

Queering the Responsibility to Protect

JESS GIFKINS AND DEAN COOPER-CUNNINGHAM*

Research on the Responsibility to Protect (R2P) has become a staple in International Relations (IR). Spanning more than two decades, R2P research has moved from debates on the rights and responsibilities of the international community in responding to mass atrocity crimes to an increasingly nuanced and intersectional¹ research area encompassing gender and postcolonial critiques.² Feminist and postcolonial research on R2P has been incredibly important in highlighting the many exclusions and silences built into the R2P framework, as well as the racialized and patriarchal power structures that R2P risks reifying and entrenching. Building on these important critiques, we turn the focus of our attention here to queering the Responsibility to Protect.

Queering R2P entails not only a focus on queer³ people's experiences of mass violence and atrocities, but the adoption of a queer politics and ethics that cease-

* Both authors would like to note that there was an equal intellectual and writing contribution to the article. We are grateful Qiaochu Zhang for research assistance on this project and would like to thank the peer reviewers and editor for their support and constructive suggestions.

¹ Kimberlé Crenshaw, 'Mapping the margins: intersectionality, identity politics, and violence against women of color', *Stanford Law Review* 43: 6, 1991, pp. 1241–99, <https://doi.org/10.2307/1229039>.

² Siddharth Mallavarapu, 'Colonialism and the responsibility to protect', in Ramesh Thakur and William Maley, eds, *Theorising the Responsibility to Protect* (Cambridge, UK: Cambridge University Press, 2015), pp. 305–22; Sara E. Davies, 'Addressing the gender gap in R2P' in Alex J. Bellamy and Tim Dunne, eds, *The Oxford handbook of the Responsibility to Protect* (Oxford: Oxford University Press, 2016), pp. 489–508; Coralie Pison Hindawi, 'Decolonizing the Responsibility to Protect: on pervasive Eurocentrism, Southern agency and struggles over universals', *Security Dialogue* 53: 1, 2022, pp. 38–56, <https://doi.org/10.1177/09670106211027801>.

³ Sexuality and gender are complex. As such, language cannot fully capture their messiness. Any act of labelling sexualities and genders is political, and not everyone will fit into or identify with terms like 'LGBTI+' or even 'queer', particularly when labels are applied retrospectively. Throughout this paper we use the term 'queer' to refer to individuals whose sexual practices and desires and/or gender expression do not align with cisheteronormative prescriptions. We thus use 'queer' in a deliberately capacious sense because, within the limits and imperfections of language, it captures the heterogeneity of those whose sexuality and/or gender falls outside that which is sanctioned by dominant cisheteronormative sociality and who are oppressed because of their (assumed) 'abnormal' sexuality and/or gender. By using 'queer' instead of 'LGBTI+', we are refusing to bound non-normative sexuality/gender to identity categories such as the L/G/B/T/I: queer is not an *identity* that can be occupied or held. To limit non-normative sexuality/gender to such categories would be to ignore that categories of 'normal' and 'abnormal' sexuality and gender are socially constituted, rooted in moralism, and vary across time and space. Queerness is not static, and non-normative sexuality/gender manifest in different forms—thus the term 'LGBTI+' is too limited. 'Queer' leaves flexibility for R2P practitioners and scholars to handle culturally and temporally specific formations of non-normative sexuality and gender while being specific enough to signal a commitment to focusing on issues of sexuality and gender. LGBTI+ persecution obviously falls under this. Using 'queer' also invokes a queer politics that commits to a perpetual interrogation of all relations to power. Translated to this context, that means ceaselessly and repeatedly queering R2P. While choosing 'queer' over 'LGBTI+' and emphasizing the limitations of the identity politics of LGBTI+

lessly interrogates all relations to power, commits to the perpetual reconfiguration of power structures, and refuses sexual moralism that is rooted in a politics of sexual shame and practices of stigmatization.⁴ In what follows, we argue that persecution of non-normative sexuality and/or gender is a blind spot in research on and the application of R2P, stemming predominantly from the cisheteronormative⁵ epistemologies that underpin most international peace, security and human rights agendas. As such, we are committed to exploring how queer people are targeted within episodes of mass violence and how increased persecution of queer people, or any minoritized group for that matter, is an early-warning indicator for the risks of atrocity crimes.⁶

The connections between R2P and violence against queer people should have been intrinsic from the outset: (suspected) gay men, lesbian women, bisexuals, and transgender people were specifically targeted as part of the Holocaust.⁷ Even after being freed from concentration camps, queer people who survived internment were transferred to prisons because laws prohibiting homosexuality remained in place, and so the stigma around non-normative sexuality and gender expression continued. Even Genocide Studies, despite its much longer disciplinary history than R2P, has only recently begun to grapple with these connections.⁸ Today, queer persecution remains widespread across the world: 35 per cent of UN member states have legislation that explicitly criminalizes consensual same-sex acts between adults, and few offer protections against less explicit—though equally violent—practices rooted in homophobia and transphobia, such as conversion therapy, discriminatory police practices, and limitations on freedom of expression and assembly.⁹

activism and mobilization, we are clear that in the current moment many people are targeted because they are (assumed) to be L/G/B/T/I, whether they identify with these labels or not. When we do use 'LGBT' or a variant thereof, that is because that group is named or targeted specifically.

⁴ Cathy J. Cohen, 'Punks, bulldaggers, and welfare queens: the radical potential of queer politics?' *GLQ: A Journal of Lesbian and Gay Studies* 3: 4, 1997, pp. 437–65, <https://doi.org/10.1215/10642684-3-4-437>; Michael Warner, *The trouble with normal: sex, politics, and the ethics of queer life* (Cambridge, MA: Harvard University Press, 2000); Dean Cooper-Cunningham, 'Security, sexuality, and the Gay Clown Putin meme: queer theory and international responses to Russian political homophobia', *Security Dialogue* 53: 4, 2022, pp. 302–23, <https://doi.org/10.1177/09670106211055308>.

⁵ Following Berlant and Warner, heteronormativity is 'the institutions, structures of understanding, and practical orientations that make heterosexuality seem not only coherent—that is, organized as a sexuality—but also privileged'. We add 'cis-' to this to reference the privilege and normalcy afforded to those who identify with their gender assigned at birth. See Lauren Berlant and Michael Warner, 'Sex in public', *Critical Inquiry* 24: 2, 1998, pp. 547–66 at p. 548, footnote 2, <https://doi.org/10.1086/448884>.

⁶ Jess Gifkins, Dean Cooper-Cunningham, Kate Ferguson, Detmer Kremer and Farida Mostafa, *Queering atrocity prevention* (London: Protection Approaches, 2022), <https://protectionapproaches.org/queeringap>. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 27 June 2023.)

⁷ Matthew Waites, 'Genocide and global queer politics', *Journal of Genocide Research* 20: 1, 2018, pp. 44–67, <https://doi.org/10.1080/14623528.2017.1358920>.

⁸ Waites, 'Genocide and global queer politics'; Lily Nellans, 'A queer(er) genocide studies', *Genocide Studies and Prevention: An International Journal* 14: 3, 2020, pp. 48–68, <http://dx.doi.org/10.5038/1911-9933.14.3.1786>; David Eichert, 'Expanding the gender of genocidal sexual violence: towards the inclusion of men, transgender women, and people outside the binary', *UCLA Journal of International Law and Foreign Affairs* 25: 2, 2021, pp. 157–201, <https://escholarship.org/uc/item/ot259988>; Patrick Vernon, 'Queering genocide as a performance of heterosexuality', *Millennium* 49: 2, 2021, pp. 248–79, <https://doi.org/10.1177/03058298211033339>.

⁹ Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Ilia Savelev and Daron Tan, *State-sponsored homophobia 2020: global legislation overview update* (Geneva: ILGA, 2020), https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 113.

These and similar instances are examples of state homophobia, which is often politicized in nature. Politicized homophobia is the targeting of those who refuse—or cannot be made—to fold themselves into dominant cis and heteronormative structures, for political gain. This is a form of identity-based violence which often precipitates and lays the groundwork for mass atrocity crimes and conflict escalation.¹⁰ In this article, we demonstrate that queer people face specific and unique vulnerabilities to atrocity crimes, and argue for both the integration of a queer lens in scholarship on R2P and a focus on queer risks in atrocity prevention communities of practice.

What we conceptualize as a *cisheteronormative blindfold*—ignorance or a lack of acknowledgement of how society privileges cisgender and heterosexual identities as the norm—has plagued research on and the practice of R2P to date, leading to a failure to recognize the experiences and needs of individuals who sit outside the cisheteronormal. Removing it and recognizing queer vulnerabilities, as we do here, is the first step in drawing necessary attention to the rising structural and physical violence experienced by people with non-normative sexuality/gender and to establishing the appropriate means to combat anti-queer violence and ensure the security of queer people globally.

Queering R2P not only highlights that people are targeted for violence the world over based on their (assumed) non-normative sexual desires and behaviours or their gender, but gives such persecution policy space and enables ground to be broken in developing solutions to prevent such violence. In some spaces it is enough to simply be accused of non-normative sexual desires/behaviours to invite stigmatization and violence that range from extortion to forced anal examinations, and from rape to murder.¹¹ While non-normative gender and sexuality take different forms and are met with differing degrees of stigma and shame across space and time, the persecution of (assumed) queerness has been a longstanding feature of mass atrocities throughout history.

