



SERIES:  
Freedom  
of speech and  
national security

# IDENTIFYING THE DISCOURSE OF HATRED AS PART OF RESILIENCE POLICY

Kyiv, February 2023





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**Identifying the Discourse of Hatred as Part of Resilience Policy.**  
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The presented proposals for the development of resilience policy contain an approach to identifying threats to human rights and national security that manifest themselves in the discursive space.

These materials will be useful for enriching expertise in cases concerning freedom of expression during pre-trial investigations or trials, for raising awareness among citizens and the media about the possibilities of rational assessment of discourse, as well as for further developing resilience policy as a component of countering threats to national security and human rights.

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## INTRODUCTION

## Introduction

These policy-making proposals, which simultaneously address the areas of national security, national resilience and human rights, are the final material developed by the team of the “Civil Liberties and National Security: A Balance for Protection with the UCIPR” project.

Its main idea is to present an original technique that will allow distinguishing between the expression of views and the discourse of hatred and protect freedom of expression, as well as identify systemic and manipulative destruction of the value, social and political space of the community, in this case, the space of the political nation of Ukraine.

The proposed analytical technique is based on discourse analysis, which most theorists understand as a certain chosen logic of speech composing which constructs the symbolic world in the order set by this logic and thus affects the formation of social relations.

The presented tool is an integration of approaches used by several different trends in discourse analysis. This is done intentionally to provide a person with a range of possible approaches and questions, through which they can more clearly see the information around them.

With this work, we are expanding citizens’ access to knowledge enabling them to consume information knowledgeably, reduce the emotionality of perception, see the extra text behind the text, and find something concealed and unavailable through superficial reading. Mastering this technique will allow those interested to develop a culture of questioning before assimilating any information. A reflexive attitude to information helps a person to realize their interests and resist the influence of manipulators.

The developed discourse assessment tool is also valuable in preserving freedom of expression and avoiding unjustified blame or harassment due to the presence of different views on the existing political order or self-expression in creative or academic freedom.

The project team expresses its gratitude to the United States Agency for International Development for the opportunity to assess the changes in the area of freedom of expression due to the need of the country and society to resist armed aggression and to make a feasible contribution to defending democratic foundations for the development of an open society in Ukraine in the face of internal and external challenges.

## Basic provisions

1. Meanings, ideas, knowledge, and discourses influence social practice.
2. Discriminatory and manipulative discourses that provoke discord and conflict have significant social consequences and threaten any society.
3. The danger is not so much lies or fakes, but those world views that arise on the basis of manipulative messages.
4. Identifying potentially threatening discourses, and elucidating the perception of particular discourse and the potential extent of its impact is part of preventing national security challenges such as terrorism or political extremism.
5. Based on the achievements reached by the schools of discourse analysis, the technique for identifying hidden social structures, motives of the speaker, and possible social consequences of expressed views should be considered as an effective means to distinguish the expression of views from the discourse of hatred, which is a component of deliberate propaganda attacks and ideological justification of human rights violations.
6. The project group offers a step-by-step tool for evaluating critical dimensions of speech – **Nine steps to identify threatening discourse.**
7. An approach that evaluates language use in the context of social relations can be put to good use
  - in considering cases that are relevant to freedom of expression, including political, artistic or academic freedoms;
  - in the legal establishment of facts in the information domain, for example, indirect calls to seize power, popularize war, glorify the aggressor state, etc.;
  - in preparing decisions on personal sanctions;
  - in the assessment of doctrinal documents of political forces and speeches of representatives of political forces;
  - to determine the degree of public danger expressed by a certain discourse, and to prevent crimes against the foundations of national security, peace and human security;
  - to identify discriminatory foundations concerning racial, national, ethnic issues, migration and religious issues, and gender cross-sections of various discourses;
  - in the implementation of information security policies, protection against coordinated dissemination of false information, destructive propaganda, and other information operations;
  - to determine the goals, develop strategies and state policy on the international stage.
8. It is advisable to combine the technique of discourse analysis with artificial intelligence programs and content search automation, which will allow obtaining quantitative data on information channels for spreading a certain destructive discourse, finding its roots, and identifying the start of propaganda campaigns, their coverage of audiences and their responses.
9. The identification of discursive threats should become part of the ongoing implementation of the national resilience policy, taking into account the new realities of the security architecture on the European continent, the growth of populist proposals, claims to revise the world order, and terrorist threats.



BASIC PROVISIONS

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10. The infrastructure for identifying threatening discourses can be based on permanent public and local formats of interaction between the state, local authorities, the media, experts and communities.
11. Ensuring national security will be effective in the long run if it serves freedom of expression and human rights, including in times of war or any crisis.
12. Freedom of expression as an inalienable human right remains a fundamental principle even against the background of critical threats and constitutes a contribution to the policy of national resilience, the establishment of healthy social relations and good governance in the state.



# 1. The political context of the “freedom of speech – national security” dilemma

Russia’s full-scale attack on Ukraine in February 2022 had a dramatic impact on relations between national security institutions and civil liberties in Ukraine. In addition to other restrictions, martial law provides for the introduction of control over the content and dissemination of information to limit or prevent false information or information whose disclosure may harm human life and health, and national security.

Since February 24, 2022, the existential threat to statehood and national identity, the need for the survival of millions of Ukrainians, and the organization of unprecedented national resistance have become the starting point for assessing the resilience of democratic standards in Ukraine during a full-scale war.

During the legal regime of martial law, it is possible to restrict human rights and freedoms, the protection of which is provided for in twelve articles of the Constitution of Ukraine<sup>1</sup>. In particular, a number of changes have been made to the legislation of Ukraine affecting freedom of speech.

It is obvious that the interdependence of freedom of expression and national security will continue in the post-war period.

The right to freedom of expression traditionally includes the right to hold opinions, the right to seek, receive and impart any information, and the right to individually choose the form of expression. On the other hand, these freedoms may be restricted in the interests of national security, territorial integrity and public security: “The right to freedom to hold opinions is not subject to any conditions and restrictions. No person may be forced to change their opinion or position. Meanwhile, two other freedoms – freedom to seek, receive and impart information and ideas and freedom to choose the form of expression – may be restricted in (*certain*. – **Ed. note**) conditions...”<sup>2</sup>

After the beginning of Russia’s military aggression against Ukraine, the protection of national security interests becomes predominant in society, and it is the needs of national security that determine the state’s deviations in protecting freedom of expression (forms of expression), receiving and imparting information and certain ideas.

As shown in the project team’s preliminary studies, the main deviations are observed in two areas.

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1 On the Introduction of Martial Law in Ukraine: Decree of the President of Ukraine No. 64/2022 as of February 24, 2022. URL: <https://zakon.rada.gov.ua/laws/show/64/2022#Text> (accessed on December 20, 2022).

2 Opryshko L. Freedom of Expression. International Standards, Practice of the European Court of Human Rights and National Legislation of Ukraine under Martial Law. Review of Legal Approaches. Series: Freedom of Speech and National Security Kyiv: UCIPR, 2022. – 25 p. URL: <http://www.ucipr.org.ua/ua/publikatsii/vydannia/freedom-of-expression-international-standards-practice-of-the-european-court-of-human-rights-and-national-legislation-of-ukraine-under-martial-law> (accessed on December 20, 2022).

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## 1. THE POLITICAL CONTEXT OF THE “FREEDOM OF SPEECH – NATIONAL SECURITY” DILEMMA

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### **A. Regulatory changes implemented at the legislative level.**

They relate to

- the introduction of criminal liability for insulting (spreading false information) a member of the armed forces; moreover, the legislator did not warn that this provision of the Criminal Code of Ukraine was introduced for the period of martial law;
- restrictions on the collection and dissemination of information related to ensuring the country's defence;
- introduction of restrictions on expressing support for the aggressor's actions or glorifying them;
- imposing sanctions on media assets against individuals suspected of high treason;
- prohibition of political parties whose program actions or goals are aimed at
  - a. propaganda of communist and/or national socialist (nazi) totalitarian regimes and their symbols;
  - b. propaganda of the russian nazi totalitarian regime, armed aggression of the russian federation as a terrorist state against Ukraine, symbols of the military invasion of the russian nazi totalitarian regime in Ukraine;
  - c. justification, recognition as legitimate, denial of armed aggression against Ukraine, including by presenting the armed aggression of the russian federation and/or the republic of belarus against Ukraine as an internal conflict, civil conflict, civil war, denial of the temporary occupation of part of the territory of Ukraine;
  - d. glorification, justification of actions and/or omissions of persons who have committed or are committing armed aggression against Ukraine, representatives of armed formations of the russian federation, illegal armed groups, gangs, mercenaries created and/or subordinate, and/or controlled, and/or financed by the russian federation, as well as representatives of the occupation administration of the russian federation, which consists of its state bodies and other structures functionally responsible for managing the temporarily occupied territories of Ukraine, and representatives of self-proclaimed bodies controlled by the russian federation, who usurped the performance of power functions in the temporarily occupied territories of Ukraine, including by their defining how “rebels”, “militia members”, “po-lite people” and so on<sup>3</sup>.

