

Lesya Pagulich, Ukraine

# **Protecting Children of Ukraine: Attacks on Sexual and Reproductive Rights in Religious Discourse and National Legislative Initiatives**

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In Ukraine, fundamentalist non-governmental and religious organizations that perform anti-women and anti-gay politics have become stronger for the past five years. Some organizations chose strategy to concentrate on one specific agenda, for instance, criminalizing so called 'propaganda of homosexuality', or banning abortions. Others united all anti-women and anti-gay themes under auspices of improving 'Christian morality of the nation' and strengthening 'Ukrainian traditional family'. These organizations ally towards disrupting the gay-pride; holding together with authorities the Family Forums; signing the resolution to ban abortions at the national congress on bioethics organized by National Academy of Sciences and Ministry of Health of Ukraine. Extreme rhetoric finds its application in legislation aiming to limit sexual and reproductive rights. Besides organizations' activity, I analyze arguments, discourse and concepts of non-governmental and governmental participants. For that purpose I analyze Ukrainian homophobic bills that intend to ban so called 'homosexual propaganda' in the name of protecting the children. I argue that one of the key factors why homosexuality is particularly reviled in Ukraine is because it has been constructed discursively as a threat to the existence of the Ukrainian nation.

This paper briefly presents a section of research on gender, religion, and nationalism in Ukraine which was carried out by Galina Yarmanova, Ganna Grytsenko, Lesya Pagulich and Nataliya Tschermalykh with financial support of the Heinrich Boell Foundation Warsaw in 2012. Research analyses homophobic initiatives, anti-abortion and anti-choice initiatives, activities of radical right and religious groups in Ukraine, and examines discourses on gender and sexuality in religious and nationalistic settings, and mechanisms of implementing anti-gay and anti-women rhetoric of radical right religious groups into mainstream politics and legislative initiatives.

In this paper I focus on anti-gay initiatives, their rhetoric, and connections

to the parliamentary debate on homosexuality. I will proceed from (1) mapping anti-gay groups and outlining their activities; (2) analyzing discourse of anti-gay groups; through to (3) exploring homophobic legislative initiatives that have been registered in Ukraine in 2011-2012.

## **Mapping the Anti-Gay Groups**

Recent conservative political situation in Ukraine is characterized by moralization and speculative concept of 'protection of public morality'. This politics is heading forward populism instead of solving social issues. On this background, radical right-wing groups and religious fundamentalist groups are becoming increasingly active in heating up the conservative discourse. The primary targets of these groups are reproductive and sexual rights.

There is quite a number of such organizations in Ukraine, but first of all I will focus on key players among anti-gay organizations. These include LPG (Lyubov Proty Gomosexualizmu/Love Against Homosexuality), its sister organization "All Together!", and Parental Committee of Ukraine. Description and analysis of organizations are based on the organizations' official websites, statements of leaders, written documents (e.g., open letters and declarations), and published materials produced by organizations for the purpose of agitation and promotion of their causes; these materials date time period of 2008-2012.

One of the most significant and visible organizations with regard to anti-gay activities is LPG. Its full name is Public movement of people with future "Love Against Homosexuality." LPG first announced itself in 2003 during a street action on the central square of Kyiv. The event's proclaimed aim was to "tell the truth on homosexuality." The main slogans were "Homosexuality = AIDS," "Homosexuality is a sin," "One is not born gay, one becomes gay!" "Same-sex love doesn't exist," "Ukraine is a Christian country," and "Homosexuality is an enemy to the family." According to the official website, LPG's objectives include "public and utter opposition to attempts of establishing homodictatorship," "protection of family institution," and promotion of traditional family values. The main activities include street protests, work with mass media, celebrities, members of parliament (MPs), and government officials. Condemnation of homosexuality and rejection of LGBT human rights for LPG serves to affirmation of the "Christian values" of Ukraine and cooperation with churches.

Since 2008 the annual LPG's street protests has transformed into "family carnivals." The first family carnival was supported by several organizations: Institute of Family and Marriage, ACET, International Center of Parenthood, Silver Ring, Spirituality and Well-being, Center of Social Protection of Youth

and Young People. It is remarkable that ACET Ukraine is a part of the ACET International Alliance which “works with infected and affected by HIV and AIDS without any discrimination on the basis of race, religion, disability, sexual orientation or any other factor.”<sup>1</sup> Activities of ACET Ukraine contradict the values of the international alliance. At the “family carnival” in 2008 the president of ACET Ukraine said: “The country that agreed to support nontraditional sexual relations automatically admits to AIDS epidemic. Today if we don’t say “no” to homosexuality – tomorrow they won’t let us say “yes” to normal family.”<sup>2</sup> Besides distorting information on HIV epidemics, president of ACET Ukraine violates values of non-discrimination. Such active engagement in anti-gay initiatives is common for a number of Ukrainian NGOs whose work is saturated with religious values.

LPG consolidates other actors of civil society who oppose LGBT rights. According to the organization’s leader Ruslan Kukharchuk, LPG receives organizational support from churches, religious associations and various public organizations, for example, ‘pro-family’. A number of LPG’s members are pastors at different churches. One of the members of LPG, pastor of the charismatic Christian church “New Generation,” the head of the NGO Center of Social Protection of Youth and Young People Yuriy Shmulyar expressed concern that “homosexuality is a threat to national security” of Ukraine which allegedly leads to the “extinction of the nation.”<sup>3</sup> The founder of the church “New Generation” Alexey Ledyayev, a co-founder of human rights organization Guards on the walls in Latvia advocates for active participation of Christians in political arena and “establishing of hegemony of evangelistic Christians” in the state bodies and politics. Ledyayev persistently uses Islamophobic argumentation connecting tolerance to homosexual people with preparation for “Islamisation of society.”<sup>4</sup>

Since 2009, protests and carnivals of LPG have been expanded from Kyiv to a number of other Ukrainian cities. LPG has also started collecting signatures for legislative introduction of criminal liability for the so called “propaganda of homosexuality.” In 2010, street actions have introduced additional slogans “For propaganda of homosexuality – section in Criminal Code,” “Registration of perverts’ partnerships is a threat to national security,” “Parliament and the people of Ukraine – against juvenile justice,” “We will not allow homosexual lobby in Ukraine!” Protests were held by state institutions: the Parliament and the Cabinet of Ministers of Ukraine.

