Geopolitical Transition of the European Body in Ukraine

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ABSTRACT

The article studies the emergence of the transgender phenomenon within LGB activism in contemporary Ukraine in relation to an ongoing geopolitical process of Europeanisation, which involves negotiations over the country's belonging to Europe. The article is based on PhD research (2013–2018) and has borrowed from governmentality studies and also from literature about the Europeanisation process. It pays particular attention to the instrumentalisation of sexual diversity and the transfer of ideas from Western to Eastern Europe. Using data from field research, the article brings to light the discrepancies between the globalised frameworks for LGBT activism and localised meanings and practices.

KEYWORDS

Europeanisation, instrumentalisation of sexual diversity, LGBT activism, transgender phenomenon, Ukraine

In April 2014, when I came to Ukraine to start fieldwork for my PhD research, the spirit of the EuroMaidan had strengthened, Crimea had just been annexed, and the country was about to elect a new president for a five-year term. The popular nationalistic rhetoric was at new heights. The Ukrainian LGBT organisations had continually used human rights rhetoric (including concepts such as tolerance, equality and diversity) in their attempt to counter rampant nationalism, to assert their aspiration for a European future and to encourage decision makers to adhere to European values and standards. The intensification of debates about the Kyiv Pride and the antidiscrimination legislation, including the call for the visibility of LGBT experiences, occurred precisely at the moment when Ukraine declared its 'civilisational choice' in favour of a 'European future' (Poroshenko 2016).

In the process of EU enlargement, the issue of LGBT rights and what eventually became SOGIESC (sexual orientation, gender identity and expression and sex characteristics) issues have gradually gained a central position in fundamental rights rhetoric, thus becoming 'a litmus test for a country's broader human rights record'

(Slootmaeckers, Touquet and Vermeersch 2016: 1). Even though Ukraine has never been considered a viable prospective EU member, people in the West appeared to increasingly imagine Ukraine as a possible ally, especially after the Orange Revolution; indeed, the style and representation of the protests in 2004 made Ukrainian events ‘recognisable’ for the Western audience and allowed the US and European societies to recognise Ukraine as part of Europe (Zhurzhenko 2008).

The increased visibility of LGBT issues in Ukraine, shaped by human rights rhetoric, became conspicuous around this time. From 2004 onwards the idea of Europe appeared as an inspiration and model (Wilkinson 2014), shaping to a considerable degree the LGBT activism and politics in Ukraine. Drawing on my doctoral research, I want to focus on how the transfer of ideas from the West to the East pertaining to (trans)gender activism has been interwoven with current geopolitical interests. Specifically, I pay attention to the ruptures in discourses and practices that occur in the process of translating globalised approaches into local settings.

In October 2015 the NGO Insight (one of the major players in the field of LGBT activism in Ukraine) organised an international conference entitled ‘Transgender issues in social and medical context’. During the conference Ukraine was repeatedly depicted as ‘a bad place to live for trans-gender people’ with ‘a long way to go’ towards the better practices and better quality of life (Petra De Sutter, opening speech, Transgender Conference). Indeed, the gender recognition procedures have been discriminatory and inadequate in Ukraine (Husakouskaya 2015, 2018). Once the procedures were arguably improved in the beginning of 2017 with a new Decree of the Ministry of Health coming to force, Richard Köhler, senior policy officer of the Transgender Europe’s (TGEU) organisation, made this official statement:

We would like to congratulate everyone involved in this important step forward. Ukraine is on the right track by doing away with the worst health and legal provisions for trans people in Europe. Civil society insisting on a human rights approach has brought this fundamental change to the lives of trans people in Ukraine . . . Nevertheless, more needs to be done for legal gender recognition and trans-specific health care to be compatible with human rights standards. (Transgender Europe 2017)

However, although there is a tendency to discursively construct a progressive/democratic West in contrast to an authoritarian East, the international reports on transgender issues as well as the interviews conducted with Ukrainian transgender respondents point towards

discrepancies in this picture. Also, and according to the Trans Rights Europe Map & Index (2016), the picture with regard to transgender rights looks more complicated than the strict West/East divide suggests. As of 2016 only 30 out of 49 European states 'have robust legal procedures [regarding legal gender recognition] in place', and '23 states in Europe (13 in the EU) require by law that trans people undergo sterilisation before their gender identity is recognised'. The map and its explanatory note highlight that there are also other discriminatory requirements in place, such as diagnosis of mental disorder (36 states), medical treatment (30) and invasive surgery (23), single civil status – forcing those who are married to divorce (22) and/or exclusion of minors (34).

