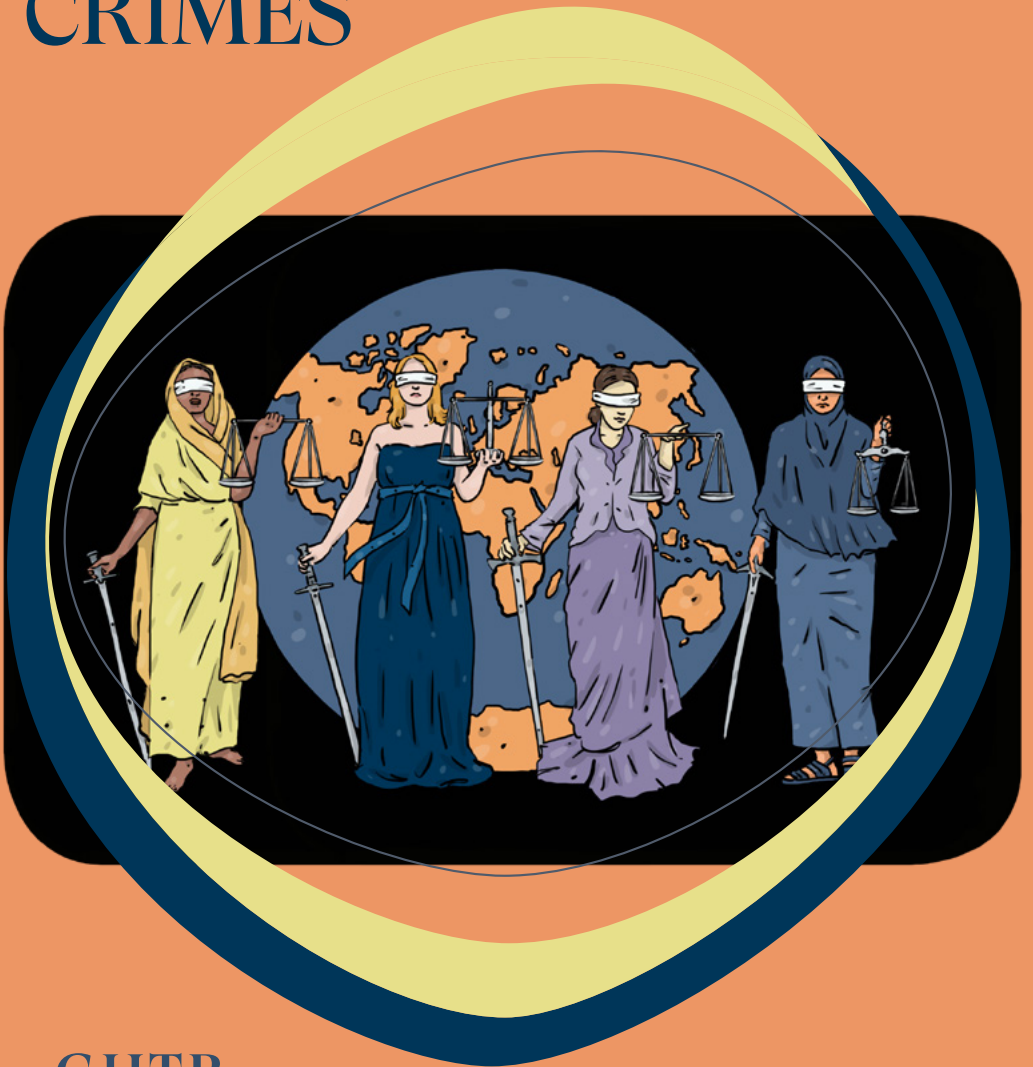# INDICATORS AND ASSESSMENT TOOL (IAT) ON RACISM AND ATROCITY CRIMES

GIJTR

Global Initiative for Justice
Truth & Reconciliation

ABOUT THE INTERNATIONAL COALITION OF SITES OF CONSCIENCE

The International Coalition of Sites of Conscience (ICSC or the Coalition) is a global network of museums, historic sites, and grassroots initiatives dedicated to building a more just and peaceful future through engaging communities in remembering specific struggles for human rights and addressing their modern repercussions. Founded in 1999, the Coalition now includes more than 300 Sites of Conscience members in 65 countries. The Coalition supports these members through seven regional networks that encourage collaboration and international exchange of knowledge and best practices. The Global Initiative for Justice, Truth & Reconciliation (GIJTR) is a flagship program of the Coalition.

International Coalition of
SITES *of* **CONSCIENCE**

Learn more at www.sitesofconscience.org.

