INDICATORS AND ASSESSMENT TOOL (IAT) ON RACISM AND ATROCITY CRIMES

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INTRODUCTION TO THE IAT

Racism is linked to human rights violations globally and can be understood as a widespread cause and consequence of local and state conflict, authoritarian rule, and histories of colonialism. Racism includes intentional inequities and discrimination based on a racial classification and is generally understood to be "any distinction, exclusion, restriction or preference based on race, color descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms...."[1] Such injustice presents in violation and abuses that may amount to atrocity crimes, including genocide, war crimes, crimes against humanity and ethnic cleansing. Racism is often cited as the main cause of mass atrocities, such as in the Rwandan and Namibian genocides, and a basis for colonialism and the transatlantic slave trade. While these cases highlight racism as a root cause, racism as a global phenomenon is more insidious in nature, permeating all levels of society and affecting policy and practice in social, cultural and economic spheres. The conditions of inequality and structural violence that this creates has the potential to culminate in first generation rights violations as well as social, economic, and cultural rights violations.

Authors: Savita Pawnday and Jaclyn Streitfeld-Hall

International bodies such as the UN General Assembly have emphasized that any doctrine purporting racial superiority is socially unjust and dangerous. In 2021 the General Assembly adopted a resolution to establish the UN Permanent Forum of People of African Descent (PFPAD). The body is a "consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, as well as an advisory body to the Human Rights Council, in line with the programme of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms." While there is an increased recognition of the widespread nature of racism and its threat to peace and stability, particularly since the summer of 2020, when a police officer killed George Floyd, an unarmed Black man, in the United States; there is still a need to address racism in a deliberate and targeted way. Floyd's indiscriminate killing called attention to the centuries of racism prevalent in the United States and highlighted the structural prejudices that were born from the transatlantic slave trade and colonialism. It also became a watershed moment worldwide as global protests brought to the forefront questions related to the intersections of identity and discrimination, highlighting the plights of vulnerable groups such as women and LGBTQI+ people of color, people of African descent and immigrants of color.

Racial equity requires deliberate attempts to eliminate policies, practices, attitudes and cultural messages that reinforce unjust treatment based on race and can only be achieved through proactive and preventive measures. Racial justice requires an understanding of the historical roots of racism, the ways in which these have manifested historically and in the present day, and tools to address past harms. It also requires working with affected communities and accountable actors for collective change. Given that the roots of racism are related to the fallacy of superiority based on whiteness, the origins of racism are similar in most contexts, however how it unfolds as the tools used to address and prevent its prevalence may differ.

This document seeks to assess the ways in which racism, if not addressed, could lead to atrocity crimes. Racism against particular racial and ethnic groups has resulted in the creation of structures and the adoption of policies, practices and laws that have for centuries subjected individuals and groups to crimes that have shocked the conscience of humanity. The following document provides a toolkit with indicators to help in assessing the ways in which racism could contribute to the risk of atrocity crimes. **To help demonstrate how to utilize the toolkit as an assessment tool, the document can be read in tandem with case studies on five country situations (Colombia, South Africa, Namibia, Brazil and Sri Lanka) that highlight how racism increased the risk of atrocities perpetrated against particular populations.**

THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH AND RECONCILIATION

In 2014, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR), a consortium of nine international organizations focused on offering holistic, integrative and multidisciplinary approaches to issues of truth, justice and reconciliation. GIJTR works primarily with local populations, civil society organizations, survivors and governments to develop transitional justice approaches that are victim-centered, collaborative, and support dignity, respect, inclusion, and transparency in societies emerging from conflict or periods of authoritarian rule. Since its founding, GIJTR has engaged with people from 76 countries, worked with 681 CSOs, and has conducted 463 community-driven projects and supported 7,460 initiatives dealing with human rights violations.

For more information, please visit **gijtr.org**.

GIJTR
Global Initiative for Justice
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HOW TO USE THE ASSESSMENT TOOL

This toolkit draws upon the *UN Framework of Analysis for Atrocity Crimes* as a source document for discussing broad risk factors and indicators for atrocity crimes.[2] The UN Framework was developed by the Office of the UN Special Advisers on Genocide Prevention and the Responsibility to Protect. It was designed as an integrated analysis and risk assessment tool specifically for addressing atrocity crimes. The Framework lists **fourteen risk factors** for atrocity crimes. Risk factors include various behaviors, circumstances or other elements that create an environment conducive to the commission of mass atrocity crimes. Risk factors include both structural issues—such as weakness of state institutions—as well as more dynamic issues such as triggering events. Among those risk factors are ones that are considered "common" to all four mass atrocity crimes, such as situations of armed conflict or record of serious violations of international humanitarian and human rights law. In addition, the Framework describes several risk factors that are specific to only one of the crimes—for example "signs of an intent to destroy in whole or in part a protected group" is unique to the crime of genocide.

