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**POLITICAL CONTROVERSIES OVER SEXUAL AND
GENDER RIGHTS IN UKRAINIAN MAINSTREAM ONLINE
NEWS MEDIA**

The case of the anti-discrimination reform in Ukraine in 2013 – 2015

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RESUM

L'estudi explora el paper dels mitjans informatius en línia en el canvi en els drets sexuals i de gènere a Ucraïna, basant-se en l'anàlisi del debat sobre la prohibició de la discriminació per orientació sexual i identitat de gènere (OSIG) com a part de la reforma antidiscriminació de 2013 – 2015. El canvi en els drets sexuals i de gènere va ser conceptualitzat, com a resultat de la lluita hegemònica entre discursos en disputa, seguint la teoria del discurs d'Ernesto Laclau i Chantal Mouffe. La recerca va incloure tres fases. Durant la Fase I es van examinar a través de recerca documental les condicions de la possibilitat d'un canvi dels drets sexuals i de gènere a Ucraïna durant el període 2013 – 2015. Tant l'opinió pública dominant sobre sexualitat, drets sexuals i de gènere i la integració europea, com els discursos legals, polítics i mediàtics sobre els drets sexuals i de gènere a Ucraïna van ser considerats com a condicions que van donar forma als resultats de la controvèrsia antidiscriminació. Durant la Fase II es va analitzar el discurs polític sobre drets sexuals i de gènere a Ucraïna el 2013 – 2015 a través de l'anàlisi postfundacional del discurs i utilitzant les dades recollides per les pàgines web oficials del govern, parlament i grups d'interès involucrats en la controvèrsia sobre la reforma antidiscriminació. Es van identificar quatre coalicions discursives sobre els drets sexuals i de gènere seguint les articulacions dels significants flotants clau en el debat: orientació sexual i identitat de gènere, democràcia, identitat nacional i política exterior. Cada coalició va desenvolupar el seu propi grup de trames que associaven la prohibició de la discriminació per OSIG a les seves articulacions dels significants flotants (punts nodals). Durant la Fase III es va examinar la representació mediàtica de les coalicions discursives sobre drets sexuals i de gènere en disputa a través de l'anàlisi quantitativa de contingut i l'anàlisi postfundacional del discurs de la cobertura de la reforma antidiscriminació en els cinc mitjans informatius en línia més populars d'Ucraïna. Aquesta anàlisi va revelar que durant la primera etapa de la controvèrsia antidiscriminació (2013 – 2014), els mitjans afiliats a grans grups d'empreses propietat d'oligarques afavorien les coalicions discursives conservadores citant els seus membres més freqüentment, oferint una cobertura desequilibrada de la seva posició, i fent-se eco de supòsits conservadors sobre OSIG en comentaris periodístics. Els mitjans informatius petits i independents en línia afavorien les coalicions discursives lliberals utilitzant els mateixos mètodes. Durant la segona etapa de la controvèrsia (2015), tots els mitjans informatius en línia afavorien les coalicions discursives lliberals en la seva cobertura del debat. L'estudi suggereix que el suport ofert pels mitjans informatius en línia va contribuir a la capacitat de les coalicions discursives en disputa d'introduir canvis en les lleis de drets sexuals i de gènere. De 2013 a 2014, la cobertura favorable als mitjans afiliats a grans grups d'empreses i la presència substancial als mitjans informatius en línia

independents van ajudar la coalició conservadora pro-UE a articular la prohibició de la discriminació per orientació sexual com a amenaça a la democràcia i la identitat nacional i com a obstacle de la integració europea d'Ucraïna en l'esfera pública, fet que va contribuir al fracàs de la reforma antidiscriminació. Durant el 2015, la cobertura favorable en els cinc mitjans informatius en línia més populars d'Ucraïna va ajudar les coalicions discursives il·liberals sobre drets sexuals i de gènere a rearticular la prohibició de la discriminació per OSIG com a instància de protecció democràtica de la igualtat de drets civils, adheriment als valors europeus, i condició prèvia d'integració europea, fet que va ajudar a l'adopció de la reforma antidiscriminació.

RESUMEN

El estudio explora el papel de los medios informativos en línea en el cambio en los derechos sexuales y de género en Ucrania, basándose en el análisis del debate sobre la prohibición de la discriminación por orientación sexual e identidad de género (OSIG) como parte de la reforma antidiscriminación de 2013-2015. El cambio en los derechos sexuales y de género fue conceptualizado, como resultado de la lucha hegemónica entre discursos en disputa, siguiendo la teoría del discurso de Ernesto Laclau y Chantal Mouffe. La investigación incluyó tres fases. Durante la Fase I se examinaron a través de la investigación documental las condiciones de la posibilidad de un cambio de los derechos sexuales y de género en Ucrania durante el período 2013 – 2015. Tanto la opinión pública dominante sobre sexualidad, derechos sexuales y de género y la integración europea, como los discursos legales, políticos y mediáticos sobre los derechos sexuales y de género en Ucrania fueron considerados como condiciones que dieron forma a los resultados de la controversia antidiscriminación. Durante la Fase II se analizó el discurso político sobre derechos sexuales y de género en Ucrania en 2013 – 2015 a través del análisis posfundacional del discurso y utilizando los datos obtenidos por las páginas web oficiales del gobierno, parlamento y grupos de interés involucrados en la controversia sobre la reforma antidiscriminación. Se identificaron cuatro coaliciones discursivas sobre los derechos sexuales y de género siguiendo las articulaciones de los significantes flotantes clave en el debate: orientación sexual e identidad de género, democracia, identidad nacional y política exterior. Cada coalición desarrolló su propio grupo de tramas que asociaban la prohibición de la discriminación por OSIG a sus articulaciones de los significantes flotantes (puntos nodales). Durante la Fase III se examinó la representación mediática de las coaliciones discursivas sobre derechos sexuales y de género en disputa a través del análisis cuantitativo de contenido y el análisis posfundacional del discurso de la cobertura de la reforma antidiscriminación en los cinco medios informativos en línea más populares de Ucrania. Este análisis reveló que durante la primera etapa de la controversia antidiscriminación (2013 – 2014), los medios afiliados a grandes grupos de empresas propiedad de oligarcas favorecían las coaliciones discursivas conservadoras citando sus miembros más frecuentemente, ofreciendo una cobertura desequilibrada de su posición, y haciéndose eco de suposiciones conservadoras sobre OSIG en comentarios periodísticos. Los medios informativos pequeños e independientes en línea favorecían las coaliciones discursivas liberales utilizando los mismos métodos. Durante la segunda etapa de la controversia (2015), todos los medios informativos en línea favorecían las coaliciones discursivas liberales en su cobertura del debate. El estudio sugiere que el soporte ofrecido por los medios informativos en línea contribuyó a la capacidad de las coaliciones discursivas en disputa de

introducir cambios en las leyes de derechos sexuales y de género. De 2013 a 2014, la cobertura favorable en los medios afiliados a grandes grupos de empresas y la presencia sustancial en los medios informativos independientes ayudaron a la coalición conservadora pro-UE a articular la prohibición de la discriminación por orientación sexual como amenaza a la democracia y la identidad nacional y como obstáculo de la integración europea de Ucrania en la esfera pública, hecho que contribuyó al fracaso de la reforma antidiscriminación. Durante 2015, la cobertura favorable, en los cinco medios informativos en línea más populares de Ucrania, ayudó a las coaliciones discursivas liberales sobre derechos sexuales y de género a rearticular la prohibición de la discriminación por OSIG como instancia de protección democrática de la igualdad de derechos civiles, adherencia a los valores europeos, y condición previa de integración europea, hecho que favoreció a la adopción de la reforma antidiscriminación.

ABSTRACT

The study explores the role of online news media in sexual and gender rights change in Ukraine, relying on the analysis of the debate over the prohibition of discrimination on the grounds of sexual orientation and gender identity (SOGI) as part of the anti-discrimination reform in 2013 – 2015. Sexual and gender rights change was conceptualized as an outcome of hegemonic struggle among contesting discourses on sexual and gender rights based on the discourse theory of Ernesto Laclau and Chantal Mouffe. The research included three phases. In Phase I, conditions of possibility of sexual and gender rights change in Ukraine in 2013 – 2015 were examined using desk research. Dominant public opinion on sexuality, sexual and gender rights, and European integration, as well as the established legal, political, and media discourses on sexual and gender rights in Ukraine, were considered as conditions that shaped outcomes of the anti-discrimination controversy. In Phase II, political discourse on sexual and gender rights in Ukraine in 2013 – 2015 was analyzed with the use of post-foundational discourse analysis, relying on the data collected from the official websites of government, parliament, and groups of interest involved in the controversy over the anti-discrimination reform. Four discourse coalitions on sexual and gender rights were identified according to the articulations of the key floating signifiers in the debate: sexual orientation and gender identity, democracy, national identity, and foreign policy. Each coalition developed its own set of storylines that linked the prohibition of discrimination on the grounds of SOGI to the coalitions' articulations of the floating signifiers (nodal points). In Phase III, media representation of the contesting discourse coalitions on sexual and gender rights was examined with the use of quantitative content analysis and post-foundational discourse analysis of the anti-discrimination reform coverage in the five most popular Ukrainian online news media. This analysis revealed that during the first round of the anti-discrimination controversy (2013 – 2014), news websites affiliated with big media holdings owned by oligarchs favored conservative discourse coalitions by quoting their members more frequently, providing imbalanced coverage of their position, and echoing conservative assumptions about SOGI in journalistic comments. Small independent online news media favored liberal discourse coalitions using the same means. During the second round of the controversy (2015), all examined online news media favored liberal discourse coalitions in their coverage of the debate. The study suggests that support provided by the online news media contributed to the capacity of contesting discourse coalitions to change sexual and gender rights law. In 2013 – 2014, favorable coverage in the media affiliated with big media holdings and substantial presence in the independent online news media helped the conservative pro-EU coalition to articulate the prohibition of sexual orientation discrimination as a threat to

democracy and national identity and an obstacle to the European integration of Ukraine in the public sphere, which contributed to the failure of the anti-discrimination reform. In 2015, favorable coverage in the top five Ukrainian online news media helped liberal discourse coalitions on sexual and gender rights to rearticulate the prohibition of discrimination on the grounds of SOGI as an instance of democratic protection of equal civil rights, adherence to European values, and a precondition of European integration, which contributed to the adoption of the anti-discrimination reform.

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LIST OF ABBREVIATIONS

AA	The Ukraine–European Union Association Agreement
AUCCRO	The All-Ukrainian Council of Churches and Religious Organizations
BYuT	Yulia Tymoshenko Bloc
BPP	Petro Poroshenko Bloc “Solidarity”
CEE	Central and Eastern Europe
DT	discourse theory of Ernesto Laclau and Chantal Mouffe
DTA	discourse theoretical analysis
ECHR	European Convention on Human Rights
ESS	European Social Survey
EVS	European Values Study
EU	European Union
ILGA	International Lesbian and Gay Association
LGBT	lesbians, gays, bisexual, and transgenders
LPG	Love Against Homosexualism (Liubov Proty Homoseksualizmu)
NGO	nongovernmental organization
PDA	post-foundational discourse-analysis
PR	Party of Regions
SOGI	sexual orientation and gender identity
UDAR	Ukrainian Democratic Alliance for Reform
UN	United Nations
VLA	The Ukraine–European Union Visa Liberalization Agreement
VLAP	Visa Liberalization Action Plan

INTRODUCTION

Equality and non-discrimination on the grounds of sexual orientation and gender identity (SOGI) are now widely recognized among the core components of human rights. They are gradually incorporated in international human rights law. However, in many countries, sexuality and gender are still used to delimit rights granted to particular groups of citizens. Those sexual and gender dissidents who do not fit into dominant norms are subjected to social and political exclusion, discrimination, and violence (Blondeel et al., 2018; Ozeren, 2014).

Central and Eastern Europe (CEE) is frequently mentioned in the context of problems of discrimination and negative social attitudes to lesbians, gays, bisexuals, transgender, intersex, and queer persons (Štulhofer & Rimac, 2009; Vuković & Štulhofer, 2016). On the one hand, Central and Eastern European countries are making gradual progress in granting sexual and gender equality to their citizens. All the EU members and some of the EU neighboring countries in CEE have adopted anti-discrimination protection on the grounds of SOGI. The rights to freedom of expression, association, and peaceful assembly of LGBT people are protected by the police at the yearly LGBT Pride events. On the other hand, practical implementation of the anti-discrimination legislation remains limited. SOGI law and policies accepted under the EU pressure often lack effective mechanisms of implementation and fail to bring a substantive difference in the lives of sexual and gender minorities (O'Dwyer, 2010; O'Dwyer & Schwartz, 2009, 2010). After the benefits from the EU have been obtained, CEE countries often face backlash in sexual rights and the raise of homonegativity in public sphere (Belavusau, 2015; Kulpa, 2014; O'Dwyer, 2010, 2012, O'Dwyer & Schwartz, 2009, 2010; Slootmaeckers & Touquet, 2016). Backed by mass anti-LGBT sentiments, conservative politicians and groups of interests make recurring attempts to revoke state sexual and gender equality policies. In 2019, Rainbow Europe Index measured by ILGA-Europe (International Lesbian, Gay, Bisexual, Trans and Intersex Association) demonstrated several CEE countries moving backward on their SOGI equality policies for the first time in ten years (ILGA-Europe, 2019b). The lowest levels of sexual and gender equality in CEE are currently observed in those countries which are not the EU members (ILGA-Europe, 2019a).

Rather than viewing sexual liberalization as inevitable and conservative backlashes as temporary obstacles on the road of progress, I consider both tendencies to be mutually conditioning responses to economic and political changes of modernity, the interplay of

which does not have any predefined outcome. As Michelle Foucault argued in *History of Sexuality* “Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power” (Foucault, 1978, p. 95). Social control over sexuality and gender expression evokes resistance, suppressed by further control. Anglo-American histories of modern sexuality depict the co-existence of conservative and liberal articulations of sexuality and gender, in which periods of temporary domination of sexual conservatism have alternated with periods of liberalization (Altman, 2002; Weeks, 2012). Victorian repression of sexuality was followed by the raise of gay club culture and early homophilic movements in the 1910’s, followed by the enhance in sexual conservatism after World War II, sexual revolution in the 1960’s, the rise of global Christian Right activism in the 1970’s, AIDS crisis in the 1980’s, legal victories of LGBT advocates in the 1990’s and the 2000’s. In CEE countries, progressive reforms in the field of sexual and gender rights after the fall of the Soviet Union were followed by an increase in sexual conservatism, but also by the consolidation of the local LGBT movements and their better integration in the global human rights networks (Ayoub, 2013; O’Dwyer & Schwartz, 2010).

Research on sexual and gender rights change in CEE is mostly focused on historical, economic, and cultural determinants of homonegativity and repressive state policies towards LGBT people: Soviet past, low levels of economic development, nationalism, and predominance of Orthodox religious tradition (in some countries) (Adamczyk & Pitt, 2009; Andersen & Fetner, 2008; Inglehart, 2006; Mole, 2016; Štulhofer & Rimac, 2009). There is a substantial lack of research on the role of media in SOGI law and policy change. By now media were examined mostly as a mirror of social attitudes to homosexuality in the region (Chojnicka, 2015; Kahlina, 2013; Tereskinas, 2002). Yet media might become a powerful driver of change in the field of sexual and gender rights. Media set the agenda and drive attention to the problem of sexual and gender equality both among political elites and the wide public. Media are the primary sources of knowledge about politics for the majority of the public, as only the most interested and highly persuaded citizens receive political discourse directly, in a form of political speeches or meetings (Callaghan & Schnell, 2001). Media might facilitate or challenge strategies of political elites to use anti-LGBT sentiments to mobilize support among the public, justify their claims to power, discredit opponents, or distract public attention, which makes media powerful political

players which may contribute to the outcomes of political struggles alongside with politicians and groups of interest. Moreover, by defining core concepts and norms of sexual and gender relations media might contribute to sustainment or change of the wider heteronormative social structures that maintain exclusion and oppression of sexual and gender non-conformists, manifested at the level of state policies.

Ukraine was absent in academic research on sexual and gender rights change in CEE until very recent years, when several studies were published that were focused predominantly on domestic LGBT movements (Plakhotnik, 2019; Shevtsova, 2017, 2018). The latest political developments in Ukraine make the country an interesting case to examine how global struggles on sexuality and gender are enacted and transformed in CEE contexts.

Before 2013, Ukraine had one of the lowest levels of legal development in the field of sexual orientation and gender identity in Europe (ILGA-Europe, 2013). Members of LGBT communities frequently experienced discrimination in the private sphere, relations with the police and employment, and were subjected to continuous attacks during public assemblies (Kravchuk & Zinchenkov, 2017; Nash Svit Center & Council of LGBT Organizations of Ukraine, 2012; Zinchenkov et al., 2011; Zinchenkov & Kravchuk, 2013). Sexual and gender equality appeared on the political and legal agendas predominantly in the course of international relations with the European Union and its members, the Council of Europe and the United Nations (Nash Svit Center & Council of LGBT Organizations of Ukraine, 2012; Sheremet, 2013). Ukrainian political elites either avoided raising their voice on the issue of sexual and gender rights or supported a “traditional values” discourse (Chermalykh, 2012; Yarmanova, 2012) that counter-posed Ukraine to Europe. In 2013, the massive popular uprising in support of European integration and against authoritarian governance that became known as Euromaidan and the following military conflict with Russia became a decisive moment for sexual and rights in Ukraine. Political elites and society developed stronger identification and political ties with the EU in which sexual and gender rights are part of political identity and constitute one of the central issues on the foreign policy agenda (Slootmaeckers et al., 2016). Prohibition of discrimination on the grounds of sexual orientation and gender identity was introduced to the Labor Code in 2015. The procedure of gender reassignment was simplified, particularly the requirement of sterilization was removed. Development of a bill on civil partnerships (for both same-

sex and heterosexual couples) was included in the National Human Rights Strategy Action Plan Until 2020. Mainstream politicians started to raise their voices in support of sexual and gender equality. Particularly, the President publicly criticized the Kyiv city authorities for the attempts to cancel Kyiv Pride March in 2015. Several members of parliament for the first time participated in the Pride that year. The short-term liberalization was followed by the growing conservative resistance to sexual and gender rights. The bill on civil partnerships was not developed and attempts to ratify the The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2016 failed because the text of the document contained terms “gender” and “sexual orientation” (García, 2017).

This research aims to examine political and online news media discourses on sexual and gender rights in Ukraine during the public controversy over the prohibition of discrimination on the grounds of SOGI which occurred in 2013 – 2015 to explain how online media contributed to sexual and gender rights change. The adoption of the anti-discrimination reform provides an emblematic example of post-Euromaidan sexual and gender rights change in Ukraine. Prohibition of sexual orientation discrimination in labor was among the requirements of the Visa Liberalization Action Plan launched between the EU and Ukraine in 2010. Together with other amendments to the anti-discrimination law that were aimed to bring Ukrainian law in accordance with the EU standards, the prohibition of sexual orientation discrimination was included in Bill 2342 introduced at the beginning of 2013. It has been debated for almost a year in the parliament and mass media, but never appeared on the parliamentary agenda due to active resistance of the pro-Russian parliamentary parties, absence of support from the pro-European opposition parties, and united lobbying efforts of churches and the religious right grassroots movements. The parliamentary parties also introduced three alternative anti-discrimination bills (2342-1, 2427, 4581) to fulfill the visa liberalization requirements, in which sexual orientation discrimination in employment was strategically omitted. One of these bills (4581) was adopted right after Euromaidan. The prohibition of discrimination on the grounds of sexual orientation returned to the parliamentary agenda in November 2015, as the requirements for visa-free travel were not met. This time the anti-discrimination bill (3442) included not only sexual orientation but also gender identity among the prohibited grounds of discrimination. After several unsuccessful attempts, the anti-discrimination

amendment was introduced to the Labor Code under pressure from human rights activists and active citizens. The sixth progress report of the European Commission in November 2015 concluded that the benchmark on citizen rights and protection of minorities in the Visa Liberalization Action plan had been fulfilled. On May 11, 2017, Ukraine finally received the Visa-Free Regime with the EU. Sexual conservatives made several attempts to remove SOGI from the project of a new Labor Code since then, which were unsuccessful (Bezruk, 2018; Human Rights Information Center, 2017).

Controversy over the anti-discrimination reform provides a suitable case to explore factors which condition outcomes of debates over SOGI-related law and policy in CEE countries, as it enables to compare introduction of the same legal provision under different circumstances, which once ended up in failure (2013-2014) and later was successful (2015). Through comparison of conditions that operated during the first and the second rounds of the controversy we may better understand obstacles which enabled the conservative alliance of mainstream politicians, churches, and the religious right to prevent inclusion of sexual orientation into the state anti-discrimination law in 2013, and possibilities which enabled adoption of the reform in 2015. In particular, the case allows exploring Russian influence on sexual and gender politics in the CEE region which acquired little attention in the existing scholarship.

The findings of this research might be useful for policy-makers for the development of the more effective mechanisms to promote sexual and gender equality in countries involved in the Europeanization process both in CEE and in other regions. They might also be of particular interest for LGBT and human rights activists to develop better communication strategies, and to media professionals willing to contribute to civil equality and democratic development.

The main theoretical framework for the study is discourse theory (DT) developed by Ernesto Laclau and Chantal Mouffe (Laclau & Mouffe, 2001). Within this theoretical framework law and policy-making is understood as a process of discursive struggle among political subjects. An instance of law or policy change is an instant of fixation of a particular discourse as hegemonic in the society. Struggles over particular law and policy issues are related to broader struggles over key principles that organize particular social practice or social space in general (which in the DT framework are conceptualized as nodal points of discourse). Unlike other theories of discourse, DT enables one to examine both

deep non-subjective discursive structures and partially conscious strategies of articulation used by subjects to achieve hegemony which makes it a suitable instrument for analysis of political controversies, particularly in the media. Methodologically the study is based on a synthesis of several approaches suggested for empirical application of Laclau and Mouffe's discourse theory: "articulatory practice" (Glynos & Howarth, 2007) discourse-theoretical analysis (Carpentier, 2004, 2005, 2010), and post-foundational discourse analysis (Cederström & Spicer, 2013; Marttila, 2015), accompanied by quantitative content analysis of thematic structure and use of sources in media coverage.

The data for analysis was collected from the websites of the collective and individual political actors and groups of interest involved in the anti-discrimination controversy, and from the five online news media with the highest audience reach. To better understand the context of the controversy, I also relied on the legal documents (texts of bills and supporting documents), materials of parliamentary hearings, and expert interviews.

Online news media were selected for the analysis of the representation of the anti-discrimination controversy as a potential facilitator of change in the field of sexual and gender rights in Ukraine. Scholars of political communication frequently point out that both seasoned political actors and newcomers to politics increasingly focus their communication strategies on the digital public sphere. Reaching young first time voters through internet communication channels may result in rapid change in the composition of political institutions after elections (Sampedro et al., 2019), and, as a result, in changes of state laws and policies. As the digital public sphere allows greater heterogeneity and inclusiveness, groups that have been excluded or marginalized in traditional mass media obtain opportunity to promote their discourse (Dahlgren, 2005; Downey & Fenton, 2003). In relation to the field of sexual and gender rights, greater inclusiveness of online media might favor LGBT and feminist activists who are restricted in access to traditional media to induce social change. The transformation potential of online news media is enhanced by technological means to increase audience participation in the political debates in the public sphere, which are lacking in analogous media, such as integration with social networking websites, bookmarking services, comments and blogs written by readers (Franquet i Calvet et al., 2013). In Ukraine, online media constitute the most rapidly growing sector of the media industry (Dobryvechir, 2012), and their role in political communication and mobilization is likely to be increasing as well.

The study covers two timeframes defined according to the proceedings of the anti-discrimination bills. The first time frame – from February 1, 2013, to May 31, 2014 – covers the whole decision-making process on Bill 2342, from its submission to the parliament (19.02.2013) to official letter of the High Specialized Court of Ukraine which stated that discrimination by sexual orientation in the labor sphere is already prohibited by existent Ukrainian laws (19.05.2014). The second time frame from October 23, 2015, to November 25, 2015, covered the period when the parliament considered the anti-discrimination amendment to the Labor Code (5-10 November 2015) plus two weeks before and after.

The thesis consists of the following chapters.

Chapter I presents an overview of the studies of sexual law and policy change in Central and Eastern Europe. The review is structured according to the conditions that have been proved to contribute to outcomes of SOGI-related law and policy reforms in CEE divided into two big groups: international and domestic conditions. At the beginning of the chapter, theoretical debates on sexual and gender rights are considered and definitions of the key terms related to sexual and gender equality used later in the study are provided. Besides, the main tendencies in incorporation of sexual orientation and gender identity in international law are described.

Chapter II introduces the theoretical framework of the study. It begins with explanation of the key concepts of discourse theory and related ontological and epistemological assumptions. Then, I introduce a discourse-theoretical model of law and policy change to be used in the present study, with special attention to the role of the media in this process. Finally, I discuss explanation strategies used in the discourse-theoretical approach to discourse analysis.

Chapter III outlines the methodological procedure used in the study. It begins with the description of the text corpus selected for the analysis and procedure of data collection. Then, I proceed to the discussion of the three methodological programs suggested as compatible with the DT framework: “articulatory practice” (Glynos & Howarth, 2007) discourse-theoretical analysis (Carpentier, 2004, 2005, 2010), and post-foundational discourse analysis (Cederström & Spicer, 2013; Marttila, 2015). Nico Carpentier’s discourse-theoretical analysis (DTA) (Carpentier, 2010) is used as a general methodological framework for the study, which incorporates some guidelines for “critical

explanation” provided by Howarth and Glynoss and Marttila’s suggestions for textual analysis. Later in the chapter, I introduce the system of categories used in quantitative content analysis of online media coverage and describe the stages of quantitative analysis.

Chapter IV provides an overview of the Ukrainian social and political context in which the anti-discrimination controversy occurred. It begins with a brief summary of available research on sexual and gender rights and media representations of same-sex sexuality and gender transgression in Ukraine. Then it addresses discrimination of sexual and gender minorities in Ukraine, Ukrainian legislation related to sexual orientation and gender identity, the influence of the EU on sexual politics in Ukraine, Euromaidan and its political significance for sexual and gender rights protection in Ukraine. The chapter also provides a brief overview of the key actors involved in the struggles over sexual and gender rights during the study period. At the end of the chapter, the economic and political aspects of the media industry in Ukraine, and media representation of SOGI-related rights issues are discussed.

Chapter V presents the results of the analysis of the political discourse on the anti-discrimination reform, based on the text corpus collected from the political websites and online media. Four rival discourse coalitions on sexual and gender rights, involved in the anti-discrimination controversy are described. The chapter demonstrates how actor composition, dominant storylines, and collective action strategies of each discourse coalition established opportunities and obstacles which contributed to the failure of the anti-discrimination reform in 2013 and its success in 2015.

Chapter VI examines representation of the anti-discrimination controversy in the online news media. Three aspects of media coverage of the anti-discrimination controversy are examined: prominence of references to the anti-discrimination reform among other SOGI-related domestic rights issues, use of sources, and journalistic articulations of the anti-discrimination reform. The chapter reveals a number of similarities between political and media discourses on sexual and gender rights and outlines the form and scope of information support which the news websites provided for contesting discourse coalitions. It also addresses changes that happened in media representation of the anti-discrimination controversy during the first and the second rounds and provides explanations of how media articulations contributed to the outcomes of the reform in 2013 and 2015.

Chapter VII summarizes the main findings of the study, compares them with the findings of previous studies of sexual and gender rights law and policy change in Central and Eastern European countries and outlines directions for further research.

For the convenience of non-Ukrainian readers, all the names of Ukrainian political parties and organizations (except media) in the text are provided in English translation. When a name appears in the text for the first time, Ukrainian transliteration is also provided in parentheses. Quotations used in text analysis are provided in English translation. Particular words in quotations that have notable connotations or complex meaning that is difficult to translate are also accompanied by transliteration. Romanisation of Ukrainian words was done relying on the Ukrainian national transliteration system (Pro Vporiadkuvannia Transliteratsii Ukrainskoho Alfavitu Latynytseiu [On Normalization of Transliteration of the Ukrainian Alphabet by Means of the Latin Alphabet], 2010) which is used for transliteration of personal names of Ukrainian citizens in international passports and for transliteration of Ukrainian geographical names by the United Nations. Romanisation of Russian words was done according to the ICAO transliteration system (International Civil Aviation Organization (ICAO), 2015) that is currently used in transliteration of personal names in international passports of Russian citizens. Personal names of Ukrainian citizens are provided in Ukrainian transliteration, personal names of Russian citizens are provided in Russian transliteration. Names of news websites are provided in transliteration that is used in their domain names.

I. LITERATURE REVIEW

1.1. Introduction

The main aim of this chapter is to identify gaps in previous research on sexual rights law and policy change in Eastern and Central Europe. The first section of the chapter provides a brief overview of the academic debates on sexual and gender rights related to sexual orientation and gender identity and justifies the conceptual framework used in the present study. The second section describes the international and European legal frameworks within which national SOGI laws and policies in CEE countries and particularly in Ukraine are developed. The third section provides an overview of the conditions which affect SOGI law- and policy-making process in CEE. The following gaps are identified in previous studies of sexual rights change in CEE: lack of research on countries which are not the EU members, under examination of Russian influence on sexual and gender policies, and the dearth of scholarly attention to the role of the media in law- and policy-making process.

1.2. Conceptualization of rights related to sexual orientation and gender identity

1.2.1. Sexual orientation and gender identity (SOGI)

The term *sexual orientation*, which has been used in anti-discrimination legislation since the 1970-s (Waites, 2009), originates from the essentialist theoretical tradition of sexuality research. Essentialism emerged in the late XIX century psychiatry and sexology and still predominates in sexual research in biology, genetics, and medicine (Stein, 1989; Weeks, 1986). Within the essentialist approach, sexual orientation is viewed as a stable biological condition of sexual attraction to particular gender obtained at birth (Stein, 1989). Acquisition of sexual orientation within the essentialist approach is usually explained with hormonal conditions of fetal development (Jannini et al., 2010; Rice et al., 2012). Later the term is also used in the constructionist approach to sexuality, which emerged within interactionist sociology in the U.S. and post-structuralist philosophy in Europe in 1960-s (Crawley & Broad, 2008; Plummer, 2003). The constructionist approach views sexual orientation as an interpretative construct that is developed and internalized in the process of social interaction. The constructionist approach did not exclude the possibility of biological determinants of sexuality but suggested that social science should focus on how social relations shape sexual behavior (Gagnon & Simon, 1973; Weeks, 1986). There

is an ongoing debate in contemporary scholarship about natural and social mechanisms of the development of sexual orientation.

The term *gender identity* also orientated from the constructionist sociological tradition. Just as in the case of “sexual orientation” there are essentialist perspectives on gender identity which relate it to hormonal conditions of fetal development (Besser et al., 2006). However, social constructionist understanding of gender identity is more common in social sciences. The social constructionist perspective implies that gender identity is a construct developed and internalized in the process of social interaction. Within the constructionist approach, there are different theories explaining gender identity, some of which consider it to be fixed in the early childhood, while others, consider gender identity development to be an ongoing process which occurs in daily interactions and is never complete (Stockard, 2006; West & Zimmerman, 1987).

Since 1960-s the terms sexual orientation and gender identity have been used in claims for equal treatment by lesbians, gay, bisexual and transgender people in Europe and North America. The term sexual orientation is important for securing the rights of gays, lesbians, and bisexual people, while gender identity is used for the recognition and protection of transgender people. Currently, these terms are well established in global academic and activist discourses on state regulations of sexuality and proved their effectiveness in securing the rights of “sexual and gender outlaws” (Corrêa et al., 2008) in different parts of the world. They are included in national legislation by many countries and are gradually introduced in the international law.

Probably the most comprehensive legal definitions of sexual orientation and gender identity might be found in Yogyakarta principles on the International Human Rights Law in Relation to Sexual Orientation and Gender Identity, which were developed by a group of scientists, lawyers and activists in 2007 and provide an international legal standard for sexual and gender rights. The Yogyakarta principles define “**sexual orientation**” as “**each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender**”. “**Gender identity**”, is defined in Yogyakarta principles as “**each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily**

appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms” (The Yogyakarta Principles on The Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, 2007).

Both sexual orientation and gender identity terms were criticized in queer theory, an interdisciplinary constructionist approach to sexuality, which emerged in the 1990-s. Queer theory combined attention to language and its deconstruction inherited from post-structuralism, feminist critique of gender inequality, Marxist critique of economic inequality, and postmodernist emphasis on the positive value of (sexual) diversity (Sedgwick, 1990). In sociological research queer studies promoted revision of binaries (femininity-masculinity, heterosexuality-homosexuality, norm-deviance) and sensitivity to the cultural context (see Epstein, 1994; Lorber, 1996; Namaste, 1994). Queer theory identifies tensions around identity as one of the central political issues of the present and future. From the queer perspective, fixed identities limit the capacities for emancipatory politics and therefore identity politics should rather be avoided.

Waites (2009) summarizes several queer-theoretical arguments against the use of the term sexual orientation. First, is the interpretation of “orientation” in relation to gender of the sexual partner, which supports gender dichotomy. Within the heteronormative framework of understanding in which only two genders are assumed to exist, bisexuality becomes “unthinkable and nonsensical as a singular “sexual orientation”, or as multiple simultaneous “sexual orientations” (since the latter would conflict with dominant Western meanings of sexuality and ‘sexual orientation’ as a single core aspect of a singular self” (Waites, 2009, p. 146). Second, fixation of sexual orientation on gender devalues other differences in sexual desires and practices related to other features, such as understanding the “sexual”, the relation of the sexual and non-sexual aspects of life, preferred practices, etc. The concept of gender identity has also been subjected to queer theoretical critique for its implication of clear, coherent and unitary gender categories.

Yet, within queer-theoretical perspective, there are also suggestions to preserve categories of sexual orientation and gender identity, but use them in a way they will no longer fix gender and sexual subjects into binary tenets (“rearticulate”). The example of such a rearticulation, which Waites also mention, might be found in the phenomenological works of Sara Ahmed, who proposes to understand “orientation”, and in particular “sexual

orientation” as a conscious sense of direction which enables humans to make sense and act in the world. Gender identity might also be rearticulated in terms that stress the processing character of gender, e.g. as gender identification or gender expression.

1.2.2. Sexual and gender rights

In the fields of political and legal studies rights claims on the grounds of sexual orientation and gender identity are often united under the term “LGBT rights”. “LGBT” rights might be defined as “a set, or cluster, of separate claims concerning privacy, nondiscrimination, freedom of speech, marriage, parenting, and so forth” (Samar, 2000, p. 988), made by gay, lesbian, bisexual and transgender people against the state and other individuals, as well as the field of state legislation and policies aimed to secure these rights (Ayoub, 2015; Dubel & Hielkema, 2010; Helfer, 1991; Helfer & Voeten, 2014; O’Dwyer, 2012; Pelz, 2014).

In social, historical, and anthropological studies, employment of the term “LGBT rights” was criticized for imposing essentialist models of sexual and gender identities, which originated in certain economic and historical contexts of Western Europe and North America, on different cultural contexts (Drucker, 2011; Hagland, 1997; Katyal, 2002; Mertus, 2007; Phillips, 2000; Saiz, 2005; Waites, 2009). As Michelle Foucault showed in his groundbreaking *History of Sexuality* (1978), emergence of homosexual identity at the end of XIX century became possible only within a certain dispositive of biopower. Previously, power control over sexuality was exercised through the institutions of religious and secular law in which humans were treated only as legal subjects, not as sexual ones. Since the XVII century, biopower operated in two complementary forms: disciplines of the individual body and regulation of population. Sexuality obtained a privileged position in the bio-power system as it related to both above-mentioned poles of power: “On the one hand it was tied to the disciplines of the body: the harnessing, intensification, and distribution of forces, the adjustment and economy of energies. On the other hand, it was applied to the regulation of populations, through all the far-reaching effects of its activity” (Foucault, 1978, p. 145). Within discourses of science, religion, pedagogy, and jurisprudence sexuality was defined as a certain biological instinct, deviations from which were carefully described, classified, and analyzed in terms of identity and personal history (certain past, childhood, lifestyle, sexual sensitivity, and certain kind of gender

transgression). On the one hand, constitution of homosexuality as a discursive object restrained same-sex behavior to social control and sanctions, on the other hand, it made possible the normalization of homosexuality which “began to speak in its own behalf, to demand that its legitimacy or “naturality” be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified” (Foucault, 1978, p. 101). Marxist-oriented scholars, such as D’Emilio, and Drucker, stress economic conditions which shaped Western “gay” and “lesbian” identities instead (D’Emilio, 1997; Drucker, 2011). Relying on post-structuralist approach to sexuality, Paul Hagland argues that there are no prediscursive identities that could be attributed with a set of rights; on the contrary, discursive practices, methods, and utterances of LGBT politics shape political subjectivities of their participants (Hagland, 1997, p. 369). Employment of concepts “lesbian” and “gay” originated in the global North ignores the difference in labels and perceptions attached to same-sex sexuality in the global South, and limits anti-discrimination instruments with the fixed categorization that traces essentialist and pathologizing views on homosexuality (Saiz, 2005; Waites, 2009).

Moreover, even within Western sexual cultures there is an ongoing proliferation of sexual subjectivities, which extends subjects of rights related to sexual orientation and gender identity far beyond lesbians, gays, bisexual and transgender people. International human rights organizations try to capture this growing multiplicity through adding new letters to the acronym: “LGBTI”, “LGBTIQ”, “LGBTIQ” (lesbian, gay, bisexual, transgender, intersex, queer, and other). While in the beginning of 1990-s even transgender inclusion into “gay rights” advocacy movements was under question (Minter, 2006), by the end of the decade the use of LGBTI category became dominant in discourse of global activism and its usage provided a precondition of being seen as a relevant actor by international human rights organizations (Seckinelgin, 2009). Still, within political and legal studies these tendencies are poorly reflected. Instead, there are multiple examples of symbolic exclusion of transgender and bisexual people from the term which refers to their rights, which reproduces marginalization of bisexual and transgender people within European and North American LGBT movements (Mertus, 2007; Stryker, 2008). Thus, terms “gay rights” or “gay and lesbian rights”, and “LGBT rights” are often used interchangeably (Kochenov, 2007b; Mos, 2014; Nachescu, 2014; O’Dwyer & Schwartz, 2009; Samar, 2000). Dmitry Kochenov explains his selection of the term gay rights as

inclusive for bisexual people as well: “The term ‘gay’ is used hereinafter in reference to lesbian women, homosexual men and bisexuals” (Kochenov, 2007b, p. 470). Conor O’Dwyer extends the term gay rights to “to include rights for the umbrella grouping of lesbian, gay, bisexual, and transgender (LGBT) people”, and argues his choice of terminology with stylistic reasons, – “to avoid excessive use of acronyms” (O’Dwyer, 2012, p. 349). Dubel and Hielkema in their introduction to the collection *Urgency Required: Gay and Lesbian Rights are Human Rights*, start with the notion that the “book speaks not only about gays and lesbians, but also about ‘LGBT persons’” (Dubel & Hielkema, 2010, p. 1), and left the choice for the “gay and lesbian” rights in the title unexplained. Detachment of “gay rights” into a separate category marginalize transgender and bisexual people and reinforces “homo/heterosexual” binary, within which homosexuality was initially pathologized and which nowadays can also serve to reinforce its subordination to normative heterosexuality (Saiz, 2005).

Critics of cultural relativism of “LGBT rights” suggest “sexual rights” as a more effective category to tackle inequalities related to sexuality instead (Saiz, 2005; Waites, 2009). The concept of sexual rights originated within the debate on sexual citizenship, which Kollman and Waites (2009, p. 10) define as the most informative for contemporary analysis of LGBT rights. The idea of sexual citizenship was introduced by David Evans in the book *Sexual Citizenship* (1993). Diane Richardson defines two approaches to sexual citizenship: the more narrow one which limits sexual citizenship to the set of sexual rights (like a right to sexual expression) granted or denied to citizens, and the broader one which conceptualizes sexual citizenship in terms of access rights and opportunities shared by the community members depending on their sexuality (Richardson, 2000, p. 107). Richardson also defines three categories of sexual rights: rights to engage in certain forms of sexual practice, rights to self-definition on the grounds of one’s sexuality, and rights to participate in social institutions (e.g. marriage). Besides gaining popularity among academic scholars, the concept of sexual rights has also been employed by UN human rights experts since the end of the 1990-s, particularly to address issues of women’s rights and sexual health (Corrêa et al., 2008; Saiz, 2005).

Advocates of the concept of sexual rights provide the following arguments in support of its use in sexual policy-making. First, the concept of sexual rights is not limited by predefined identity categories and might be used to address sexual diversity in different

cultural contexts (Saiz, 2005, p. 20). It also enables to shift focus from identities to punished and prohibited behavior (like same-sex marriage) which are easier to identify, unlike identity categories that may be contested (Mertus, 2007). Second, it enables to overcome the division between sexual/gender “minorities” and “majorities” and relate sexual and gender identity inequalities to the broader context of social inequalities, which in turn will enable better cooperation among different social movements against common roots of oppression (Saiz, 2005). As Corrêa, Pechersky, and Parker show, struggles for recognition sexual rights at the United Nations level of international legislation mobilized and brought together feminist, sexual and reproductive health, lesbian and gay, transgender, intersex, and human rights groups, sex workers, people living with HIV, and youth organizations (Corrêa et al., 2008). Finally, the concept of sexual rights provides a more affirmative view on sexuality as a social good rather than something which should simply be protected from violence (Saiz, 2005). It implies that subjects of sexual rights are not just passive victims, which should be protected from discrimination, but active agents who claim and struggle for full citizenship (Corrêa et al., 2008). The main argument against sexual rights is that they can be claimed only by citizens. However, in the contemporary world citizenship often comes up as a privilege. The rhetoric of citizenship fails to address oppression faced by “internal and transnational migrants and refugees, indigenous peoples, prison and detention camp populations, ‘enemy combatants’ and those designated (or imagined) as terrorists, alongside countless civilians obliterated by the ravages of war” (Corrêa et al., 2008, p. 156).

Also, the concept of sexual rights raises difficulties in addressing inequalities related to gender identity and expression. On the one hand, gender and sexuality are separate categories and aggregation of rights related to sexuality in one category requires symmetrical aggregation of rights related to gender into another. Indeed a concept of “gender rights” was introduced by the U.S. lawyers and transgender activists in the beginning of 2000-s (Frye, 2000), which offered a possibility to unite transgender advocates with other advocates of gender equality, such as a feminist movement, just as a concept of sexual rights might help to build bridges among all who fight inequalities related to sexuality. However, gender rights concept acquired little popularity both among scholars, and among LGBT movements. And there might be a political rationale to address sexual orientation and gender identity in the same laws and policies. Social perceptions of

homosexuality and gender roles are highly interconnected (Kuyper et al., 2013) which is also reflected in legal norms. For example, legal restriction of the right to marriage for homosexual citizens relies rather on their gender than sexual orientation, in those countries where marriage is legally defined as a partnership “between a man and a woman”. Some researchers apply the concept of sexual rights to cover gender identity issues as well. For example, Belavusau (2017) lists protection of gender equality, the right to the free exercise of identity and gender choice among sexual rights.

1.2.3. Civil rights, human rights, minority rights

Rights for non-discrimination on the grounds of sexual orientation and gender identity might also be framed as civil rights, human rights, and minority rights. The civil rights frame was widely used by LGBT-rights advocacy movements until the early 1990s (Kollman & Waites, 2009). Particularly it was employed in the US where gay liberation movement of the 70’s aligned with other civil rights movements and succeeded in decriminalization of homosexuality and acceptance of anti-discrimination laws in a number of states (Jagose, 1996; Mertus, 2007). Mertus (2007) claims, that still few LGBT groups in the United States rely on identity-based human rights framing in their advocacy. Also, the term “gay civil rights” is still used by US scholars in the fields of legal and political studies (Haider-Markel & Joslyn, 2008; Schacter, 1994; Wolfson, 1991). In the 1990-s, the human rights frame became popular in the discourse of LGBT organizations due to the change in their political strategies towards international lobbying at the time (Kollman & Waites, 2009; Mertus, 2007). Until 1980-s, LGBT movement and international human rights organizations focused their efforts on the lobbying of governments of nation-states. This tactic appeared to be not very successful, since the nation-state apparatuses were the main sources of oppression of LGBT people itself. Also, for many national LGBT organizations, it was easier to influence their local governments indirectly through international organizations, because their influence on domestic politics was insignificant. Thus, ILGA spent ten years lobbying Amnesty International to include homosexual people imprisoned for their homosexuality solely into the category of political prisoners. This led to the formation of transnational LGBT networks which extended over national boundaries and focused on international lobbying. As Kollman and Waites (2009) admit, international rights organizations also relied on the concept of *civil rights* until the 1960-s; only in the

1980-s *human rights* emerged as their main focus. *Human rights for LGBT people* and *LGBT human rights* are now widely used terms not only in the discourse of international LGBT and human rights organizations but also in international scholarship (Kollman & Waites, 2009).

Both *civil* and *human rights* frames have advantages and disadvantages. *Civil rights* have the same limitations as *sexual rights* concept since it lacks universality and excludes all those who do not have citizenship, – refugees, migrants, asylum seekers. The concept of *human rights* is on the contrary criticized for the false universality among other reasons. As Corrêa, Pechersky, and Parker (2008) admit, “for at least three decades, feminist, postmodernist, and postcolonial social theory and criticism have worked to dismantle the universal subject inherited from the European Enlightenment and entrenched in the epistemological bedrock of human rights” (p. 2013). Human rights were criticized as an individualistic and bourgeois concept of Western origin that ignores cultural and historical differences and is often used to inferiorize “other” cultures and societies (Corrêa et al., 2008). Another objection against human rights is their restriction of the sovereignty of nation-states which leads to conflict between human rights and civil rights (Bates, 2013). Corrêa, Pechersky, and Parker bring attention to hypocritical use of human rights rhetoric by some governments as an instrument “to bully or taint adversaries and bolster friends” (Corrêa et al., 2008, p. 152). Concerning “human rights of LGBT” people, Jasbir Puar’s critique of homonationalism is also worth noting. By homonationalism, Puar means the inclusion of homosexuality into nationalistic ideologies in contemporary U.S., Europe, Israel, and India, which contributes to sexual exceptionalism of national projects, the emergence of normative scripts for sexual dissidents, and maintaining of white dominance (Puar, 2007, 2013). In international politics, she argues, attitudes to gays and lesbians “have become a barometer by which the right to and capacity for national sovereignty is evaluated” (Puar, 2013, p. 337). The emblematic example which Puar (2013) provides is “Israel’s promotion of an LGBTQ-friendly image to reframe the occupation of Palestine in terms of civilizational narratives measured by (sexual) modernity” (p. 337). Another important concern about human rights is that international legislation is simply ineffective, and provides at best moral recommendations for nation-states, provision of which are not secured by any authority (Corrêa et al., 2008, p. 165). However, it should be mentioned that those human rights which were institutionalized into international norms are, in fact,

enforced by national authorities and courts of the states, even if not systematically (Corrêa et al., 2008, p. 165). Even when international human rights norms are not secured by international agreements they might be the part of an informal process of influence and lead to change of state policy and behavior (Kollman & Waites, 2009, p. 9). Also, as Corrêa, Pechersky, and Parker (2008) argue the absence of effective enforcement mechanisms at international agencies like the United Nations Human Rights Council is a political matter which might be changed in the process of transforming and democratizing global governance.

“Minority rights” frame in human rights legislation was initially grounded on the number of members of particular ethnic, national, religious, or sexual groups in the particular national context (Kahlina, 2013). A quantitative approach to minorities has been criticized for the naturalization of power inequalities. However, in contemporary scholarship, the term minority is also used to define groups not according to their quantity, but according to their place in the structure of power relations (Chojnicka, 2015; Kahlina, 2013). The notion of minority in this framework designates the non-hegemonic position of a group; thus, for example, women may form a minority in the society in this sense despite being a majority quantitatively. In this work, I will use the terms “sexual and gender minorities”, in this sense of underprivileged social group.

“LGBT rights”, “sexual rights”, “civil rights” and “human rights” are discursive constructs which originated in response to certain historical circumstances of political struggles for sexual and gender equality. The expediency of employment of this or that construct is determined by their political effectiveness in particular contexts. The term *LGBT rights* framed struggle of Western sexual dissidents as a struggle of the “minority” to achieve equal rights with the “majority”, following the model which was successfully used to secure rights of religious and ethnic minorities. In the 1970-s U.S., the use of the “civil rights” frame was aimed at the establishment of a political alliance with other emancipatory movements at the national level. “Sexual rights” and “human rights” frames nowadays enable to built such alliances at the international level. Any of these categories fixes “bodies” and “pleasures” (Foucault) with a network of categories that at the same time limit their subjects and bound them to the existing structure of power relations, and enable collective political action which will bring social changes. Any other concept will operate the same way. Therefore, rather than trying to find the universally applicable

concept, we should rather critically reflect on possibilities that they open and close in every instance of their articulation.

1.2.4. Terms used in the study

Three key terms are used throughout this study to demarcate a multitude of political struggles over sexual and gender equality under examination: sexual orientation, gender identity, sexual rights, and gender rights. Conceptual choice of *equality and non-discrimination on the grounds of sexual orientation and gender identity (SOGI)* and *sexual and gender rights*, rather than *LGBT(IQ+)* rights was made to relate political struggles for equality on the grounds of sexual orientation and gender identity to struggles over reproductive rights and women rights. As it is demonstrated later in this study, contesting narratives on sexual and gender rights rely on core assumptions about reproduction and sex/gender differences. The very same assumptions are likely to be articulated in the struggles over reproductive, women, and family rights in the given sociopolitical context. Besides, utilization of the term *sexual and gender rights* enables to sustain a critical distance towards Ukrainian media and political discourses on SOGI equality, in which, as it will be shown in the results of this study, the term “LGBT rights” is common for all actors.

1.3. Equality and non-discrimination on the grounds of SOGI in international and the EU law

In this section, I provide a brief overview of international and European legal instruments that contain prohibitions of discrimination on the grounds of sexual orientation and gender identity. I consider general principles of non-discrimination and equality in the international law, the key international human rights treaties which are used against discrimination on the grounds of sexual orientation and gender identity, and the critique of the effectiveness of the anti-discrimination legislation and policies in changing lives of sexual dissidents in Europe and worldwide. I pay special attention to sexual orientation and gender identity in the EU law (*acquis communautaire*), since it constitutes legal grounds on which the EU relies in the promotion of anti-discrimination policies in Central and Eastern Europe. The mechanisms and outcomes of EU influence on sexual policies of Central and Eastern Europe will be discussed in detail in the next section.

The general principle of equal treatment is central to liberal theories of the state and international human rights law (Moeckli, 2013). In legal studies, there is a common distinction between two approaches to equality: the formal one and the substantive one (Moeckli, 2013). *Formal equality* is limited to the negative obligation not to treat people differently on unreasonable grounds. It provides the conceptual basis of the legal prohibitions of *direct discrimination*, according to which individuals should be treated equally under similar conditions. However, as Daniel Moeckli emphasizes, the formal approach is insufficient to address inequalities which go beyond the most obvious cases, since it ignores the outcomes of the treatment. First, it might lead to the “leveling down” the equal treatment claims and contribute to the provision of equally bad treatment for all, rather than improvement of the treatment for oppressed groups and individuals. Second, the formal approach to equality requires to find a reliable comparator that is treated more favorably in a similar situation to prove that discrimination took place, which is not always possible in case of deeply rooted systemic inequalities. Finally, equal treatment of individuals or groups which have different background and unequal access to social, economic, and political resources might, in fact, deepen inequality between them (Moeckli, 2013, p. 159). Unlike the formal approach, *substantive approach* to equality, which includes equality of opportunities and equality of results, focuses on outcomes of the treatment for individuals and groups, rather than the process of the treatment. It acknowledges that differences among people and groups lead to cases when equal treatment leads to unequal results. It may include positive actions such as preferential treatment or quotas to overcome structural biases which make groups unequal. Therefore, the substantive approach enables to combat *indirect discrimination*, – a disproportional impact on particular groups of the practices, rules, or requirements that are not based on the prohibited grounds of distinction (Moeckli, 2013, p. 165). The formal approach to equality is reflected in the term *non-discrimination*, while substantive approach, – in the term *equality*, which are often used together in modern anti-discrimination law and policies.

Principles of equality and non-discrimination are secured in many global and regional international rights documents. Eight out of the nine core United Nations (UN) conventions on human rights contain a prohibition on discrimination: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic

Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (UNCRPD), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) (European Union Agency for Fundamental Right & Council of Europe, 2010; Moeckli, 2013). Each UN-member state is obliged to submit periodic reports on implementation of these treaties to the UN Committees, which are special treaty bodies set to monitor state progress. Also, anti-discrimination provisions are included into regional treaties: the African Charter on Human and Peoples' Rights (ACHPR), the American Convention on Human Rights (ACHR), the Arab Charter on Human Rights, the ASEAN Human Rights Declaration, the European Convention on Human Rights (ECHR), and the Charter of Fundamental Rights of the European Union (the latter two will be discussed in more detail in the following paragraphs) (Moeckli, 2013). Besides conventions, there is also a number of global and regional human rights declarations, which include provisions against discrimination: Universal Declaration of Human Rights (UDHR), Declaration on the Rights of Disabled Persons, Declaration on the Right to Development, Vienna Declaration and Programme of Action (VDPA), Declaration of Human Duties and Responsibilities (DHDR), UN Declaration on Sexual Orientation and Gender Identity, American Declaration of the Rights and Duties of Man, ASEAN Human Rights Declaration, Cairo Declaration on Human Rights in Islam. The difference between conventions and declarations is that the former belong to *hard law* instruments that have legally binding force, whereas the latter are *soft law* instruments that have a status of recommendations¹.

International human rights treaties tend to include open-ended lists of the possible grounds of discrimination that explicitly mention several specific grounds (most often race, sex, and religion which have become a part of customary international law) and a broad rubric of “other status” to cover other possible grounds of discrimination. By 2013, there were still no explicit references to sexual orientation and gender identity in the regional and global human rights treaties (O’Flaherty, 2013; O’Flaherty & Fisher, 2008) Attempts

1 For the more precise account of hard and soft international law see Abbott, K. and Snidal, D., 2000. Hard and soft law in international governance. *International Organization*, 54(3), 421–456.

of explicit introduction of sexual orientation and gender identity into international treaties at the UN level have been repeatedly blocked by governments of African, Asian, and Middle Eastern countries which does not acknowledge discrimination based on sexual orientation and gender identity to be a violation of human rights. These governments frequently argued that discrimination on the grounds of sexual orientation and gender identity is a social and cultural issue, which should be decided according to local “traditions” and “cultural values”. As a result, sexual orientation and gender identity were frequently “bracketed out” of official documents in the name of consensus (O’Flaherty, 2013; O’Flaherty & Fisher, 2008; Saiz, 2005).

Nevertheless, UN Committees and international courts (European Court of Human Rights, Inter-American Court of Human Rights) frequently applied international human rights treaties to challenge discrimination on the grounds of sexual orientation and gender identity. Numerous commentaries of UN Committees specified that “other grounds” of discrimination mentioned in human rights conventions should be interpreted as including sexual orientation and gender identity (Saiz, 2005). Another way to proscribe sexual orientation and gender identity discrimination in practice of UN Committees and international courts was “reading it into” other human rights, such as the right to privacy, rights to physical integrity, and freedom from discrimination on the grounds of sex (Saiz, 2005, p. 17). For example, in the case *Toonen v. Australia* (1994) United Nations Human Rights Committee to justify that criminalization of consensual sex between adult males in private is a violation of the Covenant on Civil and Political Rights interpreted nondiscrimination provisions concerning “sex” in Article 2(1) of the Covenant as also prohibiting discrimination on the grounds of “sexual orientation”, instead of referring to the “other status” category.

Inclusion of sexual orientation and gender identity into soft law international human rights instruments was more successful. In recent years, the UN Human Rights Council issued three resolutions on sexual orientation and gender identity which specifically call to combat violence and discrimination on these grounds². The UN General Assembly

2 Human Rights Council, Resolution on Human rights, sexual orientation and gender identity, A/HRC/RES/27/32 (2014); Human Rights Council, Resolution on Human rights, sexual orientation and gender identity, A/HRC/RES/17/19 (2011); Human Rights Council, Resolution on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/HRC/RES/32/2 (2016).

resolutions on extrajudicial, summary and arbitrary executions also include sexual orientation and gender identity among the list of grounds which constitute vulnerable groups that need special attention³. In 2016, the UN Human Rights Council finally introduced a position of an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to assess the implementation of existing international human rights instruments⁴. To influence conservative state governments, UN monitoring bodies frequently recommended them to pay more attention to violations of rights on the grounds of sexual orientation and gender identity and to introduce sexual orientation and gender identity into national anti-discrimination legislation explicitly (Saiz, 2005).

In Europe, non-discrimination law is constituted by the two major systems of rules: the European Convention on Human Rights (ECHR), and the Charter of Fundamental Rights of the European Union (European Union Agency for Fundamental Right & Council of Europe, 2010). The first one binds all the member states of the Council of Europe (47 states), while the second one – all the member states of the European Union (28 states). All the members of the EU are also members of the Council of Europe and subsequently have also joined the ECHR; however, the EU as such is not a signatory to the ECHR. The ECHR was adopted by the Council of Europe after the Second World War and was later altered and added through Protocols, among which Protocol 12 (2000) introduced general prohibition of discrimination on any ground. The EU Charter of Fundamental Rights was proclaimed in 2000 by the European Union and its Member states, and became a binding document for all EU members in 2009. Two courts which play important role in application of the ECHR and the EU Charter of Fundamental Rights to the cases of discrimination are also worth mentioning: the European Court of Human Rights (ECtHR), which was established particularly to rule on cases of violations of the rights set out in ECHR, and the European Court of Justice (ECJ) which is the highest court in the EU in

3 Gender identity appears in the UN General Assembly, Resolution on Extrajudicial, summary or arbitrary executions, A/RES/67/168 (2013) and UN General Assembly, Resolution on Extrajudicial, summary or arbitrary executions, A/RES/69/182 (2015). Previous UN Resolutions on Extrajudicial, summary or arbitrary executions (A/RES/65/208, A/RES/63/182, A/RES/61/173, A/RES/59/197, A/RES/57/214) mention only sexual orientation.

4 Human Rights Council, Resolution on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, A/HRC/RES/32/2.

matters of EU law (Whittle, 2002). Rulings of ECtHR and ECJ provide exemplars of how the ECHR and the EU Charter of Fundamental Rights should be interpreted and applied in the legal practice of the Council of Europe/EU Member states.

Both ECHR and the EU Charter of Fundamental Rights contain general provisions against discrimination with open-ended lists of possible grounds of discrimination. ECHR does not explicitly list sexual orientation among prohibited grounds; however, ECtHR in its decisions on a series of cases stated that “sexual orientation” is embraced by “other grounds” protected by Article 14 of the ECHR (European Union Agency for Fundamental Right & Council of Europe, 2010). Also, the ECtHR relied on Article 8 of the ECHR to outlaw state interferences related to sexual orientation as violations of the right to privacy (European Union Agency for Fundamental Right & Council of Europe, 2010; (Waaldijk, 2006). Unlike ECHR, the EU Charter of Fundamental Rights explicitly lists sexual orientation among other prohibited grounds of discrimination⁵. By now (January 2020), there are no explicit references to gender identity in the ECHR and the EU Charter of Fundamental Rights. Cases of discrimination on the grounds of gender identity in practice of the ECtHR and the ECJ are solved relying on provisions against discrimination based on sex, which protects only a limited number of people intending to undergo, currently undergoing, or having undergone gender reassignment surgery (European Union Agency for Fundamental Right & Council of Europe, 2010).

Direct application of ECHR and the Charter of Fundamental Rights of the European Union is mostly limited to the level of international relations. The ECtHR and ECJ rely on ECHR and the Charter of Fundamental Rights in their decisions against nation-states, which require nation-states to accept new laws or change the previous ones. However, states may implement decisions of the ECtHR and ECJ only formally without bringing real changes to the state of groups discriminated on the grounds of sexual orientation and gender identity, as it happened in France (Whittle, 2002) and Austria (Kollman, 2009)⁶. Moreover, the ECtHR has no power to combat discrimination in private employment since

⁵ Anti-discrimination provision related to sexual orientation was first introduced into the EU law by the Treaty of Amsterdam (1999). It was later repeated in other primary EU law documents (the Treaty on the Functioning of the European Union, the EU Charter of Fundamental Rights). For the historical account of introduction of sexual orientation into the Amsterdam treaty see Mos, M. (2014). Of Gay Rights and Christmas Ornaments: The Political History of Sexual Orientation Non-discrimination in the Treaty of Amsterdam. *JCMS: Journal of Common Market Studies*, 52(3), 632–649.

the ECHR only binds state parties (Waaldijk, 2006). As Waaldijk (2006, p. 26) admits “invoking a generally worded provision in the European Convention on Human Rights is not easy, for an ordinary victim of employment discrimination (and for his [sic] ordinary lawyer)”. Anti-discrimination provisions in the EU Charter on Human Rights are directed on the EU institutions and in practice are applied to international projects on the EU level (for example, tenders)⁷. EU Member States are affected by the EU Charter on Human Rights only when they are implementing EU legislation (Slootmaeckers & Touquet, 2016, p. 23). Altogether, the main legal function of ECHR and the EU Charter on Human Rights is to provide a general framework and models for national legislation of the Members of the Council of Europe and the EU Member States respectively. Besides, they have a symbolic value as documents that codify shared values and principles of the Council of Europe and the EU as political projects.

6 Resistance of the French government to the ECtHR decision in the case related to gender identity discrimination was described by Whittle (2002): “In the 1990s, there was an apparent victory by a transsexual woman in the ECHR: the case of *B v France*. It was held that the French government must recognise transsexual people as being of their new sex for social purposes. However, the French government have simply gone on to refuse virtually all gender reassignment treatment in France, so making effective sex change impossible. They have then refused to recognise any transsexual person treated abroad, and they have insisted that transsexual people make individual applications to the French courts every time they want any piece of documentation changed, if they want to get married, if they wish to make under a claim under the rules of succession. This means that their lives become bound up in court procedures reminiscent of Dickens’s Chancery in *Bleak House*” (p. 188). The case of Austria was analyzed by Kelly Kollman (Kollman, 2009). In the 2003 *Karner v Austria* ruling the ECtHR obliged Austrian government “to grant same-sex cohabitants the same rights the government grants unmarried, different-sex cohabitants” (Kollman, 2009). However, the effect of this decision was very limited: “The government did nothing to change the laws governing other rights and benefits enjoyed by unmarried, different-sex cohabitants, as the logic of the Karner decision necessitated. Rights such as partner benefits from social insurance programs and tax breaks were not granted to same-sex cohabitants until the Austrian government was forced to do so by Austrian courts that applied the Karner ruling (Cases VfGH G 87–88/05, V 65–66/05). An attempt to draft legislation that would anchor the Karner decision in law and extend state recognition of same-sex couples by the Justice Minister, Karin Gastinger, was scuttled by opposition from her fellow cabinet members shortly before the national parliamentary elections in autumn 2006” (Kollman, 2009, p. 48).

7 Off-record interview with a member of Delegation of the European Union to Ukraine 17.08.2015.

The Council of Europe made a number of recommendations to member states on regarding discrimination on the grounds of sexual orientation and gender identity: Recommendation CM/Rec(2010)5 on measures to combat discrimination on the grounds of sexual orientation or gender identity, Resolution 1728 (2010)1 on Discrimination on the basis of sexual orientation and gender identity, Recommendation 1474 (2000) on Situation of lesbians and gays in Council of Europe member states, Recommendation 924 (1981) on Discrimination against homosexuals and others (Khodakivskyi, 2014; Sheremet, 2013). The Council of Europe recommendations and resolutions provide a policy framework and proposals that member states (including Ukraine) can implement on the national level, but they do not have binding force.

The anti-discrimination provisions in the primary EU law provided a basis for further legislative actions in the field of sexual orientation discrimination, which was realized in the EU Directives. The Directives are legally binding documents, which require that all EU Member States have either to amend existing laws or adopt new ones in order to comply with a certain minimal legal standard. Subsequently, Directives define the actual scope of protection from discrimination on the grounds of sexual orientation and gender identity in the legal practice of the EU Member States. Until 2000, anti-discrimination provisions in the EU Directives covered only sex and only the sphere of employment (European Union Agency for Fundamental Right & Council of Europe, 2010; Kantola & Nousiainen, 2009). The reason behind this is that initial aims of the EU as an inter-governmental organization were economic ones and the first anti-discrimination against sex discrimination in employment were aimed to prevent unfair competition between the Member States at costs of paying women less than men (Belavusau, 2015; Klesse, 2006; Stychin, 2001). As the EU governance spread beyond economic issues to social progress and the improvement in the working and living conditions of citizens, anti-discrimination protection was extended to other grounds and social fields. Currently, the widest scope of social fields in which discrimination is prohibited is covered by the Racial Equality Directive: employment; social protection, including social security and healthcare; social advantages; education; and access to and supply of goods and services, including housing (FRA, 2015). This uneven protection of different groups has come to be known as the *hierarchy of grounds* (FRA, 2015, p. 25).

Protection from discrimination on the grounds of sexual orientation (as well as on the grounds of religious belief, disability, and age) in the EU Directives currently is only limited to the context of employment (Employment Framework Directive 2000/78/EC). Gender identity is present in its narrow aspect of gender reassignment in the Recast Directive 2006/54/EC (on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation), and is explicitly included in the Qualification Directive 2004/83/EC (on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted) and Crime Victims Directive 2012/29/EU (FRA, 2015, p. 28). The European Parliament in the Resolution on the EU Roadmap (2014) called for inclusion of gender identity in the future EU legislation and application of the Gender equality directive on access to goods and services to cases of discrimination of transgender people (FRA, 2015, p. 28). To end up the “hierarchy of grounds” proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (but not gender identity), also known as the “Horizontal Directive” and “Equal Treatment Directive” (European Union Agency for Fundamental Right & Council of Europe, 2010, p. 14; FRA, 2015, p. 25; Kantola & Nousiainen, 2009, p. 466) which was introduced in 2008. By now (January 2020) it is still being discussed in the European Parliament.

The EU Directives provide a legal minimum to which all the EU Member States should comply. Some EU Member States extended the scope of anti-discrimination protection on the grounds of sexual orientation and gender identity beyond this minimum, while others limit their protection only to sexual orientation and the sphere of employment (FRA, 2015, p. 25). Also, in some EU members exclusion in the anti-discrimination law made for religious institutions in relation to sexual orientation is interpreted in such a broad way, that it might be used to refuse equal treatment in employment and providing goods and goods and services which the law aims to ensure⁸. There is no consistent approach to

8 According to the report of the European Union Agency for Fundamental Rights (FRA) in Croatia the “Anti-Discrimination Act (ADA) allows unfavorable treatment on the grounds of sexual orientation if the ethics and values of a particular public or private organization are founded on religious beliefs that require such unfavorable treatment. In addition, the ADA allows unfavorable treatment on grounds of

gender identity in national legislations of the EU members (FRA, 2015, p. 28). In some states gender identity constitutes one of the protected grounds in the national anti-discrimination laws, in some national laws it is assumed that transgender people should be protected on the ground of sex, some states associate gender identity with the ground of sexual orientation (for example, in German law transgender people are protected from discrimination on the ground of “sexual identity”), and some lack clear mechanisms to protect transgender people from discrimination at all.

Besides the EU Member States, EU acquis on sexual orientation and gender identity discrimination also affects candidate countries. While the early Member States were mostly concerned with economic issues, Eastern enlargement raised awareness of the importance of human rights protection as a core principle of the EU (Slootmaeckers & Touquet, 2016). In 1993, a set of criteria for EU accession was introduced, known as the Copenhagen Criteria (after the European Council in Copenhagen which defined them). According to the Criteria, countries wishing to join the EU need to have stable democratic institutions, a functioning market economy, and to share political and economic aims of the EU. In practice, Copenhagen Criteria set general goals for the process of “candidate’s adoption, implementation, and enforcement of all current EU rules” (**European Commission, official website, 2016**), which is monitored by the EU. Before the adoption of Employment Framework Directive 2000/78/EC, the EU opted for advancing two basic requirements for candidate countries through Commission Regular Reports: decriminalization of homosexual acts between adults and equation of the age of consent for homosexual and heterosexual acts in criminal law (Kochenov, 2007a). After the adoption of Employment Framework Directive 2000/78/EC, prohibition of sexual orientation discrimination in the labor sphere became another component of the minimal sexual rights standard which candidate countries should meet. In the 2004⁹ and 2007¹⁰ rounds of enlargement, LGBT issues did not constitute a priority for the EU (Kochenov, 2006), but

sexual orientation in the regulation of family law rights and obligations, especially if necessary for the protection of children, public morality or marriage (Article 9(2)(10))” (p. 34). As authors of the report argue, “such a broad formulation not only implies that equal treatment of LGBTI citizens is considered problematic from a “public morality” point of view, but can also be used to justify unfavorable treatment in employment. In addition, the provision’s wording can be interpreted as allowing some establishments operating in the market to refuse to provide services to LGBTI citizens if their “lifestyle” conflicts with the owners’ religious beliefs” (FRA, 2015, p. 34).

by 2009 it became a prominent political topic (Slootmaeckers & Touquet, 2016). By 2013¹¹, sexual rights gained enough importance in international relations for the EU Commission to go even beyond the hard *acquis* in demands to candidate countries, particularly viewing Pride parades as a litmus test for readiness for the EU membership (Slootmaeckers & Touquet, 2016). However, as Slootmaeckers and Touquet (2016) point out, regional security maintains a higher priority in the EU enlargement politics than sexual rights related to sexual orientation and gender identity and in case of their conflict regional security is favored. Thus, Serbia was not sanctioned for banning the Pride parades while it made progress on the normalization of relations with Kosovo.

Finally, EU *acquis* on sexual rights might be adopted by countries that are not candidates for membership as part of other international agreements with the EU. The EU foreign policies, such as the European Neighborhood Policy¹² and Stabilization and Association Process¹³, incorporated many principles and tools of the EU enlargement policy: extending of the EU market and *acquis*, promotion of human rights, employment of monitoring procedures similar to that used for candidate countries (Schimmelfennig, 2012). The main legal instruments employed by the EU to promote sexual rights laws and policies among non-candidate foreign partners are Association Agreements and Action Plans. These documents usually list political, economic, trade, and human rights reforms that a country should introduce to achieve benefits from the EU, such as reduction of trade and travel barriers, financial and technical assistance, etc. Protection of sexual rights

9 Accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

10 Accession of Bulgaria and Romania.

11 Accession of Croatia.

12 The European Neighborhood Policy was introduced in 2004 to strengthen relationships of the EU with the Eastern European neighboring countries, which was later expanded Middle Eastern and North African countries.

13 The Stabilisation and Association Process started in June 1999 towards the Western Balkans countries. Initially, Western Balkan countries were considered potential candidates. By the beginning of 2017, all members of the Stabilisation and Association Process acquired candidate status, except Kosovo, and Bosnia and Herzegovina.

related to SOGI is often used as a benchmark in monitoring of a country's progress in securing fundamental rights required by agreement with the EU¹⁴.

As Uladzislau Belavusau and Carl Stychin argue, the EU law enabled to reveal sexual orientation and gender identity discrimination from a moral framework and to redefine it as an obstacle to economic development (Belavusau, 2017; Stychin, 2003a). Rearticulation of discrimination in terms of economic rationality enabled international courts to sidestep moral controversies and to solve more discrimination cases in favor of claimants (Stychin, 2003a; Whittle, 2002) it extended possibilities of domestic lobbying for LGBT and human rights advocates in the EU Member States (Belavusau, 2017). The shortcoming of economic framing of anti-discrimination protection is that it boosts only those anti-discrimination instruments which are beneficial for capitalist economy, namely ensure free movement of goods and labor, and do not require immediate costs from the states (Stychin, 2003a).

Also, Belavusau praises the EU law for the promotion of the liberal model of citizenship among the nation-states that previously relied on the republican model of citizenship, which had a favorable effect on sexual and gender equality. National laws of the EU Member States imply the republican model of citizenship, which articulates rights as derivatives from citizen duty to contribute to public good. Republican model of citizenship tends to exclude non-heterosexual citizens, which are viewed as incapable to fulfill procreative duties and lacking discipline and selflessness to be good citizens. The cornerstone of “common good” in the republican model of citizenship leads to moralizing citizenship and citizen duties. The EU law instead promotes a more liberal vision of citizenship, which views rights in separation from duties and positions sexual and gender identity as “aspects of a citizens’ dignity” (Belavusau, 2015, p. 1-2). Belavusau summarizes this contrast between national and the EU models of sexual citizenship in the following way:

Unlike in Member States, to be a valuable part of transnational society, EU citizens are not “obliged” to self-reproduce for the sake of a sustainable population, to display pure and vestal morals,

14 See, for example, EU-Ukraine Action Plan on Visa Liberalisation <http://visa-free-europe.eu/wp-content/uploads/2012/03/EU-Ukraine-Action-Plan.pdf>; EU-Moldova Action Plan on Visa Liberalisation <http://visa-free-europe.eu/wp-content/uploads/2012/03/EU-Moldova-Action-Plan.pdf>; EU-Georgia Action Plan on Visa Liberalisation <http://migrationcommission.ge/files/vlap-eng.pdf>

monogamy, family-orientation and strict heterosexuality, nor even to conform to the expected habits of their biological sex (Belavusau, 2015, p. 5).

Despite its apparent success in combating discrimination on the grounds of sexual orientation and gender identity, international and European law was also subjected to multiple criticisms. One of the main arguments is that the law enforcement mechanisms for international treaties are often quite weak because of the sovereignty principle of international law. At the UN level, the treaty-based supervisory bodies which are set to monitor implementation of the treaties by the member states issue only commentaries and recommendations, fulfillment of which is not compulsory. The EU also relies predominantly on soft law regulation mechanisms of anti-discrimination, such as non-binding reports and resolutions (Kantola & Nousiainen, 2009). However, as Kelly Kollman (2009) argues, soft law instruments might be more effective in combating discrimination based on sexual orientation and gender identity, since they gradually change the way decision-makers in nation-states interpret sexuality, whereas hard law mechanisms may provoke growth of resistance to sexual rights (see the next section for the more detailed account on the effectiveness of legal changes).

Feminist and queer scholars frequently argued that anti-discrimination law related to sexual orientation and gender identity discursively reproduces and strengthens structural inequalities (Klesse, 2006; Saiz, 2005; Spade, 2011; Stychin, 2001), and therefore “must be considered at best a modest part of a wider strategy of social change” (Stychin, 2003a, p. 88). Critique of discursive reproduction of the structural inequalities was mostly centered on the heteronormative¹⁵ implications of anti-discrimination law, particularly related to marriage and family. The EU law implies a heteronormative model of family, in which women and children are conceptualized as ‘non-productive appendages of male workers’ (Ackers and Stalford, 1999, p. 702 cited in Stychin, 2003a, p. 83). Cisnormative bias of anti-discrimination legislation brought less academic attention, despite many authors admit that the legal framework related to gender identity is much less developed than one related to sexual orientation (O’Flaherty & Fisher, 2008; Waites, 2009). Cisnormativity of legal discourse for a long time has been supported by medical discourse in which

¹⁵ The concept of heteronormativity refers to the complex of articulations that sustain homo-hetero binary and inequality between homosexual and heterosexual subject positions (Ingraham, 1994; Motschenbacher, 2011; Rubin, 1984).

transgenderness was considered to be a pathology¹⁶. Cisnormative prejudice is reflected in the ECHR decision on *X, Y and Z v UK* in which a transgender person was rejected a right to legal recognition as a father of his child, because “transsexuality raises complex scientific, moral and social issues” (Whittle, 2002, p. 193). Also, anti-discrimination legislation indirectly strengthens inequalities within LGBT community, since it benefits those who are already socially and economically privileged (Klesse, 2006; Spade, 2011; Stychin, 2001). Thus, anti-discrimination protection in employment benefits mostly cisgender gay men, who are already privileged over women in the workplace and are not bounded by social expectations to care for young and elderly which limits women’s participation in the public sphere. Finally, legal discourse on sexual orientation and gender identity was criticized for reduction of discrimination to separate cases of individual rights violations by prejudiced perpetrators (Klesse, 2006; Spade, 2011). This “individualization” of discrimination leads to underestimation of systemic inequalities which “remain untouched and affirmed as non-discriminatory or even as fair” (Spade, 2011, p. 43).

1.4. SOGI law and policies change in CEE countries: conditions of (in)success

Before proceeding to the discussion of research on sexual rights law and policies in Central and Eastern European countries, I should first address the question what does Central and Eastern Europe mean. In this research, I use the term Central and Eastern Europe (CEE) to refer to former communists states in Europe that became developing democracies in 1991: Estonia, Latvia, Lithuania, Czech Republic, Slovakia, Hungary, Poland, Romania, Bulgaria, Slovenia, Croatia, Albania, Bosnia-Herzegovina, Kosovo, Macedonia, Montenegro, Serbia, Belarus, Moldova, and Ukraine. East Germany which is also typically included in CEE, will not be considered here, as this overview is focused on law and policies change, which in East Germany after the reunification of Germany took place under conditions more specific for Western European countries. Also, I will not consider Russia as a part of CEE for its significant geographical and political differences

16 The International Statistical Classification of Diseases and Related Health Problems (ICD) has listed gender dysphoria as a mental illness until 2019. In 2019, the 11th edition of ICD replaced diagnostic categories “transsexualism” and “gender identity disorder of children” with “gender incongruence of adolescence and adulthood” and “gender incongruence of childhood”, respectively. Both terms were moved out of the “Mental and behavioral disorders” chapter into the chapter “Conditions related to sexual health”. However, until 2022 ICD-10 remains in force.

from other countries united under this label. Geographically Russia goes far beyond Eastern Europe and includes large territories in North Asia. Politically, it is different from other post-communist states in that it was most closely connected with the Soviet Center. Right after the fall of the Soviet Union, Russia claimed to become a “potential alternative center” rather than a “peripheral contender for autonomy from the center” as the other national republics (Brubaker, 1996, p. 42). In the following decades, political differences between Russia and other post-Communist countries deepened. While most of the CEE governments (except Belarus) either became the EU members or have been seeking closer contacts with the EU, Russian political elites developed ideological and political opposition to “the West” and cultivated a revanchist outlook. The term “CEE” is criticized for masking important differences among countries, such as differences between the former USSR republics and other countries of the Eastern Bloc, or differences between the EU members and non-EU members (Mizielińska & Kulpa, 2012). Still, it is widely used across disciplines of contemporary scholarship.

CEE countries vary substantially in their SOGI law and policies. A Rainbow Europe Country Index published annually by ILGA-Europe since 2010 allows to compare the extent of adoption of SOGI laws and policies across European countries in six areas: equality and non-discrimination, family, hate speech and violence, legal gender recognition, freedom of assembly, association and expression, and asylum. Each piece of legislation and policies related to SOGI scores one point. According to the 2016 Rainbow Europe Country Index (ILGA-Europe, 2016), the highest level of SOGI law and policies adoption in CEE was found in Croatia (67 points), Hungary (51), and Montenegro (45). The average level of policy adoption (29-36 points) was found in Albania, Bosnia and Herzegovina, Czech Republic, Estonia, Kosovo, Serbia, Slovakia, and Slovenia. Low level of policy adoption (13-23) was found in Belarus, Bulgaria, Latvia, Lithuania, Macedonia, Moldova, Poland, Romania, and Ukraine.

There is a growing number of studies on SOGI law and policy change in CEE developed in the fields of legal studies, public policy studies, international relations studies, social movements studies, and Europeanization studies. Most of this scholarship are single-country case studies (Blagojević, 2011; Keinz, 2011; Mikuš, 2011; O'Dwyer, 2010, 2012; Renkin, 2009; Shibata, 2009; Stychin, 2003b; Szulc, 2011; Teteriuk, 2015; Turcescu & Stan, 2005; Wallace-Lorencová, 2003); although, several comparative case-

studies (Huseby, 2009; Kahlina, 2013, 2015; Kuhar, 2011; O'Dwyer & Schwartz, 2009, 2010; Pelz, 2014; Sremac et al., 2015) and large-*n*, cross-national analyses (Ayoub, 2015; Fernández & Lutter, 2013; Kane, 2007; Paternotte & Kollman, 2013) were published. Geography of the reviewed single-country and comparative case studies of SOGI law and policy change in the region is summarized in Table 1. Some studies address SOGI law and policies in general, others address specific issues, such as Pride Parades (Mikuš, 2011), decriminalization of adult homosexual acts (Stychin, 2003b), prohibition of discrimination on the grounds of sexual orientation and gender identity (Huseby, 2009; Teteriuk, 2015), and same-sex partnerships (Kuhar, 2011).

Table 1: Geography of the reviewed case studies on SOGI law and policy change in CEE

Country	Study
Bosnia and Herzegovina	Sremac et al., 2015.
Croatia	Huseby, 2009; Kahlina, 2013, 2015; Kuhar, 2011; Sremac et al., 2015;
Hungary	Renkin, 2009;
Latvia	O'Dwyer & Schwartz, 2009, 2010; Pelz, 2014
Montenegro	Kahlina, 2013; Pelz, 2014
Poland	Huseby, 2009; Keinz, 2011; O'Dwyer, 2010, 2012; O'Dwyer & Schwartz, 2009, 2010; Shibata, 2009; Szulc, 2011;
Romania	Stychin, 2003b; Turcescu & Stan;
Serbia	Blagojević, 2011; Kahlina, 2013, 2015; Mikuš, 2011; Pelz, 2014; Sremac et al., 2015;
Slovakia	Wallace-Lorencová, 2003;
Slovenia	Kuhar, 2011;
Ukraine	Teteriuk, 2015;
Estonia	Pelz, 2014

The following overview is focused on scholarship which is aimed to explain differences in levels of legal protection of sexual and gender minorities in Central and Eastern European (CEE) countries. The review is structured in accordance with the key interest of this research area to identify conditions that contribute to the success of social and political change in the field of sexual rights related to sexual orientation and gender identity. First, I outline findings on international conditions of influence obtained within Europeanization scholarship and international relations. Then, I proceed to domestic conditions that influence sexual policies outcomes, which were addressed within different disciplines (social attitudes to same-sex sexuality and gender transgression, economic development, Soviet history, religion, nationalism, composition and structure of domestic political institutions, strategies of domestic LGBT organizations), with special attention to the role of media in sexual rights law and policy change. The scope of the review is limited to CEE region, with studies conducted in other contexts and focused on other policies diffusion mentioned specifically. The section ends with the identification of gaps in the reviewed literature.

1.4.1. International conditions

1.4.1.1. Role of the EU

Among other international conditions that influence sexual rights law and policies change in CEE, the impact of the EU by far has received the most research attention. Sexual rights gained symbolic meaning for the EU political identity as a defender of fundamental rights and became “one of the central issues of the EU’s enlargement and foreign policy agenda” (Slootmaeckers et al., 2016, p. 8). Nowadays the EU is one of the key international actors that foster sexual orientation and gender identity equality in CEE. Under the EU influence, current EU members (the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Romania, and Bulgaria), candidate countries (Albania, Macedonia, Montenegro, and Serbia), potential candidates (Bosnia and Herzegovina, Kosovo), and three Eastern Partnership (EaP¹⁷) countries (Ukraine, Moldova, and Georgia) adopted the EU minimum sexual rights standard in the course of the pre-accession period or as a result of international agreements with the EU (ILGA-Europe,

¹⁷ The Eastern Partnership is the EU regional foreign policy program with the six post-soviet states in Eastern Europe (Ukraine, Moldova, Belarus), and Southern Caucasus (Georgia, Armenia, Azerbaijan).

2016). Some CEE countries did not go beyond this minimum standard (Poland, Moldova, Latvia), while others also prohibited gender identity discrimination, extended anti-discrimination protection of SOGI outside employment, introduced SOGI into hate crimes and hate speech law, or even legalized same-sex partnerships. The EU's influence on CEE countries' sexual law and policy is often considered within the theoretical framework of Europeanization, political opportunity structures theories, and constructionism theory.

Europeanization theory is aimed to explain particularly "a process of adoption of the EU legal standards, norms and practices by other countries" (Radaelli, 2003). According to the widely cited definition coined by Radaelli, Europeanization is a:

Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies defined as a process of adoption of the EU legal standards, norms and practices by other countries (Radaelli, 2003, p. 27).

Within the Europeanization framework two mechanisms are considered dominant for sexual law and policy change in CEE countries: conditionality and socialization (Ayoub, 2015; Huseby, 2009; O'Dwyer & Schwartz, 2010). Conditionality is a vertical mechanism of Europeanization in which changes go from up (EU institutions) to bottom (domestic governments). Socialization is a horizontal mechanism in which social learning of state administrations takes place through informal policy networks and transnational cooperation.

Conditionality assumes that reforms in CEE countries are initiated and stimulated by local elites under benefits or sanctions from the EU. Success of conditionality depends on size and credibility of incentives, and costs of compliance (O'Dwyer & Schwartz, 2010; Schimmelfennig, 2010). First, a polity should receive a substantial reward from the EU. The highest reward that the EU can offer is its membership, others include political association, free-trade areas, free travel (see the previous section for the legal mechanisms which enable realization of conditionality principle in the field of sexual rights related to SOGI in CEE countries). Second, political elites should be certain that they will receive benefits only when the requirements are met. To fulfill this condition the EU should be consistent in application of the conditionality principle and to be less interested in the agreement than its partner. Third, domestic adaptation costs should not be higher than the

expected rewards. Adaptation cost is the amount of effort that political elites should invest to make a reform. Adaptation costs depend on the institutional capacity of the political system to produce change (number of veto players, scope and type of executive leadership) and the scope of changes which a policy is aimed to introduce (Radaelli, 2003). Some policies, like monetary policies, require only formulation and might be realized by small technocratic elites. Others, like tax policies, require an agreement of interests of many interest groups and substantial institutional changes for their implementation.

In the course of *socialization* domestic norms and practices are changed when the EU is perceived as a role model for change. Socialization relies on persuasion of the domestic political elites in the ideas and principles which underlay the EU laws and policies. The probability of socialization success increases when domestic political elites find themselves in a novice and uncertain situation, are convinced in the appropriateness and legitimacy of the guiding principles of the EU governance, accept the authority of EU, identify with the EU, and have frequent and dense contacts with the EU. Also, socialization mechanism requires that domestic traditions, norms, and practices resonate with the EU principles (Schimmelfennig, 2010).

Based on these two mechanisms, three models of Europeanization in Eastern Europe were suggested: *external incentives model*, *social learning model*, and *lesson-learning model* (Huseby, 2009). The external incentives model relies exclusively on the conditionality mechanism. According to this model, political decisions on democratic transformations are determined by political elites' calculations of possible risks and benefits from implementation of the required reforms. The social learning model combines conditionality and socialization mechanisms, and suggests that the respond of local political actors to external incentives from the EU is determined by the correspondence of the EU norms with local norms and practices. Finally, the lesson-drawing model assumes that changes are initiated by the local elites of the country due to the successful social learning process, without pressure from the EU.

The conditionality mechanism proved its effectiveness in changing SOGI laws and policies in CEE countries before the EU accession. The adoption cost of the required reforms was relatively low and rewards of the EU membership were high enough for domestic CEE governments to overcome internal opposition and introduce minimum legal protection of sexual orientation: decriminalization, equal age of consent, and protection

from discrimination in labor sphere. However, after benefits from the EU were obtained, domestic resistance to sexual equality outgrew into political backlash and threat to sexual rights in CEE countries, apparent in inclusion of supporters of anti-gay policies into political mainstream, spread of aggressive anti-gay rhetoric in public sphere, ban of LGBT-prides, legal initiatives which limit citizenship for homosexual people (Belavusau, 2017; Kulpa, 2014; O'Dwyer, 2010, 2012; O'Dwyer & Schwartz, 2009, 2010; Slootmaeckers & Touquet, 2016). The raise of homonegativity in the post-accession period led to problems with implementation of legally guaranteed anti-discrimination protection on the grounds of SOGI. The EU lacked conditionality instruments to influence the new members (O'Dwyer, 2010). Also, monitoring of its implementation became less systematic, as it shifted from the European Commission to the European Parliament, which has much less information-gathering resources (O'Dwyer & Schwartz, 2010). Moreover, after acquiring the EU membership CEE counties obtained the opportunity to promote their conservatism at the EU-level. For example, in 2007 Poland opted-out of the charter on Fundamental rights because it provisioned protection for homosexual citizens (Huseby, 2009).

Insufficiency of top-bottom changes in SOGI rights and policies has also been proved within the EU itself (Kollman, 2009). Failures of the EU conditionality, lead many scholars to conclude that socialization might be a more effective mechanism of promotion of stable social changes in sexual rights law and policies (*Ayoub, 2015; Kochenov, 2007a; Kollman, 2009*). Empirical evidence of the EU socialization effectiveness in SOGI law and policies in CEE countries has been limited. O'Dwyer and Schwartz argue that in post-accession Poland and Latvia EU there was lack of social learning in the field of sexual rights due to weak resonance between principle of sexual and gender equality with domestic norms rooted in religion and nationalism, and the lack of persuasive efforts from the EU institutions (O'Dwyer, 2010; O'Dwyer & Schwartz, 2010). Although there is some evidence on the effectiveness of international socialization in general, which will be discussed in the next subsection in more detail.

Researchers that rely on the constructionist and political opportunity structures frameworks explain failures and successes of SOGI law and policy change in CEE with domestic conditions. Constructionist scholars focus on systems of knowledge, which underlie political struggle over sexual rights, such as dominant discourses (nationalist, religious) or frames (Ayoub, 2014; Colpani & Habed, 2014; Kahlina, 2013; Keinz, 2011).

They argue that sexual rights laws and policies are not only outcomes of political struggles, but also actively shape political identities and aims of the collective actors involved in the struggle. For example, protection of sexual rights has become a constitutive part of the EU political project and is being used to maintain its borders (see a postcolonial critique of European homonationalism below) (Colpani & Habed, 2014; Kulpa, 2014). Researchers which employ political opportunity structure theories privilege institutional conditions and social movements activities in the policy change, though they often employ frame theory to address symbolic aspects of law and policy change as well (O'Dwyer, 2012). Domestic conditions that affect SOGI law and policy change in CEE are discussed in detail later in this section.

The EU employment of sexual rights in its politics in CEE has been criticized by a number of scholars from a post-colonial perspective (Colpani & Habed, 2014; Klesse, 2006; Kulpa, 2014; Mizielińska & Kulpa, 2012). European homonationalism is part of the larger tendency of the Western societies to define themselves through sexual freedom and diversity, which was mentioned in the previous section of this thesis. Colpani and Habed (2014) differentiate between incorporation of homosexual people into national agendas which took place in particular European nation-states (Netherlands, Germany) and European homonationalism as a supra-national ideology, reflected in the discourse of the EU political institutions. European homonationalism is employed to maintain opposition of center and periphery, in which center, the “proper” Europe is associated with North-Western Europe, and periphery is occupied by more or less distant others (Islam, Middle East, South, Russia, CEE). Geographical opposition of center/periphery is supported by temporal dimension in which the West is represented as modern and progressive, and periphery as pre-modern and barbaric. The opposition of center/modernity and periphery/pre-modernity takes part in maintaining cultural and political borders of Europe and the EU and in such a way that contributes to shaping Europe and the EU as collective identities and political projects: neoliberal, white, and “secular” (though as Judith Butler (2009) shows European norm of “secularism” is strategically employed against Islam, but turns blind when it comes to influence of Christian tradition on European law and policies).

CEE countries occupy a somewhat ambivalent position towards Europe and the EU within European/the EU political discourses. Geographically they are located within

Europe and some of them are politically included in the EU. But temporally CEE is placed in the pre-modern time with negative attitudes towards LGBT people interpreted as an emblematic mark of their under-developed and transitioning status. Subsequently, European homonationalism operates in a different way towards CEE countries than towards, for example, Middle East. It is aimed not on restriction of access of presumably homophobic and uncivilized Others to the European “fortress”, but rather on their reeducation, which was Robert Kulpa aptly define as *leveraged pedagogy*: “a discourse of unequally distributed power between the one that supposedly knows better, and assumes itself in the teaching and dominant positions (West/Europe), and that who is discursively overpowered, and is framed as backward, thus in need of being educated up (CEE) by the former” (Kulpa, 2014, p. 441).

Though the European leveraged pedagogy have undeniable positive outcomes (legal changes, development of local LGBT movements due to financial support from the EU), it also justifies political and economic dominance of Northern and Western European countries over CEE countries, undermines domestic modernization narratives, and masks problems with sexual rights and democracy which preserve in Western and Northern European countries as well (Klesse, 2006; Kulpa, 2014; Mizielińska & Kulpa, 2012; Stychin, 2001). Also, negative side-effects of cooperation between the EU and LGBT advocates in CEE are growing professionalization and neoliberalization of the later due to internalization of the EU bureaucratic standards (Mizielińska & Kulpa, 2012). Under the EU influence, domestic LGBT organizations in CEE become focused predominantly on legislative lobbying, which has a limited capacity to change the real situation of sexual and gender minorities. It leads to a gradual detachment of LGBT advocates from the interests of those whom they claim to represent.

1.4.1.3. Russian influence

Another, much less examined condition of international influence, which gained attention only recently, is the role of Russia in CEE sexual policies. In the Russian Federation, “the protection of traditional values”, which includes denying full citizenship to homosexual and transgender people, has turned into a kind of state ideology. Within Russia, the declared protection of “traditional values” masks the absence of real state support for families and children, and justifies state’s total intrusion into citizens’ lives and

the private sphere (Burmakova, 2013) and provides the wider public with a simple and easily intelligible justification for Vladimir Putin's opposition to "the West". At the level of international politics "traditional values" became a cornerstone of the messianic idea of saving humanity from modern European degeneracy (Riabov & Riabova, 2014), which is, particularly used to strengthen Russian influence in CEE countries (Slootmaeckers et al., 2016).

The Russian influence on sexual politics in CEE countries acquired little attention in the previous scholarship. It has been briefly mentioned in studies of Baltic countries where several contradicting tendencies were found. First, the presence of substantial Russian ethnic minorities was one of the conditions that contributed to the strengthening of domestic ethno-nationalism, within which homonegativity serves one of the instruments to construct "proper" national subjects and maintain national boundaries (Mole, 2016) (see 1.4.2.5. Nationalism below). Second, the perceived threat of Russian expansionism motivates CEE countries to seek closer relations with Europe and the EU to escape Russian influence, both in political (international relations) and symbolical (European identity) senses (Chojnicka, 2015). As sexual and gender equality are part of the EU political agenda and dominant notions of European values, this side effect of the Russian influence appears to be favorable for sexual rights development. Third, pro-Russian political actors tend to be active opponents of sexual and gender equality that leads to the establishment of political alliances among nationalistic and pro-Russian actors (O'Dwyer & Schwartz, 2009). For CEE states that are not EU members relations with the EU might be even more affected by geopolitical considerations, as they are much more vulnerable to Russia's aggressive politics aimed to preserve its dominant position in the region, which employs various instruments from trade and tariff wars to direct threats to territorial integrity of the neighboring countries (Dragneva-Lewers & Wolczuk, 2015; Wolczuk, 2011).

1.4.1.2. Other international influence

Sexual rights law and policies may also be adopted in the course of other international relations of CEE countries, – with particular nation-states (which might be the EU Members or not) and other international organizations (such as the UN, Council of Europe, OSCE). Mechanisms of human rights law and policy adoption are similar to those, described in the previous subsection for Europeanization. The two main mechanisms are

also coercion and persuasion that correspond to conditionality and socialization in Europeanization theory (Ayoub, 2015; Goodman & Jinks, 2004)¹⁸. As provisions on sexual orientation and gender identity in international human rights law are soft law norms, socialization is the dominant mechanism of international sexual rights law and policies diffusion in CEE beyond Europeanization. It relies on the process of social learning which occurs among states and political elites, particularly through the promotion of positive duties to ensure sexual and gender equality by soft law mechanisms (Kantola & Nousiainen, 2009; Kollman, 2009). International socialization played an important part in the diffusion of sexual orientation policies both among old and among new EU members (Ayoub, 2015). As Kollman shows, diffusion of same-sex union policies in Northern and Western Europe at the beginning of 1990-s was predominantly driven by state-to-state and elite learning; while at the end of 1990-s non-binding recommendations and decisions of European institutions provided grounds for transnational LGBT movement advocates and nation-states governments to justify support for same-sex partnerships (Kollman, 2009).

Effectiveness of diffusion of sexual rights law and policies through international socialization in CEE depends on the compatibility of the adopted policy with domestic norms, the intensity of international communication, and the international reputation of the country. Domestic conditions that influence perception of sexual and gender minorities and sexual rights related to SOGI will be discussed in the second part of this section. Phillip Ayoub suggests that the intensity of international communication might be evaluated in terms of political porosity and social porosity. Political porosity is operationalized as “the extent to which a country is a member of international organizations, has signed bilateral and multilateral treaties, hosts embassies and high commissions, and is involved in UN peace missions” (Ayoub, 2015, p. 304). Social porosity is measured as “the potential flow of ideas and images [with data on] the number of internet hosts and users, cable television subscribers, number of radios (all per 1000 people), and international newspapers traded (in percent of GDP)” (Ayoub, 2015, p. 304). Ayoub proves that the more political and social connections a country maintains on the international level, the more likely comprehensive legislation will be developed to ensure sexual orientation equality:

18 For a detailed overview of mechanisms of international policy diffusion see Dobbin, Simmons, & Garrett, 2007.

Political porosity creates channels of influence by embedding states in the international communities within which the LGBT issue receives more attention. It also allows both for processes of political socialization (based on the logic of appropriateness) and the establishment of political rules (based on the logic of consequences) (Zürn and Checkel, 2005). Social porosity — particularly the flow of ideas and images — taps into the international awareness of the new-adopter state and its exposure to issues and norms that have preceded them in first-mover states (Ayoub, 2015, p. 310).

Ayoub also reveals that gaining international reputation through the adoption of sexual rights law becomes an especially important reason for CEE countries that have a lower level of democratic development. Surprisingly, higher levels of democracy that correlate with a stronger democratic reputation within the international community are negative predictors for SOGI law and policies adoption in CEE countries.

1.4.2. Domestic conditions

1.4.2.1. Social attitudes

There is a persistent difference in social attitudes towards same-sex sexuality¹⁹ between CEE countries and the rest of Europe²⁰. In the early 2000-s, Štulhofer and Rimac suggestrf that European countries may be divided into three clusters according to their levels of homonegativity (Štulhofer & Rimac, 2009, p. 24). The Netherlands and the Nordic countries (Sweden, Iceland, and Denmark, with the exception of Finland) constituted the least homonegative cluster. These countries were characterized by low levels of disapproval of homosexuality and low social distance towards homosexual people. The second cluster was constituted by the old EU members (Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, the United Kingdom) and the Czech Republic (where attitudes towards homosexuality are close to those in Western European countries). The third cluster of the most homonegative countries in Europe with high levels of disapproval of homosexuality and high social distance towards homosexual people included CEE countries (except the Czech Republic) and Malta. Slovenia and Slovakia appeared somewhere in between the second and the third

¹⁹ Here I will use the term same-sex sexuality to refer to both homosexuality and bi-sexuality. Some of the studies mentioned in this section focus on attitudes to homosexuality only, others include both attitudes to homosexuality and bisexuality which are considered together (as one variable).

²⁰ For the postcolonial criticism of the “cultural division” between CEE and other European countries see discussion of European homonationalism in “1.4.1.1. Role of the EU”.

cluster. Despite these countries had relatively low levels of social disapproval of homosexuality, similar to that of the second cluster countries, they demonstrated a high level of social distance towards homosexual people. A decade later, Kuyper et al. (2013) provided similar classification of the European countries according to their level of homonegativity, relying on European Values Study and European Social Survey. CEE countries such as Poland, Slovenia, Bulgaria, Romania, Hungary, Estonia, Latvia, Lithuania, and Ukraine again appeared in the most homonegative group of this classification together with Malta and Russia. The Czech Republic and Slovakia were situated in the group of moderately homonegative countries. Social attitudes towards homosexuality in Western Balkan countries are less studied. Vuković and Štulhofer (2016) reported that Balkan countries show a higher level of homonegativity than CEE countries which are EU members, but do not provide comparisons with non-EU members. Among Balkan countries Croatia has the most positive attitudes towards homosexuality; Kosovo and Albania demonstrate the highest level of disapproval.

There is a very limited research on social attitudes towards transgender people in CEE. According to the Special Eurobarometer on Discrimination (Eurobarometer., 2015) patterns of differences in social attitudes towards transgender people across Europe are similar to those in attitudes to homosexuality. The study included two questions that measure social distance towards transgender people (“working with a transgender or transsexual person”, “having sons or daughters in a relationship with a transgender or transsexual person”) and one question which may serve an indicator of social disapproval of gender transgression (“having a transgender or transsexual person in the highest political office”). The highest levels of transnegativity are again found in CEE countries Bulgaria, Lithuania, Slovakia, Romania, and Latvia, and also in Cyprus and Greece. The notable exception here is Poland, where levels of transnegativity are much lower than in other CEE countries and are close to the EU average. Antoszewski et al. (2007) study of attitudes towards transgender people among college students in Lodz also supports relatively high positive attitudes towards transgender people in Poland. Their results revealed that majority of respondents would accept a transgender person as a friend (62,3%) or co-worker (75%), which is close to Swedish national survey in which 60% of respondents would accept a transgender person as a friend and 71% as a co-worker (Landén & Innala, 2000). However, it should be noted that results of Antoszewski et al. study were obtained

on a small sample of young and educated people, while general attitudes towards transgender people in Poland are more negative (only 56% of respondents would accept transsexual person as a co-worker according to Eurobarometer on Discrimination (2015).

Social attitudes towards sexual rights related to SOGI highly depend on attitudes towards homosexuality and gender transgression. According to 2006 and 2015 Eurobarometer surveys, patterns of attitudes towards equal rights for LGBT people and same-sex marriage in Europe repeated patterns of attitudes towards homosexuality with CEE countries being more negative on the issue than Western European ones (Gerhards, 2010). However, attitudes towards sexual rights are also affected by general attitudes towards human rights and gender roles (Andersen & Fetner, 2008; Kuyper et al., 2013). Subsequently, in the countries with longstanding democratic tradition, like the U.S., individuals support equal rights for homosexual and transgender people (especially those rights which are less loaded with moral sentiments, like right for non-discrimination in employment) even when holding negative attitudes towards homosexuality and gender transgression (Kite & Whitley, 1996; Loftus, 2001; Saad, 2008). There is a lack of studies on differences in attitudes to sexual rights related to SOGI and attitudes to homosexuality and gender transgression in Europe, future research is needed in this direction.

CEE countries together with other European countries are also affected by a worldwide tendency towards growth of social acceptance of same-sex sexuality and gender transgression, and support of sexual rights related to sexual orientation (Eurobarometer, 2015; Kelley, 2001; Kuyper et al., 2013; T. W. Smith et al., 2014). However, in Central and Eastern Europe, the growth of supportive attitudes is slower than in the rest of Europe. Smith et al. (2014) show that post-communist states Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Kosovo, Macedonia, Montenegro, Poland, Romania, Serbia, Slovakia, and Slovenia have approximately twice lower average per annum gain on items that measure attitudes and distance towards homosexual people in global and regional surveys during the last decades²¹. Also, 43% of contrarian homonegative shifts in Europe were registered in post-communist states.

There is an extensive number of research on economic, social, psychological, and cultural conditions which determine attitudes towards sexual rights related to sexual

21 International Social Survey Program (ISSP), World Values Survey (WVS), Eurobarometer (EB), European Social Survey (ESS).

orientation and gender identity. The most studied individual-level determinants of attitudes towards homosexuality and sexual rights include age, gender, education, class, religious belief and church attendance, location, and social contacts with LGBT people. Altogether female gender, young age, higher levels of education, higher income, atheism, lower level of church attendance, urban location, and personal contacts with homosexual people predict lower individual levels of homonegativity across the globe (Andersen & Fetner, 2008; Kelley, 2001; T. W. Smith et al., 2014; Štulhofer & Rimac, 2009). Although in some studies on CEE not all these predictors proved to determine social attitudes to homosexuality (Andreeescu, 2011; Vuković & Štulhofer, 2016). Individual predictors of attitudes towards transgender people are less studied; however, as several studies show heterosexuals' attitudes towards transgender people positively correlate with their attitudes towards sexual minorities and relate to the same social and psychological predictors (Leitenberg & Slavin, 1983; Norton & Herek, 2013).

