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Gendering Europeanization in the Eastern Neighbourhood: Case Study of the Failed Istanbul Convention Ratification in Ukraine

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ABSTRACT

The Master's Thesis examines the effectiveness of the EU's gender norms diffusion mechanisms in the Eastern Neighbourhood. In particular, it analyzes the dynamics around the failed ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in Ukraine through the prism of Gendering Europeanization theory. To understand the outcomes of this process I utilize the data from the official documents, interviews and secondary sources as well as conduct a content and comparative analysis. I focus on two models of the Europeanization: the logic of consequences and the logic of appropriateness to identify the major factors capable to hinder or facilitate the norm adoption within the domestic context. The previous studies on Europeanization emphasized the importance of such aspects as the EU's conditionality, legitimacy of rule as well as identification and resonance with the European norm for a successful norm adoption. Therefore this research aims to provide a systematic and theory-oriented analysis of the EU's gendering transformative power and scrutinizes the impact of the EU's pressure and engagement as well as the existing domestic constraints on the ability of the European Union to induce domestic change in the context of gender-based violence related reforms. A special attention is paid to the constellations of different domestic actors in the process of rule promotion or resistance.

The paper reinforces the assumption that the process of Europeanization includes the interaction of both the EU and domestic level and that the logics of appropriateness or the social learning model seems to fit better to explain the outcomes of gendering norms adoption in the context of the Gendering Neighbourhood Europeanization. The failure or success of the Gendering Europeanization cannot be strictly explained through compliance with the EU norms and conditionality rules, but more often it needs to be interpreted through the prism of a sociological and discursive approach and social learning as well as the interaction of multiple actors.

Keywords: Gendering Europeanization, the Istanbul Convention, gender, gender-based violence, domestic violence, Eastern Neighbourhood, Ukraine

CHAPTER 1. INTRODUCTION

1.1 The literature on EU-Ukraine relations through the prism of Europeanization

In recent years the process of the European integration has moved eastwards and reached the eastern neighboring region in its special form of external Europeanization[1] or Neighbourhood Europeanization[2]. The institutionalization of the relationships with the Eastern Europe countries has taken place through the European Neighbourhood Policy (ENP), the Eastern Partnership (EaP) and series of Association Agreements (AAs).

Understanding Europeanization as a process of change or transformation in the domestic policy of a country under the influence of European integration, the spread of EU values and policies to other actors in international relations, allows us to perceive and analyze the dynamics and features of relations between the EU and Ukraine.

One of the problematic aspects in the scientific literature is the distinction between the concept of "Europeanization" and "European integration". Olsen (2002)[3] argues that European Integration and Europeanization are the same things, and from the perspective of the EU it is a political project in the context of unification. He identifies Europeanization as the changes that occur in member states and evaluates the institutional change processes and how/why they take place.

Some authors tend to distinguish these two phenomena. According to Radaelli (2000)[4] Europeanization is not political integration and it would not exist without European integration. He argues that the Europeanization belongs to ontological stage of research, thus understanding the process in which countries pool together sovereignty.

The Ukrainian researcher Orzhel[5] (2011) proposes to differentiate the two phenomena according to the criterion of the vector of processes taking place on the European continent. Thus, she notes that the processes of European integration are accompanied with the processes of Europeanization: if the former are focused on the supranational (pan-

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[1] Börzel, T. (2010): The Transformative Power of Europe Reloaded - The Limits of External Europeanization

[2] Gawrich, A. and Melnykovska, I. and Schweickert, R.(2009): Neighbourhood Europeanization Through ENP: The Case of Ukraine, KFG Working Paper Series, No. 3, August 2009, Kolleg-Forschergruppe (KFG) „The Transformative Power of Europe", Free University Berlin

[3] Olsen, J. (2002): The Many Faces of Europeanization. In : Journal of Common Market Studies, vol. 40 (5): 921-955

[4] Radaelli, C. (2000): Whither Europeanization? Concept Stretching and Substantive Change. In: SSRN Electronic Journal July 2000.

[5] Orzhel, O. (2011), European Integration and Europeanization: Identity and Difference. In: Public Administration and Local Self-Government, ed. 2(9): 5-6.

European) level or intergovernmental, interstate, interethnic, interdepartmental cooperation, the latter are focused on the national level and relate to changes in domestic structures, processes, rules, standards under the influence of European integration.

Another problematic issue is what processes can be attributed to Europeanization. Some scholars clearly distinguish between the concepts of "Europeanization" and "EU-sation", the latter being directly related only to the EU, and Europeanization is seen as a broader concept that includes other aspects and is not limited in time and space. Smith (2013)[6] concludes that Europeanization and EU-zation are processes that cannot take place separately and mutually exclusively, and they are always interconnected. However, they can be distinguished and they occur with different dynamics.EU-zation is the EU-centric process that results primarily from transfers of organizational and institutional practices and policies between the EU polity and representatives of the Member States. While Europeanization refers to the interaction of European states with a broader European dimension and includes norms, values, belief systems, and the construction of a European identity.

The three groups of factors can be distinguished from the researches by Schimmelfennig, Sedelmeier and Lavenex that influence the choice of the EU policy towards a third country and, accordingly, its further effectiveness[7]: internal structural factors of the EU (selected implementation measures, consistency of the EU proposal, compliance with the EU common position and international standards); domestic political factors of third countries (political regime and internal structures, perception of legitimacy of EU rules, compliance with domestic institutions) and international influence - interdependence of third countries with alternative poles (eg Russia, USA) and in this context - EU provision of appropriate resources influence.

In recent years, scholars studying the external Europeanization, in particularly the Neighborhood Europeanization, have tended to abandon the so-called EU-centered top-down approach, which exaggerated the role and influence of the EU in the process of Europeanization, while almost not taking into account internal factors and the presence of

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[6] Smith, H. (2013): Europeanization and EU-zation. Master Thesis, the University of North Carolina at Chapel Hill
[7] Lavenex, S. (2004): EU External Governance in „Wider Europe".In: Journal of European Public Policy,
Vol.11, No. 4: 680–700; Lavenex, S. and Schimmelfennig, F. (2009): EU Rules Beyond EU Borders: Theorizing External Governance, European Politics, Journal of European Public Policy, Vol.16, No.6, pp.791-812;
Schimmelfennig, F. and Sedelmeier, U. (2004): Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe. In: Journal of European Public Policy, Vol 11(4): 669-687.

other influential players. A number of modern studies try to overcome such limitations and focus on the analysis of internal factors as key to explaining the features and effectiveness of Europeanization processes[8] and also tend to involve into the Europeanization analysis the countries of the post-Soviet space as an important factor in Russia's counter-influence.[9]

Popova (2017)[10] concludes that in the context of the analysis of Ukraine-EU relations, it seems appropriate to use an integrated approach that takes into account all three groups of factors that largely determine the peculiarities of the process of Europeanization in Ukraine and the development of Ukraine-EU relations. Bureiko and Moga (2018)[11] conceptualise the Europeanisation process in the case of Ukraine under the term 'in-between-ness', that is being between the two poles the EU and Russia which has become a stumbling block to the Europeanization process.

Ukrainian scholars, experts, and politicians often express the opinion that Ukraine's European integration and Europeanization are the ways and means of transforming the Ukrainian state, a guide for carrying out the necessary reforms in all spheres, and achieving European prosperity. The institutional, political, legal, and economic reforms that need to be pursued on the path to and under the influence of the EU are both necessary for the consolidation of democracy and the formation of a state capable of meeting the modern challenges of the international environment, regardless of the prospect of EU membership. Yet the lack of a membership perspective has seriously constrained the transformative power of the EU in Ukraine, for instance by maintaining resistance among significant parts of the elites towards reforms that could threaten their vested interests[12].

In most scientific studies, Europeanization is seen as a process of approaching the European Union. However, to understand Europeanization in Ukraine, M. Kovach and O. Leipnik[13] urge to make a certain distinction. They argue that Europeanization occurs only

[8] Börzel, T. and Risse, T. (2012): From Europeanisation to Diffusion: Introduction. In: West European Politics, Vol. 35 (1): Special Issue on: From Europeanisation to Diffusion.

[9] Delcour, L. (2017), The EU and Russia in Their "Contested Neighbourhood", Routledge,180 p.; Ademmer, E. (2016), Russia's Impact on EU Policy Transfer to the Post-Soviet Space, Routledge, 274 p.; Langbein, J. (2015), Transnationalization and Regulatory Change in the EU's Eastern Neighbourhood: Ukraine between Brussels and Moscow, London, Routledge.

[10] Popova, N. (2017): The Concept of Europeanization and Possibilities of its Application to the Analysis of Ukraine-EU Relations. In: Modern Historical and Political Issues: Journal in Historical & Political Sciences. – Chernivtsi: Chernivtsi National University, Vol. 35-36: 149-160.

[11] Bureiko, N. and Moga, T. (2018): 'Bounded Europeanisation': the case of Ukraine. In: The European Union and its eastern neighbourhood:.71-85.

[12] Ibid

[13] Kovács, M. and Leipnik, O. (2008): The Borders of Orientalism: "Europeanization" in Hungary and Ukraine. In: Debatte: Journal of Contemporary Central and Eastern Europe, Vol.16 (2): p.151

in words, in contrast to real institutional development and very often carries the form of 'declarative Europeanization'[14]. The process taking place in Ukraine under the name of "Europeanization" can be seen as a simulation. The real meaning of the idea of Europeanization is not clear to many (if not most) Ukrainians; however, the word is used by politicians as a key characteristic and a top priority of the country's strategic development goals. The dominant power elite limits itself to 'declarative Europeanization', that is proclaiming the 'European choice' without enacting it in the domestic context[15]. The overall conclusion is that Ukraine has not yet reconciled all its internal views to undertake a fully- fledged Europeanization aspiration. From the side of the EU the approach towards Ukraine has not proved to be fully fitted to the specific peculiarities of its Eastern neighbour that continues to question the efficiency of the EU's transformative power[16].

1.2 Relevance of the study and research question

The present Master's Thesis aims to examine the effectiveness of the Europeanization process in the context of the gender norms diffusion in the Eastern Neighbourhood. Gender equality is one of the European Union's foundational norms and values which it is committed to promote not only internally but also in global settings. Despite being a global leader in gender equality,[17] the EU's gendering transformative power towards the third countries remains questionable. Acting as a 'soft power', the EU promotes long-term effects through the existing legal mechanisms of its influence, financial assistance, as well as persuasion and negotiations. Thus, it would be unreasonable to expect any significant immediate results on gender equality gap in the countries of cooperation. However, it is of particular interest to investigate the resistance to the gender norms adoption in the countries which are aspired towards the European integration and claim to be committed to the European values.

 My thesis focuses on the analysis of a case study of Ukraine where the leverage of the EU on decision-making is very high and the attachment to Europe is above average but such an important European tool against gender-based violence (GBV) and domestic violence

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[14] Wolczuk, K. (2002): Ukraine's Policy towards the European Union: A Case of 'Declarative Europeanization'.

[15] Ibid

[16] Bureiko, N. and Moga, T. (2018): 'Bounded Europeanisation': the case of Ukraine. In: The European Union and its eastern neighbourhood:.71-85.

[17] European Commission (2020): A Union of Equality: Gender Equality Strategy 2020-2025, COM(2020) 152 final, Brussels, 5 March.

(DV) as the Istanbul Convention is not yet ratified. Usually it is explained by the fact that Ukraine is undergoing a process of Europeanization in which vague commitments and policy initiatives to combat GBV uneasily coexist with the rooted stereotypes and lack of understanding by the Ukrainians of the essence of the European gender norms and values. The process has also been claimed to be exacerbated by the inconsistent approach of the EU in promotion of GBV incentives in Ukraine as well as the lack of political leadership and ownership. Therefore, this research is politically relevant not only because it provides a comprehensive analysis of the EU-Ukraine relations in the context of GBV but also it tends to reveal the causes of the anti-gender sentiments rise and gender-based initiatives resistance which have common features in a number of other states, and tries to define the role of the EU and the domestic actors in this process.

In terms of the academic relevance there are three main considerations why this research adds value to the current state-of-the-art.

Firstly, as there is not much academic literature on Gendering Europeanization studies and this topic has even more rarely been the subject to a systematic, theory-oriented and comparative case study analysis, this research expands the existing literature by providing a thorough analysis of all the major factors capable to impede or facilitate the process of the gendering norm adoption in the Eastern Neighbourhood states. While Europeanization has been defined as a process that involves the interaction of the EU and the domestic level[18], the study focuses on investigating both of these aspects. It encompasses such factors as the role of the EU's conditionality and pressure while gender norm promotion, the legitimacy of the rule as well as the identification and resonance with the rule in the domestic context. Moreover, it determines whether the previous findings on Europeanization are applicable in gender equality norms promotion.

Second, previous researches on Neighbourhood Europeanization mostly focused on democracy reforms[19], rule of law[20] or corruption[21]. My thesis investigates one of the least researched aspects of the Neighbourhood Europeanization - combating and prevention of

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[18] Radaelli, C. (2004): Europeanisation: Solution or Problem? In: European Integration Online Papers Vol. 8 (16).

[19] Gawrich, A. and Melnykovska, I. and Schweickert, R.(2009): Neighbourhood Europeanization Through ENP: The Case of Ukraine, KFG Working Paper Series, No. 3, August 2009, Kolleg-Forschergruppe (KFG) „The Transformative Power of Europe", Free University Berlin

[20] Schimmelfennig, F. (2010): Europeanisation Beyond the Member States. In: Zeitschrift für Staats- und Europawissenschaften 8(3):319-339.

[21] Börzel, T. and Pamuk, Y. (2012): Pathologies of Europeanisation: Fighting Corruption in the Southern Caucasus. In: West European Politics 35(1):79-97.

the gender-based violence in the non-member states. It adds value to the current state-of-the-art by providing the analysis of the mechanisms of Europeanization and the outcomes of Europeanization in the context of GBV prevention and combating as well as outlining specific characteristics of GBV related norms diffusion by the EU to the countries of the Eastern Neighbourhood.

Thirdly, as there are almost no theory-based comprehensive studies on the EU-Ukraine relations through the prism of Gendering Europeanization, this thesis will contribute significantly to the existing researches on Europeanization process in Ukraine in the context of gender norms diffusion.

In order to address the existing gap in the literature, my thesis will focus on the models of the EU's gendering norm promotion in Ukraine and their limitations. I will analyze the reasons of the existing resistance, the role of the actors involved in this process and present the findings of a theoretical, empirical and comparative analysis. Overall, I will try to find the answer to my research question: *why has Ukraine abstained from ratifying the Istanbul Convention despite its European integration course and what are the brakemen and potential drivers of this process?*

Many scholars argue that the domestic impact of Europe varies with the level of European adaptation pressure and the extent to which the domestic context (including domestic actor constellations) facilitates or prohibits actual adjustments to European requirements.

Taking the above-mentioned assumption into consideration, I have chosen the domestic change or more specifically the level of convergence with the EU diffused gender norm as my dependent variable, while my independent variables will be the level of the EU conditionality or pressure, the legitimacy of the EU rule and domestic identification and resonance with the rule.

Independent variables	Dependent variables
The level of conditionality and engagement of the EU	
The legitimacy of the rule	Domestic change (the level of convergence)
Domestic identification and resonance with the rule	

My hypothesis statement is that **the stronger the EU's conditionality and engagement in diffusing the gender norms, the clearer and more legally appropriate the content of the rule and the stronger the identification and resonance of the recipient country and society with Europe and its values, the higher likelihood that the rule will be adopted and the policy transformation will occur**.

Generally, this research explores the effectiveness of the mechanisms of the EU-induced changes on the domestic transformations in the context of GBV related norms. It aims to determine which of the mentioned factors impact the outcomes of the Europeanization process and to what extent. It also examines the role of domestic actors on the process of norm adoption and through a comparative analysis with the countries that successfully ratified the Istanbul Convention it determines the main conditions and practices capable to facilitate this process.

This thesis is divided into five parts, including introduction. The second part entails the theoretical framework on which this study is based on. This part explains the phenomenon of Europeanization, its main mechanisms and outcomes, specifically in the case of Neighbourhood Europeanization with the focus on gender dimension. It also provides the current state-of –the –art on Gendering Europeanization studies and their specific characteristics. The third chapter of the research is devoted to the methodology. It explains the methodological framework used to conduct the research, the data which were used for the research and explains in a more detailed way the case study selection and the variables chosen. The fourth part is the empirical section or the case study analysis. It analyzes the domestic change which occurred in a result of the GBV norm transposal. The findings of the analysis are outlined and analyzed in the context of two models of Europeanization: the logic of consequences and the logic of appropriateness. The logic of consequences section includes the overview of the EU's conditionality in the process of GBV related norms adoption and analyzes the current state of the EU's engagement in promotion of the Istanbul Convention ratification in Ukraine. The logic of appropriateness section analyzes such factors as the legitimacy of the rule and the identification and resonance. It also distinguishes the main narratives and the main actor involved in the process of the IC ratification within the domestic context, and provides an overview for each of them. A special section is devoted to the comparative analysis of the main drivers for the successful ratification of the IC on the example of different states that witnessed the similar narratives and backlashes. Finally, the fifth part provides the answer to the research question and

formulates the overall conclusions. It also points the existing limitations to the research design and mentions the implications for future research.

CHAPTER 2. THEORETICAL FRAMEWORK

2. 1 Conceptualizing Europeanization

The researches on norms diffusion have taken central place in the political science, sociology, history, economics and law. The EU is known to use the 'soft power' while diffusing its norms and values (including gender norms) and is often perceived as a Normative Power [22] or Civilian Power[23].

However, Schimmelfennig (2010)[24] argues that the means and ends of the EU in global politics have undergone changes and they vary across different countries and regions and the above-mentioned concepts do not explain the cross-regional variation in mechanisms, conditions and outcomes of the norms and values diffusion. For the purpose of my research I have chosen a concept of Europeanization that will better explain the nuances of the gender norms diffusion from the EU to Ukraine.

Originally the Europeanization studies were mainly focused on the impact of the EU transformative power on the domestic changes in the Member States. Lately more and more scholars started to distinguish and research the domestic changes in the countries beyond the EU. Though the studies on the external Europeanization[25], process are less numerous, still some of its important aspects have been explored by the scholars.

Europeanization is quite a widely discussed concept but its precise meaning is not certain and refers to numerous phenomena on the European continent. Generally, it refers to a process 'becoming more European like' [26] and as Howell[27] (2002) mentioned the subject still remains 'theoretical interest and has produced more questions than answers'.

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[22] Manners, I. (2002): Normative Power Europe: A Contradiction in Terms? In: Journal of Common Market Studies, Vol. 40 (2): 235-258.

[23] Orbie, J. (2006): Civilian Power Europe: Review of the Original and Current Debates. In: Cooperation and Conflict 2006; 41; 123.