Furthermore, in 2010, a sister organization called “Civil movement ‘All Together!’” was established. This organization was also headed by Ruslan Kukharchuk, leader of LPG. The official site proclaims Christian values as the common basis. “All Together!” formed the following five quite extensive

blocks as subjects of movement's interest: "Safe society," "Complete family," "Religious freedom," "Sound health," and "Charity." "Banning propaganda of homosexuality" is placed within the interest of "Complete family."<sup>5</sup> Despite extensive declared interests, website analysis shows that the vast majority of the information focuses on the 'homosexual propaganda' and similar anti-gay initiatives. Such strategy of disguising organizational goals under umbrella of various "social problems" when organization in fact is focused solely on one issue is quite common for anti-gay groups. It is used for passing off as vocalizing voices of 'concerned citizens', which allegedly deal with a broad scope of social issues rather than target a particular minority group.

Anti-gay groups frequently employ statistics manipulation and pseudo-scientific data aimed to prove extremely homophobic views as attitudes of popular majority. The following 'survey results' on the website of "All Together!" are one of numerous illustrations of such approach. A questionnaire that includes biased statements such as "Do you believe that citizens of Ukraine have a right to be protected from homosexual propaganda?" is used for creating news item: "85% of Kievians want to be protected from homosexual propaganda."<sup>6</sup> Moreover, it is not uncommon to fully fabricate such 'opinion polls': "All Together!" along with other anti-gay groups attribute their various 'surveys' to random small centers of sociological research which have actually never conducted any such opinion polls.

In 2010 LPG started to openly cooperate with a number of MPs, first of all, with Pavlo Unguryan, who is the chairman of the Union of Young Christians of Ukraine and who was later one of the authors of the bill #8711, the first legislative initiative to introduce criminalization of the so called "propaganda of homosexuality." In 2011 his NGO Union of Young Christians has launched the so called social campaign Clean gaze "against social diseases which contradict Christian morality" and result "from the loss of moral guidelines." Homosexuality was listed as one such diseases among drug use, alcoholism, 'spread of abortions', 'free love', and smoking. The campaign included a number of banners and city lights in Kyiv and distribution of flyers among students of big cities.<sup>7</sup> In 2010, Pavlo Unguryan gave a speech in support for LPG during their street action: "Our society is degrading. Scary numbers and dangerous trends: Ukraine is a leader in the spread of AIDS and child alcoholism, producing and copying of child pornography. We must take a direction towards revival of our Christian heritage to defend moral values."<sup>8</sup>

LPG's website states that organization does not support physical violence against homosexual people. However, one of the members of LPG's Organizing Committee Anatoliy Shariy declared: "The danger is that sometimes skin-heads want to join the movement, [our] movement has nothing to do with

that... They [homosexual people] should sit and be happy that they are not getting killed. (...) From their side should be respect; on my part there is nothing to respect them for, [they are] sick people.”<sup>9</sup> He defined the ultimate goal of the LPG this way: “[When] homosexual people stay in their apartments and won’t come out to streets, to mass media and won’t propagate their life style,” “we demand criminal liability for propaganda of homosexuality.”

Another frequent participant of LPG’s street actions, particularly of the protests against equal rights for LGBT people by the embassies of the Netherlands and Canada and the office of EC Delegation in Ukraine, is Igor Druz’ who is the chairman of All-Ukrainian NGO Parental Committee of Ukraine. Parental Committee of Ukraine focuses on the prohibition of homosexuality described as a phenomenon that “harms the rights of the family.” Homosexuality is listed together with alcoholism, drug addiction, prostitution, pedophilia, violence and others. The Committee actively opposed the Kyiv Gay Pride in May 2012. Another key theme of their activities is resistance to juvenile justice in Ukraine.

Igor Druz’ is also a co-founder of the Kyiv organization People’s Council. He defines People’s Council as “Orthodox-patriotic movement which rejects the liberal model of the state that affects faith and a healthy family.” Despite criticism of many anti-gay initiatives as ‘not radical enough’, People’s Council is ready to cooperate with them ad hoc for the common cause. For instance, Igor Druz’ stressed that situational association and cooperation of various forces to disrupt gay pride allowed to prevent “perverts’ walk on the Mother of Russian cities.”<sup>10</sup> Moreover, Druz’ is an advisor to the Representative of the Ukrainian Orthodox Church (Moscow Patriarchate) in Ukrainian Parliament Archbishop Lvivskiy Augustine (Markevich). This mix of affiliations is an eloquent example of the combination of religious and right wing ideologies, organizations and institutions.

This illustrates that radical right and religious organizations find common ground for cooperation and actively mobilize for common causes. These groups vary by the level of (explicit) violence and degree of radicalism; however, they are unanimous in their view of LGBT people as third-rate citizens who should not be entitled to the same rights as heterosexual people. First of all, Religious right groups are concerned with the right to marriage despite the fact that there has been no public debate or legislative initiatives to legalize same-sex marriages in Ukraine. Still, the LPG counter-march against Gay Pride in May 2012 has added a slogan “Homosexual ‘marriage’ is not a human right” among their other anti-gay statements.

Ukrainian nationalist right-wing organizations use similar rhetoric regarding sexual and reproductive rights, except that they explicitly oppose themselves to pro-Russian politics. These include All-Ukrainian Union, now a political party in the Ukrainian Parliament, “Freedom” which lists “banning propaganda of

sexual perversions” as one of the articles in their political program and actively opposes to demonstrations and public events supporting LGBT rights.

Sexual and reproductive rights, including LGBT rights and right to abortion, become common targets of churches of various denominations, religious organizations, and individual politicians with their ‘pocket’ NGOs. Since the direct initiatives of churches are less visible and intense than manifold activities of religious organizations, joint anti-gay and anti-women politics of Religious right is often represented as “civil society.” It is remarkable that many of these Religious right organizations label themselves as “movements.” The government often eagerly accepts their proposals and presents such cooperation as response to the same “civil society.” It is not coincidence that with regard to certain issues such as sexuality religious organizations are the only ones whose voices are taken into account by the government. However, cooperation with Religious right provides necessary legitimization to state’s decisions as if they were supported by the population.