Social psychology also proves that essentialist and constructionist views among the wide public might influence their support of sexual rights. There are somewhat controversial findings on the relation between essentialist beliefs about sexuality and gender and attitudes towards LGBT people. Most scholars agree that essentialist ideas about sexuality should be grouped into two categories: beliefs in immutability of sexuality (belief that sexual orientation is inborn and does not change during a lifespan) and fundamentability of sexuality (belief that sexual orientation is a basic organizing principle of individual psychology and strong support of the homo/hetero binary). Beliefs in immutability of sexual orientation correlate with more tolerant attitudes towards homosexual and bisexual people, while beliefs in fundamentability are associated with homophobic prejudice (Ernulf et al., 1989; Haslam & Levy, 2006; Hegarty & Pratto, 2001). Some scholars argue that essentialist ideas about transgenderness (a belief that transgenderness is caused by biological factors) correlate with support of transgender rights (Adamczyk & Pitt, 2009; Landén & Innala, 2000). Others find that essentialist ideas about gender (association of gender with biological sex) correlate with opposition to transgender rights (Tee & Hegarty, 2006). Haslam and Levy conclude that essentialist beliefs may have a positive, negative, or ambivalent effect on personal attitudes, depending on the context (Haslam & Levy, 2006). No studies were found on the relation between

essentialist and constructionist views on sexual orientation and gender identity in CEE, so it remains a fruitful direction for further research.

Cross-country differences in social attitudes towards homosexuality and transgenderness in CEE, which affect state law and policies on sexual rights as it was mentioned in the previous subsection, are often explained with modernization theory (Andersen & Fetner, 2008; Inglehart, 2006; Kuyper et al., 2013; Štulhofer & Rimac, 2009). According to modernization theory, economic development, industrialization, urbanization, and the spread of education lead to a change in social values. Inglehart and Baker explain that the modernization process causes a shift from traditional and survival values to secular-rational and self-expression values (Inglehart, 2006). Particularly, self-expression values imply tolerance to oppressed social groups, such as sexual minorities, women, and migrants. *According to the World Values Survey*, in the 1980-s – 1990-s CEE countries Ukraine, Bulgaria, Romania, and Russia have the world lowest level of self-expression values (Inglehart, 2006; Inglehart & Baker, 2000), which might explain their high levels of homonegativity with low levels of modernization, particularly economic development.

There is a two-way relation between social attitudes to homosexuality and sexual rights and policy change (Kuyper et al., 2013). Social attitudes to sexual and gender minorities create a favorable or, on the contrary, unfavorable grounds for policy development, particularly enforcement of legal protection of sexual and gender minorities. Policy changes, in turn, are reinforcing changes in social attitudes. Influence of social attitudes on policy development is twofold. First, as members of the public politicians might share dominant homophobic prejudice. Domestic media and LGBT movements in CEE countries often use individual homophobia as an explanation of homonegative political initiatives. Though, as Renkin (2009) argues, individual homophobia is an insufficient explanation of why homonegativity becomes an effective political instrument in one context, but not in the other. Second, politicians are trying to preserve and extend their electorate, and in case the majority of the public shares homonegative views, politicians might not support laws and policies aimed at sexual orientation and gender identity equality. Indeed “public opinion” argument is often used by CEE politicians to justify their opposition to sexual rights. However, as sexual rights in CEE countries are highly influenced by the EU, state officials’ decisions on sexual rights law policies may also be affected by public attitudes towards Europeanization. When deciding about

adoption of sexual rights law and policies CEE governments should take into account not only levels of homonegativity but also levels of public support for the EU benefits (membership, political association, etc.) and values. For example, according to European Value Survey justification of homosexuality in Romania in 2000 had a mean value of 1.6 as measured on the 10-point scale (“Never” (1) / “Always (10) Justified”), which was one of the lowest in Europe (Gerhards, 2010, p. 10). Simultaneously 71.9% of citizens supported the EU membership (the highest rate in CEE countries at the time) according to Taylor Nelson SOFRES survey (Taggart & Szczerbiak, 2004, p. 16). Moreover, as Taggart and Szczerbiak argue:

Simply reading the game of domestic politics from the distribution of public opinion is to ignore the role of parties as key players in the game and runs the risk of misunderstanding both process and outcome in the link between domestic politics and international and (importantly) intergovernmental decisions (Taggart & Szczerbiak, 2004, p. 18).

1.4.2.2. Economic development

Empirical studies demonstrate that attitudes towards homosexuality are related to GDP level of a country, to the income level of individuals, to unemployment status, and social class (Andersen & Fetner, 2008; Kelley, 2001; Kuyper et al., 2013; Štulhofer & Rimac, 2009). The high level of economic development of a country strongly correlates with a shift towards self-expression values that imply social acceptance of minorities according to modernization theory (Inglehart, 2006). However, the fact that CEE countries have the world lowest level of self-expression values, but are not the poorest ones brought Inglehart and Baker to conclusion that societies are driven towards self-expression values not only by objective level of economic development, but to a large extent by social perception of security (to which economic development contributes alongside with general level of social and political stability):

People who have experienced stable poverty throughout their lives tend to emphasize survival values; but those who have experienced the collapse of their social system (and may, as in Russia, currently have living standards and life expectancies far below where they were 15 years ago) experience a sense of unpredictability and insecurity that leads them to emphasize survival values even more heavily than those who are accustomed to a lower standard of living (Inglehart, 2006, p. 72).

Barry Adam (1998) also argues that declining living standards may lead to an increase in homonegative attitudes, relying on status defense theories. Andersen and Fetner

(2008) extended knowledge of how economic conditions shape attitudes towards homosexuality by taking into account levels of economic inequality and individual prosperity. They showed that income inequality within countries is negatively related to social acceptance of homosexuality. Also, a country's GDP predicts lower homonegativity among middle and upper classes, but not among the working class, which led Andersen and Fetner to the conclusion that "economic development influences attitudes only for those who benefit most" (Andersen & Fetner, 2008, p. 942).

Being an important condition of influence for attitudes towards same-sex sexuality, the economic development of the country might not always be a predictor of sexual law and policy change. Phillip Ayoub (2015) demonstrates that economic development was an important determinant for sexual orientation law adoption in Northern and Western Europe, but not in CEE countries. Those old EU members who had higher GDP levels were more likely to introduce higher levels of sexual orientation legislation²². But for CEE countries which became new EU member states in 2004-2007 no correlation between GDP level and higher levels of sexual orientation law adoption was found. This might be a result of differences in mechanisms of sexual policy change in Western and Central and Eastern Europe. As in CEE sexual law and policy development is usually driven by external incentives from the EU and international socialization of political elites, conditions which directly contribute to effectiveness of these mechanisms (see the previous section) are more reliable predictors for law and policy change in CEE than GDP level, which explains long-term shifts in social values.

1.4.2.3. Soviet history

Multifactor analyses show (Andersen & Fetner, 2008; Inglehart, 2006; Inglehart & Baker, 2000) that the Communist past might be regarded as a separate determinant that contributes to social values in CEE, apart from economic development. Unlike in Western European countries, where inclusion of homosexuality into the rights discourse was

22 Ayoub's study was focused on 12 sexual orientation legislation components, divided in five categories: anti-discrimination protection (employment, goods and services, constitution), criminal law (hate crimes, and incitement to hatred), partnership (cohabitation rights, registered partnership, marriage equality), parenting rights (joint adoption, second parent adoption), sexual offenses provisions (equal age of consent, same-sex sexual activity legal). Each component was scored one point and the country legislation score was calculated.

boosted by sexual revolution of the 1960s and the necessity to contradict AIDS in the 1980-s (Belavusau, 2015, p. 13), in CEE countries full citizenship to homosexual people was denied by the Soviet governance which endorsed existing social taboo on same-sex desires (O'Dwyer, 2012, p. 332). As Igor Kon shows, at the beginning of the Soviet history (1917-1930), revolutionary politics of sexuality was evolved: sexuality became a public matter, sexual emancipation was viewed as part of social emancipation promised by the October revolution (Kon, 2010). In 1930-1953, during Stalin's rule, conservative sexual policies entered into force. In 1934, male homosexuality was criminalized and penalized up to five years imprisonment in all Soviet republics (up to eight years in case of non-adult involvement or use of the dependent position of the aggrieved party). Criminalization of male homosexuality remained in force until the fall of the Soviet Union. However, outside USSR not all CEE states had criminal prohibition of homosexuality during (all) the period of communist rule. The most notable case is that of Poland where criminal punishment for homosexual acts was abandoned in 1932 and was never reestablished since then (Szulc, 2011). Gender policies in the Soviet Union followed a similar path (Attwood, 1990). State promotion of gender equality after the October revolution was followed by the conservative turn in the 1930-s with the administrative support of traditional marriage and criminalization of abortions (from 1936 to 1955). Substantial achievements in the field of gender equality in the USSR were caused by a state need in the female workforce and during the Soviet history co-existed with patriarchal views on gender roles. In the 1960-s, employment of women brought attention as one of the possible causes of social problems. In the 1970-s, as Lynne Attwood writes, the state tried to overcome the demographic crisis with promotion of "romanticized image of the 'kitchen and family hearth' as the central feature of women's lives" (Attwood, 1990, p. 209)

Soviet past may have multiple effects on homonegative attitudes in the post-Soviet countries. First, exclusion of (homo)sexuality from public discourse, and particularly the absence of institutionalized discussions of homosexuality during the Soviet times make the post-Soviet publics especially susceptible to homonegative prejudice (Baer, 2009). Second, the former USSR-countries which experienced longer decades of the communist rule rank lower on the survival/self-expression dimension than ex-communist countries of the eastern block, which makes them more susceptible to homo- and transnegativity. Also, Andersen and Fetner (2008) suggest that the Communist past may reflect other conditions

that influence attitudes towards same-sex sexuality in CEE: lack of social trust, levels of nationalism, the role of churches, and the size of LGBT social movements.

1.4.2.4. Religion

The impact of religion on adoption of sexual orientation and gender identity policies in CEE is twofold. First, country religious tradition, level of church attendance, and acceptance of religious fundamentalism predict country-level differences in social attitudes to same-sex sexuality and gender transgression (Kollman, 2009; Štulhofer & Rimac, 2009; Tee & Hegarty, 2006) (that might influence policy adoption processes as it was discussed previously). Predominant religious tradition contributes to the general normative context of society and affects even those people who are not personally religious (Adamczyk & Pitt, 2009). Eastern Orthodox countries demonstrate higher levels of homonegativity than those where Roman Catholic and Protestant Christianity predominate (Ayoub, 2015; Štulhofer & Rimac, 2009). Inglehart and Baker explain it with the fact that societies with Orthodox religious tradition more than any others tend to stress survival values (Inglehart & Baker, 2000). Štulhofer and Rimac (2009) argue that Orthodox tradition is a significant determinant for a social distance towards homosexual people, but not for negative attitudes towards homosexuality, which are better explained by levels of modernization and country's economic development (see 1.4.2.2. "Economic development"). Level of church attendance, and acceptance of religious fundamentalism both predict higher levels of homonegativity (Štulhofer & Rimac, 2009; Tee & Hegarty, 2006). Kelly Kollman (2009) argues that level of church attendance might be a better predictor specifically for policy outcomes, than a country's confessional heritage.

Second, in CEE countries churches are often prominent political actors that influence state decisions on SOGI policies and on relations with the EU that often acts as political "sponsor" of such policies (see 1.4.1.1. "Role of the EU"). In some CEE countries, like in Romania, the church is strictly opposed to both sexual rights and European integration (Turcescu & Stan, 2005). In others, like in Poland and Ukraine, churches supported European integration, but opposed sexual rights related to sexual orientation and gender identity (Keinz, 2011; Teteriuk, 2015). In various CEE countries, churches made official statements on sexual rights, supported homonegative political candidates at elections, used media outlets to spread their views on political decisions, and cooperated with grassroots

movements and political parties in lobbying campaigns against SOGI law and policies (Huseby, 2009; Keinz, 2011; Pahulich, 2012; Teteriuk, 2015; Turcescu & Stan, 2005; Yarmanova, 2012). Huseby (2009) argues that churches are able to influence state sexual rights policies only in case of the weak government and under-institutionalized party systems (see 1.4.2.6. “Composition and structure of domestic political institutions”). Thus, in Poland due to the weak government anti-discrimination protection of sexual minorities remained minimal (employment), whereas in Croatia opposition of the Catholic Church did not prevent a strong government coalition from accepting extensive SOGI legislation, up to same-sex partnerships. Also, there is some evidence that churches become more influential political players in the countries where there is only one dominant religion (like, for example, Orthodox church in Romania). Coexistence of several religious traditions in a country results in the higher probability to adopt sexual rights policies (Ayoub, 2015). Nationalism (see the next subsection) may, on the contrary, enhance influence of religion on sexual rights in contexts where religious tradition becomes a part of national identity (Ayoub, 2014; Sremac et al., 2015).

1.4.2.5. Nationalism

In CEE countries nationalism became an important component of post-Communist transition (Brubaker, 1996; Mole, 2016; Tishkov, 1997). Although during the Soviet times nationalism was condemned as a bourgeois ideology and contrasted to Soviet “proletarian internationalism”, preconditions to nationalism resurgence after the fall of the Soviet Union were to a large extent set by Soviet state policies. Each Soviet citizen was attributed with “national affiliation” that was fixed in a passport and other identity documents. Although a *citizen formally* chose a national affiliation, the choice could have been made only between affiliations of one’s parents. Thus, the concept of national affiliation, in fact, implied ethnicity and equated nation to ethnic community bounded with blood ties. Soviet governance recognized ethnic nationalities as subjects of rights, including a right to self-determination. Soviet Republics, each named after a particular ethnonational group, were quasi nation-states with their own political institutions and legislation; they could participate in international relations as separate subjects and had a constitutionally ensured right to succeed from the Soviet Union. The official Soviet ideology celebrated ethnonational diversity; however, in practice ethnicity often became a ground of inequality.

As Tishkov argues, the Soviet Union was in many aspects “an empire-type polity whose history was marked by territorial expansion, colonial methods of rule, and the cultural assimilation of ethnic groups by more dominant languages and cultures” (Tishkov, 1997, p. 24). The metropole of this empire was Russia. Despite the formal autonomy of the Soviet Republics, major economic and political decisions were made in Moscow. Russian ethnicity occupied a privileged position in the Soviet state, Russian language and culture were dominant, and promoted through state policies across all the Soviet republics. Non-Russian ethnicity often became grounds of discrimination or even mass repression (as in case of forced deportations of ethnic communities during Stalin’s rule). Ethno-nationalistic policies of the Soviet Union largely determined the further development of nationalistic ideologies in the post-soviet space. The defensive nationalisms in the former Soviet republics and countries of the Eastern bloc, which previously opposed Russian hegemony, turned into hegemonic nationalisms themselves and were used by the new political elites to justify claims of the “titular nations” to power and resources and to dominate over ethnic minorities.

As George Mosse (1985) argues, nationalism played a crucial part in the history of homonegativity in Europe. At the end of the XVIII century, the European bourgeoisie produced a normative idea of respectability which prescribed “frugality, devotion to duty, and restraint of the passions” (Mosse, 1985, p. 5) in a wide range of social behavior, including sexual. Respectability implied both condemnation of homosexuality and sustaining strict gender binary. Initially ideology of respectability was strategically used by the bourgeoisie to maintain its status differences from aristocracy and working class. With the growth of power of bourgeoisie, respectability became an instrument of what Antonio Gramsci would name cultural hegemony, – by the end of the XIX century it was promoted through nationalistic discourses as a norm for all social classes.

Nationalistic discourses tend to articulate homosexual subjects as an internal and an external threat to the nation. The idea of internal threat derives from underlying normative assumption of nationalistic discourses about exclusively heterosexual and reproductive national subjects (Gopinath, 1997; Mosse, 1985; Nagel, 2000; Pryke, 1998; Renkin, 2009). Same-sex sexuality, which is assumed to be non-procreative, is represented as a threat to family and children (level of individual reproduction), and demography and public health (level of population reproduction). Relying on the analysis of the British context, Anna

Marie Smith (1994) argues that homosexuality is constitutive to the heterosexual norm, and that exclusion of homosexuality provides the very condition of possibility of the heterosexual norm in the conservative discourses. One of the key topoi of conservative discourses on sexuality she analyses is the diffusion of homosexuality through the seduction of young people by older homosexuals. This *topos* implies two paradoxical assumptions. First, homosexuality, which seems to be caused by external actions of a seducer, is somehow initially present in a child (otherwise seduction would be impossible). Second, ‘natural’ heterosexuality should be nurtured and developed in order to prevent seduction, thus turning out to be a product of culture. “The very idea of normalcy”, she concludes, – “depends on an ever-present threat from the ‘not-normal’” (A. M. Smith, 1994, p. 202). Nationalistic representation of homosexuality as an external threat in contemporary Europe Smith relates to medical and racist discourses. Smith evokes Susan Sontag’s argument that representation of disease as a foreign threat is a basic element in European identity. Besides being recognized in European medical discourse as a disease itself, in the 1980-s homosexuality became strongly associated with AIDS, origins of which were traced to Africa. Identification of foreigners with diseases reinforces the representation of the nation as a healthy body that should be protected.

Research on nationalistic discourses on sexuality in CEE identify patterns of both “internal” and “external” threat associated with homosexual people described above. Internal exclusion is justified as a “protection” of children and family from LGBT-subjects. Phillip Ayoub (2014) in the comparative case study of anti-gay rhetoric in Poland and Slovenia conceptualize it as “well-being of children” frame; Roman Kuhar (2011) in the study of arguments against same-sex partnerships refers to “frame of nature”. Both frames imply infertility of homosexual people, which is viewed as a threat to demography and, as Kuhar argues, privilege biological reproduction over social one (adoption, fostering, social parenting). Articulations of sexual and gender transgression in terms of external threat are often made by nationalistic politicians in CEE in relation to the EU sexual rights policies. Sexual and gender equality are perceived as “foreign norms” forcibly imposed on national communities by “Europe” or “the West” that threaten the national “tradition” and “authenticity” (Kahlina, 2013; Mikuš, 2011; Mole, 2011, 2016; O’Dwyer, 2012; Renkin, 2009; Sremac et al., 2015; Stychin, 2003b; Wallace-Lorencová, 2003). Thus, homonegativity in CEE becomes closely related to Euroscepticism. LGBT people become

“scapegoats for some people’s anger at the EU’s imposition of uniform social rules, including those mandating tolerance for sexual minorities, without providing uniform social and economic benefits” (Renkin, 2009, p. 24).

Construction of transgender subjects in nationalistic discourses is less studied, though there is an excessive amount of literature on the nationalistic construction of gender (Gopinath, 1997; Nagel, 1998, 2000; Yuval-Davis et al., 1989). As Nagel (1998; 2000) argues, nationalisms are masculinist projects which reflect men’s interests, emphasize masculine cultural themes (patriotism, courage, militarism), and are linked to institutions dominated by men (state, military). Subsequently, nationalistic ideologies reproduce patriarchal gender norms. Male subjects are placed as active leaders of the national struggles and defenders of the nation. Female subjects occupy a symbolic position of reproducers and are also that of signifiers of the nation itself. Floya Anthinas and Nira Yuval-Devis (1989) differentiate among several aspects of reproduction associated with femininity within nationalistic projects: biological reproduction of ethnic collectivities, reproduction of the ethnic/national boundaries, and reproduction of social and cultural norms within community. These three aspects are closely connected: female subjects are not only prescribed to give birth to children, but their children should be also born from fathers who are members of a national community and socialized according to norms of the national community. Also, women signify the “nostalgically evoked communal past and tradition” (Gopinath, 1997, p. 207), and the nation itself is often perceived as a woman and personified as a woman (for example, Marianne in France). Though nationalistic projects may encourage women to participate in national liberation movements, they often suggest them supportive roles and suppress their demands for gender equality as disloyalty to national communities (Nagel, 1998). Heteronormative implications of femininity and masculinity in nationalistic discourses are strengthened during times of social crises, especially during military conflicts (Nagel, 1998, 2000; Pryke, 1998). Patriarchal gender norms of nationalistic projects also imply a strict gender binary. Normative masculinity is built as opposition to femininity. Gender transgression is condemned as a violation of that binary, and therefore is excluded from nationalistic projects.

Gender transgression in nationalistic discourses is closely connected with sexual transgression, as heteronormativity defines simultaneously gender and sexual norms. Normative masculinity and normative femininity are heterosexual. Homosexual

masculinity and homosexual femininity are associated with gender transgression. Homosexual men are viewed as lacking masculine virtues; lesbian women are policed for avoidance of female duty of nation reproduction. As Mole argues, “even if lesbians do have children, their contribution to the reproduction of the nation is unacknowledged, as the children born are not the result of the traditional nuclear family, thereby weakening one of the key pillars of the nation. In addition, producing ‘fatherless’ children challenges the national norm of patrilineal naming convention” (Mole, 2016, p. 106).

Articulations of sexual and gender dissidents as a threat to the nation become part of the common knowledge in the CEE countries (Mole, 2016) and influence social attitudes to LGBT people (see 1.4.2.1. “Social attitudes”). This everyday knowledge underlies all social activities, particularly law- and policymaking in the field of sexual rights. Exclusion of homosexual, bisexual, and transgender subjects from the process of national reproduction is maintained by the construction of LGBT people as “infertile citizens” (Carastathis, 2015) in national laws. Construction here means that LGBT people are not only assumed to be infertile by state laws, but are actively restricted from biological and social reproduction. Homosexual and bisexual people are restricted mostly from social reproduction (marriage, child adoption). Legal prohibitions of “homosexual propaganda”, which some CEE governments tried to introduce, may also be considered as a mechanism to limit participation of homosexual and bisexual people in social reproduction (in this case reproduction of social norms). Transgender people are not only excluded from social reproduction, but are also denied rights for biological reproduction. In 2016, the majority of CEE countries (except Poland, Estonia, and Belarus) legal gender recognition procedure required sterilization (TGEU, 2016)²³. In five countries there was no legal procedure of gender recognition which implied that citizenship is only granted for cisgender people. However, in these countries, compulsory sterilization of transgender people was also practiced²⁴.

Besides opposing sexual and gender equality, nationalist political actors in CEE countries also rely on popular assumptions about threat to nation posed by sexual to discredit their political opponents, mobilize electoral support among conservative public,

23 In 2017, this requirement was also dismissed in Ukraine.

24 Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53 (2013).

justify their claims to power, or induce moral panic in order to distract electorate's attention from other issues (Mole, 2016; Pelz, 2014; Usmanova, 2002).

However, within constructionist perspective homo-, bi- and transnegativity should not be considered as essential features of nationalism (Mole, 2016; Renkin, 2009). In certain contexts, nationalism may, on the contrary, contribute to the improvement of sexual and gender equality. The above-mentioned case of decriminalization of homosexuality in Poland provides a good example. Szulc (2011) argues that criminal punishment for homosexuality was abandoned when Poland regained its independence after World War I, because it was associated with colonial rule of Prussia, the Russian Empire, and Austria (each of which had legal prohibitions of homosexual acts). Moreover, meanings attached to sexuality and nation change over time. Emergence of homonationalism in Western and Northern European nation-states and European homonationalism as regional phenomena (see 1.4.1.1. "Role of the EU") demonstrates that nationalistic discourses may transform and incorporate same-sex sexuality and gender transgression. Identification with Europe as part of national identity results in greater support of sexual rights in CEE countries. Vasilev (2016) argues that Croatia made greater progress in securing sexual rights than Serbia particularly due to stronger cultural and political identification with Europe. In Croatian public discourses, the country was juxtaposed to the rest of Balkans, and obtaining of the EU membership was viewed as a step towards institutionalization of the country's European identity. Despite violent manifestations of homonegative attitudes also took place in Croatia (repeated attacks on Pride marches), political elites "upheld Europe as a prescriptive identity when communicating with their domestic audiences, invoking it to affirm the validity of LGBT reforms and to present them as congruent with Croatian values" (Vasilev, 2016, p. 763).

1.4.2.6. Composition and structure of domestic political institutions

Since supporters of nationalist ideologies tend to oppose sexual rights, the dominance of right-wing politicians in the government and parliament hinders the adoption of SOGI laws and policies (Kahlina, 2013). Homonegative backlash in Poland after the EU accession occurred during the rule of the right-wing government formed by the conservative party *Law and Justice (Prawo i Sprawiedliwość'*, PiS), the Catholic nationalist and extreme right party *League of Polish Families (Liga Polskich Rodzin*, LPR),

and the populist party *Self-Defense (Samoobrona)* (O'Dwyer & Schwartz, 2009). Success of the legal reforms in the field of sexual and gender rights related to SOGI in Croatia was achieved by a center-left coalition government formed by the Social Democratic Party (SDP) in 2000 after a decade of nationalistic governance (Huseby, 2009; Kahlina, 2013). In Hungary opposition and support of LGBT Pride Marches also followed right-left divide with right-wing politicians recommending to use police batons against pride participants, and left and liberal politicians viewing it as a threat not just to LGBT people, but to democracy in general (Renkin, 2009).

However, political leftism in CEE is not always equivalent to support for civil equality of LGBT people. For example, Communist and Socialist parties in Moldova and the Communist party in Ukraine strongly opposed anti-discrimination legislation related to sexual orientation (Teteriuk, 2015; Ticudean & Coalson, 2011). The Communist Party of Ukraine collaborated with the Orthodox Church and religious right grassroots movements in lobbying campaign against inclusion of sexual orientation into anti-discrimination law and employed typical conservative arguments of “traditional” and moral values. Its main difference from nationalistic counterparts from the conservative camp was that community behalf of which it spoke and to which it addressed was not the Ukrainian nation, but a union of Slavic nations (under Russia leadership). Variation among CEE left parties' in their position on sexual rights might be explained with differences in their positions on the EU. In the above-mentioned cases of Poland, Croatia, and Hungary right-wing political parties were also Eurosceptics, while left-wing actors supported the EU. In Moldova and Ukraine self-identified left parties strongly opposed the EU and advocated for closer ties with Russia. However, as O'Dwyer and Schwartz (2009) admit, political actors' positions on the EU integration should not be considered a final explanation also. Pro-EU right-wing parties might still oppose sexual orientation and gender identity equality (*Latvia's First Party, Freedom* in Ukraine), while high levels of Euroscepticism may coexist with high levels of support for sexual and gender minorities rights (as in the Czech Republic) (O'Dwyer & Schwartz, 2009; Teteriuk, 2015).

The radical right and anti-EU parties have more opportunities to influence political agenda in countries with unstable party systems. As Pelz (2014) argues, countries with fragmented, numerous, and ideologically incoherent parties, such as Latvia or Lithuania, are less likely to adopt SOGI laws and policies than countries with more stable party

systems, such as Montenegro and Estonia. Within unstable party systems, high fluctuation of votes on elections creates a low electoral barrier which is easily overcome by radical newcomers that highly rely on morality issues in the political competition (O'Dwyer & Schwartz, 2010) Fragile parliamentary coalitions have to rely on radical parties to preserve their power. In such circumstances, even marginal parties with low electoral support, like LPP in Latvia, may effectively promote homonegative initiatives in the parliament, while more liberal politicians avoid addressing sexual rights issues in order not to lose electoral support in the next elections. Also, the low electoral barrier leads to an increase in the number of actors the influence decisions in the parliament and make it more difficult to reach consensus on sexual rights. In stable party systems party competition is based on socioeconomic rather than on morality issues. Political elites are more confident about their electoral support and might support sexual rights despite negative public opinion. Pelz provides an example Montenegro where 71% of population considered homosexuality to be a disease and almost half considered that LGBT prides should never be allowed in 2009, but by 2014 the level of legal protection of SOGI was the highest in CEE. Altogether, stable party systems facilitate the development and maintenance of minimal elite consensus on supporting sexual rights, support processes of social learning among political elites, and provide more opportunities for LGBT and human rights NGOs for internal lobbying in parliament and government. Pelz (2014) suggest that stability of party systems might be a more decisive condition for SOGI law and policies outcomes than domestic levels of religiosity, nationalism, or economic development, which influence social views about sexual and gender transgression, but have only indirect influence on decision-making process among political elites.

1.4.2.7. Domestic LGBT organizations and anti-LGBT mobilization

Domestic LGBT organizations play an important function of reframing international discourse of human rights in terms which would resonate with domestic audiences (Ayoub, 2015). They raise awareness of sexual orientation and gender identity issues among domestic politicians and wide public, influence political decision-making process through lobbying, and may also contribute to change of public opinion on sexual and gender minorities through social and media campaigns. Strategies of domestic LGBT movements in CEE are often aimed at rearticulation of nationalist projects in a way they will

incorporate LGBT subjects. On the one hand, they support pro-EU politicians and promote ideas of tolerance as part of European identity, which resonates with the Eurointegration aspirations among the CEE publics (Ayoub, 2013). On the other hand, LGBT activists may utilize nationalist symbols (such as flags and references to symbolic national characters) to claim national identity and belonging for LGBT people (Renkin, 2009).

The work of LGBT organizations is influenced by both domestic and international conditions. O'Dwyer shows that high political and social polarization on sexual rights issues in domestic context leads to consolidation among LGBT and human rights activists and paradoxically contributes to the creation of stronger and better organized rights movements (O'Dwyer, 2012). Close ties with transnational networks help domestic LGBT organizations in CEE with access to economic and symbolical (knowledge and best practices) resources, which makes domestic LGBT organizations more effective (Ayoub, 2015). As Ayoub demonstrates, participation of domestic LGBT organizations in transnational advocacy networks significantly increases likelihood of adoption of sexual orientation laws: "When transnationally embedded LGBT organizations exist, the estimated change in the predicted probability of passing no laws decreases by 30%; the probability of reaching medium and high categories of law increases by 19% and 29%, respectively" (Ayoub, 2015, p. 13).

Alongside mobilization in support of LGBT rights, there is a growing network of anti-LGBT organizations in CEE which remains understudied. The existing knowledge on the anti-LGBT networks is gathered predominantly through journalistic investigations. One of the most prominent journalistic projects that investigated the anti-LGBT advocacy in CEE is "Tracking the Backlash" launched by openDemocracy in 2017. Journalists of openDemocracy revealed close ties of the anti-LGBT movements in CEE with Christian fundamentalist organizations from the U.S. that provide institutional and financial support for conservative movements worldwide (Greenesmith & Fernandez-Anderson, 2019; Hemery & Archer, 2019; Nketiah, 2019). Activities of the U.S. Christian fundamentalists. As well as their relations with U.S. high profile politicians already gained scholarly attention in several monographs (Buss, 2003; J. S. Butler, 2006), while activities of their CEE counterparts and their ties to the local governments require further investigation.

1.4.2.8. Media

The role of the media in transformation of sexual rights law and policies is multicomponent as media may amplify or weaken the influence of both international and domestic conditions that determine outcomes of the law- and policymaking process. Media may promote positive evaluations of the EU and strengthen identification with Europe in CEE countries, which contributes to the support of sexual and gender equality, or on the contrary support domestic nationalisms which incorporate homonegativity as an instrument of maintenance of national boundaries and construction of the “proper” national subjects. Media may justify intervention of religious institutions in the state law and policies or, on the contrary, promote secularization. Overview of the empirical studies of the interaction of the media with each of the conditions would make this subsection overly long, so I will limit it to the studies focused specifically on the media contribution to the law- and policymaking on sexual rights related to SOGI divided into several groups. First, I consider research on the media influence on social attitudes on same-sex sexuality and gender transgression and public opinion on sexual rights. Then, I proceed to research on the mediation of political communication on sexual rights. Since there are very few studies on the media influence on sexual rights in CEE contexts, in this section I will largely rely on the results obtained in other contexts.

The link between media and social attitudes to same-sex sexuality and gender transgression is two-sided. On the one hand, the media reflect the dominant views on sexuality and gender, on the other hand, they contribute to the transformation of sexual and gender norms in society.

As a reflection of social attitudes to same-sex sexuality and gender transgression, media representations of sexual and gender minorities, change in line with these groups are gradually receiving social acceptability. Cedric Clark ((1969) quoted in Xigen Li & Xudong Liu, 2010) identified four stages of minorities representation: non-representation, ridicule, regulation, and respect. Thus, portrayals of homosexuality in Anglo-American context demonstrated gradual shifts from exclusion to “othering” of homosexuality (Bingham, 2009; Pearce, 1981; Streitmatter, 2009), and finally to its inclusion into wider heterosexual standards (De Ridder et al., 2011; Fejes & Petrich, 1993).

In CEE contexts, tendencies of gradual normalization of same-sex sexuality in the media are also found. In the analysis of homosexual representations in Estonian printed

media during the 1980-1990-s, Heidi Kurvinen (2007) admits gradual shift from representation of homosexuality as a disease to its portrayals as of a somewhat acceptable (although still abnormal) form of sexual identity. Up to the late 1980-s homosexuality remained a taboo in Estonian media discourse. The first portrayals of homosexuality in 1987-1989 were highly polarized and tended to include extreme and unusual cases. Also, media frequently associated homosexuality with the risk of AIDS and blamed homosexual men in the spread of the epidemic. In the early 1990-s, association of homosexuality with AIDS diminished, and portrayals of the “ordinary” homosexual people started to appear (though still stereotypical and overtly sexualised). In Slovenia (Kuhar, 2003), similar shift from silence towards normalization of homosexuality occurred during the 1970-s – 1990-s, though the process was not quite linear. In 1970-s homosexuality in Slovenian media was addressed predominantly through medical and criminal discourse. Homosexuality was related to concealment, secrecy, shame, rejection, prohibition, crime, genetic failures. In the 1980-s, as a result of the decriminalization of homosexuality and development of LGBT movement in Slovenia, media started to pay more attention to the subject and shifted from medical to cultural and political framing of homosexuality. Like in other European countries at the time homosexuality was related to AIDS in the Slovenian press; however, Kuhar admits that in contrast to the rest of Yugoslavian media, Slovenian media published several articles that criticized the equation of homosexuality with AIDS and accurately described potential channels of AIDS transmission. In the early 1990-s, homosexuality was to some extent re-introduced into the media as a sensational, scandalous issue due to the substantial changes in the media landscape in post-Soviet Slovenia. Still, in the 1990-s a gradual turn towards normalization of homosexuality occurred: “While in the past the image of a homosexual was at best that of an unhappy person, because owing to the nature of his relationship he could never experience “full harmony, so a gay man’s “happiness” can never reach the point attained by man and woman” <...>, the homosexual of the 1990s is just like anyone else – one of us” (Kuhar, 2003, p. 88). Representations of homosexuality as a political issue related to rights and as a cultural phenomenon has been gradually increasing since then.

Normalization, however, does not mean the total elimination of negative and stereotypical portrayals of sexual and gender minorities; it is rather a move towards more subtle mechanisms of social control over sexual and gender dissidents. For example, Chris

Brickel (2000, 2001) when describing liberal discourse on sexual rights in New Zealand media, admits that it continues to reproduce restrictions of citizenship for homosexual subjects. Homosexuality is positioned as public and is accused of violation of the privacy borders. According to liberal political ideology, sexuality belongs to the private domain in which state is not allowed to intrude; however practically, this reference concerns only homosexuality, as long as heterosexuality is naturalized and its constant presence in public space remains “invisibly visible” (Brickell, 2000). By constant complaints that homosexuals violate borders between private and public, liberal discourse makes social forces of discrimination against homosexuals invisible, thus supporting heterosexual domination. Another strategy towards political claims of homosexuals implements the “egalitarian myth”, according to which equality between heterosexuals and homosexuals has already been achieved. Therefore, any requirements from homosexual people are interpreted as violations of equality (Brickell, 2001). Similar tendencies towards development of more subtle mechanisms of exclusion and othering over time are found in research of media portrayals of other minorities groups, such as people with disability and ethnic minorities (*Darke, 2004; Tortajada & Willem, 2009*).

In the CEE context, gradual normalization of sexual and gender minorities in the media also do not, in fact, challenge heteronormative social order (Kuhar, 2003). One of the normalization strategies that Kuhar criticizes is victimization of homosexual people accompanied by calls for tolerance. Tolerance may only be exercised from the position of dominance and may be withdrawn in the name of higher goals. Another result of normalization in both media and wider society is the creation of the new inequalities within the group of sexual and gender dissidents. Only those who best conform to other social norms are (partially) included the widening limits of sexual and gender norms. As Seidman argues: “the normal gay is expected to be gender conventional, link sex to love and marriage-like relationship, defend family values, personify economic individualism, and display national pride. <...> Lesbians and gay men who are gender benders or choose alternative intimate lives will likely remain outsiders” (Seidman, 2002, p. 133).

Mass media not only reflect social attitudes about same-sex sexuality and gender transgression, but also actively shape them. While members of minority groups usually maintain critical perspective on media portrayals of their group (McInroy & Craig, 2015; Tortajada & Willem, 2009), out-group members are more susceptible to media influence in

developments of their perception of the minorities. Especially when a minority group is highly stigmatized and out-group members obtain information about it predominantly from media. Number of experimental studies prove that exposure to positive portrayals of homosexual people results in greater acceptance of homosexuality (Bonds-Raacke, Cady, Schlegel, Harris, & Firebaugh, 2007; Levina, Waldo, & Fitzgerald, 2000; Riggle, Ellis, & Crawford, 1996) while negative portrayals lead to increase of negative attitudes (Levina et al., 2000). Lihong Zhang and Young Min (2013) found out that representation of homosexuality as controlled behavior increases negative attitudes among audiences. They also suggested that media influence on personal values (importance of family ties, individualism) that mediate individual attitudes towards homosexuality and sexual rights. Garretson (2015) obtained similar findings with large-scale sociological data. Relying on the U.S. data on a number of recurring homosexual characters in prime-time programs, levels of TV viewing, and attitudes to same-sex sexual relations, he concluded that when recurring portrayals of gays, lesbians, and bisexuals on network television are low, frequent television viewers have more negative attitudes to towards them. But when portrayals get frequent, higher levels of TV consumption become associated with the higher levels of acceptance of sexual minorities. He explains that recurring portrayals of minorities are less associated with negative stereotypes, while peripheral and sporadic minority characters are more likely to be depicted negatively. In contrast to the previously discussed studies, Calzo and Ward (2009) suggest that media rather have a mainstreaming effect on audiences and lessen contradictions among groups with polar attitudes to homosexuality. Those groups that tend to be less homonegative (women, Whites, less religious people) develop more negative perceptions of homosexuality as a result of media exposure, while groups which tend to be more homonegative (men, highly religious people) develop more positive attitudes.

For CEE countries media may make a particularly important contribution to changes of public attitudes to same-sex sexuality and gender transgression, as they provide a channel for the diffusion of liberal social norms across countries. Countries with more liberal attitudes to gender and sexuality also dominate the global media market, and media content produced in these countries, which often incorporates positive representations of sexual and gender minorities and support for sexual rights, becomes popular in countries with higher levels of homo-, bi-, and transnegativity. Ayoub and Garretson (2017;

Garretson, 2015) argue that media are particularly impactful on younger people's attitudes to sexual minorities. Relying on the analysis of survey data from 70 countries they show that levels of media access and press freedom in the country correlate with greater acceptance of homosexuality among younger people. Level of press freedom also has a statistically significant effect on attitudes toward homosexuality (for older respondents as well). Also, media may provide a channel for international socialization of political elites who make decisions on law and policies in the field of SOGI. As Ayoub shows, the number of international media channels in CEE countries positively correlated with the higher levels of sexual rights law and policy development (Ayoub, 2015). Interest groups engaged in sexual rights law- and policymaking in CEE countries (both opponents and proponents) frequently admit media contribution to positive changes in social attitudes towards sexual and gender minorities and their rights (Ayoub & Garretson, 2017; Sremac et al., 2015).

Media influence on attitudes to same-sex sexuality and gender transgression is also genre-specific (Ayoub & Garretson, 2017; Calzo & Ward, 2009). While news media tend to portray sexual risks, entertainment genres tend to cover recreational and pleasure aspects of sexuality (Bay-Cheng, 2006) and are more likely to be a source of positive portrayals of sexual and gender minorities. The above-mentioned studies of positive media influence on attitudes to same-sex sexuality relied precisely on entertainment media. However, entertainment media also vary in promoted sexual and gender standards. For example, in dramas and comedies sexual double standard (active men, passive women) (Wright, 2009). Calzo and Ward (2009) have found that greater exposure to comedies, dramas, and music videos was associated with more positive attitudes to homosexuality among university students in the U.S., while reading teen magazines correlated with more negative attitudes. In the abovementioned study of media impact of young audiences' attitudes on homosexuality Ayoub and Garretson (2017) admit that TVs number per capita in the country proves to be a significant predictor for higher acceptance of homosexuality among younger people, while number of newspapers and radios is not. Authors explain these differences as related to genres, viewing newspapers as the source "close to representing pure news effects divorced from any effect of entertainment media" (Ayoub & Garretson, 2017, p. 19). However, it might also be explained with lower consumptions of newspapers and radio among young people or by less frequent representations of sexual and gender minorities in these media. Public opinion about particular sexual rights issues (same-sex

marriage, hate crimes, criminal prosecution of homosexuality, etc.) is more often associated with the impact of news media.

Although studies of the other conditions contributing to sexual rights change in CEE often admit media influence on sexual rights developments in CEE (Ayoub, 2015; O'Dwyer, 2012; O'Dwyer & Schwartz, 2009; Wallace-Lorencová, 2003) there is still a very limited research specifically on media role in adoption of SOGI law and policies. Particularly it might be explained with general underdevelopment of media studies in the region (Tereskinas, 2002). The existing studies show that CEE media often transmit homonegative political discourses. Joanna Chojnicka (2015) suggests a typology of strategies of homonegative argumentation in media and mediatized political discourses in CEE contexts, relying on the materials of three studies conducted in Polish, Lithuania, and Latvia. She defines three main argumentation types of “homophobic speech”, – populist, nationalistic, and religious. She also lists typical argumentation strategies found in all three studies examined: denial of discrimination, conspiracy theories, slippery-slope argument (making equivalence between homosexuality and other practices which are considered to be anti-social, criminal or harmful, such as drug use, pedophilia, and prostitution), inversion of blame (representation of homosexuals as oppressors), counter-position of homosexuality to nation, representation of homosexuality as foreign depravity, demographic crisis argument, religious argument (representation of homosexuality as a sin and as alien to Christianity), morality argument, argument of attractiveness of evil (association of homosexuality with selfishness and promiscuity), (anti)aesthetic argument (association of homosexuality with scandal and disgust). Although the study presents a detailed description of argumentation patterns it fails to follow the interplay between arguments (which makes the list of arguments quite tautological) and does not address media discourse separately from political discourse on sexual rights. Results of comparative case study across Balkan countries conducted by Sremac et al. (2015), focused particularly on media, demonstrate variations in media discourse on sexual rights. In Serbia and Bosnia and Herzegovina, where support for sexual and gender equality is lower, media lack critical distance to homonegative political and religious discourses which they represent; while in Croatia, where public attitudes to sexual and gender equality are more positive, media often adopted positive stance with regard to sexual rights and represented support for sexual rights as sign of democracy. Croatian media also supported

secularization of the state. However, it is hard to prove whether media contributed to greater development of sexual law and policies in Croatia, or positive representation of sexual rights in Croatian media resulted from more favorable social attitudes and political climate towards sexual rights in the country.

1.5. Conclusion

The aim of this section has been to overview existing studies on SOGI law and policy change in CEE. The referred studies imply that the process of sexual rights law and policy change in CEE might be explained through the interplay of the international and domestic conditions. By now international influence of the EU, Russia, and other international agents, which is exercised in two main forms of conditionality and socialization was a key incentive for SOGI law and policy change in CEE. However, outcomes of this process were determined by domestic conditions that operated as “filters” for international influence. Also, domestic conditions shape possibilities for the emergence of domestic initiatives on SOGI rights and policies, independent from international incentives. As it was shown, domestic conditions of policy change, – social attitudes to same-sex sexuality and gender transgression, economic development, Soviet history, religion, nationalism, structure and composition of political institutions, strategies of domestic organizations, and the role of the media, – may amplify or weaken each other in different contexts. Each CEE state provides a unique context in which these multiple conditions operate together, which results in divergence of social attitudes to sexual and gender equality and state law and policies related to sexual orientation and gender identity.

The existing literature on SOGI law and policy change in CEE reveals several gaps. First, most of the studies are focused on sexual orientation law and policies, with much less attention being paid to gender identity. Although gender identity and sexual orientation are closely connected in political struggles over sexual rights in CEE, conditions which contribute to success of law and policy adoption may operate differently for gender identity. Second, most of the existing studies situate sexual rights law and policies change in CEE within the Europeanization process and limit their consideration of international conditions to the role of the EU with very little attention given to the Russian influence. Third, little attention was given to countries other than the EU members or candidate countries. Research on the EU neighboring countries in CEE (Ukraine, Moldova, Belarus)

may provide important contributions to Europeanization theory with a closer examination of Europeanization mechanisms that might operate differently in the EU neighboring countries than in candidate countries and the EU members. Also, as with the “enlargement fatigue” relations with neighboring countries in CEE and South Africa are going to become more important for the EU international agenda, findings on the EU impact on these countries might be used in the development of more effective policies. Finally, there is a substantial lack of research on the role of media in sexual rights law and policy change in CEE. A substantive variation in perception of international norms in CEE countries has drawn scholarly attention to the domestic contexts, which is known as a “domestic turn” within Europeanization studies. In the neighboring countries, which are less effected by conditionality mechanisms for the weaker benefits the EU offers to them, the importance of domestic conditions might be particularly high. Media mediate influence of other domestic conditions (nationalism, religion, public opinion), and contribute to sexual law and policy change as a condition of its own right. The capacity to shape the public agenda, provide unequal space for competing arguments, distribute access to public platform among political actors and interest groups involved, and articulate core concepts and values in the controversies over sexual rights, makes media the powerful political player, which may influence outcomes of political struggles. Particularly online news media worth further investigation as they are less subjected to media freedom restrictions, are less conservative than traditional media, and are frequently used by younger audiences, which are more susceptible to media influence on attitudes to same-sex sexuality.

II. THEORETICAL FRAMEWORK

2.1. Introduction

In this chapter, I provide an overview of the key concepts and assumptions of the discourse approach to analysis of political change, discuss strategies used in discourse approach to explain political change, and develop a discourse-theoretical model of media role in law and policy change to be used in the present study.

For a long time, political studies were dominated by positivist theoretical and methodological approaches. Symbolical aspects of politics were limited to “political communication” and “political rhetoric”, until the 1990-s, when “political discourse” finally became a legitimate object of scientific examination (Dijk, 1997b). In recent years, a discourse approach to politics, and particularly to law and policy change, continues shaping itself in constant polemics with a positivist approach. A number of studies addressed sexual and gender rights debates from discourse perspective (Brickell, 2000, 2001; Schacter, 1994; A. M. Smith, 1994), particularly in CEE contexts (Blagojević, 2011; Chermalykh, 2012; Keinz, 2011; Pahulich, 2012; Shibata, 2009).

Unlike the positivist approach to political studies that focuses on actions of political actors within a stable structure of institutions, discourse approach views politics as a process of symbolic interaction within a fluid environment that is constantly reshaped. Within this approach rules, norms, risks, and benefits are viewed not as primary determinants, but as outcomes of the political process that is understood as a primarily discursive process. As Herbert Gottweis (2003) pointed out, many different theories from Habermasian communicative rationality to Derrida’s deconstruction might inform research conducted under the label of “discourse analysis”. Discourse theory of Ernesto Laclau and Chantal Mouffe (Glynos et al., 2009; Laclau & Mouffe, 2001), critical discourse analysis (Fairclough, 1989), and Teun van Dijk’s cognitive approach to discourse (Dijk, 1997b) might be named among the most prominent theoretical frameworks used in policy studies.

Theoretical model of the present study relies predominantly on discourse theory of Ernesto Laclau and Chantal Mouffe (Laclau & Mouffe, 2001) and related discourse-theoretical methodologies of “articulatory practice” (Glynoss and Howarth, 2007), discourse-theoretical analysis (Carpentier, 2004, 2005, 2010), and post-foundational discourse analysis (Cederström & Spicer, 2013; Marttila, 2015a). Discourse theory (DT) was developed in the 1980-s as an attempt to overcome limitations of the Marxist approach by supplementing it with outcomes of the post-structuralist approach, which in turn relied

on semiology and Lacanian psychoanalysis. DT allows to explain various aspects of power relations in the society, among which Howarth and Stavrakakis enumerate “populist and nationalist ideologies, new social movements, political construction of social identities, forms of hegemonic struggle, logic of collective action, formulation and implementation of public policy, and the making and unmaking of political institutions” (Howarth & Stavrakakis, 2000, p. 1). The rationale behind the choice of DT as a primary theoretical framework for this study is that DT relies on a multidimensional theory of power that includes both its productive and repressive aspects, which makes it highly applicable to analysis of political debates. Also, unlike other theories of discourse, it was developed precisely for political analysis.

In the development of my theoretical model, I relied on Nico Carpentier’s and David Howarth’s suggestions to use DT as a source of primary concepts and assumptions and supplement it with concepts incorporated from other theoretical and methodological frameworks to approach particular empirical instances if needed (Carpentier & De Cleen, 2007; Howarth, 2005).

According to Carpentier, the additional layer of “sensitizing concepts” might be introduced to the primary DT framework. A notion of “sensitizing concept” originated in the tradition of interpretative sociology. The sensitizing concept “gives the use a general sense of reference and guidance in approaching empirical instances” unlike definitive concepts that refer “precisely to what is common to a class of objects by the aid of a clear definition in terms of attributes or fixed benchmarks” (Blumer, 1969, cited in Carpentier, 2010, p. 259). “Sensitizing concepts” might be added through reanalysis of other theoretical and methodological frameworks and rearticulation of their concepts within the logics, ontology, and language of DT. Rearticulation starts with finding parallels in basic principles of DT and a theoretic or methodological approach from which the new concept is going to be borrowed. For example, both DT and interpretative research tradition from which Carpentier borrows a notion of sensitizing concepts “focus on processes related to generation of meaning” and “respect societal diversity and contingency”. Next, new concepts are critically integrated into the DT framework and re-configured if necessary.

Similar, yet more detailed, description of rearticulation of new concepts into the DT primary framework is suggested by David Howarth (2005), drawing on Laclau’s and Mouffe’s application of Husserl’s phenomenological method. First, incorporated concepts

and logics should be reactivated, which means that sedimented questions and presuppositions that led to their production are derived from their historical context and problems to which they were originally addressed. Second, essentialist and determinist aspects of concepts and logics should be deconstructed to bring them in accordance with DT. Next, logics appropriate to the explored object are produced (abstraction), and finally those logics are stripped of their particularities which enables their application to other commensurate problems (commensuration). Howarth emphasizes that “the application of various theoretical and social logics to account for a particular problem involves a mutual modification of the logics and concepts articulated together in the process of explaining each particular instance of research”, otherwise “the separations between different logics and concepts, and between those logics and the empirical problems investigated, would remain in place” (Howarth, 2005).

In this study, I used studies of policy change (Diez, 1997, 2001; Jann & Wegrich, 2006; Hager, 1995, 2006; Hager & Versteeg, 2005) and mediatization of politics (Callaghan & Schnell, 2001; Matthes, 2012; Scheufele, 1999) based on constructionist assumptions as a source of additional concepts for analysis of sexual and gender rights law and policy change and the role of the media in this process. Diez explicitly grounds his approach on DT, while other abovementioned studies share assumptions about politics as a process of meaning production with DT.

2.2. Discourse theoretical approach to policy analysis: key concepts and assumptions

2.2.1. Discourse

The concept of discourse as it is used in contemporary political and media studies was suggested by French philosopher and historian Michel Foucault. The referent of the term discourse might be situated at several levels of abstraction (Kulyk, 2010). On the lowest level, speech acts or *discursive acts* are used in social interaction. At this level, the concept of discourse means simply “speech”. On the second level of abstraction, discourse might be defined as an entity of utterances produced within a certain institution (*institutionalized discourse*), e.g. political discourse. At the same level of abstraction, another possible referent of the term discourse is a *thematic entity* of utterances, *organized around one central discursive object*, for example, discourse on sexual and gender rights. Also, the term discourse may refer to the utterances united by a certain *identity or political*

position, for example, nationalist discourse or discourse of LGBT advocacy. Finally, at the broadest level of abstraction, discourse may refer to discursive conventions, which are rules guiding production of utterances within institutions or everyday interactions (*order of discourse*). Michel Foucault used the concept of “discourse” to refer to all three mentioned levels of scope to stress that discursive rules simultaneously guide production of utterances and agency (Kulyk, 2010). The widespread and catchy definition of discourse as “social use of language” coined by Norman Fairclough (1989) also brings together all the mentioned levels from practices (speech acts) to structure that underlie these practices (*order of discourse*). DT theory preserves a multi-level notion of discourse as an entity of utterances united by the rules of their production.

The fundamental ontological assumption of DT is that discourse is an ontological horizon of social reality (Glynos et al., 2009). Unlike other discourse analysts, for example, Norman Fairclough and Lilie Chouliaraki, Laclau and Mouffe (2001) do not differentiate discursive and social practices and refer to the materiality of discourse, following Louis Althusser. They point out that material objects may be used by people only when they are represented in discourse, and social practices are always discursive practices since they either follow the rules of the discursive order or rearticulate these rules. Therefore, any material conditions that affect social relations should be regarded in their symbolic aspect, as a certain kind of knowledge, which is produced in human interactions and is subjected to historical change. In a world without humans, material reality would not have discursive character, but a human way of interaction with the material world makes it inevitably discursive.

2.2.2. Power

To develop their theory of power, Laclau and Mouffe supplemented Foucauldian theory of power-knowledge that explains the subjection of all individuals to discourse with Gramscian theory of cultural hegemony that explains the domination of certain groups over others.

Laclau and Mouffe address the productive aspect of power in discourse with the concept of articulation. *Articulation* is a process of constant production and redefinition of discursive elements exercised by social/political subjects. Articulation process has no

extra-discursive determinants, it results from the *contingent* (Lacau, 1996) relations among political *subjects* (see section 2.2.3. “Subject position”).

Discursive elements obtain certain meaning only in relation to other elements, thus forming chains of meaning. When an element is articulated in relation to other elements it becomes a *moment* in discourse. There are two basic types of relations established among elements: equivalence and difference. *Equivalence* is established among elements that have a common part of meaning. When several elements are related through their similarity, they form a *chain of equivalences*. A common point of reference for elements linked into the equivalence chain becomes a *nodal point*. As they provide “partial fixations which limit the flux of the signified under the signifier” (Mouffe, 1995) nodal points occupy a privileged position among other elements. Each discourse is structured by its specific nodal points. Relation of *difference* is established among elements that do not share a common part of meaning and enable to constitute boundaries among discourses. While relations of equivalence define what element is by pointing out similar elements, relations of difference might define what the element is not by opposing it to other elements.

Relations of difference might intensify depending on the level of exclusion among the two elements. The basic level of difference is always present in relations of equivalence, as in order to become equivalent elements should have distinctly different identities. The most intensive relation of difference is *antagonism*, when identity of one element is impossible in the presence of another element (see section 2.2.3. “Subject position”). Tomas Marttila (2015) suggests that opposition between simple difference and antagonism in discourse studies should be supplemented by incommensurability and dissociation as intermediate types of difference. Relation of *incommensurability* is established when “discursive elements A (e.g. social security) and B (e.g. free trade) are mutually incommensurable with regard to C (e.g. welfare state)” (Marttila, 2015a, p. 129). Relations of *dissociation* are established when “discursive elements A (e.g. social security) and B (e.g. free trade) are mutually contrary because while A is subjectively perceived, social subjects misconceive the very presence of B” (Marttila, 2015, p. 129).

Fixation of meaning in the articulation process is never ultimate. All elements are open to redefinition through connection with other elements from a potentially inexhaustible discursive field. Some meanings are fixed to a greater extent than others. The most *sedimented* meanings are perceived by communicators as objective reality.

Sedimented meanings shape possibilities for further articulations: they provide shared ground that make communication possible, but also set restrictions on further discursive production (Clothesy, 2005). To analyze the plane of sedimented meanings. Laclau (1990) suggests two important concepts: myth and social imaginary. *Myth* is a model of social space, a narrative that constructs social space as a totality, e.g. “capitalism”, “state”, “nation”, “Europe” are myths. Myths are partly sedimented discursive constructs that have some fixed positive meaning, which means that they are widely perceived as objective reality. However, there are always contesting articulations of the meaning and boundaries of mythical spaces, or alternative versions of myths in society. When a myth becomes shared by all the social/political actors as a field of objectified meanings, it becomes part of the *social imaginary*.

Explanation of the articulation process addresses the productive aspect of the discursive power. By putting elements in relations of equivalence and difference and produces sedimented meanings, articulation constantly shapes social reality. It defines objects that we perceive as distinct entities, collective identities, and relations among them.

To address repressive aspect of power, Laclau and Mouffe adopted the concept of *hegemony* from the works of Italian Marxist Antonio Gramsci. According to Gramsci, the main instrument of ruling classes to sustain their domination in society is consent. Ruling classes spread their ideology (primary assumptions, norms, and values, which legitimize their dominance) through culture, which embraces education, religion, media, and other institutions that participate in (re)production of symbolical. This domination through consent Gramsci named hegemonic domination to distinguish it from domination based on physical violence. To embed the concept of hegemony into their theory of discourse, Laclau and Mouffe redefined it in post-structuralist terms as a situation when articulations made by one political subject become part of the order of discourse in the particular society.

When articulated in relation to nodal points of different discourses elements change their meaning. To change their meaning, elements first have to be detached from any meaning (or become “empty signifiers”) and then acquire a new meaning in relation to a particular nodal point. Laclau names the movement of elements among discourses a process of “floating”, and the elements which acquire different meaning in different discourses are “floating signifiers” (Laclau, 1990). He provides an example of the element

“democracy” which acquires different meanings when articulated with the nodal points of “anti-fascism” and “anti-communism”.

The very same element might be simultaneously a “nodal point” and a “floating signifier” in different discourses. Phillips and Jørgensen (2002, p. 28) provide an example of the element “body” in the medical discourse. In the discourse of clinical medicine “body” is a nodal point to which other elements are related, while in the ongoing hegemonic struggle between the discourses of clinical medicine and alternative treatment “body” is a “floating signifier”.

Struggle over hegemony is aimed at articulation of a greater number of floating signifiers in relation to nodal points of one’s subject position. Principal incompleteness of discourse makes struggle among social subjects infinite. Therefore, conflict is a permanent ground of social relations. All social subjects are involved in the struggle for hegemony, therefore they are named “social/political subjects” in DT. Since discourse is never totally fixed, final hegemony of one political position over others can never be achieved, hegemonic relation is always temporary. However, in each historical period, a *hegemonic discursive order* exists which consists of the most sedimented discursive conventions, which provide nodal points for a number of subject positions.

Following the line of Gramsci’s argumentation, Laclau and Mouffe suggested that hegemonic form of political relations is a feature of modern political regimes. In previous historical periods, discursive formations (for example, the medieval peasant community) were more fixed and provided very limited possibilities for free rearticulations. To distinguish political relations in these formations from the modern one, Laclau and Mouffe name them relations of “subordination”.

2.2.3. Subject position

Whereas Gramsci considered political interests of antagonistic social subjects to be defined by their position in relations of production, Laclau and Mouffe overcame Marxist economic determinism and consider identities of political actors to be moments in articulation process. As any discursive phenomena, *subject positions* are never complete, they are constantly transformed and redefined in the process of articulation.

Subject positions are constructed through relations of equivalence and difference. They rely on excluding inner contradictions (erasing differences between group

participants) and difference from other groups. *Social antagonism* emerges when two social identities not only differ from each other, but are constructed in a way which prevents the other identity from being fixed: “Insofar as there is antagonism, I cannot be a full presence for myself. But nor is the force than antagonizes me such a presence: its objective being is a symbol of my non-being and, in this way, it is overflowed by a plurality of meanings which prevent it’s being fixed as full positivity” (Laclau & Mouffe, 2001, p. 125). Antagonistic identities not just contradict, but are negatively defined in relation to each other, they lack any positive definition which could indicate their presence in reality without reference to another identity.

The intensification of the logic of difference among collective subjects leads to the intensification of the logic of equivalence within them. Political projects rely on strong equivalence among their elements and strong exclusion of the outside Laclau and Mouffe call *popular*. Popular political projects divide society into two opposite camps, as, for example, in the class antagonism between “rich” and “poor”. *Democratic* political projects preserve a greater level of difference among their elements, they do not exhaust the reality of identities they intersect. For example, feminist, LGBT, left, and ecological movements often cooperate, but each preserves its difference.

Subject positions enable social agents to act, providing the “place” from which action is possible. They simultaneously define “who” is speaking and acting, and are defined by this speech and action. Rejection of economical determination in DT opens up a possibility for political subjects to be self-responsible for reshaping their group interests and political aims. The main political intention of *Hegemony and Socialist Strategy*, in which main concepts and assumptions of DT were introduced, was to induce the new left movement to rearticulate their subject position, aims, and interests to correspond with new political realities of the global capitalism and growing political engagement of the new social movements.

2.2.4. Dislocation

To conceptualize change in power relation, DT introduces a concept of *dislocation* (Laclau, 1990). The concept is used to designate both ontological openness of discourse to change and particular processes of change in discursive order (moments of dislocation). Dislocation is the opposite of articulation and hegemony. While articulation and hegemony

are fixations of certain meanings that form a certain structure, dislocation is a move of erosion and destruction of any definite structure. This destruction always has ambivalent consequences. On the one hand, it threatens individuals formed by discursive structures (subject positions). Taken into account the materiality of discourse, it might threaten their material existence as well, as in case of revolutions or extreme poverty that result from dislocations of capitalism. On the other hand, dislocation is a dimension of radical freedom, a possibility for creation of a new: “It is also through dislocations that a lack at the level of meaning is created, and new discursive formations, which attempt to suture the dislocated structure, are stimulated” (Howarth and Stavrakakis, 2000, p. 14).

2.3. Sexual and gender rights law and policymaking as a struggle for hegemony

Applying key concepts and assumptions of the DT to the process of law and policy change, we consider laws and policies as moments of hegemonic articulation that contribute to the dominant discursive order. Such understanding of law and policy is already common in critical legal and policy studies that rely on the Gramscian concept of hegemony (Howarth, 2010; Litowitz, 2000).

The process of legal and political change begins with differentiation of a particular issue in social relations from others in government’s discourse and its articulation as a problem that should be solved with introduction of a new state law or policy. Within policy studies, this stage is typically referred to as the stage of agenda-setting (Jann & Wegrich, 2006). Social relations subjected to legal or political change are already governed by established formal or informal rules (*status quo*). Therefore, an introduction of a legal or a policy change is a result of dislocation of the existing hegemonic structure and articulation of a new hegemonic relationship.

The dominant discursive order of sexual and gender relations that is currently established in the vast majority of the contemporary societies has been addressed in social sciences with the two major concepts: *patriarchy* and *heteronormativity*. Although patriarchy was theorized predominantly in materialist fashion as a type of social organization (Walby, 1989), it can be rearticulated in terms of DT as a hegemonic discursive order which secures two mutually exclusive subject positions of a man and a woman, provides them with a status of objective material reality (naturalization), and subordinates women to men. The term *heteronormativity* was coined in queer-theory to

designate the complex of articulations that naturalize homo-hetero binary and inequality between homosexual and heterosexual subject positions (Berlant & Warner, 1998; Ingraham, 1994; Motschenbacher, 2011; Rubin, 1984). Just as patriarchy maintains male privilege, heteronormativity maintains heterosexual privilege and produces sexual inequality being “unmarked, as the basic idiom of the personal and the social; or marked as a natural state; or projected as an ideal or moral accomplishment” (Berlant & Warner, 1998, p. 548). Non-heterosexual practices and identities are associated with mental illness and subjected to interpersonal, institutional, and economic sanctions. Conceptualization of negative attitudes to non-heterosexual people established a paradigm for conceptualization of negativity towards transgender and bisexual people as well. *Cisnormativity* is a concept parallel to heteronormativity that defines “the expectation that all people are cissexual, that those assigned male at birth always grow up to be men and those assigned female at birth always grow up to be women” and a privileged position of cisgender people over those who do not conform to the gender binary (Bauer et al., 2009). Patriarchal, heteronormative, and cisnormative hegemonies are subjected to continuous dislocation, which is reflected in recent changes in international and European law on sexual and gender rights discussed in the literature review chapter. Albeit, these legal rearticulations of the dominant patriarchal, heteronormative, and cisnormative order partly reproduce assumptions of the discursive order they are aimed to dismantle.

Placement of a certain social issue on the government agenda is already a hegemonic articulation that results from the struggle among professional politicians (those who are paid for their political work and also are elected or appointed for political activities), groups of interests (which might include non-governmental organizations and business companies), citizens, and mass media for what should be considered as a “problem” in social relations. Jann and Wegrich (2006) list four paths of the agenda-setting process identified in the policy studies depending on the interplay among the actors: outside-initiation (interest groups mobilize public which forces governments to place an issue on the agenda), inside-initiation (interest groups contact government agencies directly without interference or even recognition of the public), mobilization (government places the issue on the agenda without a relevant role of non-state actors and then mobilizes public in its support), and consolidation (government initiates an issue where public support is already high). The next steps of this struggle are problem definition and policy formulation on

which alternative definitions and solutions to the identified problem are produced by the actors involved in the political struggle to be later fixed in the hegemonic articulation of a new law or policy (decision-making stage).

To analyze the struggles over problem definition and policy formulation Maarten Hager suggests a concept of *storyline*. Discursive struggle for law and policy change occurs at the intersection of multiple discourses each of which consists of an established set of conventions. In contemporary democracies, these usually include legal, political, media, and scientific discourses. A storyline is “a generative sort of narrative that allows actors to draw upon various discursive categories to give meaning to specific physical or social phenomena. The key function of storylines is that they suggest unity in the bewildering variety of separate discursive component parts of a problem” (Hager, 1995, p. 56). A storyline typically includes a problem definition, key assumptions and rhetorical tropes, and solution to the problem.

Storylines provide a shared ground for the development of *discourse coalitions*, a term used by Hager to analyse relations among subjects involved in the political struggle. Hager’s perspective on political subjects relies on the assumption, which is also shared by DT, that collective identities and interests are discursive constructs. Hager defines a discourse coalition as a group of actors who share and reproduce a particular set of storylines. Prior to the beginning of the policy debate, position and interest of actors involved might be constructed within different or even counter-posing discourses. However, when the common set of storylines becomes shared by actors, their positions are articulated together in a common political project.

To impose their storylines as hegemonic, actors relate them to the existing hegemonic order: basic assumptions about social reality, institutional “rules of the game”, and subject positions. The basic assumptions about social reality, which are usually uncontested in the policy debates are notions of “state” and nation” (Diez, 2001). Institutional “rules of the game” are context-specific. For example, as Maarten Hager (1995) shows, in the UK the environmental policy domain is dominated by scientific proof and experimental approach, which constitutes a challenge for the change of status quo at the problem definition stage: actors should first provide substantial scientific proof of a problem. Whereas in the Netherlands, environmental policy discourse is dominated by apocalyptic constructions of environmental threats, which makes it easier for social actors

to introduce their policy definitions on the governmental agenda. Besides shared meanings of the “rules of the game”, actors rely on hegemonic constructions of political identities to mobilize allies. This aspect of articulation process was closely examined in social movements studies that rely on frame theory. According to Snow et al (Snow et al., 1986), there are several strategies social movements use to “align” their frames with those already existing in public discourse: “bridging” (appeals to close social/political identities), “amplification” (relating to “values” and “beliefs” of potential supporters that are directly relevant to the problem), and “extension” (broadening an actor’s agenda to values and beliefs held by potential supporters that are not relevant to the problem). In terms of DT “frame alignment” might be interpreted as articulation of equivalence of the policy problem and/or one’s subject position with the nodal points of other social/political subject positions.

However, hegemonic structures might also become an aim of rearticulation in the policy debates. Within the framing approach to policy debates, this articulation strategy is named reframing. Haunss and Kohlmorgen (Haunss & Kohlmorgen, 2009) define reframing as giving a new meaning to the already existent hegemonic frame. In case of reframing, a policy problem becomes linked with some larger conflict over normative values that exist in society. Thomas Dies (2001) proposes to address contesting articulations of the nodal points outside the immediate policy issue (such as “politics”, “economics”, or “society”) as *metanarratives* in the policy debates.

The introduction of hegemonic articulations at the decision-making stage of law or policy change, is followed by implementation and evaluation stages (Jann & Wegrich, 2006), which might also be viewed as instances of hegemonic (re)articulation of relations in the social domain regulated by law or policy.

2.4. Media role in law and policy change

In contemporary democracies, policy-making process is substantially affected by media. As public support provides a main source of legitimization in democratic societies, media capability to influence public opinion makes them a powerful resource for political actors to establish their articulations as dominant in the social system. Studies on mediatization of political discourse identify several key ways in which media may influence outcomes of political struggles for law and policy change: agenda-setting,

distribution of access to public platform among rival discourse coalitions, and articulation of the core concepts and values in the debate (the nodal points).

First, media drive attention to the problem both among political actors and wide public and in such a way set the public agenda. In research of the media agenda, the concept of media salience is widely used to explain media emphasis. Media salience consists of external and internal aspects (Kiousis, 2004). The external aspect is constituted by the extent to which an issue stands out of the context and has a greater emphasis on it in comparison to other issues. The internal aspect is constituted by the level of conflict and affect attributed to the issue (neutral vs positive/negative or conflict representations).

Salience of the issue in the media discourse mediates the influence of public opinion on political decisions, which is proved for sexual rights issues among others (Haider-Markel & Meier, 1996; Kuyper et al., 2013; Lax & Phillips, 2009). In case of low salience, there are no incentives for politicians to change their stance even if it goes against public attitudes. For highly resonant issues politicians are more likely to take into account public opinion, and policy outcomes follow the majority preferences. Haider-Markel and Meier (1996) show on the U.S. data that when issues of sexual policies become salient in news media, they also become involved in the process of political competition and are more likely to be related to morality politics. Therefore, the authors suggest that internal lobbying might be a more effective strategy for sexual and gender equality advocates to achieve their goals. Lax and Phillips also admit that “low salience decreases the influence of policy-specific [public] opinion” (Lax & Phillips, 2009, p. 380); however, they suggest that some sexual rights policy issues (like discrimination in employment) might receive more public support than others and putting them on the public agenda should be considered strategically. By limiting the public agenda to the most unpopular issues, media may contribute to the growth of opposition to sexual rights. For example, the U.S. media focus on the unpopular issue of same-sex marriage in the reporting on decriminalization of homosexuality in Texas in 2013 supposedly contributed to a significant drop in support for equal rights for homosexual people (Engel, 2013).

Second, media are the primary channel through which the public access political discourse, as only the most interested and highly persuaded citizens are exposed to political discourse directly in the form of political speeches and meetings (Callaghan & Schnell, 2001). Success of political actors in imposition of hegemonic problem definitions and

formulations of laws and policies often depends on their ability to receive greater exposure in the media than their opponents, as it happened, for example, in the political controversy over intellectual property rights examined by Haunss and Kohlmorgen (2009). According to dominant assumptions about mass communication in democratic societies, reflected in professional standards and state regulations of media industry, the media should be independent of government and provide an equal platform for political actors and groups of interest. However, media often privilege political elites among other sources as more credible and newsworthy, while groups of interest obtain limited access to media platforms (Herman & Chomsky, 1988; Tuchman, 1972).

Besides the distribution of access to the public platform, media legitimize and delegitimize claims made by political actors for the public. Media may normalize or, on the contrary, undermine and criticize articulations produced by political actors using the wide range of discursive instruments, such as placement, structure, emphasis, appraisal, quotation marks (Fairclough, 1995; Tuchman, 1972; Vaara & Tienari, 2002). As such they serve as means of informal education for the citizens about political process

Finally, media develop their own articulations of public policy issues and related metanarratives. For example, in their research on news media framing of gun control in the U.S., Callaghan and Schnell (2001) concluded that news media distributed their own frames in addition to those produced by political elites and interest groups (Callaghan & Schnell, 2001). Media articulations of the core concepts and values in the debate might be of particular importance as they set the common ground for rival discourse coalitions in a way that may be favorable for one of them. In the case of sexual and gender rights, these include articulations of “sexuality” and “gender” as primary concepts of the debate. At the most general level, media contribute to the common symbolical environment, or common culture (Gerbner, 1970) in the society that might sustain structural and direct violence, or, on the contrary, be aimed at sustaining social justice and cultural peace (Aldás, 2019).

There is a number of factors that mediate impact of mediatized political and media articulations of law and policy issues on citizens' views and behavior. Media messages are more likely to change attitudes and behavior of the individual when they correspond with norms and values already shared by him or her (Bandura, 2001; Hall, 2005), are repetitive, unique, appeal to emotions (such as fear or anger), and come from credible sources (Matthes, 2012, p. 250). Entman and Herbst admit that the less citizens know about a

particular problem, the more they are susceptible to media influence in their beliefs and actions towards this problem (Entman & Herbst, 2001). Social groups may respond differently to media messages. As Stuart Hall (2005) argued, the oppressed social groups maintain critical distance to hegemonic articulations imposed by dominant groups (which political elites are part of). However, as Entman admits: “The necessary condition for media influence on policy or politics is not that everyone interpret a story alike; it seems necessary only that significant majorities are thought to do so” (Entman, 1991, p. 8). Media might also influence political actors’ decisions in the development of laws and policies as a source of information about public opinion (Dijk, 1997a).

Callaghan and Schnell (2001) enumerate the following conditions that influence mediation of political discourse: professional journalistic norms, reliance on sources, adherence to public preferences, profit-orientation. Adherence to professional journalistic norms of impartiality and objectivity affects distribution of access to media platform among political actors and evaluation of political claims by journalists. Media practices of sources use condition whether groups of interest would obtain a public platform, or it would be provided solely to political elites. Adherence to public preferences and profit-orientation condition media reproduction of articulations that conform to the meanings which are already hegemonic among their target audience (norms and values). In the Ukrainian context, where media are often established by big businessmen and politicians not to make profit but to influence public opinion, ownership (Herman & Chomsky, 1988) should be considered as another condition that shapes media representation of law and policy debates.

2.5. Explanation in discourse theory

DT assumptions about radical contingency of discourse and absence of any foundation that determines articulation practices pose a challenge to explanation in discourse theoretical studies. Having no ground in extra-discursive practices (as in critical discourse analysis of Norman Fairclough (1989)), discourse appears to be an infinite flux of equivalences and differences, which DT may help to describe but seem unable to explain (Townshend, 2004).

However, the question whether or not DT allows explanation depends on the articulation of the term “explanation”. If explanation is defined as identification of cause-

effect relations, than DT is hardly suitable for explanation. However, there might be different concepts of explanation. Glynos and Howarth suggest to understand explanation as revealing the rules of the game. They provide an example of chess-playing where there is a “dominant pattern of sequences or actual moves comprising the strategies and counter-strategies, tactics and counter-tactics involved in chess playing. [...] the basic rules of the game, the way pieces can move on the board, their different capacities (‘capturing’, ‘checking’, or ‘being promoted’), as well as more informal rules such as ‘pinning’ or ‘forking’” (Glynos & Howarth, 2007, p. 135). Similarly, rules of social practices and regimes might be explained, which include subject positions, objects, institutions, and systems of relations and meanings which connect subjects with other subjects and with objects.

To address these “rules of the game” Glynos and Howarth use Laclau’s term “logic”. *Logic* is a set of rules which govern a practice, institution or system of relations among objects and “the kinds of entities (and their relations) presupposed by the operation of such rules” (Laclau, 2000, pp. 282–3, cited in Howarth 2005, p. 324). Glynos and Howarth define three logics which should be combined in critical explanation: social, political, and fantasmatic. The logics constitute three types of rules, all of which are historical – i.e. change over time. They are “embedded in ‘descriptive-normative’ complexes” (Glynos & Howarth, 2007, p. 163), like grammar rules are embedded in the language practices.

Social logic explains the most sedimented plane of discursive reality formed through the fixation of hegemonic political projects into a set of social norms and institutions. To reveal social logics of a certain practice means to explain which elements (objects, subjects, and strategies) are included in the discursive practice, how they are related, and which elements are excluded. Analysis of social logic corresponds to the synchronic level of analysis of discourse. It is worth noting that social practices always exceed a particular system of rules; however, identification of rules allows us to understand the meaning and character of social practices (Glynos & Howarth, 2007, p. 137).

Political and fantasmatic logics are on the transcendent level towards social logics, they explain conditions of possibility of “descriptive-normative complexes” in which social logics operate (Glynos & Howarth, 2007, p. 163). Political logics “aim to capture those processes of collective mobilization precipitated by the emergence of the political dimension of social relations, such as the construction, defense, and naturalization of new

frontiers” Glynos & Howarth (2007, p. 141). It relates to the diachronic aspects of discourse: construction of political subjects, their transformation, establishment, and breakdown of coalitions in the struggle for hegemony. In the final analysis, political logics might be reduced to two main types: logics of equivalence and logics of difference.

Finally, fantasmatic logic links social practices and regimes with subjects through fantasy. Fantasy masks the contingency of social reality and enables subjects to believe in unity and integrity of the social space. As Glynos and Howarth admit, fantasy either “promises a fullness-to-come once a named or implied obstacle is overcome – the beatific dimension of fantasy – or which foretells of disaster if the obstacle proves insurmountable, which might be termed the horrific dimension of fantasy” (Glynos & Howarth, 2007, p. 147). Cederström and Spicer (2013) distinguish two functions which fantasies play in discourse: stabilization of nodal points and destabilization of political frontiers. In the first case, a fantasy eliminates ambivalence surrounding the nodal point, enables subjects to perceive articulations as reality, not as contingent discursive constructs. In the second case, fantasy provides a scenario in which antagonist subject positions are held responsible for our fundamental incompleteness and subsequently blamed for stealing our joissance. A powerful fantasy enables discursive practices and regimes to “grip” subjects tightly (Glynos & Howarth, 2007, p. 145) and blocks dislocatory moments in which transformation may be initiated. When fantasy is no longer able to mask contingency of relations between elements within discursive order, a social protest becomes possible which is further shaped and guided by the political logic. It is worth noting that since the DT framework does not imply any extra-discursive reality, fantasy is addressed as a discursive phenomenon, particularly with the concepts of myth and social imaginary mentioned in the previous section

Social, political, and fantasmatic logics should be articulated together in order to produce description, explanation, and criticism of the discursive practice or regime under study. More precisely, critical explanation identified social, political, and fantasmatic “rules of the game” which guide certain practices or regimes, explains how change becomes possible or impossible within discursive order in the concrete historical moment, and points out alternative logics of social organization that might lead to emancipation of social groups involved in these practices or regimes.

III. METHODOLOGY

3.1. Research questions

In the present study, I explore recent change in the field of sexual and gender rights in Ukraine drawing on the analysis of the political controversy over the prohibition of discrimination on the grounds of SOGI in labor that took place in 2013 – 2015 and representation of this controversy in the most popular online news media. The prohibition of discrimination on the grounds of SOGI in labor was part of the anti-discrimination reform initiated by the Ukrainian government to achieve a visa-free regime with the European Union. After a heated debate in 2013, the provision on SOGI was excluded from the anti-discrimination bill; however, in 2015 it returned to the parliamentary agenda and was successfully adopted. In terms of the discourse theoretical framework, opponents of sexual and gender equality were able to sustain the heteronormative and cisnormative hegemony in the legal discourse on sexual and gender rights in 2013; while in 2015 proponents of sexual and gender equality succeeded to (partly) rearticulate this hegemony.

The **main aim** of this study is to explain how rearticulation of sexual and gender rights in Ukraine in 2013–2015 became possible relying on the analysis of debates over prohibition of discrimination on the grounds of SOGI in the official websites of political actors and groups of interest involved in the struggle over sexual and gender rights and in the most popular Ukrainian online news media.

The **main objectives** of the study are the following:

- To identify key actors involved in sexual and gender rights debates in Ukraine and describe social and political conditions that opened up discursive opportunities for actors to establish their articulations of sexual and gender rights as hegemonic;
- To describe and analyze articulations of the anti-discrimination reform in political discourse (to identify contesting discourse coalitions on sexual and gender rights, contesting storylines on sexual and gender rights articulated by each coalition; to explain strategic articulation strategies used by contesting coalitions within a given social context to achieve hegemony);
- To describe and analyze articulations of sexual and gender rights in online news media discourse (salience of the anti-discrimination controversy; distribution of access to media platform among contesting discourse coalitions; contesting storylines on sexual and gender rights articulated by media-professionals,

- differences in coverage of the anti-discrimination controversy among the online news media);
- To examine changes in political and media articulations of sexual and gender rights between the first (February 2013 – May 2014) and the second (October – November 2015) rounds of the anti-discrimination controversy.

3.2. Methodological application of DT

Laclau and Mouffe did not provide detailed methodological guidelines for the empirical application of DT. They used deconstruction as a method of theory building and suggested to articulate theoretical and methodological concepts anew for each considered empirical case (Carpentier, 2010; Howarth, 1998). In studies relied on the DT framework one may found textual analysis without references to any specific analytical techniques (Barros & Castagnola, 2000), “method” of close reading (Clohesy, 2005), “discursive” methods, such as Foucauldian discourse-analysis and Derrida’s deconstruction (Carpentier & De Cleen, 2007, p. 273), and quantitative methods, e.g. quantitative content-analysis (Carpentier, 2005; Carpentier et al., 2003; Carpentier & De Cleen, 2007).

In the previous decade, there has been a growing tendency towards the development of a more formal methodological procedure for the empirical application of DT. Three methodological programs based on DT are worth noting: “articulatory practice” (Glynoss and Howarth, 2007), discourse-theoretical analysis (Carpentier, 2004, 2005, 2010), and post-foundational discourse analysis (Cederström & Spicer, 2013; Marttila, 2015b). The methodological program introduced by Howarth and Glynoss provides general interpretative strategies based on the method of deconstruction that were described in detail in Chapter II. Nico Carpentier’s discourse-theoretical analysis (DTA) (Carpentier, 2010) provides guidelines for the development of mix-method research designs based on DT. Finally, post-foundational discourse analysis (PDA) provides a list of “theoretical codes” for textual analysis, which might be used both for quantitative and qualitative analysis. In the development of my own research design, I combined suggestions from all the three mentioned methodological programs.

Nico Carpentier suggests applying the DT framework with a mixed-method research design in which primary method of qualitative textual analysis is supplemented with quantitative content analysis to solve instrumental tasks (Carpentier & De Cleen, 2007, p.

281). A qualitative analysis should be aimed at the broad mapping of social conflict, and therefore not be overwhelmed with linguistic terminology describing particular instances of discourse (as, for example, in critical discourse analysis). Quantitative content analysis may be used for additional measurement of textual patterns such as frequency of discursive interventions or speaking time per person. Following Carpentier's suggestion, I used qualitative analysis to analyze contesting storylines on sexual and gender rights, and related metanarratives (myths) articulated by political actors and journalists, and used quantitative content analysis of media texts to measure media salience of the anti-discrimination controversy and to compare access to public platform provided by media to contesting discourse coalitions.

3.3. Case selection

Howarth suggests that case study is the most suitable research strategy for the DT-grounded examination of power relations (Howarth, 2005). Single case study enables to explain emergence and domination of particular articulation in the unique historical, social, and political context. Following this suggestion, I selected the controversy over prohibition of discrimination on the grounds of SOGI in Ukraine as partly typical, partly extreme case for examination of sexual and gender rights law and policy change in CEE.

Although, the issue of anti-discrimination protection of LGBT people appeared on the agenda of Ukrainian government earlier (see Chapter IV, section 4.1. "SOGI in Ukrainian anti-discrimination law"), the public controversy over the prohibition of discrimination on the grounds of SOGI started with introduction of Bill 2342 (Proekt Zakonu pro Vnesennia Zmin Do Deiakykh Zakonodavchykh Aktiv Ukrayny Shchodo Zapobihannia Ta Protydii Dyskryminatsii v Ukraini [Bill on Amendments to Some Legislative Acts of Ukraine Concerning Prevention and Combating Discrimination in Ukraine], 2013a) in February 2013. The bill introduced prohibition of discrimination on the grounds of sexual orientation in the labor sphere among other changes to Ukrainian anti-discrimination law to fulfill requirements of the Visa Liberalization Action Plan concluded by Ukraine and the EU in 2010. Bill 2342 has been subjected to intense public discussion during the 2013 year, but never appeared on the parliamentary agenda due to the resistance of several parliamentary parties and united lobbying efforts of churches, the pro-Russian, and religious right grassroots movements. At the beginning of 2014, the

requirement to prohibit discrimination on the grounds of sexual orientation in labor was postponed until the second phase of the Visa Liberalization Action Plan. In October-November 2015, the prohibition of discrimination on the grounds of SOGI returned to the parliamentary agenda, on the eve of the deadline for the sixth progress report on the implementation of the VLAP by Ukraine. By the time Ukraine has fulfilled most of the requirements of VLAP and expected to obtain a positive resolution about visa-free regime from the European Commission. Bill 3442 that introduced sexual orientation and gender identity among other prohibited grounds of discrimination into the Labor Code was adopted on November 12, 2015. Afterward, the European Commission concluded that with the adoption of the bill the benchmark on citizen rights and protection of minorities had been fulfilled (European Commission, 2015c), and on May 11, 2017, Ukraine received the visa-free regime with the EU.

The case of the anti-discrimination controversy started in structural conditions of sexual and gender rights law and policy change typical for CEE: high social homonegativity, external incentives for the development of SOGI equality from the EU, strong conservative opposition to sexual and gender equality that united professional politicians and groups of interest (see Chapter IV). Thus, it might be studied as a typical case of SOGI-related rights change in the region. At the same time, the case of the anti-discrimination controversy in Ukraine provides an extreme example to examine Russian influence on sexual and gender rights law and policy development in CEE due to the drastic change in Ukraine-Russian relations that occurred between the two rounds of the anti-discrimination controversy. Whereas in 2013, pro-Russian actors, who opposed sexual and gender equality, occupied influential positions in the Ukrainian government and parliament, in 2015 they were largely excluded from the institutionalized Ukrainian politics because of the intense antagonism between Ukraine and Russia.

3.4. Period of the study

The study covers two time-frames based on the proceedings of the bills that addressed discrimination on the grounds of SOGI. The first time frame from February 1, 2013, to May 31, 2014, covers proceedings of Bill 2342, from its submission to the parliament (19.02.2013) to official letter of the High Specialized Court of Ukraine which stated that discrimination by sexual orientation in the labor sphere is already prohibited by

existent Ukrainian laws (19.05.2014). The second time frame from October 23, 2015, to November 25, 2015, consists of the period of the parliament consideration of Bill 3442 (5–10 November 2015) plus two weeks before and after. They are referred to as the first and the second rounds of the anti-discrimination controversy later in the text.

3.5. Analytical strategies

Methodological guidelines based on the DT framework differentiate two general analytical strategies that might be used in empirical studies. Synchronic analysis (Marttila, 2015b) or “onto-ethical critique” (Glynos & Howarth, 2007) is used to explain the “rules of the game” within established discursive order. Diachronic analysis (Marttila, 2015b) or “deconstructive genealogy” (Glynos & Howarth, 2007) is used to explain the emergence of new practices from the whole range of possibilities, provided by the discursive order in a certain period of history. Both modes “are informed by an ethos of exercising a fidelity to contingency itself, by displaying other possibilities for political decision and identification, as well as other modalities of identification” (Glynos & Howarth, 2007, p. 155).

Exploration of change in the field of sexual and gender rights, which is the aim of this study, requires diachronic analysis. Marttila (2015b) defines three analytical stages of the diachronic analysis relying on the DT framework. At the first stage, structural conditions (fixed meanings that function as a shared knowledge among social actors) and subjects who potentially contributed to the observed change are identified relying on the accessible contextual knowledge. This examination of context ends up with a compilation of a corpus of data that “embraces both the practices of articulation that have sustained the previous social status quo, and the practices of articulation that have induced and were involved in the generation of social change” (Marttila, 2015b). The next step is content-analysis of the collected data aimed at identification of contested and contesting discourses and description of their structural differences to locate origins of change. The final third step of diachronic analysis aims to identify subjects and practices (institutions) of the contested discourse which were rearticulated in the struggle.

In this study, I followed these three steps suggested by Marttila. First, I examined structural conditions which provided discursive opportunities for rearticulation of sexual and gender rights in Ukraine and identified key actors involved in the anti-discrimination debate in 2013 – 2015. The results of this examination are provided in Chapter IV. Then, I

analyzed articulations made by professional politicians and groups of interest to identify rival discourse coalitions involved in the struggle on sexual and gender rights. After that, I followed changes in rival discourse coalitions that occurred during the two rounds of the anti-discrimination controversy. Results of this analysis are provided in Chapter V. Finally, I examined representation of rival discourse coalitions in the online news media to identify whether the online news media contributed to sustaining or to rearticulation of hegemony in the field of sexual and gender rights. The results of this examination are provided in Chapter VI.

3.6. Data

3.6.1. Context analysis

To identify the key actors involved in the controversy and examine social and political context of the controversy, I relied on the following sources:

- academic literature;
- reports of LGBT and human rights NGOs available in public domain;
- texts of the bills drafted during the study period that addressed discrimination on the grounds of SOGI (2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2) and supporting documents (supporting statements, conclusions of the Leading Scientific and Expert Department of the Ukrainian Parliament (*Verkhovna Rada*) and the parliamentary committees) published on the official website of the parliament (*rada.gov.ua*);
- transcripts of the parliamentary round-tables during which the anti-discrimination reform was discussed;
- two expert interviews, with the speaker of the *Coalition Against Discrimination in Ukraine (Koalitsia z protydii dyskryminatsii v Ukrayini)* Iryna Fedorovych (conducted in October 2013) and a representative of the European Commission in Ukraine²⁵ (conducted in August 2015).

3.6.2. Political actors

The key political actors that participated in the controversy were identified relying on the previous studies of sexual and gender rights in Ukraine and expert interviews. They

²⁵ The name of a respondent is omitted to preserve confidentiality.

included key veto players (Tsebelis, 1995) in the decision making process on the anti-discrimination reform and groups of interest that tried to influence the decision-making process.

The institutional veto players (political actors whose agreement is necessary to change the status quo in the political system) included the government and the parliament. The government concluded international agreements that required development of the anti-discrimination law and introduced the anti-discrimination bills to the parliament. Parliament members were able to introduce alternative anti-discrimination bills, and parliament as a collective actor made a final decision on the anti-discrimination reform.

Both government and parliament aggregate a number of smaller collective and individual veto-players. When selecting collective and individual actors in the government and parliament for the analysis, I focused on the most influential players who took active part in the controversy according to the preliminary analysis of media coverage and expert interviews. The systematic analysis of the media coverage conducted in this study later demonstrated accuracy of this initial selection, as the selected political actors appeared to be the most quoted actors in media reports on the anti-discrimination reform.

Among the governmental subjects, I examined discourse of the Prime Minister, the Ministry of Justice, the Ministry of Foreign Affairs, and the President. The President and the Prime Minister were selected as the most powerful government subjects. The Ministry of Justice and the Ministry of Foreign Affairs were selected as they took active part in the development of the governmental anti-discrimination bills. In the parliament, the most influential players selected for the analysis were parliamentary parties²⁶, the Committee on Human Rights, National Minorities and Interethnic Relations (formed by representatives of all the parliamentary parties) that approve bills before their first hearing in the parliament, the Parliamentary Committee on European Integration that considered bills' compatibility

26 During the first round of the controversy, the parliament consisted of five factions: the *Party of Regions*, the *Communist Party*, *BYuT* (Bloc of Yulia Tymoshenko), *UDAR* (Ukrainian Democratic Alliance for Reforms of Vitalii Klychko), and *Freedom* (Svoboda). During the second round of the controversy, the parliament consisted of six factions: *Opposition Bloc* (Oppozytsiinyi Blok), *Petro Poroshenko Bloc* (BPP), *People's Front* (Narodnyi Front), *Self Reliance* (Samopomich), *Fatherland* (Batkivshchyna), *Radical Party of Oleh Liashko* (Radykalna Partiya Oleha Liashka), and two parliamentary groups *Revival* (Vidrodzhennia) and *People's Will* (Volia Narodu).

with the EU law, and the Parliament Commissioner for Human Rights whose mandate covered combating discrimination.

Besides institutional veto-players, decision-making process on the anti-discrimination reform was influenced by interest groups, which included churches, anti-LGBT NGOs, and human rights NGOs.

To analyze the church discourse, I selected three major Ukrainian churches: the Ukrainian Orthodox Church of the Kyiv Patriarchate, the Ukrainian Orthodox Church of the Moscow Patriarchate, and the Ukrainian Greek Catholic Church. Also, I considered website of the All-Ukrainian Council of Churches and Religious Organizations, which was created in 1996 to “coordinate cross-confessional relations” and to cooperate with state authorities on legal initiatives “concerning relations between the church and the state” (*Informatsiia pro VRTsiRO 20 Rokiv Na Shliakhu Dialohu Ta Porozuminnia [Information about AUCCRO. 20 Years on the Way of Dialogue and Mutual Understanding]*, 2019). The Council includes members of 15 churches and religious organizations and claims to represent 95% of the religious network in Ukraine, including all major strands of Christianity, as well as Judaism and Islam.

Among the anti-LGBT organizations, I selected two religiously oriented movements *Love Against Homosexualism* (*Liubov Proty Homoseksualizmu, LPG*) and *Parent Committee* (*Batkivskyi Komitet*) that represented the protestant- and orthodox-related religious right movements respectively, and two politically oriented movements for whom support of the conservative morals was a part of a wider pro-Russian ideology of *Ukrainian Choice* (*Ukrayinskyi Vybir*) and *People's Council* (*Narodnyi Sobor*).

LPG was the most prominent Ukrainian anti-LGBT NGO before Euromaidan (Pahulich, 2012). It was founded in 2003 by Ruslan Kukharchuk, a protestant pastor associated with Pentecostalist groups (*Victory, House of Bread, Emmanuil*). Unlike other anti-gay NGOs, *LPG* has officially announced political struggle against homosexuality to be its main goal in the mission statement: “public and categorical opposition to attempts to establish homodictatorship; protection of family institution and promotion of family values”.

Parent Committee was a national-level organization based in Kyiv and had a number of regional agencies in big cities in 2013. It also published the newspaper under the same name. The organization positioned itself as a group of “active parents and teachers,

concerned with the moral state of parents, youth, and children”. In 2013, the co-chairs of the organization were Aleksandr Skvortsov, Yurii Vynnychenko, and Iohanna Kerestin²⁷. Since 2018, the organization was no longer present in the Ukrainian public space, its official website has not been updated.

Ukrainian Choice was founded in 2012 by the former lawyer Viktor Medvedchuk. The formal aim of the organization was the development of direct democracy in Ukraine. Later, the organization advocated for federalization of Ukraine and economic cooperation with Russia. Medvedchuk maintained close relations with Russian President Vladimir Putin. After the annexation of Crimea in 2014, Medvedchuk was acknowledged responsible for violating the sovereignty and territorial integrity of Ukraine by the U.S. and Canada’s governments and was banned from entering these countries. Since then, he served as a communicator with the Russian leadership in diplomatic negotiations aimed to end the war in the Eastern regions of Ukraine.

People’s Council was founded in 2011 by Ihor Druz. According to media reports, at the time Druz was well integrated in the Ukrainian conservative networks, – he was an advisor of a parliament representative of the Orthodox Church of the Moscow Patriarchate, and a co-chair of *Parent Committee*. *People’s Council* was initiated as a regional partner of the Russian far-right organization of the same name established in 2005. Russian *People’s Council* advocated for religious education in public schools, restrictions of sexual, gender, and reproductive rights for women and LGBT people, restoration of the Russian empire (People’s Council, n.d.). Druz claimed in the media that he fully supports the program of his Russian counterparts (“An Advisor of the Agency of UOCh (MP) in the Parliament Created Organization ‘for Repelling Threats from the West’ [Sovetnik Predstavitelia UPTc (MP) v Verkhovnoi Rade Sozdal Organizaciiu ‘Dlia Otrazheniia Ugroz s Zapada’],” 2011). In 2014, Ihor Druz moved to the self-proclaimed Donetsk People’s Republic where he worked as an assistant of terrorist leader Igor Strelkov. Since then, *People’s Council* was no longer active in Ukraine.

For analysis of LGBT and human rights organizations discourse, I selected four organizations: *Amnesty International in Ukraine*, the *Coalition For Combating*

²⁷ The co-chairpersons were identified through the publications on the organization website in which their titles were introduced, as the organization website does not provide the list of members. Thus, the list of co-chairs might be not comprehensive.

Discrimination in Ukraine, *Fulcrum (Tochka Oropy)*, and *Gay Alliance Ukraine*. Amnesty International is an international organization focused on human rights, particularly on sexual and gender equality. The *Coalition For Combating Discrimination in Ukraine* was founded in 2011 to develop a comprehensive anti-discrimination legal framework in Ukraine in line with European anti-discrimination norms and promoting other anti-discrimination initiatives (education, strategic lawsuits, etc.). It united number of Ukrainian human rights NGOs, including those focused on LGBT-rights. LGBT organization *Fulcrum* was selected as it took an active part in the lobbying campaign in support of Bill 2342. Its founder and director Bohdan Hloba was the only representative of LGBT organizations who spoke in the Parliament during the hearings on the Visa Liberalization agreement. *Gay Alliance Ukraine* was selected for the analysis as its official website functioned as a news media for LGBT-community, excessively covered the anti-discrimination controversy, and therefore, provided substantial data for analysis of LGBT organizations discourse. Both LGBT organizations selected for the analysis were also members of the *Coalition For Combating Discrimination*.

3.6.3. Online news media

The online news media were selected for the analysis as potential agents of change in the field of sexual and gender rights in Ukraine. There is a limited research evidence that allows to suggest that online news media may facilitate liberalization of sexual and gender rights. In general, higher levels of Internet access in society predict more positive attitudes toward homosexuality among all age cohorts (Ayoub & Garretson, 2017). Ayoub and Garretson explain this finding by the fact that Internet provides the most intensive flow of global LGBT-friendly popular culture and is less affected by restrictions of media freedom than traditional media. Song (2007) also demonstrated that independent online news media may be less conservative in framing controversial political issues than traditional media. This may result from differences in ownership. While TV channels and newspapers are often controlled by big businessmen who maintain close ties with politicians and state authorities, online news media are often established and owned by independent journalists and editors due to their significantly lower start-up and maintenance costs, and, therefore, preserve greater autonomy from political and business power.

To analyze the online news media coverage of the anti-discrimination controversy, I selected the five online news media that had the greatest audience reach during the first round of the controversy. These media had the greatest potential to form public opinion and to contribute to the establishment of hegemony in the public sphere. To identify the online media with the greatest audience reach, I considered two media market studies: Marketing & Media Index (MMI) research conducted by Taylor Nelson Sofres group (TNS) and *Gemius Audience* research.

Marketing & Media Index Ukraine (MMI) is a nation-wide survey on the consumption of a wide range of products and services, including media, conducted by the Ukrainian department of the international marketing company Taylor Nelson Sofres group (TNS) since 1998. The MMI rating provides data on audience size for all types of media (printed and online press, internet, radio, TV). Results of the MMI research are not available in the public domain due to their commercial use, but the Head of Continuous and Media Research Division of TNS Data Analysis Department Olha Haryhina kindly shared them with me for the purpose of the current research.

MMI is based on a social survey that is repeated 4 times a year within urban population of Ukraine aged from 12 to 65 (inhabitants of cities with a population over 50 000), excluding the Crimea region since the beginning of 2014. The general population of the study is 15 160 600 people. The sample size is around 5 000 respondents per research wave (20 000 respondents per year). The sample is representative in area of residence, city type, gender, and age (according to the data provided by the Ukrainian Ministry of Statistics). The study includes two variables that measure audience reach of online media: the average audience for half of the year and the average audience of one day. The former variable is measured by answers to the question “Which of the following media have you read or looked through during the last 6 months?”. The latter variable is measured by aggregated answers to several questions (either respondent used the following websites during last month/week; how often did he/she uses the website during the week; has he/she used the website during a day before survey) according to which probability of contact with online media is measured for each respondent. Reliance of survey as the only source of data about media consumption constitutes a limitation of the *MMI* measurement of the online media audience reach, as respondents may be inaccurate in remembering the frequency of use of the media.

Gemius Audience study is conducted by consulting company Gemius that specializes in online advertising campaigns management and websites monitoring. Besides the Ukrainian market, Gemius presents data from Belarus, Bulgaria, Croatia, the Czech Republic, Hungary, Lithuania, Latvia, Estonia, Russia, Slovakia, and Poland. The study relies on data collected from cookies from internet users who visit websites participating in the research. According to the company's official website, in 2014 Gemius monitored "most of the large Ukrainian websites", selection criteria were not specified²⁸. Audience size of a webpage was measured by three parameters: reach (the percentage of visitors who generated at least one page view on the monitored web site within the given time period to the total number of internet users within a given time period); visitors (the number of individuals who generated at least one page view on the monitored web site within a given time period), and page views. The calculations were based on traffic coming from all types of devices (PC, Mobile, etc.). In 2014, data on reach, visitors, and page views was available on monthly basis at the official website of *Gemius Audience*²⁹. The main shortcoming of the *Gemius Audience* results is occasional unexplained gaps in data.

Both *MMI* and *Gemius Audience* provided audience statistics for various types of websites besides online news media. *MMI* divided online media in two groups of "informational and news websites" and "online media and online versions of printed media". The former included only news media, while the later mixed news media, entertainment media, and other kinds of websites such as advertisement platforms (e.g. *avtobazar.ua*) and personal webpages (*Komarovskiy.net*). *Gemius Audience* provided audience statistics for 500 most popular websites that included all types of websites, from the Google search engine to online-markets and social networks. In order to identify Ukrainian online news media among other websites in ratings provided by *MMI* and *Gemius Audience*, I checked internet domain, presence of original content, and topics at each website listed in *MMI* results for the first half of 2013 and first half of 2014, and among top 100 websites listed by *Gemius Audience* results for each month during February 2013 – May 2014 (the first round of the anti-discrimination controversy). Media based in Russian web domain (e.g. *vesti.ru*), Ukrainian versions of Russian-based websites

28 Retrieved from <http://en.audience.com.ua/pages/display/visitors>, June 2014. The website is no longer available, and the current methodological procedure of the *Gemius Audience* research might be different.

29 Retrieved from <http://en.audience.com.ua/pages/display/visitors>, June 2014. The website is no longer available.

(*newsru.ua*), wire sites that only redistributed content produced by other media, and lifestyle media with a narrow focus that did not cover social and political issues (such as beauty magazines and sports media) were excluded. The average monthly and daily number of visitors of the online news media in 2013 – 2014 according to TNS *MMI* and *Gemius Audience* are provided in Appendix A and Appendix B.

Gemius Audience indicated a higher number of visitors of online news media webpages in comparison to *MMI*. For example, the average monthly audience during the first half of 2013 for *Korrespondent.net* was 773,191 people according to *MMI*³⁰ and 1,109,263 people according to *Gemius Audience*; for *Liga.net* it was 397,176 and 1,098,196 respectively. The difference between *MMI* and *Gemius Audience* results is partly explained with the difference in measurement: automatic counters of *Gemius Audience* statistics registered all visitors, including those who followed links from other sources (for example, social media), while *MMI* survey probably identified those readers who regularly and consciously use the websites as news sources. Other differences in audience statistics provided by *MMI* and *Gemius Audience* are hard to explain. For example, according to *MMI Fakty.ua* had approximately the same audience number as *Segodnya.ua*; according to *Gemius Audience* average monthly audience of *Fakty.ua* was three times lower than that of *Segodnya.ua*. Also, *MMI* results did not include websites that have a high number of visitors according to *Gemius Audience* research, particularly *tsn.ua* that had the highest average monthly number during the first round of the anti-discrimination controversy according to *Gemius*.

In my selection of the most popular Ukrainian online news websites, I relied predominantly on *Gemius Audience* results, as I considered it more reliable due to the automatic count of website visitors and a wider list of the online media included in the study. For the purpose of this study, I selected the top five online news media according to *Gemius Audience* research: *TSN.ua*, *Segodnya.ua*, *Obozrevatel*, *Liga*, and *Ukrainska Pravda*. All of them occupy high positions in *MMI* ratings as well, except *tsn.ua* which is missing in *MMI* results.

The selected online news media vary in type, content, and ownership. The sample includes two standalone online-only newspapers *Obozrevatel* and *Ukrainska Pravda*, the website of a news agency *Liga* that also functions as an online-only newspaper (publishes 30 5,1% of general population of 15 160 600 people).

original content for public use), the website of a newscast program at *I+I* TV channel, and the internet version of a popular printed daily *Segodnya.ua*. Also, media included into the sample vary in form of ownership: two media belong to big media holdings (*TSN.ua*, *Segodnya.ua*), one media is owned by a small business (*liga.net*), one belongs to a politician (*Obozrevatel*), and one is owned by a media-professional (*Ukrainska Pravda*). Table 2 provides brief information on the selected online news media.

