

**Homophobic and Transphobic Violence in Contemporary Ukraine:
Victims' Experiences and Patterns of Policing**

by

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Abstract

This study examines homophobic and transphobic violence in contemporary Ukraine: victims' experiences and patterns of policing and prosecuting by the law enforcement and judicial systems. A range of research methods - primarily in-depth semi-formal interviews and document analysis - were employed to conduct this study.

The first chapter examines the experiences of LGBTI+ victims who faced hate and bias-motivated assaults; the ways they navigate public space in; as well as their attitudes to the criminal justice system before and after experiencing the major violent attacks. Also, this part examines the patterns of the violent situations from a micro-sociological point of view.

The second chapter is dedicated to the issues of policing and prosecuting of such crimes by the law enforcement officers. This part examines the first encounters of LGBTI+ people by the police officers, the language police officers use while interacting with LGBTI+ victims, existing practices of recognition and categorization of these attacks, patterns of investigation and prosecution, and related issues. A separate focus is on the effect of informalities and extra-legalities on anti-queer violence policing and the changes in policing and prosecuting practices in the context of the Police Reform (2015).

The last chapter is dedicated to the issues of the judicial system's response to violence against LGBTI+ people, and also examines collateral damages and long-time consequences of victimization and justice-seeking process.

The study is informed by multiple theoretical frameworks and approaches - queer criminology, critical legal studies, critical criminology, pure sociology, structural functionalism, micro-sociology and symbolic interactionism, and employs a wide range of theories, applying the concepts of structural and cultural violence, street-level bureaucracy, contact zone etc. to

analyze the issues described above.

This thesis seeks to contribute to discussions about the political strategies of LGBTI+ communities and advocacy groups towards the criminal justice system and anti-violence policies, such as: the peculiarities of cultural violence against LGBTI+ people and the role of the criminal justice system in these violent structures; the advancement or politicization of hate crimes policing and resistance to it within the criminal justice system; and the capacity of agency and discretion law enforcement officers have while dealing with hate and bias-motivated attacks.

The thesis is an original work by Roman Leksikov. The fieldwork conducted to undertake this research was approved by the University of Alberta Research Ethics Office by Anne Malena on July 17, 2018, ID - Pro00081920. No parts of this thesis have been published before the date of defense.

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Introduction

The issue of policing of homophobic and transphobic hate crimes has become one of the most debated questions in Western academia and activist environment (Perry 2008, Peterson and Panfil 2013). From the 1970s onwards, in most Western countries LGBTI+ people organized to overcome the problems of invisibility, silence, marginalization as well as criminalization by state institutions (Barry 1995). During this time, queer communities who previously were subjects of criminalizing politics by institutions of state violence (like the police) now have become a subject of state protection, while anti-queer hate speech has become criminalized and anti-queer hate crimes started to be punishable under the law, and this way, the very notion of homophobic and transphobic hate crime was constructed (Tiby 2007). This shift caused a broad debate between two opposing camps of academics and activists.

On the one hand, liberal LGBTI+ movements often rely on state support and expect state institutions to protect them from homophobic and transphobic acts. This approach is generally based on the theory of contributive justice and several other criminological theories, like the rational choice theory, and this position implies that expanding policing and incarceration practices are an effective and ethical way to deal with crime. On the other, radical and left queer movements often strongly oppose this way of thinking and promote the opinion that expanding policing and criminal justice system will never protect vulnerable social groups from assault, crime, and discrimination. To prove their position, radical queer activists often appeal to the terms “carceral feminism” and “carceral queer movement”¹ (Spade, 2015) to argue for the impossibility of making structural changes by dealing with the effects instead of the causes. They criticize the attempt to individualize the structural problems and argue that the first approach only reinforces and strengthens existing social inequalities, and try to emphasize the problem of queer investment into the justice institutions and retributive justice (Ball 2014, 548-549; Meyer 2014). Although both these paradigms are theoretically grounded to a certain extent and rely on ethical reasoning, there is little sociological research that examines how both these approaches

¹ The terms “carceral feminism” and “carceral queer movement” usually refer to feminist and queer political approaches that built on the belief that harsher penal measures and increased incarceration of those who commit offences against women or LGBTI+ people, are effective and ethical tools to deal with anti-women and anti-queer crimes. These terms also signify the relevant advocacy aspirations, which are directed at the creation and enforcement of the relevant legislation and state policies.

work in practice. Queer criminology is a newly-born branch of the social research and is not institutionalized yet. As Mathew Ball argues (2016, 56), the construction of opposing camps as described above is not helpful when conducting comprehensive studies on the relationships between LGBTI+ people and the criminal justice system.

Moreover, these two approaches simplify social reality because, for instance, there are examples of how different criminal justice institutions may treat LGBTI+ people differently in the same society, at the same time (Dwyer, 2014, 156). One of the main goals of queer criminological research, a tradition that this study strives to contribute to, was framed by Matthew Ball: to explore how sexual orientation and gender identity as non-deviant differences - in combination with other differences - may influence victimization, involvement in crime, and experiences in the criminal justice system more broadly (Ball 2014, 541). However, it is also essential to understand that the results of previous queer criminological studies, which were produced in the First World countries, can only be applied to developed Western societies. And there is almost no research on the relevant issue in the countries of the so-called Second and Third World. While the situation in some of these countries where queerness is criminalized has been studied, the phenomenon of homophobic and transphobic policing in countries which are located in a so-called "grey zone" remains unknown. Countries that fall into the "grey zone" do not criminalize homosexual behavior or gender transition and prohibit by law homophobic and transphobic discrimination. In these countries, hate crimes are recognized as a specific category of crimes, however, structural and cultural violence in these countries is still a significant factor which shapes life chances of LGBTI+ people, and crimes that fall under hate crime legislation happen on a systemic and regular basis. Very often victims remain unsatisfied with the criminal justice response, and the criminal justice system often contributes to the victimization of queer people in different ways.

A lot of post-socialist countries fall into this "grey zone". In Ukraine, Moldova, Romania, Bulgaria, Georgia, Lithuania, Latvia, Serbia, Kosovo and Albania LGBTI+ people are protected by legislation, although these societies are notorious for strong anti-queer sentiment. We can metaphorically call these countries "epistemological grey zone" as well because of significant gaps in scholarly knowledge about the social issues in Eastern-European (and, especially, Ukrainian) context. Thus, the research for this thesis is centered around the following

fundamental question: are the law and criminal justice systems in countries that fall into the grey zone able to protect vulnerable minorities from an aggressive social milieu? What are the patterns of these institutions' work regarding bias-motivated acts of victimization? Or, do these countries' legal and criminal justice systems conform to the system of hegemonic norms and practices that only reinforce the oppression of the minority groups and strengthen existing oppressive relationships in society? To answer these broad inquiries, I operationalized them into 10 research questions below.

Homosexuality was decriminalized in Ukraine in 1991 (the year of Ukraine's independence from the USSR). Gender transition is also legal, but the state recognizes only cis-conforming transgender people (i.e., those of them who committed surgical correction of sex). Forcible sterilization and humiliating medical examinations still await those people who want to undergo gender transition. Current legislation distinguishes hate crimes in a specific way but does not include sexual orientation and gender identity as a possible basis for a hate crime (Кримінальний кодекс 2018). In the year 2015, under the pressure from the European Commission, a new legal act was passed that prohibits labor discrimination of LGBTI+ people. In light of these changes to the Ukrainian criminal justice system, the National Police of Ukraine actively positions itself as a newly reborn democratic institution, which does not continue traditions of the old Militia, and is open for a dialogue with vulnerable minorities and civic advocacy groups. However, public opinion on this issue shows a different picture: between 80 to 86 % of Ukrainians do not think that homosexuality should be recognized and accepted by society (World Values Survey, 2014). So this research is dedicated to responding to two main questions. The broader theme of this research concerns the patterns of what I call “the (non)policing” of anti-queer hate crimes in contemporary Ukraine: how do both the police and judicial system work in this regard and what are LGBTI+ people experiences of hate-motivated victimization and justice-seeking? The narrower question is this: how do police reform and the ensuing changes within criminal justice system affect the life chances of LGBTI+ people in Ukraine? The latter question is important because research regarding the influence the police reform in Ukraine has on the lives of people from the oppressed and marginalized communities is virtually non-existing. Thus, my research topic concerns homophobic and transphobic violence in contemporary Ukraine. I focus on the experiences of victims, analyze the response of the

justice system to hate crimes, and study the patterns of policing as experienced by the victims.

The following questions guide my research:

1. How can we understand experience(s) of the victims of homophobic and transphobic crime in Ukraine?
2. How did the victims deal with violence and assault in everyday life?
3. Which attitudes towards the criminal justice system dominate among Ukrainian LGBTI people before and after experiencing assault? How this their attitudes change?
4. Who are the attackers?
5. How does the police react to homophobic and transphobic violence from and what role street-level bureaucracy play?
6. How does the police treat LGBTI+ victims and what role do social characteristics of police and victims, such as socio-economic status, age, location, rank SOGI, in the interactions between them?
7. Does police re-victimize LGBTI+ people?
8. What is the experience of LGBTI+ victims in a courtroom?
9. How did the police reform (2015) impact the policing of homophobic and transphobic crimes??
10. What are the long-term consequences of hate-based violence and interacting with the criminal justice system for LGBTI+ people?

Before going to the field, relying upon available and previously gathered data, I assumed that policing of homophobic and transphobic hate crimes in Ukraine is performed formally, but in practice, police and the judicial system continue to reproduce hegemonic social and cultural norms and reinforce anti-queer violence by justifying and endorsing offenders (and, possibly, collaborating with them), and, maybe, by perpetrating violence against queer people by themselves. However, the actual results appeared to challenge this assumption, though only to a certain extent. While homophobic and transphobic sentiment significantly affects the work of the Ukrainian police on recognizing and investigating anti-queer hate crimes, the patterns of this kind of policing are shaped in a much more complicated way by the wide range of factors explored further in the work: institutional settings and limitations, legal gaps, the high role of

informalities and extra-legalities in the police activities, available resources, political conjuncture etc.

Relevance: The relevance of this research is shaped by the ongoing debates within queer activist and academic communities about the role of hate crimes policing on the life of queer communities and society itself. This study will continue the kind of research about the Post-Soviet countries which is currently represented by only one study (Kondakov et al. 2017). My work will be the first research on the relevant problem in Ukraine, or the post-Soviet space beyond Russia. When we consider the entire region of Eastern and Southern Europe, similar studies were also conducted in Poland (Godzisz 2018, Godzisz 2019) and Turkey (Goregenli and Karakus 2011), there is also some research on Balkan countries (Pearce and Kooper 2014), however, the legal, social, cultural and political settings in these countries are very different from ones in Ukraine. More broadly, the ongoing debates are often based on meta-theorizing and theoretical analysis without referring to a few relevant empirical studies which were conducted in Western countries. Development of this inquiry and further empirical research will be useful to making these discussions and the relevant policies evidence-based. This study may be especially topical because it can evaluate changes which were supposed to happen after several years of Ukrainian political and legal "Europeanization," which presumably affected the work of legal institutions. The consequences of "Europeanization" and changes to the work of legal institutions on anti-LGBTI+ violence policing have been studied in Turkey and the Balkan countries (Pearce and Cooper, 2014), but there are no relevant studies about other countries of the region. Also, due to the fact that the author of this research is actively involved in relevant activist practices and advocacy campaigns, the result of this research will be used for increasing the visibility of this problem in Ukraine, and for creating advocacy campaigns in collaboration with several Ukrainian organizations, such as "Nash Svit Human Rights Center", "Social Action Center," and "KyivPride".

Theoretical frameworks: I use a range of theoretical approaches and frameworks in this study. The basic theoretical perspective, which shaped the research questions and questionnaires, is introduced by the negotiations between new institutionalist, symbolic interactionist and queer criminological approaches. A *new institutionalism* is helpful to explore homophobia and transphobia (or more broadly heteronormativity) as forms of social organization and control and

as their embodiment and reproduction in the criminal justice system. This approach also helps to understand the level of agency of the police officers and judges as a "street-level bureaucracy" while policing homophobic and transphobic crimes. Here, Michael Lipsky's theory of *street-level bureaucracy* will be applied for the analysis of the patterns of police officers' initial reaction to homophobic and transphobic violence. But eventually, based on gathered empirical data, this approach will be challenged in accordance with a critical point of view on police officers' discretion. Moreover, a feminist institutionalism as a sociological theoretical tradition, will be helpful to unpack the phenomenon of construction and reproduction of gender and heterosexual norms through the functioning of criminal justice system as an institution. Consequently, the theory of *hegemonic masculinity* by Messerschmidt and Connell (2015) is useful for a critical analysis of the police work (as an institution which embodies hegemonic masculinity), which is directed to suppress and marginalize non-masculine and non-heteronormative behavior.

On the other hand, I found it crucial to pay attention to interactions between victims and their offenders, victims and police officers, and to the language police officers use while talking to and about the victims. The analysis of languages and micro-interactions is often neglected by the (new) institutionalist approach, and here a *symbolic interactionist paradigm* comes into play. This approach helps to understand patterns of these interactions, and incorporate them into structural analysis. Yet, symbolic interactionism helps to unpack only one level of social reality, and its application is very limited when conducting analysis on a macro level.

In a way this research inquiry was significantly influenced by a *critical queer criminological approach*. As it was noted in introduction, critical queer criminology is mostly concerned with sexuality and gender identity as factors of victimization and experience of interaction with the criminal justice system, production of anti-queer violence in urban space, construction of the notion of "anti-LGBTI+ hate crimes", queer investments in the carceral state and its punitive policies. Yet, the application of the critical queer criminological approach in my study is limited. First of all, it is very problematic to apply some standpoints of critical queer criminology to Ukrainian (or, more broadly, non-Western) contexts. Secondly, as a lot of approaches in social sciences, colloquially known as "critical", this one sometimes neglects the structural factors which shape, or even define the police activities, and it overestimates their agency as a street-level bureaucracy and their discretion in decision-making. Also, this critical

approach sometimes tends to ignore contextuality of policing, and dynamics of policing practices, depicting the police as an *inherently* racist, homophobic and transphobic institution. Thus, the combination of these three approaches became a necessity in this study.

I adopt the notions of *structural violence and cultural violence* coined by Johan Galtung (Galtung 1969) and later developed by other scholars (Farmer 2004, Gilligan 1997; Christie, Wagner and Winter 2008) to prove their argument that anti-queer hate crimes are not mere scenes of interpersonal violence, but instead are idiosyncratic expressions of structural violence against LGBTI+ people, which expose the system of cultural violence that legitimizes and justifies structural violence. The structural violence may mean harm, created by structure and institutions to the individuals by restraining them from fulfilling their basic needs. This primary definition is useful while talking about the Ukrainian post-socialist society. However, the other definitions and interpretations of structural violence come into play when talking specifically about LGBTI+ issues. Here I adopt the notion of structural violence as the set of restrictions which is put onto certain social groups, and which, thus, restrains the member of this social groups from achieving the same living standards and life expectancy that the members of mainstream society enjoy. Under this paradigm, the structural violence manifests itself through discrimination, neglect of the health care needs of a certain social group, hate-motivated physical violence, over-incarceration, strong stigma, and politics of cultural marginalization. Cultural violence, at the same time, constitutes a system of norms and discursive practices, and acts, which normalize and reinforce structural violence.

Finally, the theoretical framework of *informalities and extra-legalities*, created by Abel Polese, Huseyn Aliyev and others, used instead of the hegemonic discourse of corruption, is a helpful tool to analyze the role of informal practices, adopted by the law enforcement officers, in hate crimes policing when formal regulations, norms, and procedures fail to address the needs of victims and duties of law enforcement officers. Here I try to unite both these terms under the common functional definition: policing practices (in this study), which are not regulated, but may be either not regulated or prohibited by law, which are directed to achieve certain goals: resolve and mediate conflicts, investigate crimes, accomplish justice, strengthen and empower the institution, or get personal benefits.

Methodology

The empirical part of the research was conducted with three methods: interviewing, ethnographic observation and document analysis.

I have conducted 22 in-depth interviews with a) victims of homophobic and transphobic based hate crimes, who then interacted with police and judicial system on this regard, b) human rights activists and NGO workers who deal with these issues. The charts with demographic information on my participants may be found in the appendix. Following certain methodological theories (Crouch and McKenzie 2006; Creswell 2013) this number of interviews is enough to create grounded theory if the research is innovative and the studied group is homogenous, even though this study is mere exploratory, and does not aim to create any grounded theory. Indeed, my initial goal was much more ambitious: going to the field, I had an aim to conduct from 30 to 50 interviews. However, when I started the recruitment process, it appeared that the studied group was much more difficult to access than I had previously expected. First of all, very few LGBTI+ people in Ukraine decide to interact with the criminal justice system after being assaulted. Most of the victims remained silent and did not press any charges. Secondly, even those who pressed the charges were afraid to disclose this information, understanding that they could be re-victimized again in case if their personal information is revealed. Moreover, because Ukraine is a weak state, these people realized that it is almost impossible to protect their rights with the help of the law and legal tools in the case that I as a researcher would disclose their personal data or behave myself somehow unethically towards them. And even though I simultaneously used several channels of recruitment (mailing lists and postings from trusted human rights organizations, snowball method, etc.), it did not help to recruit more than 20 interviewees. Last but not least, for some people who experienced violence, to keep silence and never talk about the past events is a way to heal their trauma and avoid triggering. Theoretically, it would be possible to have a larger sample, but it would require much more time and financial resources than I have had to conduct this fieldwork.

An average length of one interview was 90 minutes. All interviews were in-depth and semi-structured. In-depth interviews worked well to reduce a possibility of social-expected answers, and are the best way to work with oppressed and marginalized groups because this is a

possibility to let them be not mere subjects but speak for themselves (Edwards and Holland, 2013). Semi-structured interviews have the following advantages in this case: they meet the most rigorous ethical requirements of research with vulnerable social groups (because they operate by more or less unified questionnaire), they help to reduce the researcher's bias towards the topic and participants' bias towards themselves: a unified questionnaire limits the agency of the interviewer to ask different participants different questions depending on their personalities, limits the ability of interviewees to provide an interviewer with a socially expected answers or to change a track of conversation in comparison with unstructured interviews. On the other hand, unlike structured interviews, informants have the freedom to answer the question in their own terms, and an interviewer has a possibility to adjust questions to each specific case. Moreover, they increase the validity of qualitative research.

Two kinds of questionnaires were created. The first one was used to conduct interviews with victims of violence who interacted then with the police. The second one was applied to research NGO workers. The first questionnaire consists of two parts: basic and additional ones. A basic part contains questions about the violence experience and further interaction with the police, while the additional attachment contains questions about the interaction with judicial system and experience in a courtroom for those participants who went through this stage. Because the number of these people is tiny (about five persons), there is no reason to distinguish this part of research into the separate study. Thanks to the existence of the "Only State Register of Court Decisions," I was able to learn all relevant court verdicts before conducting interviews with my participants to have more meaningful conversations and better fact-checking.

The analysis of documents was focused on all court decisions and documents in relevant court hearings which could be found in the Only State Registry of the Courts' Decisions of Ukraine, and annual reports of human rights NGOs ("Nash Svit" and "Social Action Center", as well as OSCE-Ukraine).

Besides this, I also made ethnographic field notes, which were incorporated in the final text of the thesis, for three reasons. Firstly, sometimes meaningful interactions or communication appeared beyond the official interviewing process. Secondly, some of the valuable data for this research could be found in social, cultural and political context, in the situations that were witnessed and experienced by me or in the processes I observed (like a court hearing on a

relevant resonance case I attended). Moreover, sometimes I noticed contradictions and inconsistencies in the information provided to me by my interviewees, or specific features of their behavior which made me reinterpret, examine and critically reflect on their responses.

All information was coded in an open way (instead of focused one). It means, that no themes and categories were pre-determined in advance. After the transcription and transliteration of all interviews was done, working with a pencil and hard copies of the interviews, I coded the data line-by-line, trying to distinguish all the codes possible without thinking in advance how they may be framed together. I was coding interviews in an analytical manner (instead of descriptive way), and hence, wrote memos and analytical comments on different excerpts. This helped me to distinguish the main and secondary patterns, analytical categories and themes, while reviewing the codes and conducting the next stages of coding. Eventually, I came up with the thematic and analytical structure, based on which this thesis is written.

Chapter 1: Anti-queer Violence: Victims' Experiences

The first chapter will examine the general issues of the pervasiveness of anti-queer violence in contemporary Ukraine; the forms and types of violence Ukrainian LGBTI+ people experience in their lives; the ways they negotiate public space; and, last but not least, their attitudes towards the criminal justice systems and relationships with it before and after experiencing major bias-motivated assaults.

Experiencing Public Space

When I met Andrii - one of my interviewees - near the subway station, we were walking around for a time to find an isolated and quiet place to talk. We spent almost an hour finding a suitable spot. Andrii was suspiciously looking at people around, and mentioned that there are a lot of his acquaintances as well as "suspiciously-looking people" in the park. Trying to calm him and myself down, I said: "But don't worry that we can meet somebody who may attack us - I always have a pepper spray with me". "And I never go out without a knife" - replied Andrii, and then took out a long knife out of a backpack. This type of knife, called "a Finnish knife" in Russian, is famous for being a widespread civil weapon rather than a kitchen item. When I told Andrii about a pepper spray, I was not joking either. Understanding that I may be attacked by the members of certain far rights groups, or may be assaulted together with my participants because of their non-heteronormative look, I was holding a strong pepper spray in a pocket of my backpack to be able to get it out immediately in case of a violent situation.

After we were done with the interview, we were walking through the park to meet Andrii's partner, Serhii, whom I decided to interview after Andrii. There were no people around, and I lighted up. At that moment we noticed a guy who was walking in the opposite direction and passed us by. "This one is pretty handsome" - said Andrii, and started telling me a pretty unusual story about his experience of interaction with the police, which he did not want to be recorded thinking about his security. After we kept walking for around 10 minutes along a lake, this guy, accompanied by another one, caught up with us. He pretty politely asked me to give him a cigarette, saying that they smell so good that once he smelled it walking by me, he decided to have one. I gave him a cigarette, and we kept walking with Andrii. "Haha, we are so lucky that there are people around here. Otherwise, we would be already beaten... definitely" - he said. "Do

you think so? If he wanted to do it, he could assault us right there between woods" - I responded. "I do think so, - Andrii said. - Firstly, he didn't want to do it alone against the two of us, so he probably decided to wait until his friend would come. Secondly, I am more than sure he heard my comment about him. Last, do you really think any normal person would walk 10 minutes following somebody to ask for a cigarette?" "But are you sure that he followed us purposefully? Maybe they just met us again accidentally, walking around the park as we do" - I objected. "Well, perhaps. But I am pretty sure I am right", - Andrii said.

These notes serve as an excellent introduction to the analysis of anti-queer violence in Ukraine and victims' experience, though they describe only one situation which obviously cannot be enough for grounded conclusions. Conducting each interview, I was asking my participants how they feel in public space. It is not surprising that security or insecurity in public space among queer people directly depends on three factors: gender (non)conformity and (non)heteronormative look (gender expression and attribution), expression of nonheterosexual behavior and activist experience. The highest level of danger in any public places is experienced by queer men who do not fit within the socially acceptable frameworks of masculine gender attribution, as well as by the visible LGBT activists. For example, one of the interviewees, Alex, told that "In most cases, I feel pretty unsafe, because I used to dress in a pretty extravagant way, and even when I don't, my appearance is unordinary enough." Another participant, Ihor, mentioned:

In France, I feel entirely safe. I hadn't experienced one single dangerous situation, except one funny incident, when a group of guys, who looked like chavs and were walking behind us and made us feel unsafe because of our post-Soviet experience, decided to get acquainted with us because one of them was looking for a boyfriend. In Ukraine, I felt unsafe in public space all the time. Because a lot of times people insulted me, spat on my back, not to mention violent aggression. Only here I first realized how it is to feel safe.

Both men perform a kind of gender expression which does not fit within the post-Soviet Eastern European "man's box" - a strictly defined set of behavioral patterns expected to be performed by men in accordance with gender they are assigned to, and policed by the society.

This directly increases their chances to be victimized in public space. Another participant, Vira, highlighted:

You know... my juvenile maximalism disappeared around a half a year ago, and I just realized how much of a public person I am, and that I do dangerous activism, so since my last incident I almost always feel unsafe in a public space. Especially because now far right moods became much more widespread, and my activity becomes more and more visible, so I don't feel safe at all.

So getting involved in public activism appears to be the second factor which increases chances of victimization. Moreover, even any public demonstration of homosexual behavior can be reason enough for frequent victimization. As one of the interviewees, Ian, said, "As a human, I feel safe while I am in a closet. Once I come out, of course, I feel immediate danger".

