rondiak: No, no no they we have our centralisation and they and it is self-governing. Like they established some... *asks for the right word in Ukrainian to a colleague* oooh maybe approved. yeah thank you. They approved some decision and they sent this decision to government. it was homophobic. They ask not to use the term of sexual orientation in the legislation. They ask no to approve a law on the registered partnership and a lot of other things. It was like five such opinions that they approved. Also was nine, nine, like hate crimes but we don't deal with these crimes, because we have police. We react only when the police not do obligations right. And there acces to goods it was like such complaints also. #00:16:44.92#

Rémy Bonny: Maybe another question... #00:16:49.84#

Ksenia Rondiak: And also I told you about monitoring all the public press. We had 20 proceedings that we opened because of information that we get from the press about violations of rights of LGBT-persons. #00:17:13.73#

Rémy Bonny: So, at this moment that your office are you working with other international partners? #00:17:24.06#

Ksenia Rondiak: We had the project with Council of Europe in the last year. It ended. It was dedicated to straighting the operational capacity of our office in the non-discrimination issues. But in the about discrimination in general, not dedicated to rights of LGBT-persons. And this year started other project with the Council of Europe. It dedicated to ethnic minorities. Also we examinate the reports of international organisations. We have to prepare the alternative report, like universal periodic reporting. In such ways cooperate like we have some alternative reports and we have some cooperation with international organisations. That project that we have with the Council of Europe, we have some like proper in this project tasks. Not tasks, your understand? #00:19:17.98#

Rémy Bonny: Responsibilities? #00:19:20.03#

Ksenia Rondiak: No, you understand what I mean. We organise five trainings for the local governments and for public servants. In the non-discrimination issues. We have forum for studies within this project. This forum is dedicated to discrimination. It was a first forum in Ukraine about these issues, because we have like this reaction with our people to the word discrimination. It is associated only with sexual orientation and and that is why our people they do not react rightly for this word. They don't understand that it is much a wider...#00:20:32.65#

Rémy Bonny: So, what is the goal of the ombudsman if it comes to LGBT-issues?
#00:20:41.88#

Ksenia Rondiak: Goal?#00:20:43.36#

Rémy Bonny: Yes.#00:20:44.23#

Ksenia Rondiak: First of all we want to react to systematic problems. We work on the legislation. We are not the. We have not the... I need the word... like we have no power to initiate the ammendments to law.Do you understand?#00:21:13.89#

Rémy Bonny: Yes. #00:21:13.89#

Ksenia Rondiak: We have not this power. Subject of legislation. We have not this power, but we can talk, we can initiate discussion which law should be ammended and so on. So we have two issues. One of them was discussed on the conference about the hate crimes on the ground of sexual orientation and transsexuality. And the other is registered partnership. This are two issues that are like, should be, on the legislative level. And systematic problems like Pride, that should safe for people, and we have to work on this ground. We want to like change the way that our state authorities think. We have to attend the level of homophobia in the state authorities and the local government, that is why we should work more on trainings, we should more organise such training. That or such ways that we want to change like the level of homophobia, the legislation and such systematic problems this things like Pride.#00:23:27.32#

Rémy Bonny: Yes. Do you have a lot difficulties to convince the government to do anything about LGBT-things? Do a lot of people, a lot of government officials object your work? Or try to do something against it? #00:23:38.45#

Ksenia Rondiak: Yes we have such very difficult authorities representatives of the authorities local authorities. That we we we have to do a lot of things to cooperate them, but we can't. They don't want to cooperate with us on these issues. It is one from Kivsk and the like head of the city of Ivano Frankivsk, Martsinkiv Ruslan, we had like three different proceedings with and we can't like influence on him that he change the his rhetorics, change his activities homophobic activities. One case that he told about gays he said that the gays can't be like patriotic people, they can't be adequate like...#00:25:13.57#

Rémy Bonny: Ukrainians, like, they can't be like real Ukrainians?#00:25:13.57#

Ksenia Rondiak: Yes.#00:25:16.10#

Rémy Bonny: Proud of their nation?#00:25:16.10#

Ksenia Rondiak: Yeah. something like that. #00:25:20.17#

Rémy Bonny: Is it maybe possible to write down his name? Because I probably won't be able otherwise to...#00:25:25.22#

Ksenia Rondiak: Ok. Ivano Frankivsk and head of the town. Oh city maybe, city. Matsinkiv Ruslan. Yes it was very difficult because they are answered us like off course we do everything to make things better. And we had other new proceedings on the violations on the principles of non-discrimination against LGBT-person, again and again. And that opinion that I was trying to tell you about them we had a lot of 'radas' , like city parliament that accepted this opinion, approved to this opinions, maybe ten different cities and regional 'radas', regional parliaments. It is problem because it is like local authority. It, we have the in our law on the principles on non-discrimination, we have like the obligation of local authorities not to violate the principle of non-discrimination. It is like duty of them and they don't do this right. #00:27:34.42#

Rémy Bonny: You say it's their duty, so is there a possibility that these local governments can be punished? #00:27:43.97#

Ksenia Rondiak: It is very difficult question about the responsibility for like violations in this sphere, because in our law it is mentioned that responsibility is a criminal, administrative, disciplinary and civil responsibility, but we have this like it is it doesn't work in Ukraine. We have not really in our administrative courts that stateman that said which really help to this administrative responsibility how it must work. #00:28:45.41#

Rémy Bonny: Yes yes#00:28:46.50#

Ksenia Rondiak: I hope you understand? #00:28:47.83#

Rémy Bonny: But I do#00:28:48.59#

Ksenia Rondiak: Because I can no such... worse talk#00:28:54.20#

Rémy Bonny: I really understand it, so don't be nervous. You are doing a good job. #00:28:59.50#

Ksenia Rondiak: It is very hard to...#00:29:01.10#

Rémy Bonny: You are doing a very good job. It is very understandable to me#00:29:05.44#

Ksenia Rondiak: I hope it is understandable. #00:29:08.30#

Rémy Bonny: I've already learned a lot. #00:29:05.44# #00:29:08.30#

Rémy Bonny: So one of the last questions then. Since the Euromaidan a lot of high-level government officials want to get closer to the European Union, even maybe at some point even become member of the European Union. Do you think that that has an impact on the work on LGBT topics within the institution of the Ombudsman? #00:29:38.92#

Ksenia Rondiak: Within the institution of the Ombudsman? What do you mean? #00:29:43.60#

Rémy Bonny: Yeah. Do you think that European spirit that's now present in Kiev has this an impact in a progressive way for LGBT-people and in the institution? #00:30:06.68#

Ksenia Rondiak: I think our institution worked with this issues before Maidan and nowadays we are the helping hand for LGBT-persons in any way, any time. But the state authorities and integration European Union integration of Ukraine. I think it is very like it doesn't have like this integration such impact on the state or state representatives or state authorities. That it should have. Because we have some obligations within this integration to change our legislation to for example to pub our law on principles of non-discrimination the sexual orientation and gender identity as a ground... #00:31:32.07#

Rémy Bonny: This was asked to the Ukrainian government by the European Union? #00:31:35.00#

Ksenia Rondiak: Yes. Yes. But before integration, we have the plan of liberalisation of VISA. You understand? #00:31:50.50#

Rémy Bonny: Yes. The VISA-liberalisation? #00:31:54.73#

Ksenia Rondiak: Yes the VISA-liberalisation. We had a plan. The plan was like one of the statesman that this two grounds of basis on non-discrimination should be in the law, but it was not done. It was not right. It was not done. And this law since this time, doesn't have this grounds. And it was very hard work when we lobbied, we advocate, that this two grounds should be put in the law, labor law. It is codex, our labor codex. And they were put. It was hard work. Our members of parliament were very angry. It was... *gasps*. very hard. But they like, they done what they were asked by European Union. But it was very like in there heads the idea that LGBT-persons have the rights as other persons. They don't have this idea in there heads. It was done just because it was asked by the European Union. And that is why other legislation that should protect the rights of LGBT-persons. It will be approved with this hard work if it will be approved, because we understand that that amendments that we ask to do in the legislation that we advocate that should be done. It is the responsibility of members of parliament. And we don't believe that the parliament will approve this legislation. Like the amendments to criminal court. And like the law on legislative partnership. Because they don't have in their head the idea that it should be done that that people need this legislation. Because it will be like the step, very important step to protect this people. They don't understand this. They only can see this issues within their religious beliefs and homophobic things. #00:35:25.33#

Rémy Bonny: So maybe one more last question. How would you describe like in general the future of LGBT-citizens in Ukraine? #00:35:37.71#

Ksenia Rondiak: I Hope..; #00:35:41.93#

Ksenia Rondiak: Like let's dream... #00:35:42.80#

Ksenia Rondiak: I think we have this very fast run. Other people they went this way to LGBT-persons, they have a lot of time. And we have some changes in our country that change of values, changes of thinking of people, modernisation of our country. These processes they will bring us to the to that time to when we will understand that LGBT-persons have to have in our legislation within everything activities of state government. The same rights like other people. I think it is the issue for like ten years. Maybe bigger part of time, but we will be there. We will get that aim, we will have this legislation. Maybe not this members of this parliament, maybe when they will change, maybe when the young progressive people will be in this parliament. We will have this legislation. But I think it is it depends on our society, Ukrainian. We have

this modernisation and I think that we will change also this homophobic situation in Ukraine. But it is also we need time for this. #00:38:07.17#

Rémy Bonny: So thank you very much for the interview. It was really good. You did really good. #00:38:14.08#

Ksenia Rondiak: Don't telling the truth... *laughing* #00:38:17.05#

Rémy Bonny: You're too nervous. #00:38:21.53#

Ksenia Rondiak: Because.. #00:38:23.33#

Rémy Bonny: But your English is good. #00:38:24.59#

Ksenia Rondiak: Yes, but because English very few times and I can't remember some words and I get nervous. I knew I know this word. But where is it in my head. #00:38:43.34#

Rémy Bonny: Off course. It means you speak English very well actually.
#00:38:44.90#

Ksenia Rondiak: No. #00:38:45.65#

Rémy Bonny: You do. I didn't have any problems to understand you. #00:38:51.26#

Ksenia Rondiak: No, you had no problems to understand, but I don't tell you my thoughts clearly. I understand but I can't tell you all that that I think and it yes... and because I'm nervous of myself. #00:39:16.10#

Rémy Bonny: So yeah Thank you. I don't know. Do you wanna add something to the interview. Something else you wanted to tell or.. #00:39:21.52#

Ksenia Rondiak: If you have some question I can talk... #00:39:27.41#

Rémy Bonny: I think I asked all my questions. #00:39:27.77#

Ksenia Rondiak: You can write down, if you have some other question. Maybe write, I write you with Google Translate. I can write something clearly and if you have something you don't understand or I can't tell you clearly. You can write down everything. #00:39:58.87#

Interview Svitlana Zalishchuk

Member of the Ukrainian Parliament

Received via e-mail on 18/04/2018

1) What is the main reason you are involved in the struggles of the LGB(T)-community?

We cannot believe in human rights halfway, selectively. Members of the LGBT community have the same rights as the rest of the people. Equality is not only an autonomous right guaranteed by our legal systems, but is an inherent element of all human rights that we should respect.

2) Do you see any progress if it comes to LGB(T)-equality in comparison with the situation before EuroMaidan? Why yes/no?

I see a number of positive changes that took place in Ukraine in the last four years. For the first time after EuroMaydan, the President has guaranteed the right to peaceful assembly. Police have started to protect the LGBT-prides and today they provide a high level of safety for all participants of such events. LGBT-Pride has been held in the center of Kiev for two consecutive years. Previously, it was hard to imagine. Vice prime minister has supported the LGBT, MPs have joined the LGBT-Pride for the first time in the history of Ukraine. Significant positive shifts have also taken place at the legislative level: The Verkhovna Rada has adopted an amendment to the Labor Code on non-discrimination. Parliament maintains steady interest to the Istanbul Convention and possibility of implementing its provisions in the Ukrainian legal system.

Finally, our society has stopped ignoring the presence of the LGBT community, and many NGOs have appeared to be very active and valuable members of civil society in Ukraine. Of course, the main progress must take place in the minds of people, in their perception of another person's identity and the formation of a tolerant attitude.

3) To what extend would you describe your own willingness to plead for LGB(T)-rights in Ukraine? How would you describe the willingness of your colleagues in the Ukrainian parliament?

If you believe in something, you have to be a strong ambassador of your idea. As a human rights defender and a regular member of the LGBT-Pride, I try to use every chance to promote tolerance in my environment. Unfortunately, LGBT-question as well as gender equality stays a bit closed and uncomfortable issue for most of Ukrainian parliamentarians today. I think that main reason of such situation is lack of knowledge about the life of the LGBT community and lack of communication in general. Having the opportunity to communicate with LGBT representatives, I have met many wonderful, creative, talented, and open-minded people. People who cultivate their personal xenophobia against LGBT lose a lot.

In 2016, I received the Anna Lind Prize for advocating the rights of LGBT in Ukraine. It was a great honor for me, and a clear confirmation that advocacy for LGBT rights is needed for Ukraine and all the World today.

4) What has been the role of the European Union in the strive for LGB(T)-rights in Ukraine?

Within the framework of European integration, Ukraine as a state has undertaken a number of commitments regarding anti-discrimination policy and civil partnerships. The abovementioned adoption of amendments to the Labor Code on non-discrimination was officially part of the plan on visa liberalization. The EU holds the rights of LGBT in a constant focus in the political dialogue with Ukraine. We observe

the experience of the European countries, namely the common standards and a common vision developed by the EU bodies in this field. That is why the EU is a valuable partner, who is eager to share experience and shows a steady interest in the observance of human rights in Ukraine. Naturally, the EU expects Ukraine to be more active in protecting the rights of LGBT at the legislative level; however, there is still one point that should always be taken into account. It is the fact that no one can simply impose anything on society (however useful the norms may be) without proper discussion. Our role is to start and support this discussion, to inform the society, and to expand the scope of its perception.

5) Does Russian influence in Ukraine plays a role in the perceptions concerning homosexuality of certain Ukrainian politicians?

The ongoing Russian information war against Ukraine is no less dangerous than armed aggression. The main goal is to split society, sow hostility, create an atmosphere of distrust and warm up the xenophobic sentiment. Russia is constantly speculating on the introduction of same-sex marriages in Ukraine, using the authority of the church in manipulation in order to discredit the LGBT community. They are trying to cultivate an opinion that European integration will destroy traditional family values and that the same-sex couple is not a family. In addition, they are trying to discredit those few politicians who advocate for LGBT. In a situation of information pressure it is quite difficult to reach the minds and hearts of people for whom the protection of LGBT rights is not a matter of paramount importance. Nevertheless, we must go back to society with this topic again and again, and explain why it is so important for the rights and freedoms of everyone (whether they are or are not members of the LGBT community).

Transcript Interview Andrii Kravchuk

Expert in advocacy of Nash Mir Centre, Centre for Human & LGBT-rights

26/02/2018 2:00PM; Nash Mir Centre, 37-a Toropovskoho Str., ap. 58, Kyiv, Ukraine

Andrii Kravchuk : I should say that the Ombudsman of Ukraine was the first state institution of Ukraine to support LGBT at all. It became only after the current Ombudsman Valeriya Lutkovska took this post. Because the previous ombudsman was a former communist and she was very homophobic. Only one time she mentioned LGBT-issues in her reports on human rights in Ukraine and it was a very negative mention. She mentioned that some people are against public appearance of LGBT. #00:00:52.11#

Rémy Bonny: When did that change? Like what year? #00:00:56.47#

Andrii Kravchuk : Yes. The change began with the election of Valeriya Lutkovska. It was very small and slow changes and it was under Yanukovitsj regime, but the changes began after the revolution of dignity after EuroMaidan and I would say that everything began changing after Viktor Poroshenek became president, because off course our authorities are not gay-friendly even right now. But Poroshenko was the only candidate who openly supported equality for LGBT-people in his programme. And more or less, he is trying to implement his promises. Not very actively, but nevertheless change are visible. Yes it was very pleasant that quite recently in the ministry of internal affairs appeared a new department on human rights. And we were LGBT-activists, we were at the meeting with the leadership of this new department about two weeks ago only and it was absolutely unexpectedly, with absolute understanding, and even close to cooperation. So representatives of this new department were at our recent conference and also lot's of representatives of investigation departments throughout Ukraine. It was very important because this structure investigates within partners is the most conservative within the ministry of internal affairs. While we have a future cooperation and understanding with patrol police. This are several new departments, so it was very pleasant that change started in this structures. #00:03:14.23#

Rémy Bonny: Ok. Well I ask some more questions on that later on. Maybe to start like the real interview. Could you like more introduce yourself, what you are doing, living, study and so on? What your age is like? #00:03:30.68#

Andrii Kravchuk: My name is Andrii Kravchuk and I'm an expert in advocacy of Nash Mir Center. We all in this organisation are friends and colleagues. We started our activities 20 years ago in some cities. And it was beginning of the new the new period in Ukrainian history. It was the first time after Ukraine became independent and . So we are all old gay friends. We gathered and it was initiated with our coordinator, the leader of the organisation, that proposed to us to began human rights activities in Ukraine. To beginning activity in the interest of LGBT-community. In those times we didn't even know this seperation in LGBT. We called our organisations, our organisation, 'information and human rights center for gays and lesbians'. We didn't even thought about transgender people in this time, so we changed our name with years. Currently we are 'human rights, LGBT center' and we started from publishing of informal newspaper and then we decided to officially start an organisation and we didn't do a registration because the department of justice in our Oblast didn't want to register openly a LGBT-organisation. It was principle issue for us to be registered as exactly LGBT-organisation. They proposed to us as general human rights organisation or maybe they talk 'Why don't you want to protect the rights of children, old people or somebody others', but we insisted and after a year of fighting against our local

department of justice we wan. With the help of international organisations, especially Amnesty International and the Council of Europe. They opened our registration and we were registered eventually. Then most of us were volunteers. We had only one or two paid staff members, but after several years of activity we understand that our activity need to be moved to the center of the country, to the capital. Because it is the geographical centre and it is the place of all our government bodies. Then we were likely to get finance of the Dutch embassy. We bought this office and about half of our organisations members moved to Kiev. #00:07:06.12#