Table 2. The five most popular Ukrainian online news media selected for the analysis

	TSN	Segodnya	Obozrevatel	Liga	Ukrainska Pravda
Website	tsn.ua	segodnya.ua	obozrevatel.com	liga.net	pravda.com.ua
Printed or electronic version	TV newscast <i>TSN</i> at <i>I+I</i> channel	Daily newspaper <i>Segodnya</i>	-	-	-
Average monthly audience in February, 2013 – May, 2014 according to Gemius	1,840,004	1,717,031	1,627,259	1,621,291	1,615,265
Year of foundation	2008	2007	2001	2007	2000
Language	Ukrainian, Russian	Ukrainian, Russian	Ukrainian, Russian	Ukrainian, Russian	Ukrainian, Russian
Owners	Ihor Kolomoiskyi	Rinat Akhmetov	Mykhailo Brodskyi	Serhii Bondarenko, Maryna Bondarenko, Dmytro	Olena Prytula.

			Bondarenko	
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Tsn.ua is an online version of *TSN* (*Televiziina Sluzhba Novyn, TV News Agency*) newscast, produced at *I+I* TV channel. *I+I* is part of Ihor Kolomoiskyi media group, which includes five TV channels, several newspapers, news magazines, and a group of news websites (Dutsyk, 2010). Besides media, Ihor Kolomoiskyi controls several industries in Ukraine and abroad related to steel, oil, gas, chemical, and energy production. Until 2017, Kolomoiskyi was one of the owners of the largest commercial bank in Ukraine *PrivatBank*. The TV newscast *TSN*, founded in 1997, comes out up to eight times a weekday, and once on weekends. Besides newscasts, the editorial board of the *TSN* produces lifestyle program *TSN Osoblyve* and analytical program *TSN Tyzhden*. *Tsn.ua* publishes video from *TSN* TV newscast alongside with content produced exclusively for the website.

Segodnya.ua is an online version of daily newspaper *Segodnya (Today)*. *Segodnya* newspaper remains one of the most popular dailies in Ukraine for long years. During 2013 – 2014, it scored second in the TNS *MMI* ratings of the audience reach among printed dailies with audience reach of nearly 5% of national population aged 12 to 65. *Segodnya.ua* together with *Segodnya* and several other media belongs to System Capital Management (SCM) (Dutsyk, 2010), a large metallurgical conglomerate owned by Rinat Akhmetov.

News website *Obozrevatel (Observer)* is owned by politician and businessman Mykhailo Brodskyi who is also the head of its editorial board. In 2010 – 2014, Brodskyi was the head of the State Service for Regulatory Policy and Entrepreneurship Development. During 1990 – 2000-s he was a parliament member, a head of the political party *Yabluko*, deputy of Kyiv city council, member of the party *Fatherland*.

Liga.net is a news website affiliated with a news agency *LigaBusinessInform* which belongs to the Bondarenko family (Serhii Bondarenko, Maryna Bondarenko, Dmytro Bondarenko). It is part of *Liga* business group which also includes number of media that provide specialized content and information for legal professionals (web portal *Liga.Zakon*, websites *jurliga.ligazakon.net*, *pravoua.com.ua*, *moe-pravo.com.ua*, *vuz.ligazakon.ua*), news websites (*3Doma.ua*, *Calendarium.ua*), video production studio “LBI Production”; and legal consulting companies united into IBG Group. Part of the

content published by *Liga* is available for wide public free of charge, and the prepaid part is only available for subscribers. The public part of *Liga.net*, which was taken for the analysis, functions as a news website that provides its readers with original news, reportages, and analytical articles.

Ukrainska Pravda (Ukrainian Truth) is an online-only newspaper founded by journalist Heorhii Honhadze in 2000. In the same year, Honhadze was killed supposedly for his critical materials on the politics of President Leonid Kuchma and Kuchma's government. During the Yanukovych presidency, *Ukrainska Pravda* was one of the most prominent opposition media in Ukraine. In November 2013, it even changed its name into *Europeiska Pravda (European Truth)* to demonstrate solidarity with Euromaidan protests. *Ukrainska Pravda* belongs to Olena Prytula, who is both its owner and editor in chief since 2000. Prytula claimed that the media is funded exclusively from advertising (Ostapa, 2010).

3.6.4. Data collection

Data sources. Official websites of political actors were selected as a primary source of data for analysis of political discourse. Official websites serve as a main direct channel of communication with citizens used by the political actors and are more available and easy to work with than other types of political communication (public speeches, private talks, party media).

Altogether, I collected corpus of political discourse from 32 websites of political actors: 4 websites of the government (governmental internet portal which was a main public channel of the Prime Minister, websites of the President, the Ministry of Justice, and the Ministry of Foreign Affairs), 16 websites of parliament actors (the *Communist Party*, the *Party of Regions*, *BYuT*, *UDAR*, *Freedom*, *Opposition Bloc*, *Petro Poroshenko Bloc*, *People's Front*, *Self Reliance*, *Fatherland*, *Radical Party*, *Revival*, *People's Will*, the Parliament Commissioner for Human Rights, the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations, the Parliamentary Committee on European Integration), 4 websites of churches (Ukrainian Orthodox Church of the Kyiv Patriarchate, Ukrainian Orthodox Church of the Moscow Patriarchate, the Ukrainian Greek Catholic Church, the All-Ukrainian Council of Churches and Religious Organizations), 4 websites of the far-right and religious right NGOs (*LPG*, *Parent Committee*, *Ukrainian*

Choice, People's Council), and 4 websites of human rights and LGBT organizations (Amnesty International, the Coalition For Combating Discrimination in Ukraine, Fulcrum, Gay Alliance).

I also added to the corpus of political discourse transcript of parliamentary proceedings “Visa-free regime between Ukraine and the EU: perspectives and new opportunities” from 6th November 2013 during which the anti-discrimination reform was discussed, and transcripts of parliamentary debates on Bill 3442 on 5th, 10th, and 11th of November, 2015 which were published on the parliament’s official website. The list of the websites selected for the analysis is provided in Appendix C.

Corpus of online news media discourse was collected from the websites *tsn.ua*, *segodnya.ua*, *obozrevatel.com*, *liga.net*, and three websites hosting *Ukrainska Pravda* (general news section *pravda.com.ua*, economic section *epravda.com.ua*, and a special section on international relations *www.eurointegration.com.ua*).

Search instruments. The search was realized via Google and Yandex search engines, which were the most popular search engines in Ukraine in 2013 – 2014 according to *Gemius Audience* research, by 25 keywords: 2342, 2342-1, 2427, 4581, 3442 (anti-discrimination bills), *discrimination*, *discriminational*, *anti-discrimination*, *anti-discriminational*, *LGBT*, *gay*, *lesbian*, *bisexual*, *transsexual*, *transgender*, *homosexual*, *homosexuality*, *homosexualism*, *(sexual) minority*, *(sexual) orientation*, *gender identity*, *tolerance*, *same-sex*, *(gay) pride*, *gay parade* (Appendix D). The keywords were selected taking into account typical lexis used by the Ukrainian media when reporting LGBT-related issues in 2013 – 2014 (e.g. the Ukrainian online media frequently used a pathologizing term “homosexualism” in reference to homosexuality in 2013).

Employment of two search engines instead of one made the search results more reliable, since Google and Yandex used different search procedures and provided different search results at the time of data collection. In most cases, Yandex returned more relevant results than Google, however, some texts found via Google were missing in the Yandex results. Internal search through the online media websites was not used because many websites did not allow to set time frame for the internal search. Subsequently, the internal search returned all the texts with keywords founded in the websites’ archives disregarding the text date (and for some keywords, such as “discrimination” there were thousands of results). Abandonment of the internal search was unlikely to have a substantial impact on

the search results, since political websites and online media usually employ comprehensive strategies of search engine optimization in order to drive more traffic, so that their pages are well indexed by search engines.

All the political and media websites taken for analysis, except *Ukrainska Pravda*, hosted their sections under the listed domain names. Therefore, search through these websites returned texts from all website sections hosted under the domain name. For example, search through the general domain *obozrevatel.com* returned results from all the website sections, including <https://www.obozrevatel.com/finance>, <https://www.obozrevatel.com/society>, and others. Economic and international relations sections of *Ukrainska Pravda* hosted under unique domain names were searched through as separate websites.

Search period. As long as both Google and Yandex allow to set only one uninterrupted time frame for search, I searched all keywords for each time period (1 February 2013 – 31 May 2014, and 23 October 2015 – 25 November 2015) separately. Other search options (such as “region”, “language”, and “show hidden results”) were left by default. Most websites were searched for both time periods except websites of political parties which were considered only for the period they held seats in the parliament, website of *People’s Council*, which was no longer available during the second round of the controversy, and *Ukrainska Pravda* section *www.eurointegration.com.ua* that did not exist during the first round of the anti-discrimination controversy.

Search queries. The search queries were composed differently for Google and Yandex due to the differences in their search procedures. Both Google and Yandex use stemming algorithms that reduce words to their word stems (unchangeable parts of the word). Stemming enables to match documents which do not contain the exact search terms, but contain other words which share similar meanings. Stemming algorithms impose certain limitations on the search.

Google stemming algorithm returns all words with the same stem disregarding the part of speech they belong. However, in 2013 – 2014 it more frequently indexed documents for singulars and plurals, than documents for word forms with the post-fixes (Uyar, 2009). It means that it was more likely to find documents which contain a plural form with the search term in a singular form, than a word form with post-fix in return to the plain form. However, results obtained for different words could have varied

significantly. For example, in Ahmet Uyar's (2009) study 0% of documents that contained the plural form "benzenes" were returned for singular query "benzene", while 93% of the documents containing plural form "nurseries" were found with a singular search term "nursery". Uyar explains these differences with a ranking of documents and frequent occurrences of multiple forms of words in documents. Both these factors lead to an increase in indexing of plurals, singulars, and word forms with post-fixes as conflated forms.

Such limitations created a significant problem for the search in Slavic languages that are highly inflectional. Ukrainian and Russian languages, which are dominant languages of Ukrainian online media, have case systems in which nouns, pronouns, adjectives, and determiners are supplemented with different prefixes, post-fixes, and endings to indicate their grammatical case. Taking into account problems with recognition of words with post-fixes as conflated forms, a large amount of relevant material might have been missed if I would have used only singular keywords in Google search. To overcome this limitation, I included all grammatical forms of the keywords (singulars, plurals, and case forms) into Google search queries with the use of logical operator "OR" between them (returns pages which use at least one of the keywords mentioned in the search query).

Yandex stemming algorithm returns documents that contain all grammar forms of the search term (including tense, number, gender, case) as conflated forms. Unlike Google, Yandex discriminates between parts of the speech and returns not all root words, but only word forms that belong to the same part of speech (Yandex Help, n.d.). Comparison of results provided by Google and Yandex search during the pilot study enabled to suggest that Yandex stemming algorithm was more sensitive for the word forms than the one of Google. For this reason, and because Yandex does not allow to use the "OR" search operator, search queries for Yandex were composed of only one keyword each.

Language. All political and media websites included in the sample had a Ukrainian and a Russian version, but not all texts were available in both languages. *Segodnya.ua* and *obozrevatel.com* mostly published texts in Russian, and only part of publications was translated into Ukrainian. *Pravda.com.ua*, *tsn.ua*, and *liga.net* kept a better language balance, but some of their commentaries and blogs also had a version in only one language. Therefore, the search was conducted in two languages: Ukrainian and Russian. In case the text had versions in both languages the first version of the article which

appeared in the search list was selected for the analysis, and the other was considered as the same text.

The political sample was collected in two runs: June – August 2014 (for the first round of the controversy) and in November – December 2017 (for the second round of the controversy). Media sample was also collected in two runs: in September 2015 – October 2016 (for the first round of the controversy), and in January 2017 (for the second round of the controversy). To keep the search process accurate, each search query was coded by five variables: date of search, website, language, keyword, and time frame. Appendix D shows the number of search queries proceeded for each keyword and each website. Each keyword was searched at least twice (via Google and Yandex), and at maximum with 8 queries (two languages, two time frames, two search engines). Full search through one website for one period of the controversy required to proceed 75 queries. Altogether, 3675 search queries were proceeded manually to collect the political sample and 976 search queries were proceeded to collect the media sample. *Identification of relevant texts.* The procedure of identification of the relevant texts was the following. First, I looked for each keyword on the part of the website which is visible on the search list returned by the search engine and includes the title of the article and several lines of text in which the keyword appears on the website (Figure 1-2). I considered only the first 500 search results (50 pages of search engine results) for each search query. On these stage articles that were irrelevant to rights and discrimination related to sexual orientation and gender identity were excluded from the sample. In case the title and accompanying phrases allowed to suggest that the text might contain references to sexual rights related to SOGI in Ukraine, I followed the link to the website page. Then, I searched the keyword on the page with the search function (Ctrl+f) to be certain that the keyword is found in the text of the article, not in the comments, hyperlinks, image titles, or tables. An article was defined as a self-contained text if it was longer than five lines with a headline.

Figure 1. Results obtained from the Google search engine

The screenshot shows a Google search results page. The search query is "2342 site:love-contra.org/" with the word "keyword" written below it in red. A red circle highlights the search term "2342". Below the search bar are navigation links: Поиск, Новости, Карты, Картинки, Видео, Ещё ▾, and Инструменты поиска. Underneath these are filters: time frame (На всех языках ▾, 1 февр. 2013 г. – 31 мая 2014 г. ▾), По релевантности ▾, and Все результаты ▾. A red box highlights the first search result, which is a news article from love-contra.org. The headline is "Щодо рішення Окружного адміністративного суду м ... - ЛПГ". The snippet below the headline includes the URL "love-contra.org/index.php/docs/issue/1186/", a link to "Перевести эту страницу", the date "29 мая 2013 г. - Києва по Законопроекту №2342 /04.07.2013/. 29 травня 2013 року", and a brief description of the court's decision. To the left of the highlighted result, a red annotation reads: "First step of the relevance check: headline and phrase which contain the keyword".

Figure 2. Results obtained from the Yandex search engine

The screenshot shows a Yandex search results page. The search query is "2342" with the word "keyword" written below it in red. A red circle highlights the search term "2342". Below the search bar are search parameters: Пошук (U Київі), Яндекс (rodkom.org), .ua, Точно як у запиті; Зображення (Російська, Українська, Ще ▾); Відео (За добу, За 2 тижні, За місяць, 01.02.2013 – 31.05.2014); and Карти. A red box highlights the first search result, which is a news article from vg.rodkom.org. The headline is "Петиція проти законопроекту № 2342 » Православний...". The snippet below the headline includes the URL "vg.rodkom.org > 1822.html", a link to "Зразок заяв, щодо відкликання законопроекту №2342. Президенту україни. Януковичу В.Ф.", and the date "5 червня". To the left of the highlighted result, a red annotation reads: "Market Headline and phrase with the keyword".

For the political sample, those articles that contained at least one reference to legal initiatives affecting sexual orientation and gender identity and were published during 1 February 2013 – 31 May 2014, and 23 October 2015 – 25 November 2015 were selected. These included direct and indirect references to anti-discrimination bills covering SOGI (2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2) and general references to legal

protection on the grounds of SOGI (e.g. “anti-discrimination legislation protecting homosexual minority”).

Articles published during the study period that contained references to sexual and gender rights related to SOGI were selected for the sample of online media discourse. References to sexual and gender rights related to SOGI included references to rights for equal payment, child adoption, marriage/civil partnership, gender reassignment, legal recognition of gender, public gatherings and other rights when they are discussed in relation to SOGI in Ukrainian context; laws and policies which address SOGI in Ukraine; public gatherings held for or against sexual rights laws and policies related to SOGI (Kyiv Pride, anti-gay protest actions, etc.) in Ukraine; and social attitudes to gay, lesbian, bisexual, and transgender (LGBT) people in Ukraine (represented as results of social surveys, references to public opinion about LGBT, etc.). Expressions of personal attitudes to LGBT people were NOT selected for the analysis, except cases when they were provided as examples of the general social climate. Then, a sub-sample was formed from media texts that contained references to introduction of legal prohibition of discrimination on the grounds of SOGI in Ukraine. These included references to bills 2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2 and unspecified references to the legal prohibition of discrimination on the grounds of SOGI.

Selected political and media texts were stored as separate documents in the .rtf file format. Each file name was structured in a standardized way. The first three digits were the code of the political actor or media, followed by the date of the article in yyyy-mm-dd format. For example, SEG2013-05-26 stands for the article found at *Segodnya.ua*, which was published on May 26, 2013. In case there were several texts published on the same date, each new stored text received an additional number in brackets. For example: SEG2013-05-26 (1) and SEG2013-05-26 (2). In case the same document was published twice in different sections of the same media, it was stored and coded only once. The file name is used as a text ID in the “Results” chapter of the thesis when quotes from political actors and media professionals are provided.

Altogether, 396 articles with references to the anti-discrimination controversy were collected from political actors’ websites, and 460 articles were collected from the online news media. An additional sample of online news media texts that contained references to other SOGI-related sexual and gender rights issues in Ukraine included 255 articles.

3.7. Qualitative analysis

Textual analysis based on the DT framework usually utilizes primary concepts of DT (subject position, articulation, nodal point) as categories for analysis. However, there are recent methodological suggestions to use concepts rearticulated from other methodologies in development of categories for qualitative and quantitative analysis (Carpentier, 2007; Marttila, 2015). Among them, the methodology of post-foundational analysis suggested by Thomas Marttila provides the most comprehensive instruction.

Marttila used primary concepts of DT, – subjects, articulation, nodal points, – as coding themes and supplemented them with categories adopted largely from Greimas's narrative analysis. This resulted in a system of three theoretical codes that indicate three core groups of elements according to their relations with other elements: subject roles, activities associated with subject roles, and nodal points. Subject positions include five categories: protagonists ("champions and protectors of the paramount ethical ideals"), opponents ("subjects that endanger or obstruct the attainment of the ideal social order"), helpers ("subjects designated a supportive role vis-à-vis the attainment and maintenance of the ethical values"), destinators ("the assumed originators or instigators of actions"), and receivers ("individual or collective subject on behalf of whom social subjects conduct actions and interactions"). Activities also include five categories: actions ("activities associated with subject roles and institutions"), interactions ("interactions and processes that interlink the activities undertaken by social subjects and institutions"), objects ("objects social subjects and institutions act upon and which they manipulate during their actions"), resources ("resources that support social subjects and institutions to accomplish their actions"), and strategies ("strategies and means that social subjects and institutions utilize for the sake of achieving certain effects and outcomes") (Marttila, 2015, p.133). Nodal points include two categories of "ethical ideas" and "antagonistic others". These two categories stand for positively and negatively charged identities of the elements: "paramount values and ideas embodied by nodal points" and "opponents and threats that endanger the attainment or sustainment of ethical ideas" respectively. As an operational definition of nodal points, Marttila uses definition suggested by other methodologists of post-foundational discourse analysis Cederström and Spicer: "key words constantly referred to and used as supreme justifications" (Cederström & Spicer, 2013, p. 195).

The main shortcoming of the methodological procedure developed by Marttila is a lack of guidance on the application of theoretical codes to textual analysis. Theoretical codes are developed in a way they could be used in the analysis of all kinds of utterances that are combined in articulatory practice: textual, visual, audio, material. Therefore, I supplemented theoretical codes suggested by Marttila with more formal operational definitions for textual analysis incorporated from the methodology of political claim analysis that was developed specifically for the analysis of political controversies in the media (Haunss & Kohlmorgen, 2008, 2009; Koopmans & Statham, 1999).

Although political claims analysis is a quantitative methodology, its categories are similar to that of post-foundational discourse analysis. It also shares many ontological assumptions with DT, which allows using its concepts in the post-foundational methodological procedure. First, as well as DT, political claims analysis share the assumption about the relational character of political discourse: elements in discourse are categorized according to their relations with other elements. Second, the notion of the claim-making process in political claims analysis reveals many similarities with the process of articulation in DT. The concept of political claim addresses any actions aimed at (re)articulation of hegemony, which includes not only textual utterances, but also material actions exercised in the public space and institutional procedures. The main aim of political claims analysis to identify “coalitions, alliances and networks, and the conflict lines, that connect and relate different types of collective actors in a ‘multi-organizational field’” (Koopmans & Statham, 1999, p. 6) is equivalent to explanation of political logics in DT-based studies. Therefore, I suggest that operational definitions of political claims analysis might be used for qualitative analysis without positivist implications of quantitative methodological approach.

Operational definitions in political claim analysis are based on the notion of claim, “a unit of strategic action in the public sphere” which “consists of the expression of a political opinion by some form of physical or verbal action” (Koopmans, 2002, p. 2). Grammatically claim takes form of a “subject-action-addressee-action-object-justification clause” (Koopmans, 2002, p. 3). The claim is divided into four main variables: actors, political action, frames, and aims.

Actors in political claims analysis are operationalized as parts of the clause which answer the questions “who makes the claim?” (subject actor), “who is criticized by subject

actor?” (opponent), “who is supported by the subject actor” (supporter) “at whom the claim is directed?” (addressee), and “for/against whom the claim is realized?” (object actor). Five categories of actors largely coincide with categories for the analysis of subject positions suggested by Marttila. “Subject actors” correspond with “protagonists”, “supporters” with “helpers”, and “opponents” occur in both systems of categories. “Object actor” overlaps with “receiver” in post-foundational discourse analysis in cases of positive relation between a subject actor and an object actor, e.g. “Bill 2342 should be adopted to protect Ukrainian people from discrimination”, “Ukrainian people” is a “receiver” in terms of post-foundational discourse analysis and “object actor” in terms of political claims analysis. However, in the case of negative relations between a subject actor and an object actor these categories do not overlap. For example, in the claim “Bill 2342 should be rejected in order not to provide homosexuals with opportunities to discriminate heterosexuals”, “homosexuals” is an “object actor”, while heterosexual people occupy position of a “receiver”. The only actor variable in Marttila’s list that has no equivalent in political claims analysis is destinators (“the assumed originators or instigators of actions”).

Activities in post-foundational analysis correspond with only one category of actions in political claims analysis. An operational definition of actions is a part of the clause which answers the question “how the claim is inserted in the public sphere?”. An empirical application of this code demonstrates its difference from the Marttila’s theoretical code of the same name. While the theoretical code of actions in Marttila’s classification is limited to verbs, codes for the forms of actions in political claim-making are often nominal. In terms of post-foundational discourse analysis, they combine actions with objects and resources used. For example, code for direct-democratic action “collecting signatures for referendum” (Haunss & Kohlmorgen, 2008) includes element “collecting”, which represents action, and elements “signatures” and “referendum” which together represent an object of this action. Other codes include only objects and resources. For example, a code of executive action “financial and other material support” includes only resource element, the action “providing” is suppressed. Thus, actions variable in political claims analysis merges three theoretical codes of post-foundational analysis. This reduction might be justified with a fixed repertoire of political actions available in each social context in a relatively stable political situation. Subsequently, there is no need to reconstruct detailed patterns of articulation among actions, objects, and resources anew for each given case.

Absence of codes in political claims analysis correspondent to interactions and strategies theoretical codes was predictable, since these codes are not applicable to the claim level, they require analysis of several claims.

Justifications of political actions are conceptualized as frames in political claims analysis. An operational definition of this variable is part of the clause which provides answer to the question “why should (not) some sort of action suggested in the claim be undertaken?”. The concept of frame in political claims analysis is used to explain the establishment of hegemonic relations in discursive practices. Frames are understood as instruments of domination in the public sphere. Frames category in political claims analysis has a broader scope than nodal points in post-foundational analysis: it includes not only “supreme justifications”, but all elements that function as justifications in a clause. However, identification of frames might be the first step towards identification of nodal points that should be followed by the analysis of relations of equivalence and difference among justifications.

Aims in political claims analysis are those policy fields and issues that subject actors aim to affect with their claims. For example, in the controversy over intellectual property rights in Europe examined by Haunss and Kohlmorgen (2008) seven political aims were defined, including two bills concerning intellectual property, intellectual property rights in general, and three related issues of patent law, crime, and European integration. In terms of DT, aims correspond with floating signifiers that are articulated differently in competing discourses. The category of aims is particularly useful for analysis of policy debates as it allows us to focus on the analysis of those articulations that are specifically aimed at law and policy change.

Table 3 provides a summary of themes and codes that were used in the qualitative analysis of political and media texts. I used actors, activities, nodal points, and floating signifiers as themes for qualitative coding and supported them with categories adopted from political claims analysis and post-foundational discourse analysis. I developed detailed lists of codes for each theme. Codes were developed partly deductively, relying on the analysis of the context of the anti-discrimination controversy, partly inductively (when new actors, actions, and frames were identified they were labeled using either original wording of sources, or close to the original wording).

Table 3. Codes of qualitative analysis of political and media texts

Theme	Category	Code	Subcodes
Actor	Subject actor (Actors who undertake some sort of action in the public sphere (Koopmans, 2002, p. 2)	Subject actor	<ul style="list-style-type: none"> • Government (general) • President • Prime Minister • Ministry of Foreign Affairs • Ministry of Justice • Party of Regions • Communist party • UDAR • BYuT • Freedom • BPP (Petro Poroshenko Bloc) • NF (People's Front) • Opposition Bloc • Self Reliance • Fatherland • Revival • Radical Party of Oleh Liashko • People's Will • Parliament deputies without party affiliation • Parliamentary Committee on Human Rights • Parliamentary Committee on European Integration • Parliament Commissioner for Human Rights • the Ukrainian Orthodox Church of the Kyiv Patriarchate • the Ukrainian Orthodox Church of the Moscow Patriarchate • the Ukrainian Greek Catholic church • the All-Ukrainian Council of Churches • Other religious organizations • LPG • Parent Committee • Ukrainian Choice • People's Council • Other anti-LGBT organizations • The Coalition For
	Supporter (Actors who support the action exercised by subject actor (Koopmans, 2002, p. 2)	Supporter	
	Opponent (Actors who oppose the action exercised by subject actor (Koopmans, 2002, p. 2)	Opponent	
	Object actor (Actors whose interests will be affected by the action of subject actor or addressee (Koopmans, 2002, p. 2)	Object actor	
	Destinator ("The assumed originators or instigators of actions" (Marttila, 2015, p. 34)	Destinator	
	Addressee (Actors on which the action of the subject actors is directed (Koopmans, 2002, p. 2)	Addressee	

			<p>Combating Discrimination</p> <ul style="list-style-type: none"> • Amnesty International • Gay Alliance • Fulcrum • Other LGBT and human rights organizations • Journalists • Experts, researchers, scientists • pro-European campaign organizations and groups • LGBT community • Ukrainian actors: other • EU, European Commission • governments of the EU countries • Russian government • International actors: other
Activities	Activities ("Form of the claim (how is the claim inserted in the public sphere)" (Koopmans, 2002, p. 2)	Activity	<ul style="list-style-type: none"> • legislation (proposal) • parliamentary vote • parliamentary session/debate • parliament round table • meeting • court ruling • lawsuit • petition/signature collection • letter campaign • interview • conference/round table • street protest
Nodal points	Nodal points ("Paramount values and ideas" (Marttila, 2015, p. 34). "Key words constantly referred to and used as supreme justifications" (Cederström & Spicer, 2013, p. 195))	Values Rights Integration/ Accession	<p>Frames</p> <p>("Justification of the claim, part of the clause which provides an answer to the question "why should (not) some sort of action suggested in the claim be undertaken?" (Koopmans, 2002, p. 2))</p> <ul style="list-style-type: none"> • civil society, active citizenship • collectivism • Customs Union • democracy • demography • dictatorship/totalitarianism • discrimination of heterosexuals • discrimination of LGBT

			<ul style="list-style-type: none"> • people • diversity • economic growth • association with the EU • European legal norms/standards • European values • family and children • family values • freedom of religion • freedom of speech • human rights • individualism • liberalism • national mentality • minority rights • modern norms/values • moral values • national values • propaganda of homosexuality • public health • public morals • public opinion • religious values • right for privacy • state sovereignty • tolerance • traditional values • visa liberalization • will of people
Floating signifiers	Aims (The substantive issue of the claim (WHAT is the claim about?) (Koopmans, 2002, p. 2))	Aims	<ul style="list-style-type: none"> • Bill 2342; • alternatives to Bill 2342 (Bills 2342-1, 2427, 4581); • Bill 3442 • alternatives to Bill 3442 (Bills 3442-1, 3442-2); • sexual and gender rights related to SOGI (general)

The analysis was conducted in three stages. In the first stage, I identified claims aimed at five issues selected for the analysis (Bill 2342; alternatives to Bill 2342 (Bills 2342-1, 2427, 4581); Bill 3442; alternatives to Bill 3442 (Bills 3442-1, 3442-2); sexual and gender rights related to SOGI (general)) in texts collected from political and media websites. Only those claims that were introduced by the selected political actors were coded. Quotes of actors reported by other actors and indirect representations of

claims in the media were not coded, such representations of the political claims could have distorted the original argument. Parts of media and political texts that did not contain direct claims on the anti-discrimination reform were considered as a context to interpret claims. Within each claim, actors, actions, and frames were coded. Coding was realized with the use of NVivo software for qualitative text analysis. In the second stage of analysis, discourse coalitions were identified. First, I considered the common denominators among frames that political actors used to justify their position on the prohibition of discrimination on the grounds of SOGI. These were interpreted as nodal points of the controversy. Three nodal points were identified: values, rights, integration/accession. Second, I considered relations of equivalence and difference among aims and frames (justifications) to identify patterns of argumentation that were different actors used to relate the anti-discrimination reform to the three nodal points of the controversy. These typical patterns of argumentation constituted storylines. A group of actors who used a common set of storylines that related the anti-discrimination reform to a common set of nodal points were identified as a discourse coalition. Three discourse coalitions were identified that shared a relatively stable set of storylines on sexual and gender equality: the pro-EU liberal coalition, the pro-EU conservative coalition, and the pro-Russian conservative coalition. At the third stage of analysis, I considered changes in each discourse coalition during the study period (in terms of actors participating in the coalition, activities, and storylines used).

3.8. Quantitative analysis

As I have already mentioned in this chapter, quantitative content analysis was used to measure salience of the anti-discrimination controversy in media coverage and compare the distribution of access to media platforms among contesting discourse coalitions. Quantitative content analysis procedure included defining units of analysis, development categories and coding instruction, coding. In the development of the quantitative content analysis procedure, I considered methodological guidelines suggested by Krippendorff (2004) and a practical guide on content analysis developed by the U.S. Government Accountability Office (1996).

Two units of quantitative content analysis were defined: article and quote. An *article* was defined as a self-contained text that included a headline and at least three full

sentences. A *quote* was defined as a fragment that was separated from the rest of the article by the quotation marks.

All the articles that contained direct and indirect references to the anti-discrimination reform (bills 2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2 and unspecified references to the legal prohibition of discrimination on the grounds of SOGI) were selected for quantitative analysis, except those published in the blogs section. The reason for this was that blog sections of the Ukrainian online news websites are quite independent from the rest of the website and do not represent the host media contribution to the political struggles. Anyone may request permission to administrate a blog at the platform. Editorial boards usually provide such permission to those who have a certain level of public visibility. Besides this initial filtering, editors rarely control the blog's content. Therefore, it is impossible to tell whether presence or absence of a particular collective actor in the blogs section of the media is determined by the editorial policy or by (a lack of) initiative from the side of the actor to publish a blog in this particular media. For example, the presence of conservative *PR* deputy Vadym Kolesnichenko and absence of LGBT rights activists among blog authors at *Ukrainska Pravda* is likely to demonstrate the greater effort of the former to increase his media presence, rather than a result of restrictive editorial policy towards LGBT activists in this media.

Quotes that contained direct and indirect references to the anti-discrimination reform (bills 2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2 and unspecified references to the legal prohibition of discrimination on the grounds of SOGI) were selected for quantitative analysis. Mottoes used during the public protests were coded as quotes. Reported speech with no quotation marks was not coded as quotes. Cases when the claim on the anti-discrimination reform made by the speaker was represented partly as a quote and partly as a reported speech were considered as quotes even if the reference for the anti-discrimination reform was provided in the reported speech. The reason for this was that such quotes often contained justifications for sexual and gender rights, and thus contributed to the public presence of the coalition storylines. For example, in the following fragment, there are no direct or indirect references to sexual and gender rights within the quotation marks; however, the reported part of the source's claim contains indirect reference to the anti-discrimination reform "laws necessary for the introduction of the visa-free regime", which is later supported by the direct reference to sexual and gender rights

“amendment to the Labor Code bill on prohibition of discrimination on the grounds of sexual orientation”.

“Auštrevičius was present at the parliament during the failed vote on “visa-free laws”. According to him, the discussion and voting on laws necessary for the introduction of visa-free regime ‘became a tangible disappointment’. ‘The introduction of a visa-free regime with the European Union is what ordinary Ukrainians are most interested in and what they look forward to’. During voting on the 5th of November, the parliament, in particular, did not pass a law regulating the creation of a National Agency for the detection, search and management of assets received from corruption and other crimes. In addition, Ukrainian MPs refused to accept amendments to the Labor Code bill on prohibition of discrimination on the grounds of sexual orientation” (OBZ2015-11-09 (7)).

Article-level coding included 17 variables: article ID, website, headline, language, web address, day/month/year of text release, genre, section, source, author affiliation, author name, topic of the article, topic of the most prominent reference to sexual rights related to SOGI, issue related to the anti-discrimination reform, and balance of opponents and proponents of the reform quoted in the article. Article-level variables topic of the article, topic of the most prominent reference to sexual rights related to SOGI, and issue related to the anti-discrimination reform were used to measure salience of the anti-discrimination controversy. In the operationalization of salience, I have relied on a relational definition of salience as the extent to which the issue stands out from its background (Kioussis, 2004). Salience was considered as a two-dimensional construct consisting of attention and prominence. Attention was operationalized as a number of publications. Prominence was operationalized as relative prominence of the issue among other issues SOGI-related rights issues in the text. This allowed estimating salience of the anti-discrimination reform across the five selected media with greater accuracy than a simple comparison of the number of publications. Article-level variables author affiliation, author name, balance of opponents and proponents of the reform quoted in the article and quote-level variables were used to examine the distribution of access to media platform among contesting discourse coalitions.

Quote-level coding included 8 variables: article ID, quote ID, quote emphasis within the article, source affiliation, source name, reference to the anti-discrimination reform, wording of the reference, and position of source on introduction of legal prohibition of discrimination on the grounds of SOGI.

In the development of coding categories and instructions, I partly relied on codebooks used in EUROPUB study, an international research project conducted by a group of researchers, including authors of political claims analysis methodology Koopmans and Zimmermann. The project examined the transformation of political mobilization and communication in European public spheres through analysis of political debates and mobilization across six policy domains and in relation to the European integration process in general. Codebooks used in the project are available in public domain (<http://europub.wzb.eu>) and are allowed to be used by other researchers provided that they make appropriate reference to the original source (Koopmans, 2002, p. 1). Some of the coding categories used in the present study were adopted from EUROPUB codebooks for analysis of newspapers, editorials, and websites (S. Adam et al., 2002; Koopmans, 2002; Koopmans & Zimmermann, 2002). Coding categories incorporated from the EUROPUB study were modified according to my preliminary knowledge about aims actors in the anti-discrimination legislation controversy and alter extended inductively with the new categories that were added to the coding lists each time a new actor or topic appeared. All coding categories and instructions are provided in Appendix E. Quantitative coding and statistical analysis of results were realized in SPSS software for statistical analysis.

3.9. Limitations

As any other articulation practice, academic research is a political practice as it either reproduces existing hegemonic articulations or challenges them. In this study, my political position that sexual and gender equality is a normative component of democracy might have made me more sensitive to those opportunities and alternatives that would challenge heteronormative and cisnormative hegemony on sexual and gender rights, and less sensitive to inconsistencies in the discourse of supporters of sexual and gender equality. Besides, articulation of the categories of analysis also had political implications. For example, elements “liberal” and “conservative”, which were used as labels of rival discourse coalitions on sexual and gender rights, are objects of continuous political struggles for the dominant definition of liberalism and conservatism in Ukraine and worldwide. Subsequently, providing these words with fixed meanings of support and opposition of sexual and gender equality inevitably contributes to these struggles as a

hegemonic claim to define what should be considered liberalism and what should be considered conservatism. Some of the actors who belong to the coalition that I labeled conservative represent themselves as liberals in the Ukrainian public space and they would have probably disagreed with such a label.

Although political dimension of academic research is unavoidable, each methodological approach has developed its own procedures to ensure that results of academic inquiry should not be limited to “particular perspectives, value commitments, community bias or personal interests” (Reiss & Sprenger, 2017) and could be used by people from different backgrounds and for different political purposes. I have followed several rules to ensure the quality of this research. These included:

- Avoiding ethical judgment of the political claims and practices of the actors under study. Exploring consequences of the existing articulations, identifying their inner contradictions, and opening perspective for alternatives (Fairclough, 1989, p. 8) instead;
- Providing sufficient empirical evidence for knowledge claims (Madill et al., 2000). Each conclusion in the empirical part of the study is supported by examples from the data that allow the reader to make their own judgments about the accuracy of interpretation;
- Reflection on the political consequences of own articulation practice and selecting those methodological, analytical, and writing alternatives that would extend the number of subjects who could potentially benefit from the study, rather than those that would limit it;
- Drawing the attention of the reader to the political dimension of one’s study, which I did in this section.

Besides limitations related to the political dimension of language, this research also has several limitations imposed by the procedures of collection and coding of the text corpus.

Limited number of political actors selected for the analysis of political discourse. Analysis of the media coverage demonstrated active engagement of foreign actors in the Ukrainian anti-discrimination controversy. The most prominent foreign actors were the European Commission, European Parliament, governments of the EU-member states, international LGBT organizations. However, the analysis of political discourse in this study

was limited to the Ukrainian domestic actors. The rationale behind this choice was that analysis of discourse of the international actors requires an in-depth analysis of foreign institutional and social context within which this discourse is produced, which was not possible within the time frame of the present study and available resources. Analysis of the EU discourse on sexual and gender rights in Ukraine and in CEE is a fruitful direction for further research.

Among domestic actors, all political and social groups that obtained substantial presence in the online media coverage of the anti-discrimination controversy were selected as data sources for political discourse. Within these groups, not all specific organizations were included. Analysis of media quotes revealed four LGBT and human rights organizations and nearly ten religious right and pro-Russian organizations³¹ that were not included in the political sample of this study. These organizations did not gain much public platform, they were quoted from one to three times each. Moreover, their claims in the media did not introduce any storylines that were not identified in the analysis of the selected political websites. This allows suggesting that examination of websites of these political actors would not have added any valuable findings to the present study.

Ukrainian nationalistic movements were not included in the political discourse sample, as they had limited engagement in the public controversies over LGBT rights during the study period. Neither political websites of the selected actors nor the online news media registered any public activities of the Ukrainian nationalist grassroots movement in the anti-discrimination controversy. However, after Euromaidan, the Ukrainian far-right became the most prominent anti-LGBT groups of interest in the public space, because of numerous violent attacks on LGBT-related events that they performed. Examination of the Ukrainian far-right organizations discourse is important for understanding sexual and gender rights change in Ukraine and is another fruitful direction for further research.

Quotes of political actors from online news media that were used in analysis of political discourse might have been distorted, because of inaccurate media reporting. Comparison of media representation of political discourse with direct political communication in political websites allows to suggest that Ukrainian media reported

³¹ It is hard to identify the exact number, as media sometimes credited these organizations as youth or sports organizations.

political claims quite accurately. Claims of political actors quoted in the media were coherent and did not reveal remarkable differences from political discourse on official websites of political actors. Two actors who were important players in the decision-making process on the anti-discrimination reform, – the Parliament Commissioner on Human Rights, and *BYuT* parliamentary faction, – did not publish many (or even any) references to the anti-discrimination controversy on their websites, so it was impossible to check accuracy of media reporting of their claims. However, it is unlikely that media distorted discourse of these actors while reporting other political actors accurately.

Limited examination of the political metanarratives related to sexual and gender rights. As it is demonstrated in the results of the study, sexual and gender rights in Ukrainian political and media discourses were related to metanarratives on democracy, national identity, and foreign policy. Coverage of the anti-discrimination controversy on the political websites and in the online news media allowed only a limited description of these metanarratives. For example, an actor might have justified the adoption of the anti-discrimination reform with European integration, but provided economic and political justifications of European integration in texts in which the anti-discrimination reform was not mentioned. Subsequently, justifications of European integration that were part of the corresponding metanarrative in discourse of these actors would be missing in the present analysis based exclusively on the coverage of the anti-discrimination reform. This limitation had a two-sided effect on the results of the study. On the one hand, it benefited the study, as it allowed to focus on how sexual and gender rights were linked to democracy, national identity, and foreign policy. On the other hand, it might have distorted representation of the political metanarratives. To avoid such a distortion, I additionally examined claims on democracy, national identity, and foreign policy at the political websites and online news media when facing ambiguities in the analyzed sample. Systematic exploration of political metanarratives developed by the professional politicians and groups of interest involved in the struggle on sexual and gender rights in Ukraine is a fruitful direction for further research.

The most popular online news media were selected according to audience reach only during the first round of the anti-discrimination controversy; it is possible that during the second round of the controversy they have decreased in audience reach and were no longer the most popular media. Results of the *Gemius Audience* study, relying on which

most popular media were selected, are no longer available in the public domain since 2015. There is a possibility that other online news media entered the top five in 2015, given that after Euromaidan many new online media outlets appeared, some of which gained rapid popularity (*vesti.ua*, *espresso.TV*, *112.ua*). However, limited reports on online media audience at the beginning of 2015 available in public domain (Gemius, 2015; Ukrainian Internet Association, 2015) demonstrate that five media selected for the analysis maintained high audience reach during the second round of the anti-discrimination controversy. *Ukrainska Pravda*, *Obozrevatel*, *Liga*, and *Segodnya* also appeared among top-15 internet media in the Internews Media Audience Survey in 2015 (Internews, 2016). *TSN* was not mentioned among the most popular websites, but the website of TV channel *I+I*, which hosts *TSN* newscast occupied the second position in Internews rating. Therefore, the five selected online news media preserved their influence in the public sphere even if their popularity decreased. Also, analysis of the same media during the first and the second round of the controversy enabled direct comparison of patterns of representation, which would have been impossible if different media were analyzed during the first and the second round.

Measurement of political actors' access to the public platform by number of quotes published by online news media is less accurate than measurement by amount of space provided to them. Actors quoted with the same frequency, might have been provided with the unequal length of quotes. However, most texts in media corpus were news in which sources provided only brief comments. Only 13 interviews were published, which is less than 3% of media corpus on the anti-discrimination reform. In these interviews, the anti-discrimination reform never was the main topic, they only included short references to the issue. Subsequently, the proportion of access to media platforms among actors was unlikely to be substantially different if measured by the amount of space provided to different actors, but would have required a greater amount of time for measurement.

Quantitative coding of authors and sources according to their institutional affiliation, not according to affiliation with a discourse coalition enabled only approximate estimation of the coalitions' access to the online media platforms. While media presence of the liberal pro-EU discourse coalition was estimated more accurately, the conservative pro-EU and pro-Russian coalitions were mixed in one category of opponents in the quantitative examination of media coverage. Differentiating the pro-EU and pro-Russian conservatives

relying only on information in a media text was often impossible, because members of the pro-Russian conservative coalition rarely expressed explicit support for accession to the Customs Union or closer relations with Russia when discussing the anti-discrimination reform. Coding of coalition affiliation based exclusively on institutional affiliation was also not possible, because some of the collective political actors were divided on the issue of sexual and gender rights, and some changed discourse coalition during the controversy. Subsequently, I provided quantitative results on access to the online media platforms among opponents and proponents of the reform with different institutional affiliation and made further implications about media presence of the pro-EU and pro-Russian conservatives among the opponents relying on the previous analysis of the context, changes in the composition of coalitions, and qualitative analysis of quotes.

**IV. SOCIAL AND POLITICAL CONTEXTS OF THE ANTI-DISCRIMINATION
CONTROVERSY**

The chapter provides an overview of social and political contexts that informed the anti-discrimination controversy in Ukraine in 2013 – 2015. As it was already explained in the theoretical chapter, social and political contexts constitute the conditions of existence for articulation practices of political subjects. In this chapter, I focused on several social and political determinants that proved to affect outcomes of the SOGI-related policy debates in the post-Soviet countries, identified in the literature review chapter, as well as their changes during the study period. These include prior legislation related to SOGI, forms and scope of Europeanization in the field of sexual and gender rights related to SOGI, levels of support for European integration among political actors and wide public, social attitudes to LGBT people, established political and media discourses on SOGI-related issues.

It is shown that despite high levels of homonegativity and discrimination of LGBT people, legal protection of sexual and gender minorities in Ukraine remained virtually non-existent until 2013. Several explicit provisions on sexual orientation had a very limited scope of application and were introduced under the influence of international organizations (the Council of Europe or the EU member states). Moreover, Ukrainian political elites initiated several bills against “propaganda of homosexualism” aimed at further restriction of rights of sexual and gender minorities for free speech and public expression.

Since 2013, introduction of legal protection from discrimination on the grounds of SOGI in Ukraine has been driven by the Association Agreement and Visa Liberalization Agreement between Ukraine and the EU. Both agreements implied that Ukraine should adopt the basic EU equal rights standard that includes the prohibition of sexual orientation discrimination in labor. Adoption of the EU legal standards tended to be slow and formal in Ukraine, and the anti-discrimination reform provided no exception. During the first round of the anti-discrimination controversy, which started with the introduction of Bill 2342 at the beginning of 2013, pro-Russian political actors, nationalistic party *Freedom*, churches, and the religious right successfully resisted inclusion of sexual orientation into the list of the protected grounds in the Labor Code.

After the Euromaidan revolution, which put an end to the authoritarian governance of former President Victor Yanukovych and the *Party of Regions*, liberal pro-European actors became dominant in the government and parliament. Pro-Russian political actors either fled Ukraine or lost public support as a result of Russian military aggression against

Ukraine. As European integration was widely supported in Ukrainian society and many sexual rights opponents were excluded from the mainstream politics because of their pro-Russian position, the anti-discrimination provision on sexual orientation was adopted a year after the Euromaidan revolution. However, it was preceded by another round of the public debate, which indicated the preserved tension between claimed support for EU integration and negative attitudes to sexual and gender equality among the Ukrainian political elites.

4.1. SOGI in Ukrainian anti-discrimination law

Since the beginning of the 2000-s, legal developments in the field of sexual and gender rights in Ukraine were driven predominantly by European influence. The right to non-discrimination on the grounds of SOGI was not an exception. At the beginning of 2013, there were three substantially limited anti-discrimination provisions related to sexual orientation in Ukrainian law, all of which were introduced as part of international agreements (Khodakivskyi, 2014; Sheremet, 2013). The first legal reference to sexual orientation appeared in the Agreement between Ukraine and Spain “On the regulation and organization of labor force migratory flows between both States” that came into force in 2011. The agreement prohibited discrimination of Spanish citizens working in Ukraine, particularly on the ground of sexual orientation. In 2012, Ukraine ratified the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME), which listed sexual orientation among other protected grounds in the provision against discrimination of victims effected by falsified and substandard drugs. Also, sexual orientation discrimination of victims of sexual exploitation and abuse was prohibited by the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, which was ratified by Ukraine in 2012.

Domestic attempts to establish legal protection of LGBT people from discrimination were limited to the Labor Code bill, introduced by then Prime Minister Viktor Yanukovych (Yanukovych & Cabinet of Ministers, 2003), which included an explicit prohibition of sexual orientation discrimination. Remarkably, the Code did not lead to any public controversy and was rejected due to the reasons irrelevant to the anti-discrimination provisions (Kulbashna, 2012).

In 2011 – 2013, not only Ukrainian political elites did not address the lack of SOGI legal protection, but also made several attempts to further restrict the rights of LGBT people. Members of all parliament factions participated in development of the three bills intended to outlaw the “propaganda of homosexuality” in Ukraine. These included bill 8711 (Proekt Zakonu pro Vnesennia Zmin Do Deiakykh Zakonodavchykh Aktiv (Shchodo Zakhystu Prav Ditei Na Bezpechnyi Informatsiinyi Prostir) [Bill on Amendments to Certain Legislative Acts (on Protection of Children’s Rights to a Secure Information Space], 2011), bill 10290 (Proekt Zakonu pro Zaboronu Spriamovanoj Na Ditei Propahandy Homoseksualizmu [Bill on the Prohibition of the Promotion of Homosexuality Aimed at Children], 2012), and bill 10729 (Proekt Zakonu pro vnesennia zmin do Kodeksu Ukrayny pro administrativni pravoporušennia (shchodo vstanovlennia vidpovidalnosti za propahandu homoseksualizmu) [Bill on Amendments to the Code of Ukraine on Administrative Offenses (regarding establishment of responsibility for the propaganda of homosexuality)], 2012). These three “anti-propaganda” bills outlawed public assemblies in support of sexual and gender rights, any references to homosexuality in educational institutions, and any positive references to homosexuality in the media as instances of “propaganda”. Bills 8711 and 10290 were aimed to restrict access to information about homosexuality among minors, while bill 10729 was designed to “protect” all citizens and also prohibited “propaganda of transgenderness”. Another anti-gay legal initiative, bill 2133 (Proekt Zakonu pro Vnesennia Zmin Do Deiakykh Zakonodavchykh Aktiv Ukrayny (Shchodo Nedopushchennia Usynovlennia Ukrainskykh Hromadian Osobamy, Yaki Perebuviut v Odnostatevykh Shliubakh) [Bill on Amendments to Certain Legislative Acts of Ukraine (Regarding Prevention of Adoption of Ukrainian Citizens by Persons Who Are in Same-Sex Marriages)], 2013) intended to prohibit adoption of Ukrainian children by foreigners in a same-sex partnership. These attempts to restrict rights of LGBT people were made at the time when a similar law prohibiting “propaganda of non-traditional sexual orientations among minors” (“For the Purpose of Protecting Children from Information Advocating for a Denial of the Traditional Family Values”) was introduced in Russia.

Ukrainian anti-LGBT bills were extensively criticized by the UN, the Council of Europe, the EU, and their individual member states, as well as by international and domestic human rights organizations (Khodakivskyi, 2014; United Nations Development

Programme, 2012; Zinchenkov & Kravchuk, 2013). Largely due to this criticism, Bill 8711, which was supported by the Ukrainian Parliament in the first reading in 2012, was not considered for the second reading. Bills 10290, 10729, and 2133 were never put to a vote.

Since 2011, Ukraine has been gradually incorporating the EU anti-discrimination norms into the national law to conclude the two important agreements with the EU: the Association Agreement (AA) and the Visa Liberalization Agreement (VLA). The Association and Visa Liberalization agreements were part of the general EU policy towards the Eastern Partnership (EaP) countries. During the previous decade, the EU offered similar agreements to all the Eastern Partnership (EaP) countries, except Belarus (Wolczuk, 2011)³².

As Dragneva-Lewers and Wolczuk (2015) point out, negotiations on the AA were initiated by Ukraine in order to sustain its leading position in relations with the EU among the EaP countries. The AA, which was aimed at political association and economic integration, should have replaced the existing Partnership and Cooperation Agreement between Ukraine and the EU, signed in 1994. Negotiations started in 2007, and by 2012 the draft of the AA was developed. According to the agreement, Ukraine should have conducted economic, judicial, and financial reforms to bring its laws and policies in accordance with those of the European Union.

The VLA should have established a visa-free regime for short-stay travel between Ukraine and the EU. Negotiations on VLA started in 2008. In 2010, Ukraine was provided with the Visa Liberalization Action Plan (VLAP) that included two phases. In the first phase, Ukraine should have adjusted its legal norms to the EU law in the four key areas: document security; immigration, public order and security; external relations; and fundamental rights. During the second phase, Ukraine should have demonstrated effective implementation of the laws and policies adopted during the first phase.

32 Since then, negotiations about agreements moved at a different speed in each country. Moldova and Georgia have signed the AAs and the VLAs similar to Ukrainian ones. Armenia and Azerbaijan concluded Visa Facilitation and Readmission Agreements with the EU and signed Mobility Partnerships. However, Armenia rejected the AA in favor of membership in the Eurasian Customs Union (European External Action Service, 2017). At the moment Belarus remains least affected by Europeanization among the EaP countries; however, it has also started negotiations on a Visa Facilitation and Readmission Agreement and Mobility Partnership (European Union External Action Service, 2016).

Unlike the preceding Partnership and Cooperation Agreement, which was a soft law instrument, the AA and the VLA were based on explicit conditionality. Both the AA and the VLAP between Ukraine and the EU included a requirement to implement the minimum EU standard of sexual orientation protection, set by the 2000/78/EC Directive on equal treatment in employment³³. The AA Annex XL to Chapter 21 “Cooperation on employment, social policy and equal opportunities” stated that the Directive 2000/78/EC on equal treatment should be implemented within four years of the entry into force of the Agreement (OJ, 2014, p. 1980). The VLAP introduced only a general requirement for comprehensive anti-discrimination legislation to protect human rights in exchange for the rewards of free travel and tariff liberalization (EU-Ukraine Visa Dialogue Action Plan on Visa Liberalisation, 2010). However, the progress reports by the EU monitoring bodies indicated prohibition of sexual orientation discrimination in labor as a benchmark for adoption of the EU acquis in human rights (European Commission, 2012, 2013; Nash Svit Center, 2013, pp. 23–27).

The anti-discrimination reform, as well as many other reforms required for the conclusion of the AA and the VLA, faced resistance from Ukrainian state officials. The government and parliament members did not consider discrimination to be an important issue. On the contrary, they continuously denied the existence of any discrimination in Ukraine and argued that protection from discrimination was already provided by the Ukrainian Constitution and laws on gender equality (The Law of Ukraine On Ensuring Equal Rights and Opportunities for Women and Men, 2006) and disability (The Law of Ukraine On the Basis of Social Protection of the Disabled People in Ukraine, 1991) (Fedorovych, 2016). Subsequently, protection from discrimination was addressed as a merely formal issue to meet the EU requirements, rather than an urgent need of Ukrainian society. Each step of the Ukrainian government towards adoption of the EU equality standards was aimed to introduce the smallest number of changes that was possible and was extended only after the EU monitoring bodies considered the improvement to be insufficient. First, Ukraine drafted a Strategy on combating discrimination, – a soft law mechanism aimed to substitute hard legal changes required by the AA and VLA. Then, in response to criticism from the side of the European Commission (2012), the government

33 See discussion of the Directive 2000/78/EC in section 2.3 “Equality and non-discrimination on the grounds of sexual orientation and gender identity in international and the EU law”.

introduced a framework anti-discrimination Law “On Principles of Prevention and Combating Discrimination in Ukraine” (The Law of Ukraine On Principles of Prevention and Combating Discrimination in Ukraine, 2012). The Law provided a number of necessary legal changes to ensure equal rights: it included an open-ended list of the explicitly protected grounds of discrimination, introduced definitions of different kinds of discrimination, defined right holders and duty-bearers in cases of discrimination, partly addressed remedies and sanctions, and encouraged positive action against discrimination. Its scope covered a wide range of social areas, including “public and political activities; the civil service and local government; justice; labor relations; healthcare; education; social security; housing relations; access to goods and services; and other areas of public life” (Equal Rights Trust, 2013). However, as Ukrainian human rights organizations admitted, the “superfast” adoption of the framework anti-discrimination law was made at the expense of its quality (Fedorovych, 2016; Nash Svit Center, 2013). The law contained several substantial gaps, which again were criticized by the EU monitoring bodies. Particularly, it lacked clearly defined remedies and sanctions for discrimination needed to apply the law in court effectively, contained limited provisions on the process by which victims of discrimination may access justice and a limited list of explicitly protected grounds, and failed to address multiple discrimination (Bakhareva, 2013; Coalition for Combating Discrimination in Ukraine, 2012; Equal Rights Trust, 2013; European Commission, 2013; Shchorichna Dopovid Upovnovazhenoho Verkhovnoi Rady Ukrayny z Prav Liudyny pro Stan Dotrymannia Prav i Svobod Liudyny i Hromadianyna [Annual Report of The Ukrainian Parliament Commissioner for Human Rights on State of Observance and Protection of the Rights and Freedoms of Person and Citizen in Ukraine], 2013). What is more important for the present study, the framework anti-discrimination law lacked the explicit prohibition of sexual orientation discrimination in labor.

Ukrainian government addressed criticism of the framework anti-discrimination law that failed to meet the VLAP requirements with Bill 2342 “On Amendments to Certain Legislative Acts of Ukraine Concerning Prevention and Combating Discrimination in Ukraine” (Azarov & Cabinet of Ministers, 2013) that prohibited sexual orientation discrimination in labor among other provisions. The introduction of this bill opened up the public controversy over sexual and gender rights in the parliament and in the media that is examined in the present study.

4.2. Europeanization in Ukraine

Effectiveness of Europeanization in the field of sexual and gender rights related to SOGI depended on the general context of Ukraine-EU relations and attitudes towards the EU among Ukrainian citizens and political elites.

Since Ukraine gained independence in the 1990-s, Ukrainian political elites predominantly supported European integration as a foreign policy priority (Dragneva-Lewers & Wolczuk, 2015; Orlova, 2017; White & Feklyunina, 2014). According to Dragneva-Lewers and Wolczuk (2015), integration with the EU was viewed predominantly as a way of socio-economic modernization in the absence of indigenous capacity for reforms in Ukraine and also functioned as a quasi ideology of the Ukrainian state.

Opposition to European integration was mostly expressed by marginal political actors, who did not have much influence on foreign policy. Opponents of European integration counter-posed Ukraine and Europe as societies fundamentally different in history, values, and norms, and emphasized “cultural closeness with Russia and Belarus as part of a common East Slavic or East Orthodox civilization” (White & Feklyunina, 2014, p. 140). At the level of foreign policy, it corresponded with support of the Russian-sponsored integration projects, such as the Customs Union. White and Feklyunina (2014) name this complex of assumptions in Ukrainian politics an “Alternative Europe” discourse. In mainstream politics, only the Communist party reproduced the “Alternative Europe” discourse. Other prominent political parties occasionally employed elements from this discourse to attract pro-Russian electorate, but in general tended to support European integration.

Pro-European actors considered Europe as a normative model for Ukraine both in terms of values (culture, political engagement, civil equality, democracy) and rules (best legal norms and institutional practices) (Orlova, 2017). Still, their views on Ukrainian foreign policy towards the EU varied. White and Feklyunina (2014) differentiate between strong supporters of European integration for Ukraine, who argued that Ukraine is a historical and cultural part of Europe that should become fully integrated into the EU, and moderate supporters, who emphasized certain differences between Ukraine and Europe and supported simultaneous development of strategic partnerships guided by pragmatic economic and geopolitical rationales both with the EU and Russia.

In fact, since Ukraine gained independence in 1991, the two pro-European positions, which White and Feklyunina label “Ukraine as Europe” and “Ukraine as Greater Europe” respectively, successively replaced one another among the Ukrainian government. The first Ukrainian President Leonid Kravchuk was a strong proponent of European integration. His successor Leonid Kuchma started his presidency with a pro-Russian position, but gradually shifted in favor of closer relations with the EU. The next president Viktor Yushchenko, who came into office after the Orange Revolution in 2004, promoted “Ukraine as Europe” discourse. His successor Viktor Yanukovych initially followed Kuchma’s trajectory from a pro-Russian candidate to an advocate of “Ukraine as Greater Europe” discourse, but later returned to the pro-Russian position that led to a massive wave of protests (see below).

Due to active engagement of the Ukrainian government in development of closer relations with the EU accompanied by continuous demands of the EU membership perspective, Ukraine became a front-runner of the European integration process in the region in the 2000s. The AA and VLA discussed earlier in this chapter were first tested in Ukraine before they were launched in other EaP countries (Wolczuk, 2011). However, a gap between the pro-EU declarations of Ukrainian politicians and practical implementation of the EU procedures and standards required for political and economic integration preserved because of several reasons. First, adoption of the EU standards in Ukraine depended on the economic interests of domestic oligarchs who had enormous influence on Ukrainian politics. Only those reforms that were in line with the oligarchs’ business interests were adopted, while others became stalled (Dimitrova & Dragneva, 2013; Dragneva-Lewers & Wolczuk, 2015). Second, Ukrainian political elites, as well as their counterparts in other EaP countries, tended to view agreements with the EU in geopolitical perspective (particularly relevant to issues of security and state-building), rather than as a way to promote domestic political and socio-economic reforms (as they was viewed within the EU) (Wolczuk, 2011). Integration with the EU provided the Ukrainian government with an instrument to balance its relations with Russia, which constantly tried to use Ukraine’s economical and political weaknesses to strengthen its influence in the country. Finally, proclamations of the “European choice” were often used by political actors instrumentally, – to undermine opponents’ claims, to gather more support before elections, – and did not

provide a constitutive part of their political programs (Orlova, 2017; White & Feklyunina, 2014).

At the beginning of the anti-discrimination controversy, the Ukrainian parliament and government predominantly supported European integration. As Zubko and Rovnyi argue, the difference between the pro-governmental and opposition actors was in that “the representatives of the pro-presidential majority cautiously stated the need for a balance between the Eastern and Western integration models”, while “leaders of the opposition parties confidently stated that they viewed integration with the EU as the main foreign policy priority for the country” (Zubko & Rovnyi, 2015, p. 135).

The *Party of Regions* (*PR*), which obtained the greatest number of seats on proportional basis³⁴ and formed the government in 2012, held “Ukraine as a Greater Europe” position. The party’s political program listed objectives of “gaining associate membership in the European Union, joining the free-trade area and removing visa barriers between Ukraine and the EU” (cited in Zubko & Rovnyi, 2015, p. 134). Still, *PR* members remained supporters of multi-vector integration and presented reasonable gravitation between the EU and Russia as the most feasible strategy of foreign policy (Orlova, 2017).

BYuT, the second largest faction in the parliament in 2012 – 2015, constituted an alliance of several political parties (*Reforms and Order Party*, *People’s Movement of Ukraine*, *Front of Changes*, *For Ukraine*, *People’s Self Defense*, *Civil Position*, and *Social Christian Party*), with *Fatherland* as the core member. While leader of *Fatherland* Yulia Tymoshenko was in prison since the end of 2011, convicted of embezzlement and abuse of power, the faction was led by Arsenii Yatseniuk (leader of the party *Front of Changes*). As White and Feklyunina point out, *BYuT*’s position on European integration was rather inconsistent. Although, at times of elections the party accentuated elements of “Ukraine as Europe” discourse, in general, its vision of Ukraine’s foreign policy was closer to the “Greater Europe” discourse (White & Feklyunina, 2014, p. 143).

UDAR and *Freedom* were relative newcomers to the mainstream Ukrainian politics at the beginning of the anti-discrimination controversy. Both parties participated in the parliamentary elections in 2012 for the first time. *UDAR*’s 2012 election program that

³⁴ Ukraine has a mixed electoral system. Half of the parliament members are elected in single-member constituencies and half are elected by proportional representation in a single nationwide constituency with a 5% threshold.

included objectives of “joining the European community” and “reaching European standards of living” allows to suggest that the party, as well as *BYuT*, mixed elements of “Ukraine as Europe” (membership perspective) and “Ukraine as Greater Europe” (underlining norms rather than values) discourses. Finally, *Freedom*, incorporated some elements of the “Ukraine as Europe” discourse (opposition to Russia, praising struggles for independence in Ukrainian history), but like all right-wing nationalist actors in Ukraine rejected the core element of this discourse, – acceptance of European identity and values (White & Feklyunina, 2014). Instead, *Freedom* claimed that Ukrainian identity should be built on “traditional” and “Christian values”. However, as a member of the opposition coalition formed together with *BYuT* and *UDAR*, *Freedom* supported further development of Ukraine-EU relations and the conclusion of the AA and VLA as a way to decrease Russian influence in Ukraine.

The only opponent of European integration among the parliamentary factions was the Communist party. It had the smallest number of seats in the parliament (7,1%) and formed the pro-governmental coalition together with the *Party of Regions*. Remarkably, even the Communist party previously supported multi-vector foreign policy and the perspective of the EU membership (Orlova, 2017; White & Feklyunina, 2014). Only with the eruption of the Eurozone crisis in 2009, the party leaders started to claim that “Europe does not have enough money for saving its own economies” and presented cooperation with Russia as the only way to further Ukrainian economic development (White & Feklyunina, 2014, p. 183).

The Ukrainian government’s position on European integration has changed during the anti-discrimination controversy. At the beginning of the anti-discrimination controversy, President Victor Yanukovych occupied “Ukraine as Greater Europe” position that implied a multi-vector foreign policy and emphasis on economic rather than normative benefits of the EU project (White & Feklyunina, 2014). Central and regional governments, dominated by the *PR*, fully supported the President, as in exchange for their loyalty the party members “were granted virtually unconstrained opportunities for corruption and enrichment” (Dragneva-Lewers & Wolczuk, 2015, p. 54). Particularly, head of the government Mykola Azarov remained one of the most loyal Yanukovych’s associates, who consistently reproduced the President’s position and rhetorics. As Zubko and Rovnyi (Zubko & Rovnyi, 2015, p. 133) argue, Yanukovych’s pro-European declarations became most pronounced in June 2013.

Political scholars explain the President's growing support for European integration in 2011 – 2012 with two reasons. First, European integration could have helped Yanukovych and the *Party of Regions* to win back public support that they have lost since 2010. Yanukovych's personal ratings dropped down from 47 to 26% after a year in the office and never restored, while the *PR* was also gradually losing citizens' support, which threatened the President's political survival during the next elections (Kudelia, 2014). This fall in public support is commonly associated with the growth of authoritarianism and unprecedented levels of corruption in the government. Fostering cooperation with the EU, Yanukovych probably expected to gain sympathies among the electorate of the pro-European Central and Western regions of Ukraine (Kudelia, 2014). Second, the EU integration provided Yanukovych with a ground against Russian influence. Previously, during his election campaigns, both in 2004 (which ended with the Orange Revolution and the victory of Viktor Yushchenko in the second round of elections) and in 2010, he (then the leader of the *PR*) positioned himself as a pro-Russian candidate. With such a platform he won the 2010 elections with 54% of votes mostly from Southern and Eastern regions of Ukraine, where support for Russian integration projects was rather high. However, during Yanukovych's presidency Russia was exercising increasing pressure on Ukraine through gas and trade tariffs, and the border issues in the Azov-Kerch area in order to gain more control over its economy. The “open-ended, comprehensive ‘deep’ economic integration” expected by the Russian government from Ukraine “included a progression from the Customs Union to a Single Economic Space, with plans for a Eurasian Union by 2015, involving wide-ranging scope for cooperation and strong federal-type features” (Dragneva-Lewers & Wolczuk, 2015, p. 70). Particularly, the Russian offer to merge Naftohaz and Gazprom in 2010 (which was rejected by Kyiv) would have “afford Russia de facto control over Ukraine’s gas production, transmission systems, internal gas trade and export, as well as nuclear power generation” (Dragneva-Lewers & Wolczuk, 2015, p. 65). Closer relations with the EU were the proven counterweight for Russian expansion that has been used by the Ukrainian government since the country gained independence.

However, just before the Vilnius Summit of the Eastern European Partnership in November 2013, during which the AA between the EU and Ukraine was planned to be signed, Yanukovych suddenly made a U-turn from European integration to closing ties with the Customs Union. Although the government tried to present rejection of the AA as a

“pause” in Ukraine-EU relationship, its rhetoric reflected that relations with Russia were now prioritized over relations with the EU: “the 21 November Resolution presented cooperation with Russia as a precondition for European integration. As a result, European integration was made explicitly dependent on and secondary to cooperation with Russia, in line with Putin’s vision” (Dragneva-Lewers & Wolczuk, 2015, p. 90).

Political scholars tend to explain the change from pro-European to pro-Russian orientation in Ukrainian foreign policy in November 2013 in line with the rational choice theory by the fact that perceived risks of the AA exceeded the benefits Yanukovych was expecting from it. The official explanation of the “suspension” of the association process at the Vilnius Summit focused on losses from Russia’s economic penalties that would have been imposed on Ukraine after signing the Association Agreement. Other risks included the loss of support among the pro-Russian electorate; restrictions of the political and business interests of the president, the PR, and the associated oligarchs with the implementation of the EU democratic standards required by the AA (adoption of an anti-corruption law, changes in the Electoral Code and the judicial system); possible personal threats to Yanukovych and his close circle made by the Russian authorities during negotiations on the Customs Union membership for Ukraine; and the EU’s demand to release his most dangerous opponent Yulia Tymoshenko, whose conviction and imprisonment were considered as politically motivated in the EU (Dragneva-Lewers & Wolczuk, 2015; Kudelia, 2014).

The government’s rejection of European integration catalyzed a massive popular uprising, which started in Kyiv and later spread to other large Ukrainian cities, which became known as Euromaidan³⁵. In terms of the discourse theory, Euromaidan represents a moment of intense *dislocation* of the structure of governance in Ukraine. The governance structure dislocated by Euromaidan was built on a merge between politics and business, typical for the former Soviet states, which allowed political elites to capitalize their political power into economic gains. Yanukovych enforced this structure with authoritarian consolidation of executive, legislative, and judiciary powers in his hands with unprecedented scope and speed. Authoritarian governance was enabled by changes in the Constitution that restored presidential republic rejected after the Orange Revolution in

³⁵ For further reading on Euromaidan see, for example, a section “Maidan and Beyond” in the Journal of Democracy, Volume 25, Number 3, July 2014.

vafour of parliamentary democracy; subordination of state institutions at the central and regional levels directly to the presidency through a number of decrees; control over judicial system; control over government and parliament through the *PR* majority; occupation of the key positions in the law enforcement agencies by the President's associates (Dragneva-Lewers & Wolczuk, 2015; Kudelia, 2014). Besides the consolidation of political power, Yanukovych was getting more and more economic power. His immediate circle, consisting mostly of his family members, became the key oligarchic group in the country, which used state institutions for personal enrichment and elimination of competitors among other oligarchs. Regression of democracy during the Yanukovych's presidency was widely reflected in international ratings and reports of the EU observers (Kubicek, 2017; Zubko & Rovnyi, 2015).

However, as a number of scholars admit, the very development of authoritarian governance structure opened up new opportunities for resistance in Ukrainian society that has been gradually shifting towards "cynicism, apathy, distrust and loss of interest in public affairs" after the Orange Revolution (Dragneva-Lewers & Wolczuk, 2015, p. 94). The power vertical built by Yanukovych lacked nationwide acceptance (Kudelia, 2014). But instead of gaining popular support, he relied on coercion strategies that further alienated citizens. Continuous attempts to suppress the Euromaidan protests manifested all legal and illegal coercion instruments at hand for the regime, – legal restrictions, police violence, court sues, hired hooligans, – and culminated in the snipers shooting of more than 100 protesters on 18-20 February 2014. Authoritarian model of governance and concentration of power prevented Yanukovych from negotiations and compromises with protesters and opposition (Dragneva-Lewers & Wolczuk, 2015; Kudelia, 2014). Once it became clear that his attempt to cower the protesters into submission had failed, Yanukovych fled to Russia, despite the agreement he reached with the parliamentary opposition on 20-21 February that allowed him to stay in office until November 2014 (Gazeta.ua, 2014). With the Yanukovych's departure from Ukraine, the major protests ended, although several tents and barricades remained on Kyiv's Independence Square until August 2014 (Ahrens, 2014).

As a moment of dislocation, Euromaidan opened up possibilities for political actors to develop alternative forms of governance to fulfill the vacuum ensued. Although it is still hard to estimate the true scope of structural changes in Ukrainian governance after

Euromaidan, it definitely shifted the dominant views on international relations among both Ukrainian political elites and citizens towards rapprochement with the EU.

The Russian military backlash that followed Euromaidan revolution only strengthened popular opposition to Russian integration projects, which became widely perceived as a threat to Ukrainian sovereignty. Russian military aggression against Ukraine started with the annexation of Crimea in February – March 2014 and was followed by support of local separatist movements in the Eastern regions, – the self-proclaimed Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR) that were established in April 2014 – with weaponry and troops. Russian military invasion to Ukraine represented an example of the application of the modified Soviet “limited sovereignty” doctrine in contemporary Russian foreign policy towards the Commonwealth of Independent States (CIS) members. Russia aimed at the federalization of Ukraine to influence Ukraine's policy “using pro-Russian regions as proxies” (Dragneva-Lewers & Wolczuk, 2015).

Right after Yanukovych's departure, the pro-European opposition parties *BYuT*, *UDAR*, and *Freedom* formed a temporary government. The following presidential (May 2014) and parliamentary (October 2014) elections reaffirmed domination of the pro-European actors in post-Euromaidan Ukrainian politics. President Petro Poroshenko has been the proponent of “European choice” for Ukraine long before Euromaidan (Orlova, 2017). All the parliament factions except one (the *Petro Poroshenko Bloc* (BPP), *People's Front* (NF), *Self Reliance*, *Radical Party of Oleh Liashko*, *Revival*, and *People's Will*) held the pro-European position. Only *Opposition Bloc*, formed by the former PR members, supported non-aligned status for Ukraine in its electoral manifesto and economic cooperation with both the EU and the Customs Union. The *Communist Party*, which for a long time remained the only opponent of European integration in Ukrainian political mainstream, was officially banned in July 2015.

Unfortunately, there is a lack of research on Europe and the EU in discourse of the post-Euromaidan political elites, but quick examination of the electoral manifestos of the parliamentary parties allows to suggest that dominant views on Ukraine-EU relations shifted closer towards “Ukraine as Europe” discourse described earlier in this section. *BPP* and *People's Front* defined European integration as the main foreign policy priority for

Ukraine³⁶³⁷; the *Radical Party* manifesto mentioned the AA and economic cooperation with the EU³⁸. Manifestos of *Self Reliance*³⁹ and *Revival*⁴⁰ did not contain references to Europe or the EU, and the *People's Will* faction did not have a manifesto (although a circle of stars similar to one on the EU flag on the faction logo⁴¹ was quite telling). None of the pro-European parties indicated any cooperation with Russia among their foreign policy objectives.

The post-Euromaidan dominance of the pro-European actors in the parliament and government relied on extensive popular support of the EU integration. The war with Russia intensified the already existing (Armandon, 2013) tendencies towards an increase in citizens' support of European integration and diminishing support for the Customs Union. According to the Razumkov Centre (2015) surveys, in May 2013 41,7% of Ukrainians indicated the EU as a preferable integration direction, in May 2014 the number of the EU supporters was 50,5%, in May 2015 – 52%. Support for the Customs Union decreased from 31% in May 2013, to 21,4% in May 2014, and 12,6% in May 2015. Support for European integration was traditionally higher in the Western and Central parts of the country, while in the Eastern and Southern regions support for Russia and the Customs Union prevailed over support for the EU. However, by 2015 the EU supporters outnumbered proponents of the Customs Union in the Eastern and Southern Regions as well (Razumkov Centre, 2015). Whereas prior to Euromaidan and Russian military invasion a large number of Ukrainians did not see the EU and the Customs Union as mutually exclusive integration projects (Armandon, 2013; Orlova, 2017), after Euromaidan public opinion on the issue became more polarized. In 2017, only 1,96% of citizens considered multi-vector integration (both in the Customs Union and in the EU) as the most suitable foreign policy model for Ukraine (Institute of World Policy, 2017).

Supporters of the EU were more likely to be Ukrainian speakers and were generally of a younger generation than supporters of Russia (Zubko & Rovnyi, 2015). In the public

36 Manifesto of the *Petro Poroshenko Bloc* “Live anew!”, http://solydarnist.org/?page_id=874

37 Manifesto of *People's Front* – “Renovation of Ukraine” (in Ukrainian), <http://nfront.org.ua/program>

38 Manifesto of the *Radical Party of Oleh Liashko* (in Ukrainian), <http://liashko.ua/program?attempt=2>

39 Manifesto of the political party *Self Reliance* (in Ukrainian),
https://samopomich.ua/wp-content/uploads/2014/09/program_OS.pdf

40 Manifesto of the political party *Revival* (in Ukrainian), <http://vidrodzhennya.org.ua/ru/category/program/>

41 *People's Will* group, official website, <http://volyanarodu.com.ua>

sphere, particularly in marketing and advertising discourses, the EU was frequently associated with high standards of goods and services, economic prosperity, human rights, democracy, peace, and security (Orlova, 2017).

Remarkably, despite wide support of Europe and the EU, at the beginning of the anti-discrimination controversy, a relatively small number (34%) of Ukrainians identified themselves as Europeans (Democratic Initiatives Foundation 2013). Europeans were perceived as “more cultured” (“*kulturni*”), socially active, and caring people than Ukrainians. At the same time, Russians were perceived as culturally and historically close to Ukrainians. Also, surveys reveal low levels of awareness about the EU and Ukraine-EU relations. In 2013, only 5% of citizens considered that they had enough knowledge about the EU, while 44% claimed that they were poorly informed (Razumkov Center, 2013; cited in Zubko & Rovnyi, 2015).

4.3. Social attitudes to SOGI-related sexual and gender rights in Ukraine

Since the beginning of the 2000s, social surveys have been demonstrating a gradual increase in the level of homonegativity (Lavryk, 2015; Martsenyuk, 2012). According to the ESS data, in 2004, 39,9% of respondents agreed with the statement “gays and lesbians should be free to live life as they wish”, while 37,9% disagreed. In 2012, the number of those who agreed with the statement decreased to 23,6%, while the number of those who disagreed increased to 55,6%⁴². EVS also reveals the growth of homonegativity in Ukraine. Between the third (1999–2001) and the fourth (2008–2010) waves of the EVS, the percentage of those who consider that homosexuality is always justifiable decreased from 3% to 0,9%, while the percentage of those who consider that homosexuality is never justifiable increased from 71% to 82,5%⁴³. The increase in homonegativity in Ukraine is explained with the influence of homonegative state and churches discourse on public opinion (Martsenyuk, 2012), the growing visibility and activeness of Christian right groups (Martsenyuk, 2012), the growing visibility of the LGBT community itself (Mayerchyk,

42 Online analysis of ESS data available at <http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=abstract&study=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2FfStudy%2FESS6e02.3&mode=documentation&top=yes>; post-stratification weights applied.

43 Online analysis of EVS data available at <http://www.europeanvaluesstudy.eu/page/online-analysis.html>; weights applied.

2009), and polarization of the public opinion during the public controversy over the “anti-propaganda laws” (see later in this chapter) (Nash Svit Center, 2013).

Surveys conducted during the period of the anti-discrimination controversy do not allow direct comparison, as they used different questions to measure attitudes to homosexuality; however, it is possible to suggest that no substantial change in attitudes to homosexuality occurred between 2013–2015. In 2013, 59% of respondents in the study conducted by the Center of Social Expertizes of the Institute of Sociology of National Academy of Sciences of Ukraine (NASU) supported the statement “Homosexuality should not be accepted in the society”, 15% disagreed⁴⁴ (Pryvalov et al., 2013). In the study conducted by the Kyiv International Institute of Sociology (KIIS) in 2016, 60% of respondents claimed to have negative attitudes to homosexuality (question “What is your general attitude to homosexual people?”) (Kyiv International Institute of Sociology, 2016).

Negative attitudes toward homosexuality were accompanied by negative attitudes to equal rights for homosexual people. According to several surveys conducted by *TNS Ukraine* at the request of LGBT NGO *Our World (Nash Svit)* (March 2002, March 2007, March 2011), there has been a gradual increase of social opposition to SOGI-related sexual rights since the early 2000-s. The number of those who consider that “citizens of Ukraine who have a homosexual orientation should have the same rights as other citizens” decreased from 43% in 2002 to 36% in 2011, and number of those who think that “there should be some restrictions [in rights for homosexual citizens]” raised from 34% to 49% (Zinchenkov et al., 2011). A KIIS study conducted in 2016 demonstrated similar results: when responding to the question “Do you think that inhabitants (‘meshkantsi’) of Ukraine who have a homosexual orientation should have the same rights as other citizens of our country?”, 33,4% of respondents supported the statement, and 45,2% selected option “There should be restrictions” [in rights for homosexual people] (Kyiv International Institute of Sociology, 2016).

However, levels of public support of sexual equality varied for different rights issues. Rights for child adoption/parenting by homosexual people had the lowest level of public

44 Among those who agreed 68% explained their choice with the argument that “it is immoral/opposes my religious views/it’s a sin”, 44% stated that “it is bad for children/family”, 38% agreed with the statement “It is just not right / I don’t agree with it”, 10% indicated “Social condemnation” as the reason, 2% found it difficult to answer, 1% provided other explanations.

support. According to *Our World* surveys, the number of opponents of child adoption increased from 49% in 2002 to 69% in 2011 (Zinchenkov et al., 2011). According to the KIIS study, in 2016, only 7% supported adoption by same-sex couples, while 68% of respondents were against it (Kyiv International Institute of Sociology, 2016). Public attitudes to same-sex partnerships were less hostile than attitudes to child adoption, but have been worsening since 2000s. During 2004–2011, percentage of those who support equal marital rights for homosexual couples remained relatively stable (19%), whereas the number of opponents of marital equality increased from 40% in 2002 to 64% in 2011 (Zinchenkov et al., 2011). The 2013 Institute of Sociology of NASU survey demonstrated even lower numbers of support for legal partnership for homosexual people: 9% for, 62% against (Pryvalov et al., 2013). According to the KIIS study in 2016, only 5% supported civil partnerships for homosexual people, and 69% opposed marital equality (Kyiv International Institute of Sociology, 2016).

Among SOGI-related rights issues, the prohibition of discrimination on the grounds of sexual orientation probably had the highest level of public support. According to the survey conducted by *GfK Ukraine* for LGBT NGO *Fulcrum*, in November 2014, 34,4% of Ukrainians agreed that a law against discrimination on the grounds of sexual orientation should be adopted (Bekeshkina et al., 2017). Moreover, 20,8% of respondents considered that such discrimination should be prohibited in all social spheres and 13,5% considered that the prohibition should be limited (for example, only to the labor sphere). 36,6% of respondents did not support the adoption of anti-discrimination legislation related to SOGI, and 29% did not have a formed opinion on the issue⁴⁵.

High levels of homonegativity and opposition to SOGI-related sexual rights furthered discrimination of sexually and gender non-conforming people. Unfortunately, there is no systematic monitoring of discrimination and hate crimes against LGBT people in Ukraine. The only available data on discrimination rates was gathered through

45 As the survey was conducted after Euromaidan (the major protests ended by March 2014) when public support for Europe and European values has increased (see later in this section), which could explain relatively high levels of public acceptance of anti-discrimination legislation in comparison to other SOGI related rights issues. Unfortunately, the previous studies on social attitudes to homosexuality and sexual rights did not measure attitudes to anti-discrimination legislation, so it is impossible to compare these results with the public opinion on the issue before the anti-discrimination controversy stepped into public space in 2013 to see if the public discussion influenced social attitudes.

unrepresentative internet surveys and case studies by LGBT NGOs *Our World* (Kravchuk, 2013; Kravchuk & Zinchenkov, 2017; Zinchenkov et al., 2011; Zinchenkov & Kravchuk, 2013) and *Insight* (Vovkohon & Romaniuk, 2012). According to *Our World*, 61% of LGBT respondents (predominantly cisgender men) faced violations of their rights at least once during 2008–2011; among those who did not conceive their sexual orientation, the discrimination rate reached 89% (Zinchenkov et al., 2011).

Most cases of discrimination of LGB people were found in the private sphere and relations with police. Police remains the most intolerant to homosexual people state institution. In 2008–2011, 23% of *Our World* surveys homosexual and bisexual respondents faced prejudice, violation of search and seizure procedure, blackmail, and demands to provide information about other homosexuals from the police (Zinchenkov et al., 2011). The police reform held in Ukraine in 2014–2015 aimed to reduce human rights violations by police among other issues. A Human Rights Department within the National Police was established, and training of newly recruited police officers addressed human rights and particularly LGBT issues. However, in 2016, the police were still involved in the highest number of cases of discrimination among state institutions (Kravchuk & Zinchenkov, 2017). Discrimination in the labor sphere was experienced by 16,8% of all LGB respondents; among those whose sexual orientation was known to their colleagues, the level of discrimination reached 34% (Zinchenkov et al., 2011). The most common forms of discrimination in the workplace were the “glass ceiling”, unequal payment, and psychological pressure.

Transgender people in Ukraine faced specific types of discrimination (Equal Rights Trust & Nash Svit Center, 2015). A study conducted by LGBT NGO *Insight*, which was based on 37 interviews with transgender people, admitted numerous rights violations in the field of medicine and healthcare, most of which associated with the process of legal gender change (Vovkohon & Romaniuk, 2012). Until 2017, when substantial revisions to a procedure for legal gender recognition were made, transgender people in Ukraine had to undergo extensive psychiatric observation, coerced sterilization, and to obtain a divorce in order to get their documents aligned with their gender. The process was entirely controlled by the State Evaluation Commission, which had an exclusive power to define a necessary and sufficient amount of medical procedures required for a legal change of gender (Gusakovskaja, 2014; Martsenyuk & Kolesnik, 2014). The majority of those who

underwent gender recognition procedure under the Commission guidance faced prejudice and humiliation from medical professionals. Also, the *Insight* study admitted limited access to medical care for transgender people. Due to the absence of medical professionals competent in hormonal therapy, almost all *Insight* respondents used hormones without prescription. Another field in which transgender people faced substantial discrimination was labor. More than half of the respondents in the *Insight* study faced discrimination in the workplace. The most common types of discrimination were unofficial employment and job rejection, verbal abuse and bullying, “glass ceiling”, and unfair dismissal because of the disclosure of transgender status (Vovkohon & Romaniuk, 2012, p. 41).

4.4. Political discourse on SOGI-related sexual and gender rights in Ukraine

Previous studies indicate the emergence of a conservative nationalist and religious consensus on gender and sexuality issues in 2010 – 2013. The key actors which formed the coalition of opponents of sexual and gender equality were the far-right grassroots movements, churches, and parliament members. Actors within this alliance maintained close connections. Pahulich and Chermalykh conclude that homonegative fuzz, initiated by opponents of sexual and gender equality in the public sphere was used by the parliament and government to legitimate repressive legal initiatives on sexual politics (Chermalykh, 2012; Pahulich, 2012).

Monitoring of political discourse on SOGI-related issues conducted by *Our World* and research on Ukrainian sexual policies before Euromaidan (Chermalykh, 2012; Nash Svit Center, 2013; Pahulich, 2012) demonstrate that at the beginning of the anti-discrimination controversy homonegative and transnegative articulations were hegemonic among the Ukrainian *political elites*. Among the five factions in the Ukrainian parliament in 2012 – 2014, only *UDAR* expressed limited support for sexual equality as admitted by the monitoring of *Our World*. The *UDAR*’s leader Vitalii Klychko opposed the prohibition of “propaganda of homosexuality” and restrictions of same-sex partnerships, although claiming that he is a “conservative” and “traditional” politician. Members of the *BYuT*, *PR*, and the *Communist Party* took part in the development of the previously mentioned anti-propaganda bills. *Freedom* also actively supported state prohibition of “homosexual propaganda”, particularly with the help of their members in the regional governments (Nash Svit Center, 2013). The Azarov’s government remained less vocal on SOGI-related

issues than the parliament members. The governmental bodies varied in the levels of public expression of homonegativity. President Yanukovych made only a few vague statements on SOGI-related issues, which demonstrated his unawareness of the topic. For example, he misrepresented the framework anti-discrimination law as the “one which promotes homosexuality”, despite it did not contain any references to SOGI (Nash Svit Center, 2013, pp. 30–31). Ministries remained either formalist and ignorant on the issue of sexual rights (Ministry of Defense, Ministry of Health) or produced strongly homonegative statements (Ministry of Education). Representatives of regional government frequently expressed their homonegative position in the media and public speeches, particularly in relation to Kyiv Pride. As *Our World* argues, Parliament Commissioner for Human Rights Valeria Lutkivska and Minister of Foreign Affairs Leonid Kozhara were the most supportive of sexual equality among the governmental bodies.

All the major Ukrainian *churches* actively communicated their homonegative position in the public sphere prior to the beginning of the anti-discrimination controversy (Nash Svit Center, 2013; Pahulich, 2012). According to the Razumkov Centre survey, the most influential churches in Ukraine are the Ukrainian Orthodox Church of the Kyiv Patriarchate (attended by 39,8% of all respondents who indicated themselves as religious), the Ukrainian Orthodox Church of the Moscow Patriarchate (29,4%), and the Ukrainian Greek Catholic Church (14,1%) (Razumkov Centre, 2006). Also, the major churches together with smaller religious organizations participated in the *All-Ukrainian Council of Churches and Religious Organizations*, created in 1996 specifically to cooperate with state authorities on legal initiatives “concerning relations between the church and the state” (*Informatsiia pro VRTsiRO 20 Rokiv Na Shliakhu Dialohu Ta Porozuminnia [Information about AUCCRO. 20 Years on the Way of Dialogue and Mutual Understanding]*, 2019). In 2007, the Council accepted a Declaration “On negative attitudes towards the phenomena of homosexualism and attempts to legalize the so-called same-sex marriages (registration of same-sex partnerships)” in which it condemned homosexuality as a sinful personal choice and claimed that marital rights should be reserved exclusively for heterosexual couples. As Pahulich argues, the Declaration provided “one of the most extreme examples of homophobic rhetoric in Ukraine” as it directly prohibited to “tolerate homosexualism, other immoral actions and their propaganda as phenomena of spiritual and social life” under the threat of God’s punishment (cited in Pahulich, 2012, p. 73).

Far-right grassroots movements gained substantial public visibility as opponents of sexual and gender equality prior to the beginning of the anti-discrimination controversy. Despite being small organizations with relatively low numbers of supporters (Tsentr doslidzhennia suspilstva, 2012), they organized street protests, initiated petitions and media-campaigns against SOGI-related rights, gender equality policies, and juvenile justice (Aktyvistky hendernoho ruhu, 2013). Among the far-right movements which participated in homonegative mobilization, the political right and the religious right groups might be differentiated (Aktyvistky hendernoho ruhu, 2013). For the politically oriented far-right movements, support of conservative morals constituted only a part of their wider ideology of either Ukrainian nationalism or pan-Slavic/Russian nationalism. The religiously oriented far-right movements concentrated exclusively on sexual and gender policy matters. Both the political and the religious right movements consolidated in support of conservative religious morals and opposed European integration. Among the political right, the pro-Russian nationalists occupied the strongest anti-European position. The Ukrainian nationalist grassroots movements, although rejected European values and norms, viewed the EU as a strategic ally against Russia, which later led to their active participation in the Euromaidan protests (Shekhovtsov & Umland, 2014). The religious right usually declared neutrality in foreign policy issues, but opposed European sexual and gender policies and praised Russian anti-propaganda initiatives (Teteriuk, 2015). Before Euromaidan, the religious right and pro-Russian nationalist grassroots movements occupied central positions in the “anti-gay” mobilization network, while the Ukrainian nationalists remained at the periphery (Aktyvistky hendernoho rukhu, 2013; Hladun, 2016).

In fact, the only political actors in Ukraine who remained active and consistent supporters of sexual and gender rights related to SOGI were LGBT and human rights organizations.

The development of the LGBT rights movement in Ukraine started in the late 1990-s, on the wave of HIV/AIDS prevention campaigns. Between 2010 and 2014, the number of LGBT organizations has grown from 24 to 44; geographically they were located predominantly in Central and Eastern parts of Ukraine, with very few organizations in the Western regions (Martsenyuk, 2010, 2014). The early LGBT rights organizations formed their human and institutional capacities relying on international and state funding of HIV

services for MSM (men who have sex with men). As a result, the Ukrainian LGBT movement for a long time has remained male-dominated (Martsenyuk, 2010, 2012; Mayerchyk, 2009). Problems of lesbians and transgender people were addressed only when they matched with the interests of homosexual men. In 2012, only two out of thirty-two LGBT organizations in Ukraine focused on lesbian and transgender issues. Bisexual people remained mostly invisible both within the LGBT community and in the public sphere. In 2011, to overcome isolation of LGBT rights activists from other human rights advocates, the two LGBT rights organizations *Donbas SotsProect* and *Gay Forum of Ukraine* initiated the *Coalition For Combating Discrimination in Ukraine*, which united organizations working in the field of minorities rights advocacy (sexual, ethnic, religious minorities, people with disability).

The prohibition of SOGI-based discrimination in labor has been a long-standing goal of LGBT organizations. In 2007, they submitted a bill of the Labor Code which included a provision against discrimination on the grounds of SOGI for parliamentary review (rejected), and later continuously appealed to the relevant parliamentary committees to introduce an anti-discrimination provision to the Labor Code bills considered in the parliament (Martsenyuk, 2012). The *Coalition For Combating Discrimination* declared adoption of the comprehensive anti-discrimination legal framework based on European norms as its main strategic priority (*Vseukrainska Spilka "Koalitsiia z Protydii Dyskryminatsii v Ukraini [All-Ukrainian Union "Coalition For Combating Discrimination in Ukraine"]*, n.d.) and lobbied inclusion of SOGI into the Labor Code during 2011–2013.

There is a tremendous lack of research on Ukrainian LGBT and human rights organizations' discourse prior to 2013. Only Martsenyuk (2010) partly addressed this issue in her analysis of strategic action among the Ukrainian LGBT movement. She defined two main political strategies used by the LGBT movement before the Euromaidan. The “compromise” strategy implied incorporation of the dominant assumptions and/or establishment of chains of equivalence among LGBT-movements’ discourse and dominant public discourses on sexuality and gender. It included cooperation with the government and lowered the movement’s political demands in line with homonegative public opinion. For example, in 2010 proponents of this strategy considered that LGBT-movement should postpone attempts to organize LGBT-Prides (as they are negatively accepted in the society) and demand civil partnerships instead of same-sex marriages (as marriage equality is

perceived more negatively than civil partnerships). The “inclusion strategy” aimed at the establishment of alliances among all political subjects involved in the struggles against discrimination (leftists, feminists, human rights advocates, ethnic minorities, people with disabilities, etc.). It implied rearticulation of discrimination of LGBT people as a partial case of minorities’ rights violations. At the time Martsenyuk conducted the study, the “compromise” strategy was used by prominent gay organizations (*Gay Forum*), while organizations working predominantly with lesbian and transgender issues (*Insight, Women’s Network*) relied on the “inclusion strategy”. The later development of the LGBT and human rights movement in Ukraine seems to continue this trend; however, as in the case of the above mentioned the *Coalition For Combating Discrimination* initiated by *Gay Forum*, gay organizations started employing the “inclusion strategy” as well.

In the foreign policy field, LGBT organizations have been continuously standing on a pro-European position. Frequent references to the normative documents of the EU and the Council of Europe among LGBT rights advocates indicated their perception of Europe as a normative model of sexual and gender law and policies for Ukraine. During Euromaidan, LGBT organizations unanimously supported protesters against the government, as “the victory of the pro-European opposition, in any case, provides more benefits for protection of their [LGBT community] rights and interests, than preservation of the post-Soviet status quo, not to mention the victory of the pro-Russian forces” (Kravchuk, 2014, cited in Martsenyuk, 2014).

After Euromaidan, several significant changes occurred within the political alliances of the opponents and the supporters of sexual equality. Euromaidan protests brought to power liberal politicians; some of them became advocates of SOGI-related rights. Particularly, deputies from *BPP* Serhii Leshchenko and Svitlana Zalishchuk were the first members of parliament who participated in the Kyiv Pride in 2015 (Kravchuk & Zinchenkov, 2016, p. 7). Also, President Petro Poroshenko supported the prohibition of sexual orientation discrimination in all social spheres during his election campaign (Martsenyuk, 2014) and later publicly criticized attempts of the Kyiv city authorities to prohibit the Kyiv Pride in 2015 (Kravchuk & Zinchenkov, 2016, p. 7). Public mobilization in support of sexual and gender equality has also increased, which was manifested particularly in the growing number of attendants of LGBT pride marches. According to media reports, Kyiv Pride gathered only several dozens of people in 2013, about 200 – 250

in 2015, about 1,000 – 2,000 in 2016, and about 2,500 in 2017 (Hromadske.ua, 2017; Magazova, 2016; Perepadia, 2013).

A number of the prominent pro-Russian actors who were active opponents of sexual rights moved either to Russia or to Ukrainian regions under Russian control. Thus, one of the most publicly visible opponents of sexual and gender equality among *PR* members, Vadym Kolesnichenko acquired Russian citizenship and entered the Russian national-conservative *Motherland* party. Oleh Tsaryov, another member of *PR* who was also a vocal advocate of anti-propaganda bills, became a Speaker of the “Unity Parliament” of the self-proclaimed Donetsk and Luhansk People’s Republics. Leader of the pro-Russian conservative grassroots movement *Narodnyi Sobor* Ihor Druz became an adviser of one of the separatist leaders Ihor Strelkov (Hirkin). The religious right movements reduced their activity.

Ukrainian far-right movements, whose public visibility has grown extensively during and after the Euromaidan protests (Hladun, 2016), became the main public opponents of sexual and gender equality in 2015. They turned to street violence against LGBT people more frequently than the pro-Russian and religious right grassroots. The protest events monitoring conducted by Center for Social and Labor Studies shows that in 2012 – 2013 opponents of LGBT equality used physical harm against people and property only sporadically, while in 2014 – 2015 almost half of all anti-LGBT protests were violent. The event with the highest number of victims of anti-LGBT violence was Kyiv Pride in 2015. More than 10 protesters and 5 policemen were injured in the attack on the march. Four people plaid guilty for the attack on the Pride was associated with the far-right political party and paramilitary movement *The Right Sector (Pravyi Sektor)* (Burdyha, 2016)

4.5. Media discourse on SOGI-related sexual and gender rights in Ukraine

As the level of homonegativity in Ukraine remained high, LGBT people did not feel safe to disclose their sexual or gender identity and remained closeted. As public opinion surveys show, in 2011 – 2013 only 6-8% of the population admitted that they were personally acquainted with homosexual men or women (Pryvalov et al., 2013; Zinchenkov et al., 2011). As Ukrainian citizens lacked direct contact with open members of sexual and gender minorities, the mass media provided a main source of knowledge about same-sex sexuality, gender transgression, and SOGI-related sexual and gender rights. Particularly, in

a situation when social trust in the media was high. According to the Razumkov Centre surveys (Razumkov Centre, 2013), the balance of trust/distrust in the media (number of those who claimed they trust in the media minus number of those who indicated they distrust) among Ukrainian citizens had grown from +5,6% in 2007 to +24,5% in May 2013. Thus, media was the second most trusted institution in Ukraine (after church) at the beginning of the anti-discrimination controversy. After Euromaidan, Ukrainian media had been losing social trust. The number of citizens who trust in the media decreased from 58,3% in May 2013 to 50,2% in 2015, while the number of those who distrusted media increased from 33,8% in May 2013 to 43,6% in March 2015 (Razumkov Center, 2015; Razumkov Centre, 2013). Subsequently, in May 2015, the balance of trust/distrust in the media was only +6,6%. Still, social trust in the media remained substantially higher than trust in the government, parliament, law enforcement agencies (except army), courts, political parties, and banks.

There is a tremendous lack of research on media discourse on SOGI-related issues in Ukraine. The existing content-analytical studies addressed representation of LGBT in newspapers, and only one study examined online news websites. *Donbas Sotsproekt* (Stulova et al., 2010) examined references to LGBT in the nationwide newspaper *Den* and the regional newspaper *Salon Dona i Basa* between 1999 and 2009. Shymko (2010) analyzed LGB representations in three nationwide newspapers *Segodnya*, *Fakty i kommentarii*, and *Gazeta po-ukrainski* between January 2008 and December 2009. Media monitoring conducted by *Our World* (Kasianchuk, Nefedovich, Stulova, & Sheremet, 2013) utilized the methodology of the *Donbas Sotsproekt* study. It covered more than 500 websites (not only news media, but also governmental websites, blogs, websites of social movements) for the period between January 2012 and March 2013 and three printed media (national newspaper *Komsomolska Pravda*, local newspaper *Donbas*, and one LGBT magazine) for the period from June 2012 to December 2012.

The three mentioned studies revealed the following tendencies in media representations of sexual and gender minorities in Ukraine prior to 2013. The number of references to LGBT people in national newspapers remained limited, but it has been gradually increasing since the late 1990s (Stulova, Kasianchuk, & Leshchynskyi, 2010). Both newspapers and online news media focused on male homosexuality and tended to reprint materials originally published in other sources. There was a difference in prevalent

topics between newspapers and online media. Newspapers usually referred to LGBT issues as an accessory topic, related to Western countries and culture issues (particularly celebrities lives), whereas online media paid more attention to social and political topics, such as homophobia, SOGI-related legal initiatives, LGBT movement, human rights, and Ukrainian context. All three studies also addressed the tone of media coverage of SOGI-related issues. In printed newspapers negative representation of homosexuality was more frequent than in online news media. *Donbas Sotsproekt*'s study revealed that the regional newspaper published a greater number of negative materials on LGBT (31%) than the national one (16%). *Our World*'s study demonstrated that in 2012 – 2013 media coverage of LGBT people in online and printed media was predominantly positive or neutral⁴⁶. Only 6% of online media texts contained negative coverage of LGBT people, while in printed media 16% of texts were negative in tone. Tone depended on the genre: opinion articles contained negative materials more often than news. As the printed media sample in *Our World*'s study was different from *Donbas Sotsproekt* study and included not only newspapers but also an LGBT magazine (in which all publications supposedly were positive or neutral), it is impossible to conclude whether negative coverage of LGBT issues has been decreasing during the last decade lacking comparable and longitudinal data. Also, the small sample does not allow to provide a direct comparison of online media and newspapers. Shymko admitted greater amount of negative representations of LGB people and increase in negative coverage: 43% of negative publications in 2008, 46% in 2009. She also admitted that the tone of media coverage depended on the localization of the material. In articles that addressed foreign contexts (except Russia), the number of negative publications was the lowest (24,2% in 2008; 28,9% in 2009). LGBT issues in Ukrainian contexts were evaluated more negatively (58,5 in 2008; 57,9% in 2009). Events located in Russian contexts were reported mostly negatively (84,6% in 2008, 60% in 2009). Shymko explains these findings with the sources of information that journalists used: news articles based on texts from international news agencies reproduced neutral tone of the original sources. While articles based on texts from Ukrainian and Russian news agencies or journalists' own investigation/opinions reproduced homonegative prejudice.

46 Content analysis variable “Subjective attitude of the author of publication to the reported topic” was coded by four categories “Positive”, “Neutral”, “Negative”, and “Balanced”. It is unclear how the decision between these categories was made, as the coding instruction was not provided in the report.

Explanations of the described patterns in all three studies are mostly based on characteristics of Ukrainian media professionals: little knowledge about the issue, lack of contacts between journalists and LGBT-community, homonegative views among journalists. However, as sexual and gender equality have been gradually recognized as a political issue in Ukraine in 2011 – 2013, media representations of LGBT people might have been affected not only by the institutional rules of media production (structure of media genres, work with sources, etc.) and dominant assumptions about sexuality and gender among journalists but also by the political interests of the media owners and advertisers.

The most prominent TV-channels and newspapers in Ukraine for a long time have been used by the owners to secure their business interests and support their allies from political elites (Dutsyk, 2010; Ryabinska, 2011; Szostek, 2014). Online-versions of printed/electronic media functioned more like news portals, which distributed the print/electronic content online and aggregate news from other sources (Ostapa, 2009). Online-only news websites, such as *Ukrainska Pravda* and *Lb.ua*, demonstrated a higher level of editorial and journalistic freedom, than the online versions of printed and electronic media. For a long time they provided opposition to traditional media concentrated in hands of oligarchs and subjected to governmental pressure. As Krasnoboka and Semetko argue, online media “has served as a key information and political tool in the hands of Ukrainian political and civil opposition” since the critical case of the murder of the online journalist Heorgii Honhadze in 2000 (Krasnoboka & Semetko, 2006, p. 181).

The economic and political autonomy of online media became especially important for preserving media freedom in Ukraine during Yanukovych’s presidency. Yanukovych and the *Party of Regions* had taken some steps to consolidate their influence over Ukraine’s information environment since 2010, which led to the deterioration of media freedom between 2011 and 2013, noticed by both Ukrainian and international monitoring agencies (Freedom House, 2012; Mills, 2010; Razumkov Centre, 2013). However, most of the government’s attempts were aimed at TV-broadcasters (allocation of digital broadcasting licenses to pro-government businesses; revoking broadcasters licensees; pressure on broadcasters in courts), while online media remained the most independent part of the Ukrainian media landscape (Freedom House, 2014b). In early 2014, both traditional and digital media were subjected to extensive governmental pressure under the

anti-protest laws that restricted freedom of speech, raids on media offices, and violence against journalists, as they were reporting the Euromaidan protests (Freedom House, 2014a, 2014b). After Euromaidan, international ratings of digital media freedom have been decreasing, because of the post-Maidan government's initiatives against Russian hostile influence and activities of militants in Eastern Ukraine (Freedom House, 2015).