[24] Europeanisation beyond the Member States

[25] Börzel, T. and Risse, T.(2009): The transformative power of Europe :The European Union and the diffusion of ideas. Schimmelfennig, F. (2010): Europeanisation Beyond the Member States. In: Journal for Comparative Government and European Policy Vol. 8, No. 3 (2010), pp. 319-339

[26] Toviaz, A., "Spontaneous vs. legal approximation: The Europeanization of Israel", European Journal of Law Reform, 2007, vol. 9, no. 3, pp. 485-500

One of the first definitions of Europeanization was provided by Ladrech (1994)[28], characterizing it 'as a process reorienting the direction and shape of politics to the degree that European Community (EC) political and economic dynamics become part of the organizational logic of national politics and policy-making'[29]. According to this conception, the state actors can redefine or restructure their interests and behavior to coincide with the EU's norms and logic of membership. This definition necessitates a process of downloading or top-down procedures forwarded by other scholars as Börzel and Risse (2003)[30], Buller and Gamble (2002)[31], Hix and Goetz (2000)[32].

Johan P. Olsen, for example, introduces no less than five different areas affected by Europeanization. Olsen describes Europeanization as changes of external territorial boundaries, the development of institutions on the European level, the effect on national governance systems from a European centre, the export of distinct European forms of organizations to areas outside Europe and, finally, the development of a politically unifying project[33].

Featherstone explains Europeanization from a multiple perspective: as a historical process, cultural diffusion, a process of institutional adaptation and policy adaptation to the European norms and standards[34]. The Europeanization process considers the domestic impact of Europe or European integration on the recipient countries and the degree to which European practices and norms could be adapted for the further incorporation into a specific national environment. Flockhart[35] argues that the process of Europeanization can be defined as ideational diffusion and identity construction based on ideas of different origins.

Simon Bulmer forwards two distinctions in the understanding of Europeanization: Europeanization as the transfer from Europe to other jurisdictions either of policy, institutional arrangements, rules, beliefs or norms, and secondly Europeanization as a

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27 Howell,K. (2002): Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies. ESRC Seminar Series / UACES Study Group on the Europeanization of British Politics: p.7. Online available: http://aei.pitt.edu/1720/1/Howell.pdf.

28 Ladrech, R. (1994): Europeanization of Domestic Politics and Institutions: The Case of France. In: Journal of Common Market Studies, Vol. 32 (1): 69-88, p. 69.

29 Ibid

30 Börzel,T. and Risse, T. (2003): Conceptualizing the Domestic Impact of Europe.

31 Buller, J. and Gamble,A.(2002): Conceptualising Europeanisation. In: Public Policy and Administration 17(2).

32 Hix, S. and Goetz, K. (2000): Introduction: European Integration and National Political Systems. West European Politics, 23 (4): 1-26.

33 Olsen, J. (2002): The Many Faces of Europeanization. In: JCMS Journal of Common Market Studies 40(5):921-952.

34 Featherstone, K. (2003): Introduction: In the Name of 'Europe'.

35 Flockhart, T. (2008): The Europeanization of Europe: the Transfer of Norms to Europe, in Europe and from Europe.

capacity building in Europe that involves a transfer of policy, institutional arrangements, rules, beliefs or norms. [36]

Flockhart tries to outline it in the following way, depicting Europeanization as a process that involves the transfer of a specific idea set from '' one group of agents to another set of agents usually followed by behavioural change through different forms of internalization, social learning and institunalization''[37].

The most comprehensive and commonly used definition of Europeanization belongs to Radaelli who explains Europeanization as "a process involving a) construction, b) diffusion and c) institutionalisation 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 EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public choices."[38] Radaelli stresses the importance of change in the logic of political behavior and argues that Europeanization includes the domestic assimilation of EU policy thus encompassing the processes of institutionalization both by organizations and individuals.

The three dimensions of Europeanization can be distinguished: Membership Europeanization, Enlargement (or accession) Europeanization and Neighbourhood Europeanization.[39] Membership Europeanization can be defined as an institution-building process at the European level or as a change in the domestic institutions of the Member States. Accession Europeanization refers mainly to the transfer of the EU's norms, rules and values to the countries outside the EU which are subject to the EU's enlargement policy and explains to what extent the candidate-countries manage to adjust to the existing European model. Neighborhood Europeanization stems from the previous two dimensions but as it lacks the membership condition clause, it therefore carries some distinctive features. It explores how the EU transmits its norms and values beyond its borders.

Schimmelfennig states that the process of Europeanization can be either EU-driven or domestically driven.[40] It can also be a combination of both. The majority of the scholars

[36] Bulmer, S. (2007): Theorizing Europeanization. In: Europeanization book: 46-58.
[37] Flockhart, T. (2008): The Europeanization of Europe: the Transfer of Norms to Europe, in Europe and from Europe: 10.
[38] Radaelli, C. (2004): Europeanisation: Solution or Problem? In: European Integration Online Papers Vol. 8 (16):3.
[39] Gawrich, A. and Melnykovska, I. and Schweickert, R. (2009): Neighbourhood Europeanization Through ENP: The Case of Ukraine, KFG Working Paper Series, No. 3, August 2009, Kolleg-Forschergruppe (KFG) „The Transformative Power of Europe", Free University Berlin.
[40] Schimmelfennig, F. (2010): Europeanization Beyond Europe. In: Living Reviews in European Governance 7(1).

emphasize that the most important dependent variable of Europeanization process is domestic change or transformation.[41] This process refers to a change in the domestic level in which the member states adapt their processes, policies and institutions to new practices under the impact of the European system of governance.[42] Many scholars argue that the domestic impact of Europe varies with the level of European adaptation pressure on domestic institutions and the extent to which the domestic context (including institutional opportunity structures and domestic actor constellations) facilitates or prohibits actual adjustments to European requirements.[43]

In line with the debates between rationalism and constructivism in international relations two models of Europeanization may be distinguished *'a logic of consequences'* and *'logic of appropriateness'[44]*. Both logics tend to characterize the process of rule transfer and adoption arguing the correlation of the legitimacy and the appropriateness of the rule and bargaining about conditions and rewards; persuasion and coercion; complex learning and behavioural adaptation. Rational-institutionalism approaches to Europeanization focus on legal enforcement, rational-institutional incentives and constraints to explain domestic alignments with supranational norms, constructivists elaborate the cognitive mechanisms which enhance norm transmission –internalisation, socialisation and social learning and conversion. Both logics are not mutually exclusive and most often they occur simultaneously or at different phases of adaptation process.

According to Schimmelfennig and Sedelmeier (2005)[45] there are three **mechanisms** of Europeanization. Firstly, the external incentive model is dominant in 'the logic of consequences' and is applied when the recipient country needs to adopt the EU rule or policies as a condition to receiving reward from the EU: be it assistance or institutional ties. Adaptational pressure from the EU modifies the opportunity structure for utility-maximising domestic actors[46]. It empowers certain actors by offering legal and political

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[41] Radaelli, C. (2004): Europeanisation: Solution or Problem? In: European Integration Online Papers Vol. 8 (16). Schimmelfennig, F. (2010): Europeanization Beyond Europe. In: Living Reviews in European Governance 7(1).

[42] Börzel,T. and Risse, T. (2003): Conceptualizing the Domestic Impact of Europe.

[43] Cowles, Mr. and Caporaso,J. and Risse, T. (2001): Transforming Europe: Europeanization and Domestic Change.

[44] Börzel, T. and Risse, T. (2011): From Europeanisation to Diffusion: Introduction. In: West European Politics 35(1):1-19. Schimmelfennig, F. and Sedelmeier,U. (2005): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: The Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28.

[45] Ibid.

[46] Sedelmeier, U.(2011): Europeanisation in New Member and Candidate States. In: Living Reviews in European Governance, Vol. 6, (2011), No. 1.

resources to pursue domestic change. The main factors that may impede or facilitate the changes are the veto players and formal domestic institutions.

Secondly, in the context of the logic of appropriateness a social learning model is relevant when a non-member state adopts the EU rules or policies if it is persuaded in the appropriateness and legitimacy of the rule in light of its collective identity, values, and norms.[47] It operates on the basis of a state's identification with EU norms that were facilitated by the EU's persuasion, capacity building or exchanges of good practices. The key mediating factors to engage the domestic actors in social learning process is the presence of the domestic norm entrepreneurs and the normative resonance between EU rules and domestic cultural understandings and informal institutions[48].

Finally, the lesson-drawing model is based on the recipient state's initiative to use the EU's best practices as the solutions to the ongoing policy dilemmas. In this case the states adopt rules because they consider them 'effective remedies to domestic needs and policy challenges' and not induced by the EU incentives.

In the context of the logic of consequences and logic of appropriateness Schimmelfennig (2010)[49] differentiates the following mechanisms and conditions of External Europeanization:

Table 1. The mechanisms of External Europeanization by Schimmelfennig

	Direct	**Indirect**
Logic of consequences	*Conditionality* (size and credibility of incentives, costs of compliance)	*Externalisation* (market size, legislation and centralization of rules)
Logic of appropriateness	*Socialisation*	*Imitation*
	('noviceness' and uncertainty; legitimacy and authority of	

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[47] Schimmelfennig, F. (2004): The International Promotion of Political Norms in Eastern Europe:a Qualitative Comparative Analysis. Center for European Studies Central and Eastern Europe Working Paper No. 61.

[48] Sedelmeier, U.(2011): Europeanisation in New Member and Candidate States. In: Living Reviews in European Governance, Vol. 6, (2011), No. 1.

[49] Schimmelfennig, F. (2010): Europeanisation Beyond the Member States. In: Zeitschrift für Staats- und Europawissenschaften 8(3):319-339.

	EU; frequency and density of contacts)

In case of Neighbourhood Europeanization it is argued that the domestic changes happened mostly through the process of socialization, and lesser through the mechanisms of conditionality because of the lack of membership incentive. The main incentives which can induce Europeanization in ENP are a liberalized access of goods and persons to the EU. Schimmelfennig and Börzel[50] also state that the EU has a higher chance to diffuse its rules to the Neighbourhood in case if the target country is dependent on the EU and dependent more than on any other actors. Under such conditions 'self-conditionality' starts to work. Moreover, as the Europeanization is considered to be both top-down and bottom-up process within the EU, in case of non-member states there is no mention of any reciprocal process (Figure 1 and 2).

Although Europeanization refers to the process of convergence towards shared frameworks[51] but it can also lead to divergence[52] or non-uniform convergence. It is related to the fact that Europeanization does not only affect the formal political structures but can also influence the values, norms and discourses that are prevailing in the recipient states, otherwise it might imply the erosion of domestic or overriding of the state's internal processes[53]. Depending on domestic diversity it must be expected to come in multiple forms of outcomes. Therefore it is important to analyze the varying reactions that Europeanization provokes across different domestic contexts.

 Radaelli speaks of four possible **outcomes** of Europeanization: *retrenchment, inertia, absorption and transformation.*[54] Retrenchment stands for the so-called 'negative' Europeanization, when national policy becomes less 'European' than it was. Inertia refers to a situation with the lack of change in the form of lags or delays in the transposition of directives or sheer resistance to EU-induced change. Absorption means change as adaptation when the domestic structures and policy legacies provide a mixture of resiliency and flexibility and mostly non-fundamental changes are absorbed while the core remains

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[50] Börzel,T. (2010): The Transformative Power of Europe Reloaded The Limits of External Europeanization.
Schimmelfennig, F. (2010): Europeanisation Beyond the Member States. In: Zeitschrift für Staats- und Europawissenschaften 8(3):319-339
[51] Liebert, U. and Sifft, S. (2003): Gendering Europeanisation: EC Norms on Equal Opportunities and Equal Treatment of Women and Men in France, Germany, Italy, Spain, Sweden, and the UK in Comparative Perspective.
[52] Radaelli, C. (2004): Europeanisation: Solution or Problem? In: European Integration Online Papers Vol. 8 (16).
[53] Wallace, H. (2000): Studying Contemporary Europe. In: The British Journal of Politics and International Relations, Vol. 2 (1).
[54] Radaelli (2000): Whither Europeanization? Concept Stretching and Substantive Change. In: SSRN Electronic Journal July 2000.

the same. Transformation is when the paradigmatic change occurs or the fundamental logic of political behaviour changes.

Liebert, for instance, identifies five paths towards Europeanization mostly in the context on the gendering policies diffusion process: *innovation, transformation, domestication, compliance and resistance.*[55] By resistance he means the domestic refusal to accept EU-frameworks, ideas or norms which could be caused either by protectionist cognitive heuristic and bias, shaping dominant discourse or/and by veto players, mobilizing contentious collective action or negative public perceptions. Stubbornness is explained as the resistance towards Europeanization as a refusal of EU-frameworks, ideas or norms that is coupled with a cognitive heuristics built on protectionism and bias. Compliance stands for transposition of EC norms into domestic orders by means of legal enforcement, without necessarily changing attitudes and beliefs. Domestification makes the EU frameworks suitable for fitting domestic needs. Transformation occurs when dominant frames in mass public opinion and discourses are profoundly reshaped, and if established policy frameworks are converted into conceptions with new norms and ideas. Finally, innovation is characterised by the development of EU norms beyond their original scope by incorporating creative domestic policy ideas.

Two major mediating factors can be identified that might become the drivers for the internalization of new norms into new identities.[56] These are the 'change agents' or norm entrepreneurs who can persuade the others to redefine their interests and identities and the existence of a political culture and other informal institutions which are conducive to consensus-building and cost-sharing.

I would like to conclude that the Europeanization is an interactive process in which the content of the diffused norms and rules can be shaped in the interaction between EU, national state and non-state actors.[57] The effectiveness of the EU's strategies come up in various outcomes depending on such factors as the level of EU's adaptation pressure and engagement, the domestic context and discourse, the existence of veto-players or 'change agents' as well as other external factors. Therefore it is necessary to conduct a

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[55] Liebert,U.: Gendering Europeanisation: patterns and dynamics. In: Reframing Europeanisation:275-328.

[56] Börzel,T. and Risse, T. (2000): When Europe Hits Home: Europeanization and Domestic Change. In: Europeanization and Domestic Change. European Integration online Papers (EIoP), Vol. 4 (15).

[57] Börzel, T. and Risse, T. (2003): Conceptualizing the Domestic Impact of Europe.

comprehensive analysis of all the dimensions in order to distinguish to what extent each of them impact the current outcome of the Europeanisation in the specific domestic case.

2.2 Gendering Europeanization

The researches on Gendering Europeanization are not so numerous because usually both fields moved on parallel tracks. However gender equality policy is quite an interesting area for exploring different dimensions of Europeanization. The general principles and models of Europeanization are relevant in case of gender norms diffusion but the process has some specific characteristics.

The previous studies of Gendering Europeanization made important conclusions about the outcomes of this process, characterizing it as lacking harmonization while different states having different logics of EU norms application from an institutional, cognitive, and rational perspective[58]. Lombardo and Forest adopt a discursive-sociological approach to studying Gendering Europeanisation and demonstrate that Europeanization does not lead to convergence but instead often the outcome of the policy change is divergence. [59]

The Gendering Europeanization cannot be strictly explained through compliance with the EU norms and restrictive conditionality rules, more often it needs to be interpreted through sociological and discursive approach that addresses collective action and discursive patterns.

Firstly, in the context of the gender equality and in particular domestic violence the European norms cannot always be distinguished apart from the global framework of women's human rights as the UN instruments but in accession process or in the process of approaching the EU they are framed as European ones. Secondly, while analyzing the gender equality instruments it is important to pay attention to different actors participating in interpretive process. Thirdly, domestic political dynamics and policy discourses are crucial to make and promote equality policies.[60]

As the thesis is mostly focused on GBV issues so it is necessary to mention that the EU does not have a strong competence in respect to domestic violence as any relevant

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[58] Ulrike Liebert and Stefanie Sifft, Gendering Europeanisation: EC Norms on Equal Opportunities and Equal Treatment of Women and men in France, Germany, Italy, Spain, Sweden and the UK in Comparative Perspective (Peter Lang, 2003). 20

[59] Forest, M. and Lombardo, E. (2012): The Europeanization of Gender Equality Policies: a Discursive-Sociological Approach. In: Emanuela Lombardo and Maxime Forest, Basingstoke: Palgrave MacMillan:1-27.

[60] Ibid

provision is included into the Lisbon Treaty therefore while transposing gendering norms it usually prefers using 'soft' instruments (mainstreaming, benchmarking and the Open Method of Coordination). In its soft law documents the European Commission explicitly implies the standards set by the Convention on the Elimination of All Forms of Discrimination (CEDAW), the Beijing Platform for Action and the documents of the Council of Europe including the Istanbul Convention, and encourages other states to follow its example. In its Gender Equality Strategy for 2020-2025 the EU Commission condemned GBV and set a goal of putting end to gender-based violence as one of its top priorities and urged the Council and all the member states to ratify and implement the Istanbul Convention, therefore clearly identifying the action against domestic violence as the European norm. Although the domestic violence related policies are not among the formal criteria for EU membership and falls outside the core conditionality criteria still these issues have become an integrated part of the EU's collective identity and have been promoted in its foreign policy.

The soft measures can be powerful instruments to spread EU gendering norms and rules but they depend on the multi-level dimensions of policymaking processes that create opportunities or constraints to promote gender and other equality.[61] The important characteristics of gender equality norms promotion is that the concept of gender equality is quite contested and discursively constructed as it does not have fixed or essential meaning and therefore is prone to be challenged and shaped by political goals and intentions.[62] Therefore domestic context is of a special importance as it can impact the people's perception of reality. If a gender related norm is supported within traditional domestic discourse it has more opportunities to successfully be incorporated and accepted, at the same time hegemonic discourse may hinder the EU's impact on the national level. Very often the discourses are intentional and conscious efforts to change the perception of policy problems and influence preferences.[63] But sometimes discourses carry unintentional character reflecting deep cultural and institutional meanings that makes difficult to the policy actors to intentionally shape the frames in favour of a certain policy or norm adoption.[64]

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[61] Forest, M. and Lombardo, E. (2012): The Europeanization of Gender Equality Policies: a Discursive-Sociological Approach. In: Emanuela Lombardo and Maxime Forest, Basingstoke: Palgrave MacMillan:1-27.

[62] Ibid.

[63] Radaelli, C. and Schmidt, V. (2004): Policy Change and Discourse in Europe: Conceptual and Methodological Issues. In: West European Politics 27(2):183-210.

[64] Bacchi, C. (2009): Analysing Policy: What's the Problem Represented To Be?

The discourses are also influenced by the institutional context they are embedded in, as the limits of the acceptable actions can be presupposed in laws and institutions. Therefore the national legal frameworks on equality issues, the nature of the institutions that formulate and implement equality policies and existing relations between institutions and civil societies are also important to be analyzed to understand the outcomes of Gendering Europeanization processes. In national discourses the EU can be used in public debates for different strategic aims like promoting policy change by influencing people's perceptions, legitimizing specific political actions or discourses or reinforcing one's positioning in a debate.[65]

However, some experts criticize the role of the EU on promoting gender norms. Van der Vleuten (2013) states that the inconsistencies in gender equality promotion in the EU's external trade policies hamper its role as a global actor and reduce its credibility as gender entrepreneur.[66] Peto and Manners (2006) for example, outline that unsystematical promotion and implementation of gender equality policy in EU's external relations risk endangering the internal achievements in this area.[67] David and Guerrina (2013) emphasize that narrowly defining gender equality as low politics and weak rhetorical commitment to gender equality norms may lead weakening of the EU's identity as gender equality actor.[68]

CHAPTER 3. METHODOLOGY

This chapter outlines the methodology of the research.

