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The role of citizens' governance spaces in governing same-sex partnerships: A comparative study of Estonia (2014-2016) and Latvia (2020-2022)

MA thesis

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### ***Authorship Declaration***

I have prepared this thesis independently. All the views of other authors, as well as data from literary sources and elsewhere, have been cited.

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## **Abstract**

Same-sex partnership policy is a broad topic that is still developing in different countries. Due to the specificity and sensitivity of the issue, different opinions on the future of the policy exist in both the government and society. The situation becomes more complicated in the post-Soviet , where the switch of mindset started in 1991 and is still ongoing. In this context, Estonia and Latvia proceeded with equality provisions, overcoming traditional bias. Despite the common goal and practical result of the legalisation of same-sex partnerships, the outcomes differ in countries

In this thesis, a comparison of the policy outcomes in these regions is provided based on the degree of the government's initiative, social proactiveness, and the formalisation of communication channels. As an exploratory comparative case study, it investigates how differences in citizens' governance spaces determine the outcome of same-sex partnership policy in Estonia and Latvia. The research conducted includes document analysis, desk research, and in-depth interviews with the representatives of LGBT+ associations. As a result, the study suggests hepotheses that should be explored and tested in future research on the connection between the citizens' governance spaces and the policy outcome.

**Keywords:** citizens governance spaces; governance; social participation; same-sex partnership; policymaking process; Baltic States.

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## Introduction

Social involvement in the political processes is a broad topic covering different aspects of interactions between citizens and the government. One of the most crucial aspects is the role of social participation in the outcome of policy-making processes: What is the connection between citizens' involvement and policy-making? Does it determine the result of a particular initiative? Can the exact type of social activity be an indicator of the policy outcome? These questions have already been discussed in different research studies. However, further elaboration is still required.

Multiple approaches have been offered in order to measure and evaluate citizens' involvement. The majority of works consider social participation as a united process and analyse the general impact of it on governing processes. However, to increase the relevance of the research, it is crucial to focus on the specificity of different types of activity. For this reason, this thesis uses the approach offered by Gaventa (2006). He systemises citizens' participation into spaces dividing social activities depending on the amount of power provided to the society, formalisation of the communication channels, and level of government initiative (Gaventa, 2006). Based on his approach, citizens' governance cooperation has three main types (spaces) — provided, invited, and claimed. Later, further research developed this theory according to the new political conditions: Hendriks and Dzur offered the fourth type of space — problem-solving (Hendriks & Dzur, 2022). As a result, this study analyses social participation in the same-sex partnership policy based on these four citizens' governance spaces.

Another variable in this thesis, the same-sex partnership policy, is a broad topic that has been analysed and discussed previously (Takacs & Szalma, 2011; Digoix, 2020). The scholars aim to discover the specifics of its development in different countries. However, Baltic States did not receive much attention from them. Due to the developing status of the same-sex partnership policy in the region, future research should be conducted. As a result, this study aims to uncover the process of same-sex partnership policy development in Estonia and Latvia, analysing the citizens' governance spaces. The existing gap in knowledge makes the research topic valid and allows us to formulate the direction for future analysis.

The proposed study aims to explore the role of distinct citizens' governance spaces in same-sex partnership policy-making in Estonia and Latvia and formulate a set of hypotheses based on *the results of the analysis*. According to this, the research question can be formulated as following: *How do the differences in citizens' governance spaces impact the governing of same-sex partnerships in Estonia (2014-2016) and Latvia (2020-2022)?* In order to successfully reply to the formulated question, it is also required to collect additional information supporting the research aim:

- How are the citizens' government spaces organised and implemented in Estonia and Latvia?



- What are the similarities and differences in spaces between Latvia and Estonia (an example of same-sex partnership policies)?
  - How does this impact the result of policymaking in same-sex partnership in chosen Baltic countries?
  - How does the difference in the configuration of the spaces determine the policy outcomes in chosen cases?

The thesis is based on an exploratory or bottom-up research design. It assists with the in-depth analysis of chosen cases and the development of hypotheses based on the observed data (Patton, 2014). By the end of the research work, the hypotheses about the connection between citizens' governance spaces and same-sex partnership policy outcomes are formulated. This result answers the research question, fills the gap in existing knowledge, and directs future studies on the topic.

To implement the research, different types of data are used: academic literature on the topic of the thesis, documents regulating same-sex partnership policy, transcriptions of Parliamentary discussions, official websites of the authorities involved in policy-making, social-media pages of LGBT+ organisations, news, and an interview with a representative of a LGBT+ organisation. Three methods of analysing chosen data are used — 1) document analysis; 2) desk research; 3) interviews with active LGBT+ organisations.

The research paper is academically relevant as it covers an existing gap in the analysis of same-sex partnership policy in Latvia and Estonia. It also develops the concept of citizens' governance spaces based on the offered comparison. This assists with identifying channels of potential development in both cases and specifying the most effective type of cooperation between citizens and government. The hypotheses provided based on the analyses may be developed in future research.

The paper is structured as follows. The first chapter contains an executive review of the literature that explores the phenomenon of social involvement in the political process, the advantages and disadvantages of the citizens' participation, and the forms of such activity. Another piece of literature focuses on same-sex partnership policy in the Baltic region, exploring the process of policy development, its placement in the political agenda, the level of freedom for same-sex partners, and the potential directions of development. The second chapter presents the conceptual framework, operationalising citizens' government spaces, and same-sex partnership policy outcomes. The third chapter states the research question of the thesis and outlines the methodology, the research design, case selection, and the sources of data required for the analysis. Chapters four and five present the analysis of Estonia and Latvia based on the collected data in relation to the elements formulated in the conceptual framework. The sixth and last chapter includes the final

comparison of chosen cases and concludes by suggesting five hypotheses on how the differences in the citizens 'governance spaces impact the same-sex partnership policy outcome.

## **Chapter 1. Literature review and assessment of current knowledge in the field**

### ***1.1 Social involvement and implication on political processes***

The policy-making process is a complex system which includes different stages in order to identify and resolve the current issue (Jordan & Adelle, 2012). So, by eliciting the existing problem, policymakers establish the agenda, choose alternatives, and implement them to identify the most efficient approach (Jordan & Adelle, 2012). This way, the government fulfils one of the critical functions — the exercise of power. However, what exactly does this term cover?

Generally, power is a resource that can be shared among multiple actors or their networks created together in many ways (Gaventa, 2006). However, it cannot be defined in one particular way, as the phenomenon itself includes a variety of processes. For this purpose, Gaventa emphasises four main targets of power — 1) to affect the actions, 2) to act, 3) to self-define before taking action, 4) to collaborate with others (Gaventa, 2006). Hence, due to the complexity of the process, it cannot be entirely controlled by the authorities. It requires external opinions and assistance.

In a time of increasing democratic trends, social institutions have become a part of the governing process. Nowadays, people have more rights and opportunities to participate in political processes, influencing the policy outcome. However, how do citizens express their right to participate in governance? How can social involvement be measured and evaluated? How does citizens' initiative affect the outcome of the policy? What type of cooperation between government and society determines the best result? These are the questions that different scholars explore and analyse.

Various forms of citizen participation have emerged. Due to this, the topic is broad and can be explored from different angles. For this reason, scholars have developed and offered various approaches, which provide a better understanding of the citizens' implications for political processes. However, despite the existing knowledge in the field, the phenomenon is actively developing along with the political system. As a result, this stimulates scholars to proceed with the research.

The importance of citizen participation in the quality of policies is indisputable (Bingham, Nabatchi, & O'Leary, 2005; Irvin & Stansbury, 2004). As the political system develops, public authorities have recognised the potential of social involvement and its beneficial impact on policy-making. According to Karlsson et al., measuring the effect of citizens' participation separately is challenging as each political process already has its dynamics with or without social involvement

(Karlsson, Holgersson, Söderström, & Hedström, 2012). However, by analysing the primary dynamic and comparing it with previous results, it is evident that citizens play a leading role in governance and become an important institution assisting in making the policy more public (Karlsson, Holgersson, Söderström, & Hedström, 2012). A similar thought about social participation was developed by Hilgers and Ihl, who describe society as a representative of public opinion attributing a deeper understanding of citizens' needs and requests. Citizens themselves have a more realistic estimation of the consequences of each political project, and due to this, they can provide the authorities with more valid alternatives and fresh ideas to improve the general quality of the outcome (Hilgers & Ihl, 2010). Thus, social involvement is not only a way to strengthen the connection between political institutions and service receivers, but it is also an opportunity to increase the efficiency of the decision-making outcomes (Haeffliger, Monteiro, Foray, & Von Krogh, 2011; Jeppesen & Lakhani, 2010).

Already in 1969, Arnstein talked about the crucial necessity of addressing citizens with political power and introducing them to the policy processes (Arnstein, 1969). In her article "A Ladder of Citizen Participation" she introduces a framework to measure social involvement in a spectrum from non-participation to citizen power. She defines the last as the highest form of social engagement in political processes, where society can influence the decision-making process via direct participation channels (Arnstein, 1969, p. 216). It guarantees that by utilising all forms of power, the community can take full control of the governing processes or political institutions (Arnstein, 1969, p. 223). As a result, the author emphasises the significance of citizens' role, explaining that as service-receivers, they have a better understanding of the desired outcome and can achieve a better result in policy implantation.

However, the approach offered by Arnstein is limited as it only measures the involvement based on a linear scale, which does not cover all aspects. Citizens have a limited amount of power because political institutions establish boundaries of "allowed" involvement. As a result, this has a negative impact on the connection between the community and the decision-making process. The solution to this shortcoming was developed by Sanders and Stappers, who introduced one more form of social involvement; defining citizens and authorities as equal. They highlighted the necessity to eliminate power differences that undermine limitations for society (Sanders & Stappers, 2008). Similar ideas were announced by Watson, who emphasised that social engagement should serve as a solution for existing issues (Watson, 2014). He contributes to the idea that citizens can identify the problem and offer a constructive solution, implementing it with politicians (Watson, 2014). Despite some differences in the studies they have conducted, all these authors agree that a qualified shift toward higher social involvement requires further research and community development.

One of the critical works in this field was presented by Cornwall, who explored the role of social participation in the new democracies (Cornwall & Coelho, 2007). First of all, political institutions are not only facing issues with understanding or identifying the current request, but they are also technically limited. In cases like these, citizens' participation is a way to bridge this gap in knowledge or functions based on existing social demand (Cornwall & Gaventa, 2001; Goetz & Gaventa, 2001). According to Cornwall, society participates in politics by "protest, petitioning, logging and direct action — or indeed organise to satisfy their own needs" (Cornwall & Coelho, 2007, p. 2). However, despite the chosen form of will expression, social involvement aims to influence the political agenda and make it more user-oriented by highlighting public needs (Cornwall & Coelho, 2007).

Another concept was offered by Macedo et al., who attempted to explain social participation through the personal interests of citizens. According to the paper "Democracy at Risk: How Political Choices Undermine Citizen Participation and what We Can Do about it", citizens' involvement in the political processes is determined by the preferred system of communication between political institutions and society, transparency of information, personal beliefs, level of trust in government, etc. (Macedo et al., 2005). As a result, the authors define social participation and policy as codependent variables because they describe each other — the more democratic the government is, the more involved the population becomes (Macedo et al., 2005). Moreover, the scholars describe social participation as a tool to increase life quality. People can demand or develop services to obtain better support or address an existing issue that has not yet been raised by the authorities (Macedo et al., 2005).

As mentioned above, the impact of social participation is classified as one of the determining factors of democracy. Verba and Almond outlined this idea in their work "Civic Culture," highlighting three main political structures based on the level of social activity — parochial, subjective, and participant (Almond & Verba, 1963). For them, citizens' involvement is one of the boosters of democracy, taking multiple forms and varying depending on the efficiency of the outcome (Almond & Verba, 1963). Putnam developed a similar idea in "Making Democracy Work," where he explores the meaning of social involvement for democratic development. He tested this theory on the example of Italy, where two regions had different successes in governance development: the North region, with a higher set of power provided to citizens, had better-formed democratic institutions (Putnam, 1993). In this way, he highlights the role of social participation, investigating how it impacts the political system in the state. One of the main conclusions made by him is that the quality of social participation relies on the government and its ability to involve citizens in political processes by granting them an additional set of rights and opportunities (Putnam, 1993). This also requires creating proper relations between the authorities and society.

Not only the role of social participation differentiates between the authors and tested differently by them, but the categorisation of the phenomenon has multiple approaches. So, Wijnhoven et al. highlight three main types of citizen involvement in politics: 1) “citizens sourcing” when society supports the political process by informing the authorities about the issues existing or giving feedback on the implemented solution; 2) collaboration, when the citizens have a specific channel of connections with the government using which they are able to contribute to the decision-making process; 3) “citizen ideation and innovation” when citizens not only influence existing political agenda but have the to independently identify an issue and offer possible solutions. , In this case, society holds power equal to authority (Wijnhoven et al., 2015). The offered concept has been further other scholars specifying that “citizen ideation and innovation” can be divided into two more groups — government leading and citizens leading depending on the system of cooperation built between the actors (Alathur, Ilavarasan, & Gupta, 2016; Porwol, Ojo, & Breslin, 2016; Sussha & Grönlund, 2014).

After scholars intensely observed the phenomenon, researchers shifted toward evaluating social involvement. Collectively, citizen participation is mainly considered as a beneficial form of interaction between government and society (King, Feltey, and Susel 1998; Putnam 1995; Arnstein 1969). Public interest in the quality of the policy outcome motivates people to provide better feedback to the authorities regarding offered solutions or programs (Irvin & Stansbury, 2004). This way, Irvin and Stansbury, in “Citizen Participation in Decision Making: Is It Worth the Effort?” discussed the pros and cons of citizen involvement based on multiple factors: budget expenses, the volume of knowledge, data availability, persistent selfishness, etc. The authors consider several limitations that can diminish the quality of the assistance offered by society to the government. However, the benefit of this cooperation is undeniable and can be supported by plenty of examples of successfully implemented projects (Irvin & Stansbury, 2004). Nelson and Wright also describe social participation as a transformation of the traditional governing process, social change, and improvement in the policy outcome’s quality (Nelson & Wright, 1995). The same idea was supported by Bieerle and Thomas, who established a connection between social participation and quality of life. They believe that with a more effective political outcome achieved by citizen involvement, the rest of society also receives more benefits which positively affect their lives (Beierle, 1999; Thomas, 1995).