Although there is not enough data to estimate media influence on decision-making process and public opinion about sexual and gender rights, it is possible to suggest that online media could have supported positive attitudes towards sexual and gender equality among the most active part of citizens, whose opinion and engagement might be decisive for the future of SOGI-related policies in Ukraine. In 2013 – 2015, digital media in Ukraine attracted younger and more innovative audiences than printed ones. According to the TNS study (Dobrivecher, 2012), in 2012, 73% of online news media audience were younger than 40 years. The psychological profile of the audience revealed a high percentage of innovators among online media readers and low percentage of conservatives.

Despite online media remained less popular in Ukraine than their analogue counterparts, their audience substantially increased during the anti-discrimination controversy. In 2011, according to the TNS MMI audience surveys, Internet had the lowest audience reach (41%) among other media platforms in Ukraine (Dobryvechir, 2012). As the level of TV exposure among Ukrainian audiences remained high and stable, digital media were mostly competing for the audience with newspapers and magazines. Although the audience reach of the most popular newspapers was much higher than that of the most popular news websites (in 2011, the leading newspaper *Fakty i kommentarii* reached 8% of Ukrainian audience, whereas the leading news website *Korrespondent.net* – only 0,81%) newspapers were gradually losing their audiences, while online news media kept attracting new readers⁴⁷. Between 2007 and 2011, newspapers and magazines faced audiences drop down in 16% and 11% respectively, while internet audience increased by 24%. This increase was mostly due to the growing popularity of social networking websites, but it partly reflected changes in online media popularity as well. During Euromaidan, the

47 The process of transition from printed to online newspapers in Ukraine is a part of a global tendency. In the US, media researchers and professionals even suggested that by the middle of the XXI century all U.S. newspapers will drop their printed versions and become online-only (Thurman & Myllylahti, 2009, p. 691).

popularity of online media kept growing, particularly due to their economic and political independence. In 2014, the Internet reached 57% of the Ukrainian population as a weekly source of information, which was the 42% increase in comparison with 2007 (TNS, 2015). For example, the most popular independent online news media *Ukrainska Pravda*, which is included in the sample of this study, increased its average audience from 300,000 to one million unique visitors per day (Dmytrenko, 2014). Apart from becoming more and more popular, digital media were also perceived as more trustworthy than traditional ones. According to the *Internews* Media Audience Survey, the share of those who completely or mostly trust information from digital media increased from 35% in 2012 to 43% in 2015 (Internews, 2015).

4.6. Opportunities for change

Before proceeding to the analysis of articulation strategies used by political actors and online media in the anti-discrimination controversy, let me summarize the structural conditions of existence of these strategies which established opportunities and constraints for change in the field of sexual and gender rights in 2013 – 2015.

Prior to the beginning of the anti-discrimination controversy, dominant heterosexist social order, reflected in prevalent negative attitudes to homosexuality and sexual equality, established a general context in which Ukrainian political elites were socialized and from which they adopted normative assumptions about sexuality and gender. It provided favorable conditions for anti-LGBT mobilization, as the opponents of sexual and gender equality could have positioned themselves as representatives of the majority of the population and used anti-LGBT sentiments to get public support, whereas proponents of sexual and gender equality among political elites risked losing electorate. This led to the establishment of a conservative consensus among political elites against sexual and gender equality and the spread of grassroots mobilization against LGBT among the pro-Russian and religious right organizations in 2011 – 2013.

Sexual conservatives stepped into the first round of the anti-discrimination controversy as a coalition united by inter-organizational connection, and experience of cooperation in lobbying activities and street protests. LGBT and human rights organizations, which remained the only active and consistent supporters of sexual rights among domestic Ukrainian actors, also developed their network since the 2000s. Similar to

other Eastern European contexts (O'Dwyer, 2012), the growing political polarization around SOGI-related issues in Ukraine led to the broadening of activist networks, particularly through the engagement of other human rights activists who were previously not engaged with sexual rights as a political issue (establishment of the *Coalition For Combating Discrimination in Ukraine* provides an example of such cooperation). However, LGBT and human rights organizations remained marginal actors in Ukrainian politics and relied predominantly on internal lobbying and compromising with the government to avoid increase of public hostility against LGBT people.

During the controversy on the anti-propaganda bills in 2011 – 2013, both opponents and proponents of sexual and gender equality developed a repertoire of discursive instruments (nominalizations, arguments, definitions, evaluations, etc.) that could have been used in further struggles on sexual and gender rights either as ready-made material (e.g. arguments against “propaganda of homosexuality”) or as building blocks for new articulations. Argumentative strategies of the opponents of sexual equality were built upon the conspiracy theory of “gender-gay dictatorship” which assumed that homosexuality is promoted by Europe and “the West” to destroy the Ukrainian nation (Pahulich, 2012). According to Pahulich (2012) and Chermalykh (2012), these articulations were developed within the anti-LGBT religious right movements, churches, and the right-wing party *Freedom* and to a large extend incorporated into the discourse of Ukrainian political elites, which led to fixation of the far-right rhetoric at the state level. Although, there is a lack of studies on discourse of the LGBT movement, it is possible to suggest that during the debates on the anti-propaganda bills LGBT activists have also developed common frames and argumentative strategies in support of sexual and gender equality, which they brought to the anti-discrimination controversy.

As the domestic contexts were unfavorable for internal development of SOGI-related law and policies, reforms of the Ukrainian sexual rights law have been driven predominantly by external international conditionality. The few provisions on SOGI that existed in the Ukrainian law prior to the anti-discrimination controversy were adopted due to Ukraine's membership in the Council of Europe and agreements with the EU, and the EU member states. During 2013 – 2014, the EU conditionality established by the Association and Visa Liberalization agreements became the leading external incentive that influenced SOGI-related laws development in Ukraine. As it was explained in the first

chapter, the scope of the SOGI protection in the EU law is limited to sexual orientation protection in the field of employment, granted by the Employment Framework Directive 2000/78/EC, while protection from discrimination on the grounds of gender identity is addressed only in very limited contexts. As a result, both the AA and VLA required to adopt prohibition of discrimination only on the grounds of sexual orientation and only in the labor sphere. As it is shown in the following chapter, this legal context limited the scope of the discussion of the anti-discrimination law with the provision of sexual orientation discrimination in labor, while gender identity discrimination and discrimination in the fields outside labor were seldomly discussed even in discourse of LGBT rights advocates.

Social and political contexts of the first round of the anti-discrimination controversy (2013 – 2014) also provided several conditions favorable for the adoption of the provision against sexual orientation discrimination in labor. First, the majority of citizens and political elites supported the EU integration of Ukraine which required the anti-discrimination reform. Second, among other SOGI related rights issues, discrimination on the grounds of sexual orientation in labor had the highest level of public support, which made it the most likely case for successful advocacy. Finally, discrimination in labor mobilized both LGB and transgender people, who faced somewhat different types of discrimination. For the transgender community labor discrimination probably posed even a bigger problem than for LGB people, as it was closely related to difficult, time-consuming, and expensive procedure of legal gender change.

However, there were also conditions favorable for anti-LGBT mobilization and rejection of the anti-discrimination reform. First, a high level of homonegativity among citizens allowed sexual conservatives to justify their claims against sexual equality as democratic. Second, sexual conservatives had a substantial presence in the parliament (the *Communist Party*, *Freedom*, pro-Russian part of the *Party of Regions*). Third, a substantial part of Ukrainian society supported Ukraine's membership in the Customs Union and closer ties with Russia, in which “traditional values” became a quasi state ideology. Those Ukrainian citizens who supported the EU remained poorly informed about the EU and Ukraine-EU relations (particularly the AA and VLA), which opened up possibilities for misrepresentation of the EU anti-discrimination requirements in the public sphere. Finally, the annexation of Crimea and the following military conflict in Eastern Ukraine at the

beginning of 2014 made regional security the top priority in the EU foreign policy towards Ukraine, which led to a temporary weakening of the EU conditionality in the field of sexual rights.

Euromaidan, which provided a moment of dislocation of the authoritarian governance structure developed by President Victor Yanukovych, altered the conditions of legal development in Ukraine in favor of sexual rights proponents. Military conflict with Russia led to a substantial decrease of Russian supporters both among citizens and political elites. At the same time, public support for European integration increased and the mainstream political discourse shifted towards closer identification with the EU (“Ukraine as Europe” discourse). It made possible public mobilization in support of sexual and gender equality outside the LGBT community. However, a high level of negative attitudes to homosexuality and sexual rights preserved both among citizens and political elites, which conditioned resistance to sexual and gender equality during the second round of the anti-discrimination controversy.

Ukrainian mass media provided an opportunity for both opponents and proponents of the anti-discrimination reform to make their articulations of sexual and gender rights dominant in the society, particularly among young innovative audiences. As previous studies demonstrated, online news media more frequently paid attention to domestic sexual and gender rights issues, than traditional media, which reported homosexuality and gender transgression mostly in foreign contexts and within topics of entertainment and life of celebrities. Economic independence of online-only news media established a favorable condition for actors outside the state and political establishment to obtain public platform in these media. Affiliation of some of the online news media with large media firms established a favorable condition for professional politicians related to media owners to obtain public platform in these media. Also, affiliation of the news websites with large media firms provided a favorable opportunity for sexual conservatives, as content produced for more conservative TV and press audiences within the same media holding could have been published at the affiliated news websites to cut production costs.

V. POLITICAL DISCOURSE ON THE ANTI-DISCRIMINATION REFORM

5.1. The first round of the anti-discrimination controversy

Public controversy on the anti-discrimination reform started with the introduction of Bill 2342, developed by the Ukrainian Ministry of Justice and submitted to the parliament by Prime Minister Mykola Azarov on February 19, 2013.

The bill introduced a number of changes to the framework anti-discrimination Law “On Principles of Prevention and Combating Discrimination in Ukraine” that regulated protection from discrimination on various grounds in all social spheres. The bill specified types of discrimination (direct and indirect discrimination, incitement to discrimination, aiding discrimination), decriminalized most types of discrimination⁴⁸, provided for a sharing of the burden of proof between plaintiff and defendant, and clarified the Parliament Commissioner for Human Rights mandate.

Sexual rights were addressed only in one provision of Bill 2342 that introduced explicit prohibition of discrimination based on sexual orientation into the Labor Code, thus securing the minimum standard of the EU law. Notably, gender identity was not addressed in the bill. Also, the bill explicitly excluded the family relations sphere from the scope of application of the framework anti-discrimination law, which made impossible to use it to justify equal marital rights for homosexual and bisexual people.

Opposition parliamentary factions *BYuT* and *Freedom* responded to the government initiative with alternative anti-discrimination Bills 2427 and 2342-1 that addressed some of the EU recommendations on anti-discrimination legislation but omitted sexual orientation discrimination. Neither Bill 2342, nor the alternative bills were ever put to a vote. However, they appeared in the center of public discussion which is considered in the present study.

The failure of Ukrainian authorities to introduce the anti-discrimination protection on the grounds of sexual orientation was criticized by the European Parliament and EU Commission. In July 2013, during the discussion of the agreement that extended list of categories of the Ukrainian citizens who were entitled to receive Schengen visas free of charge, several European Parliament deputies argued that further visa liberalization for Ukraine would not be possible without the anti-discrimination reform (European Parliament, 2013). However, after annexation of Crimea by the Russian Federation, the EU

48 With the exception of two types: incitement to hatred on the grounds of religion, nationality, and race, and humiliation on the grounds of nationality and religion.

temporarily downplayed democratic conditionality in the field of sexual and gender equality, probably due to security and geopolitical concerns.

In May 2014, the Ukrainian Parliament adopted Bill 4581 (Yatseniuk & Cabinet of Ministers, 2014), which was introduced by the temporary pro-European government. The bill largely reproduced anti-discrimination provisions of Bill 2342, but omitted the provision on sexual orientation discrimination. The VLAP requirement on the anti-discrimination protection was formally addressed by the letter of the High Specialized Court of Ukraine for Civil and Criminal Cases that explained that the open-ended list of protected grounds in the Law of Ukraine On Principles of Prevention and Combating Discrimination should be applied to solve court cases on sexual orientation discrimination. The public controversy on the issue calmed down even earlier, since the public attention was fully grasped by Euromaidan and the following Russian military aggression. Although sexual orientation was still missing from the list of grounds in the Labor Code, Ukraine officially entered the second phase of the VLAP in June 2014.

Table 4 provides a brief timeline of the parliamentary proceedings of the anti-discrimination bills and relevant milestones of Ukraine-EU and Ukraine-Russia relations.

Table 4. Time-line of the anti-discrimination reform in 2013 – 2014

2013	
February 19, 2013	Governmental Bill 2342 “On Amendments to Certain Legislative Acts of Ukraine Concerning Prevention and Combating Discrimination in Ukraine” was introduced to the parliament.
March 1, 2013	<i>BYuT</i> introduced alternative anti-discrimination Bill 2427.
March 5, 2013	<i>Freedom</i> introduced alternative anti-discrimination Bill 2342-1.
March 20, 2013	The Parliamentary Committee on Human Rights and The Main Scientific-Expert Department provided overall positive resolutions on Bill 2342 and recommended to reject <i>Freedom</i> ’s Bill 2342-1.
May 14, 2013	Bills 2342 and 2342-1 should have been put to a vote, but were postponed from the parliamentary agenda due to the protest actions organized by churches and the religious right.
September 1, 2013 –	The heads of parliamentary factions considered whether Bill 2342

September 3, 2013	would be put to a vote during the following parliamentary session at the Parliamentary Conciliation Board. The bill was not returned to the parliamentary agenda.
November 6, 2013	The Parliamentary Committee on European Integration organized a hearing on visa liberalization with the EU. The resolution of the hearing recommended the parliament to accept Bill 2342 among other bills, necessary to conclude the Visa Liberalization agreement.
November 21, 2013	The government announced that preparation for the Association Agreement with the EU is paused and the dialogue with the Customs Union is restored. Beginning of the Euromaidan protests.
November 29, 2013 – November 30, 2013	The Eastern Partnership Summit in Vilnius.
2014	
February 21-22, 2014	President Yanukovych fled Ukraine. The parliament voted for his impeachment on the grounds of abandoning office and the deaths of more than 80 protesters and police during the Euromaidan protests. The interim government was formed with Oleksandr Turchynov as an Acting President.
February 27, 2014	Automatic withdrawal of Bills 2342 and 2342-1 from the parliamentary agenda because of the beginning of the new parliamentary session.
February 27, 2014 – March 1, 2014	Annexation of Crimea by the Russian Federation.
March 3, 2014	Minister of Justice Pavlo Petrenko announced that the EU has postponed the requirement to include specific reference to sexual orientation in the Labor Code.
March 27, 2014	Alternative anti-discrimination Bill 4581, which did not contain an explicit prohibition of discrimination on the grounds of sexual orientation was submitted to the parliament by interim Prime Minister Arsenii Yatseniuk

March 21, 2014	The Association Agreement between the EU and Ukraine was signed.
6 April – 27 April	Establishment of the self-proclaimed Donetsk and Luhansk People's Republics.
May 7, 2014	Official letter of the High Specialized Court of Ukraine for Civil and Criminal Cases stated that existent anti-discrimination provisions in Ukrainian law should be equally applied to cases of discrimination on the grounds of sexual orientation.
May 13, 2014	Anti-discrimination Bill 4581 was adopted by the parliament.
June 23, 2014	The European Council officially recognized Ukraine's fulfillment of the first stage of the Visa Liberalization Action Plan.
June 24, 2014	The Main Scientific-Expert Department recommended rejecting <i>BYuT</i> 's Bill 2427.
November 11, 2014	<i>BYuT</i> 's Bill 2427 was withdrawn from the parliamentary agenda.

5.1.1. Nodal points and contesting coalitions in political discourse on sexual and gender rights related to SOGI

All political actors who participated in the anti-discrimination controversy, both opponents and proponents of sexual and gender equality, justified their political decisions on the anti-discrimination reform using five core elements: “sexuality and gender”, “equality”, “values”, and “integration/accession”. These elements might be considered as nodal points of the discourse on sexual and gender rights in Ukraine in 2013 – 2014, as they served as final justifications and provided fixed points of reference for other claims on sexual and gender rights which justified other elements in the argumentative chains in support or against the anti-discrimination reform. The meaning of these elements to some extent was shared by all political actors involved in the anti-discrimination controversy. All the actors considered “sexuality and gender” as the meaningful grounds for individual and collective identities. All the actors supported “equality” as a key ethical idea of democratic governance that was considered to be a normative form of governance. “Equality” was discursively opposed to “discrimination” and occasionally “oppression”. All the actors linked sexual and gender rights to “values” understood as moral, religious, and cultural

norms of the society. Finally, all the actors did not question the assumption that Ukrainian foreign policy should be aimed at “integration”/“accession” to supranational entities.

Besides constituting nodal points of political discourse on sexual and gender rights, “sexuality and gender”, “equality”, “values”, and “integration/accession” were also floating signifiers that became fields of hegemonic struggle among contesting political discourse coalitions. Each coalition introduced their own articulations of “sexuality and gender”, “equality”, “values”, and “integration/accession” and tried to make them dominant in the political, legal, and public discourses on sexual and gender rights.

Four lines of struggle divided actors who participated in the anti-discrimination controversy. The first line separated liberals and conservatives. Within the liberal discourse sexual orientation and gender identity were articulated as legitimate grounds for equality claims; equal civil rights were considered superior to any cultural norms which may be used to justify inequality. Within the conservative discourse sexuality and gender were articulated as conforming to moral/religious norms and were restricted to become grounds for equality claims. The second line of struggle divided actors supporting majoritarian and minoritarian perspectives on democracy. The majoritarian perspective on democracy implied that the majority might restrict the civil rights of a minority, while in the minoritarian perspective equality should have been established among all social groups. The third line of struggle divided the pro-European and Eurosceptic actors. The pro-European actors supported integration into the EU, while the Eurosceptic actors supported accession to the Russia-sponsored Customs Union. The fourth line of struggle divided actors who supported not only political and economic, but also cultural integration in Europe (“Ukraine as Europe” political discourse identified by White and Feklyunina (2014)), and actors who only supported political and economic integration, but opposed cultural integration (“Ukraine as alternative Europe” political discourse). Supporters of cultural integration articulated Ukrainian national identity as based on European values, while opponents of cultural integration articulated Ukrainian national identity as based on traditional values.

These four lines of struggle differentiated four discourse coalitions with relatively stable articulations of the nodal points. The liberal majoritarian pro-European coalition was grounded on the nodal points of majority rights, European values, EU integration. The liberal minoritarian pro-European coalition was based on the nodal points of minority

rights, European values, and the EU integration. The conservative pro-EU coalition was based on the nodal points of majority rights, traditional values, and the EU integration. The conservative Eurosceptic coalition was based on the nodal points majority rights, traditional values, and accession to the Customs Union.

Actors within each coalition shared similar storylines that related the anti-discrimination reform to the nodal points of the coalition, were related by institutional ties, and engaged in common political activities during the controversy. The two liberal coalitions supported the prohibition of discrimination on the grounds of sexual orientation, while the two conservative coalitions opposed it.

Storylines within each discourse coalition remained relatively stable during the first round of the controversy, but the composition of actors changed. In the following sections, I consider each discourse coalition separately. First, I describe actors who participated in the coalition, changes in actors' composition over time, relations among actors, and activities undertaken by each coalition towards the anti-discrimination reform. Then, I analyze storylines which each coalition used to relate the anti-discrimination reform to the nodal points of their discourse on sexual and gender rights. Summary of articulations of the nodal points and storylines produced by each coalition during the first round of the controversy is provided in the Appendix F.

5.1.2. Liberal majoritarian pro-European discourse coalition

The liberal majoritarian pro-European discourse coalition at the beginning of the first round of the anti-discrimination controversy included the government, the pro-European part of the pro-governmental *Party of Regions*, the Parliament Commissioner for Human Rights, and individual members of parliamentary factions *BYuT* and *UDAR*.

The government was an initiator of the anti-discrimination reform. As I mention elsewhere (Teteriuk, 2015), the government initially tried to avoid public discussion of the reform. The first reference to Bill 2342 on the governmental web portal appeared in February 2013. The report, based on the speech by Minister of Justice Oleksandr Lavrynovych, contained a broad description of the suggested legislative changes. However, the provision on sexual orientation discrimination was omitted in the report (GOV2013-02-11). Similar silencing of the provision on sexual orientation discrimination occurred in the commentaries made by the government representatives for the Ukrainian media. Only after

the churches and religious right groups started campaigning against the anti-discrimination reform in March 2013, the government started discussing the provision publicly (in the Ukrainian media and on the governmental portal). It is worth noting, that this initial silencing strategy used by the government was aimed only at the Ukrainian public. Government officials discussed the provision on sexual orientation and possible obstacles for its adoption at the meetings with the EU representatives and in the foreign media since the beginning of February 2013. This led to occasional failures of the silencing strategy, as Ukrainian journalists monitored the foreign media. One of the early commentaries on Bill 2342 provided by Minister of Foreign Affairs Leonid Kozhara to the Polish newspaper *Gazeta Wyborcza* was discovered and disseminated by *Segodnya*, which, in fact, provided the opening of the anti-discrimination controversy in the Ukrainian media.

During March – September 2013, the government publicly supported Bill 2342 as a necessary requirement for visa liberalization and European integration in general. Prime Minister Mykola Azarov used the issue to present the pro-governmental camp as the only credible pro-EU political force in Ukraine both for the EU officials and the Ukrainian audience (OBZ2013-02-07; PR2013-06-26). He referred to 2342 among other bills developed by the government to fulfill the visa liberalization requirements, as proof that the government was a devoted proponent of European integration. He also attributed responsibility for the bill's blocking in the parliament to the opposition, thus calling into question the opposition's devotion to European integration.

The pro-governmental *Party of Regions*, which was the biggest parliamentary faction at the beginning of the anti-discrimination controversy, supported European integration as a collective actor, although there was a pro-Russian opposition to the European integration project within the party. While the pro-Russian opposition joined the conservative Eurosceptic coalition on sexual and gender rights, the pro-European majority of the party initially supported the liberal majoritarian pro-European discourse coalition. However, a close examination of the claims made by the *PR* deputies reveals that this support was mostly nominal. Despite they did not oppose Bill 2342 themselves, the party leaders frequently justified its rejection with the opposition of other parliamentarians. For example, leader of the *PR* faction in the parliament Oleksandr Yefremov claimed that as an individual deputy he “does not see anything scary” in the anti-discrimination reform and admitted that adoption of Bill 2342 would be beneficial for the conclusion of the

Association Agreement (OBZ2013-09-03; LIG2013-09-03). However, as a head of the parliamentary faction, he justified rejection of the amendment on sexual orientation with the opposition towards it among *PR* deputies and deputies from other factions and initiated the dismissal of Bill 2342 from the parliamentary agenda in May 2013. Similar justifications of rejection of Bill 2342 were made by **PR** member and chairperson of the parliament Volodymyr Rybak (UPR2013-07-02), and vice head of the faction Mykhailo Chechetov (SEG2013-05-13). The only explicit proponent of the anti-discrimination reform in the *PR* who gained public visibility was a member of the European Integration Parliamentary Committee Iryna Berezhna. She advocated for Bill 2342 at the parliamentary hearing on visa-free regime at the beginning of November 2013 and published several statements in support of the bill at the party website. In 2014, she criticized the interim government for dismissal of the sexual orientation provision from Bill 4581.

BYuT faction, which included 95 members, was divided on the issue of sexual and gender rights. Individual members of *BYuT* reproduced storylines of the liberal majoritarian pro-European discourse coalition, liberal minoritarian pro-European discourse coalition, and conservative pro-EU discourse coalition. In March 2013, leader of the faction Arsenii Yatseniuk together with other party deputies introduced alternative anti-discrimination Bill 2427 (Shkvaryliuk, 2013). The bill combined a minoritarian articulation of democracy, with a conservative rejection of sexual orientation and gender identity as legitimate grounds for equality claims. It was aimed to amend the Administrative Offenses Code with a detailed (but still open-ended) list of possible grounds of discrimination and administrative sanctions for discrimination. Although Bill 2427 explicitly mentioned a number of specific grounds absent in the framework anti-discrimination law (e.g. social origin, geographical location, HIV/AIDS status, trade union membership, participation in a strike, appeals to the court for the protection of workers rights), it did not contain an explicit reference to sexual orientation.

In June – August 2013, the government, *PR*, and *BYuT* as collective actors turned into opponents of the anti-discrimination reform and joined the conservative pro-EU coalition on sexual and gender rights. By September, *PR* and *BYuT* agreed to request the Constitutional Court to prohibit sexual orientation discrimination, and reject amending the Labor Code. *BYuT* leader Arsenii Yatseniuk claimed that he was the initiator of this plan,

while the *PR* members attributed credit for the idea to leader of their faction Oleksandr Yefremov (UPR2013-07-10). Another suggestion to avoid including sexual orientation in the Labor Code, made by Yatseniuk, was to place the anti-discrimination protection on the grounds of SOGI within the mandate of the Parliament Commissioner for Human Rights without the inclusion of SOGI into the Labor Code (SEG2013-09-04), which was also supported by the Commissioner herself (UPR2013-08-01). In September 2013, the Commissioner together with the members of the Committee on Human Rights participated in negotiations with the EU aimed to dismiss the provision on sexual orientation from the VLAP requirements (TSN2013-09-05; UPR2013-09-18). The Ministry of Foreign Affairs joined efforts with parliament factions in searching for alternative regulations of sexual orientation discrimination (UPR2013-09-25).

Parliamentary faction *UDAR*, which included 42 deputies, initially reproduced storylines of the liberal minoritarian coalition on sexual and gender rights. After the consensus against Bill 2342 has been reached between *PR* and *BYuT*, *UDAR* adopted the majoritarian perspective on the anti-discrimination reform trying to persuade other opposition parties to support it. According to the party member Iryna Herashchenko, journalists, and political experts, *UDAR* remained the only party that was ready to vote for Bill 2342 at the end of the first round of the anti-discrimination controversy (PAR2013-11-06, UPR2013-09-05, UPR2013-09-25). However, the party did not publicly oppose the agreement to reject the bill reached by the former members of the liberal majoritarian pro-European discourse coalition.

In November 2013, the government and the *Party of Regions* moved to the conservative Eurosceptic discourse coalition. When the interim government was formed by the former parliamentary opposition in February 2014, chairperson of the *BYuT* parliamentary faction Arsenii Yatseniuk became the new Prime Minister. The interim government announced that a “compromise” on sexual orientation provision had been reached with the EU (SEG2014-03-24). The Ministry of Justice developed and the Cabinet of Ministers submitted to the parliament Bill 4581, which repeated most of the Bill 2342 provisions against discrimination, except the one on sexual orientation. After it was accepted in May 2014, representatives of the Ministry of Justice and Ministry of Foreign Affairs reported successful introduction of the anti-discrimination reform among other

“Eurointegration reforms” (UPR2014-03-24, LIG2014-03-27). The exclusion of sexual orientation provision was not mentioned in these reports.

In April 2014, the Ministry of Justice and the Ministry of Foreign Affairs requested the Constitutional Court to explain the extent of protection from sexual orientation discrimination in the Ukrainian Law. In May 2014, the official letter from the Constitutional Court stated that sexual orientation is covered by provisions against discrimination in the Constitution, the Labor Code, and the framework Anti-Discrimination Law that contain the open-ended lists of protected grounds, and that these laws may be used in courts to solve cases on sexual orientation discrimination.

Exclusion of the provision on sexual orientation discrimination from new anti-discrimination Bill 4581 in March 2014 did not face any criticism among former members of liberal majoritarian coalition, neither from parliament parties who supported Bill 2342, nor from the Parliament Commissioner for Human Rights. Bill 4581 was adopted by votes from *BYuT*, *UDAR*, and *Freedom*.

5.1.2.1. Sexual orientation and gender identity

The liberal majoritarian coalition articulated sexual orientation on a preferred gender of sexual partner as a manifestation of every person’s sexuality. The question of inborn or acquired character of sexual orientation was never discussed. Gender identity was not articulated in the liberal majoritarian pro-European coalition discourse during the first round.

Among different sexual orientations, only heterosexual and homosexual orientations were explicitly mentioned in the liberal majoritarian discourse. Other sexual identities were never named. Bisexual identity was only mentioned in the abbreviation “LGBT”. Thus, the liberal majoritarian coalition reproduced the hetero/homo binary in articulation of sexuality. The two poles of this binary were represented as mutually exclusive and discrete.

5.1.2.2. Majority rights

When articulating the nodal point of equality, the liberal majoritarian coalition introduced the minority / majority binary. The majority was represented as a central subject of power in the democratic governance and therefore the central subject of rights. The minorities, and particularly LGBT minority, could have gained any legal protection only

when it was supported by the majority. The legal protection of sexual minorities was often labeled as minority rights (“LGBT rights”). Thus, sexual and gender rights related to SOGI were put in the relation of incommensurability with the rights of the majority in democratic society.

The privileged position of the majority rights in the liberal majoritarian coalition discourse resulted in storyline that justified adoption of the anti-discrimination reform with civil and human rights of the heterosexual majority. The most common argument in the liberal majoritarian coalition in support of the anti-discrimination reform was protection of rights for free travel and “European welfare”. Within this *travel rights* storyline, discrimination of sexual and gender minorities was excluded from the discussion entirely.

Andrii Shevchenko, parliament deputy, BYuT, vice-chairperson of the Parliamentary Committee for Human Rights: “No excuses and explanations can justify the fact that in the 21st century Ukrainians can not take advantage of the right to free travel and self-realization; that the world where the human is declared to be the highest value still looks at Ukrainians through the prism of the Cold War and with regards to their passports and income statement” (Parliamentary Hearing on Visa Liberalization, 2013-11-06).

Iryna Berezhna, parliament deputy, PR, vice-chairperson of the Parliamentary Committee for European integration: “Ukrainians have the right to a decent life based on European standards, and the task of all government institutions, including the parliament, each faction, each deputy is to provide our citizens with this opportunity” (PR2013-11-06(3)).

Vitalii Patskan, parliament deputy, UDAR, chairperson of the Parliamentary Committee for Human Rights: “The *Party of Regions* and its honorary leader Viktor Yanukovych deliberately boycott the decisions that open the way for the signing of the Association Agreement between Ukraine and the EU. This is discrimination of the rights of the Ukrainian people to the European standard of living” (UD2013-11-12).

Government web portal: “L. Kozhara made it clear that Ukraine’s position on the issue of travel rights [to the EU – note by the Mission of Ukraine to the European Union] should be considered separately” (GOV2013-02-07).

The *civil rights* storyline represented the anti-discrimination reform as the protection of civil right for equal treatment. Within this storyline, human rights were represented as a general principle, which gains its material realization in the state laws that regulate civil rights as in the following quote:

Oleksandr Lavrynovych, Minister of Justice: “In his speech, Minister of Justice Lavrynovych, admitted that the observance of human rights and freedoms should be a priority for any state. In the recent years, civil, personal, and political rights of a human and a citizen, envisaged by the Basic Law

of Ukraine [the Constitution], have been developed into the laws and other normative legal acts of Ukraine. Thus, in order to implement the Constitutional guarantee of the prevention of discrimination in Ukraine, the Government developed, and the parliament adopted the Law of Ukraine “On the Principles of Prevention and Combating of Discrimination in Ukraine”” (GOV2013-06-12(2)).

The *minorities rights* storyline in the liberal majoritarian coalition represented LGBT subjects as the only beneficiaries of the reform. This storyline misrepresented the scope of the reform as reduced to the provision on sexual orientation discrimination:

Kostiantyn Eliseev, Representative of Ukraine to the European Union: “the anti-discrimination bill which is related to rights of LGBT” (PR2013-07-29).

Oleksandr Yefremov, chairperson of the PR parliamentary faction: “the law about sexual minorities” (UPR2013-07-02).

The majoritarian perspective on democracy created internal contradiction within the liberal majoritarian coalition discourse. As sexual and gender rights related to SOGI were dissociated from civil rights, restriction of this rights in the homonegative society could be accepted as a “civil right” of the majority. The liberal majoritarian coalition never claimed that the majority has a right to restrict sexual and gender rights of the minorities explicitly. But superiority of the majority rights in the liberal majoritarian discourse resulted in the three storylines on the anti-discrimination reform that implied opposition to the reform and were shared by the liberal majoritarian pro-European coalition with the conservative coalitions: denial of discrimination, violation of the presumption of innocence, and hierarchy of inequalities.

Denial of discrimination. The government, PR, and some members of BYuT reproduced the assumption that there was no discrimination of LGBT people in Ukraine, that they are already equal with the heterosexual majority.

Mykola Azarov, the Prime Minister: “As I have already said and repeat once again, there will be no legislative acts that would squeeze the rights of any part of Ukrainian citizens. There is no discrimination in our current laws and practice” (PR2013-06-26).

Volodymyr Bondarenko, parliament deputy, BYuT: “I’m talking about the so-called non-traditional sexual orientation. We believe that such people in Ukraine are not being discriminated. This is guaranteed by the laws. In addition, Article 24 of the Constitution does not provide for any discrimination of these people” (OBZ2013-07-11).

This assumption opened up a discursive possibility to deem any further legal protection on the ground of SOGI as introduction of special privileges. Heterosexual subjects were, thus, represented as potential victims of sexual and gender equality. Although the liberal

majoritarian pro-European coalition never evoked the conservative storyline of *reverse discrimination*, it reaffirmed that “propaganda of homosexuality”, marital equality, and child adoption by LGBT people contradicted rights of the majority in the disproofs of the opponents’ misrepresentations of Bill 2342 provisions:

Ivan Popesku, parliament deputy, PR, vice-chairperson of the Parliamentary Committee for Human Rights: “Popesku believes that the bill proposed by the Cabinet only brings the existing laws in conformity with Art. 24 of the Constitution on equal rights of citizens before the law. “[But] if we talk about any kind of advertising of same-sex relationships, that is a very controversial issue, as Ukraine is indeed a country of traditional education and religious values””(TSN2013-03-11).

Kostiantyn Eliseev, Representative of Ukraine to the European Union: “I would like to emphasize that the bill does not foresee either same-sex marriages, or the possibility of child adoption by same-sex couples, or any similar provisions that are not accepted in the Ukrainian society” (UPR2013-07-05(2)).

Reverse discrimination. In addition, some members of the liberal majoritarian pro-European coalition criticized Bill 2342 for it “canceled presumption of innocence”. This storyline was based on a misinterpretation of the bill’s provisions. Bill 2342 amended the Civil Code with a provision on sharing the burden of proof between the plaintiff and the defendant in discrimination cases. The presumption of innocence principle, which puts the full burden of proof on the plaintiff, is strictly applied only in criminal proceedings, not in civil or administrative ones. “The violation of the presumption of innocence” argument established an opportunity to claim reverse discrimination of heterosexual people, which was not used by the liberal majoritarian coalition itself, but enforced the conservative discourse coalitions:

Oleksii Azarov, parliament deputy, PR: ““There are norms that I do not support entirely’, he said, explaining that the bill contains norms that effectively abolish the presumption of innocence in Ukraine, since they oblige the person accused in discrimination to prove his innocence independently” (PR2013-09-04(1)).

Andrii Shevchenko, parliament deputy, BYUT, vice-chairperson of the Parliamentary Committee for Human Rights: “I would like to remind that there is a norm that says that in a discrimination court case, the burden of proof will lie with the accused person. To my mind, this is in no way consistent with the principle of presumption of innocence. And I still do not understand why this law was introduced containing this wording? Isn’t there a need to work further?” (BYUT2013-11-06(1)).

Hierarchy of inequalities. Sexual and gender rights related to SOGI were put in the relation of dissociation to other “minorities rights”. In the following example the speaker

assumes that LGBT people should be legally protected from discrimination, but currently, rights of other minorities, such as women and people with disabilities, are of a bigger priority for the state.

Iryna Herashchenko, parliament deputy, UDAR, vice-chairperson of the Parliamentary Committee for European Integration: “There are numerous speculations around this issue. Some politicians say that the EU is almost trying to destroy the institution of family in Ukraine, while others raise the issue of LGBT rights, although the issues of discrimination against people with disabilities or women are topical in the country” (UPR2013-09-12).

5.1.2.3. European values

Liberal majoritarian pro-European discourse represented “values” as subjected to historical change and constructed Ukrainian society as transitioning from “traditional” to “European values”. “Traditional values” were associated with family and reproduction and excluded homosexuality. “European values” in the liberal majoritarian pro-European discourse included “democracy”, “the rule of law”, and equal “protection of rights and freedoms”, particularly rights of LGBT people. “European values” were constructed as necessary and desirable with the use of subjunctive modality. Politicians often represented themselves as main agents of the transition to “European values” as in the following quotes:

Mykola Azarov, the Prime Minister: “We have adopted the Law “On the Principles of Internal and External Policies”, which defined European norms and values as the foundation of policy of the Ukrainian sovereign state” (GOV2013-10-11(2)).

Leonid Kozhara, Minister of Foreign Affairs: “We build on the premise that the conclusion of the Association Agreement between Ukraine and the EU will contribute to a further consolidation of values of European civilization and legal standards in our country” (GOV2013-10-31).

Hryhorii Nemyria, parliament deputy, BYUT, chairperson of the Parliamentary Committee for European Integration: “<...> in order to go to Europe, we must respect European values. There should be no discrimination on the basis of political views, there should be no discrimination on any other grounds. We will only be compatible in Europe, and with Europe, when respecting these values in our [country]” (BYUT2013-11-06(3)).

Iryna Berezhna, parliament deputy, PR: “We, the parliament deputies, should be the bearers of European values and behavioral models for the sake of our voters, ordinary Ukrainians. We have to provide ourselves as examples of what is a European politician and why it is superior over the typical post-Soviet politician” (PR2013-07-17(1)).

Articulation of the Ukrainian subject as bounded by European values provided a challenge to the liberal majoritarian pro-European discourse coalition, as the coalition shared a number of assumptions about “traditional family values” with sexual conservatives. These assumptions included heteronormative construction of family as by default heterosexual and reproductive, and counter-position of homosexuality to family. Heteronormative assumptions were often manifested when the coalition members responded to the claims of the conservative coalitions that homosexuality ruins families and therefore threatens national reproduction. For example, in the following quote, the speaker established a chain of equivalences between “family” – “family values”, and “childbirth” and counter-poses this chain to “what’s in people’s trousers” as a euphemism for non-heterosexual sexuality using the conjunction “but”:

Iryna Herashchenko, parliament deputy, UDAR: “Does anybody think we have problems with family values? Yes, I agree. But in this case, the authorities should support families, popularize family values, support young families and childbirth, but not worry about what’s in people’s trousers. For some reason, I think that our society today is more harmed by the invasion of bad taste and aggression and the propaganda of vulgarity in all its manifestations. I do not think that homosexuality is the number one issue for Ukraine” (GAU2013-09-12).

Equivalence of “family” and “childbirth” and counter-position it to non-heterosexual sexuality constructs family as by default heterosexual and reproductive, while non-heterosexual sexuality is represented as incommensurable with family and is implicitly associated with childlessness.

Another common conservative assumption about homosexuality in the liberal majoritarian discourse, was assumption that homosexuality is an immoral and wrong behavior. In the abovementioned comment from Herashchenko, homosexuality is constructed as a social problem as it is compared with “bad taste and aggression”. The comparison implies a common point of reference for the compared elements: social harm, a threat, a risk to which society is exposed. Despite homosexuality is represented as less harmful or threatening (bad taste and aggression are more important, homosexuality is “not a number one issue”), its comparison to the social “evils” implies that it is also a threat. Another example of assumption about homosexuality as a wrong behavior:

Andrii Shevchenko, parliament deputy, BYUT: “Because when they say it is undermining Ukrainian morality, I suppose that the morals in Ukraine are much more subverted by thieves in power, the

corrupted judges and the lawlessness that we see every day; I do not see anyone who could argue with it" (BYUT2013-11-06(01)).

Here the comparison of homosexuality with criminal acts is aimed to prove its (relative) harmlessness; still, the comparison implies that homosexuality shares some common traits with theft and corruption (although less manifested).

As a result of internal contradiction between "traditional" and "European" values when it came to homosexuality, the liberal majoritarian pro-European discourse coalition rarely discussed reproduction and family in relation to the anti-discrimination reform, and predominantly relied on storylines associated with the nodal points of equality and European integration to advocate for Bill 2342.

5.1.2.4. European integration

The liberal majoritarian pro-European discourse coalition constructed the current situation in the Ukrainian foreign policy as a situation of accomplished choice between the two alternatives: European integration and accession to the Customs Union. "Eurointegration choice" was a common phrase that signified the privileged status of European integration in the Ukrainian foreign policy. The collected sample demonstrates a number of legitimizations of "European integration" used by the liberal majoritarian pro-European discourse coalition. The most common types of legitimization were rationalizations and moral evaluations.

References to the expected economic, political, and social benefits of the "European integration" provided rational legitimizations. The following quote features the most comprehensive list of the expected benefits found in the collected sample of liberal majoritarian pro-European discourse:

Leonid Kozhara, the Minister of Foreign Affairs: "We assume that the conclusion of the Association Agreement between Ukraine and the EU will foster European civilization values and legal standards, appropriate governance, fight against corruption, respect for democratic principles, human rights and fundamental freedoms, respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, confession of the principles of a free-market economy, counteraction to various forms of transnational organized crime, promotion of sustainable development, etc. in our country" (PR2013-10-31).

Rational legitimizations were usually emphasized in liberal majoritarian pro-European discourse. They were either put first, or provided with the bigger space than moral ones.

Moral legitimizations of “European integration” were established with vocabulary and grammar choices that foregrounded the desired and legitimate qualities of cooperation, mutual engagement, reciprocity and commitment in Ukraine-EU relations. Ukraine was represented as an active subject in the process of “European integration”, independent in its actions from the EU. In the following sentences Ukraine is a grammatical subject that performs the action of the main verb:

Mykola Azarov, the Prime Minister: “Ukraine, either with the active support from the European Union or even without such support, continues to make progress towards European integration. This is our choice with the support of the Ukrainian people” (PR2013-05-16).

Volodymyr Rybak, PR, the chairperson of the parliament: “Ukraine in the nearest future plans to submit a third report on the implementation of the first phase of the action plan to the European side, ‘which will give the rise to the adoption of the EU decision on the transition to the second phase’” (PR2013-03-26).

Volodymyr Rybak, chairperson of the parliament, PR: “Ukraine consistently continues to implement the provisions of the EU-Ukraine Association Agenda” (PR2013-03-27).

Leonid Kozhara, the Minister of Foreign Affairs: “Ukraine has made significant progress in implementing our common agreements with the EU reached during the February Ukraine-EU summit” (PR2013-10-31).

Valerii Patskan, parliament deputy, UDAR, chairperson of the Parliamentary Committee for Human Rights: “Such commitments [as the introduction of sexual orientation equality in labor] are enshrined by many international legal acts to which Ukraine has acceded” (UD2013-05-20).

The EU agency in the “European integration” process was usually backgrounded with the use of nominalizations. For example, in the phrase “requirements of the first stage of the action plan” (UDAR, UD2014-05-14), the destinator of the reforms is the “action plan” (which was developed by the two parties), not the EU. When the EU was represented as an active subject, speakers used words that implied cooperation, for example, “the agreement which the EU suggested to Ukraine” (UDAR, UD2013-11-08). Ukrainian potential contributions to the cooperation with the EU (“educated labor force, natural resources” (PR2013-03-27), “strong scientific traditions” (PR2013-05-16)) were mentioned to foreground reciprocity in Ukraine-EU relations.

Rational and moral legitimizations of European integration were supplemented with familial and spatial naturalizations that indicated Ukraine’s “European identity”:

Volodymyr Ariev, parliament deputy, BYuT: “Sooner or later Ukraine will return to its home in Europe, and the visa-free regime as well as the association, even if they will be delayed in time, will surely take place” (BUT2013-11-06(2)).

Mykola Azarov, the Prime Minister: “Here in Europe, I don’t perceive myself as a foreigner. Ukraine is a part of Europe, its important part” (PR2013-05-16).

“European integration” nodal point provided the main source of justifications of the anti-discrimination reform for the liberal majoritarian pro-European discourse coalition. In the texts published on websites of the government, *PR*, *BYuT*, and *UDAR*, the anti-discrimination reform was usually referenced in texts the main topic of which was Ukraine-EU relations. Prohibition of sexual orientation discrimination was represented as a necessary precondition of “European integration”:

Leonid Kozhara, the Minister of Foreign Affairs: “without a law that prohibits discrimination of gays, we are not able to move towards abolishing of visas. I think that the will to further integration with the EU will outweigh the resistance, and the law will be adopted” (SEG2013-02-07).

When relating the prohibition of sexual orientation discrimination to “European integration”, the liberal majoritarian pro-European discourse coalition always linked it to the Visa Liberalization Agreement but was divided on the relation between the provision and the Association Agreement. Some speakers from *PR* and *BYuT* foregrounded that the prohibition of sexual orientation discrimination is not a precondition for the conclusion of the AA (PR2013-07-25; BYUT2013-09-06). Valerii Patskan, a parliament deputy from *UDAR* and chairperson of the Parliamentary Committee for Human Rights (UD2013-05-14), and *PR* parliamentary faction chair Oleksandr Yefremov (PR2013-03-09) linked the provision on sexual orientation discrimination to the Association Agreement. Patskan claimed that the provision is a necessary precondition for the AA, while Yefremov made a weaker claim that adoption of Bill 2342 “would help” during the Eastern Partnership Summit in Vilnius, where the Association Agreement was expected to be signed in November 2013. Only in one case in the sample sexual orientation equality was represented not as a precondition, but as an integral part of “European integration”:

Kostiantyn Eliseev, Representative of Ukraine to the European Union: “This bill provides for a number of innovations that will enable bringing Ukrainian legislation to a qualitatively new European level <...> The main objective of this bill is to bring the anti-discrimination legislation of Ukraine in line with the EU Charter on Fundamental Rights and Freedoms, one of the provisions of which is equal access to work” (PR2013-07-12).

Integration into the EU was usually represented as potentially more beneficial than relations with the Customs Union (BYUT2013-11-06(3); GOV2013-02-07); however, the Customs Union was not represented as a threat to the Ukrainian national identity and state

sovereignty in the anti-discrimination debate. Moreover, some of the representatives of the government and the *Party of Regions* discursively constructed a possibility of Ukraine's accession to the Customs Union alongside European integration long before the President officially announced a change in the foreign policy priorities in November 2013. Minister of Foreign Affairs Leonid Kozhara and *PR* parliament deputy Iryna Berezhna suggested that integration into the EU and accession to the Customs Union could co-exist in case Ukraine would become an "observer" in the Customs Union without a full membership (GOV2013-02-07; PR2013-07-29). *PR* parliament deputy Oleksii Azarov and *PR* faction leader Oleksandr Yefremov even constructed a possibility of rejection of "European integration" in favor of accession to the Customs Union, contrary to the Prime Minister's claims about the irreversibility of "European integration" (PR2013-05-16). Azarov complained about the lack of research on the consequences of European integration and accession to the Customs Union, which implied the possibility that the Customs Union might be more beneficial for Ukraine (PR2013-09-04(1)). Yefremov claimed that Ukraine might become a member of the Customs Union in case the supportive public opinion "would be formed":

Oleksandr Yefremov, chairperson of the *PR* parliamentary faction: "If an opinion is formed that accession to the CU will improve the lives of Ukrainian citizens, there will be no significant problems with this issue. But, unfortunately, right now many [people], do not assess the actions of our state government positively, to put it mildly, if it is aimed at closer rapprochement with the Russian Federation" (PR2013-05-28).

5.1.3. Liberal minoritarian pro-European discourse coalition

The liberal minoritarian pro-European discourse coalition on sexual and gender rights included individual representatives of *BYuT* and *UDAR*, LGBT organizations, and human rights organizations. The liberal minoritarian coalition supported the governmental project of the anti-discrimination reform as a part of a broader Europeanization process, which should be fostered by the conclusion of the AA and VLA. Only the *Coalition for Combating Discrimination in Ukraine* was initially critical towards governmental Bill 2342. Previously, in 2012, the *Coalition* succeeded to form a working group in the Parliamentary Committee on Human Rights, where it focused on promoting their own

version of the anti-discrimination bill, which was then ignored by the Ministry of Justice⁴⁹. The *Coalition*'s bill established a greater level of protection from sexual and gender discrimination than the governmental one. It addressed not only sexual orientation but also gender identity and included explicit references to both grounds into the Law of Ukraine "On Principles of Prevention and Combating Discrimination" that regulated a wide range of social spheres besides labor. Also, the *Coalition*'s bill introduced full decriminalization of discrimination, addressed sanctions for discrimination and procedural aspects of court appealing in cases of discrimination. When the governmental bill was introduced, the *Coalition* criticized some of its limitations and the absence of public discussion in the appeal to the Parliamentary Committee for Human Rights (DLG2013-02) and during a street performance in front of the Cabinet of Ministers (DLG2013-02-25). However, as soon as the conservative actors began campaigning against Bill 2342, the *Coalition for Combating Discrimination* started supporting it, and so did its member organizations.

Representatives of *BYuT* and *UDAR* who reproduced liberal minoritarian pro-European discourse on sexual and gender rights, e.g. Hryhorii Nemyria (*BYuT*), Vitalii Patskan (*UDAR*), Iryna Herashchenko (*UDAR*), and Andrii Shevchenko (*BYuT*) were members of the Parliamentary Committee on Issues of European Integration and Committee on Human Rights, Ethnic Minorities, and International Relations. The Parliamentary Committee on European Integration organized a parliamentary hearing on the visa-free regime in June 2013, during which its members advocated in support of the anti-discrimination reform. After the hearing, the Committee issued recommendations for the parliament to foster visa liberalization that explicitly included a recommendation to adopt Bill 2342 and to avoid the adoption of any law that would limit minorities' rights. The Parliamentary Committee on Human Rights also issued recommendations to the parliament to support Bills 2342 and 4581 (introduced by *BYuT*) and to reject Bill 2342-1 introduced by the members of the conservative pro-EU discourse coalition from *Freedom*.

Activities of the LGBT and human rights organizations during the first round of the anti-discrimination controversy included official appeals, letters, and public claims aimed at the parliament and government. As Zorian Kis from *Amnesty International Ukraine* mentioned on *Facebook*, their campaigning was less intense than that of the conservative

49 Interview with the speaker of the Coalition for Combating Discrimination in Ukraine Iryna Fedorovych, 07.10.2013.

coalitions: “The parliament members received 2-3 letters against 2342 per week! In support of 2342 only TWO! During the whole 2013 year. From *Fulcrum* and... *Amnesty International Ukraine*”⁵⁰. In November, representatives of LGBT and human rights organizations Bohdan Hloba (*Fulcrum*), Tetiana Mazur (*Amnesty International Ukraine*) advocated for Bill 2342 during the parliamentary hearing on visa liberalization. Unlike their opponents, LGBT and human rights NGOs did not perform street protests in support of the prohibition of discrimination on the grounds of SOGI during the first round of the controversy. The main topic of the first Kyiv Pride March held in May 2013 was equal rights; however, the online media and websites of LGBT rights organizations did not report specific demands to adopt the provision on discrimination on the grounds of SOGI or Bill 2342 expressed during the March.

Also, LGBT and human rights organizations maintained close contacts with international actors: the EU bodies (the European Commission, the Delegation of the European Union to Ukraine), individual members of the European Parliament, and international LGBT and human rights organizations, which they used to influence Ukrainian authorities indirectly. The *Coalition For Combating Discrimination in Ukraine* regularly discussed the issue with the European Commission monitors of the VLA process⁵¹. In September 2013, the *Council of LGBT Organizations* addressed the EU Parliament asking not to withdraw the requirement for sexual orientation discrimination protection from the agenda of visa liberalization dialogue (OBZ2013-09-12; LIG2013-09-12).

When the parliamentary factions started negotiations on the dismissal of the provision on sexual orientation with the EU officials, LGBT and human rights NGOs divided in their position. *Gay-Alliance Ukraine* suggested concluding both the Visa Liberalization and Association Agreements, even if Bill 2342 will not be adopted. *Fulcrum* and the *Coalition for Combating Discrimination* persisted in their support of Bill 2342. *Amnesty International Ukraine* did not express public position on the issue.

50 Cited from the Facebook post published on September 20, 2013 in the closed group for LGBT activists “Stop 8711”. The group is currently named “Stop homophobia and transphobia”.

51 Interview with the speaker of the *Coalition for Combating Discrimination in Ukraine* Iryna Fedorovych, 07.10.2013.

5.1.3.1. Sexual orientation and gender identity

The liberal minoritarian pro-European discourse coalition represented sexual orientation and gender identity as manifestation of human sexuality and gender. Unlike other contesting discourse coalitions, the liberal minoritarian coalition did not limit SOGI to homo/hetero binary, but also mentioned bisexual and transgender people. Inborn or acquired character of SOGI was not discussed.

LGBT organizations and professional politicians focused exclusively on sexual orientation discrimination during the first round of the controversy and did not challenge the absence of gender identity in Bill 2342. Thus, despite their claims to support “LGBT rights” in general, in fact, they advocated labor equality only for gays, lesbians, and bisexual people, leaving out transgender people. Unlike LGBT organizations, human rights organizations raised the issue of discrimination on the ground of gender identity and advocated for the inclusion of gender identity into Bill 2342. Thus, the executive director of *Amnesty International Ukraine* Tetiana Mazur called on the prohibition of gender identity discrimination during the parliamentary hearing on the visa-free regime in November 2013. Later the *Coalition for Combating Discrimination* criticized the absence of the provision on both gender identity and sexual orientation in Bill 4581 (ANTIDI2014-04-02).

5.1.3.2. Minorities rights

In the liberal minoritarian pro-European coalition sexual orientation and gender identity were referred to as legitimate grounds for claims for equal “human rights”, “civil rights”, and “minority rights”.

The *human rights* storyline was central for the LGBT and human rights organizations’ discourse. The slogan “LGBT rights are human rights”, already used in the anti-propaganda controversy, became one of the most popular slogans of Kyiv Pride Marches in the following years. Human rights were usually articulated as a conditional principle that should determine the state laws directly. The human rights storyline represented all people as beneficiaries of the anti-discrimination reform:

Fulcrum: “changes in the [anti-discrimination] law aimed at provision of human rights” (FUL2013-07-11(2))

Iryna Fedorovych, speaker of the Coalition for Combating Discrimination: “it is human rights that enable them [opponents of LGBT equality] to express their views, including homophobic ones (freedom of speech)” (UPR2013-05-17).

The *civil right* storyline was popular among LGBT and human rights organizations and was used by the parliament deputies from *BYuT* and *UDAR*. This storyline represented all Ukrainian citizens as beneficiaries of equality in labor:

Andrii Shevchenko, parliament deputy, BYuT, vice-chairperson of the Parliamentary Committee for Human Rights: “when we talk about recruitment, dismissal, when we talk about respect for civil rights and freedoms, we must make sure that the Ukrainian state guarantees these rights, these freedoms to everyone, regardless of his (sic) sexual orientation” (Parliamentary Hearing on Visa Liberalization, 2013-11-06).

Within the civil rights storyline, human rights were interpreted as an ethical idea, which finds (or may not find) its material realization in the institutionalized civil rights, and presented discrimination as a violation of civil equality, rather than “human equality”:

Gay Alliance Ukraine: “the [anti-propaganda] bill violates a number of provisions on human rights and openly stigmatizes homosexual citizens of Ukraine” (GAU2013-09-12(2)).

Gay Alliance Ukraine: “the rapprochement of our country with Europe will make Ukraine more receptive to the principles of basic human rights. For us, the positive dynamics of Eurointegration processes is a guarantee that human rights and freedoms will be available to LGBT people in the foreseeable future” (GAU2013-09-12(2)).

The civil rights storyline was closely connected to the *minorities rights* storyline in the liberal minoritarian discourse. Unlike the liberal majoritarian coalition that privileged majority rights, the minoritarian coalition articulated democracy as protection of minorities from the tyranny of majorities. The present status quo in sexual and gender rights was represented as discrimination of the LGBT minority. Equality was situated in the future as the desired state to be achieved with the help of Bill 2342. LGBT organizations argued that LGBT people needed additional legal protection from discrimination in order to achieve equal civil rights which the heterosexual majority, as they appear in a structurally unequal situation. The following quotation reveals the complementarity of “civil” and “LGBT rights” concepts. The speaker argues that inclusion of specific references to SOGI in the laws is needed to combat systemic inequality in legal practice:

Bohdan Hloba, founder and executive director of Fulcrum: “There is a misconception that Article 24 of the Ukrainian Constitution already prohibits discrimination against homosexual people. Unfortunately, in real life, the absence of this ground of [sexual] orientation in Article 24 is used by the state to ignore the protection of the vulnerable social group of the LGBT community (lesbians,

gays, bisexuals, transgenders). It should be noted that it is almost impossible to bring to justice those who have committed hate crimes against LGBT. In Ukraine, representatives of the LGBT community are treated as second-class citizens, in fact, because of their sexual orientation” (FUL2013-09-03(3)).

Remarkably LGBT and human rights organizations only occasionally used the term “minority” to name the LGBT community. When LGBT people were articulated as a minority, it rather implied their small number, than the oppressed position in the social power structure:

Tetiana Mazur, executive director of *Amnesty International in Ukraine*: “they [state officials] are afraid to stand up for the protection of sexual minorities” (UPR2013-09-06).

Bohdan Hloba, founder, executive director of *Fulcrum*: “Another misconception among Ukrainian high-ranking officials is that it is possible to ignore small social groups and not defend their rights, since they are a minority. <...> LGBT are in minority in the society, but this does not mean that the state should ignore this group of citizens” (FUL2013-09-03(3)).

In contrast to LGBT organizations, human rights organizations represented not only the LGBT community, but all the minority groups as beneficiaries of the anti-discrimination reform:

Iryna Fedorovych, speaker of the *Coalition for Combating Discrimination*: “Anti-discrimination legislation, amending of which adherents of “traditional values” now oppose, is, in fact, necessary not only for the LGBT community. It is also necessary for those who are protesting against it. You may never face discrimination during your entire life and consider yourself to be a member of a “normal majority”, then you are just lucky. But you may be fired because of pregnancy, left without medical care due to HIV status, you may not get access to a particular place because of limited mobility... There are many examples of possible discrimination, but the most important is that nobody, neither the majority nor the minority, is insured from this violation” (UPR2013-05-17).

Discursive limitation of social subjects affected by Bill 2342 to LGBT people, realized by LGBT organizations in the *minorities rights* storyline restricted the possibility of LGBT community to make connections with other social subjects who could have benefited from the anti-discrimination reform, such as people with disabilities, ethnic minorities, and the wider public. Although several publications from LGBT organizations websites attempted to presented LGB people as the vanguard of social changes, they failed to articulate how struggles for sexual rights are related to other social struggles. Human rights organizations widened the scope of potential beneficiaries of Bill 2342, which opened up a possibility for greater social mobilization in its support. They represented society as a multiplicity of minorities. As the anti-discrimination protection was favoring

minorities, it favored all citizens, because any citizen belonged to some minority. This articulation of the society as a multiplicity of minorities overcame the majority/minority binary.

The homonegative resistance to sexual and gender equality in the liberal minoritarian coalition discourse was articulated not as a manifestation of “majority rights” (as in the conservative discourse coalitions), but as “public opinion”. Negative public opinion was defined as one of the preconditions of the existing discrimination and provided justification of additional legal protection from discrimination on the ground of SOGI. Public opinion was represented as a changing construct, an outcome of strategic mobilization employed by political actors and groups of interest. Members of the liberal minoritarian pro-European coalition admitted their own capacity to influence public opinion and often attributed responsibility for the (un)favorable public opinion on sexual and gender equality to the authorities.

Iryna Fedorovych, speaker of the *Coalition for Combating Discrimination*: “Until the deputies and the relevant ministries, who plan to follow their obligations to the EU and the already adopted laws, do not start a dialogue with their electorate and taxpayers in a language clear for everyone, all these necessary human rights values will remain “European demands” for the common people. <...> Of course, civil society organizations can occupy this niche that remains empty in absence of the state efforts. But will civil society efforts there be enough in such an information campaign? Or it will end again with the outcry of the opponents: “they are working for grants”? What is the responsibility of the state regarding this matter, and what is the one of the civil society?” (ANTIDI2013-05-30)

Tetiana Mazur, executive director of *Amnesty International in Ukraine*: “At the moment critical for the future of Ukraine, political leaders must show the strength of their character and take on a truly leading role in the process of changing of social sentiments and promoting the universality of human rights. Instead, they give in to those who promote hatred, showing they are afraid to stand up for the protection of sexual minorities” (UPR2013-09-06)

The unwillingness of the professional politicians to influence the public opinion on equality was represented as a betrayal of the public goods of “human rights” and “the rule of law” in favor of private interests to obtain electoral support, discredit opponents and satisfy “personal prejudice and stereotypes” (UPR2013-05-17). Altogether, public opinion was dissociated from “equality” within the liberal minoritarian pro-European coalition discourse. The actual public opinion on homosexuality was inconsistent with equality, but these elements could become equivalent under the influence of political elites.

5.1.3.3. European values

When addressing values, the liberal minoritarian pro-European coalition articulated the binary pair of “traditional” and “European” values. Both concepts were rarely provided any explicit elaborations, which signals that speakers tended to assume that the audience already shared common knowledge about these elements.

“Traditional values” were represented as equivalent to negative attitudes to homosexuality. For example:

Gay Alliance: “None of the legislators wanted to sort the things out with their homophobic electorate. And still, everyone traditionally stressed that Ukraine is, say, an “Orthodox state”; subsequently it turned out to be impossible for them to protect (we emphasize: not to legalize marriages, not to allow adoption, but only to provide legislative protection) their own citizens of homosexual orientation from discrimination” (GAU2013-08-08).

The Coalition for Combating Discrimination: “Deputies and officials only promote homophobia and openly demonstrate their disrespect for human rights justifying it with ‘traditional values of Ukrainian society’” (ANTIDI2014-05-19).

Remarkably, LGBT and human rights organizations avoided labeling the whole Ukrainian society “traditional”, as their opponents did. When speaking about the subject of “traditional values” they usually referred to “conservatives” in general and to particular political actors who advocated in support of “traditional values” (the Eurosceptic politicians and the religious right organizations). This opened up a possibility to rearticulate Ukrainian society as non-homonegative, or at least as sharing diverse attitudes on the issue.

“European values” in the liberal minoritarian pro-European coalition discourse implied respect for individual freedoms, human rights, and “tolerance” to diversity, particularly to sexual and gender diversity. “European values” were sometimes articulated as equivalent to “European (legal) norms” and “standards” necessary for the development of the prosperous Ukrainian state, which also relates this element to the “integration/accession” nodal point considered later in this chapter. The anti-discrimination reform in the liberal minoritarian pro-European coalition was represented as a chance to affirm Ukraine’s adherence to “European values”.

Unlike the conservative coalitions, the liberal minoritarian coalition did not counterpose “traditional” and “European” values as antagonistic elements. They articulated both elements in relation to the nodal point of “equality”. While “European” values were

equivalent to “equality”, “traditional values” were dissociated from it. “Traditional values” could contradict equality, particularly sexual and gender equality, and in this case were considered as archaic and not satisfying the needs of modern societies. But as morals and culture were represented as subjected to historical changes in the liberal minoritarian coalition discourse, “traditional values” could also incorporate “tolerance” to sexual and gender diversity. Such a strategic rearticulation of “traditional values” as coherent with equality was enacted by some LGBT rights organizations. For example, *Gay Alliance* published an article that asserted that “Christian values” shared by some church representatives and members of Christian Democratic parties in the EU member states did not preclude them from support for equality on the grounds of sexual orientation, including same-sex partnerships. When referring to the claims made by the opponents of Bill 2342, *Gay Alliance* put “Christian values” in parenthesis, implying that “real” Christian values did not contradict LGBT equality.

Unlike the liberal majoritarian pro-European coalition, the minoritarian coalition subordinated values to rights and tried to shift the debate on the anti-discrimination reform to the struggle over the equality nodal point, discussed in the previous section. Iryna Fedorovych from the *Coalition for Combating Discrimination* formulated this aim explicitly: “We should discuss universal human rights, not our values” (GAU2013-11-12). Rights were represented as superior to values, as equal human rights provided a basic precondition for the realization of different and sometimes contradicting values in the society on the equal grounds:

Iryna Fedorovych, speaker of the *Coalition for Combating Discrimination*: “And they [the conservatives] try to restrict human rights of others. For those who do not match their understanding of the normal and violate traditions and morals from their point of view. Indeed, forgetting that freedom of conscience and religion, as well as freedom of speech, and freedom from discrimination are human rights for everyone is very simple and convenient [for the opponents of the reform]” (UPR2013-05-17).

Subordination of “traditional values” to “human rights” undermined justifications used by the conservative coalitions against sexual and gender equality, and echoed the official discourse of the EU and international human rights law in which human rights are represented as superior to domestic traditions, as discussed in Chapter I. In order to justify subordination of values to rights, LGBT and human rights organizations repeatedly pointed out lack of universality in values, their historical, cultural, and social particularity. This

strategic “denaturalization” of values was aimed mostly at “traditional values”, while the particularity of “European values” was not questioned by the liberal minoritarian coalition in the anti-discrimination debate. Although human rights were also occasionally labeled as a “value” in the LGBT and human rights organizations discourse, this element was mostly interpreted as a legal principle associated with state policies, in contrast to values associated with morals and culture. As a result of strategical attempts to shift the debate from “values” to “rights”, articulation of own “values” in discourse of LGBT and human rights organizations remained underdeveloped. They usually mentioned “values” only when referring to claims made by their opponents.

5.1.3.4. European integration

The liberal minoritarian pro-European discourse coalition articulated “European integration” as a normative foreign policy priority of Ukraine. Ukraine was represented as an active subject who has freely chosen to commit to “European integration”. “European integration” was defined as adoption of “European values” and “norms and standards” of the EU law and governance, which would lead to political and economic integration of Ukraine into the EU in the future. Establishment of equivalence between “the EU” and “Europe” naturalized the EU as dominant political institution in European social space and provided cultural justification for political integration into the EU for Ukraine which might be defined as “European” country because of its geographical location and culture.

Integration with the Customs Union was occasionally mentioned as an opposition to European integration. In the article “Europe, Gays, and Russia: You Will Have to Choose” (GAU2013-09-12) published by *Gay Alliance*, accession of Ukraine to the Customs Union was represented as an act of violence and domination from the side of Russia. Russia was represented as a grammatical subject in the sentences, whose actions were described with verbs that bare connotations of aggression: “Russia <...> threatens Ukraine with various consequences and sanctions”, “striking the largest Ukrainian producers, who export products to Russia, Moscow creates serious problems for their business and requires Ukrainian state administration to refuse association with the EU”, “Russia starts silent trade war”, “Kremlin decided to put Ukraine on its allotted place in the Customs Union”. In all the mentioned fragments Ukraine is represented as a passive actor which is subjected to violent actions from the side of Russia. In the public appeal of *Fulcrum* to the Ukrainian

parliament signed by organization director Bohdan Hloba, “Europe”/“the EU” were associated with “civilization” and opposed to “Eastern tyrannies” that lack democracy, which might be read as an implicit reference to Russia and the Customs Union:

Bohdan Hloba, director of *Fulcrum*: “Each of you must make a decision on where are we moving. To the countries of a civilized world with high intellectual and economic potential, or in the direction of Eastern tyrannies, where the life of a common person has no value for the state” (FUL2013-09-03 (3)).

Later in the text, author extends the chain of equivalences of “Eastern tyrannies” with “old prejudice and medieval views”, which might be read as an articulation of the nodal point of “traditional values” which unite post-Soviet political projects that oppose the European Union.

The liberal minoritarian pro-European coalition represented the adoption of the anti-discrimination reform as part of the political integration of Ukraine into the EU. Bill 2342 was articulated as a necessary precondition for concluding both the Visa Liberalization and Association Agreements between Ukraine and the EU. In two texts in the sample, other international rights-agreements concluded by Ukraine were also mentioned as a legal basis for the anti-discrimination reform: the International Covenant on Civil and Political Rights (GAU2013-07-12) and the European Convention on Human Rights (ANTIDI2013-09-03(1)).

The European Union was represented as a destinator of the anti-discrimination reform in Ukraine. In most cases the destinator was collectivized as “Europe” or “the EU”, sometimes “the European Commission” and “the European Council” were referred to as controlling bodies that monitor the progress of the reform. Such a naming constructed the EU collective subject as unanimous on the issue of sexual equality.

Promotion of the anti-discrimination on the grounds of sexual orientation was represented as a typical EU foreign policy in Eastern and Central European countries that acquired EU membership or visa-free travel regime with the EU. When referring to the reasons of inclusion of the anti-discrimination requirement into the VLAP, *Gay Alliance* and *Fulcrum* represented the principle of non-discrimination as a basic legal standard of the EU, which provides foundation for its internal and external policy: “the general standard of European law requires ensuring non-discrimination precisely in labor relations, in particular on the grounds of sexual orientation” (GAU2013-07-08), “one of the key

principle of existence and development of the European Union” (FUL2013-09-03(3)). *Gay Alliance* also suggested that the aim of the EU promotion of the anti-discrimination standard in the neighboring countries was to protect itself from an influx of illegal immigrants who may seek a better life being oppressed in their native countries (GAU2013-09-18).

When representing the EU actions in the course of the anti-discrimination controversy, LGBT and human rights organizations selected lexis which implied the meaning of both inducement and pressure. When the EU actions were represented as inducement they were represented dynamically or activated: “the EU welcomes the improvement of the anti-discrimination legislation” (GAU2013-09-12(2)), “the European Union puts certain expectations on Ukraine” (GAU2013-09-12(2)). When the EU actions were represented as a pressure, the action was both activated (“the EU required”) and objectivated with the use of nominalizations (“one of the EU requirements”, “bills required by the European side”, “for the European Union it is an absolute requirement”). The director of *Amnesty International in Ukraine* Tetiana Mazur also used the subjunctive modality to represent the EU actions as a legitimate pressure on Ukraine: “the EU should demand fulfillment of obligations from our country” (GAU2013-09-24).

When representing reactions of the Ukrainian state on the EU inducement/pressure to adopt the anti-discrimination reform, LGBT and human rights organizations constructed opposition between “Ukraine” and political elites. “Ukraine” was constructed as a social/political collective subject that actively supports equal rights for all, including homosexual people: Ukraine “committed itself to the number of reforms” (Bohdan Hloba, director of *Fulcrum*, LIG2013-11-05), “reaffirmed its commitment to develop a legal framework to protect minorities from discrimination” (AMN2013-09-06), “voluntarily and willingly committed to the international rights standard when joining a number of international treaties and conventions” (Tetiana Mazur, director of *Amnesty International Ukraine*, AMN2013-11-06 (5)). The parliament and government were represented as the opponents of the reform who created obstacles for its adoption. In comparison to “the EU” which was usually collectivized, the government and parliament were often individualized through reporting claims of individual government officials and the parliament deputies.

Association of the anti-discrimination reform with political Europeanization provided one of the prominent justifications for the reform in LGBT organizations

discourse but was less emphasized in discourse of human rights organizations. LGBT organizations represented the adoption of the anti-discrimination reform as one of the final steps towards European integration which would be highly beneficial for all Ukrainian citizens as it would bring economic, technological, and political development to the country. The failure of the reform was represented as equivalent to the failure of the Association and Visa Liberalization agreements and, in the final end, the failure of European integration. This opened up a possibility to mobilize supporters of European integration among citizens and politicians in support of the reform. Besides, LGBT subjects were represented as special beneficiaries of European integration of Ukraine because of the EU sexual rights policies.

Taras Karasiichuk, director of *Gay Alliance*: “For our country, progress in the implementation of European integration strategies is a guarantee that human rights in Ukraine will be accessible to LGBT people, if not now, then certainly later, in the foreseeable future. The signing of the agreement and the further liberalization of the visa regime will bring Ukraine closer to the EU and make it more receptive to the basic EU human rights norms” (DLG2013-07-11(1)).

Human rights organizations did not justify the implementation of the anti-discrimination reform with the Association and Visa Liberalization Agreements but occasionally used political Europeanization in a broad sense of implementation of European/EU norms and standards. For example, the director of *Amnesty International* Tetiana Mazur during the parliamentary hearing on European integration claimed that the deputies had “an opportunity to change the state and society, making them closer to European standards” (AMN2013-11-06(5)). Adoption of “European standards” in this claim was presented as an independent positive value, not related to political association or free travel as a final aim.

Both LGBT and human rights actors problematized justification of the anti-discrimination reform with political Europeanization only that was common among the government and parliamentary parties. Their claims addressed to the government and parliament demonstrated that “European integration” obtained its positive meaning in the LGBT and human right organizations discourse because it was related to the nodal point of “equality”:

The Coalition for Combating Discrimination in Ukraine: “It is worth remembering that development of the anti-discrimination legislation should be aimed at promoting development of human rights in Ukraine and the creation of effective mechanisms for their protection, rather than on a

desire to liberalize the visa regime with the European Union as soon as possible. Indeed, protection against discrimination is necessary for Ukrainian citizens, not for the EU residents or officials” (ANDI2014-04-02).

Gay Alliance: “And not because Europe demands it from us. Europe does not need forcible or formal European integration, and no West will write down the laws that we need instead of us. And why, in fact, someone else should take care of us?” (GAU2013-09-18).

Bohdan Hloba, director of Fulcrum: “Honorable parliament deputies, when you vote and decide whether to vote for a bill on prohibition of discrimination on the grounds of sexual orientation, please consider that, first of all, this is not a requirement of the European Union, it is not a requirement of the European Commission, it is a necessity for citizens, for young guys and girls who live in Ukraine, who are just like me, and who want to live happily and safely, and work in Ukraine” (FUL2013-11-06(4)).

5.1.4. Conservative Eurosceptic discourse coalition

The conservative Eurosceptic discourse coalition initially consisted of the *Communist Party*, the pro-Russian members of the *Party of Regions*, the religious right and pro-Russian grass-roots organizations. I also consider discourse of the Orthodox Church of the Moscow Patriarchate as part of this coalition, because all claims made by representatives of the church on the issue of European integration were negative. However, it should be taken into account that the Orthodox Church of the Moscow Patriarchate did not make any official statements on foreign policy during the analyzed period. As a member of the All-Ukrainian Council of Churches, it formally supported European integration. Negative claims on European integration were made only by the church representatives on the lower rank. After relations with Russia became the foreign policy priority for the government in November 2013, the government and the majority of the *Party of Regions* joined the conservative Eurosceptic discourse coalition.

The *Communist party* strongly opposed European integration throughout the first round of the anti-discrimination controversy and used the issue of sexual equality to mobilize the public against it. For example, during the public celebration of the 96th anniversary of the October Revolution in Dnipro, the booklets against LGBT equality were distributed among the protesters together with the party newspaper (SEG2013-11-07(2)). In May 2014, the *Communist Party* boycotted the parliament voting on the new anti-discrimination Bill 4581 protesting against the change of the government.

The members of the *Party of Regions* who supported the pro-Russian direction of foreign policy also advocated against prohibition of discrimination on the grounds of SOGI. The most publicly visible *PR* advocate against sexual equality was the deputy head of the *PR* parliamentary faction Vadym Kolesnichenko. As the leader of the parliamentary group “In Support of the Canonical Orthodox Church”, which lobbied interests of the Orthodox Church of the Moscow Patriarchate in the parliament, he organized round tables and parliamentary meetings that gathered opponents of sexual and gender equality from the religious right movements and churches. The biggest round table “European choice of Ukraine: through same-sex relationships?” which was held in May 2013, gathered a number of conservative speakers from the *PR*, *Communist party*, Ukrainian Orthodox Church of the Moscow Patriarchate, pro-Russian and religious right movements *People's Council*, *Ukraine for Life (Ukraina za Zhyttia)*, *For Family (Za Simiu)*, and members of the Russian anti-LGBT organization *For Family Rights (Za Prava Semi)*. Presentations made during the round table were published as a volume and distributed among the members of parliament. Also, Kolesnichenko advocated against Bill 2342 in the media (in the personal online blogs and frequent comments). In December 2013, the group of *PR* deputies led by Kolesnichenko developed Bill 3722 “On the need to amend the Agreement on the Association between Ukraine and the EU in order to protect family and the traditional family values in Ukraine” which was aimed to dismiss the provision on implementation of the EU Employment Framework Directive from the Association Agreement⁵². In May 2014, the *Party of Regions* abstained from the vote for anti-discrimination Bill 4581.

The religious right and pro-Russian organizations were active opponents of the anti-discrimination reform since March 2013. The pro-Russian organizations *People's Council* and *Ukrainian Choice* used the issue of SOGI-related sexual and gender rights to mobilize the public against European integration and for Ukrainian membership in the Eurasian Customs Union. The religious right organizations were less explicit in their position on international relations and opposed the anti-discrimination reform mainly because it was inconsistent with their views on democracy and national values. However, they were also quite skeptical about European integration as I show later in this chapter.

52 As Kolesnichenko continued his political career in the annexed Crimea and renounced his mandate in the Ukrainian Parliament, the bill was not put to a vote and was automatically dismissed in November 2014.

The religious right and pro-Russian organizations maintained institutional connections and cooperated their actions. In May 2013, *People's Council* and *Ukrainian Choice* have signed an official cooperation agreement that ensured “common organization of forums, seminars, public protests, other mass actions to protect the institution of family”, particularly from “sexual perversions” (Narodnyi Sobor, 2013). United participation of the religious right and pro-Russian interest groups in street protests and round tables was reported in the online media and political actors' blogs.

The activities of the religious right and the pro-Russian organizations against Bill 2342 included public protests, collective petitions and individual appeals to the government and parliament, social advertising, organization and participation in parliamentary meetings, lawsuit against the government, conferences and round tables against sexual and gender equality.

Organizations' websites and media reports reported 21 public protests which included demands to dismiss Bill 2342⁵³ organized by the religious right and the pro-Russian groups in different regions of Ukraine during Feb 2013 – May 2014. These protests often had a broad agenda of anti-LGBT demands, including demands to prohibit LGBT-pride in May 2013 and ban the “homosexual propaganda”. The majority of protests were held in Kyiv. Each time the Conciliation Board of the parliamentary factions considered putting Bill 2342 to the vote (March, 14; July, 2; September, 3) the pro-Russian and the religious right organizations held a common protest in front of the Parliament building. *Ukrainian Choice* also held a number of the anti-LGBT protests near the office of the Delegation of the EU to Ukraine and embassies of the EU members.

Besides public protests, the religious right and the pro-Russian activists mobilized their supporters to sign collective petitions and send individual appeals to the government and parliament members. *LPG* claimed that by the end of May 2013, 394 individual and collective appeals were obtained by the President Administration, 705 by the Cabinet of Ministers, and 1355 by the Parliamentary Committee on Human Rights (LPG2013-05-27).

In March, *LPG* sued the Cabinet of Ministers, claiming that as submission of Bill 2342 was unlawful without the preliminary public discussion, it should be withdrawn. In November, the court acknowledged the violation of the procedure of public discussion

⁵³ A far greater number of protests was held in support for “traditional values”, which may also be considered as part of the anti-2342 advocacy

of the bill; however, the decision did not require the bill's withdrawal and was more of a symbolic value for the bill's opponents.

In July, *Ukrainian Choice* held the conference “Orthodox Slavic values as the basis of the civilization choice of Ukraine” which gathered Russian political establishment (Vladimir Putin, Sergei Glaziev), Ukrainian pro-Russian politicians (Oleh Tsariov, PR; Heorhii Kriuchkov, the *Communist Party*), and intellectuals (scientists, artists). Several conference speakers claimed that the EU imposes tolerance to sexual minorities as a foreign value on “the Slavic civilization”. In October, *Parent Committee* organized several public events that involved a team of “international experts” from the religious right organizations outside Ukraine (*The World Congress of Families*, *Dveri*, *La Manif Pour Tous*). Among them was a round table in the parliament “The necessity to preserve family values in Ukraine and the prospects for holding the World Congress of Families in Kyiv”.

In autumn 2013, *Ukrainian Choice* sponsored public advertising campaign against association with the EU in big Ukrainian cities, particularly in Kyiv, Odesa, and Sumy (Dolod, 2013; “Medvedchuk Pugaiet Odessu Odnopolymi Brakami [Medvedchuk Scares Odessa With Same-sex Marriages],” 2013; Ukrainska Pravda, 2013). The campaign included paid advertising in public places (metro light-boxes, road billboards). One of the slogans used in the campaign was “Association with the EU means same-sex marriages”.

At the beginning of 2014, the religious right organizations celebrated the dismissal of the provision on sexual orientation from the anti-discrimination bill. The pro-Russian organizations substantially limited their public activities in Ukraine or relocated to the self-proclaimed Luhansk and Donetsk People’s Republics.

With the rejection of the Association Agreement in November 2013, the government tried to use the issue of sexual and gender equality as justification for the wide public of why European integration should be rejected. For example, at the anti-Euromaidan street protest in Kyiv on December 14, 2013, Prime Minister Mykola Azarov strategically associated the anti-discrimination reform with same-sex marriages and misrepresented it as a precondition for the conclusion of the Association Agreement.

Later the government returned to support of visa liberalization, as a part of their strategy to represent the rejection of the AA as a pause in European integration needed for an “additional discussion” (TSN2013-12-20; TSN2013-12-20(2); TSN2013-12-20(3)). The government has probably aimed to calm the Euromaidan protesters with the introduction of

the visa-free regime and divert their attention from the failure of the Association Agreement. At this stage of the controversy, the government returned to negotiations with the European Commission on the dismissal of the anti-discrimination requirement from the VLAP which was started by the Parliament in autumn. At the end of December 2013, Secretary of the National Security and Defense Council Andrii Kliuiev and Vice Prime Minister Serhii Arbuzov announced that “a compromise” on the anti-discrimination reform had been reached with the European Commission to postpone the requirement on SOGI to the second stage of the VLAP (TSN2013-12-20(3); UPR2013-12-20 (2)).

5.1.4.1. Sex

The conservative Eurosceptic coalition articulated sexuality and gender in relation to the nodal point “sex”. Sex was represented as an inborn biological entity that is manifested in heterosexual sexual orientation and cisgender gender identity. The equivalence among three elements XY/XX chromosomes – heterosexuality – cisgenders merged in “sex” as a single indistinguishable element.

Sexual orientation and gender identity were articulated in the conservative Eurosceptic discourse as elements antagonistic to the nodal point of “sex”. The term “sexual orientation” was used to designate homosexuality as a matter of personal choice, and was not applied to heterosexuality as an inborn feature. When discussing homosexuality, the Eurosceptic conservatives most frequently referred to gay men. Lesbians, bisexual and transgender people were mentioned only in the abbreviation “LGBT”. “Zoophiles”, “pedophiles”, swingers, and polyamorous people were mentioned as other “sexual minorities” besides LGBT. The strategic association of LGBT people with criminally prosecuted groups of “zoophiles” and “pedophiles” represented them as a threat to society.

The constructed character of homosexuality was implied in the words “lifestyle” and “behavior” used to refer to homosexuality instead of “orientation” and in the common conservative storyline *propaganda of homosexuality*. The idea of “propaganda” relied on the assumption that “natural” heterosexuality of children and young people becomes distorted or replaced under the influence of positive representation or even simple presence of homosexuality in public.

5.1.4.2. Majority rights

The conservative Eurosceptic discourse coalition represented democracy as a system in which a majority defines social and political rules for the whole society with the use of mechanisms of representative democracy and with the dominant public opinion. Some of the conservative Eurosceptics claimed that the opinion of a majority should determine state laws and policies directly:

Petro Symonenko, leader of the *Communist Party*: “The law is the political will of the majority of citizens” (LIG2013-09-24).

Serhii Hula, lawyer, activist of LPG: “officials should know the opinion of Ukrainians and fulfil the will of citizens” (LPG2013-03-29).

The equivalence between the political will of the majority and the public opinion had three important political consequences. First, it left out the question of how public opinion is assessed, thus opening up a possibility for interest groups to substitute public opinion with the opinion of their active supporters in the public space. Second, the equivalence between the majority and public opinion excluded the possibility of contradicting public opinions, e.g. in a situation when a particular legal initiative is related to several social and political issues, on which the public has different opinions. This discursive exclusion enabled conservative actors to make a strategic selection of that version of the public opinion which supported their political aims. Third, the majoritarian perspective on democracy in the conservative Eurosceptic discourse coalition excluded those subjects who did not conform with the views of the majority from the subject position of Ukrainian citizens. Full citizenship was granted only to the majority, while LGBT people, as well as their heterosexual supporters, were constructed as subjects whose rights might be restricted in favor of the majority.

Heterosexual sexual orientation provided a legitimate ground for the majority to claim civil and human rights in the conservative discourse. The assumption that (procreative) heterosexuality provides a ground for equality claims was manifested in the concepts of “family rights” and “children rights”. The concept of “family rights” was used to articulate a right of heterosexual parents to limit access of their children to information about non-heteronormative sexuality and gender variation; while the concept of “children rights” was used to articulate a right of supposedly heterosexual children to be restricted from information about non-heteronormative sexuality and gender variation. “Family

rights” and “children rights” were articulated as integral parts of civil rights and human rights.

Minorities rights in the conservative Eurosceptic discourse could have been subjected to legal protection only when they were claimed on the grounds of the inborn features compatible with dominant “religious and moral values”:

Resolution of the round table “In Europe through same-sex relationships?”: “Grounds [of the unfair discrimination] are either inborn (such as race or birth in a particular social group) or are associated with certain high values (freedom of religion, philosophical or political belief). <...> “The realization of the constitutional rights of Ukrainian citizens is not made dependable on the character of their sexual life; moral norms and responsibility for their violation apply to all citizens, without taking into account their sexual preferences, which at the moment provides full equality and protection against discrimination” (PR2013-05-19(3)).

Subsequently, rights claims on the ground of sexual orientation were related to the nodal point of “discrimination / homodictatorship” antagonistic to the core democratic nodal point of “equality”. In addition, the conservative Eurosceptics associated minorities’ rights with the “discrimination” nodal point claiming that non-heterosexual people constantly violate family rights and children’s rights of heterosexual people.

“Homodictatorship” in the conservative Eurosceptics discourse functioned as a conspiracy theory that interpreted the rights struggle of LGBT people as a struggle for the establishment of a power regime based on system discrimination of the heterosexual majority. The LGBT community was represented as a homogeneous powerful political group that strategically operated to impose “homodictatorship” worldwide. The following paragraph gives the most elaborate description of “homodictatorship” in the collected sample:

Pavlo Unhurian, chairperson of Za Simiu⁵⁴: “As the first step, LGBT usually push the idea of protection from discrimination, compelled by the idea of universal human rights which is embedded in the Word of God, but they manipulate these concepts. The second step is a powerful wave of public events, gay-parades, “prides”. The next step is the change in educational standards: introduction of education which is tolerant of alternative sexual lifestyle for children, adolescents, and children in kindergarten. The next step is the legalization of same-sex marriage and child adoption by same-sex partnerships (which has already happened in France). And the fifth, most dangerous step, is

⁵⁴ During the first round of the controversy, Unhurian was also a member of the *Fatherland* party. However, as he was not a parliament deputy and participated in the public debate on the anti-discrimination reform mostly as the leader of the religious right movement *For the Family* he is considered as a member of the conservative Eurosceptic discourse coalition.

discrimination and persecution of dissent. This has happened for example in the United Kingdom, the Scandinavian countries and other [countries]. Though we are now standing only before the first step, we must understand that no one will stop at that” (PR2013-05-19(3)).

The concept of “homodictatorship” reveals the inability of the conservative imagination to envision a society without oppression. The only alternative to heteronormative domination it was able to incorporate is homonormative domination. The “homodictatorship” anti-utopia provided an effective instrument to restrict possibilities for LGBT advocacy. In order not to provide evidence for the “homodictatorship” plan, LGBT organizations avoided demanding other equal rights, such as same-sex marriage and child adoption, during the anti-discrimination controversy.

The anti-discrimination reform was articulated as an instrument of protection of “sexual minorities rights” and thus related to the “dictatorship” nodal point. The conservative Eurosceptic coalition used several storylines to establish equivalence between the anti-discrimination reform and discrimination.

Minorities rights storyline. Only LGBT people were represented as beneficiaries of the reform. Other social groups that could potentially benefit from the reform were never mentioned, which discursively blocked possibilities for LGBT people to find allies among the more resourceful minorities, such as women/feminists, ethnic groups, religious minorities, disabled people, people living with HIV/AIDS, etc.

As homosexuality was assumed to be an acquired behavior, the possibility to claim equal rights on this ground was rejected in the conservative discourse. The religious right, pro-Russian interest groups, and conservative politicians relied predominantly on secular assumptions (constructed character of homosexuality) in the *anti-essentialist storyline* against SOGI, while in discourse of the Orthodox Church of the Moscow Patriarchate homosexuality appeared to be “non-natural” not only because it was socially learned, but also because it violated God-given human nature:

Holy Synod of the Orthodox Church of the Moscow Patriarchate: “Scripture and the doctrine of the Church regard homosexual intercourse as a sinful distortion of the human nature as given by God and unequivocally condemn such [sexual] relations. It is clearly stated in the Foundations of the Social Concept of the Ukrainian Orthodox Church that our Church “considers homosexuality to be sinful corruption of human nature, which to be overcame by spiritual endeavor leading to the healing and personal growth of a human” (Section XII, 9)” (CHMP2013-03-15).

Within the anti-essentialist storyline, the Eurosceptics discourse challenged the understanding of human rights as universal principles that can not be restricted by any local traditions or morals, which is hegemonic in the international human rights law. Instead, it portrayed human rights as susceptible to unjust violations of “nature” and “morals”. The potential conflicts between human rights and “nature and morals” should have been solved with the imposition of domestic “laws”.

Oleh Khistopoltsev, activist of Street Workout: “Representatives of sexual minorities talk about human rights. But the rights and desires of any human are limited to certain natural norms, norms of morals and laws” (LPG2013-06-05).

Yelena Priven, editor of the Polemika-Ukraine website: “I am a supporter of human rights and freedoms, limited only by common sense and law” (LPG2013-07-31-(1)).

Denial of discrimination. De-legitimization of rights claims on the ground of sexual orientation was based on the assumption that equality of homosexual and heterosexual people was already achieved. Conservative Eurosceptics argued that the Constitution already protected all citizens from all kinds of discrimination, so there was no need for an additional prohibition of sexual orientation discrimination. The existing discrimination of LGBT people was justified as protection of the (heteronormative) majority rights against the “promotion of homosexuality”:

Resolution of the round table “In Europe through same-sex relationships?”: “Obviously conformity of the person’s public way of life to the norms of public morality should be a required precondition to work with children, and refusal to hire or dismissal of a teacher because of [their] immoral behavior can not be counted as discrimination” (PR2013-05-19(3)).

LPG: “The prohibition of the so-called discrimination on the grounds of sexual orientation will make it impossible to fire a lesbian kindergarten teacher” (LPG2013-02-20).

Proponents of sexual and gender equality were represented as a threat to democracy that justified their exclusion from the Ukrainian social/political space:

Aleksandr Skvortsov, co-chair of Parent Committee: “<...> social activists, parents, and organizations will be able to unite their efforts against the anti-familial totalitarianism” (SEG2013-11-15).

LPG: “Sexual minorities fulfill their promise: they increasingly appear in front of us without masks, demonstrating their inclinations to dictatorship, with the goal defined as to establish a totalitarian regime. They use the mottoes of democracy just in order to destroy democracy...”⁵⁵.

In such a way, discrimination of LGBT people was paradoxically made equivalent to equality and democracy. Notably, in the above-mentioned examples, nothing is said about

55 LPG “Manifest”, Retrieved September 14, 2019, from <http://love-contra.org/index.php/about/manifesto/>.

how the supposed LGBT subjects are identified, whether they disclose their sexual orientation willingly, or are outed, or are simply labeled as LGBT by others.

Reverse discrimination. As existing limitations of sexual and gender rights of LGBT people were articulated as equal treatment, any further rights claims made by the LGBT community were interpreted as seeking “special privileges”, “discrimination against the majority”, violation of the “heterosexual majority rights”. The conservative Eurosceptics claimed that Bill 2342 introduced the term “sexual orientation” into Ukrainian law “for the first time”, which would enable “sexual minorities” to violate the majority rights, particularly freedom of religion (the bill “restricts the promotion of [anti-homosexuality] religious views”); freedom of speech (it “prohibits public critique of homosexuality”); and freedom of conscience (the bill “prohibits expressions of negative evaluations of homosexuality”).

Representation of Bill 2342 as an instrument to introduce “special privileges” for homosexual people often relied on strategic misrepresentation of the bill’s statements. The Eurosceptics claimed that it introduced all the possible kinds of legal responsibility (including criminal) for all types of direct and indirect discrimination against homosexual people in all social spheres (although the bill included it only into the Labor Code and lacked penalties for discrimination).

Oksana Kalentnyk, parliament deputy, the Communist Party: “If the document is adopted, not only the term “sexual orientation” will be introduced into the legal field, but also the “intention to ‘discriminate’ on sexual grounds”. In this case, any careless view, if desired, can be regarded as an intention, which means that this will be the occasion to start a legal prosecution of a person. <...> Not to say actions against gay Prides. And the presumption of innocence will not work. A person will be a priory guilty, he will have to prove, that he did not want to discriminate anyone”. The member of parliament is also convinced that today hysteria is artificially created in society today, but in fact “there is no discrimination, it is a myth created to change the legislation”” (SEG2013-05-15 (2)). The anti-discrimination reform was often represented as the first step in the gradual development of protection of equal rights on the grounds of sexual orientation and gender identity that would finally lead to the introduction of “homodictatorship”.

Will of the people. The storyline counter-posed introduction of anti-discrimination protection on the grounds of SOGI to the “public opinion”. As evidence of negative public opinion towards the anti-discrimination reform actors from the conservative Eurosceptic coalition usually provided signatures and letters from their supporters. In such a way

opinion of the conservative interest groups was used to represent the public opinion of all Ukrainian citizens. Occasionally references to public opinion were also supported with predictions of “social unrest”, which would follow if the “public opinion” would be ignored by authorities. The coalition never mentioned public support for European integration and labor equality, which provided potential justifications for the anti-discrimination reform.

The anti-propaganda Bill 8711 in the conservative Eurosceptics discourse was represented as the antagonist of Bill 2342, protecting the rights and freedoms of the heterosexual majority. Appeals of the Eurosceptic alliance to the state authorities, as well as their street actions often included demands to adopt Bill 8711 alongside with demands to dismiss Bill 2342.

5.1.4.3. Traditional values

Two antagonistic articulations of “values” were developed in the conservative Eurosceptic coalition discourse, which provided nodal points for the two antagonistic subject positions.

“Traditional values” nodal point bounded the Ukrainian people/nation subject and differentiated it from other national subjects. The nodal point of “traditional values” in the conservative Eurosceptic discourse provided a point of commonality for “religious”/“Christian”, “moral”, “family”, and “cultural” values. These elements were often juxtaposed in one clause: “traditional family values of Ukrainians” (*Parent Committee*), “traditional family, moral, and religious values of the Ukrainian people” (*LPG*).

“European values” provided a nodal point of the subject position of the Eurosceptics antagonistic Other, which was imposed on “the West”, the EU, the international LGBT movement, and the domestic political opponents of the conservative Eurosceptics who supported the EU. “European values” in the analyzed sample were associated with “tolerance” to sexual and gender diversity and individualism.

The pro-Russian and religious right actors were different in discursive construction of Ukrainian national identity. In discourse of the pro-Russian actors (the *Communist party*, *Ukrainian Choice*, *People’s Council*) “traditional values” related Ukraine to “the family of Slavic peoples” and “the Slavic civilization”. Their common use of the term

“people” (“*narod*”) instead of “nation” provided an inter-textual reference to the political myth of “Slavic brotherhood” of Belarusian, Ukrainian and Russian “peoples” (“*tri btratskikh naroda*”) that occupied a central position in the “Eastern Slavic civilization”. Among other “traditional values” that bounded the “Eastern Slavic civilization” Orthodox Christianity was granted a leading role. The conservative Eurosceptics frequently named Ukraine “an Orthodox country” and advocated in support of “Orthodox-Slavic values”. Stressing Orthodox Christianity as a core of the Ukrainian national identity echoed claims made by the Russian president Vladimir Putin at the time:

Heorhii Kriuchkov, parliament deputy, the Communist party: “<...> Orthodox culture, common to the predominant majority of Russian, Ukrainian and Belarusian peoples <...>” (COM2013-07-22)

Viktor Medvedchuk, chairperson of Ukrainian Choice: “<...> the Slavic pagans have baptized into Orthodox Christianity, borrowed the Cyrillic alphabet, initially followed the Byzantine models, and then created their own original culture and spread it from the Carpathians to the shores of the Pacific Ocean. Now, this is not even the culture of several kindred peoples, but a real civilization” (UV2013-07-26).

Vladimir Putin, President of Russian Federation: “Civilizational choice of a development path crucial for all Slavic peoples was made here in Kyiv, – 1025 years ago baptism of Rus took place here” (UV2013-07-27).

Another point of reference for Slavic peoples in the pro-Russian actors’ discourse was the common past. All the pro-Russian actors mentioned the Kyiv Rus as the common origin of the “Slavic civilization”, the *Communist party* also appealed to the Soviet past:

Heorhii Kriuchkov, parliament deputy, the Communist party: “During the years of Soviet rule, the collectivist, humanistic features of the Eastern Slavic civilization received a powerful development, were enriched by civilizational acquisitions from all peoples united by the Union of Soviet Socialist Republics, and formed the basis of a fundamentally new socialist civilization” (COM2013-07-22).

The religious right differed from the pro-Russian actors in that they used the traditional values nodal point not to relate the national subject to the “Slavic peoples” but to construct a positive meaning of the Ukrainian national subject that would differentiate it from other social/political identities. Also, when speaking about the religious norms which bound the Ukrainian national subject they appealed to the more general “Religious/Christian values” instead of the “Orthodox” ones, because of the substantial presence of protestants among their supporters.

What united the pro-Russian and the religious right actors, was their use of the traditional values nodal point to construct n opposition between the Ukrainian national

subject and “the EU”/“Europe”/“the West”. As these boundaries were crucial for articulation of the “integration/accession” nodal point, I will consider them in the next subsection

Traditional values stood for a set of social norms that enabled biological and social reproduction of the Ukrainian nation in the conservative Eurosceptic coalition discourse. Being related to this nodal point, floating signifies “sexuality” and “family” obtained fixed meaning as heterosexual and heteronormative sexuality and family. “Traditional family” and “traditional sexual orientation” became constitutive for the Ukrainian national subject.

Articulations of sexuality in the Eurosceptic discourse established a relation of equivalence between biological reproduction and heterosexuality. Both were represented as inborn features. Biological reproduction was represented as possible only as a result of intercourse between heterosexual people. The procreative sexual scenario was represented as normative for heterosexual relations, e.g. “natural essence of a sex act as an instrument of reproduction” (UV2013-05-18). Non-reproductive and non-heterosexual relations were presented as a personal choice and condemned as both non-natural and anti-social.

Homosexuality was articulated as an emblematic form of non-reproductive and non-heterosexual sexuality. The choice of a “homosexual lifestyle” was condemned as a violation of the ethical norms of society, both religious and secular. A combination of both secular and religious perspectives in the moral arguments enabled the Eurosceptics to mobilize both non-religious and religious people in support of heteronormativity and against homosexuality and sexual rights for LGBT people.

The homosexual “choice” was represented as a choice of recreational sexual scenario and rejection of biological reproduction. Child adoption was mentioned as the only option for homosexual people to have children. The fact that gays and lesbians in Ukraine raise their biological children, conceived either in previous heterosexual partnerships or with the use of reproductive technologies, was never mentioned in the conservative Eurosceptic discourse.

Heterosexual monogamous family in the Eurosceptics discourse was constructed as a primary social space of national reproduction. When family was mentioned it was always associated with children, as in the popular motto of anti-LGBT street protests “Father, mother, me – a happy family” (LPG2013-06-05). Heterosexual family was constructed as simultaneously biologically procreative and socializing its members into the procreative

sexual script. The term “institution” that was usually used by the conservative Eurosceptics when referring to family, highlighted that a family under discussion was not the particular group of related individuals, but a set of social knowledge and practices aimed at national reproduction:

Dmytro Perlin, activist of Ukrainian Choice: “[Homosexuality and transvestism] erode our culture, and subsequently destroy the family institution and contribute to the extinction of the people” (OBZ2013-09-03(1)).

Homosexual couples were opposed to normative reproductive heterosexual family with the use of quotation marks:

LPG: “After that [adoption of Bill 2342] it will be impossible to prevent the government and parliament from even worse initiatives, for example, legalization of same-sex “marriages” and the adoption of children by such couples (LPG2013-03-28).

Conservative Eurosceptics were strongly against child adoption by homosexual people. Upbringing by homosexual partners was associated with the risk of sexual violence and negative psychological and social effects for the child in the adult life:

Olena Priven, editor-in-chief of the *Polemika-Ukraine* website: “A child who is brought up in a homosexual environment may simply learn the behavior of “parents”, may become heterosexual, or may acquire neurosis at best. In case he will be able to avoid a severe crisis and harsh deviant behavior” (LPG2013-07-31(1)).

During street protests against the anti-discrimination reform, conservative Eurosceptics advocated for Bill 2133/P (introduced in 2013) which proposed the prohibition of adoption of the Ukrainian children by foreign same-sex couples.

Besides subverting heteronormative social order within family, homosexuality in the conservative Eurosceptic discourse was represented as a threat to the dominant heteronormative patriarchal social norms in the public sphere. The Eurosceptics claimed that “propaganda of homosexuality” “ruined” the institution of family as it seduced children and adolescents into same-sex relations, contributed to the spreading of non-monogamous forms of partnerships and violation of patriarchal norms which turned people away from “traditional” patriarchal reproductive marriage. Homosexuality, gender transgression, feminism, and gender equality were related into a chain of equivalences that was assumed to be the ideological foundation of “homodictatorship”.

Oleh Chistopoltsev, activist of Street Workout: “We oppose propaganda of homosexuality and its normalization. Nowadays it is common to hear that real men, men capable of agency are becoming

rare. The legalization of homosexuality certainly will not contribute to the increase in the number of real men. Moreover, there is a problematic demographic situation in Ukraine" (LPG2013-05-06).

Oleksandr Skvortsov, chairperson of Parent Committee: "After all, gender equality in all countries means equality of all gender, that is, equality of heterosexuals, homosexuals, transgender people, and other perversions" (COM2013-11-22).

Subversion of heteronormativity was represented as a threat to the biological existence of the nation. The most common negative effects named were the demographic crisis and the decline of public health because of the spread of venereal diseases. These negative effects were often illustrated with examples from the contemporary "Western" countries:

Ihor Druz, chairperson of People's Council: "For example, in Sweden, where legislation on gender equality was adopted, the birth rate fell sharply, the country is dying out. It [the birth rate] is only 10 infants per 1,000 people in the population, while the world average is 20. Stockholm is recognized as the first post-family city, where 70% of people do not want to marry" (UPR2013-05-19).

As a nodal point of national identity, "traditional values" in the discourse of the conservative Eurosceptic coalition should have provided a normative foundation for state-building and civil rights. The Orthodox Church of the Moscow Patriarchate represented control over sexuality and legal restrictions of LGBT people's rights were articulated as "an issue of state defense" (CHMP2013-04-01). *LPG* articulated heteronormative reproductive family as a precondition of existence and proper functioning of the Ukrainian nation-state, for example, in, street protest motto "Strong family – strong state" (LPG2013-05-07). Full citizenship was only granted to normative heterosexual reproductive subjects. LGBT subjects were excluded from the Ukrainian nation as an internal (and external, see the next subsection) threat to national reproduction. This exclusion is articulated, in another motto used in the anti-LGBT street: "Law for the families, Ukraine for the families" (ROD2013-05-28). The Orthodox Church of the Moscow Patriarchate prioritized adherence to traditional values over equal civil rights:

Holy Synod of the Orthodox Church of the Moscow Patriarchate: "Introduction of international standards and recommendations in the field of the protection of human and civil rights and freedoms in Ukraine must not occur at the expense of the abandonment of traditional Christian moral norms" (CHMP2013-03-15).

The Eurosceptics articulations of "traditional values" revealed a number of contradicting assumptions about sexuality, and (national) reproduction common in contemporary homonegative discourses. Similarly to the Thatcherite discourse in Britain

analyzed by Ann-Marie Smith (1994), it maintained a contradiction between the assumption that homosexuality was “promoted” and the assumption about universal inborn heterosexuality. As conservative discourses on sexuality maintain the assumption that any child might become a victim of “propaganda”, homosexuality appears to be present as potentiality from the moment of childhood. If sexuality was fixed at birth, no promotion of any sexuality would be possible. But as long as “natural” heterosexuality of children and adolescents must be actively nurtured through social norms, homonegative discourses demonstrate “an obsessive concern for the production of normalcy” (Smith, 1994, p. 202). Discourse of the Ukrainian conservative Eurosceptics demonstrated similar contradicting assumptions not only in articulations of sexuality but also in articulations of reproduction. Just as orientation on the different sex, the orientation of sexuality on reproduction was represented as an essential feature of the human “nature”. However, this “natural” orientation of sexuality on procreation was always threatened by homosexuality alongside with abortion. Just as heterosexuality, procreative orientation should have also been nurtured through the norms of “traditional family”.

