

# EU RESPONSIBILITY TO PROTECT – ATROCITY PREVENTION TOOLKIT

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## Why a toolkit?

The prevention of violent conflict is a key priority for the EU. This toolkit is meant to assist EU-staff in recognising and responding to atrocity crimes (genocide, crimes against humanity, war crimes and ethnic cleansing). It is a tool implementing the global commitment of the Responsibility to Protect (R2P).

To be easily used, the toolkit is structured in 3 different parts:

1. **Structural risk indicators** – a list of structural risk factors showing that the more systematic is the pattern, the higher is the risk for atrocity crimes in any given country;
2. **Imminent warning signs** – a checklist of imminent warning signs that can be better perceived on the field and monitored to understand the trend of the situation;
3. **How to respond to warning signs** – this section suggest concrete possible measures, at short, medium and longer term, to avoid or mitigate the risk of atrocity crimes. Finally, this part expands on how to be sensitive to R2P risks and suggest instruments to assess the situation;

In the **background** the summary explains the concept of the R2P and atrocity prevention with definition and key partners.

EU Delegations, in cooperation and coordination with CSDP missions and operations whenever present on the field, play a key role in identifying early warning signs and devising policy options to prevent atrocity crimes. To ensure early warning is followed by early action, EU Delegations are now involved more strongly in the process and Heads of Delegation are encouraged to take a leading role in driving EU action and reporting on implementation, together with Member States.

In case of imminent risks of atrocity crimes, the EU Delegation needs to shift the focus directly to the potential victim group and, differently from conflict prevention, to the actors that potentially could commit such atrocities. If the EU wants to uphold its values, it cannot remain inactive or neutral. Depending on the local context and its dynamics, already EU political pressure or the threat of certain measures can have an impact. Similarly, after consultations with partners, it can in certain settings be appropriate to use explicit atrocity prevention language to spell out the risks, consequences and responsibilities.

It is key to prioritise steps which best protect the targeted group and address the potential perpetrators. It is not possible to draw up a more specific list of R2P measures – each situation demands its own contextual analysis and a tailored response. Information on the imminent risk of atrocity crimes or their commission and any changes hereto should promptly be analysed and passed on to the EU system. The Delegation has to turn *warning signs* into clear and explicit *warnings* to alert the relevant actors, including the GEO-desks, [PRISM](#) and the [EU R2P Focal Point, EEAS DSG Leffler](#) and his [office](#).

When atrocity crimes are being committed, prevention has failed. However, even in the aftermath of atrocity crimes, R2P efforts may help to prevent a further or renewed escalation of violence and to minimise further harm among victims. Prevention is of great importance all along the conflict cycle: pre-conflict, in the conflict and post-conflict, as well as in the reconciliation phase.

## 1. Structural risk indicators

Genocide and/or other atrocity crimes do not happen overnight. They are usually the final culmination of a longer process. This means atrocity prevention should already be considered, even when only certain indicators, pointing towards a potential future crisis, are visible. The indicators will be similar to those used in conflict prevention, i.e. EU Delegation staff needs to assess certain structural conditions and risk factors in the given society.

The [EU conflict Early Warning System](#) (EWS) and the [UN Framework of Analysis for Atrocity Crimes](#), as well as other expert sources, all list a number of different **risk factors** that can be distinguished in different categories including **threat multipliers**, **structural factors**:

- climate change, environmental/demographic pressure
- resource stress/scarcity of resources, food insecurity
- low economic interdependence
- evidence of intent to destroy or eliminate a targeted group
- a history of atrocity crimes committed with impunity that continue to shape inter-communal/inter-ethnic relations
- relative deprivation of certain groups when it comes to resources or influence
- competition and divisions among different ethnic or other groups
- shrinking political spaces for a group or more based on identity (e.g. religion, ethnicity, etc.)
- absence/fragility of rule of law/democracy, weak state structures for the protection of human rights
- widespread impunity, lack of independence of the judiciary
- the state sponsors or fails to prevent incidents of violence or/and atrocity crimes between identity groups
- the state fails to address hate speech and incitement to hatred, through appropriate legal frameworks, legal prosecution, open condemnation of hate speech in public arenas, including social media and other mass media
- serious violations of/ or adoption of measures that undermine human rights and international humanitarian law
- Lack of awareness/training regarding human rights and international humanitarian law on behalf of military forces/police/irregular armed groups
- a situation of armed conflict or other forms of instability
- (increased) serious acts of violence against women and children including sexual and/or gender-based violence, or the creation of conditions that facilitate acts of sexual and/or gender based violence against those groups, including as a tool of terror
- Increased military or police presence in certain areas/regions

None of these preconditions alone are a sign that atrocity crimes will be committed. But research suggests that the more systematic is the pattern, the higher the risk for atrocity crimes.

Early Warning Signs need to be identified analysed and reported.

No risk indicator allows for perfect forecasting of atrocity crimes. Thorough, contextual analysis and a conflict analysis, with an integrated gender and power perspective, are key. However, in particular on atrocity crimes, it is better to over- rather than under-report.

Before risk factors evolve into actual atrocity crimes, the potential perpetrators need to develop and nurture a motive for committing such crimes. Such a motive is the root cause for the atrocities and often takes the form of a grievance<sup>1</sup>. They also need to obtain the necessary means to actually do so and experience a trigger event (for example an election, an economic crisis or the spill over of an armed conflict from a neighbouring country), which serves as opportunity to set the plan into motion. These three elements of a **motive**, **means** and potential **trigger** events, as well as notable changes in regard to other relevant structural issues, should inform atrocity prevention.

Each R2P analysis also requires an assessment of potential mitigating factors, or sources of resilience, such as a strong national media and/or social media, a vibrant civil society, an independent national human rights body or the presence of the UN and/or regional actors inside the country. Each situation, each country requires its own analysis and interpretation – there are no simple R2P checklists that lead to clear-cut predictions.

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<sup>1</sup> United Nations; World Bank. 2018. *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. Washington, DC: World Bank.

## 2. Imminent warning signs

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### Pre-conditions for atrocity crimes:

- economic instability caused by scarcity of resources or severe/sudden crisis in the economy
- political instability caused by a turn of events in the course of an armed conflict, abrupt or irregular regime change, transfer of power or denial of such after elections
- increased availability of arms and increased presence of security forces/armed groups, including irregular paramilitary or militia groups

### Imminent Warning Signs:

- ideologies based on the supremacy of a certain group
  - increased politicisation of identity and of relevant historical events
  - (perceived) threat by certain groups against the elites or from elites in power
  - physical or political elimination of moderate forces within society; crackdown on protests and social movements
  - widespread impunity and/or lynching
  - incitement in the political discourse/on social media to discrimination or/and atrocity crimes against certain groups; dissemination of hate speech – messages in public discourse and the media, including social media, which spread hostility and encourage people to commit violence against specific communities, often based on their identity
  - discriminatory legislation that increasingly obstructs the basic rights of certain groups
  - imposition of emergency laws or extraordinary security measures that erode basic rights
  - indications of a hyper-masculinized environment, which allows Sexual Gender Based Violence to take place, and signs that assertions of masculinity are about to turn violent
  - marking of people or their property based on (perceived) affiliation to a group; physical segregation of the target group, or severe restrictions to its freedom of movement
  - attacks against or destruction of homes, farms, businesses or other livelihoods of certain groups and/or of their cultural and/or religious symbols and property
  - imposition of strict controls on the use of communication channels and/or on the work of the (international) media and/or on civil society
  - concerns and calls for action are expressed by local civil society, national human rights institution (NHRI), relevant special procedures of the Human Rights Council, UN High Commission for Human Rights, or Secretary General
  - increased push-back against international efforts to engage with national authorities, to mediate and to provide accountability (e.g. through the International Criminal Court)
  - denial (or partisan account) of past or ongoing serious violations of international human rights and humanitarian law, including sexual violence and gender-based violence, targeting members of certain groups
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**What should I do when a political leader says:  
"They are like cockroaches. We must finish with them."**

### 3. How the EU delegation should respond to imminent warning signs

If the country shows a number of structural risks factors and the delegation perceives some of the imminent warning signs as described before, it is useful to look into possible way to respond to them.