### **B. Actual and implementation changes.**

They relate particularly to

- restricting access to official information;
- restricting access to data registries;
- selective approach to the issue of access to official information;
- limiting the ability of individual broadcasters to broadcast a signal;
- imposing sanctions on media asset owners.

Each of these restrictions, both substantively and procedurally, can and should be discussed separately. However, all these debates can have different outcomes, depending on the chosen perspective, that is, depending on whether it is guided by national security needs or human rights. The clash of spears occurs around the question: which of these needs is “more important”, and which “can wait”.

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<sup>3</sup> For the prohibition of political parties, see: On Political Parties in Ukraine: Law of Ukraine No. 2365-III as of April 05, 2001. Article 5, paragraphs 92–11. URL: <https://zakon.rada.gov.ua/laws/show/2365-14#Text> (accessed on December 20, 2022).

The dynamics of public views on the “freedom of speech – national security” dilemma depends on the situation in which Ukrainians find themselves. According to sociological research of the Razumkov Centre, in October 2021 – before the full-scale invasion – a third (33.8%) of Ukrainians considered it appropriate to restrict media freedom if the country’s security depends on it<sup>4</sup>.

But already in May 2022, a survey conducted by the Ilko Kucheriv Democratic Initiatives Foundation together with the Center for Political Sociology showed that in war conditions, when the existential threat to the state is more relevant than ever, Ukrainians gave priority to protecting the state (65%) over respecting freedom of speech (22%)<sup>5</sup>.

Such data from public opinion polls show the need to find a balance between security and freedom of speech, as well as the need for civil society, even in wartime, to monitor the actions of the authorities and prevent unjustified restrictions on freedom of speech.

Indeed, when it comes to finding a compromise between ensuring the democratic principle of freedom of speech and protecting the interests of the state during the war, modern approaches are very different, there is no one universal “pattern” for all cases. Obviously, Ukraine will have to work out its own rules and make adjustments to any, even the best, world practices, taking into account the specific local situation, traditions and mentality.

Taking into account the Ukrainian experience of the last decade, instead of opposing state security to freedom of expression, we propose to proceed from the fact that **the current hybrid threat is equally critical for both national security and freedom of expression**.

In the project team’s opinion, national security issues cover threats to the people, democratic values and institutions, and the sovereignty of Ukraine on a scale that requires a response at the national level.

In Ukrainian legislation, national security is also understood as the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine against real and potential threats<sup>6</sup>. The security of the democratic system is one of the focuses of protection<sup>7</sup>.

4 The survey was conducted from October 23 to 27, 2021 among 1,200 respondents by phone (except for the temporarily occupied Crimea and certain areas of Donetsk and Luhansk Regions). The theoretical sampling error does not exceed 2.9% with a probability of 0.95. See Attitude of Ukrainian Citizens to Government-Media Relations (October 2021). *The Razumkov Centre*. URL: <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/stavlennia-gromadian-ukrainy-do-vidnosyn-vlady-ta-zmi?fbclid=IwAR0U6Gg-7VwZxrxjox0aGa0cAR0zmZ4qSDWvUJVVDZOXMb6urTGTbeHumWE> (accessed on December 20, 2022).

5 A total of 1,000 respondents were interviewed on a representative sample of the adult population of seven Western (Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil, Chernivtsi) and four Central (Vinnytsia, Kirovohrad, Khmelnytskyi, Cherkasy) regions of Ukraine. The maximum random sampling error does not exceed 2.2%. See: Struggle in the information and cultural spheres: what Ukrainians think about the state language policy and propaganda against the background of Russian aggression. *Ilko Kucheriv Democratic Initiatives Foundation*. June 02, 2022. URL: <https://dif.org.ua/article/borotba-v-informatsiyniy-ta-kulturniy-tsarinakh-shcho-dumayut-ukraintsi-pro-derzhavnu-movnu-politiku-ta-propagandu-na-tli-agresii-rf> (accessed on December 20, 2022).

6 On National Security: Law of Ukraine No. 2469-VIII as of June 21, 2018. URL: <https://zakon.rada.gov.ua/laws/show/2469-19#Text> (accessed on December 20, 2022).

7 See also Ishay M., Goldfisher D. Human rights and national security: A false dichotomy. *New Political Science*. 1996. Vol. 18. No. 1. – pp.121–146.

## 1. THE POLITICAL CONTEXT OF THE “FREEDOM OF SPEECH – NATIONAL SECURITY” DILEMMA

In particular, the state focuses on security in the field of information as a component of the national security of Ukraine. We are talking about such a balance when “a person’s constitutional rights and freedoms to collect, store, use and impart information, access to reliable and objective information are ensured” and at the same time “there is an effective system for protecting and countering harm through the dissemination of negative information influences, coordinated dissemination of false information, destructive propaganda, and other information operations”<sup>8</sup>.

Strategic goal No. 1, as outlined by the National Security and Defense Council, is “creating a system for early detection, forecasting and prevention of hybrid threats, in particular, countering disinformation and information operations.”<sup>9</sup>

To fulfil this task, it is important to strengthen the potential for trust and cooperation between the authorities and civil society, and to approach national security management focused on “society centricity” instead of “state centricity”. “Public activists, volunteers, journalists, and communities should be able to create platforms for cooperation in the field of security,” researchers on aspects of national resilience noted in 2018<sup>10</sup>.

Ivanna Klymush-Tsintsadze, Vice-Prime-Minister for European and Euro-Atlantic Integration of Ukraine in 2016–2019, even before the start of a full-scale attack by the Russia, revealed the features of a hybrid war against Ukraine: “...there is the creation of an “alternative reality”, the use of political proxies, the manipulation of democratic values, the replication of Kremlin narratives through propaganda media, and an attempt to disorient the international environment on the situation in the occupied Donbas. Critical infrastructure, information space, economy and energy, political and electoral systems, public administration and local self-government are under attack by the aggressor. The manipulation of public consciousness is perhaps the most dangerous threat. Not only the media and social networks, but also movies and TV series, as well as popular literature become instruments of the aggressor’s discursive influence... A hybrid war only makes sense if it is waged against democracies. After all, democracies are built on fundamental principles that are vulnerable to information attacks – freedom of speech, the decisive importance of public opinion, and democratic procedures for changing power. In a strategic period, any dictatorship or autocracy loses in such a duel – there are enough examples in recent history. But on the tactical horizon, over the next decade, hybrid warfare carries risks for all democratic societies.”<sup>11</sup>

Hypothetically, if the imaginary need to protect national security radically reduces the scope of freedom of speech, security automatically weakens. A potential solution is to find a different perspective on the described dilemma. For example, in the synergy of two areas of public life – national security and freedom of speech – in such a way that they become stronger with any negative influence due to complementarity.

This approach stems from a concept of resilience which is new to Ukraine and widely discussed.

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- 8 On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On the Information Security Strategy”: Decree of the President of Ukraine No. 685/2021 as of 28.12.2021. URL: <https://zakon.rada.gov.ua/laws/show/685/2021#Text> (accessed on December 20, 2022).
- 9 On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On the Information Security Strategy”. Ibid. (accessed on December 20, 2022).
- 10 Teperik D., Yermalavichus T., Senkiv H., Dubov D. et al. Resilient Ukraine. State, Civil Society and National Security. *The International Centre for Defence and Security*. Report. 2018. – P. 3. URL: <https://bit.ly/2Juvzge> (accessed on December 20, 2022).
- 11 Klymush-Tsintsadze I. “Hybrid Warfare” Virus: in Search of an Antidote. *Dzerkalo Tyzhnia (“The Weekly Mirror”)*. 2018. November 17–23 (No. 44). URL: <https://zn.ua/ukr/international/virus-gibridnoyi-viyini-u-poshukah-antidotu-294305.html> (accessed on December 20, 2022).

## 2. THE “FREEDOM OF SPEECH – NATIONAL SECURITY” BALANCE FROM THE PERSPECTIVE OF DISCOURSE THEORY

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Olha Reznikova, an expert at the National Institute for Strategic Studies under the Presidency of Ukraine, believes that “resilience characterizes the reaction of an object to certain external influences, its ability to adapt to their actions without significant loss of functionality. National resilience is the ability of national systems and institutions to withstand threats, adapt to their actions and rapid changes in the security environment, function smoothly before and during a crisis, and quickly recover after a crisis achieving the desired balance (at the previous or new level).”<sup>12</sup>

Indeed, we cannot yet say that Ukraine has a mechanism for the smooth functioning of civil liberties during the crisis. One of the reasons is the long distance between the security sector and, in particular, freedom of speech, including a lack of awareness of each other.

## 2. The “freedom of speech – national security” balance from the perspective of discourse theory

The full-scale war unleashed by Russia on European territory poses a number of new challenges for the democratic world, concerning not only changes in international relations, energy ties or the volume of production of the military-industrial complex in each country. These challenges are ideological and force us to reconsider the mechanisms for responding to new threats that belong to the space of concepts, ideas, knowledge and words in the modern information world.