Nevertheless, even when we see the persecution of (suspected) queer people as part of conflict and atrocity, it is rarely recognized that non-normative sexuality or gender is a key factor. For example, the Independent International Fact-Finding Mission for Myanmar, established in 2017 by the UN Human Rights Council, determined that sexual violence against cisgender women constituted acts of genocide, whereas ‘functionally identical’ acts of sexual violence committed against men and transgender women were determined to constitute crimes against humanity rather than genocide, without explanation of the different designations.¹² This highlights the disciplinary and exclusionary power of ‘reproductive futurism’, where receiving protection, and being deemed worthy of life, is bound up with cisheteronormativity.¹³

¹⁰ Gifkins et al., *Queering atrocity prevention*.

¹¹ Human Rights Watch, *Dignity debased: forced anal examinations in homosexuality prosecutions*, 2016, https://www.hrw.org/sites/default/files/report_pdf/globalgbtanalexams0716web.pdf.

¹² Eichert, ‘Expanding the gender of genocidal sexual violence’.

¹³ Nellans, ‘A queer(er) genocide studies’.

Far from the common assumption that the question around rights and protections for queer people is settled in the global North and homophobia, in both its politicized and social forms, is a predominantly global South issue, we see increasing repression and backlash against queer people across Europe and North America, in what is commonly referred to as ‘the West’.¹⁴ This has included increased abuse, a rise in hate crimes and hate speech, some of which even blamed LGBTI+ people for COVID-19, and the onward march of (calls for) dismantling rights to legal gender recognition.¹⁵ The unique vulnerabilities of queer people in facing atrocity crimes and their incitement need to be taken seriously within the literature on and practice of R2P. This is especially true in the current ‘populist moment’ where so many issues deemed settled and norms deemed internalized and untouchable are being challenged and successfully reconfigured or dismantled.¹⁶

A queered R2P framework must recognize the risks posed by politicized homophobia and transphobia. A focus on the early warning and prevention of escalating crimes against those seen as sexually or gender ‘deviant’ needs to be integrated throughout the R2P infrastructure. In what follows, we address the silences in R2P literature and practice on the persecution of non-normative gender and sexuality. We then outline the relevance of a queer lens for R2P scholarship and practice. And, finally, we turn to two European case studies that illustrate the necessity of the queer analytic we are encouraging: Hungary and the United Kingdom.¹⁷

We focus on European case studies because there is a tendency in R2P policy and literature to position atrocity crimes as occurring predominantly in the global South, rather than recognizing Southern agency and activism on R2P.¹⁸ Too often, prevention is assumed to be unnecessary in Europe.¹⁹ This is especially the case around queer issues where discourse about the continent as a queer-friendly haven persists.²⁰ Turning our focus to Europe is therefore of critical importance and, indeed, is essential for establishing a decolonial queer politics that destabilizes discourses of European exceptionalism.

¹⁴ Gunther Hellmann and Benjamin Herborth, eds, *Uses of ‘the West’: security and the politics of order* (Cambridge, UK: Cambridge University Press, 2017).

¹⁵ Katherine Browne and Catherine J. Nash, ‘Resisting LGBT rights where “we have won”: Canada and Great Britain’, *Journal of Human Rights* 13: 3, 2014, pp. 322–36, <https://doi.org/10.1080/14754835.2014.923754>; Agnieszka Graff and Elżbieta Korolczuk, *Anti-gender politics in the populist moment* (Abingdon and New York: Routledge, 2022); ILGA-Europe, *Annual review of the human rights situation of lesbian, gay, bisexual, trans and intersex people in Europe and central Asia between January–December 2020* (Brussels: ILGA-Europe, 2021). <https://www.ilga-europe.org/annualreview/2021>.

¹⁶ Graff and Korolczuk, *Anti-gender politics in the populist moment*; Chantal Mouffe, *For a left populism* (London: Verso, 2018).

¹⁷ Policy prescriptions for each of these cases are beyond the scope of this article. For broader recommendations on what different actors can do to advance a queer approach to atrocity prevention, see Gifkins et al., *Queering atrocity prevention*, p. 33–4.

¹⁸ Hindawi, ‘Decolonizing the Responsibility to Protect’.

¹⁹ Protection Approaches, *Europe’s prevention crisis: how can civil society respond?* (London: Protection Approaches, 2019), <https://protectionapproaches.org/europes-prevention-crisis>.

²⁰ Francesca Romana Ammaturo, ‘The “pink agenda”: questioning and challenging European homonationalist sexual citizenship’, *Sociology* 49: 6, 2015, pp. 1151–66, <https://doi.org/10.1177/0038038514559324>; Koen Sloommaeckers, *Coming in: sexual politics and EU accession in Serbia* (Manchester: Manchester University Press, 2023).

Blindness to queer persecution in literature and practice on R2P

Despite the rapid expansion of literature on R2P over the last two decades, there has been a very limited engagement with the persecution of queer people in relation to R2P. The premier journal on R2P—*Global Responsibility to Protect*—includes no articles focused on queer or LGBTI+ persecution across its first 14 volumes. It does, however, include two relatively recent articles which discuss increased violence against LGBTI+ people; one on feminization in IR, and one on the arms trade.²¹ Similarly, the most comprehensive book on R2P—*The Oxford handbook of the Responsibility to Protect*, spanning 53 chapters and well over 1,000 pages, includes one passing reference to the discrimination faced by ‘lesbian and gay populations’ and ‘transsexual populations’.²² Consider this a rallying cry for all of us involved in R2P research to not perpetuate these gaps and silences, going forward.²³

The absence of queer lives from the now vast literature on R2P is remarkable. It speaks to the cisprivilege and heteronormativity embedded in R2P as a research area. It is also indicative of a wider cisheteronormative blindfold baked into peace and security agendas, and the United Nations, more broadly. This lack of attention to anti-queer violence in academic research on R2P until very recently broadly mirrors—and is mirrored by, since both co-constitute and feed into one another—domestic and international policy.²⁴

Genocide Studies, while also late in adopting a focus on queer persecution, has seen a recent interest in research linking queer people and genocide, especially from a legal perspective.²⁵ The case that dominates in Genocide Studies on queer lives is the persecution of gay men during the Holocaust. However, even in that case there has historically been a reluctance to frame that persecution in terms of genocide.²⁶ One of the key reasons for this is that homosexuality was still criminalized in Germany at the end of the Second World War, with the consequence that gay men who survived the concentration camps were transferred to prisons and the stigma around homosexuality persisted.²⁷

Matthew Waites makes the case that the persecution of gay men during the Holocaust fits the definitional criteria for genocide, if sexuality constitutes a ‘group’ per the terms set out in the 1948 *Convention on the prevention and punishment of the crime of genocide* (hereafter Genocide Convention).²⁸ David Eichert demon-

²¹ Caron E. Gentry, ‘The “duel” meaning of feminisation in International Relations: the rise of women and the interior logics of declinist literature’, *Global Responsibility to Protect* 9: 1, 2017, pp. 101–24, <https://doi.org/10.1163/1875984X-00901007>; Ray Acheson, ‘Gender-based violence and the arms trade’, *Global Responsibility to Protect* 12: 2, 2020, pp. 139–55, <https://doi.org/10.1163/1875984X-01202002>.

²² Davies, ‘Addressing the gender gap in R2P’, p. 498.

²³ Jess Gifkins includes herself in this critique. She has published in *Global Responsibility to Protect* and in the *Oxford handbook of the Responsibility to Protect* previously without recognising the gaps in LGBTI+ inclusion on R2P.

²⁴ Jamie J. Hagen, ‘Queering women, peace and security’, *International Affairs* 92: 2, 2016, pp. 313–32, <https://doi.org/10.1111/1468-2346.12551>; Gifkins et al., *Queering atrocity prevention*; United Nations General Assembly, 77th session, *Protection against violence and discrimination based on sexual orientation and gender identity: note by the Secretariat*, A/77/235, 27 July 2022, <https://undocs.org/en/A/77/235>.

²⁵ Eichert, ‘Expanding the gender of genocidal sexual violence’; Nellans, ‘A queer(er) genocide studies’; Waites, ‘Genocide and global queer politics’; Vernon, ‘Queering genocide’.

²⁶ Waites, ‘Genocide and global queer politics’; Nellans, ‘A queer(er) genocide studies’.

²⁷ Nellans, ‘A queer(er) genocide studies’, p. 54.

²⁸ Waites, ‘Genocide and global queer politics’.

strates how sexual violence committed against men, trans women, or non-binary people fits the legal definitions set out in the Genocide Convention, including acts which cause death, forced pregnancy, the prevention of pregnancy, serious bodily or mental harm, or symbolic destruction.²⁹ This recent literature in Genocide Studies establishes the link between the Genocide Convention and the persecution of queer people, thereby demonstrating the case for taking sexuality and gender-based persecution seriously as one of the core crimes relevant to R2P.

