

## Research Article

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# Minority Rights in Ukraine After the Maidan Revolution: Change or Continuity?

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**Abstract:** This paper explores the state of minority rights in Ukraine following the 2014 Maidan revolution.

The Maidan revolution has been largely regarded as the most radical attempt at de-institutionalizing post-Soviet politics and order since 1991 and forging a new Ukrainian nation.

Such an endeavor leads us to address a critical question of what the core implications are on minority rights in Ukraine, which encompass religious, ethnic, and sexual minority rights. This analysis places special emphasis on minority religious rights in post-Maidan Ukraine. Findings suggest that the Maidan revolution has not led to substantial policy reform as it pertains to minorities, thus leaving many of their problems unaddressed. While the Maidan aided Ukraine in becoming more “Ukrainian” and reinforced the national identification of the Ukrainian population, it marked a considerable shift in nationalism by ensuing adverse effects on the Russian-speaking population in Eastern Ukraine, as well as on other ethnic and religious minority groups. Moreover, the Ukrainian authorities’ efforts at gaining “spiritual independence” from the Russian Orthodox Church have been met with challenges for religious minority groups. Despite the legislative measures aimed at protecting the rights of LGBTI community, their effective implementation remains a significant and unresolved problem.

**Keywords:** Ukraine; Maidan revolution; minority rights; religious freedoms; nationalism.

## 1 Introduction

The 2014 Maidan revolution has been largely regarded as “the most radical attempt at de-institutionalizing post-Soviet politics and order since 1991” (Stepanenko, 2015, p. 30). Some observers have even treated this phenomenon as “the last anti-Soviet” or even the first “postcolonial revolution,” which forges a new Ukrainian nation (Terzyan, 2020a, p. 219).

A question arises as to what the core implications of the Maidan revolution are for minority rights in Ukraine, including those of religious, ethnic, and sexual minorities. Since the dissolution of the Soviet Union, historically, the Ukrainian government would largely fail to carry out a comprehensive minority policy aimed at ensuring the protection and equal treatment of various minority groups.

Some students note that major impediment to becoming mentally and institutionally European is the popularity of illiberal values, including negative attitudes to minorities and nationalism (Kakachia et al., 2019, p. 458). The latter became a salient feature of Ukrainian society, as Maidan protests turned more violent in early 2014. These protests also became characterized by the increasingly visible participation of several far-right movements (Shekhovtsov and Umland, 2014, p. 58). Notably, motivated by the desire to “clean” the public space of all that they find detrimental to a warring nation, these extremist groups would target religious, ethnic, and sexual minorities, as well as liberal activists and human rights defenders (Likhachev, 2018).

Meanwhile, one of the underlying claims of the Maidan revolution was its emphasis on equal treatment of all minority groups, irrespective of their religious, ethnic, or sexual identities (Pop-Eleches and Robertson, 2018, p. 107).

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The most essential unanswered question involves explaining the interplay between rising nationalism and minority rights promotion in post-Maidan Ukraine. Therefore, this study addresses the following research questions:

1. What are the main implications of the 2014 Maidan revolution for religious, ethnic, and sexual minorities across Ukraine?
2. What is the current state of minority rights in Ukraine in the light of the country's EU approximation?

This paper is an in -depth case analysis that uses policy analysis to the state of minority rights in Ukraine after the Maidan revolution.

## 2 Understanding minority policy in Ukraine

One of the main characteristics of a democratic government is its ability to respect ethnic, cultural, sexual, linguistic, and religious identities of minority groups, and, most importantly, to create appropriate conditions that are conducive to expressing, preserving, and developing the aforementioned identities.

A closer look at the state of minority rights in Ukraine suggests that the authorities have largely failed to establish a coherent public policy concerning minorities and maintaining their equal treatment. Rather, the minority policy agenda has tended to depend on the ruling elite's interests and preferences. Studies demonstrate that under President Kuchma's rule, public debates on the issues of ethnicity, minority rights, minority policy were subject to an informal taboo. Meanwhile, throughout Viktor Yushenko's and Viktor Yanukovich's presidencies, minority policy was mostly designed to meet the interests of only certain minority groups (the territorially bounded electorate of the ruling party) (Malyarenko, 2013, pp. 142-144). The level of social alienation (index of xenophobia), was comparatively low between Ukrainian-speaking Ukrainians, Russian-speaking Ukrainians and ethnic Russians. Members of other ethnic groups, including Crimean Tatars, faced a different set of attitudes, along with alarming demands that they should be denied their permanent residence (Malyarenko, 2013, pp. 142-144).