Not without reason Josep Borrell, the High Representative of the European Union for Foreign Affairs and Security Policy, stressed at the annual conference of EU ambassadors in 2022 that the battle is going on in the field of communication, and Europe is now losing it<sup>13</sup>.

The Information Security Strategy of Ukraine also states that global disinformation campaigns, inspired by authoritarian governments and activists of radical movements to manipulate the minds of individuals and groups of the population, have become a daily practice that threatens the democratic development of states and international stability. Special information operations run by the Russian Federation

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12 Reznikova O. National Resilience in a Variable Security Environment: Monograph. – Kyiv: *National Institute for Strategic Studies*, 2022. – P. 21. URL: <https://niss.gov.ua/publikatsiyi/monohrafiyi/natsionalna-stiykist-v-umovakh-minlyvoho-bezpekovoho-seredovyschcha> (accessed on December 20, 2022).

13 “Communication is our battlefield: we fight in communication. This is a battle that we are not winning because we are not fighting enough. We do not understand that it is a fight. Apart from conquering a space, you have to conquer the minds. The Russians and the Chinese are very good at that. They are industrialising, they have [troll] farms systematically repeating, reaching everybody in the world – once and again, once and again. We do not have a Russia Today or a Sputnik, not even Radio Liberty. But I think that all of you have to do much more on communication.” *EU Ambassadors Annual Conference 2022*: Opening speech by High Representative Josep Borrell. October 10, 2022. URL: [https://www.eeas.europa.eu/eeas/eu-ambassadors-annual-conference-2022-opening-speech-high-representative-josep-borrell\\_en](https://www.eeas.europa.eu/eeas/eu-ambassadors-annual-conference-2022-opening-speech-high-representative-josep-borrell_en) (accessed on December 20, 2022).

2. THE “FREEDOM OF SPEECH – NATIONAL SECURITY” BALANCE  
FROM THE PERSPECTIVE OF DISCOURSE THEORY

target key democratic institutions (including elections), while special services of the aggressor power are trying to intensify internal conflicts in Ukraine and other democracies<sup>14</sup>.

Language and communication play a pivotal role in the reproduction, transformation and beginning of a certain types of social relations.

There is no subject of social action without a prior “speech formalization” of the meaning of this action. The influence of language on social relations and social action has been studied by representatives of such a methodological direction in the social sciences as discourse analysis. We have already considered in detail the features of the main theoretical schools of discourse analysis<sup>15</sup>. Despite the variety of research tools, all scientific trends in discourse analysis have a common view on the special importance of discourse in the reproduction of social relations and social changes<sup>16</sup>.

By “discourse”, we mean precisely this system of social (explicit and implicit) rules that determine the possibility, content and form of expression and the rules for its perception and interpretation. These social rules and social relations are reflected in language and utterances, but, on the other hand, receive further development in the language.

We also use the term “language” in a broad sense, where language as a sign system includes not only verbal but also non-verbal signs (things, gestures, facial expressions, etc.). Any utterance is subject to certain rules that are “activated” in different contexts, between members of different social groups (communities, institutions, organizations, etc.), as well as “on demand” of genre and thematic characteristics of communication.

Social relations, being reproduced and developed in language, usually remain impenetrable to active comprehension by a person and are often perceived as the only possible ones that do not raise doubts or questions. Meanwhile, the key to using methods of discourse analysis may be the acceptance of the fact that a statement is constructed, expressed by the well-known statement “to understand, I would say, is to know that the meaning could be different”<sup>17</sup>. **To analyze a discourse, therefore, means to understand why it is exactly like this.**

It should also be borne in mind that social action is influenced not only by the speeches of politicians or the texts of legislative acts. The idea of “good”, “bad”, or “normal” in social relationships is formed in everyday communication, jokes on TV shows, or comments on social networks. Russia used all means, from TV shows to political speeches, to firstly form the image of a rather blunt, cunning Ukrainian, the “younger brother of the russians”, and then – the image of a Nazi who poses an existential threat to russia.

14 On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On the Information Security Strategy”. Decree of the President of Ukraine No. 685/2021 as of 28.12.2021. URL: <https://zakon.rada.gov.ua/laws/show/685/2021#Text> (accessed on December 20, 2022).

15 How Discourse Analysis can Help Identify National Security Threats. Awareness-Raising Materials. Series: Freedom of Speech and National Security. – Kyiv: UCIPR, 2022. – 25 p. URL: <http://www.ucipr.org.ua/ua/publikatsii/vydannia/how-discourse-analysis-can-help-identify-national-security-threats> (accessed on December 20, 2022).

16 There is also a proven interdependence of discourse and social practice in maintaining relations of solidarity (or demonstrating indifference or hostility); implementing power relations (domination, coercion or consent, persuasion); determining the place of the subject within institutional and organizational relations; representing an individual or group of people by creating identity and its characteristics, etc. See: Kulyk V. Discourse of Ukrainian Media: Identities, Ideologies, Power Relations. Kyiv: *Krytyka*, 2010. – P. 27–38.

17 Orlandi E. *Discurso e leitura*. São Paulo, Cortez.1988. – P. 116.

Thus, the norms of expression determine the norms of distribution of power, respect and compassion in society. That is why the negative impact mediated by language is difficult to identify and even more so to combat and prevent the harmful consequences of this influence.

The theory of discourse is not neutral in relation to values. Among its tasks there is not only a description of existing social structures, but also the identification of hidden manipulative influences, discriminating language practices, and elements of hate speech.

In addition, discourse analysts believe that by revealing discriminatory structures and popularizing the results of their research, they influence social structures towards greater inclusivity, and contribute to a fair distribution of access for different population groups to articulate their interests and needs. That is why the following have been the most widespread areas of discourse research from the beginning of the 1990s to the end of the 2020s

- analysis of political discourse;
- study of gender aspects of various discourses;
- search for speech abuse in relation to racial, national, ethnic, migration and religious issues<sup>18</sup>.

At the same time, discourse analysts do not seek to condemn individual speakers or restrict someone's freedom of expression. Freedom of expression, which is interpreted as an inalienable human right, is limited only by the dignity of another person. For discourse analysts, it is important to find out why a certain way of talking about someone harms individual social groups, why these statements and speech constructions interfere with social interaction and the establishment of social relations and can lead to social tension and conflicts, in particular, violent ones.

It is obvious that, from the perspective of discourse theorists, if there is a threat to "national security", it comes primarily from the abuse of power by politicians, which is reproduced in the relevant statements and speeches; from the violation of the honour and dignity of representatives of certain social groups in everyday, professional and media discourses. In short, a discourse analyst will study abuses in the discourse of Orthodox against Muslims in a predominantly Orthodox country and against Orthodox Christians in a predominantly Muslim country.

It should be noted that the "freedom of expression – national security" dilemma has never been mentioned in the specialized literature devoted to discourse analysis in the context in which we are now considering it herein.

Moreover, for decades, both during the Cold War and later, scientists focused solely on another aspect of the "national security" discourse. The tendency of the leadership of a certain country to create a regime of "fear of external/internal threat" in society is one of the options for abuse of power, manipulation of the voter, and the population. The political discourse of "national security", called "securitization", aims to restrict certain rights and freedoms of citizens and distract attention from economic and social problems in the country. With references to the research framework of the Copenhagen Theoretical School of Security Studies<sup>19</sup>, discourse analysts focused on the anti-immigration discourse of a number of leaders and governments around the world.

**18** Dziuba O. The Discourse of Muslims or Muslim Discourse: a Method of Naming the Research Object in Discourse Analysis. *Ukrainian society*. 2019. No. 2. – P. 51–60.

**19** Buzan B., Wæver O., de Wilde J. *Security: A New Framework for Analysis*. Lynne Rienner Publishers, 1998. 239 p.



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## 2. THE “FREEDOM OF SPEECH – NATIONAL SECURITY” BALANCE FROM THE PERSPECTIVE OF DISCOURSE THEORY

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In our opinion, the social activity of discourse analysts could be expanded both in terms of the areas studied and the intensity of monitoring, and in terms of the significance of these studies. Russia's military actions on the territory of Ukraine have actualized the problem of identifying aggressive discourses that threaten the national security of a particular country, even before discursive aggression turns into a state of social action and results in an armed conflict.

The Russian-Ukrainian war was preceded by years of information warfare, which Russia started long before the annexation of Crimea. This discursive war, as shown in the previous materials of the Freedom of Speech and National Security series, is aimed at three types of audiences: some destructive discourses were distributed in Ukraine, others were aimed at consumers in Russia, and still others were created for audiences in other countries of the world. In the modern world of total information, these discourses overlap, reinforce each other, and also come into conflict with other discourses: democratic, liberal, human rights discourse, protection of minority rights, and so on. All of them pose internal and external threats to Ukraine's national security.