Given this context, it is surprising that we even need to ask ‘where are the queers?’ in R2P research and practice.³⁰ While their experiences of opprobrium, moralistic policing and violence vary across time and space, people with non-normative sexuality and/or gender have always existed. Still, however, most have not recognized their existence or experiences as an important part of our understanding of mass atrocity, war crimes, crimes against humanity and ethnic cleansing; all of which are covered in the 2005 agreement on R2P.³¹ One explanation for the limited engagement with queer vulnerabilities, and the role of national politics in exacerbating or mitigating these, is that R2P scholars and communities of practice have simply failed to recognize that queer people face distinct vulnerabilities and are thus assumed to be protected by existing R2P mandates. We suggest that the gap around queer vulnerabilities is a symptom of a cisheteronormative blindfold³² that overlooks the low degree of norm internalization and the constantly simmering contestation around freedoms and protections for those whose gender and/or sexuality do not align with cisheteronorms.³³ Alongside the necessity for atrocity prevention frameworks that are specifically attentive and responsive to the unique risks queer people face, this has broader implications, as queer persecution can be an early-warning indicator for further mass atrocities and crimes against humanity.³⁴

The cisheteronormative blindfold in R2P research and practice is part of a broader failure in IR, beyond feminist and queer circles, to take seriously the politics of sexual shame and stigma, and to consider how both structure international politics. Sexual shame and the stigmatization of non-heterosexual desires and behaviours or non-cis gender expressions enable, legitimize and encourage violence and punishment of those whose sexual desires and behaviours and/or gender expressions fail to meet normative expectations.³⁵ This sexual shame and

²⁹ Eichert, ‘Expanding the gender of genocidal sexual violence’.

³⁰ Nellans, ‘A queer(er) genocide studies’.

³¹ United Nations General Assembly, 60th session, *Resolution adopted by the General Assembly on 16 September 2005: 60/1. 2005 World Summit outcome, A/RES/60/1*, 2005.

³² This is a somewhat generous analysis. We could equally think of this as heteronormative amnesia: the erasure of queer people’s experiences of mass atrocity and genocidal violence, wilful or otherwise.

³³ Jonathan Symons and Dennis Altman, ‘International norm polarization: sexuality as a subject of human rights protection’, *International Theory* 7: 1, 2015, pp. 61–95, <https://doi.org/10.1017/S1752971914000384>.

³⁴ See Martha Finnemore and Kathryn Sikkink, ‘International norm dynamics and political change’, *International Organization* 52: 4, 1998, pp. 887–917, <https://doi.org/10.1162/002081898550789> on ‘norm internalization’; and Gifkins et al., *Queering atrocity prevention* on some of the unique risks queer people face.

³⁵ Dean Cooper-Cunningham, *The international politics of sex: visual activism in response to Russian state homophobia*, PhD diss., University of Copenhagen, 2021; Melanie Richter-Montpetit, ‘Everything you always wanted to know about sex (in IR) but were afraid to ask: the ‘queer turn’ in International Relations’, *Millennium* 46: 2, 2018, pp. 220–40, <https://doi.org/10.1177/0305829817733131>.

stigma often manifest as politicized homophobia in both domestic and foreign policy. In a recent policy turn, some states have adopted heteronormative agendas as part of their foreign policy—a phenomenon Dean Cooper-Cunningham calls *heteronormative internationalism*—meaning that sex and gender are becoming increasingly common features of geopolitical posturing in an international arena characterized by sweeping (populist) political realignment around issues assumed to be settled.³⁶

While there is minimal research in this area, both with an R2P orientation and in Genocide Studies, the issue we are highlighting here goes beyond a gap in the academic literature to a wider issue within the practices of both states and international organizations. For example, the first 12 annual reports (2009–2020) from the UN Secretary-General on R2P included no references to LGBTI+ identities or the increased risks these groups face. The 2021 report, however, lists hate speech on the basis of sexual orientation among factors increasing the risk of atrocity crimes.³⁷ This represents a recent development in the UN's framing of risk factors, because a 2019 UN report defines hate crimes using exactly the same list of identity categories as the 2021 report, minus the term 'sexual orientation'.³⁸

A similar pattern is also evident in state practices on R2P, among which there are belated and recent—albeit still very rare—references to sexual orientation and LGBTI+ identities. Annual discussions on R2P in the UN General Assembly show, by contrast, that references to identity categories such as women or refugees are relatively common in statements and have tended to increase over time, as shown in figure 1. Yet there were no references to LGBTI+ people, or the component identities, until 2019.³⁹ During that year, Costa Rica and Uruguay each made statements which included references to their enhanced national legal protections for LGBTI+ people.⁴⁰ Russia also referred to LGBTI+ people in its statement in 2019: however, its comment served not only to dismiss the social and political significance of Pride parades but also to mock the existence of Pride marches in Ukraine.⁴¹

The annual report of the UN Secretary-General and the annual General Assembly debates are a useful series of snapshots to show how the international community's understandings of R2P have evolved over time. The Secretary-

³⁶ Cooper-Cunningham, *The international politics of sex*; Graff and Korolczuk, *Anti-gender politics in the populist moment*.

³⁷ United Nations, *Advancing atrocity prevention: work of the Office on Genocide Prevention and the Responsibility to Protect—Report of the Secretary-General, A/75/863-S/2021/424* (New York: United Nations, 2021), p. 13.

³⁸ United Nations, *Advancing atrocity prevention*, p. 2. Both definitions do include the caveat: 'or other identity factor'.

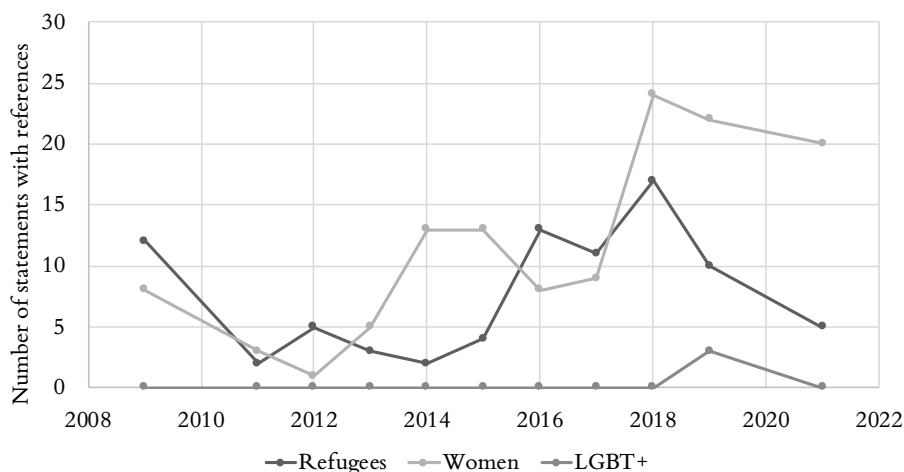
³⁹ A 2013 statement from Finland referred to increased protection for minorities including 'sexual orientation'. Jarmo Viinonen, *Statement by Finland at the 2013 UN General Assembly informal interactive dialogue on the Responsibility to Protect*, Global Centre for the Responsibility to Protect, 2013, <https://www.globalr2p.org/resources/statement-by-finland-at-the-2013-un-general-assembly-informal-interactive-dialogue-on-the-responsibility-to-protect/>.

⁴⁰ United Nations General Assembly, *73rd session, Agenda item 168: the Responsibility to Protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, A/73/PV.93*, 27 June 2019, <https://undocs.org/A/73/PV.93>; and *A/73/PV.94*, 27 June 2019, <https://undocs.org/A/73/PV.94>.

⁴¹ United Nations General Assembly, *73rd session, Agenda item 168: the responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity, A/73/PV.96*, 28 June 2019, <https://undocs.org/A/73/PV.96>, p. 8.

General's report shows no engagement with queer persecution until 2021, and state practices show very minimal engagement with queer persecution as a component of R2P, which stands in stark contrast to the regular mentions of other identity categories such as women and refugees.

Figure 1: Identity categories referenced in statements made by states (including the EU) at the General Assembly's annual debates and dialogues on R2P, 2009–2021



Source: Compiled from Global Centre for the Responsibility to Protect resources, <https://www.globalr2p.org/resources/>.

Note: At the time of writing the 2010 statements were not accessible. There was no annual debate on R2P held in the General Assembly in 2020 due to the COVID-19 pandemic.

It is remarkable that over a decade of reports on R2P from the UN Secretary-General and General Assembly meetings on R2P have included such minimal discussion of queer persecution and vulnerabilities. The myopia that cisheteronormativity has induced is startling; the result has been international peace and security policy, including on R2P, that does not capture the full complexity of mass atrocity crimes; that has overlooked key risk and early-warning indicators around homophobic/transphobic state(-adjacent) violence; and that does not protect—or place responsibility on states to protect—those who (are suspected to) fall outside the cisheteronormal.