The delegation is already contributing to a number of reports that contain information that help to assess possible atrocity crimes, such as:

- Human Rights and Democracy Country Strategy
- Annual Report on Human Rights and Democracy
- Civil Society Roadmap
- Gender Analysis
- Implementation Report on Human Rights
- Fiche on democracy
- International Criminal Court (ICC) Report
- UN reports or updates
- Feedback from meetings with CSO, Human Rights Defenders, Academia, Trade Unions etc.

Building on those, the delegation is responsible for reporting on the warning signs and – where relevant in consultation with Member States - discussing with headquarters options for (preventive) action to promote the protection of (potential) victim group.

The report by the Delegation should highlight the warning signs and assess the risk of atrocity crimes being committed, explain their significance vis-à-vis EU interests and fundamental values, and spell out what actions could be taken to avoid or mitigate the risks. The Delegation should also underline specific needs such as additional resources or the dispatch of a political or technical support missions. In return, GEO-desks, PRISM and the EU Focal Point, DSG Leffler and his office will work to ensure a timely and adequate, if necessary political response to the R2P issues from headquarters.

This reflects the aim of the Joint Communication on Resilience<sup>2</sup>, that identifies how a strategic approach to resilience can increase the impact of EU external action and sustain progress towards EU development, humanitarian, foreign and security policy objectives. It recognises the need to move away from crisis containment to a more structural, long-term, non-linear approach to vulnerabilities, with an emphasis on anticipation, prevention and preparedness.

#### Instruments immediately available to delegation:

- Analyse and political reporting, ideally in the form of a HoMs-report to ensure EU Member States buy-in
- Have a dialogue with local civil society, international, regional and humanitarian organisations and key partners

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<sup>2</sup> Joint communication to the European Parliament and the Council, June 2017. *A Strategic Approach to Resilience in the EU's external action.*

- Engage in urgent political and policy dialogues with key political representatives
- Request a conflict analysis and risk assessment/ scenario planning to promote a shared analysis of the situation and develop options for action
- Request additional actions to specifically prevent the atrocity crimes such as mediation, dialogue support or situational workshop
- Request for a fact finding mission in case there is a lack of information on developments on the ground and whether not possible request for a VTC
- Public and private policy dialogue
- Establishing a fact-finding group
- Deployment of (EU) eminent (regional) persons/envoys
- Recommend organizing a crisis meeting – one of the tools of the EEAS Crisis Response Mechanism

### Instruments available for EU action at the national, regional and multilateral level in medium and long term perspective (non-exhaustive list)

- Exchange of information and analysis with key partners (i.e. UN, AU) and civil society
- Review of the EU's engagement against the developed analysis (e.g. the promotion of gender/minority inclusive labour policies; the promotion of peace education initiatives etc.)
- Enhanced/targeted dialogue with the government (key government officials, key ministries)
- Promote mediation activities reaching out to EEAS in-house Mediation Support Team within PRISM, tasked with supporting EU institutions and partners with training, technical expertise, advice and real-time support on how to use mediation and dialogue as a tool of first response before, during and in the aftermath of armed conflicts
- Ask for the support of PRISM's peace and conflict advisers who help country teams with the design and delivery of joint conflict and situation analysis
- Use the EU Security Sector Governance Facility that allow mobilising at short notice additional experts for specific operational activities in support of EU delegations
- Support Security Sector Reform activities (i.e. analyse the partner country's security sector; support the development of country-specific EU strategies for SSR support and design appropriate SSR support actions, including CBSD; engage in partnerships with the UN and relevant regional actors)
- The use of EU political, economic or trade incentives
- National and Regional aid programmes
- Consider to invoke the 'human rights clause' in EU cooperation and assessment agreements or Article 96 of the Cotonou Agreement for ACP states
- Consultations with civil society including women's organisations
- EU prevention and protection measures for local civil society/media and individual human rights defenders
- The establishment of an appropriate international monitoring or investigating mechanism (special rapporteur, commission of inquiry, fact-finding mission etc) at a regular or special session in the UN Human Rights Council
- The use of high-level EU messaging
- Deployment of a stabilisation action
- Use EIDHR crisis facility and Human Rights Defender component