Case selection

The primary method I used for my Master thesis is a case study research which consists of a detailed investigation with the empirical material collected over a specific period of time to provide an analysis of the context and processes involved in the phenomenon of Gendering Europeanisaion. The objective of the case study is to do an extensive research on a specific case and identify essential factors, processes, and relationships involved. Overall, a case study research describes real-life phenomena rather than developing normative statements.

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[65] Forest, M. and Lombardo, E. (2012): The Europeanization of Gender Equality Policies: a Discursive-Sociological Approach. In: Emanuela Lombardo and Maxime Forest, Basingstoke: Palgrave MacMillan:1-27.
[66] Vleuten, A. (2013): Gender Mainstreaming in EU—SADC Relations: The Capabilities-Expectations Gap. In: Global Power Europe - Vol. 2: 305-320.
[67] Peto, A. and Manners, I. (2006): The European Union and the Value of Gender Equality.
[68] David, M. and Guerrina, R. (2013): Gender and European External Relations: Dominant Discourses and Unintended Consequences of Gender Mainstreaming. In: Women s Studies International Forum 39:53-62.

There are three reasons for choosing Ukraine and the failed ratification of the Istanbul Convention as a case to study. First of all, Ukraine is the country of the Eastern Neighbourhood which is the focus of this research. Second, Ukraine is an example of the country with the very high European integration aspirations and attempts to align with the European policies, including gender equality. Thirdly, the EU has a strong leverage on political elites in Ukraine due to its unprecedented financial and political assistance since 2014. Moreover, as the Istanbul Convention ratification is a top priority for the EU's gender equality strategy so the failure to ratify it in Ukraine rises questions on the effectiveness of the EU's mechanisms of the norm diffusion, especially to the countries which are aspired to become European and are dependable on the EU's assistance.

The timeline for the study is 2014-2021 which is ideal to analyze the EU-induced domestic changes in the context of the gender equality reforms. This timeline includes the signing of the AA, the European Neighbourhood Instrument (ENI) and the EaP that demonstrates the deepening of the relations between the EU and Ukraine. Therefore more Europeanization is expected to occur and more changes are expected to happen with the establishing of closer relationship.

Moreover, the timeline includes the EU's Gender Equality Strategy (2020-2025) and Gender Action Plan 2016-2020 (GAP II) with more focus on achieving gender equality through its external actions. Both of these initiatives signal on more actions from the EU regarding promotion of the gender equality with more visible results anticipated in the non-EU states.

Thus, the proclaimed aspirations of Ukraine to the European integration, the strengthened and deepened relations between the EU and Ukraine, the existing leverage and influence of the EU on political elites in Ukraine as well as more robust EU strategies towards gender equality promotion in its external actions lead to more expected changes in gender equality policies of Ukraine.

Existing data research

There are multiple sources I used for collecting the necessary data to solve my research problem, including existing official statistical data, the EU, UN and the Council of Europe conducted reports on the gender issues in the countries, the EU and Ukraine's official

documents, relevant secondary literature, articles, media analysis, social media research and interviews.

The independent variables of the study are the EU's conditionality, legitimacy of the rule and identification and resonance with the EU norm in the domestic context.

The EU conditionality is measured through the combination of the level of determinacy and the level of incentives. Determinacy is measured through assessing the existing frameworks of the cooperation between the EU and Ukraine, the ENI, the EU Gender Equality Strategy and the GAP II. The level of incentives is evaluated through the engagement of the EU in relevant projects, campaigns or other activities to increase capacity-building, provide financial assistance and raise public awareness to the problem. As the leverage on the political elites cannot be tracked or measured, the previously conducted interviews with the EU officials are used to evaluate this aspect.

The legitimacy of the rule is assessed by determining the clarity of the content of the rule, adherence to the existing legal norms and rules in the recipient community, and the international consensus. The main focus is done on the content analysis of the Istanbul Convention and the concept of gender and its reflection in the domestic legislation. The international consensus is assessed by the number of the countries which ratified and abstained from the ratification, including the on-going discussion on the EU's accession to the Convention.

The other intervening variable is the domestic constraints. According to the existing literature on Europeanization, the main domestic constraints include the veto-players represented by religious and conservative actors, rooted gender stereotypes and misperceptions of gender within society. The variable is mostly measured through determining the level of impact of the veto-players and norm entrepreneurs on the perceptions of the ordinary people through existing survey data on the attitudes of the people towards the European values and gender-related issues and the trust level to the social institutions.

Finally, the dependent variable is the EU-induced domestic change in the context of GBV and violence against women (VAW). The overall EU-induced domestic change in gender equality is measured by adding up the domestic changes in policy, polity and politics. The outcome of Europeanization in policy is evaluated through quantitative and qualitative

assessment of the legislative changes, relevant action plans, strategies and incentives and the level of their practical implementation. On the level of polities the institutional changes in the country are assessed by a number of newly created relevant bodies or positions. To determine the changes in politics the ongoing debates and actions on the level of political elites are investigated through media analysis.

As the dependent variable may come up in different variations, its level of convergence is assessed through the analysis of changes happened and gaps remained. A full policy transformation means that the rule is adopted in its original version thus ratification occurred and public perceptions transformed. The adoption or domestication would stand for making EU frameworks suitable to domestic context and adapting them to the domestic needs while preserving the core. The international organizations' reports are used to evaluate the quantitative changes and gaps in the policy changes.

To be able to define the potential drivers for the successful rule adoption and domestic policy transformation I applied the comparative research method and compared the success stories and underlying processes of the countries the ratification process of which was preceded by the backlashes and religious and conservative actors' resistance. I have obtained the examples of their good practices through the Council of Europe's study on ratification and implementation of the IC as well as analysis of the media coverage and articles on the issue.

Interviews

Additionally, I conducted online interviews with Olesia Bondar, the Director of the Ukrainian Women's Fund, and Kateryna Cherepakha, the President of La Strada-Ukraine (public human rights organization) to learn their experiences in promoting GBV prevention and define the role of the EU and domestic actors in the process of the IC ratification in Ukraine. As there is almost no systematized information on the activities of the women's organisations and their impact, it was very important to obtain the information from the real participants of this process. For ethical considerations, the permission was obtained to record the interviews and use their answers for the research purpose only.

CHAPTER 4. CASE ANALYSIS OF UKRAINE

4.1 The outcomes of the Gendering Europeanization in Ukraine with focus on GBV

Gender-based violence is a human rights issue that produces serious immediate and long-term consequences. It is deeply rooted in gender inequality, being directed against persons because of their gender, and includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.[69] GBV affects women disproportionally because of the unequal distribution of powers and resources between women and men, a devalued women's position in a society and their subsequent subordination in a family life. Women and girls who experience violence and abuse often suffer for years from the effects. They may have to deal with ill health and psychological trauma, which in many cases is passed on to their own children and also influences the communities and societies they live in.

The World Health Organization (WHO) has proclaimed physical or sexual violence as a public health problem that affects more than one-third of all women globally. It is estimated that of the 87,000 women who were intentionally killed in 2017 over the world, 58% of them were killed by intimate partners or family members, meaning that 137 women across the world are killed by a member of their own family every day.[70] That's why many international agencies stress that there is a global pandemic of VAW which knows no social or economic boundaries and affects women and girls of all socio-economic backgrounds. As the Chairwoman of the WAVE-Network Rosa Logar mentioned: ''Like the Covid-19 pandemic, the VAW pandemic carries a cross-border character and cannot be solved on a national level only, a cross-border cooperation and international law are of utmost importance to tackle this issue''.[71]

GBV is widespread and systematic in Ukraine, where 90 % of all cases of gender-based violence affect women, and minimum 22% of women aged 15-49 have experienced at least one form of physical or sexual violence in their lifetime[72]. Annually 1,1 mln women experience physical or sexual violence in Ukraine, and 13,9 thousand of them needed

[69] United Nations Ukraine (2019): Analytical report on the findings of "Baseline Survey of Public Perceptions and Attitudes Towards Gender-Based Violence Against Women in Donetsk, Luhansk and Zaporizhzhia Oblasts".

[70] UN Women (2021): Facts and figures: Ending Violence Against Women, available at: https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures.

[71] Online Conference to Commemorate 10th Anniversary of the Istanbul Convention Signature, 10 May, 2021.

[72] UNDP Ukraine (2017): Ukrainians Mobilize to Stop Violence Against Women. https://undpukraine.exposure.co/ukrainians-mobilize-to-stop-violence-against-women

medical care in result of violence. According to analyst estimates, it costs Ukrainian society $ 208 million (0.23% of the country's GDP in 2015).[73] A major obstacle for accountability is a lack of reliable and comparable data registered by official statistics, due to survivors' unwillingness to seek help because of social and cultural barriers, gaps in the legislation and administrative mechanisms, unavailability of specialized services or lack of expertise and skills among public officials in dealing with GBV and domestic violence. In Ukrainian society there is an opinion that domestic violence is a private matter. There is even a famous proverb saying "Don't take the garbage out of the house" in this context. As a result, only one in five victims seeks help.

During 2019, more than 130,000 complaints of citizens about domestic violence were recorded, which is 15% more than in the same period last year, of which 88% - from women, 10% - from men. 1055 appeals were received from children.[74] Ukraine is critically short of shelters for victims of violence. There are currently 23 shelters or wards for victims of domestic violence and / or sexual violence[75]. Given the number of victims, these shelters are not enough.

Gender-based violence is a complex phenomenon that needs to be understood within the wider social context and cultural norms that permeate it. Community attitudes and responses regarding violence against women reflect these norms and play an important role in shaping the social climate in which discrimination and, more particularly, violence occur.

The three main factors that aggravate the situation with GBV in Ukraine can be defined as following: firstly, the traditional male and female stereotypes that are engendered in Ukrainian culture; secondly, high level of alcohol consumption; thirdly, the on-going war in Eastern Ukraine. But the underlying reason for the high rates of domestic violence in Ukraine and beyond has been related to the on-going impunity of the perpetrators in the criminal and legislative systems of the countries. [76]

In 2017, the UN Committee on the Elimination of Discrimination against Women observed that since 2014, Ukraine had experienced "an increase in the level of violence against

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[73] UNFPA Ukraine (official web-portal): Infographics. available at: https://ukraine.unfpa.org/sites/default/files/pub-pdf/Infographics_UKR_1.pdf

[74] Ministry of Social Policy of Ukraine (2020): Every 5th Woman in Ukraine Faces Some Form of Violence, - Yulia Sokolovska https://www.msp.gov.ua/news/18311.htm

[75] Ibid

[76] Interview with Kateryna Cherepakha, the President of La Strada Ukraine, 15 April, 2021.

women" and "a reinforcement of traditional and patriarchal attitudes that limit women's and girls' enjoyment of their rights."[77] Under the pandemic the situation has only worsened: the national hotline on domestic violence saw a 23 per cent increase in calls during the first month of quarantine. The second month saw a 72 per cent increase over the pre-quarantine period.[78]

Ukraine has accepted the key international commitments on gender equality, including those focused at preventing and combating GBV. The country joined the Beijing Platform for Action (BPfA) and ratified key human rights treaties, including CEDAW (1980) and its Optional Protocol. According to the Constitution of Ukraine all international treaties signed by the country are considered as a part of the national legislation. Therefore, Ukraine is now legally bound to put its provisions into practice and to submit national reports on measures taken to comply with the obligations. Still the main challenge in the area of GBV remains non-ratified Istanbul Convention.

The Istanbul Convention is the first legally-binding instrument which creates a comprehensive legal framework and approach to combat violence against women and is focused on preventing domestic violence, protecting victims and prosecuting accused offenders. It is a human rights treaty of the Council of Europe against violence against women and domestic violence which was opened for signature on 11 May 2011, in Istanbul, Turkey.

The added value of the IC includes the introduction of such important innovations as:

- a gendered approach to DV while recognizing that violence is gendered and derives from the inequality between men and women as well as stereotyped roles and prejudice against women. It also adopts the tools aimed to prevent, protect, prosecute and combat violence;
- introducing four types of violence physical, sexual, psychological and economic and criminalization of certain conduct and harmful practice;

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[77] Pilishvili, C. (2020): Thousands Urge Ukraine's President to Help Stop Violence Against Women. In: Human Rights Watch, available at: https://www.hrw.org/node/375879/printable/print

[78] UNFPA (2020): Ukraine Steadfast in Tackling Gender-Based Violence, Despite Pandemic-Related Increases. Online available: https://www.unfpa.org/news/ukraine-steadfast-tackling-gender-based-violence-despite-pandemic-related-increases.

- emphasizing the obligation of the States to be accountable in addressing violence that would engage state responsibility and imply victims' right to reparation and compensation;

- adopting a coordinated and integrated approach to combat VAW and DV, prioritizing the victim report services,

- focusing on tackling the root causes of violence and preventing further violence;

- strengthening the international law framework on VAW; and

- improving standards of protection of women and children through the monitoring mechanism GREVIO with periodic country reviews of the implementation of the Convention and compliance mechanism.

There are several important reasons why Ukraine should ratify the Istanbul Convention. Firstly, Ukraine was a co-author of the Convention and should be among the first to ratify it to reinforce its commitment. Secondly, this is an opportunity for Ukraine to demonstrate that it is a civilized and progressive country, ready to become part of the European community. Thirdly, Ukrainian women should be protected from domestic violence in their own country using this international means of protection because the national legislation is not sufficient to reach that objective.

The Convention contains two important components: protection of victims of violence and punishment of offenders; the responsibility of the state for the implementation of an effective policy to prevent and combat violence. With the adoption of the Istanbul Convention in Ukraine, violence against women and domestic violence will be considered not only as an issue of the individual victim, but as a violation of human rights, the responsibility for which lies with the state. Preventing such violence will not be a matter of good will, but a legal obligation.

Larysa Kobelyanska, Coordinator of the Public Council on Gender Issues at the inter-fractional union "Equal Opportunities" stated in her interview: 'The main actor and consumer of the results of the ratification of the Istanbul Convention is society. Its ratification is a matter of our belonging to the European community and whether we share European values.'[79]

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[79] Ukraine Crisis Media Center (2020): Ratification of the Istanbul Convention is a question of our belonging to the European community – expert. In: Ukraine Crisis Media Center website, avalable at:

Ukraine signed the Istanbul Convention in 2011, but has not yet ratified it. In November 2016, the bill on ratification of the Istanbul Convention was submitted by the fifth President of Ukraine Petro Poroshenko to the Parliament of the VIII convocation when he highlighted ''I regret to state that in our society there are still manipulations on this topic, in particular - on the understanding of the term "gender". Therefore, once again, I would like to insist very clearly and call for all possible efforts to complete all domestic procedures and ratify the convention''.[80] Still the bill did not receive the required number of votes. The adoption of the document was indefinitely postponed, as a number of MPs saw the ratification of the Istanbul Convention as a 'threat to family values' and 'promotion of homosexual marriages' due to the concepts of 'gender' and 'sexual orientation'. The main factor affecting debate in 2016–17 was the criticism of the convention leveled by various Ukrainian churches, which swore to do everything within their means to prevent the concept of gender being embedded in law. Moreover, some experts believe that the decision on ratification was influenced by the fact that there were not enough women represented in the Ukrainian parliament at the time of the adoption of the bill on ratification of the convention in 2016 (only 12%, 56 out of 468)[81]. If a government body has less than 30% of representatives of a particular group, the problems of this group are unlikely to be solved. Since the bill was not adopted in the first reading as a basis, and due to the termination of the powers of the President of Ukraine, who introduced the bill, in accordance with Part 3 of Article 105 of the Rules of Procedure of the Verkhovna Rada, it was withdrawn from consideration on May 20, 2019, the day of the inauguration of the President Volodymyr Zelensky.

Still the issue of Istanbul Convention ratification did not remain completely disregarded. The Ukrainian government has taken alternative steps to improve the situation with VAW and the DV in the national law (Table 1).

Firstly, in 2015 the President of Ukraine approved the National Strategy in the field of human rights[82], the purpose of which is, in particular, to create an effective system for

https://uacrisis.org/uk/ratyfikatsiya-stambulskoyi-konventsiyi-tse-pytannya-nashoyi-prynalezhnosti-do-yevropejskoyi-spilnoty-ekspertka

[80] Poroshenko called on the Rada to ratify the Istanbul Convention at the next meeting (2018). In: Radio Svoboda, avilable at: https://www.radiosvoboda.org/a/news-poroshenko-rada-stambulska-konventsia/29643440.html.

[81] Analytical Portal 'Word and Action' (2020): How the Gender Composition of the Rada Has Changed Over the Last 30 Years, available at: https://www.slovoidilo.ua/2020/03/06/infografika/polityka/yak-zminyuvavsya-hendernyj-sklad-rady-ostanni-30-rokiv

[82] The Ministry of Justice of Ukraine. The National Strategy in the field of Human Rights, available at: https://minjust.gov.ua/cat_497

combating all forms of gender-based violence, human trafficking and domestic slavery violence, providing quality assistance to victims.

Secondly, though the deputies of the Verkhovna Rada of Ukraine have delayed the ratification of this Convention but in 2017, the Verkhovna Rada passed a law amending the Criminal Code in preparation for ratification. To align Ukrainian criminal law with the requirements of the 2011 Istanbul Convention Ukraine introduced the Law "On Preventing and Combating Domestic Violence"[83] and the respective amendments to the Criminal Code of Ukraine introducing an integrated approach to preventing and combating violence, and an extended range of tools to protect survivors No 4952 and 5294. This Law was an important departure from previous legislation, as it introduced new concepts and mechanisms for protecting survivors of domestic violence. In particular, the law institutionalized the new concepts of psychological and economic violence and provided comprehensive definitions of different forms of domestic violence. It also introduced a system of special measures imposed on the perpetrators, such as emergency protection orders (EPO), and envisaged a comprehensive system of services for domestic violence survivors. In addition, the Ukrainian Cabinet appointed a Governmental Commissioner for Gender Policy within the office of the Deputy Prime Minister. The Criminal Code of Ukraine on Administrative Offenses was supplemented by a new article "Referrals for the program for a person who has committed domestic violence or gender-based violence".

Thirdly, the relevant legislation has started to be implemented. In 2020, 921 people were convicted of domestic violence in Ukraine, in 2019 the number was four times less – 225.[84]

Another important initiative in the field of combating domestic violence became the creation of mobile teams for combating domestic crimes 'Polina' – a special project of the National Police which since 2018 made almost 4,5 thousand visits, conducted 2 thousand preventive interviews and investigated 844 criminal charges in Kyiv, Odesa and Severodonetsk. [85]

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[83] The Verkhovna Rada of Ukraine (2018): Law № 2229-VIII 'On Preventing and Combating Domestic Violence'.
[84] Kramar O. (2021): In 2020, 921 People Were Convicted of Domestic Violence in Ukraine. This is Four Times More Than in 2019. In: Hromadske, available at: https://hromadske.ua/posts/u-2020-roci-v-ukrayini-za-domashnye-nasilstvo-zasudili-921-lyudinu-ce-vchetvero-bilshe-nizh-u-2019-mu
[85] DCAF and La-Strada Ukraine (2019): Monitoring of the Situation of the Justice System's Response to Domestic Violence against Women :2018.