In the information struggle, Russia actively uses disinformation, fake messages, distortion of facts, playing on disagreements and internal problems in different countries. A common way to respond to such activities is “fighting against fakes”, namely, refuting false messages and spreading information about the inconsistency of certain information with real events. From the perspective of discourse analysis, we can say that the threat is posed not by fakes themselves, but by those world views that arise on the basis of manipulative messages. The fight against fakes is based on the belief that a person perceives information rationally and draws conclusions from the facts, using formal logic. Therefore, it seems that if you prove a person the fallacy of one of the logical chains, then they will give up certain conclusions and beliefs. Usually, this approach does not justify itself, since the mechanisms of perception and assimilation of information by a person are not linear and are often subconscious and emotional; these mechanisms are in the area of faith rather than logic.

Given this, discourse analysis offers a different approach to dealing with information threats. Its purpose is to show the consequences of the deployment of a certain discourse, how it interferes with the establishment of social ties, destroys order, increases the conflict of society, negatively affects access to benefits, and therefore prevents society from developing, realizing full human rights and, as a result, began to grow.

That is why the identification of destructive discourses is an important area of information and – more broadly – national security of any country, any society.

### 3. The problematization of utterance evaluation: signs of destructive discourses – hostile, discriminatory and exclusive; hate speech

Since the subject of our consideration is discourses that harm the national interests of a country, we are interested in those structural elements of discourses that establish negative meanings in relation to the citizens of a particular country, the general image of this country, contain doubts about the right of this country to independence and sovereignty, aggravate conflicts between different groups of the population living in different regions that differ in their ethnicity, religion, race, profession, income, etc.

As an example of the destructive internal discourse, we can recall the projects of russian campaign managers who, in cooperation with pro-Kremlin political forces during the presidential elections in Ukraine in 2004, tried to present the policy of one of the candidates as allegedly focused on “three kinds of Ukrainians”<sup>20</sup>.

Such destructive discourses should be separated from discourses defining national or regional identity. Indeed, the formation of any identity is associated with establishing the boundaries of the group and its differentiation from others. It is normal to describe the positive features of the motherland, native land, city, village, and people who live there, however, the moment becomes threatening when “we”, “wonderful people” are sharply opposed to “them”, residents of other territories of the country or other countries. A notorious example is the 1994 Tutsi genocide in Rwanda when armed attacks were preceded by a powerful information campaign portraying Tutsi as pests and cockroaches.

**The first sign of destructive discourse is the “we/us-them/others” opposition where “we” are endowed with the most positive characteristics, and “them” – with the most negative, harmful and threatening.**

In addition, there should be **signs of generalization when representatives of a certain group are endowed with the same features.**

It should be noted that generalizing or attributing a negative image in itself does not necessarily pose the maximum threat. Take, for example, the image of an American in the discourse of russian propaganda. Americans are portrayed as stupid, narrow-minded, power-hungry people obsessed with money, junk food and low-grade entertainment who manipulate the actions of different governments (including the Ukrainian government), hate russia and dream of destroying it. At the same time, in such a discourse, Americans appear strong and influential, therefore, **such an important component as the denial of subjectivity** is missing for the negative actions of russians against them.

It should be compared with the image of Ukrainians formed due to the discriminatory discourse of russian propaganda. Ukrainians were portrayed as weak people lacking willpower and unable to make

20 “Ukrainian fascism”: Diabolical Triumph of Campaign Managers. *Ukraina Moderna. International Intellectual Magazine*. 2016. URL: [https://uamoderna.com/blogy/podolannya-totalitarnogo-minulogo-chastina-5-velika-vitchiznyana-vijna-yak-rosijskij-imperskij-mif-\(pochatok\)/kopiya-ukrainskij-fashizm-diyavolskij-triumf-polittexnologiv](https://uamoderna.com/blogy/podolannya-totalitarnogo-minulogo-chastina-5-velika-vitchiznyana-vijna-yak-rosijskij-imperskij-mif-(pochatok)/kopiya-ukrainskij-fashizm-diyavolskij-triumf-polittexnologiv) (accessed on December 20, 2022).

## 3. THE PROBLEMATIZATION OF UTTERANCE EVALUATION: SIGNS OF DESTRUCTIVE DISCOURSES – HOSTILE, DISCRIMINATORY AND EXCLUSIVE; HATE SPEECH

independent decisions, actions or achievements. The rejection of subjectivity was so strong that no will of the people of Ukraine was perceived as an independent decision: both modern revolutions were presented solely as a result of the influence of the so-called “collective West” or “America”. The strength of the Ukrainian army and the desire of Ukrainians to defend their freedom and values were underestimated<sup>21</sup>.

The next **essential feature is *the speaker’s intentions to encourage someone to act or convince them to follow certain behaviours in the future***<sup>22</sup>. This feature is also enhanced in combination with ***the authoritarian type of discourse***, which does not allow the listener to have a different point of view.

The ***speaker’s position*** and his/her **subjective characteristics** are also significant. The “influencers” – speakers with recognized high status in this context – have a greater discursive influence. To change the audience’s opinion about a particular object, you need a speaker of high status for the audience – a politician representing a political force supported by this audience; an opinion leader (blogger, prominent person, actor, entrepreneur, sports star); a religious figure; a scientist, a specialist, etc.

It should be borne in mind that each opinion leader has their audience, part of which they influence the most. Therefore, by studying whom the speaker is addressing, we can also assess the strength of the potential influence of discourse.

Assessing the speaker’s potential influence is a complex analytical work that must consider a number of factors. Discursive influence is greater the more power the speaker has, but the reverse is also true: the more discursive power potential an utterance has, the less important the speaker’s status becomes. For example, people will be happy to listen to someone “off the street” if they say something that fully reflects their political, religious or other views.

The speaker’s status becomes important if the discourse is controversial to the audience. That is why analysts look for those moments when new meanings appear in the discourse – the so-called “point of change in discourse”. This is important to understand the origin and source of new meanings and ideas and at the same time the purpose of these new meanings and whose interests are served by this *shift of meanings*.

To understand the context of the source of the speaker’s arguments and ideas, researchers pay attention to **interdiscourse links**. The ideas of speeches of politicians and public figures are often rooted in the speeches of other historical figures. For example, putin’s speech on February 24, 2022, is com-

21 Hence the well-known phrase of the russian propagandist Margarita Simonian: “We understood that in a hot war, we would defeat Ukraine in two days. What is there to defeat, for God’s sake? Well, Ukraine, Lord!..” The video is available, for example, here: Dilova Stolytsia. – dsnews.ua. September 09, 2022. URL: <https://www.dsnews.ua/ukr/world/peremozhemo-za-dva-dni-simonyan-nagadali-yak-ta-pogrozhuvala-zahopiti-ukrajinu-video-09092022-465815> (accessed on December 20, 2022).

22 Here we focus only on the statements that make the reader do something, and on the statements that encourage them to adhere to a certain behaviour. Read more about the classification of speech acts in the article: Searle, John R. A classification of illocutionary acts. *Language in society*. 1976. Vol. 5. No. 1. – P. 1–23. URL: <http://www.jstor.org/stable/4166848> (accessed on December 20, 2022).

pared to one of Hitler's speeches<sup>23</sup>. Moreover, speech arguments may contain references to history, medicine, biology, artistic works, works of mass culture, etc. In each individual case, it is important to analyze these references in order to better understand the context and image of the audience that is formed by this speech.

Going beyond the consideration of a single utterance as a lexical unit and moving to the analysis of discourse as a social logic dictating the exact manner and time of speech deployment allows solving a number of practical problems.

Expertise based on discourse analysis can be applied both in the process of identifying threats to national security and in the course of judicial practice when it comes to human rights, expression of views, and academic or creative freedom<sup>24</sup>.

For example, the Criminal Code of Ukraine contains the qualification of such types of crimes as "high treason" and "collaboration". A collaboration activity can be recognized not only as "voluntary consent to take a position in the occupation administration", but also as actions in the discursive sphere. These include, in particular, "a public objection by a citizen of Ukraine to the implementation of armed aggression against Ukraine or public calls to support the decisions and/or actions of the aggressor state, armed formations and/or the occupation administration of the aggressor state, cooperation with the aggressor state, armed formations and/or the occupation administration of the aggressor state"<sup>25</sup>. In such processes, complex legal and semantic collisions may arise, whose resolution would require, in particular, the expert findings based on discourse analysis.

Similar evaluation needs may arise in interpreting media compliance with information presentation standards.

According to lawyer Liudmila Opryshko, a number of Ukrainian laws prohibit the use of mass media for:

- calls for the seizure of power, violent change of the constitutional order or territorial integrity of Ukraine;
- propaganda of war, violence and cruelty;
- inciting racial, national, or religious hatred;
- distribution of pornography, as well as for the purpose of committing terrorist and other criminal acts;
- propaganda of communist and/or national socialist (nazi) totalitarian regimes and their symbols;
- popularization or propaganda of the aggressor state and its authorities, representatives of the authorities of the aggressor state and their actions that create a positive image of the aggressor

**23** Varnytskyi V. "Ordinary Rashism": Putin Openly and Consistently Imitates Hitler. *Radio Liberty*. March 23, 2022. URL: <https://www.radiosvoboda.org/a/putin-hitler-napad-na-ukrayinu/31765500.html> (accessed on December 20, 2022). See also: Putin copies Hitler. Comparing the speeches of two dictators. *Television Service of News*. March 27, 2022. URL: <https://tsn.ua/ato/putin-kopiyuye-gitlera-porivnyannya-promov-dvoh-diktatoriv-video-2021401.html> (accessed on December 20, 2022).