Rather than highlighting all risk factors for atrocity crimes, this toolkit specifically examines those indicators for which racism, racist policies and practices, and histories of racism may exacerbate the risk of atrocities, as well as conditions under which individuals from particular racial or ethnic groups may be the direct target of atrocities. While the toolkit is focused on risks based on race and ethnic identity, analysts using this assessment tool should utilize an intersectional approach that addresses how the risks and impact of ethnic and racial targeting, as well as the methodology utilized by perpetrators and the experience of the population, may vary on the basis of gender, age, sexual orientation, and/or religion.

In order to use the toolkit, analysts and monitors should collect reliable information on the situation and use it to inform whether any of the risk factors and respective indicators are present and whether the potential impact of their presence is likely to result in the commission of atrocity crimes. They should be particularly attentive to changes in indicators over time that may contribute to an increase or decrease in the likelihood of crimes occurring.

An assessment must situate atrocity risk factors within a broader political, historical and cultural context. Moreover, bearing in mind that this toolkit is focused on risk factors for atrocities perpetrated on the basis of race or ethnic identity or rooted in racism, an understanding of the context in which these factors appear and how they combine with broader threats identified in the *UN Framework* is essential. For example, the *UN Framework* includes indicators on acquisition and movement of "large quantities of arms and ammunition or of other objects that could be used to inflict harm." While this indicator is not specific to risk factors associated with racism and is not included in the present document, when combined with factors in this toolkit the presence of large quantities of arms would likely increase the possibility of the commission of atrocities.

While not all risk factors need to be present for there to be a significant risk of atrocity crimes occurring, evidence of warning signs across multiple risk factors may result in a higher likelihood of violations and abuses being perpetrated on a scale that amounts to such crimes. In contrast, if a society has various factors that help mitigate the risks of atrocities or a lack of potential triggers, then there could be several risk factors present and yet a low probability of crimes occurring.

GLOSSARY OF TERMS

Racism: Any distinction, exclusion, restriction or preference based on race, color descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms.[3]

Atrocity crimes:[4] are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings. The UN and international law focus on four mass atrocity crimes: genocide, war crimes, crimes against humanity and ethnic cleansing.

Genocide: acts committed in a deliberate attempt to destroy in whole or in part a national, ethnic, racial or religious group.

This includes such acts as:

- Killing members of the group
- Causing serious bodily or mental harm to members of the group
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
- Imposing measures intended to prevent births within the group

To constitute genocide, there must be a *proven intent* on the part of perpetrators to physically destroy, in whole or in part, a group based on nationality, ethnicity, race or religion. Victims of the crime of genocide are not randomly targeted: they are deliberately chosen, based on their real or perceived membership to one of the four groups. The crime of genocide is codified in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). The Convention has been ratified by 149 States (as of January 2018).

When speaking about potential victims of genocide, the Framework will refer to them as "protected groups."

War crimes: acts which constitute grave breaches of the laws and customs of armed conflict, particularly those in violation of the Geneva Convention.

This includes such acts as:

- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives
- Employing poison or poisoned weapons

There is no single international legal document that codifies all war crimes. However, among the documents that do address such crimes, the Geneva Conventions and their additional protocols are the most significant. War crimes include acts that constitute grave breaches of the laws and customs of armed conflict, particularly those of the Geneva Conventions. War crimes can only be committed in the context of an armed conflict or protracted armed violence. The character of the war dictates what constitutes a war crime, in particular whether it is an international or non-international armed conflict. Combatants and non-combatants can both be considered victims of war crimes.

Crimes against humanity: acts committed as part of a widespread or systematic attack directed against a civilian population.

This includes such acts as:

- Murder
- Extermination
- Torture
- Enslavement
- Forcible transfers of populations
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity
- Persecution
- The crime of Apartheid
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against humanity are not yet codified in a separate treaty; however, they are clearly defined in the Rome Statute of the International Criminal Court. Crimes against humanity are committed as part of a widespread or systematic attack directed against a civilian population. Widespread refers to the large-scale violence in relation to the number of victims or its extension over a broad geographic area. Systematic means that it is part of a wider policy or plan: this excludes random, accidental or isolated acts of violence.