- Use facilities on Justice and Transitional Justice, Support to Mediation, Security sector Reform, Recovery and peacebuilding assessment implemented by FPI as part of Art.4 of the Instrument contributing to Stability and Peace (IcSP)
- Formulation of a crisis response measure under the IcSP
- Deployment of a CSDP mission or operation
- Review and revise the mandate of the already existing CSDP mission or operation
- Envisage the involvement of the International Criminal Court or other accountability measures
- Considering option for jamming of channels used for hate speech communication
- The adoption of an EU travel ban, a trade or arms embargo or/and the freezing of assets
- The imposing of diplomatic sanctions

## How can the delegation concretely address R2P risks?

To capture and react to imminent signs of atrocity crimes the delegation should be sensitive to R2P.

Structural atrocity prevention means identifying indicators which signify a risk for R2P crimes. For EU delegations this type of prevention includes:

- 1) Analysis and reporting
- 2) Risk assessment / scenario planning
- 3) Public and private policy dialogue
- 4) Incorporating atrocity prevention in diverse range of activities including development assistance.

When programming exercises are launched an 'atrocity prevention lens' should be applied if needed. While adhering to the **"do no harm" principle**, besides making sure that EU action on the ground should not support or create atrocity, structural atrocity prevention seeks to strengthen the local resilience capacities of a society, prevent armed conflict and mitigate other upstream risks for atrocity crimes.

### a) Analysis and reporting

If atrocity risks already are visible, the EU Delegation should in its reporting, reviews and the EWS process assess the risks, state their significance to EU interests and spell out what actions could be taken to avoid or mitigate the risks. This should include options to support and cooperate with local partners and civil society at local, regional and global events. The Delegation should also inform the [staff of the EU Focal Point](#), including potential requests for support in the R2P analysis or regarding measures to be taken. EU staff should continuously monitor the imminent warning signs as indicated in the summary of this toolkit.

A contextual, country-specific analysis remains essential. It is important to recall that it is extremely difficult to achieve certainty concerning potential or actual atrocity crimes; In reporting, Delegation should specifically highlight the imminent atrocity crime indicators as well as relevant changes to ensure the necessary attention and response. Delegations should rather err towards over-reporting when atrocities seem likely.

## b) Risk Assessment / Scenario planning

At EEAS Headquarters there is a division which has capacity to assist delegations with analysis of conflict and conflict sensitive planning and which integrates an atrocity prevention lens into its work: [PRISM](#), i.e. Prevention of Conflicts, Rule of Law/Security Sector Reform, Integrated Approach, Stabilisation and Mediation. PRISM, in cooperation with several Commission's General Directorates, including with help from external consultants, can assist with:

- Reaching a shared analysis of a situation (Situational Analysis Workshop: context, causes of conflict, factors of resilience, actors, conflict dynamics, scenarios)
- Identifying options for action/programming (existing and planned actions to response, identification of key gaps, options and strategies) and suggesting additional actions to specifically prevent the atrocity like mediation or dialogue support
- Reviewing of the EU's engagement against the developed analysis to ensure a conflict sensitivity approach
- Promoting an integrated approach with key internal and external partners
- Suggesting triggering the Crisis Response Mechanism to identify if additional security measures need to be deployed/installed.