In this way, many scholars discuss different aspects of the citizens ’participation in political development. However, the majority of the analysis is based on a general evaluation of social involvement, assessing how it affects the outcome of policymaking. In this case, social participation is treated as a combination of all types of communication and cooperation between the authorities and the society. This means that the researchers equally consider various forms of social

involvement and regard them as one common factor affecting and determining policy. Meanwhile, each type of social participation in politics should be individually explored, the most efficient type of cooperation between the institutions can be identified. As a result, a more in-depth analysis is required to address the highlighted gap.

However, it is also essential to consider that types of involvement not only depend on citizens' interests but also on the level of democracy. This factor determines citizens' freedom and position in governance. Due to this, several categories can be identified and explored. This approach assists with developing a better understanding of the activity's effectiveness based on individual criteria which describe the particular connection between government and society. For instance, the phenomenon of social involvement can be unpacked based on different criteria: channels and tools used for cooperation between citizens and authorities, level of freedom given to the society, and degree of personal interest expressed by individuals. By highlighting crucial for the citizens' participation components, this approach enhances the understanding of the potential booster for the decision-making process.

An in-depth analysis of each social activity provides a more comprehensive overview of cooperation between government and society, the level of democracy, social freedom, and other factors that determine the quality of political processes. The systematisation assists with determining the role of each case in policy-making paroles, as it analyses the specific set of factors that describe each activity individually. The outcomes of the proposed research could develop a new approach to social participation study, allowing for predictions about the impact of certain public activities.

For this reason, the phenomenon requires further assessment. Moreover, considering the topic of this master thesis, LGBT+<sup>1</sup> policymaking is a question that usually receives much attention from society, resulting in controversial opinions among social groups. As a result, different associations promote their beliefs in order to gain support from the government. This creates a need to examine each public activity separately, analysing its effectiveness and role in the determination of the policy outcome.

## **1.2 Existing knowledge of LGBT+ policy in the Baltic States**

Same-sex partnership policy in modern societies has been analysed by various researchers in order to identify the main tendencies and trends related to the future development (Takacs &

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<sup>1</sup> The term LGBT+ used in the research covers all varieties of sexualities: lesbian, gay, transgender, and many others. This abbreviation is preferred in the thesis to avoid any possible misunderstandings.

Szalma, 2011; Digoix, 2020). Many countries have included this issue on their political agenda to promote the development of democratic institutions and principles. However, despite the common goal to equalise rights for LGBT+ community, each state has different results. For this reason, it is crucial to proceed with analysing this topic, exploring local specifics of LGBT+ policy and identifying the reasoning behind the achieved outcomes.

Despite the fact that LGBT+ policy in governance is widely spread, not many researchers focus their attention on Baltic countries. Scholars working in this field are mainly concentrated on the legal status of same-sex couples in the Baltics if they are registered in another state or in terms of analysing public voice in this region to see if there is any room for changes (Glenn, 2020). Meanwhile, the analysis of current legislation regulating same-sex partnership and the process of resolving the issue needs to be better covered.

The concept of LGBT+ policy in the Baltic States has also been examined to analyse the trends and highlight the key issues present in the region. The main focus revolves around the mindset switch in post-soviet countries (Glenn, 2020). The diverse consequences of USSR influence constrain the development of the same-sex policy in the Baltics. For instance, according to Kilp, Estonia, Latvia, and Lithuania experience religious nationalism, which functions as an informal alliance that opposes the recognition of the LGBT+ community by political institutions. He argues that Latvia and Lithuania are less successful in the development of the same-sex policy as citizens there “fight for” protection of traditional values and are unwilling to make a switch toward a more tolerant community approving LGBT+ (Kilp, 2015). Kilp views the processes of LGBT+ confrontation in the Baltic region are similar to those in Western Europe: supporters of democracy and globalisation are running for equality of genders and sexualities; meanwhile, traditional values’ believers are resistant to embracing such a mindset. His work utilises the phenomenon of nationalism as an explanation for the extension of LGBT+ policy, operating with concepts formulated by Brubaker et al. (Brubaker, 2012; Merdjanova, 2000).

Keeping in mind the background of the region, all researchers explain that the actual switch toward LGBT+ policy development is associated with the independence period in the Baltic States (Glenn, 2020; Auers, 2013). According to Auers, one of the main drivers behind the inclusion of LGBT+ policy in the agenda was receiving the status of EU member state, which brought to countries certain obligations (Auers, 2013). However, even with a common “pressure” of EU laws and norms, Baltic States are still noticeably behind Western Europe and not much supportive of the LGBT+ community and their rights. However, the possible exception of Estonia can be highlighted, where already in 2013, visible progress was noticed.

Therefore, the trend of Estonian leadership in this area continued to evolve: According to Dotti Sani and Quaranta, the LGBT+ community enjoys more rights in Estonia than in other Baltic



States. This can be attributed to the significant role of religion and the predominant Roman Catholic Church in Lithuania and the solid patriarchal values of Latvian society. Hence, they suggest that a low percentage of religious citizens in Estonia contributes to a higher level of LGBT+ tolerance, which in turn the development of more progressive policies in this field (Dotti Sani & Quaranta, 2022).

As LGBT+ policy is not only related to the traditional political process but also requests social involvement, one of the crucial factors for its development is the approval of citizens. This approval can be expressed in various ways — protests, demonstrations, donations, etc. One of the most recognisable tools is Pride. Like this, in each Baltic State, Pride events took place, making a step forward in LGBT+ tolerance (Tiindenberg & Allaste, 2020; Caudwell, 2020). Hence, the analysis of Pride's influence on the general LGBT+ position in the region contributes to a better understanding of the topic. According to Caudwell, these events facilitate further discussions in the government and help identify public opinion (Caudwell, 2020).

LGBT+ policy in Baltics is a relatively new topic that is beginning to be explored by scholars. The developing status of this policy in the region and unequal discussion of the case in Estonia, Latvia, and Lithuania have led to a delay in the analysis. However, considering the Soviet past and the current democratic status of Baltic states, the development of LGBT+ policy has become a scientifically valid topic. In order to guarantee equality for this group, the governments must work towards a shift in values, fostering a new, more tolerant, and less traditional mindset.

As mentioned earlier, Lithuania has found less success in developing LGBT+ policy in comparison with Estonia and Latvia. Therefore, it is more relevant to focus on practical systems in Estonia and Latvia, exploring the status of same-sex partnership equality. Even so, the general observation of LGBT+ status in the region was already completed by different scholars, a more detailed analysis of the process of policy formation, adoption, and implantation is required. The analysis will bridge knowledge gap by exploring the specificities of same-sex partnership policy development in each country and the differences in policy outcomes. The conditions that shape the results in Estonia and Latvia need to be described and analysed to identify the reasons for the achieved outcomes. Studies in this field will provide a greater understanding of the cases and may also assist with unpacking the specifics of Estonian and Latvian democracies and communities. As a result, the relevance and necessity of future research is proved.

## Chapter 2: Conceptual framework

As a result, in the previous section, it was explained that citizens' participation in the policy-making process is a crucial requirement that should be explored further. Due to this, the level of citizen involvement in policy-making can determine the results of the process. One of the approaches explaining this connection is a study about citizens' governance spaces (CGS). The approach not only focuses on measurements of social involvement in political processes but also challenges the reasoning behind it. This challenge is based on different factors like the formalisation of communication channels, government initiative, and citizens' proactiveness.

Many scholars raised the concept of this phenomenon to explain the governing process and predict the effectiveness of policy outcomes in distinct settings (Wagenaar, 2019). However, for the first time, the concept was offered by Gaventa, who explained that social involvement in policy-making can be divided into three spaces (Gaventa, 2006). To explore CGS, he uses the definition provided by Webster and Engberg-Petersen, who explained spaces as "institutional channels, political discourses, and social and political practices through which the poor and those organisations working with them can pursue poverty reduction" (Webster & Engberg-Petersen, 2002; Gaventa, 2006, p. 26). In "Finding the Spaces for Change: A Power Analysis" Gaventa unpacks the concept in depth, specifying each type and providing examples fitting them. Despite the in-depth research provided by Gaventa, CGS required further investigation in order to cover all the aspects caused by changing democracy. In response to this, Hendriks and Dzur developed it further. They offered an additional definition of the phenomenon as "an umbrella term to describe diverse grassroots initiatives that are (1) led and driven by citizens, who (2) undertake practical governance work to address a collective issue in (3) experimental and disruptive ways by (4) engaging inclusively with affected publics and working congruously with relevant state, market and civil society organisations." (Hendriks & Dzur, 2022, p. 683).

In summary, CGS can be characterised as specific initiatives, groups of people, or specific projects created by citizens cooperating to address a concrete public issue. However, the amount of initiatives and the limits of citizens' involvement may differ among the systems, forming different types of CGS. Based on this, Gaventa highlighted three spaces with their specifics and conditions — closed, invited, and provided (Gaventa, 2006). As mentioned above, the typology offered in 2006 did not fully cover the "new democracy model." For this reason, Hendriks and Dzur proceeded with opening the case of CGS and suggested an additional, fourth type of space — problem-solving (Hendriks & Dzur, 2022). As a result, four CGS are used in this thesis to provide a more accurate analysis of same-sex partnership policy in Estonia and Latvia. To avoid any possible

misunderstanding, each CGS is specified and conceptualised individually, forming a better knowledge of the phenomenon.

Each space is based on the cooperation between society and the government. However, they differ based on the channels of communication, the amount of freedom given to the society, and the level of citizens' proactiveness in the governing process (Gaventa, 2006). In this way, the actual level of the citizens' involvement not only depends on the personal interest or will of the individuals but also relies on conditions created by the government to regulate forms of social participation. Based on this set of criteria, four types of CGS can be highlighted: provided, invited, created, and problem-solving. To avoid any possible misunderstanding, each space is conceptualised and operationalised.

*Provided spaces* are a limited type of cooperation between citizens and the government where the decision-making process is entirely under the politicians' control, and the society does not have an opportunity to express a public opinion (Gaventa, 2006).

*Invited spaces* give additional opportunities to citizens, as here, the government creates particular channels that people use to involve and invite them in the policy-making process (Gaventa, 2006). However, citizens do not provide exact solutions to the highlighted issue. They operate as advisors for politicians and give them feedback that policymakers may consider (Hendriks & Dzur, 2022).

*Created spaces* are claimed by less powerful actors from or against the power holders to resolve an existing issue and suggest a more efficient solution (Gaventa, 2006). The initiative may also be caused by the unwillingness of citizens to deal with an ineffective or counter-productive policy of the government. Thus, they start caring for the process themselves (Hendriks & Dzur, 2022).

*Problem-solving spaces* come into force in cases when the government does not have enough opportunities or is lacking particular resources to solve a public issue; therefore, society steps in as there is no other alternative to proceed with the solution (Mitlin, 2008). As a result, citizens define the public issue, evaluate, construct a plan of action, and provide an efficient solution (Hendriks & Dzur, 2022).

Despite the accurate definition for each CGS, it is also essential to clarify how they can be identified in practice. To achieve this goal, it is required to collect indicators that describe each space. The data to be collected can be observed in the tables below. It is divided between each type of space and observed using the levels' approach from the power cube design offered by Steven Lukes (Lukes, 1974; Gaventa, 1980). The model offers to analyse CGS at three levels. However, for the purpose of this thesis, an alternative set of dimensions are developed. The three dimensions

have been chosen to emphasise essential elements of the policy-making process. In this way, the table answers the following questions:

1. Is the CGS led and driven by the government?
2. What is the role of society in the policy-making processes (passive or active)?
3. What are the channels via which citizens can realise the ability to govern (formalised or non formalised)?

To simplify, each CGS is described in an individual table providing relevant data for each dimension. For each section, the required data is described, and the sources where it can be found to describe Estonia and Latvia. This way, a better background for the analysis part is prepared.

To assist future comparison of the case, a visualisation is also provided. Such visualisations will use the developed concept of the Public Governance Diamond which is inspired by, Torfing et al's, (2020). In this way, each CGS will be evaluated based on measuring the strength of each dimension. Thus, each of them will be placed on the three axes of the diamond, which enables a visualisation of the space both in theory and practice. The analytical dimensions are measured on a scale from low to high due to the exploratory nature of this thesis. However, it is crucial to highlight that the measurements are not empirically accurate and are included as visual support for each case. This means that the assessment is qualitative based on the evidence from each example. The tool assists with an advanced analysis of the spaces and visualises theoretical data. The dimensions examined are the following:

1. The degree of government initiative;
2. The degree of the citizens' proactiveness;
3. The degree of formalisation with regard to the communications channels.

In order to avoid any potential misunderstanding, it is necessary to explain the measurements behind each dimension. For the government initiative, the resulting value is dependent on the role of the authorities and the amount of power they have in a particular event. Hence, if the government holds the entire process, the level of the division can be considered as high. In case politicians are not involved in activities related to service provision or decision-making, their role is low. The medium position, which describes the situation when political institutions, together with other actors (like citizens) realise the initiative. In this case, the government is not entirely in charge and requires external support.

The same approach is implemented to evaluate the degree of the citizens' proactiveness. At the high level of the dimension, citizens or social actors are fully in charge of the process. At the bottom end of the scale, citizens are excluded from policy-making or cannot participate due to existing limitations (low degree of the citizens' proactiveness). The medium level is related to

situations when the final result depends on collaboration between society and other actors. The same degree also describes cases when the citizens are invited to provide an opinion or comment on the agenda.

The final dimension measures the degree of formalisation in communication channels. This measurement depends on the availability and effectiveness of communication channels used by the citizens. Low dimensions describe channels of communication that are not available or limited by the government. This results in citizens that do not have an efficient method to cooperate with their respective authorities (the channels are unformalised). The opposite situation occurs when society is provided with a complete set of opportunities which allows it to realise the planned activity without any outside limitations (the channels are formalised). A medium level occurs when despite the existing channels of communication, their effectiveness still depends on the decision from the government. Hence, the existing tool does not guarantee the achievement of the desired result.

Together with the description of each space, an ideal diamond is provided to visualise the concept. The division between offered levels will be made based on primary research about the spaces. The results are shown in the tables below.

#### *Provided spaces*

The definition of the space provided earlier emphasised that citizens stay in a passive position and do not have an active right to participate in policy-making. As a result, the process is led and driven by the authorities. See Table 1, relevant sources confirming these specifics are named and provided.