Ethnic cleansing: While there is no formal legal definition of ethnic cleansing, it involves the systematic forced removal of distinct minority groups from a given territory, often with the intent of making it ethnically homogeneous.

This includes such acts as:

- Forced migration (deportation, population transfer)
- Intimidation
- Mass murder

The crime "ethnic cleansing" has not been recognized as an independent crime under

international law and is therefore considered as a subset of crimes against humanity. The term emerged in the context of the conflict in the Former Yugoslavia in the 1990s and has been used in UN Security Council resolutions and in the UN General Assembly. It is furthermore acknowledged in judgments and indictments of the International Criminal Tribunal for the Former Yugoslavia, but it did not constitute one of the counts for prosecution. The UN Commission of Experts, established to examine and analyze the situation in the Former Yugoslavia, defined ethnic cleansing as "rendering an area ethnically homogenous by using force or intimidation to remove persons/groups." Coercive practices include: murder, torture, arbitrary arrests and detention, extrajudicial executions, rape and sexual assault and deportation.

International Humanitarian Law: International humanitarian law[5] is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict. International humanitarian law is part of international law, which is the body of rules governing relations between States. International law is contained in agreements between States—treaties or conventions—, in customary rules, which consist of State practice considered by them as legally binding, and in general principles. International humanitarian law applies to armed conflicts. It does not regulate whether a State may actually use force; this is governed by an important, but distinct, part of international law set out in the United Nations Charter.

International Human Rights Law Human rights law6 is a set of international rules, established by treaty or custom, on the basis of which individuals and groups can expect and/ or claim certain rights that must be respected and protected by their States. The body of international human rights standards also contains numerous non-treaty-based principles and guidelines ('soft law').

RISK FACTORS

For each risk factor we will provide indicators of what this may look like in practice as well as an explanation of how it contributes to the risk of atrocities/specific crimes in the context of racism.

RISK FACTOR 1:   **Record of Human Rights Abuses Targeting Particular Racial Groups**

RISK FACTOR 2:   **Policies and Legislation That Directly Limit the Rights of or Targeting a Particular Group and/or Lack of Protections for Minority Groups**

RISK FACTOR 3:   **Presence of Structural Racism and Policies/Practices That Privilege One Race Over Others**

RISK FACTOR 4:   **Impunity for Crimes Perpetrated Against Particular Groups**

RISK FACTOR 5:   **Denial and Resistance to Acknowledgement of History of Racism**

RISK FACTOR 6:   **Colonial and Repressive Security Sector**

RISK FACTOR 7:   **Ideologies Based on the Supremacy of a Certain Race or on Extremist Versions of Identity**

RISK FACTOR 8:   **Spread of Hate Speech, Xenophobia and Racist Sentiments**

RISK FACTOR 9:   **Patterns of Racial Targeting and Violence**

RISK FACTOR 10:   **Situation of Armed Conflict or Civil War (Including Identity-based Conflict)**

RISK FACTOR 11:   **Political, Economic, Social, and Environmental Instability**

RISK FACTOR 12:   **Triggering Factors**

RISK FACTOR 13:   **Signs of An Intent to Destroy in Whole or in Part a Protected Group on the Basis of Race**

Record of Human Rights Abuses Targeting Particular Racial Groups

Indicators:

1. Past acts of genocide, including, for example, eradication of indigenous populations.

2. Past acts of crimes against humanity, including, for example, apartheid, slavery and slave trade, and biological experimentation targeting individuals from a particular racial group or racial identity.

3. History of institutional structures that perpetuate racism, marginalization and abuses against individuals of particular racial groups, including apartheid and colonialism.

4. Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if targeting particular racial or ethnic groups, populations or individuals.

5. Past acts of war crimes against individuals from a particular racial group or racial identity.

6. Recent history of civil war or history of inter-racial and inter-communal conflict between different racial or ethnic identity groups.

7. History of abusive, indiscriminate and/or disproportionate counter-insurgency measures utilized against individuals and groups on the basis of race.