Rémy Bonny: What year did you get the money to buy this office? #00:07:08.20#

Andrii Kravchuk: What?#00:07:08.20#

Rémy Bonny: What year did you?#00:07:09.99#

Andrii Kravchuk: About ten years. I can't tell, but about ten years ago. We began the second stage of our existence. Eventually we saw appearance of the LGBT-community in Ukraine. Because first it was absolutely individual people, very different and they weren't organised in any community, but then we saw occurrence of new organisations and such of activism throughout our country and we started to work in the national scale. And then then very important was that we were recognised by human rights organisations in Ukraine. About 15 years ago, I participated in a human rights school in Warsaw for Ukrainian activists and I talked with a guy from this organisation which are our partner. Ukrainian Union on Human Rights. And he talked to us without Amnesty International in Ukraine were discussions on LGBT-issues, the old leadership didn't want to engage in this. So recognition by the general human rights defenders is was very important for us and the Ukrainian LGBT-community. And then we get some support from our journalists. It was in the second very important stage, because a journalist is more progressive than the public opinion. And but we became a full fledged part of the Ukrainian civil society only by the revolution of dignity. This time when EuroMaidan started, we participated in all this events. Although we participated in the first Orange Revolution too in 2004. We have some photos from this time. Not here. I don't know where it is. With a rainbow flag over Maidan. It was the first Maidan. And we became a member of the new formed coalition against discrimination in Ukraine and combatting discrimination in Ukraine and then we formed a association of all Ukrainian LGBT-organisations. The council of the LGBT-organisation, but unfortunately this structures turned out to be not very effective. Nevertheless we have we have many colleagues and friends and supporters in Ukrainian civil society and after the beginning of the real reforms on euro-integration, we understand that our time has come. Because LGBT-issues should be, must be, solved within this process and currently we can say our authorities in some way understand this task, but unfortunately they are not very active and there are lot's of very conservative people in this structures. We plight for our interest, but not always successful.#00:11:25.49#

Rémy Bonny: If I compare it to the Belgian situation, we have an association of LGBT-organisations Cavarria. Which is the biggest association, which is literally an association of almost all LGBT-organisations within the Flemish community. Why doesn't an association work in Ukraine?#00:11:46.00#

Andrii Kravchuk: Well. Usely in most countries as far as I know there is one big organisation, like an umbrella organisation. Which unites all groups in regions and on some topics within this structure. In Ukraine we have six big organisation. And not of them want to, all of them want to cooperate, but they are very different and the interest of not only interest, but also ideological views of some organisation is different, so it is nog easy to unite all of them under one structure. In fact, when we

established this Council of LGBT-Organisations of Ukraine we make it on one reason. To have one voice with our organisation with the authorities. But some organisations want to talk with the authorities directly, not through some structure. We cooperate on the two... how to say... on the daily basis. We are not competing with each other, but we united only in some cases when we defend common interest. #00:13:25.19#

Rémy Bonny: Yeah. Leaving now like the organisational structure behind. How would you describe the situation for the LGBT-community in the whole of Ukraine? #00:13:36.24#

Andrii Kravchuk: Well. The situation is slowly changing to better. But you should understand when they talk about Ukrainian LGBT-community. Even now it is rather abstract notion. There are lot's of people throughout Ukraine who is not active in social life. Who is not organised in any community in the local level. So in fact we have active LGBT-organisations in the biggest cities like Kyiv, Odessa, Kharkiv, Dnipro. In many Oblast centers in Ukraine there is no even one LGBT-organisation. There is a lot of work for us for this issues. But nevertheless times are changing and Ukraine's society in general are is influenced by Western realities, by change throughout the world not only in our region. So public opinion is changing too, especially after EuroMaidan. It was very pleasant that we suddenly gets some support from the general public, because two years ago when there was a first successful Equality March in Kyiv, I remember I saw lot's of support for march in social networks and many people stated that they understand that LGBT-issues must be solved within the process of euro-integration of Ukraine. So they want to help in holding this event and LGBT-activity in general, because they understand that this task is pushing Ukraine closer to the modern Europe, modern world. So currently we have very complicated situation in Ukrainian society. It is still homophobic, but nevertheless we have many people especially younger ones who are different from the rest and slowly, but nevertheless quite regularly we move forward... . #00:16:28.96#

Rémy Bonny: What are the main reasons because, mostly these younger people, become more progressive? #00:16:31.67#

Andrii Kravchuk: I think that the most important factor in there foreign influence, because our borders are open. There are no borders in information right now. Internet changed everything. So currently people can organise themselves through internet. They can get necessary information through internet. And they understand themselves more early than my generation did it. So we talked with school psychologist from Chernivtsi Oblast, this small center at the southern western part of Ukraine, and she told us that she consulted very young teenagers, like 13-12 years old and they talked to her and they declare 'I'm gay. I'm lesbian' openly. It was absolutely unimaginable for my generation there is a very big difference between those times and between now. So I think that this is the most important issue that we are the part of the modern world and all changes in the modern world they influenced Ukraine. So we are changing together with the rest of the world, the rest of Europe. And off course young people are more... How to say? #00:18:38.38#

Rémy Bonny: Tolerant? #00:18:40.42#

Andrii Kravchuk: Yes they are more tolerant, but the most important they are just modern people. #00:18:49.66#

Rémy Bonny: Open-minded? #00:18:52.73#

Andrii Kravchuk: Yes. Open-minded. It was very interesting that recently one of the LGBT-organisations in Ukraine. They made such sociological survey within the LGBT-

school children, teenagers. They reported that most of those who responded this survey questions indentified themselves as asexual, not even as gays and lesbians. Because they want to be open-minded. They want to be free people, in free world. #00:19:46.94#

Rémy Bonny: So focussing now on the pre-EuroMaidan and the post-EuroMaidan situation. Do you see like EuroMaidan as a particular moment in history of the LGBT-community in Ukraine? Do you see changes since before 2014 and after 2014? #00:20:08.69#

Andrii Kravchuk: Yes. Yes. It is the most important event for Ukraine in its whole independent history. So it is the most important event for the Ukrainian society and for the Ukrainian LGBT-community, because after the victor of the Revolution of Dignity there began real reforms. They are not so active and not so deep, it should be, but nevertheless, and along this reforms started also changing change in the situation of Ukrainian LGBT-community. Currently our authorities, at least in words, understand necessity of this changes and necessity of our solvation of our problems. After Victor Poroshenko became president, we got some political support for the first time. Previously there was not any political force in Ukraine who would support LGBT-community, who would support our work. Currently we even have some members of parliament who are openly support our issues. Svitlana Zalishchuk, but also other her colleagues from Eurooptimist, but also there are some deputies from other political forces, more older people. Even some very experiences politicians began to understand the importance of this issues and began to declare for LGBT-community. For instance it is the chairman of the parliamentary committee on human rights Hryhoriy Nemyria supported us, but also Hrivnavji Goreshkon, generally the Bloc of Victor Poroshenko is the most supportive ally of the LGBT-community. But unfortunately most of people in the fraction is still very conservative. I don't know for what reason, but in Ukraine we have no social-democracy. In the West social-democrats, and similar political forces, are the most important drives for the local LGBT-communities, but in Ukraine we have no socialists in our political sphere. Almost all of our parties are declared themselves as conservative forces. And it was very positive for us, that recently even conservatives in the West became more gay-friendly, LGBT-friendly. So currently we could cooperate with them, even with them. Unfortunately our conservatives are not like them. But nevertheless it is better then nothing. #00:23:55.77#

Rémy Bonny: So you told about cooperation with Western organisation, Western parties. Do you get any financial support by international organisation or by other governments? #00:24:09.80#

Andrii Kravchuk: We have, we never had any financing from the Ukrainian government. Several years ago a famous Ukrainian LGBT-activist participated in our yesterday's conference. He as a member of several youth organisations prepared grant application to the Ukrainian ministry on social affairs and the last time his organisations asked from our government financing in the sum of 1 Hryvnia, just symbolically, and they were denied. So it is very illustrative for the attitudes of the Ukrainian governments, all the previous Ukrainian governments, to the LGBT-community issues. So all of our financing is came from the West. Our most important donors are foreign embassies such as the Dutch embassy, Sweden, Norway, Germany, Great Britain, Canada and USA. I should say that for instance Britain and USA became our donors not so long ago. So the situation is changing even in this sphere. And also we have the financings from international foundations, especially very important was financing in the beginning of 2000 from the Soros foundation. Directly from the Soros foundations its offices in Budapest and New York, open society institutes and also from the Ukrainian local branch, the International Soros Foundation. Currently this

funds are not very active in this sphere, but it was time when they were our main donors. #00:26:41.59#

Rémy Bonny: I think Soros is a bit afraid to support LGBT anymore. #00:26:46.47# #00:26:51.22#

Rémy Bonny: Do you, not on a financial level, but on some level work together with the EU institutions? #00:26:55.34#

Andrii Kravchuk: Yes. We have for instance a big project financed by the European Commission about three years ago on discrimination and reporting discrimination in Ukraine. We have common project with the British, in fact it is international, but it is based in London. I don't remember its name, but it was financed by the European Commission and it was a big 2 year project. We have research in matters of discrimination in Ukraine on many basis, including sexual orientation and gender identity and it was very positive to establish cooperation with minority and human rights organisations, because currently we have some cooperation with anti-discrimination issues with all Ukrainian civil society. #00:28:15.15#

Rémy Bonny: Is Nash Mir a member of ILGA-Europe? #00:28:18.22#

Andrii Kravchuk: Yes. We began member of ILGA-Europe many many years. I think 15 years ago. In fact first organisation who became member, Ukrainian member, of ILGA-Europe it was a fictive organisation. They tried to call an international conference and they stole lot's of money. It was dark times in the beginning of our independence and we, when we started our activity, we tried to change this attitude to Ukraine within ILGA-Europe, because for years...#00:29:10.70#

Rémy Bonny: I think this is very stereotypical for Ukraine. #00:29:12.07#

Andrii Kravchuk: Currently we have a member of ILGA-Europe and we have a very fruitful cooperation. We even get some financing from them. It is not big, but nevertheless it was an important project. #00:29:28.55#

Rémy Bonny: So one of your main activities is assisting legal counseling to victims? #00:29:33.37#

Andrii Kravchuk: So yes yes. Main activities is reporting, monitoring and it is on the cases of discrimination, hate crimes against LGBT in Ukraine, and also provide initial legal health for the victims of such crimes and incidents. The most important problem is that victims usely did not want any help. They just want. It is good that they want to inform us about this cases. We understand that there are some situations of people who cannot, can't afford to be open and only protect there influenced ... But nevertheless if they want we provide the first initial legal health. And then in the met, face some problems, we can find a professional for them and currently we supported a case in Kyiv on beating of a guy two gay guys in a park and several others court cases throughout the country. There is not lot such cases. In most cases people did not want to go to court.#00:31:06.23#

Rémy Bonny: Do you have the number of many? Do you halve like a number of how many cases you have a year? #00:31:14.08#

Andrii Kravchuk: The last year we get information about 226 cases of hate crimes and discrimination against LGBT in Ukraine. In 200 cases in the previous year and 26 in the year, in 2016. So in 2017 there, we reported exactly 200 cases. #00:32:00.33#

Rémy Bonny: Because this morning I was talking with a representative of the Ombudsman and she told me, like how many, about 25 cases, like she had 25 cases. #00:32:09.98#

Andrii Kravchuk: Yeah and officially minister of interior reported about I think 6 cases or 13, like very few cases. You understand that this is just the tip of the iceberg. #00:32:29.86#

Rémy Bonny: Yeah and you are, you have a lot more. #00:32:32.85#

Andrii Kravchuk: Yes, yes. When we, our figures, figures of cases important by us is rising along with spread of our national work. We got a new monitor in some region. He or she began reporting about cases, so it is not limited by our physical existence. We understand that the real number of those cases is much much higher. #00:33:11.66#

Rémy Bonny: Does the EU as an institution had any impact on the situation of LGBT in Ukraine? #00:33:22.54#

Andrii Kravchuk: What institution? #00:33:24.59#

Rémy Bonny: The EU. Like the Commission, the Council, the Parliament. #00:33:28.58#

Andrii Kravchuk: The importance of...#00:33:34.50#

Rémy Bonny: Especially focusing on political changes.#00:33:34.50#

Andrii Kravchuk: Yes yes. The importance of the support of European institution cannot be underestimated. In the most, it is the most important tool of our in this sphere. Because only because of raising of European institution. Those changes in state policy and constitution began because the EU. We understand, off course we try to cooperation with our authorities, but they are not very cooperating in fact. Yesterday I, during the last panel, I sat close to the representative chief of the investigation department. This department within the ministry of interior is responsible for the development of the new draft law on the amendment of the criminal court and only yesterday we heard from this person that he developed this draft law. They didn't inform us about, but we asked them many many times. But they did not answer us. Proposals to participate in this activity and yesterday she informed us that they eventually developed this draft law. It is under moved to the legal department of the minister of interior who will check up it on complaints to our contestation, but we would like to be participating in the development of this draft law. Unfortunately we were not welcome, so all of our, our main instrument to influence the authorities is the help from the EU first, European institutions, and off course changes in the European policy institution is very very important in this sphere. Because we can see how the situation began changing after European Union began implementing its new policy on LGBT-issues. There level of advocacy from foreign embassies and delegation of European Union in Ukraine substantially raised and currently we, there were at least two very important agreements with the EU which included some LGBT-issues. First it was the agreement on association which made the Ukrainian authorities to implement changes in labor legislation on discrimination grounds on sexual orientation and it was very unexpected for us that along with this our parliament also prohibited discrimination on the ground of gender identity. It was not provided in the text of agreement, the directive, but nevertheless...#00:37:08.43#

Rémy Bonny: So sexual orientation and gender identity? #00:37:08.95#

Andrii Kravchuk: Yes, yes. So currently in our labor code, the code of labourers, there is mention of both sexual orientation and gender identity as protected ground. And the second very important agreement, was agreement on VISA-regime, because under this agreement Ukrainian authorities had to develop anti-discrimination legislation in general. And also implement some policy on protecting of LGBT-interest. We try to use all those instruments and we have very strong support of all from the first day of the delegation of the European Union and also from some European embassies. I should say that at least twice a year we met with the officers, political officers in the European Delegation in Ukraine. And discuss with them our issues. And they are also very supportive. #00:38:20.10#

Rémy Bonny: So, do you think, like the Ukrainian took some measures already like the labor code and the anti-discrimination law, but do you think that they signed these measures just because they had to do that from the European Union or also because they just want to do that. Like there is a spirit after Euromaidan...? #00:38:45.46#

Andrii Kravchuk: Off course, our authorities would like not to be engaged in this issues at all. Off course they would like to forget about this issues, about our existence, and only because of the concentration of the European side they had to be engaged in our activities. I should say that slowly but the situation is changing to better. Along with new folks, new people came to our politics and to our government and currently we have few high-ranking governmental employees who are openly support the LGBT-issues. First it is their, like prime minister on European integration Ivanna Klympush-Tsynadze. She is very progressive and a young politician and she is very supportive on LGBT-community. And we also, we have some people on lower level in ministries for instance the deputy minister of economy participated in the last Kyiv March of Equality and also we have support from, unfortunately former deputy minister of interior. So currently we have some people in the executive who are supportive for our issues, but off course the main cause of this state bodies is consisted of older people with more conservative issues, but nevertheless something is changing. #00:41:06.31#

Rémy Bonny: So, you told that the Poroshenko Bloc is one of the most pro-LGBT political parties right now in Ukraine. Why are they? Like...#00:41:21.49#

Andrii Kravchuk: Because they understand that Ukraine must solve this problems within the cause of European Integration. They understand whether they want or not, they just have to solve those problems. Because without this Ukraine cannot be part of the modern European society. The most important is that Ukraine is open country and we are the part of modern world and we want to be the part of the developed world. We cannot be modern European developed without solving this issues. So they support us not very actively, but it is better than nothing. Not because they are very progressive, but because they understand that these issues must be solved. So that said, not only in Poroshenko Bloc has such people, but also for instance the new leader of Timoshenko political force, which is not pro-LGBT at all, but nevertheless even there are some people that understand the necessity of those steps and who are ready to take action. #00:42:51.22#

Rémy Bonny: Two more questions to end the interview. Less about politics, but how like in the Soviet times, how would you describe the organisation of gay life in the bigger cities like in Kyiv for instance? #00:43:06.57#

Andrii Kravchuk: In ...#00:43:10.99#

Rémy Bonny: Like did you have gay clubs like you have now? #00:43:10.99#

Andrii Kravchuk: There were not public gay activity at all in those times off course. Even gay activity and not lesbian, because same-sex relations were illegal under the Soviet legislation and it was very interesting and very symbolical that Ukraine was the first post-Soviet country who abolished this criminal prosecution for same-sex relationships. So in Soviet times there were no open meeting places for LGBT's in Kyiv at all except some some cruising places. The most popular cruising place in Soviet times was at at the hills of Dnieper river. It is called ***something understandable***, nearby the monument of Soviets. #00:44:22.87#

Rémy Bonny: Oh yeah like the big cross?#00:44:27.72#

Andrii Kravchuk: Yes the cross. There is a park around this statue and there was a public toilet which was very important and around it was the main cruising in Kiev. The second cruising place was opposite the building of the national university, in the park. And it was in any in all others Ukrainian cities, there were similar cruising places for gays. There were not clubs, cafes or any public ventures. Currently after getting the independence and after the Ukraine began develop to be develop and be a part of the modern world. There appeared a lot of, first it was 'discotheks', then it was clubs and saunas, cafés. But unfortunately LGBT-business in Ukraine never was very profitable. So all those clubs existed not for long. But currently in Kiev we have only 1 or maybe two gay clubs, LGBT clubs. First it is Lift and the second is, but I'm not sure if it still exist ***something in Ukrainian***. And maybe two venues even in the capital of Ukraine. In other cities the situation is worse, but nevertheless in big cities there are gay-friendly places. There are in many cities, even I know, now with occupation of Crimea by Russia there existed a popular gay resort in a small settlement in the East Southern banks of Crimea, but currently after Russian administration off course any public LGBT-activity is impossible.#00:46:58.91#

Rémy Bonny: So as a last question, it's a kind of dreamy question actually, how would you describe your ideal future for the LGBT-people in Ukraine? #00:47:09.89#