Fundamentally, the inconsistencies of Ukrainian policy towards minorities had much to do with the competing interests of the Ukrainian elite (i.e., the Dnipropetrovsk and Donetsk clans). The interests of the Ukrainian elite communities conflicted with one another so much so as to convert their preferred national self-image to that of the national identity and define the state's interests (Clunan, 2009, p. 14).

Discriminatory policy toward other groups expressly manifested in linguistic policy, that has been a sensitive topic in Ukraine. For instance, in July 2012, parliament passed a controversial state language law allowing the use of 18 minority languages in regions with at least 10 percent minority language speakers. Russian became a regional language in 13 out of 27 regions. Kulyk highlights that the law became a hateful symbol of Yanukovich's policy of Russification, to be revoked right after his demise (Kulyk, 2019, p. 6). The OSCE high commissioner for national minorities called the law "deeply divisive" for disproportionately favoring Russian while "removing most incentives for learning or using Ukrainian," and criticized the law's hasty adoption (HRW, 2013).

One of the first acts of the interim government in 2014 was the adoption of this controversial amendment, which recognized Russian as the second official language in some areas of Ukraine. In addition to that, another legislative development related to minority and indigenous peoples' rights, was the modification of Ukraine's existing anti-discrimination laws. These revisions added new definitions, strengthened protections for victims and expanded the authority of the Ukraine's Commissioner for Human Rights. Nevertheless, human rights defenders have pinpointed implementation-related problems, while stressing the importance of practical support to reduce hate crimes and other forms of discrimination (Minority Rights Group International, 2015).

Notably, the 2017 laws on education, along with the 2019 law on State Language, appear to restrict the rights of ethnic minorities in using and studying in their native languages (Kulyk, 2019). Some observers note that the law does not comply with the Constitution because it does not regulate the procedure of using the languages of national minorities. Moreover, pro-Moscow MPs claimed that some of its provisions, in fact, discriminate exclusively against Russian-speaking citizens (Cseresnyes, 2021). International organizations also emphasize the necessity of altering the current linguistic policy in order to safeguard minority rights. The Venice Commission established that Ukraine has failed to ensure the linguistic rights of minorities and recommended that Ukraine implements measures to ensure a

sufficient level of teaching in minority languages (Venice Commission, 2019). The Council of Europe's Parliamentary Assembly and the High Representative of the EU for Foreign Affairs and Security Policy also called on Ukraine to ensure the rights and non-discrimination of national minorities (European Parliament, 2021).

Beyond this, at different stages of Ukraine's history, the dividing effect of regional, linguistic, cultural and ethnic differences have been further aggravated by economic slowdown, rampant corruption, prevalence of authoritarian practices, along with the weakness of civil society organizations. These disputes became especially prominent in light of Euromaidan and remain considerably unaddressed thus far.

### 3 The state of religious freedoms in Ukraine

*"To survive as a practicing Jehovah's Witness in Ukraine means you have to always practice caution,"* begins an eighteen-year-old resident from Lviv. *"I tried to hide my religious identity as much as possible in school, because I would get taunted for it. First, it was verbal mocking which progressed to physical fights. There was a time when my friend and I were attacked and beaten by a group of bullies from school when we were leaving a prayer meeting. I still had my Bible in my hand, and they beat me over the head with it. I remember them laughing and calling us 'lunatics.' We never reported it. We thought it would attract negative attention to our congregation...or maybe give other bigots ideas about causing our community harm. You learn to somehow cope with always being on-guard and afraid...just becomes a part of who you are"* (Interview 1, 2021)<sup>1</sup>.

He and a few of his peers in the same congregation from Lviv agreed to a virtual interview on the subject matter of treatment of religious minorities in Ukraine.

*"Being different is not something to be celebrated here. I would hear name-calling like 'crazy' or 'fanatic' all the time, especially during the holiday season, since we do not observe most holidays,"* says a seventeen-year-old in Lviv on how she feels the larger Ukrainian community perceives Jehovah's Witnesses (Interview 2, 2021).

The question whether any of the interviewees felt completely safe to openly practice their faith in Ukraine was met with silence.

The religious landscape of Ukraine is diverse, characterized by a wide range of religious and spiritual groups. By law, the objective of domestic religious policy is to foster the creation of a tolerant society and provide for freedom of conscience and worship. A national survey organized by the Razumkov Center in the year 2020 reflected the general religious demography of Ukraine. Respondents' identifications in said survey were the following: 62.3 percent identified as Christian Orthodox, 9.6 percent Greek Catholic (Ukrainian Greek Catholic Church), 8.9 percent identified as "simply a Christian," 15.2 percent as not belonging to a religion 1.5 percent identified as Protestant, 1.2 percent Roman Catholic, 0.1 percent as Jewish, and 0.5 percent as Muslim (U.S. Department of State, 2020). Varied Christian groups in Ukraine comprise of Lutherans, Anglicans, Seventh-day Adventists, Pentecostals, Methodists, Jehovah's Witnesses, Presbyterians, and believers of The Church of Jesus Christ of Latter-day Saints (Church of Jesus Christ.) Smaller religious communities of Ukraine also include Muslims (estimation of about 500,000,) Hindus, Buddhists, followers of Falun Gong and the Baha'i faith (U.S. Department of State, 2020).