8. History of racial violence perpetrated by state and non-state actors such as militias and supremacist groups.

Explanation:

A legacy of human rights abuses and atrocities can contribute to current risks, particularly in places that have not systematically dealt with the past or reconciled grievances that lead to such violations and abuses. Before considering whether such a history increases the risk of atrocities today, analysts should determine the degree to which history of abuse or violence may contribute to ongoing abuses, grievances, or cultures of institutional and societal behavior versus whether it is fact of the past that may not be a salient variable today. For example, an important step is to examine how policies that enabled/permitted such abuses in the past have or have not been reformed or changed (See, for example, indicators under Risk Factors 2, 3 and 6). Analysts should also examine how the concept of racial superiority was/is central to the creation of state structures, which may or may not have been reformed and continue to affect the present. One should also bear in mind the time since atrocities and human rights abuses took place as crimes that are more proximate to the current time may have more bearing on identity-based tensions.

RISK FACTOR 2:
Policies and Practices That Directly Limit the Rights of or Targeting a Particular Group and/or Lack of Protections for Minority Groups

Indicators:

1. Lack of policies, legislation and constitutional guarantees that protect the rights of particular racial groups, ethnic groups, or minority populations.

2. Legacy of discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against particular racial or ethnic groups.

3. Policies and practices aimed at or that may result in cultural erasure, for example restrictions on use of language, restrictions on religion or other cultural practices, destruction of cultural heritage of particular racial or ethnic groups.

4. Policies aimed at erasing the contribution of different racial groups in historical events that shaped the country's national identity.

5. Policies and practices, including quotas and segregation, that limit where particular racial or ethnic groups can live or buy property, work, or receive an education.

6. Policies that directly restrict births or marriage within a particular group

7. Policies and practices that restrict social or cultural gatherings for particular racial or ethnic groups.

8. Policies and practices that limit participation of particular racial or ethnic groups within governance structures or leadership roles.

9. Policies and practices that limit voting rights or voting access for particular racial or ethnic groups.

Explanation:

Analysts should be aware that some of these policies (for example, restrictions on births) may be a risk factor while also constituting evidence of atrocities while others create an enabling and permissive environment for the commission of atrocities. Implementation of many of these types of policies can also create the conditions for restrictions targeting particular groups and/or increase narratives of exclusion. Erasure of a group within histories and national identities can lead to socially and politically questioning the right of a group to be a citizen of the country.

Even when reforms have reduced the prevalence of policies listed above, it is important to also understand and highlight how the legacy of such policies existing in the past created governmental and societal structures that continue to reproduce and perpetuate racist policies and practices in the current times (see, for example, Risk Factor 3).

For both Risk Factor 2 and Risk Factor 3, while the policies and practices increase the risk of atrocities committed against the targeted identity group, they may also deepen grievances within the oppressed group and trigger social uprisings, demands for racial justice, and/or radicalization amongst members of the group who could then be mobilized to perpetrate crimes against their actual or perceived oppressors.

RISK FACTOR 3:
Presence of Structural Racism and Policies/Practices that Privilege One Race Over Others

Indicators:

1. Presence of systems, laws, and written or unwritten policies and practices that perpetuate patterns of discrimination against particular racial groups or unfair advantages for one group over others.

2. Inequitable access to or policies and practices that deliberately limit particular racial groups from political power or entry into political office or presence of legislation or constitutional provisions that privilege the dominant ethnic or racial group in positions of power.

3. Inequitable access to or policies and practices that deliberately limit particular racial groups from quality education on the basis of race.

4. Inequitable access to or policies and practices that deliberately limit particular racial groups from economic opportunities and goods and services, including employment, entrepreneurship, and property ownership.

5. Continued social practices or passing of narratives that have explicit or implicit racial undertones justified as "tradition."

6. Inequitable access to or policies and practices that deliberately limit particular racial groups from social and cultural avenues that enable political and economic opportunities on the basis of race.

7. Inequitable access to justice and fair treatment within legal structures on the basis of race.

8. Judicial policies and practices that create disproportionate punishments for individuals of a particular race.

9. Judicial restraint and refusal to strike down policies and legislation that perpetuate patterns of discrimination or abuses against particular racial groups.

10. Perpetuation of narratives that economic, social, cultural and political wellbeing of one racial group will adversely affect the wellbeing of other racial groups within a society.

11. Legislation and constitutional provisions that enable the disproportionate distribution of resources to racial and ethnic groups favored by those in power.

12. Infrastructure development policies and practices that target resources—including land, water, mineral deposits—of racially disenfranchised populations leading to their displacement or the destruction of their environment and livelihoods.