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ABOUT GIJTR

Around the world, an increasing call exists for justice, truth, and reconciliation in countries where legacies of gross human rights violations cast a shadow on transitions from repressive regimes to participatory and democratic forms of governance. To meet this need, the Coalition launched GIJTR in August 2014. GIJTR seeks to address new challenges in countries in conflict or transition that are struggling with legacies of or ongoing gross human rights abuses. The Coalition leads GIJTR, which includes eight other organizational partners: American Bar Association Rule of Law Initiative (ABA ROLI), United States; AJAR, Indonesia; CSVR, South Africa; Documentation Center of Cambodia (DC-Cam), Cambodia; Due Process of Law Foundation (DPLF), United States; Fundación de Antropología Forense de Guatemala (FAFG), Guatemala; Humanitarian Law Center (HLC), Serbia; and Public International Law & Policy Group (PILPG), United States. In addition to leveraging the expertise of GIJTR members, the Coalition taps into the knowledge and longstanding community connections of its 300-plus members in 65 countries to strengthen and broaden GIJTR's work. GIJTR partners, along with members of the Coalition, develop and implement a range of rapid-response and high-impact program activities, using both restorative and retributive approaches to justice and accountability for gross human rights violations.

The expertise of the organizations under GIJTR includes the following:

- Truth-telling, reconciliation, memorialization, and other forms of historical memory

- Documenting human rights abuses for transitional justice purposes

- Forensic analysis and other efforts related to missing and disappeared persons

- Victims' advocacy such as improving access to justice, psychosocial support, and trauma mitigation activities

- Providing technical assistance to and building the capacity of civil society activists and organizations to promote and engage in transitional justice processes

- Reparative justice initiatives

- Ensuring gender justice in all these processes

To date, GIJTR has led civil society actors in multiple countries in the development and implementation of documentation and truth-telling projects; undertaken assessments of the memorialization, documentation, and psychosocial support capacities of local organizations; and provided survivors in the Asia, Africa, and the Middle East and North Africa region with training, support, and opportunities to participate in the design and implementation of community-driven transitional justice approaches. Given the diversity of experience and skills among GIJTR partners and Coalition network members, the program offers post-conflict countries and countries emerging from repressive regimes a unique opportunity to address transitional justice needs in a timely manner, while promoting local participation and building the capacity of community partners.

CONTENTS

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 has been defined as: "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...". Such injustice perpetrates 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.

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 program 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 in the United States killed George Floyd, an unarmed Black man—there is still a need to address racism in a more 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 specific vulnerable groups within the broader people of color population, including women, LGBTQI+, people of African descent, and immigrants.

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 may differ, as will the tools used to address and prevent its prevalence.

This toolkit 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 structural and institutional dynamics as well as the policies, practices, and laws that have subjected individuals and groups to crimes for centuries that have shocked the conscience of humanity. This toolkit will help assess how racism could contribute to the risk of atrocity crimes. To help demonstrate how to utilize the toolkit as an assessment tool, included herein are case studies of five countries (Brazil, Colombia, Namibia, South Africa, and Sri Lanka) that highlight how racism increased the risk of atrocities perpetrated against particular communities.

METHODOLOGY

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.[1] 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 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 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.
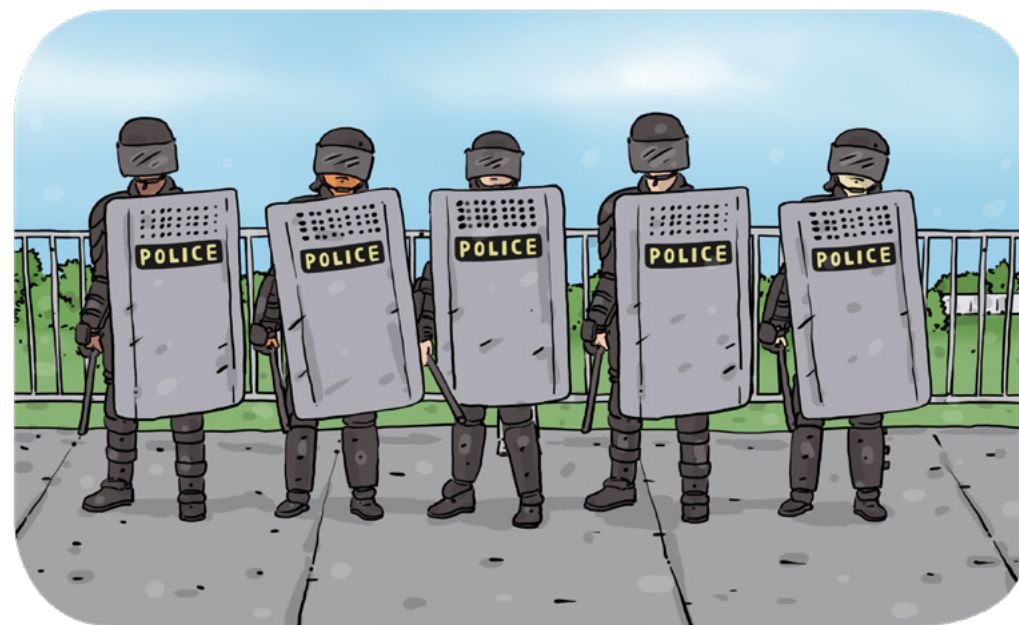
Rather than highlighting all risk factors for atrocity crimes, this toolkit focuses on those indicators for which racism, racist policies and practices, and histories of racism may exacerbate the risk, as well as conditions under which particular racial or ethnic groups may be the direct target of atrocities. The list here resulted in 13 risk factors. While the toolkit is focused on risks based on race and ethnic identity, analysts using this assessment tool should utilize an intersectional approach. Specifically, analysts should consider how ethnic and racial targeting, the methodology utilized by perpetrators, and the experience of the population, may vary—including on the basis of gender, age, sexual orientation, and religion.