Apart from religious organizations, voices of various churches are represented through the All-Ukrainian Council of Churches and Religious Organizations which includes 19 members. It was founded as a “representational interfaith consultative and advisory body aimed to unite churches and religious organizations<sup>11</sup> in spiritual renewal of Ukraine, coordination of interchurch dialogue, and participation in developing of legislation drafts on relations between the State and denominations” in 1996.<sup>12</sup> However, the Council of Churches has become significantly active only since 2006. In spite of the fact that memorandum of organization stresses that “Council bases its work on the principles of equality and equal rights,”<sup>13</sup> one of their first joint documents was the “Declaration on negative attitude toward the phenomenon of homosexuality and attempts to legalize the so called same-sex marriages (registration of same-sex partnerships)” which will be further analyzed in the next chapter of this paper. This same declaration was afresh signed by the Christian churches of Ukraine in 2010.

## **Discourse Analysis of Religious Right Anti-Gay Rhetoric**

In this chapter I will conduct discourse analysis of the following documents: “Declaration on negative attitude toward the phenomenon of homosexuality and attempts to legalize the so called same-sex marriages (registration of same-sex partnerships)” by the Council of Churches<sup>14</sup> (2007); printed brochures “Anti-family Technologies: Threat to National Security” by LPG<sup>15</sup> (2010), “Gender in Its True Colors: Through Gender Politics to Dictatorship of Homosexuality” by Parental Movement<sup>16</sup> (2010-2011) and “Gender ‘educa-

tion', or How Your Children Will Be Made Homosexual"<sup>17</sup> by the web-platform Stop-Gender. These published brochures are distributed during various conferences on gender issues, as well as anti-gay or anti-women demonstrations and other public activities organized by Religious right groups.

### **Council of Churches' Declaration on Homosexuality**

Declaration of Council of Churches constructs homosexuality as "evil": "[S]exual relations between people of same sex are against nature and are evil. (...) No one must use freedom [of one's actions] for creation and amplification of evil." Their argumentation assumes that homosexuality is 'contagious'; it can be transmitted and imposed upon another person. The document uses the concept of "propaganda" and states that recognition of homosexuality as a variant of norm encourages people to engage in same-sex relations. It treats homosexuality simultaneously as a consequence of a personal free but "ill-judged" choice and an "expression of deeply-rooted sin" which one can overcome through faith and avowal of 'sinful nature' of same-sex relations.

Legalization of same-sex marriages is linked to "social catastrophe" and "distortion of the idea of public morality." The Declaration invokes examples of developed countries as those where institution of traditional family is negated which supposedly leads to demographical crisis, drastic decline of public morality and eventually all the way down to legalization of pedophilia. Linking (male) homosexuality with pedophilia is all-pervasive in every homophobic argumentation, religious or otherwise. It is worth noting that this concern with the legalization of same-sex partnerships has arisen in the context where no attempts to introduce same-sex partnerships have been made, neither in 2007 when the Declaration was created nor up to date. Council of Churches explicitly pronounces that a set of rights and privileges stipulated by the legal status of marriage should stay exclusively heterosexual, rightfully available solely for "traditional spouses." Such pronouncement only proves that LGBT community strives for equal rights and not some kind of 'special rights' as it is often argued by heterosexist critics.

Declaration's formal claims that believers do not treat lesbians and gay men with hatred or prejudice are overturned by its prohibition for any religious person "to put up with homosexuality, other immoral doings and their propaganda as spiritual and social occurrences." The Declaration states: "For evil, God punishes not only those who commit it, but also those who approve of it, either aloud or silently." The Declaration was slightly amended in 2010 when it was signed afresh and once again presented to the media. The new text additionally

proclaims: those “who support propaganda of homosexuality cannot be considered Christians,” whereas “society has no right to turn the blind eye to the homosexual propaganda taking it as if it were a ‘private matter’ of those inclined to this sin.”<sup>18</sup> Such explicit stirring of hatred and hostility when even ‘lack of condemnation’ is regarded sinful and unlawful constitutes one of the most extreme examples of anti-gay rhetoric in Ukraine. Hypocritical and almost mocking affirmation that Council of Churches doesn’t advocate for discrimination against homosexual people does not modify the tone of the Declaration.

## **Religious Right Texts on Homosexuality**

Religious right discourse on homosexuality is primarily based on conspiracy theories where Ukraine either as a separate country or in union with ‘Slavic countries’ is set against Europe or the ‘West’. Traditional family values, morale, and religious purity are claimed to constitute centuries-old essence of Ukrainian nation. European values of human rights, on the contrary, are defined as ‘filthy’, ‘corrupt’, ‘immoral’, and ‘degenerate’. For instance, the brochure “Gender in Its True Colors” notes: “Ukrainian society with its history based on true Christian values does not accept imposed immoral principles of perishing European civilization. (...) European Union sets up anti-values that destroy the social unit, the family, which is a direct threat to the national sovereignty! All sensible social forces must make a stand for Ukraine against the moral genocide.”<sup>19</sup> Frequently not only ‘the spread of homosexuality’ but the same-sex relationships themselves are marked as ‘imposed by the West’, ‘alien’ and ‘outward’ to the Ukrainian culture, notwithstanding the fact that there are a number of established terms of Ukrainian or Russian origin that denote homosexuality.