Explanation:

Governmental and societal structures created from the ideology of racial superiority continue to reproduce racist policies that privilege one group over the other. It systematically continues to deny particular racial and ethnic groups with privileges and rights enjoyed by the whole of society and continues to deny particular racial and ethnic with equal opportunity. This creates conditions for the continued exploitation and abuse of these groups.

Structural or systemic risk factors include policies and practices that are institutionalized within the whole system of a government and society that includes financial institutions and educational institutions. When such practices are ingrained within the entire institution of governance and supported by various policies that result in abuses they are both systemic and so deeply embedded that significant institutional reform may be necessary to mitigate risks. When assessing the threat of these policies and practices resulting in rights violations versus the risk of escalating to atrocities, analysts must assess the level of exclusion and abuse caused by these factors in a given country.

In a country where structural and systemic racism is entrenched, often the continuation of these structures or resistance to reform these structures is accompanied by narratives of racial superiority. The risk of atrocities can increase in these countries when triggering factors (See Risk Factor 11) force the examination of these structures which can be viewed as threatening by groups that have structural advantage.

In a country where political and economic power is disproportionately concentrated within one racial or ethnic group, or where governance structures allow leaders to privilege their own group, atrocity risks may increase during periods of political transition where fears of "winner take all" are escalated.

RISK FACTOR 4:
Impunity for Crimes Perpetrated Against Particular Groups

Indicators:

1. Absence of processes for racial justice, truth-telling and reparations.

2. Absence of transitional justice and accountability processes following atrocity crimes

3. Politicization or absence of reconciliation or transitional justice processes following conflict.

4. Lack of follow through on implementation of recommendations from transitional justice and reconciliation processes.

5. Weakness or absence of legal systems for holding perpetrators of abuses targeting individuals of particular races accountable.

6. Judiciary that lacks independence from other government structures

7. Lack of recognition of systematic targeting of particular racial or ethnic groups by the security sector

8. Impunity for behavior by supremacist groups

9. Social trauma caused by past incidents of violence not adequately addressed and that produced feelings of loss, displacement, injustice and a possible desire for revenge.

Explanation:

Processes for transitional justice, holding perpetrators accountable, and publicly acknowledging past abuses are important to restoring relationships between different identity groups. In the absence of accountability and reconciliation processes, past grievances may remain open and result in a recurrence of identity-based violence. Moreover, impunity for past abuses sends a signal to previous and potential future perpetrators that such crimes are permissible and will go unpunished. Outside of legal accountability, some of the structural indicators in Risk Factor 3 also create an enabling environment for impunity, as some government policies and practices allow and perpetuate abuses that constitute rights violations.

RISK FACTOR 5:
Denial and Resistance to Acknowledgement of History of Racism

Indicators:

1. Propagation of narratives that deny past atrocities, including genocide-denial, or evidence of racism.

2. Resistance to inclusion of history of racism and marginalization in public sphere or education curriculum.

3. Absence of sites that recognize and memorialize past atrocities.

4. Resistance to holidays or events commemorating past atrocities, civil rights activists, and passage of significant legislation favoring particular racial and ethnic groups.

5. Altering education curriculum to erase histories.

6. Banning fiction and non-fiction books addressing history of racial oppression and violence.

7. Propagation of narratives like "saving the uncivilized" or "separate-development."

8. Absence of processes related to inter-racial dialogue or reconciliation.

9. Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.

10. Revocation or reversal of laws, policies and practices that acknowledge or correct for past harm.

Explanation:

The indicators listed here in and by themselves may not lead to the commission of atrocities but can create an enabling and permissive environment to target particular racial and ethnic groups. They can also normalize or provide justification to perpetrators to commit atrocities and contribute to erasure of the affected population. These narratives may also be used to consolidate intra-groups loyalty or prove loyalty via targeting of other racial and ethnic groups. In many cases the act of banning books or changing curriculums may not in and of itself be the immediate risk, but rather divisive political and societal divisive discourse on the motivation behind the action could trigger tensions between groups while the policy itself will have longer-term implications.

RISK FACTOR 6:
Colonial and Repressive Security Sector

Indicator:

1. Continuation of practices and policies within policing that repress and control particular racial and ethnic groups rather than provide protection to them.

2. Lack of or limited reform of security apparatus used by previous authoritarian or colonial regimes.

3. Use of violent and disproportionate use of force in crowd control measures.

4. Imposition of emergency laws or extraordinary security measures that erode fundamental rights

5. Disproportionate numbers of individuals from particular racial and ethnic groups are targeted for arrest during protests and social unrest.