**24** At the same time, there are many effective areas of text analysis at the interdisciplinary level to understand the hidden elements of manipulation, discrimination, and threats to national security. Each area offers its own special methods and tools of analysis to solve different problems, and the use of several approaches provides a versatile understanding of the text.

**25** Criminal Code of Ukraine. Part 1, Article 111, note 1. Collaboration activities. URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (accessed on December 20, 2022). On March 3, 2023, the Criminal Code was supplemented with a new type of crime – collaboration activity.

## 3. THE PROBLEMATIZATION OF UTTERANCE EVALUATION: SIGNS OF DESTRUCTIVE DISCOURSES – HOSTILE, DISCRIMINATORY AND EXCLUSIVE; HATE SPEECH

- state, justify or recognize the occupation of the territory of Ukraine as legitimate;
- interference in the personal and family life of a person, except in cases provided for by law;
  - causing harm to the honour and dignity of a person;
  - disclosure of any information that may lead to an indication of the identity of a minor offender without their consent and the consent of their legal representative, and a number of other restrictions, including taking into account the specifics of a particular type of media<sup>26</sup>.

In such cases, a meaningful discourse examination, distinguishing a subject and an author of a statement, for example, can play an important role in establishing the legal qualification of a crime and determining the degree of a person's (author's/journalist's/owner's) liability to punishment.

It should be borne in mind that in the modern world, it is impossible to remain a democratic country and completely close yourself off from hostile discourses. Neil Ferguson, a British historian and scholar at Stanford University's Hoover Institution and Harvard's Center for European Studies, points out certain restrictions in direct prohibitions: "Only explicit calls for violence should be banned. If the prohibition of hate speech goes too far, it turns into censorship. Even if you impose some restrictions with the best of intentions, you don't know how your successors in power might use them. Therefore, Ukraine needs to take care of being an open society. The most effective way to combat enemy propaganda was in the British media during World War II. There was no systematic censorship of German content, but the public believed that this content was most likely false. I think Ukraine should have a similar approach to Russian media: you can't trust them, but you should be able to read them – to laugh at them. I myself often laugh at Russian media content, it is sometimes so comically implausible..."<sup>27</sup>.

An important fundamental idea on which the perception of certain information can be based is to understand the inadmissibility of spreading discriminatory discourse since it affects social welfare and the possibility of human realization in society.

What meanings are worthy of special attention when it comes to "discourse of hatred" in the broadest sense of the word?

We rely on the following main criteria applied by the European Court of Human Rights to establish a balance between the right to freedom of speech and the interests of national security, territorial integrity and public safety:

1. **nature of the statement.** In particular, whether incitements to violence are spread, hate speech is used, ideas of terrorism are supported, and violence, torture, capital punishment etc. are justified;
2. **context in which the statement has been made** (the general publication rather than part of the context should be analysed);
3. **context where the statement has taken place** (existing public tension, unrest, armed conflict, etc.);
4. **real or potential harm caused by the statement;**

26 Opryshko L. Freedom of Expression. International Standards, Practice of the European Court of Human Rights and National Legislation of Ukraine under Martial Law. Review of Legal Approaches. Series: Freedom of Speech and National Security Kyiv: UCIPR. 2022. URL: <http://www.ucipr.org.ua/ua/publikatsii/vydannia/freedom-of-expression-international-standards-practice-of-the-european-court-of-human-rights-and-national-legislation-of-ukraine-under-martial-law> (accessed on December 20, 2022).

27 Shramovych V. Historian Niall Ferguson: don't ban Russian media, but laugh at them. *BBC News Ukraine*. September 22, 2018. URL: [https://www.bbc.com/ukrainian/features-45599102?ocid=wukrainian\\_social\\_sponsored\\_post\\_facebook.AEP-Fergussoninterview.nneed3.All.Statement.mktg](https://www.bbc.com/ukrainian/features-45599102?ocid=wukrainian_social_sponsored_post_facebook.AEP-Fergussoninterview.nneed3.All.Statement.mktg) (accessed on December 20, 2022).

5. **degree of influence of the author of the statement;**
6. **medium of information dissemination and impact on the audience;**
7. **nature and severity of the punishment.**<sup>28</sup>

Human rights organizations have already proposed practical approaches to identify “hate speech”. In particular, the six-part test of the British non-governmental human rights organization *Article 19* for the identification of propaganda, discrimination, hate and violent speech is also based on the analysis of discourse. The use of such a test can help differentiate striking statements that shock a person’s imagination or may be part of academic freedom from complex narratives that pose a potential threat to national security and incite particular actions.

Human rights defenders set a task – to identify the following within the framework of the message being investigated:

1. Context of the expression (existence of conflicts, history of collisions with the audience).
2. Speaker/proponent of the expression (his position, competence).
3. Intent of the speaker/proponent of the expression to incite to discrimination, hostility or violence.
4. Content of the expression (form, structure, judgment, etc.).
5. Extent and Magnitude of the expression (including its public nature, its audience and means of dissemination).
6. Likelihood of the advocated action occurring, including its imminence<sup>29</sup>.

Studying the issues of cognitive resilience of Ukrainian society, the team of the project “Civil Liberties and National Security: A Balance for Protection with the UCIPR” offers a similar tool for assessing discourse that poses threats to human rights and national security.

This tool is designed to rationalize the perception of texts and reactions to them, help to identify the structure of hidden influence and understand what kind of discourse we are dealing with – coherent propaganda, policies aimed at separation (“discourse of hatred”)<sup>30</sup> or the natural human right to free expression. It is important to take into account that in discourse analysis, a speech act is considered a type of action that has a subject, goal, conditions, mode of action, means, tools, and result<sup>31</sup>.

Let’s take a closer look at how discourse can be deconstructed and the social basis of utterances identified. Any message should be analyzed in connection with the social relations in which it was created. At the same time, the message itself affects social relations. Discourse analysis offers a set of techniques that can be used to identify hidden social structures, motives and goals of the speaker, and possible social consequences of what is expressed.

Discourse analysis has certain limitations in determining the speaker’s intentions. The finding of discourse theory is that language and its structures are transparent neither to the speaker nor to the lis-

28 Opryshko L. Freedom of Expression. Ibid. – P. 7.

29 Prohibiting incitement to discrimination, hostility or violence: Policy Brief. *Article 19*. 2012. URL: <https://www.article19.org/data/files/medialibrary/3572/12-12-01-PO-incitement-WEB.pdf> (accessed on December 20, 2022).

30 Özarlan Z. Introducing Two New Terms into the Literature of Hate Speech: “Hate Discourse” and “Hate Speech Act” Application of “speech act theory” into hate speech studies in the era of Web 2.0. 2014. *Galatasaray University Journal of Communication*. 2014. Issue 20. – P. 53–75. URL: <http://iletisimdergisi.gsu.edu.tr/en/pub/issue/7380/96605> (accessed on December 20, 2022).

31 Austin J.L. How to do things with Words. Oxford University Press. 1962. – 174 p. URL: [https://pure.mpg.de/rest/items/item\\_2271128/component/file\\_2271430/content](https://pure.mpg.de/rest/items/item_2271128/component/file_2271430/content)

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#### 4. NINE STEPS TO IDENTIFY THREATENING DISCOURSE

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tener/reader. This means that at least some of the words and phrases used do not fully reflect what the author wanted to say. That is why it is difficult to use discourse analysis to determine what exactly was said intentionally and what was said just because “everyone says so”, “this is such a set expression”, “I didn’t mean to offend anyone”, “I didn’t think it mattered” and so on.

Discourse analysis is not intended to condemn an individual speaker. Instead, it offers tools that demonstrate harmful speech habits, hidden manipulations, and discriminatory practices that, in turn, have or do not have the potential to pose a threat to national security. Discourse analysis can result in the neutralization of harmful ideas by publishing information about how a certain text exercises influence through its construction, vocabulary and even grammar<sup>32</sup>.

At its core, discourse analysis is a consistent search for answers to questions about the text.

Some of the answers lie in the plane of the social conditions of creating and perceiving the text; some – in the plane of vocabulary, grammar and stylistics; some – in the plane of meanings, in how the main signs of the text are arranged relative to each other.

To analyze the discourse conveyed by a certain text, we propose the following technique, which consists in finding answers to a sequence of questions.

Some questions can be skipped if they cannot be put about a specific statement.

## 4. Nine steps to identify threatening discourse

The team of the project “Civil Liberties and National Security: A Balance for Protection with the UCIPR” offers a tool developed for assessing discourse that poses threats to human rights and national security.