Andrii Kravchuk: Well... I try to be realistic. I would say that the situation in Ukraine is not very difficult from the situation in our neighbouring countries such as Romania, Poland. So I think that, we are part of this part of Europe and we are very close to them cultural and social perspects and I think that we can hope that the real substantial changes begin along with the changing of generations and after today's teenagers became people of power the situation change and there will be very like the current situation in Western European countries, so I think in maybe 20-30 years we will see new Ukrainian LGBT-community in a new Ukraine. #00:48:31.25#

Rémy Bonny: Ok, ok. I got one more question now actually. You mentioned that neighbouring countries like Poland, Hungary, Romania, and stuff, but you didn't mention Russia, so my question is actually what's the biggest influencer to Ukrainian people on LGBT-issues? Russia or Europe? #00:48:51.58#

Andrii Kravchuk: Currently it is Europe and we are lucky. I'm a refugee from Luhansk, I'm an internal displaced person, I live in this office, but it is better then there were not war if there were not war, but we still were under Yanukovitsj regime, because Yanukovish was Russia-oriented and currently in the circumstances of war against Russia there is no politicians in Ukraine who would support Russian politics in any issues, including LGBT-issues. It was very big threat to Ukrainian LGBT-community that our country were going to become under the influence of Russia. And it was a real threat, because in 2014 in the last months of Yanukovitsh regime or parliament even adopted a first reading law on prohibiting gay propaganda, like in

Russia. And only because of the victory of the Revolution of Dignity. All those draft laws, including this law that was in the first reading, were canceled. So currently, situation is such that it is impossible for Ukraine to be under Russian influence. So it is differently. European influence is much stronger and more important and it is very important because we are very close to Russian people culturally. I'm Russian-speaking, Ukrainians all my friends from Luhansk, which is a Russian-speaking region. We are lucky in this aspect that we came to European influence. Ukraine in fact has no choice right now. It made its choice and because of the objective circumstances this choice was pro-European. #00:51:17.64#

Rémy Bonny: Ok. Maybe one more question if you have time? So you are coming from Luhansk, how would you describe the situation right now in for LGBT-people? Is it much worse than for other people in this like the regions like Donbas? #00:51:37.35#

Andrii Kravchuk: I could not say that it is much worse because the situation is absolutely horrible for everybody. There's no LGBT-activity at all, but there is no public activity at all in those regions. There is no law at all. The law in my city and in all those occupied parts of Donbas is amend with the national guard. My parents are still living there in Luhansk and I talk with them by phone. Today morning I talked with my mom by phone and it is horrible situation. Nobody knew what will be is, everybody hope for the better, but it's sad. Nobody knows what could happen. #00:52:38.44#

Rémy Bonny: Are there any projects happening right now to displaced gay people? #00:52:43.95#

Andrii Kravchuk: We have no projects, as I said basically every public activity in this region on the occupied territories. But we try to help people who are still living there and who want to live in those regions. As I said, I moved from Luhansk and recently we moved the rest of our members who were still in Luhansk and currently they are all here in Kyiv. And also we are very great for Insight organisation which is organised shelter, LGBT-shelter. My friend lived in this center for half a year. I know a lot people from occupied territories who used this shelter for living, because when you leave all your things, your property, you came to Kyiv without anything. We are very grateful for people who helped LGBT-people from occupied territories, but the situation there is such to help who live on these territories it's virtual impossible unfortunately. It is a free, you can free leave those territories, but we can help people only when they left. #00:54:26.49#

Rémy Bonny: Ok. This was my last question I guess. I don't know if you have anything to add, that you wanted to say yourself, that would be interesting to add to the interview? #00:54:40.23#

Andrii Kravchuk: I don't know what would be interesting for people, but what is interesting for me is that recently I saw results of the world survey of the ILGA-world on attitudes towards LGBT-people in various countries in the world and it was not in any country, but there are lot's of countries which were shown this time it was very interesting for me that answers people on those survey is very similar for all European countries. And the situation in Ukraine is not very different from those in Romania, Poland, even Germany. And even in Russia, the situation, the public opinion is not so homophobic as it can be viewed. In fact Russian people are Europeans and it is the guilt of the ruling regime that they became more homophobic and it is imposed on them by the state propaganda and when you look at the results of this survey in other countries. I compared with the results for Azerbaijan. It is also post-Soviet country and very similar to Ukraine and Russia and the others in many aspects, but the public attitudes towards homosexuality and transgenderism is much more conservative than

in this part of the world. So I would say that LGBT-issues are, they are very important for how to say limiting boundaries of the modern civilisation. Modern civilisation is a free civilisation. It is European and Western civilisation and we are definitely belong to this civilisation and it is very interesting that those cultural differences is more important than political. So I'm optimistic in this sphere, because I understand that this is our common culture. So it cannot be denied and it cannot be defeated.
#00:57:34.78#

Rémy Bonny: Ok, thank you. #00:57:38.24#

Transcript Interview Ulyana Movchan

PR of Insight Organisation

27/02/2018 1:00PM; Borychiv Tik street 25/6, Kyiv, Ukraine

Rémy Bonny: Ok, So I'm doing... I'm writing my master thesis right now at the university of Brussels on the topic of the impact of the European Union on LGBT-rights in Ukraine. And that's why I'm this week I'm in Kyiv. We're also... I'm also for instance to the conference of Nash Mir last week. I had some interviews with government officials, also with organisations like yours. So that's actually what I'm doing right now. Besides that I'm also let's say a journalist for ZiZo-Magazine, that's the biggest Belgian LGBT-magazine. So I'm doing this two things together right now this week. We're gonna write an article also on Ukraine, on LGBT in Ukraine. The thing actually is that I'm gonna write six articles on LGBT in Eastern European countries in the coming weeks. So Ukraine is one of them. But the object of the articles is to tell a positive story. So during the interview I'm also going to ask some questions about that. I did an interview with an artist here in Kyiv who paints LGBT-stuff and so on. But also like really focussing on the hard stuff. So it's gonna be a combination of this two things. So maybe as a first real question to start. Can you maybe briefly introduce yourself? #00:02:03.62#

Ulyana Movchan: Myself or our organisation? #00:02:06.53#

Rémy Bonny: Just yourself. #00:02:07.67#

Ulyana Movchan: About myself my name is Ulyana Movchan. I am 21 years old. I'm studying at Kyiv National University of Taras Schevchenko. I'm studying political science on master degree. In this organisation I'm on the position of PR-manager, but I'm doing a lot of different activities including fundraising and it is also social media, marketing and something like this. I'm also political scientist. I'm writing some articles on gender issues and on some questions which are much more political like computer methods in political science and political forecasting. Before I was working in another non-governmental organisation with democracy and human rights also, but not LGBT. And because I'm member of LGBT-community. I decided to make my career connected with activism also. #00:03:37.67#

Rémy Bonny: So now focussing on what the organisation stands for. What does Insight stand for? And what do you guys do like...? #00:03:48.19#

Ulyana Movchan: I would like to start that we are working for 10 years. We work only in Kyiv but in different regions of Ukraine. We have five representatives offices on the West of Ukraine, on the South of Ukraine and Eastern Ukraine. And in this year we will try to open 2 offices in other regions. We would like to connect all the Ukrainian regions on human rights theme and LGBT-question in Ukraine. And our main values is inclusion off course human rights for all, not only for LGBT people, but for people with different gender identity, with different maybe physical appearance including nationality, ethnical minorities. We help also Roma groups. We support Roma organisation, other women's organisation in Ukraine. I can tell we are a feminist organisation also. We are working more with women and transgender people than men, but our organisation is open for everybody. Most of our projects included activities for different minorities. Including ethnical also LGBT-groups. I can tell we are really proud that we are inclusive organisation. #00:05:54.10#

#00:05:56.23#

Rémy Bonny: So you have a lot of different LGBT-organisations right now in Ukraine. What is difference between Insight and all the other organisations? #00:06:06.19#

Ulyana Movchan: You know we are the biggest organisation which orientated on LB-women and trans people, because all other organisations is connected with HIV-services and with gay men and we have some initiatives groups with non-governmental organisations in Ukraine which are working with the transgender people. So we can say that we oriented one official registered organisation which work with transgender people in Ukraine. So off course it's the main difference. The main difference in our activities and projects, but when we are talking about maybe benifcials groups. It's the clear difference between Ukrainian LGBT-organisation. #00:07:13.26#

Rémy Bonny: So the focus is different? #00:07:13.70#

Ulyana Movchan: Yes. #00:07:14.63#

Rémy Bonny: How would you describe the current situation for LGBT-people in Ukraine? #00:07:22.43#

Rémy Bonny: This is a very general question I know. #00:07:26.26#

Ulyana Movchan: It change every year. According to political situation in Ukraine, I can say that some year ago before the war on the Eastern of Ukraine and before the situation with Crimea, we have maybe natural situation. Not a bad, but also not a good situation. Today we have a real problem with the right-radical groups. It's everything connected with political situation, because right groups are trying to increase the level patriotic maybe thoughts. On the East of Ukraine and because of this groups they are working on every region of Ukraine. And they, I can call them like radical-nationalist, because they think that there are no place in Ukraine for other color of skin, with other language and they can start to beat everyone on the streets only because of his or her appearance. So they really don't accept the LGBT-people in Ukraine and they can attack them only because of their appearance or when you are just take the hands of your friend. They can think that you are maybe gay or lesbian, so maybe the most difficult problem is the understanding in the society of LGBT-people. Not only on the governmental level, because we take the course to European Union and we try to make our law more democratic according to the policies of European Union. So on the political level we have not really bad situation like in Russia, because we haven't anti-homosexual propaganda law. We haven't law that really discriminate LGBT-people, but in society there are not really good situation I think. #00:10:25.86#

Rémy Bonny: Do you see any improvement since the EuroMaidan revolution. Especially because you already mentioned the things has been changed since the war. Do you think it's somewhere because of EuroMaidan as well that people think differently about LGBT-people than before? #00:10:48.18#

Ulyana Movchan: Maybe before EuroMaidan people in Ukraine didn't think about LGBT-people and they didn't know that we are here. That we are living in Ukraine. But when after the EuroMaidan the society started a pro-Russian propaganda to end the process of Euro-integration in Ukraine. This pro-Russian activists said that Europe means 'Gayrope', so when you come to European Union. You should be gay and all preferences are only for LGBT-people and most parts of society became to think about LGBT-people. Not in the positive way, so we can say that EuroMaidan gave to LGBT-people the real visibility in Ukraine, but almost it became to exist another problem which is connected with the society. #00:12:23.53#

Rémy Bonny: To what extend can you cooperate with the Ukrainian government as an organisation? #00:12:32.88#

Ulyana Movchan: You mean cooperating of our organisation? #00:12:37.58#

Rémy Bonny: Yes, of your organisation. #00:12:37.58#

Ulyana Movchan: We try to cooperate in some questions the most popular of our cooperation is the process of transgender transition, because in Ukraine we have very difficult procedure of changing documents and the process that is called in Ukraine like 'sex-correction' so try to change the situation and we cooperate with the Ministry of Health in Ukraine, because before you should to be in physiatric clinic for few months to... how to explain, because the doctors should write your disease like transexuality in your documents and after that you have the possibility to change the documents and we think that this practise is not good for human rights and we think that people shouldn't be treated in physiatric hospital and in this question we are talking with the minister to make a new document, called 'the clinical protocol on transgender people' to make this procedure really democratic according to human rights. In the first question of cooperation als we cooperate with Kyiv governmental official, because when you want to make some street action. You should register it at the police and Kyiv administration, so we are trying to show regional governmental officials that we exist and that we have the right to make some street actions. Now it is not difficult to make some protests, or flashmobs, or actions, because off course we have the visibility in society and now regional governmental officials sometimes they try to help in organising all this. And I can say we are working on the governmental officials on the high level, for example we don't work with deputees, because we haven't pro-LGBT deputees in our parliament. So our cooperation with the government is only on the regional level and on the expert level of some ministries. #00:15:59.18#

Rémy Bonny: So you are saying now that there are no members of parliament openly in favour of LGBT-rights, right? #00:16:08.94#

Ulyana Movchan: Yes. #00:16:08.94#

Rémy Bonny: Because yesterday the representative of Nash Mir told me something different. Because he said "to me like the Poroshenko Bloc is the most openly pro-LGBT political party ever in Ukraine". #00:16:30.68#

Ulyana Movchan: You know in the political programmes of any political party or each candidate anyone haven't pro-LGBT things in the programme. Only pro-democratic in general, but not orientated on some minorities group. But we really have some deputees maybe two or three which sometimes help information campaign for the LGBT-people rights. Sometimes ... #00:17:11.05#

Rémy Bonny: Now you are talking about MP's like Svitlana... #00:17:12.51#

Ulyana Movchan: Svitlana Zalishchuk, yes. Maybe two years ago she was a face of the political information campaign for Kyiv Pride. So I can say that this position could be called like not pro-LGBT, but off course pro-democratic but not pro-LGBT. Because they can do it only when some activists ask them about it and it is so hard to find some connection between us because we haven't open contacts this deputees. If we want to ask them about some help. We can't do it openly. But some LGBT-activists off course they have their personal contacts with the deputees. And they can ask for help. For instance I know that Svitlana Zalishchuk is the personal contact of Kyiv Pride activists. But we can't reach her. #00:18:26.91#

Rémy Bonny: So having relations with government and especially members of parliament is mostly because personal contacts? #00:18:36.97#

Ulyana Movchan: Yes. #00:18:38.06#

Rémy Bonny: Do you get any international support? #00:18:44.20#

Ulyana Movchan: Yes off course our organisation are the member of some international coalition. For example Transgender Europe, ILGA-Europe, and so on. And our organisation exists for the donation and grants of international organisation because Ukraine mostly nobody supports our actions, but we have for example Ukrainian Women's Front that help us, but the are other coalitions than our partner are mostly abroad. #00:19:28.85#

Rémy Bonny: And which are the main donors? Like which are the main supporters? #00:19:34.59#

Ulyana Movchan: Anakesh they support for these years. And maybe I don't know. It could be better to ask the head of our organisation about this question. #00:19:53.34#

Rémy Bonny: Do you have any knowledge that certain embassies from certain countries are also supporting? #00:20:00.58#

Ulyana Movchan: Yeah, the embassy of The Netherlands. It was also one Estonian programmes, but not directly the embassy of Estonia. Also some structures of Norwegian embassy, the Norwegian committee... i don't know the know the name. One of the Norwegian committees, but I can't remember now. Mostly Scandinavian countries. #00:20:38.86#

Rémy Bonny: Does your organisation work together with the European Union, such as the institutions of the European Union? #00:20:48.59#

Ulyana Movchan: I don't understand it. #00:20:51.30#

Rémy Bonny: Do you work not only on a financial support level, but also just working together with the European Union? #00:20:56.75#

Ulyana Movchan: We have some projects with the international organisation and European together. Not only for our own financial support. But we have our same projects like for example in Transgender Europe. They have some projects like International Day of Remembrance and in every country they make some activities for this days and we make this activities together with them. So some projects we are doing together in different countries at the same time. But mostly we are working for our own projects in Ukraine, but with the financial support for donors. #00:21:53.71#

Rémy Bonny: So you are not really working together for instance with European Commission? #00:22:00.89#

Ulyana Movchan: With the structure of the Commission? No. #00:22:03.40#

Rémy Bonny: Ok. Why did the Ukrainian government approve bills like the anti-discrimination bill? #00:22:15.04#

Ulyana Movchan: I don't think that I can answer this question. #00:22:24.42#

Rémy Bonny: Is there a certain reason you can imagine, because you are saying a lot of MP's are not really in favour of LGBT-rights, but still they I think two years ago they approved the anti-discrimination bill? Why did they do that? #00:22:42.71#

Ulyana Movchan: You know this bill included the rights for not only the LGBT-people and when our governmental sees the law in general, not orientated on one minority group, but in general. They think this is good idea to approve, but if we have the law which orientated only on LGBT in any case they don't approve this bill. For example you know about the Istanbul convention and our governmental officials really scare of the word 'gender' in this convention and they don't approve this convention. And the same situation with the anti-discrimination law. There we have some scare words so they can sign it. #00:23:47.13#

Rémy Bonny: How big was the influence of the European Union on the decision-making process on LGBT-topics in Ukraine? #00:23:55.77#

Ulyana Movchan: I think that the most influence its in the supporting in the financial support, because when some organisation and activists get money for some activities they have a strong direction of their projects. And in this way we see that European Commission they show Ukrainian organisation and activist in what way they should work to make the situation on human rights and LGBT in Ukraine better. But also I think that they have influence on some cultural aspects and values in Ukraine. You know that in Ukraine we have the term of 'European values'. It is the values of human rights mostly, as though in this way the European influence is really high. So maybe we can talk about this direction and financial support of LGBT and influence on values. #00:25:26.70#

Rémy Bonny: Ok. One of my last questions then. Like let's just dream. How would you describe the ideal future for LGBT-people in Ukraine? #00:25:42.78#

Ulyana Movchan: I think that maybe in five years we will get the possibility of marriage for LGBT-people. I think so. And I hope that when the war on the East of Ukraine is finished that this radical-right groups will finish there actions also and then the situation for LGBT-people could be much more better than today. I think that everything would be not so bad. #00:26:26.63#

Rémy Bonny: What is the biggest influencer of people's minds right now in Ukraine if it comes to LGBT? Europe or Russia? #00:26:38.08#

Ulyana Movchan: I think that Europe. #00:26:42.85#

Rémy Bonny: Europe. Alright. So you really think that people are becoming more progressive? #00:26:46.84#

Ulyana Movchan: In reality I think that they no became progressive. But they think that they should be more progressive. So we can see some real changes, but they really hope to be the part of European Union. And they maybe think that some people will not get the acceptance of minority group off course in the Europe now we have the same situation. Not everyone loves LGBT-people or migrants or any of minority groups, but in Europe this countries have strong law that really can help this minorities groups and anyone of haters can't do something to show their hate against these people. Maybe in our country it will be the same situation. It will be some nationalist groups. It will be some traditional values in the mind of the people, but we will have progressive law and in this case maybe our nation became more progressive. #00:28:21.13#

Rémy Bonny: You mentioned a few times the war already. To what extend actually is the war... yeah to what extend blocks like the war the fight for LGBT-equality? Does it really block it? #00:28:46.74#