6. Disproportionate numbers of individuals from particular racial and ethnic groups experience custodial abuse, torture or death.

7. Lack of racial and ethnic diversity within the security sector and its leadership.

8. Lack of vetting of personnel within security forces regarding participation in past abuses or membership in groups that hold supremacist ideologies.

9. Legislation or government policies that continually militarize police.

10. Legislation or government policies that strengthen the security apparatus, through reorganization or mobilization of additional resources against protected groups, populations or individuals.

11. Cultural racism and a permissive environment for racial profiling and abuses on the basis of race.

12. Evidence of discriminatory security procedures and disproportionate punishments targeting particular racial or ethnic groups.

13. Use of the security sector by the government to target perceived opposition, particularly when determination of opposition is on the basis of race or ethnicity.

14. Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims.

15. Culture of impunity for security sector actors for crimes committed by them against a particular racial or ethnic group.

16. Use of the military and military tactics to control geographical areas predominantly populated by particular racial or ethnic groups.

17. Use of surveillance technology targeting populations on the basis of race or ethnicity.

18. Minimization of violence committed against certain racial groups.

19. Police and law enforcement does not expend resources on the disappearance and violence committed against women, girls and children, LGBTQ+ and other marginal groups of a particular race.

Explanation:

Many of the indicators listed above are ways in which structural racism manifests within the security sector and also creates a permissive and enabling environment for abuses on the basis of race. It expands opportunities for individuals of certain races to be targeted by police/military or other security forces and can often result in abuse or commission of crimes.

Lack of judicial independence that enables impunity for abuses perpetrated by the government and security forces leads to widespread mistrust between the state institutions and the targeted group. Triggering events (see Risk Factor 11) may increase the risk of atrocities as lack of trust and legacy of abuses may impede deescalation tactics employed by security forces.

Ideologies Based on the Supremacy of a Certain Race or on Extremist Versions of Identity

Indicators:

1. Prevalence of belief and sentiment within a society that view particular racial and ethnic groups as "less than" or "the other"

2. Existence and spread of extremist groups formed on the basis of supremacist ideologies.

3. Members of supremacist groups hold public office and/or have influence over policy makers.

4. Legislation and government policies are informed by supremacist ideologies.

5. Existence of narratives that seek to expand negative stereotyping and perceptions of another group as dangerous.

6. Prosperity of a particular racial or ethnic group is perceived as a zero-sum threat against the interests of the supremacist group or of one group "stealing" opportunities from another.

7. Acknowledgement of past atrocities against a particular racial or ethnic group is perceived as "disloyal" or "destructive" to national identity and character.

8. Prevalence of anti-black narratives or discrimination against people of African descent.

9. Creation of societal hierarchies on the basis of race, ethnicity, religion and gender.

Explanation:

As with Risk Factor 5, the indicators listed here in and by themselves may not lead to the commission of atrocities but can create an enabling and permissive environment to target particular racial and ethnic groups. They can also normalize violence or provide justification to perpetrators to commit atrocities and contribute to erasure of the affected population. These narratives may also be used to consolidate intra-groups loyalty or prove loyalty via targeting of other racial and ethnic groups.

Supremacist ideologies may also create an enabling environment for government policies and practices limiting the rights of particular races, particularly when such ideologies are so widespread that elected officials believe they will be popular among the public. While such risks are heightened when those in power themselves hold supremacist views, but risks are not limited to such instances.

Growing support for supremacist ideologies may also create momentum and enabling environment for indicators under Risk Factor 8 and vice versa.

RISK FACTOR 8:
Spread of Hate Speech, Xenophobia and Racist Sentiments

Indicators:

1. Use of hate speech with impunity by politicians, religious leaders and other thought leaders or celebrity figures against a particular racial and ethnic group.

2. Incitement of violence against particular racial and ethnic groups by politicians and other public figures.

3. Absence of legislation and policies to mitigate and address hate speech, misinformation and disinformation

4. Traditional media outlets including radio, televisions and newspapers propagate supremacist narratives, fear mongering and hate speech against particular groups.

5. Prolific use of social media platforms by politicians, leaders and members of the public to spread hate and fear against a particular racial and ethnic group.

6. Spread of misinformation or disinformation against particular racial groups, including negative stereotyping.

7. Use of methods or practices that dehumanize a particular racial or ethnic group, or that reveal an intention to cause humiliation, fear or terror to fragment the group.