Each R2P analysis also demands a survey of potential mitigating factors such as a strong national media, a vibrant civil society, an independent national human rights body or the presence of the UN and/or regional actors inside the country. Each situation, each country requires its own analysis and interpretation – there are no simple R2P checklists that lead to clear-cut predictions.

## c) Policy dialogue in R2P crisis situations

Dialogue is a key element in preventing conflict and addressing crisis. Based on the risk assessment carried out and in view of the structural risk factors identified, the EU Delegation should review existing policy dialogues with an "atrocity prevention lens". If no policy dialogues exist in those policy fields where unbalances have been identified as structural risk factors for atrocity crimes, the initiative should be taken to propose one to the relevant authorities. Member States should be consulted on the ground as appropriate.

Fields of policy dialogue relevant to atrocity prevention can be - non-exhaustively - good governance and rule of law, justice and security - including transitional justice, employment, education, health, environment, or building the State's institutional capacity in these sectors.

Inclusiveness, as necessary, is a key element to guarantee the effectiveness of policy dialogue. Beyond contacts with regional or local authorities, EU Delegation engagement should also comprise all civil society partners who have a stake in the policy field of the dialogue. While the government and public institutions could be obvious partners, genuine participation of civil society is also necessary for a successful outcome. Non-governmental organisations, including grass-roots organisations, academia and the private sector are partners whose point of view should be taken into account in the outcome of the dialogue. Policy experts from both the EU and the partner country should inform the dialogue. The publicity given to such dialogues should be assessed on a case by case basis.

## d) Incorporating atrocity prevention in diverse range of activities including development assistance

### ***Instrument contributing to Stability and Peace (IcSP)***

The Instrument contributing to Stability and Peace places human rights as a core principle. Its crisis response component is specifically dedicated to provide technical and financial assistance in response to the exceptional and unforeseen situations, including specifically those posing a threat to democracy, law and order, the protection of human rights and fundamental freedoms, or the security and safety of individuals, in particular those exposed to gender-based violence in situations of instability. Such IcSP measures, which are non-programmable and managed by the FPI, can cover a wide range of activities in response to such situations, including the provision of support for measures to promote and defend respect for human rights and fundamental freedoms, democracy and the rule of law, and the related international instruments as well as support for international criminal tribunals and ad hoc national tribunals.

One of the priorities of the IcSP conflict prevention component is to promote early warning and conflict sensitive risk analysis, in particular the design and implementation of high quality and relevant early warning systems with a short and medium term horizon, identifying situations at risk of violent conflict including the risk of atrocity crimes event atrocity crimes such as genocide, war crimes, crimes against humanity and ethnic cleansing.

### ***European Instrument for Democracy and Human Rights (EIDHR)***

The European Instrument for Democracy and Human Rights (EIDHR) the thematic funding instrument for EU external action aiming to support projects in the area of human rights, fundamental freedoms and democracy in non-EU countries. This instrument has a strong focus on civil society and it is designed to support to become an effective force for political reform and defence of human rights. In particular it can be used to also address atrocity crimes.

**Former UNSG Kofi Annan:**

***"Today's human rights violations are the causes of tomorrow's conflicts."***

## Background:

EU Delegations at times operate in settings where atrocity crimes have been committed or risks being committed in the future. EU colleagues emphasise the need for greater knowledge on how to recognise the warning signs and how to respond on the ground.

At the political level, the Council of the EU and the High Representative have repeatedly expressed their commitment to turn the Responsibility to Protect (R2P) into action and to better integrate it into all relevant areas.

Preventing atrocity crimes is also about EU interests. Currently millions of refugees are fleeing from instability and atrocity crimes. These crimes usually also lead to a collapse of the economy and will hinder future development and trade. To work on R2P means to address root causes behind the crises and to contribute to the stabilisation of fragile countries.