The LPG’s brochure “Anti-family technologies” pursues conspiracy theory with racism and Islamophobia: “With regard to family, Europe is an example of how one should not live. Almost all European youngsters have tried drugs and are sunk into drunkenness and uncontrolled sexual behavior. Its indigenous people are dying out, and its lands are quickly populated by blacks, Arabs, and Chinese.”<sup>20</sup> The brochure aims to frighten its readership with the example of Paris where “Arab immigrants have organized property riots in the streets.” These quotes echo the typical right-wing moral panic created around demographical issues and the threat of extinction of indigenous [white] population. The religious dissimilarity is emphasized as most threatening to the national and ethnic borders; Muslims are portrayed as the utter “Others” to the Ukrainian nation and Ukrainian land. However, the same alleged religious extremism can be highly praised when discussed in the framework of safeguarding rigid gender norms: “In Iran, after the Islamic revolution of 1979 over 4000 of



lesbians and homosexuals have been sentenced to death. The clerical regime has also executed many women for adulterate sex. (...) I suppose the situation with prostitution, pedophilia, and rape in Iran is hundreds of times better than in our extremely cultured and civilized country."<sup>21</sup>

Liberalization of gender norms is seen by Religious right as a much larger threat than changes in demographic statistics or ethnic composition of population. Changes in gender regime brought by gender politics and education are represented as demolition of the traditional 'natural' world order. Distinguishing between sex as biological and gender as socially constructed concepts introduced by gender theory and widely circulated by women's organizations is in the immanent focus of Religious right groups. The issue of homosexuality is tackled particularly in this framework. The title of the brochure "Gender in Its True Colors" itself as well as other central informational materials of the anti-gay groups serve the purpose of 'unmasking the truth' behind gender politics and gender theory. Religious right create moral panic around the term gender exploiting metaphor of many-headed monster whose aim is to destroy the 'natural order' of rigid male/female, man/woman division. The authors of "Gender in Its True Colors" stress that "[Gender theory] fixes at least 5 genders: male, female, bisexual, homosexual, and transsexual. (...) Therefore, the person is born polisexual, with a number of genders, and can freely choose what to be, a man or a woman."<sup>22</sup> The brochure "Gender 'education'" goes even further: in the chapter titled "From five to thirty genders" the authors continue that Congress of the USA is allegedly planning to legalize "30 types of severe mental disorders (...) thus zoophilia, pedophilia, incest, necrophilia, urophilia, homosexuality, trans-genderism and other perversions will be protected by the law."<sup>23</sup> Here 'new genders' are constructed as sexual deviations, not gender ones.

'Heterosexuality' as a concept is not mentioned in most of Radical right materials; it is assumed as natural and self-evident. Thus, 'proper gender roles' are implicitly marked by heterosexuality: it is understood that 'male' means masculine and attracted to female, and 'female' means feminine and attracted to male. Homosexual people are therefore constructed as 'deviant' not only based on sexuality, but also on gender: unlike 'normal' heterosexual people they are said not to be ascribed to any gender at all. They are totally excluded from gender matrix. "Gender in Its True Colors" spells this out: "Main goal [of the genderist conspiracy] is to destroy heterosexual division of people into men and women and replace it with new division according to the theory of 'gender'." This new gender division is depicted as a total chaos where a person's gender is changing every second depending on one's mood.

Homosexuality is further pathologized through association with non-reproductivity. Most Religious right groups define lesbians and gay men as

unable to bear and raise children. "Gender in Its True Colors" makes distinction between lesbians and gay men: supposedly men essentially cannot have children since male homosexuality is "an ideology of death that has nothing to do with reproduction"; whereas lesbians as women are said to be able to reproduce, however, in order to maintain population rates "it would be necessary for each woman to bear more than two children (...), so for two women there should be at least 5 children, which is rather exceptional."<sup>24</sup> This alleged inability of LGBT people to reproduce serves as a bedrock for creating moral panic around 'demographic crisis'.

Creating moral panics around homosexuality and reproduction have a long history in North American and Western European countries since 1970s. As Kath Weston remarks, "from New Right polemics to the rhetoric of high school hallways "recruitment" joins "reproduction" in the allusions to homosexuality. Alleging that gay men and lesbians must seduce young people in order to perpetuate (or expand) the gay population because they cannot have children of their own, heterosexist critics have conjured up visions of an end to society, the inevitable fate of the society that fails to 'reproduce'. Of course, the contradictory inferences that sexual identity is 'caught' rather than claimed, and that parents pass their sexual identities to their children, are unsubstantiated. The power of this chain association lies in the play on words that blurs the multiple senses of the term 'reproduction.'"<sup>25</sup> She continues that "by shifting without signal between reproduction's meaning of physical procreation and its sense as the perpetuation of society as a whole, the characterization of lesbians and gay men as non-reproductive beings links their supposed attacks on 'the family' to attacks on society in the broadest sense."<sup>26</sup> Notwithstanding that this was written in the 1980s based on the context of the USA, the exact same argumentation is core to anti-gay groups in Ukraine nowadays. It is omnipresent in their slogans, street demonstrations and speeches, printed materials and other public activities.

Ukrainian anti-gay groups base their arguments on two scenarios. According to the first one, gay population seeks expansion through 'recruiting' or 'homosexual propaganda'. One is made to believe that gay men try to make homosexuality seem as an attractive fashionable trend, or that LGBT people have such a strong state protection from discrimination that it becomes advantageous to claim gay identity, or that gay men seduce or force young men and boys into sexual relationships. "Gender in Its True Colors" proclaims that because of the alleged inability to reproduce, "the goal of homosexuals is to catch as many as possible youngsters into their nets." The authors give the (inexhaustive) list of ways in which gay men find "new victims":

1. Get a teenager or a lad drunk and rape him; in the morning he wakes up – that's it! "Now you are just like us!"

2. Rape in the army or in prison. Afterwards it becomes a bad habit.

3. Catch boys and teach them this business.<sup>27</sup>

Such discrepancies in imagining homosexuality simultaneously as an 'in-born rare mental disorder' and as easily 'caught' from others either on the base of conviction, habit or force is very common for Religious right argumentation. Employing heavily loaded language of violence, deceit, dictatorship, and abuse intends to negate these discrepancies.

Another scenario that helps gay people 'expand their population', according to the Religious right, centers around horror stories of the juvenile justice system. This set of homophobic narratives is common for post-Soviet countries, where there have been legal attempts to introduce juvenile justice system in recent years. Juvenile justice aims to have less severe punishment for underage youngsters who commit crimes. However, Religious right discusses it mainly in terms of giving children 'way too much freedom' and 'impunity' and taking away control from the parents. Anti-gay groups call juvenile justice "system of legalized kidnapping"; one of its goal is said to be taking away children from their heterosexual families and giving them to the homosexual couples. Anti-gay groups are concerned that state will interfere into the private sphere of the family and will take away parental rights from those who abuse or mistreat their children. Religious right does not recognize violence against children within a family as a problem: according to their views, parents may discipline children in any way they like. On the contrary, lack of discipline is seen as a threat since it would allegedly cause uncontrollability of children and eventually loosen 'moral norms' and gender norms among younger generation. The child is said to have only one right – the right to blood parents. However, in the potential situation when a child would be taken to a shelter or an orphan home because of the parental abuse, the Religious right at once depicts a child as a victim of violence and abuse at the hands of social workers or adoptive parents. Anti-gay groups compare shelters for children to "concentration camps" and juvenile justice system to "fascism" and "war."