While unlike Russia and Belarus, the registration of religious communities is not a required practice in Ukraine, they possess the right to establish and maintain a legal entity, comprising of property-ownership, ability to enter contractual agreements, etc. (Brik and Korolkov, 2020, p. 128). Nevertheless, in practice, there are numerous cases where the registering body has denied the registration to a religious organization without grounds, solely on the basis that the faith in question is "non-traditional" or the religious group is a minority in the area (Equal Rights Trust, 2015, p. 195).

As of January 1, 2018, there are more than 34,000 religious communities of various churches and denominations officially registered in the country (Stepanenko, 2020, p. 115).

Among the largest churches in terms of the number of communities are the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP) and the Orthodox Church of Ukraine (OCU) which was created by the unification of the

<sup>1</sup> Several activists and researchers provided valuable insights but asked not to be cited in an attributable way.

Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP), the Ukrainian Autocephalous Orthodox Church and a few communities of the UOC-MP (Stepanenko, 2020, p. 115).

Post-2014 studies have illustrated that the relative political and social state of religious minorities in Ukraine remains concerning. On the authority of another Razumkov Center-survey, the overall Ukrainian social sentiment towards non-Orthodox religions such as Islam, Evangelical and Charismatic Churches and Judaism is indifferent or negative (Razumkov, 2018). Another study observed that the greatest negative attitude towards Protestants is amongst Orthodox Christians, who belong to the Ukrainian Orthodox Church of the Moscow Patriarchate (Bogdanovskiy and Nastoyashcha, 2021). Generally, 22.8% of the respondents to the study appeared to hold positive or even neutral views towards Protestantism in 2019 (Bogdanovskiy and Nastoyashcha, 2021).

Notwithstanding the Maidan Revolution, it is not uncommon for minority groups in Ukraine to face prejudice and poor treatment by the government and Ukrainian society at large. Social discriminatory behaviors constructed on religious identity or sexual orientation harm all areas of life, which incorporate employment, housing, family relations, and access to education and health care. Moreover, hate speech pertaining to minority groups in public discourse and violence towards these groups continue to be a substantial issue (Council of Europe, 2017).

A Protestant activist from Kyiv, involved in the promotion of religious and social tolerance in Ukraine, stated the following in a phone interview on the topics of discriminatory practices against religious minorities:

*“It is very hard to find employment once the hiring authority or individual discovers that you belong to a religious minority group. There have been many times where I have been rejected from employment opportunities or passed on for professional advancement because I am a Protestant. The religious minorities of Ukraine deserve equal treatment, tolerance, and respect. Discrimination against religious minorities even in the subtlest of ways holds Ukraine back from genuine progression”* (Interview 3, 2021).

Another activist of the Protestant religious community noted in a virtual interview that things have not improved and the government’s promises of fundamental reforms run into religious intolerance and mounting nationalism. Meanwhile, the minority groups are largely deemed to be posing threat to the unity of the Ukrainian nation (Interview 4, 2021). This situation is compounded by government’s strong emphasis on unity and nationalism. A well-informed observer noted in a phone interview that the heightened emphasis on religion following the Maidan revolution has adversely affected minority religious groups across Ukraine. This has much to do with the shift towards nationalism and the ultra-nationalist Right Sector’s plans on “cleaning up” Ukraine of “unwanted groups.” The latter extends to minority religious groups, including but not limited to Jehovah’s Witnesses (Interview 5, 2021).

A prominent researcher, Lavinia Stan (2021) noted in a personal communication the most significant challenge to minority religious group is obtaining recognition and protection from the Ukrainian state. Russian aggression has contributed to the Ukrainian nation becoming more defensive, while giving rise to nationalism and led Ukrainians to place a stronger emphasis on religion. The latter has become one of the crucial characteristics of the Ukrainian nation (Stan, 2021). Arguably, nationalism often tends to breed religious intolerance. This is consistent with the narrative that “religion and nation are one” (Goalwin, 2018). Notably, Dr. Ivan Katchanovski pointed to the link between nationalism and religious intolerance in Ukraine: “It is chiefly manifested in intolerance towards the Ukrainian Orthodox Church (Moscow Patriarchate) by nationalist parties and politicians, nationalist-leaning churches, and most of the media and the authorities” (Katchanovski, 2021). Alternatively, Dr. Valeria Korablyova notes that mass nationalism in Ukraine is centered around maintaining the national sovereignty. Thus, it may lead to repercussions, if a group is perceived as a threat, as manifested in the case of the Russian Orthodox Church of the Moscow patriarchate (Korablyova, 2021).