Risk factors included in the toolkit were determined based upon threats observed while researching countries that have experienced atrocity crimes, or heightened risks of atrocity crimes, over the past 30 years. The authors also conducted desk research of legal analysis, structural policies, and practices that are rooted in racism and create enabling environments for the commission of atrocity crimes. In addition, they studied structures created in certain countries, regions, and multilateral spaces to confront such practices. In addition, the IAT received feedback through an inclusive and consultative process, including feedback from individuals based throughout Latin America, Africa, and Asia. The toolkit was presented for comments and additions at a conference with a globally representative audience held in Rio de Janeiro, Brazil, December 5-7, 2023.

HOW TO USE THE ASSESSMENT TOOL:

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, bear 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, specifically. However, an understanding of the broader context in which these factors appear and how they combine with other 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." This indicator is not specific to risk factors associated with racism and therefore not included in this toolkit. However, 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:

Atrocity Crimes[2]
Atrocity crimes are considered to be the most serious against humankind. The status of atrocity crimes 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.

Crimes Against Humanity
Crimes against humanity are committed as part of a widespread or systematic attack directed against a civilian population. Widespread means large-scale violence in terms of the number of victims or its extensive reach across a broad geographic area. Systematic means part of a wider policy or plan: this excludes random, accidental, or isolated acts of violence. 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.

This includes acts such as:

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

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 an ethnically homogeneous result. This includes acts such as forced migration (deportation, population transfer), intimidation, and mass murder.

"Ethnic cleansing" has not been recognized as an independent crime under international law and is therefore considered 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 was also 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.

Genocide
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 genocide are not randomly targeted: they are deliberately chosen, based on their real or perceived membership to one of the four groups.

This includes acts such 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

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* refers to them as "protected groups".

International Humanitarian Law

International humanitarian law[3] 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—including treaties or conventions. In customary rules, they are treated in practice by each State as legally binding, as well as being considered as general principles of expected codes of conduct. International humanitarian law applies to armed conflicts, but importantly, it does not regulate whether a State may 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 law[4] 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 State. The body of international human rights standards also contains numerous non-treaty-based principles and guidelines ("soft law").

Racism

Racism includes 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.[5]

War Crimes

There is no single international legal document that codifies all war crimes. However, the Geneva Conventions and their additional protocols are among the most significant of those that do. 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. Both combatants and non-combatants can be victims of war crimes.

This includes acts such as:

- Intentionally directing attacks against the civilian population generally or against individual civilians not taking direct part in hostilities

- Attacking or bombarding towns, villages, dwellings, or other buildings which are undefended and are not military objectives

- Employing poison or poisoned weapons

RISK FACTORS

Discussion of each risk factor includes an explanation of how it contributes to the risk of atrocities/specific crimes in the context of racism. In addition, indicators of what this may look like in practice have been provided.

Record of Human Rights Abuses Targeting Particular Racial Groups

Indicators:

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

2. Past acts of crimes against humanity, including, apartheid, slavery and slave trade, eviction of original inhabitants from native and indigenous lands, and biological experimentation on 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. In particular, when targeting specific 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 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. This is particularly true 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. Or, is such history a fact of the past that may not be a salient variable today. For example, an important step is to examine whether policies that enabled or permitted past abuses have been reformed (see, for example, indicators under Risk Factor 2: Policies and Legislation, Risk Factor 3: Structural Racism, and Risk Factor 6: Security and Racism). Analysts should also examine whether the historical concept of racial superiority was 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 that the duration of time since atrocities and human rights abuses took place relative to today, may have more bearing on identity-based tensions. In other words, the more recent the original atrocities and abuses, the more risk of current or future race-based atrocities.

Policies and Practices That Directly Limit the Rights of, or Target a Particular Group and/or Exhibit a Lack of Protections for a Particular Group

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 discrimination, segregation, 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, religion, or other cultural practices. Or, destruction of cultural heritage of particular racial or ethnic groups.