**Table 1. Operationalisation of provided spaces.**

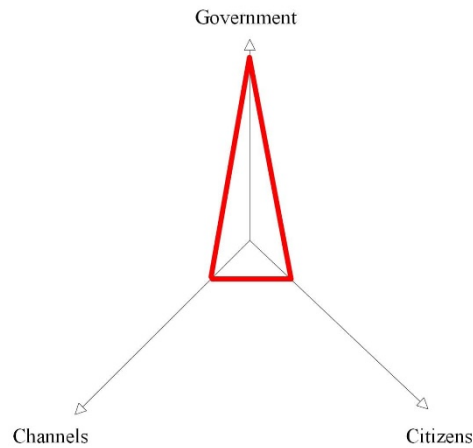
Analytic dimensions	Type of data needed for observing this dimension	Sources where that data can be obtained	Measurement for the diamond based on ideal model of CGS
The degree of government initiative	The procedure of the regulation act formulation and the placement of the public opinion in this process. The legal procedure creates recognising channels for communication between government and society, creating the limits and	The description of the law implementation from the draft (how it was formulated and structured) until the actual bill adoption (how the votes are distributed in Parliament). The data is available at the official websites of the	The decisions are made by the government without citizens involvement in the process. The role of the authorities in this case can be evaluated as high as the space is led and driven by them.

	providing the rights. How does the government measure citizens' opinion on the issue? Is the process of the decision-making closed? (Gaventa, 2006)	parliaments. All discussions are transcribed and published as well.	
The degree of the citizens' proactiveness	The placement of the citizens in the process if they are involved or included at any of the stages. The procedure of the decision making / law implementation — what institutions decide on the outcome.	The results of voting for the regulation acts implementation. The transcriptions of the bill discussion held inside of the parliament (Riigikogu official website; Saeima official website; Digoix, 2002; ILGA, 2018)	The role of citizens in this space is passive as they are not invited to the process and can only challenge the final result using tools related to other spaces. Hence, this dimension can be measured as low.
The degree of formalisation of the communications channels	The general process of the law implementation / decision-making process in Estonia and Latvia. The difference and similarities in the procedure, if the general workflow used for each type of the legislature.	The laws regulating decision-making procedures: number of votes to pass, steps requested for the adoption of the legislature, legal limits for the regulating act formed by other laws, the institutions involved in the process(Saeima Voting results, Riigikogu official website).	Existing formal institutional settings. In this space, the citizens do not have formalised channels of communication and are not involved in the policy- making. Due to this, the dimension is low; no formalised channel exist for citizens to communicate with the authorities.

*Source: created by the author*

The data for the diamond can be taken as follows: the degree of government initiative is high, the degree of citizens' proactiveness, and the degree of formalisation of the communication channels are low. The results are available below (see Figure 1).

**Figure 1. The CGS diamond provided spaces.**



*Source: created by the author*

#### *Invited spaces*

In the case of invited spaces, even though the government is leading the process of cooperation and forms the limited channels of participation based on the existing law. Hence, the citizens are invited to the policy-making process (see Table 2).

**Table 2. Operationalisation of invited spaces.**

Analytic dimensions	Type of data needed for observing this dimension	Sources where that data can be obtained	Measurement for the diamond based on ideal model of CGS
The degree of government initiative	The reason for the citizens' involvement needs to be identified: Is the government limited in the resources or data? Does the solution of the issue cover spheres that cannot be affected by the government independently?(Hendriks & Dzur, 2022) The actor who is expressing an initiative for the citizens' involvement and the way this process correlates with the legal prescription of decision making.	Public polls and surveys organised by the government to involve the citizens in the process are published by authorities describing public opinion. The transcription of internal discussions and round-tables organised to proceed with decision making (Mozaika Overview, 2022; Rainbow Europe. Rainbow Map; Saeima Voting results;	The role of the government is still high in this case as they are inviting the citizens in the political processes. As a result, the type of the social participation is decided by the authorities as well as the limits of this involvement. Hence, the CGS is fully driven by the politicians, which also indicates the high level of the dimension.

		Riigikogu official website).	
The degree of the citizens' proactiveness	The amount of power given to the civil society by the authorities to involve them in the process (Cornwall & Coelho, 2007). The accountability of the cooperations between the actors in the frames of the policy. As a reasoning for the citizens involvement also the feedback in form of the act opinion's expression should be counted.	The type of cooperation provided for the citizens in the country (Saeima Voting results; Riigikogu official website). The reaction of the citizens on the policy can be measured by petitions, protest, public polls analysing government's decisions (Mozaika and Eesti LGBT Ühing official websites). Interview with the representative of the organisation (Interview No. 1) to get additional data about internal consultations with the government. The recordings of open conversations or interviews conducted by the organisations.	Proactive engagement of segments of society/affected publics. The role of citizens in this case compared to the previous space is considered as medium as the society got an opportunity to be involved in the process of governing. This evidences the increasing power of the community as they can now affect the final decision.
The degree of formalisation of the communications channels	The limitations and forms for the citizens to hold state and non-state actors (Tarrow 2005; Batliwala & Brown, 2012). The transcription of internal discussions between the LGBT+ associations and the government.	Law regulating the forms of citizens' participation in the policy making processes. The system of the institutions involving citizens' in the governing processes and the approaches that are used for it.	The degree of formalisation of communication channels is medium as the society is provided with an opportunity to cooperate with the authorities. The tools of cooperation are more formal as they are defined by the

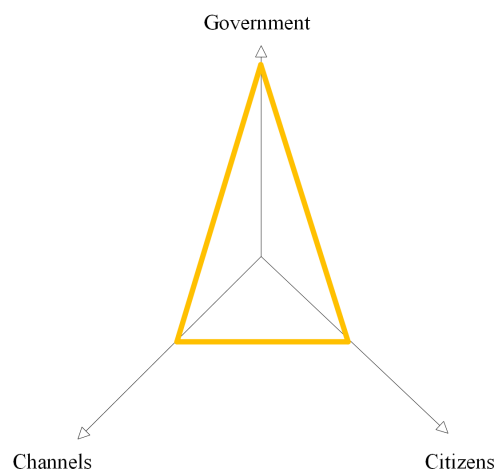


			government and provided to the citizens as an invitation to the policy-making discussions.
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*Source: created by the author*

According to a primary analysis of the space, the following data about the dimensions is formulated: the degree of government initiative is high, the degree of the citizens' initiative is medium, as well as the degree of formalisation of the communication channels (see Figure 2).

**Figure 2. The CGS diamond invited space.**



*Source: created by the author*

#### *Claimed spaces*

This space is driven and led by society. Citizens identify the issue and ask to participate in further policy-making. They request to be placed in the governing processes to improve the quality of the outcome. The main point of CGS is that it is based on the social interest and pro-active position of individuals as they ask to be involved by criticising the existing system from the outside (see Table 3).

**Table 3. Operationalisation of claimed spaces.**

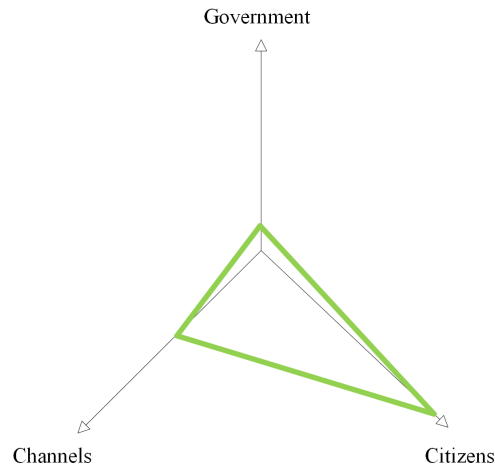
Analytic dimensions	Type of data needed for observing this dimension	Sources where that data can be obtained	Measurement for the diamond based on ideal model of CGS
The degree of government initiative	The events and actions showing the will of the civil society to participate in on-going	Official petitions (LSM, 2020) on the topic of the same-sex partnership initiated by the citizens.	The degree of the government initiative is low, the process if led and driven by the

	political process (Soja 1996; Cornwall, 2009)	The protest was caused by the government's decision as a form of feedback to their actions. The interviews with the associations, providing additional information about the used channels.	citizens. The government is involved in the process only at the final stage when a reaction to the social activity is required.
The degree of the citizens' proactiveness	The foundation and the support for the alternative strategies if they were developed based on the existing global tendencies (Batliwala, 2002). The observations of the activities organised by the citizens to express public opinion.	The materials published by the associations describing the organised events. Supranational acts determining European same-sex partnership agenda, Estonian and Latvian acts regulating the same field. Public initiatives and reactions to the ongoing process in the form of protests, petitions, etc.	Disruptive, based on popular mobilisation and advocacy. The degree of the citizens' proactiveness is high. The society is fully in charge of the initiative creation and realisation requesting attention from the government and a reaction.
The degree of formalisation of the communications channels	The limitations of the vertical links connecting citizens and decision makers (Batliwala, 2002). The channels of communication provided to the citizens.	Legislature regulating the freedom of self-expression and describing the form of participation for the citizens in the policy processes. The level of civil society development in the country as an indicator of public initiative.	The formalisation of the communication channels is medium due to existing limitations. The channels are located outside of the governing system, challenging formal institutional contexts.

*Source: created by the author*

Based on the information from the table, the degree of the government initiative is low, the degree of the citizens' initiative is high, and the formalisation of communication channels is medium (see Figure 3).

**Figure 3. The CGS diamond claimed space.**



*Source: created by the author*

#### *Problem-solving spaces*

The last CGS is described as the one with the highest level of citizens' freedom. The specificity of this type is that it relies on the active civil rights of individuals: society not only criticises the government's policy but offers a solution that citizens can implement to improve the situation. Society works as an independent institution able to implant the planned agenda (see Table 4).

**Table 4. Operationalisation of problem-solving spaces.**

Analytic dimensions	Type of data needed for observing this dimension	Sources where that data can be obtained	Measurement for the diamond based on ideal model of CGS
The degree of government initiative	Social groups and associations that were involved in a process of the strategies formulation and implementation. Are they more effective and powerful in comparison	Official websites of local LGBT+ associations — Mozaika and Eesti LGBT Ühing, together with their official accounts in social media (Facebook, Instagram). The interview conducted	The degree of the government initiative is low, as the whole process is driven and led by citizens. The authorities are not involved in the implementation of the planned activities.

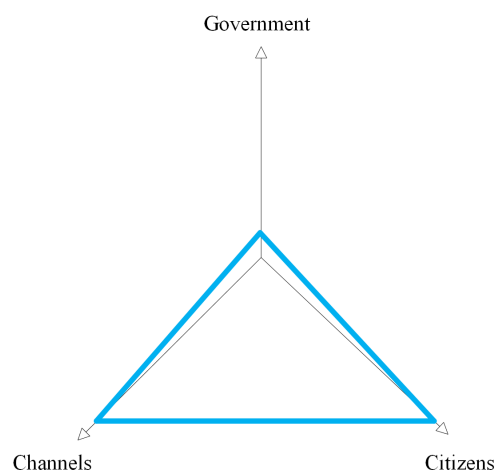
	to the government? (Mitlin, 2008)	with the representatives (Interview No. 1) gives additional information about the association's role.	
The degree of the citizens' proactiveness	<p>The comparison of the government's policy and the action points raised by the associations: Were they missed in the political agenda? Were they solved differently? (Batliwala, 2002)</p> <p>The tools that pushed the citizens to initiate actions: Is the government weak in the field? Is the current policy not effective/absent? (Hendriks &amp; Dzur, 2022)</p>	<p>Current laws and procedures organising the processed of same-sex partnership recognition (Registered Partnership Act, 2016); The strategies offered by the local LGBT+ communities focused on same-sex partnership (Mozaika website; Eesti LGBT Ühing website). The appeals and requests formed by the association for the Parliament (Appeal, 2015; Letter Nr.1611202). The official websites and social media accounts of the associations observing the activities completed by them.</p>	The degree of citizens' proactiveness is high, as the space is fully driven by social initiative. The process are formulated and realised by the citizens, where the government involvement is not required. Hence, it is an alternative to the government-led process.
The degree of formalisation of the communications channels	<p>If the solution from the citizens develops the current regulatory system or requests a complete new approach and implementation of supporting legislation. The impact caused by the solution on the existing policy and the</p>	<p>The strategy offered by representatives of the local association and the laws that this solution affects. The description of services provided by the association to fill the gap in the existing policy (Mozaika website; Eesti LGBT</p>	The degree of formalisation of communication channels are high. The changes are substituting for formal institutional settings. The citizens use formalised channels to affect the ineffective policy.

	changes that it requests in a current legislature.	Ühing website). The events published on official accounts on Facebook and Instagram.	
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*Source: created by the author*

The last case is characterised by the high degree of the citizens' proactiveness and formalisation of the communication channels. The degree of the government initiative is low. The results are provided in Figure 4.

**Figure 4. The CGS diamond problem-solving space.**



*Source: created by the author*

In summary, an independent variable is represented via four CGS in three dimensions. The offered method of phenomenon unpacking allows emphasising specifics of each CGS, supporting it with the relevant set of data, and visualising using the diamonds. From now, the dependent variable of the thesis is to be described further.

The thesis aims to analyse the effect of the CGS on the same-sex partnership policy outcome. Hence, the policy outcome can be defined as a dependent variable. For this purpose, the concept of same-sex partnership is explained. It is a legally recognised arrangement of same-sex couples created to provide equal rights for their relationship. It is also a limited agreement between LGBT+ partners formed to recognise their relationship status. Depending on the set of rights provided to the LGBT+ community, the definition of the partnership can vary.

This thesis focuses on a comparison of Estonia and Latvia, which have relatively different approaches for LGBT+ policy implementation. As a result, this difference affects the understanding of same-sex partnership in a state. Based on the Estonian Registered Partnership Act, the following definition of partnership can be formulated: a wish of two people, regardless of their gender and

sexuality, to commit to each other and their need to agree on duties and rights (Registered Partnership Act, 2014). Meanwhile, in Latvia, a partnership is not defined by any law, as such same-sex partnership itself is not fully recognised (Satversme, 1992; ILGA, 2018). Several law drafts were composed based on the general definition of same-sex partnership and can be formulated as the following: a legally recognised union between two people despite their sexuality and gender, providing them with a set of equal rights similar to marriage (Lēmums, SKA-[B]/2021; ILGA, 2018). The difference between these definitions is explained by the fact that in Estonia, same-sex partnership is regulated by an official law. At the same time, Latvia does not provide particular bills and proceeds recognise same-sex partners by the court in a case-by-case basis.

