



# OFFICE OF THE UN SPECIAL ADVISER ON THE PREVENTION OF GENOCIDE (OSAPG)

## ANALYSIS FRAMEWORK

### Legal definition of genocide

Genocide is defined in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (1948) as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: 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<sup>1</sup>; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

### Elements of the framework

The Analysis Framework comprises eight categories of factors that the OSAPG uses to determine whether there may be a risk of genocide in a given situation. The eight categories of factors are not ranked, and the absence of information relating to one or more categories does not necessarily indicate the absence of a risk of genocide; what is significant is the cumulative effect of the factors. Where these factors are effectively addressed, no longer exist or are no longer relevant, the risk of genocide is assumed to decrease.

### Framework

Factors and explanation	
<b>1. Inter-group relations, including record of discrimination and/or other human rights violations committed against a group</b>	<p><i>Issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Relations between and among groups in terms of tensions, power and economic relations, including perceptions about the targeted group;</li> <li>• Existing and past conflicts over land, power, security and expressions of group identity, such as language, religion and culture;</li> <li>• Past and present patterns of discrimination against members of any group which could include: <ul style="list-style-type: none"> <li>○ Serious discriminatory practices, for instance, the compulsory identification of members of a particular group, imposition of taxes/fines, permission required for social activities such as marriage, compulsory birth-control, the systematic exclusion of groups from positions of power, employment in State institutions and/or key professions<sup>2</sup>;</li> <li>○ Significant disparities in socio-economic indicators showing a pattern of deliberate exclusion from economic resources and social and political life.</li> </ul> </li> <li>• Overt justification for such discriminatory practices;</li> <li>• History of genocide or related serious and massive human rights violations against a particular group; denial by the perpetrators;</li> <li>• References to past human rights violations committed against a possible perpetrator group as a justification for genocidal acts against the targeted group in the future.</li> </ul>

<sup>1</sup> It might be necessary to determine if all or only a part of the group at risk within a specific geographical location is being targeted. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough (substantial) to have an impact on the group as a whole. The substantiality requirement both captures genocide's defining character as a crime of massive proportions (numbers) and reflects the Convention's concern with the impact the destruction of the targeted part will have on the overall survival of the group (emblematic).

<sup>2</sup> This could include security, law enforcement or oversight apparatus, such as police, army and judiciary.

<p><b>2. Circumstances that affect the capacity to prevent genocide</b></p>	<p>Structures that exist to protect the population and deter genocide include effective legislative protection; independent judiciary and effective national human rights institutions, presence of international actors such as UN operations capable of protecting vulnerable groups, neutral security forces and independent media.</p> <p><i>Issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Existing structures;</li> <li>• The effectiveness of those structures;</li> <li>• Whether vulnerable groups have genuine access to the protection afforded by the structures;</li> <li>• Patterns of impunity and lack of accountability for past crimes committed against the targeted groups;</li> <li>• Other options for obtaining protection against genocide, e.g. presence of peacekeepers in a position to defend the group, or seeking asylum in other countries.</li> </ul>
<p><b>3. Presence of illegal arms and armed elements</b></p>	<p><i>The issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Whether there exists a capacity to perpetrate genocide - especially, but not exclusively, by killing;</li> <li>• How armed groups are formed, who arms them and what links they have to state authorities, if any;</li> <li>• In cases of armed rebellions or uprising, whether a state has justified targeting groups from which armed actors have drawn their membership.</li> </ul>
<p><b>4. Motivation of leading actors in the State/region; acts which serve to encourage divisions between national, racial, ethnic, and religious groups</b></p>	<p><i>The issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Underlying political, economic, military or other motivation to target a group and to separate it from the rest of the population;</li> <li>• The use of exclusionary ideology and the construction of identities in terms of “us” and “them” to accentuate differences;</li> <li>• Depiction of a targeted group as dangerous, disloyal, a security or economic threat or as unworthy or inferior so as to justify action against the group;</li> <li>• Propaganda campaigns and fabrications about the targeted group used to justify acts against a targeted group by use of dominant, controlled media or “mirror politics”<sup>3</sup>;</li> <li>• Any relevant role, whether active or passive, of actors outside the country (e.g., other Governments, armed groups based in neighboring countries, refugee groups or <i>diasporas</i>) and respective political or economic motivations.</li> </ul>
<p><b>5. Circumstances that facilitate perpetration of genocide (dynamic factors)</b></p>	<p><i>Issues to be analyzed here include:</i></p> <p>Any development of events, whether gradual or sudden, that suggest a trajectory towards the perpetration of genocidal violence, or the existence of a longer term plan or policy to commit genocide. Examples:</p> <ul style="list-style-type: none"> <li>• Sudden or gradual strengthening of the military or security apparatus; creation of or increased support to militia groups (e.g., sudden increases in arms flow) in the absence of discernible legitimate threats;</li> <li>• Attempts to reduce or eradicate diversity within the security apparatus;</li> <li>• Preparation of local population to use them to perpetrate acts;</li> <li>• Introduction of legislation derogating the rights of a targeted group;</li> <li>• Imposition of emergency or extraordinary security laws and facilities that erode civil rights and liberties;</li> </ul>

<sup>3</sup> “Mirror politics” is a common strategy to create divisions by fabricating events whereby a person accuses others of what he or she does or wants to do.