The attacks on juvenile system are in line with the general conspiracy theory of "homodictatorship." All printed materials that I analyze in this chapter mention "oligarchy conspiracy" which plans to significantly decrease the world population supposedly in order to receive more resources and easier control over population. Some materials emphasize that this "demographic genocide" is conducted particularly against 'Slavic nations.'<sup>28</sup> In any case, juvenile justice together with planned parenthood, sexual education, access to contraception and abortion are all said to discourage society from reproducing as a part of the world conspiratorial plot. Therefore, gay men and lesbians, children that grow up in the orphan homes, emancipated women who refuse to reproduce

“because of their selfishness” and even people who are “tolerant to racial and ethnic minorities” are all contributing to the creation of the “new world order.”<sup>29</sup> In response, Religious right groups define boundaries of the status quo that is claimed to be threatened by these various developments. These developments are seen as dangerous because they may question the ‘natural’ and ‘God-given’ parental authority over children, man’s unconditioned power in the family, and woman’s primarily role as a mother. The new slogan added at the LPG street demonstration in 2012 depicted heterosexual couples at the background of crossed out homosexual couples and read “Preserve the polarity!” This illustrates investment of Religious right discourse in biodeterminism and rigid polarization of gender roles. Scattered attempts of LGBT groups, human rights activists, writers, and artists to normalize homosexuality in public sphere are perceived as a threat to Religious right foremost because they challenge the traditional gender regime.

### **Legislation on ‘Homosexual Propaganda’**

In this chapter I examine connections between Religious right groups and politicians, and conduct discourse analysis of the recent legislative drafts to ban the so called ‘homosexual propaganda’:

(1) the primary Draft Law #8711 “On Introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children’s rights on the safe information sphere)” (2011);

(2) the subsequent Draft Law #10290 “On Banning of Homosexual Propaganda Aimed at Children” (2012);

(3) and Draft Law #10729 “On Introduction of Changes to Code of Ukraine on Administrative Offences (regarding making it an offence for homosexual propaganda)” (2012).

Concepts of “moral crisis” and “propaganda” are taken up without any explanation or justification by statistics and implemented into the bills. Legislative initiative not only interprets “propaganda” as violence but broaden it to any mentioning of homosexuality in the public sphere. Some concepts are transformed into more acceptable and beneficial legislative language. For example, the concept of “conspiracy” is not clearly read but is rather modified to a “threat to national security” and “demographic crisis.”

In the explanatory note to the bill #8711 MPs justify their initiative by proclaiming homosexuality “a threat to a national security as it leads to HIV/AIDS, as well as destroys the family institution and may lead to a demographic crisis.”<sup>30</sup> The purpose of the bill is to establish liability for the “abuse of free-

dom of speech of print media or television and radio” for mentioning homosexuality. The bill sets criminal liability for import, production and distribution of products that “propagate” homosexuality. Besides changes to the Criminal Code of Ukraine and the notorious law on public morality, the bill provides amendments to the Law of Ukraine “On the print media (Press) in Ukraine” and the Law of Ukraine “On Television and Radio” which implies censorship in the informational sphere. The arguments identically retranslate statement of Ruslan Kukharchuk, leader of the LPG: “Propaganda and spread of homosexuality is a threat to the state national security. Three reasons: The first threat: spread of homosexuality leads to the spread of AIDS; the second reason is a threat to deepen and strengthen already difficult demographic situation. And the third one is the destruction of the family institution.”<sup>31</sup> Unfortunately arguments of ‘defenders of morality’ are not only reflected in legislative initiatives but gradually become commonplace in political discussions around homosexuality in Ukraine.

Despite the fact that in 1990 the World Health Organization excluded homosexuality from the International Classification of Diseases, the bill proposes to return into application the discriminatory term ‘homosexuality’, which is scientifically incorrect, pathologized and associated with medical diagnosis, thereby laying the discriminatory terminology in legislative regulation.

The authors of the bill speculate with HIV statistics in Ukraine and reproduce stereotypical prejudices against homosexual people. Manipulating with moral panic around the ‘demographic crisis’, MPs oppose homosexuality to fertility, capability to reproduce and have children. Obviously, the appeal to the demographic situation for MPs is a convenient rhetorical maneuver to justify discriminatory homophobic legislative initiative. Lesbians and gays do not lose their reproductive function through non-heterosexuality; this is clearly an exclusively ideological construct which postulates lesbians and gays as “others,” and like any other form of racism serves to justify discrimination.

The final and, in fact, the key arguments in favor of criminalizing so-called ‘homosexual propaganda’ MPs designate protection of ‘public morality’ and ‘protection of children’. But morality is not the same for all historical periods; it changes and becomes more sensitive to oppressed groups. For example, in the nineteenth century it was not immoral to keep girls illiterate; neither was considered immoral public neglect towards and refusal to hire representatives of some ethnic groups, such as Roma; child labor was morally accepted and so on. Morality is not unified; there is no single comprehensive list of values which would cover all issues and be shared by all members of society. International legal practice argues that moral views can’t be the basis for discrimination. Despite this, the concept of ‘public morality’ is used in Ukrainian law: for example, the law “On

protection of public morality” defines it as “a system of ethics norms, norms of behavior formed on the basis of traditional spiritual and cultural values, notions of goodness, honor, dignity, social responsibility, conscience, justice.”<sup>33</sup> Despite the ambiguity and vagueness of this definition we can observe further attempts to integrate this concept into Ukrainian legislation.