This dynamics demonstrates that though at a slow pace but the changes are happening in the legal system of Ukraine regarding the domestic violence combating indicating positive developments in the attitude towards this problem by the state.

However, some of the innovations made have led to hot debates among the experts and scholars.[86] One of the main reasons is that the concept of "gender" has been completely removed from the text of the law, although the key objective of the Istanbul Convention is to combat gender-based violence against women, which the Convention defines as violence against women because they are women. Thus, legislators preferred to omit the fact that women are exposed to and suffer more from violence than men, and ignore the problem of gender discrimination in society. Female genital mutilation is one of the most severe forms of discrimination against women, so the fight against this phenomenon is being waged internationally. As for Ukraine, the national legislation for a long time did not contain the relevant corpus delicti. Only the ratification of the Istanbul Convention prompted the relevant amendments to the Criminal Code and the criminalization of this act, but not in the wording set out in the text of the Convention. Ukraine has not yet fulfilled its obligation to criminalize harassment as a separate type of conduct. Ukraine's criminal law does not cover all variants of so-called sexual penetration without the consent of the person, criminalization of which is required by the Istanbul Convention. The practical implementation of the existing legislation also shows many drawbacks and flaws, including unsatisfactory privacy situation, stereotypical views of patrol police, and small numbers of prosecutions, for instance, out of 300 judgments analyzed the offender was not prosecuted in 204 cases, and 64% of those prosecuted were subject only to such administrative penalties as fines and only 5% were arrested.[87]

In 2020 an e-petition to the President of Ukraine calling for assistance in ratifying the Istanbul Convention received the required number of votes. The public appeal to Volodymyr Zelensky was published on the official website of the President and has been currently supported by more than 40 non-governmental organizations and more than 26,000 citizens.[88] After the petition for ratification was submitted, in June 2020, President

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86 Basha, K. (2018): Ratification of Istanbul Convention as a Way of Affirmation of Gender Equality in Society: Problems of Ukrainian Legislation

87 DCAF and La-Strada Ukraine (2019): Monitoring of the Situation of the Justice System's Response to Domestic Violence against Women :2018

88 Ukrainian Women's Congress (2020): Is the Istanbul Convention of the Council of Europe to Be Ratified?, available at: http://womenua.today/stambulskij-konventsiyi-rady-yevropy-v-ukrayini-buty/

Zelensky responded that he would propose ratification again only after the Ministry of Foreign Affairs and the Ministry of Social Policy had endorsed it.[89]

Recently the Ministry of Social Policy announced that it has drafted a new bill on ratification of the Istanbul Convention. This bill contains a caveat that Ukraine reserves the right not to apply one of the provisions of the Convention envisaged in Article 30 (2).[90] It refers to the state compensation that a victim of violence should receive if she has suffered serious injuries. Ukraine will also not change its legislation on marriage and adoption institutions.[91] Ukraine is not the only state to practice this reservation. Seven Member States Cyprus, Croatia, Ireland, Malta, Poland, Romania, Slovenia also reserved the right not to apply the Article 30 on compensation aiming to limit the application of compensation scheme to the conditions set under national laws. Moreover, Croatia made a Declaration that 'the provisions of the Convention do not include an obligation to introduce gender ideology into Croatian legal and educational system, nor the obligation to modify the constitutional definition of marriage'.[92]

The situation around the Istanbul Convention ratification in Ukraine leads to two important conclusions. Firstly, Ukraine is not against combating of the domestic violence and makes important efforts to change the existing legislation and the system of victims' protection, though its practical implementation has not shown many results. Secondly, it adapts the rule according to its needs, thus adhering to the model of domestication or absorption in terms of the outcomes of the European norm adoption. It makes the EU frameworks suitable to fit the domestic needs and perceptions, for example, by omitting the concept of 'gender' from all the relevant laws.

Serhiy Sumlenny, head of the Kyiv office of the Heinrich Böll Foundation, also pointed out that there is a lack of political will to take the decision on ratification at the moment. "I do not think that Zelensky or the Rada, which has a bunch of other issues - from the

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[89] Official Internet Representation of the President of Ukraine (2020): Electronic Petition: We call for ratification of the Istanbul Convention (Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence), №22/087528-еп, available at: https://petition.president.gov.ua/petition/87528

[90] The Council of Europe (2011): Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, available at: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210.

[91] Ukrainian Women's Congress (2020): Istanbul Convention in Ukraine: New Prospects of the Old Case, available at: http://womenua.today/stambulska-konventsiya-v-ukrayini-novi-perspektyvy-staroyi-spravy/

[92] The Council of Europe (2021): Reservations and Declarations for Treaty No.210 - Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence: Croatia.

escalation in Donbass to the split of the Servant of the People faction - will focus on the issue of the convention, which is very controversial," said the expert.[93]

Despite the efforts made regarding combating GBV in Ukraine, the international and national NGOs insist that these measures are not enough. The changes in Ukrainian legislation are an important step in protecting against domestic violence and violence against women. But the Ukrainian legislation still does not have a comprehensive approach to this issue. Public services and institutions dealing with the problem work separately, and there is still a lack of legislation that could unite their efforts.

4.2 Application of the models of Europeanization

In order to thoroughly analyze the underlying hindering factors for ratification of the Istanbul Convention in Ukraine I would like to share my findings within the framework of the two models of the norm diffusion process of Gendering Europeanization.

4.2.1 The logic of consequences

According to the logic of consequences, the main attention is paid towards the external incentive model, which is a sort of bargaining process when the actors exchange information, threats and promises to their preferences. [94] The most important part of this model is the EU's conditionality. The EU's strategy of conditionality is not uniform and homogenous. The conditionality varies 'across issue areas, target countries, and over time and the factors accounting for such variation are explanatory factors for differences in the EU's influence'[95].It has been argued by many scholars that in the non-member countries EU's conditionality is rather weak. In cases when there are no perspectives for a membership, the EU applies so-called 'positive conditionality'[96]. It implements the 'more for more' strategy when more reforms within the countries are leading to more integration with the EU. But the EU never relied exclusively on conditionality but always combined it with normative pressures by international institutions[97]. In its engagement with domestic

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[93] Trotsenko, L (2021): What prevents the Istanbul Convention from being Ratified? In: Korrespondent.net, available at: https://ua.korrespondent.net/ukraine/events/4335759-scho-ne-daie-ratyfikuvaty-stambulsku-konventsiui

[94] Schimmelfennig, F. and Sedelmeir, U. (2006): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28

[95] Sedelmeier, U.(2011): Europeanisation in New Member and Candidate States. In: Living Reviews in European Governance, Vol. 6, (2011), No. 1.

[96] Börzel, T. and Risse, T. (2012): From Europeanisation to Diffusion: Introduction. In: Western European Politics, vol. 35 (1).

[97] Sedelmeier, U.(2011): Europeanisation in New Member and Candidate States. In: Living Reviews in European Governance, Vol. 6, (2011), No. 1.

actors the EU seeks to promote changes through capacity building and empowering local actors[98] as well as persuasion and socialisation of elites.[99]

Gender equality is a central principle that underpins the EU-Ukraine AA, the renewed ENP and EaP. The EU-Ukraine AA envisages the cooperation aimed at reaching gender equality and combating all forms of discrimination[100]. The NENP has been focused on women and gender equality which was mirrored in the allocation of financial resources through ENI 2014-2020 with the budget of €15.433 billion, listing gender equality promotion as one of the top priorities[101]. The EaP 20 top Deliverables for 2020 name increase of gender equality and non-discrimination as one of its top objectives[102].

In official communications the EU and its representatives numerously emphasized the importance of gender equality promotion and the ratification of the Istanbul Convention in Ukraine. The EU GAP II[103] put a greater focus on achieving gender equality through its external actions. Therefore more substantial changes are to be expected from this commitment while transposing the gender equality norms to the non-EU states. Still, the EU preferred using soft mechanisms instead of conditionality and pressure in the case of the IC ratification promotion. The ratification of the IC was not made conditional for obtaining the further EU macro-financial assistance or other types of benefits, like for instance the adoption of a number of measures to combat corruption that were conditional for the establishment of a visa free regime between the EU and Ukraine. However, the EU officials in Brussels insisted that there was not much the EU could do in this case: 'There are a lot of forces at play, and the EU is involved in loads of reform processes in Ukraine. The EU cannot just be tough on Ukraine in order to safeguard future cooperation.

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[98] Flenley, P. and Mannin,M. (2018): The limitations of the EU's strategies for Europeanisation of the neighbours. In: The European Union and its Eastern Neighbourhood. Europeanisation and its twenty-first-century contradictions, pp. 38-53.
[99] Sedelmeier, U.(2011): Europeanisation in New Member and Candidate States. In: Living Reviews in European Governance, Vol. 6, (2011), No. 1.
[100] Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (2014) , Article 420, available at: https://trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf .
[101] The European Commission (2014): Regulation (EU) No 232/2014 establishing a European Neighbourhood Instrument.
[102] Eastern Partnership (2020): 20 Deliverables for 2020: Bringing tangible results for citizens , available at: https://eeas.europa.eu//sites/default/files/20_deliverables_for_2020.pdf
[103] European Commission (2015): Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020, SWD (2015) 182 final. Brussels, 21.9.2015.

Moreover, we also need to acknowledge that Ukraine cannot do everything at once. The EU does use conditionality, but in a smart way'.[104]

In fact there was already a precedent when the EU's conditionality politics in regards of minority rights promotion unintentionally contributed to the growing homophobia in Ukraine.[105] In 2012 the EU made adoption of legislation aimed at protection against discrimination for sexual minorities conditional for visa liberalization. In the light of existing close economic and political ties with Russia the potential gains from AA and visa-free regime were not so valuable at that time and a free-trade agreement with the EU was refused by the Ukrainian President Viktor Yanukovych. The unwillingness to pass the legislation that contradicts the religious beliefs of the nation was named to be one of the reasons for that decision. The conditionality of the EU worked later in 2015 with the change of government and a new President Petro Poroshenko, when both the EU pressure and the LGBTI activists' efforts managed to facilitate passing of the bill with 234 votes out of 450. But though the bill was passed the change was applied to the old labor code while a new labor code does not include sexual orientation and gender identity as the grounds for non-discrimination at work. Now when Ukraine already received visa-free regime it is not likely that the EU would withdraw it due to this incompliance. So the outcome of the EU's pressure resulted into almost a 'zero' practical change.

Taking into account that the EU has provided an unprecedented assistance[106] to Ukraine since Euromaidan[107], it should have had 'both the means as well as the political leverage to turn the tide for the Istanbul Convention''[108]. But the interviews with the EU officials revealed[109] that in spite of prioritizing the Istanbul Convention in the area of women's rights promotion in Ukraine until 2018 the EU did not make efforts to change the visions

[104] Ketelaars, E. (2019): Geographical Value Spaces and Gender Norms in post-Maidan Ukraine: the Failed Ratification of the Istanbul Convention. In: Review of International Studies (2019), 45: 5, 731–747.

[105] Shevtsova, M. (2020): Fighting "Gayropa": Europeanization and Instrumentalization of LGBTI Rights in Ukrainian Public Debate. In: Problems of Post-Communism 67(6). p.500-510.

[106] European Commission: Ukraine. Economic Analysis. Online available: https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/international-economic-relations/enlargement-and-neighbouring-countries/neighbouring-countries-eu/neighbourhood-countries/ukraine_en.

[107] Euromaidan was a wave of demonstrations and civil unrest in Ukraine, which began on the night of 21 November 2013 with public protests in Maidan Nezalezhnosti (Independence Square) in Kyiv. The protests were sparked by the Ukrainian government's decision to suspend the signing of an association agreement with the European Union, instead choosing closer ties to Russia and the Eurasian Economic Union.

[108] Ketelaars, E. (2019): Geographical Value Spaces and Gender Norms in post-Maidan Ukraine: the Failed Ratification of the Istanbul Convention. In: Review of International Studies (2019), 45: 5, 731–747.

[109] Ibid

of those at power and did not allocate funding to the local projects aimed at raising awareness or advocacy efforts to influence public opinion thus losing a window of opportunity to facilitate the Istanbul Convention ratification in Ukraine. Moreover, the EU functionaries and the gender focal point in the EU Delegation in Kiev strengthened the impression that the gender issues were not among the core values or a priority that the EU promoted in Ukraine. For example, it was mentioned that investing in the reforms of the country like fight against corruption were more important priority, still all those issues were 'without leaving gender completely aside'[110]. The interviews with the Ukrainian civil society representatives reinforced this position by sharing complaints 'about the EU's failure to commit funding to advocacy and awareness raising as well as its near total invisibility'[111] in the fight for the ratification of the Istanbul Convention in Ukraine.

The focus of the EU from tough conditionality towards investments in building up the capacity of the women's organisations has the potential to make their efforts more influential and visible while increasing the public awareness on GBV. Since 2018 the EU took more active approach and funded some projects of the women's NGOs and civil societies in Ukraine, as listed below. However, none of them was directly related to the promotion of the Istanbul Convention ratification in Ukraine.

EU 4 Gender Equality: Together against Gender Stereotypes and Gender-Based Violence (2020-2023) with the budget of €7.79 million (EU Investment: €7.5 million).[112]

'**Pravo-Justice' project** in Ukraine aimed at improving the justice system's response to domestic violence and violence against women (funded by the EXPERTISE FRANCE, EU and implemented by La Strada- Ukraine).[113]

Advancing Human Rights and Gender Equality through Community Mobilization for Empowerment project (2018-2020) implemented by the Ukrainian Women's Fund (funded by the Governments of Norway and Denmark, and Joint Programme of UN

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[110] Ketelaars, E. (2019): Geographical Value Spaces and Gender Norms in post-Maidan Ukraine: the Failed Ratification of the Istanbul Convention. In: Review of International Studies (2019), 45: 5, 731–747.
[111] Ibid
[112] EU Neighbours: EU 4 Gender Equality: Together Against Gender Stereotypes and Gender-Based Violence. Online available: https://www.euneighbours.eu/en/east/stay-informed/projects/eu-4-gender-equality-together-against-gender-stereotypes-and-gender.
[113] La Strada- Ukraine. Our projects webpage. Online available: https://la-strada.org.ua/donory.

Women, UNDP, FAO and UNFPA on "EU Support to the East of Ukraine – Recovery, Peacebuilding and Governance" funded by the European Union).[114]

Creating a mechanism to combat bullying and violence in educational institutions (funded by the EU) implemented by La-Strada Ukraine.[115]

WAVE activities and trainings (a network of European women's non-governmental organisations working in the field of combating violence against women and children (women's refuges, counselling centres, SOS hotlines/helplines, organisations focusing on prevention and training)

Daphne mechanism (a mechanism that can be seen as open call for transnational action for developing substantive content behind the narrowly defined set of European norms for action against domestic violence).[116] The Daphne programme continues in the period 2014-2020, as one part of the Rights, Equality and Citizenship Programme – La Strada-Ukraine.

The EU has contributed to a capacity building directly through the distribution of resources and also indirectly through the facilitation of transnational networks (like Daphne).The transnational advocacy networks help to link the actors from different civil societies, states and international organisations to multiply their efforts for reaching common objectives like the combating GBV.

But these efforts have not been enough to change the situation in favour of the ratification of Istanbul Convention. A very complicated and demanding procedure to apply for the EU project funding was mentioned to be one of the restraints and discouragements for many Ukrainian small and medium-size women's organisations to search for the EU's assistance.[117] The UWF, which is one of the largest and oldest women's organisations operating since 2000, succeeded to get funding only last year, not to mention the minimal chances for success from other less experienced NGOs. The leading partners and donors for the GBV related projects in Ukraine remain the Council of Europe, the UN agencies,

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[114] Ukrainian Women's Fund: Advancing Human Rights and Gender Equality through Community Mobilization for Empowerment. Online available: https://www.uwf.org.ua/en/project_activities/cme2.
[115] La Strada- Ukraine. Our projects webpage. Online available: https://la-strada.org.ua/donory.
[116] European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs (2019): Implementation of the Daphne Programme and Other Funds Aimed at Fighting Violence Against Women and Girls.
[117] Online interview with Olesia Bondar, Director of UWF, 20 April 2021.

USAID, the government of Canada, the Embassies of the Netherlands and Sweden as well as the international women funds and organisations.

However, it is likely that without the EU's engagement the Ukrainian authorities will remain reluctant to support any type of efforts to pursue accountability for grave human rights violations. The EU does have the power to use its leverage over Ukraine, because Ukraine is dependent on the EU politically and economically. Still the inconsistent approach of the EU in the issue of the Istanbul Convention ratification raises concerns about the outcomes of the fight against GBV in Ukraine especially under the conditions of possible counter-influence on the public opinion by Russia.

4.2.2 The logic of appropriateness

According to the logic of appropriateness the process of rule transfer and rule adoption is characterized by such factors as the legitimacy of rules and appropriateness of behavior, persuasion and 'complex' learning. The main factors that may impede the persuasive power of the EU is legitimacy, identity and resonance.[118] This section reviews the three dimensions in the Ukrainian case.

4.2.2.1 Legitimacy

Thomas Franck mentioned that the legitimacy of the rule is characterized by the clarity with which the rule communicate, the integrity of the process by which they were made and are applied, their venerable pedigree and conceptual coherence.[119] All these aspects of the rule legitimacy conduce to its being respected. Legitimacy increases with the clarity of rules, their adherence to a rule hierarchy based on the constitutive values and norms of the community, their degree of acceptance and the legitimacy of the rule-making procedure and with the international rule consensus.[120]

Despite the fact that the initial goal of the Istanbul Convention is to create the first binding and comprehensive international instrument in Europe that addresses violence against

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[118] Schimmelfennig, F. and Sedelmeier,U. (2005): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: The Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28.
[119] Franck, T. (2006): The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium. In: The American Journal of International Law, Vol. 100 (1):88-106.
[120] Schimmelfennig, F. and Sedelmeier,U. (2005): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: The Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28.

women, but still main controversies have been related to the provocative interpretations of the term 'gender', undermining the whole content and importance of the document.

One of the preconditions for the controversies around the concept is related to the fact that until recently the EU law has not provided definitions of the concepts of 'sex', 'gender' and 'transgender', and has not distinguished clearly between sex and gender[121]. The notion of the term 'gender' was embraced for the first time in the EU Gender Equality Strategy 2020-2025. Vizgunova (2020)[122] argues that this has created an atmosphere of ambiguity and led to the activization of the illiberal or conservative national actors. Article 3 of the Istanbul Convention defines 'gender' as 'the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men'.[123] This definition refers to the modern notion of gender which has been recognized in international human rights law but does not reflect the ideology of 'natural law' supported by conservative and religious actors. Additionally, the Convention's Explanatory Report[124] states that the term 'gender' has been based on research which demonstrated the link between the stereotyped roles and violence and clarifies that VAW should be tackled within a wider context of violence and work with a scientific and widely recognized understanding of gender. It has also been numerously emphasized that the definition does not require the States to change or reinvent their education system or family values allowing flexibility in the implementation of some provisions including the teaching material on issues as non-stereotyped gender roles.