Despite the importance of the same-sex partnership policy, this thesis focuses on the policy outcome. Therefore, it is required to define the various types of outcomes, where success is measured by an increase of LGBT+ community rights. According to scholars, the same-sex partnership policy itself is defined as a set of various forms of legislation regulating same-sex partnerships, including both — registered and unregistered partnerships, cohabitation, and civil unions (Kuhar, 2011).

Each policy can be measured by the outcome it causes: Did the offered solution eliminate the issue? Was the estimated result achieved? How is the policy constructed? In the case of same-sex partnership policy, the desired outcome is providing same-sex partners with equal rights as opposite-sex unions. Two primary outcomes are therein identified:

- Implementing an independent legislature regulating the process of recognition and identification of the set of rights provided to same-sex partners;
- Providing the court with a right to handle same-sex couples' requirements based on the existing laws.

In the tables below, both possible outcomes are described based on the type of solution implemented to organise same-sex partnership policy in a country (see Table 5, Table 6). To explain each outcome, it is required to look at three main aspects: law, governing institution in charge of the process, and requirements toward the candidates. As each outcome is related to a chosen case (Estonia and Latvia), sources of data described in the tables also belong to a specific country.

One of the methods of same-sex partnership regulation is an adoption of a specific law describing all the aspects of the process. Each case is treated based on a unified procedure, which simplifies the recognition process (see Table 5).

**Table 5. Implementing a specialised law (Estonia).**

	Type of data needed for observing this dimension	Sources where that data can be obtained
What law organises the process of recognition?	A specific law is adopted in the country to regulate the process of same-sex partnership legalisation. The law describes all stages of the recognition process, rights and obligations that partners receive.	Official website of a parliament informing citizens about new laws. In Estonia, this process is regulated by the Registered Partnership Act adopted in 2016. Transcripts of the parliament section from the bill discussions. How were citizens involved in the process? How did the initiative start? What were the stages of the law adoption?
What governing institution regulates the process of recognition?	An explanation of each step of the recognition process provided by the legislature. For every stage, exact political institutions are related.	According to the official web-site (Riigiportaal) the process is regulated by the Ministry of Justice. The description of the procedure published for willing to apply.
What are the requirements for candidates willing to legalise the statute of the partnership?	A description of the required documents that both partners should provide in order to form a request.	All the process is described at the official web-site (Riigiportaal) supported by relevant data sources.

*Source: created by the author*

Another method of same-sex partnership regulation is to delegate the power to the court. In this case, the procedure is based on the existing laws and treated case-by-case with no unified method (see Table 6).

**Table 6. Delegating power to the court (Latvia).**

	Type of data needed for observing this dimension	Sources where that data can be obtained
What legislature organises the process of recognition?	No specific bill regulating same-sex partnership and all the processes are handled based on other laws related to family relations and partnership. The	In Latvia, the law itself is currently missing, and the same-sex partnership is regulated based on the Constitution, Civil Law, and the letter published by the

	letter published by the Supreme Court describing the procedure.	Supreme Court providing the Administrative Court with the power to handle the requests (Lēmums, SKA-[B]/2021).
What political institution regulates the process of recognition?	As the specific legislature is missing in this case, the decision about couples' recognition is made by the Administrative Court, and the decision about this delegation was made by the Supreme Court.	This system is working in Latvia based on a request formed by the Supreme Court of Latvia (Lēmums, SKA-[B]/2021; DIENA, 2021). The act formed by them delegates powers in this question toward the Administrative Court.
What are the requirements for candidates willing to legalise the statute of the partnership?	The set of documents that is required in order to form a request.	As the government does not have a specific law regulating this sphere of policy, same-sex partners follow the procedure of general partnership registration. Hence, all the requirements are described in the Constitution and Civil Law. Depending on each case, the court can ask for additional information from parties (LSM, 2022). The local LGBT+ association provides the citizens with legal advice and assistance in application formation (all the aspects are described on their website).

*Source: created by the author*

To summarise, each space (independent variable) can be presented using three dimensions; 1) the degree of government initiative; 2) the degree of the citizens' proactiveness; 3) the formalisation of the communication channels. The exact dimensions are used to visualise CGS for a better understanding of the concept. Meanwhile, the outcome of the same-sex policy, which will be analysed via CGS, was formulated based on the chosen cases of Latvia and Estonia. Two outcomes are highlighted — the adoption of the specialised law or the delegation of power to a court. Both variables were fully covered and can be implemented in analysis of same-sex partnership policy in Estonia and Latvia.



### Chapter 3: Research design and methodology

As both variables were already conceptualised and operationalised in the previous chapters, the chosen cases can now be explained. The thesis is formed to compare the outcomes of same-sex partnership policy in two Baltic regions — Estonia and Latvia. The comparison is based on the type of CGS used during the policy-making processes.

#### 3.1 Research question

The thesis explores which factor will most likely determine the final result of the same-sex partnership policy in Estonia and Latvia. As explained above, two outcomes can be highlighted — 1) the adoption of specific law regulating LGBT+ partnerships; 2) the delegation of powers to political institutions to regulate the process of same-sex couples recognition. Using these outcomes, the following research question can be formulated: *How do the differences in citizens' governance spaces impact the governing of same-sex partnerships in Estonia (2014-2016) and Latvia (2020-2022)?* The research answers this question by analysing the role of each space used in the process of policy-making and summarises their meaning for the policy outcome.

The thesis does not formulate a hypothesis predicting the factor that can determine the difference in the policy outcomes. Instead, the goal is to provide an in-depth analysis of two cases to generate these prepositions of the most likely key factor for the final result.

#### 3.2 Case selection

An existing negligence of LGBT+ policy in chosen states determines the relevance of the research. However, a closer look at the chosen countries is still required to explain their suitability for research purposes.

Both countries — Estonia and Latvia, are a part of the Baltics States. As a result, after 1991, when the USSR collapsed, they both developed independently in a similar fashion. (Geoffrey & Lipsmeyer, 2001; Kasekamp, 2010). Despite the similar background and Soviet inheritance, Latvia and Estonia have differences in democracy implementation (Steen, 2019; Kasekamp, 2010), which also affects the current state of same-sex partnership policy. In both countries, same-sex partnership legislation was discussed multiple times during Parliament sessions. Meanwhile, in Lithuania, the same question does not have the same support due to the influence of religion and traditions on society (Steen, 2019). For this reason, a comparison of Estonia and Latvia is a suitable choice. Despite the open LGBT+ political discussion in both regions, the set of rights and the legal

processes still differ. In the following paragraphs, same-sex partnership policy creation and implementation in each case are described.

The discussion about new legislature implementations in Estonia and Latvia began at the beginning of the century with a common overview of the necessity to systemise and officially identify this type of partnership (Sheeter, 2006; Ferris-Rotman, 2008). Despite its early beginning, the question is still ongoing and has room for development. Being independent in frames of legal processes, both countries created their own way of problem-solving. As a result, the escalation of the same-sex partnership policy in states is associated with different periods: in Estonia, the most significant part of the process is related to 2014 - 2016; meanwhile, in Latvia, the same events took place only in 2020 - 2022 (Kooseluseadus 650 SE; Lēmums, SKA-[B]/2021). Moreover, according to official statistics presented by ILGA, Estonia and Latvia are currently at different stages of the same-sex partnership policy development (Rainbow Map, ILGA - Europe). The research is organised by a non-governmental organisation, evaluating the level of LGBT+ policy in European countries based on multiple criteria covering a variety of spheres (medicine, education, culture, religion, legislature, etc.) Based on their Rainbow Map, Estonia is in 24th place among 49 European countries, meanwhile, Latvia is in the 36th (Rainbow Map, ILGA - Europe). This ranking was based on the current legislature of the countries, placement of the LGBT+ community in society, and social freedom (Rainbow Map, ILGA - Europe). According to a report presented by Rainbow Europe, the crucial factors for a leading position of Estonia (in comparison with Latvia) became a lower level of inequality and discrimination toward LGBT+ community and a more comprehensive legal basis (ILGA Annual review, 2022). However, despite the common statistics provided above, it is vital to describe the main time slots for each country, demonstrating the process of LGBT+ policy development.

As mentioned above, the Registered Partnership Act regulates the right of same-sex partners to legalise their relationship in Estonia by getting governmental recognition (Cohabitation Act, 2016). In 2014 an expert group of the Estonian Parliament started examining a project for a new law that can regulate same-sex partnership in the country (ERR, 2014). The project highlighted the main points guaranteeing rights equality for all types of partnerships and legally recognises same-sex couples in Estonia (as long as one person is a citizen of the country) (Cohabitation Act, 2016). After all legislature's procedures, the bill passed its final reading in October 2014 and came into force on January 1, 2016 (Cohabitation Act Implementation Act 114 SE; Kooseluseadus 650 SE). The new law provides same-sex couples a limited set of additional rights and benefits similar to an opposite-gender married couple, like property rights and a right to adopt a partner's child (Cohabitation Act, 2016).

On the other hand, Latvia started moving towards equality for same-sex couples only in 2020. Even though different initiatives had already been started in the Latvian Parliament, any of them was pushed further. Several bills were rejected by the majority of votes in Saeima. The last rejection was towards a public initiative that was brought to politicians' attention. A petition entitling registration of same-sex partners was signed by 10,392 citizens (ManaBalss, 2015; LSM, 2020), and was rejected by parliament with 55-30 votes on October 29, 2020 (Saeima Voting results, 2020). In order to protect the rights of same-sex couples in Latvia, the Supreme Court formed a request in 2020 for Saeima until June 1, 2022, to provide a law protecting same-sex partnership (Lēmums, SKA-[B]/2021; LSM, 2020). To stimulate the parliament with the decision-making process and to guarantee equal rights for same-sex couples, in December 2021 the court established that if the law is not formulated and adopted, the judicial authority recognise these couples based on their internal procedures (Lēmums, SKA-[B]/2021; DIENA, 2021). Unfortunately, the bill was rejected by the Latvian Parliament and did not achieve second reading (Voting results, 2022). Despite this, as the Supreme Court announced, all decisions regarding same-sex partnership recognitions are delegated to the Administrative Court (Lēmums, SKA-[B]/2021).

Based on the case descriptions, certain differences in the approaches are highlighted. In Estonia, same-sex partners have an official law regulating and recognising them as equal partners. Meanwhile, in Latvia, same-sex couples should apply to the Administrative Court to legally submit their status.

### **3.3 Research Design**

For the purposes of the thesis, it is required to describe the design used to answer the research question. As the aim is to identify how different CGSs might determine the outcome of same-sex partnership policy, the analysis is built according to the role of each used space in Estonia and Latvia. This way, it is possible to discover the specifics of the cases and familiarise ourselves with the meaning of CGSs for the policy outcome. For this reason, the most suitable design is an exploratory or bottom-up research design. This approach is focused on generating a new hypothesis or theory based on the results of the data collection and analysis (Patton, 2014).

As a result, a comparative analysis of the CGS in same-sex partnership development in Estonia and Latvia will allow for the formulation of the hypotheses about the meaning of spaces for the policy processes. Observing the cases also highlights the role of each CGS individually and provides information about its effectiveness. This way, an accurate conclusion can be formulated.

This research design is the most suitable for the current thesis as it does not require a formulated hypothesis predicting the crucial role of space. Additionally, the design does not require

primary research in preparation for the actual analysis. It instead supports the comparison of the cases, allowing us to discover each country independently and formulate the final observation based on this data.

### 3.4 Data collection and analysis method

The conceptual framework section explained the type of data required for the analysis. However, it is crucial to specify the sources necessary to cover all kinds of spaces according to highlighted dimensions. Three methods of data analysis are used — 1) document analysis; 2) desk research; 3) interviews with active LGBT+ organisations. Obviously, one of the most essential sources for this thesis are documents regulating same-sex partnership in Estonia and Latvia. Due to the different outcomes that are identified in chosen countries, the type of documents are also different (law, court decision, official letters, etc.)

In the case of Estonia, the set of rights and placement of same-sex partners is determined by an official law — Cohabitation Act (Cohabitation Act, 2016). As a result, this document is analysed in order to get a better understanding of the process. Meanwhile, for Latvia, the same data can be assessed from the document which endows the Administrative Court with an obligation to review same-sex couples' requests (Lēmums, SKA-[B]/2021). The same legal document produced by the Supreme Court requires the policy change from the Parliament (Lēmums, SKA-[B]/2021). Other crucial documents for the Latvian case are the Constitution and Civil Law (Satversme, 1992; *Civilstāvokļa aktu reģistrācijas likum*, 2013). The most important source that should be considered is Article 110 of the Constitution: "*The State shall protect and support marriage - a union between a man and a woman, the family, the rights of parents and rights of the child.*" (Satversme, article 110). This remark does not allow same-sex partners to receive any support from the state.

The final documents were not the only pieces of information discussed for each case. The websites of Riigikogu and Saeima were explored in the knowledge of additional data like Transcriptions from internal discussions (Transcription of XII Riigikogu, VII session, 2014; Transcription of XII Riigikogu, VIII session, 2014). Here, public authorities not only give updates on internal discussion (which explains provided spaces) but also share a public opinion collected in frames of decision-making (which can be recognised as invited CGS). For instance, during the process of bill formulation and correction, public surveys were organised in order to measure the necessity of the upcoming legislature.

Other crucial factors evidencing and explaining citizens' proactiveness are petitions and demonstrations. The desk research analyses, the initiatives supported by Latvian citizens via the platform ManaBalls.lv, initiatives started by SAPTK (traditional Estonian association), and other

proactive social events related to the topic of same-sex partnership in the region. These sources also filled the gap in describing citizens' involvement.

Additionally, due to digital trends, each LGBT+ association has active pages on Facebook and Instagram, where they also comment on the events and provide updates about their achievements (Association of LGBT and their friends Mozaika Facebook page; Eesti LGBT Ühing / Estonian LGBT Association Facebook page). Together with the social media pages, the websites of the same associations are explored. This allows us to analyse how social initiatives are promoted and represented by the members of these associations.

In Estonia, LGBT+ rights are promoted and represented by Eesti LGBT Ühing. Their goal is to raise the issue of inequality and promote LGBT+ rights. Eesti LGBT Ühing represents the opinion of the interested social group and operates as a channel of connection between the community and authorities pointing at existing issues. The association actively cooperates with the authorities to discuss the opportunities for LGBT+ people in the country and offer possible ways to improve existing policies (Starteegia 2022-2024). To keep track of achieved results in the sphere of LGBT+ policy development, the organisation uploads a yearly overview describing main out-turns and defining goals for the next period. These strategies not only include activities planned to be realised by Eesti LGBT Ühing independently but also formulate the agenda for the political actors related to the future development of LGBT+ policy (Starteegia 2022-2024).