8. Spread of xenophobia against particular racial groups, casting them as "foreigners" to the national territory or identity.

9. Prevalence of supremacist ideologies and tropes in public discourse, including anti-Black, anti-Semitic, anti-Asian, anti-Muslim, anti-indigenous, anti-LGBTQ, etc. narratives.

10. Politicization of past grievances between different racial or ethnic groups in public discourse.

11. Promotion of culture wars in social spaces, politics, and media.

Explanation:

When looking at indicators on hate speech, analysts must observe fluctuations in dangerous or inflammatory speech, in particular significant shifts from what may be considered baseline. The presence of hate speech in and by itself may not increase risk of atrocities, particularly if it is shared amongst a vocal minority, but big spikes may be a significant early warning sign of possible commission of atrocity crimes. Examining the way in which such language is articulated and shared, for example if it is by prominent public figures or disseminated in mainstream media, may also provide insight into whether hate speech creates general public divisiveness and animosity or is serving as a potential trigger to mobilize or incite identity-based violence and abuses. Analysts should also look to observe when rhetoric against particular racial and ethnic groups is correlated with an increased risk of targeted violence.

Normalization of supremacist ideologies via hate speech expands threats to all populations. Supremacist ideologies are borne out of misogynistic hyper masculine narratives and in addition to propagating racial supremacy also propagate cis heteronormative ideas of gender and sexuality. Propagation of these narratives may increase the risk of abuse and atrocities committed against LGBTQ+ populations and against those individuals who may not conform to traditional ideas of gender.

RISK FACTOR 9:
Patterns of Racial Targeting and Violence

Indicators:

1. Episodes of violence perpetrated against particular racial and ethnic groups, including killings, sexual and gender-based violence, torture, and other forms of violence and abuses, especially when widespread or part of a systematic plan.

2. Targeting property, including businesses and homes owned by particular racial and ethnic groups.

3. Episodes of violence during particular holidays of import to certain racial and ethnic groups.

4. Public lynchings or beatings perpetrated on the basis of race for perceived or actual slights.

5. Episodes of violence against particular racial or ethnic groups in response to passage of laws and policies that expand protection and rights of these groups

6. Episodes of mob and communal level violence against particular racial and ethnic groups in response to inter-racial or inter-ethnic marriage, elopement, or pregnancies.

7. Episodes of violence and clashes between particular racial and ethnic groups outside of a situation of armed conflict.

8. Attempts to physically intimidate members of a particular racial or ethnic group through presence, threats of physical force, or violent rhetoric in public spaces.

Explanation:

Many of these indicators may themselves constitute atrocity crimes when perpetrated in a pattern or on a widespread basis. They may also be warning signs of potential escalation.

Presence of these indicators also implies explicitly that an enabling and a permissive environment for the commission of atrocity crimes exists in a particular society. It may also imply that state institutions are complicit in enabling impunity for violence committed against particular racial and ethnic groups.

RISK FACTOR 10:
Situation of Armed Conflict or Civil War

Indicators:

1. Armed conflict driven by identity, where opposing sides identify with one particular racial group.

2. Real or perceived membership of or support for armed opposition groups, by populations or individuals from certain racial groups.

3. Prevalence of identity-based armed groups.

4. Lack of training for armed forces on International Humanitarian Law and Human Rights Law in conflict settings.

5. Imposition of emergency security measures that disproportionately target particular racial or ethnic groups or areas inhabited by such groups during conflict.

6. Targeting or collective punishment of members of a racial or ethnic group in response to terrorist or insurgency activities perpetrated by a small subset of the group.

7. Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a particular racial or ethnic group.

Explanation:

Conflict and civil war inherently increase the risk of atrocities for all populations within a certain territory. These risks are further elevated for certain populations when the opposing sides identify with one racial group or another.

The extent of abuses may be determined by the ability of a group to acquire the means to perpetrate abuses, including the recruitment of personnel and access to arms and ammunition.

Political, Economic, Social, and Environmental Instability

Indicators:

1. Rise of an autocratic regime, including consolidation of power in the hands of individuals who favor a particular racial group, consolidation of executive power by individuals who have previously been implicated in atrocities and rights abuses and/or military coup by forces implicated in abuses against particular ethnic or racial groups, and/or imposition of laws and practices that negatively target particular racial groups.

2. Democratic backsliding including crackdown on political and civil dissent from particular racial groups, attack on independent media, imposition of military rule in certain parts of the country, restrictions on or access to voting rights, and co-option of judicial bodies and human rights institutions.