Ulyana Movchan: Yeah. Off course and on that territory the rights of ordinary people, not only LGBT, is really they haven't human rights. And in our organisation we have some people that are internally displaced people from the Eastern Ukraine and they ran from that territory, because it is really dangerous for everyone to be there. And off course if you are LGBT-person it's too much danger for you. #00:29:31.14#

Rémy Bonny: What was my question again? #00:29:40.20#

Ulyana Movchan: You ask about the LGBT-rights in the war... #00:29:49.46#

Rémy Bonny: A lot of people on things like human rights, LGBT-equality is not happening right now just because the government mainly focusses on the war? #00:30:05.80#

Ulyana Movchan: Well yeah the government say that it is no time for LGBT-rights right now. I understand government officials also. You know when you have the war in your country, maybe it is not the time for every question. Not only for LGBT. No time for culture. No time for sport. Any questions, because you only should finish the economical and political crisis and not any questions, but we have some rules for euro-integration and this rules connection with the integration of our law in different spheres. And now Ukraine didn't make changes in any reforms according to euro-integration and the question of LGBT-people is the question of political reforms also. So if our government will only think about the war, we will never become part of the European Union. So all this things are really connected between each other. #00:31:35.08#

Rémy Bonny: Maybe elaborate a bit more on your quote 'if the government is only gonna focus on the war, that they are never gonna become member of the EU'. Why? #00:31:46.68#

Ulyana Movchan: You know we have the least of reforms that we should do to become part of the European Union. If the reforms in any spheres, like decentralisation reform. Also law in reform in our... I forgot the word in English. I will see, because it is very important. Sorry. #00:32:30.03#

Rémy Bonny: No problem. #00:32:31.51#

Ulyana Movchan: You know I only write in English mostly. So when I should speak for long time I need more practice. #00:32:42.11#

Rémy Bonny: That's a good thing? Your English is quite good. #00:32:43.26#

Ulyana Movchan: Thank you. #00:32:45.36#

Ulyana Movchan: It is the reform of the court of justice or trial reform, it is the main reform. And the constitutional reform also. I mentioned only three spheres where we should make some change. In this questions we should make some changes in our law, on our political strategies and also the reality of working on this law some rules only on the paper, but in the reality the things are not so good as on the paper. And in Ukraine this situation are really maybe it's everyday situation when you see 'oh I have this right on the paper', but you came to the trial or to the court and they say that

you haven't this right. So our governmental officials should make some changes in this sphere. At the present moment we made some changes in the sphere of three or five steps of reform. But each reform including fifty of this steps. In European Union they say that Ukraine didn't make anything for the euro-integration. But why didn't make this, because we thought about the war. What about this question? About what governmental officials really trying to make some infrastructure on that territory. Also we have some millions of internally displaced people. And government should think about integration of this people on the territory controlled by Ukraine and to make some law for registration of this people. To give them home and work places. And all this question take so long time. And because of this the processes of reform is also not fast. So LGBT-questions are in strategy of some of this reforms. When we didn't make anything for this reforms, we didn't make anything for LGBT-rights. So it is a long connection. #00:36:28.42#

Rémy Bonny: One last question then. You will be graduated at the end of this year, right? #00:36:34.93#

Ulyana Movchan: One year ago, I graduated like bachelor. And now I need to study for two years to get the master degree. Now is the first year. #00:36:49.03#

Rémy Bonny: So after you graduated, how do you see your personal life? Are you going to search for a job? Are you going to stay here at Insight? #00:36:57.36#

Ulyana Movchan: You know I'm really working here. Not on the activist position. I'm a member of staff. And I would like to make my career like a scientist, and a professor at university. After the master's degree I would like to get the PhD-degree, and write my dissertation. And while making of this scientist work. I think I will work here. In human rights also. And after that I prefer working at the university. #00:37:42.46#

Rémy Bonny: Thank you. So this was my last question. Did you want to add anything to the interview? Something you also wanted to tell? #00:37:48.97#

Ulyana Movchan: Maybe I would like to tell you about our project, because you only know about shelter, right? #00:37:58.37#

Rémy Bonny: Yes. #00:37:59.65#

Ulyana Movchan: I would like to tell you about other projects. So what do we do every day? We have the cultural project, named 'Festival of Equality'. This festival exists since 2014. The first one took place in Kyiv. And later we started to make it at different regions in Ukraine. Sometimes it was really dangerous, because right-radicalist groups don't want to make this festival and in Lviv they attacked our festival and it's not been held there. But at other cities we call the police and the festival was really successful. About what this festival? We try to speak about different minorities, we have art exhibition, photo exhibition. For example about different topics, for example I was on the Festival of Equality in Kyiv and there was the exhibition about transgender people and non-binary people. About there stories. Also at the Festival we have some film screening about human rights also. Sometimes it's like short films, sometimes it is films for one or two hours. We have some theatrical performances also on human rights theme. It's like the social theatre where every person can join the performance. And maybe about Festival of Equality is also I will present you the coordinator of our festival later. What about other projects? Now we are working to make this festival at Kyiv again. It will be the third festival here. Also we have some projects only for LGBT-community. The psychiatric help and the help of lawyer, because a lot of transgender people have problems with changing their documents and they

need free help of lawyer. And we help them with this question. And what about psychologist? We are working for psychologists in Kyiv and in every regions we have friendly psychologists that can help LGBT-community at our representative office or at their phsysiatic cabinet. Also we have some more informational programmes. We try to, in popular way, to show the society about problems of human rights. The last our campaign 'Stop Hate' it was the photos on the bilboards on the streets with different faces of people where it was insex. It was like really scary and why we choose some shocking campaign. There was the slogans: 'Is this what homophobia looks like?'. Or 'transphobia looks like?'. So that people thought that this phobia is really bad. And that the people should really stop the hate against some people. Maybe I will show you this campaign... One moment... Also we have some informational campaign in social networks. We have a web source called 'Update' about feminists, about mental health, about activism also. Everyday they write some articles, but only in Ukrainian and Russian language. But this source in Ukraine is really popular. Everyday it is read by maybe 2000 people. #00:43:53.70#

Ulyana Movchan: So I found it... It's like 'Is this what racism looks like?', 'Is the hate looks like?', 'Is the homophobia looks like?' and this is 'Sexism'. This is our office manager. #00:44:15.64#

Rémy Bonny: Well I hoped it shocked..#00:44:15.64#

Ulyana Movchan: Yeah. It was really successful, because everyday we got the messages of hundred. Off course some of them it was a horrible campaign. It really doesn't matter, because this what the way to show them our thoughts and our topic and to make the visibility of this topic. And we really got it. Maybe every person in the small town and a lot of people in Kyiv knew about this campaign. They knew about racism, sexism and homophobia. On the website of this campaign we wrote some articles about this thing. About the number of hate crimes in Ukraine. Some statistics. About words of hate that people use. And this words increases the level of hate crimes in society. So it was the most successful influancial campaign. But before we also made campaigns against anti-propaganda law. Because some years in Ukraine our governmental officials wanted to make the law like in Russia. And we made campaign against it. There was some people which asking about do you read Oscar Wilde, so get in prison. Because Oscar Wilde is gay. So this is homosexual propaganda... #00:46:16.65#

Rémy Bonny: Why did the law not pass? #00:46:16.65#

Ulyana Movchan: What?#00:46:19.09#

Rémy Bonny: Why did the law not pass?#00:46:19.64#

Ulyana Movchan: Yes.#00:46:22.49#

Rémy Bonny: Why? #00:46:22.49#

Ulyana Movchan: Why? #00:46:22.49#

Rémy Bonny: Why did it not pass? #00:46:22.49#

Ulyana Movchan: Because when you reading or see something connected with sexual topics it is like homosexual propaganda...#00:46:41.56#

Rémy Bonny: But I mean why did this law, this proposal, not pass the parliament? #00:46:49.02#

Ulyana Movchan: In that years started to work some pro-European groups and activists and very pro-European politicians. So they rely that this law don't does not work then. So it was really successful for us. It is about the informational campaign. This is the community centery and everyday we have some events only LGBT-people. Here for example film screens, some phsysiatic groups, about theire relationships, . . . Also we have the groups for... one moment... I need to look for translation. Yeah we have group for self-defense and a tango group. It's maybe our sport direction for LGBT-people. It's not in our office, but in the rented spaces. And maybe about shelter you know everything I don't know?#00:48:29.82#

Rémy Bonny: No, you can tell me.#00:48:31.02#

Ulyana Movchan: In shelter we have maybe from 6 to 9 people, not more than 9. They came from Eastern Ukraine, where we have the war. Now we also take people with difficult life situations when haven't a place to live. When they have problems with their families, because of coming-out. They can live in the shelter up to three months they have everything that they need for normal life. For example food, place for sleep, also transport card. Also we try to help them to find work in Kyiv and if they need we can propose the consultation of psychologist and the lawyer. For this shelter was situated on the right part of Kyiv, but now we will be moved on the left part of Kyiv. And I think that the new place will be much more comfortable than before. Because previously there wasn't enough space for such number of people. Most problem of project shelter. It is not supported financially like other projects in our organisation. Nobody wanted to supported on the regular basis, so we try to support this project by our own resources. We can't outlaw this projects because it is really important for society. And in Ukraine we haven't such shelters for LGBT-people and for people in difficult life situations. In Ukraine there are only maybe two shelters for women which suffered from violence. But not for other people. Previously we wanted to make this shelter for LGBT-youth, but we haven't legal rights to make it, because people who haven't 18 years they need to have a special documents from their parents. That their parents accept their living in the shelter. The same situation is with the psychologist, because LGBT-youth haven't enough rights under 18 years. And they have to make the official permission from their parents. But now we want to make a special project for LGBT-youth. Because other organisations really don't work directly with LGBT-themes. And we will find solution to make some events for them and to propose some help. Maybe it's all about our projects.#00:52:27.16#

Rémy Bonny: Ok. Then we can stop this interview. Thank you very much.#00:52:34.35#

Transcript Interview Leonhard Den Hertog

Policy Advisor to Sophie In't Veld (MEP)

22/03/2018 3:00PM; ExKi, Luxemburgplein, Brussels, Belgium

Rémy Bonny: Dus als eerste vraag gewoon. Kun je jezelf voorstellen? #00:00:16.63#

Leonhard Den Hertog: Dus ik ben assistent van Sophie in't Veld. Bij ons in de delegatie noemen we dat beleidsadviseur. Ik adviseer haar op de gebieden die eigenlijk verbinding houden met de legal commissie in het Parlement. Dus eigenlijk alles met rechtstaat, grondrechten, migratie en asiel, maar de zogeheten LGBTI-intergroup in het parlement. Dat volg ik ook en vrouwenrechten. Ik help haar met het voorbereiden van standpunten, met onderhandelingen met de Raad als ze ergens rapporteur op is. #00:00:55.12#

Rémy Bonny: Dus Sophie In't Veld is ook lid van de LGBTI-intergroup? #00:00:58.62#

Leonhard Den Hertog: Ja, ze is vice-president of co-president heet het daar. Ja...#00:01:03.02#

Rémy Bonny: Wat zijn zo de zaken rond LGBT- rechten en LGBT-issues in het algemeen dat zij specifiek opvolgt? Heeft ze een bepaalde focus regio of bepaalde rechten? #00:01:20.36#

Leonhard Den Hertog: Niet zozeer. We hebben veel evenementen gedaan rond Oost-Europa bijvoorbeeld en ook wel rond rechten in Rusland en ze is zelf ook wel een keer in Oekraïne geweest op de Pride en zo. Maar ze focust de laatste tijd meer op de krachten binnen de Europese Unie en vooral de krachten met een religieuze achtergrond die proberen om te lobbyen tegen alles wat met 'choice' te maken heeft. Dus tegen abortus, homohuwelijk, tegen euthanasie. Dus ze is vooral geïnteresseerd in die beweging die zich steeds beter organiseert en die heel effectief begint te worden, ook op Europees niveau in een lobby tegen LGBTI-rechten, en tegen abortus en tegen euthanasie. Goed in het algemeen probeert ze natuurlijk daar waar het kan te ondersteunen. Bijvoorbeeld in Tsjechië is er nu een campagne om als eerst Oost-Europese land het homohuwelijk in te gaan voeren. Daar probeert ze dan steun aan te geven. Volgende week spreekt ze op een evenement van die campagne hier in Brussel en ze gaat naar de Pride in Praag later dit jaar. In de Intergroup proberen toch ook 'letters' te ondertekenen, brieven te ondertekenen en geschreven vragen, hoe zeg je dat 'oral question' en 'written questions' aan de commissie te stellen over de situatie van LHBTI activisten in en buiten Europe. Dat zijn een beetje de dingen waarop ze focust. #00:02:48.96#

Rémy Bonny: Wat zijn de specifieke initiatieven die ze neemt rond die religieuze, rond het religieuze waarop ze nu focust? #00:02:55.89#

Leonhard Den Hertog: Ja, dus ze heeft een boek geschreven waarin ze dat probeert uit te leggen hoe die netwerken lopen. Dan zit ze verder ook in het EPPSP, European Parliament Platform on Secularism and Politics, dat is eigenlijk een platform van een aantal MEP's die specifiek focussen op secularisme in de politiek. En ook als aandachtspunt heeft om inzichtelijk te maken hoe vanuit een aantal lobby-organisaties in Brussel, maar ook op het Vaticaan en op een aantal andere plekken druk wordt uitgeoefend op de Europese besluitvorming om dus elke keer als we een resolutie hebben, krijgen we e-mails van bijvoorbeeld één van die clubs is het ADF. Dat is een soort van alliantie van christelijke mensen. Dan krijgen we altijd suggesties

voor amendementen die de rol van het klassieke gezin benadrukken, die tegen adoptierechten voor LHBT-koppels gaan. Dus daar proberen we heel duidelijk te krijgen wie zit daar achter, wie zijn dat en dat eigenlijk transparant te maken. Door bijvoorbeeld een boek, door een publicatie zodat we door hebben dat het niet uit de lucht komt vallen, maar dat het echt een zekere kracht achter zit en dat het niet de meerderheid van de Europese bevolking van de Europese bevolking representeert. Want als je kijkt naar heel veel peilingen dan zie je dat de bevolking eigenlijk seculier is en openstaat voor zaken zoals het homohuwelijk. En dat er toch nog steeds een zeer sterke lobby is vanuit een conservatieve hoek die geld heeft en goed wordt aangestuurd die werk op dat onderwerp moeilijk maakt voor ons. #00:04:28.78#

Rémy Bonny: Waar ik me dan vooral mee bezig hou, is dan bijvoorbeeld in Hongarije waar je een Viktor Orban aan de macht hebt die zeer streng katholiek conservatief persoon is, was er een peiling vorig jaar dat 64% van de Hongaren voor gelijke rechten voor holebi's is. #00:04:45.46#

Leonhard Den Hertog: Ja, ja. #00:04:48.35#

Rémy Bonny: Ja, dus dat is dan totaal het tegenovergestelde wat bijvoorbeeld de verkiezingsuitslag daar voorspiegelt. #00:04:53.38#

Leonhard Den Hertog: Ja, inderdaad. #00:04:53.38#

Rémy Bonny: Dat is ook iets wat mij heel erg interesseert en waar ik verder onderzoek wil gaan doen. #00:04:55.75#

Rémy Bonny: Ja, heel interessant waar ze mee bezig is. Je zei net dat ze een aantal jaar geleden naar de Pride in Kyiv is geweest. Heb je van haar zelf vernomen hoe ze dat heeft ervaren? Wat het programma daar was? #00:05:13.77#

Leonhard Den Hertog: Nou, ik weet het niet precies om eerlijk te zijn. Maar ik weet wel dat als ze naar een Pride gaat... We zijn nu bezoeken aan het organiseren aan Prides die er nu aankomen dan gaat het niet alleen om het feest natuurlijk. Het gaat er om dat ze kan spreken met activisten. Dat ze ook, heel belangrijk voor ons, dat ze contact heeft met de ALDE zusterpartij in landen die soms wat minder liberaal zijn dan Sophie in't Veld zelf. Dus ze probeert ze dan ook een beetje aan te sporen om initiatieven te steunen die juist LHBT-mensen om vroegen. En ik weet wel dat ze dat zeer indrukwekkend vond toen. Dus dat ze ook wel te maken heeft gehad, niet persoonlijk, maar dat ze intimidatie, geweld heeft gezien tegen die Pride en dat ze dat wel... #00:06:01.95#

Rémy Bonny: Ik denk... Dat was wellicht niet vorig jaar, maar het jaar daarvoor. #00:06:05.19#

Leonhard Den Hertog: Ja dat zou kunnen. #00:06:05.19#

Leonhard Den Hertog: Die pride is uit elkaar geslagen geweest. #00:06:07.98#

Rémy Bonny: Ja. #00:06:10.24#

Leonhard Den Hertog: Ja daar is ze dus wel zelf zonder kleerscheuren uitgekomen, maar ze heeft wel meegekregen hoe zeer de problematiek daar speelt. #00:06:18.34#

Rémy Bonny: Ik was zelf twee weken geleden in Oekraïne op een conferentie rond LGBT-rechten en nog altijd politie die het bewaakt enzo. En ja toch mensen die

probeerden binnen te dringen. Ook als je dan interviews afneemt met mensen of als je bijvoorbeeld bepaalde organisaties gaat bezoeken dat zijn echt schuilplaatsen dat niemand weet waar die organisatie is, bij ons als er een LGBT-organisatie is zie je dat van mijlenver al een regenboogvlag hangen. Daar totaal niet. Dat is een klein huisje, een kelder ergens. Ik durfde er zelf al met moeite naar binnen gaan. Ja, dat was inderdaad... als je ziet hoe die mensen leven en moeten strijden...#00:06:59.62#

Leonhard Den Hertog: Dat was dus een activist die ook op een evenement was die uit Wit-Rusland was. Die vertelde dat zij eigenlijk niks organiseren in Wit-Rusland. Altijd in de buurlanden iets te organiseren en dan proberen journalisten daar naartoe te krijgen..#00:07:12.67#

Rémy Bonny: In Oekraïne bijvoorbeeld is het nog mogelijk, maar in Wit-Rusland is dat onmogelijk gewoon. Dat is bijna nog een ergere dictatuur dan Rusland zelf. #00:07:20.46#

Leonhard Den Hertog: Ja ja. #00:07:21.61#

Rémy Bonny: LGBT-activisten worden daar echt jarenlang opgesloten in Wit-Rusland. #00:07:28.65#