	<ul style="list-style-type: none"> <li>• Sudden increase in inflammatory rhetoric or hate propaganda, especially by leaders, that sets a tone of impunity, even if it does not amount to incitement to genocidal violence in itself;</li> <li>• Permissive environment created by ongoing armed conflict that could facilitate access to weapons and commission of genocide.</li> </ul>
<b>6. Genocidal acts</b>	<p><i>Issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Acts that could be obvious “elements” of the crime of genocide as defined in Article 6 of the Rome Statute,<sup>4</sup> such as killings, abduction and disappearances, torture, rape and sexual violence; ‘ethnic cleansing’ or pogroms;<sup>5</sup></li> <li>• Less obvious methods of destruction, such as the deliberate deprivation of resources needed for the group’s physical survival and which are available to the rest of the population, such as clean water, food and medical services;<sup>6</sup></li> <li>• Creation of circumstances that could lead to a slow death, such as lack of proper housing, clothing and hygiene or excessive work or physical exertion;</li> <li>• Programs intended to prevent procreation, including involuntary sterilization, forced abortion, prohibition of marriage and long-term separation of men and women;</li> <li>• Forcible transfer of children, imposed by direct force or through fear of violence, duress, detention, psychological oppression or other methods of coercion;</li> <li>• Death threats or ill treatment that causes disfigurement or injury; forced or coerced use of drugs or other treatment that damages health.</li> </ul>
<b>7. Evidence of intent “to destroy in whole or in part ...”<sup>7</sup></b>	<p><i>Issues to be analyzed here include:</i></p> <ul style="list-style-type: none"> <li>• Statements amounting to hate speech<sup>8</sup> by those involved in a genocidal campaign;</li> <li>• In a large-scale armed conflict, widespread and systematic nature of acts; intensity and scale of acts and invariability of killing methods used against the same protected group; types of weapons employed (in particular weapons prohibited under international law) and the extent of bodily injury caused;</li> <li>• In a non-conflict situation, widespread and/or systematic discriminatory and targeted practices culminating in gross violations of human rights of protected groups, such as extrajudicial killings, torture and displacement;</li> <li>• The specific means used to achieve “ethnic cleansing” which may underscore that the perpetration of the acts is designed to reach the foundations of the group or what is considered as such by the perpetrator group;</li> <li>• The nature of the atrocities, e.g., dismemberment of those already killed that reveal a level of dehumanization of the group or euphoria at having total control over another human being, or the systematic rape of women which may be intended to transmit a new ethnic identity to the child or to cause humiliation and terror in order to fragment the group;</li> <li>• The destruction of or attacks on cultural and religious property and symbols of the targeted group that may be designed to annihilate the historic presence of the group or groups;</li> <li>• Targeted elimination of community leaders and/or men and/or women of a particular age group (the ‘future generation’ or a military-age group);</li> <li>• Other practices designed to complete the exclusion of targeted group from social/political life.</li> </ul>

<sup>4</sup> Rome Statute of the International Criminal Court.

<sup>5</sup> Efforts should be made to gather information on a sufficient number of incidents to determine whether the abuses were substantial, systematic and widespread over a period of time.

<sup>6</sup>Deprivation of the means to sustain life can be imposed through confiscation of harvests, blockade of foodstuffs, detention in camps, forcible relocation or expulsion to inhospitable environments.

<p><b>8. Triggering factors</b></p>	<p><i>Issues to be analyzed here include:</i></p> <p>Future events or circumstances seemingly unrelated to genocide that might aggravate conditions or spark deterioration in the situation, pointing to the likely onset of a genocidal episode. These ‘triggers’ might include:</p> <ul style="list-style-type: none"> <li>• Upcoming elections (and associated activities such as voter registration or campaigning; revision of delimitation of electoral boundaries; a call for early elections or the postponement or cancellation of elections; disbanding of election commissions; imposition of new quotas/standards for political party or candidate eligibility);</li> <li>• Change of Government outside of an electoral or constitutionally sanctioned process;</li> <li>• Instances where the military is deployed internally to act against civilians;</li> <li>• Commencement of armed hostilities;</li> <li>• Natural disasters that may stress state capacity and strengthen active opposition groups;</li> <li>• Increases in opposition capacity, which may be perceived as a threat and prompt preemptive action, or rapidly declining opposition capacity which may invite rapid action to eliminate problem groups.<sup>9</sup></li> </ul>
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<sup>7</sup> Genocidal intent can develop gradually, e.g., in the course of conflict and not necessarily before, and genocide may be used as a “tool” or “strategy” to achieve military goals in an operation whose primary objective may be unrelated to the targeted group. Evidence of “intent to destroy” can be inferred from a set of existing facts which would suggest that what is unfolding or ongoing may be genocide. From a preventive perspective, there could be other indications of a plan or policy or an attempt to destroy a protected group before the occurrence of full-blown genocide.

<sup>8</sup> The hate speech has to denigrate characteristics of a specific ethnic/racial/religious/national group.

<sup>9</sup> Critical moments can also represent moments of opportunity to improve a situation and to lessen the risk of genocide.