4. Policies aimed at erasing or minimizing the contribution of different racial groups in historical events that shaped the country's national identity.
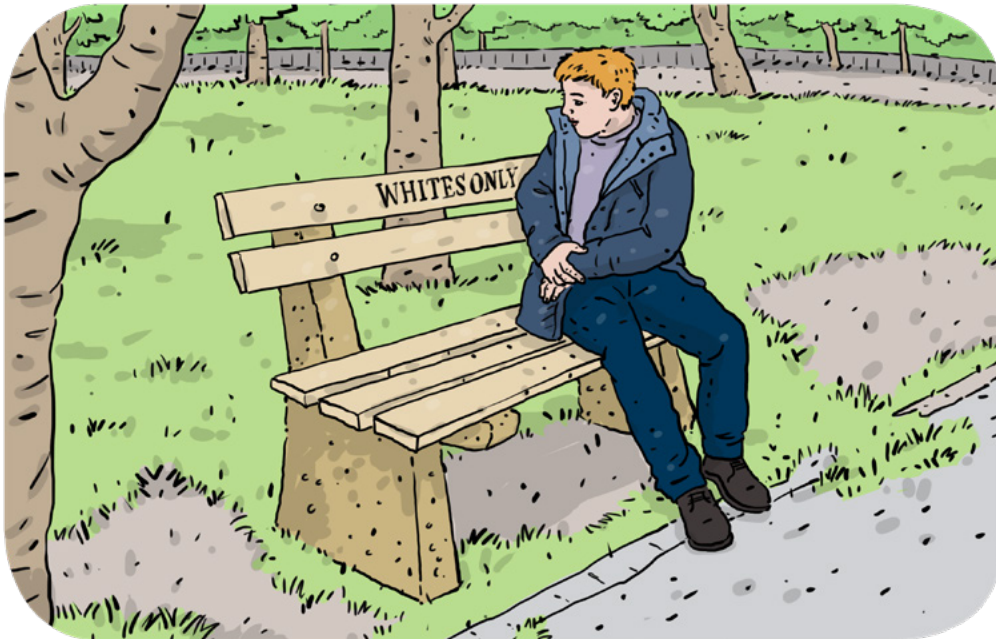
5. Policies and practices, including quotas and segregation, that limit where particular racial or ethnic groups can live, buy property, work, or receive an education.

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

7. Policies and practices that restrict social or cultural gatherings of 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 or constitute evidence of atrocities. Other policies may enable or permit an environment facilitating atrocities. Implementation of these types of policies may also create restrictions or exclusion of particular groups, Erasure of a group from national historical narratives and identities can lead to social and political questioning of a group's right to citizenship.

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

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

Presence of Structural Racism and Policies or Practices That Privilege One Race Over Others

Indicators:

1. Systems, laws, and (written or unwritten) policies and practices that perpetuate patterns of discrimination against particular racial or ethnic groups, or provide unfair advantages for one group over others.

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

3. Inequitable access to (or policies and practices that deliberately limit) quality education on the basis of race or ethnicity.

4. Inequitable access to (or policies and practices that deliberately limit) economic opportunities and goods and services, including employment, entrepreneurship, and property ownership on the basis of race or ethnicity.

5. Continued social practices or narratives that have racial undertones (explicit or implicit), including those justified as "tradition".

6. Forced cultural assimilation of particular racial or ethnic groups, as well as indigenous populations, by those in power.

7. Inequitable access to (or policies and practices that deliberately limit) social and cultural access to political and economic opportunities on the basis of race or ethnicity.

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

9. Judicial policies and practices that disproportionately punish individuals of a particular race or ethnicity.

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

11. Perpetuation of narratives that the economic, social, cultural, and political well-being of racial or ethnic groups traditionally disenfranchised or marginalized will adversely affect the well-being of the other racial groups within a society.

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

13. Infrastructure development policies and practices that target resources—including land, water, and mineral rights—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 produce racist policies that privilege one group over another. It systematically continues to deny particular racial and ethnic

groups of privileges and rights enjoyed by the rest of society and continues to deny those populations equal opportunity. This creates conditions for ongoing exploitation and abuse.

Structural or systemic risk factors include policies and practices that are institutionalized within the larger framework of a government and society, including financial and academic institutions. When such practices are ingrained within the entire institution of governance, it can result in abuses systemic and deeply embedded, such 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.

Where structural and systemic racism is entrenched, the continuation of these structures (or resistance to reform) is often accompanied by narratives of racial superiority. The risk of atrocities can increase in these countries when triggering factors (see Risk Factor 11: Political or Economic Instability) force the examination of these structures. Such examination may seem threatening to groups that have structural advantage.

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.

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. Absence of psycho-social support to victims and survivors of atrocities, including families and communities confronted by generational trauma.

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

7. Judiciary that lacks independence from other government structures.

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

9. Impunity for behavior by supremacist groups.

10. 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 perpetrators that such crimes will go unpunished. Outside of legal accountability, some of the structural indicators in Risk Factor 3: Structural Racism also create an enabling environment for impunity, as some government policies and practices allow and perpetuate abuses that constitute rights violations.

Denial and Resistance to Acknowledgement of History of Racism

Indicators:

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

2. Resistance to inclusion of history of racism and marginalization in the public sphere or education curriculum. Or, altering education curriculum to erase histories of racism and marginalization.

3. Absence of sites that recognize and memorialize past atrocities, or "historical" preservation or protection of locations or buildings associated with atrocities.

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

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

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

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

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

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

Explanation:

The indicators listed here in and of themselves may not lead to the commission of atrocities but can create an enabling and permissive environment to target particular 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. 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.

Colonial and Repressive Security Sector Practices and Personnel

Indicators:

1. Continuation of practices and policies within policing that repress and control particular racial and ethnic groups rather than provide protection to them, including the lack of or limited reform of security apparatus used by previous authoritarian or colonial regimes.