Analyzing the responses given, we can make three more conclusions: Firstly, some participants highlighted that the primary reason they feel unsafe and are afraid to be assaulted in public space differs from their sexual orientation, gender identity, expression or attribution. One participant, Alex, who is not ethnic Ukrainian and unlikely can pass caucasian, said that he is more afraid to be a target of a racist attack; another respondent, Tetiana, told me: "Before the situation which has happened with my wife, I felt pretty safe in public space. But indeed, I would say I feel insecure even not because I am a lesbian, but because I'm a woman instead." Secondly, a lot of participants said that they feel that the far-rights and hate groups have become more active in the last couple of years. One of the interviewees, Serhii, shared his personal experience in this regard:

After that accident which happened a year ago, I don't feel safe in public space. If several years ago it was not so dangerous, but now we have a lot of different organizations which just look for an occasion to assault somebody. Some of them are far right, you know. And they harass not only homosexuals but if you even just sit drinking your beer, they may assault you and record it on a videocamera. So now more and more similar organizations appear. More and more young and radical people. More and more youth, high school students who just don't know what to do, I don't know, but I am really surprised by this trend. On the one hand, it seems that we aspire to Eurointegration. On the other hand, there is a splash of this intolerance, namely among young people. Because before the Revolution it was much more calm.

Though Russian and Western moral panic about the spreading of the far-right movements in Ukraine (i.e. exaggeration of number, power and influence of Ukrainian far-right political groups) started immediately after the political events of 2013 - 2014, mostly because of Russian

state propaganda targeting left/liberal Western political groups (Shekhovtsov, 2015), all my participants highlighted that they have felt this rise only during a last couple of years (2016 - 2018) and the first years after the revolutionary events seemed to be much more calm in their memories. These testimonies allow us to assume that indeed far right and hate groups became empowered and well-structured only several years after those political events, mostly because of the weakness of the state (Fragile States Index 2017) and protection from some officials from the Ministry of the Interior. The next comment, by Nata, explains further:

Some time ago it was calmer. And now I really feel uncomfortable. Sometimes we just prefer to bypass some places. Especially if there is a flow of football fans or something like this, it literally horrifies me. For instance, now we are looking for a new apartment to rent, and the primary criterion for us is to live as far as possible from dangerous places. Like we will never rent a place near the stadium, for example. And if earlier it was not something to consider, now we try to avoid venues which may be potentially dangerous for us. Moreover, we have a little child, which also influences our decision on this subject.

Nata offers a representative experience that demonstrates the spatial dimension of the safety issues for LGBT people in Ukraine and brings up an important discussion on spatial dispersion of anti-queer violence in the Ukrainian city. There was an attempt to study the spatial dimension of anti-queer violence (Stotzer 2010; Iganski 2008) in the United States, but this research question cannot be incorporated in the relevant inquiry about Ukraine because of two factors. Firstly, Ukrainian cities do not have areas where LGBTI+ people prefer to reside in high concentrations. Secondly, spatial segregation in Ukraine is of a different nature than in Western countries: because of the post-Soviet heritage in urban planning and racial/ethnic homogeneity of the population, Ukrainian cities do not have such a manifest spatial segregation as the Western European or American cities in terms of race and ethnicity. The level of crime is distributed more equally among different neighborhoods within the urban space. This trend was staggered in the 90s with the ongoing criminalization of suburbs but was reborn in the 2000s (Finckenauer and Schrock, 2003, 57 - 71). However, for Ukrainian LGBTI+ people space becomes segregated and divided not because of the territorial concentration of crime and delinquency but because of the spatial concentration of activities of far-right organizations and hate groups instead. For instance, one of the participants (Nick) said that "At first sight, there are only a few far rights, but if I hang out somewhere in the city center, I kinda keep a map in my mind, trying to avoid certain

places where far-right folks like to gather. You know, I am talking about Maidan, Kontraktova square and some other places. So it's like I don't have freedom of movement."

Here and further on we will see this trend of space negotiation among Ukrainian queer people, which results in the construction of certain "no go zones" related to activities of sports fans and far-right organizations. Structuring and categorizing spaces by their level of anti-queer aggression, queer inhabitants of these post-Soviet cities manage different levels of gender self-policing to maximize their safety and minimize the possibility of victimization. In their book *Sexuality and the Politics of Violence and Safety* (2004) Leslie J. Moran and Beverley Skeggs analyze neoliberal frameworks of the safety discourse (which involves issues of gay and trans bashing) in developed Western nations: the notion of safety is constructed as a matter of personal responsibility and personal management. Even though, I would argue, it is very problematic to apply the discourse of neoliberalism to Ukraine, since the critiques of neoliberalism are based upon the specific temporality of the developed Western nations and concern a period after the end of the welfare-state. Moreover, the notion of neoliberalism is inherently intertwined with the phenomenon of a post-industrial economy, and, most important, implies an actual ability of a state to support welfare and social policies. Since Ukraine does not fit these criteria, I argue, when theorizing and studying post-socialist Ukrainian society it makes more sense to adopt a theory of structural violence², rather than a theory of neoliberalism. And yet, as this and further chapters demonstrate, some patterns of policing of LGBTI+ people in Ukraine fit very well in Moran's and Skeggs's (2004) definition of "neoliberal politics of safety".

Everyday Harassment, Aggression, and Minor Violence

Though this work is dedicated to exploring major homophobic and transphobic crime in Ukraine and patterns of its policing, for the majority of participants violent assault became the only extreme experience that pushed them into interaction with the criminal justice system.

² The theory of structural violence, coined by Johan Galtung, refers to a form of violence wherein some social structure or social institution may harm people by preventing them from meeting their basic needs. Other interpretations of this term differ from Galtung's theory, but do not contradict to it.

Almost all of them experienced minor acts of violence and aggression in their everyday life. One of the interviewees, Ivan, for example, stated:

A lot of times people insulted me, spat on my back, not to mention violent aggression. I tried not to react, not to pay attention, and to pretend as nothing has happened. And I have no idea whether it was happening because of my non-heteronormative appearance or because of my activism because I experienced it in different cities. Several times, when we were walking to visit my boyfriend's parents, buses' drivers screamed behind "Look, a couple of faggots passed by", even though we were dressed in casual clothes and kept a "normal" distance between each other.

Besides homophobic and transphobic humiliation, some respondents reported that they also dealt with repeated episodes of sexual harassment. As Alex explained,

I choose places where I feel pretty safe. I don't go to gay clubs; I don't go to beaches or any other venues where I should undress. Sometimes people look at me on the street, take pics of me (without my consent, of course), and point fingers at me. Recently it happens more rarely, however, in Lviv or my motherland it happens often enough. Sometimes men approached me and offered sex for money. Sometimes guys attempted to drag me somewhere and rape. Sometimes they just assaulted me, beat and verbally insulted. And still, sometimes people verbally assault me passing by. Though I have gotten used to it for many years, so now I even don't notice all this stuff. Sometimes when I walk with my relatives, they say that people look at me strangely, but I don't pay attention to it. When someone harasses me, I react pretty aggressively and tough: I can insult, I can hit, I can ask security guards to take this person away, and I may throw something in the face. Regarding verbal assaults... it depends on my mood. If I am aggressive, I will react, usually insulting a person's father. Like if somebody tells me "You're a fag", I will reply "your dad enjoys it." Of course, no one expects such an answer. If I am calm, I just prefer to ignore it or roll my eyes, or sarcastically say something like "Oh really? Am I a fag? What a news!"

Another participant, Iryna, remembered this: "Something similar happened only once, at my last workplace. One man tried to kiss me without my consent because he was interested in doing it with a lesbian woman at least once." It indicates that for Ukrainian LGBTI+ people the nature and causes of sexual harassment differ from nature and causes of harassment perpetrated against heterosexual cisgender women. Sexual harassment of gay and non-heteronormative men not necessarily aims at sexual encounters but, instead, is an attempt to exercise assaulters' hegemonic masculinity by further suppressing those who perform abject masculinities and male femininities (Messerschmidt and Connell, 2005, 829 - 859). At the same time, cisheterosexual men who harass lesbians consider it as either their own curiosity which is a result of sexualization of lesbian relationships by the heterosexual male gaze or as correctional practices

aiming to instill a heterosexual desire in a lesbian.

Another type of victimization my interviewees have experienced in their everyday life is extortion. As Serhii said, "Once before some unknown guys were exacting five thousand bucks or otherwise threatened to tell all my relatives that I'm gay. But, you know, it's kindergarten, I knew how to behave in this situation. Of course, they didn't receive a penny from me." Because homophobic attitudes are hegemonic in the Ukrainian society, and the total majority of LGBTI+ people are still in the closet, extortion became one of the most popular forms of victimization perpetrated by both civilians and some police officers.

Another conclusion made from the analysis of given responses is that sometimes this experience of minor but frequent assaults pushes some LGBTI+ people into social racialization of their assaulters and othering of certain social groups. For instance, one of the participants, Vlad, told me:

Well, it happens sometimes, but pretty seldom, even though I am a real paranoiac in this regard. You know, a lot of dudes now have caret, and long hair is not a problem anymore. But **bydlo**³ and Philistines are everywhere, still.

Another participant, Ian, replied:

When earlier I was working with a chorus from [the City], it was calmer. And now we deal with a chorus from occupied Donetsk, and they take more liberties. But it's very easy to shut them up: "You just buy Putin's portrait and pray."

In both these cases, we see how respondents try to associate homophobic and transphobic behavior with certain place of origin or low socio-economic status. In the first quote, the term *bydlo* implies this much. But this argumentation can be easily refuted by the comprehensive and representative sociological survey, conducted by the Kyiv International Institute of Sociology in partnership with the LGBT Human Rights Center "Nash Svit" in 2016 (KIIS 2016). The survey demonstrates that, indeed, the inhabitants of the western part of Ukraine, commonly imagined as "advanced" and "pro-European", more often carry homophobic and transphobic attitudes than

³ In Ukrainian, Polish and Russian *bydlo* is a derogatory term to describe uneducated people with lack of appropriate cultural education. Very often used to indicate rural or peripheral territorial origin of a person, as well as low social status, but not limited to it. Unlike North American term "redneck" with a similar meaning, "bydlo" also may be used to humiliate a wealthy person with a high social status, who, nevertheless, abuses their social status and neglects appropriate behavioral and cultural norms.

residents of the allegedly homophobic and pro-Russian eastern part. Moreover, working class people seem to be a little bit more tolerant and accepting of LGBTI+ people compared to entrepreneurs. But as we see, in the last case, homophobic behavior is associated with a certain political ideology and foreign orientation, though explaining homophobia in this way has to be questioned. A large segment of the population and political actors that express anti-Russian and Ukrainian nationalist views, also express and exercise systematic anti-queer attitudes and policies. It means, that in spite of my participants' perception of political reality, political homophobia in Ukraine is not an attribution of only pro-Russian and pan-Slavic nationalism, but any nationalist politics at all.

The question that logically stems from the above is this: how can we frame the position of participants of the study? Is it powerlessness or resistance? To which extent do they resist and how limited is their agency to resist? Indeed, I want to question a prevalent assumption that my interviewee's agency predisposes them to exercise resistance. I would argue, that the notion of "resistance", imported from Foucauldian philosophy, in cultural criminology often lacks an accurate consideration of social implications and neglects attending to the structural conditions in which "a resisting subject" is theorized to act. As the example of my participants suggests instead, we better frame their actions as mere "reaction" rather than "resistance". Firstly, their reaction cannot be seen as counter-power, and thus, cannot be recognized to be resistance. As Keith Hayward and Marc Schuilenburg argue (2014, 22), *resistance* as the term has been employed "from full-blown revolutionary protests... to women who watch television soap operas... This broad application of the label 'resistance' to a very diverse and often contradictory set of practices also extends to a growing number of activities and pursuits that occur within the discipline of criminology." Accurately analyzing the existing practices of employment of the term in contemporary cultural criminology, the authors conclude that the term *resistance* in the field usually implies negative counter-reaction against cultural, social or economic power relations in a society. On the contrary, the offer to resignify the meaning of this term in the field, assuming that it should imply "positive" or "creative" force. As the excerpts above and below show, my participants' actions in response to attacks fall neither under the first, nor under the second criminological definition of resistance. Secondly, the recognition of their resistance would mean an exaggeration of the agency they have in the interactions they face. For example,

Andrii told me: "If I see that I can respond and that will be fine, I'll do it. But if I see that attackers are much stronger than me, I try to either escape or resolve the conflict peacefully. I either just run and hide in the flows of people, or I try to resolve an argument verbally". Another participant (also Andrii) stated: "Similarly to the organizers of the last KyivPride, who urged participants not to react to verbal assaults while entering the fenced area of the march, I also think that it doesn't make sense". Once again, the type of reactions listed above cannot be classified as either negative counter-reaction to exercised power, or as positive creative force, and, consequently, cannot be theorized as a form of resistance.

Attitudes towards Police and Penitentiary: Cruel Optimism

When I met Jan, one of my interviewees in Kharkiv, a pretty famous artist and LGBT activist, I noticed that he is proud to be born and reside in this city, so I decided to make a compliment for his lovely hometown: "You know, Jan, the city center is so clean and groomed, I am really excited, it's not the dirty and messy place like we have in Kyiv". "Yes, - he replied, - ... I still cannot understand why Kyiv city government cannot clean up the city center. Come on, this is the capital! It must be groomed! It's unbearable: once you arrive at the central railway station and see all these dirty and stinky bums... Why not to order the police to throw all these fucking bums out and clean the territory around in the same way? That's so easy, and it has to be done!" Thus, being a vulnerable queer person and an activist, Jan supports the policing of homelessness and policing of the poor, supports the notorious approach of the urban space policing in accordance with the broken windows theory, and operates according to the statements which obviously carry racist and classist implications.

The attitudes of LGBT people to the police and criminal justice system overall deserve separate attention and careful analysis. As it is known, in the Western countries, different LGBTI+ organizations, communities, and movements used to have pretty well-articulated agenda on police, criminal justice and possibilities on collaboration with them, and these attitudes often navigate their political activities. Influenced by broader ideologies, this set of attitudes fits within two categories: LGBTI+ communities committed to critical queer resistance that are affiliated with left/liberal political groups and regard the police and criminal justice system as an oppressive institution for the society in general and LGBTI+ communities in

particular. These groups do not see a possibility of interacting with the police and criminal justice system to fight gay and trans bashing. Other LGBTI+ groups, influenced by the liberal/conservative ideologies or by political utilitarianism, express beliefs in retributive justice and rely on the police. These two opposing views can be easily observed around the discussions following Edmonton Pride - 2018 (Wakefield, 2018).

In Ukraine the relationship to police has not been discussed so comprehensively among LGBT organizations and communities. Moreover, the LGBTI+ movement remains ideologically unstructured, operating by a more utilitarian approach. Thus, an analysis of these attitudes and their dynamics is warranted. Furthermore, the settings in which Ukrainian LGBTI+ people have to elaborate their attitudes towards the criminal justice system obviously differ from the relevant settings in North American or Western European societies. Hence, this dichotomy would not be able to describe the complexity of these attitudes and their dynamics in Second World country like Ukraine.

During this study, each participant was asked several questions regarding their attitudes. Firstly, I was wondering, what was their motivation to interact with the police and press charges? And what did they expect if they did so? This question makes sense because of the general sentiments in Ukrainian society, which are also prominent among its marginalized groups, towards police. People overall are rather skeptical, or even hostile towards the police, and their attitudes might have become only a little bit better after the reform of 2015. Secondly, I asked my participants whether they believe that the current form of the criminal (retributive) justice in Ukraine can be effective in reducing gendered and sexual violence and can rehabilitate or educate convicts. Last but not least, I was making notes when my participants were talking about their attitudes towards the police and criminal justice system beyond the official interview process.

Most of the participants admitted that they did not trust the police, neither did they believe that the police officers would help them in the critical situation or would investigate an assault. One of the interviewees, Alex, explained his action in the following way:

I didn't expect at all that the police would help, I was just convinced that I should do at least something, at least to press charges. So I thought, why not to try. Perhaps something

would come out of it. Perhaps a miracle would happen. So I did. I don't trust the police at all. My family has very complicated relationships with all law enforcement authorities.

Another participant, Igor, who was a victim of three violent attacks, admitted:

I am an LGBT activist. If I keep silence, it means that I've fucked up as an LGBT activist. After the first attack, I had certain expectations from the police. After the second attack, I had them too. But after the third attack, when I saw the same situation... You know there was a press conference in Kyiv, and the same lady from the police was telling us that "it is so important to investigate hate crimes", so I've directly asked her, "Why don't you investigate them then?" And she, of course, replied that it's "so difficult, so difficult." So after that press-conference, I've finally realized that it just makes sense to say "fuck it" for all this stuff and move away from this country. Cause there are no changes. These crimes were not investigated in the past, nor are they in the present. And even when the police already knows who committed an attack, there are witnesses, and there are video recordings and stuff - they always let it go.

So here and further we see that victims initiated interaction with the police without trusting and believing in this institution, or that they held onto trusting police and relying on their help, already having (multiple) experiences of omission of police to investigate offences against them and prosecute offenders. Such irrational actions and hopes can hardly be explained in any other way than as manifestations of "cruel optimism". In her 2011 monograph, Lauren Berlant (2011) reflects on this phenomenon of maintaining attachment to the problematic objects, which, de-facto, may only create additional obstacles for the person's endeavors and aspirations, though they are still considered as objects of hope and optimism. And here we see how Ukrainian LGBTI+ people maintain their hopes and positive attachment to the police and criminal justice system, regardless of their real attitudes towards this institution and their previous experience of interaction with it.

However, the motivations of the interviewees to interact with the police appeared to be not as homogeneous as I had assumed at the beginning of the study. If to consider their decisions as social actions under the Weberian definition (Weber, 1995) - rational-purposeful, value-rational, affective and traditional types of social actions - we will be able to find the actions of my participants in all the categories listed above. For example, from what Alex mentioned, we can conclude that his action was merely affectional. The same conclusion may be made about the motivation of Serhii who said: "I didn't think about anything. I called police when he [partner] was laying down there unconscious. I even didn't know how much time he was laying there in

that condition.” Natalia similarly said: "I haven't expected anything good from them [police]. I just needed them to arrive at the place of a crime scene, pick me up and drive together to the police station. I knew that I had to press charges. So I didn't have any unreal expectations. I had to do certain basic legal actions which I could do". Moreover, Natalia's and Alex's actions fit in between affectional and traditional types of action, because both of them were influenced by the societal norms and social pressure in their decision to interact with the police.

At the same time, affectionate or traditional type of acting was not common for all the participants. For example, another interviewee, Tetiana, said that:

I expected that we would receive help. But they didn't help, because de-facto we stayed in the same territory with the attacker, having a concussion of the brain. Because the new police has been actively monitored at that time, I hoped that at least some tasks would be done in a way they should be done. As a human rights defender, I have expected entirely another approach. It's even not because I am a lesbian, but because I am a citizen, who has come to the police with a problem which should be resolved. If it hadn't been anything serious, I wouldn't probably drive to a police station in the middle of the night in a town I don't know at all. And as for a wife, as for a partner, it was the only way for me to protect her.

Here we deal with an issue of the limited agency of the actor, and under these conditions and absence of another option to deal with the critical situation, it was the only rational decision for Tetiana to call the police for help. Even though her action should be categorized as a rational, goal-oriented action in accordance with Weber's classification, we can still see the cruel optimism of her belief in police when she says “I expected that we would receive help.”

Finally, another participant, Ivan, demonstrates a mixed type of a rational social action:

I'll be honest. Firstly, I was hoping this case will be registered, and it would make my process of asylum application faster. Secondly, I think people close their eyes on this kind of crime, as well as on violence because people don't like to talk about that. And I'm OK with talking about it, and I am OK with going on the street when I am beaten and smashed, with pink hair and smashed lips, to show people that this problem does exist. So that people don't close their eyes on that. If you are beaten or raped, you are not guilty, you shouldn't be shy about that. If everyone goes to the police and presses charges for every assault which was committed, then people will treat it more seriously, and won't think like "oh c'mon, what's the problem that you got beaten, next time just don't make your hair pink." It's wild. Or when someone tells you "it's your fault." What do you mean? I don't even touch anybody, don't swear, and don't intervene into someone's private space. Of course, besides personal reasons (to move abroad), I want to improve the conditions [of living?] in this country. Because even if I move, the majority of my

friends and people whom I love, might also be assaulted, no one is secure.

Here we see a complex rationale for calling on police: On the one hand, Ivan's action belongs to the rational-purposeful type: by calling upon the legal system he seeks to increase his chances for receiving an asylum. But on the other hand, his action is a value-rational type of action. He seeks to break the silence surrounding anti-queer violence and thereby resisting the victim-blaming culture which remains predominant in contemporary Ukrainian society.

Thus, we can conclude, that notwithstanding the variety of motivations which pushed Ukrainian LGBT people to interact with the police after being victimized, only one participant committed a direct rational-purposeful action to call the police, hoping that it would help to deal with the critical situation, that security would be provided, and an attacker would be detained.

This exploration of victims' decision-making brings up the core "structure vs. agency" debate in theorizing an individual's social actions. However, the cases where victims commit affective action indicate an important problem, which challenges this "structure vs. agency" dichotomy. It is assumed, that when talking about "structure", one means that a social action of an individual is directly influenced by the external structural relationships with other agents. On the contrary, the notion of agency implies free will and freely-made decision. However, as the cases above demonstrate, an individual may make a decision which is not affected by structural relationships, but which is, nevertheless, strongly pre-determined and patterned. And here factors such as social and cultural norms, expectations, traditions, previous experience, socialization, affects and emotions come into play and shape one's decision and social action. So, it means, that if no external structural relationships affect someone's decision and action, then it will be shaped by internalized experience of living and acting within the structure.

Another issue I have examined concerns the attitudes towards the criminal justice system and retributive justice among the victimized LGBT people. In addition to the mentioned above complexity of this issue, there is yet another facet worthy of consideration. During the last century, the criminal justice and prison system in the USSR and the post-soviet space became a source of homophobic and transphobic violence, as well as the space of its primary concentration. Queer women rarely suffer from gay and trans bashing in the women's penitentiaries; while gay, bisexual and non-heteronormative men are frequent victims of systematic and widespread attacks, violence, rapes, humiliation, and segregation (Mogutin and

Franeta, 1993). Hence, some scholars concluded that the prison culture itself is one of the most significant factors in the development of homophobic and transphobic sentiment in the post-Soviet space (Kon, 1997). This issue made me rethink the perspective of using the criminal justice system as a tool to reduce or eliminate homophobic and transphobic violence in contemporary Ukraine. Moreover, I have assumed that the criminal justice system and the penitentiary may be the central site for the cultural trauma that Ukrainian queer people experience. Thus I had to examine it.

It was surprising that most of my interviewees expressed pretty positive attitudes and expected that the criminal justice system would help to prevent anti-queer violence. For example, one of the interviewees, Olena, commented on her opinion on a sentence her attackers received:

Well, of course, two years of a conditional sentence is also good, but I think they should go behind bars. Of course, that's obvious that they will not become cleverer in prison, but the real sentence may be a motivation for those who are going to commit the attacks in the future as well as for the organizers of these mass attacks. If no one is sentenced, then these guys and girls will think that they can do it again. But if they are sentenced... It's not that I want her to be imprisoned, but I just hope it will be a lesson to the other potential attackers.

Several participants, including Oleksandr and Andrii, argued that it is very important to advance hate crimes legislation and policing, because the law frames public consciousness and shapes ethical and legal norms. In accordance with their point, the fear of prosecution is an effective restraining factor which helps to drop down a level of bias-motivated violence, and advanced hate crimes legislation will assert legal emancipation of marginalized social groups, including LGBTI+ people, and abolish victim-blaming culture in such cases.

The majority of queer people in my study do rely on the educational function of the criminal justice system, yet at the same time they believe that tougher sentences and incarceration of the attackers will be an ineffective measure to prevent new episodes of gay and trans bashing. Moreover, it is obvious from the pieces above that almost all my participants carry the ideas of legal idealism (Attwooll, 1998), which seems to be contradictory to their own experiences of interaction with the law enforcement bodies and the criminal justice system. However, some participants were pretty skeptical towards the instrumentalization of the criminal justice system and were reflecting on the alternative justice measures. One of them, Natalia,

maybe unknowingly, articulated some principles of restorative justice, such as, while commenting on the punishment she wants her offender to receive in the following way:

At worst, I want him to pay me a compensation, to reimburse me for my medical expenses and probably something else, like a conditional sentence or so. Because besides the fact I had bodily injuries, I also incurred a lot of expenses - and what about him? He continues to live his life. So where is the justice? I want him to go to the courtroom, to the police, I want him to waste his time, strengths and nerves, I want him to remember that he cannot do that. If it doesn't affect his life, wealth and freedom, so he will continue doing it in the future. I see punishment as the only solution. People [who committed a crime] should feel uncomfortable and lose something, and they should be punished. If there are more and more cases like this [i.e. when attacker have been punished for committed assaults], maybe other potential attackers will think about that more carefully.

Other participants expressed their skepticism towards the criminal justice system in terms of reducing violence against LGBTI+ people more openly and obviously. As another interviewee, Oleh, said:

Honestly, I don't know... Fortunately, I have nothing in common with the criminal justice system... If to make it tougher, it may work both ways: either prisoners will become calmer, or they'll become even crueler. There is no third option. And since there is pressure from cellmates, I think they will become even more brutal and it will get worse.

A similar statement of skepticism was also expressed by another participant, Mariia, who commented upon the specific situation in Ukrainian prisons as not being conducive to re-education and rehabilitation:

If we had a prison with normal psychologists, social workers, and staff that really cares and invests efforts into rehabilitating convicts, as it is done in some other countries, where it [the prison sentence] might be a really useful and helpful experience for criminals... But instead, they [the convicts in Ukraine] will just wash the toilets there [in prison]. So if in some countries imprisoned people may achieve new levels of development, I am pretty sure that in our prison one can only fall down and never lift up. Or at least it happens pretty seldom. And when you see the TV shows about the prisons abroad, you understand that it really makes sense: people cook for themselves, they are engaged in social life, read books, work out, live in normal conditions, so they feel like humans, and not just as... I'm sorry, a piece of shit. So I think it doesn't make sense to sentence anybody in our country.