Representation of the biological reproduction as the only form of national reproduction allows suggesting that nation was assumed to be as a community bounded by blood ties (ethnic nationalism), not rights and citizenship (political nationalism) in the conservative Eurosceptic discourse. If the conservative Eurosceptic coalition discourse opened up a possibility for national reproduction through socialization of the new nation members into the national community, biological reproduction would not be a single condition of the nation’s existence. However, at the explicit level, Eurosceptics represented themselves as opponents of ethnic nationalism, which they associated with the pro-EU political actors, particularly with the right-wing *Freedom* Party. The pro-Russian actors, except deputies of the *Party of Regions*, in the conservative Eurosceptic discourse coalition even avoided using the very term “nation”, supposedly associated with Ukrainian nationalism, and used the term “people” instead. The collected sample does not provide enough material to consider articulations of interethnic and interracial relations in the Eurosceptics discourse to provide supporting evidence for the ethno-nationalist conception of nation in this coalition. Further research is needed to examine representations of Ukrainian citizens of different ethnic origins in the conservative Eurosceptic discourse to

conclude whether ethnic nationalism in the conservative Eurosceptic discourse supported heteronormativity.

European values in the conservative Eurosceptic discourse included individualism, personal freedom. They were articulated as antagonistic to traditional values, religious and moral norms, Christianity, and spirituality (*dukhovnist*). As long as traditional values were represented as an instrument ensuring social and biological reproduction of the nation, European values were associated with depopulation and extinction of the nation.

Serhii Baliuk, pastor and bishop of the United Christian Evangelical Church of the Living God, text published at LPG website: “What are called today European values are not Ukrainian Christian values, these are the ‘values’ of homosexuality. <....> Modern so-called European values are a culture of death and a cry of despair from the society that has consciously abandoned God and is going nowhere” (LPG2013-07-13).

Eduard Linnik, text published at the Ukrainian Choice website: “Christian moral norms are in complete opposition to the aforementioned European ‘values’” (UV2013-05-18).

Social acceptance of homosexuality was represented as an emblematic metaphor of European values:

Oleksii Popov, text from the website of the Communist Party: <...> “freedom of propaganda of homosexual orientation is one of the main values of modern European civilization, and homosexualism in the West should be considered not only as a specific type of sexual behavior but also as a dominant ideological ‘-ism’, like conservatism, liberalism, etc. Only in relation to this ‘-ism’, there is a complete consensus of the [European] right and left” (COM2013-02-17).

Viktor Medvedchuk, chairperson of Ukrainian Choice: “In today’s Europe, homosexuality is no longer a kind of sexual orientation, it has become a certain ideology. An ideology that actually gained an official recognition” (UV2013-07-07).

Ukrainian Choice differed from other members of the conservative Eurosceptic discourse coalition as it also articulated equivalence between European values and traditional values. Traditional values were represented as proper European values, which Europe has abandoned. The European values as traditional values storyline also appealed to the European value of diversity as a justification of homonegativity. Sexual conservatism was represented as a culture that should be preserved in a multicultural society.

Viktor Medvedchuk, chairperson of Ukrainian Choice: “People who call themselves ‘patriots’ and ‘Europeans’ are ready to go for the destruction of any historical and cultural roots of the Ukrainian people in order to distance themselves from Russia as much as possible. What kind of patriots are they if they hate Ukraine because it does not correspond to their political convictions? What kind of

Europeans are they if they deny European culture and civilization in their own people? Moreover, multiculturalism is almost the main trend of today's Europe" (UV2013-07-26).

The anti-discrimination reform was associated with European values and counterposed to traditional values and in the conservative Eurosceptic discourse. Bill 2342 was represented as an instrument of "propaganda" of homosexuality by providing homosexual people with access to educational settings and growing their public visibility. It was also related to the negative effects of homosexuality on national reproduction: demographic decline, deprivation of public health undermining social institutions aimed at proper heteronormative patriarchal socialization, and, as a result, extinction of the Ukrainian nation (the *internal threat* storyline). It was also represented as an instrument to promote foreign "European values", antagonistic to the "traditional" ones that will enable the EU to establish hegemony over Ukraine (the *cultural dominance* storyline).

5.1.4.4. Accession to the Customs Union

The conservative Eurosceptic discourse coalition articulated opposition between "European integration" as political and economic association with the EU and accession to the Russia-sponsored Customs Union. "European integration" was a negative part of the binary in discourse of all the Eurosceptic coalition members. It was represented as the installation of the economic, political, and cultural dominance of the EU over Ukraine. Political conditionality introduced by the Association and Visa Liberalization Agreements was represented as the key mechanism of "European integration". Besides political conditionality, the conservative Eurosceptics discourse also articulated the promotion of "European values" as a socialization mechanism. Accession to the Customs Union was actively promoted by the pro-Russian organizations and was almost absent in the discourse of the religious right. However, the religious right organizations often expressed positive evaluations of Russia as a country that protects traditional values.

The pro-Russian represented European integration as a colonization of Ukraine. Conclusion of the Association and Visa Liberalization agreements between Ukraine and the EU was named a "colonial association" (*People's Council*, NS047); "colonial dependence" (the *Communist Party, People's Council*; COM2013-09-04, NS046), "colonial bondage" (*People's Council*, NS045). The Association and Visa Liberalization agreements were represented as resources that would open up possibilities for the EU to violate Ukrainian

sovereignty, intrude into its internal and foreign state policy. According to the Eurosceptics, conclusion of the agreements would have enabled the EU to demand any kind of legislative changes in Ukraine and monitor their fulfillment.

Petro Symonenko, head of the *Communist Party*: “According to the [the Association Agreement] Ukraine undertakes to establish an association council that would have the authority to make binding decisions for Ukraine. Translated to the clear language: we do not care about your independence, you have signed an agreement with us, and now we will create this council and it will make decisions on your behalf” (LIG2013-09-24).

The pro-Russian actors considered economic dominance to be the final aim of the EU foreign policy towards Ukraine. They claimed that the EU economy had faced instability and crisis, which the EU aimed to solve with entering new markets in the Eastern Europe. Conclusion of the Association Agreement with Ukraine was represented as the EU strategy to destroy the Ukrainian industry and to turn Ukraine into the sales market for European goods. The pro-Russian actors represented the EU economic policies towards Ukraine both as absorption (Ukraine as a “dish” metaphor), and domination (the EU as the subject which commands Ukrainian economy and decides what should and should not be produced by Ukraine):

Heorhii Kriuchkov, parliament deputy of the *Communist Party* website: “the entry into force of the Association Agreement and the Free Trade Area with the EU will mean fixation of the commodity-based character of Ukrainian economy, risk of the complete collapse of the engineering sector, the painful dismantling of the social security system, and the continuation of the accelerated population decline” (COM2013-09-04).

Victor Medvedchuk, chairperson of Ukrainian Choice: “So far, the economy of the European Union can only be saved by economic expansion to the East. And Ukraine is one of the tasty “dishes” in the eastern economic “menu” (UV2013-07-15).

Vadym Koliesnichenko, parliament member from PR: “It turns out that we are invited where the collapse of ideology and economics takes place. And what shall we do there? Become a source of cheap labor and raw materials appendage?” (UP2013-03-14).

Also, the pro-Russian actors argued that the conclusion of the Association and Visa Liberalization agreements limited Ukrainian sovereignty in international relations with Russia. Representatives of the *Communist party* articulated equivalence between “European integration” into the EU and the “anti-Russian” foreign policy conducted by the Ukrainian nationalists since the state independence with material and administrative support from the “West”. They argued that agreements with the EU would restrict

economic relations with Russia and potentially led to the introduction of the visa regime between the Russian Federation and Ukraine (COM2013-07-22).

Finally, the spread of “European values” in Ukraine was discussed as a cultural aspect of “European integration”. “European values” were articulated as the EU dominant ideology of which sustained both its political and economic order. The pro-Russian actors tended to consider “European integration” in the broader context of cultural “westernization” and “Americanization”. The EU was considered a part of “the West” which spreads individualism, consumerism, Anglophone culture all over the world. Adoption of “European values” in Ukraine was represented as the biggest threat of “European integration” as it would destroy the Ukrainian national identity based on “traditional values”, which currently secures both political and economic independence of the state:

The Party of Regions: “A society devoid of its unique traditional values is doomed to civilization failure. After all, it is not able to generate new humanitarian meanings and ideas, which bring it to the forefront and push all humanity forward; but remains only a consumer of foreign products”⁵⁶.

Oleg Mokriak, archpriest, chairperson of the department of religious education, catechism and missionary work of the Odessa diocese of the Orthodox Church of the Moscow Patriarchate: “The European Union has abandoned Christian values and wants to corrupt us [with promotion of sexual and gender equality], because this, apparently, is the only way that we can be defeated. They abandoned Christ” (UPR2013-05-19).

The religious right organizations did not refer to colonialism but represented the EU foreign policy towards Ukraine as oppression. The EU was constructed as an active subject which “forces” passivized “Ukraine” subject to “European integration”. The religious right did not discuss economic and geopolitical aspects of European integration. Instead, they focused on the expected EU intrusions into sexual rights law, family law, and education policies. The three emblematic issues aimed by the EU authorities were SOGI law and policies, juvenile justice, and sexual education (ROD2013-10-18(2)).

⁵⁶ Project of the parliament appeal “On the need to amend the Agreement on the Association of Ukraine with the EU in order to protect the Institution of Family and Traditional values in Ukraine” (December 3, 2013) developed by the group of deputies from the PR Vadym Kolesnichenko, Andrii Derkach, Dmytro Shentsev, Olena Bondarenko, Oleh Tsariov, Serhii Kyvalov, retrieved August 12, 2018, from <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=49232&pf35401=285470>.

Promotion of sexual orientation equality, LGBT activism and homosexual lifestyle was represented by both the pro-Russian and religious right actors as a strategy used by the EU to secure economic, political, and cultural domination.

“Promotion of homosexuality” as an instrument of *economic dominance* relied on the equivalence between homosexuality and consumerism, hedonism, the priority of individual pleasure over natural and social “duty” of reproduction. The greater number of homosexual people was articulated as equivalent to the greater number of heavy consumers as part of the EU expansion to the Ukrainian market. This storyline was used by the pro-Russian actors:

Serhei Vetrov (affiliation not indicated), website of Ukrainian Choice: “To kill the spirit and spirituality. To seduce. To put carnal pleasure on the pedestal. To belittle the importance of family. Make everyone a progressive consumer. This is what those who persistently promote a mosaic educational program distant from the culture and professionalism, sex education, and gender [equality] policy. Those who view the world as a big supermarket (UV2013-09-14).

Introduction of SOGI-related law and policies was also represented as a crucial element of the *political dominance* of the EU. The Eurosceptics constructed the EU as a “dictatorship” of minorities over the majority. “Homodictatorship” as a rule of the homosexual minority over heterosexual majority became a metonymy of the non-democratic political order of the EU in the conservative Eurosceptic discourse. “Dictatorship” in sexual rights policies was a manifestation of dictatorship as a principle which, according to the Eurosceptic discourse coalition, governed both internal and foreign EU policies. Within the EU it resulted in the oppression of citizens, particularly religious people and clergymen, who were portrayed as the main victims of “homodictatorship”, sentenced to fines and imprisonment for public expression of homonegative opinions:

Aleksandr Skvortsov, the co-chair of Parent Committee: “We see how the promotion of homosexual ideology in the West is being actively introduced into education and legislation. Governments of the Western countries ignore the views of the majority of citizens (as, for example, in France, where the overwhelming majority of the population opposed the legalization of same-sex marriages), in fact, they turn into regimes with a dictatorship of the minority” (ROD2013-10-14).

Introduction of SOGI laws in Ukraine was represented as a way to establish control over Ukrainian policy-making, to make Ukrainian government accountable to the EU administration:

LPG: “The agreement requires Ukraine to report on the changes in Ukrainian laws made in accordance with it and allows the EU countries to monitor whether Ukraine has changed its laws in

favor of homosexuals and take appropriate measures in case of non-compliance by our country with this new ‘international duty’” (LPG2013-10-17).

Although the expected control from the EU was limited to sexual rights, family law, and education, political conditionality was constructed as a possibility to intrude into other policy fields as well. Besides representing SOGI law and policies as a possibility to subordinate Ukrainian policy-making process to the EU authorities, *Ukrainian Choice* articulated rights for equal employment as an instrument of the pro-EU political mobilization among homosexuals/LGBT people. The LGBT community was represented as “naturally” pro-EU partisans, who would protect the EU interests in all spheres in which they were involved professionally, from business to politics:

Viktor Medvedchuk, chairperson of Ukrainian Choice: “The protection of sexual minorities implies monitoring of the situation in the ‘warded’ country, so that they are not infringed in promotion, including in government and business. On the contrary, with the advent of such powerful patronage, a career springboard, more people will enroll in the ranks of gays and lesbians for sure. It is somehow similar to indicative planning, taxation privileges on the development of a certain kind of activity. And, naturally, the growing LGBT community will become loyal supporters of [their] patrons, a new cohort to promote their interests. Any objective resistance to the propaganda and career promotion of homosexuals will be exhibited as a violation of the rights of the ward, requiring the intervention of foreign patrons” (UV2013-09-06).

Finally, “propaganda of homosexuality” as part of the promotion of “European values” was articulated as an instrument of *cultural dominance* of the EU in Ukraine. The threat of European/Western cultural hegemony was represented as more dangerous than economic and political as it put at risk the very existence of the Ukrainian national subject, as homosexuality threatened biological (threat to children) and social (threat to values) reproduction of the nation:

Ruslan Kukharchuk, chairperson of LPG: “We are now confronted with a frank and public blackmail [from the side of the EU]. Which has not happened before, I emphasize. And this means that a certain campaign has begun aimed to force Ukraine to adopt a lifestyle that is not acceptable for our country” (LPG2013-03-03).

Marina Khomiakova, press-secretary of People’s Council: “But for an Orthodox person, this is not even the main thing, although the economy is certainly very important. The European Union encroaches upon Christian values, deprives our children of their future, preaching corruption, euthanasia, homosexuality to them” (NS048).

Viktor Medvedchuk, chairperson of Ukrainian Choice: “In fact, legalization of same-sex marriages and juvenile justice is a far greater civilizational choice for Ukraine than all democratic and other

reforms. Because they want to instill not as much Western democracy, as the new Western scale of values, which is already far from the proper Christian morals” (UV2013-07-26).

By representing “promotion of homosexuality” as the EU foreign policy strategy, the conservative Eurosceptic discourse coalition constructed the homosexual subject as a foreign invader to the Ukrainian social space. For example, in the following quote, the speaker claims that “homosexual communities” were “created for grants of the EU and U.S.”. The claim implies that before the EU and U.S. provided funding, there were no homosexual people in Ukraine. The following reference to education institution which would be “infiltrated” by homosexuals evokes articulation of homosexuality as a threat to the biological and social reproduction of the nation, discussed in the previous section. Thus homosexuality was articulated as not only internal but also an external threat to the existence of the nation in the conservative Eurosceptic coalition discourse:

Natalia Zaika, chairperson of Luhansk regional office of Parent Committee: “This bill is extremely dangerous for Ukraine because, if adopted, the numerous gay communities created for grants from the EU and the US will be able to infiltrate universities, schools, and even kindergartens, and propagate their perversion freely [there]. Any attempts to prevent them will become illegal” (LPG2013-05-20).

Construction of homosexuality as a foreign sexual practice is also realized in the following quotes. The origin of homosexuality is not named explicitly, but as the articles reported the anti-discrimination reform in the context “European integration”, the EU is implied:

Parent Committee, motto of the street protest: “No to the import of perversions!”

Oksana Kalednyk, parliament deputy, the Communist Party: “Is the Ukrainian society ready to promote lesbian love, gay parades, the so-called ‘free love’? These are totally foreign ideas to our people’s and destructive phenomena for the nation’s self-consciousness!” (COM2013-05-22)

The anti-discrimination reform was articulated in the conservative Eurosceptic discourse as an instance of the EU/Western strategic “promotion of homosexuality” in Ukraine. “The European Union” and “the EU government”, “Europeans” were represented as destitutors of the reform. They were constructed as active subjects, claiming dominance: “they require or even urgently demand of us...” (*PR*), “...the aggressive imposition of unacceptable...” (the *Communist Party*), “...the government of the European Union has demanded the adoption of degenerate Bill 2342...” (*People’s Council*), “degenerate bills imposed on us by the totalitarian regimes of the United States and the

European Union” (*People’s Council*, NS046), “Let’s stop homosexual Euroaggression” (*Parent Committee*). Ukrainian government and the Cabinet of Ministers were represented as protagonists of the reform, and were also activated to indicate their responsibility for the process: “Ukrainian government sacrifices family values” (LPG2013-02-20), “the government ignored public opinion when preparing such resonant and scandalous bills” (LPG2013-11-05), “authorities (“*vlast*”) suggest to vote for this bill” (PR, LIG2013-05-12(03)). Ukraine as a collective actor was represented as an object of pressure from the side of the EU: “allotted with obligations”, “drawn into the European Union” (the *Communist party*, COM2013-07-22), “pressure on Ukraine”, “force Ukraine” (LPG2013-03-03). Actions of “Ukraine” towards closer relations with the EU were represented as reactions to the EU foreign policy and deactivated through objectification (represented with nominalizations and process nouns): “signing of the association with the EU by Ukraine” (LPG2013-11-06), “The Association Agreement includes the mandatory implementation of the EU directives by Ukraine” (ROD2013-10-18), “adoption of the law against sexual orientation discrimination” (UV2013-05-18). “Ukraine” was only activated when resistance to “European integration” was mentioned: “Ukraine should reject” (COM2013-11-22), “in what direction Ukraine is going to turn?” (LPG2013-07-31(1)), “Ukraine faces a choice” (“*стоїт перед вибором*”) and may learn from experience from other countries”, “Ukraine may protect traditional family” (ROD2013-10-18). Objectifications in references to the European integration process (the term “European integration” is itself a process-noun) backgrounded agency of Ukraine in the international relations with the EU. Subjunctive modality (“may”, “should”) represented resistance to European integration as a possibility to regain agency.

The religious right organizations rarely used the anti-discrimination reform to advocate against European integration explicitly. *LPG* declared its neutral position on foreign policy (LPG2013-11-06) and denied accusations in anti-EU advocacy. Both organizations maintained a discursive possibility that “European integration” might be dissociated from “propaganda of homosexuality” with modification of the Association Agreement. *Parent Committee* advocated for exclusion of the provision on implementation of the Directive 2000/78 on equal treatment in labor from the Association Agreement. *Parent Committee* also suggested to amend the Association Agreement with the opt-out from the EU directives that may influence the capacity of the Ukrainian government to

regulate family relations, and “human life and morals”, which was supported by *LPG* (LPG2013-10-17; SEG2013-10-23). This suggestion relying on the Poland declaration annexed to the Accession Treaty in 2003 and the Lisbon Treaty in 2009 aimed to prevent the possibility of legalization of abortions, euthanasia, and same-sex marriages in Poland (Peers, Hervey, Kenner, & Ward, 2014, p. 1601). The declaration stated: “The Charter does not effect in any way the right of Member States to legislate in the sphere of public morality, family law, as well as the protection of human dignity and respect for human physical and moral integrity”⁵⁷. To construct a possibility to conclude the Association Agreement between Ukraine and the EU without the introduction of SOGI equality in labor, *Parent Committee* strategically concealed that no declaration overrule the legal force of EU Directives, and that Poland has incorporated explicit prohibition of sexual orientation discrimination in Equal Treatment Act of 2011 that brought the national law in accordance with the Directive 2000/78.

However, the religious right organizations frequently published anti-EU claims made by other religious right and pro-Russian actors. Advocacy against SOGI equality occasionally became part of the advocacy against the pro-EU foreign policy in discourse of *Parent Committee*:

Dmitrii Barabas, activist of Parent Committee: “Germany is the locomotive of European integration. What values lie in the foundation of this process can be clearly seen from the activities of the German Society for International Cooperation (GIZ) and the Heinrich Böll Foundation that promote values foreign to the Ukrainian society, sponsor the activities of LGBT organizations, provoke the corruption of our children through funding of sex education programs, undermine the family institution in Ukraine” – he says. He sums up: “We do not need such a Europe” (SEG2013-11-05).

They also positively evaluated Russian laws and policies aimed at the restriction of civil rights for LGBT people, particularly the anti-propaganda laws and prohibition of child adoption by homosexual couples, but did not present it as a reason to acquire membership in the Customs Union. Therefore, I suggest that the religious right demands to modify the Association Agreement were made strategically to preserve the public image of “pro-

⁵⁷ Declaration by the Republic of Poland on the Charter of Fundamental Rights of the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016L%2FAFI%2FDCL%2F61>.

Accessed on August 15, 2018.

family” organizations that are not associated with any “political” advocacy, as their strategies of political mobilization were aimed predominantly at religious groups.

The pro-Russian actors from the *PR*, the *Communist party*, *Ukrainian Choice*, and *People's Council* explicitly used the anti-discrimination reform to justify the rejection of the “European integration”, and to advocate for accession to the Customs Union. They articulated “European integration” and “accession to the Customs Union” as two antagonist directions of Ukrainian foreign policy, between which Ukraine should choose the later one to preserve its economic, political, and cultural difference.

“European integration” in the pro-Russian actors’ discourse was represented as part of the global political and cultural confrontation between “the West” and Russia. *Ukrainian Choice* constructed the two antagonistic subjects of this confrontation relying on Samuel Huntington’s civilization theory as cultural entities, – “Western civilization” and “Eastern Slavic civilization”. The leader of organization naturalized expansion as an essential feature of “the West” which opposed it to the non-expansive “Eastern Slavic civilization”:

Viktor Medvedchuk, chairperson of Ukrainian Choice: “Unlike the aggressive nature of the West-Christian civilization, which for centuries fought for resources and living space, which became the initiator of vast number of colonial wars, including the two world wars, the East Slavic Orthodox civilization did not carry [in the past] and does not bear [in the present] the impulse of aggressiveness” (UV2013-07-26).

In another article published on the organization website assumption about the essential aggression of “the West” was implied in the claim that “the West” is going to use Ukraine in the “upcoming wars” with the “Eastern Slavic Civilization” (UV2013-09-14). In the *Communist party* narrative about global confrontation, in which Ukraine had to choose its side, the protagonist and antagonist were constructed as “worlds” led the nation-states, – U.S. and Russia (the “Western world” vs “the Russian world”). The U.S. was represented as a hegemonic actor in the Western political coalition, which included the EU, while Russia – as a hegemonic actor in the Eurasian political coalition:

Heorhii Kriuchkov, parliament deputy, the Communist Party: “<...> eternal confrontation between the Western world and Russia. In this confrontation, both sides have special interests in Ukraine, the largest state in the center of Europe, and until recently, under Soviet power, one of the ten most developed countries on the continent. Russia regards Ukraine as a sphere of its interests (which is quite understandable), and the United States of America as an important element, and no less than a

central issue of its national security <...> Today, the attention and efforts of the opposing forces are focused on the question: WHAT OPTION OF INTEGRATION WILL UKRAINE SELECT? WESTERN, that is, membership in the European Union, or EASTERN, [that is] the integration into the Customs and in the future into the Eurasian Union" (COM2013-07-29).

The pro-Russian members of *PR* were restricted in public anti-EU advocacy by the party declared support to "European integration". Subsequently, until the official change of the foreign policy direction in November 2013, they dissociated sexual equality with European integration to open up a probability of European integration with traditional values, just as the religious right did. When advocating in support for the Customs union they did not reject the possibility of European integration:

Vadym Kolesnichenko, parliament deputy, the *Party of Regions*: "A group of deputies of the Party of Regions faction has already announced the slogan 'We are going to Europe, but not... through this place'. Because if I need to go to Europe through this place, I don't need this Europe" (LIG2013-05-14(3)).

Vadym Kolesnichenko, parliament deputy, the *Party of Regions*: "The Customs Union has a distinct concrete perspective, and the Free Trade Zone with the EU has a virtual long-term perspective. But given the economic realities of our country, we need to live in the present, because tomorrow everything can turn upside down. Naturally, the most favorable position for our country is to sign both agreements on terms favorable to us, but everyone understands that this is practically impossible. Nevertheless, it's better not to enter anywhere than to enter on unfavorable conditions for us and finally bury the country" (UPR2013-03-14).

By August 2013, European integration and accession to the Customs Union were articulated as mutually exclusive. Kolesnichenko introduced Bill 3103 (Proekt Zakonu pro Vnesennia Zmin Do Zakonodavstva Ukrayny (Shchodo Zovnishnopolitychnoho Kursu Ukrayny) [Bill on Amendments to the Legislation of Ukraine (Concerning the Foreign Policy of Ukraine)], 2013) to remove references to European integration as a foreign policy priority from the Law on the Principles of Domestic and Foreign Policy and the Law on National Security and to cancel decrees of the President and the Cabinet of Ministers aimed at European integration. A strategic partnership between Ukraine and the Customs Union should have been legally secured instead.

After the president declared his intention to enter the Customs Union, both the government and the *PR* as collective subjects joined the conservative Eurosceptic coalition on sexual and gender rights and started using the anti-discrimination reform for anti-EU advocacy:

Mykola Azarov, the Prime Minister: “Opposition leaders tell us tales that the next day after we sign the [Association] Agreement we will travel to Europe without visas. It is not the case! We still have to fulfill the requirements of the EU. And what are these requirements? We have to legalize same-sex marriages, we have to adopt a law on equality of sexual minorities. Is our society ready [for this]? Our churches are against this” (LIG2013-12-14(2)).

For the pro-Russian grassroots organizations, the pro-Russian foreign policy direction of Ukraine was naturalized with the construction of the Ukrainian national identity as Slavic identity and Ukraine as part of “Slavic civilization”. The Customs Union was represented as the first step in the building of the Eurasian Union which would become a quasi nation-state of the “Slavic civilization”. Thus the “traditional values” nodal point in the pro-Russian actors’ discourse defined not only relations of Ukrainian subject with other nation subjects, but also relations with other nation-states. This echoed claims made by the Russian president Vladimir Putin at the time:

Victor Medvedchuk, chairperson of *Ukrainian Choice*: “When a state faces a choice of the development path, not only economic and political indicators should play a leading role in making responsible and strategic decisions. We should not forget about the issues of the lifestyle, spiritual unity, homogeneity and similarity of the mentality of the neighboring peoples of Ukraine and Russia” (UV2013-07-27).

Vladimir Putin, President of the Russian Federation: “We, Russia and Ukraine, have always been united, our future lies in this unity” (UV2013-07-27).

Both pro-Russian grassroots organizations and pro-Russian professional politicians also justified Ukraine’s accession to the Customs Union as a reaction to the supposed threat of economic, political, and cultural hegemony of the EU and the “West”. Russia and the Customs Union were represented as potential supporters who may help Ukraine to preserve “traditional values” and thereby its national “Slavic” identity:

Ihor Druz, chairperson of *People’s Council*: “Juvenalshchiki [advocates and/or executives of the juvenile justice], perverts, drug dealers, with the help of the state machine controlled by the US and the European Union, are equally pressing on Ukraine, Russia, and Moldavia. And we can only get rid of them altogether. Whether you like it or not, Russia is the one who keeps the world from the forces of evil” (NS048).

Maksim Kuzmenko (party affiliation not indicated), website of the *Communist Party*: “Europe ‘bakes’ ‘universal values’ like pancakes, forcing everyone else to taste this poisonous drug. Self-respecting countries, such as Russia, for example, will never accept them, since their leadership cares not only about the material well-being of their citizens but also about their spiritual health (COM2013-05-24).

Unlike the EU which was presented as a “(homo)dictatorship”, the Customs Union was represented as a democratic project in which states remain equal and independent. Representatives of the Communist party argued that the Customs Union is more democratic than the European Union as it does not use the conditionality principle. *Ukrainian Choice* used verbs which implied horizontal relations between Ukraine and other members of the Customs Union: “consensus” (UV2013-07-15), “cooperation” (UV2013-09-10).

These articulations of foreign policy reveal a contradiction in the pro-Russian actors’ discourse. “The West” was represented as degrading and weak because of subversion by homosexuality. It was also represented as radically different from the Ukrainian national subject because of its “values”. Nevertheless, this weak and radically different West was constructed as a potential threat to the existence of the Ukrainian national identity capable of dominance over the Ukrainian state and assimilation of Ukrainian ethnic and cultural identity. The “Slavic civilization” was represented as powerful and sharing much in common with the Ukrainian subject, but the possibility of Ukrainian subject to preserve its difference and independence, to avoid assimilation and dominance within the “Slavic civilization” was never questioned by the pro-Russian actors. At the same time, the pro-Russian actors discourse erased differences between Ukraine and “Slavic civilization” / Russia. In the following quote, the leader of *Ukrainian Choice* uses the Mongol invasion of Kyiv Rus as a metaphor for European integration. The metaphor is constructed to delegitimize actions of the EU, the negative connotation of “enslavement” is transferred from Mongol invasion to “European integration”. But this metaphor also includes the overdetermination of actors. The contemporary Ukrainian state is constructed as equivalent to one of the “Russian principalities” before the disintegration of the Kyiv Rus with the use of the pronoun “we” which refers to both inhabitants of contemporary Ukraine and “Russian principalities”. Adjective “Russian” is polysemic, and may mean both related to “Kyiv Rus” and read to “Russia”. In the analyzed claim, it has an explicit meaning “related to Kyiv Rus” but the juxtaposition of past and present evokes “related to Russia” is a connotative meaning. The final reference to “one great nation” erases differences among nations within the “Slavic civilization” completely:

Victor Medvedchuk, chairperson of Ukrainian Choice: “It’s time to understand: we are strong when we are together. As we know, in the 13th century the disunity and strife between the Russian

principalities resulted in our enslavement by the Horde. Today there is a real threat from the West: spiritual and economic globalization. To protect our Orthodox-Slavic values means to preserve us as one great nation” (UV2013-07-26).

5.1.5. Conservative pro-EU discourse coalition

The conservative pro-EU discourse coalition included parliamentary party *Freedom*, individual members of *BYuT*, the All-Ukrainian Council of Churches and Religious Organizations, the Orthodox Church of the Kyiv Patriarchate, and the Greek Catholic Church. In June – November 2013, the coalition was joined by the government and *PR*, which later moved to the conservative Eurosceptic coalition, and *BYuT* parliamentary faction as a collective actor.

Freedom strongly opposed the anti-discrimination reform from its very introduction despite the party belonged to the pro-EU alliance of the parliamentary opposition. The party initiated requests to the parliament from regional administrations asking to ban Bill 2342 (VOS2013-04-10) and attacked the bill in the media. It also introduced the alternative anti-discrimination Bill 2342-1 (*Proekt Zakonu pro Vnesennia Zmin Do Deiakykh Zakonodavchykh Aktiv Ukrayiny Shchodo Zapobihannia Ta Protydii Dyskryminatsii v Ukraini* [Bill on Amendments to Some Legislative Acts of Ukraine Concerning Prevention and Combating Discrimination in Ukraine], 2013b), which partly reproduced the governmental anti-discrimination bill, contained the same definitions of various types of discrimination and provisions on mandate of the Parliament Commissioner for Human Rights), but explicitly excluded sexual orientation from the open-ended list of prohibited grounds on incitement to discrimination, thus enabling legal justification of hate-speech against LGBT people. Besides, Bill 2342-1 introduced a special kind of discrimination, – “ukrainophobia”, – to the Criminal Code and the framework anti-discrimination law. “Ukrainophobia” was defined as “decisions, actions or inactivity aimed at the humiliation of the Ukrainian state, nation, culture, language, history or traditions”. The Parliamentary Committee on Human Rights and the Main Scientific-Expert Department recommended rejecting Bill 2342-1. It was never put to vote and was later dismissed from the parliamentary agenda in February 2014

Churches’ actions against the anti-discrimination reform included meetings with representatives of the parliament, government, and the EU officials, appeals to the

governmental bodies, and public statements. Churches started campaigning against Bill 2342 in March 2013, with the official appeals of the AUCCRO to the President, the Prime Minister, the Chairperson of the Parliament, and the leaders of the parliamentary factions. In April 2013, the All-Ukrainian Council of Churches held meetings with the President and the Prime Minister during which they expressed concerns about Bill 2342 as a perceived threat to religious freedom. The AUCCRO's delegation also raised concerns about "moral principles that are necessary not only for the development of the Ukrainian society but also for the entire European community" (VCIRO2013-04-11) during their meeting with the EU officials in Brussels. Also, churches tried to advocate against Bill 2342 among the parliamentary intergroups aimed to advance the interests of religious organizations. In 2013, there were at least three such intergroups in the parliament: "In support of Canonical Orthodox church" lead by Vadym Kolesnichenko (*PR*), "For the promotion of freedom of consciousness" lead by Anna Herman (*PR*), and "For the Unified Local Orthodox Church" lead by Oleh Medunytsia (*BYuT*), each working with representatives of all the three major Christian denominations. Besides, head of the Orthodox Church of the Kyiv Patriarchate Filaret imposed ex-communication from church on public supporters of equality for homosexual people in special appeal to the congregation against Bill 2342 (CHKP2013-05-22), which was later reinforced by the declaration of the Local Assembly (the highest institution of the Orthodox Church of the Kyiv Patriarchate administration) (CHKP2013-06-27).

5.1.5.1. Sex

Similarly to the conservative Eurosceptic discourse coalition, the conservative pro-EU coalition denied homosexual orientation and transgender identity as legitimate grounds of the equality claims because of supposedly acquired character. Heterosexual orientation and biological sex were assumed to be inborn in the conservative Eurosceptic discourse and provided legitimate grounds to claim civil and human rights. Rights claims made on the grounds of heterosexual identity were aimed at the restriction of public availability of information about non-heteronormative sexuality and gender variation. Homosexuality and transgenderness were assumed to be learned and replacing inborn heterosexuality and cisgenderness under the influence of "propaganda". Particularly, gender theory was blamed for the propaganda of transgenderness, defined as "designation of sex according to own

beliefs” (CHKP2013-06-07). Gender identity was addressed only in discourse of the Orthodox Church of the Kyiv Patriarchate, other members of the conservative pro-EU coalition limited discussion of sexual and gender rights to homosexuality.

The churches differed from other conservatives as they draw a demarcation line between a homosexual act and a homosexual desire. A homosexual act was a sin that should have been overcome with repentance. Homosexual desire, although being morally suspicious, was a temptation that provided an opportunity for spiritual growth. Subsequently, LGBT subjects who had “homosexual desires” or “considered themselves to be homosexuals”, but abstained from homosexual acts for religious reasons were formally represented as subjects who might be granted a right for non-discrimination:

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “The believers do not have and should not have hatred or prejudice against homosexual people, but religious people can not and should not tolerate homosexuality, other immoral *actions* and their propaganda” (CHKP2013-05-22).

The All-Ukrainian Council of Churches and Religious Organizations: “The Council of Churches and Religious Organizations has stated that it does not advocate discrimination against persons who *consider themselves* homosexuals” (VCIRO2013-03-26 (1)).

However, the notion of “propaganda of homosexuality” made the subject position of a “good” LGBT person impossible to occupy as any positive reference to homosexuality counted as “propaganda” and was represented as a sin equivalent to homosexual acts. Condemnation of those who “propagate” homosexuality was even greater than of those who committed homosexual acts in churches’ discourse. The former were subjected for church anathema:

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “As the Chief of the Kyiv Patriarchate, I have to remind: every Orthodox Christian who publicly supports and endorses the “legitimization” of a sin of Sodom falls under the curse of Sodom and the anathema of Saint Paul and excommunicates himself from the Church until he repents” (CHKP2013-05-22).

The only acceptable way to be a homosexual subject in the conservative pro-EU coalition discourse was to seek “cure” from homosexuality:

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “From a religious point of view, same-sex sexuality is the result of a personal free, but false, choice of a human and a manifestation of a sin which is deeply rooted in a human. Therefore, like any sin, this sin, with God’s help, can be overcome by a human. And the first step towards this should be recognition of the unnaturalness and sinfulness of same-sex sexual relations” (CHKP2013-05-22).

Ihor Miroshnychenko, parliament deputy, Freedom: I am extremely sympathetic to people who have physiological or psychological problems and attribute themselves to sexual minorities. If they have a desire to be cured and transform, I think the state should help them in such a rehabilitation” (UPR2013-03-09).

5.1.5.2. Majority rights

Just, as the conservative Eurosceptic discourse coalition, the conservative pro-EU discourse coalition established the equivalence between democracy and rights of the heterosexual majority that was counter-posed to the “minority rights” of “sexual minorities” associated with inequality and discrimination.

The heterosexual majority was constructed as an exclusively heteronormative entity and was provided with full citizenship and opportunity to participate in state governance. The government and parliamentary parties frequently relied on the “public opinion” argument to justify the restriction of “sexual minorities” rights in favor of the heterosexual majority. Political elites were represented as executives of the majority will, deficient of any independent agency.

Churches justified heterosexual privileges with the divine origin of heterosexual and cisgender majority rights. Although churches sometimes recognized legal differences between state laws and human rights norms, they tended to unite them into a single category of secular laws, dissociated from the *divine law*. In the churches’ discourse, God was the prior origin of all laws, either natural, secular, or religious. Secular laws, and human rights law, in particular, should have followed the “divine law” outlined in the Christian religious texts. Ironically enough, to justify this hierarchy of laws when communicating with political elites, churches relied on the authority of secular legal documents, such as the Declaration of Independence of the United States:

Holy Synod of the Orthodox Church of the Kyiv Patriarchate: “According to the Divine Revelation and the teaching of the Christian Church, a human does not give herself⁵⁸ certain rights, but receives them from her Creator. Therefore, determined by state or international law, human rights should not conflict with the Divine Law. This view is also enshrined in important secular documents, in particular, in the Declaration of Independence of the United States, which reads: ‘We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness’” (CHKP2013-03-08).

58 In the Ukrainian language the noun “human” has feminine grammatical gender.

For churches, the divine law provided the main source of authority to legitimize restrictions of sexual and gender rights. Unlike other opponents of the anti-discrimination reform, they did not use the “public opinion” argument against sexual equality. I suppose it was because churches constructed their subject position as mentors (implied in “teaching of the Christian Church” in the above-mentioned quotation) who guide society in accordance with the ultimate divine law. “Opinion” of the guided might have been an instrumental issue in the process of guidance, which could not serve a self-contained source of legitimization.

When articulating Bill 2342, the conservative pro-EU coalition used the same storylines as conservative Eurosceptics to relate the bill to the “discrimination”/“homodictatorship” nodal point: *minority rights, anti-essentialism storyline, denial of discrimination, reverse discrimination, will of the people*.

Ihor Miroshnychenko, parliament deputy, Freedom: “Facts of discrimination on the grounds of sexual orientation are not systemic. The problem is that law enforcement agencies do not want to fulfill their duties and to protect violated citizens’ rights” (VOS2013-11-12).

Serhii Sobolev, parliament deputy, BYuT: “Our Constitution already guarantees equal rights when applying for a job, so it’s unclear why we need to distinguish one category! Why not highlight, for example, mothers who have many children, so as not to discriminate them?!” (SEG2013-05-21).

The All Ukrainian Council of Churches: “[Certain provisions of Bill 2342] introduce special legal protection for supporters of same-sex relationships” (VCIRO2013-03-26 (1)).

Freedom: “This bill brings us closer to the homodictatorship, when 1/100 perverted and ill people dictate their values to the healthy Ukrainian society, violating our rights (VOS2013-05-24)”.

The coalition developed their unique versions of the *anti-essentialist* and *reverse discrimination* storylines.

When using the *anti-essentialist storyline* on sexual and gender rights, churches sometimes based their arguments on the assumptions of the Orthodox religious discourse. Within this discourse “human nature” was considered not as simply biological phenomena, but as God’s creation that shared some of God’s attributes. Unlike “animal nature”, the “human nature” was marked by spirituality and moral self-overcoming. Therefore, homosexuality in churches discourse appeared to be “non-natural” not because it was socially learned, but because it did not conform with “natural” religious socialization of a human being:

Metropolitan bishop of Lviv and Sokal Dymytrii, the Orthodox Church of the Kyiv Patriarchate: “However, it [homosexuality] is a sin, it is unnatural, it is following ordinary instincts that make a human being similar to animal” (CHKP2013-05-31).

This religious interpretation of the anti-essentialism storyline came in contradiction with the secular used by other conservatives in which homosexuality was constructed as a learned behavior, and strongly opposed to natural “instincts”.

The *reverse discrimination* storyline was developed in discourse of *Freedom* and churches. *Freedom* brought anti-communist sentiments to this storyline, which were absent in the conservative Eurosceptic discourse. Providing the analogy of “homodictatorship” with the Soviet totalitarian past, *Freedom* represented its struggle against sexual equality as liberatory and anticolonial:

Oleh Pankevych, parliament deputy, Freedom: “People will find themselves in a situation of psychological terror when a handful of homosexuals will satisfy their interests and resolve everyday conflicts by accusing normal people of “discrimination”, which they will soon understand as any action that any representative of sex minorities finds unpleasant. Regarding the bitter past experience of our people, acquired during the communist times, we understand that in order to avoid troubles, many people may be forced to resort to demonstrative approval of homosexuality and its propaganda. The consequences will follow soon, – the social institution of family and the psyche of people will be destroyed, most of them will not be able and will not want to fight for their state, children, or the basic justice” (VOS2013-06-19).

The Orthodox Church of the Kyiv Patriarchate strategically misrepresented Bill 2342 as an introduction of same-sex marriages: “the law according to which we must allow same-sex marriages, accept sin (“*vyznavaty hrikh*”)” (CHKP2013-05-31).

Freedom also substantially elaborated on the *hierarchy of inequalities* storyline that was present in the liberal majoritarian coalition discourse. The rights of “ethnic Ukrainians” were situated at the top of the hierarchy, followed by rights of the rest of “heterosexual majority”:

Ihor Miroshnychenko, parliament deputy, Freedom: “The greatest discrimination in Ukraine is ukrainianophobia. Ukraine is a monoethnic state with a titular Ukrainian nation. And as representatives of the titular nation, we perceive discrimination of Ukrainians. <...> Minorities rights should be protected, but only to the extent, they do not violate the rights of majority” (VOS2013-11-12).

Among the minority groups, some were represented as more deserving equal treatment than others. In order to delegitimize the rights claims of LGBT people, *Freedom*

strategically counterposed them to heterosexual mothers. Besides mothers were represented as more legitimate beneficiaries of the labor equality protection, their rights were often contrasted to the rights of homosexual people as mutually exclusive. Homosexual people were represented as a threat to the labor rights of working mothers:

Ihor Miroshnychenko, parliament deputy, Freedom: “I am shocked by your hatred of women, of their God’s given ability to give birth to children and their absolutely legal right to maternity leave. You are trying to make us believe that all women on a maternity allowance constitute a significant economic problem and we must solve such problems by employing people with non-traditional sexual orientation” (UPR2013-03-09).

Andrii Illenko, parliament deputy, Freedom: “If you will not employ a homosexual, he will go and appeal [to the police or court] that it is only because he is a homosexual you did not hire him. If you hired a woman which, for example, raises three children [instead], it is bad, because you had to employ a homosexualist, as he is a homosexualist, he is being discriminated, and you have to help him to find a job. While a woman with three children is intolerant”⁵⁹.

In September – November 2013, when most of the political parties and the government became members of the conservative pro-EU coalition, the *will of the people* storyline became central in the coalition discourse. The storyline was reinforced, – opposition to sexual and gender equality was represented as opposition not of a majority, but of the whole society. In such a way this storyline discursively excluded individual and collective actors who supported Bill 2342 from the “society” and “citizens”.

Oleh Pankeyvych, parliament deputy, Freedom: “May I employ a person of different sexual orientation to teach children, if our society is not ready for this? And how will parents react to this?” (VOS2013-11-06(2)).

Volodymyr Bachynskyi, representative of the Ministry of Foreign Affairs: “There is an extremely sensitive element for the Ukrainian society regarding discrimination on the ground of sexual orientation. We are not ready yet to accept it fully” (UPR2013-09-25).

Valerii Patskan, parliament deputy, UDAR, chairperson of the Parliamentary Committee for Human Rights: “The society is not ready and the [parliament] factions are not ready to vote for the bill” (TSN2013-09-02).

Volodymyr Ariev, parliament member, BYuT: “Today the parliament <...> is a mirror of the Ukrainian society, and the Ukrainian society is objectively not ready to accept the issues regarding sexual minorities that we are talking about today” (Parliamentary Hearing on Visa Liberalization, 2013-11-06).

59 Press conference at the *Argumenty i Fakty* editorial office, August 8, 2013, https://www.youtube.com/watch?v=LuO9UQu_1hc. Accessed on June 15, 2018.

Valeriia Lutkivska, The Parliament Commissioner for Human Rights: “The Parliament has no right to adopt bills which contradict the position that exists among citizens of the state” (UPR2013-09-05).

5.1.5.3. Traditional values

The conservative pro-EU discourse coalition articulated “traditional values” as a core of the Ukrainian national identity. Similarly to the conservative Eurosceptics, the conservative pro-EU coalition used “traditional values” as an umbrella term for “religious/Christian”, “moral”, “family”, and “cultural values”. The coalition represented traditional values as a set of norms that conditioned the social and biological reproduction of the nation and constructed homosexuality and gender transgression as internal threats to national reproduction.

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “The experience of many countries, including the economically developed ones, which are experiencing the weakening or leveling of the traditional family institution, suggests that these countries face problems, such as a catastrophic decline in fertility, a demographic crisis, and a critical decline in public morality. In the near future, the indigenous populations of these countries are at risk of total disappearance” (CHKP2013-06-27).

Ihor Miroshnychenko, parliament deputy, Freedom: “[Gender equality policies] among other things, contributes enormously to the extinction of nations and the whole world, because while protecting the rights of sexual minorities it destroys the institution of traditional family and spreads perversion to the healthy part of society” (UPR2013-03-09).

In the conservative pro-EU coalition discourse ethno-nationalistic assumptions about the Ukrainian nation as a community related by biological kinship, not citizenship, were more explicit than in the conservative Eurosceptics discourse. In the previous section, I have already quoted Ihor Miroshnychenko (*Freedom*), who claimed that Ukraine is a monoethnic nation (p. 239). Reference to “indigenous populations” in the above-mentioned quote from Filaret also implied an ethnic character of the nation

Churches, *Freedom*, and PR during its short-termed participation in the conservative pro-EU coalition in September – November related traditional values to European values differently. Churches represented traditional values as equivalent to European values. Europe was constructed as a social/political subject that was initially bounded by “Christian values”, later distorted under the influence of “secularism” and “consumerism”. Therefore Ukraine, in their discourse, appeared to be “more European” than Europe itself,

as it preserved authentic European traditional values. The churches associated the future of Europe with the restoration of traditional values to which Ukraine may also contribute. Christianity was articulated as a nodal point of this future transformed European identity that would embrace the Ukrainian national subject:

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “I agree that moral values in Europe are decreasing. In Ukraine they are high, but in Europe, there are [also] countries where the church is influential and morality is also high there. If these European moral powers and Ukraine operate in Europe the level of religiosity will increase in Europe, won’t it?” (CHKP2013-11-09).

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “Europe has grown up, formed around the cathedrals and monasteries. We, the Ukrainians, think of ourselves as European people. <...> The history of Ukraine, formation and education of Kyiv Rus is also built around cathedrals and monasteries. This unites us with European society. When I am asked about our opinion on discussions about identity which are going on in contemporary Ukraine, I answer, “Yes, we are Europeans, but Europeans with a Christian face”. <...> I believe that today we have a common mission in Europe both Catholics, Greek Catholics, and Orthodox Christians. Bishop Hilarion (Alfeyev) named it a strategic alliance of Christians in Europe. Our task is to remind about the foundation upon which the European civilization was built” (UGCH2013-10-09).

Freedom was more focused on the inscription of Ukraine into the contemporary European identity. In order to resolve the contradiction between traditional and European values, they appealed to cultural pluralism. Traditional values were represented as a cultural identity, which should be accepted by the EU in line with the principles of cultural pluralism and diversity.

Valerii Cherniakov, parliament deputy, Freedom: “Europe has grown up on Christian foundations and spiritual values, and therefore we should learn to respect our own spiritual values of Ukrainian people” (VOS2013-10-21).

Ihor Shvaika, parliament deputy, Freedom: “for the Ukrainian nation protection and conservation of the traditional Christian values is extremely important, and Europe has to respect our right for identity” (UPR2013-08-27).

Neither churches nor *Freedom* did not articulate support for sexual and gender equality as an instance of “European values”, which maintained discursive possibility to keep traditional and European values compatible.

Party of Regions counter-posed “traditional” and “European values”, and associated sexual and gender identity with the later. Some *PR* members articulated “traditional values” as a nodal point of the Ukrainian national identity.

Volodymyr Rybak, parliament deputy, PR, chairperson of the Parliament: “I think Europe should know the mentality of the Ukrainian people. What may be suitable for other states is not suitable for the Ukrainian people” (PR2013-05-17).

Oleksii Azarov, parliament deputy, PR: “We must find a compromise on this issue [the anti-discrimination reform], taking into account our national and cultural heritage” (PR2013-07-04(1)).

Others represented the Ukrainian nation as transitioning from traditional to European values. The process of cultural Europeanization was referred to as “development” which implied the idea of historical progress. In the following examples, the first speaker assumes that all countries are situated on a certain stage of a developmental process, implying that there is a single logic of historical development that all countries follow, although at a different speed. The second speaker uses an analogy between childbirth and historical transformation which naturalizes historical “development” towards Europeanization. However, *PR* members who supported the transition also represented the Ukrainian national subject as shaped by “traditional values” and situated acceptance of the European values in the future:

Oleksandr Yefremov, chairperson of the PR parliamentary faction: “I think we will explain to our European colleagues that different states are on different stages of development in relation to certain processes, and for today the Ukrainian society is not ready to accept this document yet” (PR2013-05-28).

Inna Bohoslovska, parliament deputy, PR: “Only in 1992, criminal liability for sodomy [*“muzhelozhestvo”*] was dismissed from the criminal law. In 1992! The European countries that went through this path had from 30 to 40 years between the abolition of criminal responsibility for sodomy and the transition to the implementation of the principle of non-discrimination on the grounds of sexuality. Today we are required to pass this historic path of transformation of social values for, in fact, 1992-2000, for 17 years, right? It is impossible. Just as it’s impossible to give birth to a child in 2 months, it’s impossible to finish this path of transformation” (PR2013-11-06(2)).

Similarly to the conservative Eurosceptics, *Freedom* and the churches articulated Bill 2342 as an instrument of “propaganda” of homosexuality which would have a negative effect on the social and biological reproduction of the nation. The pro-European deputies from *PR* justified their rejection of the bill with the predominance of “traditional values” in Ukrainian society. By September 2013, “traditional values” justification became dominant in arguments of the government and the *Party of Regions*.

Mykola Azarov, the Prime Minister: “I think that in its current version, this document will not get votes. Therefore, we need to sit at the negotiating table with our European colleagues, church

representatives, to coordinate the project. Ukraine is an Orthodox country, there are many believers here, we can not disregard their opinion (PR2013-10(09)).

The Parliament Commissioner for Human Rights also articulated the Ukrainian society as bounded by “traditional values”, which did not allow to adopt the bill aimed at sexual equality:

Valeriia Lutkivska, the Parliament Commissioner for Human Rights: “we are not able to find consensus not only in the parliament but also in the Ukrainian society, because in the opinion of the majority of society it contradicts our traditional foundations” (UPR2013-09-05).

In May 2014, PR strategically returned to support European values. Parliament deputy Iryna Berezhna criticized the dismissal of the provision on sexual orientation from Bill 4581 as inadherence to European values:

Party of Regions website: “She claims that the new government is dishonest when declaring its adherence to European values, in practice, it does not follow them and even manipulates them. Thus, in particular, Iryna Berezhna drew attention to the non-acceptance of anti-discrimination law in the scope required by the European Union” (PR2014-05-20)

5.1.5.4. European integration

The conservative pro-EU coalition constructed the current foreign policy situation in Ukraine as a situation of choice between the two antagonistic possibilities: accession to the Customs Union and European integration. Bill 2342 was linked to European integration as part of the Association and Visa Liberalization agreements.

The Orthodox Church of the Kyiv Patriarchate, Greek Catholic church, and *Freedom* party developed several legitimizations of the pro-EU direction of foreign policy. References to common historical past and geographic location of Ukraine and Europe established legitimization through the authority of tradition. These references also served for the construction of the Ukrainian national identity as part of European identity. In the following quote, Christianity is articulated as a common element that links Ukrainian and European subjects. The historical event of adoption of Christianity in 988 is represented as an act of identification with Europe:

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “We are not asking to be accepted into Europe, for more than a thousand years [we] are an integral part of it” (CHKP2013-06-27(1)).

Another common way to legitimize European integration within the conservative pro-EU coalition was naturalization with the use of a “family” metaphor. Ukraine’s historical relations with European countries were represented as “natural” family ties:

Dmytri, Metropolitan of Lviv and Sokal, the Orthodox Church of the Kyiv Patriarchate: “Yaroslav the Wise married all his sons and daughters to the representatives of European monastic families. He was called the father-in-law of Europe and when they traveled to Kyiv they traveled to their father-in-law. When you take and analyze all these royal families of different monarchies, you will definitely find the Ukrainian traits, there must be a daughter of the Kyiv Prince Yaroslav, Vsevolod, or Sviatoslav” (CHKP2013-11-12).

Cultural European integration through the acquisition of European identity was represented as already accomplished by Ukraine. Political EU-ization should have simply reaffirmed the assumed existence of cultural and historical unity:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “We are already a European state historically and geographically. We will not become Europeans when attributed to the EU [“nas prichisliat k ES”]. We are already Europeans” (UGCH2014-02-11).

Ukraine’s European identity often served as a primary justification for European integration in the churches’ discourse (it was either mentioned first or occupied most space in the text), but was inferior in *Freedom* discourse.

Another strategy to legitimize European integration was rationalization. Conclusion of agreements between Ukraine and the EU was associated with positive benefits for Ukraine: the development of democracy, establishment of the rule of law, economic and technology development, rise of social welfare. These benefits were often linked to each other by a causal process:

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “with the help of the European democratic standards it [European integration] will allow combating selective justice, corruption, and poverty” (VCIRO2013-10-24)

Mykola Davydiuk, member of *Freedom* party, member of the regional assembly of Volynska oblast: “[European integration] will give us the rule of law, will give us general regulation of legislation, and, subsequently, the above mentioned [changes] will balance welfare of the ordinary Ukrainians” (VOS2013-11-06(2)).

Finally, European integration was represented as the only alternative to the Customs Union accession. Subsequently, delegitimizations of the Customs Union served as legitimizations of the pro-EU foreign policy direction. Accession to the Customs Union was delegitimized as Russian aggression towards Ukraine. The Customs Union was represented as a political

project launched by Russia to reinstall Russian/Soviet domination over Ukraine, which posed a threat to the Ukrainian national identity. In one case implicit equivalence was established between Russia and the Ottoman empire, both representatives of a global “East” which tried to colonize Ukraine (CHKP2013-11-12). In one case the Customs Union was represented as a political project antagonistic to the EU, threatening not just Ukraine but the global security:

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “Russia wants to create the Customs Union. And the Customs Union will oppose the European Union. And the confrontation can develop into a cold war, which in turn will develop into a hot war. If Ukraine joins the EU, then a strong Customs Union is impossible without Ukraine. And the confrontation between the Customs Union and the European Union will not happen, and hence the cold and hot war [will not happen]. Moreover, if the EU is created with the membership of Ukraine, then the EU gains big strength, together with the U.S., – it is a powerful world power, – but a non-aggressive power, a democratic one, based on freedom, democracy, Christian values. In addition, the mighty financial potential, technological progress, and military power [makes the EU and the U.S.] a powerful world capable of sustaining peace in the world. And if this will not happen, then there may be conflicts. Therefore, this is a very important moment in the history of mankind, in order to prevent future wars, so that democracy gains strength in the world” (CHKP2013-11-09).

When representing Ukraine-Russia relations, the Orthodox Church of the Kyiv Patriarchate, the Greek Catholic church, and *Freedom* party passivized Ukraine and selected wording which added meaning of aggression and dominance to the actions of Russia: “drawing Ukraine into the European-Asian space in order to subordinate Ukraine to Russia” (CHKP2013-06-29), “they again impose the course on North-East on us” (CHKP2013-11-12). These grammatical and lexical choices served as delegitimizations of accession to the Customs Union, both moral (“dependence”, “oppression” as negative values, antagonistic to “equality” which was a central positive value in the discourse of all analyzed political actors and groups of interest) and rational (possible practical negative consequences of restriction of the state sovereignty). *Freedom* explicitly supported European integration as a way to oppose Russia:

Valerii Cherniakov, parliament deputy, Freedom: “Today it is important to decide on the geopolitical path of development of the Ukrainian state <...> Approaching Europe, Ukraine will make the first major step to move away from the Kremlin’s policy” (VOS2013-10-21).

Support of European integration opened up a possibility for support of the anti-discrimination reform which was the precondition to conclude agreements with the EU. All

the above-mentioned justifications could have potentially be used in advocacy for the anti-discrimination reform. However, opposition to sexual and gender equality as undemocratic and threatening to national identity shared by the conservative pro-EU coalition appeared to be stronger. They opposed both internal and foreign EU sexual and gender policies. Internal EU policies were represented as “restriction of rights” for certain groups of citizens, instruments of “war” and “terror” of homosexual people towards heterosexual:

Website of the Institute of Religious Freedom, associated with the All-Ukrainian Council of Churches: “experience of the European Union [member] states testifies to the restriction of the right of believers to freedom of expression of their religious views on the problems of homosexuality on the grounds of preventing discrimination” (VCIRO2013-03-13).

Ihor Miroshnychenko, parliament deputy, Freedom: “Today, most Europeans are suffering from homodictatorship. And Ukrainians as an Orthodox nation simply protect their children from aggressive influences” (VOS2013-11-12).

The introduction of Bill 2342 was represented as an act of aggression of the EU towards Ukraine. The EU was represented as a destinator of the anti-discrimination reform and an active subject, while Ukraine was discursively passivized and represented as reacting to the EU initiative: “Ukraine has to adopt a number of laws, which for some reason are reduced to one thing, – homosexual relations” (CHKP2013-11-12); “at the request of the European Union, deputies are now trying to pass the law” (CHKP2013-05-31). Churches represented the EU requirements to adopt the anti-discrimination reform as illegal:

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “It should be emphasized that neither in the international binding documents nor in the common laws of the European Union there are norms that would oblige Ukraine to adopt such a law” (CHKP2013-05-22).

Freedom represented the EU requirements to introduce the anti-discrimination legislation as “propaganda” and establishment of “homodictatorship” both within the EU and in the neighboring countries (DS2013-05-24), which makes their discourse similar to the Eurosceptics.

Ihor Miroshnychenko, parliament deputy, Freedom: “propaganda of homosexuality imposed on us by the EU” (VOS2013-05-24).

Oleh Pankevych, parliament deputy, Freedom, vice-chairperson of the Parliamentary Committee on European Integration: “In case of its adoption, this document will provide a tool for a psychological war with the Ukrainian people, as it has already happened with other peoples of Europe and America. People will find themselves in a situation of psychological terror when a handful of homosexuals will satisfy their interests and resolve life conflicts by accusing normal people of ‘discrimination’” (VOS2013-06-19).

Unlike their Eurosceptic counterparts, members of *Freedom* did not represent the EU sexual and gender foreign policies as an instrument to destroy the Ukrainian nation explicitly; however, their claims contained implied such a scenario. In the above-mentioned claim made by Oleh Pankevych, the antagonism is constructed between homosexual and heterosexual people. Heterosexual subjects, threatened by homosexual domination are represented as Ukrainian national subjects. Not heterosexual people, but “Ukrainian people” alongside “peoples of Europe and America” are threatened by sexual equality. As the EU is represented as the initiator of the anti-discrimination reform it also becomes a subject that “threatens” to “Ukrainian people”. In one text from the *Freedom* official website antagonism between “the West”, which embraces the EU, on the one side and Ukraine on the other was constructed explicitly:

Taras Popov (party affiliation not indicated), *Freedom* website: “Our society is threatened by intrusion [‘*pronyknennia*’] of pseudo-values of Western liberalism. In particular, the idea that “human freedom in everything”, hence the development of homosexuality that logically leads to the degeneration of mankind, and the development of mixed marriages that lead to medical problems in the descendants of these marriages” (VOS2013-05-10).

To solve the contradiction between support for European integration and opposition to sexual equality, the Orthodox Church of the Kyiv Patriarchate, Greek Catholic Church, and *Freedom* developed several strategies to rearticulate European social/political project so that it would embrace Ukrainian “traditional values” and homonegativity.

The first strategy established an opposition between the “good” Europe and the “bad” European Union. Europe was constructed as a subject formed by Christian values and ethnic nationalism. Economic and political benefits of “European integration” were associated with Europe, while devastating effects on national identity and reproduction were associated with the EU.

The European identity was represented as based on cooperation and support both within the European society and in relations with other social/political projects. In the following quote the metaphor of a “teacher” represents Europe as a more powerful, but credible subject, whose influence is welcomed because of the expected benefits (overcoming of corruption, development of civil society):

Dmytri, Metropolitan of Lviv and Sokal, Orthodox Church of the Kyiv Patriarchate: “There is a European volunteer movement that helps various categories of people in need of help, care, support. It is there in the European world, where there is debauchery, where people do not go to churches, where,

they say, churches are sold to Muslims and turned into mosques. Here, there is such a movement that in one form or another covers 60% of the population, and our state helps only 2% [of the population]. See the difference? And there are many other advantages in the European world. Europe should teach us not to steal, not to take bribes, they can teach us how to build a proper civil society, a conscious civil society. There are many positive [things]" (CHKP2013-11-12).

Taras Popov (party affiliation not indicated), *Freedom* website: "Contemporary Europe ceases to be a stronghold of Christian values, which it was at the beginning of the second millennium. In some countries, the consequences of globalization are virtually inverse. <...> Eastern Europe remains conservative and national. Among these countries – the countries of Europe of free nations – Ukraine should become the center of resistance to globalization processes" (VOS2013-05-10).

The EU was represented as an antagonist to Christianity, a space where "Devil acts". In one case it was represented as equivalent to the Soviet Union on the ground of common opposition to Christianity. Sexual equality was represented as an emblematic manifestation of moral degradation and dissociation of the social in the EU. At the beginning of the anti-discrimination controversy, opposition between Europe and the EU opened up a possibility for claims against EU-ization of Ukraine, while the support of "European integration" preserved. Leaders of the Orthodox Church of the Kyiv Patriarchate and the Greek Catholic Church advocated for the rejection of AA and VLA in case requirements on SOGI were not withdrawn:

Sviatoslav, the Major Archbishop of the Ukrainian Greek Catholic Church: "But Ukraine can not pay such a price for getting any international dividends there" (UGCH2013-04-17).

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: "The rejection of the traditional family values and Christian moral principles is a huge price that the government proposes to pay the Ukrainian society for visa-free travel with the countries of the European Union" (VCIRO2013-04-18).

In September – November 2013, an opposition between Europe and the EU weakened in the churches' discourse. Claims against agreements with the EU disappeared. The EU was portrayed as a political surface of Europe which deviation from the core Christian values of European identity was temporary. For example, in the speech of Metropolitan of Lviv and Sokal (CHKP2013-11-12) the EU is described with metaphors of a "ruin" and "disease". Both metaphors indicated a temporary character of the EU. A "ruin" set a teleology of the EU. It provided a hidden essence of the EU ("from the outside all [in the EU] is good and beautiful, but there is only ruin inside") that corrupted the social from within. A "disease" metaphor indicated a temporary character of the EU even more explicitly. Ukraine was

going to “survive” the EU just as it survived the Soviet Union: “Perhaps I will turn to sarcasm a bit, but we have indeed survived the Soviet Union, and [therefore] will probably survive the European Union. We will survive!”. The head of the Greek Catholic Church used the metaphor of the EU as a teenager, which implied partial dissociation of the EU from Europe (the teenager is a member of the same family, but their socialization is not finalized) and also stressed temporary character of the current political organization of Europe (a teenager would either grow up or destroy itself):

Sviatoslav, the Major Archbishop of the Ukrainian Greek Catholic Church: “The European Union, in my opinion, is experiencing a teenage period. This is a relatively young formation, which has not fully comprehended its existence. And now it has partly forgotten its Christian roots. Immorality, gay culture, the cult of consumption are not the values that have shaped Europe” (UGCH2013-10-09).

Representation of the EU as a temporary form of political organization which deviated from the true European identity introduced a discursive possibility of the EU “return” to Europe. Ukraine was constructed as a subject that would contribute to the realization of such a possibility. Unlike the conservative Eurosceptics, the conservative pro-EU coalition assumed that the Ukrainian national subject would not only preserve its difference from assimilation by the EU but would also be able to become a hegemonic subject with the reestablishment of cultural hegemony of Christian values in Europe. Political association between Ukraine and the EU was represented as a mutually beneficial deal in which Ukraine exchanged its traditional values on economic and administrative advantages:

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “While moving to Europe, we not only take but also give. Spirituality in Ukraine is higher than in the West. For example, when we become full members of the European Union, we will fight against same-sex marriages. Europe itself can not overcome this evil, we will help them. Ukrainian people do not accept such marriages, therefore, Ukraine as a part of Europe will bring a new attitude to this sin” (CHKP2013-10-23).

European integration was represented as a “(re)accession” to “Europe”, not to the EU. Both churches and *Freedom* used the already mentioned naturalization of Ukraine as part of Europe to delegitimize the very mechanism of the EU political conditionality, applied to Ukraine in the field of sexual rights. Belonging to Europe was represented as a sufficient justification of political and economic integration into it, while the EU conditionality was represented as excessive and unjust:

Valerii Cherniakov, parliament deputy, Freedom: “Ukraine is already geographically located in Europe, so we have the full right to be Europeans also politically and economically” (VOS2013-10-21).

Mykola Davydiuk, Freedom party, member of the regional assembly of Volynska oblast: “For some reason, we are put in such conditions as if we were asking to be accepted to Europe, because we simply return to Europe, to our home, to our family of European peoples, because we did not leave Europe, we were simply taken from Europe. It happened so historically” (VOS2013-11-06(2)).

Another strategy was to relate opposition to sexual and gender equality to European social/political project with the element of “diversity”. This strategy was actively used by *Freedom*. Party members claimed that preservation of Ukrainian traditional values is an instant of protection of cultural diversity in Europe. In the second quote below, support for traditional values is a performance of European identity. As diversity is one of the core European values, Ukrainians have to demonstrate their difference in order to be accepted as Europeans:

Valerii Cherniakov, parliament deputy, Freedom: “Each member state of the EU retains its specific and national identity and has good opportunities for developing its culture and traditions” (VOS2013-10-21).

Andrii Mishchenko, parliament deputy, Freedom: “we understand that we are moving to Europe and we have to show our values to Europe, our traditional Ukrainian family” (VOS2013-05-20).

Preservation of cultural difference, however, implied a potential of turning a difference into the dominant element and establishment of cultural hegemony of European values, as the following quote demonstrates. The speaker assumes that if Christians in the EU countries had “an active life position”, the sexual equality policies would not “spread”; subsequently, when active Ukrainian Christians appear in Europe the status quo might change:

Sviatoslav, the Major Archbishop of the Ukrainian Greek Catholic Church: “Yes, I am for European integration, but I am against homosexuality. We must go to Europe with a Christian face. Why are those laws spreading? Because Christians in European countries do not have an active life position” (UGCH2013-09-12).

Finally, dissociation of sexual equality and the European political project was realized through the explicit denial or backgrounding of the EU political conditionality mechanism in the anti-discrimination reform. *Freedom* and the Orthodox Church of the Kyiv Patriarchate explicitly denied that Bill 2342 was necessary for the conclusion of agreements between Ukraine and the EU. They claimed that the adoption of the anti-discrimination reform was not required by the Association Agreement and the State

program of adaptation of Ukrainian law to European law. They also silenced the fact that adoption of the anti-discrimination protection was necessary for the Visa Liberalization Agreement or undermined its importance for the agreement. In cases when this strategy was used, the government, not the EU, was represented as a destinator of the anti-discrimination reform.

When the government and the *Party of Regions* joined the conservative pro-EU discourse coalition in June – August 2013 they articulated provision on sexual orientation in Bill 2342 as an obstacle to “European integration”. It was suggested to postpone this obstacle either to the second phase of the Visa Liberalization action plan or to remove it entirely. This discursive change was made possible due to the representation of the anti-discrimination reform as a precondition, not as an actual part of the “European integration” process in the liberal majoritarian pro-European discourse alongside with the lack of linkages between the reform and the dominant legitimizations of the pro-EU foreign policy. In the following quotes the speakers represent the provision on sexual orientation as an obstacle which blocks the adoption of the anti-discrimination reform and subsequently visa liberalization and “European integration” (“European development”, “the introduction of European norms”) in general:

Valeriia Lutkivska, Parliament Commissioner for Human Rights: “the dispute is evoked by the provision that has only a declarative character and will not significantly affect the further development of legal relations in this area. And what is much more important? That the state proposes to take one step further. This is, in fact, an absolutely correct, right step. This is also a step towards European development for the state. And the mechanism implied will indeed allow us to realize the right of a person for not being discriminated in the realization of any of their right, which is specified in the Constitution” (UPR2013-08-01).

Inna Bohoslovska, parliament deputy, PR: “Only in one phrase, which crosses out many provisions that really need to be adopted in order to bring our anti-discrimination legislation in line with European norms” (PR2013-11-06(2)).

Volodymyr Ariev, parliament member, BYuT: “If we really want to solve the problem, and not to worry because this law was not adopted, then we may develop a “B” plan. <...> we need to look for a compromise solution to the situation if we want to obtain a visa-free regime, not to make excuses later” (BUT2013-11-06(2)).

Representation of legal norm on sexual orientation equality as an obstacle in the Ukraine-EU relations was accompanied with the gradual shift from representation of Ukraine as an active subject in the process of the anti-discrimination reform to

representation of the EU as the initiator of the anti-discrimination reform and Ukraine as a passivized object of the EU actions. In May – July 2013, the *PR* members interpreted the EU actions as a result of misconceptions or lack of information, rather an act of purposeful aggression. The following quotes imply that more information and “explanation” would persuade the EU to withdraw a requirement on sexual orientation. However, Ukraine-EU relations are still represented as equal (“colleagues”, “compromise”):

Oleksandr Yefremov, chairperson of the PR parliamentary faction: “I think we will explain to our European colleagues that different states are on different stages of development in relation to particular processes, and for today the Ukrainian society is not yet ready to accept this document” (PR2013-05-28)

Oleksii Azarov, parliament deputy, PR: “I am sure it is necessary to hold various consultations, ‘round tables’ with representatives of the European Union, political forces, the public. We must find a compromise on this issue” (PR2013-07-04 (1)).

Later members of the *PR* and *BYuT* represented sexual orientation equality as a “demand” and “requirement” of the EU and counter-posed it to interests of Ukraine (“we cannot make concessions”). Lexical choices that contained connotations of pressure and domination were supported by grammatical activation of the EU. In such a way, the anti-discrimination reform was opposed to equality and democracy:

Volodymyr Bondarenko, parliament deputy, BYuT: “the requirements of the European community to Ukraine, that is, the European integration laws” (OBZ2013-07-11).

Arsenii Yatseniuk, chairperson of the BYuT parliamentary faction: “The EU demands legislative changes in the field of countering discrimination from Ukraine, including on the basis of sexual orientation. Relevant amendments should be made to the Labor Code” (UPR2013-07-10).

Oleksandr Yefremov, chairperson of the PR parliamentary faction: “But for some reason, we are urged to adopt this law” (PR2013-09-03).

Oleksii Azarov, parliament deputy, PR: “We can not make some concessions <...> we must find a compromise (PR2013-09-04(1)).

Inna Bohoslovska, parliament deputy, PR: “Our dearest colleagues from abroad insist that this phrase should be introduced into Ukrainian legislation” (PR2013-11-06(2)).

Volodymyr Ariev, parliament deputy, BYuT: “our closest Western neighbors, came to this [introduction of sexual orientation into the anti-discrimination law] step by step, but did not impose this moment [implication that in Ukraine the reform is imposed]” (BUT2013-11-06(2)).

Representation of the anti-discrimination reform as an instance of the EU political pressure and domination over Ukraine opened up a discursive possibility for moral delegitimization of the “European integration” and legitimization of the accession to the Customs Union,

which was later used by the government and the *Party of Regions* when they moved to the conservative Eurosceptic discourse coalition.

At the beginning of 2014, postponing of political conditionality in the field of sexual rights was represented as restoration of reciprocity and equality in Ukraine-EU relations by the new government formed by opposition parties:

Pavlo Petrenko, the Minister of Justice: “Nevertheless, we have found mutual understanding with the European Commission on the bill on discrimination. And they withdrew their demands for the indication in the law of guarantees for sexual minorities” (SEG2014-03-24).

5.2. The second round of the anti-discrimination controversy

Prohibition of discrimination on the grounds of sexual orientation returned to the agenda of Ukraine-EU relations in November 2015 with the completion of the sixth round of the EU monitoring of Ukraine’s implementation of the second phase of the VLAP. The EU Commission provided assessment of Ukraine’s progress in the implementation of VLAP benchmarks which should have informed the decision on visa-free regime for Ukraine. The monitoring report was published on December 18, 2015 (European Commission, 2015b). However, according to media reports, the preliminary assessment and decision should have been made at the meeting of Ukraine-EU Commission in Brussels, which was initially planned on November 10, but later postponed to November 24, 2015 (TSN2015-11-24(2)). In case the Ukrainian parliament had not fulfilled the VLAP requirements by the end of the sixth monitoring round, the decision on visa liberalization would have been postponed for another round of monitoring.

By the time Ukraine has fulfilled most of the requirements of VLAP and had high chances to obtain a positive resolution about visa-free regime from the European Commission. However, a number of other legal changes remained to be adopted in order to successfully pass the sixth monitoring round. The media mentioned from 12 to 70 bills developed to fulfill the VLAP requirements, particularly anti-corruption Bills 3040, 2541a, 2540a, 2542a, and Bill 3154 on the illegal migration. All these bills were often referred to as “the European integration package”, both by political actors and the media. The prohibition of discrimination on the grounds of sexual orientation was one of the changes without which decision on the visa-free regime would have been postponed to 2016.

Therefore, for Ukrainian proponents of European integration adoption of this prohibition in November 2015 was a strategic priority.

Prohibition of discrimination on the grounds of sexual orientation and gender identity was introduced as an amendment to the new Labor Code Bill (Bill 1658) during the parliamentary hearing on November 5, 2015. The amendment added SOGI to the extended list of anti-discrimination grounds in Article 3 of the new Labor Code bill:

“Any discrimination is prohibited in the workplace, including violation of the principle of equal rights and opportunities, direct or indirect restriction of workers’ rights based on race, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health, disability, suspected or actual presence of HIV-AIDS, family and economic status, family responsibilities, location, union membership or other association of citizens, participation in a strike, appeal or intention to apply to a court or other authorities to protect their rights or supporting other workers in defense of their rights, language or other grounds not related to the nature of the work or the conditions of its execution”⁶⁰.

All the grounds mentioned in the amendment were already included in the first draft of the new Labor Code bill, the amendment only added SOGI to the list. The Labor Code bill was extensively criticized by both pro-governmental and opposition parties, but after all, it was supported and sent to the further development to the parliamentary committees. However, the provision on SOGI was voted down on November 5.

Therefore, to fulfill the VLAP requirements before the end of the six monitoring round, a group of deputies from the pro-governmental parliamentary parties introduced the amendment on SOGI and other grounds to the old Labor Code with a separate Bill 3442 (Klympush-Tsyntsadze et al., 2015) on November 10. The amendment extended the list of protected grounds in Article 21 “Equality of Labor Rights of Citizens of Ukraine” that at the time included only “origin, social and economic status, racial and national belonging, sex, language, political views, religious beliefs, occupation, and location”.

After several unsuccessful votes, the Parliament adopted Bill 3442 on November 12, 2015. Altogether, the anti-discrimination amendment was put to vote 18 times (including votes for its return to the parliamentary agenda): once on November, 5; eight times on November 10, nine times on November 12. On November, 23, Bill 3442 was signed by the President and came into force on November, 26. As during the first round of the anti-

⁶⁰ Stenogram of a plenary session, Session 21, November, 5, Retrieved on September, 2018, from <http://iportal.rada.gov.ua/meeting/stenogr/show/6024.html>.

discrimination controversy, sexual conservatives opposed introduction of SOGI in the anti-discrimination law with alternative legal initiatives. Bills 3442-1 (Proekt Zakonu pro vnesennia zmin do Kodeksu zakoniv pro pratsiu Ukrayny (shchodo vdoskonalennia zakonodavstva shchodo zapobihannia ta protydii dyskryminatsii iz pravom Yevropeiskoho Soiuzu) [Bill on Introduction of Amendments to the Labor Code of Ukraine (regarding improvement of the law on prevention and combating discrimination with the European Union law)], 2015) and 3442-2 (Proekt Zakonu pro vnesennia zmin do Kodeksu zakoniv pro pratsiu Ukrayny (shchodo harmonizatsii vitchyznianoho trudovoho zakonodavstva u sferi zapobihannia ta protydii dyskryminatsii iz pravom Yevropeiskoho Soiuzu) [Bill on Introduction of Amendments to the Labor Code of Ukraine (regarding harmonization of the domestic labor law on prevention and combating discrimination with the European Union law)], 2015) claimed to fulfill the VLAP requirements but did not include the term sexual orientation. Both bills were never put to a vote. The European Commission concluded that with the adoption of Bill 3442 the benchmark on citizen rights and protection of minorities had been fulfilled (European Commission, 2015c). On May 11, 2017, Ukraine received the visa-free regime with the EU.

Later in 2017, the Parliamentary Committee on Social Policy, Employment and Pension Provision developed a second draft of the Labor Code bill for the second parliamentary proceeding. The second draft did not include the provision on SOGI discrimination. After the President and the ruling *BPP* party criticized absence of the provision on SOGI and claimed that they would not support the new Labor Code bill without it, the provision was included in the draft (“Obhovorennia Proektu Trudovoho Kodeksu Proishlo iz Skandalamy Cheres Popravky pro Zakhyst Prav LGBT (video) [Discussion of the Labor Code Bill Went With Scandals Because of the Amendments on Protection of LGBT Rights],” 2017). In August 2018, the second draft of the Labor Code bill was still waiting for the parliamentary proceeding. When the new Labor Code will be put to vote, the public debate on sexual and gender equality in labor might be reopened in Ukraine.

Table 5. Time-line of the anti-discrimination reform in 2015

November 5, 2015	An amendment on the anti-discrimination protection on the grounds of SOGI was suggested by Iryna Herashchenko (<i>BPP</i>) during the
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	parliamentary discussion of the new Labor Code bill.
November 10, 2015	Bill 3442 “On Amendments to Labor Code of Ukraine (about harmonization of the anti-discrimination law with the EU law)” was submitted to the parliament.
November 11, 2015	The alternative Bills 3442-1 and 3442-2 on the amendments to the Labor Code of Ukraine were submitted to the parliament.
November 12, 2015	Bill 3442 adopted.
May 17, 2017	The introduction of the visa-free regime with the EU.

5.2.1. Nodal points and contesting coalitions in political discourse on sexual and gender rights related to SOGI

Despite dramatic changes in the Ukrainian political landscape after Euromaidan, the key discourse coalitions on sexual and gender rights which were active during the first round of the anti-discrimination controversy preserved. As during the first round of the controversy, each coalition was united by a stable set of storylines that linked the anti-discrimination reform to the nodal points of sexual and gender rights discourse, – “sexuality and gender”, “equality”, “values”, and “integration/accession”. These nodal points provided final justifications for (non)adoption of the anti-discrimination amendment. Each coalition introduced their alternative articulations of these nodal points. Just as during the first round of the anti-discrimination controversy, the composition of actors in the coalitions changed. However, while during the first round actors moved from the liberal coalitions to conservative ones, during the second round some of the conservative actors supported the liberal coalitions in the parliament, which contributed to the adoption of the anti-discrimination reform.

Most of the storylines and contesting articulations of nodal points in political discourse on sexual and gender rights remained the same as during the first round of the debates. However, several important changes were identified. First, articulation of democracy as civil equality among all social groups became hegemonic among both liberal discourse coalitions on sexual and gender rights. The liberal majoritarian coalition preserved articulation of democracy as a rule of the majority in the spheres of family and

reproduction, but articulated labor as a sphere in which majority will is not a legitimate ground for restriction of civil rights of minorities. Another major change during the second round of the anti-discrimination controversy was an increased opposition towards Russia and the Customs Union in discourse of all four coalitions on sexual and gender rights. The conservative Eurosceptic coalition demonstrated the lowest level of opposition towards Russia. It no longer advocated in support of the Customs Union, but did not express any criticism either. However, the coalition continued its anti-EU advocacy. The conservative pro-EU coalition demonstrated greater support for European integration than during the first round of the controversy. While during the first round, the coalition maintained the possibility to reject political integration into the EU because of cultural differences (adherence to traditional values), during the second round this possibility was no longer articulated. The two liberal coalitions used antagonism with Russia to justify European integration and the anti-discrimination reform as its part, which was not observed during the first round. Finally, the liberal coalitions established an equivalence between traditional values and the antagonistic Russian political project, which effectively undermined storylines of the conservative pro-EU coalition related to the “values” nodal point. Hegemonic support for the EU integration and delegitimization of traditional values resulted in temporary hegemony of European values as a nodal point of the Ukrainian national identity in the political discourse. However, hegemony of European values remained highly unstable and contested. The chain of equivalences related to traditional values in the conservative discourse that constructed the national subject as reproductive and heterosexual (“family values” – “Christian values” – “moral values” – “national values”) sustained in discourse of the liberal majoritarian coalition despite the term “traditional values” was no longer used to justify law and policy decisions. Summary of articulations of the nodal points and storylines that related the anti-discrimination reform to each of the nodal points in each discourse coalition is provided in the Appendix F.

5.2.2. Liberal majoritarian pro-European discourse coalition

Just as during the first round of the anti-discrimination controversy, the liberal majoritarian pro-European discourse coalition on sexual and gender rights initially united the most powerful political actors. It included the president, the government, and the majority of the three parliamentary factions *Petro Poroshenko Bloc “Solidarity” (BPP)*,

People's Front, and *Fatherland*. Actions of the liberal majoritarian pro-European coalition on sexual and gender rights towards the anti-discrimination reform were supported by some of the parliament deputies elected in single-member constituencies, particularly by parliamentary groups *People's Will* and *Revival*.

President Petro Poroshenko, elected in 2014, was a parliament deputy without a faction affiliation and a member of the Parliamentary Committee on European Integration during the first round of the controversy. In 2014, he initiated the creation of the party *Petro Poroshenko Bloc "Solidarity"*, formally lead by Stanislav Kostytskyi. Arsenii Yatseniuk, who became a Prime Minister as a leader of the *People's Front* party that obtained the highest number of seats in the proportional election in 2014 was a chairperson of *Fatherland* parliamentary faction back in 2013.

BPP, *People's Front*, and *Fatherland* were members of the parliamentary coalition “*European Ukraine*” that formed the government. *BPP* was the biggest faction in the parliament in 2014 – 2019. In November 2014, it included 139 deputies⁶¹. *People's Front* was the second biggest parliamentary faction which united 81 deputies. *Fatherland* was the smallest parliamentary faction with 19 deputies. All three factions included deputies who were parliament members during the previous convocation (2012 – 2014). *BPP* included 22 deputies who were former members of the *UDAR* parliamentary faction, eight former members of *BYuT* faction, and one former member of the *PR* faction. *People's Front* included 21 former members of the *BYuT* faction, one former member of the Communist faction, and one former member of the *Party of Regions* faction. Together votes of the three factions formed the simple majority in the parliament: 239 votes out of 422.

People's Will and *Revival* groups consisted mainly of former members of the *Party of Regions* and together with the *Opposition Bloc* formed parliamentary opposition to the government. However, both groups voted in support of the anti-discrimination reform. As they did not make public claims on the issue on their official websites or in the online media, it was impossible to identify whether they shared storylines of the liberal majoritarian coalition, or only provided tactical support in voting.

Finally, the liberal majoritarian discourse coalition was supported by the former Euromaidan activists. Analysis of posts published in the Facebook group used by activists

⁶¹ According to the official website of the parliament. Retrieved on August 15, 2018, from http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_arh_golos?g_id=439808&n_skl=8.

to mobilize the public for street protest in support of the “Eurointegration bills” package reviles that they were not only tactical supporters of the liberal majoritarian coalition but also shared the same storylines on sexual and gender rights. However, as social networking websites were not considered as sources of political discourse for other actors in this research and the Euromaidan activists did not have an official website, their discourse was not analyzed in detail.

Governmental actions on the anti-discrimination reform during the second round of the controversy included the development of the anti-discrimination bill that prohibited discrimination on the grounds of sexual orientation and gender identity and its public support in the media. The Ministry of Justice and the Ministry of Foreign Affairs were among initiators of the anti-discrimination amendment to the new Labor Code project. Minister of Justice Pavlo Rozenko advocated in support of the amendment during the parliamentary debate on the amendment on November 5. President Petro Poroshenko joined the public discussion on the issue on November 9. The governmental portal published Poroshenko’s statement, later disseminated by all the five analyzed online media, in which he encouraged the parliament to adopt Bill 3442. Poroshenko also held a meeting with the heads of the parliamentary factions to persuade them to support bills that were necessary for the VLAP fulfillment, including Bill 3442 (SEG2015-11-10(2)). Prime Minister Arsenii Yatseniuk, who ended up as an opponent of the SOGI equality in labor in the first round of the anti-discrimination controversy, did not make any public statements on the issue during the second round.

Parliament deputies from the liberal majoritarian pro-European coalition on sexual and gender rights drafted Bill 3442 prohibiting SOGI discrimination in labor, voted in support of the bill, advocated in support of the bill during parliamentary debates, and made public claims on the issue on official party websites and in the media. In contrast to the first round of the controversy, the parliamentary factions did not announce any public discussions of the anti-discrimination reform outside the session hall (e.g. round tables, meetings with groups of interest).

The anti-discrimination amendment was first announced by parliament deputy Iryna Herashchenko (*BPP*) during the parliamentary debate on November 5, 2015. On November 10, the amendment was introduced as Bill 3442 by a group of deputies from *BPP*, *People's Front*, *Self Reliance*, and *Fatherland*. The results of parliamentary voting are

illustrated in Appendix G. The chart demonstrates voting of each party for the 6 selected voting rounds, which include the first and the last voting on the anti-discrimination amendment on each day when it was put to the vote, and the additional voting round on November, 10, when Bill 3442 was put on the parliamentary agenda after several failed attempts⁶².

The majority of *BPP* and *Fatherland* consistently supported the anti-discrimination amendment from the very first vote on November 5. In both factions, the minority of deputies abstained from the vote on the anti-discrimination amendment when it was introduced in the old Labor Code, but when Bill 3442 was introduced, the number of supporters in both parties increased. On November 5, 54,9% of the *BPP* deputies and 36,8% of *Fatherland* deputies supported the anti-discrimination amendment. On the last voting on November 12, 76% of *BPP* and 73,7% of *Fatherland* (actually all the faction deputies present at the parliamentary session) voted for. *People's Front* divided on the anti-discrimination amendment during the first vote on November 5. Twenty-two deputies (27,1% of the parliamentary faction members) supported the amendment, twenty opposed (24,7%), others abstained, did not vote, or were absent from the parliamentary session. Since November 10, the majority of the party voted in support of Bill 3442 until its adoption.

Revival and *People's Will* initially did not support the anti-discrimination amendment but changed their position during the controversy. *Revival* fluctuated on Bill 3442 during the second round. On November 5, the majority of the party did not vote, on November 10, the majority supported putting the bill on the parliamentary agenda, but did not vote on it during the final round of voting. On November 12, the party members did not support the inclusion of the bill to the parliamentary agenda, but in the final end, all party deputies who were present at the parliamentary session voted for it. The majority of *People's Will* started to support Bill 3442 on November 10, and kept voting "for" the bill until its adoption, although at the very final round of voting the party gave the lesser number of votes for the bill than in the previous rounds.

The increase in support of the anti-discrimination reform since November 10 among the discussed parliamentary parties might have several explanations. First, it might be

62 The data on voting was taken from the official website of the parliament. Retrieved on August 15, 2018, from http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57008.

explained with the initial inclusion of the amendment into the new Labor Code bill. As amending the new Labor Code bill would have not met the requirements of VLAP, the parliament deputies from the liberal majoritarian discourse coalition might have voted against the amendment on November 5, to prevent failure of the visa-free regime. Another explanation is the presence of sexual conservatives among the three factions. Some of the conservative faction members consistently voted against their factions on the anti-discrimination amendment and reproduced the conservative pro-EU coalition storylines (see below), while others might have been persuaded to vote in accordance with the party position.

Other collective actors who contributed to the outcome of the anti-discrimination controversy in the parliament were the chairperson of the parliament Volodymyr Hroisman, the Committee on Social Policy, Employment and Pension Provision, Committees on European Integration and Human Rights, and the parliament deputies not affiliated with any of the parliamentary factions. Volodymyr Hroisman, whose persistent advocacy, was probably one of the key conditions that contributed to the success of the anti-discrimination reform in 2015, was elected on the list of *BPP* but was not a member of any parliamentary faction at the time of Bill 3442 proceedings. As a chairperson of the parliament he repeatedly put to vote the anti-discrimination amendment on November 10 and November, 12 until it was adopted (altogether 17 times). Each time when he announced the voting he encouraged the deputies to support the bill. The Parliamentary Committee on Social Policy, Employment and Pension Provision was the key committee that provided expert opinion on the anti-discrimination amendment. The Committee took a neutral stance on the amendment since November 5, when the chairperson of the Committee Liudmyla Denisova (*People's Front*) suggested that “it is a right of the people’s deputies to decide on the inclusion of such an amendment” (PAR2015-11-05(01)) during the parliamentary discussion. Later, neutral position was reproduced in the expert conclusion on Bill 3442. Chairs of the Committees on European Integration (Iryna Herashchenko, *BPP*) and Human Rights (Hryhorii Nemyria, *Fatherland*) advocated for the adoption of Bill 3442 during the parliamentary debate. Parliament deputies with no faction affiliation were highly heterogeneous in their positions on the anti-discrimination amendment, but during the final voting round, they provided the bill with 14 supportive votes.

Actions of the interest groups in the liberal majoritarian coalitions included street protests under the parliament building on November 10 and 12 in support of the anti-discrimination bill among other reforms that were necessary to fulfill the VLAP requirements and gain the visa⁶³free regime organi⁶⁴ed by the former Euromaidan activists (Serhii Morhunov, Mariam Drahina, Vsevolod Yatsres, Andrii Kapranov, Vladimir Zhuravkin, Artem Khorunzhyy⁶⁵). The protests were also attended by LGBT and human rights activists.

5.2.2.1. Sexual orientation and gender identity

Just as during the first round of the controversy, sexual orientation on a preferred gender of sexual partner was articulated as a manifestation of every person's sexuality. Gender identity was rarely articulated, the observed references allow to suggest that it was interpreted as an internal perception of ones gender. The liberal majoritarian coalition did not articulate the origins of homosexuality and gender non-conformity and focused mainly on rights related to sexual orientation, despite gender identity was this time explicitly included in the anti-discrimination bill.

5.2.2.2. Minorities rights

During the second round of the anti-discrimination controversy, articulation of the equality nodal point in the liberal majoritarian coalition changed. The majority rights remained a core value in the coalition discourse. However, minorities' rights were no longer represented as totally subordinate to majority rights. Minorities' rights articulation in the liberal majoritarian coalition during the second round of the anti-discrimination controversy was similar to the one in liberal minoritarian coalition. Society was represented as a multiplicity of minorities, and democratic governance was considered as a power regime that ensures civil equality among all minority groups.

63 The administrators of the Facebook group #Tysny (“Push”), used for public mobilization, <https://www.facebook.com/events/930876887003063/>. Accessed on August 15, 2018.

64 The administrators of the Facebook group #Tysny (“Push”), used for public mobilization, <https://www.facebook.com/events/930876887003063/>. Accessed on August 15, 2018.

65 The administrators of the Facebook group #Tysny (“Push”), used for public mobilization, <https://www.facebook.com/events/930876887003063/>. Accessed on August 15, 2018.

Presence of the two alternative articulations of the equality nodal point created a contradiction in the liberal majoritarian discourse. The contradiction was partly resolved with separation of labor rights from other sexual and gender rights related to SOGI. In the field of labor, minorities rights were articulated as a priority for the state and the minoritarian conception of democratic society was applied. Other sexual and gender rights related to SOGI were related to the majority rights nodal point. Particularly in the fields of family and marital rights, the will of the (heterosexual) majority provided the main source of legitimacy for state law and policies.

Within the *minorities rights* storyline, which linked the anti-discrimination reform to the minority rights nodal point, members of the government and parliament represented the anti-discrimination amendment as an instrument protecting multiple social groups from discrimination in labor. As each citizen might belong to a minority group at some point in their life, all members of Ukrainian society were beneficiaries of the anti-discrimination reform:

Yuri Lutsenko, chairperson of the BPP parliamentary faction: “I would like to stress that [the amendment introduces] impossibility of discrimination on all grounds: religion, nation, gender and other <...> to provide all citizens of Ukraine with an opportunity to work, to make impossible to abandon their right to work, this is an absolutely right approach introduced by this bill” (PAR2015-11-10).

Iryna Herashchenko, parliament deputy, BPP, the chair of the Parliamentary Committee on European Integration: “To prohibit any discrimination of any citizen of Ukraine” (PAR2015-11-05). References to other social groups as beneficiaries of the anti-discrimination reform extended the opportunities for public mobilization in support of Bill 3442 outside the LGBT community.

This discursive change in articulation of labor rights within the liberal majoritarian coalition remained incomplete and unstable. Justifications of the anti-discrimination reform with the majority rights (the *travel rights* storyline) preserved. Also, some parliament members from the liberal majoritarian coalition rearticulated the anti-discrimination amendment as an instrument for a majority to force LGBT people to fulfill their civil duties, rather than protecting their rights. Initially, this argument was made by the chairperson of the BPP faction Yurii Lutsenko in response to leader of the *Radical Party* faction Oleh Liashko during the parliamentary debate on Bill 3442. Liashko ended his speech against the bill with “People need jobs and salaries, not what Lutsenko wants”

(PAR2015-11-10). *Ukrainska Pravda* journalist who was present at the parliamentary discussion reported that the leader of *BPP* faction responded with: “Lutsenko wants fags (*pidarasy*) to work” (UPR2013-11-11(3)). In the described communicative situation the phrase functioned simultaneously as an imperative to work on the “Eurointegration” bills addressed to the *Radical Party* and as personal offense aimed at the *Radical Party* leader, who is widely assumed to be a closeted homosexual (Miller, 2014; Tuchynska, 2010). However, several other members of the *BPP* faction later picked up the phrase as a public justification of the reform: “we will make sexual minorities work” [“*my zastavim rabotat i seksmenshinstva*”] (Mykola Tomenko, reported by *Gay Allliance* GAU2015-11-16(2)), “everyone has to work” (Ihor Artiushenko, OBZ2015-11-12(12)). This argument constructed exclusion of LGBT people from the job market as a result of their own “unwillingness to work”, rather than of discrimination in the workplace. It also represented LGBT people as not fulfilling their civil responsibilities that opened up a discursive possibility to question their claims for equal rights.

Rights claims of LGBT people outside the fields of employment and privacy, particularly the one for equal marital rights, were rejected as undemocratic on the ground that they contradicted “national values” shared by the majority of citizens. Rejection of the same-sex marriages was evoked to refute claims made by the conservative coalitions that the anti-discrimination amendment opens up a possibility for same-sex marriages:

Petro Poroshenko, the President of Ukraine: “As a President, as an Orthodox Christian, as a man, who has been married for 31 years, as a father of four children, I support the preservation of family values that are traditional for the Ukrainian society. But as the Warrant for the Constitution, I totally oppose the discrimination of any Ukrainian citizen on any grounds” (PRZ2015-11-09).

Volodymyr Hroisman, chairperson of the parliament, not affiliated with any parliamentary faction: “We stand for family values. And in any case, I hear some fake news that say there may be some gay marriages in Ukraine. May God save us from that happening, and we will never support it” (PAR2015-11-12).

On the one hand, dissociation of labor rights and sexual and gender rights opened up an opportunity for the greater mobilization in support of the anti-discrimination reform as other sexual and gender rights related to SOGI had lower levels of support in the Ukrainian society. On the other hand, claims against same-sex partnerships reproduced heteronormative assumptions about family and constructed homosexuality as non-

normative sexuality, which could have been used to legitimize restrictions of civil rights of LGBT people.

5.2.2.3. European values

Articulation of the “values” nodal point in the liberal majoritarian coalition discourse reproduced opposition between “European values” and “traditional values” established during the first round. Again, professional politicians from the majoritarian coalition articulated the Ukrainian national identity as based both on “European” and “traditional values” and tried to eliminate the contradiction between the two elements posed by the exclusion of sexual and gender equality from “traditional values”.

Construction of the Ukrainian national identity as based on European values was a central part in the narrative of the post-Euromaidan development. Euromaidan was articulated in the liberal majoritarian discourse coalition as a moment when the Ukrainian nation affirmed its European identity in the struggle for European values of democracy and civil equality, which provided a starting point for modernization, development, progress and movement towards civilization associated with Europe. Sometimes the new post-Euromaidan Ukrainian values were represented as universally accepted and in these cases were not marked as “European” (as in the quote by Mustafa Naiem below, p. 267).

Sexual and gender equality was articulated as a component of “European values” with the use of elements “diversity” and “civil equality”. Remarkably, members of the liberal majoritarian discourse coalition from the parliament and government no longer used the concept of “tolerance” to relate sexual rights to European values during the second round. While “tolerance” implied opposition between the heterosexual and cisgender majority that tolerated sexual and gender minorities, “diversity” and “civil equality” implied equality among all sexual and gender identities. Thus, the “European” version of the Ukrainian national identity discursively incorporated homosexual and transgender subjects as equal members of the nation. Also, articulation of civil equality as a national value demonstrated that nation was interpreted as a political nation based on citizenship, not as an ethnic nation built on blood ties.

Homonegativity was counter-posed to “European values” and the post-Euromaidan European identity of Ukraine. It was represented as archaic and reactionary (as opposed to the narrative of Europeanization as progress) and associated with antagonistic Russian and

the USSR political projects, from which the Ukrainian national subject seeks to separate. The new word “bonds” (“*skrepy*”), which was absent in the discourse of the pro-European political actors during the first round of the anti-discrimination controversy, was now used to signify values shared by the antagonistic Russian political project (“the Russian world”). Homonegativity was articulated as one of the main “bonds” of the Russian national identity and the Russian ideological sphere of influence, which were represented as inferior to European. Thus, sexual and gender equality was constructed as markers of “Europeanness” that related Ukraine to the EU and differentiated it from Russia:

Mustafa Naiem, parliament deputy, BPP: “The very fact of the recent discussion proved that many of us still remained there, in the Russian world. Similarly, a discussion between the two adults about whether one should wash their hands, say hello, and brush their teeth would not demonstrate pluralism and democracy, but only the fact that one of them is still a monkey to a certain extent” (OBZ2015-11-12(12)).

However, construction of the Ukrainian national identity based on the exclusion of homosexuality and gender transgression, persisted in the liberal majoritarian discourse coalition as well, despite members of the coalition no longer used the term “traditional values”. Instead “traditional” was now added as a modifier to “family” and “Christianity” that remained central values that bounded the Ukrainian nation and excluded LGBT subjects from the nation. For example, in the quote from Petro Poroshenko mentioned in the end of the previous section (p. 265), the President counter-posed “family values that are traditional for the Ukrainian society” and that he shared “as an Orthodox Christian” to non-discrimination on the grounds of SOGI with the conjunction “but”. The “Ukrainian society” in the first part of this claim was constructed as Christian, heterosexual, and heteronormative. Another instance of counterpoising of family and homosexuality was a suggestion made by chairperson of the parliament Volodymyr Hroisman and Prime Minister Arsenii Yatseniuk to introduce the position of the Parliament Commissioner on Family responsible for the promotion of “family values” as a conservative counterweight to the anti-discrimination reform, which not only constructed “family” as heterosexual and heteronormative but also represented sexual and gender equality as a threat to family. Although, the discourse of the pro-European opponents of the reform did not include any explicit references to national reproduction, foregrounding the opposition between family and homosexuality in the claims made by Poroshenko and Hroisman was likely to imply

the same concerns about national reproduction endangered by homosexuality as those expressed by the conservative opponents of sexual and gender equality during the first round of the controversy.

The contradiction between “European” and “traditional” articulations of the Ukrainian national identity within the liberal majoritarian discourse coalition was resolved in several ways. Some actors delegitimized the identity project based on “traditional values” as a populist one:

Iryna Herashchenko, parliament deputy, BPP, the head of the Parliamentary Committee on European Integration: “You know, I’m very sorry that there are two opinions in the parliament session room. One opinion is [enacted] for the public when they try to impose absolutely non-European norms on the public and clapping each other. And, nevertheless, far from the television cameras people think as Europeans but do not want to take on such slippery topics” (PAR2015-11-05). Others attempted to rearticulate religious values in a way they could justify equal treatment of LGBT people and, thus, become compatible with the “European identity”:

Mykola Kniazhytskyi, parliament deputy, People’s Front: “There is no European country, including religious and Catholic ones, in which there would be no point about non-discrimination” (PAR2015-11-10).

Yuri Lutsenko, chairperson of the BPP parliamentary faction: “You can express no support for it [homosexuality], do not profess (sic!) it, and even condemn it, but denying these people the right to work is wrong even from the perspective of God’s commandments to get bread in the sweat of your brow” (PAR2015-11-10).

Finally, some actors overcame the contradiction between heteronormative construction of the national subject and support for “European values” that implied civil equality for LGBT people with articulation of national values as subordinate to rights in the sphere of employment, but superior to rights in the sphere of family and marriage that was recognized as a crucial field for national reproduction. This articulation strategy was used by chairperson of the parliament Volodymyr Hroisman and President Poroshenko. However, such a differentiation remained unstable, which might be demonstrated with the following quote. In the beginning, Hroisman claims that human rights is a main value of the nation-state, but then continues that “family values” are fundamental to “us”. The pronoun “us” is overdetermined in the sentence. It might be read as both an exclusive pronoun which refers to the parliament members and as an inclusive pronoun that refers to all Ukrainians, as the parliament members represent the Ukrainian society and also as the speaker refers to “what is possible in Ukraine”:

Volodymyr Hroisman, chairperson of the parliament, not affiliated with any parliamentary faction: “It [the amendment] is about the fact that if a person works for us, we have no right to just discriminate her. I want to emphasize once again that the main values of any state are humans and their rights. We are supporting family values <...> I confirm once more, family values are fundamental for us, single-sex marriages in Ukraine are not possible. This is my position and the position of the majority of parliamentary factions of the Ukrainian parliament and other parliament deputies” (PAR2015-11-12).

Altogether, European values temporarily became hegemonic articulation of the “values” nodal point in the liberal majoritarian discourse coalition during the second round of the anti-discrimination controversy due to the growing antagonism with the Russian political project. However, the construction of the Ukrainian national subject as a European subject remained unstable and contested because national reproduction was still discursively based on heteronormative construction of family and religious/moral norms.

5.2.2.4. European integration

During the second round of the anti-discrimination controversy, the liberal majoritarian discourse coalition on sexual and gender rights articulated European integration as an accomplished choice of the Ukrainian nation which it has fought for during Euromaidan against pro-Russian political actors. Unlike the first round of the controversy, the notion of European integration was extended beyond the political and economic association between Ukraine and the EU secured by the two international agreements. It was represented as a civilization choice, a final economic, political, cultural, and historic breakup with “the Russian world”. Subsequently, the key arguments in support of European integration were not economic, political, and social benefits from the EU, as during the first round of the controversy, but European values and European identity of Ukraine.

European integration provided central justification of the anti-discrimination reform in discourse of the liberal majoritarian pro-European coalition. Members of the coalition represented the anti-discrimination reform as a precondition of visa liberalization and financial aid from the EU and International Monetary Fund (OBZ2015-11-10). But in contrast to the first round of the controversy, the visa-free regime and the Association Agreement were no longer represented as the final aims of integration, but as preconditions of the acquiring new European identity.

Yuriii Lutsenko, chairperson of the BPP parliamentary faction: “I believe the anti-discrimination law is a weight that should outweigh the opinion of the European public in support of a new European state Ukraine” (UPR2015-11-12(9)).

Petro Poroshenko, President of Ukraine: “According to the President, these laws are ‘a huge step towards protecting human rights and combating corruption’. Petro Poroshenko stressed that the visa-free regime with the EU ‘is another degree of freedom’” (PRE2015-11-21).