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

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

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

5. Disproportionate numbers of individuals from particular racial and ethnic groups experience custodial abuse, torture, or death.
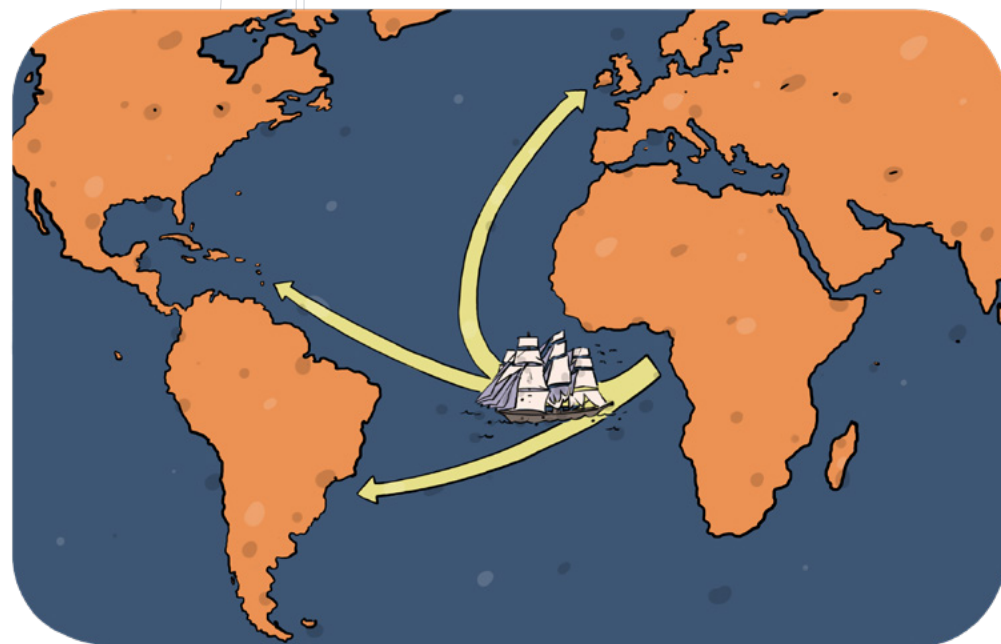
6. Lack of racial and ethnic diversity within the security sector and its leadership.

7. Lack of vetting of security force personnel regarding participation in past abuses against particular groups, or membership in groups that hold supremacist ideologies.

8. Legislation or government policies that strengthen the security apparatus, through reorganization or mobilization of additional resources, including frequent militarization of the police, against protected groups, populations or individuals.

9. Cultural racism and a permissive environment for racial profiling and race-based abuse.

10. Discriminatory security procedures and disproportionate punishments targeting particular racial or ethnic groups.

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

12. Minimization of violence committed against certain racial groups. Lacking or inadequate mechanisms of oversight and accountability, including those where victims can seek recourse.

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

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

15. Use of facial recognition and surveillance technology targeting populations based on race or ethnicity, as well as technologies and algorithms that are biased against particular racial and ethnic groups.

16. Racial profiling in policing, including through border and custom checks, immigration decisions, home searches, targeting for surveillance, or law and order operations.

17. Unequal (reduced) use of law enforcement resources on the disappearance of, and violence committed against, women, girls and children, LGBTQI+ persons, 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 enables an 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 enables impunity for abuses perpetrated by the government and security forces, which leads to widespread mistrust between the state institutions and the targeted group. Triggering events (see Risk Factor 11: Political or Economic Instability) may increase the risk of atrocities as lack of trust and legacy of abuses may impede de-escalation 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 based on 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. 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 group traditionally in power 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: Denial of Racism, 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 elimination 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 that limit the rights of particular races, especially when such ideologies are so widespread that elected officials believe they will be popular among the public. 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: Hate Speech and vice versa.

Risk Factor 8

Spread of Hate Speech, Xenophobia, and Racist Sentiments
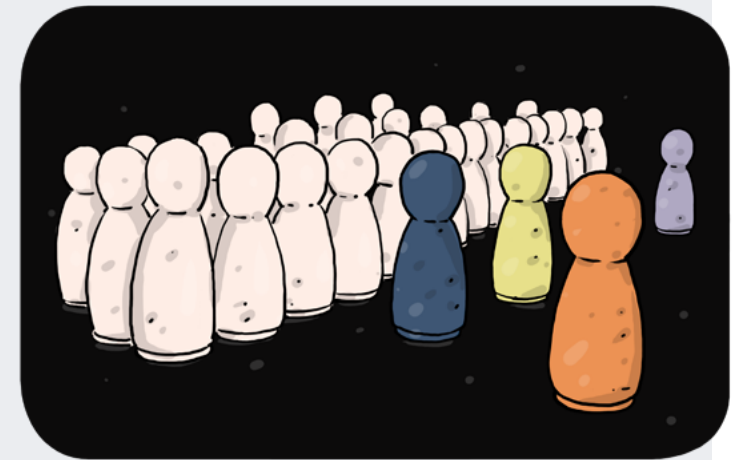
Indicators:

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 narratives that are anti-Black, anti-Semitic, anti-Asian, anti-Muslim, anti-Indigenous, anti-LGBTQI+, etc.