However, the framing of 'gender' as a socially learned behavior has produced a considerable disagreement not only in Ukraine but also in a number of European countries. The introduction of this term in national legal documents has been argued to lead to the erosion of the traditional family values, to blur the distinction between the male and female sex and lead to the introduction of innumerable gender identities.

To understand the debates around the 'gender' concept it might be helpful to highlight that there are different gender definitions in use in policy-making and in social justice activism,

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[121] Timmer,A. and Senden, L. (2019): Gender Equality Law in Europe. How Are EU Rules Transposed into National Law in 2018. In: Publications Office of the European Union, 2019.
[122] Vizgunova, E. (2020): The trouble with 'gender' in Latvia: Europeanisation through the prism of the Istanbul Convention. In: Baltic Journal of Law & Politics 13(1):108-139.
[123] The Council of Europe (2011): Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.
[124] The Council of Europe (2011): Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

which were formed in different times and from different ideological bases, partly disconnected from debates within gender studies, and at times also partly contradicting each other. Kovatz E. [125]outlines the four major definitions.

Firstly, gender became a substitute for biological sex in order to avoid associations to sexual intercourse, starting from the law of discrimination. The two terms have been interchangeably used.

Secondly, it stands for 'women', e.g. gender analysis in policy-making is often used to describe how this or that measure would affect women – and less, gender relations, the relations between men and women.

Thirdly, it is a category to describe the social distinctions based on sex, the power structures in a given society between men and women, and the roles, possibilities and constraints in society, attributed to being born male or female. The definition in the Istanbul Convention is a good example of it.

Fourthly, it is used in trans and genderqueer scholarship and activism to mean gender identity: a person's felt sense of identity, meaning identifying or not with being born male or female. It corresponds to the fact that gender assigned at birth might not correspond to the person's later on defined gender identity.

And even though there are gender theorists who define gender identities as a various gradations of masculinity and femininity as opposed to polar characteristics and recognize the possibility of differences between the biological sex and the gender identity (i.e. the existence of transgender, bigender or agender people), even they distinguish sex as something inherent in nature, defining gender as the way each of us experiences our biological sex. And there is no scientific basis for the claim that gender policy denies the existence of two sexes[126].

Therefore, the people who are not well acquainted with social justice activism or gender policies are likely not to clearly understand what gender means. The ambiguity opens a way for promoting different interpretations in the specific national contexts by the existing or potential norm entrepreneurs. The conservative activists and religious leaders usually

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[125] Kovats, E. (2018) :The Consequences of the Differing Meanings of Gender in Policy and Activism for Politics. In: The London School of Economics and Political Science.
[126] UWF and La Strada-Ukraine and Women in Media (2020): Gender or Anti-gender: Who Is Attacking Democracy in Ukraine?

rely on the outdated ideology that has long been abandoned and undermine the fact that the IC is 'the culmination of international human rights standards focused on evidence-based solutions following modern developments in social sciences'[127].

Ukrainian legislation does not contain the definition of the concept of 'gender' and 'gender identity' despite using both terms. The Law of Ukraine "On Ensuring Equal Rights and Opportunities women and men "[128] defines gender equality as" equal legal status of women and men and equal opportunities for its implementation, that allows persons of both sexes to participate equally in all spheres of society ". Thus it is argued that the concept of gender equality, which is defined in accordance with the primary sexual characteristics, has been replaced by the term "gender". Golovkin, Stadnyk and Chubko (2018)[129] argue that from the Convention's definition it follows that a person can be free to choose "gender" and the appropriate social role and this interpretation has not been formed in Ukraine and is not accepted by a large part of society. They also warn that if ratified, the Convention will become a part of Ukrainian legislation and introduce a definition of "gender" and its derivatives that are contrary to the general notion of gender equality (or the prohibition of gender discrimination), as equality exclusively between men and women.

As it was mentioned, the term 'gender' was removed from the bill № 5294 "On prevention and counteraction to domestic violence" of Ukrainian legislation. This situation probably indicates an insufficient level of awareness of the parliamentary community about the essence of gender theory and existing derivatives from "gender" term in Ukrainian legislation, in particular "gender equality" and "gender legal expertise", "gender issues", "gender identity", etc. For instance, the concepts of 'gender violence' and 'gender discrimination' are used in Ukraine's National Strategy in the Sphere of Human Rights but also without definitions. Instead, Ukrainian law defines terms "gender equality" and "gender legal expertise"[130] (Law of Ukraine "On Ensuring Equal Rights and opportunities for women and men"), regulations also include (without definitions) the terms" gender

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[127] The European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs (2020): Tackling Violence Against Women and Domestic Violence in Europe. The Added Value of the Istanbul Convention and Remaining Challenges. Study.
[128] Verkhovna Rada of Ukraine (2005): Law of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men. Available online: https://zakon.rada.gov.ua/laws/show/2866-15#Text
[129] Golovkin, O. and Stadnyk, V. and Chubko, T. (2018): The Istanbul Convention: Risks for Society and Family. Cout Appelation, № 4. : 90-99. Available online: http://nbuv.gov.ua/UJRN/Suap_2018_4_11
[130] Verkhovna Rada of Ukraine (2005): Law of Ukraine on Ensuring Equal Rights and Opportunities for Women and Men. Available online: https://zakon.rada.gov.ua/laws/show/2866-15#Text

"issues "(Resolution of the Cabinet of Ministers of Ukraine № 479 of 06.05.2001)," gender identity "(Code labor laws of Ukraine), etc.

Another factor weakening the legitimacy of the Istanbul Convention ratification is the fact that the Convention is not a part of the acquis communautaire of the EU. The issue of the EU's accession to the Istanbul Convention has its own impediments.

As the EU does not have comprehensive rules on combating and preventing GBV, the Convention provides the first European framework of legally binding rules and standards which are aimed at preventing GBV, protection the victims and punishing perpetrators. From the perspective of the EU, the Convention refers to the issues covered by EU acquis in the area of procedural criminal law (Articles 82 and 84 TFEU[131]) and to a lesser degree in the area of migration and asylum (Articles 78 and 79 TFEU[132]). Moreover, the Convention provides for the EU's accession to the extent of its competences (Article 75 TFEU[133]). It covers issues that fall under EU and Member States' competence therefore proving that the EU should become a party to the Convention alongside the EU countries to fulfill the obligations more effectively.

The European Parliament and the Commission numerously emphasized the importance of the EU's accession to the Istanbul Convention that would send a robust message about EU's commitment to eradicating GBV and establish a coherent European legal basis to reach this objective. In 2015 the Commission issued a roadmap for EU accession to the Istanbul Convention. In May 2017 the Council adopted two signature decisions which were based on legal bases different from the ones proposed by the Commission: one covering the provisions on cooperation in criminal matters and another concerning asylum and non-refoulement. Shortly afterwards the Convention was signed but not ratified. To proceed with formal EU's accession it was necessary that the Council adopts the decision having obtained the consent of the European Parliament. To facilitate the Council's formal request on that matter the parliament adopted interim Resolution in 2017 on the accession procedure and requested an Opinion from the Court of Justice regarding the compatibility

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[131] Consolidated Version of the Treaty on European Union, PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 4: Judicial cooperation in criminal matters - Article 82, OJ C 115, 9.5.2008, p. 79–80; Article 84, OJ C 202, 7.6.2016, p. 81–81.

[132] Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 2: Policies on border checks, asylum and immigration - Article 78, OJ C 115, 9.5.2008, p. 76–77 and Article 79, OJ C 202, 7.6.2016, p. 77–78.

[133] Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 1: General provisions - Article 75, OJ C 115, 9.5.2008, p. 75–75.

of the accession proposals and procedure with the Treaties on the issue of the legal basis and the possibility to split the accession decision into two legal acts, and the practice of a 'common accord' by the Council in its decision-making which is applied to the relevant procedure in the Treaties. In 2019 the Parliament urged the Council to conclude the procedure on the basis of a broad accession without any limitations and condemned the attempts of some Member States to revoke measures in implementing the Istanbul Convention.

The main controversy has been related to the question whether the EU's accession should be broad and based on Article 84 TFEU[134] (as Commission and Parliament suggest) that deals with the preventive side of the security dimension of the common area of freedom, security and justice and establishes the general competence of the EU for adopting measures in the field of crime prevention or a limited one based on Article 78 and 83 TFEU[135] (as decided by the Council) that affects the provisions of asylum and migration as well as internal criminal justice systems. The Commission and Parliament insist on ratification to the full extent of the EU's competences that could put the EU into stronger positions regarding monitoring enforcement of the Convention beyond the EU and would send a strong political message[136]. The Council considers that the EU accession should be limited to two area of law issuing two separate decisions on this.

Additionally, the issue of a common agreement among the Member States as a prerequisite to concluding international agreements has been raised. The problem is that not all Member States ratified the Convention. The ratification of the Istanbul Convention has been hindered or cancelled by 11 more signatory states, 6 of which are the members of the EU: Latvia, Bulgaria, Hungary, Czech Republic, Lithuania, Slovakia and recently in Poland that proclaimed its intentions to withdraw from the Convention. The lack of mutual consent between the Member States may influence the outcomes of the EU's accession, lead to potential responsibility of the EU under public international law for infringements

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[134] Consolidated version of the Treaty on the Functioning of the European Union PART THREE - UNION POLICIES AND INTERNAL ACTIONS TITLE V - AREA OF FREEDOM, SECURITY AND JUSTICE CHAPTER 4 – JUDICIAL COOPERATION IN CRIMINAL MATTERS Article 84, OJ C 202, 7.6.2016, p. 81–82.

[135] Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 2: Policies on border checks, asylum and immigration - Article 78, OJ C 115, 9.5.2008, p. 76–77 and Article 83, OJ C 115, 9.5.2008, p. 80–81.

[136] Utrilla, D. (2020): Insight: On the powers of the EU and its Member States for the ratification of mixed human rights agreements: the Court of Justice's pending Opinion in Convention d'Istanbul.In: EU Law Live.

resulted from the lack of a common understanding between its Member States regarding Convention and impact the scope of the duty of sincere cooperation on this matter[137].

According to Articles 218(6) and (8) TFEU[138], the decision regarding EU accession to an international agreement such as the Istanbul Convention is to be adopted by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament. Unanimity in the Council is required by Article 218(8) TFEU only for certain specific scenarios that are not applied in case of the Istanbul Convention. The Court of Justice also stated (C-28/12)[139] that the Council alone is designated as the institution with the power to authorize the signing of international agreements by the EU without involving the Member States to adopt that decision. Still the previous common agreement among all Member States is important as it may cause the legal uncertainty on the implementation of the decision. In case the Convention is ratified by the EU and some Member States, pursuant to Article 216 (2) TFEU the agreements would enter into force only in the territory of the ratifying Member States while the member States that did not ratify it would not be bound by the areas of the agreement falling within the competences of the EU. As the ruling of the Court of Justice on Commission v Council case was postponed until mid- 2021, it is not yet clear if the Court would confirm the accession to take place in the absence of a common accord between Member States.

From the latest developments on 21 January 2021 Parliament welcomed the intention of the Commission to propose measures in 2021 to achieve the objectives of Convention even if some Member States continue to block its ratification.[140] The EU's accession has been proclaimed as one of the priorities in the European Commission's new EU Gender Equality Strategy 2020-2025 and the Commission expressed its commitment to EU accession in its 2021 work programme while promoting a new legislation to combat GBV.

4.2.2.2 Identification and resonance

4.2.2.2.1 EU values perceptions

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[137] Ibid

[138] Consolidated version of the Treaty on the Functioning of the European Union - PART FIVE: EXTERNAL ACTION BY THE UNION - TITLE IV: RESTRICTIVE MEASURES - Article 218, OJ C 115, 9.5.2008, p. 144–146.

[139] Judgment of 28 April 2015, European Commission v Council of the European Union, C-28/12, EU:C:2015:282.

[140] European Parliament (2021): EU Accession to the Council of Europe Convention on Preventing and Combating Violence Against Women (Istanbul Convention). In: Legislative Train 04.2021.

The identification of the target government and society with the community that has set the rules increases the likelihood of rule adoption.[141] According to this hypothesis the non-member states have more chance to be persuaded by the EU to adopt the norms and rules if they perceive the EU as its source for inspiration, whose collective identity, values and norms they share and whose recognition they seek and to which they want to belong.[142]

If to speak about the identification of the Ukrainians with the EU, 'the idea of Europe' [143] has evolved and been perceived in Ukraine since the first years of its independence when Ukrainian government sought to enhance its cooperation with the EU. In 2014 the Verkhovna Rada of Ukraine officially proclaimed its course towards integration into the European Union and adopted priority measures in this direction. The EU integration was supported by an absolute majority of Ukrainians (51,6%), but a number of people who do not want Ukraine to integrate either with EU or the EAEU has increased as well from 7,2 % in 2014 to 25,4 % in 2017 (Figure 3). [144].

Generally the EU has been viewed in Ukraine not only as a geographic area but as a value space. Still the Ukrainian ideas about the European values embrace some stereotypes and false beliefs that are imposed by manipulations from political actors or other external factors. Some Ukrainians have more coherent and consistent view of the European values and are considered to be 'Euro-optimists' while the Euro-sceptics tend to have more fragmented perception of the European values and believe that it is impossible to build a Ukrainian society on the same foundation and principles. They often reject the idea of the possibility to overcome corruption or to become tolerant to homosexual marriages in Ukraine.

There have been several observations made during the survey conducted in 2017 regarding the perceptions of the European values such as the rule of law, democracy, freedom, human rights by the Ukrainian people after the 'Revolution of Dignity'[145].

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[141] Schimmelfennig, F. and Sedelmeier,U. (2005): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: The Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28

[142] Checkel, J. (2001): Why Comply? Social Learning and European Identity Change. In: International Organization, Vol. 55 (3): 553-588.

[143] Bureiko, N. (2018): With/out the EU's Perspective: Europeanisation Narratives in Ukraine.

[144] Buhbe, M. (2017): How Ukrainians Perceive European Values. Main Results of an Empirical Survey 2017.

[145] Also known as the Euromaidan revolution or the 2014 Ukrainian revolution, took place in Ukraine in February 2014, when a series of violent events involving protesters, riot police, and unknown shooters in the Ukrainian capital Kyiv culminated in the ousting of elected president Viktor Yanukovych, and the overthrow of the Ukrainian government.

Firstly, although Ukrainians largely share the basic values of the European institutions still their general ideas about the European values remain fragmentary and contradictory. And usually if the person has a controversial perception of European values, there are more opportunities to manipulate those perceptions.

Secondly, there is a link between the perception of the European ideas by the Ukrainians and the region of residence and age, as a result the residents of Eastern and Southern part mention the European values less often and are more vulnerable to manipulative political populism.

Thirdly, there is believed to be a link between the perception of the European values and a level of person's support to European integration. But this is only partially true because both Euro-optimists and Eurosceptics generally recognize the civilizing role of European values and their positive impact on building a successful state.

Finally, it has been revealed that the perceptions of the European values are mostly not formed systematically or in a first-hand manner. According to the survey, the perceptions are generally formed under the influence of social networks (26,4 percent) , experiences of friends and relatives (26,9 percent) as well as from newspapers, radio and television (74,8 percent).[146] Many Ukrainians also form their opinions through the prism of Russian media and social networks thus opening the opportunities for being misguided.

Overall, the respondents named peace (56,6%) and value of human life (42,7 %) as the top European values important to them, while 'respect for other cultures' (5,4 %) and 'tolerance' (9%) remained the least valuable ones.

Human rights and in particularly the women rights have been closely associated with the European values. The majority of the Ukrainians believe that the women in Europe are more protected from domestic violence, discrimination and sexual harassment. However, half of respondents mentioned such value as tolerance as unacceptable to them and contrary to Ukrainian traditional values. They expressed the idea that the Ukrainians are too conservative to accept people with less traditional religions, representatives of other nationalities or sexual minorities (Figure 4).

This is an important point showing that while Ukrainians support the human rights protection and the women rights in particularly, there is a sensitive issue of sexual

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[146] Buhbe, M. (2017): How Ukrainians Perceive European Values. Main Results of an Empirical Survey 2017.

minorities rights that is strongly unaccepted and can be manipulated while emerging in the context of other human rights related issues, including the ratification of the Istanbul Convention.

The social learning model also promotes domestic factors capable to facilitate or hinder the process of persuasion under the term 'resonance'.[147] The term includes such dimensions as absence of the domestic rule, the perception of 'good policy' congruent to domestic political and legal culture, as well as traditional domestic rules and norms.

In this regard a discursive and sociological approach seems the most appropriate one to explain the narratives present in the Ukrainian society in the context of the Istanbul Convention ratification process with the focus of the contested concept 'gender' the meaning of which has been differently interpreted by the political and discursive action of multiple actors from institutions, groups and organizations. According to Liebert (2003)[148], resistance or the domestic refusal to accept EU-frameworks, ideas or norms may be caused either by protectionist cognitive heuristic and bias, shaping dominant discourse or/and by veto players, mobilizing contentious collective action or negative public perceptions. This assumption is very relevant to the case of Ukraine. To be able to understand the endogenous reasons that shape the domestic policy change, it is important to analyze the process of internalization of external variable by a number of domestic actors.

Despite numerous assurances by the Council of Europe that the objective of the Convention is not to regulate family life and/or family structures or promote a particular type of family setting, but to ensure the safety of victims who find themselves at risk at home or are threatened by family members, the debates fuelling the decision not to ratify the Convention prevailed in the domestic discourse of Ukraine.

The most common misconceptions include: the controversial interpretation of the term 'gender' which is believed to have erosive effect on the traditional family and religious values in Ukraine, to eliminate and deny the differences between men and women, to introduce the 'third gender' and the same-sex marriage into the Ukrainian law; many fears are related to the so-called intervention of the state into the education process in

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147 Schimmelfennig, F. and Sedelmeier,U. (2005): Introduction: Conceptualizing the Europeanization of Central and Eastern Europe. In: The Europeanization of Central and Eastern Europe. Cornell studies in political economy. Cornell University Press, Ithaca, USA: 1-28.

148 Liebert, U.(2003) : Gendering Europeanisation: Patterns and Dynamics. In: Reframing Europeanisation: 275-328.

particularly due to the introduction of gender education to the school curriculum and finally as Ukraine already has a legislation to prevent violence against women and domestic violence many believe that the introduction of the Istanbul Convention is not necessary.

Family traditions including the distribution of gender roles in marital relationships are at the core of each national identity, Ukraine is not an exception with the family being seen as a crucial unit for the national reconstruction. Such issues as the demographic security and the rates of birth and mortality are among top priorities for the family policies in Ukraine. However, the latest researches show that the traditional families are not so common anymore and the number of divorces increased. Among the main reasons of divorces in Ukraine professor Golovaha outlines the following three ones: unfavorable economic situation, disintegration of the patriarchal social system (in particular, the tendency of women for self-realization, which is not always compatible with the traditional role of women in the family) and early marriages. In particular he mentions that: ''Family relations are very difficult to transform, but the pan-European trends cannot pass us by. Women no longer agree to the terms which were acceptable in a traditional patriarchal society''[149]. For some actors these changes demonstrate the shift towards more freedoms and human rights protections, for the others it is an alarming signal of the end of the traditional patriarchal order. The arguments against the European family models which have led to the demographic crises in the EU have also been commonly used by the opponents of the gender equality and gender mainstreaming in Ukraine.