It is worth noting that the blindness to queer sexuality and/or gender in R2P literature and practice is not unique to this issue area, but is reflective of limited engagement with queer people across the broader UN system. The UN's initial engagement with queerness and LGBTI+ identities was via the World Health Organization and through the prism of the HIV/AIDS response. More recently, the Office of the UN High Commissioner for Refugees (UNHCR) has become one of the key actors engaged with queer people through refugee status determinations; together with the UN Development Programme, UNHCR has led key

programmes and training in this area. Key individuals, both inside and outside the UN, have helped to advance the UN's engagement with queer people through a human rights lens; notably, they include Ban Ki-moon, Barack Obama, Hillary Clinton and Helen Clark.⁴²

A recent comprehensive analysis of the UN's engagement with queer people concluded that: "Ten years ago, no UN entity had undertaken dedicated programming on [sexual orientation, gender identity and expression, and sex characteristics]. Even just five years ago, the UN development system was only just beginning to look at how to include LGBTI people beyond the HIV/AIDS response."⁴³ An earlier assessment in 2018 found that none of the UN's ten largest humanitarian response plans (in Bangladesh, Yemen, Syria, Sudan, South Sudan, Somalia, Nigeria, Ethiopia, the Democratic Republic of the Congo and Chad) included provisions for sexual and gender minorities.⁴⁴ The lack of engagement by UN entities on queer persecution and R2P is part of a much bigger lack of engagement on non-normative sexuality and gender within the UN system, which is only now beginning to change.

The relevance of R2P to queer persecution

The ambiguity of violence against queer people in relation to genocide comes from the definitional criteria used in the Genocide Convention which limited its application to 'a national, ethnical, racial or religious group'.⁴⁵ There was extensive debate during the drafting process over whether or not to include 'political' groups, which could have included queer individuals and communities.⁴⁶ The case has been made, however, that the systematic violence against gay men during the Holocaust fits the Genocide Convention definition, if sexual orientation can be considered a 'group'.⁴⁷ Beyond the latter definition, the vast majority of academic definitions of genocide are sufficiently broad to include queer people.⁴⁸

In addition to mass atrocity, the other three crimes under the remit of R2P are war crimes, crimes against humanity and ethnic cleansing. The acts included in war crimes and crimes against humanity can certainly target queer people and the prejudices associated with these identities make queer people more likely to be targeted.⁴⁹ A review article on sexual minorities in armed conflict concludes

⁴² Albert Trithart, *A UN for all? UN policy and programming on sexual orientation, gender identity and expression, and sex characteristics* (New York: International Peace Institute, 2021), <https://www.ipinst.org/wp-content/uploads/2021/02/A-UN-for-All.pdf>.

⁴³ Trithart, *A UN for all?*

⁴⁴ Humanitarian Advisory Group, *Taking sexual and gender minorities out of the too-hard basket*, (Melbourne: Humanitarian Advisory Group, 2018), https://humanitarianadvisorygroup.org/wp-content/uploads/2020/12/HH_Practice-Paper-Sexual-and-Gender-Minorities-in-humanitarian-response.pdf.

⁴⁵ United Nations, *Convention on the prevention and punishment of the crime of genocide*, 1948.

⁴⁶ Adam Jones, *Genocide: a comprehensive introduction*, 3rd edn (Abingdon: Routledge, 2017), pp. 19–22.

⁴⁷ Waites, 'Genocide and global queer politics'.

⁴⁸ Jones, *Genocide: a comprehensive introduction*, pp. 21–7. Jones includes 24 scholarly definitions of genocide, of which 20 are not restricted to the groups set out in the Genocide Convention.

⁴⁹ There is also a long history of men being targeted for sexual violence, for 'homosexualization' or 'feminization', in conflict because of the stigma and shame attached to anal penetration or other same-sex sex acts. See David Eichert, "Homosexualization" revisited: an audience-focused theorization of wartime male sexual

that 'sexual minorities are at greater risk of war crimes, including conflict-based issues of forced displacement, migration, and social cleansing, in addition to the psychological and physical trauma that accompanies persecution and violence'.⁵⁰ Ethnic cleansing does not have a legal definition, and relates to ethnicity specifically, so under this crime queer people would not be targeted 'on the basis' of their sexual orientation or gender identity, but may experience increased vulnerability due to being displaced. Jennifer Rumbach and Kyle Knight outline many different examples of humanitarian crises where queer people were at heightened risk while displaced, as a consequence of both prejudices and humanitarian aid which was not sensitive to their needs.⁵¹ While there has been increasing focus on mainstreaming access during humanitarian crises for women, girls, disabled people and the elderly, there has not been commensurate mainstreaming of access for those with non-normative gender and/or sexuality during crises, and stigma can prevent access to support.⁵²

The central feature of R2P, however, is that it does not only apply to the perpetration of the above crimes, but also to their prevention. The 2005 World Summit outcome document section on R2P—which is the most definitive definition of R2P that exists, since it was agreed by the UN General Assembly—determined that: 'Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means.'⁵³ R2P prevention also entails subsidiary responsibilities for the international community to assist states in exercising this responsibility.⁵⁴ The prevention aspect of R2P brings to the fore risk factors of the above crimes and the need to act against escalating persecution of a minoritized group.⁵⁵

Touching on the *prevention* aspect of R2P, the UN Office on Genocide Prevention and the Responsibility to Protect launched a strategy on combating hate speech in 2019. The strategy identified hate speech as a dangerous phenomenon that, by weaponizing public discourse and using 'incendiary rhetoric that stigmatizes and dehumanizes' for political gain, threatens 'democratic values, social stability and peace'.⁵⁶ It connected hate speech as a risk factor to armed conflict, atrocity crimes and the violation of human rights. It variously references women,

violence', *International Feminist Journal of Politics* 21: 3, 2019, pp. 409–33, <https://doi.org/10.1080/14616742.2018.1522264>; Philipp Schulz, 'Displacement from gendered personhood: sexual violence and masculinities in northern Uganda', *International Affairs* 94: 5, 2018, pp. 1101–19, <https://doi.org/10.1093/ia/iyy146>.

⁵⁰ Melinda W. Moore and John R. Barner. 'Sexual minorities in conflict zones: a review of the literature', *Aggression and Violent Behavior* 35, 2017, pp. 33–7 at p. 36, <https://doi.org/10.1016/j.avb.2017.06.006>.

⁵¹ Jennifer Rumbach and Kyle Knight. 'Sexual and gender minorities in humanitarian emergencies', in Larry W. Roeder, ed., *Issues of gender and sexual orientation in humanitarian emergencies: risk and risk reduction* (Cham: Springer, 2014), pp. 33–74.

⁵² Rumbach and Knight, 'Sexual and gender minorities'.

⁵³ United Nations General Assembly, 60th session, *Resolution adopted by the General Assembly on 16 September 2005*, p. 31.

⁵⁴ United Nations, General Assembly, 60th session, *Resolution adopted by the General Assembly on 16 September 2005*.

⁵⁵ Stephen McLoughlin, *The structural prevention of mass atrocities: understanding risk and resilience* (Abingdon and New York: Routledge, 2014).

⁵⁶ United Nations Office on Genocide Prevention and the Responsibility to Protect, *United Nations strategy and plan of action on hate speech* (New York: United Nations, 2019).

migrants, people of colour, Muslims and Jewish people as the main targets of hate speech and thus as referents needing protection. And it states that ‘a coordinated response that tackles the root causes and drivers of hate speech, as well as its impacts on victims and societies’ must be a priority to prevent the incitement of atrocity crimes. This focus on hate speech, particularly on social media, as inciting mass atrocities and violations of human rights is reiterated in the 2021 report from the Special Rapporteur of the UN Human Rights Council on the rights of Indigenous peoples.⁵⁷ The former makes no mention of sexuality or queer people’s exposure to hate speech; the latter mentions LGBTI communities once.

This connection between language and behaviour, action and policy is not a new revelation. Post-structuralist scholars (in IR) have long focused on this, arguing that language is the primary vehicle through which we come to understand, represent and organize the world. It is through language that we share, negotiate and debate our understandings of the world, and of our positions within it. In this sense, language structures how we understand and relate to global issues and events. Discursive representations establish the interpretative dispositions through which we understand the world and, therefore, the conditions of possibility for how we act in it.⁵⁸ Discourse thus delimits what can and cannot be thought, said and done: ‘It lays the foundations for and legitimizes certain policies, and it (re)produces—or challenges—dominant social and political structures’.⁵⁹ This means that when queer people are missing from key frameworks like R2P, when we as scholars and a community of practice are silent on or ignorant of their targeting, we not only miss their persecution—signalling that their experiences are not worthy of consideration—but eliminate the possibility of their protection and the prevention of atrocities.

With a similar wariness for causal claims about language, those working specifically on mass atrocity and on the relationship between media and violence are reluctant to speak of causal relationships between hate speech and identity-based violence. Yet, as Kate Ferguson argues, despite disagreements over the extent to which causation can be attributed, both the media and inflammatory hate speech create and sustain ‘an atmosphere of fear and division’ and even sometimes contribute to the ‘incitement to violence’.⁶⁰ Similarly, scholars researching politicized homophobia demonstrate a tight link between negative visibility, including hate speech, and the politicization of non-normative sexuality and gender.⁶¹ Negative visibility of non-normative sex and gender in the media accompanies and fuels ‘the politicization of homosexuality by concentrating public attention

⁵⁷ United Nations General Assembly, Human Rights Council, 46th session, *Report of the Special Rapporteur of the Human Rights Council on the rights of Indigenous peoples*, A/HRC/46/57 (New York: United Nations, 2021).