Serhiy Labaziuk, parliament deputy, People’s Will: “As an Orthodox person, I support traditional values, but as a deputy, I am a supporter of the European way, and I am ready to vote for everything that will allow our wheel to spin in the direction of Europe” (OBZ2015-11-10(3)).

Ukraine was represented as an active subject in relations with the EU, and particularly in the introduction of the anti-discrimination reform:

Iryna Herashchenko, parliament deputy, BPP, the head of the Parliamentary Committee on European Integration: “this is a commitment neither of the Committee of European Integration, nor of Iryna Herashchenko, but of the state of Ukraine. Which it took over when stated that the Labor Code should contain the provisions of the EU Council Directives of 27 November 2000” (PAR2015-11-05).

Oleksii Makeev, chair of the department of policy and communication of the Ministry of Foreign Affairs: “Ukraine has made certain commitments and should fulfill them, not only to get a visa-free regime with the European Union but also not to look irresponsible in their eyes” (OBZ2015-11-10(8)).

The EU was also portrayed as an active subject. However, the liberal majoritarian coalition countered the conservative’s “homodictatorship” conspiracy theory with articulation of the anti-discrimination reform as The EU instrument to defend itself from potential asylum seekers:

Yuriii Lutsenko, chairperson of the BPP parliamentary faction: “Some ingenious Ukrainians come to Europe and claim that they are LGBT and that their rights are not guaranteed in our country, unlike, for example, in the Netherlands. And on that basis, they are automatically granted asylum. And, of course, the Netherlands says: well, change the legislation, do not allow such fraudulent ways to accuse Ukraine of not providing protection for a certain community (UPR2015-11-10(3)).

Opposition to the anti-discrimination reform was associated with the pre-Euromaidan pro-Russian government and Russia. Occasionally the pro-Russian foreign policy was represented as an alternative to the pro-EU foreign policy, as during the first round of the controversy e.g. “We choose whether we go to Moscow or we go to Europe. If you want to Moscow, do not vote, please” (Mykola Kniazhytskyi, *People’s Front*; PAR2015-11-10)). However, in the context of the proxy war between Russia and Ukraine, pro-Russian politics was usually represented as a threat to the very existence of the Ukrainian state. The

chain of equivalences among the elements “oppression” – “Russia” – “traditional values” – “opposition to sexual and gender equality” provided a powerful discursive resource for the liberal majoritarian coalition as it bonded together all nodal points of the debate and integrated various arguments produced by the proponents of the anti-discrimination reform in the single coherent narrative. Opposition to Russia was used as justification of the anti-discrimination reform by a number of parliament deputies from the ruling party:

Yuriii Lutsenko, chairperson of the BPP parliamentary faction: “It is better to have a gay parade on Khreshchatyk⁶⁶ than Russian tanks in the center of the Ukrainian capital. I believe that if we go to Europe, we must recognize the rules adopted in the European Community” (OBZ2015-11-10(10)).

Iryna Herashchenko, parliament deputy, BPP, the head of the Parliamentary Committee on European Integration: “Let’s remember that Azarov enforced the opinion among the public that the European Union is a different [sexual] orientation in the first place. I want to state that speculation around these topics is absolutely anti-European and shameful rhetoric” (PAR2015-11-05).

Oleksii Honcharenko, parliament deputy, BPP: “Some deputies pour water on the Kremlin propaganda mill, which, as you know, actively uses anti-European rhetoric, with their narrow-mindedness and blindness” (UPR2015-11-06(2)).

5.2.3. Liberal minoritarian pro-European discourse coalition

The liberal minoritarian pro-European discourse coalition on sexual and gender rights during the second round of the anti-discrimination controversy consisted of LGBT and human rights NGOs.

The most prominent external lobbying action realized by the coalition were street protests held under the parliament building on November 10 and 12. According to the media reports, protests gathered nearly 300 participants. The protests were initiated by the former Euromaidan activists demanding to adopt not only the anti-discrimination amendment but all reforms, necessary to fulfill the VLAP requirements and gain the visa-free regime. LGBT and human rights NGOs joined the protests after the beginning of the mobilization campaign on Facebook. Photos published in the Facebook group of the protest #Tysny (“Push”) allow to identify members of LGBT organizations *Gay Alliance*, *Amnesty International*, *Fulcrum*, and *Insight* among the participants. On November 12, the protest was also joined by the international activist group “Femen” which made a street performance.

66 Central street of Kyiv city.

During the street protests, the former Euromaidan activists and LGBT activists stepped into conflict. The conflict started on November 9, 2015, when protest coordinators Mariam Dragina and Vsevolod Yatsres published public statements in the Facebook group #Tysny (“Push”), in which they articulated the demands of the protest. The post published by Mariam Dragina explicitly excluded demands for equal rights from the protest agenda. The main aim of the protest was represented as to force the parliament deputies to vote for ten bills that will provide a visa-free regime and “the beginning of important reforms”, while “demands for resignation, denunciations, equal rights, and lynching” were prohibited. Both posts included a prohibition of any flags of “political forces and organizations”. Later Dragina and another coordinator Serhii Morhunov clarified that this prohibition covered any flags except Ukrainian national flag⁶⁷. Particularly, rainbow flags were prohibited, although other rainbow symbols were allowed. Prior to the beginning of any discussion, the statement defined any attempts to undermine the prohibition of flags as “manipulation”. The two claims from the statement were criticized by LGBT and leftist activists in the Facebook group as discrimination and silencing of LGBT people. During the street action on November 11–12, the conflict between protest coordinators and LGBT activists continued. Coordinators accused LGBT activists of lack of commitment and use of the protest to increase their own public visibility.

The conflict between the former Euromaidan activists and LGBT activists may be interpreted as a result of a discursive clash between storylines on the anti-discrimination reform and democracy that the two groups used. The former Euromaidan activists, despite claims in support of minorities’ rights, reproduced a predominately majoritarian perspective on democracy. In the following commentaries, they justified limitations imposed on the protest agenda with their aim to protect the rights of all Ukrainian citizens, not only the LGBT minority. Ukrainian citizens were discursively constructed as a homogeneous group united by equal civil rights. LGBT subjects were discursively constructed as proper citizens when they kept their difference private (“sexual orientation... is a private matter”) and supported changes that would benefit the heterosexual majority:

⁶⁷ Post in the Facebook group #Tysny (“Push”). Retrieved on November 9, 2015, from https://www.facebook.com/events/930876887003063/permalink/931493453608073/?ref=1&action_history=null.

Serhii Morgunov: “I am not an LGBT activist, I am an ordinary citizen, who together with a group of like-minded folks decided to go to the streets and support the bills. Which are necessary for everyone except one outstandingly arrogant ‘minority’. Tat of the parliament deputies”.

Miriam Dragina: “<...> It has nothing to do with self-respect and respect to others, struggle for equality, real desire to make a difference. LGBT movement abroad are cool, smart, and brave folks who do not dare those [people] who are spending all their free time and effort to fight for justice and particularly for them [LGBT movement] as well. <...> We don’t care about orientation. Everyone here deeply don’t care about it. This is a private matter. This, is probably, what [LGBT activists have founded] offensive⁶⁸”.

LGBT rights activists, on the contrary, reproduced the minoritarian perspective on democracy and the anti-discrimination reform (see later in this chapter).

Besides street protests, LGBT and human rights NGOs followed the anti-discrimination controversy on their official websites and initiated a letter-writing campaign aimed at the parliament and government. Coverage at the official websites was limited. Only *Gay Alliance* was closely following the parliamentary proceedings of the anti-discrimination bill on the official website (20 texts were published). The *Coalition For Combating Discrimination in Ukraine* published one official statement in support of Bill 3442 addressed to the parliament (ANTIDI2015-11-06). *Amnesty International* and *Fulcrum* did not publish any claims on the controversy on their websites. *Gay Alliance* and *Fulcrum* also conducted a letter-writing campaign in support of the anti-discrimination amendment aimed at the parliament deputies (GAU2015-11-09(2)).

5.2.3.1. Sexual orientation and gender identity

Articulations of the liberal minoritarian pro-European discourse coalition did not change since the first round of the controversy. The coalition represented sexual orientation and gender identity as manifestations of human sexuality and gender. Inborn or acquired character of SOGI was not discussed. During the second round both sexual orientation and gender identity were discussed as grounds of discrimination that should be included in the anti-discrimination law.

5.2.3.2. Minorities rights

68 Post in the Facebook group #Tysny (“Push”). Retrieved on July 1, 2018, from <https://www.facebook.com/events/930876887003063/permalink/931955860228499/>.

Articulations of the equality nodal point and storylines that related the anti-discrimination reform to the equality nodal point in the liberal minoritarian coalition did not change during the second round. The coalition justified the anti-discrimination reform as protection of *human rights*, *civil rights*, and *minority rights* (LGBT rights).

LGBT organizations (*Gay Alliance*) maintained discursive opposition between heterosexual majority and homosexual minority and stressed inequality in civil rights related to sexual orientation. It was crucial for them to express public rights claims not only on the ground of citizenship but also on the ground of sexual orientation. Demands to keep sexual orientation “private” were articulated as an instrument that sustained sexual orientation inequality.

Kira Kovalski, columnist of the *Gay Alliance* website: “The situation is familiar when a tolerant attitude is inversely proportional to activism. That is, they are tolerant of you while you are a “good black”, you do not demand equal rights and agree not to stick out. When you get a flag, you are to blame, you made everyone homophobic” (GAU2015-11-12).

Occasionally, *Gay Alliance* extended focus on minority rights claiming that heterosexual citizens may also be subjected to discrimination on the grounds of sexual orientation and therefore will also benefit from the anti-discrimination bill (GAU2015-11-09(2)).

Human rights organizations (the *Coalition for Combating Discrimination in Ukraine*) deconstructed majority/minority opposition, and represented society as a multiplicity of intersecting minorities. They also argued that public opinion of the majority may not provide a legitimate ground for restrictions of minorities’ rights.

The *Coalition for Combating Discrimination in Ukraine*: “This step <...> will demonstrate the need for a tolerant attitude towards any minority to the Ukrainian society” (ANTIDI2015-11-06).

5.2.3.3. European values

In contrast to the first round of the anti-discrimination controversy, LGBT and human rights organizations no longer represented “traditional values” as a legitimate ground for building the Ukrainian national identity, even among conservative collective actors. Despite the Ukrainian society was still represented as homonegative and distant from European values (GAU2016-11-16(2)), traditionalist claims were questioned as individual preferences of particular politicians who do not represent the position of any social group:

Sofa Hadashot, columnist of the *Gay Alliance* website: “We should ask parliament deputy Aryev for what reason does he consider the prohibition of discrimination to be a sin” (GAU2016-11-16(2)).

Sofa Hadashot, columnist of the *Gay Alliance* website: “Vladimir Oleinik said that adopting a law banning discrimination against homosexuals was a ‘step towards abolishing the Bible’. Yes, you heard it right. <...> no one was indignant with neither the general sense of the message nor with the total idiocy of the statement itself” (GAU2016-11-16(2)).

In the only case when traditional values were mentioned as shared by citizens, they were named “traditional views”. Scare quotes around the phrase and the adjective “so-called” signaled author’s doubt and distance from the reported opinion. The following equivalence established between “traditional views” and “Slavic values” implicitly linked “traditional” values to the Russian political project, as pan-Slavism ideology was common among pro-Russian actors.

Kira Kovalski, columnist of the *Gay Alliance* website: “part [of the respondents in the street survey] adheres to the so-called ‘traditional views’, appealing to ‘Slavic values’ and religion” (GAU2016-11-16).

In another article, the same author used the word “bonds” (“*skrepy*”) to link homonegativity with the Russian political project:

Kira Kovalski, columnist of the *Gay Alliance* website: “Voting for the anti-discrimination amendment has demonstrated who is who in Ukrainian politics; who really advocates for European integration, and who is clamped by the “bonds” (GAU2015-11-12).

The *Coalition for Combating Discrimination in Ukraine* represented traditional values as archaic and outdated. It opposed traditional values not to European ones, but to “human rights”, thus reproducing superiority of the nodal point of “equality” over the nodal point of “values” found in the discourse of human rights organizations during the first round of the controversy.

The *Coalition for Combating Discrimination in Ukraine*: “This step will demonstrate Ukraine’s desire to follow the path of human rights rather than medieval discriminatory views” (ANTIDI2015-11-06).

5.2.3.4. European integration

Storylines used by the liberal minoritarian coalition to relate the anti-discrimination reform to “European integration” nodal point have not changed since the first round of the controversy. European integration as a positive value was contrasted to the accession to the Customs Union as antagonistic other. Anti-discrimination reform was related to European

integration as a necessary requirement for visa liberalization and conclusion of the Association Agreement (GAU2015-11-05). LGBT organizations explained the EU foreign policy on sexual rights as a way to prevent the flow of asylum seekers, rather than an issue related to identity or democracy (GAU2016-11-16(2)). Human rights organizations admitted the necessity of the anti-discrimination reform for European integration but emphasized equal rights as a justification superior to European integration (ANTIDI2015-11-06).

5.2.4. Conservative Eurosceptic discourse coalition

During the second round of the anti-discrimination controversy, the conservative Eurosceptic discourse coalition consisted of *Opposition Bloc*, the pro-Russian NGOs, and a Christian right NGO *Parent Committee*.

Opposition Bloc remained strong opponents of the anti-discrimination amendment since the beginning of the second round of the controversy. The majority of the parliamentary faction abstained from a vote on the anti-discrimination amendment on November 5 and November 10. On November 12, the majority voted against Bill 3442. On November 13, the faction members submitted a draft resolution (3442-P) to the Committee on Parliament Procedure and Organization of Work of the Parliament in which they demanded to annulate Bill 3442 because of supposed violation of the parliament procedure committed by chairperson of the parliament Volodymyr Hroisman who put the bill to a vote several times. The resolution was rejected in March 2016.

The pro-Russian and Christian right NGOs were much less active during the second round of the controversy in comparison with the first round. *People's Council* stopped its activities on the territory controlled by the Ukrainian government; its website was shut down. *Ukrainian Choice* and *Parent Committee* opposed the anti-discrimination amendment, but their activities were limited to the few public statements on their websites (two texts published by *Parent Committee*, two by *Ukrainian Choice*). *LPG* developed closer cooperation with churches and distanced from their pro-Russian counterparts. It no longer provided a platform for the pro-Russian actors on their website. In the following years, *LPG* maintained public image of Euromaidan supporters. Therefore, *LPG*'s discourse on the anti-discrimination reform during the second round of the controversy is considered in the last section of this chapter, as part of the pro-EU conservative discourse coalition.

5.2.4.1. Sex

Opposition Bloc and the pro-Russian and Christian right interest groups differed in their articulation of sexuality and gender during the second round of the controversy. *Opposition Bloc* did not raise the question of whether sexuality and gender provide legitimate grounds for rights claims. Pro-Russian and Christian right interest groups continued to counter-pose heterosexual and homosexual orientation as legitimate and non-legitimate grounds for rights claims respectively, as they did during the first round. Heterosexual orientation, as supposedly inborn, provided grounds for “family rights” (e.g. to restrict children’s access to information about homosexuality). Homosexual orientation, supposedly acquired under the influence of “propaganda”, was related to hedonism and consumerism. Neither *Opposition Bloc*, nor the conservative Eurosceptic interest groups discussed the nature of gender identity and its relation to rights.

5.2.4.2. Majority rights

The conservative Eurosceptic discourse coalition maintained the chain of equivalences among the elements “homodictatorship” – “special privileges” – “sexual minorities rights” – “the anti-discrimination reform” that counter-posed the anti-discrimination reform to the nodal point of “equality” that was developed during the first round. They also used the storylines of *denial of discrimination* and *hierarchy of inequalities* to undermine the anti-discrimination reform. Both storylines constructed antagonism between heterosexual and non-heterosexual people, understood as mutually exclusive groups with the opposite interests. Democratic governance was represented as an instrument to prevent homosexual people from oppressing heterosexuals.

Alongside the assumption that equality between heterosexual and homosexual people was already established, the conservative Eurosceptics discourse reproduced the assumption that homonegativity of the majority justified with traditional values is a legitimate ground for restriction of civil rights for non-heterosexual people under the democratic governance. Thus, the “values” nodal point occupied a superior position over the “rights” nodal point in the conservative Eurosceptics discourse on sexual and gender rights. “Values” defined not only national identity but also citizenship and policymaking.

Yuriii Miroshnychenko, parliament deputy, Opposition Bloc: “in the Christian democracy, the democratic values are applied to the extent they are organically consistent and correspond with the Christian values” (UPR2015-11-10(4)).

Beliakov S.U., Mykolaiv regional office of Parent Committee: “[Imagine] You are a religious person, director of your own enterprise, and you refuse to employ a homosexual for moral reasons. The logic of actions is understandable, because this is your enterprise and you have the right to decide who should work on it, and who should not” (ROD2015-11-19(2)).

Opposition Bloc and the conservative Eurosceptic interest groups differed in their articulations of democracy in that the former represented the rule of the (Christian heteronormative) majority over minorities as a possible version of democracy among others, while the latter represented it as the only democratic possibility. *Opposition Bloc* recognized the European form of governance that embraces equal civil rights for sexual minorities as an alternative form of democracy, although not-acceptable in Ukraine. The conservative Eurosceptic interest groups represented protection of (sexual) minorities rights as a “(homo)d़ictatorship”, antagonistic to democracy:

Beliakov S.U., Mykolaiv regional office of Parent Committee: “The mandatory introduction of children to the LGBT culture will be introduced, ‘perverts’ will be made equal in rights to normal people in absolutely all spheres of life, sexual minorities rights will be prioritized, laws forbidding parents to prevent the process of molesting their children would be accepted. In all countries where same-sex relationships have become not just a norm, but a priority of humanitarian development, it all began precisely with the law on equality in the labor sphere <...> At the end of his story, the Dane said: ‘Twenty-five years ago we passed a law on equal opportunities, and we thought that this was right. Today we have a real gay dictatorship, and we do not know what to do about it’” (ROD2015-11-19(2)).

5.2.4.3. Traditional values

The conservative Eurosceptic discourse coalition reproduced largely the same storylines related to the “values” nodal point which they used during the first round of the controversy. Sexual and gender equality was associated with “European values” and opposed to “traditional values”. “Traditional values” (“religious”/“Christian”, “moral”, and “family” values) were articulated as a nodal point of the Ukrainian national identity. The Ukrainian national subject was constructed as heterosexual, heteronormative, and reproductive. Homosexual subjects were discursively excluded from the nation. The anti-discrimination reform was represented as the introduction of a possibility of “homosexual

propaganda”, which threatened the biological reproduction of the nation, hegemony of heteronormative social norms, and, thereby, the very existence of the Ukrainian nation:

Beliakov S.U., Mykolaiiv regional office of *Parent Committee*: “Restricting the access of sexual minorities to the spheres of influence on the younger generation was a defensive reaction of the society, a countercheck to its internal decay and extinction. Ukrainian parliamentarians destroyed this protective barrier with their vote on November 12” (ROD2015-11-19(2)).

Within the Eurosceptic discourse, there was a difference between *Opposition Bloc* on the one hand and *Parent Committee* and *Ukrainian Choice* on the other in the construction of the Ukrainian national subject. Although all these actors represented the Ukrainian nation as united by the “traditional values”, they attributed different levels of probability to their claims. *Opposition Bloc* tried to naturalize “traditional values” as the essential part of the nation “organism”, but at the explicit level of meaning traditional values were articulated as a proposal for national identity construction, not as an actual social reality. In the following quote, the noun “selection” and the modal verb “should” imply that there is an ongoing debate over national identity and that there are alternatives to “traditional values” project in the construction of the national subject:

Yuriii Miroshnychenko, parliament deputy, *Opposition Bloc*: “<...> Selection of Christianity as a philosophical [svitohliadnoii] and ethical platform that is natural [orhanichnoii] for our people, on the grounds of which the models of social, cultural and socio-economic development of Ukraine should be developed, was justified in the previous blog-posts” (UPR2015-11-10(4)).

The “traditional values” identity project in *Opposition Bloc* discourse was represented as different, but not antagonistic to the one based on “European values”. Moreover, traditional values were represented as compatible with European values in case it would be incorporated as part of European “diversity”:

Mychailo Papiev, parliament deputy, *Opposition Bloc*: “On the contrary, the declarations of the European Union and the Convention of the International Labor Organization convocation state that the acting governments have the authority to suggest such things [ban on discrimination on the grounds of SOGI in labor] or not, relying on the traditions of the nation, its mentality” (OPP2015-11-12(3)).

Yuriii Miroshnychenko, parliament deputy, *Opposition Bloc*: “It was a problem and a challenge for our Government to show that our Ukrainian identity is valuable in itself and that our traditional values are as important as the values of our colleagues, which they adhere to in other countries” (OPP2015-11-18).

Only in one claim made by the *Opposition Bloc*, traditional values were opposed to European values. In this case protection of traditional values was used to justify opposition to European integration.

Yevhenii Muraiiv, parliament deputy, Opposition Bloc: “<...> he expressed his conviction that if European values look like privileges for sexual minorities, then ‘it is better to be a neutral, non-aligned state’” (OPP2015-11-12).

In contrast to *Opposition Bloc*, *Parent Committee* and *Ukrainian Choice* represented the “traditional values” identity project as dominant in the Ukrainian society and strongly counter-posed “traditional values” to “European values”. *Ukrainian Choice* also used this opposition to delegitimize the Ukrainian government. In the following quote political elites who adhere to “European values” are discursively excluded from the Ukrainian nation and represented as opponents of national interests:

Liubov Nasrullaeva, affiliation unknown, website of Ukrainian Choice: “But the European integrators do not even think it is necessary to consider whether the Ukrainian society, – in which, according to sociologists, the traditional perception of family is more developed than in Western Europe, – is ready for such innovations. And whether Ukrainians need such ‘reforms’ at all?” (UV2015-10-22).

The main change in the conservative Eurosceptic articulations of the “values” nodal point, in comparison to the first round of the controversy, was disappearance of the “Slavic” collective identity in the storylines on sexual and gender rights. Although, pan-Slavism might have been preserved in the discourse of the pro-Russian actors, that sexual and gender rights were no longer used to link the Ukrainian national subject to the “Slavic peoples”.

5.2.4.4. European integration

In contrast to the first round of the anti-discrimination controversy, the conservative Eurosceptic coalition no longer explicitly advocated for Russia-backed political projects during the second round. *Opposition Bloc* stood up to keep Ukraine a non-aligned state but did not oppose concluding the Visa Liberalization Agreement with the EU. The party tried to dissociate themselves from Russia, particularly by emphasizing acceptance from the side of the EU officials:

Official website of Opposition Bloc: “According to a member of the delegation of *Opposition Bloc*, People’s Deputy Yevhenii Muraiiv, the parliament opposition is perceived by the European structures

as a full-fledged dialogue participant and a representative of part of the society, not as a ‘Kremlin hand’ or ‘pro-Russian project’” (OPP2015-11-18(2)).

Eurosceptic interest groups took a stronger anti-EU position, but also did not explicitly advocate for partnership with Russia.

Both members of the *Opposition Bloc* and conservative Eurosceptic interest groups continued to use the anti-discrimination reform for anti-EU advocacy, as they did during the first round of the controversy. Both represented European integration as colonization of Ukraine by the EU, loss of state sovereignty, the imposition of the foreign governance over Ukraine. EU was discursively constructed as an active subject that realizes aggression towards passivized Ukraine. *Opposition Bloc* represented the anti-discrimination reform as a way to sidetrack public attention from the economic colonization of Ukraine by the EU. Interest groups represented the reform itself as an instrument of cultural colonization and violation of Ukrainian sovereignty:

Official website of *Opposition Bloc*: “[The new Labor code] makes slaves of our people. On the eve of the massive privatization of all assets and selling them to foreign countries, more cheap labor is also needed <...> While public attention was grabbed by a scandalous amendment to the Labor Code, the project [of the Labor Code] itself involves selling Ukrainians into slavery along with the remained state assets” (OPP2015-11-15).

Viktor Medvedchuk, chairperson of *Ukrainian Choice*: “It turns out that relations between Ukraine and the European Union in such an important sphere [discrimination on the grounds of sexual orientation in labor] are regulated by some secret treaty, a secret protocol... And how many such issues are also regulated by formal agreements? This is what those who are concerned about Ukraine’s independence in public, but, in fact, believe that independence means thoughtless following the directions of Washington and Brussels, need to worry about” (UV2015-11-10).

Beliakov S.U., Mykolaiv regional office of *Parent Committee*: “why did the US Congress, the European Union, and human rights organizations twist the hands of Ukrainian parliamentarians so that they would vote in favor [of the reform]? After all, who needs a visa-free regime, for which this law was passed, they or us? I am outraged that before the vote, deputies began to receive SMS’s from the US Embassy in Kyiv with reminders to make a ‘right’ choice” (ROD2015-11-19(2)).

However, despite opposing sexual equality and European integration, both *Opposition Block* and Eurosceptic interest groups maintained discursive possibility to support the visa-free regime through dissociation of sexual orientation equality from European integration. They strategically misrepresented the reform as not necessary for obtaining the visa-free regime:

Yevhenii Muraiiv, parliament deputy from *Opposition Bloc*: “There are no references to sexual minorities in the list of visa liberalization action plan” (OPP2015-11-12).

Ukrainian Choice, official website: “The adoption of all these, so to speak, legal acts, cannot guarantee a visa-free regime with the EU for Ukraine, because “the government of the reformers” did not even begin to fulfill the key requirements of European officials to carry out reforms and fight corruption” (UV2015-11-11).

5.2.5. Conservative pro-EU discourse coalition

The conservative pro-EU discourse coalition included parliamentary parties *Self Reliance* and *Radical Party of Oleh Liashko*, individual deputies from *BPP*, *People's Front* and *Fatherland*, the All-Ukrainian Council of Churches, the Orthodox Church of the Kyiv Patriarchate and Greek Catholic Church, and a Christian right organization *LPG* during the second round of the anti-discrimination controversy. The Orthodox Church of the Moscow Patriarchate published only one statement on the anti-discrimination reform on its website during the second round, in which European integration was normalized as a foreign relations priority for Ukraine, and even possibility of EU membership for Ukraine was mentioned. Also, unlike during the first round, no negative claims on European integration made by representatives of the Orthodox Church of the Moscow Patriarchate were found in the online media. Therefore, the Orthodox Church of the Moscow Patriarchate was considered as part of the conservative pro-EU coalition during the second round. *Radical Party of Oleh Liashko* occupied an ambiguous position within the conservative pro-EU discourse coalition on sexual and gender rights. Despite their declared pro-EU position, in the only claim on the anti-discrimination reform made by the party, which was identified in the data gathered for this research, the party leader, in fact, downplayed European integration as unrelated to the citizens' welfare that opened up a discursive possibility for anti-EU advocacy. However, as the party maintained the pro-EU position on foreign policy during its presence in the parliament in 2014–2019 it was considered as pro-EU.

Parliamentary factions from the conservative pro-EU discourse coalition advocated against the anti-discrimination reform during the parliamentary hearings, voted against the anti-discrimination amendment and Bill 3442, and developed alternative anti-discrimination bills that did not include references to sexual orientation and gender identity. During the parliamentary hearings on November 5, Oleh Liashko (leader of

Radical Party) and Pavlo Unhurian⁶⁹ (*People's Front*) spoke against the anti-discrimination amendment. *Self Reliance* did not participate in the parliamentary discussion, but also advocated against references to sexual orientation and gender identity in the new Labor Code on its official website and in the media. *Radical Party* did not publish any claims on the issue at the party website or in the analyzed media. The majority of *Radical Party* abstained from the vote on the anti-discrimination amendment on November 5 and on Bill 3442 on November 10. *Self Reliance* votes fluctuated (Appendix G). Initially, the majority of deputies abstained from the vote, but since November 10, the percentage of supporting votes in the faction increased and during the last voting on November 12, when the reform was adopted, the majority of the party voted for it. However, a change in voting was not accompanied by change in the party discourse on the anti-discrimination reform. Four *BPP* deputies (Barna, Kaplin, Suhoniako, Petrenko) and two deputies from *People's Front* (Hudz, Tymoshenko) consistently voted against the majority of their parties against the anti-discrimination amendment and Bill 3442. Three deputies from *BPP* (Trehubenko, Lavryk, Yevlakhov) and two deputies from *People's Front* (Unhurian, Yelenskyi) submitted alternative Bill 3442-1 to fulfill visa liberalization requirements. Another alternative Bill 3442-2 was submitted by *Fatherland* deputy Ihor Lutsenko. Both bills did not contain grounds of sexual orientation and gender identity but instead introduced the term “attitudes to sexual relations”, suggested by the All-Ukrainian Council of Churches (see below). Bill 3442-2 also substituted ground of “suspected or actual presence of HIV-AIDS” status with “suspected or actual presence of diseases that do not pose a danger to others”.

Unlike during the first round of the controversy, churches did not consider the possibility to reject the visa-free regime because of the anti-discrimination reform. Instead, they suggested substituting sexual orientation and gender identity in the anti-discrimination amendment with “attitudes to sexual relations” as a compromise solution to fulfill visa liberalization requirements. On November 7, the suggestion was made public in the official statement of Filaret, the head of the Orthodox Church of the Kyiv Patriarchate. The suggestion was supported by the All-Ukrainian Council of Churches. Churches

69 Unhurian was also a chairperson of the non-governmental organization *For Family*, which was involved in the first round of the anti-discrimination controversy. In 2014 he was elected as a parliament deputy and became chair of the inter-factional parliamentary group “For spirituality, morality, and health of Ukraine” that lobbied interests of churches and religious organizations in the parliament.

communicated their position on the anti-discrimination reform on the official websites and during the press conference on the issue on November 19, which took place after Bill 3442 was adopted. Chairman of *LPG* Ruslan Kukharchuk was a moderator at the press conference. During the second round of the controversy, the Ukrainian Greek Catholic Church published the greatest number of texts with references to the anti-discrimination reform (six), while websites of the Orthodox Churches of the Kyiv and Moscow Patriarchates published only one statement each. Just as during the first round of the controversy, head of the Orthodox Church of the Kyiv Patriarchate Filaret imposed anathema on everyone who supported the anti-discrimination amendment (CHKP2015-11-15). No public protest actions, collective petitions, or other instances of external lobbying activities conducted by churches or *LPG* were identified.

5.2.5.1. Sex and attitudes to sexual relations

The term “attitudes to sexual relations” lobbied by the All-Ukrainian Council of Churches as an alternative to “sexual orientation and gender identity” was an instance of discourse creativity in the conservative pro-EU coalition, as it was not observed during the first round of the controversy. The term might be considered an adaptive response to the shift of dominant articulations of foreign policy towards the support of the EU integration for Ukraine during the second round. To solve the contradiction between their support of the pro-European foreign policy and opposition to the EU sexual and gender rights agenda, the conservative pro-EU discourse coalition on sexual and gender rights coined a “compromise” formulation that would have supposedly allowed fulfilling the EU requirements without challenging the heteronormative assumptions of legal discourse.

Association of sexual and gender transgression into a single category of “attitudes to sexual relations” fixed and naturalized heteronormative alignment of sex, sexuality, gender identity, and gender roles (either through reference to the biological or the “divine” nature). Heterosexuality was assumed to be inborn, while homosexuality and gender transgression were articulated as “attitudes” that were acquired and might have been changed:

Mykola Danylevych, Deputy Head of the Department for External Church Relations of the Orthodox Church of the Moscow Patriarchate: “We confess such people, we say that it is an acquired feature, we talk to them to improve them. But we do not violate the secrets of confession and try to help a person <...> I would like to add that we are not in favor of discrimination, we are against

the promotion of homosexuality, which may arise after the entry into force of this law". (LPG2015-11-20)

"Joint Declaration of the Catholic Bishops of Ukraine on the danger of the new ideological enslavement of our people": "As a result, sexual attachment is not considered a gift of God anymore, but is declared to be a subject of personal choice, the right of a man. It ceases to be perceived as a deep calling of a person to eternal love but is considered as a temporary game. <...> It is from God that we receive personal sexual affiliation as a gift and as a vocation. This understanding that sex identity comes from the Creator, and is not a choice of a man unites in faith and belief not only all Christian denominations but also Jews and Muslims" (UGCH2015-11-10).

Besides supporting heteronormative articulations of sexuality, gender, and citizenship the term "attitudes to sexual relations" restricted possibilities for sexual and gender identity politics. The only identity justified in the conservative pro-EU discourse coalition was the identity with one's sex assigned at birth. Moreover, the ground "attitudes to sexual relations" opened up a possibility to justify discriminatory actions against LGBT people motivated by homonegative attitudes.

Nevertheless, "attitudes to sex" maintained at least a nominal possibility for LGBT people to claim rights on the grounds of sexual and gender difference, although very limited and uncertain. In comparison with the first round of the controversy, when non-heterosexual sexual and gender identities were rejected as the ground for rights claims entirely, this change might be interpreted as an instance of liberalization of the conservative pro-EU discourse coalition discourse.

5.2.5.2. Majority rights

During the second round of the controversy, the conservative pro-EU coalition associated democracy with the rule of the majority and shared the conservative chain of equivalences among "homodictatorship" – "special privileges" – "sexual minorities rights" elements that opposed the anti-discrimination reform to the "equality" nodal point.

The coalition preserved *minority rights*, *anti-essentialism*, *denial of discrimination*, *hierarchy of inequalities*, *reverse discrimination*, and *will of the people* storylines. The storylines mostly remained the same, except two minor changes. First, the *denial of discrimination* storyline was accompanied by positive self-representations of the conservative pro-EU actors as opponents of any kind of discrimination.

Self Reliance official party statement: “We declare that we do not provide any support for discrimination on the grounds of age, nationality, sex, sexuality” (SAM2015-11-11(2)).

Yevstratii Zoria, the head of the Information Department of the Orthodox Church of the Kyiv Patriarchate: “Churches and religious organizations in Ukraine are strongly against discrimination on certain grounds” (LPG2015-11-20).

Second, the *reverse discrimination* storyline in discourse of the Orthodox Church of the Kyiv Patriarchate was supplemented with an analogy between introduction of sexual orientation and gender identity equality and the Soviet totalitarianism. With the raise of anti-Russian sentiments in the Ukrainian society after Euromaidan, supported by the decommunization state policies, this equivalence could potentially become a more effective instrument of public mobilization against the anti-discrimination amendment:

Filaret, Patriarch of the Orthodox Church of the Kyiv Patriarchate: “The Christian position of our Church is announced to be ‘backward’, ‘non-European’, ‘discriminatory’, and so on. I should remind you that in the same way in the past, faith in God was declared as ‘backward’ in the USSR, loyalty to the Christian doctrine [was named] ‘counterrevolution’, and the Church was [named] ‘an enemy of the working class’. It is not worthwhile returning to the similar totalitarian methods of pressure on the Church under the slogans of the human rights struggle” (CHKP2015-11-07).

In addition, the coalition introduced a new storyline of *violations of parliamentary procedure* that also counter-posed the anti-discrimination reform to equality. According to the *violation of parliamentary procedure* storyline, chairperson of the parliament Volodymyr Hroisman restricted the rights of parliament deputies to introduce amendments and alternative bills which prohibited discrimination by reducing time reserved for discussion of Bill 3442 in the parliamentary committees. As a result, parliament deputies were unable to represent the interests of their constituents in the parliament effectively, and interest groups were unable to participate in the public discussion on the issue:

Ihor Lutsenko, parliament deputy, Fatherland: “There was no real discussion, no discussion was in the society, and even in the parliament. There was no time to submit alternative bills (14 days are normally given), there was no time to submit amendments (violation of the rights of other deputies)” (UPR2015-11-11 (04)).

Official website of the Orthodox Church of the Moscow Patriarchate, author not indicated: “Representatives of the All-Ukrainian Council of Churches stressed that this bill was not adopted in a democratic way, and the norm on the prohibition of discrimination on the grounds of ‘sexual orientation’ and ‘gender identity’ was not put on the public discussion and voted with violations of the parliamentary procedure” (CHMP2015-11-20).

Self Reliance differed from other members of the conservative pro-EU coalition in that it articulated the anti-discrimination controversy not only as a struggle between the homosexual minority and heterosexual majority, but also as a struggle between the political conservatives and political liberals. They represented the anti-discrimination reform as introduction of liberal hegemony in the field of sexual rights, which forcefully excluded conservatives' political demands. *Self Reliance* portrayed conservatives not as the majority of the Ukrainian society, but as a particular social group, whose interests they represent in the parliament. Ignorance of the political demands of this group to exclude sexual orientation and gender identity from the law was represented as a threat to democracy:

Oleh Bereziuk, chairperson of the *Self Reliance* parliamentary faction: “Unfortunately, authorities in this country are immature and vile, because instead of uniting people around the rights and freedoms, they separated them. A high-quality compromise must be sought, based on respect for the person. Otherwise, it is despotism” (SAM2015-11-12(2)).

Oleh Bereziuk, chairperson of the *Self Reliance* parliamentary faction: “We want these amendments to bring together a society in which everyone would feel free and safe. Possibility for this might be found. There are examples in other countries. Conservatives and liberals want to meet each other to discuss it. We are not enemies to each other” (LIG2015-11-11(2)).

Thus, democratic governance in *Self Reliance* discourse was articulated as a search for a compromise among different social groups, which would take into account their contradicting interests, rather than the installation of the majority rule. This assumption about democracy, which *Self Reliance* shared with the liberal pro-EU discourse coalitions on sexual and gender rights during the second round, supposedly opened up a possibility for the change of their position on Bill 3442.

5.2.5.3. Traditional values

The conservative pro-EU discourse coalition largely reproduced the same articulations of the anti-discrimination reform in relation to the “values” nodal point that they developed during the first round of the anti-discrimination controversy. They sustained a chain of equivalences among the elements “Christian values”, “moral values”, “family values”, “cultural values” related to the nodal point “traditional values”, which was represented as the core of the Ukrainian national identity. Homosexuality was counterposed to the “traditional values” nodal point and articulated as a threat to national reproduction. The anti-discrimination reform in the conservative pro-EU discourse was

represented as a mechanism opening up the possibility of “homosexual propaganda” and, as a result, destruction of family as a central place of national reproduction:

Oleksa Petriv, chairperson of the department of the external relations of the Ukrainian Greek Catholic Church: “We call on people to understand what is happening, and not to allow propaganda of things which are not inherent in our Ukrainian culture. Why are such norms promoted in the parliament? For the sake of propaganda!” (LPG2015-11-20).

Just as during the previous round of the controversy, the conservative pro-EU coalition solved the contradiction between their support of the pro-EU foreign policy and opposition to sexual and gender equality with rearticulation of “European values” in a way they were either compatible with “traditional values” or equivalent to them. In the first case, traditional sexual norms were represented as a cultural difference which should be preserved as part of European “diversity”. This rearticulation inscribed “traditional values” in the existing hegemonic relations in the field of sexual and gender rights in the EU. In the second case, the European project was redefined as one based on “traditional values”. This strategy constructed Ukraine as a more “European” state than the EU members, thus justifying its possible entrance into the EU and re-imposition of hegemony in the field of sexual and gender rights in the EU policies.

However, there have been also several significant changes in the storylines used by the conservative pro-EU coalition in comparison to the first round of the controversy. First, in the discourse of Greek Catholic Church, the nodal point of “European values” that united elements contradicting the Ukrainian national identity during the first round of the controversy, was replaced by the nodal point of “gender ideology”, which was previously absent in Ukrainian conservative discourses on sexual and gender rights. “Gender ideology” provided a common point of reference for homosexual, transgender, and feminist subjects struggles for equal rights that were linked together and represented as a threat to the reproduction of the heteronormative Ukrainian society. On November 10, Greek Catholic Church together with Roman Catholic Church in Ukraine published a “Joint Declaration of the Catholic Bishops of Ukraine on the danger of the new ideological enslavement of our people” in which “gender ideology” was represented as equivalent to “gender theory” and constructionist approach to gender and sexuality:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church; Mechyslav Mokhytskyi, the chairperson of the Conference of Roman Catholic Bishops in Ukraine: “From the tragic history of the Ukrainian people of the last century, we know what Utopian

ideologies that promise happiness to mankind are turning into, in the final end. <...> We vigorously disclose the initial attempts to introduce gender ideology, the terminology of which is being implemented in Ukrainian law, as it has been the case with recent amendments to the Labor Code. Gender theory is another attempt of social engineering, as it assumes marriage and family as constructions that might be built in an arbitrary way [*konstruktsii, yaki mozhna buduvaty v dovilnyi sposib*]” (UGCH2015-11-10).

Introduction of the term “gender ideology” as opposition to “traditional values” supported the storyline of “traditional values” as “European values”. In the above-quoted Declaration, the origin of “gender ideology” is backgrounded. The spread of gender ideology is represented as a process without subject actor (“importance of marriage and family is being questioned”, “alternative partnership models are proposed”), which takes place in “many countries in the world”. In another claim made by Archbishop of the Ukrainian Greek Catholic Church European actors (Catholic bishops at the last Pontic Synod) opposed “gender ideology” together with their Ukrainian counterparts:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “In fact, the choice was made not in favor of freedom, non-discrimination, and Europe but in favor of a new anti-human and discriminatory gender ideology unanimously condemned by Catholic bishops at the last Pontic Synod” (UGCH2015-11-13).

Second, the conservative pro-EU coalition admitted the presence of contesting articulations of sexual norms in Ukrainian society. While during the first round of the controversy, the conservative discourses constructed the Ukrainian nation/society as heteronormative, heterosexual, and reproductive, in the following quotes references to “dialogue”, “mutual understanding”, and “some of the voters” imply that there are other existing and possible sexual scenarios shared in the society.

Filaret, Patriarch of the Ukrainian Orthodox Church of the Kyiv Patriarchate: “I believe that this proposal establishes a compromise among different views on the problem that will allow to protect everyone from discrimination in labor relations, as well as to maintain mutual understanding in the Ukrainian society” (VCIRO2015-11-07).

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “Ukraine’s religious community should be prepared for a deep, comprehensive, and open dialogue to explain the Christian doctrine of sexuality without offending anyone and honoring and serving everyone” (VCIRO2015-11-13).

Yehor Soboliev, parliament deputy, Self Reliance: “Most deputies from *Self Reliance* vote ‘for’. Just a few people do not click the button. They consider the appeal of the churches, the appeal of

Svyatoslav (the head of the UGCC, Archbishop Sviatoslav (Shevchuk) – ed.), the fact that some of the voters perceive it as something sinful and wrong” (UPR2013-11-12(7)).

Finally, the conservative pro-EU discourse coalition challenged equivalence between traditional values and Russia, which was already established during the first round of the controversy and was used by the liberal coalitions to delegitimate resistance to sexual and gender equality during the second round, as relations between Ukraine and Russia became antagonistic. The coalition opposed existing Russian hegemony in the discourse of traditional values and envisioned a possibility for Ukraine to acquire a hegemonic position in Europe relying on traditional values:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “In fact, those who represents European aspirations as legitimization of immorality tune the believers of Ukraine against the Christian West and make Russia the only protector of traditional moral values plays up to the ‘Russian world’ and the ideology of Moscow. I would like to recall that it is the Divine Law, the protection of the human dignity, the protest against corruption and brutal violence brought us to the Revolution of Dignity and showed the true democratic values that formed European civilization on a Christian basis” (UGCH2015-11-13).

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “They [Western Europe] must follow us, who still believe that marriage is a man and a woman” (UGCH2015-11-17).

5.2.5.4. European integration

During the second round of the anti-discrimination controversy, the conservative pro-EU discourse coalition represented political and economic integration in the European Union as the only possible foreign policy scenario for Ukraine. No references to the Customs Union were found in the analyzed sample. Russia was only mentioned as an antagonistic political subject, which Ukraine distance itself from culturally and politically. The dissolution of the alternative foreign policy strategies was also manifested in a lesser amount of justifications of European integration during the second round of the controversy. As EU integration became a hegemonic articulation of the “integration/accession” nodal point in political discourse, its opponents no longer needed to justify their support extensively. In cases when European integration was justified, it was made through references to the shared Christian identity of Ukraine and Europe:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “We have an older history of Christianity, we are Europe. No less than France, Spain or Germany. We are

Europe. Now. What do we want? What happened to us? There were those fatal communist times. And we want to get rid of what was bad in communism. We want to accept again what is good in Christianity. European culture is Christian culture. We, Europe, have grown up in Christianity” (UGCH2015-11-17).

The contradiction between support of European integration and opposition to sexual and gender equality remained challenging to the coherence of the conservative pro-EU coalition discourse. The actors within the coalition kept responding to this challenge with dissociation of the anti-discrimination reform from European integration, as during the first round of the controversy. Within the *denial of conditionality* storyline, the pro-EU conservatives claimed that the anti-discrimination reform is not necessary for the Visa Liberalization Agreement (CHMP2015-11-20; LPG2015-11-20). The *obstacle to European integration* storyline represented the anti-discrimination controversy as an instrument to distract public attention from supposedly more important reforms required by the Visa Liberalization and Association Agreements debated at the time, particularly to the anti-corruption and the judicial reforms⁷⁰.

Official party website of *Self Reliance*: “Why the media space is filled with messages saying that we will be left without visa-free regime because of *Self Reliance*? This is absurd! After all, there is a large list of problems that prevent solving visa-free travel issues in a positive and speedy way. First, there is an absence of a real fight against corruption. Have you noticed that for several days no one is indignant over the issue of the anti-corruption fight?” (SAM2015-11-11(2)).

Yehor Soboliev, parliament deputy, *Self Reliance*: “One can introduce any amendment to protect sexual and other minorities from discrimination, but if the fraud, arbitrariness, cover-up of criminals preserves, it will never bring us to Europe” (SAM2015-11-06).

The *Radical Party* differed from the rest of the conservative pro-EU coalition in that it prioritized domestic economic reforms, not related to Eurointegration agreements, over the anti-discrimination reform. The following claim made by the party leader Oleh Liashko counter-poses the anti-discrimination reform to the tariff reform that remained one of the key party themes since 2014 until the Liashko presidential campaign in 2019. This opposition, in fact, downplays European integration, as an element incommensurable with the welfare of Ukrainian citizens:

70 For the detailed list of improvements of anti-corruption and justice legislation related to the Association and Visa Liberalization Agreements see “EU-Ukraine Association Priorities”, Government Office for European Integration Secretariat of the Cabinet of Ministers of Ukraine. Retrieved on October, 2019, from https://mfa.gov.ua/mediafiles/sites/edinburgh/files/Digest_August_English.pdf.

Oleh Liashko, leader of the Radical Party: “The whole Ukraine is waiting for us to make decisions that will reduce tariffs [for communal services], which will allow people to have a decent income, which will allow people in our home country to survive. Because while we talk about visa-free travel, a person who receives \$40-50 as pension and wages is not going to go anywhere, because they do not have money. That is why I demand that the parliament immediately proceeds to the issues of reducing the rent for gas, putting a moratorium on the sale of agricultural land, and to the bills that all Ukrainian society is concerned about. Please do not introduce bills that actually destabilize the work of the parliament and disrupt consideration of those laws that the whole society is waiting for. People need not what [Yurii] Lutsenko wants, but work and salary!” (OBZ2015-11-10 (3)).

Also, the conservative pro-EU discourse coalition introduced equivalence between adherence to parliamentary rules of procedure. Supposed violation of rules of procedure for the adoption of the anti-discrimination reform was represented as a violation of European legal standards:

Ihor Lutsenko, parliament deputy, Fatherland: “It does not look like European law-making tradition” (UPR2015-11-11(4)).

Oleh Bereziuk, parliament deputy, Self Reliance: “In addition, Europe clearly understands that we must follow the procedure if we want to be objective” (LIG2015-11-11(2)).

Yehor Soboliev, parliament deputy, Self Reliance: “It is a sin when we vote like Russian parliament for ideas that are of European essence” (UPR2015-11-12(7)).

According to the All-Ukrainian Council of Churches, the anti-discrimination amendment provided an obstacle to European integration as it “contributed to attempts to split the society and discredit European aspirations of Ukrainian citizens” (VCIRO2015-11-12).

The “good Europe/bad EU” dichotomy, which was frequently used to reestablish coherence in the conservative pro-EU discourse during the first round of the controversy, was no longer observed during the second round. The EU was represented as a political equivalent of Europe, as in the following quote:

Sviatoslav (Shevchuk), the Major Archbishop of the Ukrainian Greek Catholic Church: “The fact is that we have ‘lost’ certain things, because of the communism period, those circumstances. <...> They have been preserved in some Western European countries, and we say, yeah, it is worth, we see that it’s useful, and we want to attract it. But not because it is European, but because we see it as good. If euthanasia or, even worse, same-sex marriage exists in Western Europe today, are we going to follow them? That would be stupid! <...> In short, we must not imitate Europe at all costs, imitate, just because it is Europe. Instead, we should carefully, critically, calmly look at the good [things] they have preserved. Not [imitate] everything they do, because they do a lot of things which they are already ashamed of” (UGCH2015-11-17).

VI. THE ANTI-DISCRIMINATION CONTROVERSY IN THE MEDIA

In the following chapter, I examine the possible contribution of online news media to the political struggle on sexual and gender rights in Ukraine through public support or challenging of the contesting discourse coalitions during the anti-discrimination controversy. I begin with the analysis of media salience of the anti-discrimination controversy in comparison with other SOGI-related issues. Then, I consider type, position, and balance of sources used in media reporting of the anti-discrimination reform. Finally, I consider journalistic articulations of the anti-discrimination reform in relation to the key nodal points of the controversy in political discourse (equality, values, and integration/accession), to identify storylines that were reproduced by the analyzed media. At each step, I examine differences in representation patterns across media, and between the first (February 2013 – May 2014) and the second (October 23 – November 25, 2015) rounds of the anti-discrimination controversy.

6.1. Media salience of the anti-discrimination controversy

6.1.1. Media attention to domestic SOGI-related rights issues

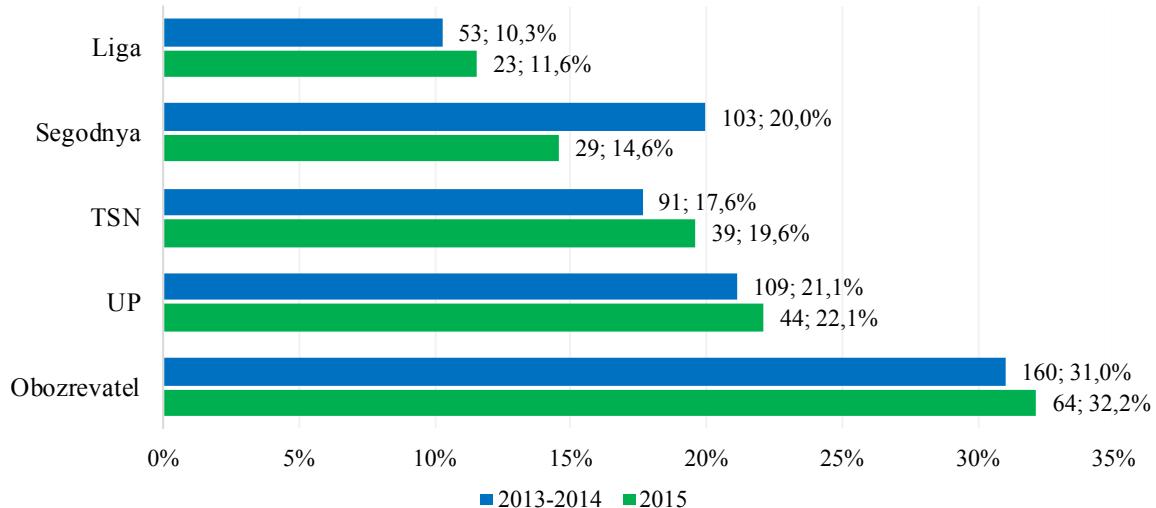
Among 715 texts with references to domestic SOGI-related rights issues published in the five analyzed news websites during the anti-discrimination controversy, 516 were published during the first round, and 199 during the second round. The difference in the amount of coverage resulted from the unequal duration of the two rounds of the debates (the first round lasted 15 months, while the second round was only one month long).

During the study period, *Obozrevatel* published the greatest number of articles on SOGI-related rights issues among the five online media ($n = 224$, 31,3% of all texts), while *Liga* provided the lowest coverage of the topic ($n = 76$, 10,6% of all texts). As demonstrated in Figure 3, the proportion of attention to SOGI-related rights issues in the five media remained relatively stable during both rounds of the controversy. Changes in the proportion of the SOGI-related coverage in each media between the first and the second rounds of the controversy were not statistically significant.

The anti-discrimination reform was the most frequently reported SOGI-related rights issue during the study period. Among 715 texts in the sample, in 422 articles (59%) the anti-discrimination reform was the most prominent domestic SOGI-related rights issue mentioned in the article. The second most prominent topic was Kyiv Pride (17,5%), other

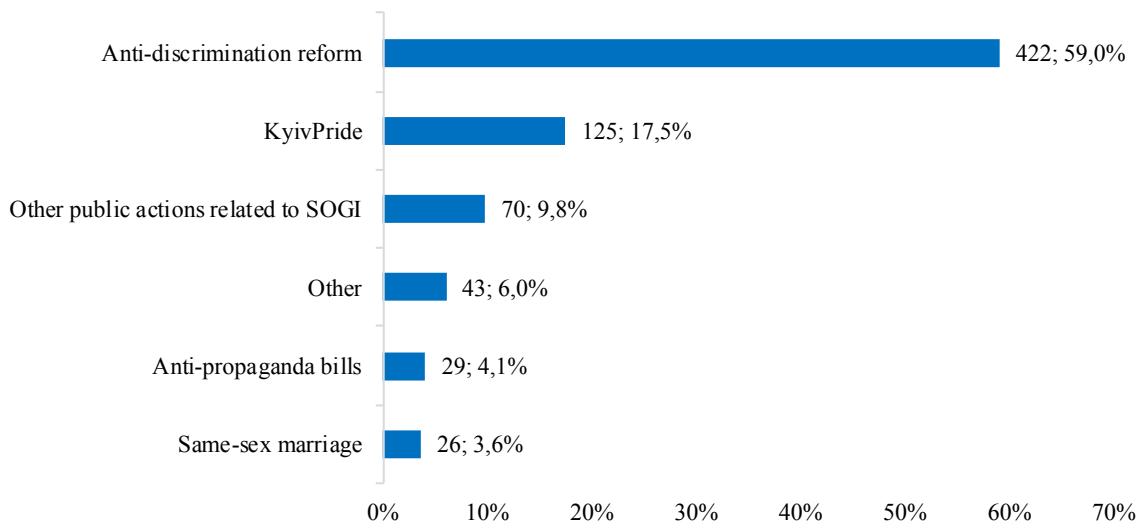
public actions related to SOGI (9,8%), anti-propaganda bills (4,1%), same-sex marriage (3,6%), and other topics (6%) (Figure 4).

Figure 3. Attention to SOGI-related rights issues, by Media, by Round



Note: Figure 3 represents the number and percentage of articles with references to SOGI-related rights issues in each of the five online media during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the anti-discrimination controversy, n = 715.

Figure 4. Thematic structure of the SOGI-related coverage, by Topic

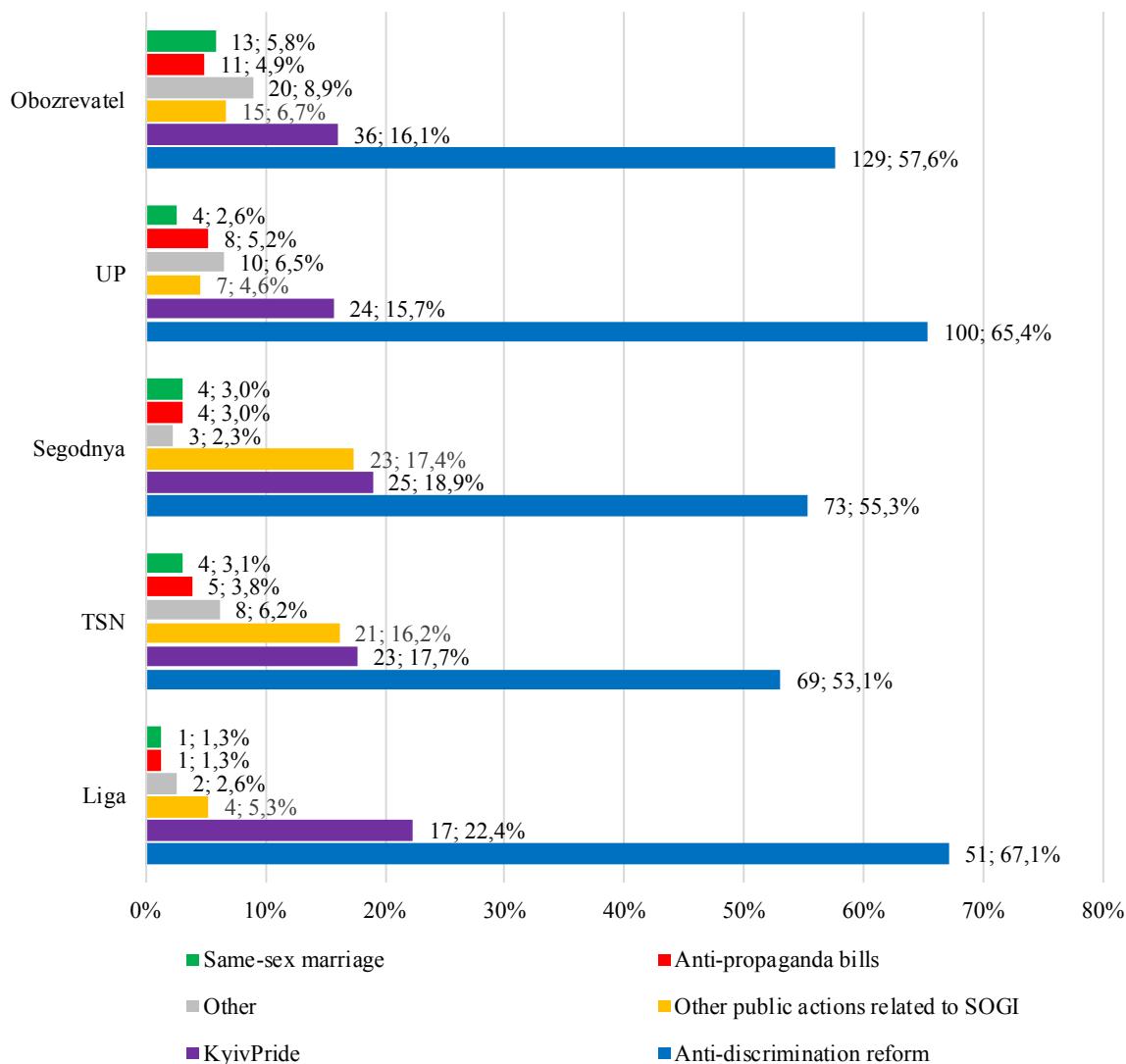


Note: Figure 4 represents the number and percentage of articles with references to the most prominent SOGI-related topics during 16 months of the anti-discrimination controversy, n = 715.

Although the five online media provided an unequal amount of coverage to SOGI-related rights issues during the study period, they had a similar thematic structure of SOGI-

related coverage (see Figure 5). Each of the five media provided similar percentage of coverage for each of the SOGI-related topics.

Figure 5. Thematic structure of the SOGI-related coverage, by Media



Note: Figure 5 represents the number and percentage of articles with references to SOGI-related topics in each of the five analyzed media during 16 months of the anti-discrimination controversy, n = 715.

The only statistically significant difference in the thematic structure among the five media was in the salience of the topic “Other public actions related to SOGI”. The category mostly included anti-LGBT protests organized by the pro-Russian and religious right interest groups. During the first round of the anti-discrimination controversy, *Segodnya* and *TSN* provided significantly greater attention to “Other public actions related to SOGI” in

comparison to the other three media: 17,4% and 16,2% of their SOGI-related coverage respectively. *Obozrevatel*, *Liga*, and *Ukrainska Pravda* dedicated to other protests 6,7%, 5,3%, and 4,6% of articles of the SOGI-related coverage respectively⁷¹. *TSN* and *Segodnya* covered anti-LGBT protests that were not reported by other media in the sample, particularly regional street protests organized by the religious right (in Symferopol, Luhansk, Dnipro, Lviv) and anti-EU protests that addressed the issue of sexual rights (SEG2013-05-13 (2), SEG2013-05-20, SEG2013-05-27 (2), SEG2013-11-27, TSN2013-05-26, TSN2013-11-27(2), TSN2013-11-27(3), TSN2013-11-27(3)). Several articles from the *TSN* website were press-releases of the religious right NGO *Parent Committee* published without any changes (the source of the press-release was indicated).

6.1.2. Media attention to the anti-discrimination reform

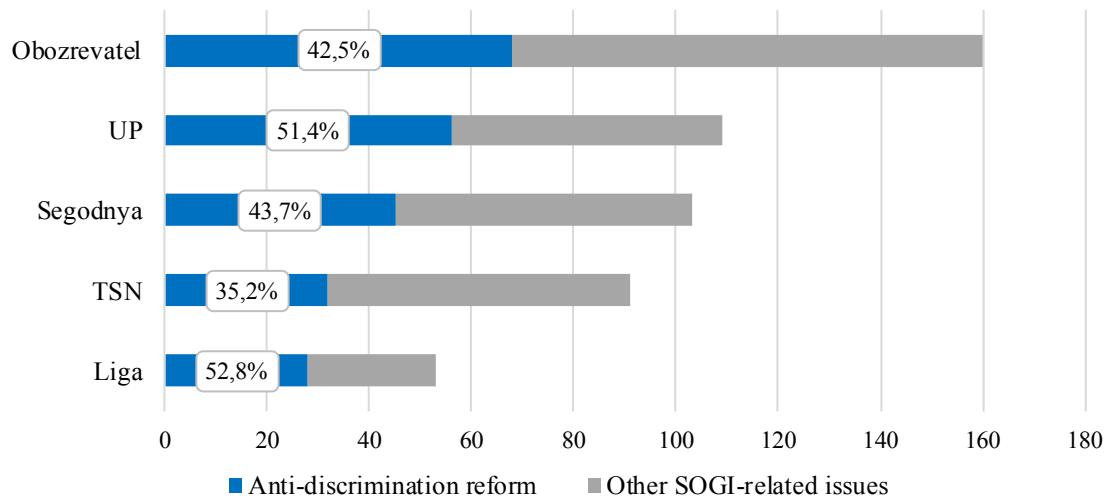
During the first round of the controversy, the greatest number of articles in which the anti-discrimination reform was the most prominent reference to SOGI was published in *Obozrevatel* (n=68), the lowest number of publications was made by *Liga* (n=28). The difference in a number of publications is fully explained by the difference in the salience of SOGI-related rights issues in the five media. Taking into account the number of publications on SOGI-related topics in each media, there was no statistically significant difference in salience of the anti-discrimination reform in *Liga* (52,8% of all SOGI-related coverage in the media), *Ukrainska Pravda* (51,4%), *Segodnya* (43,7%), *Obozrevatel* (42,5%), and *TSN* (35,2%) at $p = 0.05$ (see Figure 6).

During the second round of the controversy, SOGI-related rights coverage in the online news media was almost exclusively devoted to the anti-discrimination reform (*TSN* 94,9%, *Segodnya* 96,6%, *Obozrevatel* 95,3%, *Liga* and *Ukrainska Pravda* 100%). As the second round of the controversy was only one month long, this finding has only limited relevance to prove that the anti-discrimination reform remained the most frequently reported SOGI-related sexual and gender rights issue after Euromaidan. However, the excessive amount of the media coverage of the reform during the second round (during one

71 To test statistical significance of differences in coverage of six SOGI-related topics among the five media, I ran a two-tailed z-test for each topic on each possible pair of media. *Segodnya* and *TSN* published significantly greater number of articles with references to “Other public actions related to SOGI” than each of the other three media at $p = 0.05$.

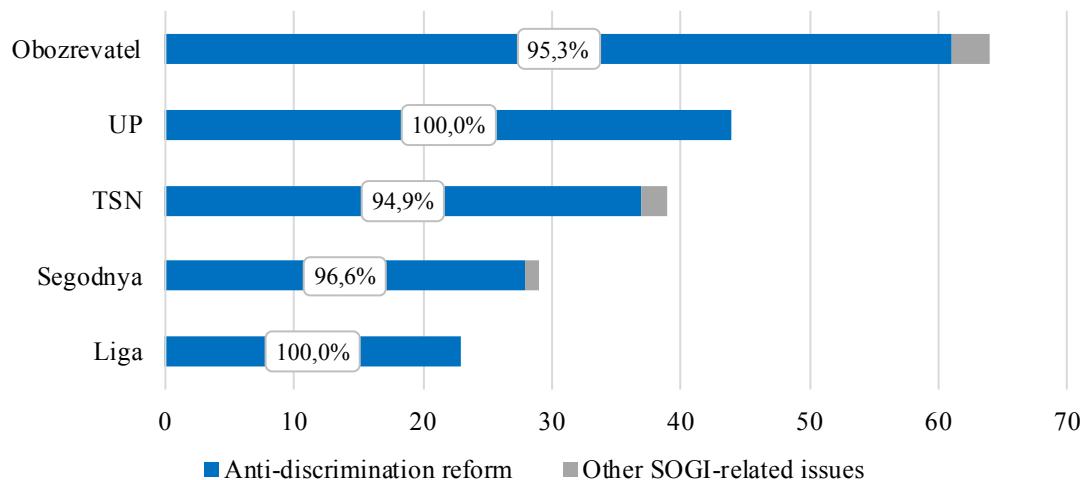
month the selected media produced almost as many articles about the reform as during 15 months in 2013–2014) allows suggesting that it remained one of the most prominent SOGI-related issues on the media agenda.

Figure 6. Media attention to the anti-discrimination reform during the first round



Note: Figure 6 represents the number and percentage of articles with references to the anti-discrimination reform in each media in Feb 2013 – May 2014, n = 516.

Figure 7. Media attention to the anti-discrimination reform during the second round

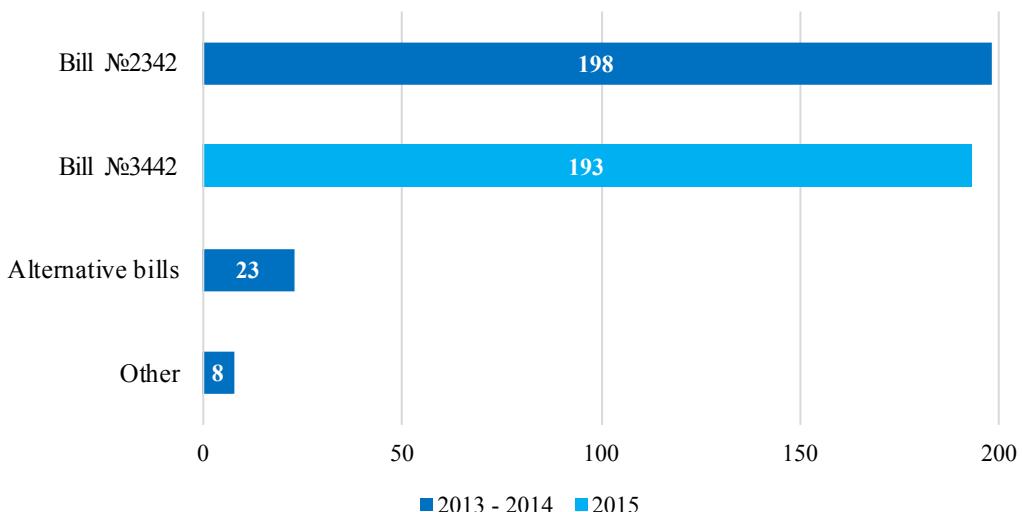


Note: Figure 7 represents the number and percentage of articles with references to the anti-discrimination reform in each media during Oct – Nov 2015, n = 199.

Within the topic of the anti-discrimination reform, government Bills 2342 and 3442 were reported most frequently (Figure 8). The alternative bills (2342-1, 2427, 4581) were

the most prominent SOGI-related reference only in 23 publications during the first round of the controversy, which provided for 3,9% of all articles with references to SOGI-related rights issues in the sample. The alternative Bills 3442-1 and 3442-1 introduced during the second round were never reported as a main topic in the media articles.

Figure 8. Thematic structure of references to the anti-discrimination reform, by Round

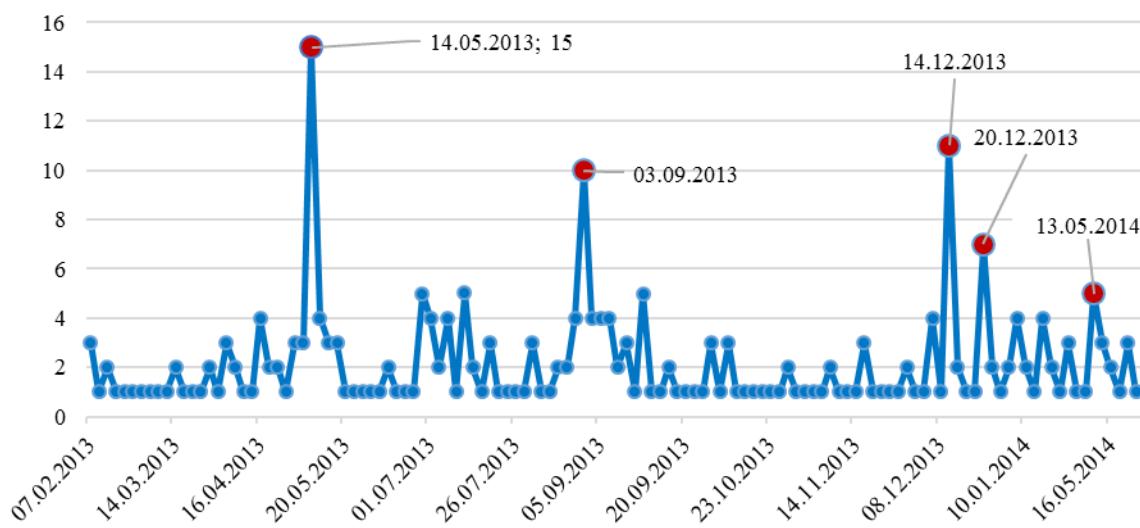


Note: Figure 8 represents the number and percentage of references to topics related to the anti-discrimination reform during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the controversy, n = 422.

Changes in media attention to the anti-discrimination reform were related to the process of parliamentary proceedings of the anti-discrimination bills and statements on the issue made by high-ranking state officials. The highest splash of attention to the reform occurred on May 14, 2013, when Bill 2342 should have been put to the vote for the first time but was dismissed because of the conservative protests (Figure 9). The five analyzed media published 15 articles on the reform on that day. At the beginning of the autumn parliamentary session in September 2013, the inclusion of Bill 2342 in the parliamentary agenda was again discussed at the Conciliation Board of factions, which led to another splash of media attention to the reform (10 articles). The next two peaks of media attention to the anti-discrimination reform were related to the public statements made by the government. On December 14, 2013, Prime Minister Mykola Azarov claimed that the EU demands the introduction of same-sex partnerships in Ukraine alongside the anti-

discrimination reform. On December 20, the Azarov government announced that it reached a compromise with the EU on the anti-discrimination reform, and it no longer provides an obstacle for the visa-free regime. In January 2013 – March 2014 virtually no articles about the reform were published. The last increase of attention to the topic during the first round of the controversy was drawn by the adoption of Bill 4581 on May 13, 2014.

Figure 9. Changes in media attention to the anti-discrimination reform during the first round



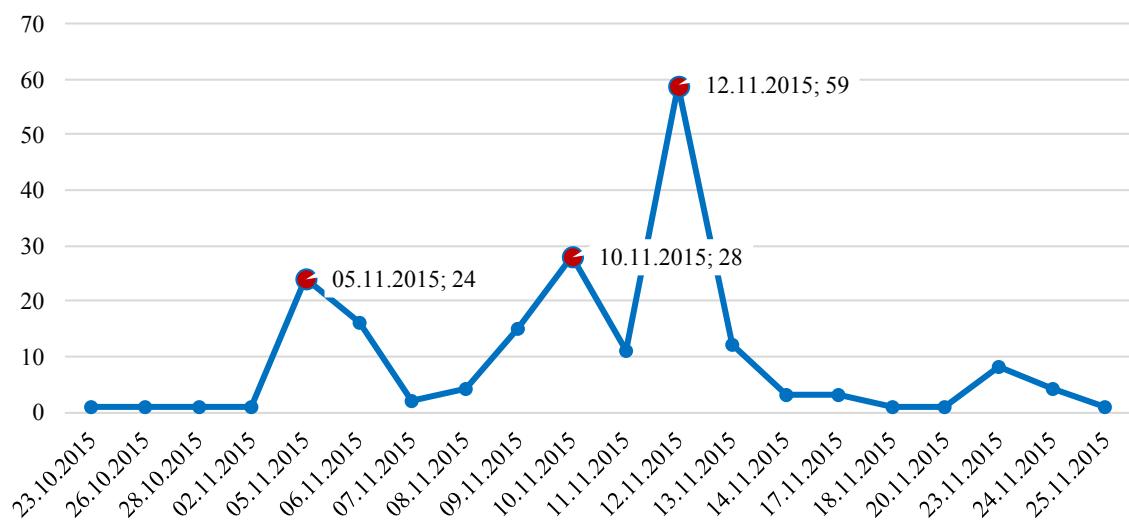
Note: Figure 9 represents the number of articles with references to the anti-discrimination reform that was published by the five media per day in Feb 2013 – May 2014, n = 264.

During the first round, *Obozrevatel*, *Segodnya*, and *Ukrainska Pravda* started to follow the controversy earlier than *TSN* and *Liga*. First articles on the anti-discrimination reform appeared on *Obozrevatel* and *Segodnya* on February 7, 2013, when the government publicly announced that Bill 2342 was developed to fulfill visa liberalization requirements. *Ukrainska Pravda* started following the debate slightly later, on February, 18, after the bill was introduced to the parliament. *TSN* started reporting the reform when the churches stepped into the controversy with public condemnation of Bill 2342 in March 2013. *Liga* was the last among the five online media to begin reporting the anti-discrimination controversy when Bill 2342 was postponed in the parliament due to protests of the religious right in May 2013.

During the second round, three splashes of media attention to the reform occurred when Bill 3442 was put on November 5, November 10, and November 12, 2015. Each

voting was examined in the media coverage in great detail (number of votes for and against, number of deputies present in the session). The greatest daily number of media reports (59 texts) was observed on November 12, when Bill 3442 finally passed (Figure 10).

Figure 10. Changes in media attention to the anti-discrimination reform during the second round



Note: Figure 10 represents the total number of articles with references to the anti-discrimination reform that was published by the five media per day in Oct 2015 – Nov 2015, n = 196.

During the second round, all analyzed media started to follow the reform simultaneously with the introduction of Bill 3442 (except for a few articles that mentioned the requirement to adopt the anti-discrimination reform published in *Obozrevatel* and *Ukrainska Pravda* earlier in October 2015. *Liga* ended reporting the reform after Bill 3442 was adopted by the parliament. The other three media followed the controversy until the President signed the bill on November 23, 2015.

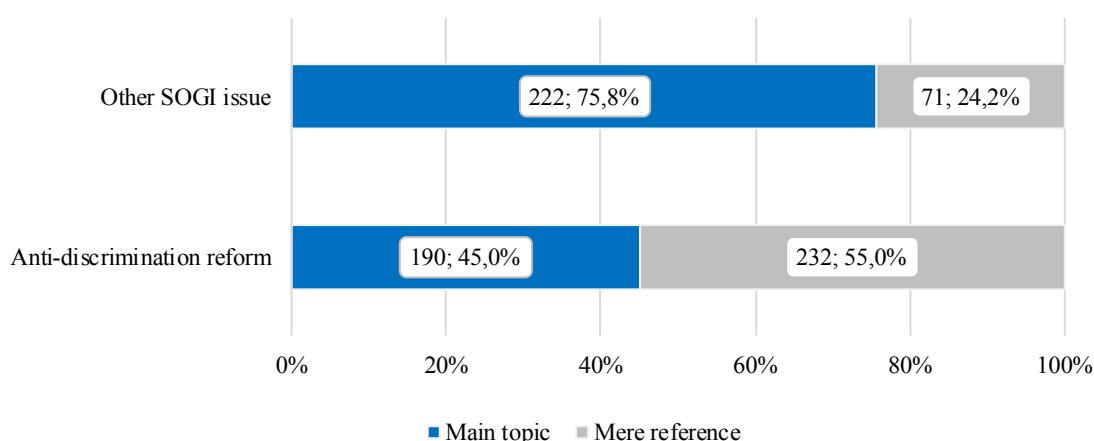
6.1.3. Prominence of media references to the anti-discrimination reform

When the anti-discrimination reform was reported together with other SOGI-related rights issues, it was usually a more prominent topic. Among 460 articles with references to the anti-discrimination reform published by the five selected online media during 16 months of the controversy, 422 articles (91,7%) featured the reform as the most prominent domestic SOGI-related rights issue mentioned in the article. In 38 articles (8,3%), the

reference to the anti-discrimination reform was less prominent, than the reference to other SOGI-related rights issues mentioned in the article.

However, the anti-discrimination reform was significantly less frequently a main topic of the article, than other SOGI-related issues ($z = -2.33$, $p = 0.01$). Only 45% of the articles that contained references to the anti-discrimination reform featured it as a main topic of the article. Among articles in which the most prominent SOGI-related rights issue was other than the anti-discrimination reform, 75,8% of the articles also featured this issue as a main topics (Figure 11).

Figure 11. Prominence of references to SOGI-related rights issues in the articles



Note: Figure 11 represents the number and percentage of articles in which the anti-discrimination reform and other SOGI related rights issues were main topics and mere references during 16 months of the controversy, $n = 460$.

These findings demonstrate that although the anti-discrimination reform gained more attention in the online media than other domestic SOGI-related rights issues, it was less prominent than other social and political issues in the context of which it was reported. Qualitative analysis revealed that the main topic of articles in which the anti-discrimination reform was discussed was predominantly Ukraine-EU relations.

6.2. Online news media as a public platform for rival discourse coalitions

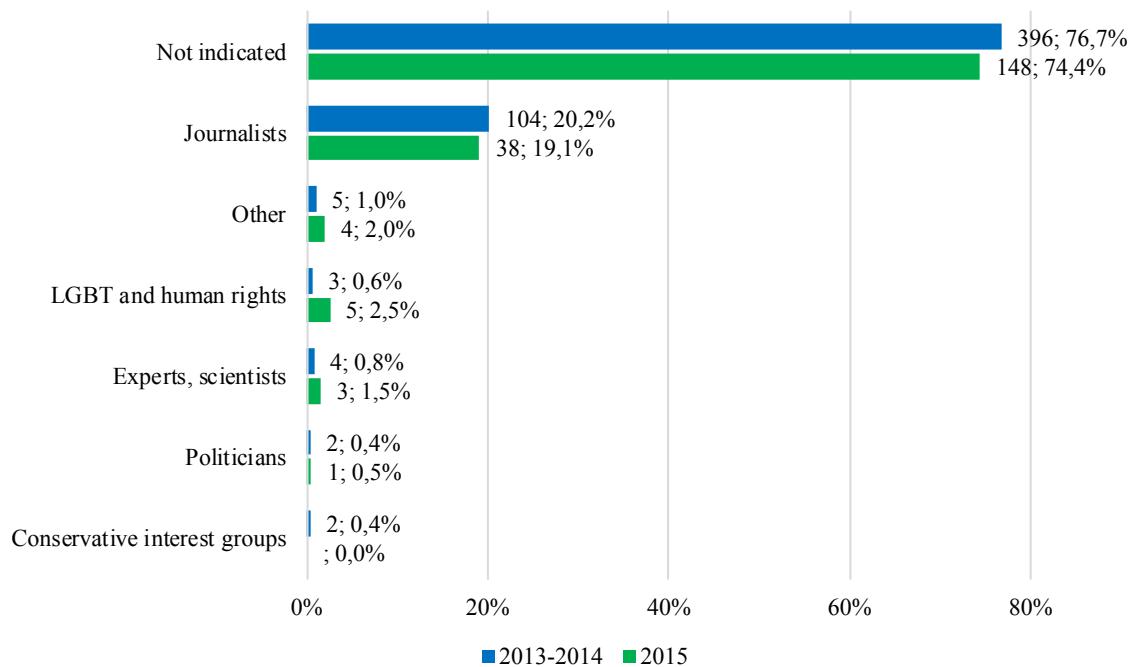
There were two main ways in which media disseminated discourse of the contesting coalitions involved in the anti-discrimination controversy: publication of texts produced by political actors and groups of interest and utilizing them as sources in articles written by journalists. In both cases, the media had an opportunity to provide certain actors with

privileged access to the audience through the frequency of quotes/articles published, emphasis, and placement of texts in the particular sections.

6.2.1. Political actors as authors of the articles

Political actors and the groups of interest involved in the struggle over SOGI-related sexual and gender rights rarely had an opportunity to share their articulations of the anti-discrimination reform directly as authors of articles in the online news media. The overwhelming majority of the articles with references to SOGI-related rights were written by news editors whose names were not indicated in the text (code “not indicated”) or by staff journalists. Political actors and scientists published articles ion the online media only occasionally. There were no significant changes in the authorship trends between the first and the second rounds of the controversy (see Figure 12).

Figure 12. Authorship in coverage of domestic SOGI-related rights issues, by Round

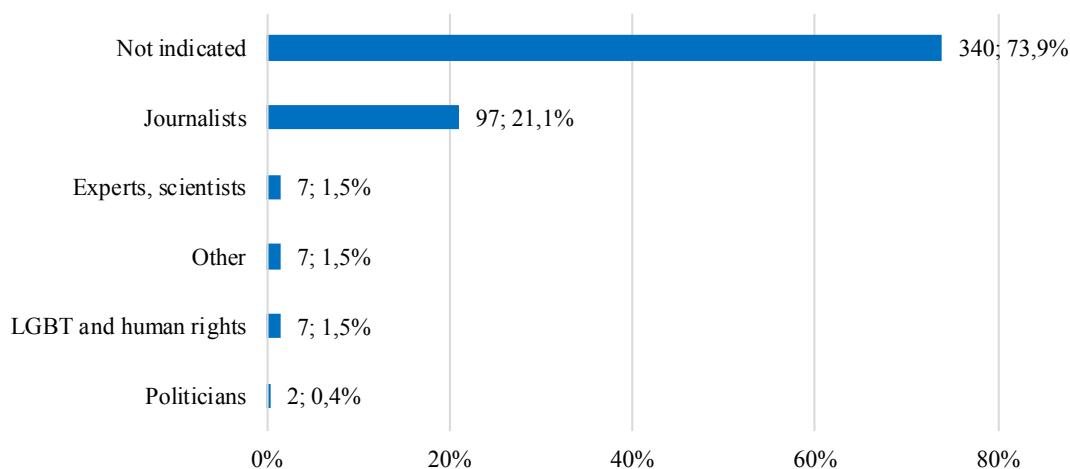


Note: Figure 12 demonstrates the number and percentage of articles with references to SOGI-related rights issues written by different types of authors, published during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the anti-discrimination controversy, n = 715.

The coverage of the anti-discrimination controversy reproduced the same patterns of authorship as the SOGI-related coverage in general. Most of the articles with references to the anti-discrimination reform (73,9%) were written by the news editors or staff journalists

(see Figure 13). A limited number of articles (1,5%) were written by experts from state and private research institutions. Professional politicians were indicated as authors of only two articles (0,4%) in the sample. They included parliament deputy from *BYuT* Lesia Orobets and the ministers of foreign affairs from the EU member states Margot Wallström (Sweden) and Linas Linkevičius (Lithuania). LGBT and human rights organizations were authors of 1,5% of the online media coverage of the anti-discrimination reform. LGBT and human rights actors who published on the issue of anti-discrimination reform included representatives of the *Coalition for Combating Discrimination in Ukraine* (Iryna Fedorovych and Nazarii Boiarskyi), *Amnesty International Ukraine* (Zorian Kis) and *International League of Defense of Ukrainian Citizens* (Eduard Bahirov). Other actors who published about the anti-discrimination reform in the five selected online media were representatives of civil society organizations and artists (1,5% of coverage of the anti-discrimination reform). These included three representatives of the pro-European NGO *Europe Without Borders* (Iryna Sushko), NGO *Hryhorii Skovoroda Analytical Group* (Valerii Kucheruk), NGO *Promote Ukraine*, and one writer (Vitalii Kvitka). None of the five selected media published texts on the anti-discrimination reform written by church representatives, the religious right, or the pro-Russian NGOs during the controversy.

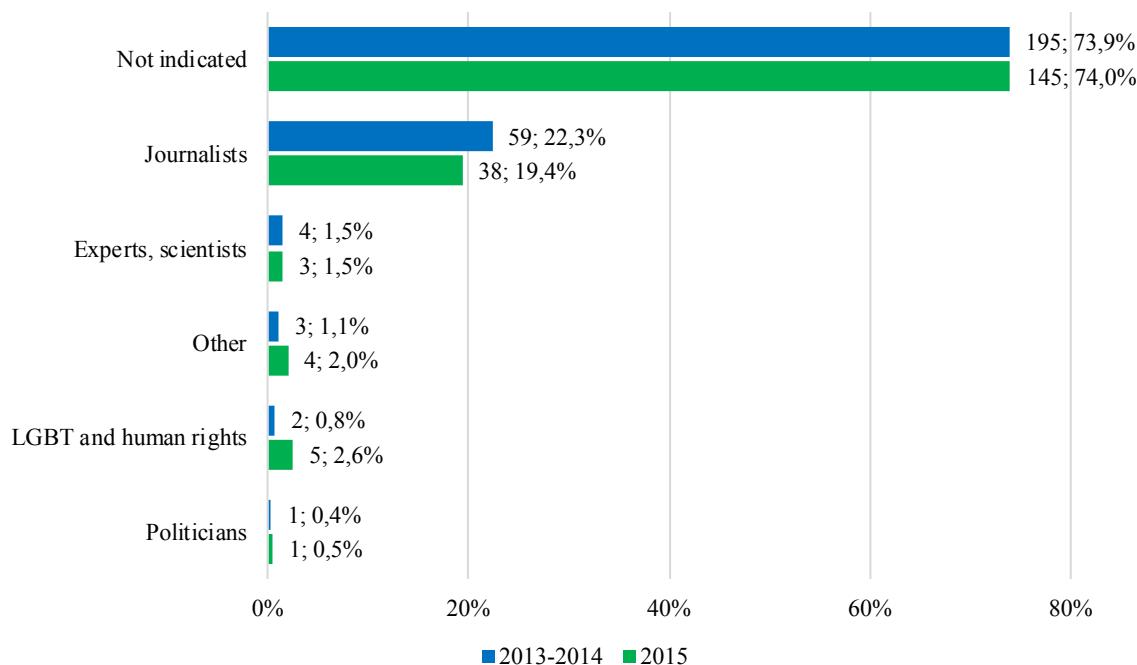
Figure 13. Authorship in coverage of the anti-discrimination reform



Note: Figure 13 demonstrates the number and percentage of articles with references to the anti-discrimination reform written by different types of authors, published during 16 months of the anti-discrimination controversy, n = 460.

The percentage of different types of authors in the media coverage of the anti-discrimination controversy remained relatively stable during both rounds. A little increase in the percentage of LGBT and human rights organizations among authors during the second round was not statistically significant, as well as other minor changes in the authors composition (Figure 15).

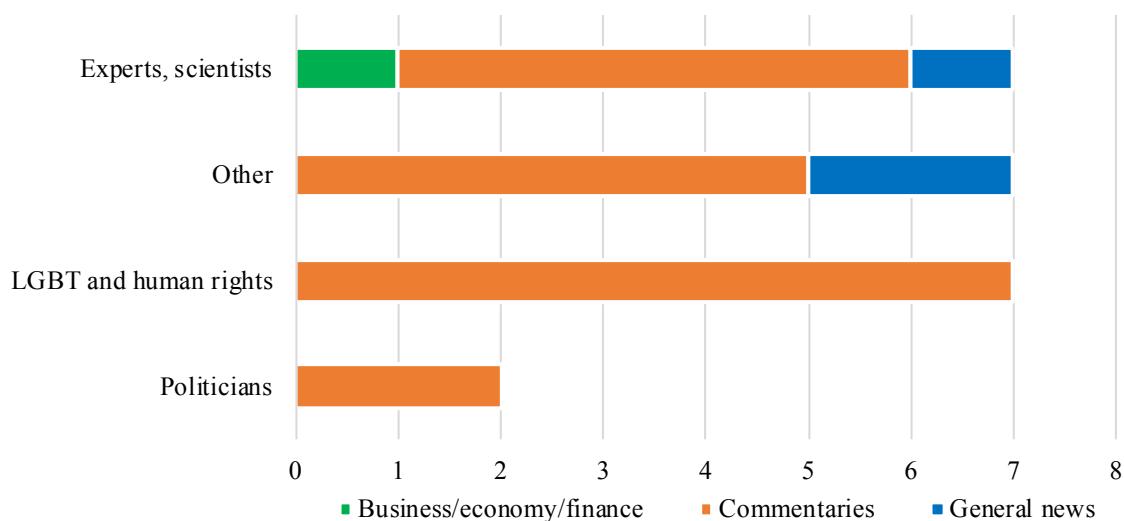
Figure 14. Authorship in coverage of the anti-discrimination reform, by Round



Note: Figure 14 demonstrates the number and percentage of articles with references to the anti-discrimination reform written by different types of authors, published during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the anti-discrimination controversy, n = 460.

Political actors and groups of interest published articles on the anti-discrimination reform predominantly in the opinion/commentaries sections (Figure 15). However, several texts were published in the “General news” section. These included a blog post from economist Tymofii Mylovanov published by *Obozrevatel*, and two media-monitoring articles produced by NGO “Promote Ukraine” published by *Segodnya*. Placement in the general news sections attached a greater level of objectivity to texts written by political actors and represented them as more trustworthy for the readers.

Figure 15. Political and social actors as authors of media articles on the anti-discrimination reform, by Section

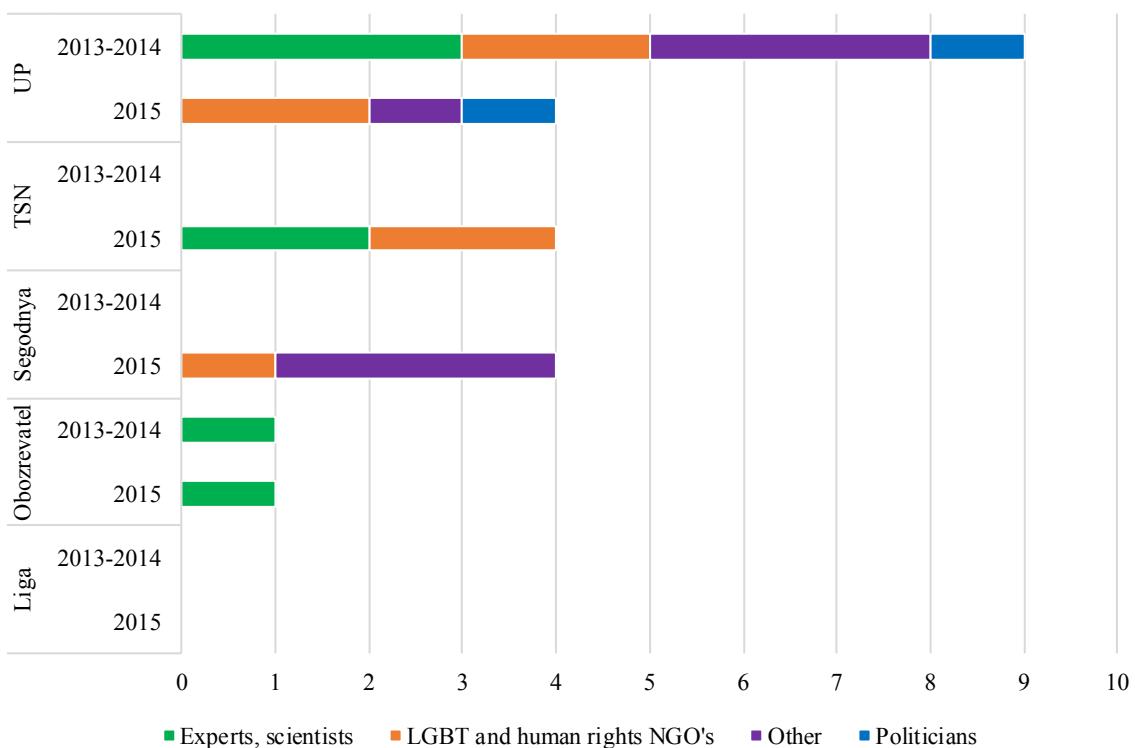


Note: Figure 15 represents the number of articles written by social and political actors published in different sections of the online news media during 16 months of the controversy, n = 23.

Among the five analyzed online news media, *Ukrainska Pravda* published the greatest number of texts authored by political actors and groups of interest (n=11) (see Figure 16). The lowest number of articles authored by political actors and groups of interest was found in *Liga* and *Obozrevatel* (n=0). However, differences in the percentage of political actors and groups of interest among the five media did not prove to be statistically significant.

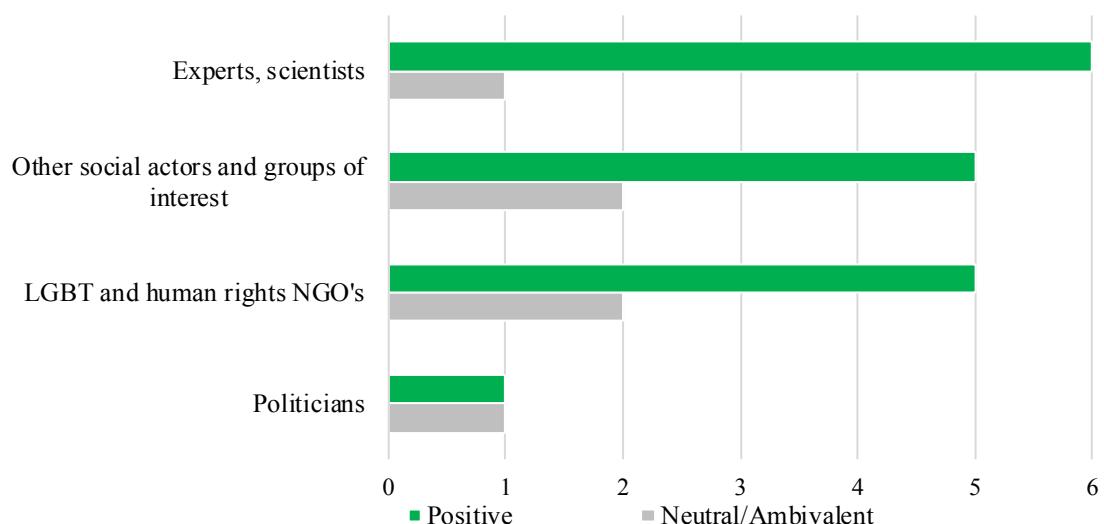
Analysis of authors' position on the anti-discrimination reform revealed that political actors and groups of interest who obtained an opportunity to publish as authors in the five selected media were either supporters of the reform or maintained neutral/ambivalent position. Invited experts and scientists were either positive or neutral towards the reform as well. Political actors and groups of interest who explicitly opposed the reform did not obtain public platform as authors in online media (Figure 16).

Figure 16. Number of media articles written by political and social actors, by Media, by Round



Note: Figure 16 represents the number of articles published by social and political actors in each of the five media during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the controversy, n = 23.

Figure 17. Positions on the reform among political actors who were media authors



Note: Figure 17 represents the number of positive, negative, and neutral articles on the anti-discrimination reform written by political and social actors in the five online media during 16 months of the controversy, n = 23.

Altogether, political actors obtained a very limited possibility to publish articles as authors in the five analyzed media. All political actors who published as authors expressed a positive or neutral position on the reform. Opponents of the reform were not provided with the opportunity to promote their articulations directly as authors of the articles in any of the five media.

6.2.2. Political actors as media sources

As the online news media published only a few texts written by the political actors and groups of interest themselves, the main way through which they provided members of the rival discourse coalitions with access to the public platform was by quoting them as sources in the articles. Among 460 articles that contained references to the anti-discrimination reform, 321 articles (70%) contained at least one quote on the issue. Altogether 392 quotes were coded.

During the first round of the controversy, the online media used quotes from sources when reporting the anti-discrimination reform more frequently than during the first round. In the first round, sources were quoted in 76,8% of the articles. While in the second round the percentage of articles that contained at least one quote decreased to 58,6%. The change was statistically significant at $z=-2.33$, $p=0.01$.

Ukrainska Pravda quoted sources in the articles reporting the anti-discrimination controversy most frequently: 107 articles contained 106 quotes, which provided an average of 0,99 quotes per article. *TSN* quoted sources with the least frequency. In 80 articles with references to the anti-discrimination reform published by *TSN*, 55 quotes were found, which provides an average of 0,68 quotes per article.

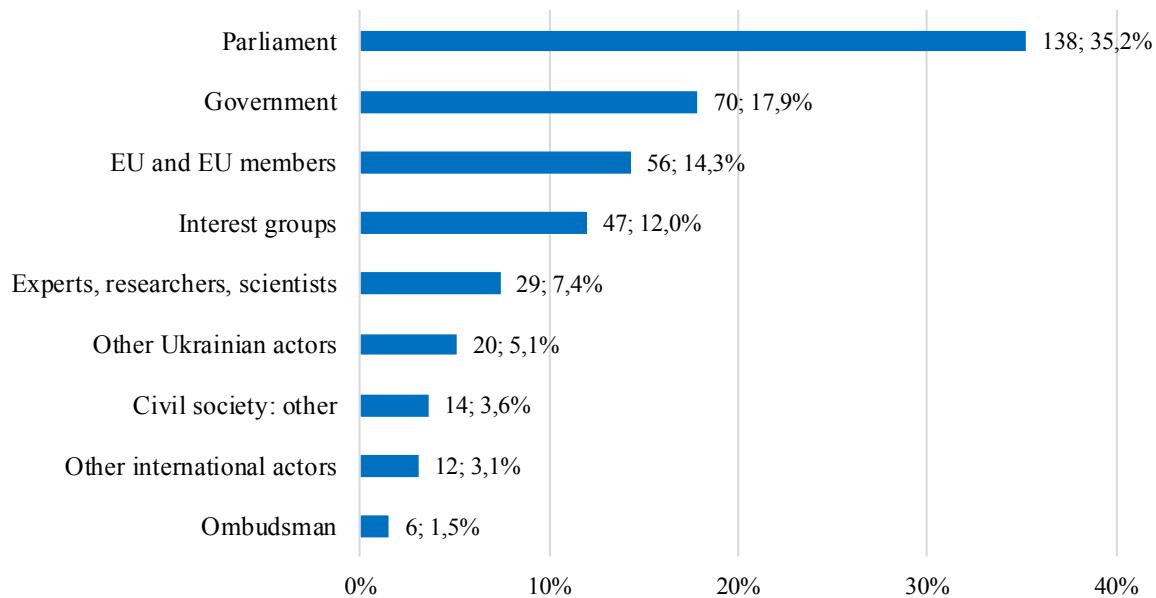
6.2.2.1. Types of sources

6.2.2.1.1. Differences in access to media platform among different types of actors

During both rounds of the anti-discrimination controversy, Ukrainian parliament representatives constituted the biggest group of sources quoted in the online media. Ukrainian state administrators provided the second biggest group of sources quoted on the anti-discrimination reform. The third biggest group of sources was the EU representatives and actors from the EU member states. Conservative and pro-LGBT groups of interest were quoted less frequently than professional politicians. Experts, researchers, and

scientists provided the fifth biggest group of sources quoted (Figure 18).

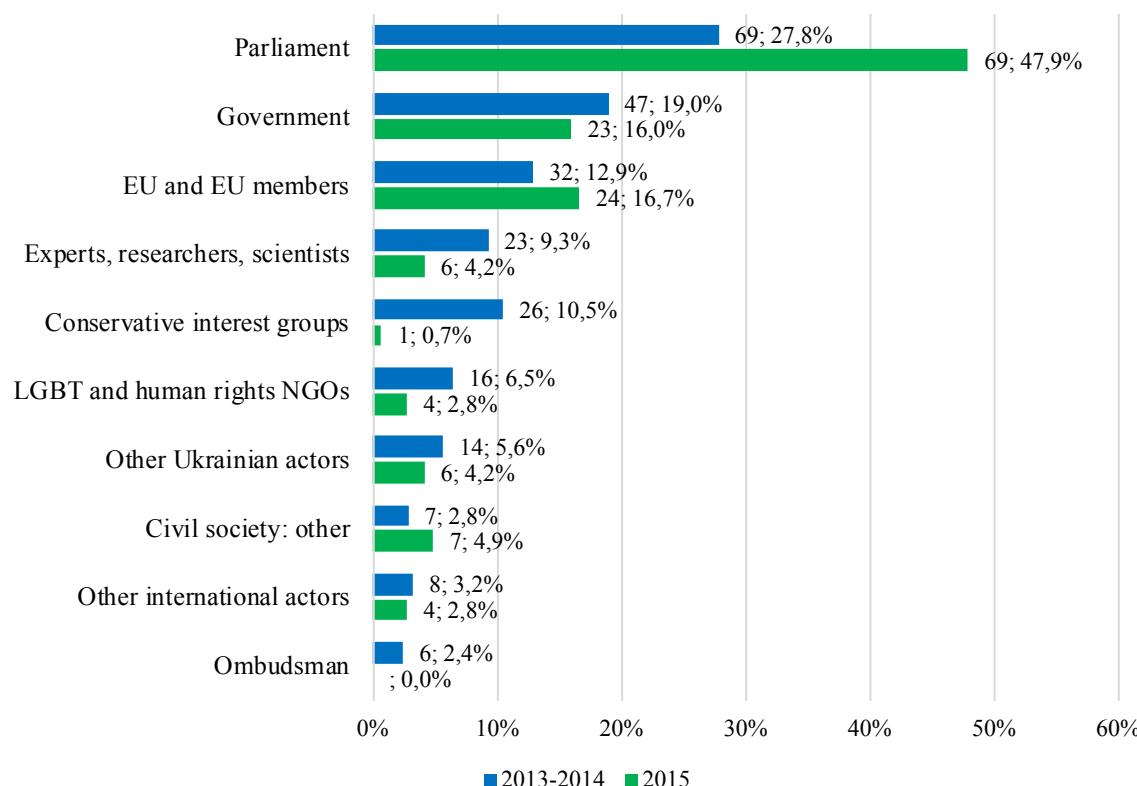
Figure 18. Political and social actors as sources of information on the anti-discrimination reform



Note: Figure 18 demonstrates the number and the percentage of quotes from each group of social and political actors in the online media coverage of the anti-discrimination reform in Feb 2013 – May 2014, Oct – Nov 2015, n = 392.

There were two significant changes in the proportion of different types of actors among news sources between the first and the second rounds of the controversy. Figure 19 illustrates the proportion of different types of sources quoted in the online media during each round. As demonstrated in the chart, the percentage of the parliament actors among sources increased from 27,8% during the first round of the controversy to 47,9% during the second round ($z=2.33$, $p=0.01$). Another significant change was a decrease in presence of the conservative interest groups (anti-LGBT organizations and churches) among sources from 10% during the first round to less than 1% during the second round ($z=-2.33$, $p=0.01$). Changes in the percentage of other types of sources were statistically insignificant.

Figure 19. Political and social actors as sources of information on the anti-discrimination reform, by Round



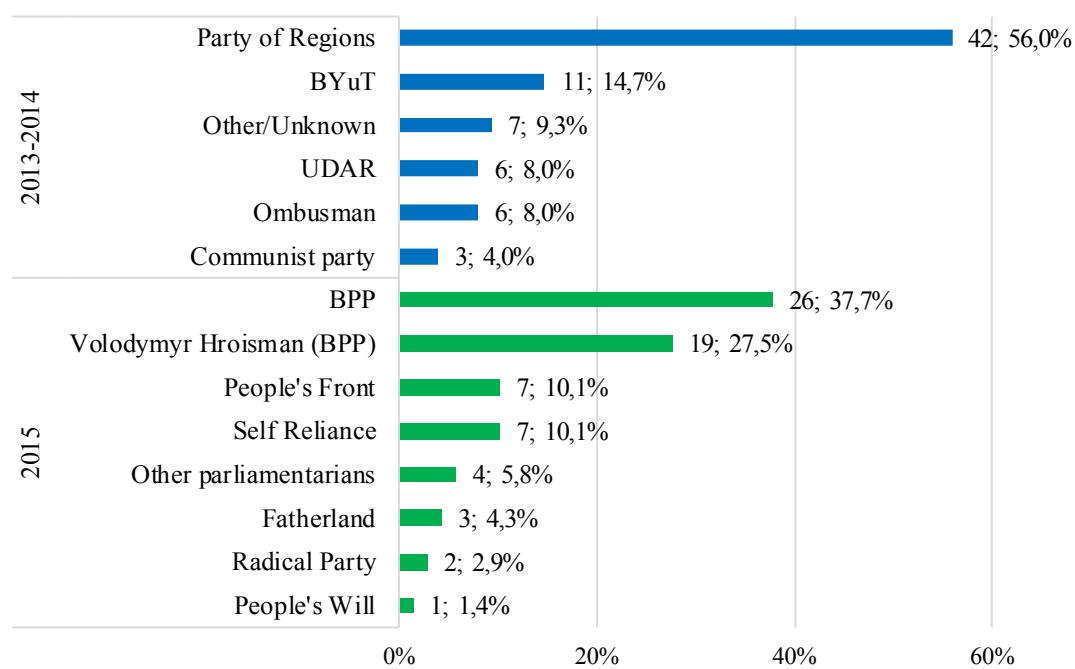
Note: Figure 19 demonstrates the number and percentage of quotes from each group of social and political actors per each of the two rounds of the anti-discrimination controversy, n = 392.