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 hate speech indicators, 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. For example, analysts should consider 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. Also consider 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 LGBTQI+ populations and against those individuals who may not conform to traditional ideas of gender.

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 holidays of significance to certain racial and ethnic groups.

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

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

6. Mob and communal level violence in response to inter-racial or inter-ethnic marriage or pregnancies.

7. 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 hostile presence, threats of physical force, or violent rhetoric in public spaces.

9. Inaction of government authorities and security sector in response to any of the above listed episodes of violence.

Explanation:

Many of these indicators may themselves constitute atrocity crimes when perpetrated in a pattern or on a widespread basis. They also may be warning signs of potential escalation. Presence of these indicators also implies that an enabling and a permissive environment exists for the commission of atrocity crimes. It may also imply that state institutions are complicit in the impunity for violence committed against particular racial and ethnic groups.

Situation of Armed Conflict or Civil War

Indicators:

1. Armed conflict driven by identity, where opposing sides each identify with a different racial group.
2. Real or perceived membership of, or support for, armed opposition groups, by 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 during conflict that disproportionately target particular racial or ethnic groups or areas inhabited by such groups.
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 use of prohibited weapons, against a particular racial or ethnic group.

Explanation:

Conflict and civil war inherently increase the risk of atrocities for all populations within the impacted 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. This includes consolidation of power in the hands of individuals who favor a particular racial group or who have previously been implicated in atrocities and rights abuses. It also includes military coup by forces implicated in abuses against particular groups, or imposition of laws and practices that target particular groups.
2. Democratic backsliding including crackdowns on political and civil dissent from particular racial groups, attacks on independent media, imposition of military rule in certain parts of the country, restrictions of 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 number of protest movements and increased 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.

For example, poverty in and of 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. This 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. 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 deliberately target particular racial and ethnic groups.

3. Resistance movements initiated by Indigenous or minority groups in response to government policies designed to confiscate their land or threaten their population

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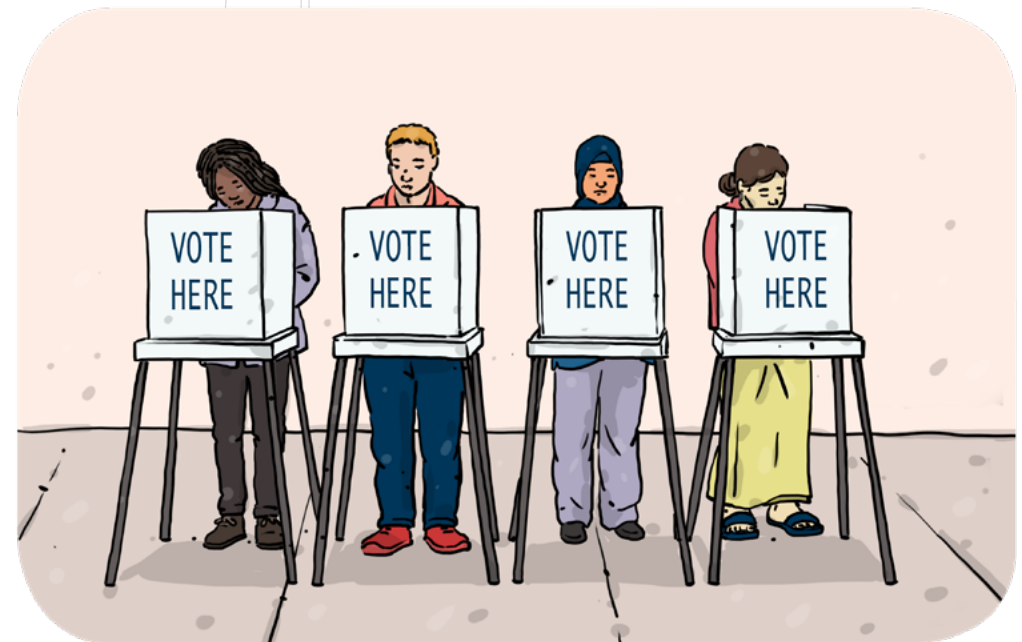
security of leaders, prominent individuals, or members of opposing groups. Other examples include killing a cultural or religious icon or an individual in a manner that has the ability to shock the general populace.

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 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 spark their onset. Many of the indicators above may seem unrelated to racism, However, when combined with other risk factors and societal conditions, including structural racism, they may result in atrocities based on 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 central 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 or Ethnicity

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. Public enthusiasm of 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."