In most cultures, including Ukrainian, traditional stereotypes place men at the head of the family as "breadwinners", thus determining their power in the making of decisions important for the household, and, consequently, the subordination of women and children. The survey results showed that the overwhelming majority of the population (77%) still believes that the most important role for women is to be a "guardian" of hearth and home, that is to take care of their own home, children, husband, and prepare food for the family[150]. Many people still perceive child-bearing as the exclusive prerogative of women. Housework is often devalued, as it is perceived as not requiring significant workload, and is usually identified with the "female" sphere of responsibility. Sometimes, this

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[149] National Academy of Sciences of Ukraine (2017): Marriage and the family in Ukrainian society: trends. Online available: https://www.nas.gov.ua/UA/Messages/news/Pages/View.aspx?MessageID=3672.
[150] United Nations Ukraine (2019): Analytical Report on the findings of 'Baseline survey of public perceptions and attitudes towards gender-based violence against women in Donetsk, Luhansk and Zaporizhzhya oblast'.

disproportional burden of unpaid care work leaves no opportunities for women to get involved in productive paid work and become financially independent. As a result, women might be fully dependent on their husbands that make them vulnerable in terms of controlling behavior and abuse.

Among the social and political institutions that exist in Ukraine, only the family has 90% trust. It is a defining institution, which in such difficult conditions remains the main social integrator. Therefore, the debates regarding the family values in Ukraine tend to carry more conservative and family-centered character.

The role of the influential norm entrepreneurs (veto-players) and dominant political discourse has been the key factor in shaping the debates around the ratification of the Istanbul Convention in Ukraine, which has been framed as threatening to shake the core of the society's value system and contradict the traditional family values of Ukrainians.

The debates around the ratification of the Istanbul Convention in Ukraine have been conducted from one side by the actors which strongly oppose the ratification interposing it as a threat to traditional Ukrainian family values, and from the other side by the advocates who insist that the ratification is an important step towards protecting the human and specifically women's rights in Ukraine. The role of the EU has been discussed in the previous chapter so the following parts will be devoted to the major domestic actors taking part in the debate (Chart 1).

Chart 1. State and non-state actors that impact the ratification process in Ukraine
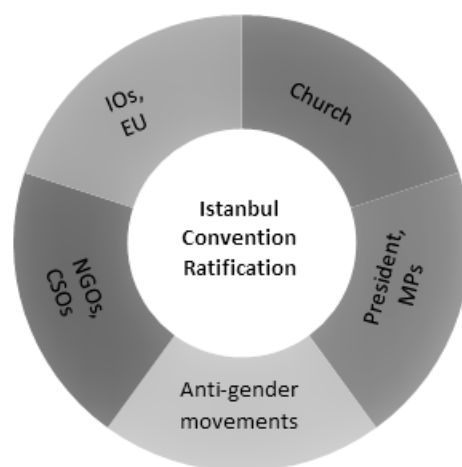
4.2.2.2.2 Anti-gender actors

The main actors opposing the ratification of the Istanbul Convention in Ukraine are the Council of Churches, conservative and right-wing nationalist political actors as well as a range of anti-gender organizations (the majority of which are argued to be funded by the Russian counterpartners). To be able to assess their impact on the process of Istanbul Convention ratification it is important to analyze their roles and activities in this process.

According to the surveys by Razumkov Center, the trust of the Ukrainian people in social institutions on July 2020 shows the following (Figure 5).[151]. Most often, citizens of Ukraine express trust in the Armed Forces of Ukraine (65% of respondents trust them), the Church (63%), and volunteer organizations (63%). At the same time 49% of citizens do not trust the President of Ukraine, 75% do not trust the Verkhovna Rada of Ukraine, 72% do not trust the Government of Ukraine, and 78% do not trust the state apparatus (officials). Moreover, 88% of the Ukrainians consider themselves believers (according to sociological survey of the Razumkov Center in November 2016). Consequently, the interaction of the state with religious organizations in the development and implementation of family policy is considered not only appropriate but also necessary by a number of experts, politicians and citizens of Ukraine[152].

Therefore, it is obvious that the church to a great extent influences the perceptions of the major part of the Ukrainian society and the status of churches as norm entrepreneurs have not been holding back on expressing their opposition to the Istanbul Convention.

In its appeal to the President of Ukraine the Ukrainian Council of Churches and Religious Organizations was among the first to express its position against the ratification of the Istanbul Convention due to imposing a gender ideology stating that it is incapable of protecting women from violence, but significantly harms the moral principles and family values of Ukrainian society. In addition, it warned that the Istanbul Convention can be used as a political and legal tool for popularization of new "genders" in Ukrainian schools and universities as well as same-sex relationships which would be a disastrous way for Ukraine. This concern has been related to the fact that the Convention in Art. 14 states that the parties shall include teaching material on issues as 'non-stereotyped gender roles'.

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[151] Razumkov center (2020): The beginning of a new political year: trust in social institutions (July 2020). https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/pochatok-novogo-politychnogo-roku-dovira-do-sotsialnykh-instytutiv-lypen-2020r
[152] All-Ukrainian Scientific-Practical Conference (2018): Family Policy in Ukraine:
Problems and Prospects for Development. http://www.ispp.org.ua/backup_ispp/1526459118.pdf

However, the Ukrainian Council of Churches explains its position by understanding the traditionalist values in line with the European values. For example, Patriarch Filaret stated that: 'It is precisely because Ukraine is a part of Europe that we believe our people have no fewer rights than other peoples to maintain their own identity within the European family and to adhere to traditional spiritual and cultural values''[153]. This opinion is supported by Golovkin, Stadnyk and Chubko who state that the legal integration does not preclude the intention of each country to preserve its own characteristics and distinctive features in the course of integration processes.[154]

The international human rights organization Amnesty International expressed its concerns about the unprecedented influence of religious organizations on the Verkhovna Rada and reminded that, according to the Constitution, the church in Ukraine is separated from the state.[155] Still the influence of the religious organisations on the legislative process of Verkhovna Rada has increased during the last decade and was mentioned as one of the major factors together with the concept of 'gender' for not ratifying the Istanbul Convention prior to 2017. Today, the main focus has been shifted to the existence of the sufficient law base to protect the women from violence and discrimination in Ukraine leaving no need for the ratification of the Convention. [156]

The situation with the ratification has also demonstrated a lack of proper understanding of the concept of gender among MPs and therefore the increased level of influence of religious actors on the legislative process in general. The Deputy Minister of Justice of Ukraine for European Integration Serhiy Petukhov in his interview to 'Hromadske Radio' explained the approach by the Verkhovna Rada in a following way: ''Not all MPs are lawyers and gender experts, not all understand gender terminology''.[157] In this context the ideas that gender competence of civil servants should be taken into account in certification and promotion was expressed by the representatives of the women's organisations and civil societies of Ukraine as the ignorance on the gender issue opens ways to manipulations in

[153] Cherenkov M. (2016): Without Ukraine, there is no Europe. In: New Eastern Europe. Online available: http://neweasterneurope.eu/old_site/articles-and-commentary/1921-without-ukraine-there-is-no-europe

[154] Golovkin, O. and Stadnyk, V. and Chubko, T. (2018): The Istanbul Convention: Risks for Society and Family. Cout Appelation, № 4. : 90-99.

[155] The Ukrainian Pravda News Portal (2017): Human rights organisations observe an aggressive attack by religious denominations on the Rada. Online available: https://www.pravda.com.ua/news/2017/07/18/7149884/

[156] Interview with UNF Director, 2021

[157] Stukanov, S. and Denysenko, L. (2017): Why Does the Council of Churches Have an Influence on Legislation? Interview with Petuhov S. and Fedorovych N. In: Hromadske Radio. Online available: https://hromadske.radio/podcasts/hromadska-hvylya/chomu-rada-cerkov-maye-vplyv-na-zakonotvorennya.

the concept interpretations among the law-makers themselves, not speaking about the ordinary people.

There has also been a growing trend in state policies to emphasize the 'preservation of family and family values' over the protection of women's right and combating domestic violence. These debates have been fuelled by conservative political leaders and the right-wing nationalists. For example, former Secretary of the National Security and Defense Council of Ukraine Turchynov characterized "gender ideology" – an ambiguous term that incorporates the ideas of both gender equality and recognition of non-binary identities – as a root cause of the "total amorality attacking Ukraine"[158]. All the efforts taken have had a precise impact on the political decision to refrain from the ratification of the Istanbul Convention and prefer adopting domestic laws aimed to combat domestic violence.

The recent creation in the Verkhovna Rada of an unprecedentedly wide inter-factional association "Values, Dignity, Family" (with 307 out of 450 MPs joined) deserves a special attention. The purpose of the inter-factional MPs association founded in 2020 has been defined as 'to protect the eternal values of Ukrainian society and to counteract attempts to destroy fundamental natural law in the name of political fashion; preparation and adoption of laws that will promote the strengthening of family values, the principles of a decent society and education based on family values of children and youth; as well as popularization and communication of a wide range of world conservative thought to the Ukrainian intellectual community'.[159] Therefore the constitutional majority of the Ukrainian parliament declared its commitment to traditionalist discourse and an open attack on European values of freedom, self-expression and dignity in Ukraine. Until today, the traditionalist attacks of Ukrainian politicians have been rather unsystematic and never before has the state announced an official course for conservative values. Some experts argue that under the guise of a decent goal to protect family values the deputies are trying to satisfy their electorate the major part of which supports conservative views as was mentioned before.

The creation of such associations in the parliament is an alarming signal for the entire human rights community, believes Oleksandra Golub, head of the NGO League for the

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[158] Ukrainian Pravda (2019): Turchynov: We Need to Remove Gender From the Laws in Order to Save the Country. Online available: https://www.pravda.com.ua/news/2019/03/1/7208079/.

[159] The Verkhovna Rada of Ukraine News Center (2020): Almost 300 MPs Joined the Inter-Factional P arliamentary Association "Values. Dignity. Family ". Online available: https://www.rada.gov.ua/news/Novyny/187743.html.

Protection of Women's Rights "Harmony of Equals". According to her, the topic of "eternal values", traditions and family is being manipulated again.[160]

"It is difficult to explain what these values and traditions are to the initiators of the union, judging by their statements, but we can already note their rather aggressive rhetoric. MPs forget that in Ukraine religion and state institutions are divided. And, obviously, given the level of citizens' trust in the parliamentary corps, they should not dictate the rules of ethics, morals and privacy to their voters, "says Oleksandra Holub.[161]

The anti-gender attitudes usually express deeply ideological divisions and are based on the distrust for people with different views. From the global perspective the gender theory related debates are usually constructed around divisions between conservative nationalistic ("right") ideologies and liberal ("left") ideologies. Ukrainian representatives of anti-gender groups agree that Christianity and "traditional values" are not compatible with left political views, which are responsible for spreading relativism on sexuality and gender roles. They also often insist on existence of the theory on a global "conspiracy" supported by international organizations, such as the UN or the EU[162].

The rise of conservative, religious forces and anti-gender movements that are aimed to block the adoption of progressive legislation, and promote the adoption of bills that curb the rights of sexual minorities in particular is not unique or novel to Ukraine. The anti-gender groups in Ukraine are mostly represented by religious groups, radical right-wing associations, military groups and homophobic organizations and their representatives. Some experts argue that these developments represent an effort by Russia to regain influence in its neighbourhood through the creation of a shared identity which is opposed to the Western identity rooted in liberal values. Indeed several interviewees indicated that since 2010 Russia had initiated the so-called Parents' Commissions in all former Soviet States, including Ukraine, with the aim to promote traditional/family values, and hinder

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[160] 300 Spartans or How the Parliament Created a Conservative Association "Values, Dignity, Family". In: Womo. Online available: https://womo.ua/300-spartantsiv-abo-yak-u-parlamenti-stvorili-konservativne-ob-yednannya-tsinnosti-gidnist-rodina-shho-tsogo-razu-ta-hto-u-skladi/
[161] 300 Spartans or How the Parliament Created a Conservative Association "Values, Dignity, Family". In: Womo.
[162] UWF and La Strada-Ukraine and Women in Media (2020): Gender or Anti-gender: Who Is Attacking Democracy in Ukraine?

attempts to introduce 'gender-ideology' (the 'Parents' Commissions' have also been set up in Belarus, Armenia, Georgia, and Serbia)[163].

There has been a very comprehensive data-based analysis made by the leading Ukrainian women's organisations regarding the narratives of anti-gender strategies since 2013 in Ukraine.[164] The conclusion drawn was that all the narrative lines present in Russia have been almost simultaneously duplicated by the anti-gender organizations in Ukraine which demonstrates quite obvious linkages with the Russian anti-gender movement. The main narratives promoted during these strategic operations included the following ones "Family is the biggest value in Ukraine", "Gender is the destroyer of the traditional family", "Protection of Family Values Means Eradication of Gender Policy", "Gender Equality is a threat to national security" and "Say no to gender in education!". The main achievements of this strategy encountered prevention of the Istanbul Convention ratification, putting forward aggressive demanding messages in the petition to President of Ukraine Volodymyr Zelenskyy "On the Protection of Christian Values as the Basis for Ukraine's Stability, Development and Prosperity", creation of the 'Values. Dignity. Family' caucus and the formation of a joint anti-gender cognitive field with the Russian Federation.

There were attempts by the previous President of Ukraine Petro Poroshenko to urge the MPs to ratify the Istanbul Convention but they did not gain success, mainly to 'the lack of consistent approach from the top', as O. Bondar indicates in her interview[165]. Promoting the Convention ratification at the Second Ukrainian Women's Congress in December 2018 and in parallel forwarding a campaign slogan 'Army, language, faith' contradicted each other's objectives and made the whole approach unconvincing in the attempt of Poroshenko to reconcile pro-Europe and traditionalist societal views. Ketelaars calls this phenomenon a 'value paradox'[166] which is inherent to Ukrainian political elites. The explanation for this paradox lays in the in-between position of Ukraine regarding Europe and Russia, with the main intention of Ukraine to establish a vision that it is not Russian

[163] Ketelaars, E. (2018): When 'European Values' Do Not Count: Anti-gender Ideology and the Failure to Comprehensively Address GBV in Ukraine. In: The London School of Economics and Political Science. Available online: https://blogs.lse.ac.uk/gender/2018/09/26/when-european-values-do-not-count-anti-gender-ideology-and-the-failure-to-comprehensively-address-gbv-in-ukraine/

[164] UWF and La Strada-Ukraine and Women in Media (2020): Gender or Anti-gender: Who Is Attacking Democracy in Ukraine?

[165] Online interview with Olesia Bondar, Director of UWF, 20 April 2021.

[166] Ketelaars, E. (2019): Geographical Value Spaces and Gender Norms in post-Maidan Ukraine: the Failed Ratification of the Istanbul Convention. In: Review of International Studies (2019), 45: 5, 731–747.

(and not Soviet) 'rather than being a realistic interpretation of European reality'[167]. As it was mentioned in the first chapter, many Ukrainian political actors use Europe-centred rhetoric to pursue their own interests while having a lack of real commitment to those ideas and values. So very often they opt for the selective interpretation and invocation of 'European values' adjusting it to the audience that is listening which proves to be rather effective in the national context but undermines the essence of the commitment to the European values promotion.

4.2.2.2.3 Advocacy coalitions

The fighting against gender-based and domestic violence in Ukraine primarily remains the business of NGOs, civil societies and human rights organisations. Practically, their role in promoting the Istanbul Convention ratification in Ukraine is the key one.

There is a large range of the Ukrainian women's organisations, movements, civil societies and activists the agendas of which differ by their thematic standpoints or approaches. During the interviews with the directors of the two largest women's organisations of Ukraine – La Strada and Ukrainian Women's Fund (UWF), the important features of the Ukrainian women's movement were revealed. For example, O. Bondar characterized the movement in Ukraine as a diversified and pointed out that it does not need to be homogenous but should be able to unite for promoting the important changes in the society.[168]

One of the most serious constraints on the way of the women's movement in Ukraine is overcoming the usual stereotypes and traditional prejudices, which ignore the personal life of women, and limit their social role to serving the male population and family. The second problem of the women's movement is the lack of resources. The real difficult socio-economic situation of Ukrainian women deprives many of them the opportunity and desire to engage in public activities. The third important problem of the women's movement is the reluctance of the society to perceive the women's movement as an important and significant factor in the social development. However, since 2014 the situation has changed towards more active participation of the women's organisations in the process of decision-making of Ukraine as well towards producing more visible results by their efforts. Still the

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[167] Channell-Justice, E. (2017): "We're Not Just Sandwiches": Europe, Nation, and Feminist (Im)Possibilities on Ukraine's Maidan. In: Signs, Vol. 42 (3).
[168] Online interview with Olesia Bondar, Director of UWF, 20 April 2021.

main shortcoming of the feminist movement in Ukraine is the on-going lack of coordination among those organizations and actors. The participants of the movements agree that the organizations usually compete with each other and not cooperate therefore the outcomes of their efforts remain less visible. They stress upon the necessity of better communication, exchange of ideas and mutual trainings[169].

The active presence of the women's organisations and NGOs can be specifically observed on social media platforms. During my research I managed to find a long list of Facebook pages of the Ukrainian women's organisations, activists, political fractions which have a high number of followers varying from 2000 to more than 12000 persons. They usually share the latest amendments in the Ukrainian law related to the gender equality and VAW, the most relevant news, case studies, recordings of the meetings with international and national partners on the GBV issues and other types of informative readings as well as advice and instructions on how to behave in case of DV and where to apply for help. They contribute significantly to increasing the public awareness of the followers towards the importance of preventing and combating the GBV in Ukraine and providing the helpful information and assistance to the victims of GBV and DV.

One of the very recent online events organized by the Public Council on Gender Issues was the online Conference to commemorate the 10th anniversary of the Istanbul Convention that was broadcasted live on Facebook. The organizers of the conference invited the Ukrainian women parliamentarians, politicians, representatives of the UN agencies, foreign women activists and members of international women's organisations. They publicly discussed the current situation with the Istanbul Convention in Ukraine, outlined the main barriers existing and shared experiences and good practices from other countries that successfully ratified the Convention, such as Austria and Georgia. All the participants agreed that the political leadership and will is the key element for successful ratification with the important role of women's NGOs and civil societies to increase public awareness and negotiate with the conservative opposition.

The main developments and advocacy campaigns related to the Istanbul Convention ratification were also direct results of the local NGOs efforts. The interesting fact was that in spite of all the diversity of the women's movement and existing contradictions and lack

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[169] The Ukrainian Women Fund (2019): The modern Women's / Feminist Movement in Ukraine: an Insight from Inside . Online available: https://www.uwf.org.ua/news/11659

of coordination among them, the ratification of the Istanbul Convention has become the main tool which managed to unify the efforts of those organisations and bring them together. For example, more than 40 NGOs and civil societies (including the ones that do not prioritize gender issues in their agendas) gathered their efforts to collect the signatures for e-petition to the President of Ukraine on ratification of the Istanbul Convention and initiated the writing of collective letters to the Ministry of the Social Policy of Ukraine regarding the support for the IC ratification. K. Cherepakha outlined: ''There are a lot of organisations that have their own goals, tasks and diverse views on some aspects but there is a willingness to unite around the idea that will make a change… and the ratification of the Istanbul Convention is just that global idea which managed to unite representatives of diverse movements and organisations in Ukraine'.[170]

There are also the parliamentarians and politicians who advocate the ratification of the IC and most often they are the ones who actively interact with the NGOs and human rights civil societies. For example, the gender equality and women's rights have been supported and promoted by the recently created inter-factional deputy association "Equal Opportunities"[171], a voluntary association of MPs of Ukraine aimed at improving the position of women in society, intensifying public dialogue to ensure gender equality in various spheres of socio-political life. The deputy association managed to unite 96 MPs (53 female MPs and 43 male MPs). For the first year they recorded such achievements as five registered bills, a number of appeals, statements and advocacy events and two Women's Congresses[172].