The first three points of the analysis do not reveal a threat arising from discourse. These aspects indicate the general context where the text has appeared and been distributed and the attitude towards it. Thus, the high status of the speaker, the popularity of the platform and the use of references to influencers in the text indicate the potential significance of the consequences of the discourse/discourses that are present in the text. However, what are these consequences, can they be described as positive, or vice versa, do they pose a threat? This question is answered by cumulative analysis findings according to the following six points (paragraphs 4–9).

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<sup>32</sup> As part of the series, we showed a variant of discourse deconstruction. See: How discourse analysis can help identify national security threats. Kyiv: UCIPR. 2022 – P. 14–23. URL: <http://www.ucipr.org.ua/ua/publikatsii/vydannia/how-discourse-analysis-can-help-identify-national-security-threats> (accessed on December 20, 2022).



Thus, if a particular text contains some or all of the negative aspects of the discourse described in paragraphs 4–9, combined with the positive answer to at least one of the first three questions (that is, the broadcaster has a high status, or the statement is placed on an influential resource, or the text contains references to sources that are significant for the audience), then it is highly likely that such a discourse threatens a distinct social group, a nation or an individual state as a whole.

At the same time, the absence of positive responses at the first three stages of analysis may not indicate that the discourse is safe if the listed negative characteristics of the discourse are observed at subsequent stages of analysis. Depending on the context and conditions in which a particular discourse operates, its consequences may have local negative consequences or this discourse may indicate that there is a broader negative discourse that is the source of this local statement. In the latter case, it is necessary to search and verify the sources of origin of this discourse, and whether this particular statement reproduces another, even more dangerous discourse.

## **1. Evaluate the conditions of text production**

### **1 – social status of the speaker**

Who is the author of the text?

What is the social status of this speaker?

What resource does he/she have?

What is the audience's attitude to him/her?

Does the author have the (discursive) right (legal/according to his/her speciality, place of work, experience, etc.) to express his/her opinion on these issues?

Does he/she influence the audience?

What kind of influence?

The result indicates the place of the text in the structure of public relations, its meaning and possible influence on the audience. The higher the status of the speaker, the more resourceful the speaker is, and the more important the consequences of the meanings that the text contains will be.

## **2. Evaluate text production conditions 2 – the influence of the resource**

How can you describe the platform from which the statement was made?

Who is this text/platform for? Who might like this text? What do you need to know to understand this text?

What events preceded this text, contributed to its appearance, and were associated with it?

The result helps to determine the boundaries of the resource's audience and find out what kind of influence the resource has on the audience. The more influential the resource, the more important the consequences of the deployment of discourses contained in the text will be.

## **3. Evaluate the connection of this text with other texts**

What other texts, statements and cultural phenomena (art, science, religion, and other spheres of human activity) does the author refer to?

What is the nature of these references?

Does the author argue with other texts, or, on the contrary, use them to strengthen his/her conclusions?

Why does he/she use these references?

What social ties and relations reflect the nature of these references?

Does the author use reputable sources for the audience to support his/her ideas?

Why were such references important and for what purpose?

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The result makes it possible to understand what means the speaker uses to increase the influence on the audience; what areas of knowledge and sources of information the speaker considers noteworthy and why this can impact the audience; what characteristics of the audience make these references important.

**4. Evaluate the purpose of creating the text**

Analyzing the peculiarities of the vocabulary used in the text, the nature of references and stylistics, answer the question of what the author's goal was when creating the text:

Can the text evoke emotions in the reader? Which exactly?

Can the text influence the audience's beliefs? Which exactly?

Does the text contain calls to action?

Is the text trying to justify any events or people? Which/who exactly?

Is the text trying to condemn someone? Who?

Does the author form a negative attitude towards a certain social group, community, or individual state as a whole?

Ask other similar questions that will help you understand the speaker's purpose: informing, entertaining, persuading, calling to action, strengthening attitude to something or someone, and so on. It should be borne in mind that fixing a negative image of a certain social group in the audience can be combined with any goal. Dangerous ideas may well be promoted through entertainment content. But in a combination of factors, the goal matters. If a negative attitude towards a particular social group is fixed in the text, whatever the purpose of the text, this indicates a certain threat.

**5. Evaluate the nature of the text**

Does the author speak to the listener as an equal?

Does the author allow the listener to have their own opinion?

Does the author leave any questions open, call for dialogue or polemics?

Does the author describe negatively those who might argue with him?

Is the author's tone peremptory?

Does the author use words like: "certainly", "everyone understands", "you have to be a fool (*or other negative characteristics*) not to understand..." and so on?

The more authoritarian the nature of the text (does not contain references to dissimilar discourses; does not discuss different points of view on the problem as equal; contains negative descriptions of those who could criticize the ideas expressed; the tone of the statement is peremptory; the text contains many words that indicate the author's complete confidence in what was said), combined with the high status of the speaker, the more serious the consequences of the discourse.

**6. Describe the "principal characters" mentioned in the text**

What groups of people are mentioned in the text?

Who is mentioned, with what words and how are these groups of people described, and what characteristics are attributed to them?

Is there a polarization of "us – them", "our – others", "good – bad", etc. in the text?

Is there a generalization in the text like "all women"/"all African Americans"/"all left-handers" are so-and-so...?

Is this generalization positive or negative?

Does the text mention the nationality, gender, skin colour, religion or sexual orientation of the "principal character" that is not related to the described actions of the person?

What conclusions can be drawn from such a character's representation in the text?

Generalizing groups of people, simplifying, typing their behaviour and mentioning the characteristics of a person, the type of their sexual orientation, gender, nationality, etc. to explain their negative behaviour is dangerous.

## **7. Evaluate the characters' activity rate**

Who or what is indicated as a subject in sentences?

If the action is positive and if the action is negative, who or what is (according to the sentence structure) the cause of certain consequences (negative or positive)?

Are there any cases of utterance when a phenomenon becomes an independent subject of action?

Are such cases a way to mask a true cause of action?

Which "characters" are mentioned in passive sentence constructions, and which ones are mentioned in active ones?

The use of the passive verbs brings a person over whom the action is performed into the status of a passive object incapable of acting. Let's compare: "Hundreds of employees were dismissed" with "Hundreds of employees were left without work." Sometimes impersonal verbs are used, on the contrary, to hide the figure and relieve him/her of responsibility for unpleasant actions. Compare: "The demonstrators were arrested" with "The police arrested demonstrators". Sometimes processes or phenomena become independent figures, which hides the events' real figure or culprit. Compare: "The clashes with police resulted in the death of 10 demonstrators" with "Police killed 10 people during the dispersal of the demonstration." If representatives of a certain social group are mentioned in the text only using the passive verb, this is dangerous in relation to this social group, since only an active person is respected taking into account his/her opinion, etc. You can do anything with the object.

## **8. Evaluate the presence of a call to action**

Is the text more scientific, journalistic, or literary?

What vocabulary is used?

Does this speech style correspond to this resource, this speech situation?

If not, why?

What is the reason for this style?

Are there any metaphors in the text?

What are they used for?

What emotions should they evoke?

What is the purpose of these emotions?

Does the text motivate action?

Does the text contain a direct call to action and which ones?

If the speaker uses metaphors and tries to evoke emotions in the audience instead of presenting points of view and weighing facts to make difficult decisions, this can be dangerous, especially if the speaker calls the audience to action.

## **9. Assess the likely social consequences that the text may cause**

What actions of the audience logically follow from this text?

What relationships between "characters" are formed as a result of this text?

What benefits are considered in this text, whose interests do they meet and how are they proposed to be distributed?

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**WHAT'S BEHIND THE WORDS?****Nine steps to identify threatening discourse**

|          | ?  | !  |
|----------|--|--|
| <b>1</b> | What is the social status of the author, does the statement correspond to the author's power resource<br><i>Example: a pastor's words influence the actions of his flock</i>   | — The higher the status of the speaker, the more important the consequences of the statement                   |
| <b>2</b> | What is the value of the resource for the audience<br><i>Example: The Washington Times is a conservative newspaper in the United States, and its publications have an impact on an audience with conservative views</i>  | — The more influential a resource, the more important the consequences of a statement                          |
| <b>3</b> | Does the author turn to authorities to strengthen his/her opinion<br><i>Example: For scientists, references to scientific texts are important; for Christians – to the Bible, etc.</i>   | — References to sources important to the audience increase the text's influence                                |
| <b>4</b> | Does the author form a negative attitude towards a certain social group<br><i>Example: After a series of negative messages about the Turks in the Russian media due to the downing of a Russian fighter jet over Turkey in 2015, attacks on Turks and damage to Turkish property were registered in Russia</i> | 0/1 If there is a negative image of something/someone in the text, it has negative consequences                |
| <b>5</b> | What is the nature of the text – peremptory, dialogical, open, polemical<br><i>Example: Dictators usually position themselves in their speeches as fathers of the nation and sons of God, and thus seem to have the exclusive right to speak the truth</i>   | 0/1 If the author "prophesies the truth", his/her influence on his audience is high                            |
| <b>6</b> | Is there a "good us – bad them" polarization?<br><i>Example: In radical vegan discourse, meat eaters appear as people capable of aggressive behaviour, while in meat eater discourse, vegans appear as intellectually disabled people</i>  | 0/1 If the author attributes positive traits to "insiders" opposing them to "bad outsiders", this is dangerous |
| <b>7</b> | Does the author use passive verbs in relation to individual "characters" of the text<br><i>Example: In Russian discourse, it is common to portray Ukrainians as dependent on the United States</i>   | 0/1 It is dangerous if certain social groups are presented as objects of someone's influence                   |
| <b>8</b> | Does the author call to action/inaction through emotions<br><i>Example: The election slogan "Vote with your heart!" appeals to emotions and calls to action</i>  | 0/1 The use of images instead of points of view in combination with calls to action is dangerous               |
| <b>9</b> | Does the author justify the advantages of some over others in accessing resources<br><i>Example: In racist discourse, people of a different race are denied a number of rights and liberties</i>   | 0/1 The statements where "others" are denied the right to benefits are potentially dangerous                   |

A high score on points 4 to 9, combined with the high status of the speaker, the high influence of the information resource and the strengthening of the author's arguments with references to reputable sources, most likely indicates a dangerous discourse.