CONCLUSION AND RECOMMENDATIONS

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Identity-based targeting has always been acknowledged as a critical factor in the commission of atrocity crimes. However, there has been insufficient analysis as to how racism specifically affects the likelihood of atrocity crimes in a particular country or region. Recognition of racism as a risk factor for atrocity crimes is a starting point for acknowledging how historical and current racist practices impact communities of color, marginalized communities, and indigenous communities in their day-to-day life. These crimes are as varied as they are harrowing: targeted violence against Afro-Brazilian men in the favelas of Rio de Janeiro, forced assimilation (and erasure of the culture) of indigenous populations, sexual and gender-based violence within marginalized communities. In all cases, these lived experiences demand urgent action.

Racism as a risk factor for atrocity crimes requires response and reform by a multitude of stakeholders. This includes institutions and individuals within national and local governments, regional and multilateral institutions and their various bodies, civil society, the private sector, and the media. The indicators and case studies in this document highlight why and when racism can lead to atrocity crimes. This toolkit can therefore be utilized by state actors and affected communities to assess risk. Specifically, to understand how race plays a central role in patterns of violence directed against particular populations, and advocate for necessary response and reforms in policies and practices. The following recommendations are a non-exhaustive list of actions that different stakeholders can take to alleviate and address the risk of war crimes, crimes against humanity, ethnic cleansing, and genocide in their societies.

To States, Territories, and Local Governments

- Commit to social and economic equality for all populations, regardless of race, color, ethnicity, origin or other status. This includes adopting or strengthening laws and policies that ensure equitable access to opportunities for development and advancement, social goods and services, education, employment, property and land ownership, and social safety net programs.

- Remove systematic barriers impeding comprehensive access for vulnerable and marginalized groups.

- Strengthen the transparency, inclusivity, and accountability of public institutions, including through initiating reforms that promote the full and equal participation of underrepresented groups in leadership and decision-making positions and government institutions, reflecting the full diversity of the communities they govern.

- Dismantle structures and systems designed and shaped by slavery and colonialism, as well as their legacies of unequal, racially discriminatory policies and systems.

- Combat, reform, and remove policies and practices that enable or promote exclusion and discrimination on the basis of identity, including race, color, descent, origin, ethnicity, or other status. Remove policies that enable racial segregation or create barriers to equal participation in public life, including those that block equal access to voting.

- Ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and other international and regional mechanisms for achieving racial justice and equality, including those aimed at equality for people of African descent such as the UN's Four Point Agenda Towards Transformative Change for Racial Justice and Equality.

- Cooperate with, implement recommendations by, and invite visits from international treaty bodies and UN Special Procedures mandate holders relevant to examining cultures of racism, racial injustice, and racial discrimination within countries, such as the Committee on the Elimination of Racial Discrimination, the UN Working Group on Experts of People of African Descent, the Special Rapporteur on the rights of Indigenous Peoples, the Special Rapporteur on minority rights, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Independent Expert Mechanism on Racism and Law Enforcement,

- Establish and support independent national human rights institutions, an ombudsperson's office and/or other bodies to hear grievances from marginalized populations. In addition, these institutions should track and monitor trends in abuses against specific groups on the basis of race, color, descent, origin, ethnicity, or other status, and alert relevant government actors as an early warning of potential atrocities. Include risk factors related to structural racism, racial discrimination, and the growth of supremacist ideologies within submissions to the UN's Universal Periodic Review.

- Implement security sector reform by building the professionalism and legitimacy of the police and security forces. This should include establishing codes of conduct that comply with international human rights standards, enforcing disciplinary procedures for non-compliance, and rigorously vetting potential personnel to exclude individuals with a past history of atrocities, human rights abuses or supremacist behavior. In addition, there should be thorough and transparent investigation of incidents that result in civilian harm or demonstrate biased treatment on the basis of race, descent, color, origin, ethnicity, or other status. Ensure law enforcement officials comply with recommendations of the Committee on the Elimination of Racial Discrimination, including General Recommendations No. 31 on the Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System and No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials.

- Promote access to justice and legal assistance for all populations, regardless of race, descent, color, origin, ethnicity or other status. This includes empowering courts and tribunals to provide access to legal representation and interpreters, offer financial support for legal assistance and psychosocial support services, especially for vulnerable and marginalized groups. Support should be provided to such services to expand the geographical reach of judicial services, including through outreach and referral services. And measures should be taken to ensure the judiciary includes adequate representation of minority and Indigenous populations.

- Cultivate, support, and protect a strong, free, and independent civil society—including independent media. Ensure the safety and security of human rights defenders and other members of civil society that stand up to racism and are engaged in the promotion of racial equality and justice.

- Utilize the education sector to promote tolerance, respect for diversity,

and an understanding of the history of mass atrocities. Review and revise national curricula to ensure that teaching history includes narratives that have been historically suppressed or marginalized. Support schools as platforms for building social cohesion in communities, including through developing educational resources that combat negative stereotyping and supremacist narratives while promoting tolerance and respect for diversity.

- Provide acknowledgement, justice, and redress for past and current atrocity crimes. This includes establishing transitional justice processes for truth-seeking, truth-telling, justice and accountability, reconciliation and social cohesion, as well as memorialization of past atrocity crimes to guarantee non-recurrence. Acknowledge abuses perpetrated or directed by state entities against vulnerable populations, including Indigenous peoples. Ensure the effective participation of affected communities and the use of victim-centered approaches in all processes aimed at addressing the past.