Likewise, the Jewish minority in post-Maidan Ukraine, is amongst the religious (or ethno-religious) minority groups that has faced social mistreatment. Although the treatment of the Jewish minority in Ukraine has experienced a historic improvement, Ukraine has not entirely freed itself from anti-Semitic sentiment. Arguably, this improvement has to do with the fact that not only are the current President’s parents are of Jewish descent, but he openly states that he is a descendant of Holocaust survivors (Reuters, 2021). In September 2021, the Ukrainian Parliament passed a legislation on “Prevention and Counteraction on Anti-Semitism in Ukraine” (Verkhovna Rada of Ukraine, 2021). The bill defines anti-Semitism as “a certain perception of Jews, which is expressed as hatred towards them” (Pofiri, 2021). The Law prohibits, among other things, the “denial of the right to self-identification”; “justifying the killing or harm of person of Jewish origin ... through radical ideological beliefs”; making “false, stereotypical, hateful and offensive statements about people of Jewish origin”; and the “denial of the persecution and mass extermination of Jews during World War

II” (Pofiri, 2021). In theory, this legislation was to ensure protection of the Jewish minority, but executing protection in practice was much more difficult for Ukraine.

Pursuant to the Congress of National Communities of Ukraine, 2017 Monitoring Report, the number of registered acts of anti-Semitic vandalism have risen since 2004, and specifically, in the year 2017, a total of 25 cases of anti-Semitic natured vandalism were registered in Ukraine. The 2017 Monitoring Report was based on various personal experiences of Jewish victims, (gathered from interview, online forums, and Jewish and Ukrainian newspapers) which include, but are not limited to, the following hate-inspired events in 2017: painting of a swastika and the words “Tolerance is weakness” on the wall of a Jewish cemetery, painting of the SS symbol over the *magendavid* on the wall of a Holocaust monument in the outer regions of Ternopol, damaging a synagogue in Lviv with a Molotov cocktail and inscribing derogatory engravings that read “Away with Jewish power” and “Kikes, remember July 1.” (Congress of National Communities of Ukraine, 2018.)

This perception towards Jewish minority groups in Ukraine continue to manifest through public displays of xenophobia as well. For instance, the 2017 Monitoring Report depicts several reported events of anti-Semitic propaganda demonstrated by way of print and broadcasting media, ultra-nationalist political demonstrations, and marches, and so on. Examples of such public demonstrations of anti-Semitism include events such as: anti-Semitic remarks chanted like “Juden-out!” during a march on January 1, by an ultra-nationalist political party by the name of Svoboda All-Ukrainian Union, disbursement of anti-Semitic flyers in residential districts in Kyiv, and anti-Semitic rhetoric prevalent in a speech by the Director of the National Scientific Agricultural Library of the National Academy of Agrarian Sciences of Ukraine, Victor Vergunov for the *Batkivshchyna* (“Fatherland”) party on April 19, in which he stated “We are being ruled by the wrong Jews...” (Congress of National Communities of Ukraine, 2018.)

The United Jewish Community of Ukraine reported 49 cases of anti-Semitism (including destruction and vandalism on synagogues, cemeteries, memorials, student dormitories, and anti-Semitic verbal rhetoric) during the year 2020 (U.S. Dept. of State, 2020).

In a virtual interview with an Orthodox Jewish community member (age 34) living in Odessa, she recounted a particular incident involving anti-Semitic behavior.

*“I never leave the house without wearing my sheitel. It’s the wig you wear as an Orthodox Jewish woman to cover your hair after marriage. Anyway, one afternoon, I was walking to the supermarket when I suddenly felt someone pulling on my sheitel from behind me. Before I could turn around, he pulled my sheitel off my head, called me a ‘kike,’ and ran off. In my religion, it is against Jewish law for a married woman to have an uncovered head, and for him to do that was deeply disrespectful and humiliating”* (Interview 6, 2021).

On November 12 and December 17, 2020, the European Court of Human Rights (ECHR) issued judgments concerning the ineffective investigation of hate crimes targeted towards religious minority groups in Ukraine (ECHR, 2020). Not surprisingly, the religious minority groups in Ukraine, including Jehovah’s Witnesses keep reporting violent incidents against their members (U.S. Dept. of State, 2020).