Leonhard Den Hertog: Neen ja, absoluut. #00:07:36.38#

Rémy Bonny: Volgens ALDE, wat is de competence van de Commissie en dan specifiek de DG Nabuurschap rond LGBT-rechten eigenlijk?#00:07:52.58#

Leonhard Den Hertog: Wat de bevoegdheid is? #00:07:54.73#

Rémy Bonny: Volgens het standpunt van ALDE? #00:07:56.46#

Leonhard Den Hertog: Ja. Ik kan niet zo in één, twee, drie zeggen wat het officiële standpunt is van ALDE, maar ik weet wel dat ALDE heel sterk inzit op de waarden. In het Engels heet dat 'values first'. En dat gaat eigenlijk over de noodzaak van het benadrukken van de Europese waarden in artikel 2 van het verdrag en daar wordt wat ons betreft, daar staan mensenrechten in, en daar wat ons betreft horen ook LGBTI-rechten bij. Die horen daar bij. Wat ons betreft is er geen twijfel over het feit dat de EU een bevoegdheid heeft om dat ook in het nabuurschapsbeleid heel duidelijk op de agenda te zetten. #00:08:34.57#

Rémy Bonny: En heel specifiek, over welke rechten gaat dat dan? Je hebt het net over artikel 2, maar bijvoorbeeld ook in Oekraïne is er nu bij de nieuwe labor code zijn de artikelen aangenomen rond anti-discriminatie op de arbeidsmarkt rond seksuele oriëntatie en dergelijke meer. Gaat dat voor jullie dan nog verder dan dat? Tot 'civil partnership' en dergelijke meer of is het echt de basis van de EU-wetgeving waarop jullie zich baseren? #00:09:00.71#

Leonhard Den Hertog: Het probleem is inderdaad dat qua bevoegdheid dat que partnerships, en ook in het homohuwelijk natuurlijk, waar de officiële respons natuurlijk vaak is van daar gaan wij niet over. Maar op politiek niveau proberen we er als politieke groep wel steun aan te geven als dat kan. We gaan niet dat door de strot duwen laat ons zeggen, maar als dat op de agenda staat in een land en er is een campagne dan willen we dat altijd zeker steunen vanuit ALDE, zoals we dat doen in Tsjechië bijvoorbeeld, en verder proberen we dus aandacht te vragen voor allerlei rechten. Ten eerste tegen die 'hate speech'. Voor vrijheid van samenkomst, van vereniging, vrijheid van meningsuiting, ook in publiek. Ja, persvrijheid, omschrijven over deze problemen die LHBT-mensen moeten ervaren. Dus eigenlijk een breed scala

aan rechten, maar wij als groep zijn één van de minst terughoudende als het gaat om 'Is er wel een bevoegdheid of niet?'. Ja dat is inderdaad een juridische vraag, maar wij zullen altijd wel de grenzen opzoeken van wat mogelijk is. #00:10:10.92#

Rémy Bonny: Misschien niet specifiek Sophie in 't Veld, maar zijn er leden van de Intergroup rond LGBT betrokken binnen de onderhandelingen rond bijvoorbeeld de VISA-liberalisering of de Association Agreement met Oekraïne? #00:10:34.79#

Leonhard Den Hertog: Ik weet bijvoorbeeld voor Azerbeidzjan is er ook zorgwekkende feiten naar buiten gekomen over de LHBT-gemeenschap daar. We hebben daar ook wel vragen over gesteld, officiële vragen aan de Commissie, dus in die context is Sofie er wel mee bezig. Maar ik heb niet de indruk dat er iemand van de intergroup... kijk de intergroup heeft iets van 150 leden. Dus dat zijn heel veel MEP's en waarschijnlijk zit er wel ergens in één op één zo een dossier, maar de facto is het eigenlijk vooral de co-presidents. Dat zijn er geloof ik zeven MEP's die zich echt bezighouden met die Intergroup. Die evenementen organiseren en ik weet eerlijk gezegd niet of die dan rapporteur zijn of onderhandelaar zijn op één van die files. Dat kan ik je niet zeggen. #00:11:19.58#

Rémy Bonny: Tot op welk niveau moet het Europees Parlement een rol spelen in rond LGBT-issues in de relatie met Oekraïne en de EU? #00:11:32.24#

Leonhard Den Hertog: Tot op welke hoogte of wat? #00:11:33.91#

Rémy Bonny: Ja tot op welke hoogte. #00:11:33.91#

Leonhard Den Hertog: Heeft het Europees Parlement een rol daarin te spelen? #00:11:37.99#

Leonhard Den Hertog: Ja, ik denk het wel. Ik denk dat als we een regeringsleider over de vloer hebben dan kan het Europees Parlement, namens de president van het Europees Parlement, ook dat soort issues naar voor brengen. Het probleem is alleen op dit moment dat we met Tajanie hebben we een president of een voorzitter moet ik zeggen in het Nederlands van het Europees Parlement die niet echt niet echt de meest vooruitstrevende persoon is als ik het zo mag zeggen. Die ook heel erg trouwens betrokken is bij al die religieuze groepen die dus lobbyen in het parlement juist tegen dit soort initiatieven. Hij zegt ook altijd heel expliciet "Ik ben een zeer gelovig katholiek en ik steun alle organisaties van kerken", dus het is niet de makkelijkste manier voor het parlement op dit moment om dat op de hoogste politieke agenda te krijgen, omdat we eigenlijk niet de politieke backing hebben van de voorzitter. Dus het moet heel erg komen uit de Intergroup, uit die specifieke MEP's. Maar vanuit de voorzitter van het parlement is dat lastig. Dat was bij Schultz bijvoorbeeld heel anders. Toen we nog Martin Schultz hadden die was een sociaal-democraat. Nu is het een conservatieve EPP'er. #00:12:50.28#

Rémy Bonny: Dat is ook wat ik eigenlijk... Die vraag stel ik eigenlijk heel specifiek omdat ik ook deze gesprekken heb gehad met mensen van de EPP en die antwoorden daarop dat de rol van het Europees Parlement was er tijdens de 'negotiations', maar nu is het de rol van de commissie die dat moet uitvoeren. Maar de rol van het Parlement is gedaan volgens hen... #00:13:18.48#

Leonhard Den Hertog: Ik vind dat een te simplistische benadering. Natuurlijk is het zo dat de bal nu bij de Commissie ligt, dat klopt. Maar wij moeten er als Parlement wel bovenop zitten, want anders gebeurt er gewoon heel weinig. Dat is niet alleen in dit dossier zo, maar dat is in heel veel dossiers. Als wij niet constant vragen blijven stellen, constant evenementen blijven organiseren, commissarissen blijven uitnodigen

dan is de druk van de ketel en dan is het veel makkelijker. Als je bijvoorbeeld kijkt naar Azerbeidzjan, is bijvoorbeeld door Mogherini gezegd, door de hoge-vertegenwoordiger van "ja we gaan in het kader van die nieuwe overeenkomst met Azerbeidzjan wel iets doen omtrent mensenrechten en ook met LHBTI-rechten", maar uiteindelijk zie je er dan niets concreets van terug. Dus dan hebben wij bijvoorbeeld weer een brief gestuurd van hoe ga je nu specifiek zorgen dat in het kader van die overeenkomst dat er echt aandacht komt voor deze rechten en dan moet ze in ieder geval antwoorden. Dan staat het in ieder geval op enig niveau terug op de agenda. Zo een lijn van nu ligt het bij de Commissie en dan is het wel goed, dat zou ik veel te afwachtend vinden. #00:14:16.19#

Rémy Bonny: Dat is inderdaad wat mijn aanvoelen is op dit moment. Ik heb heel wat interviews nu gedaan in Oekraïne met een aantal officials ook daar en van hen hoor ik voornamelijk dat als wij iets invoeren dat pro-LGBT is komt dat niet omdat de EU daar sterk op aandringt. Dan is dat voornamelijk omdat "wij willen aantonen aantonen dat wij erg Europees zijn en anti-Russisch zijn".#00:14:40.71#

Leonhard Den Hertog: Ja ja ja. Dat is wel interessant. #00:14:42.26#

Rémy Bonny: Dus dat is een heel pijnlijke vaststelling eigenlijk om dan eigenlijk te zien dat de EU, die eigenlijk wel een normative power heeft, dat ze die eigenlijk helemaal niet gebruiken omdat ze nog veel meer kunnen veranderen. Want er is wel degelijk een drive in een land als Oekraïne, en zeker in Oekraïne, om bepaalde zaken aan te pakken. Ik heb daar gesproken met oudere LGBT-activisten daar, mensen die al LGBT-activist waren in de Sovjet-periode en die zijn heel positief ingesteld. #00:15:19.00#

Leonhard Den Hertog: Die zien de vooruitgang.#00:15:21.81#

Rémy Bonny: Ja die zien de vooruitgang, die zijn heel positief over de tijd waarin ze nu leven. Zij konden bijvoorbeeld niet indenken dat er een wet zou bestaan dat het verbied om gediscrimineerd te worden op de arbeidsmarkt. Dat konden zij bijvoorbeeld niet indenken, maar dat is er toch wel vandaag. En zij zeggen ook dat de huidige regering die daar aan de macht is, dat zijn eigenlijk mensen die vaak ook gestudeerd hebben in Europa die eigenlijk zeer Europees opgevoed zijn en die dus ook heel pro-Europees zijn. Ik heb bijvoorbeeld met één van de hoofden van de politie gesproken daar. Dat is een man die in het Europacollege heeft gestudeerd. Die zelf zei dat zijn beste vriend aan het Europacollege was gay en "voor mij is het echt een drive" zei hij "om die zaken aan te pakken". Dan gaat het over anti-discriminatie en... Het is dan heel jammer om te zien dat de EU het initiatief te weinig neemt. #00:16:18.64#

Leonhard Den Hertog: Ja, in zekere zin is dat natuurlijk ook soft power, dus dat mensen opgeleid worden in Europa en dat ze de indruk hebben dat dat een Europese houding is versus een Russische houding. Dat geeft toch wel iets aan van hoe de LGBT-rechten onderdeel zijn geworden van een stukje Europese waardengemeenschap.#00:16:38.88#

Rémy Bonny: Ja dat klopt als je ziet dat zelfs in Hongarije 64% van de mensen pro-LGBT is... Dan dat is dat niet zo heel verschillend, 20% misschien, meer met Nederland, België of Duitsland en dat en die cijfers tonen ook aan... er zijn ook cijfers die, denk ik nog gepubliceerd moeten worden door ILGA, die vorig jaar afgenoem zijn in landen als Oekraïne, Polen, en Rusland en die net hetzelfde tonen. Zelfs Rusland, een land met een anti-propaganda wet en die cijfers tonen aan dat een meerderheid niet voor het homohuwelijk is, maar holebi's aanvaarden we wel. We moeten ze niet gaan omsluiten. Dat is iets wat je niet verwacht van een Russische

bevolking eigenlijk. Dusjah Europa heeft maar de bal in doel te schoppen. Maar ze doen het te weinig #00:17:33.39#

Leonhard Den Hertog: In het hele grote geopolitieke spel is het natuurlijk niet het grootste issue. Dat merk je wel. Neen, maar in de perceptie van. Maar ik denk ook wel dat het te maken heeft met de gebrekkige kennis van hoe de bevolking er tegen aanstaat. Omdat dat ik ook een beetje het punt dat ik eerder probeerde te maken. De lobby tegen dit soort rechten is gewoonweg beter georganiseerd dan de lobby die er voor is. Helaas. Dat zie je. En maar toch een lichtpuntje. Ik had vanochtend een evenement over dat secularisme. Die zeiden ook van eigenlijk is die hele strijd om LHBTI-rechten, is eigenlijk toch wel heel goed aan het gaan. Je ziet in heel veel landen dat er toch wel meer acceptatie komt. Zelfs in heel katholieke landen zoals Italië zijn er positieve juridische ontwikkelingen geweest. En zie je ook in opiniepeilingen dat het eigenlijk een uitgemaakte zaak is. De meerderheid van de bevolking is helemaal niet vijandig. Ik denk dat dat ook in die landen gewoon een kwestie van tijd is. Maar dat ontslaat de EU niet van zen morele plicht om de zaken aan de orde te blijven stellen. #00:18:39.47#

Rémy Bonny: Ik heb een tijdje in Polen gewoond, in Warschau weliswaar, maar het holebi-nachtleven in Warschau bijvoorbeeld moet niet onderdoen voor het holebi-nachtleven in Brussel. Dat zegt misschien meer over het nachtleven in Brussel dan in Polen. Maar het is ook wel een vaststelling. Eén van de grootste oppositieleiders in Polen op dit moment is een openlijk homoseksuele man. Dus er zijn zaken aan het veranderen. Ook in die landen die zeer katholiek-conservatief gepercipieerd worden hier in het westen. En dat vertaald zich op dit moment nog niet genoeg in beleidsmaatregelen, maar dat zal binnen een tiental jaar wellicht... Als holebi-vrienden van mij vragen in Polen of in Hongarije van wanneer denk jij dat hier het homohuwelijk ingevoerd zal worden, zeg ik altijd binnen de tien jaar. Die kunnen dat zelf niet geloven, maar ik ben daar wel 100% zeker van. #00:19:38.34#

Leonhard Den Hertog: Daarom is die Tsjechische campagne net zo belangrijk, want dat zou dus eigenlijk het eerste land kunnen zijn. Tsjechië is natuurlijk wel een beetje een buitenbeentje in Oost-Europa, omdat het een zeer geseculariseerd land is, maar... #00:19:50.26#

Rémy Bonny: Maar toch hebben ze een zeer rechtse regering daar. #00:19:52.41#

Leonhard Den Hertog: Een euro-sceptische regering, ja. Wel overigens lid van ALDE, dus dat is een interessant twist. Maar dat zie je dus dat iemand die, Babiš die leider is van ANO, van die partij, die is eigenlijk euro-sceptisch en ook wel wat populistisch. Maar in principe over dat onderwerp van LHBTI-rechten, eigenlijk redelijk liberaal. Dus je ziet ook dat je niet in de val moet trappen om... #00:20:18.66#

Rémy Bonny: Ja inderdaad wat je merkt in Hongarije bijvoorbeeld dat bijvoorbeeld Orban enzo die zeggen gewoon niks over holebi-rechten. Die gaan het debat uit de weg, want ze weten dat ze een sterke lobby achter hen hebben die er tegen in kunnen gaan. Maar als ze het nu openlijk op televisie gaan zeggen, beseffen ze heel goed dat ze heel wat mensen tegen de borst gaan stoten. Die kennen die cijfers ook wel, die 64% van de Hongaren die pro-LGBT rechten zijn. Hetzelfde in Polen. In Polen wordt er niks, maar dan ook niks in de media gezegd door PiS, de Law and Justice partij, over LGBT-rechts. Niks. #00:20:21.43#

Leonhard Den Hertog: Ja, maar wel over abortus in Polen. En dat is wel interessant... . Iedereen dacht natuurlijk dat die strijd gestreden was. Er is nu abortuswetgeving overal in Europa. #00:21:10.18#

Rémy Bonny: Maar in Polen is die strijd nog niet gestreden...#00:21:10.18#

Leonhard Den Hertog: Neen neen, maar die wordt dus nu weer ingeperkt. Maar op dit onderwerp is er blijkbaar nog wel een redelijk positieve discours. Ik weet niet hoe het te verklaren. #00:21:28.31#

Rémy Bonny: Ik had geen vragen meer. #00:21:32.63#

Leonhard Den Hertog: Ik weet niet of het goed was.#00:21:32.63#

Rémy Bonny: Jawel, ik heb wel wat kunnen leren omdat je wat standpunten hebt toegelicht van ALDE. Niet bepaald over de Oekraïne-kwestie, maar wel bijvoorbeeld dat religieuze. Dat is wel interessant voor mij werk. #00:21:51.42#

Notes Interview EEAS-official

Directly involved in the relations with Ukraine

12/04/2018 3:00PM; EEAS, Schuman Square, Brussels, Belgium

Did not agree with the recording of the interview

Notes were accepted

Anonymous, identity known by the researcher

To what extend was the EEAS involved in the negotiations process for VISA-liberalisation and Association Agreement?

- The EEAS was in the lead
- Chief managing due for of EEAS
- Trade negotiations were on another track
- In the lead now: monitoring of association agreement
- VLAP: 4 blocs (migration, document security, X, **anti-discrimination & human rights**)
- Bloc 4 was EEAS in the lead

To what extend is LGBT-equality, among other human rights, a competence for the EEAS?

- DG Near? To a certain extend. But only for accession countries. Because others are EEAS. EEAS deals with foreign affairs. DG Near concentrates on countries who are not really foreign anymore since they will join the EU.
- EEAS is the main EU representer at the Human Rights Council in Geneva

What and how did the EEAS achieve in Ukraine concerning LGBT-rights?

- EU: joint EU effort
- VISA: most head full instrument
 - The anti-discrimination element
 - Internal political difficulties in Ukraine
 - We certainly did not achieve a very ambitious outcome
 - Which would have been a comprehensive anti-discrimination legislation
 - Only in labor code we achieved explicitly sexual orientation and gender identity
 - Implemented by a amendment in autumn 2015
 - Monitoring brings difficulties: Their current labor code dates back to the Soviet times. They should actually elaborate and adopt a new labor code
 - According to the standards of ILO
 - We need to make sure that anti-discrimination legislation, with explicitly mentioning of SO & GI, finds its way in the new labor code
 - If that would become an issue we will start the Revise Suspension Mechanism
 - But anti-corruption issues are more prominent in the recent report of last december
- Anti-Discrimination Action Plan: they lack behind there own schedule
 - The previous Ombudsman even acknowledged this
- EU Delegation tries to monitor the most pressing issues
 - Protection of the Pride in Kiev: freedom of assembly

What are the main difficulties for the EEAS if it comes to asking for equality for LGBT in Ukraine?

- Currently Ukrainian authorities understand how important these issues are

- More difficult before EuroMaidan

Does Russian social influence prevent the EU from gaining more power to promote human rights issues like LGBT-equality in Ukraine?