Later, Mariia also added that she indeed believes that only probation may be an effective educational and rehabilitation measure, as well as a preventive tool. She, as well as several more participants, assumed that convicts under probation will probably refrain from reoffending even when being tempted to do so because they have to avoid a real sentence. However, she was the

only participant who thought that probation would contribute to weaning the violent offenders off from committing assaults, whereas several other interviewees, who firstly admired the idea of restorative or preventative justice for their offenders, expressed strict disbelief in the rehabilitation possibilities of probation, going back to the endorsement of incarceration and retributive justice. I suggest that these two participants do not think that a criminal justice system is an effective tool for reducing anti-queer violence, however, one of them still expresses a belief that the penitentiary system may successfully rehabilitate offenders, if it is well organized and well-funded, a situation that, in her opinion, is already successfully implemented in the countries of the generalized and idealized "West".

Though it may seem like the majority of participants are too hopeful regarding the possibility of successful instrumentalization of the criminal justice system, it must be noticed that none of them expressed a belief in the potential of the Ukrainian criminal justice system to rehabilitate offenders. However, a lot of them believe that sentences and incarceration may be an effective tool of social change in terms of prevention of new offences. These same beliefs pushed a total majority of my participants to interact with the criminal justice system after experiencing violence, which also may be understood as a form of the cruel optimism (Berlant 2011).

Experiences and Patterns of Violence

When asking my participants to describe the experience of violence in detail, I kept in mind several goals. First of all, I wanted to understand which critical experience made participants start to believe in the criminal justice system as the institution which can protect them and establish justice for the LGBTI+ community? Secondly, I wanted to provide them with an opportunity to speak out about their traumatic experiences, be heard and be recorded. For some of them, whose voices are marginalized and whose stories do not exist for the mainstream society, this is crucial. But I was also interested in the possibility to analyze and distinguish some specific patterns of micro-interactions within the violent situations they experienced, even though I understood that it would be a difficult task.

The context of the bias-motivated crimes in the settings of a modern Western city was studied by Barbara Perry and Shahid Alvi (2012), Gail Mason (2005) and Paul Iganski (2008). Their findings provide us with an invaluable understanding of the macro-settings which make

hate crimes more likely to occur. However, this scholarship does not pay specific attention to figuring out the patterns of micro-interactions that activate biases and hatred, thus transforming them into external, violent actions. What makes some attackers commit bias-motivated violence in certain situations, and avoid it in others? How does the scenario of a bias-motivated attack develop within different micro-interactions? Is it possible to study bias-motivated attacks through the lens of micro-sociology at all, and what are the limitations of this approach on the subject? In his book *Violence: A Micro-Sociological Theory* Randall Collins stated that micro-sociology intends to study not violent persons but violent situations and interactions instead. In his criticism of the macro-sociological scholarly work on violence, he framed the limitations of the macro-approaches to cultural and bias-based violence in the following way. According to Collins,

Cultural explanations of violence are almost always macro-explanations; a wide-ranging, trans-situational culture is assumed to be the... explanation of why the violence takes place... Some theories regard violence... as imposition from above, disciplining and deterring resisters in the name of upholding the cultural order. Thus, the culture of racism, homophobia or machismo is offered as an explanation of attacks on minorities, women and other victims. But the interpretation suffers from failing to look closely at the dynamics of micro-situations (Collins 2009, 39).

It is important to underline that here I don't claim to do a micro-sociological analysis as such, since the micro-sociological study of violence implies that the researcher has the opportunity to directly observe either the violent situation per se (i.e., in form of an ethnographic study) or examine recordings of this situation, or, at least, to talk with the perpetrators. Even though I asked my participants to provide me with as many details as possible, keeping a sequence of description, it still is not enough to undertake a micro-sociological study. Rather I intent to distinguish between different types of anti-LGBTI+ hate-motivated assaults. I am interested to decipher patterns of victimization, whether they are planned or spontaneous; to understand the factors that lead to escalation or de-escalation of violent confrontations; and to analyze potential social similarities among offenders. Apparently, to answer these questions in a more comprehensive and grounded manner, the interviewees with perpetrators and police officers are needed. But since I was limited in terms of financial and time resources, as well as by certain bureaucratic obstacles, this thesis presents only conclusions which may be done from the interviews with assaulted individuals.

The episodes of assault that my interviewees experienced may be categorized in several ways according to different criteria. For example, there are two types of assaults depending on who was attacked. In some cases, a single person or a couple were attacked, while in other cases, the perpetrator attacked the whole community or group.

One might assume that attacks against individuals must be spontaneous, while assaults against groups - well-prepared in advance. Though such a generalization may be justified for the second group of assaults (all my interviewees, who has been attacked in a group or a collective, reported this violence to be organized, and obviously prepared in advance), but assaults of the first category, once again, may be also divided into two subtypes. The first one includes attacks against individuals, which happen spontaneously, almost always - in public urban space. For example, Alex was one of the participants who had such an experience:

We were going back from an apiary with my friend, and he offered me to go to the neighboring village, where I had lived as a child, to wish his buddy happy birthday. So we congratulated him, and I was going out to my car to wait for him. So one younger guy (whom I didn't know) caught up with me and without any warning punched me in the nape, so I fell on my knees, calling me "fag." I think it happened because I was outed when I was studying in a school in that village, everyone there knew about my orientation, so I tried to never show up there. So, after that, twentyish people from that cafe and a neighboring one came and started yelling, encouraging him to "punch that fag stronger." His girlfriend also started to beat me with her legs. I felt that they were extremely drunk. I was trying to break out but I couldn't, and eventually, my friend saved me. However, five of my teeth were knocked out, and my face was so severely injured that my mum wasn't able to recognize me.

Another participant, Igor was coming back from the karaoke club with his ex-boyfriend at the morning. The couple was suddenly surrounded by a group of people, who knocked them down and started punching them in their faces with legs. After breaking out, trying to escape, the victims found a shop and decided to run in. The shop's security didn't help them, and the attackers entered the shop and kept punching the victims until a security guard finally pushed them away. As it appeared later, the assaulters were waiting for the victims near the shop to continue beating them.

The second subtype, attacks against individuals, prepared in advance, includes, is most often about so-called "false dates": bias-motivated persecutors are looking for their victims on dating websites, apps or social media. Upon a meeting, usually in empty public places like

parks, or in private property of victims, a group of persecutors assaults them. For example, such a situation is described by Alex:

I had a date with a guy in the park, it was pretty late... So basically, he was a false face, and four strong young men were already waiting for me. They started beating me. This guy was just staying and watching, so I understood that he was with them... When I asked him why they were beating me, he answered that they were supposed to teach "faggots" how to live decent lives...

Another participant, Mykola, had a very similar experience. He got acquainted with a man in social media called “Vkontakte” - the most popular social media in Ukraine until 2017, and still the most usable one in Russia and some other post-Soviet countries, which is notorious for being a tool hate groups use most often to organize their activities. When Mykola entered a house of his datemate, four young men showed up and beat him up. He lost consciousness and got brought to life by the police officers.

Nevertheless, not all the attacks against individuals or couples planned in advance may be reduced to false dates. One participant, Ihor, had pretty unusual experience of being a victim of an attack, directed purposefully against him and his boyfriend, planned in advance, in which assaulters, obviously, put a lot of time and effort. Ihor remembers, that several days before the attack itself somebody wrote "Fags must die" on a wall of their house. Being afraid for their safety, he and his boyfriend decided to move temporarily to another place. When they ran out of clean clothes, they decided to go through the back door, because they didn't believe that somebody might wait for them there on a Sunday at midnight. But, as it's appeared, attackers have waited for them on the entryway, and these two men started to punch them “really tough and with cruelty”.

If to go back to the primary categorization of the attacks, there are attacks against the groups of LGBTI+ people, not only against individuals or couples. Anti-group attacks are always well-organized and prepared in advance, most often are committed during the queer events, either in venues or in urban space afterwards. Here is a description of a typical attack against a group of LGBTI+ people:

In 2016, after KyivPride, we were waiting for around two hours in a secure place, because we were sure that the persecutors wouldn't wait for more than two hours to attack the pride march participants. But our naive assumption appeared to be false. So the first group of people walked out safe, and we, who walked after them, were attacked, even though we were walking in couples - one boy and one girl - in order to look "in an

appropriate manner." I got the first blow in the nape, and I remember everything that happened after only in fragments. Because after that blow I tried to stand up, I felt very spiny, and I was all covered in blood, so I started moving to the fence, and everything around me was blurred. The first thing I did, I took a selfie and posted it on Facebook to caution KyivPride monitors and spread the information. Then the second groups of the attackers approached and surrounded me... I felt that I was beaten by a group of people, later I figured out from the surveillance recordings that there were five of them.

If to apply another criteria of division - a probable motivation of the attackers, all these assaults may be classified in four groups. The first group may be characterized by the intention of attackers just to inflict harm and intimidate a victim. That was a supposed motivation of attackers of Ihor and his boyfriend, who were waiting for the couple near their house, and beaten them up. In the second group of assaults, the motivation of the attackers seems to be to force a person stop their homosexual behavior entirely, or, at least, to not perform it in a visible manner in public space. This is the case with the most assaults which spontaneously happened in public space against gay and lesbian couples that publicly disclosed their sexuality in any way. For example, Alex experienced exactly this type of assault:

We were walking at night, there wasn't a single person around, so we held each other's hands. Then a company of young people (tenish people, both guys, and girls) appeared from the opposite street. They started swearing at us using homophobic slurs, and we attempted to run away, cause I most certainly knew how it would end. And of course, even though I was pretty strong and fit, but there were 2 of us and tenish of them. So they have beaten us up. I couldn't stand up for two weeks, and there is a seven cm-long scar upon my eyebrow forever.

Another group is constituted by the direct bias-motivated attacks against an individual that are followed by a robbery or extortion. Understanding the vulnerable position of LGBTI+ people who don't want to spread the information about their sexuality or gender identity, attackers rely on their silence aftermath. This was the case with Mykola, who became a victim of a false date: arranging a meeting in a group for gay dating, he got beaten up with all his belongings being stolen. Unlike other episodes of property crimes which my interviewees experienced during hate-motivated assaults, in this case, as it is possible to conclude from the available data, the perpetrators' initial goal was to commit both homophobic assault and robbery at the same time, and gay or bisexual men was a target group of the gang.

Another motivation which can be used to distinguish the last type of hate-motivated anti-LGBTI+ attacks is an intention to crowd LGBTI+ rights agenda out of public space and create

obstacles for any public events organized by LGBTI+ communities. Here I am talking about well-prepared attacks that criminal groups commit in the venues certain events are supposed to happen, or in public space, persecuting participants after an event ends. The most detailed example of such an attack was provided by Vira:

It was October 2016. I was organizing an event - the premiere screening of Marusya Bociurkiw's film "This is Gay Propaganda". You see, the name of the film is pretty provocative. I had a lot of friends and acquaintances among artists and journalists in Chernivtsi, so we decided to organize it together. Understanding that it was Western Ukraine, I decided to request police to protect the public order in advance. The event itself was open, we announced it in the media, emphasizing that all people who want to watch the film may attend it. So because the city is pretty small, the event had become a resonance even before it started. A lot of youth, and, let's say, local "celebrities" got interested. Even though far rights did not threaten us till the last moment but two hours before the event was supposed to start, one journalist called me and told me that she was contacted by the "Right Sector" representatives who invited her to this event, though all the media were already invited there by us. So this journalist said to me that the "Right Sector" promised her to be there and to "make an action." I contacted the police, and they arrived in advance. So 5 - 10 minutes before the event started, around 30 people or so had broken into the building (some of them were from the "Civil corps "Azov", "Right sector", "White Leos", ATO veterans and local ultras). So they had broken into and announced that "there wouldn't be a movie", and even though the police were already standing along the entrance, they [the police] let them [the attackers] in. Some of them were wearing masks and rubber gloves, so it was obvious that they came not to watch a movie, but the police still let them in. When getting in, they were behaving very aggressively, knocking over the chairs, using hate speech, and, suddenly, one of them (who is now a boss of the local organization of the National Corps) said that "if you decide to organize a similar event here again, you'll lie down". So then we had a lot of verbal dueling, and stuff, but then a representative of the city management of Chernivtsi police arrived (he was the head of the department of prevention), and he wasn't able to tell the organizers from the attendees, so when we tried to call somebody or to do something, he just pressed us against the wall and asked something like "who are you here, and what are you fucking talking about?"

Another interviewee, Vadim, described a situation when a group of youngsters purposefully attacked an LGBTI+ community center to disrupt one of the events, throwing smoke bombs inside a building.

But, ultimately, it makes sense to go back and analyze some violent episodes to figure out some patterns of interaction in these bias-motivated attacks. First of all, if we consider the very beginning of the typical violence scene, we can establish limitations of the micro-sociological

studies of violence regarding hate crimes. The cases described below are helpful to exemplify these limitations.

Case 1:

We were spending some time in the countryside during the May holidays. So even though we were promised to live alone and have our own space in that place, two more people came. So then we just had a small talk, and my wife was chatting with one lady about business and stuff, and this man approached her from behind and asked: "So with whom are you here? Where is your man?" And she replied, "I don't have a man, here is my wife." Then he silently moved away, and his wife said something like "Oh c'mon, it's not a big deal, I also like girls and sometimes have fun with them." And he heard it. Perhaps he was triggered because he was extremely drunk. So then I went to the sink to wash a plate and heard such a strange sound, I reflectively turned back, and noticed, that my wife was knocked down, and he was beating her. Everyone was scared. And even though he was twice as big as her, and he held her by a jacket, she was still able to break out. She started to scream for help, but people inside were really shocked and nobody outside was able to hear that. Only when she came out, and he followed her screaming something like "I'll kill you bitch", people outside realized that something was going on, and caught him. His buddies who caught him didn't believe her that he had beaten her, and were saying that "it couldn't happen, don't worry, everything will be fine and you'll guys make peace". But then, after we called the police, he became aggressive again and started screaming that "people like you must be killed", so his buddies were barely able to hold him. They understood that there wouldn't be any peace, took him away, and approached me trying to persuade me not to call the police.

Case 2:

So I had pink hair, I was coming out of the "Globus" mall, I was eating a bun (I still regret that I haven't finished eating it, it was incredibly delicious, haha) and was holding a bottle of water in my hand and a cell phone. I had headphones in my ears, so I didn't hear what was going on around, and usually I am walking pretty slow, without rushing, because I was sure that it's impossible to get attacked at 1 pm in the city center. And then, suddenly, I got punched, I couldn't understand anything, and I was knocked down to earth, they started beating me, I dropped the cellphone and it broke, I also dropped the Bun (I am still thinking about that bun haha), so it all happened incredibly fast... The most offensive to me is the fact that the mall security guards saw it, and they were discussing it pretty actively, cause they knew me - I go there very often to buy cosmetics. But nobody came, they were all just observing, so this indifference is even more painful to me than the attack itself. But then some random people came, started screaming and pulled them away. Of course, I was in the state of an awful panic, because one thing is when you're getting attacked, and you can see and hear that, and another one is when somebody attacks you from behind and you cannot predict or react in a certain way... I think it's very vile and blackguardly to attack somebody from behind. Several times they yelled that I'm a fag (what isn't news)... I stood up... I don't know why but in these

situations, I am used to pulling myself together very fast - I never cry and never make a show, so I just stood up, and, of course, immediately started searching for my phone because it's expensive, but then one girl brought it to me. I didn't even see my bloody face, I just felt awful and felt acute pain, and then I learned that I had a concussion. Then several girls approached me, told me that I am covered in blood and gave me napkins, and I was really pleased, because all other people just passed by, and only these two girls asked me whether I needed assistance. I thanked them but decided to take a cab and go home alone. After I got home, I felt really awful - I couldn't move up or down, I couldn't eat, I felt acute pain in a jaw and temples, half of my face swelled up, huge hematomas appeared, so I took painkillers and fell asleep. I wasn't able to go to the police, and I had neither any desire nor any strength to do anything.

For instance, these two are pretty typical scenes, which demonstrate limitations of micro-interactional approach in studying hate crimes. These excerpts (as well as some quotes above) show that if the moment of identification of queer people has already happened, the attack will have place regardless of further interactions. As we see from the second scene, the act of physical assault may be the very first interaction at all. Hence it makes us conclude the following: micro-interactional analysis has certain limitations for studying hate crimes because the fact of the bias-motivated attack often implies that the violent intention is clearly predetermined in the attacker's mind before the actual meeting/interaction happens, and is not elaborated during the interaction process, as it is described, for example, in Collins' theory. So, it is possible to argue, following certain hate and bias researchers (Carr, Haynes and Schweppe 2017; Stotzer 2014), that hate and bias-motivated violence must constitute, in a way, a specific object of criminological inquiry. On the other hand, some interviews suggest that an assault, which was recognized as a hate-motivated attack afterwards, was not motivated by hate or bias from the very beginning. Some responses demonstrate that a violent interaction occurred as a casual one, and the factor of bias appeared only at a certain stage and was used by the assaulter as justification to escalate violence, but definitely wasn't the initial reason or motivation for assaulting the victim. The issue of classification of these attacks remains to be debatable. Moreover, Collins confesses that micro-sociology of violence examines not the question of why violent situations happen but the issue of how they happen. Nevertheless, this inquiry suggested by Collins may particularly help us to find an answer to the first question. For example, Collins argues that "These various forms of violence are subtypes within one of the main pathways around confrontational tension and fear: find a weak victim to attack" (Collins 2009, 25, 156 -

186). Hence, it helps us understand why (beyond bias) LGBT people, especially those of them who look in a not heteronormative or cisnormative way, are victimized so frequently: not performing traditional heteronormative attribution of strength and self-confidence, they are perceived as suitable and available victims for an assault, which is performed to affirm attackers' superiority, strength, and dominance.

However, the micro-sociological approach may still be useful to understand why these attacks happen, what patterns of the development of these violent interactions are, and which factors determine whether a situation will end or escalate. Let us now examine these patterns on the concrete cases described below. Tetiana and Diana told me their story of victimization:

It was the Equality Fest, and we decided to attend it because cultural events happen in Promyslove not so often... Some of our friends and acquaintances also decided to go there, and it was the only possibility to see one of them, so we were aspiring to get there. At first, we even wanted to take our child along... but then we changed our mind and went by ourselves. When we were approaching a transit stop, we'd already known that something was wrong - we figured out through Facebook that there were around 150 - 200 guys - opponents of the festival and that the police was already there... But we still hoped that everything would be fine, we'd just enter the building and would have fun. Approaching the venue, we were able to see this flow by ourselves... Hell, I feel like my heart is... I didn't tell this story to anybody for a long time, you know... Though I did it a lot of times... So eventually we showed up, I don't know how, in the middle of the flow, surrounded by all these guys, who told us (using obscene vocabulary) that they wouldn't let us in, and we should go away, and they are not gonna beat us, cause we are girls and they are boys. So we came out of this flow, stopped 15-20 meters from it, and decided to give a call to the organizer to figure out how to come in. While my partner was calling, I was surrounded by six girls; I'd say all of them were minors, who started verbally assaulting me. I replied pretty calmly, I wasn't aggressive, cause I understood it didn't make sense: I was surrounded by them, there was a fence behind me, and 150 of those guys in front of me, it was wildly foolish to do anything. My partner was trying to call the organizers and ask them how to come in if there is only one way and it is blocked, and one of that girls approached her and started verbally assaulting her verbally, and I was surrounded. So one of them told my partner that "we would beat your girlfriend right now". And then it was a total mess. **A lot of new people ran in, they started to punch me in the different parts of my body , and I saw a long line of people who were ready to beat me, after that they began to punch her [the partner],** when she attempted to save me. So the girl approached me, grabbed my shoulders and started punching me. Eventually, we fell and she kept beating me, while her buddies came and came. Then I felt like somebody lifted me, and led somewhere. I did not see anything

with my left eye so I was really afraid to lose vision. Then I do remember a policeman who applied a bandage on my head and dirtied my jacket with blood...

This situation and especially the part in the bold show us how important is a sense of community in a bias-based violence escalation, and how it works to increase the cohesion of certain violent groups. This phenomenon is colloquially known as “Mob mentality”. As a lot of crime scholars (Collins 2009; Contreras 2013; Weenink 2014, Reilly, Muldoon and Byrne, 2004) demonstrate that feelings of belonging, group excitement and gang cohesion facilitate collective violence. (This is colloquially often referred to as “mob mentality”.) This explanation for collective violence is especially valuable in situations when a violent action is caused by strong emotions and affects. There is a probability that the attackers wouldn't beat a lady under other circumstances, however, they were too afraid to demonstrate weakness and lack of loyalty and solidarity in front of their gang.

There are several more factors which can be distinguished as violence facilitators. One of them, is, for example, the performance of toxic masculinity in men's spaces. This factor and its role in hate crimes perpetration was previously studied by Stephen Tomsen (2018). As one of the participants highlighted,

Several months after I moved to Kyiv and started to go to gym... So there was a section of the Greco-Roman wrestling, and a dozen Georgian men attended it, while I was doing my stuff. So when I was alone, it was all good, but when I started to go there with my boyfriend, the problems began to appear. I was warned several times to not go there with him. So once these men surrounded me near the locker room and started punching and choking me. The coach stopped us but then told me not to come there again, because ‘people don't like the idea that a gay couple attends a gym with them.’

Here we see that hegemonic masculine identity and its attribution and performance that are tightly linked with such qualities as the intention to (physical) dominance and are necessary for the ability to resort to violent behavior (Messner and Sabo 1990), became one of the factors of a violent situation escalation. Another factor that contributed to it was, the absence of reaction from the public. One of the participants, Mariia, described her experience:

After I said goodbye to my friends and boarded them on a train at the Lviv railway station, I was waiting for a tram. There was a long line when it's finally arrived, so I entered it through the front door to buy a ticket. There was one man who got stuck in the front door and hence didn't let other passengers come in. I suggested that he moves inside and buys a ticket there, because we are not gonna wait until the driver gives the change to

everybody. It pissed him off immediately, I don't know why, but he started to carefully explore my appearance and calling me by some very offensive transphobic slurs. When we moved inside, there were a lot of people, but he took a seat just near me, grabbed my hand and started threatening me and kept commenting on my gender identity and my appearance. Then, I don't know why, but he changed a seat, but then came back, and once again started swearing even more loudly and grabbing my arm. He was looking for a conflict and offered me to come out of a tram when he needed and continue an argument, and I offered to wait for my stop, call my friends and the police instead. Then he started to threaten me, told me what he would have done with me had exited with him on his stop, and then punched me in my head three times. Other passengers didn't react at all... Well, some of them said a couple of words, but it wasn't enough. They could at least separate us and stand between us to prevent physical contact. I've managed to take his pic, even though I had an awful headache, and he tried to turn away. He exited at his stop, and I got off one stop later. The tram driver refused even to tell me the vehicle number.

This excerpt, as well as another piece on trans bashing, is of specific interest. Rebecca Stotzer (Stotzer, 2014, 52; 55) and Amanda Haynes and Jennifer Schweppe (2017) argue that sources of bias-motivated violence against trans people and factors of their victimization differ from those that motivate violence against non-heterosexual but cisgender people. But are the patterns of victimization in Ukraine different, besides the obvious fact that trans people cannot manage visible expressions of their gender identities to accomplish security? A substantiated response to these questions requires further research that is outside of the scope of this study.

Analyzing these responses, we can also find several patterns of violence extinction in similar situations. Some of them may appear to be pretty obvious (like a public intervention or, in some cases, the arrival of the police), while some require further examination. For example, participants' responses indicate that even though the attackers receive satisfaction from inflicting harm and injuries to them, in most cases they are afraid to kill their victims, so the danger of committing a homicide often contributes to the extinction of sudden violence. As Serhii described his experience:

We decided to go for a walk in Hidropark and visited *pleshka*⁴ ... I don't know how it happened, but we had a kiss, and there three men saw it. They shouted something. I told my partner that they look suspicious, but due to the fact that it happened on *pleshka*, he

⁴ Pleshka - is a Soviet term, which used to designate public places in which LGBTI+ people used to gather, communicate, get acquainted, date, and find sexual encounters in the age of criminalization. Also, *pleshkas* became spaces where homosexual and transgender sex-workers sold sexual services. Actually, these places have been keeping these functions during the 15 - 20 years after decriminalization of gay relationships\sex, and almost disappeared in the end of 2000s when online dating became available to everyone.

was sure that they were "ours". I tried to convince him that they weren't and asked him to move away faster. So we walked more quickly, I looked back several times: they vanished. We came to a lake, had a smoke, discussed our future trip to the Carpathians... In a minute we saw the same young men who came from the opposite side. Since there was a long way from there, it's obvious they run purposefully in order to catch up with us so then they started assaulting us verbally. Their gang leader began beating up my partner, and the other two attacked me. Of course, this assault was accompanied by homophobic slurs. I don't know what could have happened, but probably they stopped because my partner lost consciousness, and they were afraid they'd killed him. I think so because later it appeared that last year this [main] dude beat up another guy in the same area, and that guy died in a hospital a little bit later. So they were so scared and decided to run away. Of course, they grabbed all the valuables we had, but forgot about my phone, and that saved us. I was shocked how people around behaved... I saw my partner was laying without consciousness, I also didn't know which condition he was in. At first, I attempted to catch somebody, one man walked by, I asked him to help, but he ran away... Then I saw a phone laying down in the grass, grabbed it and called the police.