Ukrainian parliament deputies were quoted 138 times, which provided 35,2% of all quotes about the reform. Among parliament deputies, representatives of the biggest pro-governmental factions (*Party of Regions* in the first round and *Petro Poroshenko Bloc* in the second round) provided the greatest number of quotes (Figure 20). During the first round of the controversy, quotes from the *Party of Regions* deputies provided 56% of quotes from the parliament sources⁷². During the second round, quotes from *BPP* provided 65,2% of quotes on the reform from the parliament members. Among them, 27,5% were provided by chairperson of the parliament Volodymyr Hroisman, who was elected on the party lists of *BPP*, although he was not a party member. The second most frequently quoted parliamentary factions were *BYuT* (14,7% of quotes from the parliament sources during the first round), *People's Front* and *Self Reliance* (10% of quotes from the

⁷² In the group of the parliament sources, I have included the parliament members and the Ombudsman, who is not a parliament deputy, but is one of the parliamentary bodies.

parliament sources each during the second round). The *Communist Party* in the first round and *People's Will* in the second round were marginalized in the debate. Communists were quoted only three times (4% of quotes from parliamentarians during the first round), *People's Will* was quoted only once (1,5% of quotes from parliamentarians during the second round). *Freedom* and *Opposition Bloc* were never quoted on the issue of the anti-discrimination reform and thus excluded from the debate in the media.

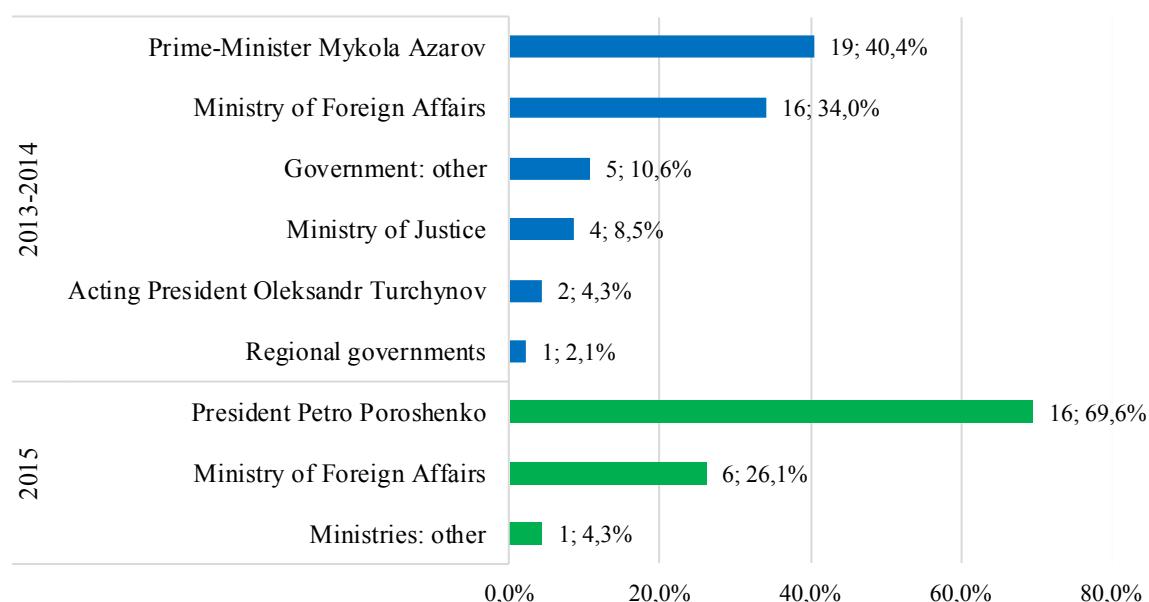
Figure 20. Parliament actors as media sources, by Parliamentary faction



Note: Figure 20 demonstrates the number and percentage of quotes from each parliamentary faction during each round of the anti-discrimination controversy, n = 144.

Government representatives constituted the second most frequently quoted group of sources in media reports of the anti-discrimination reform. They were quoted 70 times that provided 18% of all quotes. During the first round of the controversy, the most frequently quoted governmental sources were Prime Minister Mykola Azarov (40,4% of quotes from the government) and representatives of the Ministry of Foreign Affairs (34%) (Figure 21). During the second round, the most frequently quoted governmental sources were President Petro Poroshenko (69,6%) and the Ministry of Foreign Affairs (26,1%).

Figure 21. Government actors as media sources



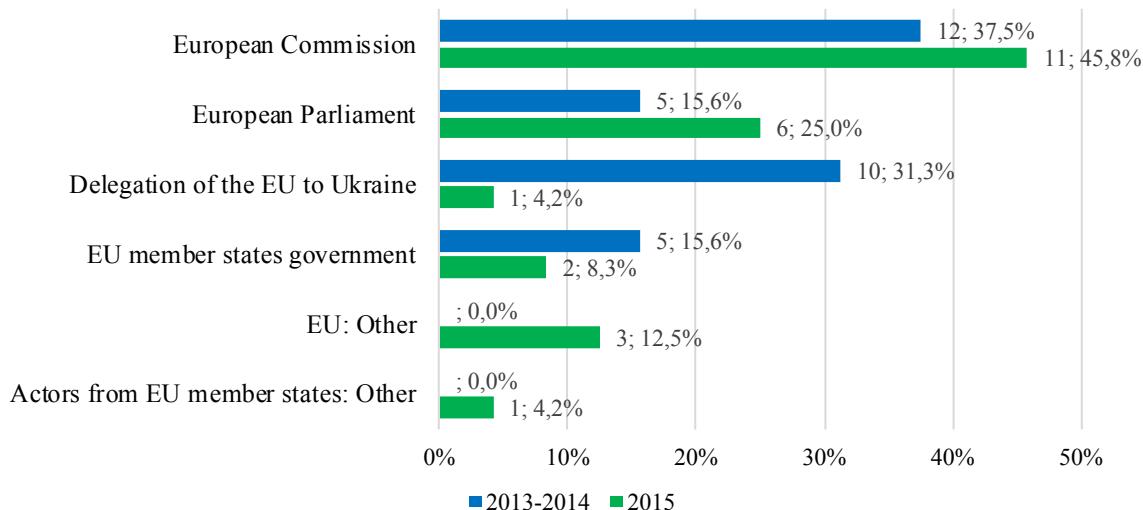
Note: Figure 21 demonstrates the number and percentage of quotes from government representatives during each round of the anti-discrimination controversy, n = 70.

The third biggest group of politicians, which was quoted approximately as often as the government, were the EU officials and actors from the EU member states (Figure 22). They were quoted 56 times, which provided 14% of all quotes on the anti-discrimination reform. During the first round, the most frequently quoted EU sources were members of the European Commission (37,5% of quotes from EU actors) and members of the Delegation of the EU to Ukraine (31,3%). During the second round, the greatest number of quotes on the reform was provided by the European Commission (45,8%) and the European parliament (25%). The only change in the proportion of the EU sources between the rounds that was statistically significant was the decrease in quotes from the Delegation of the EU to Ukraine from 31,3% to 4,2% among the EU actors ($z=-2.32$, $p=0.01$).

Other international political actors that were quoted on the anti-discrimination reform included International LGBT and human rights organizations (*ILGA-Europe, Amnesty International*), the Council of Europe, Russian, Canadian and the U.S. state representatives. These international actors were quoted only occasionally (3% of all collected quotes). Among other international actors, LGBT and human rights organizations were quoted most frequently during the first round of the controversy, while during the second round two groups of international sources were quoted with equal frequency: the

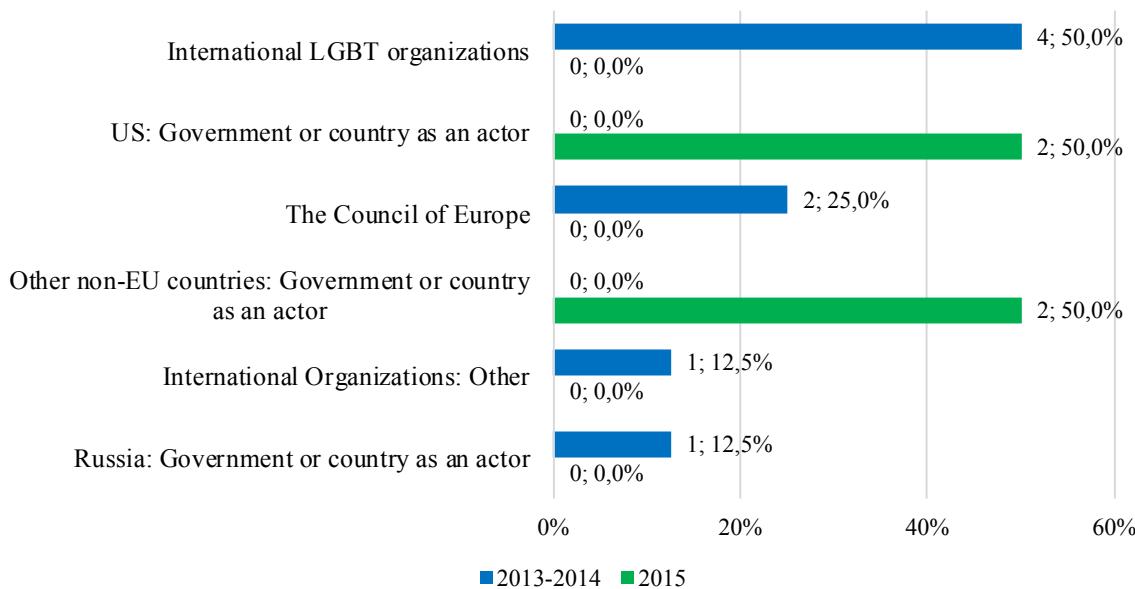
U.S. government and governments of the non-EU countries (except Russia). Because of the small number of other international sources, differences in the proportion of other international actors between rounds were not statistically significant (Figure 23).

Figure 22. EU and actors from EU countries as media sources



Note: Figure 22 demonstrates the number and percentage of quotes from the EU officials and government representatives from the EU member states during each round of the anti-discrimination controversy, n = 56.

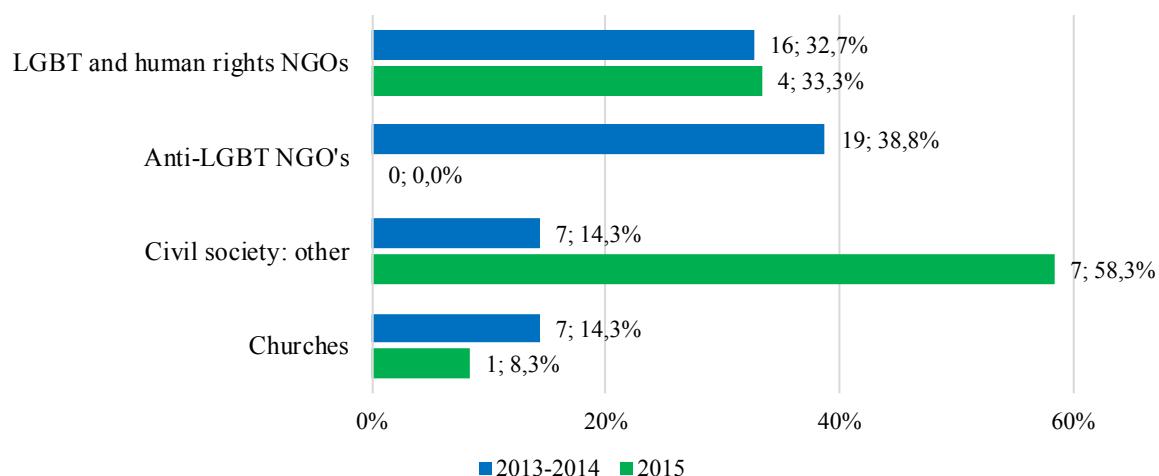
Figure 23. Other international actors as media sources



Note: Figure 23 demonstrates the number and percentage of quotes from international actors during each round of the anti-discrimination controversy, n = 12.

Domestic groups of interest were quoted on the issue of the anti-discrimination reform 61 times which provided for 15,5% of all quotes. There was a great difference in the proportion of different interest groups among media sources between the first and the second rounds of the controversy (Figure 24).

Figure 24. Groups of interest as media sources



Note: Figure 24 demonstrates the number and percentage of quotes from interest groups during each round of the anti-discrimination controversy, n = 61.

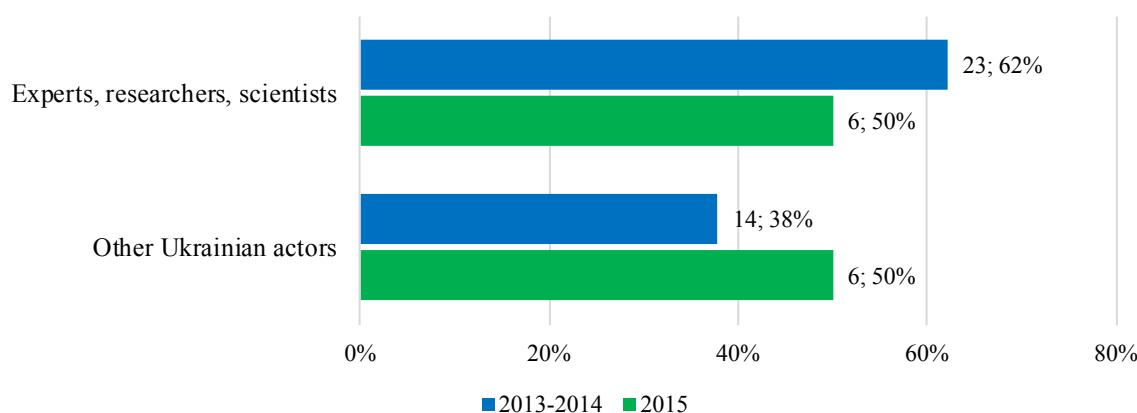
During the **first round**, anti-LGBT NGOs obtained the greatest media visibility as sources among interest groups (38,8% of quotes from interest groups). These included *Parent Committee* (8 quotes, 13% of all quotes from interest groups), *LPG, Ukrainian Choice*, and a number of the “pro-family” conservative NGOs that participated in anti-LGBT street protests *Youth! Power! Community!* (*Molod! Vlada! Hromada!*), *Let’s Help Children*, *StreetWorkoutKyiv*, *Territory of Life*, *KinderLand*. LGBT and human rights NGOs provided 32,7% of quotes from interest groups. LGBT and human rights organizations that commented on the reform included *Fulcrum*, *Gay Forum*, *Insight*, *Feministichna Ofenzyva*, and the *Council of LGBT Organizations*. Churches (the Orthodox Church of the Kyiv Patriarchate and Orthodox Church of the Moscow Patriarchate) and other civil society organizations provided equal percent (14,3%) of quotes from interest groups during the first round. The latter category included both supporters and opponents of the reform. Supporters of the reform among civil society included pro-European campaign groups (*Europe Without Borders*). Opponents in “Civil society: Other” category were conservative actors that reproduced traditionalist discourse on sexual rights but either

their affiliation was unclear, or it was impossible to find any public information about activities of the organization they represented.

During the **second round**, anti-LGBT NGOs no longer appeared as sources in the online media coverage of the anti-discrimination reform. Churches maintained limited presence (8,3% among interest groups). As a result, interest groups that supported the reform obtained greater visibility among media sources than opponents interest groups. These included LGBT and human rights organizations (33% of interest groups quoted as sources during the second round), feminist performance group *Femen* and the former Euromaidan activists that participated in the street protests in support of the anti-discrimination reform (“Civil society: Other” category, 58,3% of sources fro interest groups during the second round).

Other sources that were quoted by the online media in the coverage of the anti-discrimination reform were experts (predominantly political experts) and other Ukrainian actors (former politicians, artists, members of LGBT-community, ordinary citizens) (Figure 25). *Obozrevatel*, *Segodnya*, and *TSN* repeatedly turned to the same expert sources for comments. *Obozrevatel* most often published comments from Volodymyr Horbach and Oleksii Haran, while *TSN* and *Segodnya* shared experts Volodymyr Fesenko and Vadym Karasiov. Category “other Ukrainian actors” included several misrepresentations of anti-LGBT organizations and movements as “citizens”, “Kyivers” (in *TSN*, *Segodnya*, and *Liga*) and LGBT NGOs as “LGBT community” (*Obozrevatel*, *Liga*, and *TSN*).

Figure 25. Other actors as media sources



Note: Figure 25 demonstrates the number and percentage of quotes from other social actors during each round of the anti-discrimination controversy, n = 49.

6.2.2.1.2. Differences in the use of sources among the five online media

Correlation analysis demonstrates that the five media shared a certain level of agreement in the distribution of access to the public platform among different types of actors. The correlations in Table 6 might be interpreted as reliability coefficients, indicating the extent of similarity among news media in patterns of utilization of the categories of social and political actors as sources.

Table 6. Intercorrelation of the online media use of actors as sources during 16 months of the controversy (Feb 2013 – May 2014, Oct – Nov 2015), n=392

	Liga	Obozrevatel	Segodnya	TSN	Ukrpravda
Liga	1				
Obozrevatel	0.73	1			
Segodnya	0.65	0.95	1		
TSN	0.72	0.89	0.95	1	
Ukrpravda	0.90	0.89	0.84	0.82	1

Drawing on the analysis of proportions of different types of actors among sources, the high degree of similarity among media might be explained with the following patterns. First, all five media used the same key groups of actors as sources: the Ukrainian parliament and government, EU representatives, LGBT and human rights organizations, experts and scientists. Four out of five media also provided a platform for the conservative interest groups. Second, all five media provided relatively equal access to the public platform for the parliament and government, which they used as sources more frequently than other groups of actors.

During the **first round** of the anti-discrimination controversy, the five media formed two groups, each of which shared a greater level of similarity in the pattern of distribution of access to public platform among actors (Table 7). The first group included *Liga* and *Ukrainska Pravda*. There was a high positive correlation between their use of sources, $r = 0.85$, $n = 10$, $p = 0.01$. The second group included *Segodnya*, *TSN*, and *Obozrevatel*. *Segodnya* and *TSN* had a higher level of similarity within the group ($r = 0.92$). *Obozrevatel* had high similarity with both *Segodnya* (0.87) and *TSN* (0.85). The

correlation of sources use between media from different groups was lower than in-group correlation. The lowest intergroup correlation was between *Liga* and *Segodnya* ($r = 0.34$), the highest between *TSN* and *Ukrainska Pravda* ($r = 0.67$).

Table 7. Intercorrelation of the online media use of actors as sources during the first round of the controversy (Feb 2013 – May 2014), n=248

	Liga	Obozrevatel	Segodnya	TSN	UP
Liga	1				
Obozrevatel	0.49	1			
Segodnya	0.34	0.87	1		
TSN	0.52	0.85	0.92	1	
Ukrpravda	0.85	0.63	0.60	0.67	1

Analysis of proportions of different types of actors among sources in each media revealed that the first group (*Liga* and *Ukrainska Pravda*) provided a greater platform for the proponents of the reform. Each media in this group published a significantly lower percentage of quotes from the conservative interest groups, ($z=-2.32$, $p=0.01$), a significantly higher percentage of the EU representatives ($z=-2.32$, $p=0.01$), and a significantly lower percentage of experts and scientists ($z=-1.64$, $p=0.05$) among sources than other three media outlets. *Liga* published the greatest percent of quotes from the EU representatives during the first round (27%, $n=7$) and was the only media in the sample which did not quote conservative interest groups during the first round. It also published the greatest percentage of quotes from LGBT and human rights organizations during the first round (15%, $n=4$), which was significantly higher than in *Segodnya* and *TSN*.

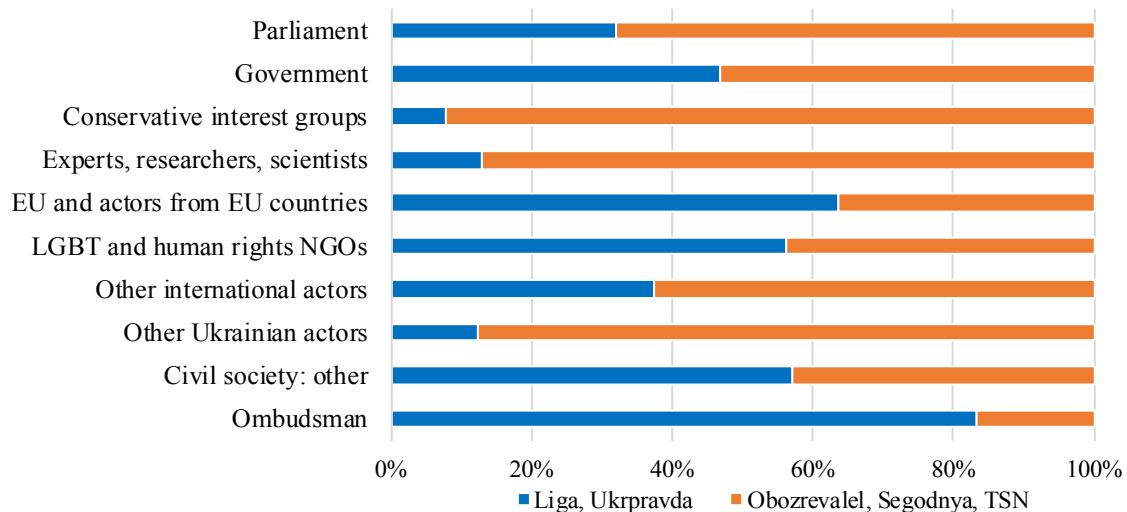
The second group, which included *Obozrevatel*, *Segodnya*, and *TSN*, provided a significantly greater platform for the opponents of the reform in comparison with the first group. Together the three media published 92% of all quotes from the conservative interest groups found in the sample during the first round. Among them, *Segodnya* revealed the greatest percentage of conservative groups among sources (21%, $n=10$). *Obozrevatel* differed from the other two media in the group in that it provided a significantly higher percentage of quotes from LGBT and human rights organizations, compatible with that in

Ukrainska Pravda from the first group. The differences in sources use among the five media are demonstrated in Table 8. Differences between the two groups of media are demonstrated in Figure 26.

Table 8: Media sources in coverage of the anti-discrimination reform during the first round (Feb 2013 – May 2014), by Media, n=232

	Liga		Obozrevatel		Segodnya		TSN		UP		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
Parliament	19%	5	30%	19	36%	17	25%	11	25%	17	28%	69
Government	31%	8	14%	9	15%	7	20%	9	21%	14	19%	47
EU and actors from EU countries	27%	7	10%	6	6%	3	9%	4	18%	12	13%	32
Conservative interest groups	0%	0	11%	7	21%	10	16%	7	3%	2	10%	26
Experts, researchers, scientists	4%	1	17%	11	9%	4	11%	5	3%	2	9%	23
LGBT and human rights NGOs	15%	4	8%	5	2%	1	2%	1	7%	5	6%	16
Other Ukrainian actors	4%	1	3%	2	6%	3	9%	4	6%	4	6%	14
Other international actors	0%	0	5%	3	2%	1	2%	1	4%	3	3%	8
Civil society: other	0%	0	2%	1	2%	1	2%	1	6%	4	3%	7
Ombudsman	0%	0	0%	0	0%	0	2%	1	7%	5	2%	6
Grand Total	100%	26	100%	63	100%	47	100%	44	100%	68	100%	248

Figure 26. Media sources during the first round, by Media (grouped)



Note: Figure 26 demonstrates the percentage of quotes from political actors in the two groups of media during the first round of the anti-discrimination controversy (Feb 2013 – May 2014), n = 232.

During the **second round** of the controversy, the five media demonstrated the greater level of similarity in sources use than during the first round. The correlation coefficients are provided in Table 9.

Table 9. Intercorrelation of the online media use of actors as sources during the second round (Oct – Nov 2015), n=144

	Liga	Obozrevatel	Segodnya	TSN	Ukrpravda
Liga	1				
Obozrevatel	0.80	1			
Segodnya	0.76	0.96	1		
TSN	0.43	0.69	0.84	1	
Ukrpravda	0.87	0.94	0.95	0.69	1

The distinct differentiation in patterns of sources use among the two groups of media outlets identified during the first round was no longer observed. *Ukrainska Pravda*, *Obozrevatel*, and *Segodnya* now had the highest levels of similarity in sources use ($r \geq 0.94$) among the five media. *Liga* demonstrated high similarity with *Ukrainska Pravda* ($r=0.87$) and low similarity with *TSN* ($r=0.43$). *TSN* had greater similarity in sources use

with *Segodnya* ($r=0.84$) than with the other three media, but the level of similarity was lower than during the first round of the controversy.

Analysis of proportions of different types of actors among sources in each media (Table 10), reveals two reasons for the decrease in differences in the use of sources between the rounds. First, *Obozrevatel*, *TSN*, and *Segodnya* no longer provided a platform for the conservative interest groups. Zero quotes from conservative groups were found in these media during the second round. Second, *TSN* and *Segodnya* provided a substantially greater platform for sources from the EU than during the first round. The greatest percentage of comments from the EU sources was published by *TSN* (27,3%). The difference between *Liga* and *TSN* is explained predominantly with their use of government sources. *Liga* used a significantly greater percentage of sources from the government than *TSN*, as well as than *Obozrevatel* and *Segodnya* ($z=1.64$, $p=0.05$). *TSN* used zero sources from the government, which proved to be a significant difference only with *Liga* ($z=-1.64$, $p=0.05$). Other differences in composition of sources among the five media were not statistically significant because of the low number of observations in each category.

Table 10: Media sources in coverage of the anti-discrimination reform during the second round (Oct – Nov 2015), by Media, n=134

	Liga		Obozrevatel		Segodnya		TSN		UP		Total	
	%	n	%	n	%	n	%	n	%	n	%	n
Parliament	42%	8	51%	25	53%	10	36%	4	53%	19	49%	66
Government	37%	7	14%	7	11%	2	0%	0	19%	7	17%	23
EU and actors from EU countries	11%	2	14%	7	21%	4	27%	3	19%	7	17%	23
Civil society: other	5%	1	6%	3	5%	1	18%	2	0%	0	5%	7
Experts, researchers, scientists	0%	0	4%	2	11%	2	18%	2	0%	0	4%	6
LGBT and human rights NGOs	0%	0	8%	4	0%	0	0%	0	0%	0	3%	4

Other international actors	5%	1	2%	1	0%	0	0%	0	6%	2	3%	4
Conservative interest groups	0%	0	0%	0	0%	0	0%	0	3%	1	1%	1
Grand Total	100%	19	100%	49	100%	19	100%	11	100%	36	100%	134

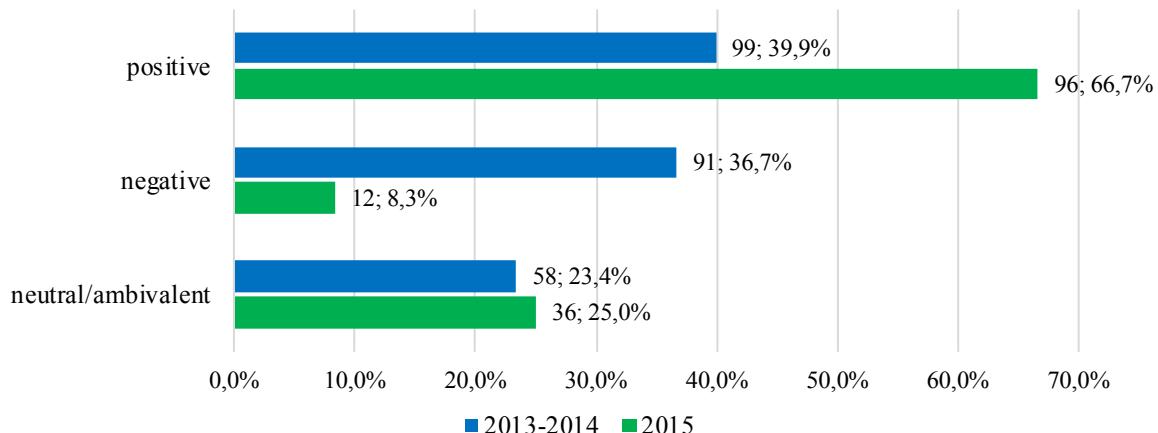
Altogether, analysis of types of sources used by media in reporting of the anti-discrimination reform revealed that the online media provided political actors with unequal distribution of access to public platform. Significant differences in patterns of sources use were observed among the five media during the first round of the controversy. Two media, *Ukrainska Pravda* and *Liga*, provided greater platform for proponents of the reform, particularly the EU representatives. Three media, *Obozrevatel*, *TSN*, and *Segodnya* provided greater platform for the opponents of the reform, particularly the conservative interest groups. During the second round of the controversy differences between the two groups of media decreased and were no longer statistically significant.

6.2.2.2. Position of sources

Findings on the position of media sources on prohibition of discrimination on the grounds of SOGI support findings obtained from the qualitative analysis of political discourse, which were discussed in Chapter V. In general, media accurately reflected the diversity of positions among political actors involved in the controversy in their selection of sources. The only exception was the exclusion of the conservative interest groups from sources during the second round of the controversy (see below).

During the **first round** of the controversy, media sources were highly polarized on the issue of SOGI discrimination. Approximately one fourth (23,4%) of all quotes from political and social actors were neutral or ambivalent, others were either positive or negative with regards to the prohibition of SOGI discrimination. Proponents obtained slightly greater media visibility (39,9% of all quotes) than opponents (36,7%) (Figure 27).

Figure 27. Position of media sources on the anti-discrimination reform, by Round



Note: Figure 27 demonstrates the number and percentage of positive, negative, and ambivalent quotes from sources, published during the first (Feb 2013 – May 2014) and the second (Oct – Nov 2015) rounds of the anti-discrimination controversy, n = 392.

Sources from the Ukrainian parliament and government who commented on the anti-discrimination reform in the online media were divided on the issue of the anti-discrimination protection of LGBT people (Figure 28). In both groups the percentage of opponents among sources was higher than the percentage of proponents. Among government sources 36,2% opposed the reform, 38,3% expressed neutral/ambivalent position, and 25,5% supported the reform. The greatest number of positive comments was made by representatives of the Ministry of Foreign Affairs. The greatest number of negative comments was made by Prime Minister Mykola Azarov. Among parliamentary sources 46,4% opposed the reform, 39,1% expressed neutral/ambivalent position, 14,5% supported the reform. Supportive claims were made by representatives of *BYuT*, *UDAR*, and *PR*. The *Communist Party* members provided only negative comments on the issue. Among comments from *BYuT* and *PR* members, negative claims on sexual and gender equality outnumbered positive ones. Among *BYuT* deputies, 45,5% opposed SOGI equality, 18,8% expressed support, 36,6% were neutral or ambivalent. Among *PR* deputies, 45,2% were against SOGI equality, 11,9% supported it, and 42,9% were neutral or ambivalent. Only media sources from *UDAR* provided an equal number of positive and negative claims (16,7%) on the issue, but most of the comments from the *UDAR* members were neutral (66,6%).

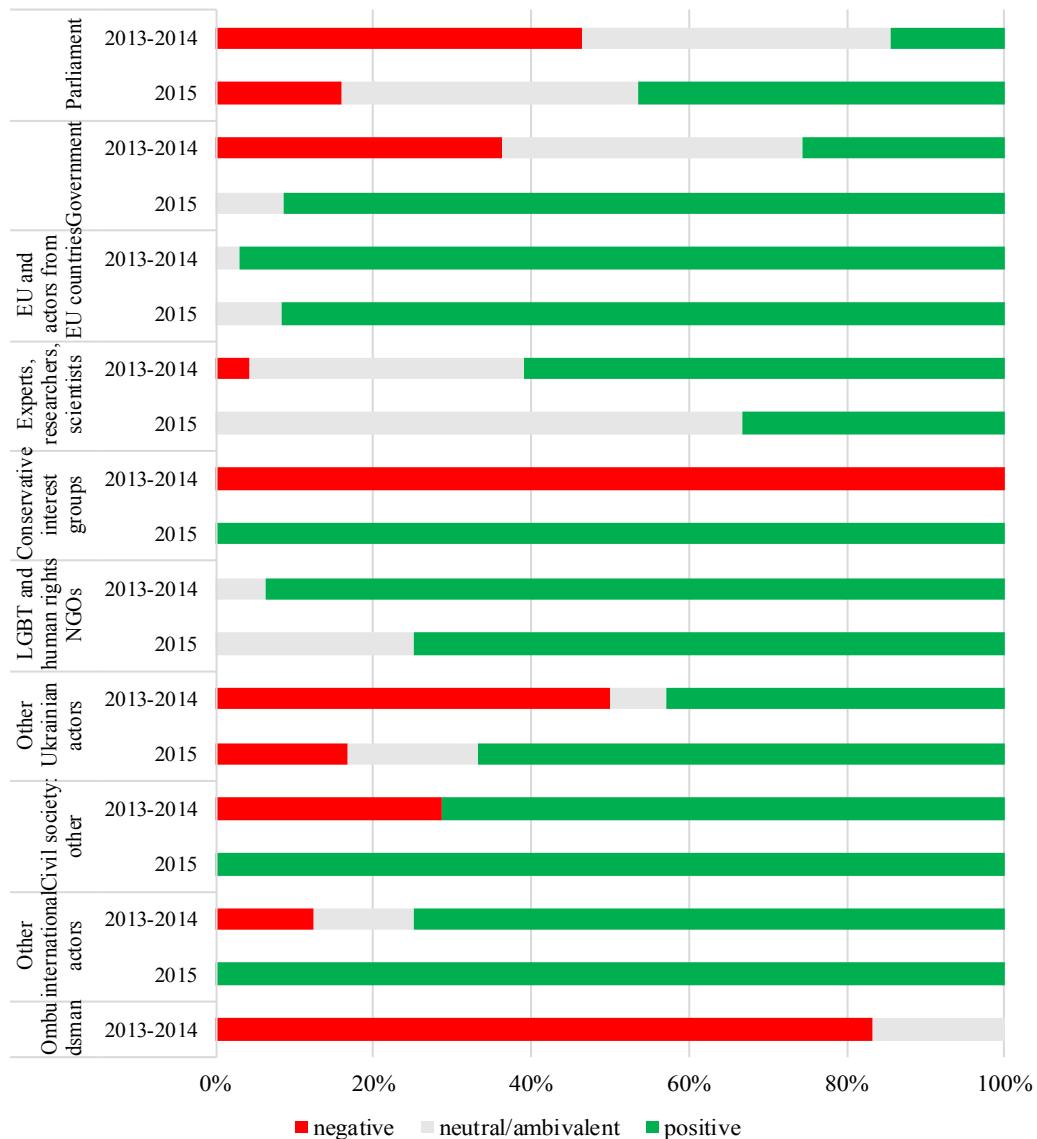
Sources from Ukrainian LGBT and human rights NGOs, the EU and EU countries,

and other foreign actors (with the only exception of Russian presidential aide Sergei Glaziev interviewed by *Obozrevatel*) supported anti-discrimination protection on the grounds of SOGI. Experts and scientists quoted by the online media either supported or were neutral on the inclusion of SOGI in the anti-discrimination law during both rounds of the controversy. Only a small percent of experts (4%) expressed a negative position on the reform during the first round. Sources from the conservative groups (churches, the religious right, and the pro-Russian organizations) opposed SOGI equality. Other social actors were divided on the issue.

During the **second round** of the controversy, the percentage of negative comments from sources in the online media decreased from 36,7% to 8,3%, while the number of positive comments from sources increased from 39% to 66,7% (Figure 27). The changes were statistically significant at $z=1.64$, $p=0.05$.

Changes in position on the reform expressed by political actors in the online media between the first and the second round predominantly correspond with changes identified in political discourse. Among government sources, support for liberalization of sexual and gender rights increased to 91,3%, while the opposition decreased to zero during the second round. Parliamentary sources remained divided on the reform. *People's Will* provided only positive comments on the reform, *BPP* and *NF* provided both positive and negative comments, members of *Self Reliance*, *Fatherland* and parliament members without party affiliation made negative and neutral comments. *Radical Party* members expressed an exclusively negative position on the issue. But in contrast to the first round of the controversy, two parliamentary factions *BPP* and *People's Front* supported the reform more often than criticized it. Among comments from the *BPP* sources, only 2% were against the reform and 64% in support of it, among *NF* sources 14,2% were against the reform and 28,5% were supportive. Sources from Ukrainian LGBT and human rights NGOs, the EU and EU countries, and other foreign actors remained supportive of the anti-discrimination protection on the grounds of SOGI during the second round. Experts and scientists provided only neutral and positive comments on the issue. No negative claims from the conservative interest groups were published by the online media. Moreover, *Ukrainska Pravda* published one supportive comment on combating SOGI discrimination made by a representative of the Greek Catholic Church. Comments from other social actors were also predominantly positive.

Figure 28. Position of sources on the anti-discrimination reform, by Actor and by Round



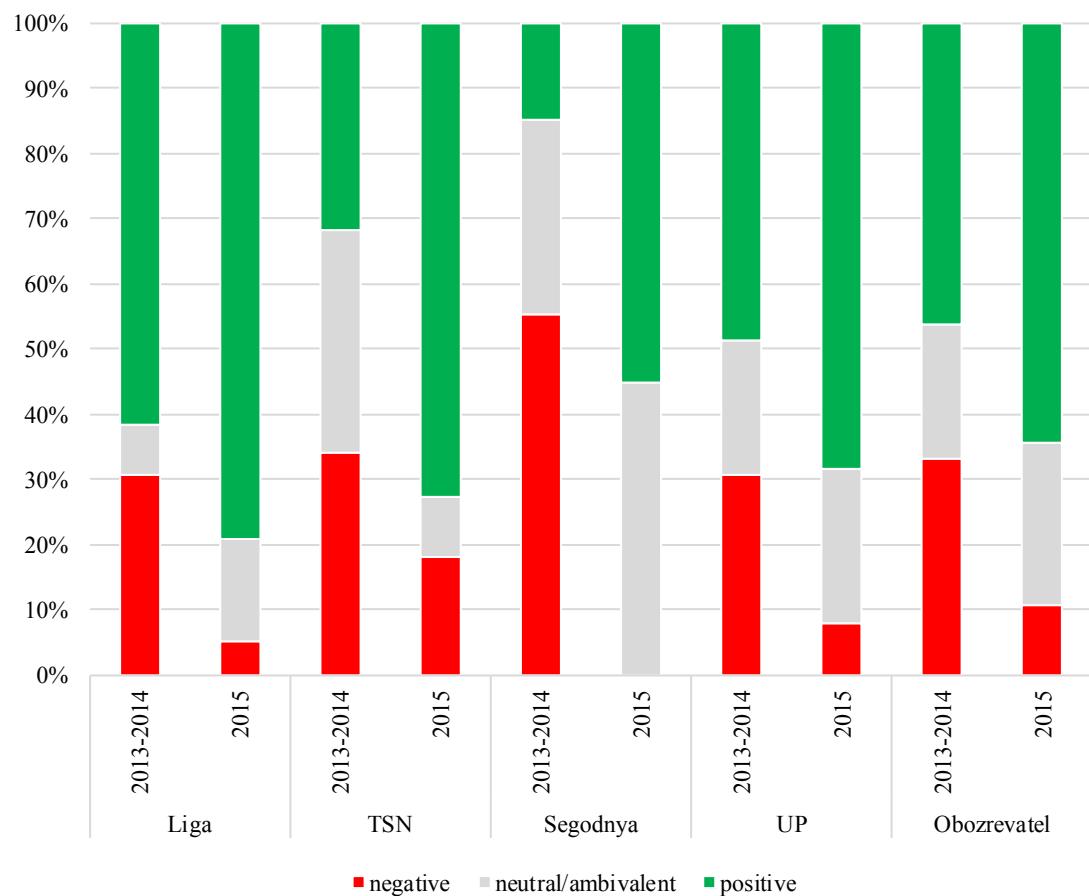
Note: Figure 28 demonstrates the percentage of positive, negative, and ambivalent quotes from each group of political actors, published during each round of the controversy, n=392.

The observed changes in the position of media sources between the first and the second rounds of the controversy are best explained with changes in discourse of actors involved. However, one change did not reflect a change in the position of actors but was rather a change in the online media representation of political discourse. Although conservative interest groups kept opposing the inclusion of SOGI in the anti-discrimination law during the second round, as it was discussed in Chapter V, the online media did not publish any negative comments on the reform from this group.

Analysis of the position of sources quoted, reveals substantial **differences among the five media** in the distribution of access to public platform among opponents and proponents of the anti-discrimination reform (Figure 29). During the first round of the controversy, *Liga*, *Ukrainska Pravda*, and *Obozrevatel* provided greater public visibility for the proponents of the anti-discrimination reform. The greatest percent of positive comments among sources was observed in *Liga* (61,5%), *Ukrainska Pravda* published 48,5% of positive comments from sources, and *Obozrevatel* 46%. *Segodnya* and *TSN* tended to quote the opponents of the anti-discrimination reform more frequently than the proponents. *Segodnya* published the highest percent of negative comments among the five media (55,3%), *TSN* published less negative comments than *Segodnya* (34%) and the highest percentage of neutral comments (34%) among the five media and the lowest percent of positive ones (15%). During the second round, the two media which provided greater visibility for the sexual conservatives during the first round became more liberal in their selection of sources. Notably, *Segodnya* was the only media among the five that did not publish a single quote from the explicit opponents of the reform during the second round. Altogether, the proponents of the anti-discrimination reform were quoted more frequently than the opponents in all five websites during the second round.

Altogether, analysis of the position of media sources on the anti-discrimination reform revealed that the online media provided opponents and proponents of the reform with unequal distribution of access to public platform. During the first round of the controversy, two media, *Ukrainska Pravda* and *Liga*, provided greater platform for proponents of the reform; three media, *Obozrevatel*, *TSN*, and *Segodnya* provided greater platform for the opponents of the reform. During the second round of the controversy, all five media provided substantially greater platform for proponents of the reform.

Figure 29. Position of sources on the anti-discrimination reform, by Media



Note: Figure 29 demonstrates the percentage of positive, negative, and ambivalent quotes from sources, published during each round of the controversy, n=392.

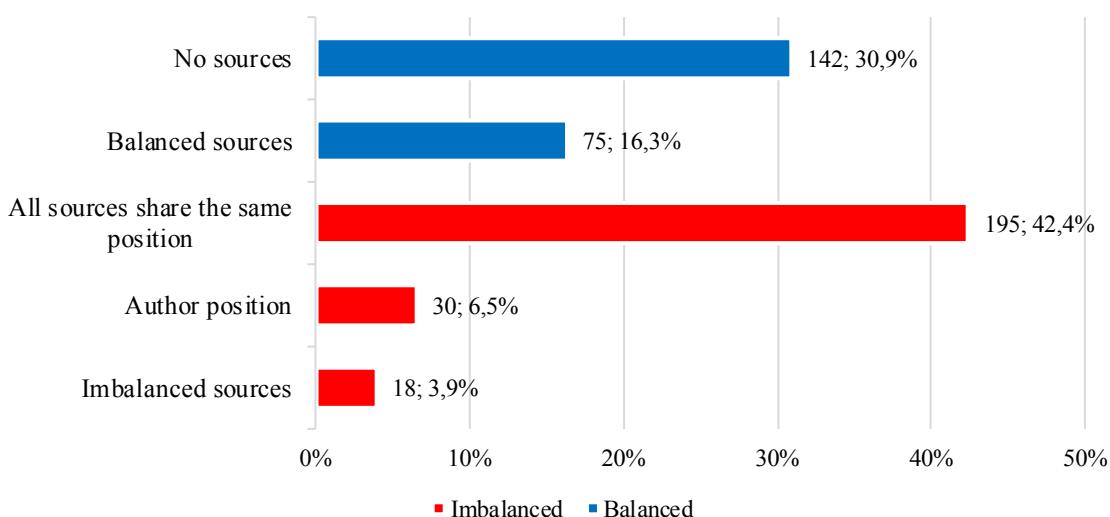
6.2.2.3. Balance

Imbalanced use of sources prevailed in media reporting of the anti-discrimination controversy. Only 16,3% of articles provided an equal number of comments from both sides, and/or quoted only neutral/ambivalent claims on the reform. Nearly one-third of the articles (30,2%) contained neither quotes nor explicit expression of the author's position on the reform. More than half of the articles (53,5%) either provided a greater number of quotes from one side of the controversy or contained explicit author position in support or against the reform.

Three types of imbalance were differentiated (Figure 30). The first type was a one-sided selection of sources when all sources quoted in the article shared the same position on the reform. This was the most common type of imbalance 79,2% of imbalanced articles

and 42,4% of all articles. Most of the articles in this group included only one quote. The second most common type of imbalance was an explicit statement of the author's position on the reform, which was common in comments and columns: 13,4% of imbalanced articles and 6,5% of all articles on the anti-discrimination reform. In this case, even if the article contained quotes with different positions expressed, the author provided a general frame of reference either in favor or against the reform and used the quotes from the other side of the controversy to dismantle its arguments. The least common type of imbalance was a predominance of quotes from one side of the controversy in the article 7,3% of imbalanced articles and 3,9% of all articles.

Figure 30. Balance in coverage of the anti-discrimination reform



Note: Figure 30 demonstrates the percentage of different types of balance (equal number of positive and negative quotes from sources) and imbalance (either positive or negative quotes predominate in the article) in media coverage of controversy (Feb 2013 – May 2014, Oct 2015 – Nov 2015), n=460.

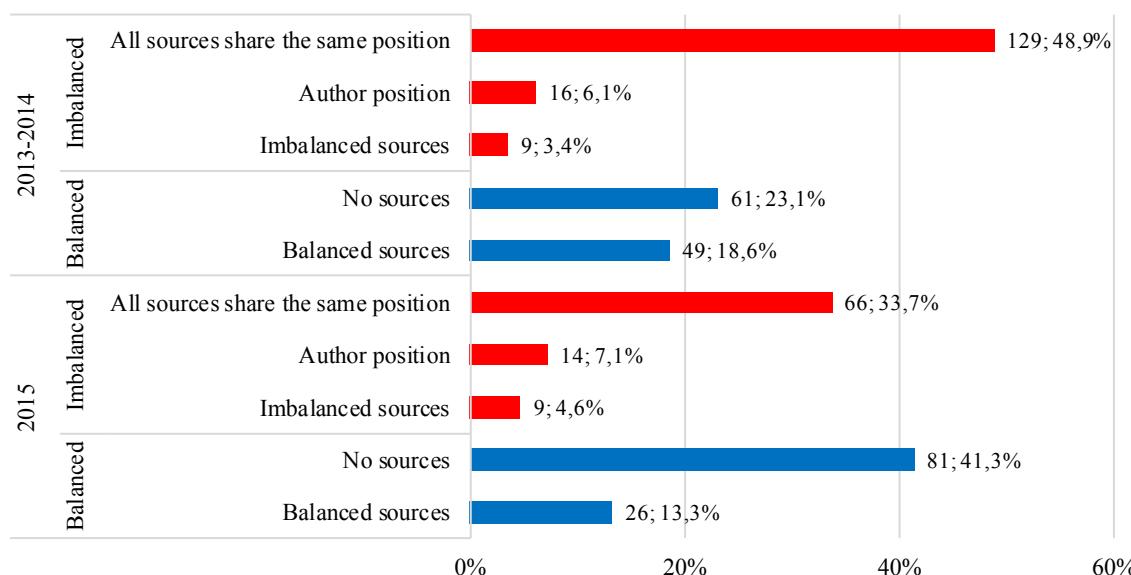
During **the first round** of the controversy, 58,4% of the media coverage of the anti-discrimination reform was imbalanced (Figure 31). The majority of the imbalanced articles contained only quotes representing one position on the reform, articles with explicit opposition to the reform expressed by the author and articles with prevalence of either proponents or opponents of the reform among sources were less frequent.

The imbalanced online coverage of the anti-discrimination reform favored the proponents of the reform slightly greater than the opponents during the first round. Proponents were the only quoted source or provided more quotes than the opponents, or

were explicitly supported by a journalist who wrote the article in 32,2% of the articles published during the first round. Opponents were the only source, or provided more quotes than the proponents, or were explicitly supported by the author of the article in 26,1% of the articles (Figure 32).

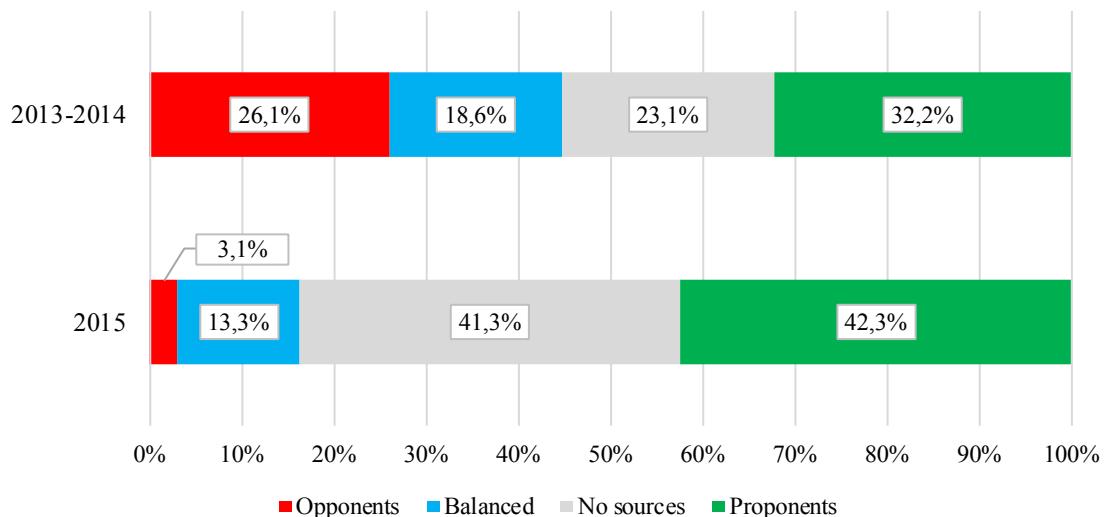
During the **second round** of the controversy, the percentage of imbalanced articles decreased to 45,4%. The change was statistically significant at $z=2.32$, $p=0.01$. The observed decrease occurred due to the reduction of one-sided articles to 33,7% (Figure 31). An increase in the percentage of the balanced coverage occurred due to the increase in number of articles that contained no quotes from sources. The percentage of articles with a balanced use of sources decreased, but the change was not statistically significant. Imbalance in favor of proponents of the anti-discrimination reform increased to 42,3% during the second round, while imbalance in favor of opponents substantially decreased to 3,1% (Figure 32). The change was statistically significant ($z=1.64$, $p=0.05$).

Figure 31. Balance in media coverage of the anti-discrimination reform, by Type of (im)balance and by Round



Note: Figure 31 demonstrates the number and percentage of different types of balance (equal number of positive and negative quotes from sources) and imbalance (either positive or negative quotes predominate in the article) in media articles published during the first (Feb 2013 – May 2014) and the second (Oct 2015 – Nov 2015) rounds of the controversy, $n=460$.

Figure 32. Bias in the balance of sources in media coverage of the anti-discrimination reform, by Position and by Round



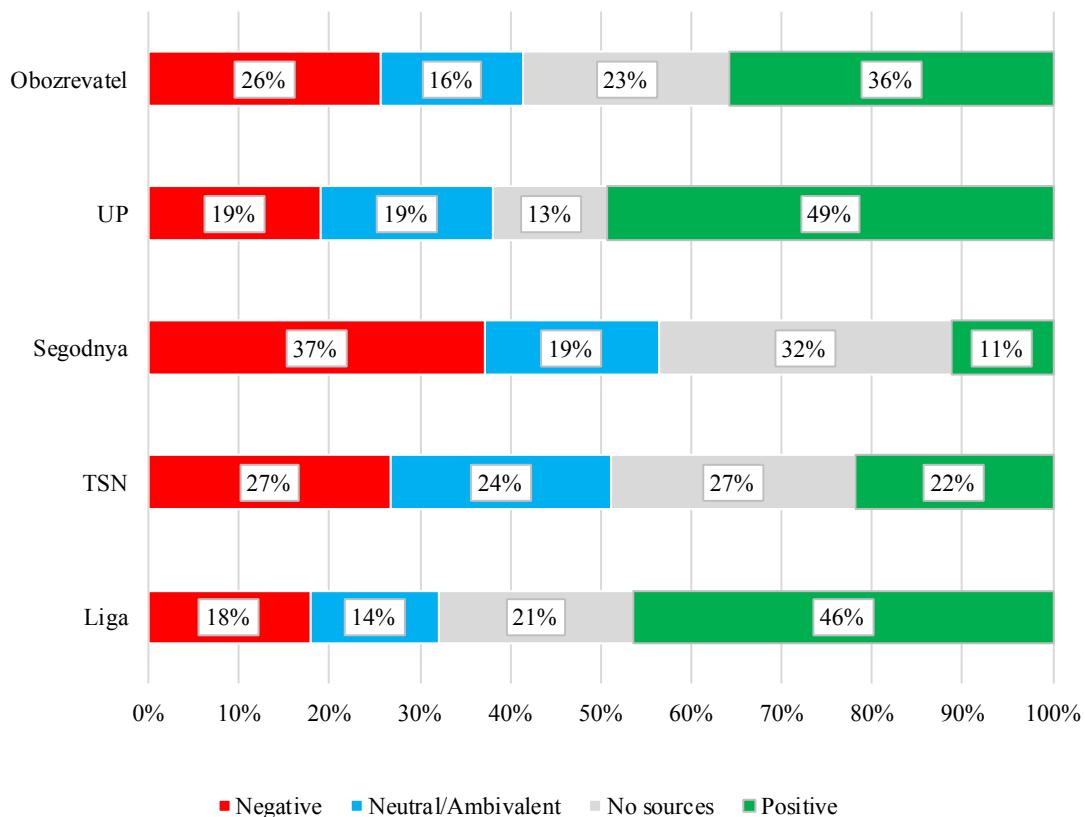
Note: Figure 32 demonstrates the percentage of articles imbalanced in favor of opponents and in favor of proponents that were published during the first (Feb 2013 – May 2014) and the second (Oct 2015 – Nov 2015) rounds of the controversy, n=460.

Analysis of the balance of sources revealed a pattern of **differences among media** similar to those identified in the analysis of affiliation and position of sources. During the first round of the controversy, the online media formed two distinct groups, one of which favored proponents of the anti-discrimination reform (*Liga*, *Ukrainska Pravda*, *Obozrevatel*) and another one favored opponents (*Segodnya*, *TSN*). During the second round of the controversy, all five online media published articles imbalanced predominantly in favor of proponents of the reform.

During the **first round**, in *Liga*, *Ukrainska Pravda*, and *Obozrevatel* the percentage of the articles with an overbalance of sources in favor of the reform was greater than the percentage of the articles with an overbalance of sources against the reform (Figure 33). Differences among the three media in proportions of positively and negatively biased publications were not statistically significant. On the contrary, in *TSN* and *Segodnya* the percentage of articles with an imbalance in favor of opponents of the reform, was greater than the percentage of articles imbalanced in favor of supporters. *Segodnya* published the highest percentage of articles in which the opponents of the reform were quoted more often than the proponents (37%) and the lowest percentage of articles in which the proponents were quoted more often than the opponents (11%) among the five media. Differences

between *Segodnya* and *TSN* in proportions of positively and negatively biased publications were not statistically significant.

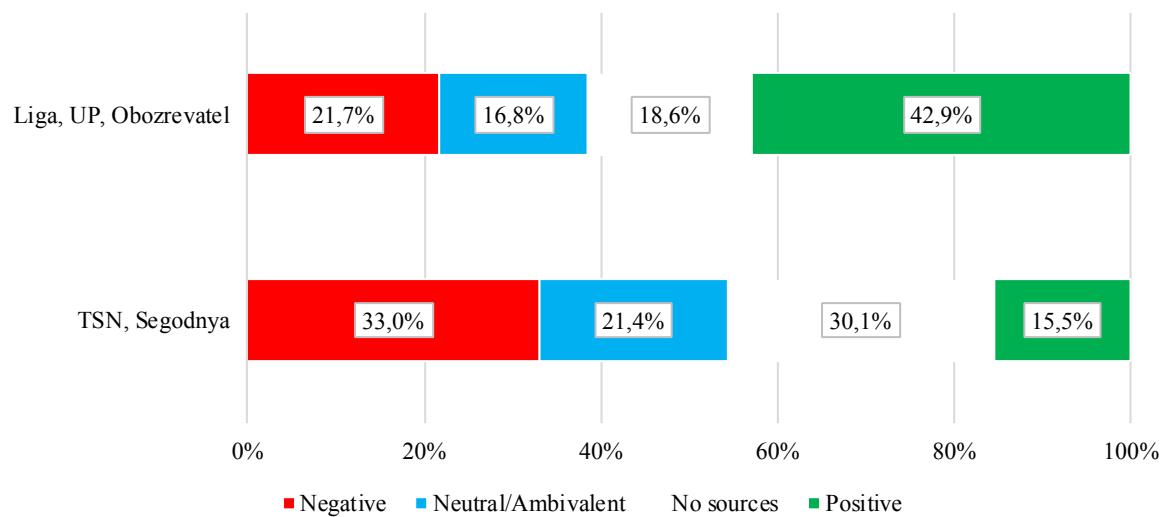
Figure 33. Bias in the balance of sources during the first round, by Media



Note: Figure 33 demonstrates the percentage of articles imbalanced in favor of opponents and in favor of proponents that were published in each of the five online media during the first round of the controversy (Feb 2013 – May 2014), n=264.

Differences in the percentage of articles with balanced and imbalanced use of sources between the two groups of media identified during the first round are summarized in Figure 34. Differences in the percentage of positively and negatively biased articles are statistically significant at $z=-1.64$, $p=0.05$. Notably, the group of *Segodnya* and *TSN* also had a significantly greater percentage of articles without quotes on the anti-discrimination reform.

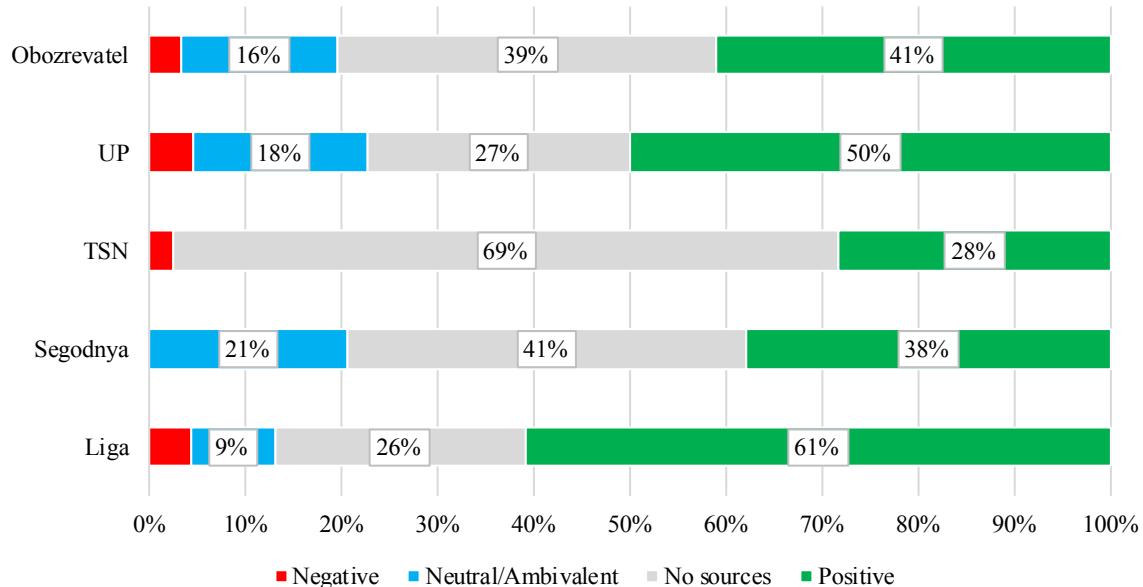
Figure 34. Bias in the balance of sources during the first round, by Media (grouped)



Note: Figure 34 demonstrates the percentage of articles imbalanced in favor of opponents and in favor of proponents that were published in each of the two groups of the online media during the first round of the controversy (Feb 2013 – May 2014), n=264.

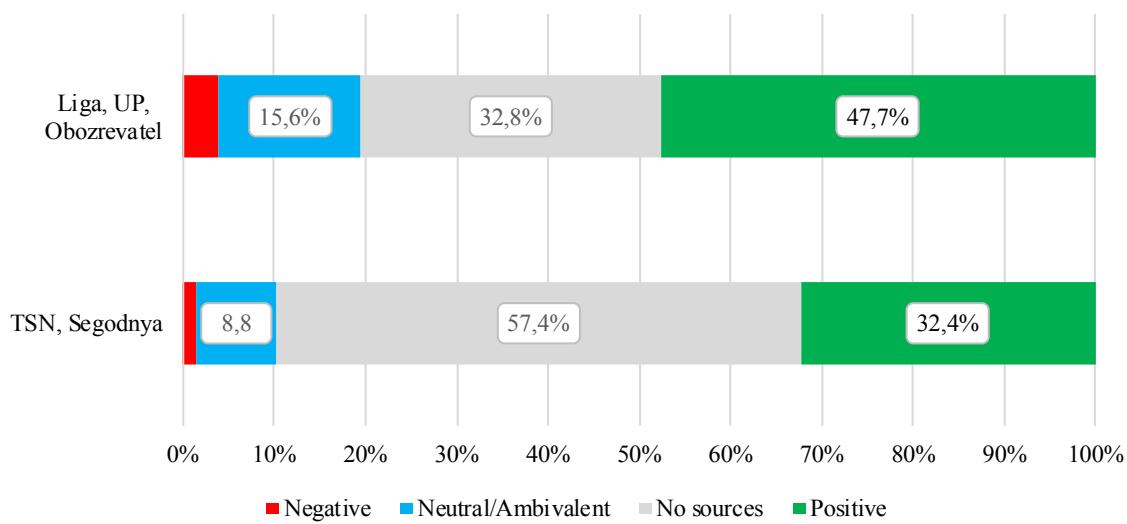
During the **second round** of the anti-discrimination controversy, all five analyzed media demonstrated a substantial decrease in the percentage of articles imbalanced in favor of opponents of the reform, which resulted from the overall decrease in a number of comments from social and political actors who opposed the anti-discrimination reform (Figure 35). At the same time, there was an increase in the percentage of positively biased articles in comparison with the first round. TSN demonstrated a substantial increase in articles with no sources used. As a result of these changes, differences between conservative and liberal groups of media identified during the first round almost disappeared (Figure 36). The “liberal” group of *Liga, Ukrainska Pravda*, and *Obozrevatel* now published slightly greater percent of articles imbalanced in favor of opponents of the reform (3,9%) than the “conservative group” (1,5%), but the difference in percentage was not statistically significant. The percentage of the articles with a positive bias towards the reform was substantially greater in the “liberal” group (47,7%) than in the “conservative” one (32,4%) and statistically significant ($0.01 < p < 0.05$).

Figure 35. Bias in the balance of sources during the second round, by Media



Note: Figure 35 demonstrates the percentage of articles imbalanced in favor of opponents and in favor of proponents that were published in each of the five online media during the second round of the controversy (Oct – Nov 2015), n=196.

Figure 36. Bias in the balance of sources during the second round, by Media (grouped)



Note: Figure 36 demonstrates the percentage of articles imbalanced in favor of opponents and in favor of proponents that were published in each of the two groups of media during the second round of the controversy (Oct – Nov 2015), n=196.

Altogether analysis of balance in the online media coverage of the anti-discrimination reform revealed that despite the high percentage of the imbalanced articles

during the first round of the controversy, media presence of the proponents and the opponents of the reform was nearly equal. During the second round of the controversy, the percentage of the articles imbalanced in favor of opponents substantially decreased, particularly there was a significant decrease in the number of one-sided articles that represented only opponents position. The five media demonstrated the same pattern of pro-conservative and pro-liberal bias in the balance of sources, as in their selection. During the first round of the controversy, *Liga*, *Ukrainska Pravda*, and *Obozrevatel* published greater percentage of the articles with an overbalance of sources in favor of the reform than with an overbalance of sources against the reform. In *TSN* and *Segodnya* the percentage of articles with an imbalance in favor of opponents of the reform, was greater than the percentage of articles imbalanced in favor of supporters. During the second round, difference between the two media groups decreased and was no longer statistically significant.

6.3. Journalist articulations of the anti-discrimination controversy

Most of the media coverage of the anti-discrimination reform (68,5%) was either produced by the five analyzed media themselves or reproduced from sources that were not indicated (see Figure 37, p. 336). Among the texts reproduced from other sources, 13,3% were texts originally published in other Ukrainian media, 12,6% were texts from national press agencies, 3% of texts were initially published by foreign media, 2,6% of texts came from other sources (e.g. press office of an individual or collective political actor). In the following analysis of journalistic articulations, I consider only texts that were indicated as own coverage of the analyzed media. Texts that contained no references to the original source of publication were assumed to be a product of the media from which they were collected.

Analysis of journalistic articulations revealed that media professionals also developed stable sets of storylines that linked the anti-discrimination reform to the four nodal points of discourse on sexual and gender rights: “sexual orientation and gender identity”, “equality”, “values”, and “integration/accession”. However, media discourse on sexual and gender rights revealed several differences from political discourse.

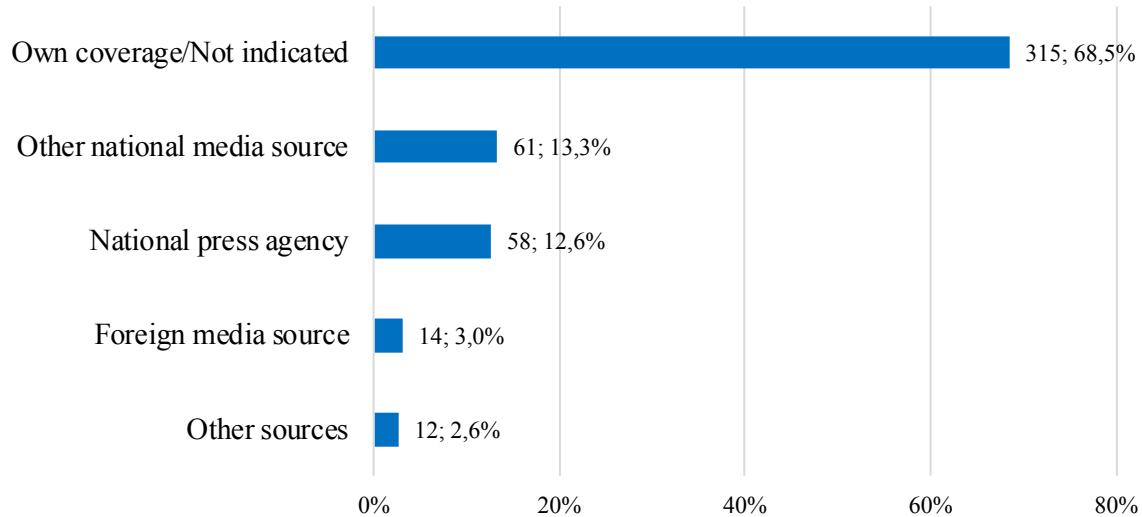
First, in contrast to the political actors, media professionals rarely made argumentative claims on the anti-discrimination reform. The main reason for this were

limitations imposed on media professionals by conventions of media genres. Nearly 80% of media texts that contained references to the anti-discrimination reform were news (see Figure 38, p. 336). The news genre does not allow the journalist to present their position on the issues explicitly, as it would violate the genre requirements of objectivity and focus on facts. Only 17,7% of the reform coverage was written in genres, that allow the author to make argumentative claims (background articles, interviews, commentaries). Among them only 10,7% (n=49) were written by staff journalists, others were authored by invited experts. Therefore, as I demonstrate later in this chapter, chains of equivalences in media professionals discourse on the anti-discrimination reform were constructed predominantly with a strategic selection of background facts, modifiers, and grammatical modality, not with the use of logical links among premises and conclusions of the arguments as in the political discourse.

Second, media outlets as collective actors often reproduced contesting storylines on the anti-discrimination reforms. One media outlet might have published texts from journalists with opposite positions on the reform, who developed alternative storylines to link the reform to the nodal points of the controversy.

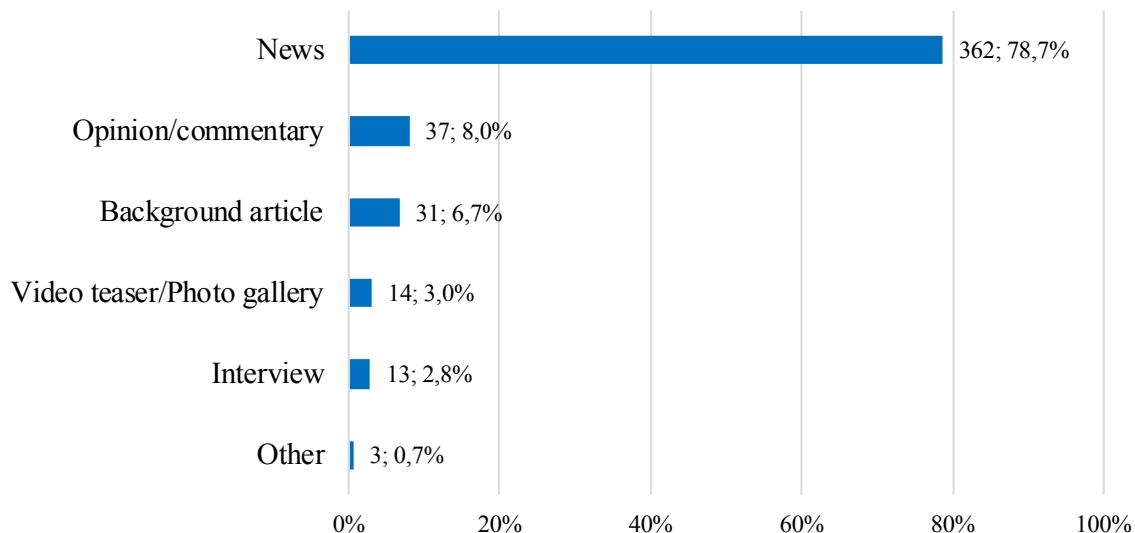
As a result, it would have been inaccurate to attribute each media outlet to the particular discourse coalition, as I did in case of political actors who despite internal contradictions produced more or less coherent discourse on sexual and gender rights. Therefore, in this chapter, I analyze journalistic articulations of the anti-discrimination reform not by coalitions, but by floating signifiers in the center of the political struggle over sexual and gender rights. Each floating signifier is considered as an axis of articulation. First, I describe how each pole of the axis was constructed in media discourse, and then follow the movement of the five media outlets on each axis during the anti-discrimination controversy. Results of this analysis support findings obtained from the quantitative analysis of media sources. During the first round, *Liga* and *Ukrainska Pravda* demonstrated a predominance of liberal storylines (corresponding with discourse of the liberal majoritarian and liberal minoritarian pro-European coalitions), *Segodnya* and *TSN*, predominantly reproduced conservative storylines (corresponding with discourse of the conservative pro-EU and Eurosceptic coalitions), *Obozrevatel* appeared somewhere in between. During the second round of the controversy, liberal articulations of sexual and gender rights became dominant in all five media.

Figure 37. Sources of media coverage of the anti-discrimination controversy



Note: Figure 37 demonstrates the number and percentage of sources of the articles in the online media coverage of the anti-discrimination controversy (Feb 2013 – May 2014, Oct – Nov 2015), n=460.

Figure 38. Genres in media coverage of the anti-discrimination controversy



Note: Figure 38 demonstrates the number and percentage of texts of different genres in the online media coverage of the anti-discrimination controversy (Feb 2013 – May 2014, Oct – Nov 2015), n=460.

6.3.1. Sexual orientation and gender identity

Journalists rarely made argumentative claims for or against discrimination on the grounds of SOGI. In case they did, it was sexual orientation under question, while gender identity was never discussed separately.

Conservative articulations of sexual orientation were only found during the **first round** of the controversy. Author and host of the interviewing project “Breakfast with Aliona Berezovskaya” at *Obozrevatel* reproduced “inborn heterosexuality/acquired homosexuality” binary and storyline of “propaganda of homosexuality” typical for conservative discourse. In the following quotes, she represents homosexuality as an immoral “lifestyle” acquired under the influence of “propaganda”:

Obozrevatel, Aliona Berezovskaia: “Should we allow pedophiles to mock our children, because it is their lifestyle, they are just built differently? Let everyone do what they want, even if it is the result of their sick imagination, as we have freedom, equality in rights”? (OBZ2013-04-08).

Obozrevatel, Aliona Berezovskaia: “in 99% of cases harassment is faced by those who propagate their nontraditional orientation, rope normal people and children into their immoral life (OBZ2013-04-08).

More often, journalists reproduced conservative assumptions when reporting claims made by the religious right and pro-Russian interest groups. In such cases, observed in *Segodnya* and *TSN*, there were no strict boundaries between “facts” and comments reported by the journalist. Conservative rhetorical tropes, such as “the spread of homosexualism”, “homosexual propaganda” were used by journalists without quotation marks which brought representation of the conservative claims to the level of objective truth:

Segodnya, n.a: “In particular, the organizers of the protest action – the *Parent Committee* of Ukraine and other pro-family NGOs – tried to protest against the spread of homosexualism in Ukraine by foundations and organizations related to the German government and political parties, as well as against the signing of the Association Agreement with the EU” (SEG2013-11-05).

TSN, n.a: “In particular, authors of the open letter ask [the government and parliament] to consider exclusion of the provision that provides a source for the spread of homosexualism” [from the Association Agreement]” (TSN2013-10-31).

Segodnya, n.a: “In Kyiv, they protested against homosexual propaganda under the pretense of film art (photo) [headline] (SEG2013-10-28).

Liberal articulations of sexual orientation as a legitimate grounds of rights claims were found in *Obozrevatel*, *Liga*, and *Ukrainska Pravda* during the **second round** of the anti-discrimination controversy. None of these claims addressed the question of the inborn or constructed character of homosexuality.

Both conservative and liberal articulations during both rounds often limited discrimination in labor, covered by Bills 2342 and 3442 to discrimination in the

recruitment. Other kinds of discrimination in labor, such as bullying, fire, promotion discrimination were rarely mentioned and were never used to define the reform.

Segodnya, Aleksandr Rostovtsev: “the [legal] norm on prohibition of discrimination against minorities in recruitment” (SEG2015-11-13 (2)).

Liga, n.a: “the law prohibiting discrimination on the basis of sexual orientation during recruitment” (LIG2013-09-12).

Obozrevatel, n.a: “law that penalizes discrimination on the grounds of sexual orientation in recruitment” (OBZ2013-09-12).

TSN, n.a: “the ‘controversial’ law provides for punishment for violating the rights of sexual minorities in recruitment” (TSN2013-08-30).

The possible logic behind this special emphasis on the requirement process might rely on the equivalence between homosexuality and gender transgression, identified in the analysis of political discourse, and the already mentioned predominance of gay men in political and media representations of same-sex sexuality. If (male) homosexuality is accompanied by feminine appearance and manners than it might be easily “read” by an employer during the recruitment. However, if a gay man, who is at the center of media discourse on sexual discrimination in employment, succeeds to “pass” the recruitment process, no further discrimination is expected.

6.3.2. Equality

Media professionals discourse shared some elements of the majoritarian and minoritarian storylines that were identified in the political discourse. Majoritarian and minoritarian storylines often coexisted in one media, and sometimes even in one text without strict boundaries.

At the majoritarian pole of the “equality” axis, journalists reproduced the “heterosexual majority/homosexual minority” binary. It was observed in *Segodnya*, *TSN*, and *Obozrevatel*. SOGI equality was represented as supported only by LGBT people with the establishment of equivalences among LGBT people, supporters of same-sex marriage, and supporters of LGBT rights. Heterosexual people were represented as opponents of SOGI equality, as it supposedly contradicted the rights of the heterosexual majority. The “reverse discrimination” storyline was used by Alyona Berezovskaya *Obozrevatel*. She counter-posed equal treatment on the grounds of SOGI to freedom of speech, to civil rights in general, and associated it with the “propaganda of homosexuality” and oppression of

heterosexual people:

Obozrevatel, Aliona Berezovskaia: “With the adoption of this law, you can be held criminally liable for any words, actions or intentions against members of sexual minorities. That means you will not be able to educate your children that immoral same-sex relationships are bad. You might be put on trial for this. This rule is a direct encroachment on the freedom of speech” (OBZ2013-04-08). *TSN* journalists Elena Yakhno and Natalia Honcharova used “public opinion” storyline, as they reported results of the opinion polls on attitudes to homosexuality in Ukraine and conservative protests.

TSN, Natalia Honcharova: “Ukrainians do not want young men to bring home men instead of girls” [headline]. “In Kyiv, they protested against gay love, in order men would not kiss on Ukrainian streets” (TSN2013-05-15(2)).

TSN, Elena Yakhno: “Most of Ukrainians strongly disagree. According to recent polls, 57,5% of Ukrainian citizens have “completely negative” attitude towards gays and lesbians, and 14,5% have “rather negative” [attitude]” (TSN2013-05-15).

Honcharova also represented LGBT people as beneficiaries of violent attacks against them, which justified the anti-LGBT violence:

TSN, Honcharova Natalia: “Ukrainian sexual minorities scheduled their next gay parade on May 25. They say that they never had a demonstration without a fight. But they are convinced that it is only for their benefit, because the more they get beaten, the sooner the law on their protection will be obtained” (TSN2013-05-15(2)).

Yakhno represented the anti-discrimination controversy as an irrational aggressive interaction among minorities, rather than a political struggle over equality.

TSN, Olena Yakhno: “The opposition of Ukrainian gays and homophobes may spoil integration into the EU” [heading] (TSN2013-05-15).

It is worth noting that a majoritarian perspective on democracy was combined with explicit conservative opposition to SOGI equality only in texts of Alyona Berezovskaya (*Obozrevatel*). In articles from *Segodnya* and *TSN*, journalists constructed a negative representation of the reform with the selection of sources, wording, and structure of the articles, but did not make explicit claims against the reform.

In the middle of the “equality” axis, the anti-discrimination reform was represented as protection of rights of homosexual people without opposition to the rights of the heterosexual majority. Restriction of the anti-discrimination reform scope was usually realized by referring to the provision on sexual orientation as a defining attribute of the anti-discrimination reform.

Liga, Iryna Shevchenko: “of Bill 2342 (on the prohibition of discrimination of sexual minorities) <...> Bill 2342 suggests equality of labor rights regardless of the citizen’s sexual orientation” (LIG2013-07-10).

Segodnya, no author indicated: “the anti-discrimination law (on guaranteeing equality of labor rights of all citizens, regardless of their sexual orientation)” (SEG2013-09-05).

TSN, Yelena Yakhno: “Deputies refused to consider Bill 2342 on combating discrimination against sexual minorities” (TSN2013-09-09).

Obozrevatel, n.a: “‘sexual’ amendment” (OBZ2015-11-12(12), OBZ2015-11-13(2)).

Ukrainska Pravda, n.a: “amendment to labor law prohibiting discrimination in employment on the basis of sexual orientation” (UPR2015-11-12(3)).

In such cases, LGB people were often represented as the main or the only beneficiaries of the reform. During the first round of the controversy, the scope of the beneficiaries of the reform was often limited even further to homosexual males. Absence of gender identity in Bill 2342 went unquestioned in all online media. Representation of the anti-discrimination reform as relevant only to “gays” was particularly common in the headlines:

Liga, n.a: “Regionals [members of the *Party of Regions*] are not ready to vote in the parliament in support of gay rights” [headline] (LIG2013-09-03).

Obozrevatel, n.a: “UOC MP [the Ukrainian Orthodox Church of the Moscow Patriarchate] urges Parliament not to protect gays” [headline] (OBZ2013-03-16).

Segodnya, n.a: “law that prohibits discrimination of homosexuals” (SEG2013-02-07).

TSN, n.a: “Deputies turned away from gays and the EU demands” [headline]. “Deputies refuse to vote for the ‘gay’ law” [first sentence of the lead] (TSN2013-09-02).

Ukrainska Pravda, n.a: “Deputies are going to persuade Europe not to insist on the ‘gay’ law” [headline] (UPR2013-09-05).

Backgrounding of lesbians, bisexuals, and transgender people in the media coverage of the anti-discrimination reform reproduced the existing patriarchal and cisnormative hierarchies. It constructed gay men as the only subjects of sexual politics and made other sexual and gender dissidents publicly invisible.

The minoritarian articulation of sexual and gender rights was realized when the reform was represented as an instrument of protection of all citizens from discrimination. In these cases there was no emphasis on the SOGI provision among the reform points, claims that the SOGI provision also protects heterosexual people from discrimination, enumeration of other provisions of the anti-discrimination bill’s.

Segodnya, Oleksii Belovol: “law on prohibition of discrimination” (SEG2013-12-20).

Obozrevatel, Yuliana Skibitskaia, Oleh Katkov: “The amendment actually provides that

heterosexual orientation also can not be a reason for dismissal. In essence, the amendment guarantees that an employee can be dismissed only because of his own incompetence” (OBZ2015-11-12 (11)).

Liga, Valeria Kondratova: “Changes in the Labor Code of Ukraine, which deputies have not been able to adopt for two weeks, guarantee the impossibility of discrimination on the basis of racial, religious, sex, or sexual orientation” (LIG2015-11-10(5)).

Obozrevatel, n.a: “Bill 3442 on the prohibition of discrimination on the basis of sexual orientation, gender identity and disability in employment” OBZ2015-11-10(4).

Equivalence among SOGI, human rights, civil rights, and democracy central to the liberal discourse coalitions on sexual and gender rights was established only in texts authored by Evhenii Leshan at *Obozrevatel*. The following quotes provide examples of this chain. In the first quote non-discrimination of homosexual people is associated with human rights, and both are represented as “essential” things of the social/political order. In the second quote sexual and gender rights are represented as an integral part of civil rights:

Obozrevatel, Evhenii Leshan: “It is impossible to explain elementary things to our deputies: that people are all equal, that gays are not dangerous to society, and so on” (OBZ2015-11-13 (6)).

Obozrevatel, Evhenii Leshan: “When the parliament failed the anti-discrimination amendment to the Labor Code once again, Poroshenko was asked what would happen to the visa-free regime with the EU. The question itself is very characteristic: it turns out that the country is interested in rights and freedoms of a certain category of citizens exclusively in relation to the possibility of obtaining virtual cookies from Brussels” (OBZ2015-11-13 (6)).

There were substantial changes between the first and the second rounds in presence of majoritarian and minoritarian articulations of the anti-discrimination reform in online media discourse.

During the **first round**, *TSN* and *Segodnya* started reporting the anti-discrimination controversy with predominantly majoritarian articulations of “equality”. *TSN* started its coverage of the reform with the statement of the Orthodox Church of the Kyiv Patriarchate that named Bill 2342 “the government’s plan to legally prohibit discrimination on the grounds of sexual orientation” that “legalizes the immoral lifestyle” (TSN2013-03-11). The next newsbreak was the official statement of the Orthodox Church of the Moscow Patriarchate (TSN2013-03-17). Authors of these two texts tended to reproduce wording, assumptions, and facts used by their sources in journalistic statements, thus representing sources’ claims as an objective truth. For example, in the *TSN* article, provisions of Bill 2342, which were provided in the news the background, included only those

provisions that were represented by churches as threatening to public morals and religious freedom. However, there is no remark, that the list was taken from the church official statement, it is presented as a factual background provided by the media:

TSN, n.a: “On February 19, 2013, the Cabinet of Ministers submitted to the parliament Bill “On Amendments to Some Legislative Acts of Ukraine Concerning Prevention and Combating Discrimination in Ukraine”. The bill suggests to extend the scope of the term “discrimination”, introduces additional forms of discrimination, such as claiming intention to discriminate and complicity in discrimination, introduces the term “sexual orientation” into the law; suggests civil, administrative and criminal responsibility for different forms of discrimination” (TSN2013-03-17).

Segodnya first reported Bill 2342 as “a bill on prohibition of discrimination of homosexuals” (SEG2013-02-07) and reproduced this definition in the later articles on the issue. The first extensive list of the bill’s provision was published in April 2013. It enumerated several grounds of discrimination, fields of application, and described legal proceedings of the discrimination claims. However, the reference to sexual orientation was put at the beginning of this description and it was the only provision of the reform mentioned in the headline (“The Cabinet of Ministers demands to prohibit discrimination of gays”). In such a way sexual orientation was emphasized among other provisions of the bill. Later *Segodnya* tended to blur the lines between facts and commentaries in coverage of the conservative street protests against the reform.

Liga initially reported the reform scope as limited to the protection of LGB people. The first news text on the reform that appeared in *Liga* reported the protest action of the religious right movements held under the Parliament on May 14. Also, the author consistently separated claims made by the protesters from facts with the use of modality expressions (e.g. “on the activists opinion”), they restricted the reform’s beneficiaries to LGBT people, particularly in the heading of the article: “A protest against the bill that protects sexual minorities under the Parliament” (LIG2013-05-14(2)). Later *Liga* introduced and sustained the mixed representation of the bill’s scope, which referred to a wider range of beneficiaries from discrimination protection, but still emphasized the sexual orientation provision.

Ukrainska Pravda and *Obozrevatel* started to cover the anti-discrimination reform using the minoritarian perspective on equality and democracy. When reporting the controversy *Ukrainska Pravda* avoided mentioning sexual orientation provision and emphasized combating discrimination on the grounds of nationality, ethnicity, and

citizenship as the main aim of Bill 2342 (UPR2013-03-07; UPR2013-04-01). *Obozrevatel* also started reporting Bill 2343 as “the bill on prevention and combating discrimination” (OBZ2013-02-07) among other “bills <...> for liberalization of visa regime” (OBZ2013-02-07(1)). At the end of February 2013, *Obozrevatel* published the first extended description of the bill’s provisions, which explained rationales of its adoption (requirements of Visa Liberalization Action Plan), listed laws amended (Labor Code, Criminal Code, the Law on Combating and Prevention of Discrimination), and provided an excessive list of grounds of discrimination covered, but notably without mentioning the reference to sexual orientation (OBZ2013-02-20). However, by May 2013, both *Obozrevatel* and *Ukrainska Pravda* limited representation of the reform’s scope to the provision on sexual orientation.

By the end of the first round, the scope of the discussion of the anti-discrimination reform was limited to “gay rights” in all five news websites. The reader who did not follow the controversy from the very beginning that the reform protected all citizens from discrimination even in those media that supported the reform and criticized the parliament and government for its failure (*Obozrevatel*, *Liga*, and *Ukrainska Pravda*). Those media that reproduced conservative discourse on sexual and gender rights from the beginning of the controversy (*TSN* and *Segodnya*) became more explicit and went further in the chain of equivalences among the reform and the “equality” nodal point. Not only they limited the scope of the reform to the rights of homosexual people but explicitly opposed the reform to the interests of Ukrainian society. Both media strategically misrepresented protests held by the religious right NGOs as protests of the concerned Ukrainian society. The religious right actors in the news articles about conservative protests were suppressed (excluded) or backgrounded (mentioned in the article, but not in the headline). Their religious character and political position were never mentioned (even in case of backgrounding they were referred to as activists, but not as “religious” or “political” activists). Instead, the main actors in *Segodnya* and *TSN* reports of the conservative protests were “Ukrainians” and “Kyivs”, or actors were excluded from discourse with an impersonal representation of the action e.g. “they protested” (“*protestovali*”), “they were saying goodbye” (“*proshchalyisia*”).

Segodnya, n.a: “Local residents, – social activists, parents, and simply concerned citizens, – came to the capital’s cinema-hall ‘Zhovten’ ‘to clear the Kyiv land from shame’” (SEG2013-10-28).

Segodnya, n.a: “Ukraine, the EU, and the LGBT problem: Ukrainians turned to Poland for help (photo)” (SEG2013-10-31).

Segodnya, n.a: “In Kyiv, they were saying goodbye to European integration with roundelay” [headline] (SEG2013 -11-25).

TSN, n.a: “Kyivs demanded to ban propaganda of homosexuality with posters ‘Gay parade [is] a road to hell’” [headline] (TSN2013-09-03).

Such representations provided additional justifications for conservative interest groups claims that the anti-discrimination reform violates the rights of the (heterosexual) majority.

Despite the exaggerated attention to sexual orientation provision in media discourse during the first round, dismissal of sexual orientation from Bill 4581 at the beginning of 2014 went largely unquestioned by the media. It was reported only by *Obozrevatel*, *TSN*, and *Ukrainska Pravda*. In *Obozrevatel* it was mentioned only once in relation to support of this dismissal expressed religious organizations: “Religious and civil organizations support the statement of the Ministry of Justice on the denial of guarantees for sex minorities” (OBZ2014-03-27). *TSN* also reported the dismissal in supportive context: “The European Commission no longer demands guarantees for sex-minorities from Ukraine for the visa-free regime” [headline] (TSN2014-03-24(1)). This statement separates “sex-minorities” from the rest of the citizens, and specifies the rights of this group as some special “guarantees”. The headline is a paraphrase from a comment of Minister of Justice Pavlo Petrenko; however, it was the choice of the journalist to reproduce this claim uncritically in the headline. The only problematization of sexual orientation exclusion from Bill 4581 was made by *Ukrainska Pravda*. However, the journalist did not question the exclusion in terms of civil or human or sexual and gender rights, which would relate the reform to the “equality” element. The only concern raised (with the use of expert commentary) was the visa-free regime, not discrimination of LGBT people:

Ukrainska Pravda, n.a: “In particular, the words ‘sexual orientation’ disappeared from the adopted bill ‘On Amendments to Certain Legislative Acts of Ukraine (on Prevention and Combating Discrimination) (Reg. No. 4581), introduced by Yatseniuk government, in contrast to the bill submitted by Azarov government (Reg. No. 2342 of 19.02.2013). In the opinion of [Director of Programs of European Integration of the International Center for Policy Studies Volodymyr] Prytula, for the European Union, this may be enough to refuse Ukraine in the transition to the second phase of the visa-free regime” (UPR2014-05-16 (2)).

During the **second round** of the anti-discrimination controversy, minoritarian articulations of equality became more visible in the top five news websites. The websites

reported the extended list of grounds protected from discrimination by Bill 3442, including gender identity, religion, age, disability, and other grounds. Representation of the reform in relation to “gays” and limitation of the scope of its application only to the recruitment process almost disappeared. Counter-posing of the reform to the interests, opinion, and will of the (heterosexual) Ukrainian society also substantially diminished. However, majoritarian articulations of “equality” sustained in journalistic discourse. Representation of the scope of the anti-discrimination reform as limited to regulation of despite gender identity and the extensive list of other grounds of potential discrimination were included in Bill 3442. Sexual rights remained predominantly dissociated from the broader civil rights agenda.

Altogether, majoritarian and minoritarian storylines were present in journalistic discourse in the top five news websites since the very beginning of the anti-discrimination controversy. The most persistent reproducers of the majoritarian storylines accompanied by conservative opposition to sexual and gender equality were *Segodnya* and *TSN*. *Liga* and *Ukrainska Pravda* reproduced both majoritarian and minoritarian articulations of equality accompanied by liberal perspective on sexual and gender rights. *Obozrevatel* demonstrated the diversity of articulations of “equality” floating signifier from conservative majoritarian to liberal minoritarian. During the first round of the controversy, majoritarian articulations of “equality” dominated in the reporting of the controversy. At the end of the first round, dissociation of sexual and gender equality from normative equality principle of democratic governance became hegemonic in media discourse, which was manifested in non-questioning the exclusion of the sexual orientation discrimination. Minoritarian perspective on “equality” became more prominent during the second round of the controversy. However, it is unlikely that hegemony of the minoritarian articulations of “equality” was achieved, as majoritarian articulations of “equality” also preserved.

6.3.3. Values

In contrast to the political discourse, journalistic discourse established a weaker relation between the anti-discrimination reform and the “values” element. In the two media (*Liga* and *TSN*) “values” almost never used by journalists as justifications of the adoption or rejection of the reform. In another two media (*Segodnya* and *Ukrainska Pravda*) articulations of “values” were present only during one of the rounds of the controversy (in

Segodnya during the first round, in *Ukrainska Pravda* during the second one). Only in *Obozrevatel*, the anti-discrimination reform was related to “values” during both rounds of the controversy.

Articulations of the anti-discrimination reform in relation to the “values” were found predominantly in columns and reportages in which the journalist’s position on sexual and gender equality was explicitly demonstrated. In news articles, journalists only related the anti-discrimination reform to “values” when quoting and paraphrasing sexual conservatives (churches and the religious right). Articulation of “values” as “traditional values” was almost always accompanied by journalist’s explicit opposition to the anti-discrimination reform. “European values” were articulated by authors who expressed explicit support for the reform.

The “traditional values” nodal point was present in journalistic discourse in *Segodnya* and *Obozrevatel* during the **first round** of the controversy. As in the political discourse on sexual and gender rights, “traditional values” in journalistic discourse provided a nodal point for the chain of equivalences among religion, morality, and national reproduction. Heteronormative monogamous procreative heterosexuality was represented as a basis of the social and biological reproduction of the Ukrainian nation. With the use of “traditional”/“non-traditional” sexual orientation binary homosexuality was discursively opposed to “traditional values” and homosexual people were excluded from the Ukrainian social/political community bound by “traditional values”. Remarkably, in both *Segodnya* and *Obozrevatel*, which reproduced the conservative articulations of “values”, the word “nation” was never used. The Ukrainian community was referred to as “the society” or “the people”, as in the political discourse of the pro-Russian sexual conservatives. In *Segodnya*, conservative articulations of “values” were reduced to “traditional/non-traditional” orientation binary. In *Obozrevatel* conservative articulations of ‘values’ were most developed in texts by Aliona Berezovskaia:

Segodnya, Alexei Temchenko: “Protesters asked [the government] not to destroy traditional family” (SEG2013-05-14 (2)).

Segodnya, Daria Ninko: “The rights of representatives of non-traditional sexual orientation in Europe differ significantly in different countries” (SEG2013-09-13).

Obozrevatel, Aliona Berezovskaia: “What does such blind adherence to EU requirements lead to? To complete spiritual decomposition, to the degradation of the church and the individual, to the transformation of man into an animal. <...> If these people are not to condemn, not to limit, not to

create a framework for them, then chaos and immorality will reign in the society. Life without moral norms and rules is impossible. If they are violated, then soon it is possible to justify the actions of Chikatilo, Onoprienko⁷³, and any other kind of pedophiles and rapists” (OBZ2013-04-08).

Articulations of “values” as “European values” were infrequent during the first round of the anti-discrimination controversy. In *Liga*, *Ukrainska Pravda*, and *TSN* the anti-discrimination reform was occasionally associated with “European values” and “tolerance”, which corroborated with liberal political discourse on sexual and gender equality. In *TSN* articles the anti-discrimination reform was linked both to “European” and “traditional values”. When reporting attitudes to sexuality in Western countries *TSN* journalist Olena Yakhno initially associated sexual and gender equality with “tolerance” and “European values, but then evoked “traditional/non-traditional” orientation binary to counterpose Ukraine as a “traditional” homonegative society to Western countries where homosexuality is accepted.

TSN, Olena Yakhno: Tolerance is known to be one of the basic European values. <...> Michael Bloomberg also took part in a local gay parade, despite he has a completely traditional orientation. <...> Most Ukrainians strongly disagree with this. According to the recent polls, 57.5% of Ukrainian citizens have a ‘completely negative’ attitude to gays and lesbians, and 14.5% – “rather negative” (TSN2013-05-15).

During the **second round** of the controversy “traditional values” in journalistic discourse were only present as an antagonistic other. They were no longer equivalent to the Ukrainian national identity, as in the conservative discourse coalitions, but criticized as anti-modern, undemocratic, and pro-Russian. *TSN*, *Liga*, and *Segodnya* did not relate sexual and gender equality to the “values” element. *Ukrainska Pravda* and *Obozrevatel* related the anti-discrimination reform to the “European values” nodal point and opposed it to “traditional values”.

In *Ukrainska Pravda*, “European values” were represented as a normative, although not dominant yet, nodal point for the Ukrainian national identity, which was fixed during the Euromaidan revolution:

Ukrainska Pravda, Serhii Sydorenko: “The Ukrainian society has always been famous for its internal contradictions, so one should not be surprised that the participants of the Euromaidan (that is, those who fought for European values) may next day protest against introduction of European values” (UPR2015-11-06 (3)).

73 Serial killers in USSR and Ukraine.

The “Russian world” was represented as antagonistic other of “Europe”. Within this discursive opposition, the Ukrainian national subject was related to the “Europe” nodal point, and opposed to the “Russian world”. The most distinct example of the chain of equivalences among elements “Ukrainian national identity” – “European values” – “tolerance to LGBT” and the antagonistic chain “Russian national identity” – “traditional values” – “homonegativity” was provided in the article by Serhii Sydorenko at *Ukrainska Pravda*. The author inverted the trope of “civilization choice”, which was used by the pro-Russian political actors during the first round of the controversy. Instead of linking to the “Russian world” on the grounds of “traditional values” Ukraine should have affirmed its “European choice” that it claimed during the Euromaidan. “European identity” is linked to democracy and economic prosperity:

Ukrainska Pravda, Serhii Sydorenko: “The anti-discrimination law is not only and not so much the issue of visas. We are facing a civilization choice. I suggest deputies, and not only them to look at the two maps. They are very eloquent. This is not a division of democracies and dictatorships. This is not the distribution of rich and poor states. Although the division of the world [by these features] would be very similar. Green shades are for the countries where discrimination of sexual minorities is prohibited by law. Reds are for those in which the minorities are officially persecuted. Our state is now in the gray zone, along with Iran and China, Belarus and Pakistan. My question to the [parliament] deputies, in particular, to *Self Reliance* [party]: Do you really want to leave our state in such an ‘elite’ company?”

Obozrevatel also frequently articulated the two antagonistic chains of equivalences (“Ukrainian national identity” – “European values” – “tolerance to LGBT” and “Russian national identity” – “traditional values” – “homonegativity”) during the second round. In one of the following examples, the journalist used the phrase “spiritual braces” [*dukhovhyie skrepy*] to mark the equivalence between “traditional values” and Russia. The phrase was used by the Russian president Vladimir Putin in 2012 annual speech to the Federal Assembly, and since that has been frequently used in political discourse on sexual and gender rights in Russia. It was not found in the Ukrainian political or online media discourse during the first round of the anti-discrimination controversy. So, the reference in *Obozrevatel* might reflect the fixation of this linguistic marker in the Ukrainian public discourse:

Obozrevatel, Roman Lazorenko: “Rada got afraid of gay-Europe and turned into the Duma⁷⁴” (OBZ2015-11-14).

74 The Russian Parliament.

Obozrevatel, Andrei Rushkovsky (blog): “And in the blink of an eye, our legislators become like their Russian colleagues, who plow themselves into the chest with proletarian or banker fists, arguing that their Orthodox identity will not allow such an outrage. What is the result? Are we still Europeans or the ‘filthy Moscovites’ in our essence? Or maybe partly the former, and partly the later? We climb to Europe slightly skewed” OBZ2015-11-06 (4).

Obozrevatel, Yuliana Skibitskaya, Oleg Katkov: “To reassure those who were prevented from voting for the amendment by the spiritual braces” OBZ2015-11-12 (11).

Another article from Obozrevatel questioned strategic prioritization of values over rights, common in discourse of sexual conservatives. In the following example, the central assumption of the conservative discourse that sexual and gender equality threatens the Ukrainian national identity is represented with uncertainty (“probably”), as if it was hard to believe that anyone in the modern society might really ground their identity on the restriction of other’s rights. In such a way the author reproduces subordination of the “values” nodal point to the “rights” nodal point, present in the liberal minoritarian discourse coalition on sexual and gender rights formed by LGBT and human rights NGOs.

Obozrevatel, Yevhenii Leshan: “All week the Ukrainian land was full of groans. These were the Orthodox deputies who suffered, torn between an irresistible desire for Europe and an equally irresistible desire to live according to traditional values, according to the precepts of grandfathers and great-grandfathers, apparently, without sewage, electricity, medicine, and contraception. Probably, the refusal to recognize the equal rights of people to employment, regardless of sexual orientation, is also included in the list of traditional values” (OBZ2015-11-13 (6)).

Altogether, during the first round of the controversy, the leading news websites represented the anti-discrimination reform as a point of struggle between the “traditional” and the “European” values. “Traditional values” were represented as a nodal point of the Ukrainian national identity, which benefited the conservative coalitions on sexual and gender rights. During the second round, media representation of European values as a nodal point of the Ukrainian national identity and attempts to inscribe support of sexual and gender equality in national identity on the one hand, and association of “traditional values” with antagonistic Russia, benefited the liberal pro-EU discourse coalitions on sexual and gender rights, and potentially contributed to the success of the anti-discrimination reform.

6.3.4. Integration/Accession

“Integration/Accession” was the central nodal point of the discourse on the anti-

discrimination reform in all online news media during both rounds of the anti-discrimination controversy. The online media naturalized equivalence between the anti-discrimination reform and European integration. “European integration” was used as the only defining element, as a synonym and as a substitute for the anti-discrimination reform. The following quotes illustrate each of the mentioned cases:

Segodnya, n.a.: “anti-discrimination bill that is necessary to simplify the visa regime with the EU” (SEG2013-09-25).

Liga, n.a.: “This week Rada will deal with elections and Eurointegration. In the first plenary week of the third parliamentary session, deputies are planning to consider an anti-discrimination law, a bill on elections in problem districts, and to proceed to amendments to the Constitution” (LIG2013-09-02).

Obozrevatel, n.a.: “the package of five Eurointegration laws” (OBZ2013-07-03).

Differences among journalists of the five media in articulation of the anti-discrimination reform in relation to European and Eurasian integration projects might be situated between the two poles of the pro-EU and the Eurosceptic positions on international relations. Just as in case of articulations of the “equality” floating signifier, contesting articulations of “foreign policy” in media discourse only partially overlapped with the pro-EU and Eurosceptic political discourses on foreign policy. Unlike in the political discourse, the main markers of the position on European integration in the media were wording, and selection and placement of facts, rather than the use of justifications in arguments.

Pro-EU articulations of “foreign policy” were present in all five analyzed media **during the first round** of the controversy. In *Liga* and *Ukrainska Pravda* the pro-EU discourse on foreign policy prevailed. In *TSN* and *Obozrevatel* the pro-EU articulations of the anti-discrimination reform coexisted with the Eurosceptic articulations. “European integration was represented as a natural process, which occurs on itself without mentioning active subjects which perform it. Particularly, “requirements” of the VLAP and (occasionally) the Association Agreement were often mentioned in clauses without an active subject in the pro-European discourse, e.g. “Adoption of an anti-discrimination law by Ukraine is a prerequisite for the start of the second phase of visa liberalization with the EU” (LIG2013-07-06). Responsibility was attributed to particular subjects only when it came to the failures of the European integration process. Occasionally the blame was put on the parliament:

TSN, n.a.: “The ‘stubborn homophobia’ of the people’s deputies may cost Ukraine an association

with the EU" (TSN2013-08-30).

In *Obozrevatel* responsibility for the failure of Eurointegration shifted to the LGBT people at the end of the first round of the anti-discrimination controversy. This corroborates with the shift in representation of the anti-discrimination reform from a precondition of European integration to an obstacle to European integration in the liberal majoritarian pro-EU discourse coalition that took place at the time. This shift reveals priority of the "foreign policy" nodal point over "civil rights" in media discourse on and sexual rights. When the rights of LGBT people came into conflict with European integration, the former should have been substituted to the later. Reports in *Obozrevatel* on the opposition of international LGBT organizations to the dismissal of the provision on sexual orientation provide an emblematic example of this substitution:

Obozrevatel, n.a.: "LGBT are against visa liberalization between Ukraine and the EU" (OBZ2013-04-16).

Obozrevatel, n.a.: "Representatives of sexual minorities complained to the EU about Ukraine" (OBZ2013-09-12).

The Eurosceptic articulations of foreign policy during the first round were present in *TSN* and *Obozrevatel* and were most notable in *Segodnya*. Eurosceptic media professionals represented the anti-discrimination reform as an instrument of violence and aggression of the EU towards Ukraine. Europe/the EU, and in the case of *Obozrevatel* (Aliona Beregovskaya show) also U.S., were portrayed as active subjects that demand adoption of the reform from passivized Ukraine. The same pattern was present in the Eurosceptic political discourse.