The lack of definition of the term “propaganda” in the bill #8711 was one of the subjects of critique. However, subsequent draft laws to ban ‘homosexual propaganda’ provide the definition: the Draft Law #10290 of 30.03.2012 “On banning of homosexual propaganda aimed at children” states that “propaganda of homosexuality is an activity that has a purpose of and/or is expressed in intentional dissemination of any positive information about homosexuality that may impair physical and mental health of the children, their moral and spiritual development, including formation of misconceptions about social equivalence of traditional and non-traditional marriage relations, and in the future affect their choice of social orientation.”<sup>33</sup> According to the bill, any person under the age of 18 (lawful age) is considered a child.

Lawmakers continue to use vague and undefined wording of ‘morality’ and ‘spirituality’ which together with ‘propaganda’ constitute subjective qualifications and will inevitably lead to the subjectivity of the decision should the law be passed and implemented. The mentioned “damage to child’s physical health” unjustifiably links homosexuality directly to physical violence, rape, and pedophilia. The definition of ‘propaganda’ also reflects religious concept of ‘evil’ that is supported by the prohibition to speak about homosexuality positively, and inequality of homosexual relations to the ‘traditional marriage’. Sexual orientation extends to ‘social orientation’ giving homosexual orientation (“non-traditional sexual orientation” in wording of the bill) the features of deviance. The only norm of “social orientation” mentioned in the bill further reinforces heterosexuality as institutionalized, ‘natural’, and compulsory.

Taking into account the critique of the previous bill #8711, as such that violates the constitutional principle of non-discrimination on any grounds, limits freedom of speech, peaceful assembly, expression, the bill #10290 states that none of its provisions “shall be interpreted as limiting constitutional human and citizens’ rights and freedoms of thought and speech, free expression of opinion and belief, association in political parties and organizations, holding peaceful gathering and social events.” Protests or demonstrations for the rights of homosexual people do not qualify as ‘propaganda’ either.<sup>34</sup> However, more detailed review of ‘homosexual propaganda’ definition reveals clear contradictions and proves the above mentioned statement to be only declarative. The bill defines the following acts as ‘propaganda of homosexuality’: “parades, protests, pickets, demonstrations and other public gatherings aimed at and/or are expressed

in intentional dissemination of any positive information about homosexuality," "dissemination in the mass media messages, articles about homosexuality," "lessons, thematic discussions, interactive games, educational classes, elective courses, and other educational events about homosexuality or delivering to the child (children) notification about homosexuality," "spread of information about homosexuality in any form in secondary schools."<sup>35</sup>

Also the bill introduces the concept of "nonpublic propaganda" that is "hidden (secret) activity that aims and/or is expressed in intentional dissemination of any positive information about homosexuality."<sup>36</sup> Thus legislative initiatives continue to reproduce contradictions contained in the Religious right discourse on the private/public divide. Phantom respect for lesbians' and gays' private lives is manifested in creation and recreation of 'permissible' boundaries for homosexual people. Many heterosexist critics invoke the argument of the 'bedroom': as if something people do in their private lives were acceptable as long as they did not bring it into the open. Generally, the notion of 'homosexual propaganda' as non-acceptable is set against rather 'permissible' private practices. However, according to this draft law, there should be no positive information about lives of gays and lesbians, whether in 'public' or 'private' spheres. Certainly the existence of such boundaries itself is the subject of feminist critique, as sexuality does not only concern sexual practices but saturates every aspect of life.

The Draft law #10729 also adds bisexuality and transgender to the 'black list' of those that should remain nameless. This bill copies the one that has been adopted in St. Petersburg, Russia in March 2012.

Particularity of these legislative initiatives is their emphasis on the protection of children. The appeal to 'propaganda' of sexuality is a typical homophobic rhetoric according to which all children are considered heterosexual. A child from birth consistently gets verbal, nonverbal, and visual signals of heterosexuality as the only norm. Promoting hatred and intolerance towards any manifestations of non-heterosexuality leads to the marginalization of lesbians, gays, bisexual, transgender people, internal homophobia and self-stigmatization, discrimination and even physical abuse. The proposed bills would have clear negative consequences for those children and adolescents who are experiencing their homo- or bisexuality, and whom these bills are allegedly designed to protect. Bisexual or gay adolescents, as well as those who do not fit into the heteronormative framework of 'femininity' and 'masculinity' are subjected to bullying and violence in schools which leads to traumatic and sometimes tragic consequences. Providing the opportunity to receive and pass adequate information on sexuality is an important step in creating a safe information environment, while Ukrainian politicians propose initiatives that

incite violence on the basis of sexual orientation. However, this seems in line with the general view of the radical right and religious groups on children's rights: violence against children is often not recognized or even justified.

The conclusion of Central Scientific Experts Office of the Ukrainian Parliament's Secretariat was to reject the bill #8711. Although, the expert group which analyzed the bill has also defined homosexuality as a "sexual deviation."<sup>37</sup> Such rhetoric is not uncommon among conclusions of Central Scientific Experts Office. For instance, the Office have recommended another bill #8212 of 10.03.2011 to ban the usage of assisted reproductive technology for persons in same-sex relationships, justifying it with the "protection of a child born in a result of ART from violence, including sexual abuse by parents or other person who provides care for the child."<sup>38</sup> Likewise, experts of the Office groundlessly link upbringing of children in same-sex families directly to the sexual abuse of children.

Afterwards, relevant Committee for Freedom of Speech and Information recommended Parliament to adopt the bill #8711 in the first reading. This decision was made despite the negative conclusion of Central Scientific Experts Office, numerous letters to Ukrainian Parliament, condemnation from International and Ukrainian human rights international, and EU bodies.

In October 2012 when public attention was riveted on the fate of the bill on defamation, Parliament of Ukraine has adopted the Draft Law #8711 in the first reading. It took two attempts. In the speeches MPs referred to the support of the bill by churches, the Council of Churches of Ukraine in particular,<sup>39</sup> which questions the status of the secular and democratic country.

Number of organizations have expressed the appeal to reject the bill #8711, as it violates the following documents: the Constitution of Ukraine, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms, the Convention on the Rights of the Child. The draft law contradicts to the recommendations of the European Court of Human Rights and UN Committee on Human Rights. According to journalists, practical application of this bill would lead to limiting the right to freedom of expression and increasing of censorship in society and media.