Like this, Eesti LGBT Ühing plays a vital role in determining the outcome of LGBT+ policy. For research purposes, an interview with the organisations' representative is conducted. The goal is to fill gaps which explain the channels of communication used by the organisation to achieve the authorities and promote LGBT+ rights. Eesti LGBT Ühing is not only actively involved in the political processes directly with authorities. The association is also an independent non-governmental institution raising different issues of LGBT+ communities and forming possible strategies to resolve them (Starteegia 2022-2024). For this reason, Eesti LGBT Ühing is familiar with both formalised and un formalised channels of participation which are available for citizens and can give an excellent overview.

Like Estonia, Latvia has an organisation actively promoting LGBT+ rights — Mozaika. The organisation's goal is to analyse politicians' activity and the decisions made in order to resolve existing challenges limiting the rights of the local LGBT+ community (Mozaika: Overview). Based on these observations, Mozaika forms their suggestions, publishing them in yearly overviews. It is vital that being familiar with potential channels of cooperation between citizens and politicians, the organisation includes them in the agenda. Additionally, members of the association organise open-conversations in the form of online-translations with the politicians to discuss the political agenda and communicate further development of the same-sex partnership (Mozaika Facebook page:

Conversation "Change is in your hands! Vote responsibly!", 2022). As was mentioned before, Mozaika publishes updates and news about conducted events, giving an excellent overview of their activity. This way, the chances of communication with politicians, and the citizens' proactiveness are explored, which is required for the CGS description and for the research question. In Latvia, the most significant period for LGBT+ policy development is related to 2020-2022, the associations' reports and posts for these years are considered as relevant for the thesis.

As the last method of data collection, interviews with LGBT+ associations are planned. Their goal is to give some additional observations of the associations' involvement in the policy-making process. The aim is to collect facts that are missing on the website of the organisation or not reflected in the media. Moreover, the research question chosen for this research does not require opinion collection. It only needs the selection of facts describing citizens and LGBT+ association proactiveness in same-sex partnership policy development.

It is also crucial to highlight that the interviews are planned only with the representative of the LGBT+ associations operating in Estonia and Latvia. The decision is explained by the sensitivity of the topic and the necessity of facts collection. Like this, citizens' proactiveness is reflected by the support of petitions and pickets, organised to affect the outcome of same-sex partnership policy. As a result, the information to be collected from the interviews is related to the events describing the formalised and unformalised channels of communication between the LGBT+ organisations and the authorities.

In Appendix 1, the Interview Guide is presented.<sup>2</sup> The questions are formulated in a way to cover all the required topics. However, to avoid potential misunderstandings, the official terminology was changed to a more common one. Like this, the required data is still collected and the conversation is clear for both parties.

The interviews were planned to be online via Zoom in the form of open conversation. The number of participants is up to the association, as the primary goal of the interviews is to collect data about the events that took place during the implementation and discussion of same-sex partnership policy development. Hence, even one member related to the process of the organisation may assist with filling the gap in current knowledge.

Due to organisations being overloaded with Baltic Pride, only the Estonian association was able to participate in the interviews. Sending multiple requests to Estonian and Latvian organisations, only one reply was received, and one offered to conduct an interview in late June. Unfortunately, Mozaika did not get back with any reply regarding the interview offer. In the table 7 the attempts of contacts are reflected (see Table 7).

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<sup>2</sup> Along with the list of questions formed for the interviews is located in Appendix 1.

**Table 7. The attempts to conduct interviews with Estonian and Latvian LGBT+ organisations.<sup>3</sup>**

The organisation / member of association to be achieved	The way of communication (channel used to achieve)	Request's date	Outcome
Eesti LGBT Ühing	An email with an invitation to participate in the interview was sent	April 24, 2023	No reply from the association
Mozaika	An email with an invitation to participate in the interview was sent	April 24, 2023	No reply from the association
Eesti LGBT Ühing	Call to the organisation asking for the interview opportunity	May 4, 2023	The representative agreed to have an interview on May 8 and asked to provide the information about the context once again
Mozaika	Call to the organisation asking for the interview opportunity	May 4, 2023	No reply from the association
Eesti LGBT Ühing	One more email to the organisation asking to refer to the previous request	May 4, 2023	Another member of the organisation replied and offered to have a discussion after June 16. The reason is that they are overloaded with work due to Baltic Pride and marriage equality advocacy.
Mozaika	One more email to the organisation asking to refer to the previous request	May 4, 2023	No reply from the association

<sup>3</sup> The colours of the table stand for the following data: red rows — no reply, yellow — the interview cannot be conducted in time, green — the interview was successfully conducted.

Eesti LGBT Ühing	The member who participated in the interview agreed to directly ask the information from another activist providing all my questions and details.	May 8, 2023	Another member offered time slots on May 17 and May 18.
Mozaika	A message to the official Instagram page was sent asking about the interview opportunity	May 8, 2023	No reply from the association
Mozaika	A message to the official Facebook page was sent asking about the interview opportunity	May 8, 2023	No reply from the association

*Source: created by the author*

From the Estonian organisation one member was available for an interview and was able to provide additional information about their activity. The interview was conducted via Zoom (as it was planned previously) and lasted 28 minutes. According to the verbal agreement, their personality is anonymous. The interviewed party was also provided with all the information about the research, data collection, methods of the analysis, confidentiality provision, and other essential aspects of the interview presented in the Consent Form (see the form in Appendix 2). The interviewed representative replied to all the questions from Appendix 1. During the interview with the Estonian association, the representative was asked about the effectiveness of their activity, primary results, goals for future periods, and their role in the Cohabitation Act adoption (see the set of questions in Appendix 1; Interview No. 1). The special focus was made on the formalised and un formalised communication channels that are used by the association in order to achieve the planned goals and cooperate with the authorities. Additionally, the events related to problem-solving CGS were unpacked by the interviewer. A more detailed overview of the context is provided in Chapter 5.

However, it was previously highlighted that interviews are not a primary source of information in the case of the current study. The aim is to analyse and explore the events that occurred during the time of the same-sex partnership policy development. Essential detailed overviews of all activities are reflected on the official pages and websites of the organisations. In addition, some interviews with the representatives of Mozaika are also available on their official pages. As such, the data missing from the non-conducted interview is covered. The unique approach used in this thesis requests certain specific questions, reports, and side interviews which include the information related to the research question. This information describes the types of



activities used during the same-sex partnership policy development and discusses the outcome. For this reason, the quality of the final result does not decrease. All the information required for the research question is collected from additional sources and represented in the analysis section. Despite the validity of the interviews, a significant effort was made to compensate for the lack of information with alternative sources created by the association.

Altogether, the chosen sources of information cover all dimensions chosen for the variable measurement and allow us to better understand the policy-making process. This results in a created data set which is an accurate description of CGS and policy outcomes and can be considered a relevant source.

## **Chapter 4: Governing same-sex partnership in Estonia**

In the previous chapter, the level of same-sex partnership policy development in Estonia was explained. In Estonia, an official law regulating same-sex couples' recognition is adopted — Cohabitation Act (Cohabitation Act, 2016). The law came into force in 2016 and provided LGBT+ partners with new, more equal rights allowing them to register their relationship. Despite the positive outcome, the process of policy development was not so simple due to inevitable disagreements among social and political institutions.

This thesis aims to explore CGSs in same-sex partnership policy development. For this reason, each space should be described by examples from Estonian experience. To get a better visual understanding of the context, the model of diamonds for each space is formed (see Figure 5).

The initiative of the bill started inside Estonian Parliament due to increasing internal and external demand. As the request was announced during the previous discussions, the agenda for the draft was already existing. The process for the bill formulation is entirely related to the use of the provided CGS. The general procedure of the bill's adoption provides ample reason for such a conclusion. In Estonia, the law should pass internal parliament readings and get a majority of the votes (Eesti Vabariigi põhiseadus, 1992). Hence, the same procedure was followed to adopt the Cohabitation Act. According to the data published by Riigikogu, the draft of the bill passed the first reading with a total support of 45 votes against 32 contra-votes (Transcription of XII Riigikogu, VII session, 2014). The second reading passed with the support of 41 voters (33 did not support further discussion of the legislature) (Transcription of XII Riigikogu, VIII session, 2014). With all the support from Estonian Reform Party, Estonian Centre Party, and Social Democratic Party, on October 9, 2014 the bill passed the final vote (Kooseluseadus 650 SE). It was signed by the then current President, Toomas Hendrik Ilves (Kooseluseadus 650 SE).

The process described above falls under provided CGS when political institutions entirely drive the whole process. This type of space is a traditional form of law adoption: the draft is formulated, discussed, and adopted by Parliament exclusively. The reason for this is a simplification of the already complicated process when politicians have to agree on the new bill among each other. For this reason, in the majority of cases, the process of law creation belongs to the provided spaces only.

This example highlighted the positive effect of providing CGS in the determination of same-sex partnership policy development. However, according to the system of law implementation in Estonia, the bill cannot be adopted without the citizens' involvement. This means that the Parliament is obligated to conduct discussions with society in order to collect public opinion regarding the question. The exact process was done for the Cohabitation Act. During multiple sessions between the readings in the Parliament, meetings with the citizens were conducted in order

to get feedback about the bill. The opinions provided to the politicians are diverse and published in the discussion section of Kooseluseadus 650 SE (Arvamused, 2014). Moreover, a similar piece of information was taken from an interview conducted with the representative of Eesti LGBT Ühing:

*“... the association is communicating with the politicians ... We have the channels with the politicians, and it is effective. We are sitting at the table and discussing the topics directly.”*

*Eesti LGBT Ühin (Interview No.1)*

Not only the citizens were invited to communicate the bill, but the association focused on LGBT+ rights promotion regularly cooperated with the authorities in order to develop the bill.

Both sources of data evidence the involvement of the citizens in the policy-making process. However, it is also crucial to measure each dimension of the space based on the approach in the offer. According to the information above, the process of policy implementation was entirely held by the Parliament. The law was adopted based on two parliamentary readings, after which voting results decide the future of the bill (Kooseluseadus 650 SE). The most significant evidence for the provided space is a report published by the Parliament with all protocols from the sessions and the results of the discussions (Kooseluseadus 650 SE). The only actors involved in the decision-making process are Riigikogu and the Law Committee (the role of LGBT+ association and the citizens in the frames of provided spaces was in consultations and opinion provision). The procedure was based on Section 65 of the Estonian Constitution, which states that the Parliament drives the implementation of the law and comes into force along with publishing in the State Gazette (Riigi Teataja) (Eesti Vabariigi põhiseadus, Section 65).

According to the three dimensions, the degree of governmental initiative can be evaluated as high. However, factoring in the required invitation of the citizens for the formal discussions of the future bill, the degree of the citizens' proactiveness is measured as a medium, despite the fact that the ideal model (see Figure 1) positions the dimension as low. Public opinion on the topic is a part of the legal process and may affect the final result as it is considered during the following internal discussions. An opposite situation occurs with the degree of the formalisations of the communication channels. Unfortunately, society cannot use any tool to be directly involved in the decision-making process. They are not provided an active way to be self-invited to a policy-creation process. As a result, when fitting the ideal model (see Figure 1), the degree of the formalisation of the communication channels is considered as low. The final visualised model of the provided space can be found in Figure 5.

Meanwhile, during the second reading, the government offered an initiative to hold a referendum in order to decide on the future of the bill (Transcription of XII Riigikogu, VIII session, 2014). This was an attempt to invite the citizens into the policy-making process, providing them with a right to decide on the necessity of a new law. However, the suggestion was rejected by

the majority of the parliament's votes (Transcription of XII Riigikogu, VIII session, 2014). This once again confirms that the adoption of the bill is connected with provided CGS.

Despite the rejected referendum initiative, the discussions with the citizens and the LGBT+ association represent an invitation of CGS in Estonia. Involving society in the governing process by providing them with formalised channels of communication fits the description of the invited CGS (see Table 2). All three dimensions can be measured and compared with the ideal models provided in Figure 2. The degree of government initiative is high as they decide on the channels of communication and the final result of the policy-making process. Riigikogu asked for opinions from the citizens and consulted with the local LGBT+ organisation to develop the bill. Meanwhile, the actual power was still concentrated in the hands of the politicians. The degree of the citizens' initiative is considered as a medium. They are provided with the ability to express their opinions about the planned policy change. However, due to existing limitations in the determination of the process outcome, the dimension is measured at medium.. The final section is the degree of the formalisation of the communication channels. This dimension can also be evaluated as a medium. Despite the provided opportunities, the limitations for the citizens' participation still exist. The Parliament controls the channels of communication as they initiate all the discussions. Hence the Estonian example matches the ideal model presented in Figure 2 and described in Table 2.

Not only was open discussion a way in which society participated in the same-sex partnership policy development. The Estonian LGBT+ association also appealed to the Parliament requesting to adopt a Cohabitation Law by pointing to the importance of the rights, equality and security for LGBT+ people (Appeal, 2015). Due to no referendum, the community should instead express their opinion using outside channels of communication.

The detected event can be considered as part of claimed CGS. The association gave feedback and recommendations in the form of an appeal, willing to affect the discussion of the Cohabitation According to the methodology section. The political authorities were not however involved in the formulation or discussion of the appeal, which evidenced the minimal role of the power institutions. The tool used by the LGBT+ association is widely available as every citizen can form an official request to the government requesting a reply or consideration of the opinion depending on the number of supporters. Even though citizens themselves cannot change the policy due to the lack of power in the context of legal processes, the communication channel used in this example still affected the political agenda by promoting the discussion and showing social interest in LGBT+ question development. For this reason, CGS assisted with changing the policy and promoted the future same-sex partnership bill, which was adopted in 2016.

Considering the offered measurement scale which ranges from low to high, the exemplified appeal can be described; the degree of government initiative is low due to no

involvement of the politicians in the process. Meanwhile, the degree of the citizens' proactiveness is high due to their leading position in the initiative's formulation and expression. The representative of the Estonian LGBT+ community held the whole process. The last dimension is the formalisation of the channels of communication. The appeal went directly to the political institution for consideration. However, it did not guarantee a positive outcome and approval; of the request. Due to these nuances, the dimension can be rated as medium. However, this is not the only evidence of claimed CGS in the Estonia case.