Studies show that the hate crimes against religious minority religious groups are tied to the distinctiveness of a particular faith. For instance, a specific feature of the Jehovah Witness faith requires members to participate in missionary work by spreading literature, preaching in public or by visiting private residences in an attempt to convert non-Jehovah’s Witnesses to the religion. These methods of active missionary work angers many. This religious bias in turn, leads to suspicion of religious minorities, causing them to be excluded and discriminated against in Ukrainian society (Kravchuk, 2018).

*“I was looking to rent an apartment in Kharkiv. The landlord took one look at me and said ‘You’re going to be a noisy tenant. It won’t be a good idea. I know you all pray aloud five times a day.’ What she said is not necessarily true, but since she noticed my headscarf, I could tell she was searching for any excuse not to rent the apartment out to me because I was Muslim,”* says a thirty-year-old resident from Kyiv in a virtual interview (Interview 7, 2021).

Overall, following the Maidan revolution, Ukraine was marred by the annexation of Crimea, the outbreak of war in Donbas, and religion has been largely perceived as a critical component of national security and a bulwark against Russian cultural influence. While the beginning of the Maidan revolution was marked by Maidan protesters distancing themselves from political and religious figures, the UOC-KP emerged as a particularly strong pro-Ukraine component as protests progressed (Brik and Korolkov, 134). The 2015 survey of public opinion also reported a loss of trust in the

Moscow Patriarchate: 37% of respondents answered that the Kyiv Patriarchate is the church of the Ukrainian people, 12% said the same about the Ukrainian Greek Catholic Church, and none of the respondents said this about the Moscow Patriarchate (Democratic Initiatives Fund, 2015). Moreover, 19% of the respondents agreed that the Moscow Patriarchate is the church of the aggressor state (Democratic Initiatives Fund, 2015).

On January 2019, the Ecumenical Patriarch granted autocephaly to the newly created Orthodox Church of Ukraine (OCU), thereby formally recognizing the Ukrainian Orthodox institution independent from the Russian Orthodox Church for the first time since 1686. The UOC-MP continues to label the OCU a “schismatic” group and continues to urge other Orthodox churches not to recognize the OCU (US Department of State, 2021). Particularly concerning are the violent nature of acts in relation to the transition of churches and religious communities from the UOC to the newly established OCU involving supporters of both churches, local authorities, and extreme right-wing groups (Human Rights Council, 2019).

According to Human Rights Watch, “In several reported cases involving intimidation and threats against members and clergy of the Ukrainian Orthodox Church, the police did not respond and in some cases, contributed to it. The Ukrainian Security Service (SBU) carried out dozens of raids at priests’ residences and churches aligned with the Russian Orthodox Church” (Human Rights Watch, 2019).

Furthermore, even in “separatist”-controlled areas, there were reported incidents of violence and intimidation against the Orthodox Church of Ukraine, which comprised of searches of church premises and personal residences of clergy members along with confiscation of property. Meanwhile, Freedom House reports (2021) that tensions between the new Orthodox Church of Ukraine and the Ukrainian branch of the Russian Orthodox Church have decreased in recent years (Freedom in the World, 2021).

Overall, the Moscow Patriarchate was regarded as part of a soft power policy spearheaded by Russia. Thus, the autocephaly of the OCU would be largely perceived as a serious blow to the Kremlin’s projection of soft power in Ukraine and beyond.

## 4 The state of ethnic minority rights: towards a new policy?

The protection and equal treatment of ethnic minorities remains an integral part of post-Maidan nation-building.

Discrimination against ethnic minorities is mostly manifested through language policy, which gained new momentum after the Maidan revolution. The policy towards language echoes the thinking that the Ukrainian language is a vital marker of ethnic identity. Though it is not promoted in a blatant way, the Law places the Ukrainian language, along with the development of Ukrainian culture, traditions, customs, etc., above all others present in the country (Henke, 2020, p. 16). This approach seems to undermine the Ukrainian authorities’ efforts at promoting ethnic diversity. Riabchuk (2020) aptly notes that decoupling patriotism from nationalism is not an easy task until and unless the latter takes an aggressive stance against local minorities and/or outside groups or nations (Riabchuk, 2020, p. 36).