⁵⁸ Roxanne Lynn Doty, ‘Foreign policy as social construction: A post-positivist analysis of U.S. counterinsurgency policy in the Philippines’, *International Studies Quarterly* 37: 3, 1993, pp. 297–320, <https://doi.org/10.2307/2600810>.

⁵⁹ Cooper-Cunningham, *The international politics of sex*, p. 61.

⁶⁰ Kate Ferguson, *Architectures of violence: the command structures of modern mass atrocities* (London: Hurst, 2020), pp. 154–5.

⁶¹ Laura Sjoberg, ‘Towards trans-gendering International Relations’, *International Political Sociology* 6: 4, 2012, pp. 337–54, <https://doi.org/10.1111/ips.12005>.

on negative portrayals of sexual [and gender] diversity' which creates the necessary conditions for politicized homophobia and transphobia and for explicit campaigns of identity-based violence that specifically target queer people.⁶²

For example, in recent years the representation of trans women in British media has produced and perpetuated an incredibly potent and enduring discourse about the supposed threat trans women pose to cis women, which has given a veil of legitimacy to the UK government's halting of UK-wide reforms as well as the blocking of Scottish reforms to legal gender recognition despite broad support for reform amongst the British public.⁶³ The Scottish case involved the unprecedented constitutional move by Westminster of issuing a Section 35 order, which prevents a bill passed in the Scottish parliament from being submitted for royal assent, thus halting the progress into legislation of the Gender Recognition Reform (Scotland) Bill.⁶⁴ The next section will present a closer examination of the current shape of politicized transphobia, its use in whipping up a moral panic around the supposed threat of trans women to the security of cis women and of children (notably at the expense of trans people's security) and the political currency that anti-trans politics is deemed to have in the UK at the present moment.

Erich Goode and Nachman Ben-Yehuda argue that moral panics are characterized by five elements: a 'heightened level of *concern* over the behaviour (or supposed behaviour) of a certain group or category and the consequences that that behaviour presumably causes for the rest of the society'; 'an increased level of *hostility* toward the category of people seen as engaging in the threatening behaviour'; widespread feeling in society that the defined group is deviant, dangerous and/or threatening, though this not need be a majority *consensus*; a *disproportional* response to and 'wildly exaggerated' claims about the so-called threat; and *volatility*.⁶⁵ On this last element, Goode and Ben-Yehuda are clear that some moral panics are routinized—even reappearing after an issue is thought to have been 'resolved'—and/or can come in the form of 'conceptual groupings'. The transphobia currently gripping the UK and the rising state homophobia in many European countries cannot be disentangled from previous iterations (e.g. Section 28 of the Local Government Act 1998, which prohibited discussion of homosexuality in UK schools).⁶⁶ All of these are built on arguments about immorality and unnatural expressions of gender(ed sexuality).

The imposition of moral codes that target sexual and gender identities and freedoms, and the whipping up of moral panics, constitute a prominent and

⁶² Ashley Currier, *Politicizing sex in contemporary Africa: homophobia in Malawi* (Cambridge, UK: Cambridge University Press, 2018), p. 47; Gifkins et al., *Queering atrocity prevention*.

⁶³ Daniel King, Carrie Paechter, Maranda Ridgway and researchers at Nottingham Trent University, *Reform of the Gender Recognition Act: analysis of consultation responses* (London: Government Equalities Office, 2020); Catherine Fairbairn, Doug Pyper and Bukky Balogun, *Gender Recognition Act reform: consultation and outcome*, research briefing (London: House of Commons, 2022).

⁶⁴ Haroon Siddique, 'Scotland gender recognition bill: what is a section 35 order?' *Guardian*, 17 Jan. 2023, <https://www.theguardian.com/uk-news/2023/jan/17/scotland-gender-recognition-bill-what-is-a-section-35-order>.

⁶⁵ Shon Faye, *The transgender issue: an argument for justice* (London: Penguin, 2022), p. 36; Erich Goode and Nachman Ben-Yehuda, 'Moral panics: culture, politics, and social construction', *Annual Review of Sociology* 20, 1994, pp. 149–71 at pp. 156–8, <https://doi.org/10.1146/annurev.so.20.080194.001053>, (emphasis added).

⁶⁶ *Local Government Act 1998*, ch. 9, section 28, <https://www.legislation.gov.uk/ukpga/1988/9/enacted>.

repeated feature in international politics. From Nazi Germany to the break-up of the former Yugoslavia in the early 1990s and to the genocide in Darfur in the 2000s, moral codes have always precipitated widespread state-led physical violence and atrocity crimes.⁶⁷ We have also seen this moralistic, anti-queer legislation and heteronormative internationalism become key features of Vladimir Putin's rule in Russia over the last decade, marked most prominently by the 2013 law banning 'gay propaganda' and constitutional amendments in 2020 targeting non-normative sexuality and gender. As instances of moralizing about appropriate sexuality and gender expression, politicized transphobia and homophobia revolve around a politics of sexual shame and stigmatization that encourages and legitimizes opprobrium for deviation from the cisheteronormal.⁶⁸

Politicized homophobia has been described as a 'scavenger ideology'⁶⁹ and a 'modular' phenomenon.⁷⁰ That is to say that homophobia is often combined with a huge variety of political and ideological positions in an attempt to marginalize opponents, progress particular political agendas, divert attention from pressing social issues such as widening inequality, crippled health services or economic turmoil, and can—often as part of an overwhelming existential anxiety about the nation's futurity as sustained by heteronormativity—be used to demonize individuals and entire collectives as threatening to the nation and society. In these instances, queerness is usually sought to be mute, invisible or destroyed because it confounds 'the cisheteronormative discursive foundations upon which' national identity is built and thus triggers both a gendered ontological dislocation and an existential conundrum for the state.⁷¹

Like propaganda used to incite violence, homophobic and transphobic hate speech, which are key nodal points in the discursive (re)production and enforcement of cisheteronormativity, exploit 'existing narratives, such as patriotism, fear or grievance; they go to the heart of how individual and collective identities are constructed'.⁷² Since politicized homophobia/transphobia and the politicization of queerness are reliant on national myths and heteronormative anxieties about the futurity of the nation,⁷³ the link between 'patriotic', nationalistic homophobic hate speech and the legitimization of mass violence and atrocity is clear.

Coordinated efforts targeting queer individuals can be a 'canary in the coal mine' for atrocity crimes and, when combined with discourses of civilizational decay, larger expansionist geopolitical goals.⁷⁴ While we are not saying that all mass atrocities begin with persecution of queer individuals, we do argue that such persecution often precedes an increase in violence and a rapid decline in democ-

⁶⁷ Gifkins et al., *Queering atrocity prevention*, p. 7.

⁶⁸ Warner, *The trouble with normal*.

⁶⁹ Carrier, *Politicizing sex in contemporary Africa*, pp. 11–15.

⁷⁰ Michael J. Bosia and Meredith L. Weiss, 'Political homophobia in comparative perspective', in Meredith L. Weiss and Michael J. Bosia, eds, *Global homophobia: states, movements, and the politics of oppression* (Champaign, IL: University of Illinois Press, 2013), pp. 1–29.

⁷¹ Cooper-Cunningham, 'Security, sexuality, and the Gay Clown Putin meme', p. 315.

⁷² Ferguson, *Architectures of violence*, p. 154.

⁷³ Lee Edelman, *No future: queer theory and the death drive* (Durham, NC: Duke University Press, 2004); Nellans, 'A queer(er) genocide studies'.

⁷⁴ Gifkins et al., *Queering atrocity prevention*.

racy. It is important to recognize that queer people face unique dangers during times of conflict and atrocities, and we need to account for this in our frameworks for preventing and addressing such events. Both policy-makers and scholars must consider the cisheteronormative blindfold pervading atrocity prevention efforts. They must also be mindful of the historical and contemporary occurrences of anti-queer violence. By recognizing the warning signs of political homophobia and transphobia, we are better placed to prevent or at least reduce the severity of mass atrocities and wars.

Excluding queer individuals from important conversations and decision-making processes has thus far prevented their needs and perspectives from being considered. Indeed, queer people have not been formally recognized or identified as falling under R2P's purview. As a result, prevention and protection based on non-normative sexuality and gender, as well as the incredibly loud alarm bells sounded by queer persecution as a warning sign of potential escalation, have failed to materialize. Practitioners and scholars need to engage with the question of 'who R2P is "for"'.⁷⁵

On this, we want to be clear that a queer politics, coupled with a queer analytical approach, refuses to stabilize non-normative sexuality and gender as, for instance, reducible to lesbian, gay, bisexual, trans, intersex identity categories. The process of naming, stabilizing and transforming a sexual practice or gender expression into an identity imposes a particular, constrictive idea and understanding of queerness. In this sense, the target of queering R2P, and peace and security more broadly, is cisheteronormativity and the exclusions, blindness and legitimacy of stigmatization that it creates. Furthermore, sexual and gender identities such as lesbian, gay, bisexual, transgender and the like do not always translate globally.⁷⁶ As such, we encourage context-sensitive investigation into the persecution of (suspected) 'queer' people or those with 'non-normative sexuality and/or gender' since sexual and gender minorities, as well as the violence and stigma they may face, differ across the world.