Other episodes demonstrate that the attackers escalate violence until an interaction starts to develop in another way than they have expected. Once again, it resonates with Collins' hypothesis that perpetrators are more likely to commit violence if they feel experienced in violent situations and able to predict the dynamics of the interaction. Otherwise, if the dynamics contradicts their expectations, the assaulters are likely to cease their violent behavior. As Ivan described his experience,

Somebody called me and introduced himself as a buddy from a common circle of buddies... So I've arrived at the [place of destination] at 8 pm. I looked around and understood that nobody was there but two scary dudes who started to move into my direction, and I've realized that it was a trap by far-right folks. One of them offered me to shake his hand, so I did. This short motherfucker wanted to hit my face, but he missed. Then he tried to spit in my face and twisted my hand like "let's fight". And I should mention that at that moment I was even skinnier, not so fit as I am now. The second dude was just staying there and observing, and probably he was just responsible for preventing others to see us. But there were already a lot of people around, and they saw it. Then he started threatening me that they would kill me, then they published the information about their successful "hunt" on Instagram. When they were going away after telling me not to show up here anymore, the second dude turned around and pulled a knife out of his bag ... So I pulled out a gas pistol and started shooting in his face. He hit my head in response, but I covered it with hands, and he rapidly ran away because the gas was already in effect. I kept shooting, and the first dude tried to approach me and hit me again, but ultimately run away. The second one seemed to be lost: he just kept staying and watching n me, and then ran away as well.

Last but not least, it is essential to understand some typical features of the assaulters.

Though this approach does not correlate with the micro-sociological paradigm, it still may contribute to our understanding of the nature of anti-queer violence. As it is argued in the micro-sociological paradigm of violence studies, most perpetrators did not belong to specific organizations which hunt LGBT people, but committed assaults spontaneously after meeting their victims in public space. The second largest group consists of the members of far-right political organizations - "Right Sector", "Azov"/"National Corps", "Fashion Verdict", "Freedom Party", as well as those who are tightly affiliated with them - veterans' organizations and football ultras. The third group of the perpetrators is constituted by persons who do belong to specific LGBT hate groups but do not link it to a certain political ideology.

Not surprisingly, the majority of attackers belonged to the same gender and age group. They were males younger than 30. Only in four episodes, males over 30 were involved in committing violence. In the other five cases, females were also active participants of the assault, and one episode of harsh violence was committed exclusively by women. Though such an issue is not within the scope of my analysis, it is suffice to say that women play a special role in the maintenance of hegemonic masculinity and are included in the structure of production and reproduction of cultural violence that affects LGBTI+ people. At least in two cases the attacks were committed by people who have committed similar offenses in the past and have corresponding criminal records.

As we can see from this chapter, the participants of the study do not feel that the public space belongs to them equally, and must negotiate and navigate it in a specific way by reducing visible signs of their sexuality and gender identity to accomplish safety under a neoliberal paradigm. Those who have non-heteronormative appearances and gender performances are at the biggest risk. Yet, even having no rational justification for relying on the criminal justice system to accomplish safety and justice, victims still do interact with it under different circumstances, motivations and affective conditions. The strategies of response to everyday minor assaults and aggression vary from avoidance and denial to verbal confrontations, but these tactics are very contextual. Analyzing details of the major assaults against my participants, we can conclude, that some main findings of a micro-sociological theory of violence are applicable for studying hate crimes. However, due to a myriad of reasons, this type of violence cannot be explained by the classical theories and instead require a specific criminological inquiry. But to produce more

advanced conclusions, another study of perpetrators and police officers is needed.

If the first chapter explored the experiences of victimization, the next part will be dedicated to shedding light on patterns of policing of anti-queer hate crimes.

Chapter 2: Criminal Justice System and Anti-Queer Hate-Motivated Violence

If the first chapter examined participants' experiences of victimization and attitudes towards the criminal justice system, the second chapter is dedicated to exploring the patterns of policing of anti-queer assaults. Here I examine the first encounters police officers have with LGBTI+ people in. This chapter also analyses the institutional problems of recognition and investigation of hate crimes, the role the social characteristics of victims and police officers play in this process, and the effects of the police reform in 2015. I close with a discussion of the role of informalities and extra-legalities in policing of anti-LGBTI+ violence.

First Encounters

"We had to call the police into a police station" - from an interview with Vira

Talking to my interviewees, I asked them a range of questions about the first reaction of the police officers whom they encountered after being victimized. The notion of the first reaction is essential here as it may give us valuable insights into the relationship between police and LGBTI+ people. First of all, an analysis of first reactions helps us understand how police officers negotiate their professional mission in a context where prevalent ideologies of masculinity, homophobia, heterosexism, and transphobia may shape the experiences of police that are akin to 'culture shock' when police officers encounter queer people maybe for the first time in their life. Second, a study of first encounters may be useful for theorizing further patterns of hate crimes policing and may help distinguish between the situations when the police are influenced by cultural bias such as homophobia and transphobia, and when their reactions are shaped by institutional settings. Third, studying first reactions of police helps to see and analyze what Mary Louise Pratt (1991) calls the contact zone. By contact zone, Pratt refers to a social space where cultures meet and interact in contexts of highly asymmetrical relations of power: one can witness such asymmetry between the gendered professional culture of the police workers on the one hand and LGBTI+ people on the other in the recent years in Ukraine. Most importantly, an analysis of first reactions gives us valuable insight into how police officers manage hate-motivated crime as street-level bureaucracy (Michael Lipsky 2010) and how this management is influenced by homophobic, transphobic or masculine biases, and, on the other hand, by the

institutional settings. The first interactions between victims and police officers sometimes contain the most valuable information for such analysis. For example, consider a situation, described to me by Oleksii:

They first couldn't even understand what I am talking about, they asked me a second time, and I repeated like "yeah, I am dating a guy." Some of them started laughing. The senior one asked me to provide them with all his [Oleksii's partner's] personal information. I replied that no way, I know our rights, and they cannot force me to disclose his information if he doesn't want me to. So he doesn't want, so don't touch him, and I want, so ask me ... One of them told me that I am to blame that I was attacked because I shouldn't provoke them [the assaulters]. And another one added: "You guys hold each other's hands more, so you'll be attacked dozens of times." And the first one asked, smirking "So how do you like it to fuck in the ass?", - And added: "We won't accept your application." They didn't write a protocol; they didn't record all this talk, didn't even ask for my personal information. I didn't tell them that I am a former policeman because it would have made things even worse. But I said that I would record their names and divisions and would go to the management and would talk to their superiors about them. They reacted immediately: "Oh no-no, don't do it, let's sit and issue a protocol.

This situation shows us that the first reaction of the police officers to LGBTI+ people is often one of surprise, even culture shock. Due to the invisibility of queer people in public and media space, the heteronormative majority only theoretically assumes their existence but often does not knowingly encounter a single queer person in their life. Thus, the police know very little about the queer culture and what they know is informed by a profound bias. Almost every testimony I recorded confirmed this profound lack of knowledge. As Vira mentioned:

They asked me what is the movie about, and I said that it is about LGBT. They asked me three times what that means. That was strange - they had no clue whom they came to protect, even though when I filed a request for the public order support, I explicitly described the specificity of the event, the threats, and the audience we expected.

Or:

When we came there, all the unit gathered to look at fags. Every minute a door was opened, and they were literally dying from curiosity. I remember, once, I hit the ceiling, and told them: 'Guys, I can do a press conference with my friend for you, you will look at us, all of you, and then we can proceed with our conversation in a normal way.

After experiencing cultural shock, understood as an individual's disorientation when experiencing an entirely unfamiliar way of life, police officers enter the contact zone with another culture, a non-heteronormative one performed by the victims. Following Mary Louise

Pratt, in the contact zone, "cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power" (Pratt 1991, 34). Feminist studies, adopting the notion of the contact zone, theorize this as a situation or space when a representative of the heteronormative culture encounters its queer other. In this case, relations of power remain highly asymmetrical, and the representative of the hegemonic culture, the police, intends to save and reproduce this asymmetry by suppressing and marginalizing queerness with heteronormative, cisnormative, hegemonic masculine performance, homophobic, transphobic or heterosexist behavior. This pattern can be noticed in half of the situations described to me by the interviewees. As another participant, Andrii, remembers:

So I was in the hospital, lying with massive injuries after the assault. Investigators came in and started to assault me just in front of other people who were there. One of them told that people who attacked us are true fighters for justice and truth ... Asked me, "Why didn't you manage to fuck there?" Called me with obscene words... like I was an offender. Could you imagine what could happen if my neighbors there [in the hospital room] were young radicals, for instance?

In other cases, even if the police didn't exercise their power actively, they de-facto did it by failing to protect LGBTI+ people from the harassment which took place in their presence. This further illustrates the way power works in the contact zone:

They [police] caught them [attackers] immediately because they were staying in the middle of the block, waiting until we come out of a shop. They were proud in front of police, because "they beat up fags, and they'd get nothing for that." They kept us in the unit for 3 hours, during all this time we were experiencing endless verbal assault from these bastards, and the police did nothing to protect us. They [assaulters] were endlessly saying that we are scum, we have no right to exist, and that the police should be grateful to them that they beat us up. (Igor)

What are the effects of this exercise of power for LGBTI+ victims? From the responses of the interviewees, we can distinguish several of them. First of all, it gives the police an occasion to exercise their agency. As street-level bureaucracy their (non)punishment of hate-motivated crimes follows their own beliefs and biases instead of legal norms. For example, as David described his experience, "There were two middle-aged men... Their reaction was calm, and, I would say, indifferent kinda 'oh c'mon.' They even used the correction fluid in the final document, kinda to show its unimportance. They didn't even write a protocol." A similar situation was experienced by Ihor: when he and his partner were brutally attacked for the third

time, patrol officers who arrived to the place of attack, started smirking and laughing after the homophobic motivation of the attack became obvious. Even though Ihor explicitly remembered and described height and clothes of the attackers, police officers rejected even a suggestion to drive around a neighborhood and try to find attackers, so refused they then to take fingerprints from the empty beer bottles and cigarette butts left by the attackers.

Another participant, Anton, described his experience this way: "Men, younger than 30 years old. They [officers on duty] didn't let us in. They were laughing, making fun of us, pointing fingers at my pink hair and my sore face. It was wild... They behaved very rudely towards me, her, and my mom."

Michael Lipsky (2010) argues that police officers as street-level bureaucrats always have a certain capacity for agency in their decision making. Keith Carrington (2005) puts a special emphasis on the notion of discretion - a component which defines a public servants' decision to act or not to act in a certain way in a certain situation according to their judgment. In the interviews quoted above, we see how the personal biases and beliefs of police officers inform their decision-making process when they encounter the sexual orientation and gender identity of the victims and show us how police officers use their capacity of agency as the street-level bureaucrats. According to their judgment, police officers decide whether they will accept or not accept a complaint, register it or not, and undertake primary and immediate investigative actions or not.

One might argue that this means that the police have discretionary agency in deciding whether they are ready to respond to the violence or not and whether they want a perpetrator to be found and punished. However, my study found that almost every case of omission by the law enforcement servants was not exclusively influenced by the bias or prejudice but was also related to structural and institutional factors such as lack of police officers, lack of vehicles, lack a specific work culture etc. Among the participants who had to wait for the officers' arrival for a very long time after being victimized, or whose call to the police went unanswered, half had reported neither the reason for the attack nor their sexual or gender identity, thus showing that structural and institutional factors rather than personal bias affected the lack of the police response.

In the following, I will discuss the limitations of the "discretion paradigm". Indeed, the

extent of agency law enforcement officers have in their decision-making is highly debated in contemporary criminology and socio-legal studies. More so, the very notion of the police officer's agency often meets skeptical objections. For example, Mary Pat Baumgartner (1991, 129 – 163) and Martha Feldman (1991, 163 – 185) show that police officers' (and all legal officials') discretion is, indeed, strictly patterned by a range of factors, and thus, is very predictable. Moreover, this decision-making is subject to social control and depends on the opinion of one's professional group. As Feldman specifies, social and professional control of the discretionary behavior of legal officials is related to the formal training and informal socialization and the aspiration to perform encouraged and appropriate behavior. And these factors, apparently, do affect the decision making of the police officers regarding the treatment of victimized LGBTI+ people because the public expression of attitudes towards sexual and gender minorities is highly regulated by the cultural norms of contemporary Ukrainian society and by the institutional norms or professional culture of the law enforcement agencies. Thus, it is important to understand that not only do LGBTI+ people have to police visible signs of their sexuality and gender identity, but the police officers are also forced to police the public expressions of their attitudes towards LGBTI+ victims and towards sexual and gender minorities in general. Whether it undermines the notion of street-level agency of law enforcement officers or not, it makes us look for the factors which shape and pattern the process of decision-“making” by police officers (as these described above) instead of relying on an explanation that favors agency as subjects of power and authority. Additional institutional and legal limitations which shape police officers' practices of dealing with anti-queer hate crimes will be also analyzed in the sections below. Anyway, this discussion once again brings up the core “structure vs. agency” debate. And here we can see even more explicitly how the decisions, which may be seen as a result of someone's agency, are indeed pre-determined and patterned, which should make us challenge this dichotomy once again.

Regardless of the ability to behave according to their own discretion, police officers still promote further marginalization and perpetuate the invisibility of LGBTI+ people in the public space and legal contexts. As Anton highlighted, "They [police officers] said ... they were surprised that we [LGBTI+] even can complain". As we saw in the very first excerpt, police officers also may exercise victim-blaming and regard the victims as being guilty of their

experience of assault because of their non-heteronormative behavior in public. First of all, the victim-blaming strategy used by the police, as we can see now and will see later, clearly exposes a system of cultural violence which justifies and legitimizes structural violence (Galtung 1969; Gilligan 1997; Christie, Wagner and Winter 2001) against LGBTI+ people. Moreover, this reasoning tightly correlates with the neoliberal discourse of safety mentioned above (Moran and Skeggs 2004). The neoliberal discourse of safety postulates that individuals are personally responsible for their safety. This paradigm assigns the responsibility for their safety and the blame for their victimization to the individual. For Ukrainian LGBT+ people, this rhetoric implies they must remain invisible in public because being “out” and visible becomes the occasion of their victimization in a homophobic and transphobic context.

However, despite the situations described above, the ways the police officers exercise their masculinities may go significantly beyond the one-directional schema of oppression of queer performance and abject identities by normative and hegemonic masculinities. For example, Anton remembered that "One of the [officers] said that this is very mean - to attack from behind, and emphasized it several times." Following and developing further Messerschmitt's line of analysis of assault as the way to accomplish emasculation and reassert masculinity as a dominant social status, the law enforcement activities may be also analyzed in this light (see also Barrie and Broomhall 2012). Thus, we can understand interactions between male violent offenders and male police officers as a contest of masculinities, or, to be more precise, the contest of different hegemonic masculinities: both of them glorify violence and exercise power, but they differ in the understanding of the ethics of violence. Situations like this one show us how police officers exercise another kind of hegemonic masculinity as a kind of counterweight to the masculinities of homophobic and transphobic offenders. Police officers do not consider such kind of violence appropriate but try to differentiate a noble assault from a vile one, a brave one from a cowardly one, or, in other words, a "manly" attack from an "unmanly one."

Another example of how the dominant gender ideology affects anti-queer hate crimes policing may be found in the words of Olha, one of the transgender participants of the study. "Police officer (a young lady, younger than 30 years old) was really upset that no one among the passengers tried to protect me, and she was especially upset in this case that a woman was assaulted in a public transit...". While such concern for victims is rare, Ohla's experience

indicates the presence of a gender-ideology according to which violence against people with feminine gender is frowned upon, while violence against people with masculine gender is much more normalized in the minds of police officers, and thus not questioned and problematized to the same extent. On the other hand, this case contradicts to the general trend which may be highlighted from this study or other studies (Mallory, Hasenbush and Sears, 2015; Spade 2015; Gorton 2011; Haynes and Schweppe 2017). Though in general, transgender people used to experience significantly higher levels of mistreatment by the law enforcement officers than homo/bisexual cisgender people, this is a rare occasion, when the gender identity of a transgender person in Ukraine was accepted, rather than challenged, by the police.

Contrary to my expectations, in a large number of cases, police officers behaved in a correct and professional manner, performing their assigned duties well and treating victims with respect. For example, Anton says: "I was really surprised, because they treated us normally, asked us a lot of question to specify the details of the attack and stuff... And we made them record that homophobia was the real reason for the assault." Olha remembered: "We spent there around 25 minutes or so, our conversation was very nice. Even much better than I've expected. It was very fast, without any transphobia or apathy... We recorded that it was a hate-motivated assault." In almost half of the interviews, police officers' reaction to the crime was not affected by such factors as the victim's sexual orientation and gender identity, and the police performed their job to the full extent. However, it is still an open question how, in these cases, their decision, behavior, and performance were affected by a so-called attempt at "defending" masculinities. These cases also raise questions about the role of cultural violence and its impact on policing and police officers, but, unfortunately, such a broad question cannot be addressed in this work in detail. Socially endorsed variations of hegemonic masculinity significantly affect the behavior of the military, the police, firefighters and emergency services.

Patterns of Police Perception

While interviewing, I asked each participant to provide me with demographic characteristics of the police officers they interacted with: their age, gender, rank, occupation, and the place of work. When analyzing these demographics, a clear pattern emerged, although there were certain exceptions. First of all, on average, female police officers tend to perceive and treat

LGBTI+ victims better than male police officers. Another pattern concerns the attitudes and their expression by the police officers and its correlation to the place of work. Those who work in the capital are used to treating LGBTI+ victims with more respect and understanding than those who work beyond Kyiv. Police officers in big cities and urban centers tend to be more understanding of queer victims' problems than those who work in small towns and rural areas. As Oleh notes:

Yes. Yes. Yes. Firstly, it depends on their range and position or occupation. I met a lot of judges 30 to 45 years old, and they are very understanding and pleasant dudes. Regarding police, I would say, those of them who work in central institutions and occupy higher positions are normal people I am pleased to interact with them. But this is my experience. For example, our monitors in Odessa complain that even in the central units they face disgusting attitudes.

Another participant, David, confirmed the observation:

Yes. Firstly, it depends on the region. You know, in the province all things are worse than in Kyiv. And yes, it depends on gender. Women behave more ethically than men. Yes, it depends on the age, especially if we compare those of them who are in their 20s - 30s and those who are between let's say 40 - 50. The latter are the representatives of the old institution of militia, which seems to be repressive, and their behavior may be much more aggressive and not that ethical.

Besides this, as we can see above, observers and several victims argue that police officials do not express homophobic and transphobic attitudes as often as the “street-level” police workers. However, this tells us nothing about the police officers’ perception of the problem because the higher professional status simply requires a certain type of public behavior and thus limits a person’s expression since it often implies self-regulation to secure promotion. A correlation between the officers’ attitudes and their age may also be found, though they are much weaker. Another participant, Andrii, argues that he also noticed another correlation: “The patrol police are all new, but if we talk about the investigators, whom the institution inherited from the old militia, there we often face not to say rude but unrestrained attitudes.” However, analyzing responses of my participants I didn't find the trends to be as clear as Andrii suggested. I cannot thus corroborate or disprove this assertion that depending on the age group, the new (young) patrol police, recruited after the police reform of 2015, tends to react to the anti-queer violence differently than the older investigators from the Institute of Militia.

Police Treatment of LGBTI+ Victims

One of the most important considerations of queer criminology, as well as of any other social research within queer and LGBTI+ studies, concerns the question of how to analyze the diverse range of social groups captured by these umbrella terms. LGBTI+ people as a social group consists of many different subgroups who may not have a lot of shared social experiences. Homosexual cisgender men, women, transgender people, queer upper class and working class people, will have different experiences of social exclusion and inclusion, marginalization, mobility, etc.. Thus, LGBTI+ victims of hate-motivated attacks, indeed, may have very distinct experiences of interaction with the criminal justice system, depending on their specific social status. Moreover, the patterns of treating LGBTI+ people by the police may also be completely different, depending on the victims' gender identity, performance, attribution, class and social status.

In his “A normal life: Administrative Violence, Critical Trans Politics, and the Limits of Law” Dean Spade (2015, 17, 94 - 116) critiques “well-funded gay and lesbian rights organizations” for focusing on law reform goals, which doesn’t coincide with the interests of trans people, as well as these who are the most vulnerable to homophobic attacks. He argues that the experience of trans people with the criminal justice system significantly differs from the experience of LGB people, which was also highlighted by the variety of studies (Gorton, 2011; Haynes and Schweppe 2017; Mallory, Hasenbush and Sears, 2015). Economic marginalization, problems with documents, and higher levels of involvement in sex work make trans people much more vulnerable to police violence. This in turn, leads Spade to produce a trans-critique of anti-hate crime policies. In their piece “L G B and T? The Specificity of Anti-Transgender Hate Crime” (2017) Amanda Heynes and Jennifer Schweppe also raise this problem. In “Bias Crimes Based on Sexual Orientation and Gender Identity: Global Prevalence, Impacts, and Causes” (2014) Rebecca Stotzer argues that the relevant experience of cisgender homo- and bisexual men and women is still different. Hence, I decided to examine these difference in the interviews with my participants.

One of my participants, Ian, who has a very rich experience of working with the police regarding these issues and accompanying LGBTI+ victims of hate crimes, concluded:

I think, that, unfortunately, police treats transgender people as insane people... They are thinking like “What can you do if this person is mentally ill?”. What about lesbians... For them, this is still a woman. Regarding homosexual man... It depends on their behavior...

In the end, the police represent our society. If there are internal homophobia and transphobia even within [LGBT] community - we don't like feminine gays, we don't like drag queens, so why the society should like us, I ask?

The excerpt above, especially the last sentence also raises another critical issue. Queer critique of the police and the criminal justice system often explains the impossibility of LGBTI+ people to develop beneficial relationships with these institutions by pointing to the institutions' "inherent" homophobia and transphobia that are the result of the domination of hegemonic masculinity as the core of the corporate culture of justice institutions. Resorting to a rather essentialist discourse, queer critique thus fails to recognize that the criminal justice system merely reproduces existing cultural norms that are dominant in the society and does not create or impose them.

Another participant, Nikolai, who also has rich experience of interacting with police regarding anti-LGBTI+ hate-motivated attacks, agrees: "Needless to say, transgender people, face the maximum level of unacceptance... Police is a part of society, and acts according to these biases which exist and work in the society in general ... But practically, it depends on the concrete people."

The stories and experiences I managed to collect prove the pattern: transgender people experience the worst attitudes on behalf of the police, followed by non-heteronormative feminine men. One of my participants, Vira confirmed this correlation:

When we called the police after my transgender friend was kicked out of a gay club, the police behaved very unethically towards her. They took her passport, and it contained her old masculine name. She said that her name is Victoria, and they were "c'mon, your real name is Andrew, don't you see it? You're a man, why are you wearing a dress and heels?" They were openly laughing. And when we finally got to the police station, the officer on duty called all the unit staff, they all came in the room where we were writing protocol in, 15 or so people, and they all were laughing, pointing fingers, and then one of the officers told me "fuck you" and went away. Kinda like that.

Though it should be noticed that in my sample this correlation appeared to be much weaker than it was described in the testimonies above. Some participants, including monitors with multiple episodes of interaction with the police, even challenged this correlation between gender non-conformity and police violence. For example, Andrii argues that "Police, as a society as a whole, don't differentiate between homosexual and transgender people. 'They all are fags.'

And the same is with lesbians, even though they become the victims of these types of crime much less frequently, and they also press charges less frequently."

My interviewees were, nevertheless, much more unanimous when talking about how differently police officers treat queer victims depending on their social status. When analyzing the collected cases, a correlation may easily be observed between social status of victims (measured by such indicators as connections, occupation, age, fame - including media fame, the presence of a lawyer, and external attributions of wealth) and treatment of them by the police officers. Jan confirmed how gender and age matter for the ways police officers treat victims of hate crimes:

Yes, yes, yes! They treat feminine women much better than masculine ones, and masculine men, even if they tell that they're gays much better than the feminine ones. And transgender people are in the worst situation. And they treat people differently if they can understand their social status, for example, it may depend on the appearance. Moreover, I noticed a lot of times, that when they see that a person is more than 30 years old, they will treat them more ethically and correctly than youth and teens.

Alex further confirms this conclusion:

No doubts. If they see that they can receive something from this person, or if the person has connections, their attitude changes pretty fast. And in cities like Kharkiv or Odessa, everyone knows each other, and there is no problem to figure it out immediately. If the person is well-known in social media, it also matters for them.

All the stories of my participants resonate with this pattern either directly or indirectly. Ivan, who first was not satisfied with the way the police treated them said that after "he [an investigator] figured out we had a lawyer ... he rapidly started to be polite and treat us as he's supposed to treat". About half of the participants mentioned that the attitudes of police officers changed after they called a lawyer. Since Ukraine belongs to the low-income countries and the commercial legal services are unaffordable for the majority of people, for the police officers having a lawyer is an index of high socio-economic status of the victim. They did not know that in most cases these lawyers were provided for victims within the pro bono scheme by the human rights organizations.