Obozrevatel, n.a.: "The reason for the rally [street protests of the opponents of the reform] was the pressure that the European Union exerts on Ukrainian deputies in order to adopt European integration laws" (OBZ2013-09-03 (01)).

Segodnya, n.a.: "The EU insists on the adoption of the law that would prohibit discrimination against people on the grounds of their sexual orientation" (SEG2013-05-15(2)).

TSN, n.a.: "But the protection of sexual minorities from discrimination is an important condition of association with the EU <...> We should remind [to the reader] that if Ukraine does not do what is demanded [by the EU], then there will be no association with the EU" (TSN2013-06-24).

The Eurosceptic discourse in the media often linked European integration not to the anti-discrimination reform in general, but to the provision on SOGI (as in the latter two of the above-mentioned quotes). This resembles the strategy of the pro-Russian political actors to utilize sexual and gender rights to discredit the European integration process.

The EU and U.S. were represented as the only actors that supported the prohibition of SOGI discrimination in Ukraine, while Ukrainian people were portrayed as resisting the change. Discursive exclusion of the support for sexual and gender equality within the country backed the assumption that the pressure from the side of the EU was a violation of Ukrainian state sovereignty. However, unlike in the Eurosceptic discourse of political actors, violation of sovereignty was never articulated explicitly in journalistic discourse:

Segodnya, n.a.: “Kozhara decided to protect gays to please the European Union” [headline] (SEG2013-02-07).

Segodnya, n.a.: “This is a ban on discrimination on the grounds of sexual orientation that is lobbied by Europe but is not accepted by the Ukrainian society” (SEG2013 -11-20).

Also, unlike Eurosceptic political actors, Eurosceptic journalists of the online news media did not use the anti-discrimination reform to explicitly advocate for Ukraine’s accession to the Customs Union. Even Aliona Berezovskaia (*Obozrevatel*), who demonstrated the strongest pro-Russian position among the journalists of the analyzed media, referred to Russia-Ukraine relationships in the context of cultural identity (which refers to the nodal point of “values”), not in the context of foreign policy. In the following quote, the “Russian” cultural identity which Berezovskaia imposes on Ukraine creates an obstacle to European integration, but not the irreducible one. The assumption behind this overtly pro-Russian statement is that despite the lack of European cultural identity, Ukraine still can be a political part of the EU (although this is likely to have negative consequences for both):

Obozrevatel, Aliona Berezovskaia: “We need to realize clearly that Russia, Ukraine, and Belarus are not Europe and not Asia, they are a strong Russian World, which has a linguistic, traditional, and spiritual identity. Therefore, Western politicians understand that when accepting us, they create a lot of internal problems in the EU” (OBZ2013-04-04 (02)).

However, the construction of cultural opposition between Ukraine and the EU in the media provided a discursive resource for the pro-Russian political actors like *Ukrainian Choice*, who used it to mobilize the public in support of the Customs Union.

Besides the reproduction of Eurosceptic articulations of foreign policy, journalists supported Eurosceptic political actors with reporting their claims as objective facts. The most prominent examples of this naturalization of Eurosceptic claims were reports of the street protests held by the religious right and pro-Russian NGOs. In the following article in *Segodnya*, passages written by the journalist contain numerous fragments incorporated

from discourse of Eurosceptic sexual conservatives. Although the author occasionally signifies a distance to the protesters discourse (“the participants demanded”, “according to the organizers and participants of the event”), in most cases, the Eurosceptic assumptions (“imposition of a same-sex love culture that is absolutely foreign among Ukrainians”, “propaganda of homosexuality cause resistance in the society”, “authorities... should protect the society from any manifestations of propaganda of the ideology of sexual minorities” etc.) are incorporated in his/her own discourse:

Segodnya, n.a.: “Yesterday, October 22, a protest rally ‘Protect Ukrainian Values – Change the Agreement with the EU!’ took place under the walls of the Parliament; the participants demanded to exclude provisions that stand for the interests of sexual minorities from the documents on the association with the European Union. Hundreds of Ukrainians came to support the organizers of the action, trying to attract the attention of the authorities and deputies to the problematic nuances of European legislation, which can lead to the imposition of foreign gay culture on Ukraine <...> According to the organizers and participants of the event, the so-called ‘European values’ might threaten the basic family traditions that are maintained in the Ukrainian society for ages. The imposition of a same-sex love culture that is absolutely foreign among Ukrainians and the propaganda of homosexuality cause resistance in the society. In this connection, the position of the authorities is surprising. It often seems that introduction of the basic tenets of free love takes place with the tacit consent of those who should protect society from any manifestations of propaganda of the ideology of sexual minorities. So, the other day in the center of Kyiv a huge flag of the color of a rainbow, which is a symbol of same-sex love, was hung on the facade of one of the seven-story houses on the Victory Avenue in broad daylight” (SEG2013-10-23).

During the **second round** of the anti-discrimination controversy, there was a number of remarkable changes in the journalistic articulations of the reform in relation to the “integration/accession” nodal point.

Firstly, the Eurosceptic discourse on foreign policy was no longer shared by journalists in all five media. Aliona Berezovskaia from *Obozrevatel* who was the most active promoter of the Eurosceptic discourse among journalists of the analyzed media during the first round of the controversy moved to the Russian Federation after the Euromaidan revolution. At the other news websites, journalists who reproduced Eurosceptic assumptions during the first round no longer reported the anti-discrimination reform during the second round.

Secondly, within the pro-EU discourse on foreign policy, which was now dominant in all analyzed media, equivalence was established not only between the European

integration and the anti-discrimination reform but also between the European integration and the provision on SOGI discrimination. This equivalence was strengthened with the use of the words such as “key”, “main”, “central” to designate the priority of the reform among the requirements for the visa-free regime:

Liga, n.a.: “This amendment was one of the key requirements for a visa-free regime with the European Union” (LIG2015-11-05).

Obozrevatel, Yuliana Skibitskaia, Oleh Katkov: “The Parliament of Ukraine voted for amendments to the Labor Code, which were the main requisition of Europe for the opening of a visa-free regime” (OBZ2015-11-12 (10)).

Alongside with the dominance of the pro-EU discourse among journalists, fixation of the SOGI protection from discrimination as an inseparable component of European integration blocked the possibility to exclude SOGI provision from the reform, as it happened at the end of the first round of the controversy.

Thirdly, the burden of responsibility for European integration failures was completely shifted to the parliament members. As the SOGI provision was now integral to European integration, opposition to it was represented as an opposition to European integration itself. Subsequently, lack of support for the reform among deputies was not simply admitted as a fact, as during the second round, but actively criticized by the media. While during the first round, journalists often used words such as “refused”, “did not want to vote” to describe the deputies actions towards the anti-discrimination bill, during the second round the predominant verb used in all news websites to name the parliamentarians’ actions was “failure”.

Liga, n.a. “The adoption of an anti-discrimination law, which is included in the EU visa-free package, was failed by the Radical Party of [Oleh] Lyashko, *Self Reliance*, and the former Regionals” ((LIG2015-11-10(3))).

Segodnya, Kristina Zelenyuk: “Deputies failed the voting on the prohibition of labor discrimination based on sexual orientation” (SEG2015 -11-06).

All news websites closely monitored the voting on Bill 3442 and published number of votes from each party. In such a way they discursively constructed parliamentarians as accountable for the reform’s (in)success, the reform itself as a positive change which should be adopted, and the Ukrainian society as expecting the reform adoption.

Fourthly, during the second round of the controversy Ukrainian citizens frequently appeared as beneficiaries of the European integration process in *Ukrainska Pravda*: “The

V[erkhovna] R[ada] can bring Ukrainians closer to visa facilitation this week" (UPR2014-03-24); "norm <...> which is an obligatory prerequisite for the abolition of visas for Ukrainian citizens by the European Union" (UPR2015-11-05). As the anti-discrimination reform was made equivalent to the European integration process, the beneficiaries of European integration also appeared to be beneficiaries of the anti-discrimination reform. Representation of "Ukrainian citizens" as beneficiaries provided greater opportunity for public mobilization in support of the reform than representation it as a state, not citizens' interest.

Remarkably, within the pro-EU discourse, the anti-discrimination reform was not explicitly counter-posed to the Eurasian Customs Union. Only in one article during the second round of the controversy, the journalist mentioned political convergence with Russia as an equivalence to opposition to the anti-discrimination reform, but the Eurasian Customs Union was not named explicitly:

Obozrevatel, Roman Lazorenko: "Deputies, gentlemen! You would better decide somehow, either you sit on a horse galloping to Europe, or on an old horse furrow not spoil that is jogging to the Russian vastness" (OBZ2015-11-14).

Altogether, the news websites' focus on foreign policy in coverage of the anti-discrimination reform contributed to the structure of discursive opportunities for sexual and gender rights change differently during the first and the second rounds of the controversy. During the first round, emphasis on external incentives from the EU as the main justification of the reform at the news websites limited the possibility for criticism of the reform's shortcomings (absence of reference to gender identity in Bill 2342, lack of sanctions for discrimination) in the public sphere. Also, the websites constructed equivalence between European integration and the anti-discrimination reform in general, not the provision on sexual orientation, which enabled exclusion of this provision from the anti-discrimination bill at the end of the first round. During the second round of the controversy, media attention to foreign policy in the anti-discrimination debate likely contributed to the adoption of the reform. Equivalence was established between the protection from discrimination on the grounds of SOGI and European integration, and European integration was portrayed as the only foreign policy priority, which would benefit all Ukrainian citizens. Opposition to the anti-discrimination reform was equated with opposition to European integration and explicitly criticized by journalists.

VII. CONCLUSION

In this study, I examined the role of online news media in sexual and gender rights change in Ukraine in 2013 – 2015. I compared how prohibition of discrimination on the grounds of sexual orientation and gender identity, which was one of the requirements set by the Visa Liberalization and Association Agreements between Ukraine and the European Union, was articulated in political and online media discourses to identify discursive opportunities and constraints that led to the rejection of the provision in 2014 and its adoption in 2015.

This chapter provides a summary of the main empirical findings of my study and situates them within existing academic knowledge on sexual and gender rights change in Central and Eastern Europe. At the end of the chapter, I outline directions for further research, which enable bridging of analysis of sexual and gender politics with analysis of other political struggles.

7.1. Rearticulation of sexual and gender rights in Ukrainian political discourse in 2013 – 2015

Analysis of the political discourse on the anti-discrimination reform demonstrated that sexual and gender rights in Ukraine in 2013 – 2015 were the field of struggle between liberal and conservative discourses. The analysis revealed four discourse coalitions on sexual and gender rights that co-existed in Ukraine in 2013 – 2015. Each coalition united actors who shared common articulations of the five elements central to the debates on sexual and gender rights: “sexual orientation” and “gender identity”, “equality”, “values”, “integration/accession”. These elements were at the same time fixed (as nodal points of discourse on sexual and gender rights) and open to redefinition (as floating signifiers). Within each discourse coalition, they provided stable points of reference in relation to which sexual and gender rights were situated. At the same time, these elements functioned as empty signifiers that could be filled with any meaning and each of the rival discourse coalitions strove to fix their articulation of a floating signifier as a nodal point for all political actors in the field. Each coalition also shared stable sets of storylines which related the prohibition of discrimination on the grounds of SOGI to each of the mentioned nodal points.

Struggle over sexual and gender rights was inscribed in wider struggles over normative model of Ukrainian social/political entity (“nation”, “state”, “people”) that

included normative assumptions about state laws and policies (organized by the nodal point “equality”), norms of social and biological reproduction of the collective (organized by the nodal point “values”), and relations with other social/political spaces (organized by the nodal point “integration/accession”). These contesting metanarratives on social/political space constitute political myths in terms of Ernesto Laclau.

In the beginning of the *first round* of the anti-discrimination controversy, the liberal majoritarian pro-European discourse coalition on sexual and gender rights included the government, the pro-European part of the pro-governmental *Party of Regions (PR)*, individual members of the opposition parliamentary parties *BYuT* and *UDAR*, and the Parliament Commissioner for Human Rights. By the end of the first round, the most powerful actors left the coalition, only individual members of the parliamentary parties remained. The liberal minoritarian pro-European discourse coalition on sexual and gender rights included individual representatives of *BYuT* and *UDAR*, LGBT organizations, and human rights organizations. Its composition did not change during the first round. The conservative Eurosceptic discourse coalition initially consisted of the *Communist Party*, the pro-Russian members of the *PR*, the Orthodox Church of the Moscow Patriarchate, the religious right and the pro-Russian grass-roots organizations. In November 2013, the government and *PR* also joined the conservative Eurosceptic discourse coalition. The conservative pro-EU discourse coalition included parliamentary party *Freedom*, individual members of *BYuT*, the All-Ukrainian Council of Churches and Religious Organizations, the Orthodox Church of the Kyiv Patriarchate, and the Greek Catholic Church. In June 2013, the *BYuT* parliamentary faction joined the coalition as a collective actor. In June – November 2013, the coalition also included the government and *PR*, which later moved to the conservative Eurosceptic coalition.

The two *liberal coalitions* shared common articulations of the “sexual orientation, gender identity”, and “integration/accession” nodal points. Both coalitions articulated “sexual orientation” and “gender identity” as legitimate grounds for rights claims. Both coalitions also articulated political and economic integration with the EU (“European integration”) as the foreign policy priority for Ukraine. They supported the prohibition of discrimination on the grounds of SOGI as a necessary requirement to achieve “European integration”.

The liberal coalitions produced somewhat different articulations of the national “values” nodal point. Both coalitions represented “European values” as normative principles for construction of the Ukrainian national identity and supported the prohibition of discrimination on the grounds of SOGI as an instance of inaction of European values. The content of “European values” was rarely specified. When the element was explained it was associated with “tolerance” to sexual and gender differences, democracy, rule of law, protection of rights and freedoms. Both liberal coalitions counter-posed “European values” to “traditional values” that were defined as cultural, religious, and moral norms governing national reproduction within heterosexual and heteronormative family. However, the coalitions differed in articulation of “traditional values”. The liberal majoritarian discourse coalition represented the Ukrainian nation as transitioning from traditional to European values. Thereby, they situated the national subject bounded by European values in the future, while the present Ukrainian national identity was assumed to be based on traditional values. “Traditional values” in liberal majoritarian discourse excluded sexual and gender dissidents from the national subject as ones who do not contribute to national reproduction. The liberal minoritarian discourse coalition represented “traditional values” as values of the conservative part of the Ukrainian society, which are not constitutive for the Ukrainian national subject.

The biggest difference between the liberal majoritarian and liberal minoritarian coalitions was in their articulations of the “equality” nodal point. The liberal majoritarian coalition constructed “equality” as a situation when the majority of the population, defined according to the predominant “public opinion”, enjoyed equal civil rights. Minorities’ rights claims were justified only if they did not delimit the majority rights. The liberal minoritarian discourse coalition articulated equality as protection of minorities from the tyranny of majorities. The very concept of “minority rights” in liberal minoritarian discourse implied delimitation of the majority opportunities to oppress minorities.

Protection from discrimination on the grounds of SOGI in liberal majoritarian discourse was articulated as equivalent to “minority rights” of LGBT people and opposed to the rights of heterosexual majority with the use of “denial of discrimination” storyline and elements of “reverse discrimination” storyline. “Denial of discrimination” storyline portrayed equality between homosexual and heterosexual people as already achieved, thereby any further rights claims from LGBT people were delegitimatized as claims for

“special privileges”. “Reverse discrimination” storyline represented introduction of SOGI equality as violation of rights of the heterosexual majority, drawing on the strategic misinterpretation of the anti-discrimination bills’ provisions. Prioritization of the majority rights over minority rights and the use of “denial of discrimination” and “reverse discrimination storylines united the liberal majoritarian coalition with the conservative coalitions. However, unlike the conservative coalitions, the liberal majoritarian coalition linked the anti-discrimination reform to the majority rights with the storyline of “travel rights and welfare”. According to this storyline, the anti-discrimination reform opened up a possibility for the heterosexual majority (as well as the LGBT minority) to enjoy European integration benefits. As a result, the provision on SOGI was dissociated from other provisions of the anti-discrimination reform in the liberal majoritarian discourse. The anti-discrimination reform should have been adopted as it served interests of the heterosexual majority, but the provision on SOGI equality contradicted the liberal majoritarian conception of “equality”.

The liberal minoritarian discourse coalition articulated the prohibition of discrimination on the grounds of SOGI as an instance of protection of the LGBT minority rights. In the discourse of LGBT organizations, equality between the heterosexual majority and homosexual minority was situated in the future as the desired state to be achieved with the help of the anti-discrimination reform. Human rights organizations rejected the majority/minority opposition altogether and represented society as a complex of intersecting minorities. They emphasized that the anti-discrimination reform protected not only the rights of the LGBT minority but the rights of every citizen as an actual or potential representative of a certain minority.

The two *conservative coalitions* shared common articulations of the “sexual orientation”, “gender identity”, and “equality” nodal points. Both coalitions argued that “sexual orientation” and “gender identity” may not be legitimate grounds of rights claims because of their constructed character. Remarkably, “sexual orientation” and “gender identity” were articulated as grounds for rights claims that are used exclusively by LGBT people. Rights claims of heterosexual and cisgender people on the grounds of their sexuality and gender expression were justified when made on the grounds of “sex”, which in the conservative discourse stood for the chain of equivalences among XX or XY biological sex, cisgender gender expression and identity, and heterosexual sexual

orientation. Both conservative coalitions articulated “equality” as a situation of equal rights shared by the majority of citizens, defined according to the dominant “public opinion” and “will of the people” expressed during street protests. Minority rights were articulated as subordinate to rights of the majority. The principle of non-discrimination on the grounds of SOGI was represented as contradicting the rights of heterosexual majority with the use of “denial of discrimination” and “reverse discrimination” storylines. In the conservative discourse, “reverse discrimination” storyline was elaborated in the conspiracy theory of “homodictatorship”, according to which LGBT community was a homogeneous powerful political group that strategically operated to establish worldwide domination over heterosexual people. Prohibition of discrimination on the grounds of SOGI was articulated as a violation of rights and freedoms of the heterosexual majority enabling to express and enact homonegative views and the first stage of installation of the “homodictatorship” power regime.

The conservative coalitions differed in articulation of the “values” nodal point. Both conservative coalitions represented the Ukrainian national identity as built upon “traditional values”. “Traditional values” in the conservative discourse on sexual and gender rights had similar meaning as in liberal discourse: cultural, religious, and moral norms that govern national reproduction within heterosexual and heteronormative family. But unlike liberal discourse, conservative discourse portrayed homosexuality as a threat to national reproduction. “European values” were strongly associated with “propaganda of homosexualism”, and sometimes with individualism and personal freedom. The conservative pro-EU and Eurosceptic discourse coalitions differed in their construction of boundaries of the national subject united by the “traditional values” and relations they established between “traditional” and “European” values. In the conservative Eurosceptic coalition discourse, “traditional values” were used to construct the cultural and religious unity of the “Slavic people’s”, lead by Russia. “European values” were represented as antagonistic to “traditional values”. Prohibition of discrimination on the grounds of SOGI in this narrative was articulated as an instrument of “propaganda of homosexualism”, used by Europe to weaken the Ukrainian nation through impairment of national reproduction and to establish cultural hegemony over Ukraine. In the conservative pro-EU coalition, “European values” were articulated as compatible with “traditional values”. Europe was

represented as built on the foundation of “traditional Christian values” which should be restored, particularly with the help of Ukraine.

The greatest difference between the conservative coalitions was in their articulation of the “integration/accession” nodal point. The conservative Eurosceptic and pro-EU coalitions occupied antagonistic positions on foreign policy. Eurosceptics articulated “accession to the Customs Union” as the foreign policy priority for Ukraine and represented political and economic integration in the EU as a threat to Ukraine’s state sovereignty and economic development. The pro-EU conservatives, on the contrary, represented “European integration” as the only possible foreign policy priority for Ukraine, while “accession to the Customs Union” was associated with loss of state sovereignty and economic degradation.

The conservative Eurosceptic coalition represented prohibition of discrimination on the grounds of SOGI as a tool used by the EU to establish economic, political, and cultural domination over Ukraine. Economic domination was related to the anti-discrimination reform through the association of homosexuality with consumerism, hedonism, and priority of individual pleasure over natural and social “duty” of reproduction. According to the logic of the conservative Eurosceptic coalition, protection of LGBT people from discrimination would lead to normalization of homosexuality in the society, which in turn would enforce the consumerist mindset of Ukrainian citizens, which would turn Ukraine in a suitable sales market for the EU goods. Also, introduction of SOGI laws in Ukraine was represented as an attempt of the EU administration to make the Ukrainian government accountable. Finally, “propaganda of homosexuality” as part of the promotion of “European values” was represented as an instrument of the EU to establish cultural hegemony over Ukraine.

The conservative pro-EU discourse coalition solved the contradiction between support for European integration and opposition to sexual and gender equality by rearticulation of the European social/political project in a way it would embrace Ukrainian “traditional values” and homonegativity. The first strategy of such rearticulation established an opposition between the “good” Europe and the “bad” European Union. Europe was constructed as a subject formed by Christian values and ethnic nationalism. Economic and political benefits of “European integration” were associated with Europe, while devastating effects on national identity and reproduction were associated with the

EU. Another strategy was to relate opposition to sexual and gender equality to European social/political project with the element of “diversity”. Finally, dissociation of sexual equality and the European political project was realized through the explicit denial or backgrounding of the EU political conditionality mechanism. The conservative pro-EU discourse coalition denied that prohibition of discrimination on the grounds of SOGI was necessary for the conclusion of agreements between Ukraine and the EU. They claimed that adoption of the anti-discrimination reform was not required by the Association Agreement and the State program of adaptation of Ukrainian law to European law. They also silenced the fact that the reform was necessary for the Visa Liberalization Agreement, or undermined its importance for the conclusion of the agreement.

At the end of the first round of the anti-discrimination controversy, conservative articulations of sexual and gender rights became hegemonic in the political discourse. The government and the *Party of Regions* moved from the liberal majoritarian pro-European coalition to the conservative pro-EU coalition, and then to the conservative Eurosceptic coalition that opposed the anti-discrimination reform. Opposition parliamentary parties that initially supported the liberal majoritarian pro-European coalition or abstained from the controversy also joined the conservative pro-EU coalition in the middle of the first round. The concentration of the most powerful political actors in the opponents’ alliance resulted in failure of the anti-discrimination reform in the first round of the controversy. The following opportunities and constraints in political discourse on sexual and gender rights contributed to this outcome:

1. Both conservative and liberal discourses on sexual and gender rights embraced heterogeneous political actors with different and often contradictory strategic priorities. Several powerful political actors (parliamentary parties *PR*, *BYuT*, and *UDAR*) were internally divided on the issue of equal treatment on the grounds of SOGI. Individual parliament deputies from these parties supported contesting discourses on sexual and gender rights, while parties as collective subjects avoided taking a clear stance on the issue of sexual and gender equality. As a result, both opponents and proponents of the anti-discrimination reform formed highly unstable political alliances. This enabled the movement of political actors among the contesting discourse coalitions.

2. Sexual conservatives were more consolidated than actors in the liberal discourse coalitions on sexual and gender rights. All collective actors in the conservative Eurosceptic

discourse coalition uni-vocally opposed sexual and gender equality. Collective actors in the conservative pro-EU coalition embraced weak internal opposition to the conservative discourse on sexual and gender rights. Only individual members of the parliamentary parties that participated in the conservative pro-EU coalition as collective actors expressed public support for the reform, while the party majorities, including the party leaders, either abstained from the debate or reproduced conservative articulations of sexual and gender rights. The liberal discourse coalitions included the minorities of the parliamentary parties who experienced the growing pressure from their parties' conservative majorities. Only LGBT and human rights organizations were consistently supporting sexual and gender equality as collective actors.

3. Cooperation among sexual conservatives was more effective than cooperation among members of the liberal coalitions. Conservative actors frequently participated in common meetings, round tables, and street protests. Conservative Eurosceptic politicians cooperated with the conservative Eurosceptic grassroots movements. Churches served as mediators between the antagonistic Eurosceptic and pro-EU conservative coalitions. Within the liberal discourse coalitions, professional politicians were unwilling to cooperate with the liberal interest groups (LGBT and human rights organizations).

4. Discussion of the anti-discrimination reform in all discourse coalitions was mostly limited to the discussion of the provision on SOGI, despite the liberal alliances challenged assumption that the anti-discrimination reform is useful only for LGBT people with emphasizing travel and welfare opportunities (the majoritarian coalition) and protection of other minorities (the minoritarian coalition) introduced by Bill 2342. Narrowing the scope of the debate to "LGBT rights" limited the possibility of the proponents of the anti-discrimination reform to mobilize allies among other minorities and the wide public.

5. Numerous contradictory articulations within the liberal majoritarian discursive coalition, which united the most resourceful proponents of sexual and gender equality from the parliament and government, resulted in instability of this coalition and its disintegration at the end of the first round of the controversy. First, the majoritarian conception of democracy as a rule of the majority that dominated in this coalition came into conflict with the protection of minority rights. Also, it made the liberal majoritarian coalition susceptible to the conservative arguments that sexual and gender equality contradicted "public opinion" and "will of the people", enforced by the street protests of the pro-Russian and

religious right interest groups that claimed to embody this public opinion. Second, articulation of the Ukrainian nation as based on traditional values contradicted the idea of protection of LGBT people's rights in the liberal majoritarian coalition discourse. Third, the counter-position of homosexuality and reproduction in the liberal majoritarian coalition discourse made it unable to address conservative claims that homosexuality threatens the nation. The liberal majoritarian coalition tried to overcome these contradictions by emphasizing majority rights for free travel as the main benefit of the anti-discrimination reform, positioning European values as the ground for future identity of the Ukrainian nation, and arguing that homosexuality was irrelevant to national reproduction. However, these attempts were unsuccessful. When actors from the liberal majoritarian coalition moved to the conservative coalitions they started to use "public opinion" and "traditional values" storylines, which were internally consistent with their previous articulations of the nodal points, to justify their rejection of the reform.

6. Both the government and political opposition strategically employed the issue of sexual and gender equality to inflict reputation losses for their opponents. Opposition parties refused to vote for Bill 2342 until the pro-governmental *Party of Regions* would have publicly announced its collective support for the reform. *PR* and the government, in turn, shifted responsibility for the failure of the reform to the parliament opposition. Because of this avoidance of responsibility, discussion of the reform lasted for more than a year. This long time interval allowed conservative interest groups from the pro-Russian and Christian right organizations to increase public visibility and mobilize supporters.

During the ***second round*** of the anti-discrimination controversy, the four discourse coalitions on sexual and gender rights persisted, but their composition changed as a result of the Euromaidan revolution. The liberal majoritarian pro-European discourse coalition again brought together the most powerful political actors: the president, the government, and the majority of the three parliament factions *Petro Poroshenko Bloc "Solidarity"* (*BPP*), *People's Front*, and *Fatherland*. Actions of the liberal majoritarian pro-European coalition on sexual and gender rights towards the anti-discrimination reform were also supported by some of the parliament deputies elected in single-member constituencies, particularly by parliament groups *People's Will* and *Revival*. The liberal minoritarian pro-European discourse coalition on sexual and gender rights included LGBT organizations, and human rights organizations. The conservative Eurosceptic discourse coalition included

parliament party *Opposition Bloc* and the pro-Russian and NGOs and Christian right NGO *Parent Committee*. The conservative pro-EU discourse coalition included parliament parties *Self Reliance*, *Radical Party of Oleh Liashko*, individual deputies from *BPP*, *People's Front* and *Fatherland*, All-Ukrainian Council of Churches and its individual members (the Orthodox Church of the Kyiv Patriarchate, the Orthodox Church of the Moscow Patriarchate, and the Greek Catholic Church), and Christian right organization *LPG*. By the end of the second round, *Self Reliance* tactically supported the liberal majoritarian pro-European discourse coalition. This support, however, was conditioned by *Self Reliance* membership in the pro-government coalition in the parliament rather than substantial changes in the party discourse on sexual and gender rights.

Articulation of the nodal points of sexual and gender rights discourse and dominant storylines on the anti-discrimination reform in each of the four discourse coalitions largely preserved during the second round of the controversy. However, several changes were observed within each coalition.

Differences between the two *liberal coalitions* decreased during the second round. The liberal majoritarian pro-EU coalition incorporated articulation of the “equality” nodal point as protection of minority rights in addition to majoritarian conception of equality that also preserved. The two conceptions of equality were applied to different fields of rights. Labor rights were articulated in relation to the minoritarian conception of equality. When discussing equal labor rights, members of the liberal majoritarian coalition represented society as a complex of minorities whose rights should be protected. Sexual and gender rights related to SOGI were still related to the majoritarian conception of equality. Therefore, when discussing rights for marriage and child adoption, actors within the liberal majoritarian coalition rejected the possibility of LGBT citizens to obtain these rights without support from the majority of the society. The right for equal treatment on the grounds of SOGI in labor was articulated as labor right, not as sexual and gender right in the liberal majoritarian coalition. As a result, “public opinion” of the homonegative majority was no longer a relevant argument against the anti-discrimination reform within the liberal majoritarian coalition. Articulations of “values” in the liberal majoritarian coalition shifted closer to the “European values” pole. Construction of the Ukrainian national identity as based on “European values” was part of the narrative of the post-Euromaidan development. Euromaidan was articulated in the liberal majoritarian discourse

coalition as a moment when the Ukrainian nation affirmed its European identity in the struggle for European values of democracy and civil equality, which provided a starting point for modernization, development, progress associated with Europe. “Traditional values” were represented as archaic and reactionary (as opposed to the narrative of Europeanization as progress), and associated with antagonistic Russian and the USSR political projects, from which the Ukrainian national subject seek to separate. The very term “traditional values” was no longer legitimate in liberal majoritarian discourse because of this close association with Russia. Also, members of the liberal majoritarian coalition tried to rearticulate “family” and “Christian values”, which were previously used as cultural justifications of homonegativity, in a way they would be compatible with European values drawing on evangelic prescriptions for compassion and social acceptance of homosexuality in European Christian countries. The liberal minoritarian coalition also shifted closer to the “European values” pole of the “traditional – European” opposition. Traditionalist narratives on the Ukrainian national identity reproduced by the conservative political actors were no longer accepted as legitimate alternatives but questioned as a demonstration of individual preferences of particular politicians who do not represent the position of any social group.

Conservative discourse on sexual and gender rights demonstrated a decrease in differences from liberal discourse during the second round of the anti-discrimination controversy. Liberal articulations of the nodal points of the controversy were no longer represented in the conservative discourse as antagonistic. They were either portrayed as undesirable but possible alternatives or partly incorporated in the conservative discourse. First, the possibility for SOGI to serve as a ground for rights claims was no longer denied by most of the conservative actors, except Eurosceptic interest groups. *Opposition Bloc* from the conservative Eurosceptic coalition did not discuss the legitimacy of SOGI as a ground for rights claims. The conservative pro-EU coalition suggested the term “attitudes to sexual relations” that would supposedly allow fulfilling the EU requirements on SOGI protection without challenging the heteronormative order of legal discourse. Although the term reproduced heteronormative assumptions about sexuality, gender, and citizenship, restricted possibilities for sexual and gender identity politics and opened up a possibility to justify discriminatory actions against LGBT people motivated by homonegative attitudes, it formally opened up the possibility for LGBT people to claim rights on the grounds of

sexual and gender difference in the conservative discourse. Second, the majoritarian conception of equality was no longer considered the only possible scenario of democracy for the conservative parliament parties. *Opposition Bloc* discussed the minoritarian conception of democracy as a possible, though undesirable alternative. *Self Reliance* represented themselves as parliament representatives of the conservative minorities. Third, conservatives admitted the presence of narratives on the national identity other than “traditional values”. They no longer represented “traditional values” as essential for the Ukrainian national subject, but rather represented them as an identity ground for particular groups within the Ukrainian society (conservatives, religious people). Fourth, opposition to political and economic integration with the EU in the conservative discourse vastly diminished. Only several Eurosceptic groups of interest kept opposing European integration. *Opposition Bloc* supported the visa-free regime and did not express anti-EU sentiments in the discussion of the anti-discrimination reform. The conservative pro-EU coalition no longer articulated the possibility that political association and visa-free regime with the EU might be rejected for the sake of “values”, as they occasionally did during the first round of the controversy. Altogether, articulations that dominated the conservative coalitions during the first round were only shared by groups of interest during the second round, while conservative political establishment and churches demonstrated greater liberalization on the issue of sexual and gender rights.

At the end of the second round of the anti-discrimination controversy, adoption of the prohibition of discrimination on the grounds of SOGI signified the establishment of liberal hegemony in the field of sexual and gender rights. The following opportunities and constraints conditioned this change:

1. The post-Euromaidan pro-EU hegemony in Ukrainian politics undermined conservative discourse. Articulation of “European values” as a ground for construction of the Ukrainian national identity after Euromaidan and integration with the EU as the only possible direction of foreign politics became normative in Ukrainian politics. Conservative political actors had to adjust their discourse to the dominance of “European values” and “EU integration” with the use of the already established strategies (“traditional values as European values” storyline in the conservative pro-EU coalition) and development of the new ones (suggestion of the term “attitudes to sexual relations” instead of SOGI).

2. The liberal majoritarian pro-EU coalition which united the most resourceful political actors reached greater internal coherence than during the first round. With the incorporation of the minoritarian conception of equality in their discourse on labor rights, the liberal majoritarian coalition eased the contradiction between their predominant conception of equality as a majority rule and high levels of homonegativity in Ukrainian society. In addition, understanding democracy as protection of minority rights was reinforced by the dominance of “European values” that included “tolerance” to minorities in political discourse. The hegemony of “European values” and “European integration” facilitated exclusion of the “traditional values” concept from the liberal majoritarian discourse. Moreover, the liberal majoritarian coalition succeeded to establish equivalence between “traditional values” and “Russian politics”, which provided an important discursive resource for advocacy in support of the anti-discrimination reform in a situation of the ongoing antagonism with Russia.

3. Opposition to Russia and Russian-backed political projects became normative in Ukrainian politics as a result of the war with Russia. Eurosceptic conservatives who did not conform with this norm were either excluded from political institutions (the *Communist party*), or left Ukrainian politics on their own choice (*People's Council*), or remained highly marginal (*Ukrainian Choice*). Those Eurosceptic conservatives who remained in the field of institutionalized politics had to deemphasize articulations that contradicted hegemonic “European values” and “European integration”. Equivalence between “traditional values” and “(pro)Russian politics” established by the liberal coalitions challenged both the Eurosceptic and the pro-EU conservative coalitions, as “traditional values” provided a central source of justification in their discourses.

4. The duration of the second round of the controversy was much shorter than that of the first round. Conservative actors did not have much time for public mobilization and development of the new articulation strategies that would substitute then ineffective “traditional values” storyline.

Hegemony of the “minority rights”, “European values”, and “European integration” achieved in the political discourse at the end of the second round of the anti-discrimination controversy was highly unstable. In the following years, the majoritarian conception of equality and “traditional values” narrative on national identity partly regained their legitimacy in the mainstream political discourse and the government and parliament started

returning to sexual conservatism. Supposedly, if the discourse change occurred more gradually, it might have been more sustainable. However, the dominance of the “European values” and “European integration” nodal points in the political discourse should not be regarded as a timeless guarantee of liberal sexual and gender politics, as well as the minoritarian conception of democracy. As my research demonstrated, sexual conservatives were very creative in their recurrent attempts to rearticulate “European values” and “European integration” in a way they would include the “traditional values” of homo- and transnegativity. Although within the time frame of the anti-discrimination controversy these attempts were not successful, equivalence among “sexual and gender identity” on the one hand and “European values” and “European integration” on the other is contingent and open to change as any articulation. There are discursive possibilities for both fundamentalist social world, in which conservative articulations of “European values” as Christian values may become hegemonic, and post-heteronormative social world, in which sexual orientation and gender identity would provide grounds for rights claims for the non-heteronormative majority of the society. Which one of the possible social worlds will be actualized depends on our daily articulation practices.

Results of the analysis of the political discourse on sexual and gender rights in Ukraine obtained in this study support argument of those Europeanization scholars who suggest that socialization might be a more effective mechanism than conditionality to drive sustainable changes in CEE countries (Ayoub, 2015; Kochenov, 2006; Kollman, 2009). The anti-discrimination reform in Ukraine revealed similar shortcomings of conditionality in the field of sexual and gender rights change as anti-discrimination reforms in other CEE countries (Belavusau, 2017; Kulpa, 2014; O’Dwyer, 2010, 2012; O’Dwyer & Schwartz, 2009, 2010; Slootmaeckers & Touquet, 2016). Conditionality proved to be effective for the establishment of the legal protection of LGBT people, but this protection remained formal and hardly affected the everyday lives of domestic LGBT communities. As of January 2020, no lawsuits alleging discrimination based on sexual orientation or gender identity in labor were registered in the Unified State Register of Court Decisions. Experts of *Our World* suggest that the main reason LGBT people in Ukraine do not try to protect their right for equal treatment in court is the unwillingness to disclose their sexual orientation publicly and lack of general competence in solving discrimination cases among judiciary (Hrybanov, 2018).

Failures in practical implementation of the reforms adopted in CEE countries under conditionality principle might be explained with the high level of stability of the discursive structures that govern social relations in which sexual orientation and gender identity are employed as meaningful categories. Even when the new liberal norm is temporarily inscribed in the conservative discourse order that governs sexual and gender rights, heteronormative assumptions still dominate discursive practices and prevent the new norm from enactment. The case of the anti-discrimination reform demonstrated that even the moment of intense dislocation (the Euromaidan revolution), which recomposed the entire field of institutionalized politics in terms of actors, did not alternate dramatically the discursive repertoire of the liberal and conservative coalitions on sexual and gender rights.

Conservative political discourse on sexual and gender rights in Ukraine demonstrated similar features with the conservative discourses in other CEE countries (Ayoub, 2014; Chojnicka, 2015; Kahlina, 2013; Keinz, 2011; Kuhar 2011; Mikuš, 2011; Mole, 2011, 2016; O'Dwyer, 2012; Renkin, 2009; Sremac et al., 2015; Stychin, 2003b; Wallace-Lorencová, 2003). As well as in other CEE countries, conservatives in Ukraine associated homosexuality with infertility and represented it as an internal and external threat to national reproduction and national identity based on Christianity. An internal threat was envisioned in the availability of information about homosexuality for the heterosexual public that according to the conservatives would subvert heterosexuality. An external threat was perceived in the EU sexual rights policies which were interpreted as instruments to establish domination over CEE nations.

What was specific for Ukrainian conservative discourse on sexual and gender rights was a contest over articulation of “traditional values” between Ukrainian nationalists and pro-Russian pan-Slavists. In other CEE countries, “traditional values” usually constitute a nodal point of the domestic nationalist discourses. In Ukraine, “traditional values” are used by nationalist actors as well, but they also serve pro-Russian groups of interests to articulate Ukrainians, Russians, and Belarusians into a single quasi-national Slavic subject. During the anti-discrimination controversy, pro-Russian actors used sexual and gender rights issues to discredit political association between Ukraine and the EU and mobilize both political elites and citizens in support of Russia-backed Customs Union. Although there is no evidence that these actors were sponsored or coordinated by Russian authorities, Ukrainian case demonstrates that “traditional values” might be considered as a Russian soft

power (Nye, 1990) instrument in the CEE region, as they are utilized to create attractive image of Russia and shape political preferences of citizens in CEE in line with Russian political interests.

Ukrainian sexual conservatives also shared common articulations with their Anglo-American counterparts. Similar strategic anti-essentialism based on the opposition of the “inborn” and “behavioral” grounds of discrimination was described by Jane Schacter (1994) in the discourse of the U.S. conservatives on laws prohibiting discrimination on the grounds of sexual orientation and gender identity in the U.S. states. Schacter argues that this opposition provides an obstacle for the development of civil rights theory, as there is no clear boundary between “inborn” and “behavioral” features. Discrimination on the grounds of “inborn” features is enacted in response to certain behaviors (“afro” hairstyles, or wearing a hijab), while social construction of certain features (religion, language, accent, marital status, certain types of disability) does not mean a person can choose them freely at any moment. Articulation of sexual and gender rights in the Ukrainian conservative discourse coalitions also reproduced the logic of splitting the LGBT subject into two mutually exclusive subject positions, revealed by Ann-Marie Smith (1994) in the analysis of the Thatcherites discourse on homosexuality in 1980-s Britain. The “good” LGBT subject in the conservative discourse has internalized heteronormative strategies of their oppression and remains totally closeted. This subject is claimed to be already equal in civil rights with the heterosexual subject. The “bad” LGBT subject is out of closet and claims “minority rights” on the grounds of sexual orientation. Given the assumption of the already achieved equality, these claims are rejected as claims for “special privileges”.

7.2. Contribution of the online news media to sexual and gender rights change

In this research, I examined how the online news media might have contributed to the outcomes of the anti-discrimination reform by setting sexual and gender rights issues on the public agenda, providing public platform for rival discourse coalitions as authors of the articles and sources of comments, and producing their own articulations of sexual and gender rights.

The analysis demonstrated that the anti-discrimination reform has drawn the greatest online media attention among other domestic SOGI-related sexual and gender rights issues during the observed period (February 2013 – May 2014; October – November 2015).

Media coverage of the reform was focused predominantly on the parliament proceedings of Bills 2342 and 3442 and the broader context of Ukraine-EU relations. According to the previous studies (Haider-Markel & Meier, 1996; Kuyper et al., 2013; Lax & Phillips, 2009), the high level of media salience conditions greater influence of the policy-relevant public opinion on political decisions. My examination of the anti-discrimination controversy case allows to suggest that it is not public opinion as such that affects political decisions, but the way public opinion is articulated in political and media discourses. During both rounds of the controversy, public opinion on homosexuality remained stable and predominantly negative. During the first round, it was represented in the political discourse as a crucial condition to be considered in the decision making process on the anti-discrimination reform. The conservative coalitions strategically reinforced this articulation of public opinion with public claims, collective petitions, and street protests. Some leading news websites (*Segodnya*, TSN) contributed to the dominance of this articulation of public opinion by providing excessive coverage of the conservative protests and representing these protests as protests of the “concerned citizens”, not as protests organized by particular fundamentalist groups. As a result, media resonance of the anti-discrimination controversy provided an obstacle for the adoption of the reform. During the second round of the controversy, liberal political actors succeeded in the articulation of public opinion about European integration as the key factor to consider in the decision making process on the anti-discrimination reform. As public support for European integration was quite high, media resonance of the anti-discrimination controversy this time played in favor of the reform.

The most prominent contribution of the online news media to the outcomes of the anti-discrimination controversy was providing rival discourse coalitions with unequal access to the public platform. Access to the public platform provided political actors with the opportunity to increase public presence of their articulations of sexual and gender rights, equality, national values, and foreign policy and eventually to achieve hegemony of their discourse in the public space. Political actors obtained access to the public platform predominantly as sources of information. Very rarely did the news websites provide political actors with the opportunity to publish their own columns as invited authors. By selection of sources with different positions on the reform from different types of collective actors, the online news media also mapped the controversy for the readers. In a situation

when most of the collective political actors involved in the controversy were internally divided on the reform, media representation of certain collective actors as proponents or opponents of the reform might have also contributed to the controversy outcomes as it formed the audience perception of what is the dominant position on the issue in the society. According to the spiral of silence theory (Noelle-Neumann, 1974) media representation of particular opinion as dominant contributes to silencing the alternative opinions among the public.

Another way in which the online media contributed to the anti-discrimination controversy was the reproduction of articulations produced the rival discourse coalitions in media professionals' own statements on the reform. Journalistic discourse on the reform revealed similar structure of nodal points as political discourse did. However, because of the conventions of objectivity, factuality, and impartiality imposed by media genres, journalists rarely reproduced political storylines fully. Also, the online media demonstrated greater variability of articulations of the reform and the relevant nodal points than political actors up to publishing articles from journalists who expressed opposing views on sexual and gender equality, democracy, European values, and European integration.

All five analyzed online media provided privileged access to the public platform to mainstream politicians. During the first round of the controversy, media dependence on governmental and parliamentary sources in coverage of the anti-discrimination reform was favorable for the conservative discourse coalitions, as many of the speakers from the government and pro-governmental parties were either conservative opponents of the reform, or made ambivalent claims about it. During the second round of the controversy, the predominance of the political establishment among media sources, on the contrary, contributed to hegemony of the liberal discourse on sexual and gender rights, as the government and the biggest pro-governmental parties *BPP* and *People's Front* participated in the liberal discourse coalitions on sexual and gender rights.

During the first round of the controversy, opponents and proponents of the anti-discrimination reform obtained approximately equal visibility in the online media as sources of information about the reform. Opponents of the reform were represented at the news websites by government and parliament members and the conservative interest groups (churches, the religious right, and pro-Russian organizations). Proponents of the reform were represented by actors from the EU, domestic political experts, and LGBT and

human rights activists. Among governmental sources, only the minority supported the reform and substantial part of media sources from the government and the parliament were ambivalent about the reform. The rest of the Ukrainian society which was not actively involved in the controversy (other civil rights activists, citizens) was represented as predominantly opposing the reform. The predominance of opponents of the reform among government sources and the broader Ukrainian society on the one hand and predominance of the EU sources among proponents of the reform on the other supported the conservative storylines that the anti-discrimination reform is an instance of foreign pressure on Ukraine. However, substantial support of the reform from the side of domestic political experts was favorable for the liberal discourse coalitions.

During the second round of the controversy, the leading online news media provided virtually no platform for sexual conservatives. Opponents of the anti-discrimination reform were represented in media coverage only by the parliament party *Self Reliance*. Despite the general tendency of the news websites to quote professional politicians, *Opposition Bloc*, which was the main opponent of the reform in the parliament during the second round did not obtain any public platform as a media source. The possible reason for this was the pro-Russian political position of the party, which led to its marginalization in the public space in the situation of the post-Euromaidan pro-EU hegemony. None of the five analyzed media provided the platform for the interest groups that opposed the reform. Only one statement from a church representative was observed at news websites during the second round, which was made in support of prohibition of discrimination on the grounds of SOGI and, thus went against the church collective position. Other quoted social actors (civil rights activists, citizens) were either positive or neutral about the reform. Exclusion of the *Opposition Bloc* and the conservative interest groups from the public discussion of the reform made a substantial contribution to temporary fixation of sexual liberalization discourse as hegemonic during the second round of the controversy as it limited opportunities of the conservative political actors to normalize their articulations in the public space and lowered opportunity for public mobilization in their support.

During the first round of the anti-discrimination controversy, four out of five leading news websites demonstrated a distinct tendency to privilege sources from either liberal or conservative discourse coalitions. *Segodnya* and *TSN* privileged sexual

conservatives among sources. They quoted opponents of the reform more frequently than proponents, quoted the conservative interest groups more frequently than other media, and published a greater number of articles imbalanced in favor of opponents of the reform (opponents outnumbered proponents among sources or were the only sources quoted in the article) than articles imbalanced in favor of proponents. *Liga* and *Ukrainska Pravda* privileged the liberal coalitions on sexual and gender rights. They quoted supporters of the reform more frequently than opponents; published significantly lower percentage of quotes from the conservative interest groups and a significantly higher percentage of quotes from the EU representatives than *Segodnya* and *TSN*. Particularly, *Liga* was the only website in the sample which did not quote conservative interest groups at all. Also, articles of *Liga* and *Ukrainska Pravda* were more frequently imbalanced in favor of supporters of the reform, than in favor of opponents. *Obozrevatel* occupied position in-between pro-liberal and pro-conservative online media. As well as *Segodnya* and *TSN*, it provided a greater platform for conservative interest groups than *Liga* and *Ukrainska Pravda*. However, similarly to *Liga* and *Ukrainska Pravda* it used proponents as news sources more frequently than opponents and published a greater number of articles imbalanced in favor of proponents than those imbalanced in favor of opponents. The online versions of the traditional media (*Segodnya* and *TSN*) demonstrated greater conservatism in representation of sexual and gender rights debates than the online-only media (*Ukrainska Pravda* and *Liga*).

During the second round of the controversy, the difference between the pro-conservative and pro-liberal media disappeared. All online media quoted predominantly proponents of the anti-discrimination reform, did not use conservative interest groups as sources, and published articles imbalanced in favor of proponents more often than articles imbalanced in favor of opponents. *Liga* and *TSN* differed from *Obozrevatel*, *Segodnya*, and *Ukrainska Pravda* in their use of governmental sources. *Liga* quoted governmental sources most frequently among the five media, while *TSN* did not publish any comments from the government.

Bias in the use of sources corresponded with the storylines on the anti-discrimination reform reproduced by journalists in the two media clusters. As journalistic discourse contained diverse articulations of the anti-discrimination reform and the related nodal points it was hardly possible to identify dominant storylines in each media. However,

the news websites differed in the level of explicitness of the conservative and liberal storylines on sexual and gender rights and length of the argument chains used to relate the anti-discrimination reform to the nodal points of the controversy. During the first round, journalists of *Segodnya*, *TSN*, and *Obozrevatel* reproduced the chain of equivalence among “sexual orientation and gender identity” – “majority rights” – “traditional values” – “accession to the Customs Union” specific for the conservative coalitions on sexual and gender rights. Journalists of *Liga* and *Ukrainska Pravda* reproduced the chain of equivalences among “sexual orientation and gender identity” – “European integration” – “European values” common for the liberal coalitions and did not reproduce the nodal points of “traditional values” and “accession to the Customs Union” distinctive for the conservative coalitions. During the second round, journalists of all examined online media reproduced the chain of equivalences “sexual orientation and gender identity” – “European integration” – “European values”. Also, the minoritarian perspective on “equality” became more prominent in the journalistic discourse during the second round of the controversy.

Altogether, the online news media contributed to sexual and gender rights change in Ukraine with setting the anti-discrimination reform on the public agenda, and with reproduction of the conservative and liberal articulations of sexual and gender rights and the related metanarratives on democracy, national identity, and foreign policy produced in political discourse. By enforcing and emphasizing particular storylines on the anti-discrimination reform while undermining and backgrounding others the news websites contributed to the dominance of the particular meanings in the public space and, therefore, to fixation of hegemonic discourse on sexual and gender rights. During the first round of the controversy in 2013 – 2014, sexual conservatives obtained substantial presence in all five online media as sources of information on the anti-discrimination reform. In the pro-conservative media cluster that included *Segodnya* and *TSN*, political actors from the conservative coalitions obtained greater opportunities to promote their storylines than members of the liberal coalitions. Staff journalists of these media also reproduced conservative assumptions and arguments about the reform. In the pro-liberal media cluster, *Liga* and *Ukrainska Pravda* political actors from the liberal coalitions obtained greater opportunities as sources of information to promote their storylines on the reform. Staff journalists of these media also reproduced the liberal assumptions and arguments about the reform. *Obozrevatel* demonstrated mixed traits of the conservative and the liberal media

clusters. It provided a greater platform for the conservative interest groups than news websites from the liberal cluster and some of its journalists reproduced conservative storylines on the reform. At the same time, *Obozrevatel* provided a greater platform for the members of the liberal coalitions among sources. During the second round of the controversy, the top five news websites supported the liberal coalitions on sexual and gender rights with greater access to public platform and reproduction of their storylines in journalistic statements on the reform.

7.3. Directions for further research

The present study demonstrates that the anti-discrimination controversy has been more than an instance of political struggle over sexual and gender rights in Ukraine, but an episode of a wider political contest among professional politicians and groups of interest over how Ukrainian social space would be defined. Sexual and gender rights appeared to be an element that was used strategically by the competing political actors to define what democracy, national identity, and international relations would mean in Ukraine. As it was demonstrated in the literature review of the present study, the role of sexual and gender rights in struggles over national identity in CEE contexts is well examined. Whereas the role of sexual and gender rights in the struggles over democracy and international influence requires further examination on the domestic, regional, and global levels.

A confrontation between contesting definitions of democracy as a rule of the majority and as a protection of minorities from the tyranny of the majority is widely addressed in the contemporary political studies as a confrontation between populism and liberal democracy. The rise of populism in Europe and South America since the 1990-s and in the United States recently has drawn intense academic attention. Populism in academic literature is often considered as a threat to liberal democracy, especially in Central and Eastern Europe where poverty and low levels of institutional trust make citizens especially susceptible to populist claims, while democratic institutions remain underdeveloped and unstable (Caiani, 2017; Rummens, 2017; Urbinati, 2017).

Although sexuality and gender expression are often mentioned as strategic issues for contemporary populist movements, they are insufficiently examined in the studies of populism and should be addressed in further empirical investigations. For example, the recent *Oxford Handbook of Populism* aimed to overcome fragmentation and

disconnectedness in the excessive academic literature on populism with the layout of “not only the knowledge accumulated but also ongoing discussions and research gaps” (Urbinati, 2017, p. 1) does not address the issue of sexual rights and rights related to gender expression in populism studies. The few exceptions in the populism studies that address sexual and gender rights in detail are studies of British conservatism (Reyes, 2005; A. M. Smith, 1994). As these studies demonstrate, sexual and gender rights related to SOGI play several functions in the right-wing populist discourse. First, (hetero)sexuality often provides ground to construct a homogeneous community of “the people” that enjoys democratic rights, while the rights of those who are not conforming with the heterosexual norm are limited. Second, sexual and gender rights are used to claim that the conservative majority is oppressed by the liberal/leftist elites and thus to delegitimize and silent opponents. The present study supports these findings. Further studies might address the following questions on how sexual and gender rights are related to the struggles over democracy in Ukraine, CEE, and worldwide. What discursive opportunities for populists and liberal political actors are established by the dominant articulations of sexual and gender rights set? How populist political projects use the issue of sexual and gender rights to undermine liberal democracy? Are there any similarities among populist articulations of sexuality and gender? What are the liberal democratic responses to the populist claims against sexual and gender “others”? Are these responses effective or ineffective and why?

The role of sexuality and gender in international relations has received a greater examination in recent years, as was demonstrated in the literature review. One of the fruitful directions for further research is the use of sexual and gender rights by pro-Russian actors in CEE in their contest against Western liberal democracy. The present study demonstrated that conservative narratives on sexual and gender rights were employed by the pro-Russian actors in Ukraine to advocate against Europeanization, to justify Russian authoritarian governance, and to mobilize support for the Russian integration projects in the post-Soviet space (the Customs Union). Further studies may examine similarities and differences in articulations of sexual and gender rights in the discourses of pro-Russian actors in CEE countries. Cases of Serbia and Moldova might be of the primary interest, as there are powerful pro-Russian political actors in these countries who are also active opponents of sexual and gender equality. Another fruitful direction of research on sexual and gender rights in international relations is comparative studies of the conservative

interest groups discourses, particularly those of the religious right groups. The present study demonstrates that Ukrainian religious right groups share similar assumptions and argumentative strategies with their counterparts in Europe and the U.S. What are the dominant meanings that unite conservative interest groups, where and when were these meanings produced, by which channels are dominant assumptions and argumentative strategies spread among conservative groups worldwide?

Besides the examination of sexual and gender rights struggles in the political discourse, further research on media representation of sexual and gender rights is needed. The present study allows suggesting three potential determinants in media production process that result in the pro-liberal or pro-conservative bias in coverage of sexual and gender rights issues that require further investigation.

The first potential determinant of ideological bias in media representation of sexual and gender rights is ownership. As the present study demonstrates, media owned by the big businessmen whose business interests go beyond the media industry tend to reproduce conservative discourse on sexual and gender rights issues, while independent media owned by journalists and small media businesses tend to reproduce liberal discourse on sexual and gender rights. A quantitative exploration of a bigger media sample is needed to examine this hypothesis.

The second potential determinant of ideological bias in media representation of sexual and gender rights is the institutionalized practice of media production. As it was demonstrated in the present study, institutionalized practices of sources selection and use and news values provided opportunities and obstacles for mediatization of the conservative and liberal discourses on sexual rights. The predominance of state administrators and parliament deputies among media sources facilitated the dominance of their discourse on SOGI in the public sphere, which was challenging for protection of sexual and gender equality when the political mainstream was conservative on sexual and gender rights, and favorable when it was liberal on sexual and gender rights. Another media production practice that facilitated ideological bias in the online news media was the tendency to use only one source per article that opened up the possibility for imbalance. Dominant news values that facilitate media attention to protest events with large numbers of participants provide an opportunity for public promotion of their discourse on sexual and gender rights to those groups of interest that have greater resources for street mobilization. However, as

the present study demonstrated, the pro-liberal news websites provided significantly lower coverage of the conservative protest actions than the pro-conservative ones, even at times when conservative protests occurred frequently. Further investigation is needed to understand to what extent media coverage of street protests related to SOGI issues is affected by news values, editorial policies, journalists position on sexual and gender rights and communication strategies employed by the interest groups.

The third potential determinant of ideological bias in media representation of sexual and gender rights is journalists' opinions on the issue. This study demonstrates the absence of a coherent editorial policy on SOGI-related rights in the analyzed online media. Although journalists in each media tended to demonstrate bias either towards liberal or conservative position on sexual and gender rights, within each media diversity of journalistic opinions was observed, which allows suggesting that staff journalists were free to express their views on the topic. Further investigations of the impact of journalists' views on sexual and gender rights on media coverage of SOGI-related rights issues might be useful for development of educational programs for journalists on how to write about SOGI.

Another fruitful research direction of mediatization of political discourse on sexual and gender rights is exploration of political controversies on social networking websites in addition to the analysis of political communication in online media and political websites. This will allow to achieve comprehensive knowledge on establishment of hegemonic relationship in the digital public sphere.

Finally, the present study raises a question on the limits of hegemony that might be addressed in further research of media audiences. In my investigation of political and media discourses on sexual rights, I considered hegemonic articulation as one that was shared by the greater number of political and media actors. However, it remains unclear to what extent does domination of the particular articulations in political and media discourses correspond with domination of these articulations among the wide public. To extend theoretical understanding of hegemonic articulations of the SOGI-related rights issues, further research should combine examination of media representation with examination of dominant assumptions in society about SOGI and the related nodal points of civil equality, national values, and foreign policy.

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Appendix A. Audience reach of online news media (TNS *MMI*)

Target Base: Ukraine (except Crimea)

Target Group: All people

	MMI Ukraine 2013/1 + 2013/2		MMI Ukraine 2014/1 + 2014/2	
	wSample	Col % Weighted	wSample	Col % Weighted
Total	9 498	100,0	9 747	100,0
Korrespondent.net	483	5,1	522	5,4
Podrobnosti.ua	447	4,7	508	5,2
Pravda.com.ua	299	3,1	376	3,9
Gazeta.ua	286	3,0	340	3,5
Unian.net	287	3,0	336	3,4
Obozrevatel.com.ua	294	3,1	317	3,3
Liga.net	248	2,6	306	3,1
Fakty.ua	235	2,5	256	2,6
Segodnya.ua	212	2,2	250	2,6
Vesti.ua	n/a	n/a	238	2,4
Rbc.ua	159	1,7	182	1,9
Aif.ua	186	2,0	172	1,8
Utro.ua	165	1,7	165	1,7
Kp.ua	191	2,0	170	1,7
Forbes.ua	163	1,7	143	1,5
Reporter.vesti.ua	n/a	n/a	136	1,4
Zn.ua	149	1,6	136	1,4
Focus.ua	190	2,0	129	1,3
Depo.ua	94	1,0	101	1,0
Dengi.ua	133	1,4	88	0,9
Comments.ua	125	1,3	79	0,8
Delo.ua	100	1,1	75	0,8

MMI Ukraine 2013/1 + 2013/2 (TNS) — field research in March and June 2013

MMI Ukraine 2014/1 + 2014/2 (TNS) — field research in March and June 2014

wSample — number of people in the sample

Col% Weighted — half-year reach of the media in %

Unprj.Cvr. - number of people in the sample

Cvr.% - reach of the media in %

	MMI Ukraine 2013/1 +		MMI Ukraine 2014/1 + 2014/2	
	Unprj.Cvr.	Cvr.%	Unprj.Cvr.	Cvr.%
Total	9 498	100,0	9 747	100,0
Korrespondent.net	107	1,1	125	1,3
Podrobnosti.ua	86	0,9	108	1,1
Pravda.com.ua	68	0,7	103	1,1
Unian.net	60	0,6	76	0,8
Vesti.ua	n/a	n/a	72	0,7
Obozrevatel.com.ua	49	0,5	68	0,7
Liga.net	43	0,5	68	0,7
Fakty.ua	62	0,7	67	0,7
Segodnya.ua	57	0,6	66	0,7
Gazeta.ua	56	0,6	59	0,6
Aif.ua	44	0,5	50	0,5
Kp.ua	47	0,5	47	0,5
Zn.ua	35	0,4	42	0,4
Rbc.ua	29	0,3	37	0,4
Reporter.vesti.ua	n/a	n/a	33	0,3
Focus.ua	40	0,4	31	0,3
Forbes.ua	41	0,4	30	0,3
Utro.ua	28	0,3	28	0,3
Depo.ua	15	0,2	22	0,2
Comments.ua	30	0,3	21	0,2
Dengi.ua	27	0,3	18	0,2
Delo.ua	22	0,2	16	0,2

Appendix B. Audience reach of online news media (*Gemius Audience* research)

Website	February 2013	March 2013	April 2013	May 2013	June 2013	July 2013	August 2013	September 2013	October 2013	November 2013	December 2013	January 2014	February 2014	March 2014	April 2014	May 2014	Average monthly audience	
tsn.ua	1220036	1472927	1323300	1284748	1250415	1302376	1252780	1321787	1511058	1608389	2237920	2197220	2943740	3169628	2710952	2632782	1840003,6	
segodnya.ua	1279057	1425144	1224431	1202361	1101898	1114405	1148701	1184010	1576968	1533201	1845847	1986197	2812112	2831203	2506415	2700549	1717031,2	
obozrevatel.com	1248288	1326588	1301106	1323233	1287420	1354573	1272345	1257184	1443520	1491750	1758069	1862119	2275008	2506386	2191834	2136725	1627259,3	
liga.net	1277957	1606831	1264608	1158061	1063687	1139494	1030802	1015927	1196597	1356370	1922306	2056844	2635018	2780741	2167605	2267810	1621291,1	
pravda.com.ua	1154712	1277172	1232333	1185325	932707	918382	862387	953956	1093296	1301851	2085835	2113835	2791721	2841796	2388137	2710787	1615264,5	
korrespondent.net	1223623	1395642	1294984	1311686	1136839	1225869	1191019	1187251	1441080	1150055	1473371	1633905	2163021	2362642	1798593	2000643	1499388,9	
rbc.ua_news	1109701	1126306	900473	1111850	938488	1039044	987802	938002	1210333	1037359	1345706	1388419	1890008	2224092	1999925	1978647	1326634,7	
vesti.ua							365176	731128	938148	1124447	1091483	1466803	1533380	1674620	1924220	1774879	1835172	1314496
unian.net	909024	988128	843780	722509	663875	696800	695318	713806	800195	929656	1587582	N/a	2091764	2455813	2042595	1766209	1193803,6	
censor.net	638503	699448	651025	566851	552816	649627	588181	587584	628007	716938	1135778	1417856	1949089	2348156	1958241	1987831	1067245,7	
gazeta.ua	903434	1005405	892909	835913	813179	887466	861806	907571	942073	1062173	1307065	1440315	1622620	1361847	1047321	1038034	1058070,7	
lb.ua	N/a	934390	900193	857971	837441	908862	856822	778674	858580	970134	1028551	975258	1569910	1681014	1240288	1317651	1047715,9	
comments.ua	767552	812274	655013	638293	541144	587928	606237	588437	686907	683444	913483	981655	1368258	1472607	1211790	1260119	860946,3	
espresso.tv												223080	745363	1214289	1297470	922511	750013	858787,7
stb.ua	794477	1118707	967856	1005024	726509	408042	620619	851500	904530	982212	1105287	728407	N/a	N/a	784731	750696	839185,5	
glavnoe.ua	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	351763	526024	726156	1155905	1185761	991614	789573	818113,7	
podrobnosti.ua	701634	806826	709279	744282	660433	678555	674100	625565	733067	705382	848352	844985	948888	1096914	988983	1228666	812244,4	
kp.ua	N/a	781538	707363	727941	692887	679254	661682	682319	761602	682034	753543	959110	999139	1087492	838457	918324	795512,3	
glavcom.ua	N/a	598267	559753	412463	520699	574956	372201	461651	555907	548539	899306	892303	1656053	1382833	1194715	1283467	794207,5	
zn.ua	N/a	N/a	662842	544763	442800	475850	376987	403262	425536	670968	842435	887350	1198130	1387912	1055245	1011077	741796,9	
112.ua												523385	578711	710474	711178	923391	689427,8	
radiosvoboda.org	N/a	N/a	N/a	N/a	N/a	N/a	N/a	266524	335237	488558	894779	925356	1117795	N/a	N/a	671374,8		
ictv.ua	335246	429144	397405	408335	403411	456128	461575	456570	524601	557120	671631	834288	1089594	1288070	975268	1011830	643763,5	
ukrinform.ua	484051	551946	521311	554866	457549	N/a	N/a	381767	559264	466846	495725	435378	901804	1111694	1043019	971659	638348,5	
zik.ua	271263	370993	N/a	N/a	N/a	N/a	N/a	N/a	345012	322908	676078	580331	1076817	1077819	612491	1033210	636692,2	
5.ua	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	435381	512922	684087	471767	758965	943322	634407,3		
ipress.ua	N/a	N/a	176682	190818	188568	N/a	247786	N/a	N/a	355844	603968	787755	965940	1224840	1049547	1171442	633017,3	
aif.ua	315678	409425	418768	440557	N/a	N/a	389279	388894	443216	423980	527752	712160	897346	1056437	862775	898803	584647,9	
glavred.info	N/a	488175	479469	480398	396515	374155	428557	385618	388891	442225	788354	581761	913145	951907	630583	749505	565283,9	
devo.ua	374544	419368	406101	360002	328203	371405	349233	340662	392320	346421	570177	688730	875778	1219509	852729	885421	548787,7	
unn.com.ua	231041	395915	320862	349634	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	N/a	855688	764898	906814	546407,4	
eizvestia.com	N/a	381522	338256	307781	300190	326916	336426	364540	419879	480664	618261	650519	795930	890486	887423	1076758	545036,7	
focus.ua	369956	376363	352464	305032	291707	326504	326356	328088	364213	353353	577997	801395	1089954	929846	495983	561128	490646,2	
interfax.com.ua	346272	387351	345962	335959	284984	305305	317173	266859	267072	310463	539710	459388	742651	1077810	807189	874613	479297,6	
fakty.ua	310381	365851	323661	318881	300263	333136	327273	319184	342761	320723	419465	612463	856264	936816	723528	855352	479125,1	

Blank cell - a website did not exist at the time of monitoring period

N/a - missing data

Appendix C. Data sources

Actor		Code	URL
Government	President Government (general) Ministry of Foreign Affairs of Ukraine Ministry of Justice of Ukraine	PRE GOV MFA MJU	www.president.gov.ua http://www.kmu.gov.ua/ http://mfa.gov.ua/ua http://www.minjust.gov.ua
Parliament	Parliament Commissioner for Human Rights Parliament Committee on Human Rights, National Minorities, and Interethnic Relations Parliament Committee on European Integration Parliament proceedings and debates	OMB PAR PAR PAR	www.ombudsman.gov.ua/ http://kompravlud.rada.gov.ua/ comeuroint.rada.gov.ua https://zakon.rada.gov.ua
<i>Factions 2012 - 2014</i>	Party of Regions The Communist party Freedom UDAR BYuT	PR COM VOS UD BYUT	http://partyofregions.ua/ http://www.kpu.ua/ http://www.old.svoboda.org.ua/* http://klichko.org/home/ http://batkivshchyna.com.ua/
<i>Factions 2014 - 2019</i>	Petro Poroshenko Bloc People's Front Opposition Bloc Self Reliance Revival Radical Party of Oleh Liashko Fatherland People's Will	BPP NF OPB SAM VIDR LIA BAT VOL	solydarnist.org nfront.org.ua/ opposition.org.ua https://samopomich.ua/ https://vidrodzhennya.org.ua/ liashko.ua/ https://ba.org.ua/ http://volyanarodu.com.ua
Churches	Ukrainian Orthodox Church of the Kyiv Patriarchate Ukrainian Orthodox Church of the Moscow Patriarchate Ukrainian Greek Catholic Church All-Ukrainian Council of Churches and Religious Organizations	CHKP CHMP UGCH VCIRO	www.cerkva.info orthodox.org.ua/ ugcc.ua http://vrciro.org.ua
Anti-LGBT NGOs	Love Against Homosexualism (LPG) Parent Committee Ukrainian Choice People's Council	LPG ROD UV NS	http://love-contra.org/ http://rodkom.org/ vybor.ua/ http://narodsobor.com.ua *
LGBT and human rights NGOs	Gay Alliance Fulcrum Coalition for Combating Discrimination in Ukraine Amnesty International Ukraine	GAU FUL ANTIDI AMN	http://upogau.org/ www.t-o.org.ua/ antidi.org.ua/ www.amnesty.org
Online media	Liga Obozrevatel TSN Segodnya Ukrainska Pravda	LIG OBZ TSN SEG UPR	www.liga.net https://www.obozrevatel.com https://tsn.ua/ https://segodnya.ua/ pravda.com.ua; www.eurointegration.com.ua; epravda.com.ua
* No longer available			

Appendix D. Search keywords and queries

№	Keyword	Yandex search	Google search
1	2342	2342	2342
2	2342-1	2342-1	2342-1
3	2427	2427	2427
4	4581	4581	4581
5	3442	3442*	3442*
6	discrimination(al)	Дискримінація (uks)	дискримінація OR дискримінації OR дискримінацію OR дискримінацією
7		Дискримінация (rus)	дискриминация OR дискриминации OR дискриминацию OR дискриминацией
		Дискримінаційний (ukr)	дискримінаційний OR дискримінаційного OR дискримінаційному OR дискримінаційним
		Дискриминационный (rus)	дискриминационный OR дискриминационного OR дискриминационному OR дискриминационном
8	anti-discrimination(al)	Антидискримінація (ukr)	антидискримінація OR антидискримінації OR антидискримінацію OR антидискримінацією
9		Антидискримінация (rus)	антидискримінация OR антидискримінации OR антидискримінацию OR антидискримінацией
		Антидискримінаційний (ukr)	антидискримінаційний OR антидискримінаційного OR антидискримінаційному OR антидискримінаційним
		Антидискриминационный (rus)	антидискриминационный OR антидискриминационного OR антидискриминационному OR антидискриминационном
10	Pride	Прайд (ukr/rus)	прайд OR прайду OR прайдом OR прайдові OR прайда OR прайде
11		Гей-парад (ukr/rus)	гей-парад OR гей-параду OR гей-парадові OR гей-парадом OR гей-параді OR гей-параде
12	LGBT	ЛГБТ (ukr/rus)	ЛГБТ

13	gay(s)	Гей (ukr/rus)	гей OR гея OR гею OR геем OR геем	
14	lesbian(s)	Лесбійка (ukr)	лесбійка OR лесбійки OR лесбійці OR лесбійкою OR лесбійки OR лесбійок OR лесбійками OR лесбійкам	
		Лесбиянка (rus)	лесбиянка OR лесбиянки OR лесбиянке OR лесбиянкой OR лесбиянки OR лесбиянкам OR лесбиянок OR лесбиянками	
15	Bisexual (people)	Бисексуальные (люди) (rus)	бисексуальные OR бисексуальных OR бисексуальным OR бисексуальными	
		Бісексуальні (люди) (ukr)	бісексуальні OR бісексуальним OR бісексуальними OR бісексуальних	
16	(sexual) minorit(ies)	Сексуальні меншини (ukr)	сексуальні меншини OR сексуальным меншинам OR сексуальных меншин OR сексуальным меншинами	
		Сексуальные меньшинства (rus)	сексуальным меньшинствам OR сексуальными меньшинствами OR сексуальных меньшинств OR сексуальные меньшинства	
17	(sexual) orientation	Сексуальна орієнтація (ukr)	сексуальна орієнтація OR сексуальної орієнтації OR сексуальною орієнтацією OR сексуальну орієнтацію	
		Сексуальная ориентация (rus)	сексуальная ориентация OR сексуальной ориентации OR сексуальной ориентацией OR сексуальную ориентацию	
18	homosexual(ity)	Гомосексуал (ukr/rus)	гомосексуал OR гомосексуала OR гомосексуалу OR гомосексуалом OR гомосексуалові	
19		Гомосексуальність (ukr) Гомосексуальность (rus)	гомосексуальность OR гомосексуальности OR гомосексуальностью OR гомосексуальність OR гомосексуальності OR гомосексуальністю	
		Гомосексуалізм (ukr)	гомосексуалізм OR гомосексуалізму OR гомосексуалізмом OR гомосексуалізмі	
20		Гомосексуализм (rus)	гомосексуализм OR гомосексуализма OR гомосексуализму OR гомосексуализмом	
21	tolerance	Толерантність (ukr) / Толерантность (rus)	Толерантність OR толерантності OR толерантністю OR толерантность OR толерантности OR толерантностью	
22	Same-sex	Одностатевий (ukr)	Одностатевий OR одностатевого OR одностатевому OR одностатевим OR одностатевими OR одностатевых OR одностатевим OR одностатеві	
		Однополый (rus)	Однополый OR однополого OR однополому OR однополом OR однополые OR однополых OR однополым OR однополыми	

23	Transsexual	Транссе́ксуал (ukr/rus)	Транссе́ксуал OR транссе́ксуала OR транссе́ксуалу OR транссе́ксуалом OR транссе́ксуалові
24	Transgender (people)	Трансгендерні (ukr)	Трансгендерні OR трансгендерних OR трансгендерним OR трансгендерними
		Трансгендерные (rus)	Трансгендерные OR трансгендерных OR трансгендерным OR трансгендерными
25	Gender identity	Гендерна ідентичність (ukr)	Гендерна ідентичність OR гендерної ідентичності OR гендерною ідентичністю OR гендерній ідентичності
		Гендерная идентичность (rus)	Гендерная идентичность OR гендерной идентичности OR гендерной идентичностью OR гендерной идентичности

Appendix E. Codebook¹

Please read the codebook carefully, especially the explanations and examples given for most of the categories. Even if things seem obvious or lengthy, please take the time and have a good look at the definitions.

Selection criteria

The coding scheme includes two levels of coding: article level and quote level.

Article level variables are coded for articles which contain at least one full sentence the main topic of which is *sexual rights related to sexual orientation and gender identity (SOGI) in Ukraine*.

Sexual rights related to sexual orientation and gender identity (SOGI) in Ukraine refer to:

- (1) rights for equal payment, child adoption, marriage/civil partnership, gender reassignment, legal recognition of gender, public gatherings and other rights when they are discussed in relation to sexual orientation and gender identity in Ukrainian context;
- (2) laws and policies which address SOGI in Ukraine;
- (3) public gatherings held for or against sexual rights laws and policies related to SOGI (Kyiv Pride, anti-gay protest actions etc.) in Ukraine.
- (4) social attitudes to gay, lesbian, bisexual, and transgender (LGBT) people in Ukraine (represented as results of social surveys, references to public opinion about LGBT etc.). Expressions of personal attitudes to LGBT people are NOT selected for the analysis, except cases when they are provided as examples of general social climate.

Quote level variables are coded only for articles which contain *quotes* that include references to the *anti-discrimination reform*.

A *quote* is a fragment which is separated from the rest of the article by the quotation marks. Mottoes used during the public protests are coded as quotes. Reported speech with no quotation marks is not coded as quotes. The only exclusion is when the article contains a quote made by the speaker, whose comment on the anti-discrimination reform was provided in the reported speech. In this cases a reported speech is considered to be the part of the quote.

The *anti-discrimination reform* refers to the introduction of legal prohibition of discrimination on the grounds of SOGI in Ukraine (including bills 2342, 2342-1, 2427, 4581, 3442, 3442-1, 3442-2 and unspecified references to the legal prohibition of discrimination on the grounds of SOGI).

General remarks

Specific coding is preferred in contrast to general coding. An article authored by a parliament deputy who does not belong to any party is coded 1229 ‘Old Parliament: Other parliamentarians’, not 1220 ‘Old Parliament’. An article authored by a press office of the parliament prior to 2015 is coded 1220 ‘Old Parliament’.

Also, codes of a higher “rank” are preferred over those of lower rank. A quote from an NGO representative who is represented as an ‘expert’ is coded 1750 ‘Experts, researchers, scientists’, not

1 The codebook is partly based on the Koopmans, Ruud. Codebook for the analysis of political mobilisation and communication in European public spheres Available at <http://europub.wzb.eu/Data/Codebooks%20questionnaires/D2-1-claims-codebook.pdf>)

1789 ‘Other social actors: Other’ (1750 < 1789).

PART I: **ARTICLE-LEVEL VARIABLES**

Variable **AID** (all variables are numeric except when otherwise indicated)
'article identification number'

Note: A unique identification number for each article is composed from AMEDIUM, AYEAR, AMONTH and ADAY. For example AID of the article published at Ukrains'ka pravda on 17 August 2013 is UPR2013-08-17. In case several articles were published on the same date additional number is added in the end, e.g. UPR2013-08-17 (1), UPR2013-08-17 (2).

Variable **AMEDIUM**

'name of the website from which article is coded'

- 1 TSN
- 2 Segodnya
- 3 Obozrevatel
- 4 Liga
- 5 Ukrainska Pravda

Variable **AHEAD** (string variable)

'headline of article'

Note: only the main (largest print) headline.

Variable **ALANG**

'language of the article'

- 1 Ukrainian
- 2 Russian

Variable **ALINK** (string variable)

'address/URL of the article'

Variable **ADAY**

'day of text release on the website'

(1-31)

Variable **AMONTH**

'month of text release on the website'

(1-12)

Variable **AYEAR**

'year of text release on the website'

Variable **AGENRE**

'journalistic genre of article'

- 11 Factual genre (day-to-day coverage of events, e.g. news item, news report, news digest)
- 12 Background article (e.g. correspondents' background report, analysis, feature, documentation)
- 13 Interview (of the newspaper itself; references to interview statements drawn from other

sources are coded as 1 or 2)

14 Opinion/commentary/blog by a guest author/columnist/blogger/other media

15 Video teaser (short description of the video) / Photo gallery (short description of the photo gallery)

19 Media genre: Other

Variable ASECTON

'section of news website where article appears'

- 1 General news (political news, international news, national news, mixed international/national news, sections are named differently, including "Politics", "Ukraine", "World", "Society")
- 2 Regional/local news
- 3 Commentaries (opinion columns and background articles, sections are named differently, including "Articles", "Opinions", "Views")
- 4 Blogs
- 5 Business/economy/finance
- 6 Culture/lifestyle
- 7 Sports
- 8 Science and technology
- 9 Other
- 10 Undefined

Variable ASOURCE

'main source of article'

- 1 Own coverage/Not indicated (incl. interviews and columns by guest commentators, local and topical correspondents)
- 2 National press agency
- 3 Foreign press agency
- 4 Other national media source
- 5 Other foreign media source
- 6 Other sources

Variable AUTS

'summary author of the text'

Note: AUTS is coded according to the affiliation indicated in the article. If the author's affiliation is not indicated in the text, you still code it if you know their affiliation for sure and can prove it with several sources.

0 unknown

1000 Ukrainian

1100 government/executive

1110 President and Prime Minister

1111 President Viktor Yanukovych

1112 Prime-Minister Mykola Azarov

1113 Acting President Oleksandr Turchynov

1114 Prime minister Arsenii Yatsenyuk

1115 President Petro Poroshenko

1120 Ministries

1121 Ministry of Foreign Affairs

- 1122 Ministry of Justice
- 1129 Ministries: other
- 1130 Regional governments and their representatives
- 1199 Government: other

- 1200 Parliament (Verkhovna Rada)
 - 1210 Head of the parliament
 - 1211 Old Parliament: Volodymyr Rybak
 - 1212 New Parliament: Volodymyr Hroisman
 - 1220 Old Parliament
 - 1221 Old Parliament: Party of Regions
 - 1222 Old Parliament: Communist party
 - 1223 Old Parliament: UDAR
 - 1224 Old Parliament: BYuT
 - 1225 Old Parliament: Freedom
 - 1229 Old Parliament: Other parliamentarians
 - 1230 New parliament
 - 1231 New parliament: BPP (Petro Poroshenko Bloc)
 - 1232 New parliament: NF (People's Front)
 - 1233 New parliament: Opposition Bloc
 - 1234 New parliament: Self Reliance
 - 1235 New parliament: Fatherland
 - 1236 New parliament: Revival
 - 1237 New parliament: Radical Party
 - 1238 New parliament: People's Will
 - 1239 New parliament: Other parliamentarians
 - 1240 Parliament Commissioner for Human Rights Valeriia Lutkovska

- 1300 Other politicians
 - 1310 former states(wo)men
 - 1320 Other politicians: other

- 1400 Judiciary

- 1500 Police / Military

- 1600 Citizens (the general public' (e.g., 'citizens', 'the citizenry', 'the electorate', 'the Ukrainians', 'the population', 'taxpayers')

- 1700 Groups of interest
 - 1710 Churches
 - 1711 Ukrainian Orthodox Church of the Kyiv Patriarchate
 - 1712 Ukrainian orthodox Church of the Moscow Patriarchate
 - 1713 Ukrainian Greek Catholic church
 - 1714 All-Ukrainian Council of Churches
 - 1719 Churches: Other
 - 1720 LGBT and human rights NGOs
 - 1721 LGBT and human rights: Coalition For Combating Discrimination
 - 1722 LGBT and human rights: Amnesty International
 - 1723 LGBT and human rights: Gay Alliance

- 1724 LGBT and human rights: Fulcrum
- 1729 LGBT and human rights NGOs: Other
- 1730 anti-LGBT NGOs
 - 1731 anti-LGBT NGOs: LPG
 - 1732 anti-LGBT NGOs: Parent Committee
 - 1733 anti-LGBT NGOs: Ukrainian choice
 - 1734 anti- LGBT NGOs: People's Council
 - 1735 anti- LGBT NGOs: Ukrainian nationalist organizations (e.g. Right Sector)
 - 1739 anti- LGBT NGOs: Other
- 1740 Journalists, media professionals
 - 1741 Journalists: Liga
 - 1742 Journalists: Obozrevatel
 - 1743 Journalists: TSN
 - 1744 Journalists: Ukrainska Pravda
 - 1745 Journalists: Segodnya
 - 1749 Journalists: Journalists: other
- 1750 Experts, researchers, scientists
- 1760 LGBT community ('sexual minorities', 'gays')
- 1770 pro-European campaign organizations and groups
- 1780 Other social actors
 - 1781 Business-people, employers associations
 - 1782 Labor unions
 - 1783 Artists
 - 1784 Sportspersons
 - 1789 Other social actors: Other
- 1999 Ukraine: Other

2000 European Union

- 2100 European Commission
 - 2110 José Manuel Durão Barroso
 - 2120 Stefan Fule (European Commissioner for Enlargement and European Neighborhood Policy)
 - 2130 Jean-Claude Juncker
 - 2199 Other commissioner
- 2200 Herman van Rompuy
- 2300 European Parliament
- 2400 Actors from EU countries
 - 2410 EU countries: Government representatives or country as an actor
 - 2420 Actors from EU countries: Other
- 2999 EU: Other

3000 International Organizations (and their representatives)

- 3100 The Council of Europe
- 3200 UN
- 3300 OSCE
- 3400 Customs Union
- 3500 Commonwealth of Independent States (CIS)
- 3600 International LGBT organizations
- 3999 International Organizations: Other

4000 Actors from other countries

4100 Russia: Government representatives or country as an actor

4200 US: Government representatives or country as an actor

4300 Other non-EU countries: Government representatives or country as an actor

4999 Non-EU countries: Other

5000 “The West”, “The world community”

9999 Other.

Variable **AUTNAME** (if applicable, string variable)

‘Name of the author’

Type down the name if it is indicated (always SURNAME, NAME: e.g. Poroshenko, Petro).

Variable **ATOPIC**

‘topic of the most prominent reference to sexual rights related to SOGI’

10 ‘Discrimination on the grounds of SOGI in Ukraine’

11 ‘Discrimination SOGI: Bill 2342’

12 ‘Discrimination SOGI: Bill 3442’

13 ‘Discrimination SOGI: Alternative bills (2342-1, 2427, 4581, 3442-1, 3442-2)’

19 ‘Discrimination SOGI: Other’

20 ‘Other sexual rights related to SOGI in Ukraine’

21 ‘Other SOGI issues: anti-propaganda bills’

22 ‘Other SOGI issues: Kyiv Pride: Kyiv Pride’

23 ‘Other SOGI issues: Other public protests’

24 ‘Other SOGI issues: same-sex marriage/partnership’

29 ‘Other sexual rights related to SOGI: Other’

Note: Variable ATOPIC is coded from among nine fields relying on the most prominent reference to sexual rights related to SOGI presented in the article. In case there are several references to sexual rights related to SOGI, priority should be given to one that a) comes up already in title, subtitle, or lead, b) covers most text and c) comes up first in the text. Only the nine topics are considered. I.e., even if an article is mainly about EU-Ukraine relations, but also mentions bill 2342, the main topic for us is 11 'Discrimination SOGI: Bill 2342'.

Variable **AMAINTOPIC**

‘Is the most prominent reference to SOGI is also the main topic of article?’

0 no

1 yes

Variable **AREFORMREF**

‘Does article contain a reference to the anti-discrimination reform (bills 2342, 2342-1, 2427, 4581, 3442, 3442-1, and unspecified references to the legal prohibition of discrimination on the grounds of SOGI)?’

0 no

1 yes

Variable **ABALANCE**

‘summary sources position on the anti-discrimination reform’

- 1 Negative
- 0 Neutral/Ambivalent
- 1 Positive
- 9 No sources
- 99 No references

Note: ABALANCE is coded only after the quote-level variables are coded. Positions of all the sources quoted in the article (ISSUEPOS) are summarized. Article which contains quotes from two sources one of which supports the reform and another one neutral/ambivalent should be coded 1 'Positive' ($1+0 = 1$). Article which contains three quotes by opponents of the reform and two quotes of supporters of the reform is coded -1 'Negative' ($-3+2 = -1$).

PART II: QUOTE-LEVEL VARIABLES

Variable AID

'number of the article where the quote is reported'

Variable QID

'identification number of the quote'

Note: Count (1-99) within each article.

Variable QEMPHASIS

'where the quote is placed in the article'

- 0 Other
- 1 The only quote on the anti-discrimination reform in the text
- 2 Heading

Variable QSOURCES

'summary source of the quote'

Note: Codes are the same as for Variable AUTS

Variable QSOURCENAME (if applicable, string variable)

'name of organizational spokesperson'

Note: full name of the spokesperson for an organization or institution. Format: Blair, Tony; Schroeder, Gerhard; etc.

Variable QISSUES

'summary of the reference to the anti-discrimination reform'

- 11 Bill 2342
- 12 Bill 3442
- 13 Bill 2342-1
- 14 Bill 2427
- 15 Bill 4581
- 16 Bill 3442-1

Note: The unspecified references to the anti-discrimination reform are coded 11 'Bill 2342' if they were made in 2013-2014 and 12 'Bill 3442' if they were made in 2015. The unspecified reference is

a reference to the legal prohibition of discrimination on the grounds of SOGI without mentioning a particular bill e.g. “Ukraine should legally prohibit discrimination of sexual minorities”.

Variable **QISSUE** (string)

‘wording of reference to the anti-discrimination reform in the quote (in original language)’

Variable **QISSUEPOS**

‘position of source on introduction of legal prohibition of discrimination on the grounds of SOGI in Ukraine’

-1 Negative

0 Neutral/Ambivalent

1 Positive

Appendix F. Contesting discourse coalitions on sexual and gender rights in the anti-discrimination controversy

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Sexuality and gender		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
	<i>Nodal point</i>	(+) SOGI Sexual orientation is a manifestation of human sexuality. Homo/hetero binary.		(+) SOGI Sexual orientation is a manifestation of human sexuality and gender. Gender identity is an internal perception of one's gender.		(+) Sex Sex is an inborn biological entity that is manifested in heterosexual orientation and cisgender identity. Professional politicians did not articulate the nodal point during the second round.		(+) Sex Sex is an inborn biological entity that combines heterosexual orientation and cisgender identity.	
			Gender identity is an internal perception of ones gender.						
<i>Antagonistic other</i>		N/A		N/A		(-) SOGI SOGI are acquired (im)moral and (mis)behavioral features of homosexuality and/or transgenderness. Professional politicians did not articulate the nodal point during the second round.		(-) SOGI SOGI are acquired (im)moral and (mis)behavioral features of homosexuality and/or transgenderness.	
		<i>Storylines</i> 1. <i>Sexual orientation</i> . The anti-discrimination reform should establish anti-discrimination protection on the grounds of sexual orientation.		1. <i>Sexual orientation</i> . The anti-discrimination reform should establish anti-discrimination protection on the grounds of sexual orientation.		1. <i>Propaganda of homosexuality</i> : protection of rights on the grounds of SOGI is the instrument of “propaganda” of homosexuality and transgenderness.		1. <i>Propaganda of homosexuality</i> : protection of rights on the grounds of SOGI is the instrument of “propaganda” of homosexuality and transgenderness.	
			2. <i>Gender identity</i> . The anti-discrimination reform should establish anti-discrimination protection on the grounds of gender identity.		2. <i>Gender identity</i> . The anti-discrimination reform should establish anti-discrimination protection on the grounds of gender identity.			2. “Attitudes to sex” are a legitimate ground for claims for equal civil and human rights of heterosexual and homosexual people.	

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Equality (democracy)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
	<i>Nodal point</i>	(+) Majority rights Democracy is a rule of the (heterosexual) majority.	(+) Majority rights (+) Minority rights Democracy is a rule of the (heterosexual) majority in some fields, but a way to ensure the rights of multiple intersecting minorities in others.	(+) Minority rights Democracy is a way to ensure the rights of multiple intersecting minorities in society. Every member of the society at some point belongs to some minority.	(+) Majority rights Democracy is a rule of the (heterosexual) majority.	(+) Majority rights Democracy is a rule of the (heterosexual) majority.	(+) Majority rights Democracy is a rule of the (heterosexual) majority.	(+) Majority rights Professional politicians: Democracy is a negotiation of interests between the (heterosexual) majority and minorities.	
<i>Antagonistic other</i>	N/A	N/A There is an inequality in rights between heterosexual and homosexual citizens in the labor sphere.	N/A There is an inequality in rights between heterosexual and homosexual citizens in the labor sphere.	N/A There is an inequality in rights between heterosexual and homosexual citizens in the labor sphere.	(-) (Homo)dictatorship The final aim of the LGBT minority is to establish a power regime based on system discrimination of the heterosexual majority.	(-) (Homo)dictatorship The final aim of the LGBT minority is to establish a power regime based on system discrimination of the heterosexual majority.	(-) (Homo)dictatorship The final aim of the LGBT minority is to establish a power regime based on system discrimination of the heterosexual majority.		
<i>Storylines</i>	1. <i>Travel rights</i> . The anti-discrimination reform protects the right of the majority to travel without visas. 2. <i>Civil rights</i> . The anti-discrimination reform protects the civil right for equal employment. Human rights provide a general principle, which gains its material realization in	1. <i>Travel rights</i> . The anti-discrimination reform protects the right of the majority to travel without visas. 2. <i>Civil rights</i> . The anti-discrimination reform protects the civil rights for equal employment. Human rights provide a general principle, which gains its material realization in	1. <i>Human rights</i> . The anti-discrimination reform ensures protection of human rights. 2. <i>Minority rights</i> . The anti-discrimination reform introduces legal protection of the LGBT minority / of all social minorities. 3. <i>Civil rights</i> . The	1. <i>Minority rights</i> . The anti-discrimination reform introduces legal protection of only the LGBT minority.		1. <i>Minority rights</i> . The anti-discrimination reform introduces legal protection of only the LGBT minority. 2. <i>Anti-essentialism</i> . Sexual orientation can not be used as a ground to claim equal rights as it is not an inborn feature. 3. <i>Denial of discrimination</i> : Equality among heterosexual and homosexual citizens is already achieved. 4. <i>Hierarchy of inequalities</i> : Minorities may claim equal rights on the inborn			

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Equality (democracy)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
		the state laws that regulate civil rights. 3. <i>Minority rights</i> . The anti-discrimination reform introduces legal protection of the LGBT minority. 4. <i>Denial of discrimination</i> : Equality among heterosexual and homosexual citizens is already achieved. 5. <i>Hierarchy of inequalities</i> : Rights of different minorities have unequal priority to the state, the rights of LGBT people are less important than the rights of other minorities. 6. <i>Reverse discrimination</i> : The anti-discrimination reform would deprive the heterosexual majority of the presumption of innocence.	the state laws that regulate civil rights. 3. <i>Minority rights</i> . The anti-discrimination reform introduces legal protection of the LGBT minority / all social minorities.	anti-discrimination reform protects equal civil rights. Human rights provide a general principle, which gains its material realization in the state laws that regulate "civil rights".			grounds that are in accordance with the "traditional moral values and religious". The rights of different minorities have unequal priority for the state. LGBT people's rights claims are illegitimate and violate the rights of other minorities. 5. <i>Reverse discrimination</i> : Further development of the minorities' protection will benefit the minorities and harm the (heterosexual) majority with reverse discrimination. 6. <i>Will of the people</i> . The anti-discrimination reform should be rejected because of the negative public opinion of the (heterosexual) majority.	2. <i>Anti-essentialism</i> . Sexual orientation can not be used as a ground to claim equal rights as it is not an inborn feature. 3. <i>Denial of discrimination</i> : Equality among heterosexual and homosexual citizens is already achieved. 4. <i>Reverse discrimination</i> :	2. <i>Hierarchy of inequalities</i> : Minorities may claim equal rights on the inborn grounds that are in accordance with the "traditional moral values and religious". The rights of different minorities have unequal priority for the state. 7. <i>Violation of the procedure</i> : The anti-discrimination reform violates the right of the heterosexual majority to the presumption of innocence principle.

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Equality (democracy)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
						Further development of the minorities' protection will benefit the minorities and harm the (heterosexual) majority with reverse discrimination.	LGBT people's rights claims are illegitimate and violate rights of other minorities.		
						5. <i>Will of the people.</i> The anti-discrimination reform should be rejected because of the negative public opinion of the (heterosexual) majority.			

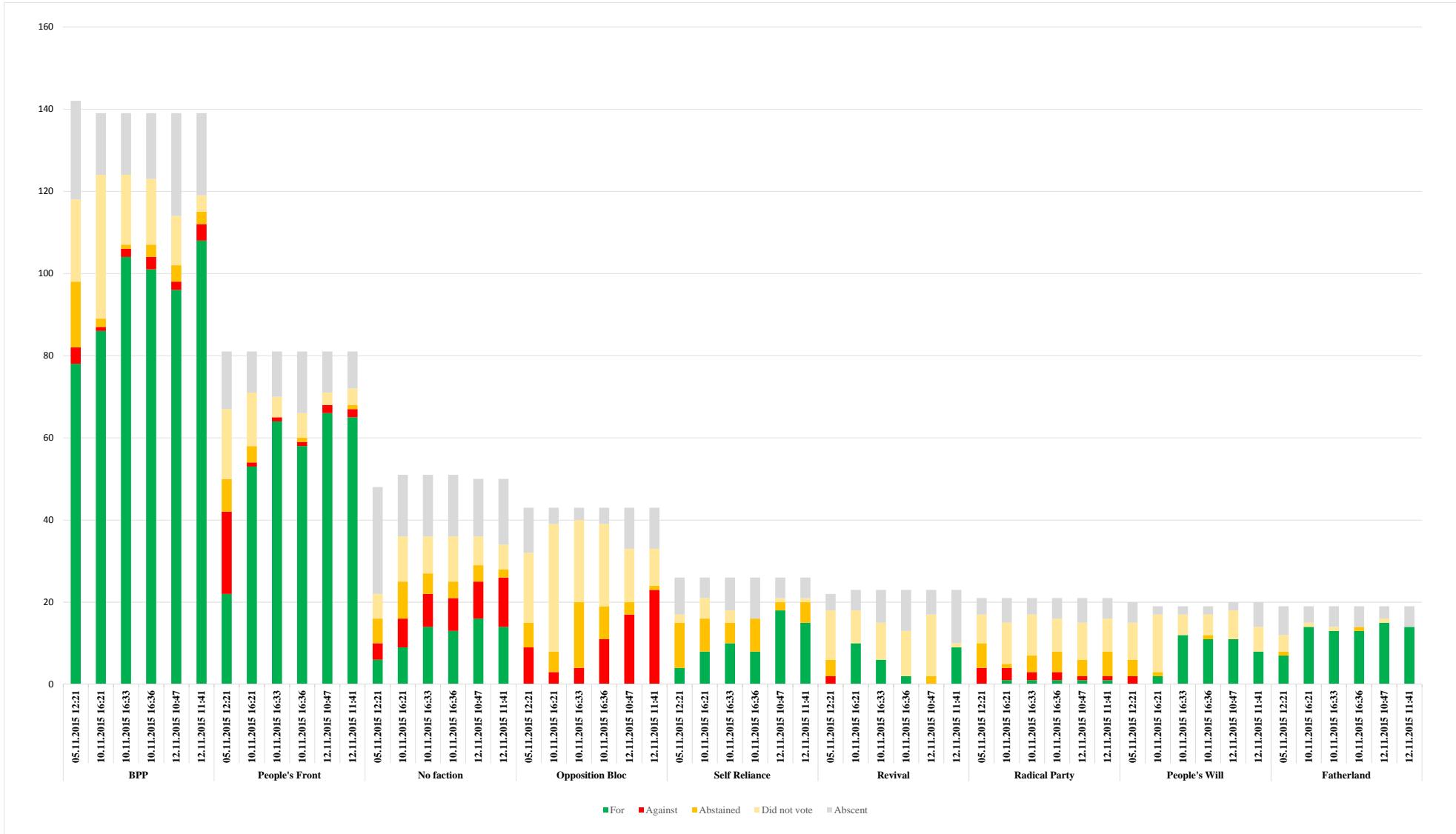
Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Values (national identity)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
<i>Nodal point</i>	(+) European values (+) Traditional values Ukrainian society is transitioning from traditional to European values. European values imply tolerance to homosexuality and gender transgression. Traditional values imply hostility to homosexuality and gender transgression.	(+) European values (+) Family and Christian values Ukrainian national identity is built on European values. European values imply diversity and civil equality among citizens of different sexual and gender identities. Family and Christian values are central to Ukrainian national identity. Family and Christian values imply heterosexuality and heteronormativity of the national subjects.	(+) European values European values imply tolerance to homosexuality and gender transgression.	(+) European values Ukrainian national identity is built on European values. European values imply tolerance to homosexuality and gender transgression.	(+) Traditional values Ukrainian national identity is built upon traditional values. Traditional values imply hostility to homosexuality and gender transgression.	(+) Traditional values Traditional values unite the Ukrainian nation with European nations.		(+) Traditional values Traditional values imply hostility to homosexuality and gender transgression. Traditional values unite the Ukrainian nation with European nations.	
						Traditional values unite the Ukrainian people/nation with Slavic nations.	Professional politicians represented traditional values as an alternative for national identity construction.	Ukrainian national identity is built upon traditional values.	Ukrainian national identity should be built upon traditional values.
<i>Antagonistic other</i>	N/A			(-) Traditional values Traditional values are shared by part of Ukrainian society. Traditional values imply hostility to homosexuality and gender transgression.	(-) European values European values imply tolerance to homosexuality and gender transgression.	(-) European values European values imply tolerance to homosexuality and gender transgression.		N/A	(-) Gender ideology Constructionist approach to gender and sexuality.
							Professional politicians did not articulate	Current (false) European values imply tolerance to homosexuality and gender transgression.	

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Values (national identity)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
<i>Srorylines</i>							European values as antagonistic other.		
		1. The anti-discrimination reform should be adopted to reaffirm <i>European values</i> in Ukraine.		1. The anti-discrimination reform should be adopted to reaffirm <i>European values</i> in Ukraine.		1. Homosexuality poses an <i>internal threat</i> to the biological and social reproduction of the Ukrainian nation.		1. Homosexuality poses an <i>internal threat</i> to the biological and social reproduction of the Ukrainian nation.	
		2. Prohibition of discrimination in labor is compatible with <i>Christian values</i> .		2. <i>Traditional values</i> may be rearticulated in a way they would incorporate tolerance to non-heterosexual sexuality.	2. <i>Traditional values</i> should be rejected as they are the ideology of the antagonistic Russian political project.	2. <i>Traditional values as European values</i> : Traditional values are true European values that were forgotten by Europe under the devastating influence of the EU. Traditional values imply hostility to homosexuality and gender transgression.		2. <i>Traditional values as European values</i> : Traditional values are true European values that were forgotten by Europe under the devastating influence of the EU. Traditional values imply hostility to homosexuality and gender transgression.	
		3. National values are less important than equal civil rights in the sphere of employment but are more important than civil equality in the spheres of biological and social reproduction of the nation (family and marriage).							

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Integration/Accession (foreign policy)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
<i>Nodal point</i>	(+) EU integration	Integration into the EU should be/is the main direction of the Ukrainian foreign policy, as it brings economic, political, and social benefits and follows the principles of reciprocity and commitment in international relations.		(+) EU integration		(+) Accession to the Customs Union	N/A	(+) EU integration	
				Integration into the EU should be/is the main direction of the Ukrainian foreign policy that will bring economic and political advantages for Ukraine.		Accession to the Customs Union will allow Ukraine to preserve its cultural identity and political independence from the EU.		Integration into the EU should be/is a main direction of the Ukrainian foreign policy priority that will bring economic and political advantages for Ukraine.	
	Rejection of EU integration is possible in case the anti-discrimination requirements are not withdrawn.								
<i>Antagonistic other</i>	N/A	(-) Accession to the Customs Union	Accession to the Customs Union should be rejected, as it is an instance of Russian aggression toward Ukraine.	(-) Accession to the Customs Union	Accession to the Customs Union should be rejected as it is an instance of Russian aggression toward Ukraine and will lead to enforcement of authoritarianism.	(-) EU integration	N/A	(-) Accession to the Customs Union	
<i>Storylines</i>	1. <i>Conditionality</i> : The AA and VLA require legal protection of sexual equality.	1. <i>Conditionality</i> : The AA and VLA require legal protection of sexual and gender equality.	1. <i>Conditionality</i> : AA and VLA require legal protection of sexual and gender equality.	1. <i>Conditionality</i> : AA and VLA require legal protection of sexual and gender equality.	1. The anti-discrimination reform is an instrument of <i>economic dominance</i> of the EU over Ukraine. “Promotion of homosexuality” would lead to the amplification of consumerism and hedonism that will turn Ukraine into a sales market for European goods.	1. Opposition to homosexuality and gender transgression should be accepted by the EU as a component of European <i>cultural diversity</i> .		1. <i>Denial of conditionality</i> . Denial/backgrounding of the anti-discrimination requirements in the Association and Visa Liberalization	
	2. <i>Denial of conditionality</i> (at the end of the first	2. <i>Prevention of illegal migration</i> . The anti-	2. <i>Internal incentives</i> . Discrimination of Ukrainian citizens is a more important reason to adopt the anti-discrimination reform than external incentives from the EU.	2. <i>Internal incentives</i> . Discrimination of Ukrainian citizens is a more important reason to adopt the anti-discrimination reform than external incentives from the EU.				2. <i>Denial of conditionality</i> . Denial/backgrounding of the anti-discrimination requirements in the Association and Visa Liberalization	

Floating signifier	Discourse structure	Liberal majoritarian coalition		Liberal minoritarian coalition		Conservative Eurosceptic coalition		Conservative pro-EU coalition	
Integration/Accession (foreign policy)		1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round	1 st round	2 nd round
<i>Storylines</i>	round). The AA and VLA does not require legal protection of sexual equality.	discrimination reform is necessary to reduce the number of asylum seekers from Ukraine in the EU.				2. The anti-discrimination reform is an instrument of <i>political dominance</i> of the EU over Ukraine. It will provide the EU with an instrument to violate Ukrainian state sovereignty and control political decision-making.		Agreements. 3. The anti-discrimination reform is an <i>obstacle</i> to European integration.	
					3. <i>Prevention of illegal migration.</i> The anti-discrimination reform is necessary to reduce the number of asylum seekers from Ukraine in the EU.		2. The anti-discrimination reform is an instrument of <i>cultural dominance</i> of the EU over Ukraine aimed to destroy “traditional values” that provide a core of the Ukrainian national identity.	4. The EU conditionality is an excessive and unjust instrument of <i>political domination</i> of the EU over Ukraine.	4. <i>Internal incentives.</i> There are more urgent internal problems than the anti-discrimination reform required by the EU.

Appendix G. Parliament voting on Bill 3442, by Party



Note: Appendix G represents changes in number of positive negative and abstained votes in each parliament faction during six consequential votings of Bill 3442.