This necessitates national and international policy-making that uses flexible but specific enough language to cover current and future violence directed at queer populations: we use and suggest 'queer' or 'non-normative sexuality/gender' for this reason. A queer approach to R2P consists of an unending process of interrogating all relations to power. We must always stay attuned to the evolving constitution and stigmatization of ab/normal sexual practices or desires and gender expressions that may—and likely will—eschew socially constituted categories (such as those covered by the term LGBTI+) and how these processes may precede and enable mass violence.

⁷⁵ Gifkins et al., *Queering atrocity prevention*.

⁷⁶ Caroline Cottet and Manuela Lavinas Picq, eds, *Sexuality and translation in world politics* (Bristol: E-International Relations Publishing, 2019).

Hungary

Under Victor Orbán, Hungary's government has increasingly targeted queer people and so-called 'gender ideology'. Taking the executive emergency powers granted under COVID-19,⁷⁷ Orbán altered the constitution to end legal gender recognition; passed legislation to define marriage as between a man and woman, and to prevent queer people from adopting children; and, like Russia, banned the 'positive promotion of non-traditional sexual behaviour or gender expression' to those under 18. Additionally, legislation has been passed that stigmatizes and prevents anyone experiencing gender dysphoria from receiving treatment on the grounds of Hungary's 'traditional Christian values'.⁷⁸

In 2020, 34 states, representing every continent, signed the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family. While ostensibly about protecting women's rights, ensuring equality and reaffirming universal human rights, the convention is rooted in patriarchal, misogynistic and cisheteronormative ideology. As such, the convention is not only anti-women but anti-queer. Hungary was one of the five co-sponsoring countries of the declaration, alongside Brazil, Egypt, Indonesia and Uganda.⁷⁹

In September 2022 the European Parliament condemned Hungary for breaching 'European values' under the provisions of Article 7 of the Treaty on European Union (TEU),⁸⁰ citing concerns about the security of queer people and ultimately labelling the country an electoral autocracy. Article 2 of the TEU provides that '[the] Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.'⁸¹ These values are under threat in Hungary and the country is 'increasingly seen as ... Vladimir Putin's Trojan horse' in Europe.⁸² The erosion of rights and protections for queer people in Hungary cannot be separated from Orbán's role in the global right and his encouragement of Christian nationalists in Europe and the US to unite against 'progressives' and the threat they supposedly pose to western civilizations and the family.⁸³

⁷⁷ Agnes Batory, 'More power, less support: the Fidesz Government and the coronavirus pandemic in Hungary', *Government & Opposition*, First View, 2022, pp. 1–17, <https://doi.org/10.1017/gov.2022.3>. See amendment to the Hungarian national registry Article 33 of the Omnibus Bill T/9934.

⁷⁸ Graeme Reid, 'Hungary's path puts everyone's rights in danger', Human Rights Watch, 6 Oct. 2021, <https://www.hrw.org/news/2021/10/06/hungarys-path-puts-everyones-rights-danger>; Human Rights Watch, *World Report 2022: Hungary*, 2022, <https://www.hrw.org/world-report/2022/country-chapters/hungary>.

⁷⁹ Institute for Women's Health, 'Geneva Consensus declaration on promoting women's health and strengthening the family', 22 Oct. 2021, <https://www.theiwh.org/wp-content/uploads/2022/02/GCD-Declaration-2021-2.pdf>.

⁸⁰ European Parliament, *European Parliament resolution of 15 September 2022 on the proposal for a Council decision determining, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded*, 15 Sept. 2022, P9_TA(2022)0324.

⁸¹ 'Consolidated version of the Treaty on the Functioning of the European Union—Title I, common provisions—article 2', 2012, *Official Journal C* 236/49.

⁸² Rosa Balfour, 'How a far-right victory in Italy might ripple through the EU', Carnegie Europe, 29 Sept. 2022, <https://carnegieeurope.eu/2022/09/29/how-far-right-victory-in-italy-might-ripple-through-eu-pub-88049>.

⁸³ Natalie Allison and Lamar Johnson, 'Orbán gets warm CPAC reception after "mixed race" speech blowback', *Politico*, 4 Aug. 2022, <https://www.politico.com/news/2022/08/04/viktor-orban-cpac-00049935>; David Smith, 'Orbán urges Christian nationalists in Europe and US to "unite forces" at CPAC', *Guardian*, 4 Aug. 2022, <https://www.theguardian.com/world/2022/aug/04/viktor-orban-cpac-speech>.

The popularity and political traction that traditional (Christian, family) values have in Euro-Atlantic spheres is clear. These dynamics have contributed to the mainstreaming and linking up of far-right movements that target queer communities as well as reproductive rights, the rule of law, the judiciary, climate science and the rights of other marginalized communities.

The increasingly vocal homophobic and transphobic minority in Europe that pushes back on rights and protections for, and the very existence of, queer people is gaining ever more traction and mainstream appeal. While this has been widely regarded as a threat to the values outlined in the TEU and the political pet project of a few rogue ideologues—particularly those from newer EU members such as Poland and Hungary—anti-queer politics is becoming more widespread and entrenched.⁸⁴ How we tackle this moving forward is critical. There are very real risks of atrocity escalation in Europe. As we see constitutional changes (some relatively uncontested) and the waging of successful political campaigns on homo/transphobic ‘traditional’ platforms, the risk of mass violence—both systemic and physical—is ever more present.

The proliferation and mainstreaming of homophobia/transphobia under the guise of protecting the family and ‘traditional values’ highlights the necessity of making a distinct shift to a devolved pillar I *domestic policy* interpretation and implementation of R2P, which is often sublimated to more outwards-facing *foreign policy* understandings. We want to be clear here that queering R2P must not be limited to pillar III questions around international responsibilities to protect or intervene.⁸⁵ We start from the position that R2P applies to all states at all times, since it is always the responsibility of a state to protect its own people from atrocity crimes, meaning that there is no such thing as a ‘threshold’ beyond which a situation becomes an R2P case.⁸⁶ Devolving R2P and starting atrocity prevention at home is essential, because it puts knowledge about a state’s particular societal dynamics and history to work in order to *prevent* violence escalation by *preventing* atrocity crimes and identity-based violence.⁸⁷

Where pillar III is often privileged over pillar I in academic and policy discussion, this is rooted in a complacency and exceptionalism around predominantly Western states’ *domestic* responsibilities to protect their (queer) citizens: the ‘there are no issues here’ discourse. Hungary’s recent politicized state homophobia and the very low level of challenge it has faced are one warning sign. Homophobia/transphobia is now a core part of the far-right fascist political offering globally. Europe’s queer communities are vulnerable. Combined, these shifts demonstrate the necessity of the inclusion of a queer lens in R2P practice. Without it, we are left ill-equipped

⁸⁴ Graff and Korolczuk, *Anti-gender politics in the populist moment*.

⁸⁵ Pillar I refers to the domestic responsibilities of each state to protect their population from genocide, war crimes, crimes against humanity and ethnic cleansing; pillar II refers to the responsibility of the international community to assist states in meeting their responsibilities; pillar III refers to the responsibilities of the international community to be prepared to take collective action if a state is manifestly failing to protect its population.

⁸⁶ Jess Gifkins, ‘Darfur’, in Alex J. Bellamy and Tim Dunne, eds, *Oxford handbook of the Responsibility to Protect* (Oxford: Oxford University Press, 2016), pp. 717–33.

⁸⁷ Kate Ferguson and Fred Carver, *Being the difference: a primer for states wishing to prevent atrocity crimes in the mid-twenty-first century*, Protection Approaches, 2021, <https://protectionapproaches.org/being-the-difference>.

to prevent broader trajectories to mass atrocity and to quell the surge in violence against minorities that so often precedes broader violence escalation.

The United Kingdom

It is commonplace to state that the most fundamental dimension of R2P consists in national responsibilities, yet the proliferation of R2P literature still tends to focus on international responsibilities.⁸⁸ As UN Secretary-General António Guterres lamented in 2019, states have too often understood R2P as a foreign policy matter rather than an issue of domestic policy.⁸⁹ So, rather than analysing the UK's role internationally, we have focused here on the UK's responsibility to protect—in relation to queer persecution—inside the UK. On the surface, it may appear that the UK is performing well on rights and protections for sexual and gender minorities. Indeed, UK law is sometimes considered 'best practice' on LGBTI+ rights, and the UK consistently ranks highly in international rankings of LGBTI+ rights, for example 17th out of 49 European countries in 2023, although this is lower than in previous years.⁹⁰ Sexual orientation and gender transition are protected characteristics under the Equality Act 2010: however there are current political challenges to the protections of trans people under this legislation.⁹¹ While these rights are undoubtedly important, a focus on rights alone can be perceived as a 'red herring', since it masks ongoing violence and discrimination against, and persecution of, queer people.⁹² Rankings also mask the culture war that is currently being fought in the UK around non-normative sexuality and gender, particularly trans identities. In the UK, as in many parts of the world, there has been a backlash against rights and protections for queer people, which has currently coalesced around trans and non-binary rights and identities.⁹³ We discuss the rise in hate crimes against LGBTI+ people and how the current culture war against trans identities feeds into the exclusionary logics of atrocity crimes.