The matter of wealth in the relationships between victims, police, and attackers, issues of informalities and corruption and their influence on anti-queer hate crimes policing will be analyzed in the last part of this chapter.

Re-victimization of Queer People by Police

Initially, I was going to put a major emphasis on the issue of how the police officers re-victimize LGBTI+ victims after they experienced hate-motivated attacks and were pushed to interact with the criminal justice system. In the Post-Soviet space in particular, and the Second and Third World countries generally, police institutions sometimes are notorious for being a threat to LGBTI+ people to the same extent as the hate groups. However, this is not directly related to the legal status and criminalization of homosexual behavior or gender correction/transition. The primary emphasis of the sociology of law and criminology is on studying how the laws are enforced by different institutions or, in various compositions of the "social geometry," as Donald Black calls it. For instance, in some countries like Singapore, the relevant restriction in criminal law still exists but is not enforced (Glauert 2019). However, in some countries we can observe an opposite phenomenon: while anti-queer criminal laws were abolished and are not in effect anymore, police forces apply the practices of unlawful detentions, arrests, and punishment of LGBTI+ people. The experiences of queer people, mostly gay or bisexual men and transgender people, being arrested and tortured by police forces in Russian Chechnya (2017) and Azerbaijan (2017) became famous worldwide, even though homosexual activities and gender correction were decriminalized in 1993 in Russian Federation and in 2000 in Azerbaijan. In their work "They Said We Deserved This" Anna Kirey and Mihra Rittmann (2014) study regular practices of victimization of gay and bisexual men in Kyrgyzstan by the police forces, which took place widely and systematically 15 years after the Kyrgyz post-Soviet anti-sodomy legislation was abolished and which was mostly targeted against working-class gay men from small towns and rural areas.

My first interviewee, Anton, has multiple experiences of interacting with the police as both a victim and human rights NGO worker. He highlighted that "before the police reform happened, the police was a second major threat to Ukrainian LGBT people after the hate groups". However, my expectations of the frequency of re-victimization of LGBT people by the police were not confirmed at the end of the study. That said, we need to stop and consider what counts as "victimization" in a context of the police-civilian interaction. Any threats and physical or non-consensual sexual actions clearly qualify as instances of victimization. Yet the issue of whether certain jokes, facial expressions, and other indices of homophobia or transphobia can be

counted experiences of victimization largely depends on cultural-based interpretations and individual specificities of perception. Hence, for this purpose, I decided to define re-victimization as an action committed by the police officers towards LGBTI+ victims with the intent to humiliate a person, decrease his or her social status, or assault them physically or sexually. After applying these criteria, it appears that in the cases of my participants such practices were resorted to more rarely than I had initially expected. Only 40 percent of my participants had such an experience. In most cases, it was verbal assault. An example for this is the experience below provided by Ivan:

When other officers (two guys, around 26 and 30 years old) from the investigatory unit came to the hospital, they behaved very rudely. Can you imagine... so you're in a hospital, there a lot of different people around - doctors, nurses, patients, and the officer comes, and asks you straight and loudly "Oh, so you're a fag, right? What did you do there, kissed?" So all the people around understood who I am.

This is a rather typical instance of a gendered and sexualized form of verbal harassment that Ukrainian police officers commit against LGBT victims as described by Serhii. However, since this assault had an explicit public (demonstrative) nature, it might cause multiple cases of further victimization for a person with reduced mobility in a closed space. Most of the verbal assaults perpetrated by the police against queer victims reflect the same pattern: by using offensive vocabulary and emphasizing a victim's sexual orientation and gender identity, police officers construct their masculinity and gender performance as a hegemonic one, while a victim's one is relegated to being an abject, subordinate or complicit one.

Sometimes this contest of masculinities is also accompanied by the justification of violence as the educational tool to accomplish masculinity, belief in the necessity to prosecute, police, and punish abject masculinities and queer sexualities, and depreciation of a victim's experience of a violent situation by police officers. As Oleh remembered, "One of them [policemen] told me directly when I met him on the stairs: "So I know why he beat you up, I know this story. I regret that he didn't beat you up even more and worse. Change! You should change! Otherwise, you will be beaten up even more!"

However, the scenes of sexual and physical violence also occur, even though much rarer. As Oleh said:

I didn't experience that by myself, but I heard a lot of these stories from victims who we assisted. For example, in one story, I am sure it happened back in Luhansk. A person was

a witness in the case of the murder of a gay man. So the policeman threatened him that he knows his sexual orientation and may disclose it, and, thus, inclined him to have sex with him. It happened ten years ago.

Unfortunately, I did not have a possibility to interview the victim he was talking about because from his words it was impossible to figure out whether in this case the sexual assault perpetrated by the police officer was just an intention to initiate sex by using the position of power or to conduct a ritual humiliation and "emasculatation" of the victim. For example, the first explanation resonates with Serhii's story:

You know what, in the end, you've asked me if I have something else important to say. And yes, I have, but I didn't want it to be recorded. Well, that guy, who was the first investigator in our case and who did nothing to promote investigation... I've known him before. He was an older brother of my classmate. He's incredibly fit and handsome, and all girls were in love with him. But once, when his brother was drunk, he told us that he's bi[sexual]. He also knew that I am gay. So when I came to the police station upon the request of the investigators' team and saw this guy, I've been literally shocked. And he started to persuade me to have a drink with him in the evening. But I know what it means, and how it usually ends. So I rejected his offer, cause I have a partner, you know.

Due to the fact that after this rejection the investigation of Serhii's case was stopped with various excuses, it is possible to assume that some police officers may use their agency to navigate the investigation and its results as a leverage for sexual relationships with a victim, which is a form of sexual harassment.

One participant was physically re-victimized by the police, while four other interviewees did not experience a direct physical assault, however, instead they faced "silent endorsement": police officers did not interfere when they were beaten up by attackers. As Natalya, who was beaten up by the security guards in a gay club, describes her experience:

So the police arrived downstairs. One lady and a group of man 35 - 40 years old. They stood up with the security and were making fun of me together. They seemed to be friends like they served together in law enforcement or I don't know... Or, at least, probably this patrol arrives in the club pretty often, cause they knew each other well, and that was obvious. When I tried to stand up and go back upstairs, they [security] started beating me again, just in front of the police. And the police didn't do anything... Though the lady kinda helped me to press charges, we decided that we have no reason to trust them that the charges would be registered, so we decided to go to the unit by ourselves. And then we called another patrol, which delivered us to the unit. They kept us for a long time, did all the things very slow, openly denigrated us with obscene words. They all were well-equipped with their professional supply, 6 or 7 persons, were laughing, making

fun of us, and in the end, just told "Fuck you!" And then they added beforehand that we are free to complain anywhere and that they don't care.

The language of human rights and the language of the law define two different ways in which the violation may be perpetrated: by action and by omission (Smith 2001). Hence, the refusal of the police officers (even not as mere individuals, but as representatives of an authorized institution which is legally supposed to enforce the state's monopoly on violence) to interfere to stop violence is a way to exercise violence against victims by omission. Moreover, I argue that responses of police to the victimization of my interviewees were ambivalent expressions of both structural and cultural violence against LGBTI+ people. On the one hand, police treat them as "unworthy" and "bad" victims, which are not supposed to be protected, which is a classical signifier of structural violence. On the other hand, by acting in this way, police officers demonstrate, that LGBTI+ people are easy targets and violence against them is tolerated by the criminal justice system, which is how cultural violence manifests itself.

Struggling For Recognition

"We don't care how tough the sentence the attackers will get. We just want their motivation to be highlighted in the verdict." - This is the phrase one of the participants told me when I asked her whether she is going to object to the current categorization of the assault ("hooliganism"). The problem that almost all the victims I interviewed defined as the major issue of their interaction with the police is, at the first glance, as simple as that: police officers do not register and categorize these crimes as hate crimes, and then, consequently, judges do not categorize these assaults as hate crimes as well, provided the attackers were detained and the judicial process took place.

One may ask why does the categorization of these attacks as hate crimes matter for my participants that much? Based on the responses given to me by my participants, several claims may be made. Firstly, for my participants, it would mean recognition by the state and the criminal justice system of their vulnerability as a social group. Secondly, it would signify that LGBTI+ community, as the social group, becomes a subject of legal relationships in the field of the criminal law. The third general narrative which appears in this discussion may seem more problematic, especially for scholars in queer studies and critical criminology. It becomes

apparent that such an endeavor is a result of the attempt to reconcile queer identities with the national identities and a feeling of belonging to the nation-state. This aspiration requires victimized queer people to feel an ability and will of the nation-state they feel they belong to, to protect and secure them, and in this way, they try to accomplish their sexual citizenship. This aspiration may be especially strengthened by the experience of every-day homophobia, heterosexism, and transphobia from the variety of institutions, collectives, and social groups. In these settings, the strong self-identification of LGBTI+ people with the nation they felt they belong(ed) to may be undermined and affected. In her talk "Who Marches the Nation-State?: Performing Transnational Citizenship and Pride in Brighton Beach," Alexandra Novitskaya argued that due to the exclusion of Russian LGBTI+ citizens from the nation-state discourse, they feel aliens in their own country (Novitskaya 2018), and Ukrainian LGBTI+ people often feel the same: as I would call it, "the national identity disorder." In this situation, the appeal to the Institute of the State, which, on the one hand, embodies the nation, and, on the other hand, is expected to be understanding, loyal, accepting, rational and educated in a counterweight to the "aggressive", intolerant, "archaic", "dull" and "obscurantist" society, and is expected to protect and secure its LGBTI+ citizens, and thus, to recognize their belonging to the nation-state by its superior authority, seems to be the apparent step to restore the national identity.

But ultimately, the response of the criminal justice system significantly differs. If to analyze primary categorization of the assaults my participants experienced (n = 30), they will be almost equally divided into two categories. In the first case, half of them was qualified as just hooliganism⁵ (either regular or minor), the other half was qualified as infliction of bodily injuries (minor, medium, or extensive). In three cases, when the attackers also took some of the victim's personal belongings, the assaults were qualified as just robberies, even though the fact that these attacks were explicitly hate-motivated is pretty apparent. In two more cases, police officers also incriminated a disruption of the public order and disturbance of an event, when hate groups attempted to disperse an LGBTI+ event and attack a significant amount of people.

I asked every participant whether they were satisfied with such categorization, and, if they were not, whether they objected and how it affected further communication with the police

⁵ In the Criminal Code of Ukraine, hooliganism is defined as a serious violation of the public order, demonstration of apparent disregard for the principles of the society.

and investigation process. Only one participant was satisfied because he was unaware of the existence of the anti-hate crime legislation. Almost all other participants, either by themselves or through their lawyers, tried to insist on the re-categorization, and the reaction of the police was nearly the same all the time, except for one case, when the law enforcement officers reacted pretty aggressively to such a claim. As Andy remembers: "... the officers asked "You are trying to impose your categorization on me? C'mon this will never happen!". But in most cases, a situation unfolded the way Natalya described: "I insisted that they recorded transphobia as a reason for the attack. But the next day, when I came back to Kyiv, I noticed, that it wasn't categorized as a hate crime". Another participant, who experienced hate-motivated attacks three times by himself and now accompanies victims to the police, agrees and summarizes his experience: "I think Canada makes them accountable, because they fund this reform, right? So now they became more ready to negotiate, like "you guys write there what you want", including 161st.⁶ but it never remains there in a charge sheet." Thus, the police officers let the victims insist on this categorization and may even demonstratively write it down, however, afterwards they just silently remove it without the victim's consent.

This stems the following question: why do police officers so strictly resist the categorization of hate crimes as hate crimes? Following participants' testimonies, even those officers who behaved "in a tolerant, loyal and understanding way," and were very "sympathetic" towards the victims still opposed referring to the anti-hate crimes legislation. Most of the participants, as well as the general public and even LGBTI+ and human rights activists, believe that this is simply a consequence of the officers' street-level agency, which gives them room to manifest their anti-queer biases to promote further marginalization of LGBTI+ people and contribute to invisibility of LGBTI+ people's lives, needs, and problems. And apparently, as is seen in the above cases, in half of the cases this claim makes sense. However, in the other half, the motivation of the police officers to not apply the anti-hate crime legislation is much more complicated and points to the presence of obstacles which appear in the current legal and institutional settings. As Hanna retold her experience, "I insisted that they wrote down that it was a hate crime, his swear words (like dirty, lazy), but he responded that the 161st doesn't imply

⁶ The article of the Criminal Code of Ukraine which sanctions tougher punishment for commitment of hate or bias-motivated attacks in comparison with similar attacks without such motivations.

sexual orientation. I was like "what are you talking about, man? There is "and other," and there is an explanation of what it means." His experience indicates the first problem: the legal gap and vagueness of the current anti-hate crimes legislation.

The article No 161 of the Criminal Code of Ukraine does not clearly define LGBTI+ people as social groups that may suffer from the hate crimes committed against them. In the current version the article sounds the following way: "Conscious actions directed to... or direct or indirect privileging or disprivileging depending on the race, skin color, political, religious and other convictions, sex, disability, ethnic or social origin, financial conditions, place of residence, language **or other characteristics**, are punished..." However, even though this article exists for seventeen years, there was issued no single legal explanation regarding the meaning of the "other characteristics" category. In 2016, the European Commission offered Ukraine to add the characteristics such a sexual orientation and gender identity, as well as disability or positive HIV-status, to the text of the article, and thus to explicitly recognize that LGBTI+ people constitute a social group that may suffer from the hate-motivated attacks committed it. The process of Europeanization of anti-LGBTI+ hate crimes law in Western Balkans was also studied by Piotr Godzisz and Marta Rawłuszko (2018). However, unlike in the countries of Western Balkans, the Ministry of Justice did not follow these recommendations, even after being sued by the LGBT Human Rights Organization "Nash Svit." Of course, in terms of common sense and empirical experience, sexual orientation and gender identity are the characteristics which influence a person's chances of being victimized and become a victim of a hate-motivated attack. However, the principles of black-letter law leave the police officers and the judges room for their interpretation of the law and decision. In this case, both police officers and judges exercise their agency as street-level bureaucracy and are supposed to act at their discretion. However, at the same time, they are limited by other legal and institutional settings which affect their decision on categorization. And in some cases, police officers do not categorize hate crimes as hate crimes with the opposite purpose - to increase chances of resultative investigation and further punishment of attackers: under specific legal and institutional settings, such categorization does not advance further investigation, proof of guilt, and punishment of the attacker, but, on the contrary, makes it much more unlikely. As Olha said:

Yes. I knew that this 161st article is very vague, and it is very problematic for them to apply it right, and then to have advancement in this case. Because there may be a lot of

hidden problems during the court hearing if this category was applied. I didn't insist, because firstly it would be an additional piece of work for me, and then the attacker would have more chances to object to it in the courtroom.

Another participant, Anton, stated:

Yeah, so after this case was delegated to the central office, and another investigator was assigned - a young lady, very skilled, professional and tolerant - we asked her to change the categorization. She promised to do it several times, but ultimately, she didn't. You know... no one wants to deal with this article [hate crimes - article No 161 of the Criminal Code of Ukraine], she was afraid, and she said, that cases under this categorization have no chance even to make way to the courtroom... But still, we emphasize their motives every time in the courtroom.

Hanna dealt with a similar motivation to not categorize an assault as a hate crime:

Yes... But the investigator explained to me that if to categorize it as a hate crime... Kyiv will require them to write reports about advancement every day, so they will have no time to investigate it. Because they don't have enough staff, but there is a lot of work - stolen cows, combiners and so on - so they just don't have time. But the lawyer assured that we could re-categorize it in the court. So now while our case is being revitalized, our first requirement will be to re-categorize it.

Another situation, when categorization of the attack as a hate crime would hinder any further investigation and punishment of the assaulters, was experienced by Tetyana and Nadiya:

Our lawyer wanted to re-categorize it under the 161st article [hate crimes]. And certain civic groups and organizations in our city released a petition to re-categorize it as a hate crime as well. But... in this case, the cruelest attacker, that one who broke the nose and my partner's leg, she would have just avoided any punishment because she was 15 when this assault happened. And the hate crimes article may be applied only to those delinquents who are at least 16 years old.

Moreover, the investigation of such a type of crimes requires special skills and knowledge. And here the certain paradox appears: the only police officers who have enough skills and experience to investigate and proceed with these cases are the investigators from the old Institute of Militia, which existed until the reform of 2015. However, as all the human rights NGO workers and experts I interviewed conclude, they do not have will to perform these investigations effectively because of a strong homophobic and transphobic bias. At the same time, the new police officers who were trained by the human rights and LGBT NGOs, have not acquired enough skills and experience yet for such complicated task.

Last but not least, the fact that the police officers resist to recognize these crimes as hate crimes is caused by the institutional settings, and their direct dependence on the other criminal justice institutions, first of all, on the prosecutor's office. As Oleh mentioned:

That's also a problem of the prosecutor's office. Sometimes the investigators can consider the real motivations of the assault, but the last word always belongs to the prosecutor, and in our case, even though the investigator considered hate motives, prosecutor categorized it as just hooliganism, bodily injuries, and robbery. And only after their [the prosecutor's] approval, the charge sheet goes to court. On the other hand, the investigator would never move away from the categorization initially defined by the prosecutor. And even when we contacted them [prosecutor's office] on behalf of OSCE, they never replied.

So as the excerpts above demonstrate, the police officers' agency to categorize these crimes is much more limited than it seems at first sight.

Police Talking to Queers and about Them

Another important point which will help us to understand patterns of anti-queer violence in policing in Ukraine is the language the police use talking about LGBTI+ people and to them. Which vocabulary do the police officers adapt to talk about LGBTI+ people and their rights? Which language constructions do they use to describe queer people and how does it reflect their imagination of queerness and existent biases? Which discourse do police use regarding anti-queer violence and victimization of LGBTI+ people?

The responses of my interviewees lead to one general conclusion: the language that current Ukrainian police officers use to talk about sexuality and gender identity match a liberal discourse of political correctness that is counter-hegemonic in Ukraine (but hegemonic in the Global West) and uses respectful terms (such as "LGBT", "homosexual orientation", "bisexuality", and "transgender"). Nor does the language use of police officers match a pejorative religious vocabulary (such as "sodomy" and "sinners"). Instead, the vague, unstable and fast-changing vocabulary the police officers tend to situationally adopt when talking to and about LGBTI+ people, shows that most of them have neither a personal nor a professional conceptual definition of LGBTI+ people. As Tetyana remembers: "The only thing was - we insisted that they write "LGBT" in the protocol. But he was too shy and tried to avoid it. But I understand that this is because he has never dealt with it. But when we explained to him all these things, he wrote all of them down, exactly our words, he didn't resist, even asked us to spell it for him..."

In the total majority of cases, victims reported that the representatives of the new patrol police called them "people with non-traditional orientation". It should be noticed that in Ukrainian and Russian languages such linguistic construction to describe LGB people is still considered as a pretty neutral and appropriate by the general population. However, due to the presence of "non-traditional" in it, it implies that homosexuality and bisexuality are some newly-invented and deviant behaviors. Thus more and more human rights organizations, academics and activist groups emphasize the necessity to replace it with more correct constructions in the public discourse. A quarter of interviewees reported that the police officers referred to them as "these" (i.e., "Wait, are you one of *“these”*???"). Such construction is more homophobic than "non-traditional orientation" because it implies that non-heterosexuality and non-cisgenderness is still taboo in Ukrainian discourse, and any discussion, definition or merely mentioning of these phenomena is undesired and avoided by the speakers. Thus, this designation promotes further marginalization of LGBTI+ people, pushing them out of the language and denying them the possibility of being a discursive subject. Sometimes, however, such designation may be a linguistic compromise: police officers censor themselves and try to avoid using openly homophobic and transphobic vocabulary; nevertheless, their biases do not allow them to resort to the correct and appropriate terminology.

As Oleksii mentioned, "I see that they don't want to offend, so sometimes these linguistic constructions may be so funny [laughing]... Sometimes they even call it 'your convictions.'" Such a phrasing may easily be overlooked. However, it does signify an important detail: here police officers retranslate a hegemonic idea in the post-Soviet space about sexuality and gender identity as a matter of free choice of individuals. Though contemporary Western queer critique and post-structuralist thought criticize the essentialist view on sexuality and gender identity, the "born this way" paradigm was an effective tool of LGBT movement in the second half of the 20th century to achieve sexual citizenship in the Global West. Contemporary pro-LGBTI+ discourse in Ukraine tends similarly to appeal to the essentialist point of view on sexuality and gender identity, while the anti-queer movement, by contrast, frames queerness as a matter of family education or individuals' free choice. Hence, such framing when used by the police officers, in the Ukrainian context, resonates with the latter discourse and anti-queer politics.

However, during some of the interactions of LGBTI+ victims with the police more

homophobic and transphobic language has appeared. Three victims reported that they were called either "fags" or "faggots" by the police. Doing an ethnographic study with high school students, C. J. Pascoe (2012) concluded that usage of the *fag* or *faggot* metaphor by young men is aimed at asserting their masculinity by depriving other young men of the masculine status, and refers more to gender attribution and gender performance instead of actual sexuality. Pascoe argues that the usage of these metaphors is a tool of gender policing in such a space of hegemonic masculinity. Due to the fact that the police as an organization and institution is a space where hegemonic masculinity is performed, asserted and glorified, police officers may use this terminology because of the same patterns and motivations.

As Igor remembers, "Police, permanently ignoring remarks from the lawyer which I was already provided with, were talking about 'abnormal sexual orientation.' Adopting such a vocabulary, in this case, the police officers abused a notion of norm and deviance, explicitly portraying homosexuality and bisexuality as a deviant form of behavior, which presumably should be normalized. Another transgender participant, Olha, mentioned that the police officers called her "a crossdresser" all the time, which also expresses the hegemonic perception of transgenerness in the Ukrainian society: the odd term "transsexual" which is mostly used instead of "transgender" has both medical and popular meaning which significantly differs. In public consciousness, it is perceived as nothing more than "a deviant desire of men to wear women's clothes and a makeup." Hence, first and foremost, it implies gender essentialism and the "natural obligation" of males and females to dress, look and behave in certain ways. Secondly, it marks transgenerness as explicit deviance and abnormality.

However, the process of the Europeanization of Ukrainian discourse about LGBTI+ people influenced the way the police speak about queer victims and their experiences. Maryna Shevtsova (2015) describes and analyzes how the influence of the recent euro-integrational aspirations and actions of the Ukrainian state reshaped the political discourses about LGBTI+ and queer political strategies in the country. Moreover, in their 2014 piece named "LGBT Movements in Southeast Europe: Violence, Justice, and International Intersections" Susan Pearce and Alex Cooper figured out how the process of Europeanization of Turkey and the Balkan countries influenced local legal discourses on anti-queer violence. Building on my participants' testimonies, it is possible to conclude that Ukraine's experience of Europeanization

influences the language and vocabulary the police officers apply in the relevant interactions, as well as their institutional discourse, as they are more and more prone to adopting and using the hegemonic English vocabulary on sexuality and gender identity. As Oleh, who has rich experience of interacting with the police during the last 15 years said, “Now they mostly use the LGBT abbreviation. Sometimes [they use] ‘non-traditional orientation’ or ‘sexual minorities’.”

Last but not least, the police are changing their language and paradigm of talking and theorizing anti-queer violence and their reaction on it. As Vira remembered:

If we're talking about detentions during the "Equality March", they perform their job well, because they realize that they are observed by the participants, foreign guests, officials, journalists... So they do it in the American manner I'd say - pretty tough. Though I didn't hear any unethical words directed to the attackers. When the attackers told them "they all are fags, you're defending fags", police officers replied very ethically, that "all citizens have equal rights" and stuff.

One may assume that there is nothing special in the fact that the police operate by using the language of "rights" when talking about anti-LGBTI+ violence, because such institutions rarely, or never, use alternative languages or paradigms such as cultural or structural violence, for example. However, the clear definition of LGBTI+ people as a subject of human rights policies by the police, recognition of them as a subject of the relevant relationships and as a subject which is worthy of protection by the nation-state and its institutions, alongside with certain (as a lot of queer scholars will call it assimilationist) politics, are definitely the accomplishments and influences of the slow and continuous process of, as I would call it, "aspiring Europeanization".

Patterns of Policing: Investigation and Proceedings

If to generalize the responses given by participants, no single interviewee was completely satisfied with the way the police officers were investigating their attack and were proceeding with their case. Here under satisfaction I mean not someone's subjective feeling, impression or sentiment, but a grounded estimate of the police performance instead. From 22 participants I conducted interviews with, only four managed to proceed with their charges to the logical final: the police created charge sheets, and the litigation started. The other 18 cases were stuck in the process of investigation for multiple reasons.

Nadiya's case is very representative and helps us to understand the problem of anti-queer

violence policing in Ukraine from different perspectives:

I wasn't satisfied. Because there were 6 to 8 attackers. But they [police] detained only one girl, who then told them about another girl. But if people commit a collective attack, I suppose they know each other, right? I think that there was no problem in finding and recognizing all of them. But finally, there were only two of them in the charge sheet. There was only a third girl, but she wasn't included, because we didn't recognize her. Though if to watch a video which is used as a piece of evidence, this is obvious that she was among them [attackers]. And one witness recognized her as well. Though witnesses saw it better than we did, lying down and being beaten up, right? And those who ordered this massacre are not found too. But we know that it was ordered and the attackers got paid.