More Ukrainian women parliamentarians have started to be actively engaged in promoting the ratification of the IC in the Verkhovna Rada. Prosecutor General Iryna Venediktova signed the official position of the Office of the Prosecutor General on the absence of any obstacles in Ukraine to launch the ratification procedure of the Istanbul Convention. She emphasized the importance of the IC ratification and mentioned that a roadmap to speed up this process in Ukraine has been developed and added: ''It is worth noting that the ratification will not create obligations for Ukraine in terms of changing family institutions and adoption - society must mature for this. Therefore, this time such manipulations, which

[170] Interview with Kateryna Cherepakha, the President of La Strada Ukraine, 15 April, 2021.
[171] Inter-Fractional Deputy Association 'Equal Opportunities' Official Facebook Page: https://www.facebook.com/EqualOpportunitiesCaucus/
[172] 'Equal Opportunities' United 96 MPs and Submitted 5 Legislative Bills (2020). Online available: https://50vidsotkiv.org.ua/mfo-rivni-mozhlyvosti-ob-yednaly-96-deputatok-i-deputativ-zareyestruvaly-5-zakonoproyektiv/

have so far hampered the ratification of the Istanbul Convention, will not work''[173]. Olena Zelenska, the First Lady of Ukraine also numerously expressed her support for the initiatives aimed to combat VAW and promote the protection of women rights in Ukraine.

The analysis of the Ukrainian women's NGOs and civil societies activities demonstrates a high level of their active participation in promoting the human rights values and introducing changes within Ukrainian society. For example, both La Strada-Ukraine and the UWF prepared a number of researches and surveys together with the UN and EU on monitoring the justice system responses to the GBV, on analyzing the gender and anti-gender movements in Ukraine, the assessment of the alignment of the Ukrainian legislation with the provisions of the IC. La Strada-Ukraine was the first organisation in Ukraine opening a hotline on domestic violence even prior to the national hotline; both organisations have been actively engaged in the interactions with politicians and MPs to promote the introduction of GBV preventing law into the Ukrainian legislation; conducted discussions with the Council of Churches and promoted women leadership through Women's Leadership Academy and the project Women's Voice and Leadership.

The representatives of both women's organisations interviewed expressed their beliefs that the efforts of the Ukrainian women's organisations and civil societies with the support of international and national partners and donors have the potential capacity to facilitate the ratification of the IC, but everything does not depend on them only. What currently seems to be lacking in Ukraine is a strong political will and committed political leaders ready to promote the IC and internalize new norms into new identities.

4.3 Comparative analysis of the potential drivers and good practices of the Istanbul Convention ratification in different countries

Many countries ratified the IC soon after signing it without any complications but a number of states had to restrain from the ratification due to the specifics of the national context and domestic legislation.

Six EU Member States have not ratified the Convention: Bulgaria, Hungary, the Czech Republic, Latvia, Lithuania and Slovakia. Slovakia and Hungary have issued a formal rejection of the Convention, Poland has threatened to withdraw from the Convention while Turkey has actually done it. The resistance in all the mentioned countries has been led by

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[173] The Istanbul Convention: Venediktova signed the Official Position of the Office of the Prosecutor General (2021). In: Ukrinform.ua.

the conservative political leaders or religious actors. The particularly worrying factor has been the increased involvement of the religious actors in the processes of political decision-making and executing the direct pressure on policy-makers. The narratives in all the countries which have not ratified the IC have been rather common: criticism of 'gender ideology', fear of introducing same-sex marriages, pro-family anti-gender moods and existing rigid gender definitions within the national legislation.

However, a number of states which had the backlashes against the ratification of the Convention based on the misinterpretations spread by the conservative or religious groups eventually managed to ratify it. The experiences they had may serve as good examples for the other states undergoing the similar difficulties.

The analysis of the several countries cases demonstrates that the political leadership supplemented with the efforts of women's organisations and NGOs has been the main impetus for the transformation. I would like to outline the examples of such successful stories.

Firstly, the outstanding case is of Croatia. The IC ratification was fiercely opposed by the Catholic Church (to which about 90% of people belong) and conservative citizens who believed that the IC would undermine traditional family roles and lead to legalization of gay marriages. The Croatian Catholic Church directly intervened in politics and openly urged the people to take parts in protests against the ratification[174]. About 10000 protesters demonstrated their opposition to the IC and the decision to ratify it by Croatia's parliament in Zagreb in 2018. Still the Convention was ratified mainly due to the political ownership by Croatian Prime Minister Andrej Plekovic. His approach was to address the fake accusations with the official data taken from researches and statistics. In his speech in the Sabor (Croatian Parliament) he mentioned the black statistics on VAW in Croatia and the clear trend of increase of violence. He managed to disprove all the main arguments of the opposition using the findings and data from studies prepared by the experts and lawyers. The message he sent was 'By ratifying this convention we are sending a clear message to all women victims that violence is not only their problem, that it is not constrained among four walls only, but is a problem of the whole society and all of us together'. After the

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[174] Milekic, S. (2018): Croatian Conservatives Protest Against Anti-Violence Treaty. In: BalkanInsight. Online available: https://balkaninsight.com/2018/04/13/anti-istanbul-convention-protesters-turn-against-croatian-pm-04-13-2018/

speech the opposition decided to vote in support. Croatia ratified the IC with 'interpretative statement' to respond to the misinterpretations of the right wing movement.

The united efforts of the Croatian women's NGOs and organisations also played an important role in the process of signing, ratifying and implementing the IC. Their activities were **supported by the President** Dr Ivo Josipovic. Among their best practices the following ones are of particular importance: the NGOs organized **a conference** with the Parliamentary Committee for Gender Equality where the President of the Parliament gave a speech to support the ratification. After the change of government in 2016 the women's NGOs continued their active cooperation with the Parliamentary Committee for Gender Equality until the ratification was achieved. To promote research and establish the partnerships the women's NGOs prepared **a study** on the alignment of the Croatian legislation with the IC for the MPs to make an informed decision about the ratification, organized a number of conferences and roundabouts to discuss the importance of the ratification which resulted into creation of a working group of different ministries members, civil societies to draft the Law on ratification of the Istanbul Convention. To raise the public awareness and dispel misconception on the purpose of the IC the government of Croatia published online brochure 'All you need to know about the Istanbul Convention' and organized the public distribution of 10000 copies of the translated convention.

Another prominent case is the case of Georgia where the EU integration process together with a strong leadership and ownership by the Minister of Justice, Ms. Tea Tsulukiani, played a decisive role. The IC ratification package was drafted by the Ministry of Justice and the UN Women facilitating a broad consultation process with NGOs and academia within the framework of the UN Joint Programme for Gender Equality, generously funded by the Government of Sweden. In the time of the ratification, Georgia had adopted a number of legislative amendments to align its legislation with the IC. The National Action Plan for 2018-2020 on Measures to be Implemented for Combating VAW and DV was adopted, it included the preventive measures, awareness-raising and establishment of referral mechanisms and services for victims. A public awareness on the importance of the IC increased after a number of women murders by their partners gained publicity through media. The EU integration process was also an important impetus to facilitate the ratification as the EU-Georgia Association Agreement was signed the same year and foresaw the IC ratification as a short-term priority.

Lika Nadaraia, a Founder at International Foundation Women's Political Resource center, summarized the success of Georgia as well as other states by emphasizing the importance of clear political vision and will as well as the presence of politicians committed to promote the ratification of the IC and break the populist rhetorics and nationalism.[175]

The work of women's organisations to raise awareness in society about the importance of the IC and its added value to preventing and combating violence remains vital. Among the most effective practices and tools on the way to promoting and ratifying the IC in a number of states the following ones can be outlined[176]:

- Establishing partnerships and enhancing cooperation with women's NGOs while preparing for ratification.

- Raising awareness among the general public and decision makers. Organising information and awareness-raising campaigns on the content and the benefits of the Istanbul Convention.

- Promoting research and collecting data on VAW and DV, understanding barriers on the way of ratification.

- Mapping the existing legislation to identify the gaps necessary for alignment of the national legislation on VAW and DV with the requirements of the IC through multi-stakeholder meetings, roundtables, conferences with open discussions among the experts from different sectors, creating working groups to work out the ratification.

- Keeping the ratification high on the political agenda.

- Organising a wide public discussions on the IC ratification.

Below are the examples of success stories of the IC ratification in several states with the description of the key prerequisites or practices contributing to the achievement of the final goal.

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[175] Online Conference Devoted to the 10th Anniversary of the Istanbul Convention, 11 May, 2021.
[176] The Council of Europe (2020): Advancing Towards the Ratification and Implementation of the Istanbul Convention: Good Practices from States Parties. Study Prepared under the Framework of the Project 'Awareness-Raising Activities on the Istanbul Convention in the Republic of Moldova.

Bosnia and Herzegovina	• An important prerequisite for the IC ratification was a **research** 'Prevalence and characteristics of violence against women in BİH' carried out by the Gender Equality Agency of BiH, the Gender Centre of the Federation of BiH, the Institute for Statistics of the Republika Srpska and the Institute for Statistics of the Federation BiH and research on the causes of DV in BiH carried out by the Gender Centre of the Federation BiH. Both researches provided the valuable data which helped the policy makers to create a plan on how to harmonize the provisions of the IC with the situation in the country on VAW.
Convention signed on 8 March 2013	
Ratification - 7 November 2013	• After the ratification a new **survey** was carried out by UN Women on the cost of multi-sectoral response to DV which contributed to the process of budget allocation to combat VAW in line with IC provisions.
	• A **public call** for consultations on how to develop a National Action Plan to implement the Istanbul Convention was organised.
	• In 2014 the **international conference** was organised called 'Protection of women victims of domestic violence in the light of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence'
Ireland Signing 15 November 2015 Ratification – 8 March 2019	• The Irish Government prepared **18-point plan** to analyze and align its legislation with the provisions of the IC prior to the ratification. Some of the major in legislation included introducing of aggravating circumstances in sentencing crimes committed in DV and introducing an offence of Forced Marriage.

Regional cooperation	• A regional group of women's NGOs (from Austria, BiH, Croatia, Serbia, Montenegro, North Macedonia and Slovenia) carried out **a joint project** 'Co-ordinated efforts – toward new European standards in protection of women from gender-based violence'. The projected produced a legal policy analysis which was later used to advocate the IC ratification and implementation.
Austria Signing 11 May 2011 Ratification – 14 November 2013	• An important role in promotion of IC ratification belonged to the **cooperative efforts** of the Social Democratic Party in the National Council of Austria together with women's NGOs. They organized a **'women's breakfast'** where they collected the signatures from the members of the Austrian Parliament to transpose the IC provisions into the national legislation. • Within the framework of 'Co-ordinated efforts – toward new European standards in protection of women from gender-based violence' the women's organisations, in particularly WAVE network, created **a campaign 'I sign'** to increase the visibility and necessity of the IC ratification. • **A campaign** called 'Living Free From Violence' was organized by the Federal Ministry for Education and Women's Affairs funded by the EU aimed at raising public awareness through organization of formal events, workshops, publication of translated materials for different stakeholders.
Romania Signing 27 June 2014	• A main contribution to the ratification of the IC was **the cooperation of the government with women's NGOs**. A working group from the members of the ministries, NGOs, judiciary experts and academia was set up to draft the necessary legislation for the implementation of the

Ratification 23 May 2016	IC.
	• After the drafting and adopting the Laws an inter-institutional working group was set up to work out the normative acts necessary for the laws implementation (National Agency for Equal Opportunities between women and men, 2020).

In all the countries which ratified the IC, the cooperation of the government or committed political leaders with the women's organisations played a crucial role. While putting the efforts together they managed to raise the public awareness on the importance of the IC and dispel the misconceptions produced by the conservative opposition and religious actors. As in case of Georgia, the EU integration process has also served as a catalyst for the ratification of the IC and a push for the political leaders to take actions.

Several years after the ratification none of the fears that was related to Convention have been realized in any of the countries mentioned. The Croatian Minister of Foreign and European Affairs, Marija Pejcinovic Buric stated: ''..on the occasion .. we will underline our experience in ratifying the Istanbul Convention, the problems and issues we were faced with, which we believe were unnecessarily imposed on us and aren't related to the fundamental process and the aim of the Convention'' (HINA, 2018)[177].

Overall, the three groups of drivers can be distinguished on the way to the successful ratification of the IC. When combined together they can produce a more accelerated and significant changes within recipient societies:

The important role for the changes to be launched can be attributed to a higher level of the EU's engagement through the persuasion of the domestic political elites and more visible contribution to the capacity-building and empowerment of the local advocate coalitions.

The part of shaping or reshaping the domestic discourse and perceptions belongs to the political leaders who are committed to the policy transformation and take initiative to promote the changes into society.

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[177] HINA (2018): Croatia to Advocate for Istanbul Convention as Chair of Council of Europe. Online available: https://www.total-croatia-news.com/politics/28285-croatia-to-advocate-for-istanbul-convention-as-chair-of-council-of-europe

The increase of public awareness on the issue and ensuring the necessary support from the main stakeholders can be mostly associated with the active involvement and participation of the women's NGOs and organisations.

CHAPTER 5. CONCLUSIONS

This Master's Thesis aimed to answer the research question: why Ukraine has abstained from ratifying the Istanbul Convention despite its European integration course and what are the brakemen and potential drivers of this process? To find an answer to the research question, the following hypothesis was formulated: the stronger the EU's conditionality and engagement in diffusing the gender norms, the clearer and more legally appropriate the content of the rule and the stronger the resonance and identification of the recipient country and society with Europe and its values, the higher likelihood that the rule will be adopted and the policy transformation will occur. The variables were tested on the example of the analysis of the case study of Ukraine.

To be able to assess the effectiveness of the EU's mechanisms in diffusing the gender norms I analyzed the collected data through two models of Europeanization: a logic of consequences and a logic of appropriateness. Generally, the process of Europeanization was defined to include the interaction of both the EU and domestic level, but in case of Ukraine three groups of factors determine the peculiarities of this process : the EU, domestic context and 'in-between' position of Ukraine regarding the EU and Russia.

Two main characteristics of the Europeanisation process in Ukraine can be determined: first, despite the claims to approach Europe the process of Europeanization in Ukraine carries mostly declarative character while the 'European choice' is proclaimed by the political elites without proper enacting it in the domestic context; second, the so-called 'value paradox' exists when the intention of Ukraine to establish a vision that it is not Russian (and not Soviet) rather than being a realistic interpretation of European reality results into a lack of real commitment to European ideas and values.

Moreover, the Europeanization of the gender norms is a more complex process than for example the democracy or rule of law. It is because gender equality is a societal issue and the reforms to be implemented have a societal response. Additionally, the concept of gender equality is quite contested and discursively constructed which makes it prone to be challenged and shaped by political goals and intentions. That opens a way for the domestic

conservative actors to manipulate the perceptions of the population and turn them against the IC ratification. Overall, though Ukraine has adopted a number of laws and practices to better tackle the VAW and DV but a necessary policy transformation did not occur.

The present research managed to identify a number of external and domestic barriers that hinder the process of the IC ratification in Ukraine (Figure 6). Having analyzed such factors of the two models of Europeanization as the EU's conditionality, legitimacy of the rule and the domestic identification and resonance, it can be concluded that the logic of appropriateness have more significant impact on the acceptance or rejection of the European norm. It is mostly the domestic context and the protectionist cognitive heuristic and bias shaping dominant discourse that prevents Ukraine from ratifying the Convention the author of which Ukraine has been. The lack of understanding of the gender concept by the MPs and ordinary people has created an opportunity for the activization of the conservative veto-players trying to insist on its 'erosive' impact on the family values and traditions. At the same time the absence of the political leadership and commitment has aggravated the current discourse against the ratification. The outcomes of Gendering Europeanization therefore can better be explained through sociological and discursive approach when the lack of understanding of the essence of the European values, in particular gender and human rights, as well as the absence of committed 'change agents' and reform advocating leaders has opened a way for the dominant manipulations from the conservative actors who have been interested to preserve traditional patriarchal society and their role in it.

On the other side, the research demonstrated that the EU's commitment and leadership to promote of the IC ratification in Ukraine has remained rather weak. No particular incentives, conditional rules or the IC ratification related project funding were implemented to initiate or facilitate this process in Ukraine. This can be explained by the unsuccessful experience of the EU to use its conditionality in promoting sexual minorities rights in Ukraine in 2015, by the lack of consensus on the IC ratification among the EU Member States or by prioritizing other reforms which are on a top list on the EU officials agenda in Ukraine, like the rule of law and corruption. However, the transformative power of the EU should not be underestimated in the context of the gender norms and GBV reforms promotion. There are more visible results in the areas where the EU has been more actively engaged. For example, the EU has funded several studies and researches on the legislative response to tackle the VAW and DV in Ukraine and more changes occurred in

this area with a number of important laws and action plans introduced into the domestic legislation addressing VAW and DV. It is also necessary to outline that while the EU is using its 'soft power' in gender norms promotion any immediate results might not happen but the changes occurred would have cumulative effect on the further long-term societal transformations.

Thus, the main problematic issue with the IC ratification is the concept of gender and its misinterpretation by the dominant conservative actors and the consequent misperception by the ordinary people and policy-makers. As the practices of the different states showed, only the collaborative efforts of the committed political leaders and the women's organisations and NGOs could change the present discourse, raise public awareness and facilitate the ratification. The role of the EU should not be undermined as well as the leverage of the EU on the political elites and more reinforced strategies on capacity building could be a powerful stimulus to facilitate the transformations within the Ukrainian society.

Although the research managed to reach its main objectives and provided a comprehensive theory-based analysis of the effectiveness of the EU's gender norms diffusion mechanisms and the major barriers for a successful norm adoption still the certain limitations exist. First, only a few numbers of interviews were conducted and the study mainly relied on the existing secondary data sources. Second, the interviews were conducted only with the domestic actors. While it is sufficient to draw the conclusions and include important findings into the research still more insights on the latest changes of the EU's point of view on the research question could be revealed if it had been possible to conduct interviews with the EU representatives as well. Also, no much information and data on the detailed experiences of the other states were found in English which allowed to draw mainly general conclusions of their success stories.

In future this research could be expanded with more comparative analysis with the Southern Neighbourhood countries to determine whether the findings regarding the Eastern Neighborhood countries also apply to the Europeanization of those countries. In addition, future research could put more focus on analyzing the role of Russia and the Russian actors as an attempt of counter-influence against the spread of the European gender equality values in Ukraine.