- Initiate reparations and reparatory justice that address individual and collective hardships of particular racial groups due to structural racism and histories of violence, enslavement, persecution, and other atrocities.

- Provide psycho-social or culturally appropriate healing support services to address trauma stemming from structural and systemic discrimination,

polarization, segregation, and exclusion. This includes legacies of unresolved historical trauma which are the basis of current atrocities and violence. This includes generational historical trauma and present trauma resulting from socioeconomic shock and systemic inequality, all of which pose an existential threat for the majority of those marginalized and excluded.

- Address inter-communal and inter-racial tensions at the local level, including through local mediation and community dialogue programs. Promote local peacebuilding initiatives, and support initiatives that promote inclusivity and impartiality of local dispute resolution processes.

- Acknowledge potential disproportionate impact of environmental degradation and climate change on racial and ethnic minority populations, and adopt and implement policies that confront potential long-term impacts of climate-related fallout.

- Implement regulation that combats hate speech, incitement of violence, and growth of supremacist groups and ideologies. Monitor the spread of hate speech, xenophobia, racism, antisemitism, and other supremacist ideologies. This includes dangerous misinformation and disinformation (including through the media) targeting racial or ethnic groups, and respond to direct threats to particular groups.

- Support public officials and religious leaders to publicly promote values of tolerance and respect for diversity, and encourage speaking out against derogatory stereotyping, stigmatization, intolerance, and hate speech.

- Regulate and curtail activities of multinational corporations and businesses complicit in increasing risks of atrocities against vulnerable groups located in regions rich in natural resources.

- Regulate trade and investment with countries where atrocity crimes persist, particularly instances of forced labor of particular ethnic or racial groups or intentional degradation of traditional lands belonging to such groups.

To the United Nations, Regional and Local Organizations, Regional Courts, and Human Rights Groups:

- Establish and sufficiently resource offices, special mechanisms, committees, and other entities that work toward the elimination of racial and ethnic discrimination at the international and regional level.

- Utilize the international human rights system to address racism. Ensure that the Office of the UN High Commissioner for Human Rights has the necessary capacities and expertise to analyze the impact of racism on human rights within a particular country. Facilitate participation and shadow reporting from dissenting voices for the Universal Periodic Review of a particular country. Within that process include indicators that measure progress toward ending racial and ethnic discrimination. With regard to providing technical assistance and capacity building programs for countries, include programs that specifically address racial and ethnic discrimination and provide financial and technical support for early warning mechanisms.

- Continue to monitor trends of racism and related atrocity risks and encourage states to adopt international measures that can hold governments and individuals accountable for potential violations and abuses of international law.

- Provide funding to national and regional civil society programs that seek to address and eliminate racial discrimination.

- Provide administrative, financial, and legal assistance to civil society at all levels. This includes support for indigenous communities and human rights defenders that are resisting and holding the state accountable for atrocities committed against certain racial and ethnic groups.

- Amplify and share best practices on addressing structural and institutional racism.

- Establish hiring practices that promote diversity, equality, and inclusion at all levels of the organization.

- Acknowledge potential disproportionate impact of environmental degradation and climate change on racial and ethnic minority populations, and adopt and implement policies that confront potential long-term impacts of climate-related fallout.

To local, National and International Civil Society:

- Promote social and communal cohesion through educational and social programs.

- Educate and explain how structural and institutional racism affects everyday life experiences of particular racial and ethnic groups.

- Create spaces that promote inter-racial and inter-communal dialogue.

- International and national civil society organizations should provide a platform for, and elevate voices of, local and indigenous civil society and actors who are often at the front lines of resistance.

- Use arts, memory, and cultural activities to create safe spaces for having dialogue, exploring diversity, and discovering commonalities in values.

- Civil society working on health, education, women's empowerment, child development, environmental issues, and other issues should promote diversity, inclusion, and equality in its programming and staff. Recognize how their organizations can address structural and institutional biases.

- Create coalitions that can elevate and amplify messaging to state and non-state actors about institutional and structural violence often experienced by particular racial and ethnic groups.

- Strengthen channels of communication between local and international society to bolster affected communities' access to multilateral spaces.

- Learn and share best practices, tactics, and strategies that have worked in the past or in other contexts to combat racism, prevent atrocities, and ensure non-recurrence of past abuses.

- Promote national, regional, and international solidarity with other civil society organizations working on similar themes.

- Urge government actors to become signatories to relevant treaties, declarations and conventions to promote adherence to international standards of conduct, including the International Convention on the Elimination of All Forms of Racial Discrimination.

- Collect and promote data on discriminatory practices, human rights violations, hate speech and other factors that disproportionately affect populations on the basis of race. Raise awareness within government of discriminatory human rights violations and make submissions to the UN, including the UPR process, and regional human rights bodies utilizing documented evidence of such violations.

Endnotes

1   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

2   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/

3   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

4   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

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

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