After I asked Nadiya how she got this information, she replied:

My former colleague, she was also working as a hairdresser. So when I had sick leave, I still came to the office, and she told me the story. She came to cut the hair of one guy, and she knew that he is among these folks. And she is a cunning person, and started to ask like "OMG, do you know what's happened there? Why did you go there?" and stuff, and he began to answer. He said that he couldn't go there, but his friends went there, and they got paid. He didn't know how much, because he didn't get there. But his friends went and got paid. And you saw these videos in the Internet, where you can see how all these guys and girls were delivered to the venue in buses, right? And there was no news about those who ordered all this massacre. Why? I don't know. Even the main policeman [the principal police officer of the district] told several times, both in public and to us personally that they should find those who ordered it.

This testimony gives us a sense of three issues. First of all, even being specifically supposed to prevent violence against LGBTI+ people and their allies, the police didn't attempt to perform their duties; thus, they failed to prevent violence. Secondly, it illustrates how the ineffectiveness of policing may be shaped by specific processual norms. Thirdly, it indicates the common problem of policing of all the criminal offenses with multiple offenders: the low-status executors are punished and detained, while the more high-status organizers avoid being investigated and punished. Going back to the first point, we see that the problems of policing are not limited to the difficulties of effective investigation, but, first of all, they stem from the failure of the law enforcement institutions to implement an effective preventive justice policy. Another participant, Vira, had the same experience:

During all this rally, I've started to talk to the police and asked them why they do nothing, they replied, that they [attackers] are also citizens of this country with the same rights, and we cannot refuse them in admission. We were shocked and forgot that that building was not in communal property, but in private property, and indeed, the owner had a right

to refuse some persons the right to enter. Then these youngsters started to behave aggressively, they switched the light off, some of them had held knives and bats, I tried to attract the attention of the police to this fact, but they didn't react... I felt that as an organizer I was responsible for attendees' safety, so I announced that the event is canceled and asked the attendees' to leave the room. The police said like "you guys can just start your movie and watch it", while some of these attackers, being three times bigger than me, just stood up in front of the projector. I told to them [police] that we cannot do it even technically because they interfere, but they responded that "we cannot move them from that spot to another one, we just don't have this right. Hence I realized that I should finish the event, because otherwise it may be completed by itself, and there will be no happy ending. When people started to leave the room, I asked the police to encourage the attacker to leave the room as well, because they proclaimed their rules, and said that they would leave the room after all the attendees... One of the youngsters went to the corner, left his bat, and left. After that, a policeman just picked it up and put it under his sleeve.

But if the hate-motivated attack has already happened, how do the police act? Sixty percent of my interviewees reported that in their cases the police performed their job well: the attackers were caught and detained in hot pursuit, all first investigating actions were made correctly, and charges were accepted and registered. Regarding the remaining 40 percent, mostly two problems occurred. Firstly, police officers simply didn't try to detain the attacker in hot pursuit, even though sometimes they were observing the scene of violence themselves. As Tetyana remembers:

First of all, when they were beating us, they [police officers] were staying pretty close. Really. So, perhaps, some of them were observing this. One of them even was recording what's going on. There was just a low fence between them and us, so they had just to climb it over and interfere. But they didn't. But then, when girls finally called them, they adequately performed their duties: provided us with first aid, called the ambulance... When we were in the ambulance vehicle, they called us and told us that they'd caught a couple of guys. And we said to them "Which guys? They [attackers] were girls!" And then, in hot pursuit, they caught one of them... But even when they ran in, they saw all these girls [attackers], why didn't they detain them? After this fault, the investigation took a long time, because they [attackers] couldn't be found for a long time. Though it cost them nothing: just catch those of them who were beating us. But they let them escape.

Hanna had a pretty similar experience:

They behaved very unprofessionally indeed. They didn't inspect a place of attack. They started to interrogate a victim in the presence of the attackers' supporters. One of them told my wife: you can say whatever you want - there only two of you, and 20 of us. Your voice has no value. I asked the policeman to record it, but he pretended like he didn't hear it... The attacker was completely drunk, he tried to escape with his vehicle, but stuck in

the sand. Police saw this, but they incriminated him neither an attempt to escape nor impaired driving... Only in three days, we were able to press charges.

Another important problem is the refusal of the police officers to initially proceed with a complaint. One participant stated that police officers on duty even did not let him in to file a complaint. In some cases they directly discouraged victims to press charges at all and tried to persuade them not to do so, as Vira described:

As an organizer of the event, I accompanied two attendees, who were attacked after the event, during the so-called "safari" to the police station. One guy was local, and another was a foreigner - German, he first didn't want to press charges, cuz he had to live there one or two more years as an intern, and was afraid for his life, but we persuaded him to do. But then they [police] persuaded a German guy not to press charges, like "you should realize that you'll have confrontations, and our city is small, do you need it?"

In other situations, police did not attempt to persuade the victims to restrain from pressing charges directly, but they, for instance, did not input the information into The Only Register of the Pre-Court Investigations, and thus, those charges had no chances for advancement.

The absolute majority of interviewees (20 persons) reported problems with the police (in)activity during the investigation, even if a complaint was successfully filed and registered, and the primary investigating actions were undertaken. In most cases, the problem described was simple inactivity: the victims were not invited even for a primary (basic) interrogation, witnesses were not interrogated as well, available recordings from the place where an assault was committed were not even studied. In accordance with the participants' testimonies, the police officers did not organize the required interrogation of victims and witnesses, did not request and check video recordings made by the surveillance cameras though they had the legal right to do this, and did not even answer the victims' calls and official requests when the victims were attempting to obtain explanations of police omission to investigate the crimes.

In some cases, as described by the interviewees, police did not exercise open inactivity but endlessly postponed the proceeding, until all the deadlines were passed, and they were supposed to close the case. In some cases, the investigators simulated their professional activities, undertaking irrational actions, which complicated further advancement of an investigation, or made it impossible. As Ihor mentioned, "Police undertook a super investigation [on bitter note], they were interrogating me for 3 hours, showed me some pics, ignoring my

words that I didn't see attackers because they beat me from behind, and they stunned me. The police, of course, completely ignored all these remarks, and kept showing me some pics of some youngsters."

The investigating inactivity of the police had also place in such severe cases, as one described by Vira when assaulters threatened to commit a terrorist attack, and hence, not only life and well-being of a person, but the public order and safety were endangered:

They didn't invite us. But the next day we came there with fellow co-organizers and pressed charges against several people whom we were able to identify or whom we knew. After that, we weren't invited any single time. Several days after, in social networks, these people said that "we shouldn't talk to you, it would be nice just to explode the building [you were in]." So we decided to file an application to the Security Service of Ukraine and the prosecutor's office... Both SSU... and an investigator interviewed these folks but didn't impose any sanctions on them.

In one case, the police even resorted to falsification in order not to proceed with further investigation. As Hanna remembers, "Firstly we were told that the recorded traumas don't match with the story and description of the assault. But another expert confirmed that they did. Then there were a lot of interrogations, then they [police] kept silence, and then we got a document that our case is over, due to "insignificant bodily injuries." And in some cases, the action of the police to postpone, suspend or slow down the investigation were explicitly influenced by the anti-queer bias, as it happened with Igor:

They [police] did all this stuff without any desire. I went through all the medical examination... but after they figured out that this happened after KyivPride, the medium bodily injuries - oh miracle! - immediately were turned into minor bodily injuries, and they didn't recognize it as medium bodily injuries even after my lawyer had appealed. The investigation was dragged out, but even after several appellations by the lawyer, they were saying "how can we find them, the video recordings are blurred"... After one year, this case was just sent to the archive, and that's all.

In three cases out of 20, which indeed is a statistically insignificant percent, the decision of the police to postpone investigation or close the case was objectively grounded because of the impossibility to find the attackers either in hot pursuit, or later due to the lack of available data, testimonies, and of course, organizational resources. And in some cases, as Tetyana's experience demonstrates, the police can find and detain assaulters, but are not authorized to proceed with the investigation and detention because of the legal processual norms:

But finally, there were only two of them in the charge sheet. There was only a third girl, but she wasn't included, because we didn't recognize her. Though if to watch a video which is used as a piece of evidence, this is obvious that she was among them [attackers]. And one witness recognized her as well. Though witnesses saw it better than we did, lying and being beaten up, right?

Restorative Justice, Informality or Corruption?

"And once the investigator asked me "Why don't you want to make peace with him? He is a big man - he distributes spots on the cemetery in Kyiv." - From the interview with Hanna.

Post-Soviet societies in general are famous for the significant role of informal social relationships and regulations. These relationships and regulations are important for the structure of the society, its functions, and for the interactions of different actors and institutions with each other. The origins of this phenomenon and its way of functioning and reproduction were analyzed in works of Abel Polese and Lela Rekhviashvili (2017), Abel Polese, Borbala Kovacs and David Jancsics (2017), Huseyn Aliyev (2017), and others. Playing a major role in structuring society and shaping its practices, informalities directly affect practices of policing and the way Ukrainian law-enforcement institutions and the criminal justice system function. I was asking my participants a range of question to figure out whether they experienced the power of informal relationships during the interaction with the police, how these informalities affected the investigation and its results, how these informalities affected their relationships with the police officers and attackers. A couple of unexpected trends came up.

To be more specific, in most of the academic literature about Ukraine and the Post-Soviet space, the hegemonic paradigm of "corruption" is used to identify, describe and analyze relevant informal relationships and practices. However, I would prefer instead to use the language of "informalities" or "extra-legalities" (Polese et al 2017) for a host of reasons. First of all, the term "corruption" is loaded with value judgments and hence it implies that these informalities work to further reproduce social inequalities. However, as some examples below show, this is not always true: appeared because of the failure of the post-Soviet states to perform their functions (Volkov 2016), post-Soviet informalities work to protect interests of the very different social groups and actors. Secondly, the term "corruption" implies the phenomenon of deinstitutionalization of social relationships, however, informalities often reshape and re-institutionalize social

relationships, replacing enable, but formal/legal, institutions, norms, and practices. The term “informalities” is primarily used to describe very different types of relationships in the “Second” and “Third” World, while the notion of “extra-legalities” is mostly used to name certain law-enforcement practices in developed countries. Yet there is no analytical warrant to separate these concepts when studying policing in post-Soviet space. And furthermore, this terminological separation of *informalities* and *extra-legalities* should be critically questioned altogether.

In some cases, these informalities fit very well in the definition of corruption or bribery - i.e., when public servants require from their clients a certain monetary remuneration in exchange for the services that they are supposed to provide for free. For example, Ian said that "Two of my colleagues in Kyiv and Odessa were in a situation when the police officers required them to bring something in order to register the case... But indeed, now it's a very rare phenomenon". But in most cases, informal relationships between the victims, the police, and the attackers were much more complicated. Usually, informal relationships were most prominent when the discussion focused on the alternative ways of accomplishing justice that might be beneficial for either all parties involved or only some of them (for example, police officers or attackers) - i.e., around the possibilities of the informal financial reimbursement of victims and police officers by the attackers instead of criminal litigation. For example, the following happened to Oleh:

He [policeman] told me that the father of my attacker is a good friend of the local chief of the prosecutor's office. So even if I press charges, there will be no result or investigation. After pressing charges, literally the next day, I got a call from an unknown number. That's was him [the attacker], he probably got my number from the police. He apologized, told that he was too drunk and so on. I told him that it doesn't work this way cause he damaged my health and spoiled all my clothes. Then he offered me to take 1000 dollars from him to not press charges. But I've already done it. So the next day I got a call from the prosecutor, he invited me, him [the attacker] and the investigator to his office, and asked us to reconcile. I refused. He asked me then to take my report back so there will be no criminal investigation. I said that I wouldn't, and I want a criminal investigation to take place. Then he said, "OK, then let's see how it goes... So one day the investigator asked me to come to his office. When I was approaching a building, I noticed [the attacker] sitting in his vehicle. He came out, approached me and said: “So you didn’t want money, right? So now you’ll get nothing at all”. I firstly couldn’t understand what he was talking about, but then I got it: when I entered the investigator’s office, he told me that the prosecutor ordered him to close the investigation up like there is no evidence.

This story illustrates how people in Ukraine abuse their connections to affect the work of

justice institutions in their favor. However, the next question appears: why did the assaulter offer financial retribution to the victim, if, as we see in the result, he could have avoided the prosecution without this reimbursement? The amount offered was significant due to the huge parity power of the US Dollar. The sum in question had a value of approximately 5 average monthly wages. Was it an attempt of the attacker to replace retributive justice with a restorative one? Someone may assume this, though I would disagree. Restorative justice, first of all, implies the satisfaction of the victim and the restoration of relationships between offender and victim, as well as between the offender and the community. Since in this case the victim was not satisfied, and no relationships were restored, there is no possibility to talk about restorative justice in this case. However, we can talk about conflict mediation or resolution, or about alternative ways to accomplish justice beyond retribution and incarceration. Here the informal contract between the attacker and the criminal justice institution servants reshaped the very perspectives of the criminal proceeding and basically left the victim without a choice. Another story (which I heard from two participants), however, may be an example of how informalities in policing practices may constitute restorative justice for queer victims and increase their satisfaction from the justice-seeking process. As Ian described one of his experiences:

They [police] promised them [the attackers] 3 years of imprisonment and offered to close an investigation for a certain amount of money. Then they offered me to take my report back and made the attacker pay me for that. Usual corruption, nothing more... I concurred because the perspectives of this case (hooliganism with light bodily injuries) were very vague. Chances to imprison them were unclear too. So I decided to have these 300 bucks instead of attending these endless hearings without any result - they had all chances to be released. Still, I had some satisfaction because of this financial reward. And moreover, I doubt they would pay more to a judge [as a bribe] than they paid me and the police. So it's like you know... like anyway, they were punished! To give 300 bucks, having such poverty around, this is a decent amount of money.

So here we can see how police abuse informalities to promote justice and accomplish it in a more beneficial way for all the parties involved. Understanding that the criminal prosecution of the assaulters seems to be unlikely and retributive justice has a few chances to be achieved, police officers accomplished a certain kind of restorative justice for the victim, getting satisfaction for the victim, and, at the same time, for themselves. Such examples of informalities used by the police to achieve alternative justice may be valuable for further discussion about restorative justice for victims of hate crimes, gendered or sexualized violence in Ukraine and

beyond. This is important in the context of the impossibility, inadvisability or uselessness of retributive justice. But we must ask: is it possible to accomplish restorative justice; under which conditions; and for which types of assaults? Is it more effective for restoration of victim and rehabilitation of the offender? And how would offender and victim negotiate and find a common solution which would satisfy all parties? However, though the notion of restorative justice often implies the community involvement in the process of restoration, in Ukraine this perspective seems to be unachievable, and the criminal justice system, as well as the lawyers, can be the only mediators in this process.

The Influence of the Police Reform (2015) on Hate Crimes Policing

In summer 2015, the Ukrainian government started with the implementation of the reform which aimed to abolish the post-Soviet institute of militia and replace it with the National Police of Ukraine. This reform was considered to be a milestone in the post-revolutionary transformations in Ukraine. It attracted wide media and public attention and was considered to be one of the major indicators of the future political/electoral success of the current parliament coalition and the current government. An attempt to reorganize law enforcement activities, indeed, was one of the most expected and apparent intentions of the new Ukrainian government. The old law-enforcement system, which was known as Militia, was the factor of serious social and political tensions in pre-revolutionary Ukraine and had one of the lowest credits of trust among all public service institutions. The Militia was notorious not only for omitting to protect entities from unlawful actions or to investigate these actions correctly but for the active involvement (both institutional and personal) in illegal activities and abuse of power. "The events in Vradiivka" of summer 2013, when two militia servants raped and killed a young woman, became a reason for mass riots in 16 cities across all Ukraine.

The police reform included governmental efforts directed at 1) the creation of the National Police of Ukraine as an autonomous governmental body and public service; 2) the formation of new patrol units, preferably with the young professionals who have never served in the old militia, 3) the creation of a cyber-police, 4) the implementation of structures within the police dedicated to human rights protection, including the Police Ombudsman and the Police of Dialogue as part of a preventative justice unit. Immediately, in a context of the public

aspirations for Westernization, the new police structure was fit within the discourse of binaries described below, and a lot of LGBTI+ people I was communicating with during that period, retranslated them. They perceived the old militia and the new police through the dichotomous dispositions of "archaic vs. modern", "past vs future", "Soviet vs. European", and hence "obscurantist vs. tolerant and progressive", "repressive vs. protective." Not only a lot of LGBT people, but also LGBT and human rights organization hoped that this reform would significantly improve relationships of LGBTI+ people with the law enforcement institutions and would completely reshape practices of policing of homophobic and transphobic violence. Such points of view, though much rarer, are still expressed today. As Oleh said,

Yes, we can establish Revolution as a crucial moment. After the Revolution, and, especially, after the reorganization of militia into police, we didn't have a single case of physical or sexual revictimization of victims by the police. Before that, we had these cases - there were physical violence, extortion, threats, even sexual violence... So the militia was the second major victimizer of LGBT people after hate groups.

However, the absolute majority of participants who had multiple experiences of being victimized and who interacted with police, share a much more critical perspective in this regard. Their testimonies indicate two main problems with the impact of the reform on anti-queer hate crimes policing. The first problem is that the planned reform appears to be what we may call a "semi-reform." When the patrol unit was reshaped with new workers and new institutional settings, the Investigatory Unit didn't experience any significant changes. At the same time, this is the unit which is responsible for the final categorization, hate crimes investigation, charge sheets creation, was assigned to be responsible for the elaboration of edits to the Criminal Code, directed to specifically define gay and trans bashing as hate crimes. As human rights activists warned multiple times, the "re-attestation" policy directed to, re-examine the old workers of the unit if they wanted to work in the new police, was no more than a mere demonstrative measure. Thus, their policing practices and patterns were almost not affected by the reform. As Andrii said:

I started organizing meetings between police and the LGBT community ten years ago in Luhansk so that I can compare... There were a lot of positive changes during these years, and I can say that we could reach state bodies, including the police, only after the Revolution of Dignity... However, we still couldn't establish relationships with the Main Investigatory Management, which is an unreformed institution within the structure of the National Police of Ukraine, and which is responsible for making edits into the Criminal

Code [clearly identify LGBT people as a group hates crimes may be directed against]. But after 2014, a lot of police units on different levels, either accepted our call for collaboration, or initiated meetings by themselves. So now our relationships with all the National Police are friendly and constructive... The Main Investigatory Management slows down the process of making these edits for two years... there is no political will. No institution will initiate a legal improvement of LGBT rights without a clear requirement from "the top"... And, of course, the only argument for the protection of rights and interests of LGBT is the opinion of Ukraine's foreign partners and Euro-integration... if the adoption of certain documents is the mandatory (mandatory!) requirement, then, of course, they will be adopted. If no, then it won't be done... When we asked the Ministry of Justice, why these edits to the Criminal Code and anti-discrimination law were not created, they replied, that it's not required by the international obligation of Ukraine.

Another problem that influences hate crimes policing appears with the dynamics of organizational culture within the "new" police. In terms of organizational culture, this process may be analyzed as a cultural clash between a newly formed passive-defensive culture and the sustainable aggressive-defensive culture (and the patrol police and Investigatory Unit). In this case, as my participants described, the phenomenon of cultural maintenance took place: before being able to crystallize and sustain new cultural norms and policing practices, newly recruited police officers tend to be assimilated by existing culture and institutional norms and practices. As Oleh described his experience:

They all [police officers who expressed homophobic behavior] were all not representatives of patrol police, they were all from the old militia. But the saddest thing is that the youth [who serves in police] doesn't differ too much. I think that the influence of these old militia workers is too strong. It's like behind bars.

The last problem which should be indicated in this discussion is that practices of policing of hate crimes by the new law enforcement units differ depending on a lot of both internal and external factors. The changes which are expected to happen on this regard, indeed, may take or take not place in different regional, institutional or other contexts. One of them was explained by Ian:

I would say, it also was affected by the role of civic organizations in the formation and education of the new police. So in the larger metropolitan areas like Kyiv, Kharkiv, Dnipro, Odessa, except Lviv, the role of civil society in the formation of the new police was much stronger, so in these cities, we see much better policing of issues related to LGBT safety. In small cities and towns, where civil organization didn't influence this process, LGBT people have more problems with the police and have them more often. Though I don't remember a single case of physical violence of police against LGBT. It's

mostly about omission and passivity, they just didn't react when they had to protect LGBT people or investigate assaults or were aggressive verbally.

This phenomenon correlates with the previous findings of scholars, who study the impact of organizational culture and structure of the criminal justice authorities on hate crimes policing. (Grattet and Jenness 2005; Miles-Johnson 2015).

The effectiveness of the new authorities, directed to protect human rights within police activities and prevent violence, on hate crimes policing, is also a controversial issue. On the one hand, half of my interviewees requested protection of the Police Ombudsman, when their rights were violated by police officers, or police did not perform any action to advance investigation or prevent violence. In all situations, the Ombudsman intervened, however, only in 3 cases the desirable results of these interventions were achieved. The weakest point of the new institutions is the fact that their authorities are too limited to make them available to influence a decision of fully-authorized police officers and institutions. The body which is supposed to issue just recommendations, but has neither investigatory nor administrative authorities to impose these recommendations to the "maternal" institution, a priori cannot demonstrate satisfactory effectiveness. As Andrii told me:

Yes. I collaborate with them pretty often, and we often invite them to our roundtables. They are pretty friendly, and I've never experienced unethical behavior from their side. In frameworks of their authorities, they are always happy to help, but the problem is that their authorities are mostly recommendation and they cannot influence investigations. We want them to provide us with useful contacts in regions and units, and to influence some investigations even with their recommendations. But usually, that's no that resultative because of their limited authority.

The same critical and skeptical reviews were expressed about the Police of Dialogue. Though some participants recognized the positive impact from their presence on public events, they all condemn its limited possibilities to prevent the violence, mostly due to three reasons: limited authorities, the lack of human resources, and the lack of specially prepared and trained for these purposes officers.

Nevertheless, there are some essential positive functions these institutions perform to advance hate crimes prevention, policing, and just emerging relationships between the police and LGBTI+ communities. These functions are described as the most comprehensively in the response provided by Oleh:

We organized round tables in the regions to establish direct contact between the local police services and LGBT organizations. And especially successful it was in Zaporizhzhya, where after this meeting police protected LGBT events pretty successfully. They helped us to organize it and to establish contacts with other police units.

Chapter 3: Tracking Victims' Life-Course after Police

In the previous chapter, I attempted to observe and analyze the patterns of anti-queer violence policing by Ukrainian law enforcement officers by gathering and reflecting on victims' experiences. The last part of the thesis is dedicated to the further interaction of the victims with the criminal justice system, and the long-time consequences of victimization. Here I will analyze the work of Ukrainian courts on homophobic and transphobic violence (even though there are only a few relevant cases in the Ukrainian history) and will examine the long-term consequences of victimization and interaction with the criminal justice system for victims, as well as some collateral damages of these experiences.

Queer Experience in the Courtroom

Even more than to the police, queer subjects remain to be unknown for the Ukrainian judicial system. Generally, during all Ukrainian history since 1991, there were only a few related litigations. Only four of my participants reached this stage of the criminal proceeding, and shared their experience of litigations with me. Also, I was able to be present in a courtroom during the one hearing, and conduct an interview with a person, who participated in the most resonance relevant court hearing which happened in 2015 after a famous local gay man was murdered. It appeared that all these people had pretty different experiences in a courtroom. Indeed (and surprisingly to me), all four victims were able to successfully construct and assert themselves as queer subjects in a courtroom. As Tetyana remembers:

He [judge] was asking which relationship do we have, like friends or what? I replied that we're not just friends, we're partners. He couldn't understand and asked whether we're business or working partners [laughing]. And I was, "no, life partners." He asked three more times until he finally got it. But he listened attentively, and it was all good. He accepted it as a fact, listened to all of us.

Serhii had a very similar experience and tells me: "He treated us with respect. But, suspects, even understanding that they're going to go behind bars, were still swearing us, using you know which words, right in the courtroom.

Oleh, who attended several relevant hearings during the last year, shared his perspective on what emerges as a kind of a general trend; that is if the small number of litigations allows for such conclusions:

The judge was behaving correctly, but the issues of sexual orientation have not risen at all, it was an ordinary criminal hearing... I can tell you from the results of our monitoring, not courts consider these cases pretty correctly. Judges don't allow themselves incorrect expressions, though sometimes they use incorrect terminology like "sexual minorities," "non-traditional orientation" and stuff... I think, judges are ready to consider these cases adequately, but they have a lack of relevant knowledge and skills.

Here I would suggest to move on, and analyze, how judges behave during these hearings: How did they exercise their agency, how predisposed and biased was their behavior, and how did it affect litigation at all and a final verdict? For example, Anton describes a judge's behavior the next way: "He was very neutral. He carefully studies their [the attackers'] motivation, was hearing us... Cuz this is not his first homophobic-related case". However, it must be highlighted, that this testimony is unique. All other interviewees indicated that judges exercised much more agency, and were biased in their behavior in different ways. For example, Serhii described, that the judge treated attackers "Very negative. He was very rude to them, treated them like scum. Well, indeed, they are scum."