The number of hate crimes recorded by the police in England and Wales that were based on sexual orientation increased year on year in the five years preceding 2021, while the number of hate crimes on the basis of sexual orientation or gender

⁸⁸ For discussion and a devolved vision of R2P see Ferguson and Carver, *Being the difference*.

⁸⁹ United Nations, *Responsibility to Protect: lessons learned for prevention, report of the Secretary-General* (New York: United Nations, 2019), p. 3.

⁹⁰ Senthorun Raj and Peter Dunne, 'Queering outside the (legal) box: LGBTIQ people in the United Kingdom', in Senthorun Raj and Peter Dunne, eds, *The queer outside in law: recognising LGBTIQ people in the United Kingdom* (Cham, Palgrave Macmillan, 2021), pp. 1–19; ILGA-Europe, 'Country ranking', 2023, <https://www.rainbow-europe.org/country-ranking>.

⁹¹ Jessica Elgot, 'Kemi Badenoch could rewrite law to allow trans exclusion from single-sex spaces', *Guardian*, 4 April 2023, <https://www.theguardian.com/society/2023/apr/04/kemi-badenoch-could-rewrite-law-to-allow-trans-exclusion-from-single-sex-spaces>.

⁹² Gentry, 'The "duel" meaning of feminisation', p. 121.

⁹³ Jonathan Symons and Dennis Altman, 'International norm polarization: sexuality as a subject of human rights protection', *International Theory* 7: 1, 2015, pp. 61–95, <https://doi.org/10.1017/S1752971914000384>; Dennis Altman and Jonathan Symons, *Queer wars: the new global polarization over gay rights* (Cambridge, UK and Malden, MA: Polity Press, 2016).

identity, taken together, doubled over the same period.⁹⁴ In the year to March 2022 there was a 26 per cent increase in the total number of reported hate crimes in England and Wales. The greatest increase—a staggering 56 per cent—was in the number of transphobic hate crimes reported.⁹⁵ The UK Home Office frames these increases as a function of improved reporting processes: however, this explanation is called into question when considered alongside surveys of LGBTI+ people. A 2021 report by the Galop charitable organization found that only 13 per cent (one in eight) of people who had experienced homophobic/transphobic violence or abuse had reported it to the police—a trend that is matched in earlier reports.⁹⁶ The Galop report also argued that hate crimes against LGBTI+ people are less likely to be reported to the police than other forms of hate crime, such as crimes based on religion or ethnicity.⁹⁷

The prevalence and under-reporting of homophobic and transphobic hate crimes is a significant problem, given the impact these crimes have on people's lives. Two-thirds of people who had been subjected to these experiences had experienced them at least monthly, and over one-third stated that their experience had had a significant or severe impact upon them.⁹⁸ Reported hate crimes against queer people are on the rise in the UK, but this is only the tip of the iceberg, with considerable under-reporting, and significant impact on individuals who experience them.

There is broad public acceptance of trans rights in the UK, and yet a small but highly vocal minority are demonizing trans people, especially trans women, as part of a broader culture war. For example, in 2018 alone *The Times* ran 230 news articles sensationalizing trans issues.⁹⁹ In recent years the 'debates' around trans rights in the UK have galvanized around a public consultation launched by the government of Theresa May in 2017 on reforming the Gender Recognition Act 2004 (GRA).¹⁰⁰ The GRA enables trans adults who meet specific criteria to change their birth certificates to reflect their acquired gender. However, the type of process used by the GRA has been condemned by the UN Human Rights Council, which argues that legal measures for trans people should be based on self-determination; should be a simple administrative process; should not rely on 'abusive requirements' such as medical certification, surgery, treatment, steriliza-

⁹⁴ UK Home Office, 'Official statistics. Hate crime, England and Wales, 2020 to 2021', 12 Oct. 2021, <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2020-to-2021/hate-crime-england-and-wales-2020-to-2021>.

⁹⁵ UK Home Office, 'Official statistics. Hate crime, England and Wales, 2021 to 2022', 6 Oct. 2022, <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022/hate-crime-england-and-wales-2021-to-2022>.

⁹⁶ Luke Hubbard, *Hate crime report 2021: supporting LGBT+ victims of hate crime* (London: Galop, 2021), <https://galop.org.uk/wp-content/uploads/2021/06/Galop-Hate-Crime-Report-2021-1.pdf>, p. 8; Chaka L. Bachmann and Becca Gooch, *LGBT in Britain: hate crime and discrimination* (London: Stonewall, 2017), https://www.stonewall.org.uk/system/files/lgbt_in_britain_hate_crime.pdf.

⁹⁷ Hubbard, *Hate crime report 2021*, p. 45.

⁹⁸ Hubbard, *Hate crime report 2021*, pp. 11 and 15.

⁹⁹ Ruth Pearce, Sonja Erikainen and Ben Vincent, 'TERF wars: an introduction', *The Sociological Review* 68: 4, 2020, pp. 677–9, <https://doi.org/10.1177/0038026120934713>.

¹⁰⁰ Sally Hines, 'Sex wars and (trans) gender panics: identity and body politics in contemporary UK feminism', *The Sociological Review* 68: 4, 2020, pp. 699–717, <https://doi.org/10.1177/0038026120934684>.

tion or divorce; should include non-binary people; and should enable minors to have their gender identity recognized.¹⁰¹

The current UK process is a complex administrative process, not based on self-determination, and relies on medical certification and consent from spouses in some circumstances. The UK process also relies on a binary understanding of gender, with someone transitioning from one binary gender to the other, and does not encompass non-binary identities. Gender recognition certificates are only available to people in the UK over 18 years of age. Given that the UK process falls far short of international best practices, trans people have campaigned for years for it to be reformed.¹⁰² The public consultation on reforming the GRA found that over 70 per cent of respondents supported enabling trans people to self-identify their gender, and yet the British government decided not to make these changes—a decision that Amnesty International stated would ‘send a chilling message that the UK is a hostile place for trans people’.¹⁰³ The COVID-19 pandemic has also exacerbated inequalities in the UK and marginalization of trans people has increased, including lengthening the waiting times for trans health care, which already exceeded the UK National Health Service’s own guidelines by years.¹⁰⁴ Politicized homophobia and transphobia percolate throughout UK politics. Commitments by the incumbent Conservative Party to prohibit by law so-called conversion therapy practices were dropped and then reprised, but with the exclusion protections for transgender and non-binary people, which led to a civil society boycott and the ultimate cancellation of the UK-hosted Safe to Be Me conference, which was scheduled to be the UK’s first international conference on LGBT+ rights.¹⁰⁵ The legislation prohibiting conversion therapy is yet to be delivered.

It may appear that there is a chasm between the culture war against trans people in the UK and the atrocity crimes we associate with R2P, but at the very least the former gives a platform to people who wish harm against trans people. For example, in 2021 the UK’s national broadcaster, the BBC, ran an article which framed trans women as predators and which relied on anecdotal evidence and unsubstantiated generalizations.¹⁰⁶ This is a recurring trope used by people who oppose trans rights, and has been debunked by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity at the UN Human Rights Council.¹⁰⁷ He argues that most of these claims

¹⁰¹ United Nations General Assembly, Human Rights Council, 47th session, *The law of inclusion: report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*, Victor Madrigal-Borloz, A/HRC/47/27, 2021, <https://undocs.org/A/HRC/47/27>.

¹⁰² Hines, ‘Sex wars and (trans) gender panics’.

¹⁰³ Sarah Turnnidge, ‘Amnesty International calls government U-turn on trans self-ID plans “extremely worrying”’, *HuffPost*, 2020, https://www.huffingtonpost.co.uk/entry/trans-rights-government-set-to-scrap-self-identification-gender_uk_5ee5da27c5b65f10ca7f16fc.

¹⁰⁴ Ruth Pearce, Sonja Erikainen and Ben Vincent, ‘Afterword: TERF wars in the time of COVID-19’, *The Sociological Review* 68: 4, 2020, pp. 882–88, <https://doi.org/10.1177/0038026120934>.

¹⁰⁵ Josh Parry, ‘“Safe To Be Me” LGBT conference cancelled after boycott’, *BBC News*, 5 April 2022, <https://www.bbc.co.uk/news/uk-61002448>.

¹⁰⁶ Caroline Lowbridge, ‘The lesbians who feel pressured to have sex and relationships with trans women’, *BBC News*, 26 Oct. 2021, <https://www.bbc.co.uk/news/uk-england-57853385>.

¹⁰⁷ United Nations General Assembly, 76th session, *Practices of exclusion: report of the Independent Expert on protection*

'build on deeply discriminatory stereotypes of trans and gender diverse persons, and overwhelmingly of trans women'.¹⁰⁸ Research for the above-mentioned BBC News article involved a lengthy interview with Lily Cade, a former porn actor and anti-trans activist, who subsequently advocated genocidal violence against trans women.¹⁰⁹ Despite widespread outcry about the article, the BBC initially defended it.¹¹⁰ It took an open letter signed by over 20,000 people before the article was amended.¹¹¹ In another example, at a 2021 conference of the LGB Alliance—whose Irish branch has been designated a hate group by the Global Project Against Hate and Extremism—the claim that 'trans people do not exist' met with applause from the audience.¹¹² The exclusionary and dehumanizing beliefs that underpin atrocity crimes are enabled under the current culture war in the UK.