There has been a trend to lobby Religious right initiatives through NGOs, especially through LPG and "All Together!" Religious leaders are trying to hide the fact of violating Constitutional principles of separation between church and state. Politicians, on the other hand, use activities and slogans of Christian organizations for their own political purposes and manipulation. For instance, MPs Tsarkov and Unguryan actively support LPG's actions aimed at introducing the bill to criminalize 'homosexual propaganda', and use protests to attract more media attention before the elections. It's not a coincidence that the bill #8711 tries to remove the following clause from the list of prohibited



published products: “products that preach religious beliefs that threaten life, health, citizens’ morality, violate their rights and freedoms or call for public order disturbing” by amending the Law “On Publishing.” The bill proposes to replace this clause with prohibition of “production or distribution of pornographic published products and one that promote the cult of violence, brutality, and homosexuality.” Thus, the bill clericalises Ukrainian law and contradicts to the Constitution of Ukraine which defines Ukraine as a secular state. Equating homosexuality to the cult of violence, lawmakers put it alongside with fascism and neo-fascism, national and religious hatred.<sup>40</sup>

Meanwhile, President Viktor Yanukovich has promised to take into account believers’ opinion in approving the bill against ‘propaganda’ of homosexuality. Ukrainian Parliament Commissioner for Human Rights Valeria Lutkovska criticized the bill for the lack of definition of the term ‘homosexual propaganda’ and has requested to take into account this position during the preparation of the bill for the second reading. It is symptomatic that the bill #8711 has not been criticized for introducing discrimination on the grounds of sexual orientation and establishing illegal restrictions on the dissemination of information.

## **Conclusion**

The Religious right groups such as LPG, “All Together!,” and Parental Committee of Ukraine that have been analyzed in more detail in this paper use heavy-loaded emotional language of ‘fascism’, ‘evil’, ‘violence’ and alike to create a moral panic around homosexuality. They monitor closely activities and events on gender topics and manipulate this information to present women’s and LGBT organizations as having vast resources and influence over state politics. Religious right discourse is based on various conspiracy theories of ‘homodictatorship’ and ‘oligarchy regimes’ whose alleged aim is to destroy Ukrainian nation and religion. In this rhetoric, LGBT people are portrayed as non-reproductive and as such posing a threat to the ‘family’ and society as a whole. Normalization of homosexuality seems particularly dangerous for the Religious right as it challenges the rigid traditional gender regime.

The conspiracy theories are further translated into the language of ‘demographic crisis’, ‘threat to national security’, decline of the institution of family, and protection of ‘public morality’ which are well suited for Ukrainian legislative discourse. Radical right and fundamentalist religious groups use their significant informational and financial capacities to popularize their ideas through informational campaigns, street demonstrations, conferences and other activities in public arena. Collaboration with right-wing MPs allows

lobbying of this set of homophobic and moralistic narratives into legislative drafts. Three bills that introduce a ban of the so called 'homosexual propaganda' are presented as a response to the 'concerned voices' of the civil society. The need to regulate this issue is justified under the guise of protecting children. The legislative drafts do not take children's interests into account but use this cover as a part of electoral populism.

In the increasingly conservative political climate such developments pose a threat not only of violating LGBT rights and imposing censorship in media and society, but also of restricting women's rights and strengthening sexist and xenophobic attitudes in the population.

## Notes / References

1. ACET Vision and Values. Available at: <http://www.acet-international.org/Vision-and-Values/vision-and-values.html>.
2. Family carnival at the center of Kiev (photos and video from 20 September, 2008) [Семейный карнавал в центре Киева]. Available at: <http://love-contras.org/index.php/video/issue/179/>.
3. Ibid.
4. See Ledyayev, Alexey. New World Order [Ледяев, Алексей. Новый мировой порядок]. Available at: [http://www.gumer.info/bogoslov\\_Buks/protestant/Article/led\\_novmir.php](http://www.gumer.info/bogoslov_Buks/protestant/Article/led_novmir.php).
5. See their official website: <http://www.vsirazom.ua/>.
6. 85% of Kievians want to be protected from the homosexual propaganda [85% киевлян хотят защитить себя от пропаганды гомосексуализма]. Available at: <http://www.vsirazom.ua/85-percentov-kievlyan.html>.
7. Clean Gaze is fighting for the health of youth! [«Чистый погляд» – бореться за здоров'я молоді!]. Available at: [http://www.cmxy.org/index.php?option=com\\_content&view=article&id=289:l-&catid=31:news&Itemid=89](http://www.cmxy.org/index.php?option=com_content&view=article&id=289:l-&catid=31:news&Itemid=89).
8. Activists of the movement "Love against Homosexuality" protested at the buildings of the Parliament and Cabinet of Ministers, 04 October, 2010 [Активисти движения «Любовь против гомосексуализма» митинговали возле зданий Верховной Рады и Кабинета министров]. Available at: <http://love-contras.org/index.php/video/issue/627/>
9. I use extracts of the interviews from the course research paper Dynamics of formation and prospects of the movement "Love Against Homosexuality" in Ukraine [Динаміка становлення та перспективи розвитку руху "Любов проти гомосексуалізму в Україні] by Olga Rozhdstvenska, Alexander Tarkhanov, and Daryna Pyrogoва, supervised by Vladimir Ishchenko, faculty of Social Sciences and Social Technologies, Department of Sociology, National University of "Kyiv-Mohyla Academy," 2008 (unpublished).
10. How orangeoids try to bend the parent movement. Igor Druz' on the All-Ukrainian Forum of the Family and the problems of surrogate "conservatism" [Как оранжойды пытаются подмять родительское движение. Игорь Друзь о Всеукраинском форуме семьи и о проблемах суррогатного «консерватизма»]. Available at: [http://ruskline.ru/news\\_rl/2012/10/23/video\\_kak\\_oranzhoidy\\_pyatayutsya\\_podmyat\\_roditelskoe\\_dvizhenie](http://ruskline.ru/news_rl/2012/10/23/video_kak_oranzhoidy_pyatayutsya_podmyat_roditelskoe_dvizhenie).