The same experience is shared by Tetyana. She was talking about the judge:

He was very calm and experienced. He acted not just like a strict law enforcer, but more like a human, and I liked it. He considered not only the law but also personal feelings and experience. He said to the defendants something like "I cannot say that I feel sorry for you, but I heard these guys [us], and I feel sorry for them." Well, he didn't say that exactly in this way, but you got it. I am not sure whether that was his business to say that, but I liked it... Defendants and their parents behaved very rudely. So several times he [the judge] had to calm them down and make remarks towards their behavior. Firstly [defendants] behaved like "Umm, c'mon, I was just passing by, going to the theater." So after they understand that there is no sense to keep doing that, they tried to play repentance, and the judge said that he didn't believe them, didn't believe in the sincerity of their repentance.

At the same time, though being openly biased in favors of victims, and, moreover, not believing in attackers' repentance, the judge's verdict was less serious than the prosecutor's office requested: "The prosecutor asked for 2 years of the conditional sentence, but the judge gave a one with a perspective of 2 years of actual imprisonment".

Another interviewee, who attended the most sensational court hearing, described, how the judge used his agency to justify and endorse the murder of a queer man and thus promoted further a victim-blaming reasoning:

I was presenting in the hearing towards the DJ of our local gay club, who was killed under homophobic motives in 2015. The judge (a man in his 40s) was a disgusting person though. The hate motivation of the murderer was completely obvious and proved in the courtroom, but the judge used it not as an aggravating factor, but as a mitigating one instead. Like "He is a fag who is guilty of being murdered." And if the prosecutor asked for eight years of the sentence, he [the judge] gave 7. But this situation was complicated because of his aunt and grandfather who wanted to hide all these motives and wanted to wash their hands from "this dirty" as soon as possible.

Two of my interviewees (Andrii and Serhii) invited me to attend the court hearing on their case, which was scheduled for Aug 14. This case has been started over a year ago, however, the court hearings were postponed every single time. In most cases, the absence of the defendants' lawyer was the reason. My interviewees were sure that it would be the last and the final court hearing in their case which would result in a verdict.

When I arrived to the place of destination, it appeared that the judge was called to attend another collegial hearing, which is always prioritized over the individual one. Thus, he decided to make this hearing an intermediate one because he had no time to continue debates and make a verdict. The only issue which was proclaimed to be considered during this hearing was the issue of prolongation of custody over defendants. Both me and my interviewees, as well as their lawyer, were upset about this situation.

After 10 minutes of extra waiting, we were invited into the courtroom. Defendants were already behind glass, however, all the courtroom was waiting for their lawyer. There were three young men (around 17 - 20 years old), and their outsides had pretty similar features. All three were around 1.80 - 1.85 meters in high, had either skinny or fit, but not muscular, bodies, round faces which were highlighted by the short haircut, which now is popular only among rural men. They all wore dark clothes (all 3 had black t-shirts on them) and had white, even very pale, skin. They kept calm and did not react to the things around. Suddenly, one of them (the main attacker, as I figured out a little bit later), started glancing me keenly and continuously. Perhaps, he used to see all the same faces in a courtroom every single time and was very surprised to see somebody new and unfamiliar. Moreover, I take a seat directly against him.

Rapidly all the people started screaming "Oh finally, she came, she came!" They were surprised that the defendants' lawyer decided to come at all, and didn't miss the hearing. Breaking into the room, she started loudly justify herself for being late and finally took a seat.

She looked in a way, which cannot be reconciled with the lawyers' etiquette in Ukraine: dishevel bright red hair, bright makeup, and short dress. She spoke so-called "surzhik" - a mix of Ukrainian and Russian languages which used to be perceived as a feature of uneducated people from rural areas and signify low social and professional status. She said to her defendant: "I want to show that you're very weak [and have to be made free], and then came close to him and started whispering something, thus I was not able to hear the content of their conversation.

The judge finally came in, and the hearing started.

The judge asked all the participants their opinion about the custody prolongation. Prosecutor, victims, and their lawyers agreed. The debate occurred between the judge and the defendants' lawyer. Firstly, the lawyer attempted to adopt a very popular defensive strategy in post-Soviet space - to prove that her defendants are mentally disabled, using either bought or falsified medical certifications. However, after this plan failed, and it appeared that the medical expertize didn't find any mental disorders in attackers, she tried to contextualize the hate-motivated attacks her defendants committed by a set of socio-economic problems they experienced during their lives:

So I also have a reference that his family has many children, there is no father, and he is the only breadwinner. And a lot of people... You don't pay attention that he was rude, he is an emotional person, used to work in the garden, and now he is in the cell... But he respects victims? [Look at the defendant] You respect victims, right? [Defendant laughing and keeps silent]. You respect them right? [Increases her voice]. Defendant replies "Uhu" silently and keeps either smirking or laughing. So these kids...

This interaction signified that the lawyer tried to accomplish certain kinds of restorative justice for the attackers, and hence, she attempted to persuade the court to recognize the regret for their actions, and their respect for the victims. However, even though being behind bars for more than a year, and having an alleged perspective to walk free at least for a certain time, attackers didn't perform repentance.

After further debates, the judge left the courtroom to make a decision

A nervous and tense conversation has started between the defendants and their lawyer. Eventually, the lawyer proclaimed to the defendants: "You guys now became normal men - you've passed through the school of life! Now you will be released, will drink a couple of glasses of cognac with dudes [victims], and will forget about all this story!

Here the lawyer retranslates the widespread glorification of prison masculinities in post-

Soviet society (Symkovych 2018), and the belief in emasculating and educating effect of prison, which helps men to become "real men." Indeed, the cult of prison masculinity is a significant factor of sustainability of homophobic, transphobic conviction in Ukrainian society, as well as rape culture. And the prison as a symbolic category in public imaginary, being a total institution which concentrates, reinforces and reproduces these practices, became a central subject in gender and sexuality surveillance, and masculinity policing in the post-Soviet area. Then the judge returns and proclaims the decision to keep defendants under the custody, and assigns a date of the next hearing.

After that, we came out of a building with the victims (Andrii and Serhii) to talk, and the victims started to comment the lawyer's suggestions on reconciliation in a sarcastic manner. (She offered her defendants to drink a couple of glasses of cognac with victims after they would be released, and forgive each other). One of the participants, Andrii, ironically said that he will agree to drink with their offenders only if there are five snipers with rifles around. His partner, Serhii, supported his sarcastic note, and added: "Of course, they regret it! I see how they regret. I think the prison - is the only way to correct them." I decided to examine their views on penitentiary, carceral politics and retributive justice, and told them a story about my interviewees from Promyslove, one of whom doesn't believe in the correctional abilities of our prisons, and tends to demand probation for her attackers instead. The answer of Serhii was out-and-out: "Oh c'mon, no probation will help to make them normal. I don't believe in that." His partner, Andrii, added immediately in the same manner: "Yeah, me neither. I just want them to go behind bars. This is the only thing I want, and this is the most important to me now."

Talking about their experience in a courtroom, victims also signify two important problems. First of all, during the lack of resources and staff, Ukrainian courts are notorious for dragging the litigations. The necessity to be in continuous emotional and psychological tension during a year or more significantly affects and damages victims' mental health. As Serhii mentioned:

I feel exhausted. It's too long. Without any reason, just because the judge behaves this way. It's exhausting because firstly police [officers] insulted you, and then you should come to a courtroom 150 times, seek for justice. One year ago I was so passionate to defend my rights, to make a court consider hate motives of the attack, and when the judge asked me, I was telling them all the story, with all details... But now... I feel exhausted..."

Besides that, they have to cope and deal with the permanent pressing created by the defendants' relatives and friends, which may damage their mental well-being even more. As

Tetyana said:

When there was the first hearing, I tried to prepare myself... Though when it was a discussion on the details of the attack, I felt really bad. It was unbearable, probably because of their [defendants' and their parents'] comments. But mostly, we were shocked by how calmly they [defendants] were talking about an assault like they didn't feel anything about that, or it was something very casual for them... Moreover, her [one of the defendants'] mother was screaming, she behaved awful, and all people in the courtroom tried to calm her down without a result, but we couldn't deal with her aggression without this support group. They [defendants and their parents] created permanent psychological pressure on us. Sometimes their mothers tried to shut us up. All the time they were commented on our words and tried to depreciate our problems...

Andrii, talking to me after the hearing mentioned above, describing his experience of psychological tensions, threats and the pressure by the defendants' families, brings up an essential piece of discussion in the critical queer criminology:

I was really upset because of them [the attackers]. They don't regret, and they proud of their action... Before the first hearing, I couldn't sleep at all, I was very nervous. I felt awful and acute headaches. My partner was even worse - he was talking to himself after the first hearings. But during last times - we just go there as to the theater. But the most awful thing is... You come to the court, and you should walk pass their mums and relatives, who whisper you "you're a fag, you imprisoned my son," and tell their younger sons or grandsons, finger pointing me, "Look, this guy put your brother/dad in prison." Well, I understand their feelings, they are mothers, but they had to educate them in another way. Once, one of these mothers said to me: "Don't you sorry? You're nice, young, cool, and walk free, but my poor son is imprisoned". And I just replied that she doesn't know my actual story indeed. That her son has both mother and father, and I have the only mother, that I am a disabled person and have terrible problems with vision after that attack, I paid for my school, but I never felt aggressive and angry because all these things, and never attacked people". And after that, I was attacked once again by a guy who poured a liquid in my face just near my house and screamed: "you're a fucking bitch and fag walking free when my brothers are behind bars." And of course, we don't feel safe. After every hearing, we are running away first with our lawyers, and try to go through yards, avoiding the straight away...

In his *Normal Life* Dean Spade, criticizing what he calls it "neoliberal" discourse of hate crimes, argues that the implementation of retributive justice to eliminate hate-motivated violence will be mostly targeted the most disadvantaged social groups. Thus, he suggests, all parties instead should put all efforts into accomplishing restorative justice. And here, facing such an

argumentation from the defendant's mother, my interviewee is trying to negotiate this point within the context of a concrete attack. She concludes, that firstly, she doesn't hold a more advanced position in a social stratification than her attacker. And the attackers are not sincerely interested in restoration and reconciliation. This should make us pause and critically assess queer criticism of the criminal justice system and ask: why do we assume that the attacker is always more disadvantaged? This question is important especially if the social privileges and disadvantages are always contextual, and cannot be measured merely by one or even a few variables? And how is it possible to accomplish restorative justice, if the sustained biases, which reproduce a system of cultural violence through an endless range of acts of individual violence, make the attacker's repentance and recognition impossible?

The question which remains open is why there was no recognition of the homophobic or transphobic character of the crime by the judicial system in form of relevant categorization? Before conducting fieldwork, I assumed that the categorization of crime is merely affected by the cultural biases of judges, who could implement them in the process of decision making because of their agency as street-level bureaucracy. However, after gathering and analyzing available information through fieldwork my view significantly changed from the initial assumptions. The decision-making by judges is in a significant way limited by existing institutional settings. Judges are prohibited to change the categorization of a felony during a hearing, and they are supposed to work with a categorization, stated in the indictment. On the other side, investigators and police officers also are not free in their capability to define a category of a felony by themselves: the frames are established by the prosecutor's office, and police officers can only affect the degree of a felony, but not its kind.

Besides that, in a way, the judicial system also resists adopting any changes in laws and practices. As Hanna remembered, "Several judges and prosecutors told me: 'Do you understand that your case may be a precedent?' Though our legal system is not precedent-based, it still matters. So they (police and courts) will create obstacles to you as much as they can. But have good luck!" Indeed, this phenomenon in the advancement of hate crimes policing was studied before. As Grattet and Jenness (2005) argue, criminal justice institutions tend to resist advancement in anti-hate laws or policies. They are perceived as more political and thus depreciate practices of "old good policing", and promote extra politicization and governmental

overregulation of criminal justice matters, which is supposed to be "autonomous". Moreover, it corresponds with the conclusion of other research (Miles-Johnson 2015). Studying police officers training, which was supposed to advance their level of tolerance towards Australian transgender people, Toby Miles-Johnson came up with the conclusion that such trainings and advancements, due to a range of reasons, strengthens the collective identity and the cultural norms of police officers. Thus such training worsens the attitudes to the out-groups, in this case towards transgender people.

Collateral Damages and Long-Time Consequences

The first chapter of this thesis is dedicated to exploring the victims' experiences of assault, their attitudes towards the criminal justice system and their patterns of victimization. The second chapter seeks to understand the patterns of policing, and the third chapter studies the judicial system's response to hate crimes. In this section I will examine the long-time consequences and collateral damages of victimization and the process of justice-seeking. Indeed, it is impossible to have a complex understanding of this problem by ending with an investigation of the patterns of policing, since all these experiences affect and the institutional relationships they were engaging in when seeking for justice, seriously affected their future life courses. All the interviewees evaluated not only their victimization but also the process of interaction with the police and with the judicial system as factors which had certain collateral damages and long-time consequences for them. These long-term effects, in turn, explains the differences in the strategies of surviving and dealing with the trauma and insecurity after this experience among different participants. Thus, this chapter will examine the consequences of these experiences for victims' physical health, mental health, careers, and life courses, relationships with families, friends, and the state. Also, I examine certain collateral damages that the current model of hate-crimes policing in Ukraine has for participants' lives, and the frequency of their re-victimization.

I start with an investigation of how these experiences affect victims' mental health. The first and most obvious effect is the development of a range of mental issues among all the victims since victimization. These include fear, anxiety disorder, panic attacks. Serhii tells me: "Still, when somebody walks behind me, and I hear their steps, my heart beating goes crazy, and I catch a panic attack.", And Tetyana experiences agoraphobia: "We were very afraid of the

crowds... And even now, one year after, I still feel that psychological trauma." While Andrii describes nyctophobia: "I was very paranoid after that incident. I couldn't walk after sunset, I asked somebody to accompany me, I couldn't even enter my building because I didn't know what expects me there." These are the effects which were reported without exception by all participants. And some mental issues, in comparison with others, seem to have more significant and continued effect, even after leaving Ukraine. As Igor told me, "After the assault, I was afraid to go out for the next month. Once I appeared in the open space, I got immediate panic attacks. Even in France, when I heard loud sounds or conversations behind me, I got ready to defend myself, like somebody was going to assault me. And only after a couple of months I relaxed, because I understood that this is not Ukraine, and no one is going to beat me up." Some participants also highlighted, that these experiences triggered and re-animated previously existing traumas they had successfully overcome. As Vlad mentioned, "In my life I experienced a lot of betrayals from people whom I treated as friends, and that's was a reason why I became a real 'paranoiac,' but this panic was suppressed and hidden. But after this accident, all my mental issues became actualized again..."

Here we are approaching a complex understanding of the consequences of hate crimes for the mental health of LGBTI+ people in correlation with minority stress and internalized homophobia. In their study, Cramer, Henderson, Stroud, Crosby, and Graham (2018) argue, that the consequences of hate-motivated victimization for queer people's mental health should not be studied per se since they are directly co-influenced and co-shaped by the previous and endless experience of SMS (sexual minority stress) and internalized homophobia. Hence the authors assumed and confirmed with their study, that "SMS stress, inclusive of acceptance concerns and internalized homophobia, will mediate the effect of hate crime victimization on overall psychiatric symptoms" (Cramer and other 2018, 407). Several participants in my study confirm this argument. For example, Ruslan, confessed: "It [the last experienced hate attack] seriously affected my self-esteem. I felt like an indecent person, who doesn't deserve something better... Why does it happen to me all the time? I just wanted to die... or to move forever." Here we see that Ruslan has developed self-depreciation which, which as a consequence of the minority stress and internalized homophobia is confirmed and deepened by the hate crime he experienced. Multiple episodes of hate-motivated attacks contributed to self-victim-blaming, which then

reinforced and strengthened already existing strong minority stress. Thus, Ruslan blamed himself for being a subject of multiple attacks and believed that he "deserves" for being victimized. However, side by side with these thoughts of death and dying, he also maintains a wish for survival, which we can see in his fantasies or wishes for escape and leaving Ukraine.

Additionally, Ruslan also confessed that he couldn't look at himself in the mirror and "was disgusted" and "wanted to die" because of how ugly he looked." Another participant, Alex, also said that he "was disgusted by [his] look, was crying and was afraid that it doesn't get better" and "couldn't go out for the next month, being ashamed of this ugliness." More or less similar statements were expressed by two more gay men and two lesbians. Linda Garnets and Douglas Kimmel (2004) in their study show the negative effects of the imposed normative, homogeneous and restrictive standards of beauty and how these impact the mental health of queer people, who deviate from the assigned "norm." For certain groups of queer people appearance, outsides and beauty is a very important capital which significantly impacts their chances for match-making, relationship-building, recognition, and status in the community (Gladstone and O'Connor 2014). This focus on appearance and looks may also be analyzed as a performance, directed at restoration and assertion of status in a hostile environment that denies the equality of queer people. In countries with the highest degree of structural violence like Ukraine, where conditions, created by institutional relations, restrict people from accomplishing social status and related goals in other ways, the value of such kinds of capital will only increase. This may explain to us why young queer people felt their mental health affected that much by the fact of temporary changes in their appearance and fear of the permanent character of these changes. Also, the indicated self-disgust may, indeed, not refer simply to an appearance, but express internalized homophobic sentiment, which is constituted through the aesthetic category of "disgusting" towards queer practices and lifestyles in the public consciousness. This case illustrates the trend distinguished by social psychologists who figured out that internalized homophobia explains the relationship between hate-motivated victimization and following mental conditions, arguing that minority stress mediates the effect of hate-motivated victimization on mental health (Burks et al, 2018).

Besides these factors, the mental health of the victims interviewed for my study was seriously affected by the reactions of their families, friends, and the public reaction in the media

coverage of their experiences of assault. Mostly, there were two types of harmful reactions. On the one hand, in a lot of cases, the victims' milieu deployed the strategy of victim-blaming, accusing them of ineffective self-policing of their sexuality or gender identity. In these cases, not only were the violators justified, but justice accomplishment was portrayed as undesirable, inadvisable, and ineffective. As Oksana remembers, "There was a squall of very strange media attention. One newspaper got a pic of [my wife] and posted it on their pages without her consent. After I called them and told them what the bullshit they have done, they didn't apologize but deleted this content. Then the [local police unit] published a report like we with my wife were responsible for this assault, though they also deleted it after we, being pissed, called them." Such victim-blaming attitudes of police officers, only reinforce already existing minority stress and internalized homophobic and transphobic sentiment among victims, decrease their self-esteem, and contribute to the ongoing development of trauma.

Moreover, some victims were publicly accused of purposefully orchestrating their assaults: to accumulate certain social capital and attract media attention or to use this experience as grounds to ask for asylum in developed Western countries. For instance, Hanna said that "Then there was a wave of open letters from people who allegedly knew [the assaulter], and they argued like he is normal, and we just try to advertise ourselves. Then we got a lot of accusations like we specially organized this assault against ourselves to flee abroad. And finally, I got a serious depression." Another participant, Lisa, was even more emotional about her similar experience: "The worst thing was that moment when a lot of people [from the LGBTI+ community] blamed me that I organized [this assault against me] as a PR-action. Fucking bullshit. I would like to kill them. Can you imagine?" The reaction Lisa and others describe may be explained by several factors. First, there is a certain social denial of the existence of queer people in society, leading to the rejection of their victimhood. A certain part of the population does not so much deny the existence of queer people but believes in a "public agreement" under which LGBTI+ people should not face discrimination as long as they "don't impose their lifestyles on the public." Hence, when these cases happen and receive media coverage, the widespread reaction of the public is either rejection and disbelief in the fact of victimization or justification of the violence due to the victim's inappropriate behavior, which is seen as a warrant for assaulters to commit an attack.

Half of my interviewees, besides mental issues, also developed significant health problems caused by the assault. For some of them, the assault seriously affected their further life courses, due to the unaffordability of qualitative health care services in Ukraine. As Igor said, "After that assault when my head was used as a ball in the soccer game, my vision got critically worse. Now, this process slowed down, but still, I see the world as an impressionist. I can see something in a notebook, but if I need to read something 5 meters in front, this is already a huge problem for me."

A little bit less than a quarter of participants also lost their jobs or even whole careers, faced difficulties when looking for new jobs, and were forced to look for other fields of employment after experiencing an assault. For example, as Serhii said, "I was an actor, so I didn't appear at a workplace during the following month, because of my face, and then I was asked to look for another job." Another pretty typical consequence of victimization for her career was experienced by Tetyana: "I lost my job because of this incident. My employer had just hired me, and he needed me to start work immediately. But the injuries were so serious, that I felt I couldn't work, so I said to him to look for another person, so he eventually did." In Ukraine, such losses may affect a person's life course in more significant ways than in Western countries, because of predominant employment practices. So called "black" employment refers to undocumented labor relationships. "Grey" refers to employment where a minimum salary is stated in the contract, while the rest is paid to employees unofficially in cash. Hence, these victims who lost their jobs mostly could not acquire any social assistance such as unemployment insurance, assistance in job-seeking, social insurance and so on, and many were fired without any compensation, an additional paycheck, or had no sick leave.

Another important consequence of the victimization for some participants was the decision to seek asylum abroad and leave the country forever. One of the participants, after the third experience of victimization, received refugee status in France. As he said "After the third attack... we made a decision very fast. We were supposed to have a highly anticipated vacation, and we were going to visit our friend in Paris and celebrate one and a half years of living together. But my partner after that refused to go anywhere, but our Parisian friend persuaded him not to cancel the trip. And, basically, at the airport, we made a decision [to ask for asylum in France]." Two other interviewees are in the process of moving to the United States and Northern

Europe respectively, and another man keeps staying in one of the Western European nations illegally after his asylum request was declined by the local authorities. Chances to flee abroad, according to my observation, were higher among those who experienced victimization more than once, were explicitly dissatisfied with the police assistance, or had already escaped from the temporarily occupied territories to the area which is under the control of Ukrainian government.

The second chapter of this thesis studies the process of justice-seeking among my participants as an attempt to restore their relationships with the nation-state and achieve sexual citizenship. Some of my interviewees, though a minority, mostly those who were dissatisfied with the police omission, decided to cut their ties to the nation-state to which they previously had felt to belong because of the state's failure to protect them and punish their attacker. Some of them cut their reliance and emotional or symbolic attachment to the nation-state, however, they keep staying and functioning in it. For example, two interviewees mentioned that they are not going to continue their work in the public sector, as they do not rely on the state anymore, and don't believe in its ability to protect them. Those, who decided to flee abroad and ask for asylum, decided to cut their relationships with the current nation-state in all ways, are asking other nation-states to protect their bodies and are trying to accomplish sexual citizenship somewhere else. Some of them tried to symbolically re-enforce their aspirations, repeating that "there is no changes and no justice in Ukraine," "there are no chances that something will change in the nearest future" and telling me "I hope you're smart enough to not go back to Ukraine for permanent residence."

However, it is not only the victimization experience but also the justice-seeking process and interaction with the criminal justice system that seems to have a negative impact on victims' future lives. Until as recent as 2014 - 2015 the Ukrainian police unlawfully collected personal information of LGBTI+ people, using different sources and methods, which contradicted privacy legislation. As one of my interviewees, Ian, said "Before, when there were several murders [of LGBTI+ people] here, they [police] called some random [LGBTI+ people] to come to a station and have a talk. They had some magical lists of [LGBTI+] people who could be potential witnesses." Another interviewee, Andrii, not only confirmed the existence of this practice, but also had a pretty successful experience of addressing it: "They stopped collecting confidential information about gay men (this didn't happen to lesbians though). Before, if something had

happened to a one [gay or bisexual man], they [police] would have collected all the data about all his friends acquaintances and relatives, to use it later against all the processual norms." It should be noticed here, that unlike in Kyrgyzstan (see Kirey 2014) and some other post-Soviet countries, I didn't find a single testimony that militia used this information for extortion or any other self-serving and illegal actions, while abusing their position of power. The way the militia in Ukraine used this information constitutes a separate research question. During my fieldwork, I was not able to find interviewees to provide me with this information in a more specific and comprehensive way. However, potentially, this practice might endanger gay, bisexual men and transgender people as it may be used for "outing" with commercial and political purposes, which, in contemporary Ukraine, will crucially affect a person's life. On the contrary, collecting data on queer men may be perceived as a mere administrative practice by the authority with a purpose to increase the effectiveness of the management of crimes related to LGBTI+ people in a situation, when this social group remains to be otherwise inaccessible at all. It must be underlined, that unlike in North America in 1960s, when the police and intelligence services unlawfully collected information on homosexual and bisexual people and kept their list to promote further incarceration, forcible psychiatric treatment and firing (Edsall 2003, 273), Ukrainian militia mostly kept this information to investigate crimes when known gay men or transgender people are involved in any role. However, collecting this data means that what may be simple administrative practice now can easily transformed to a form of power that administers the lives and life chances of marginalized and vulnerable population.