What connections are formed between things and groups of people in this context?

What is inherent in these connections – unification or separation?

Does the author justify the advantages of some over others in accessing social goods and resources?

Discourses that “work” to separate different groups of people, oppose some to others, offer benefits to some and deny them to others, and justify negative actions of some against others are potentially dangerous.

**When applying the proposed technique of discourse analysis, some caveats should be kept in mind:**

**a. This technique is “open”.**

Unlike tests with predetermined score ranges or templates that have no development, the proposed tool is open. As an approach-based technique, it requires care and thoughtfulness if it is to be relied upon.

**b. Conclusions can only be drawn based on a set of signs.**

It should be remembered that a negative result of any of these points cannot clearly indicate the danger of a particular discourse. Only in the presence of several signs or a special combination of them can we draw a conclusion about the danger that this discourse can pose.

**c. The final conclusions should be drawn by a group of experts on a case-by-case basis, depending on the practical need and the question raised in the discourse analysis.**

At the same time, knowledge of these analysis tools helps to treat any text more carefully, resist negative manipulative influences, conduct an informed discussion, share with others one’s conclusions about the threat of a particular discourse, and feel freer in one’s own statements and expressions of views.

**d. To identify social influence and fix “points of change in discourse”, it is necessary to develop quantitative analysis tools.**

Analysis of various public platforms – media, social networks – will allow an understanding of the appearance of discourse over time, its development, promotion, and coverage. Responding to it should be considered a necessary component in the system of detecting threatening discourse.

## 5. PUBLIC INFRASTRUCTURE FOR DETECTING AND RESPONDING TO DISCURSIVE THREATS

## 5. Public infrastructure for detecting and responding to discursive threats

The above-mentioned elements of discourse that could threaten national security can be found in a large number of texts and statements.

In the context of full-scale invasion and unprecedented hybrid information threats, the key issue is that challenges need to be identified and resolved in the latest complex communication structure, which simultaneously involves many actors, using a range of methods to recognize discursive manipulations and interpret statements. Everyone has access to everyone – hundreds of thousands of posts and denials, positions and conflicts appear every second in the Ukrainian segment of social networks alone.

Over the past decade, information relations have become too complex. Ukraine and the world live in a post-truth period. Mass communication is often unsubstantiated, facts are increasingly losing weight, and statements are formed by appealing to emotions. Populism during the war also appeals to emotions, reflecting feelings such as fear or anger. Manipulators actively use the so-called toxic symbols of destructive emotions – envy, anger, soaring ambitions, etc.

Where is the line between offensive and discriminatory messages, between scientific hypotheses and threats to national security?

Presumably, revenge-seeking political parties in Ukraine that may appear after the war will not necessarily declare in epy program documents that they will contribute, for example, to the violent overthrow of the constitutional order of the state. It will be enough to choose the right emotion in rhetoric and develop an algorithm for manipulative actions – verbal or non-verbal. Formally, this may look like a value judgment, but in fact, it will express **a direct threat to national security, and we will need to learn how to prevent such manipulations in a democratic way.**

The Concept for Ensuring a National Resilience System states that “hybrid threats are a type of threat to national security, the implementation of which entails a synergistic effect from the simultaneous use of combined methods of influence, which are often hidden or disguised as other processes within the legal framework.”<sup>33</sup>

As noted above, since the perception of ideas is non-reflexive, and the fight against fakes is ineffective, questions arise: how can we combat the dissemination of discriminatory ideas? is it possible to counter threats in time? how respond to them? who exactly should respond to these threats?

33 The Concept for Ensuring a National Resilience System: Decree of the President of Ukraine “On the Decision of the National Security and Defense Council of Ukraine as of August 20, 2021 “On the Introduction of the National Resilience System” as of September 27, 2021. No. 479/2021. URL: <https://zakon.rada.gov.ua/laws/show/479/2021#n5> (accessed on December 20, 2022).

The government cannot be delegated the power to monitor all emerging messages and apply punitive measures. There is always a danger that the authorities will get too carried away with a repressive approach.

From the perspective of the resilience concept, the institution of freedom of speech, as well as education, entrepreneurship, medicine, etc., should strive for effective functioning and positive development in the face of any crisis, external and internal threats, rather than being “folded”.

National resilience experts recommend the following practical measures to adapt to threats:<sup>34</sup>

- constantly analyze the security environment and, in particular, the status of certain threats;
- form the same understanding for all parties of the nature of the threat, its possible consequences and the order of actions before, during and after the occurrence of certain actions/phenomena;
- increase the level of readiness of all parties to respond to the threat;
- establish and maintain lasting relationships between parties;
- increase efficiency and accelerate the pace of overcoming the destructive consequences of the threat.

Given the combination of these measures, similar approaches can be extended to preventing discursive threats. The experience of 2022 has shown that the tug of war between freedoms and restrictions, society and the state is a dead end in the face of full-scale war and modern information challenges. One of the main lessons learned from a full-scale war is that only the synergy of community and city residents, military personnel, businesses, civil society, journalists, law enforcement officers and authorities at various levels can ensure successful resistance.

The non-governmental sector advocates the idea that the challenges of Russian aggression and Russian propaganda cannot be ignored, but a solution is needed where national security tools and freedom of expression can coexist. Thus, the participants of the 2017 discussion “Freedom of Expression during the conflict in Ukraine: Protect or Restrict?” stressed that to find a balance between national security challenges and avoid disproportionate restrictions on freedom of speech, government decisions in this area must first be publicly discussed, taking into account expert opinion and international experience. “The state reacts by limiting its information field, explaining that such actions were taken for reasons of national security. National security and freedom of speech cannot be balanced as two opposites, because although the country is going through quite difficult times today, it would be necessary to find the right proportion to combine these two values. In the search for value protection, we should not lose the values themselves,” emphasized Olha Kyrlyuk, co-founder of the non-governmental organization “Digital Defenders Partners”<sup>35</sup>.

Although “destructive propaganda, the spread of disinformation both outside and inside Ukraine are used by the aggressor state for undermining the stability of society and information destabilization of the state, <...> an effective system for responding to such challenges in Ukraine has not yet been cre-

34 Reznikova O. National Resilience in a Variable Security Environment: Monograph. Kyiv: National Institute for Strategic Studies. 2022. – 532 p. URL: [https://niss.gov.ua/sites/default/files/2022-03/reznikova-ukraineresilience2022\\_02.pdf](https://niss.gov.ua/sites/default/files/2022-03/reznikova-ukraineresilience2022_02.pdf) (accessed on December 20, 2022).

35 National security and freedom of expression must coexist. Discussion about freedom of speech in war conditions. Ukrainian Crisis Media Center. 29.09.2017. URL: <https://uacrisis.org/ru/60905-freedom-of-opinion-and-expression-discussion>



## 5. PUBLIC INFRASTRUCTURE FOR DETECTING AND RESPONDING TO DISCURSIVE THREATS

ated,” emphasized in the Information Security Strategy of Ukraine 2021<sup>36</sup>. Therefore, the task is to develop the national information infrastructure and strengthen information culture and media literacy to reduce the basis for manipulating public opinion and conducting rapid destructive information operations in the context of the rapid development of digital technologies.

According to the participants of the Estonian-Ukrainian Research Program “Resilient Ukraine”, the key principles of ensuring synergy in the cognitive sphere are intersectorality, intersectionality and interdisciplinarity<sup>37</sup>. Such interdisciplinary communities, with the participation of the media themselves, can monitor cases and provide expertise to investigating authorities, courts, the public sector and ordinary users. In a sense, the self-organization of the industry is proposed. The bottom line is that modern information relations have become so complex that it is very difficult, and often even impossible without special professional training, to recognize the hidden meaning or boundary between truth and fake and establish the fact of violation. The real author, intention and audience perception of meanings can be recognized only at the interdisciplinary level, including with the participation of journalists, psychologists, linguists, lawyers, media experts, sociologists, communication specialists, cultural scientists and other experts. Instead of an anti-crisis “curtailment” of free speech, the institution itself sets safeguards against national security threats through self-organization.