Sihtasutus Perekonna ja Traditsiooni Kaitseks (SAPTK or Foundation for the Protection of Family and Tradition) is an Estonian organisation promoting traditional social values based on Christian teaching (SAPTK official website). As a result, the possibility of LGBT+ rights development was directly against their principles and beliefs, causing a necessity to express their opinion and "stop" the potential initiative. As a result, in November 2012, the association started a petition to support traditions and family rights — "Let's protect the family together" (SAPTK official website). The goal was to express an alternative opinion on the discussion of LGBT+ rights development. The members of SAPTK expressed their right to start an initiative requesting changes in the current legislature.

Moreover, to push the request further, the association organised supporting events like a demonstration on September 22, 2014. At this demonstration SAPTK requested Riigikogu to stop the process of same-sex partnership bill discussion (SAPTK official website).

The organisation (SAPTK) was started by an activist Varro Voogaid, who was not involved in any political processes before and founded the movement inspired by his general interest in supporting traditions (SAPTK official website). Hence, each event organised by SAPTK is considered an initiative driven by society due to the history of the association's creation. Moreover, as was described previously, the goal of both the petition and demonstration was to express an alternative opinion and change the existing political agenda. Considering the three dimensions approach, they can be visualised as follows. The degree of the citizens' proactiveness is high as the initiative of SAPTK was started and led by the citizens-founded organisation in order to challenge from the outside an offered discussion of the cohabitation act. The degree of government initiative goes along with the ideal model provided in Figure 3 and is evaluated as low. The final dimension — the degree of the formalisation of the communication channels — also fits the model presented in Figure 3. Petitions and demonstrations are well-spread forms of outside participation for the citizens claiming to be involved in the policy-making process (see Table 3). Both tools are medially formalised as they cannot fully determine the final result due to dependency on the authorities' support.

Having unpacked polar examples of the claimed spaces in Estonia, they can be considered to match the idea model in Figure 3.

Despite the crucial role of the provided spaces for the same-sex partnership outcome, social involvement is still a crucial factor. One more piece of evidence is the existence of the LGBT+ association in Estonia. Previously the mission of Eesti LGBT Ühing was described. However, it is required to dig deeper into the exact activities organised by them supporting the LGBT+ community.

The Eesti LGBT Ühing organisation was founded by various activists around Estonia. These same people were also involved in the organisation of Baltic Pride and other events supporting LGBT+ people (Eesti LGBT Ühing official website). The interviewed representative of the association highlighted that the majority of the regular members started as volunteers:

*“We have a lawyer working for us, she started as a volunteer.”*

*Eesti LGBT Ühing (Interview No.1)*

The members and founders of Eesti LGBT Ühing are the same citizens asking to participate in the policy-making process forming alternative ways of the LGBT+ policy development.

The organisation does not only provide mental support and consultations for members of LGBT+ community, but they also assist with legal questions (Eesti LGBT Ühing official website). The association provides an additional section on a website describing the different types of first-level legal advice they offer. They provide advice on the preparation of a cohabitation agreement, applications, appeals, communication with policy makers, adoption, and other crucial aspects. During the interview with of the association, a better overview of the service was provided:

*“The legal advice part is held by a lawyer working for us [Eesti LGBT Ühing]. The questions in need of legal advice go straight to her. I cannot provide you with how many calls or letters arrive, but there are a lot.”*

*Eesti LGBT Ühing (Interview No.1)*

This interview proves that the initiative is entirely provided by the association, without the government's involvement. The organisation started a project to offer better support to the LGBT+ community and fill the gap in the existing legal procedure (Eesti LGBT Ühing website). Unfortunately, the government does not offer any free consultation to minorities and does not provide them with the contacts of specialists. As a result, Eesti LGBT Ühing took initiative by pointing directly at the problem and offering a solution that the government could provide without involving the political institutions. Moreover, the interview also confirms the necessity of the service due to the existing demand from society. According to the provided information, the members of the LGBT+ community frequently ask for assistance. Hence, this is an active example

of problem-solving CGS: citizens in the face of the associations lead the initiative and cover a gap in the existing policy as described in Table 4.

Despite the fact that the process is entirely led by the organisation, some cases sent for consultations are complicated and require in-depth analysis or need legal support to formulate the case for same-sex partnership registration. For this reason, the activists provide the requester with an institution able to assist them better:

*“What I personally answer is the emails where people can find a notary where the civil partnership can be done as not all of them agree to do it. We have a few that we know that are good, and we give out the contacts... Some issues are very difficult.”*

*Eesti LGBT Ühing (Interview No.1)*

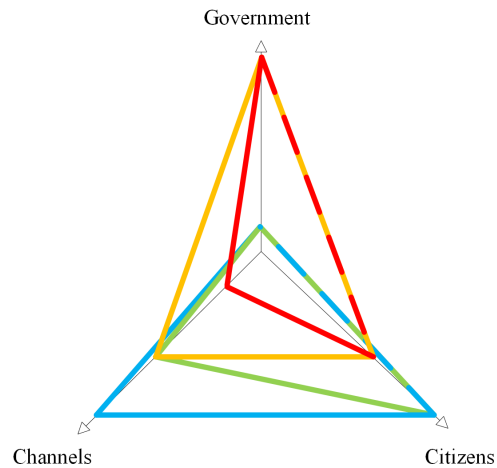
After obtaining an ample overview of the process, the space can be unpacked based on the three dimensions. The degree of the citizens' proactiveness is high, as the whole process is initiated and implemented by local activists (Interview No. 1), in comparison with claimed CGS when the politicians can still affect the initiative. Due to the fact that the authorities are excluded from the process of the service organisation and provision, the degree of government initiative is low. All funding is sourced from their internal budget or from the pockets of volunteers.. The degree of the channels of communication can be rated as high. The association challenges the current policy from the outside and provides its independent service to resolve the existing challenges. The described situation fits the description of the problem-solving CGS and displaces the measurement of the ideal model (see Figure 4).

Summarising discovered findings of the CGS in Estonia, the following conclusions can be made. All types of spaces were evidenced. However, the most crucial role was played by providing CGS. The results of internal Parliamentary discussions caused the adoption of the Cohabitation Act. The explored case can be rated at the medium degree regarding the citizens' proactiveness in the provided spaces (see red in Figure 5). This difference from the ideal model (see Figure 1) most likely determines the same-sex partnership bill adoption. The society was invited for the discussion of the draft in order for the government to collect public opinion, which positively affected the final outcome.

Another booster for the same-sex partnership law was the consultation with the local LGBT+ organisation which was conducted in the form of invited CGS. With the opportunity to cooperate with the activists promoting LGBT+ rights, the authorities got a better understanding of the existing request. As a result, the bill was adopted after considering the specifics of the case and including crucial aspects related to LGBT+ policy specifically.

The provided problem-solving space fits the ideal models provided in Chapter 2. Hence, the Estonian experience confirmed the offered theoretical background, which evidences the acuity of the offered approach and measurements.

**Figure 5. CGS in Estonia.**



The colours reflect the following: red — provided CGS, yellow — invited CGS, green — claimed CGS, blue — problem-solving CGS.

*Source: created by the author*

The final aspect to be discussed is the degree of each dimension. Based on a Figure 5, the degree of the citizens' proactiveness is either medium or high, which evidences their involvement in all types of spaces (despite the fact that provided CGS does not require the society to be involved — see Table 1, Figure 1). The society was not left behind during the process of policy-making, which evidences the specificity of the Estonian case. Meanwhile, the degree of government initiative goes along with the ideal models in each space (see Chapter 2), the same as the degree of the channels of communication. Hence, the uniqueness of the case is the medium degree of the citizens' proactiveness in the provided CGS. This finding highlights a crucial insight for the same-sex partnership policy outcome in Estonia. The results develop an offered theoretical approach offering new vision on CGSs.



## **Chapter 5: Governing same-sex partnerships in Latvia**

Now that the Estonian case is thoroughly analysed and explored, the Latvian example can be unpacked. Unfortunately, the state has not adopted a particular law to regulate the process of same-sex partnership registration. Despite the common European agenda (On 5 June 2018, the European Court of Justice ruled that member states of the European Union must recognise the freedom of movement and residency rights of same-sex spouses, provided one partner is an EU citizen), the Latvian Parliament did not proceed with legal action. In June 2019, the proposal of a same-sex partnership bill was rejected by the majority of 60 votes against only 23 supporters (Voting results, Saeima, 2019).

In this case, the effectiveness of governmental initiatives for same-sex partnership policy cannot be proved. The authorities did not push the bill further, pausing the question of the LGBT+ policy development. As described before, internal parliamentary discussions are related to the provided spaces. However, it is essential to highlight that in the Latvian case, the original initiative to discuss the same-sex partnership bill did not come from the Parliament. The society used a unique online platform called ManaBalss.lv (My Voice) to form a request for Saeima asking to allow the registration of civil partners between two people regardless of their sexuality and gender (ManaBalss.lv, 2015). The proposal was signed by 10920, which, based on Latvian law, is enough (more than 10 000 signatures) to push the initiative to Parliament (Manabalss.lv). Citizens used their active right to communicate with the government and express opinions by asking to participate in the political process. Taking attention to the existing inequality in rights, the Latvian community demanded to proceed with further discussion of the question.

Having all the required background, provided CGS can be thoroughly analysed. Even though the citizens started the initiative and asked to open the discussion, the whole process was held by the Parliament. Internal voting results then decided the future of the law, leaving a social request behind. Based on this, the degree of the citizens' initiative is low due to no measurable effect on the discussion's outcome. Highlighting the need to develop LGBT+ policy in Latvia, they delegated the question to Saeima, where the initiative was rejected during the first discussion. Meanwhile, the degree of the government initiative can be measured as high as they lead the space by holding internal discussions and making decisions on the outcome. However, the degree of the formalisation of the communication channels is medium. As mentioned, using an outside tool (petition), the citizens affected the political agenda. This was a booster for the discussion. This event belongs to two spaces — claimed and provided. However, as it started the internal Parliament process, the petition is included in provided CGS. This is the aspect that changes the placement of dimensions in comparison with the ideal model presented in Figure 1 (see red in Figure 6).

Analysing further, the signed petition is also an example of the claimed CGS. The process was driven and led by society as the question of the same-sex partnership policy was not added to the political agenda before. As the citizens themselves cannot resolve the issue requiring changes in law, they are obligated to form a request for the authorities. The petition was formulated due to the common tendency in the EU and the successful practice of the neighbouring state (Estonia).

Even though the initiative was not successful and was rejected by the Parliament voting, the citizens proceeded with asking for further development of LGBT+ policy. As soon as the decision on the request was announced, the activists organised a picket in front of the Parliament, demanding legal protection for the LGBT+ community (LSM, 2020). This evidence is one more example of claimed CGS. People were not satisfied with the barred petition and decided to proceed with another type of activity available to the citizens.

The biggest challenge regarding the claimed CGS in frames of same-sex partnership policy is that the citizens do not have ample legal power to proceed with the process of rights provision without political institutions. The solution requires a change in the current law, which can be adopted only by the Parliament. According to the Latvian legal system, the adoption of a new legislature or correction of the existing act is held by Saeima and requires the majority of votes from the parliament members (Satversme, 2019). This logical limitation of active rights provided to the citizens postponed the process and sent the initiative for discussion. Unfortunately, the disadvantage of this space is that the final decision is still left after the Parliament due to the limitation of the degree of the formalisation of communication channels.

Same as in the previous example, the citizens proceeded to demand the legalisation of same-sex marriages and partnerships by signing a new petition. The new document was started the same day as the previous initiative was rejected by Saeima (ManaBalss, 2020). This time, by March 2022 the number of supporters achieved 23392, more than double the original amount (ManaBalss, 2020). The petition had a new goal of the legal protection of all families, continuing and developing the previous request (ManaBalss, 2020). By expressing public opinion and asking for greater attention to a current issue, society succeeded in initiating an additional discussion of the topic. However, the crucial factor of the current outcome was in support of the Supreme Court (Lēmums, SKA-[B]/2021).

The Supreme Court demanded that Saeima reopens a discussion of same-sex partners' rights and correct the law accordingly (Lēmums, SKA-[B]/2021). The timeline for an update was limited by June 1, 2022 (Lēmums, SKA-[B]/2021). However, the primary condition of the request was an actual guarantee to the same-sex couples that they will be provided with rights. Even if the Parliament refuses to complete the process by June 1, the court will take over the initiative and take

over an additional procedure allowing every willing couple legalise their status (Lēmums, SKA-[B]/2021).

Claimed that CGS is the most significant type of space for the same-sex partnership policy outcome in Latvia. In order to analyse the reason for the space's efficiency, it is required to explore the dimensions. The degree of the citizens' proactiveness is high as the whole process was on them (the petitions and picket were initiated by the society). The degree of formalisation of the channels is medium, as the same way it is described in Table 2, the certs limitations exist. The second petition made an actual change in governing same-sex partnership policy. The reason for this is the difference in the support. When the Supreme Court was involved in the process, progress in the issue resolution was made. As a result, the uniqueness of the Latvian case can be highlighted. The proactive role of the judicial branch determined the effectiveness of the claimed CGS. Even though the degree of formalisation of the channels is medium, the effectiveness of their usage depends on the authorities. Hence, if judiciary supports the initiative, claimed CGS most likely make a change in the same-sex partnership policy. As in the Latvian case, the issue raised by the society was successfully pushed further only when the Supreme Court highlighted the necessity of legal change. It formulated an additional request for the Parliament, based on the petition. In the same way as citizens, they demanded changes in the policy (Lēmums, SKA-[B]/2021). Despite the low degree of government initiative, a proactive role of the court promoted further development of the same-sex partnership. Having more power, it was able to proceed with the initiative even if the Parliament rejects it again.

Through unpacking this case, the following conclusion about claimed CGS in Latvia. This space had a crucial meaning for the same-sex partnership policy outcome. Due to the support of the Supreme Court, the process of same-sex partnership registration was delegated to the Administrative Court and was finally formalised. This formulates the specific case. Hence, the Latvian example evidences that the efficiency of claimed space for the same-sex partnership policy depends on proactive position of the court.