- Works both ways
 - Very hindering factor before 2014
 - Exploited very much by Ukrainian Orthodox Church
 - Keeping up with conservative values
 - Since Russia promotes these conservative values...
 - In line with pro-European conviction
 - A way to get away from Russia
- They try to be coherent with their aspiration
- In 2014 when Russian aggression began. There was a saying in Ukrainian politics: "Better Brussels gays, than Kremlin faggots"
- Exceptions: never as simple as that
 - Self-organisation efforts by Ukraine after Russian invasion: Voluntary battalions were created
 - These battalions are quite anti-EU and right-wing
 - They have a disproportionate influence on the political level
 - Authorities shy away from what they do

Transcript Interview Dayna Radusza

Advocacy Officer for ILGA-Europe

28/03/2018 11:00AM; ILGA-Europe, Rue du Trône 60, 1050 Brussels, Belgium

Rémy Bonny: So as a first like introduction can you briefly introduce yourself and the organisation you work for?#00:00:09.16#

Dayna Radusza: Yes, so my name is Dayna Radusza. And I'm a advocacy officer for ILGA-Europe. ILGA-Europe is the European region of the International LGBTI organisation, so our umbrella organisation in ILGA-world and it covers the entire world. So ILGA-Europe covers Europe and Central Asia. So we are a membership organisation. We have over 400 members in... oh gosh I can't tell you exactly in how many countries from the top of my head. So our members are grassroots organisations that work throughout Europe and Central Asia from anything to community building and support activities to advocacy. I mean there's a very diverse range from you know from tiny to very large; from new to old. From organisations that have been around for 50, 70 years to organisations that are not recognised as legal entities. It is really a broad diversity. And we work on, as ILGA-Europe, our mandate is to represent the movement at a European, sort of EU and Council of Europe level, advocacy-wise and we also work on movement building and capacity building and strengthening of the different organisation in a variety of places so that is what our programmes team is doing. #00:01:32.69#

Rémy Bonny: So your position within the organisation is really focusing on Eastern Partnership countries?#00:01:39.59#

Dayna Radusza: My focus is on EU-accession and Eastern Partnership Countries and a little bit of Russia, once in a while. When there is advocacy opportunities which is not much.#00:01:47.62#

Rémy Bonny: Ok. So off course Ukraine is included in this scope. What are the other countries that are included in your Eastern Partnership? It's like really the Eastern Neighbourhood Partnership of the EU or also something more extended? #00:02:05.73#

Dayna Radusza: No, we define it as the EU would define it. So it is the countries that are covered by the Eastern Partnership Agreement and our advocacy work for Eastern Partnership Countries is quite new actually. Before I joined, and I joined a year and a half ago it was mostly problematic work. So when the movement asked for building capacity and so forth and so forth. But actually with the Eastern Partnership Agreement and the procedures that are in place through the EU specifically there are quite concrete advocacy avenues that opened up for this regions. It was added to the advocacy teams focusses.#00:02:48.43#

Rémy Bonny: Ok. So I mentioned already my focus is really on Ukraine because for my master thesis. Ukraine is really specific in this region right now. Just after the revolution they started with the Association Agreement negotiations and VISA-liberalisation. So you also wrote in your Rainbow Index and reports on that in Ukraine. How does ILGA-Europe gather their information on specifically Ukraine? #00:03:16.21#

Dayna Radusza: All of our information comes from our member organisations. So in Ukraine I can't tell you from the top of my head but we can check on our website how many member organisations we got, but there is several and especially our

programmes team are in touch with these organisations in Ukraine, so the information... I would never go to a NGO consultation for human rights dialogue for Ukraine.. I would never go there without consulting organisations on the ground. Whether it's me who does that directly or one of my colleagues Anastasia and Boris who work programmatically gather the information through our contacts on the ground. Through them we point out the key issues that they are working on now. What are the issues that the see EU pressure could be useful or important on and that are the things that are raised on that behalf. In terms of bigger advocacy opportunities that's you know they are presented through Association and Cooperation Agreements and there's, as you know, different agreements with different countries or VISA-liberalisation processes. It is really my job to identify when those opportunities arrive. And then to mobilise our activists and members on the ground. To see what we can do within that process. So with Ukraine actually, and this is before my time, so I don't I can't tell you in a private capacity what I did, because I wasn't here. But as I understand it Ukraine was one of our first big advocacy effort for Eastern Partnership Countries and that was specifically with the VISA-liberalisation process, right. So colleagues at the time, and this was 2014, and you probably know this better than me, or 2013. #00:05:06.90#

Rémy Bonny: For the VISA-liberalisation? #00:05:06.90#

Rémy Bonny: 2015. #00:05:09.66#

Dayna Radusza: So the advocacy work would have been done happening in the lead up to that. So we identified this as a opportunity that could present you know options for pushing through progress on LGBTI-rights, right. So it came from us and then we started consulting with our members on the ground which initially couldn't believe that this could happen. And then as I understand from Bjorn who was really leading the process at the time there were quite a few activities organised through that. So advocacy meetings in Brussels and advocacy meetings in Kyiv to really mobilise kind off push from the Ukrainian side and from the delegation side. With the Commission to really make sure that the VISA-liberalisation process didn't just pass without some measures for LGBTI-rights. And the aim there really was to I think it was the labor code to ensure that the labor code would include provisions for protection against discrimination on the grounds of sexual orientation and the way that we did that. So there was no political support at that time in Ukraine. Not that there is so much right not either, but it is better off course you can see it with Prides and so on. And in the Brussels side it was also not all that easy, but I guess it's finding where those pressure points are and at the time what really helped was our connection with the commissioner Malmstrong, who was in a different position to what she is now. But she was playing quite a key role in the VISA-liberalisation process and she took a stand on this and issued quite a strong instruction that sexual orientation should be included in this and it was. So it's not part of... it could have been better, right? We could have pushed for something like anti-discrimination legislation, but at least we did get that through specifically for the labor code. I just wanna check.... . #00:07:22.24#

Rémy Bonny: Yes, the labor code is included. There is an anti-discrimination... #00:07:25.40#

Dayna Radusza: And that came through because of the VISA-liberalisation process and the advocacy that we did around that. #00:07:30.32#

Rémy Bonny: Do you have information... Because in 2012 or 2013 there was an attempt to introduce an anti-propaganda law in Ukraine. And some rumours are also saying that it is not the implemented just because of the VISA-liberalisation negotiations. Do you have any information on that? #00:07:48.86#

Dayna Radusza: I don't know about that, but I'm sure that the EU has played a big role in that. There has been efforts to implement that sort of legislation also in Moldova and actually I think it is still pending in a frozen way. It also popped up in Georgia and rumours in Armenia. Lithuania as well. Lithuania being separate from any of this, but the EU has been very vocal and very strong on this. Stronger in external countries than in internal countries. This is where Lithuania comes into play, right. Because it is for some reason possible in Lithuania to happen, because paradoxically there is less influence that the EU has on its own members than it does on the countries that want to work closer with it. #00:08:35.35#

Dayna Radusza: Discrimination, that's what I wanted to check. #00:08:44.10#

Rémy Bonny: There's nothing included in the anti-discrimination law like in the constitution, but there's something in the labor code focussing on sexual orientation and gender identity. #00:08:54.30#

Dayna Radusza: So in this sense we were a bit more successful in other countries. Georgia for example. Where it is also because, specifically because EU influence that the anti-discrimination law does include grounds of sexual orientation and gender identity. So Ukraine, less successful, but I think it was the first one where we did this. And so the labor code is something and it is a starting point and what it's a starting point for activists on the ground to them push for (a) implementation of that. It means that somewhere in the legal documents this is included. Which means that it can be used in other cases. It is really difficult... Armenia for example which has zero, like nothing at all. It means that even that the constitution bans discrimination on all grounds, sexual orientation and gender identification are not identified anywhere. So it has never been applied in its sense. #00:09:50.31#

Rémy Bonny: Oh yeah, Armenia. I was there for a few weeks a few months ago as well. And yeah Armenia is the most homophobic country I've ever seen. #00:09:59.03#

Dayna Radusza: Oh yeah. And this is one that I'm working on a lot now. Because than you might know that there is a draft law for...#00:10:07.30#

Rémy Bonny: For anti-propaganda. #00:10:07.30#

Dayna Radusza: That as well. But I mean. What there... What I was gonna say is that they have drafted an anti-discrimination law and this has come, and this is where the EU can be paradoxical. So this draft law comes as a direct response to the EU Human Rights budgets programme, which stipulated to Armenia that one of the conditions is that they have to come up with a stand alone anti-discrimination law and that it has to meet international standard. They did come up with a stand alone law which has many many issues and does not comply with international standards. There's a big... Actually I can send it to you. There's a really good legal analysis that the Equal Rights Trust in the UK did that outlined all the ways that it can fall short of international standards. From an LGBTI perspective for example it does not include grounds of Sochi. But also it includes a article on the implementation of the law which stipulates that this law should be interpreted with respect to the role of the state protecting the family. Family is defined in the constitution as a marriage between a man and a woman and with respect to the role of the apostolic church which has been very vocal and very active in opposing right of LGBT-people, right. So this law could serve to actually explicitly exclude LGBTI-people and it's been done through any EU process and yet here we find it very very difficult to advocate for it. The answer we are getting is "yes, Armenia is very homophobic. It is very hard to talk about this

issues, it is very sensitive, etc etc". On the other hand if it's a condition that the EU has set... So it's a balance#00:11:51.88#

Dayna Radusza: Please don't quote me on that. #00:11:53.55#

Rémy Bonny: Haha I won't quote you that because it's about Armenia.#00:11:59.94#

Dayna Radusza: Just for content. It really depends on times. You know if you look for example Georgia and Armenia. It's crazy they are very similar countries in many ways. Also they are religious in many ways. But there has been so much more progress in Georgia than in Armenia. Implementation is a different matter and the same is true actually in Ukraine. That implementations for the labor code as well is problematic. But then there is things that can be done. Through our programmes team we have a documentation and advocacy fund which supports activists in documenting cases of discrimination in a way that can be used for advocacy purposes. After this labor code change was introduced in Ukraine, we actually had a call specifically on documenting discrimination within the employment sphere. So that activists in Ukraine has the exact cases to show you know that this does happen and that way push through. #00:13:01.26#

Rémy Bonny: During my visit to Ukraine I've learned especially from the police side, that it is a huge thing to just enforce the labor code because we have like hundreds of cases in Ukraine that are about LGBT discrimination and the police does mostly doesn't react. Even if there's something in the labor code. Even then the police officers don't react. I had interviews with some chief of the Police as well. And these chief is... let's say they really want to change the thing and he was for instance the head of the police academy in Ukraine. And he told me I'm really into changing things and we are implementing now in the police academy courses on anti-discrimination right now but it's gonna be a process of several years. Because these young more young people who are now at the police academy do understand what's going on in the LGBT-community, because they know the LGBT-community. But the older police officers are just... they don't react. #00:14:12.53# #00:14:12.53#

Dayna Radusza: Yeah, it's a cultural thing. It's a also knowledge on how to deal with discrimination against LGBTI-people. Because...#00:14:20.65#

Dayna Radusza: They get a lot of support by the Canadian police officers right now. And that's a good thing, but at the other hand they get a lot of support by Americans and Canadians, but not from European partners. I think that there was... Have you spoke to Stonewall? #00:14:39.25#

Rémy Bonny: Not yet. #00:14:39.58#

Dayna Radusza: Because that might be an interesting...#00:14:46.83#

Rémy Bonny: The Brits are also pushing something forward, but not on a police level. #00:14:50.15#

Dayna Radusza: I thought that Stonewall specifically had police capacity building programme. I know that they have it in accession countries. I'm not sure to what extend they have done it in Eastern Partnership countries, but it might be worth asking. In Albania for example they did a big police training. They brought over police... I mean it was more about 'hate crimes', than discrimination. And they brought over police officers from the UK who work on 'hate crime'-units to train police

officers in Albania. I thought that Ukraine is included in this, but I don't know. #00:15:25.35#

Rémy Bonny: It would be a bit weird that the head of police academy didn't tell me that. #00:15:29.80#

Dayna Radusza: Then maybe not. Maybe I'm mistaken. Maybe Ukraine isn't included. I thought that they did something in Ukraine, but maybe I'm mixing it up. #00:15:36.19#

Rémy Bonny: So you already mentioned some of the institutional actors who are working on it, but what are the main institutional actors from EU side who have the power to have impact on LGBT-issues and LGBT-politics in Ukraine? #00:15:55.41#

Dayna Radusza: It's the External Action Service and the Commission. And how it's divided between the External Action Service and the Commission I can't tell you, but there does need to be support from both of those. So the EU delegations play a big role. The EU delegation in Kyiv I guess. Because they have a day to day contact with activists and they have more contact with authorities in a smaller level... a day to day level capacity. External Action Service comes into play in the scene of the diplomatic service of the EU, so they manage the delegations. And the Commission comes in from a bigger policy set. So both of those, so DG Near is crucial and then at the external action service, it is the Ukraine Desk and then the human rights division unit. #00:16:58.84#

Rémy Bonny: I asked from the DG Justice bla bla bla, to do an interview as well, like the department of human rights, who focus on human rights of the Justice DG and didn't want to do any interview actually because they are not focussing on Ukraine they said. #00:17:15.37#

Dayna Radusza: No they don't. DG Justice only focusses on internal affairs. It's DG Near. #00:17:21.26#

Rémy Bonny: Ok. Like in general what is the biggest drive for Ukrainian politicians right now to improve LGBT-issues and in Ukraine what has been there biggest drive what has been the drive for the implementation of the labor code and anti-discrimination law and stuff? #00:17:43.06#

Dayna Radusza: I think it is the closer cooperation and partnership with the EU and that's not just with labor code, but for example Pride marches are really interesting ones to look at in Ukraine. You know over the years that Kiev has had a Pride marches that has seen massive attacks, but year on year on year the cooperation between activists and the police force and the ministry of internal affairs gets better and better. So there are still homophobic attacks, but the police is more than well equipped to take care of it. In fact they overdo it a little bit. You know they... it's to the point that people get taken out from... there's a really curious way. I don't know if you heard about this how they do it? #00:18:31.82#

Rémy Bonny: Like the way that they secure the Pride? Well...#00:18:37.89#

Dayna Radusza: It's super impressing... #00:18:41.22#

Dayna Radusza: Well mostly thousands of police officers who are just like making a big chain...#00:18:45.06#

Dayna Radusza: No but not just that. They have also plans in place of how to get people to the site and off the site. Like the metro lines within the area once the March ends all the people that have been in Pride go on to the metros which are empty. So that nobody can target them at the metro. And they are to stops that even they don't know. So they don't announce what the security plans are so that there can't be certain attacks on people leaving the marches. Because often you could secure the march, but what happens on the margins of the March is that where the worst attacks can happen, so they really basically ship people out on mass across the city without saying where they will be so that even they don't know, so there can't be any social media links or anything. So that people can really genuine leave in a safe matter. I mean it could be a bit over the top. My colleague who went was like it was a bit crazy, but it means they really take it seriously. And that means that they can show to the EU we take the freedom of assembly and expression seriously. And we recognise that the LGBTI-community is vulnerable and it's kind of a bit of a show, because you know in practice it's really difficult for LGBTI-communities and you can see that the smaller events that are not Pride marches, do get attacked. Like the Equality Festival that was organised by Insight, was attacked this year. And a few others. And off course it is different. And it is also different when it is nog in Kyiv. But you can see that there is this... at least with the bigger events there is this drive to show we are trying to make progress and we are doing this and off cours the EU recognises that. It's this you know, this is where EU setting conditions for closer partnership, whether it is for economic ties or for VISA-liberalisation, it has been done, but yeah. #00:20:38.04#

Rémy Bonny: So you are saying that more or less it is like just showing off by the Ukrainian government. Just like frontstage they are showing that they are very equal and they want to create a very equal environment for LGBT-people, but like if it really comes to the point that they have to implement or do something in practise...#00:20:56.48#

Dayna Radusza: I wouldn't say it so drastically. I think that there was an element of that, but that's not necessarily a bad thing. Because it still leads to change. And it gives, you know it is a process right. You have inclusion of sexual orientation as a prohibited ground of discrimination in labor code. It is not gonna change overnight. It takes time. It takes time for people from the LGBTI-community to report instances of discrimination to have the trust in the authorities that they can do this to have the trust in lawyers that they can do this. So there's the community side and then from the institutional site it takes time learn and to build to capacity of police officers, of lawyers, of judges, of you know and it's you will find activists who argue against this a lot. That it is just for show and that EU influence doesn't actually change that much, because on the ground you know in Lviv it doesn't actually make a difference. I would say that today it hasn't made a difference, but maybe in five years it will. And maybe I am too optimistic. I don't know. I come across this a lot in the Balkans. Because if you look at our map. The Balkans look great. The Balkans are much better than this part of the EU. And that's what activists in the Balkans always say. There's a lot of that that happens for show. Because they are on this path of accession...#00:22:25.87#

Rémy Bonny: I wouldn't say that people living in Latvia and Lithuania are more homophobic than people living in Serbia, right? #00:22:31.90#

Dayna Radusza: No, but there's a very different attitude in terms of political will. So in Latvia and Lithuania there's zero political will to protect LGBTI-people. There is no incentive. In the Balkans there is a lot of incentive and yes you can argue which way change happens. For me being from Latvia there's very little legal protection, but I think it is literally just in employment, because that is direct EU directives so there was no choice in that. #00:22:56.61#

Rémy Bonny: But if it comes to attitudes... #00:22:58.68#

Dayna Radusza: This is what I was gonna say. Is that attitudes are fine. At least in Riga they are decent. So as a gay couple you no longer have to really... I would say that on a day to day basis you don't, you not face with as much homophobia as you were like 10 years. In Serbia it is different. You know the public opinion is not great, but there are a lot of legislative protection. I don't know which way is better. I don't know which way works better for protecting LGBTI-people. What I can say is that when legislation is in place, you have avenues for fighting for your rights. And that requires people to be brave. That does require people to report these things, but it means that if the legislation is there that you have avenues to make sure that it is implemented. If you don't have the legislation there, then you can do it the other way around. That is what happening in Latvia. You are trying to get public opinion on your side and get more pressure, so for now...#00:23:54.38#

Rémy Bonny: So more bottum-up, right? #00:23:54.88#

Dayna Radusza: Exactly. You know it has to come from both sides. But with EU accession countries and to some extend partnership countries there is this very tangible characteristic approach you know. The EU offers closer economic ties, if you travel, you know, this, this, this, any narrow things which the political elite in those countries are interested in. Having acces to closer relations in there countries and so on. And so they have that drive to some extend tick the boxes. I would say that from the EU they are also getting much better in making sure that it is nog just ticking boxes. That it is the implementation is also coming into play. I would say that when Romania and Bulgaria joined that was not so, not done so well. It was done in a very 'tick box' approach, because in the case of Romania or Bulgaria I would say are more homophobic than these two, but there legislation is a bit better because the EU said that via the Copenhagen criteria that this is what you need to do. #00:25:00.76#