11. Hereinafter I will refer to this body as the Council of Churches.
12. Information about the Council. Added on July 19, 2011. Available at: [http://vrciro.org.ua/index.php?option=com\\_content&task=view&id=12&Itemid=28](http://vrciro.org.ua/index.php?option=com_content&task=view&id=12&Itemid=28).
13. See the Statute of the All-Ukrainian Council of Churches and Religious Organizations, clause 3. Available at: [http://vrciro.org.ua/index.php?option=com\\_content&task=view&id=13&Itemid=29](http://vrciro.org.ua/index.php?option=com_content&task=view&id=13&Itemid=29).
14. Hereinafter I will refer to it as Declaration of Council of Churches. Full text in Ukrainian is available at: [http://vrciro.org.ua/index.php?option=com\\_content&task=view&id=49&Itemid=31](http://vrciro.org.ua/index.php?option=com_content&task=view&id=49&Itemid=31).
15. Hereinafter I will refer to it as "Anti-family Technologies." Anti-family Technologies: Threat to National Security. LPG [Антисімейні технології — Загроза національній безпеці, ЛПГ]: 2010.
16. Hereinafter I will refer to it as "Gender in Its True Colors." Gender in Its True Colors: Through Gender Politics to Dictatorship of Homosexuality. All-Ukrainian Parental Movement [Гендер без прикрас: Через гендерну політику к диктатуре гомосексуалізму. Всеукраїнське батьківське рухання]: 2010-2011. Full text in Russian is available at: <http://stopgender.files.wordpress.com/2011/04/broshura-gender-bez-prikras1.pdf>.
17. Hereinafter I will refer to it as "Gender 'education'." Gender 'education', or How Your Children Will Be Made Homosexual. Part I: Kindergartens. [Гендерне «виховання» або як з ваших дітей робитимуть гомосексуалістів. Частина I: Дитячі садочки]. Full text in Ukrainian is available at: <http://stopgender.files.wordpress.com/2012/01/genderne-vihovannja.pdf>.
18. Full amended text is available in Ukrainian: [http://risu.org.ua/ua/index/resourses/church\\_doc/ecumen\\_doc/36168/](http://risu.org.ua/ua/index/resourses/church_doc/ecumen_doc/36168/).
19. Gender in Its True Colors, *ibid.* – pp. 49-50.
20. Igor Druz', Anti-family Social Technologies – as an Important Constituent of the Foreign Politics of EU Countries, USA, and Canada [Игорь Друзь, Антисемейные технологии — как важная составляющая часть внешней политики стран ЕС, США и Канады]. /Anti-family Technologies: Threat to National Security, *ibid.* – p. 9.
21. Anatoliy Shariy, Blue Rust. Dictatorship of sodomites [Голубая ржавчина. Диктатура содомитов]. /Anti-family Technologies: Threat to National Security, *ibid.* – p. 28.
22. Gender in Its True Colors, *ibid.* – pp. 3-7.
23. Gender 'education', *ibid.* – p. 5.
24. Gender in Its True Colors, *ibid.* – p. 43.
25. Weston, Kath. Families We Choose: Lesbians, Gays, Kinship. – New York: Columbia University Press, 1997. – p. 24.
26. *Ibid.* – p. 25.
27. Gender in Its True Colors, *ibid.* – p. 16.
28. See Gender 'education', *ibid.*
29. Gender in Its True Colors, *ibid.* – pp. 42-47.
30. Explanatory note to the Draft law #8711 "On introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children's rights on the safe information sphere)," E.I. Tsarkov, K.E. Lukyanova, P.Y. Unguryan, Y.S. Kovalevska, T.V. Chornovil, L.S. Grygorovych [Пояснювальна записка до проект Закону №8711 «Про внесення змін до деяких законодавчих актів (щодо захисту прав дітей на безпечний інформаційний простір)», Є.І. Царьков, К.Є. Лук'янова, П.Я.

Унгурян, Ю.С. Ковалевська, Т.В. Чорновіл, Л.С. Григорович]. Full text in Ukrainian is available at: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=40734](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=40734).

31. Olga Rozhdestvenska et al., *ibid*.

32. Article 1 of the Law "On protection of public morality" from 20.11.2003 №1296-IV [Стаття 1 Закону «Про захист суспільної моралі» від 20.11.2003 №1296-IV] available at <http://zakon2.rada.gov.ua/laws/show/1296-15>.

33. Draft law #10290 of 30.03.2012 "On banning of homosexual propaganda aimed at children," V.V. Kolesnichenko [Проект Закону №10290 від 30.03.2012 "Про заборону спрямованої на дітей пропаганди гомосексуалізму," В.В. Колесніченко] available at [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=43007](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=43007).

34. *Ibid*.

35. *Ibid*.

36. *Ibid*.

37. Conclusion on the Draft Law of Ukraine "On introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children's rights on the safe information sphere)" (registration number 8711), 20.09.2011 [Висновок на проект Закону України «Про внесення змін до деяких законодавчих актів (щодо захисту прав дітей на безпечний інформаційний простір)» (реєстраційний № 8711), 20.09.2011].

38. Conclusion on the Draft Law of Ukraine "On Amendments to Article 123 of the Family Code of Ukraine" (concerning defining parents of a child born in a result of assisted reproductive technology) (registration number 8212 of 10.03.2011), 18.04.2011 [Висновок на проект Закону України «Про внесення змін до статті 123 Сімейного кодексу України» (щодо визначення батьків дитини, народженої в результаті застосування допоміжних репродуктивних технологій) (реєстраційний № 8212 від 10.03.2011 р.), 18.04.2011].

39. Transcript of the plenary session. Sixth. VRU. October 2, 2012 [Стенограма пленарного засідання. Засідання шосте. ВРУ. 2 жовтня 2012]. Available at: <http://portal.rada.gov.ua/meeting-stenogr/show/3775.html>

40. Comparison table to the Draft law #8711 "On introduction of Changes to Certain Legislative Acts of Ukraine (regarding protection of children's rights on the safe information sphere)" [Порівняльна таблиця до проекту Закону №8711 «Про внесення змін до деяких законодавчих актів (щодо захисту прав дітей на безпечний інформаційний простір)»]