Remarkably, on the day of Yanukovich’s ousting on February 22<sup>nd</sup>, 2014, the initial topic on the agenda of the Ukrainian parliament was the revocation of the liberal Kolesnichenko-Kivalov law “on the Principles of the State Language Policy”. The law preserved Ukrainian as the official state language, while considerably expanding the use of regional languages, only under the condition that the native speakers of said regional languages constitute at least 10 percent of the population of a region. The law embraced eighteen languages, but it was clearly directed at Russian. The law faced criticism for subverting the spirit of the European Charter for Regional or Minority Languages, which was not devised for socially dominant languages such as Russian (Arel, 2017-2018).

Even before the 1994 presidential elections, Ukraine was sharply divided between an ethnically Ukrainian or Ukrainian-speaking west and center, and the south and east that had large ethnic Russian minority. The latter is largely Russophone and has supported candidates who promise more familiar relations with Russia. The divide later extended from candidate support to domestic political upheaval and preference over foreign policies such as European integration and relations with Moscow (Pop-Eleches and Robertson, 2018, p. 107). The Maidan revolution heightened ethnic disparities in a meaningful way, with the Russians raising their concerns over gradual assimilation and erosion of elements of Russian language and culture (Molchanov, 2015).

Notably, Poroshenko would place a great deal of emphasis on the Ukrainian language “as a component of the strength and success of the Ukrainian people and key to the unity” (Opinion, 2019). The situation further exacerbated in 2019, when the Orthodox Church of Ukraine was granted autocephaly, thereby ending over 330 years of Russian control over religious life in Ukraine.

President Petro Poroshenko hailed December 15 - the date of the Ukrainian Orthodox Church’s vote on future relations with Moscow – as a historic day, stating that it was “the day of the final gaining of Ukrainian independence from Russia. And Ukraine will no longer drink, as Taras Shevchenko said, “Moscow’s poison from the Moscow’s bowl” (Poroshenko, 2018). Furthermore, Poroshenko would use the following narratives to emphasize Ukraine’s departure from Russian the sphere of Russian political and cultural influence: “Farewell, unwashed Russia,” “Farewell to you, our tender Misha, go back home to your wood of fairy tales,” “Russian comrade, don’t mess with Ukraine,” “Away from Moscow! Europe now!” (Poroshenko, 2018). Essentially, by employing opposing border – narratives between ‘Us’ and ‘Them’, Poroshenko has sought to irreversibly distance it from ‘Russianness’. Poroshenko even expressed confidence that “Our generation is going to break this vicious circle... this tragic dependence on the empire” (Terzyan, 2021, p. 198).

Some observers have treated the othering of Russia and ethno-nationalist mobilization have boosted patriotic credentials of the post-Maidan elites while adversely affecting the attitudes towards Russians and Russian-speaking population in eastern Ukraine (Molchanov, 2015). Moreover, the activism of far-right groups has been regarded by some students as a dangerous shift in nationalism and towards extremism (Terzyan, 2020b, pp. 5-6).

Beyond this, in recent years there have been growing tensions with the Hungarian minority despite the outstanding historic relations between these two countries. Main concerns of the Hungarian minority in Ukraine are as follows:

- Since 2017, new laws on education and the state language severely restrict ethnic minorities in using and studying in their native language.
- As of July 1, 2021, the new law limits the definition of ‘indigenous’ minorities. Not only does the law contradict common sense, but it is also highly discriminatory in a definitive but linguistic sense. Bulgarians, Hungarians, Romanians, Poles—and Russians –*not* recognized as indigenous, and neither are their languages.
- The current draft Law on National Communities, too, is built upon vague concepts that limit rather than protect existing rights. Instead of ‘minorities,’ mentions “communities” – an apparent bid to evade Ukraine’s existing commitments to internationally recognized minority rights instruments (Hungarian Human Rights Foundation, 2021).

Of particular concern is the State Language Law of 2019 aimed at expanding the usage of the Ukrainian language in all spheres of public life. The law makes the use of the Ukrainian language compulsory in essentially every circumstance except for private conversations and religious ceremonies. It was prepared by the previous authorities and signed by the then President Poroshenko just before leaving office. During the election campaign, Zelensky did not exclude the possibility of introducing changes to the law. Russia and Hungary were strongly opposing Ukraine’s new language law. Moscow believes that this means “forced Ukrainisation”, while Budapest claims that the law discriminates against the Hungarian minority living in Transcarpathia (Ukraine Monitor, 2019). Moreover, Budapest threatened to block Ukraine’s accession to NATO until Kyiv restored the rights that ethnic Hungarians had enjoyed before the changes introduced by the language law in September 2017 (Ukraine Monitor, 2019).