Rémy Bonny: About those countries and about the Visegrad countries, I think at that moment there was no effort by the EU for anything about LGBT. #00:25:11.25#

Dayna Radusza: No none at all. No, no, nothing. #00:25:15.25#

Rémy Bonny: So focussing again on Ukraine. What were the main things you asked during the negotiations process for the VISA-liberalisation? What were the main things you lobbied for at the EU-level during the negotiations process for the VISA-liberalisation and the Association Agreement? #00:25:39.90#

Dayna Radusza: For VISA-liberalisation it was specifically that grounds of sexual orientation are included in the labor code. And that this is a condition that isn't negotiable basically. That it is something you either do or you don't do and if you don't do than the VISA-liberalisation does not go through. It is not... "It would be nice if you did this". #00:26:04.28#

Rémy Bonny: So you actually achieved? #00:26:06.45#

Dayna Radusza: Yes. #00:26:08.36#

Rémy Bonny: Was there a distinction between what you asked for the VISA-liberalisation and the Association Agreement? #00:26:12.26#

Dayna Radusza: don't know if we did very much with this Association Agreement. I honestly think that like I say this was before I started, so I'm not sure. I can check

with Björn, but from what he said to me is that the focus really was on the VISA-liberalisation. On the Association Agreement, they are in some ways a bit more complex to ask for human rights things in, because they are so economic and trade specific. So I go to... every year they have the Association and Cooperation Councils with each of the Eastern Partnership Countries and human rights does play a role, but not so much. So NGO's are invited to this consultation beforehand, but I always find that this is a bit of an arbitrary thing to invest in. Because on the one hand it is a room full of people including trade unions and people that work on the economics and bla bla bla, so you sit there for four hours and human rights gets covered in 20 minutes. And in those 20 minutes there's 15 organisations talking about so many different things. So you actually don't get to see what goes in to the reports that then go to the Council. So it's far more difficult to use that. With VISA-liberalisation it is very very, I don't know. It is far more tangible in some ways. What we use as a follow-up to raise any... The main avenue for follow-up within the EU is the Human Rights Dialogues. Because these are specifically human rights focus. And so there is far more opportunity to what I mean, we can argue about the impact of Human Rights Dialogues and Association Councils off course. Because the Association Councils are far more influential. Or Cooperation Councils, depending on the country. But Human Rights Dialogues are the ones where they really give space for any NGO's to provide input in terms of what is going on. And then they, from what I understand, they also feed in separately to the Association Councils and Cooperation Councils.

#00:28:26.80#

Rémy Bonny: I assume from now on you wil mostly focus on this Human Rights Dialogues to lobby for new and more improvements for LGBT-people in Ukraine. What are the future things you want to lobby for at the EU-level concerning Ukraine?

#00:28:43.09#

Dayna Radusza: So the ways that we can lobby are Human Rights Dialogues are more for raising concerns, not so much for lobbying I would say. For lobbying the key opportunities are when agreements get updated. And for Ukraine, I don't remember. I'm sure you can tell me when the agreement can be updated. For example for Azerbaijan right now, an agreement is being negotiated right now at this stage. So when the negotiations are happening we can try and feed in. And we do that in a more targeted one on one basis. So trying to have meetings with the relevant desk officers. With the Human Rights Unit at the External Action Service. With the relevant people on the relevant desks on the Commission at DG Near. So it is far more targetive trying to meet people to explain you know what, why, when. We also try to do this in a way that it is not just me doing it, but we are really bringing activists to Brussels. So they can do it directly. We also encourage them to do it on a EU delegation level. Because when the negotiations are open, you know when the agreements are closed and an new one is being drafted, then there are more, then it kind of going through VISA-liberalisation process. Because new conditions are put in and then you can ask them to be more specific. But to be honest: at the moment it is becoming harder and harder just because there is shrinking space for civil society in the EU as well. The make-up of the institutions here in changing. The Commission is less brave and issueing statement like "Ukraine, if you want VISA-liberalisation you have to include grounds of sexual orientation in your labor code". You know the situation now with Armenia is very different. There's just far more. I think it is also a question of legitimacy. Because within the EU internally there are plenty of issues now in Poland, Hungary and so it seems a bit hypocritical to say that they have to do it, when we don't do it. But also there is just less political will, because there are far more and far stronger you know right-wing forces throughout the EU sitting in the parliament. The workers sitting in the Commission and the External Action Service that come from member states and yeah it is just a very different constitution. And as much as we don't like it meeting them at the Human Rights Forum, but it really helps

us. It is a reality there we have to realise. It is generally more difficult to advocate especially for the human rights of LGBTI-people. Because somehow there always seems to be seen as the most controversial topic. #00:31:25.03#

Rémy Bonny: To what extend has the Parliament an influence right now on LGBT-issues in Ukraine? Because I asked a lot of MEP's to interviews, but they mostly just answer that it is, except for somebody from the liberals, that mostly stated that the negotiations have ended so that's now all the power is at the Commission level, they don't have anything to say anymore. #00:31:52.86#

Dayna Radusza: Well if you speak to the LGBTI-intergroup there will probably say something different. They will say that there are still things that can be done and there are MEP's that are very very responsive as in when issues arise. So when there were these attacks last year happening on the Equality Festival and several others, the Intergroup issued a statement. They sent it to authorities directly in Ukraine, so they are active. How influential they are? I mean the Parliament also, they have far more influence and there is a process in place when negotiations are happening as a process you know. That doesn't mean that they are not vocal inbetween, but it has... #00:32:34.93#

Rémy Bonny: Doesn't it really have something to do with the current leadership of the Parliament? The president? #00:32:41.48#

Dayna Radusza: Could, could not. It depends because I mean it is a big parliament. One person can be influential, but not to the extend that they can shut it down I think. There's still. #00:32:58.78#

Rémy Bonny: That was one of the main reason actually that the liberals gave. That the current president of the Parliament is one of the biggest influencers to not do to anything on LGBT-rights at this moment in the parliament. #00:33:14.43#

Dayna Radusza: Ok. I mean he wasn't our first choice for president either. But he has also been, he has been vocal for example on the crisis in Chechnya and I think even in Azerbaijan he made a comment. So he is not... At least he hasn't said any openly homophobic comments since he's been in this role at least. #00:33:38.71#

Rémy Bonny: What role does Russia play in the situation for LGBT-people in Ukraine right now? #00:33:43.42#

Dayna Radusza: Well... #00:33:51.39#

Rémy Bonny: That's a difficult question. #00:33:51.39#

Dayna Radusza: It is a difficult question. I mean on a political level I would say that any achievements that we have seen show that politically the drive is towards Europe and so politically Russia's influence is lesser. That been said there is a study that has been done about the LGBT-community in the occupied territory. It is more off course... far worse. Because technically then the Russia's law apply and even if don't apply you are de facto under Russian control. So zero space for LGBTI-communities in the occupied and the conflict zones. #00:34:40.40#

Rémy Bonny: My feeling, but that's just a feeling, I don't really have it on the record. But my feeling sometimes is that in Kyiv politics is that Russia is sometimes a bigger driver to do something in favour of LGBT-issues than Europe. #00:35:00.54#

Dayna Radusza: Yeah, it is the getting away from Russia thing. That's a thing that is kind off interesting for the Baltic States as well. When the Chechnya thing was happening or is still happening, Lithuania was the first to say "we will take asylum seekers". And Lithuania is not an LGBTI-friendly place and has tons of tons of issues, right. But in a effort, I remember saying "Don't underestimate the Baltic States in wanting to stick it to Putin" and there is definitely an element of that Ukraine especially after the crisis. #00:35:42.46#

Rémy Bonny: Can you say that the current the current Ukrainian politicians are more willing to implement LGBT-friendly policies than the politicians before EuroMaidan? #00:35:52.25#

Dayna Radusza: Yes. I think so. #00:35:55.38#

Rémy Bonny: What are the reasons? The EU-reasons? #00:35:58.43#

Dayna Radusza: I think I would say the EU is. But I think that this is a question that should be asked to local activists. And I'm sure you have. That would be my feeling. But I think that they are the experts on this. #00:36:03.90#

Rémy Bonny: I interviewed the leader of Nash Mir, I think one of the biggest LGBT-organisations, he was really positive at this moment, because there was never such a LGBT-friendly government in place in Ukraine and even Poroshenko. He was saying that Poroshenko is very very LGBT-friendly and he is, off course he is a rather old guy, so he lived in Soviet times. And so he described the current as heaven to him. For me that was off course difficult to understand, but like #00:36:43.59#

Dayna Radusza: No, and it has been quite a strong change. Even in the last year. Because Björn was telling me that when they were really working on the advocacy on the VISA-liberalisation they are trying to get these changes through VISA-liberalisation process. He said there was no political will in Ukraine and that actually took some time to convincing to get local activists engaged in this, because they just didn't believe that it would happen. #00:37:16.66#

Rémy Bonny: What's the next step for advocacy in Ukraine for LGBT-organisations in Ukraine right now you think? What do they have to advocate for right now? #00:37:24.96#

Dayna Radusza: I would say it is more legal protection. I would think about a comprehensive anti-discrimination law with inclusion of SoGi in there. I think hate crimes and hate speech is also not defined. Let's see. It's not. So specific protections for hate crime and hate speech. Again on specific grounds of sexual orientation and gender identity. I would say that those are usually the first steps and then you work it up from there... #00:37:55.92#

Rémy Bonny: Because at this moment some are also advocating for civil union already. #00:38:01.90#

Dayna Radusza: I mean this is the thing. It is up to activists to say what is realistic and what isn't. My feeling is that it is probably not realistic yet, but in Montenegro there is a draft law over the table that will pass this year. That's also, it seems quite fast. But the political will is there. So it is happening although society might not be so supportive. So... #00:38:28.43#

Rémy Bonny: Within the EU for instance, in 2008 Hungary also implemented it. #00:38:33.66#

Dayna Radusza: So when the political will is there, you can actually pass a lot of things. And it can be done in a very smart way without causing kind of trouble. In the Czech Republic I think it was also passed without any big ding dong. #00:38:50.94#

Rémy Bonny: Looking at my own country. In Belgium when we passed same-sex marriage it was also not really a big...#00:38:56.48#

Dayna Radusza: It was just kind off done. In Spain as well. It is jus kind of done in a you know as a matter of fact it is just done recognising everyone and no big fuzz. #00:39:08.03#

Rémy Bonny: In Belgium as well. Belgium was the second country in the world. We also didn't, well I was like 7 years or something, but didn't have any big debate. #00:39:17.23#

Dayna Radusza: So if the activists in Ukraine think this realistic, then great. And it's really incredible what you can do when there is political will. #00:39:26.25#

Rémy Bonny: The thing off course in Ukraine, especially in Ukraine and in all post-Soviet countries who are not EU, implementing on the local ground/in practise is still a big issue. I can see that if you would ask for civil union at your local authorities that they just ignore and just deny it. #00:39:49.00#

Dayna Radusza: Yep, but then you can start strategic education process and force it into play. And unfortunately that might be a step that has to be taken, but the avenue is there right. #00:40:00.31#

Rémy Bonny: As a last question like let's dream. How would you describe the ideal future possibilities for the LGBT-community in Ukraine? #00:40:09.70#

Dayna Radusza: Well...#00:40:11.97#

Rémy Bonny: Let's say in ten years. In ten years where will they stand? #00:40:13.34#

Dayna Radusza: In ten years where will they stand. That's a very difficult question, because you ask them at somebody who works with the EU-institutions, right. So I'm automatically thinking in ten years what's gonna happen to parliament next year. Is it gonna go further to the right or will it maintain its current liberal role versus illiberal wing. Because those, If it goes to the right no influence will made to make progress. On the other hand if the political will in Ukraine is such as Nash Mir says that it is good enough of itself. Then things can be achieved. Then again legislation takes a while to draft. So ten years is not that long. In a ideal world we would all be Malta. But that is a very very unique situation. I would hope that within ten years Ukraine will have all those that we talked about. So anti-discrimination law, hate crime, hate speech, maybe legal gender recognition. Because in the former Soviet Union, often legal gender recognition is seen in a medical way and so somehow it is not as controversial. Sometimes, unless it is politicised. So potentially some...#00:41:38.51#

Rémy Bonny: Yeah especially in Baltic states. #00:41:48.68#

Dayna Radusza: We had one of the first gender surgeries in the world and we would see it as a great achievement. Which off course we do. There are some legal meassures in Ukraine. Probably precisely because of that. Yes, look at that. Everywhere else there's a gap and here we got existence of legal measures. Name

changes is possible. And no compulsory divorce. Why that's quite good actually. Well they are really pushing for unions then. #00:42:19.35#

Rémy Bonny: Well my research is mostly focussing actually on LGB, because for a master thesis it would be too extensive. #00:42:33.96#

Dayna Radusza: Oh yeah. I understand on T it would be a whole separate issue for sure. #00:42:43.68#

Rémy Bonny: But I also have the feeling that sometimes... Even when I was in Armenia that these gender identity discussions are seen as a more scientific... While homophobia is like religious thing and Armenia... Ok. I think that were my main questions. I don't know if you wanted to add anything to the interview? #00:43:05.39#

Dayna Radusza: I don't know. I think I said most things. Yeah, I mean I guess that the key thing is that it is as ILGA-Europe we can't and don't do anything without the mandate of our members. So you know I can dream and I cannot dream, but unless this is what activists want you we won't be pushing, because this has to be realistic and it has to be what they are pushing for. What their priorities are, what their challenges are and than how sees these energies between what EU-processes currently offer. And yes the negotiations are done. I don't know when the Association... Is it Association or Cooperation Agreement? #00:43:55.27#

Rémy Bonny: Association. #00:43:56.28#

Dayna Radusza: Because they have different ones with different countries, so I don't know when the next negotiations will be. I can imagine that from an EU perspective that is the next big opportunity for influence, but then it depends on the make-up of the EU at the time. #00:44:14.00#

Rémy Bonny: Well I was also wondering when I visited these Ukrainian LGBT-organisations why they don't work together or don't have any umbrella organisation within Ukraine. The Nash Mir guy I interviewed there were some attempts, but why it didn't work he did not give any reasons. But in most countries an umbrella or one big organisation for LGBT-issues, in Ukraine... #00:44:37.06#

Dayna Radusza: It could be that they don't agree with each other. In the Balkans that is definitely the cases. There are lot's of good and different organisations, but sometimes they are conflicting with each. So that doesn't really help. #00:44:51.87#

Rémy Bonny: In Poland KPH is also not really an umbrella organisation, but they are seen as the biggest organisation. So people, everybody that one organisation. While in Ukraine there's not just one. I think that is also one of their struggles that they have within their organisational structures. They have more difficulties to organise themselves efficiently. That's also gonna be a struggle in the coming years for them. #00:45:20.91#

Dayna Radusza: Yes you are right. And for advocacy it is really important to have one voice. If you have five different organisations advocating for five different things. It really doesn't. #00:45:30.28#

Rémy Bonny: Well I interviewed for instance the ombudsman of Ukraine and they told me like if you want to do, if you want to invite the LGBT-community, we have to make five, we have to arrange five meetings with five different organisations. And that's a really bad thing for them off course because they don't really have one voice

and sometimes they work together. That's also a thing about, some organisations are really ideological in Ukraine. I think some are more are really extreme left wing, which make it more difficult to speak with one voice at that moment. #00:46:14.39#

Dayna Radusza: Yes. #00:46:15.01#

Rémy Bonny: Well there are also, but not so much in Ukraine. But more in Central Asia that there is a huge division in lesbian organisations and gay organisations. Which is not really a thing anymore in the European Union. So, there are still a lot of divisions within this organisations which create a lot of difficulties for advocacy work. #00:46:41.27#