Some police and investigatory practices, moreover, increase the chances of revictimization of those who were seeking justice. One participant has already been re-victimized, as he said, he was aggressively asked several times by the relatives of his assaulters to stop litigation, but he refused. Eventually, when walking home one evening after sunset, in the park not so far from his place, a man run up, splashed a burning liquid of his face, saying "you're a bitch walking free when my brother is still behind bars." This case of re-victimization was a response from the assaulters as retaliation or intimidation for a victim seeking justice. In other cases, the chances of victims to be re-victimized are directly shaped by the police omission, or specific investigatory and administrative practices of the criminal justice system. Several participants complained that the perpetrator openly promised to assault them again during the

interrogation or confrontation with absolutely no reaction from the police. As Ruslan remembers, "They [attackers] openly, in front of police, threatened me, told me that they would find me and beat me up again. And [police officers] kept silent, as nothing happened." In some cases, the chances of people to be revictimized are shaped by administrative mechanisms and police practices. As Olha said, "We were afraid of the second attack, because when there is a procedure of recognition, you are required to orally disclose all your data, including an address of residence, in front of perpetrators, and they are supposed to do the same in front of you. This is an idiotism, and this procedure must be changed."

However, sometimes my participants were able to articulate certain consequences of these experiences which may be estimated as positive for their further life courses. Three participants mentioned that these experiences of victimization pushed them to seriously address already accumulated and newly acquired mental issues and health problems. As one of them said, "Though I became more stable, I decided that I finally should deal with my mental issues, and hence I started to prioritize my mental health, emphasized on education..." Finally, for one interviewee, this experience was crucial for her construction of a political identity, engagement in civic activism, and deliverance from a self-victim-blaming culture. As Vira confessed,

Before this incident, I couldn't call myself an activist or a human rights defender. Moreover, I had this funny position as a majority of Ukrainian LGBT people have ... like 'just stay home and you'll be safe, it's all because of these your prides, why do you do it if you know how dangerous it is?' But when these guys came and told me that I could not do this thing here, but I know that I can, under the law... this personal case made me participate more actively in a life of LGBT people, human rights and civic activism. Though of course, I felt real fear of my life and safety for a certain time.

Even though no other interviewees accomplished a more politicized and resistant identity after such traumatic experience, the phenomenon of developing a politicized identity after an experience of different forms and consequences of cultural violence is acknowledged in different social sciences and identity studies (Proctor 2016, Balcells 2011).

Conclusions

Although this study was only a pilot, it helped to shed light on the character of hate-motivated violence against sexual and gender minorities in Ukraine and to track some main patterns of the policing of these crimes. Considering the gap in studying these issues, especially, in the post-Soviet area, further scholarship on this topic in the region is needed.

My analysis of the specific features of anti-queer violence in Ukraine demonstrates that a separate criminological inquiry on bias-motivated assaults is warranted. We can conclude that both a micro-sociological approach and a broader macro- or cultural approach are useful for studying this kind of violence. But both approaches also have limitations. The most serious limitation of a micro-interactional approach for a study of hate violence dynamics lies in the fact that in most cases attackers decide to commit assault before a violent situation actually starts. On the other hand, even considering their preliminary decisions, the course of a violent interaction often depends on behavioral acts of all parties involved, and in the way, these acts are interpreted by their counterparts.

Overall, the general of safety of Ukrainian LGBTI+ people leaves much to be desired: living in a society in which any expression of homosexual desire or non-cisgender identity is culturally prohibited, they are required to permanently police expressions of gender and sexual identity. The example of my interviewees demonstrate how they are supposed to permanently negotiate the public space and are assumed to be solely responsible for their personal safety. This might seem to be an example of a broader "neoliberal concept of safety." However, I would argue, that despite some common features, the individual responsabilization for their safety among Ukrainian LGBTI+ people and among queer communities in developed Western nations differs too much to be analyzed under one theoretical concept.

Confirming previous findings of queer criminological research in Western countries cisgender LGB people and their transgender counterparts experience different patterns of victimizations. This difference is due to the fact that it is much harder to effectively police the visible expression of someone's gender identity compared to their sexual orientation. Moreover, Ukrainian trans people have experiences of being victimized in gay and lesbian venues even when these position themselves as being a safe space for all sexual and gender minorities.

In all cases except one, the participants demonstrated that their decision to rely on the

criminal justice system was conditioned by a wide variety of motivations. Except none of my interviewees believed in the ability of the criminal justice system to secure their bodies and either punish or rehabilitate offenders. Most victims called for police intervention because of other factors: such as the fear for their significant others and their own safety, the intention to reach visibility for their victimization, or to be recognized as a queer subject and citizen by the state institutions. Others wanted to increase the visibility of the LGBTI+ community overall, aspired to accomplish at least some level of justice, desired to create even temporary troubles for their offenders or intended to ask for asylum abroad. While they showed little belief in the possibility of the criminal justice system to protect them and did not trust the criminal justice system's ability to rehabilitate offenders to reduce the level of violence, many simultaneously are pinning hope on the police. This is a typical example of "cruel optimism".

The most complex tasks part of this study involved discerning the patterns of policing of anti-queer violence and analyzing the first interactions and encounters of LGBTI+ victims with police officers. These first encounters involve a wide range of reactions and behaviors of police officers: some of them try to perform hegemonic masculinity, attempting to emasculate the male victims of hate crimes by symbolically asserting their abjectness; some reinforce victim-blaming culture; while others simply follow all professional standards. The only reliable pattern which can be distinguished here is that the behavior of police officers is heavily determined by both their own and the victims' social parameters. Higher socioeconomic status, female gender, gender conformity, cisgenderness, and the age of victims play a role here. While among police officers younger age, female gender, higher rank, and metropolitan (urban) location increase the chances of police interacting in ways that be smoother minimizes risks for LGBTI+ victims. Though it happens much more seldom than previously expected, re-victimization of LGBTI+ people by the police also takes place. This takes mostly the form of verbal harassment. However, some cases of sexual harassment were also recorded.

All queer victims aspired to achieve recognition for their assaults as hate crimes. They saw it as a specific way to accomplish sexual citizenship and restore their relationships with the nation-state, there were no precedents yet when the criminal justice system categorized these assaults against LGBTI+ people as hate crimes in indictments or court verdicts. The reason for non-recognition is not only due to police officers' or judges' decision but specific institutional

and legal settings make such decisions almost impossible. Both police officers not believing in the necessity to properly proceed with relevant hate crime cases and institutional limitations and failures such as lack of human resources and funding, shape the extremely poor performance of law enforcement authorities when investigating these crimes. Firstly, police officers attempted to persuade victims to not press charges, explaining them the hopelessness of such investigation leading to conviction. They also didn't try to catch assaulters even when it was possible. In cases where charges were pressed, police didn't arrange interrogations and confrontations, waiting instead until charges would expire. Of the thirty cases the participants reported to me, only four ended with an indictment and were redirected to the court.

Special attention must be given to the role of informalities in these investigations. Even though the discourse on post-Soviet informalities is dominated by the notion of destructive and oppressive "corruption," this study shows, that involvement of informal practices and regulations by police officers often helped to achieve the best possible kind of justice, when formal and legal approaches would fail to do so.

The police reform of 2015 did change the landscape of anti-queer hate crimes policing, even though it didn't live up to the expectation of the community. Nevertheless, according to my interviewees, after 2015 police officers stopped extorting queer people and unlawfully collecting their private and confidential information. Cases of sexual harassment became much more seldom. There is a range of topical problems and issues of hate crimes policing in Ukraine we can extract from the study. First of all, it is the absence of sexual orientation and gender identity as a features which can serve as a basis for hate-motivated attacks in the law. Secondly there is a problem of strong interdependence of different criminal justice institutions which, sometimes, has hierarchical nature and eliminates street-level agency of police officers to categorize assaults as hate crimes. Besides this, it is important to raise the issues of institutional failure of law enforcement units and low report rate. But the most significant issue is constituted by the structural and systemic factors such a structural and cultural violence against LGBTI+ people. The experience of hate crime victimization and justice-seeking significantly affected victims' lives: some lost their jobs, some decided to ask for asylum abroad, some became active politicized subjects, and almost all have to deal with the traumatic mental and physical conditions they have obtained.

Despite these important findings, this study has limitations. First of all, the size of the sample suggests that this is only pilot research. Secondly, trans people are underrepresented in this sample. Given that their experiences may be completely different from those of cisgender LGB people, this may warrant a separate inquiry. Another limitation is the fact that during the study a lot of participants didn't finish the process of investigation or litigation. Thus, outcomes of their stories remain to be unknown, and therefore, cannot be included in the analysis. But the most critical limitation is the absence of the relevant comprehensive interviewing of offenders, police officers and judges who partook in the relevant investigations and litigations. This scrutiny has to be separate research and will shed much more light on established research questions and issues.

Where Do We Go from Here?

After outlining the main findings and concluding this study, I would like to pay specific attention to two things. Firstly, any research, while providing some useful findings, also raises an additional set of questions for further research. And this thesis is not an exception. Secondly, I want to analyze how the findings of this study relate to knowledge already produced by queer criminological scholarship.

The main discussion concerns the question whether queer political subjects have to rely on the criminal justice system and how it is possible to accomplish restorative justice without strengthening carceral powers of the state. What makes this discussion complicated is the fact that we cannot talk about queer political agency in Ukraine in the same ways we can talk about it in the Western nations. The attitude towards the criminal justice system has barely become a subject of discussion in Ukrainian queer discourse. Almost all existing LGBTI+ groups accept its necessity by default. Only one group opposes the criminal justice system, by relying on hegemonic Western queer critique. However, if mainstream liberal LGBTI+ advocacy groups in Ukraine don't know how to navigate collaboration with police, their queer counterparts don't offer any alternative strategy for preventing hate crimes. Thus discussion about restorative justice is especially important. In Western countries, opposing a further strengthening of the carceral state, queer criticism argues for developing restorative justice and an undoing of retributive justice. However, such political position is raised in countries like the US or Australia, where there is already a social consensus on the unlawfulness of violence against LGBTI+ people, which makes such an option possible. The question is whether it is possible, and how it is possible to accomplish restorative justice in countries like Ukraine, in which anti-queer violence is legitimized by the hegemonic cultural norms. Restorative justice, first of all, requires that offenders repent and are aware of the criminal and injurious nature of their actions. But, as it was described in the chapters above, in most cases, in Ukraine assaulters keep justifying their crimes, and were not ready to reconsider and repent even in the courtroom, when it may affect a verdict, and thus their future lives. Without repentance and admission of guilt by the perpetrators, is it possible to try to accomplish certain types of restorative justice? An argument for restorative justice, on the other hand, may question what alternatives LGBTI+ political groups and victims hold, when retributive justice also seems impossible. Moreover,

even if retributive justice would be possible, should it be a legitimate goal for victims and LGBTI+ political subjects, considering how the Ukrainian penitentiary systemically and blatantly cultivates and reproduces homophobia and transphobia, as well as rape culture (Symkovych 2016)? Maybe a middle path is possible: for example, it may be useful to practice probation as a type of punishment for attackers. Probation may help to restrain them from committing further hate crimes in the future, to reflect on their actions, while not exposing them to the blatant milieu of the penitentiary. The latter is incapable to rehabilitate them, but is quite capable of transforming them into even more cruel and ideological offenders.

Following this line of inquiry, we should also ask: does it make sense, and if so, to what extent, to develop further policing and management of hate crimes without firstly thinking about prevention? When talking about the necessity of prevention as the most effective way to deal with hate crimes, I don't mean a neoliberal concept of safety, which implies that it is a person's responsibility to prevent their victimization through individual efforts. Instead, by prevention I mean a set of state-run policies directed at eliminating existing biases and prejudices through educational and media interventions. Prevention should be the ultimate goal of queer political subjects, including LGBTI+ organizations in Ukraine. However, how a prevention approach can be implemented and advanced remains a question given that the collaboration of LGBTI+ advocacy groups with governmental and educational institutions remains impossible because of government's out-and-out rejection to collaborate with LGBTI+ advocacy groups. Moreover, government bodies have yet to recognize queer bodies as deserving to be protected. Furthermore, such an approach, even if effectively implemented, still leaves us with the next issue: how to deal with the remaining hate-motivated attacks and attackers, if they do not care to be involved in restorative justice.

Another issue raised frequently in the interviews, concerns the extent to which police officers may exercise their agency while dealing with LGBTI+ victims, and the extent to which their discretion is determined by institutional and legal settings, informal socialization, and institutional culture, as well as external social control. This question may significantly influence relevant policies. Ignoring all these factors, or even only some of them, such as reshaping institutional and legal conditions, but neglecting the influence of professional milieu and institutional culture, may jeopardize any attempts to advance the relationships between LGBTI+

communities and police. Since these all of these are important factors which shape how law enforcement officers and police express attitudes towards queer victims. Moreover, this question unpacks some issues in the “structure vs. agency” debate, which is fundamental to sociology and criminology. And as was demonstrated earlier, for advancements in this line of inquiry this dichotomy might need to be challenged.

Last but not least, we need to consider further the effectiveness of changes to hate crimes policing by way of relevant legal norms and new law enforcement practices. The police reform and establishment of new units for human rights watch and the protection of peaceful assemblies, didn't meet the expectation of my interviewees. However, right now LGBTI+ advocacy groups I collaborated with to conduct the research direct their major efforts to advance anti-hate crimes policies. They aspire to achieve recognition for sexual and gender minorities as a separate groups under the Criminal Code and within hate crime legislation. And they agitate for the transformation of the Investigatory Unit as the an inner institution responsible for hate crimes investigation, that, nevertheless, was not affected by the Police Reform, and support strengthening the capabilities and functions of the Police Ombudsman - the unit, which is supposed to protect human rights of the citizens, who interact with the police, are detained by police, or need their protection - and the "Police of Dialogue" - the unit, which has to secure safety of public assemblies, including LGBTI+ events that are under the highest risk to be attacked. Nevertheless, the well-known phenomenon which was described above is that the law enforcement institutions have a very high level of resistance towards any advancement in hate crimes policing that is imposed from outside, even in such advanced jurisdictions regarding LGBTI+ rights as the US state of California (Grattet and Jenness 2005) or the Australian Union (Miles-Johnson 2015). The authors explain that law enforcement officers often perceive any imposed advancement on hate crimes policing as an attempt to politicize and de-professionalize their work, and hence resist implementing new practices. The effects of the police reform in Ukraine (2015) on hate crimes policing, indeed, support this argument. Moreover, it would be reasonable to assume that the resistance y of police to new advancements is much stronger in societies like Ukraine, where anti-queer, as well as other cultural, biases still majorly shape police officers' attitudes to LGBTI+ people and their interaction with them and their assaulters. Hence, the question of how to make not only formal but real effective advancements remains

open.

One more question, which remains to be open, is how we categorize assaults, in which bias was not the primary factor in the violent interaction, but appeared as a facilitator of violence at a certain stage during the interaction, and was used by a perpetrator to legitimize the escalation of violence? It is not clear whether these interactions should be analyzed under the same frameworks as “pure” hate crimes. To shed light on this issue, interviewing perpetrators is required.

The bigger question is how and through which practices and institutions, it becomes possible to accomplish justice for LGBTI+ victims, especially in a context of structural violence; violence, which marginalizes queer people through a system of cultural violence. Referring to Herek (1992), Christie, Wagner, and Winter (2001) define structural and cultural violence against LGBTI+ individuals as a system of psychological and cultural heterosexism. Cultural heterosexism is embodied in the criminal justice system and in governmental authorities, both of which are supposed to be agents for anti-hate violence policies. Consequently, under the existing conditions, neither the criminal justice system nor governmental institutions can be agents of anti-hate policies. Relying on the criminal justice system and strengthening it may be enough to punish perpetrators and to fight consequences of structural and cultural violence, but is not enough to combat the system of structural and cultural violence against LGBTI+ people itself.

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Charts

Chart 1. Age of Participants.

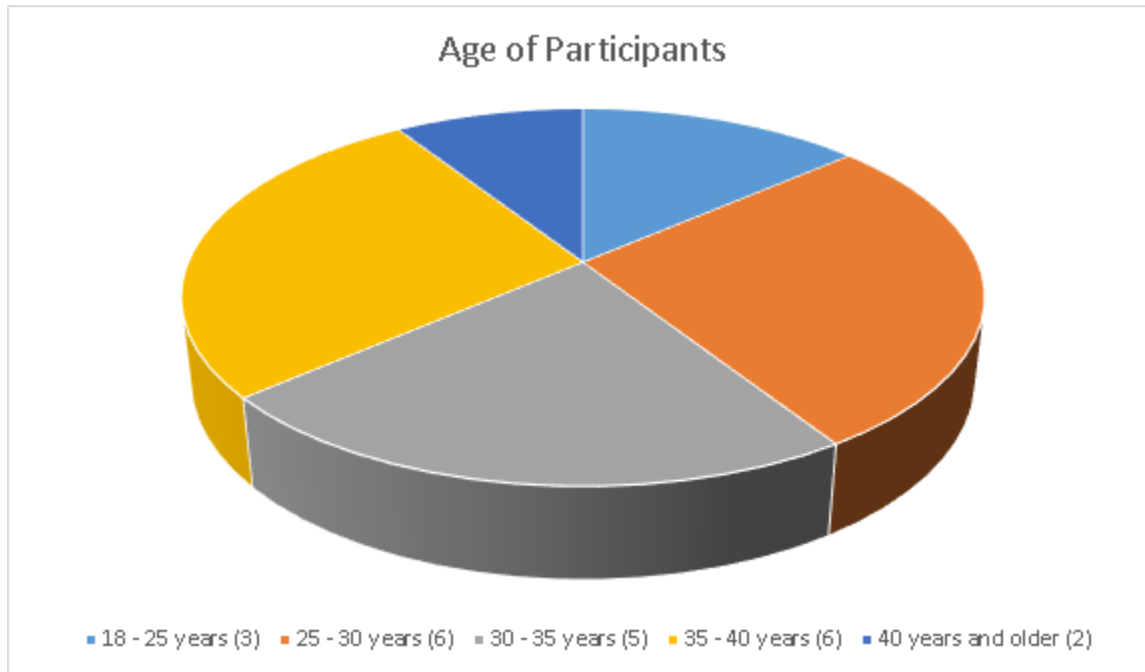


Chart 2. Participants' Current Place of Residence

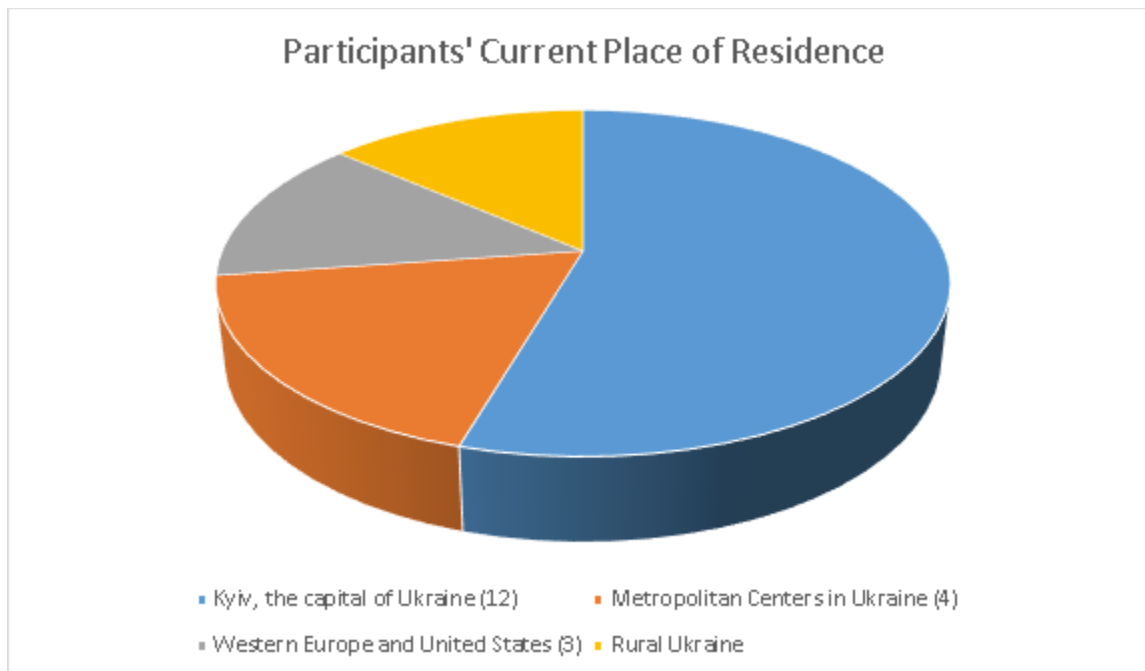


Chart 3. Participants' Occupation.

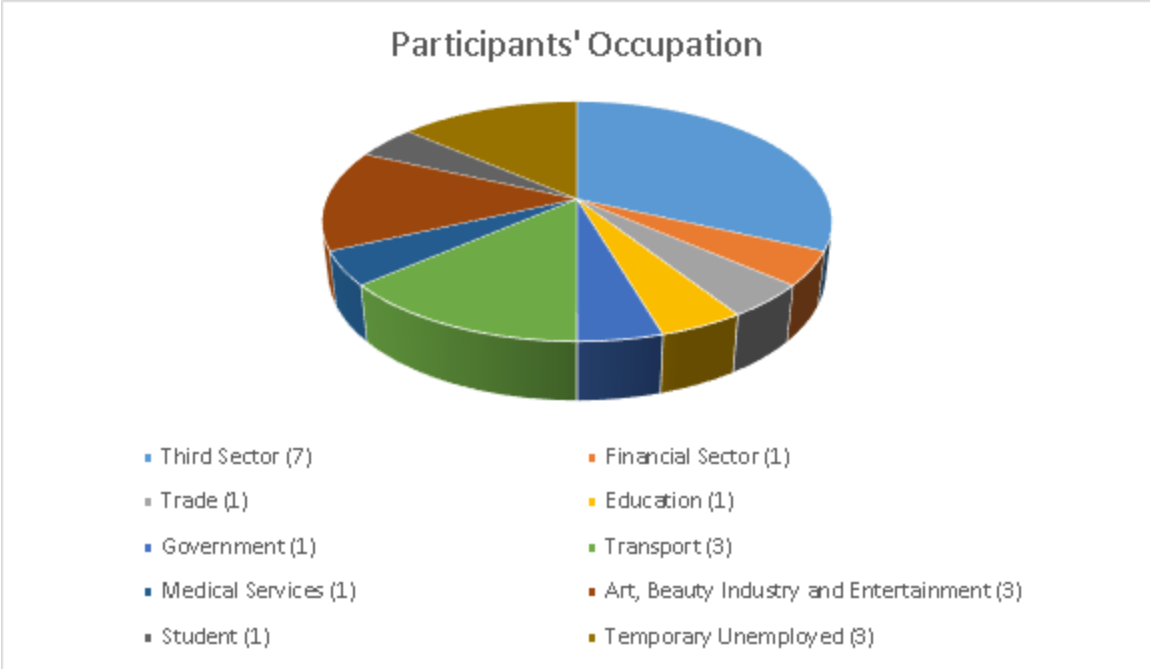


Chart 4. Participants' Gender Identity.

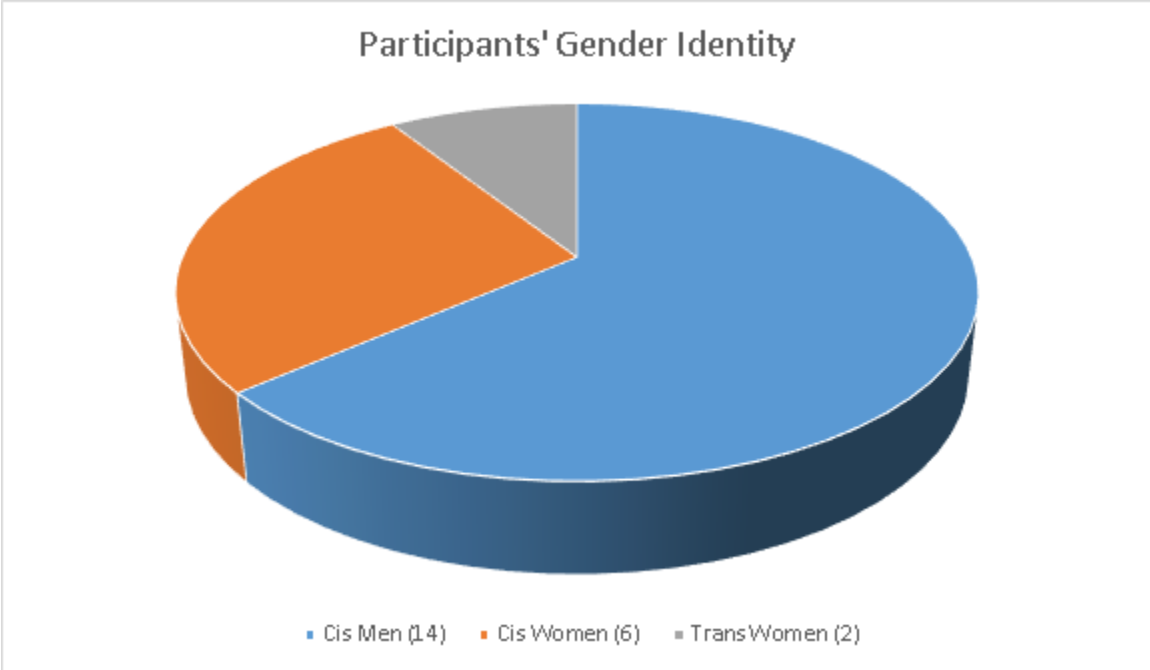


Chart 5. Participants' Sexual Orientation.

Participants' Sexual Identity