As for the Roma minority in Ukraine, it has had a long history of discrimination. The latter is manifested in the Roma community’s limited representation in Ukraine’s public life coupled with mounting hate speech and violence by far-right groups (MRGE Report, 2019, p. 2). In 2013, the government approved the “Strategy for Protection and Integration in Ukrainian Society of Roma National Minority for the period until 2020”. The initiative followed the EU’s call for Roma inclusion national strategies (IAGCI, 2019). However, it has attracted considerable criticism for its vague provisions and failure to address the root causes of discrimination, including anti-Roma prejudice and targeted violence against community members. In particular, over the course of 2018, attacks on Roma in Ukraine have escalated dramatically. Several of the mob attacks have been filmed and broadcast in an attempt to intimidate Roma communities (IAGCI, 2019).

The presidential campaign of 2019 contributed to reinforcing the ongoing identity changes. The incumbent, Petro Poroshenko, failed to rally sufficient support behind an identity-based “Army. Language. Faith” campaign, whereas his ethnically Jewish and Russian-speaking opponent, Volodymyr Zelensky, won under the vague slogans of unity (Nizhnikau and Moshes, 2020).

In July 2021, the Verkhovna Rada, adopted a law on indigenous peoples at an extraordinary meeting. The bill, initiated by Ukrainian President Volodymyr Zelensky, recognizes Crimean Tatars, Karaites and Krymchaks as “indigenous peoples of Ukraine.” The law guarantees the rights of indigenous peoples against assimilation, deprivation of cultural values, eviction or forced relocation. It also guarantees their cultural, educational, linguistic and information rights (Interfax, 2021). Zelensky’s personal submission of the draft law on Indigenous people to the parliament is a sign that the protection of minority rights is among the priorities of his agenda and a step forward on the path to the EU accession.

On the other hand, Russians, Hungarians, Romanians, and other ethnic minorities living in the country are not considered indigenous people as they have a state outside the borders of Ukraine. The Russian President Vladimir Putin protested the bill’s perceived implication that ethnic Russians, who make up about a third of the population of Ukraine, and other groups are evidently not indigenous to it. President Putin’s assertion expresses his views on the matter: “The division into indigenous, first-class categories of people, second-class and so on — this is definitely completely abhorrent, reminiscent of the theory and practice of Nazi Germany” (The Times of Israel, 2021). In attacking Zelensky over the new bill, Putin referenced Zelensky’s own ethnic identity. He suggested that Zelensky’s designation of Tatars, Karaites and Krymchaks as “indigenous” is an injustice to Ukrainian Jews, whose presence there was first documented in the 11th century - about 200 years before the newly designated indigenous groups (The Times of Israel, 2021). Likewise, Hungarians argued that on numerous occasions, the Council of Europe’s advisory Venice Commission, among others, has told Ukraine that it is unacceptable to establish different levels and degrees for the rights of persons belonging to national minorities versus indigenous people (Kárpátalja.ma, 2021). Therefore, even though the Law is regarded as a milestone, it still raises unanswered questions about the equal treatment and protection of all minorities.

## 5 The state of LGBTI rights in Ukraine: The EU conditionality vs. prevailing homophobia

In line with several other post-Soviet countries, the sexual minority groups in Ukraine have been subjected to homophobia, manifested in the form of anti-LGBTI legislation and public discourse regarding LGBTI people.

The issue of LGBTI rights emerged in the backdrop of Ukraine’s approximation with the European Union (EU) in 2012. Specifically, in the framework of negotiation talks with the EU concerning the Ukraine association agreement. Such an arrangement would have prevented Ukraine from joining the Eurasian Customs Union and restructured the delicate power balance in Ukraine’s foreign policy. At that point, pro-Russian groups and actors in the country changed their public rhetoric and brought forward the threat of imposing same-sex marriages and “coercive homosexualization of population” (Shevtsova, 2020).

Nevertheless, ahead of the expected signature of the Association Agreement, the level of homophobic discourse gradually waned. According to Equal Rights Trust report (2015), in the early 2014, only a small number expressed cautious support for the prohibition of discrimination on the ground of sexual orientation (Equal Rights Trust, 2015).

Clearly, the main driving force behind this dynamic was the enthusiasm for aligning the country with the EU. The LGBTI community gained some dividends because of the “conditionality politics” (Schimmelfennig, and Sedelmeier, 2019) exercised by the EU. As the name itself implies, such politics assumes establishing specific preconditions for the countries seeking EU membership. The corresponding European institutions regularly monitor domestic compliance with these conditions, and in case of progress, reward a state with financial or institutional assistance and/or association and, eventually, full EU membership.