Likewise, many of the improvements in Europe happened quite recently. For instance, sterilisation was banned in Germany only in 2011. In France a new law that allows transgender people to change their legal status without having to be sterilised was approved only in October 2016. Moreover, the first self-declaration gender identity law was passed outside of Europe, in Argentina (2012) and then in Denmark (2014, with Malta and Ireland following in 2015). In 2016 the media were saturated with news that Norway has one of the most liberal transgender laws, but it was hardly mentioned that prior to this recent change of laws the state required full-scale surgical and medical intervention in order to be recognised as legible for gender/name change (Tarald 2008).

However, in contemporary Ukraine LGBT activists still recognise Europe as a repository of 'best practices' in the domain of gender equality and sexual politics. Often transgender and LGB activists use the concept of Europe strategically 'as an external constraint to bypass national political and administrative systems [and] to enforce decisions and policies that would not otherwise have been agreed upon or accepted' (Grabbe 2006: 51). While they may endorse the required frameworks strategically to improve their chances of receiving funding, they inadvertently become complicit in the production the East/West cleavage as part of the Europeanisation process and simultaneously present Ukraine as non-European enough. Likewise, international actors, including global LGBT activists, vigorously support this picture of 'underdeveloped' Ukraine.

However, my field data (2014–2018) indicates that the prevalent definition of the transgender phenomenon is being increasingly contested or problematised by people on the ground. Also, a close reading of the interviews (Husakouskaya 2015) shows that the signifier

‘Europe’ remains a very vague imaginary in transgender people’s accounts, offering a perception of it as narrowed to a set of countries such as Germany, France and Denmark. Then, neighbouring countries such as Moldova or Belarus appear to be more desirable and easier to navigate with available networks and information.

Moreover, the transferred language and techniques (through donors’ agendas, amongst other channels) are often at odds with how local activists conceptualise their experiences, for instance, by characterising the new vocabulary as ‘external and imposed’. Also, the fact that these ideas can be easily identified as Western risks fuelling nationalist rhetoric, allowing local actors who want to discredit the legitimacy of LGBT issues (Brković 2014) so as to appeal to anti-Western sentiments.

It is important to highlight that the geopolitical function of instrumentalisation of sexual diversity is twofold: it builds a ‘specific conception of *backwardness* in the context of human rights protection’ while strengthening ‘a model of European citizenship grounded in the liberal concept of “tolerance” as a cultural and political marker of civilization’ (Ammaturo 2015: 1161). The instrumentalisation of sexual diversity inevitably problematises Ukraine as a state never European enough while simultaneously producing ‘Europe’ as the repository of the better, more civilised practices in the domain of transgender rights and health.

Otherwise, the recent rise of right-wing violence in Ukraine (specifically targeting LGBT and the currently Romani population) have led many activist groups to shift priorities. Strategies for visibility and recognition are becoming progressively unviable and dangerous in the country. As the priorities on the ground are changing, it becomes even more obvious for many actors that a ‘project-based approach’, supported by many donors, fails to accommodate their needs. As one of the activists said, ‘By the end of the project for which we applied maybe two years ago we have totally different aims, and these [financed] tasks may have nothing to do with reality, but we have to drag this project and write the final report’ (field notes, May 2018).

The recent developments on the ground suggest that the critical investigation into the political, sociocultural and economic premises of problematising LGBT issues – including conflicts surrounding translations – is needed to shed light on (1) the complex relations between Europeanisation and local nationalist responses; (2) the intricate dynamics between external financial-political incentives, local hybrid forms of democratisation and a desire for change amongst the local NGO actors; (3) the agency of local actors, the multiplicity of intangible activist registers and resistance strategies and the affirmation of different (from

‘European’) forms of history, modernity and temporality; and (4) the applicability and usefulness of a post- and decolonial lens for analysing transfer of the globalised ideas about LGBT politics, activism, resistance, rights, identities and citizenship into varied local contexts.

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