Government assistance would include creating legal and organizational prerequisites to ensure that citizens are aware of any threats to freedom of speech and national security. This approach is also expressed in the Strategic Defense Bulletin of Ukraine, which refers to “the comprehensive use of the capacity of the state and society in a multidimensional space throughout Ukraine to resist the enemy through its containment, sustainability and interaction of all institutions within the state and with international partners.”<sup>38</sup>

An intersectoral approach to countering hybrid threats and their component – information influences – was proposed by Ivanna Klympush-Tsintsadze, Vice-Prime-Minister for European and Euro-Atlantic Integration of Ukraine in 2016–2019: “To build a system for countering (*hybrid threats*. – **Ed. note**) a wide range of specialists should be involved – not only military or political scientists, but also media experts, philologists, linguists, directors, actors, lawyers, demographers, and sociologists.<...> Among the urgent tasks is the improvement of legal mechanisms for countering the russian media octopus, which today remains almost unpunished in Ukraine. ...We need <...> cooperation of all sectors of society – state, business and public. Relying only on the state is a strategy leading to defeat.”<sup>39</sup>

According to the editorial team of texty.org.ua, “the key role should be played by civil initiatives and self-organization of journalists who do care about professional standards. <...> An obligatory component of such standards should be a strict ban on making the news out of different statements and an-

36 On the Decision of the National Security and Defense Council of Ukraine of October 15, 2021 “On the Information Security Strategy”. Decree of the President of Ukraine as of December 28, 2021. No. 685/2021. URL: <https://zakon.rada.gov.ua/laws/show/685/2021#Text> (accessed on December 20, 2022).

37 Resilient Ukraine: State, Civil Society and National Security. Report by the International Centre for Defence and Security. 2018. URL: <https://bit.ly/2Juvzge> (accessed on December 20, 2022).

38 On the Decision of the National Security and Defense Council of Ukraine of August 20, 2021 “On the Strategic Defense Bulletin of Ukraine”. Decree of the President of Ukraine” of December 28, 2021. No. 685/2021. URL: <https://zakon.rada.gov.ua/laws/show/473/2021#n17> (accessed on December 20, 2022).

39 Klympush-Tsintsadze I. “Hybrid Warfare” Virus: in Search of an Antidote. Dzerkalo Tyzhnia (“The Weekly Mirror”). November 16, 2018. URL: <https://zn.ua/ukr/international/virus-gibridnoyi-viyni-u-poshukah-antidotu-294305.html> (accessed on December 20, 2022).

nouncements made by all sorts of “political experts” and “opinion leaders” previously known for their “purchasable” opinions.”<sup>40</sup>

There are developments and practical examples from different European countries involving non-state actors in the development of cognitive resilience mechanisms.

Ukrainian resilience researcher Mykola Nazarov talks about the experience of Estonia, where “the mechanisms of public resilience to destructive information and communication influences are actively developed at the community level.”<sup>41</sup> Olha Reznikova cites the experience of the UK, where “the format of inter-agency cooperation – the local resilience forum – is successfully operating” implemented on the “key principles of resilience – cooperation and subsidiarity. The emergency and crisis response should take place at the lowest of all levels, with adequate coordination at the highest appropriate level<sup>42</sup>.

Conceptual specifics of interdisciplinary cooperation:

- analysis of statements and identification of discourse (including those expressing threats to national security);
- study of relationships between communication participants arising from the exchange of statements and messages;
- interpretation of the meanings of communication symbols.

Of course, when implementing such principles, protective mechanisms should be provided so that such structures do not assume the role of a censor.

The principle of indivisibility of cognitive security should provide that from now on representatives from all walks of life should assume their responsibilities and contribute to ensuring national security at the level and in collaboration with public authorities, which is especially important in the face of the latest threats.

Ukrainian national security agencies, the public sector, communities and journalists should make efforts to unite and enhance synergies to strengthen national security. Such synergy and closer cooperation between the state and civil society are important since Ukraine must use all its resources, skills and abilities to ensure information resilience and security. Cognitive resilience is the involvement of the entire society in the process of exchanging meanings. This approach requires a policy of public consent, rules and guidelines, regulation, coordination and monitoring of results.

<sup>40</sup> Bondarenko A., Kelm N., Kulchynskiy R. et al. Text analysis of fake news in Ukrainian Internet media. – November 28, 2018. Texty.org.ua. URL: <https://texty.org.ua/d/2018/mnews/> (accessed on December 20, 2022).

<sup>41</sup> Nazarov M. National resilience of Ukraine: from conceptual foundations to practical implementation. Scientific journal “Politicus”. Sumy, 2020 (No. 2). – P. 64–69. URL: [https://www.researchgate.net/publication/343107402\\_Nacionalna\\_sti-jkist\\_Ukraini\\_vid\\_konceptualnih\\_zasad\\_do\\_prakticnoi\\_realizacii](https://www.researchgate.net/publication/343107402_Nacionalna_sti-jkist_Ukraini_vid_konceptualnih_zasad_do_prakticnoi_realizacii) (accessed on December 20, 2022).

<sup>42</sup> Reznikova O., Voitovskiy K., Lepikhov A. Organization of the national resilience system at the regional and local levels: analytical report. Kyiv: National Institute for Strategic Studies. 2021 URL: <https://niss.gov.ua/publikatsiyi/analitichni-dopovidi/orhanizatsiya-sistemy-zabezpechennya-natsionalnoyi-stiykosti-na> (accessed on December 20, 2022).

## CONCLUSIONS

## Conclusions

Russia's full-scale aggression against Ukraine has created new challenges for democratic institutions, in particular, it has escalated issues of access to information and freedom of expression.

As we, Ukrainians, have witnessed, "words" addressed to discriminatory discourse (discourse of hatred) as the key to the formation of reality are part of such reality.

Discourse analysis is one of the methods that can be used to identify hidden social structures, motives and goals of the speaker, and possible social consequences of what is expressed. The language of any message should be analyzed in relation to the social relations in which the message was created, and in terms of what social relations and to what extent it determines.

The proposed technique for analyzing threatening discourse opens up a discussion about methods for analyzing destructive influences during the war and other crises. The state and society can re-articulate the discourse or build another discourse, but identifying the discourse of hatred remains a top priority. In the same row, there are justifications and arguments for the decisions by public authorities when it comes to various sanctions.

Hybrid warfare has shown the scale and possibilities of manipulation, which is difficult to give an immediate legal assessment. Over time, hybrid influences are transformed and improved to avoid falling within the scope of national legislation.

At the same time, at this very moment, under the attack, Ukrainian society must agree on how to organize its life in a prolonged crisis. Unified news or news market? With or without access to public registers?

Only the pluralism of opinions, ideas and positions guarantees the systemic stability of society. Instead of opposing national security to freedom of expression, we assume that the hybrid threat is equally critical to both the security of the state and freedom of speech.

During martial law or any systemic crisis, only the synergy of society and the state can provide a systematic response to unprecedented challenges and, conversely, solving problems "in a vacuum" is dangerous for society.

From the perspective of the concept of national resilience, freedom of speech as an institution should function smoothly before and during a crisis. The emergency and crisis response should take place at the lowest of all levels. The creation of permanent formats of interaction between authorities, organizations and the media at the local level is a prerequisite for the effective implementation of policies in the field of ensuring national security and resilience.

Civil society is an important subject of national security and information resilience. During the war, civil society proved to be a source of strength and a key link between the authorities, the military, the media and communities. Although the understanding of security as a vertical structure still dominates in

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Ukraine, the experience of public organizations and initiatives to establish effective horizontal connections changes the idea of national security. It is the public sector that claims to be the organizer of intersectoral cooperation in the field of compliance with the standards of freedom of speech in the media and information security.

Freedom of speech is one of the key parameters of information and – more broadly – national security, which ensures transparency and inclusivity of decision-making, even during martial law or any large-scale crisis.

A democratic society is impossible without freedom of speech, and therefore, its restriction should be applied with special care and caution, taking into account the principles of the necessity of such restriction in a democratic society, proportionality to the legitimate purpose and legality.

The institution of freedom of expression should have the ability to respond to external influences and adapt to them without significant loss of functionality. The resilience of freedom of speech implies horizontal and vertical connectivity between authorities and civil society, the media, experts, and communities. For the functioning of freedom of speech, citizens need to be aware of the nature of the threat, be able to control the situation before, during and after the crisis, and develop their own capacities to counter the threat, including the discursive threat.

# Identifying the discourse of hatred as part of resilience policy

## **Policy-making proposals**

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**Freedom of Expression. International Standards, Practice of the European Court of Human Rights and National Legislation of Ukraine under Martial Law.** Review of Legal Approaches. UCIPR. Kyiv. 2022. Electronic publication.

**Right to information: international standards, the practice of the European Court of Human Rights and national regulation during wartime.** Review of Legal Approaches. UCIPR. Kyiv. 2022. Electronic publication.

**How Discourse Analysis can Help Identify National Security Threats.** Awareness-Raising Materials. UCIPR. Kyiv. 2022. Electronic publication.

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