However, not only can the petitions and the pickets be highlighted in the Latvian example, as citizens' initiatives assisted with the improvement of the current same-sex partnership policy. Earlier, it was mentioned that same as in Estonia, the country has a proactive organisation supporting the LGBT+ community and promoting their rights, demanding equal conditions for all people regardless of their gender and sexuality (Mozaika). It not only educates society by explaining the importance of LGBT+ equality but also offers side support to the members of the community. Unfortunately, the Latvian government does not organise events or consultations for the LGBT+ community. For this reason, non-governmental institutions should step in and fill an existing gap in the policy.

Mozaika has various types of activities provided to all willing citizens. Besides legal and mental support, the association also gives an opportunity to take free HIV, syphilis, hepatitis B and C tests (Mozaika official website). Looking closer at the initiative of the legal advice provision: public services do not assist the LGBT+ community with questions related to their legal status or partnership application, which may negatively affect the result of the request. For this reason, the association offers free legal consultations aiming to protect individuals' rights, assist with collecting necessary documents for court, and formulate valid requests. The goal of the activity is to minimise risks related to misunderstanding the current legal system and protect same-sex partners. This is a working example of the problem-solving CGS, which effectively improves the quality of life for LGBT+ people. The lawyers lend a hand with different complicated cases and offer advice on the potential strategy based on the existing law (Mozaika official website).

Unfortunately, the representative of the organisation was not available for the interviews in order to provide information about their involvement in the policy-making process. However, as it mentioned in Chapter 3, the data required for the analysis can be achieved from the already published sources and interviews with the organisations' members. The most important information was taken from the Facebook page of the association.

Like this, one piece of the evidence regarding the proactive position of Mozaika is an existing communication with the politicians. The association started a project, *en-Iekļaujoša likumdošana* (in English: Inclusive family legislation) (*en-Iekļaujoša likumdošana*, 2022). The goal is to communicate with the government in order to comply with the judgement of the Constitutional Court fully. Mozaika highlighted that in order to realise the intentions, politicians should not be the only ones involved in the discussion but the members of the community as well. Hence, this evidences the existing channels of cooperation between the government and the association.

After contributing towards equality for the LGBT+ community in Latvia, Mozaika formed an official request describing the essential changes that a future law should cover:

*“The Social and Labor Affairs Commission of the Saeima, in cooperation with the Ministry of Welfare, should start work on the development of a draft law with the aim of making amendments to the Law on State Social Benefits in order to eliminate the problem identified in this letter and ensure the right of a parent in same-sex partner families to refuse to receive family state benefits in favour of the other partner.”<sup>4</sup>*

*Letter Nr.16112021*

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<sup>4</sup> Original text: *Saeimas Sociālo un darba lietu komisijai sadarbībā ar Labklājības ministriju uzsākt darbu pie likumprojekta izstrādes ar mērķi veikt grozījumus Valsts sociālo pabalstu likumā, lai novērstu šajā vēstulē identificēto problēmu un nodrošinātu viendzimuma partneru ģimenēs vecākam tiesības atteikties no ģimenes valsts pabalsta saņemšanas par labu otram partnerim.*

Following the initiatives, Mozaika also organised meetings with candidates to Saeima discussion the future agenda of LGBT+ policy and partnership equality (Saruna "Pārmaiņas ir Tavās rokās! Balso atbildīgi!", 2022). The following candidates participated in the discussion: Inese Libina-Egnere ("Jaunā Vienotība"), Uldis Budrikis ("Konservatīvie"), Davis Lodzins ("Progresīvie") un Maria Golubeva ("Attīstībai/Par!").

Hence, the information published at the official sources extensively cover the majority of aspects evidencing the activity of Mozaika in the development of the same-sex partnership policy. Analysing the data from above, the initiatives are related to claimed and problem-solving spaces only. The association used outside channels of communication demanding politicians' attention to the existing gap in rights equality. Meanwhile, the actual invitation from the politicians to discuss the development of same-sex partnership policy was not received.

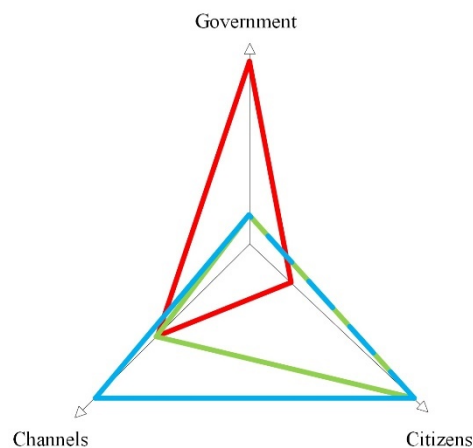
Measuring the dimensions, the problem-solving space in Latvia fits the standard model provided in Figure 4. In the same way, as described in Table 4, problem-solving CGS is organised. The degree of the citizens' proactiveness is high. No assistance from the government is required for the association to organise legal help for the local LGBT+ community. Moreover, the politicians do not ask to be involved in the process. Hence, the degree of government initiative is low. The last dimension, the formalisation of the communication channels, is high as well. Used channels are highly formalised and directly determine the result of the planned activity. The analysis confirmed that explored space matches Figure 4.

As it can be already noticed, the invited CGS in same-sex partnership policy development in Latvia did not occur. The reason for this can be evidenced in the following information. The citizens were not invited to public discussion of the bill as the initiative never passed the first reading. As the law was not developed, no document was provided to citizens. Meanwhile, the decision made by the court does not require public discussion as it is formulated based on the already adopted laws. Hence, there was no room to invite society into the decision-making process. The fact of the missing space also highlights the uniqueness of the case and is crucial for the future comparison.

By familiarising yourself with the Latvian experience of same-sex partnership policy development and the role of citizens' involvement, the following conclusion can be made: even though various spaces were used, the actual result was achieved with the second petition signed by more than 20 000 citizens and noticed by the Supreme Court. Hence, claimed CGS reflected in the form of the petition was a booster for the same-sex partnership policy. The efficiency of the claimed CGS in Latvia depended on the involvement of the power holder. This is evidenced by the fact that the same tool before did not affect the policy and was left behind after the first reading in Parliament. Based in this, the least effective space for the same-sex partnership policy development

is provided CGS. During the voting in Saeima, the initiative was not supported. Two times the tendency is noticed: with the first petition from the citizens, and with the letter from the court when the Parliament also could not agree on the same-sex partnership policy development. Moreover, even adding the question to the agenda was initiated by the citizens. Hence, without the citizens' proactiveness the question would never be discussed. The third and last CGS is problem-solving. As mentioned above, the space matches the ideal model from Figure 4. The process is driven by Mozaika with a use of formalised channels. Meanwhile, the authorities are not involved. Described spaces visualised in Figure 6.

**Figure 6. CGS in Latvia.**



The colours reflect the following: red — provided CGS, green — claimed CGS, blue — problem-solving CGS.

*Source: created by the author*

Having a visualised model of described spaces the conclusion about the analysed dimensions can be made. Problem-solving CGS and claimed CGS fit the ideal models confirming the theory provided before. Meanwhile, provided space has a unique degree of the dimensions explained by the specific Latvian case. The degree of the formalised channels for provided space is medium as the initiative to discuss the same-sex partnership policy was expressed by public petition. Hence, the whole process was not held only by the authorities. Moreover, the specific of the case is linked to the role of the judicial branch in claimed CGS. The Supreme Court supported the initiative and determined the same-sex partnerships policy outcome.

## **Chapter 6: Results – comparing the role of citizens’ governance spaces in Estonia and Latvia**

After being introduced to the processes of same-sex partnership policy development in both countries, the main comparison of the cases can be provided. The chapter is structured in a way that each type of CGS is compared with the same process in the opposite state in order to identify the potential factor which most likely determines the difference in outcomes of the same-sex partnership policy. The final observations from Estonia and Latvia are analysed and compared based on the information from Figures 5 and 6. In concluding the section, the main hypotheses are formulated and provided. At the end of the chapter, both the discussion of findings held and potential directions for future research are offered.

### **6.1 *Comparison of the spaces***

This research question asks how the difference in the used CGS affects policy outcomes in Estonia and Latvia. By comparing the spaces, the following reply can be given. This reply highlights the most significant factors which most likely determine the policy outcome in both countries.

In Estonia, the result of the policy process is implemented in the form of the Cohabitation Act, which was formulated and adopted by their Parliament. The provided CGS most likely determines the same-sex partnership policy outcome. Meanwhile, in Latvia, the actual change was achieved only after the court supported the second petition initiated by the citizens. This evidence shows that the role of claimed CGS for this country became crucial in same-sex partnership policy outcome.

The comparison is formed space by space, considering the degree of each dimension. As the invited CGS in Latvia is missing, its role in the Estonian case is described at the end of the section.

Starting with the first type of space — provided. According to the analysis of Estonia and Latvia, both countries used this CGS during their same-sex partnership policy development. However, the meaning of the space is different for the states, as it was explained before. In both cases, it is organised in the form of parliamentary discussions of same-sex partnership law. The first difference appears with the nature of the initiative causing the discussion. In Estonia, the decision to start a discussion was made internally by Riigikogu. Meanwhile, Latvian Saeima was required to organise it, per request from the citizens and later by the court. As a result, this could also affect the final role of the space. In Estonia, the outcome of these debates and readings was positive, as the actual law regulating same-sex partnership registration was adopted. In the meantime, Latvian Parliament did not push the question to the second reading due to a lack of support on voting.

This interesting difference can also be noticed in the dimensions describing the space (see Figure 5 and 6, red graph). If the degree of government initiative is high for both cases, other dimensions are polar. The nature of this initiative determined the difference between the degree of formalisation regarding the communication channels and predicted the policy outcome. Saeima did not consider adding a same-sex partnership question to the agenda and was obligated to discuss the possible development to fulfil the request from the petition. As a result, the degree of formalisation of communication channels is medium, due to the petition affecting the political agenda by adding a new topic to the discussion. Hence, the missing initiative of the Latvian Parliament in starting the discussion likely caused a low effectiveness of provided space.

In comparison with Estonia, where not only was the necessity of the bill development raised by the members of Riigikogu, but the citizens and pro-active LGBT+ organisation were also involved in the discussion of the law. The low degree of formalised channels of communication in Estonia highlighted the fact that the citizens did not need to ask to add the question to the agenda as the authorities already had done so.

The last dimension to be compared is the degree of the citizens' proactiveness. In Latvia, it is considered low, as the society was not invited to discuss the initiative or to provide an opinion on the potential same-sex partnership policy development. Most likely, this is because the bill was not moved forward after the first reading and public opinion was already reflected in the petition. However, in Estonia, the law formulated by the government was discussed with the local LGBT+ organisation. Additionally, meetings with the citizens were also organised to collect their opinion. As a result, the difference in the formalisation of the communication channels determined the same difference in the degree of citizens' proactiveness.

Summarising the discussion of the space, the provided CGS in both states are interpreted through the legal process of potential law discussion (parliamentary reading and voting) and has standard organisation. The difference that occurred in the outcome most likely depends on the dimensions' degrees described before.

The next type is claimed spaces that were also represented in both cases. The first significant difference in this space is their meaning for the final outcome in the countries. For Latvia, the result of claimed CGS became the delegation of power to the court. Meanwhile, in Estonia, the role of the space is less significant as it did not determine the adoption of the Cohabitation Act.

Despite the common nature of the request (formulation of petitions and organisation of the pickets), the goals of the events differed. This can be explained through the previous comparison of provided CGS. Latvian citizens used petitions to start the discussion of same-sex partnership policy. Meanwhile, the same tool in Estonia was used to express the opinion on the existing topic. Despite



this difference, the degree of government initiative is low in both countries, as this institution did not participate in the processes. Even though, the executive branch was not involved in claimed CGS, in Latvia an additional actor entered and affected the same-sex partnership outcome – court.

The unique situation in Latvia, Supreme Court supported the request formulated by the citizens in a form of petition, as it was the primary way to proceed with the same-sex partnership discussion. It developed the text of public request and represented it in the Official Letter to the Parliament.

The degree of the citizens' proactiveness and the degree of formalisation of the communication channels in Estonia and Latvia are also the same. The result explains the similar tools used and the common procedure regulating the processes related to the cases. Hence, the difference in claimed CGSs is explained by the nature and the initiative's goal. They caused the variety in the final meaning for the same-sex partnership outcome.

One more space that can be considered as one that Latvia and Estonia have in common is problem-solving. Here citizens are taking over the service delivery and offering the members of the LGBT+ community additional support with the issues related to partnership recognitions, legal rights, and any other legal advice. As a result, the set of services provided by associations can be considered the same and are only differentiated based on the specifics of the recognition process created for each country. Despite the positive effect of the services organised by the LGBT+ organisations, problem-solving CGS in both cases did not likely impact the same-sex partnership outcome. The initiatives assist the members of the LGBT+ community but they do not affect the current policy outcome.

Problem-solving spaces in Estonia and Latvia support the theory-based model offered in Figure 4. This evidences the relevance of the offered approach. All dimensions fit the description from Table 4. The degree of the citizens' proactiveness is high, the degree of formalisation of the communications channels is high, and the degree of the government instigative is low. In more detail, both spaces were previously described in Chapters 4 and 5. As no difference occurred here, the comparison cannot be developed.

All three spaces were successfully analysed and compared. However, in Estonia, one more significant CGS was identified — invited. The meaning of this space for the same-sex partnership policy is also essential. The citizens and the LGBT+ association were invited to discuss the bill with the authorities. As a result, the law was developed which includes the request from the society, and covers the most crucial aspects of same-sex partnership policy brought by the public. The following conclusion can be made regarding the meaning of this space in Estonia. As the main CGS for the country was provided in the form of law adoption, the invited space is a logical assistant for this process. The government needed to familiarise itself with public opinion and consult with the

association promoting LGBT+ rights. This way, the quality of the same-sex partnership law increases.

As a result, the absence of invited space in Latvia was most likely caused by the rejection of the initiative in Parliament. The authorities decided not to proceed with the official discussion of the same-sex partnership policy. There was no option of inviting the citizens or the LGBT+ association as it was done in Estonia.

Answering the research questions, the following reply can be provided. Based on the comparison of CGS in Estonia and Latvia, dominating space most likely predicts both — the meaning and usage of other CGS and the same-sex partnership policy outcome. The crucial role of provided space in the Estonian case caused the initiation of invited CGS. It affected the adoption of the Cohabitation Act as a result of the same-sex partnership policy. As these spaces made the main change, claimed and problem-solving had less impact and primarily assisted the ongoing process.