In 2022, prominent trans rights activist and writer Shon Faye outlined the mechanisms through which the British media has whipped up a moral panic about trans people specifically and non-normative gender more broadly.¹¹³ This has been done through a combination of the selective presentation of statistics to construct a narrative of 'surging' numbers of people identifying as trans and the use of language that variously constitutes trans people as 'groomers', 'predators', and/or 'paedophiles'.¹¹⁴ Linking back to the connection we established above of identity-based violence as a facilitator in legitimizing violence and underpinning mass atrocity, this has already served to legitimize and create an air of acceptability around homophobic and transphobic hate speech and hate crimes.¹¹⁵ This has enabled the rapid rise in the number of hate crimes reported to police in England and Wales.

The UK is at a critical juncture right now: the current backlash against trans people is already spilling over into a backlash against other parts of the queer community, often drawing on age-old tropes of queer people as 'paedophiles' and 'groomers'.¹¹⁶ If we know that the persecution of queer people has often precipitated the persecution of other minoritized groups and, in the worst cases, been a precursor to mass atrocities with fascist political characteristics, then action must be taken.

against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, A/76/152, 2021, <https://undocs.org/a/76/152>.

¹⁰⁸ United Nations General Assembly, Human Rights Council, 47th session, *The law of inclusion*, pp. 10–11.

¹⁰⁹ Lily Wakefield, 'Lesbian porn star platformed by BBC calls for mass 'execution' and 'lynching' of trans women', *PinkNews*, 3 Nov. 2021, <https://www.pinknews.co.uk/2021/11/03/lily-cade-bbc-trans-transphobia/>; Alexandra Topping, 'BBC changes online article at centre of transphobia row', 4 Nov. 2021, <https://www.theguardian.com/society/2021/nov/04/bbc-changes-online-article-at-centre-of-transphobia-row>.

¹¹⁰ Lily Wakefield, 'BBC doubles down on support for infamous anti-trans article in infuriating response to complaints', *PinkNews*, 1 Nov. 2021, <https://www.pinknews.co.uk/2021/11/01/bbc-trans-article-complaints-impairity/>.

¹¹¹ Topping, 'BBC changes online article at centre of transphobia row'.

¹¹² Sara Ahmed, 'Gender critical = gender conservative', *feministkilljoys*, 31 Oct. 2021, <https://feministkilljoys.com/2021/10/31/gender-critical-gender-conservative/>; Global Project Against Hate and Extremism, 'Far right hate and extremist groups: Ireland', 2022, <https://globalextrmism.org/ireland/#lgb>.

¹¹³ Faye, *The transgender issue*, pp. 36–8.

¹¹⁴ Pearce, Erikainen and Vincent, 'TERF wars: an introduction'.

¹¹⁵ Pearce, Erikainen and Vincent also document how *The Times* printed circa 230 articles sensationalizing trans issues in 2018; i.e. more than four per week, or more than one every other day.

¹¹⁶ Patrick Strudwick (2022) "'Groomer'": how the dangerous new anti-LGBT slur from America is taking hold in Britain', *i*, 26 April 2022, <https://inews.co.uk/news/long-reads/groomer-new-lgbt-slur-incite-hatred-spark-violence-1585179>.

Conclusion

This article represents an initial reconfiguring of R2P to include queer experiences, perspectives and persecution. By this reconfiguring, we aim to recognize that although queer people were already part of the communities addressed by scholars and practitioners working on R2P, this was not previously recognized or acknowledged.¹¹⁷ We argue that those of us working on R2P need to remove the cisheteronormative blindfold and engage with the diversity of identities and experiences that was intrinsic all along in populations subjected to atrocity crimes. We have evidenced the gap on queer perspectives in both literature and practice on R2P, which is pervasive, across UN reports, annual UN debates and academic literature. From hate speech to early warning, from state responsibilities to protect to the responsibilities of the international community, a queer lens adds a new dimension to how we understand R2P. In applying such a lens we aim to open up a conversation and to contribute to the growing diversity of approaches and critiques within the literature on R2P.

Drawing on the extensive critiques against the ‘add women and stir’ approach, we do not propose to simply add people with LGBTI+ identities to our analysis and approach to R2P, although adding these perspectives remains necessary.¹¹⁸ The approach taken here includes and moves beyond an identity politics approach towards a queer focus on non-normative sexuality and/or gender and the ways that some sexual practices and gender expressions are *made* (ab)normal, as noted in the above discussion on the politics of the LGBTQI+ label.¹¹⁹ Instead, we argue that queering not only entails bringing queer experiences into the fold, but also the adoption of a queer politics and ethics that ceaselessly interrogates all relations to power, commits to the perpetual reconfiguration of power structures, and refuses sexual moralism that is rooted in a politics of sexual shame and stigmatizing practices. This means that R2P practitioners and scholars will need to adopt an ethical reflexivity on who is included/excluded from our analyses of security and in our development of peace and security policy. It also means asking what issues come into focus and how our epistemological predilections may constrain our ability to protect and provide security for all people.

We propose the following research agenda for queering R2P. We set out six, non-exhaustive, areas that will be productive for future research. The first is case-study analysis, both current and historical, exploring how and when queer people are targeted in isolation or as part of wider societal violence and atrocity crimes. This can feed into research on evidence-based indicators for the escalating persecution of queer people. These, in turn, can ideally be integrated into existing early-warning and analysis mechanisms such as the UN’s Framework of Analysis

¹¹⁷ Gifkins et al., *Queering atrocity prevention*.

¹¹⁸ Jasmine-Kim Westendorf, “‘Add women and stir’: The Regional Assistance Mission to Solomon Islands and Australia’s implementation of United Nations Security Council Resolution 1325”, *Australian Journal of International Affairs* 67: 4, 2013, pp. 456–74, <https://doi.org/10.1080/10357718.2013.803030>.

¹¹⁹ For discussion on the differences between an identity politics approach and a queer approach, see Nikki Sullivan, ‘Queer: A question of being or a question of doing?’, in Sullivan, *A critical introduction to queer theory* (Edinburgh: Edinburgh University Press, 2003).

for Atrocity Crimes, and the indicators used by think tanks such as the Global Centre for the Responsibility to Protect.¹²⁰ Second, research should be conducted on the ways in which homophobia is used as a foreign policy strategy, how heteronormative internationalist projects give legitimacy to anti-queer structural and physical violence, and how this can inform diplomatic engagement under R2P. Third, there should be research on each pillar of R2P, integrating queer perspectives and experiences across state and international responsibilities. Our fourth recommendation is for research on how queering R2P intersects with other UN agendas, such as the Women, Peace and Security agenda, Protection of Civilians, and the Human Rights Up Front initiative. The fifth area is the development and application of queer methods in the study of queer (in)security.¹²¹ Finally, there should be more expansive thinking about the ways in which security, human rights and cisheteronormativity are intertwined. These research themes will help guide policy, theory and understanding of the complex and multifaceted interactions between queer people and atrocity crimes.

Not only does the cisheteronormative blindfold leave the international community ill equipped to respond under the guise of R2P to the security needs of queer people who are being persecuted or are faced with threats of state-sanctioned violence, but it engenders an inability to quickly address the flashing red indicators of democratic backsliding and further mass atrocity and identity-based violence that are so often preceded by politicized homophobia and transphobia. Queering R2P, therefore, cuts across all three pillars of the UN framework and requires a joined-up approach for ensuring that people are protected regardless of their queer sexuality or non-conforming gender, and that appropriate, queer-inclusive mechanisms exist for securing those people when domestic obligations are neglected; a truly international responsibility to protect the (suspected) queers.

Queering R2P brings attention to the experiences of marginalized groups that are often overlooked in traditional atrocity prevention efforts. By centring queer perspectives, atrocity prevention can become more inclusive and effective. A queer approach to atrocity prevention therefore includes taking an intersectional approach that acknowledges the ways in which queer individuals are also marginalized based on other factors such as race, gender, disability and class. Preventing mass atrocities and genocide requires protecting all individuals, regardless of their sexual orientation or gender identity. Incorporating queer perspectives into atrocity prevention efforts and making the decolonial move to focus on atrocity prevention in the global North will create a more comprehensive and effective approach to preventing mass atrocities and genocide.

¹²⁰ On the Framework of Analysis, see Stephen McLoughlin, Jess Gifkins and Alex J. Bellamy, 'The evolution of mass atrocity early warning in the UN Secretariat: fit for purpose?', *International Peacekeeping*, publ. online 24 July 2023, <https://doi.org/10.1080/13533312.2023.2236929>.

¹²¹ Amin Ghaziani and Matt Brim, eds, *Imagining queer methods* (New York: New York University Press, 2019); Jamie J. Hagen, Samuel Ritholtz and Andrew Delatolla, eds, *Queer conflict research: new approaches to the study of political violence*: (Bristol: Bristol University Press, 2023 forthcoming).