3. Adoption of laws, policies and practices by the government that limit civic space and the ability of civil society to function, including targeting human rights defenders and civil society actors from a particular racial or ethnic community.

4. Economic recessions and periods of excessive inflation or unemployment

5. Rising protest movements and social discontent triggered either by deteriorating economic conditions, democratic backsliding, structural racism and inequality, and / or deliberate targeting of particular racial and ethnic groups.

6. Humanitarian crisis or emergency created by natural disasters and epidemics.

7. Inequitable consequences of climate change and resource competition.

Explanation:

Political and economic instability and inequality often have disproportionate effects across races. In many cases this is a result of structural racism and patterns and abuses throughout history that have determined where certain populations live and work.

Poverty in itself does not lead to atrocities but it can create conditions where certain populations can be manipulated and taken advantage of and where disputes over resources and inequality can result in violence. Extreme poverty generates a lack of opportunities, competition for resources and gross inequalities within society and can exacerbate inter-group grievances and create motives and opportunities for atrocity crimes.

Several economic, political and social factors listed above can provide governments and certain groups with the means to perpetrate crimes. The consolidation of power and democratic backsliding create space for abuses to be perpetrated unchecked and often result in greater impunity for the actions of leaders and those implementing their policies. Moreover, restrictions on civil society, human rights defenders, and the media may limit the sharing of information on potential abuses against the population.

RISK FACTOR 12:
Triggering Factors

Indicators:

1. Elections, especially those characterized by increasing hate speech, culture wars and rhetoric promoting nationalist narratives that render certain racial and ethnic groups as foreign or "other."

2. Mass protests resulting from deteriorating economic conditions, democratic backsliding, structural racism and inequality, and /or deliberate targeting of particular racial and ethnic groups.

3. Resistance movements initiated by indigenous or minority groups to protect their land or populations from government policies designed to confiscate their land or resources

4. Watershed moments, including attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups, killing of a cultural or religious icon or the killing of an individual in a manner that has the ability to shock the general populace.

5. Abrupt or irregular regime changes, transfers of power, or changes in political power of groups.

6. Targeting of religious or ethnic events, or real or perceived acts of religious intolerance or disrespect.

7. Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of particular ethnic or racial groups.

8. Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.

9. Acts related to accountability processes, particularly when perceived as unfair.

Explanation:

Triggering factors include events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset. Many of the indicators above may also appear seemingly unrelated to racism, however, when combined with other Risk Factors and societal conditions, including structural racism, they may result in atrocities perpetrated on the basis of racial or ethnic identity. In other instances, such as protests, resistance movements, and watershed moments that are related to figures within particular racial movements, race and ethnicity may be at the center of the trigger and further exacerbate risks to specific populations.

Signs of an Intent to Destroy in Whole or in Part a Protected Group on the Basis of Race

Indicators:

1. Presence of official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a particular racial or ethnic group is revealed.

2. Targeted physical elimination, rapid or gradual, of members of a particular racial or ethnic group.

3. Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a particular racial or ethnic group.

4. Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to particular racial or ethnic groups.

5. Expressions of public euphoria at having control over a particular racial or ethnic group and its existence.

6. Attacks against or destruction of homes, farms, businesses or other livelihoods of a racial or ethnic group and/or of their cultural or religious symbols and property.

Explanation:

This section was adapted from the UN Framework of Analysis for Atrocity Crimes, which highlights signs of an intent to destroy in whole or in part a protected group as a specific risk factor for genocide. According to the framework: The intent to destroy in whole or in part a national, ethnical, racial or religious group is both one of the most fundamental and one of the most difficult elements of the crime of genocide to prove. ... However, there are some early indicators that can serve as a warning sign."

Endnotes

1   International Convention on the Elimination of All Forms of Racial Discrimination, Adopted 21 December 1965.

2   United Nations, 2014, Framework of Analysis for Atrocity Crimes, available at: https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.49_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf

3   International Convention on the Elimination of All Forms of Racial Discrimination, Adopted 21 December 1965.

4   Global Centre for the Responsibility to Protect, "Defining the Four Mass Atrocity Crimes," available at: https://www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/

5   International Committee of the Red Cross, "What is International Humanitarian Law?" available at: https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

6   International Committee of the Red Cross, "What is the difference between IHL and human rights law?" available at: https://www.icrc.org/en/document/what-difference-between-ihl-and-human-rights-law

GIJTR

Global Initiative for Justice
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