Not surprisingly, on November 12, 2015, the Verkhovna Rada of Ukraine passed a legal amendment related to LGBTI people. For the Ukrainian LGBT movement, it became an important milestone; it was the government’s first legal action in support of LGBT rights since the decriminalization of homosexuality in 1991. The amended Labor Code granted equal rights to workers without regard to their sexual orientation or gender identity. Shevtsova (2017) argues that the adoption of the Law was the result of the mourning pressure from the EU institutions and civil society organizations that joined their efforts with pro-European members of the Verkhovna Rada, it turned to be one of the first examples of the Ukrainian LGBT movement’s increasing political participation (Shevtsova, 2017, p. 158).

The law was an EU requirement for Ukraine to move forward with its application for visa-free travel to the Schengen Area. Before voting on the bill, Chairman of the Verkhovna Rada Volodymyr Groysman fiercely opposed same-sex



marriage (Interfax-Ukraine, 2015). Moreover, later some of MPs even admitted to being forced to pass the bill. As Yuri Lutsenko, then existing member of President Poroshenko's party, declared on November 15, "It is better to have a gay parade on Khreshchatyk than Russian tanks in the center of the capital of Ukraine... I believe if we go to Europe, we must recognize the rules adopted in the EU" (Bonacker and Zimmer, 2020, p. 170).

Nevertheless, in 2017 while addressing the situation of LGBTI community in Ukraine, the LGBTI rights organization "Nash Mir" ("Our World") noted that there was no remarkable progress. The state of the Ukrainian LGBTI community has not undergone any fundamental improvement nor social redirection from the norm of government-supported attitudes towards sexual minorities. In particular, the right-wing radical forces and the religious establishment to remain the main adversaries of LGBT people (DROI, 2018).

The election of President Zelensky provide grounds for cautious optimism among the country's sexual minorities. His election campaign was largely based on progressive and liberal slogans. During his first major press conference in October 2019, he made headlines by stating that all Ukrainians could freely choose their language, religion, and sexual orientation. "Leave those people [the LGBTQ community] alone, for God's sake," stated Zelensky (Globa, 2020). However, subsequent developments have caused many to question new President's commitment to such sentiments. During 2020, LGBTQ activists were prone to verbal or physical attacks. One illustration of this trend was the 2020 Pride event in Ukraine's Black Sea port city Odesa, which saw 16 participants assaulted (Globa, 2020). Following his April-May visit to Ukraine, the UN independent expert on protection against violence and discrimination based on sexual orientation and gender identity expressed concern over the use of violence and promotion of hatred against LGBTI people by far-right groups (HRW, 2020).

Overall, Ukrainian LGBTI activists use various tactics to achieve effective anti-discrimination legislation and social acceptance. It is through the medium of external lobbying that the blaming and shaming strategies are introduced and reinforce the perception that promotion of sexual minority rights are a product of outside infiltration. Domestically, activists seek to frame their concerns within a broader human rights framework and merge with other marginalized, but possibly more socially acceptable groups (Bonacker and Zimmer, 2020, p. 176).

Clearly, the promotion of LGBTI rights in countries with considerable homophobic attitudes towards sexual minorities remains a hard task. It is for this reason that pro-LGBTI legal measures are mostly of declaratory nature with no radical changes designed in practice. The shortcomings of the EU's conditionality politics are generally seen whenever the candidate for association/membership receives its promised benefits. At that point, the first attempts are usually made to return to a less liberal agenda, as is the case with Ukraine.

Clearly, education and exchange programs, awareness-raising, and empowering civil society is critical to promoting sexual minorities rights (Shevstova, 2020).

## 6 Conclusion

The 2014 Maidan revolution has not led to major reforms in minority policy, while leaving a series of problems facing ethnic, religious and sexual minority groups unaddressed. While the Maidan helped Ukraine become more Ukrainian and reinforced the national identification of the Ukrainian population, it marked a considerable shift in nationalism with its ensuing adverse effects on Russian-speaking population in eastern Ukraine, as well as on other ethnic and religious minority groups.

Discrimination against ethnic minorities has been chiefly manifested in the language policy, that gained new momentum after the Maidan revolution. The new laws on education and Ukrainian language seem to undermine the Ukrainian government's efforts at ensuring equal rights for ethnic minority groups.

Moreover, the Ukrainian authorities' efforts at gaining "spiritual independence" from the Russian Orthodox Church have been fraught with challenges for religious minority groups. In effect, the emphasis in post-Maidan identity construction curtailed the rights of freedom of religion to religious minority groups in Ukraine.

Similarly, the underlying problems facing the LGBTI community have not been addressed. Despite legislative measures intended to promote the rights of sexual minorities, their effective implementation remains a significant problem. The situation is compounded by the rise in nationalism with ensuing activism of far-right groups.

Further research is essential for explaining the implications of the country's EU approximation for minority groups.

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