List of abbreviations

AA – Association Agreement

BDfA – Beijing Platform for Action

BiH- Bosnia and Herzegovina

CEDAW - Convention on the Elimination of All Forms of Discrimination

CSO – Civil Society Organization

DV –Domestic Violence

EaP - Eastern Partnership

EC –European Community

ENI – Eastern Neighbourhood Instrument

ENP - European Neighbourhood Policy

EPO- Emergency Protection Order

EUEU - Eurasian Economic Union

FAO- Food and Agriculture Organization of the United Nations

GAP II - Gender Action Plan 2016-2020

GBV – Gender-Based Violence

IC – Istanbul Convention

IO- International Organization

LGBTI- Lesbian, Gay, Bisexual, Transgender, or Intersex Persons

MP – Member of Parliament

NGO –Non-Governmental Organisation

TFEU - Treaty on the Functioning of the European Union

UN –United Nations

UNDP- United Nations Development Programme

UNFPA- United Nations Population Fund

USAID - United States Agency for International Development

UWF – Ukrainian Women's Fund

VAW – Violence Against Women

WHO – World's Health Organization

List of figures

Figure 1 (own representation of the mechanisms of Neighbourhood Europeanization)

THE MECHANISMS OF NEIGHBOURHOOD EUROPEANIZATION

The logic of consequences

The logic of appropriateness

EXTERNAL INCENTIVE MODEL

Conditionality

Incentives (size and credibility)

Capacity-building

Empowerment of local actors

SOCIAL LEARNING MODEL

Legitimacy

Resonance

Identification

Advocacy coalitions
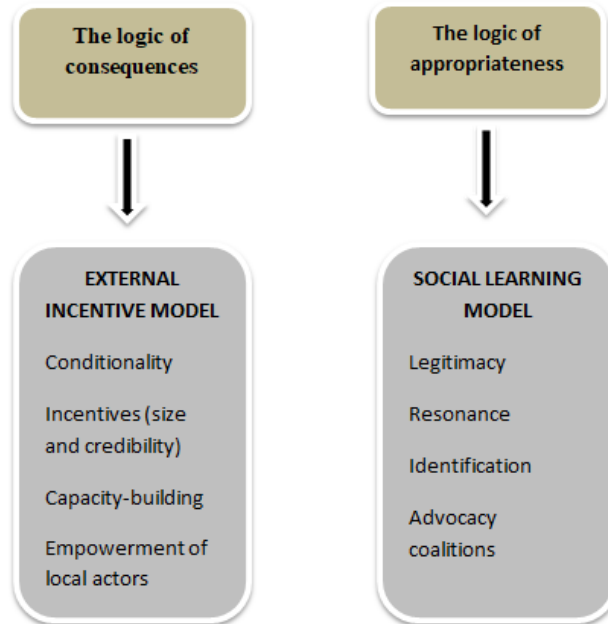
Figure 2. Own representation of Neighbourhood Europeanization process

THE PROCESS OF EUROPEANISATION

The EU – the core of Europeanisation

Values, Norms, Ideas Formation

Diffusion

External incentive

Social learning

Lesson-drawing

Eastern Neighbourhood (recipient)

Domestic change

Retrenchment | Inertia | Absorption | Transformation
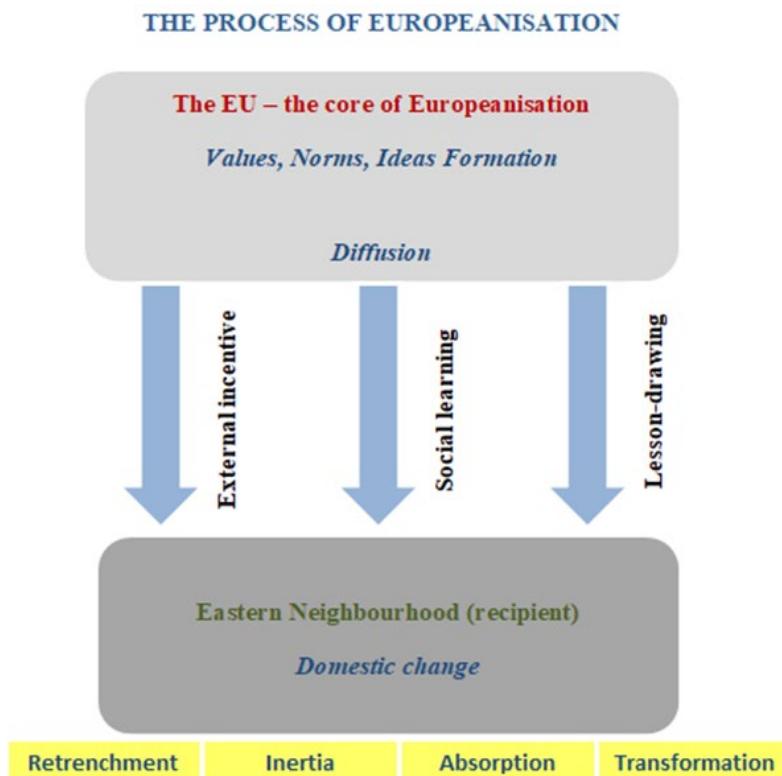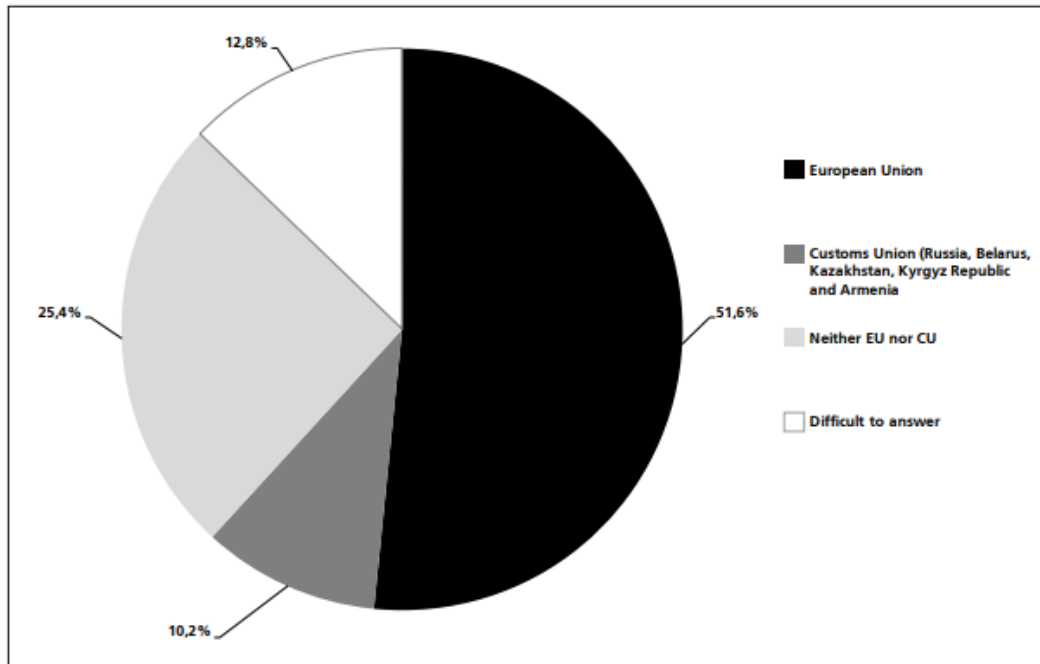
Figure 3

Which direction of integration should Ukraine choose?

Source: Buhbe, M. (2017): How Ukrainians Perceive European Values. Main Results of an Empirical Survey 2017.
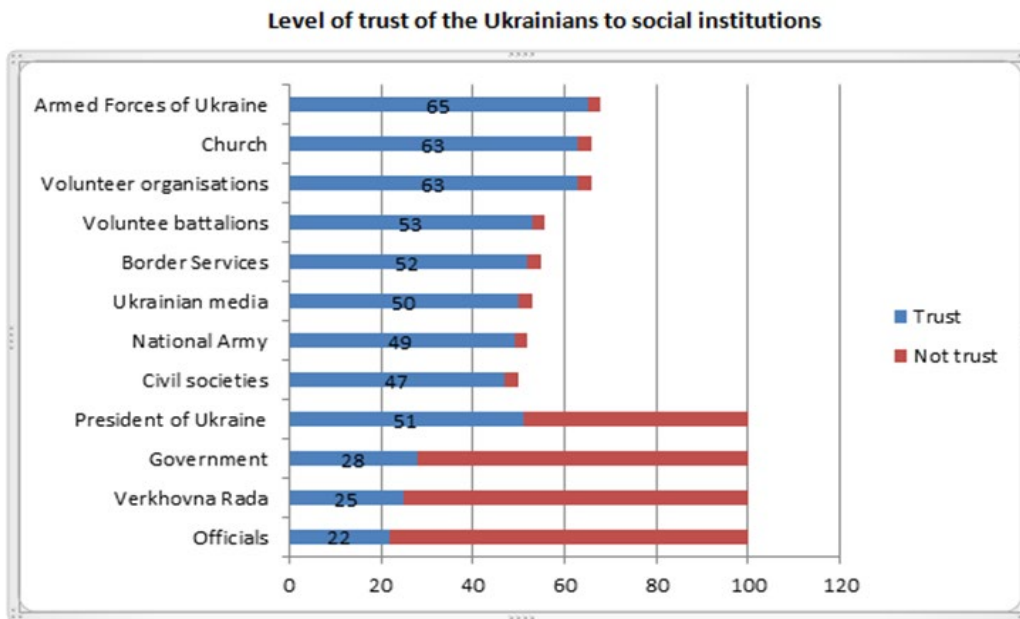
Figure 4.

In what way are you ready to accept a person… as a.. ?

	Family member	Close friend	Neighbour	Colleague at work	Citizen of my country	Tourist in my country	Not in any capacity
Speaking a different language	12.9 %	23.0 %	17.9 %	9.4 %	15.4 %	20.6 %	0.9 %
Of a different nationality	14.3 %	23.6 %	19.6 %	8.3 %	16.2 %	16.7 %	1.3 %
With disabilities	12.0 %	25.1 %	25.1 %	8.3 %	23.5 %	3.2 %	2.8 %
Of a different faith	9.1 %	18.7 %	22.3 %	12.0 %	25.6 %	10.0 %	2.3 %
Of a different race	5.3 %	12.4 %	18.2 %	11.2 %	21.6 %	28.1 %	3.3 %
With HIV-infection	4.8 %	8.5 %	14.5 %	7.8 %	37.0 %	8.1 %	19.2 %
Being a former criminal convict	5.2 %	4.6 %	9.0 %	5.4 %	36.9 %	8.1 %	30.8 %
Of a sexual minority	2.8 %	3.8 %	7.7 %	6.8 %	27.4 %	12.2 %	39.3 %

Note: 100 % in row.

Source: Buhbe, M. (2017): How Ukrainians Perceive European Values. Main Results of an Empirical Survey 2017.

Figure 5.

Level of trust of the Ukrainians to social institutions

Institution	Trust
Armed Forces of Ukraine	65
Church	63
Volunteer organisations	63
Voluntee battalions	53
Border Services	52
Ukrainian media	50
National Army	49
Civil societies	47
President of Ukraine	51
Government	28
Verkhovna Rada	25
Officials	22

Source: Razumkov Center (2020): The Beginning of a New Political Year: Trust in Social Institutions.

Figure 6. Own representation of the existing barriers to the IC ratification.
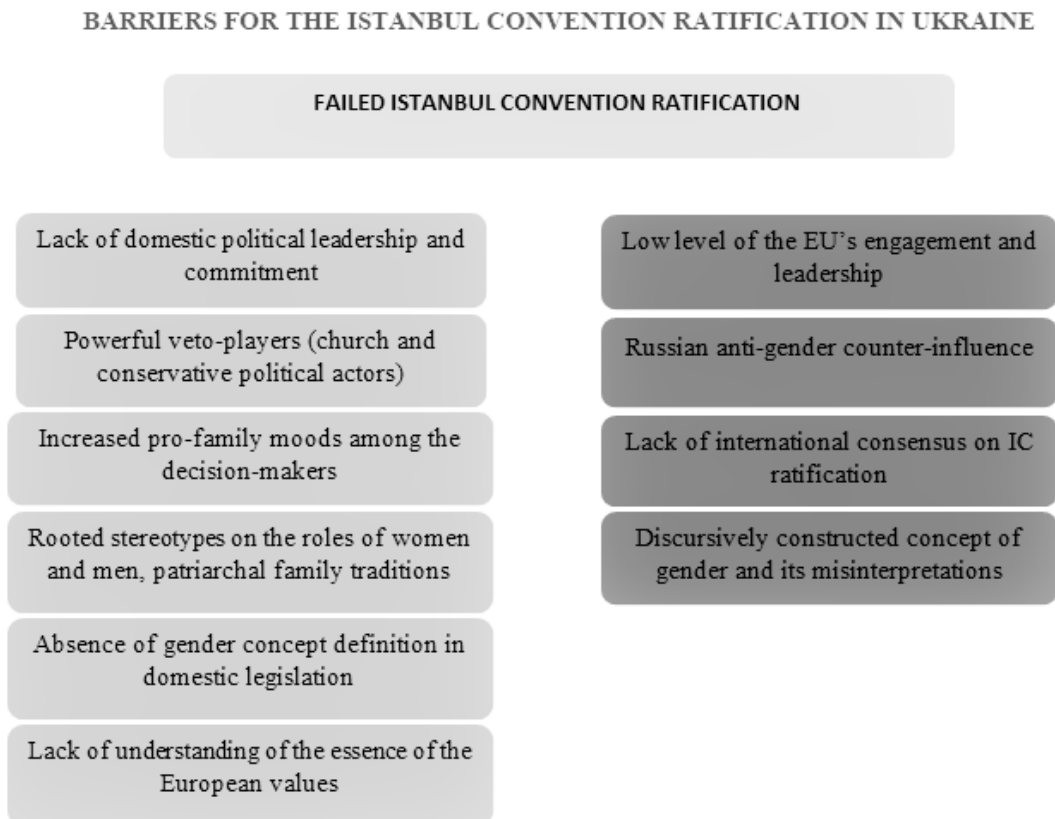
BARRIERS FOR THE ISTANBUL CONVENTION RATIFICATION IN UKRAINE

FAILED ISTANBUL CONVENTION RATIFICATION

Lack of domestic political leadership and commitment

Powerful veto-players (church and conservative political actors)

Increased pro-family moods among the decision-makers

Rooted stereotypes on the roles of women and men, patriarchal family traditions

Absence of gender concept definition in domestic legislation

Lack of understanding of the essence of the European values

Low level of the EU's engagement and leadership

Russian anti-gender counter-influence

Lack of international consensus on IC ratification

Discursively constructed concept of gender and its misinterpretations

Table 1

Ukrainian legislation on GBV

Adopted 2017 – into force January 2018	**Law of Ukraine "On Preventing and Combating Domestic Violence"**	• introduced new concepts and mechanisms for protecting survivors of domestic violence (physical violence, psychological violence, sexual violence, economic violence); • introduced a system of special measures imposed on the perpetrators, such as emergency protection orders (EPO); • envisaged a comprehensive system of services for domestic violence survivors; • provided for the creation of a state registry of incidents of domestic violence.
2017 In force since 2019	amendments introduced into the **Criminal Code of Ukraine (CCoU)** and **the Criminal Procedure Codes of Ukraine**	• strengthened criminal responsibility for domestic violence and GBV; • incorporated a new Article 1261 "Domestic Violence" • increased the perpetrator's responsibility in cases where the violence committed is witnessed by a minor, in which case the child will qualify as a survivor
January 2019	**amendments to the CCoU on rape and sexual violence**	• the term of 'voluntary consent' was introduced to provide a broader interpretation of possible forms of coercion to sexual intercourse (e.g. physical, emotional, and economic ones) in line with European practice.
	National Action Plan (NAP) for the Implementation of the Recommendations of the Final Observations of the UN Committee on the Elimination of Discrimination against Women to the Eighth Periodic Report of Ukraine on the Implementation of CEDAW until 2021	Main priorities: • adoption of measures to prevent any manifestations of VAW perpetrated by public officials; • training the representatives of law enforcement bodies in terms of proper response to GBV; • ensure access for GBV survivors to justice and the development of proper investigating procedures in response to GBV; • establish post-exposure prevention protocols and standards of medical aid in cases of sexual violence; • improve the system of data collection on domestic violence and GBV; • implement protection measures, including shelters, for women and girls who faced violence.

	NAP for Implementation of UN Security Council Resolution 1325 "Women, peace and security" for the period up to 2020	prevention of GBV in a conflict setting and the protection of women and girls affected by conflict
	The State Social Programme on Equal Rights and Opportunities of Women and Men for the period up to 2021	envisaged the need for an awareness raising campaign to prevent gender-based discrimination and GBV.
2018	**The Concept of the State Social Program on Prevention and Combating Domestic Violence and Gender-Based Violence for the period up to 2023**	addressed the existing gaps in the present mechanism of prosecution
2019	**Strategy for Prevention of and Response to Conflict Related Sexual Violence (CRSV) in Ukraine**	guidance and recommendations on how governmental institutions, civil society organizations, international organizations and the UN system can unite their efforts to effectively prevent and respond to CRSV.

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Consolidated Version of the Treaty on European Union, PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 4: Judicial cooperation in criminal matters - Article 82, OJ C 115, 9.5.2008, p. 79–80. Online available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E082 (last accessed :20.05.2021).

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Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 2: Policies on border checks, asylum and immigration - Article 78, OJ C 115, 9.5.2008, p. 76–77. Online available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E078 (last accessed 20.05.2021).

Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE V: AREA OF FREEDOM, SECURITY AND JUSTICE - Chapter 2: Policies on border checks, asylum and immigration - Article 79, OJ C 202, 7.6.2016, p. 77–78. Online available: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E079 (last accessed 20.05.2021).

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FREEDOM, SECURITY AND JUSTICE CHAPTER 4 – JUDICIAL COOPERATION IN CRIMINAL MATTERS - Article 84, OJ C 202, 7.6.2016, p. 81–82.

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Annex A

Interview questions

1. Tell us about the goals and activities of your organization, your major projects, main achievements.
2. How would you assess the situation with the fight against gender-based violence in Ukraine (is there sufficient legislation in this area, are the existing laws implemented in practice, is there enough assistance to the victims of violence, like shelters, legal assistance)?
3. Why do you think the Istanbul Convention has not been ratified in Ukraine? What are the root causes that hinder this process?
4. How would you assess the EU's role in promotion of the initiatives related to tackling GBV in Ukraine and in particular the ratification of the Istanbul Convention (are there any relevant projects funded by the EU, is the EU's assistance noticeable compared to other donors).
5. How would you assess the role of the Ukrainian human rights NGOs, women's organizations, including yours, in the process of the IC ratification promotion?
6. According to your forecasts, will the Convention be ratified in Ukraine?

Annex B

Interviewees

1. Olesia Bondar, the Director of the Ukrainian Women's Fund. Kyiv, Ukraine, 20 April 2021.
2. Kateryna Cherepakha, the President of La Strada- Ukraine (public human rights organization). Kyiv, Ukraine, 15 April 2021.