Dayna Radusza: No I completely agree. #00:46:43.71#

Rémy Bonny: Ok. Thank you. I will finish the recording. #00:46:48.30#

Discourse Analysis Matrix: Influence

| European Influence | | | | | | | | | | Internal Influence | | | Russian influence | | | | |
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| VISA-Liberalisation | | Association Agreement | | European spirit / Normative Power | | Other | | Internal change / (Euro)Maidan | | Religion | | Propaganda | | Occupation | | Anti-Russia Spirit | |
| UKRAINE | Officials | Roman Badalyk, Head of the Department of Legal Affairs and International Cooperation of the Ukrainian Police Academy | | "A lot of young and not very young, on the majority of the people in the law enforcement bodies who have been involved in living, adapting to the European Union, they are these agents of changes inside Ukraine. And this is why it is so important for example this VISA free regime and different measures, exchanges, student exchanges, etc., because each of these steps brings closer and closer our aim to meet Ukraine country with mutual respect for human dignity, for each and every citizen." | "I hope that through existing Association Agreement, it will give us more and more opportunities to push human rights and respect for human rights in general and respect for different minority in general, particularly." | "Well, I hope that we will become European citizens. In the end of the day, so we are establishing contacts, so we are working already with American partners with Canadian partners and they are helping a lot with this exact course of anti-discrimination and respect towards rights of different minorities, LGBT included and they are providing us with methodological support. They providing us with their instructors, because this is completely new issue for Ukrainian crew." | "The revolution was like the impulse to change things to go more deeply probably on this path of westernization. It was about dignity, it was about human dignity, it was about human rights." | "We are not so conservative as a Pole, because probably Ukraine is not so religious." | "And this is exactly the reason why we are particularly concerned about the fact that in the perception of oligarchy participated a lot of people of right wing with nationalistic views. Even those people basically they I am not saying that they changed their being completely, but their point of view shifted. Basically, if you are fighting against the power of the regime and risking your life each and every day, and see open representatives of LGBT: community fighting next to you, you may say it is not but you have some share in your personal life, in your personal life, in your personal life of each of us. I talked personally with a lot of people who actually said to me yes I consider them, meaning the representatives of the LGBT-community, differently now. So now they consider even right wing I'm not saying everybody, but many of them now may reflect their opinion in a more human way." | "Well basically you have this feeling of comradeship." | "We have such very difficult authorities representations of the LGBT issues and the fact that they are homophobes. So we have to do a lot of things to cooperate with them, but we can't. They don't want to cooperate with us on these issues. It is one from Kiev and the like head of the city of Ivan Frankivsk, Martyniv Ruslan, who is the most homophobic person I've ever seen. He has a lot of homophobes. We have a lot of percent of people who are religious and that is why it is hard to explain them that there are human rights, non-discrimination, because they have their religious beliefs." | "Russia influence is destructive. I'm glad that in last years it's not so least present in Ukraine. The main goal of its propagandists is to spread its own approach to any sexual activity apart from heterosexuality: one is a terrible sin (in the eyes of Orthodox church moral) and it's disgusting (from the point of conservative patriotic society) and it's a serious threat to the position of Russian state which is historically considers all people fighting for the rights of LGBT community as 'westernized libertines who can easily sell their Motherland' all those ideas Russia projects in the countries especially in Ukraine and Belarus, which are according Russian ideology 'Slavic Orthodox brotherly countries' so quite naturally all the political forces in Ukraine, which are sympathetic to the Russian world, usually declare negative approach to the LGBT and praise so called 'traditional values'." | | | | | |
| | | Ksenia Rondiak, Head of the Unit of the Ombudsman of Ukraine for Monitoring and Response on Discrimination Issues | | "Because we have some obligations within this interphase to change our legislation to example to pub law on principles of non-discrimination the sexual orientation and gender identity as a ground..." | "I think it is very like it doesn't have like this ground should be in the labor law. It is outside, not labor code, and there were put. It was hard work. Our members of parliament were very angry. It was... 'gasp', very hard. But they like, they done what they were asked by European Union. But it was very hard in the sense that the law needs to be for all persons have the rights as other persons. They don't have this idea in there heads. It was done just because it was asked by the European Union." | "The plan was like one of the statements that the new grounds of discrimination that discrimination should be in the law, but it was not done. And this law since this time, doesn't have this grounds. And it was very hard work when we lobbied, we advocate, that two grounds should be in the labor law. It is outside, not labor code, and there were put. It was hard work. Our members of parliament were very angry. It was... 'gasp', very hard. But they like, they done what they were asked by European Union. But it was very hard in the sense that the law needs to be for all persons have the rights as other persons. They don't have this idea in there heads. It was done just because it was asked by the European Union." | "I think that since EuroMaidan this question like a lot of time and the authorities start to talk, to think about what we can do to change this. When the law about ratification of Istanbul Convention was discussed in our parliament, it was very like discussion without rationality. It was very emotional discussion. The authorities, they are not members of parliament, they are not ready to discuss such a questions. But the executive branch of our power, the authorities, we have to cooperate with them in these issues. When we have some cases of discrimination of LGBT, LGBT+people ask us to do some cases to do something... so I can show you one example... We ask the police and the Kiev local authorities to do something to make this Pride sat all the people. And they react very active. They do a lot of activities to make this meeting of the LGBT+ people. I think this change since EuroMaidan since, because we have like this progress since that time." | "They only can see this issues within their own beliefs and homophobes things." on the fact that LGBT+ discrimination legislation may not be approved in the Ukrainian Parliament. | "The question of LGBT+people in Ukraine is very hard question, because it was like lost very long time. We have to work on this problem, because it is a lot of people. We have a lot of percent of people who are religious and that is why it is hard to explain them that there are human rights, non-discrimination, because they have their religious beliefs." | "Unfriendly, LGBT+ question as well as gender equality, they is a lot of uncomfortable issue for most of Ukrainian parliamentarians today. I think that main reason of such situation is lack of knowledge about the life of the LGBT+ community and lack of communication in general. Having the opportunity to meet with LGBT+ communities, I have met many wonderful, creative, talented, and open-minded people. People who cultivate their personal xenophobia against LGBT+ lose a lot." | "The ongoing Russian intervention war against Ukraine is to the disadvantage to war against LGBT+ people. The main goal is to split society, sow hostility, create an atmosphere of distrust and warm up the xenophobic sentiment. Russia is constantly speculating on the introduction of same-sex marriages in Ukraine, using the authority of the European Union and in order to discredit the LGBT+ community. They are trying to cultivate an opinion that European integration will destroy traditional family values and that the same-sex couple is not a family. In addition, they are trying to discredit those few positive changes that have been made. Situation of information pressure it is quite difficult to reach the minds and hearts of people for whom the protection of LGBT+ rights is not a matter of paramount importance. Nevertheless, we must go back to society with this issue again and again, and explain why it is so important for the rights and freedoms of everyone (whether they are or are not members of the LGBT+ community)." | | | | | | |
| | | Svitlana Zalishchuk, Member of Parliament in Ukraine, Committee for Foreign Affairs | | "The above-mentioned adoption of amendments to the Labor Code on non-discrimination was officially part of the plan on visa liberalization." | "The EU holds the majority of LGBT+ in a common house, in the same way as with Ukraine. We observe the experience of the European countries, namely the common standards and a common vision developed by the EU bodies in this field. That is why the EU is a valuable partner, who is eager to share experience and share a standard international experience of the protection of human rights in Ukraine. Naturally, the EU expects Ukraine to be more active in protecting the rights of LGBT+ at the legislative level." | "However, there is still one point that should always be taken into account. It is the fact that no one can simply impose anything on society (however useful the norms may be) without proper discussion. Our role is to start and support this discussion, to inform the society, and to expand the scope of its perception." | "I see a number of positive changes that took place in Ukraine in the last four years. For the first time after EuroMaidan, the President has guaranteed the right to peaceful assembly. Police have started to protect the LGBT+prides and today they provide a high level of safety for participants of such events. LGBT+Pride has been held in number of cities of Ukraine in consecutive years. However, it was hard to imagine. Vice prime minister has supported the LGBT+MPs for the first time in the history of Ukraine. Significant positive shifts have also been placed at the legislative level. In 2016, the Parliament has adopted an amendment to the Labor Code on non-discrimination. Parliament maintains steady interest to the Istanbul Convention and possibility of implementing its provisions in the Ukrainian legal system. In our country has stopped ignoring the presence of the LGBT+ community, and many NGOs have appeared to be very active and valuable members of civil society in Ukraine. Of course, the main progress must take place in the minds of people, in their perception of human rights, equality and the formation of a tolerant attitude." | | | | | | | | | "I'm a refugee from Luhansk. I'm an internal displaced person. I live in this office, but it is better than there were not if there were not war, but we still were under Yanukovych's regime, because Yanukovych was Russia-oriented and gave a lot of power to pro-Russian agents. Russia there is no politicians in Ukraine who would support Russian politics in any issues, including LGBT+ issues." | |
| | | Andrii Kraschuk, Expert in advocacy of Nashi Centre, Centre for Human & LGBT+rights | | "The second very important agreement, was agreement on VISA-regime, because under this agreement Ukrainian authorities had to develop anti-discrimination legislation in general. And also implement some policy on protecting of LGBT+interest. We try to use all those instruments." | "First was the agreement on association which made the Ukrainian authorities to implement changes in labor legislation on discrimination grounds on sexual orientation and it was very unusual for us that along with this agreement we have to increase discrimination on the ground of gender identity. It was not provided in the text of agreement, the directive, but nevertheless..." | "The importance of the support of European institutions cannot be underestimated. In the most, it is the most important tool of our in this sphere. Because only because of raising of European institutions, because changes in the constitution of the European Union because the EU. We understand, off course we try to cooperation with our authorities, but they are not very cooperating in fact..." | "We have very strong support of all from the first day of the delegation of the European Union and also from some European embassies. Because only because of raising of European institutions, because changes in the constitution of the European Union because the EU. We understand, off course we try to cooperation with our authorities, but they are not very cooperating in fact..." | "Off course we are in this issue at all. Our course they would like to forget about this issue about our existence, and only because of the concentration of the European side they had to be engaged in our activities." | "So far our financing is coming from the West. Our most important donors are foreign embassies such as the Dutch embassy, Spanish embassy, German, Greek, French, Danube and USA. Should be great for instance Britain and USA became our donors even in this sphere. And also we have the financings from international foundations, especially very important was financing in the beginning of 2000 from the Soros foundation." | "So far our financing is coming from the West. Our most important donors are foreign embassies such as the Dutch embassy, Spanish embassy, German, Greek, French, Danube and USA. Should be great for instance Britain and USA became our donors even in this sphere. And also we have the financings from international foundations, especially very important was financing in the beginning of 2000 from the Soros foundation." | "We have for instance a big project financed by the European Commission about three years ago on discrimination of LGBT+ in Ukraine. We have a common project with the British, in fact it is international, but it is based in London. I don't remember its name, but it was financed by the European Commission and it was a big 2 year project." | | | | | | "There are in many cities, even I know, now with occupation of Crimea by Russia there existed a popular gay resort in a small settlement in the East Southern banks of Crimea, but now after Russian administration left course any public LGBT+ activity is impossible." |
| | | NGO | | | | | | | | | | | | | | "And also we are very great for insight organisation which is organised shelter, LGBT+shelter. My friend lived in this center for half a year. I know that people from occupied territories who live in this shelter for living, because when you leave all your things, your property, you came to Kyiv without anything. We are very grateful for people who helped LGBT+people from occupied territories. The situation there is such that people who live on our territories, it's virtual impossible unfortunately. It is a free you can leave those territories, but we can help people only when they left." | |
| | | Ulyana Movchan, PR of Insight Organisation | | | | "They can think that you are maybe gay or lesbian, but the understanding in the society of LGBT+ is the understanding in the society of LGBT+ people. Not only on the governmental level, because we take the course to European Union and we try to make our law more democratic according to the policies of European Union. So on the political level we have some changes in the legislation in Russia, because we haven't anti-homosexual propaganda laws. We haven't any law that really there are not really good situation I think." | "I think that the most influence in the issue supporting in the society of LGBT+ people, because we have some activities for some actions they have a strong direction of their projects. And in this way we see that European Commission they show Ukrainian organisation and activists in what they should do to make the situation better. But also I think that they have influence on some cultural aspects and values in Ukraine. You know that in Ukraine we have the term of 'European values'. It is the values of humanism, democracy, as well as to say the European influence is really high. So maybe we can talk about this direction and financial support of LGBT+ and influence on values." | "We can say that EuroMaidan gave to LGBT+ people the real visibility in Ukraine" | | | | | | | | | "But when after the EuroMaidan the society started a pro-euro-integration in Ukraine. The pro-euro-integration activists said that Europe means 'Gaypride', so when you come to European Union, You should be gay and all preferences are only for LGBT+people and most parts of society became to think about LGBT+people." |
| | | Leonhard Den Hertog, Policy Adviser to MEP Sophie in't Veld (ALDE) | | "Ja, in zeker zin is dat natuurlijk ook soft power, dus dat mensen kunnen zien dat in Europa dat ze de rechte hebben dat een Europees houder is versus een Russische houding. Dat geft toch wel iets aan van hoe de LGBT+rechten onderdeel zijn geworden van een stukje Europees waardenengagement" | "Ik weet bijvoorbeeld voor Azerbeidzjan is er ook een belangrijke soft power, omdat het gebrek aan de Lgbt+rechten in Azerbeidzjan is. We hebben daar ook wel regels over gesteld, officiële regels aan de Commissie, dus in die context is Sofie er wel mee bezig." | "Natuurlijk is het zo dat deel nu bij de Commissie is. De Commissie moet dat. Maar dat is niet goed voor de mensen die dat voor het eerst horen. Want dat is een grote overeenkomst met Azerbeidzjan wel iets doorgedragen mensenrechten en ook met Lgbt+rechten", maar uiterdinkelijk zie er dan niet concreets van terug. Dus dan heb ik mij bijvoorbeeld weer voorgesteld dat het een specifiek zorgen dat in het kader van die overeenkomst dat er echt aandacht komt voor deze rechten en dan moet ze in ieders geval antwoord. Dast het in ieder geval goed, dat het nu inderdaad terug op de agenda. Zo een lgbt+ in het lgbt+ dat bij de Commissie en dat is heel goed, dat zou ik veel te afwachten vinden." | "Maar ze focus de laatste tijd meer op de krachten bij de European Union en niet op de leeftijd en de religie achtergrond die problemen te hebben hebben allemaal met 'choice' te maken heeft. Dus tegen abortus, homohuwelijk, tegen euthanasie. Dus ze is vooral druk van de ketel en dat is het veel makkelijker. Als je bijvoorbeeld kijkt naar Azerbeidzjan, is bijvoorbeeld door Mohereni gezegd, door hoge vertegenwoordiger van 'ja we gaan in het lgbt+ maar dat moet overeenkomen met Azerbeidzjan wel iets doen' comment mensenrechten en ook met Lgbt+rechten", maar uiterdinkelijk zie er dan niet concreets van terug. Dus dan heb ik mij bijvoorbeeld weer voorgesteld dat het een specifiek zorgen dat in het kader van die overeenkomst dat er echt aandacht komt voor deze rechten en dan moet ze in ieders geval antwoord. Dast het in ieder geval goed, dat het nu inderdaad terug op de agenda. Zo een lgbt+ in het lgbt+ dat bij de Commissie en dat is heel goed, dat zou ik veel te afwachten vinden." | "Het programma is alleen op dit moment dat we voorzitter hebben we een voorzitter of voorzitter moet ik zeggen in het Nederlands van het Europees Parlement die niet echt niet de meest voorstuurende persoon is als ik het zo mag zeggen. Die ook heel erg trouwens betrekken is bij de regelingen die wij hebben. Dus dat is niet het parlement just tegelijk soort initiatieven. Hij zegt ook altijd heel expliciet 'ik ben een zeer gelovig katholiek en ik steun alle organisaties van kerken', dus het is niet de makkelijkste manier om dat te doen. Dus dat is een groot moment om dat op de hoogste politieke agenda te krijgen, omdat we eigenlijk niet de politieke backing hebben van de voorzitter.'> Everything has to come from the Interroup | | | | | | "Well yeah the government say that it is no time for LGBT+ issues. Now we have the government officials say that you know when you have the war in your country, maybe it is not the time for every question. Not only for LGBT. No time for culture. No time for sport. Any questions, because you only should finish the economic and political crisis and not any questions, but we have to wait for the rules of euro-integration and this rules concern with the integration of our law in different spheres. And now Ukraine didn't make changes in any reforms according to euro-integration and the question of LGBT+ is not the question of the political reform. So if the government will only think about the war, we will never become part of the European Union. So all this things are really connected between each other." | | | |
| | | Officials | High-Ranking Source at the European External Action Service (anonymous) | "VLAP+ 4 blocks (migration, document security, X, anti-discrimination & human rights)" "EU: most in the lead - VISA: most head full instrument - The anti-discrimination element - This is the first time in Ukraine - We certainly did not achieve a very ambitious outcome - Which would have been a comprehensive anti-discrimination legislation - Only in the endcode we achieved explicit sexual orientation and gender identity - Implemented by a amendment in autumn 2016 - Monitoring brings difficulties: Their current labor code dates back to the 80s and 90s and needs to be actually elaborated and adopt a new labor code - According to the standards of ILO - We need to have a comprehensive anti-discrimination legislation, with explicit mentioning of SO & GL, finds its way in the new labor code - If there would become an issue we will start the Revise Suspension Mechanism - But anti-discrimination issues are more prominent in the recent report of last december" | "The EEAS was in the lead - Chief managing due for EEAS - Trade negotiations were on another track - In the lead now: monitoring of association agreement" | "Currently Ukrainian authorities understand how important these issues are - Protection of the Pride in Kiev: freedom of assembly" | "Exceptions: never as simple as that - Self-organisation efforts by Ukraine after Russian invasion: Voluntary human rights groups - These battalions are quite anti-EU and right-wing - There is a disproportionate influence on the political level - Authorities shy away from what they do" | | | | | | | | "In 2014 when Russian aggression began. There was a saying in Brussels: 'Better Brussels gays, than Kremlin faggots'." | | |
| | | NGO | | "I don't know if we did very much with this VISA-liberalisation process, but I can say that we did a lot of things for pushing them forward in the last year. So I'm not sure if this came from us and then we started consulting with our members on the ground which initially couldn't believe that this could happen. And then as I understand from Bjorn what was leading the process at the time there were some advocacy activities organised through that. So advocacy meetings in Brussels and advocacy meetings in Kyiv to really mobilise kind of push from the Ukrainian side and from the delegation side. The advocacy process may make sure that the VISA-liberalisation process didn't just pass without some measures for LGBTI-rights. And the aim really was to I think it was the labor code to ensure that the labor code would include provisions for protection of discrimination on the grounds of sexual orientation and the way that we did that." | "What's the biggest drive for change in Lgbt+ legislation in Europe? It is the European Union. The European Union is the main driver for pushing forward the lgbt+ rights in Europe. So I'm not sure if this came from us and then we started consulting with our members on the ground which initially couldn't believe that this could happen. And then as I understand from Bjorn what was leading the process at the time there were some advocacy activities organised through that. So advocacy meetings in Brussels and advocacy meetings in Kyiv to really mobilise kind of push from the Ukrainian side and from the delegation side. The advocacy process may make sure that the VISA-liberalisation process didn't just pass without some measures for LGBTI-rights. And the aim really was to I think it was the labor code to ensure that the labor code would include provisions for protection of discrimination on the grounds of sexual orientation and the way that we did that." | "You know over the years that Kiev has had a Pride marches that has seen some attacks, but year on year on year the attacks have been getting better and better. So there are still homophobic attacks, but the police is more than well equipped to take care of it. In fact they overdo it a little bit." | "The main avenue for follow-up within the EU is the human rights dialogue. But there are also other mechanisms, like the Association Councils and the Human Rights Dialogues and Association Councils off course." | "Changes since EuroMaidan?" This question should be asked to local activists." - She thinks yes and the EU is the main reason Poroshenko is a big change | | | | | | | "That been said there is a study that has been done about the lgbt+ in the occupied territories. It's more or less more off course... for worse. Because technically then the Russia's law apply and even if don't apply you are de facto under Russian control. So zero space for lgbt+ communities in the occupied and the conflict zones." | "Yeah, it is the getting away from Russia thing. That's what I think. Lithuania is not an lgbt+ friendly place and has tons of tons of issues, rights. But in a effort I remember saying 'Don't under estimate the Baltic States in what they are doing to stick to the Poles' and there is an element of that Ukraine especially after the crisis." | |