Meanwhile, the dominant role of claimed spaces in Latvia most likely caused the same-sex partnership policy outcome in the form of the power's delegation to the court. However, the role of the space was determined by the low level of other CGSs' effectiveness. Failed policy discussion in frames of provided spaces pushed the necessity for citizens to proceed asking for reconsideration of the decision. As a result, after multiple attempts, the support of another authority decided on the future of the same-sex partnership policy in Latvia.

Summarising the comparative analysis, the difference in the same-sex partnership policy outcome is most likely caused by the difference in the dominated CGS. The choice of the space was directly connected with the unique internal processes affecting the dimensions of the spaces and predicting the form of the policy outcome. Based on this information, the following hypotheses are formulated.

## **6.2 Hypotheses**

***Hypothesis 1.*** *Governing same-sex partnerships through law can be expected more likely when CGSs are dominated by a high degree of government initiative.*

The aim of the research was to explore if there is a connection between the CGS and the same-sex partnership policy outcome. The Estonian example confirmed that the high degree of government initiative is linked to the policy outcome in the form of the bill. Despite the fact that previous scholars have already discovered this knowledge (Cornwall & Coelho, 2007), the question can be explored further by implementing the approach of CGS and three dimensions. Especially considering that the same degree of government initiative in Latvia formed a different outcome.

I would suggest exploring further which other factors affect this type of outcome. Like, in Estonia, the nature of the initiative affected the process of policy development. Here, the hypothesis is to be tested by analysing more cases and supporting the findings with quantitative data.

***Hypothesis 2. The combination of provided CGS with invited CGS increases the likelihood governance of the same-sex partnership via law.***

Exploring the Estonian case, the bill was implemented as a part of provided CGS. However, between the readings, several discussions with the citizens were conducted in order to collect opinions about the planned law. Moreover, according to the information from the Interview with Eesti LGBT Ühing representative (Interview No. 1), the government had regular sessions with the association in order to develop the law.

Hence, these events evidence invited spaces in the process of the bill development as well. So, the combination of provided and invited CSG during the same-sex partnership discussion is associated with the adoption of the Cohabitation Act in Estonia. As a result, the hypothesis is suggested.

***Hypothesis 3. The governance of the same-sex partnership through courts is more likely in claimed CGSs with high citizens' proactiveness and support from the judicial branch.***

As evidenced by the Latvian example, the initiative started and led by citizens is associated with higher chances and is associated with a positive outcome for the same-sex partnership policy if it is supported by a proactive judiciary. Hence, the effectiveness of claimed CGS in this case is most likely linked to the role of the judicial branch. As this is a piece of new knowledge, further research is required.

To test this hypothesis, I advise providing an in-depth analysis of other countries where the same trend is noticed. This way, the connection between the proactive judiciary and the citizens' proactiveness can be analysed and explored in more detail. Hence, future scholars may discover this pattern, by exploring other cases fitting the hypothesis conditions and test if the policy outcome was predicted by cooperation of mentioned actors.

***Hypothesis 4. Governing same-sex partnerships via delegation of power to court can be most likely expected in claimed CGS with a distinct role for the judiciary.***

The degree of the government initiative in an ideal model of claimed CGS (see Figure 3) is low. However, with the proactive role of the judiciary, the outcome of the same-sex partnership is more likely a delegation of power to the court. This is new knowledge as it suggests that the policy can be implemented based on the process initiated by citizens. In order to achieve the result, the initiative should be supported by a juridical branch. The hypothesis is developed based on the analysis of the Latvian experience when the petition was supported and developed further by the Supreme Court.

Here I offer to test further if the high degree of the government initiative in claimed CGS is associated with the described outcome. Moreover, further research may also develop knowledge of the conditions that affect this difference in comparison with the ideal model (see Figure 3).

***Hypothesis 5.*** *The higher the role of claimed and problem-solving spaces, the more likely that the degree of the citizens' proactiveness in provided CGS is low.*

The government does not invite society into the process of decision-making. As a result, they express their opinion and will to affect the same-sex partnership policy using claimed CGS and problem-solving CGS. The hypothesis confirms the existing knowledge about the citizens' proactiveness in the policy-making process. If the government does not involve society in the decision-making process, the citizens claim to be included by using outside channels of communication. This is linked to petitions, pickets, organisation of the services covering gap in the policy, etc. The same pattern was offered by Cornwall and Coelho, who suggested that citizens will start petitions and protests to express disagreement with the running policy (Cornwall & Coelho, 2007)

The offered hypothesis can be tested further with the implementation of the CGS approach. More cases related to claimed and problem-solving spaces are to be discovered and analysed, verifying the reasoning for their usage. Hence, I suggest proceeding with an in-depth analysis of each space.

### **6.3 Contribution of the results**

In Chapter 1, the gap in the existing knowledge was identified. Operating with the results of the research, the following conclusions can be made. The analysis based on three dimensions which assisted in exploring the specifics of each type of public activity. As a result, the degree of citizens' proactiveness in the context of CGS was unpacked in more detail. Meanwhile, in the literature review, the critique was mainly concentrated on generalisation of social involvement.

Moreover, as was announced previously, the benefit of the CGS-based approach is the ability to individually analyse the effect of each space (or type of activity) on the same-sex partnership policy outcome. This way, the connection between degrees of three dimensions and the results of the policy-making process in the field is identified.

A unique piece of knowledge was explored during the analysis. *Hypothesis 2* offers a new idea highlighting the connection between the implementation of the law and the combination of provided and invited spaces. It uncovers the specific forms of communication between the government and the citizens as the factor determining this outcome. Moreover, it suggests that the adoption of the specific law can be expected when there is a high degree of citizen's proactiveness .

One more piece of distinctive information is pointing in *Hypothesis 3* and *Hypothesis 4*. Both of them are offered based on the Latvian case. They concluded that with the high degree of the citizens' proactiveness and proactive role of judiciary, the outcome of the same-sex partnership policy is most likely a delegation of power to the court. This thesis fills the gap that was highlighted before, as it focuses on the specific form of social participation and discovers the particular channels of communication like support of the petition by the Supreme Court.

However, the previous findings from the analysed literature are also confirmed in the analysis part. For instance, *Hypothesis 1* verifies that for law adoption, a high degree of government initiative is required. The policy-makers lead the process and, as a result, realise their direct function — legislature. *Hypothesis 5* also supports the ideas provided in Chapter 1. It states that if the degree of the citizens' proactiveness in provided spaces is low, then with higher chances, they will use claimed and problem-solving spaces. The same statement was provided by Cornwall and Coelho, who highlighted that the citizens would organise protests to participate in the policy-making process or would develop their own solution (Cornwall & Coelho, 2007).

Both outcomes evidence the relevance and validity of the research. The completed study filled the identified gap in social involvement in politics. Moreover, significant progress was made in exploring same-sex partnership politics in Latvia and Estonia with the implementation of a new CGS approach.

The thesis provided an in-depth analysis of same-sex partnership policy development and implementation, unpacking them through the offered CGS. Each case was discovered using the three main dimensions. An excellent overview filling the lack of knowledge on the topic of same-sex partnership policy development in Estonia and Latvia was also covered.

#### **6.4 Future avenues**

The offered approach can be developed further in different cases where LGBT+ policy is already adopted or still developing. One potential line of the research can be an implementation of the approach in different countries in order to test the offered hypotheses. This may discover if those are Estonian and Latvia contextual specifics that caused certain policy outcomes.

Another possible direction for future research is to analyse the country which did not have a successful experience with same-sex partnership regulation in order to verify the existing CGS used chosen case. This type of work may focus on the prediction of potential outcomes based on the existing background (the system of communication between the authorities and citizens, the current state of same-sex partnership regulations, etc.)

As mentioned above, some hypotheses offered a new perspective on the existing knowledge that should be discovered further and developed by other scholars. Moreover, the current research was not supported by any quantitative data. Hence, future scholars may proceed to test the hypotheses supporting them with relevant measures and developing a more accurate evaluation of the named dimensions. This way, the findings will have stronger analytical support and will increase the accuracy of the work.

## Conclusion

Social involvement is a significant component of the policy-making process. Despite the existing knowledge on the topic, it still needs additional research in order to develop more accurate results. The research question of the thesis is formulated as follows: *How do the differences in citizens' governance spaces impact the governing of same-sex partnerships in Estonia (2014-2016) and Latvia (2020-2022)?*

The thesis focused on the concept of the citizens' governance spaces as a way to describe and explore social involvement in the policy-making process. The approach was formulated based on the theory offered by Gaventa and developed by Hendriks and Dzur (Gaventa, 2006; Hendriks & Dzur, 2022). Moreover, for a better understanding of the different spaces, each case was visualised using the concept of the Public Governance Diamond inspired by, Torfing et al's (2020). Together the combination of methods gave an excellent overview of Estonia and Latvia and formed a basement for the future comparison.

The research design implemented in the thesis is exploratory or bottom-up, which allows for analysing the cases and formulating the hypotheses based on the final findings. It fits the research question and the goal of the study. Like this, the connection between the CGS and the same-sex partnership outcome in Estonia and Latvia was explored. As a result, based on the comparison of the countries, five main conclusions were made and presented in the form of hypotheses:

*Hypothesis 1. Governing same-sex partnerships through law can be expected more likely when CGSs are dominated by a high degree of governing initiative.*

*Hypothesis 2. The combination of provided and invited CGS most likely causes governance of the same-sex partnership via law.*

These were formulated based on the Estonian case, where the result of the same-sex partnership policy was the adoption of the bill (Cohabitation Act). The crucial role of provided CGS was discovered and explained in Chapter 4. Moreover, despite the high degree of government initiative in this space, it was discovered that in the Estonian policy-making process, the citizens were invited to participate in the law discussion. Hence, the combination of provided and invited spaces determined the outcome.

*Hypothesis 3. Governing same-sex partnerships via delegation of power to court can be most likely expected in cases where the degree of government initiative in claimed CGS is high.*

*Hypothesis 4. It is more likely that the role of the claimed and problem-solving spaces increases, if the degree of the citizens' proactiveness in provided CGS is low.*

*Hypothesis 5. It is more likely that the policy outcome is a delegation of power to a court, if the degrees of the government's initiative and the citizens' proactiveness are high.*

These hypotheses are developed based on the exploration of the Latvian case and further comparison of it with Estonia. Not only was the dominance of the claimed CGS was explored, but the specific role of the court determined the policy outcome. Based on these findings, the hypotheses about the determining role of claimed CGS and the degree of a government initiative for the same-sex partnership policy outcome in the form of delegation power to the court were developed.

All five hypotheses can be tested further by scholars in order to develop the offered patterns. One potential line of research might be exploring them in other countries to discover the relevance of the offered hypotheses. Another direction is to analyse the specific country, where the same-sex partnership policy is still developing, to explore each space and determine the potential policy outcome. The last offered option for future research on these hypotheses is to test them by adding quantitative data. Supporting the concept of CGS and visualised diamonds with the statistics will increase the validity of the research and support the findings.

Overall, the hypotheses suggested in this research study contribute to the social participation scholarship in the policy-making process. Moreover, they form the potential basis for future discussion and academic research, which can explore further the connections between CGS and the policy-making process in different countries and fields.



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**INTERVIEW GUIDE**

1. Can you describe your role in the organisation for me to get a better understanding?
2. Can you describe the goal of the organisation?
3. Does the association cooperate with the government? If so, can you describe in more detail what types of activities?
4. Can you recall the process of the Cohabitation Act adoption? Was the organisation involved in the process of law discussion or development?
5. What are the services that the association provides to the LGBT+ community in order to assist with the issue?
6. Can you give a better overview of the legal advice opportunity? How did the idea of the service start?
7. Do people usually ask for legal advice? Do you have any information about the effectiveness of the offered service?
8. What other types of opinion expression the organisation use — petitions, pickets, etc.? Can you evaluate the effectiveness of the chosen tools? In what cases can they be used?
9. What are the current goals of the association in the context of the development of the LGBT+ policy? How does the organisation plan to achieve or bring them to the Parliament's agenda?





## CONSENT FORM

### **The role of citizens 'governance spaces in governing same-sex partnerships: A comparative study of Estonia (2014-2016) and Latvia (2020-2022)**

You are being invited to participate in the MA Thesis carried by a Master level student Evgeniia Sepp of the University of Tartu's Johan Skytte Institute of Political Studies, of the program Politics and Governance in the Digital Age. The research focus is "The role of citizens ' governance spaces in governing same-sex partnerships: A comparative study of Estonia (2014-2016) and Latvia (2020- 2022)". You have been selected to participate in this study as your organisation promotes rights of LGBT+ community and actively provides potential strategies of further development of policy in this field.

If you have any questions, please contact the researcher at [evgeniia.sepp@ut.ee](mailto:evgeniia.sepp@ut.ee) or by phone +372 5679 0209.

**Aims and implications of the thesis:** This thesis aims to compare Estonian and Latvian experience of same-sex partnership policy development. The analysis is made based on the types of cooperation between the citizens and the government and how they determine the final result of the policy. The question explored in this thesis is: How do the differences in citizens 'governance spaces impact the governing of same-sex partnerships in Estonia (2014-2016) and Latvia (2020-2022)? The aim of the thesis is to explore which type of spaces were used in Estonia and Latvia during same-sex partnership policy development, to identify the factor caused different outcomes in the field, and to specify the role of the society.

**Procedures of the thesis:** The interviews planned should take approximately 60 minutes. During the interview, you will be asked to answer questions about your and the organisation's involvement in governing same-sex partnership in the state and about other activities organised by your association. The interview will be recorded, if you do not wish to give your permission, please, inform the investigator. The recording ensures that the researcher has an accurate information. All the materials will be destroyed after the interview has been transcribed.

**Possible risks and benefits for the participants:** This research involves minimal risk to participants. The participants are guaranteed that their confidentiality is protected. The personal data of the involved will not be linked with the provided replies. The interviewed part is not expected to have a direct benefit from the participation. They can be provided with the research findings.

**Anonymity and confidentiality of personal data:** All the data provided to the investigator during the interviews is protected. Each interview will be assigned a number to guarantee anonymity. Personal data of the interviewed side will be accessed only by the investigator. All the recordings of the interviews will be destroyed after the research is completed. The thesis may be published, but all personal information of the participants will stay anonymous.

**Rights of research participants:** You have a right not to participate in the research or withdraw your participation at any time by informing the investigator.

**Informed consent:** You are free to make the final decision about your participation in the research. Provide your reply after considering all the information in this consent form. If you have any questions left unanswered, please, contact the investigator directly. You will be provided with the copy of this document for your own records.

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