The EU Global Strategy identifies as priorities preventive efforts and increased monitoring of root causes for conflicts. All reporting and analysis by EU Delegations is essential to help the EU and Member States to develop and implement better policy options.

## What is the 'responsibility to protect' and 'atrocity prevention'?

[R2P](#), as elaborated in the 2005 World Summit Outcome Document, is a global commitment heads of government unanimously agreed to at the United Nations in October 2005. Some prefer the term atrocity prevention over R2P. In practice, atrocity prevention and R2P often pursue the same objectives.

R2P has 3 pillars:

- Pillar 1: Each government is responsible to protect its population against four specified atrocity crimes (genocide, crimes against humanity, war crimes<sup>3</sup> and, as elaborated in the 2005 World Summit Outcome Document, ethnic cleansing). This responsibility is part of the state's sovereignty.
- Pillar 2: The international community has a responsibility to assist individual governments in their responsibility to protect their population. This assistance can come in the shape of encouragement or more direct forms of support including capacity building.
- Pillar 3: In addition, the international community has the responsibility, through the United Nations, to use appropriate diplomatic, humanitarian and other peaceful means to help protect populations. If the respective government manifestly fails its responsibility to protect, the international community has

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<sup>3</sup> As already made explicit in the Rome Statute of the International Criminal Court, the passage of UNSC Resolution 1820 the UN reiterated that "rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide" and demanded that "all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence."

resolved to take collective measures to protect the population. This is to be done in a timely and effective manner, on a case-by-case basis, and in accordance with the UN Charter. In this last scenario, relevant steps can include sanctions, a referral of the situation to the International Criminal Court or the authorization of armed force.

R2P is *not* the same as [humanitarian intervention](#). R2P is primarily focused on prevention, not intervention. [R2P is also different from conflict prevention](#). However, in terms of prevention there is substantial overlap, especially with regard to structural risk factors. However, atrocity crimes also take place *outside* armed conflicts – through a suppressive regime, intercommunal violence or in a post-conflict setting. R2P therefore requires adding a special ‘atrocity prevention lens’ to inform policy and decision making appropriately.

## Who plays which role in R2P and Atrocity Prevention?

**EU Member States** are strong supporters of R2P and its implementation and 23 EU members have appointed a senior diplomat to act as [R2P Focal Point](#), to focus and facilitate the work on applying R2P in practice. Member States focal points work together with the EU R2P focal point. Since February 2016, [Christian Leffler, Deputy Secretary General of the EEAS](#), is the new **R2P Focal Point of the EU**.

In addition, states make use of **informal, cross-regional networks** to advance R2P and exchange good practices. Key fora are the Global Network of National R2P Focal Points and the state-led Global Action Against Mass Atrocity Crimes ([GAAMAC](#)).

At the UN General Assembly, states annually hold an [informal dialogue on the state and meaning of R2P](#). The dialogue is based on [annual, thematic R2P reports by the UN Secretary General](#).

In addition, the UN has a small, dedicated office dealing with genocide prevention and R2P. It is headed by two [UN Special Advisers to the Secretary General](#), who also carry out country visits to engage national leaders on the atrocity prevention agenda, make statements and, upon request, can brief the UN Security Council. The [Joint Office on Genocide Prevention and R2P](#) has developed a widely recognised [Framework of Analysis for Atrocity Crimes](#) and helped to clarify the scope and meaning of R2P by writing the annual R2P reports for the Secretary General.

Close dialogue with UNSG's Special Advisers on respectively RtoP (to be appointed by the UNSG), and on the Prevention of Genocide, Adama Dieng, is key both at political and at technical level, exchanging information and exploring possibilities for joint action. UNSG's Special Advisor on sexual violence in conflict and the Special Advisor for Children in Armed Conflict can be involved as well.

International Criminal Court and civil society are providing us with valuable input on the way forward.

International key NGOs include the [Global Centre for R2P](#), which functions as secretariat for the Focal Point network, publishes [R2P alerts](#) and lobbies states to better integrate R2P at the UN.