

# Preventing Atrocities In Conflict And Non-conflict Settings

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## Question

*What are the lessons learned in preventing atrocities (including prevention of further atrocities where these have already begun) in conflict and non-conflict settings?*

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# 1. Summary

Atrocity prevention refers to activities to prevent atrocity crimes against civilians. These include genocide, war crimes, crimes against humanity and ethnic cleansing, and can take place in both conflict and non-conflict settings. This points to the need to prioritise and implement atrocity prevention specifically, and not just as part of conflict prevention efforts. Atrocity prevention interventions are broadly of two types: operational (short-term responses) and structural (addressing underlying causes/drivers). These encompass a wide range of approaches including: acting locally (with local actors taking the lead in prevention activities); tackling hate speech, and promoting an independent and strong media; documenting human rights violations, and prosecuting and punishing those responsible (establishing rule of law). The international community should prioritise atrocity prevention, but work in a united manner, take a comprehensive approach, and give the lead to local actors. Atrocity crimes generally develop in a process over time, and risk factors can be identified; these traits make atrocity prevention possible.

This rapid review looks at the concept of atrocity prevention, how it is distinct from conflict prevention, the different approaches taken to atrocity prevention, and the lessons learned from these. The review draws on a mixture of academic and grey literature, in particular reports produced by international development organisations such as the United Nations (UN) and USAID. The literature was largely gender-blind (with the exception of conflict-related sexual violence) and disability-blind.

Key findings are as follows:

- Atrocity prevention refers to activities to prevent atrocity crimes against civilians, i.e. genocide, crimes against humanity, war crimes and ethnic cleansing. Atrocity crimes usually develop over time (rather than single or random events) and it is possible to identify risk factors for atrocities. This, in turn, makes atrocity prevention possible.
- Atrocity prevention is vital to preserve human life, to prevent long-term societal trauma and further violence, to promote national, regional and international peace and stability, and to enable development and growth. Countries are obliged under various international conventions and commitments (notably Responsibility to Protect, R2P) to prevent atrocities; this includes outside their own borders.
- While there is significant overlap between violent conflict and mass atrocities, the latter also take place in non-conflict settings. Examples are state-directed suppression, communal violence, and post-war retribution (carried out in the aftermath of armed conflict).
- Similarly, while there is overlap between conflict prevention and atrocity prevention, the latter is distinct and it is important to focus specifically on atrocity prevention rather than simply treat it as part of conflict prevention.
- Atrocity prevention measures fall broadly into two forms: operational focused on short-term responses to imminent violence; and structural (upstream) prevention aimed at addressing underlying causes. A wide range of approaches can be taken to atrocity prevention, and the ones used will depend on the specific context.

- It is difficult to assess the impact of atrocity prevention efforts, and this makes lesson learning hard. Nonetheless, the literature points to some key lessons:
  - Importance of acting locally – Local actors and communities should play a leading role in atrocity prevention as they are in the best position to identify, document and warn about such violence, and to design and implement interventions. Early warning and early response is critical to atrocity prevention, and local actors are best able to do this. Early response includes self-protection, whereby communities come together to protect themselves. However, while locally led, the international community should support all these efforts.
  - Tackling hate speech – Hate speech and dangerous speech has historically been a significant contributory factor in mass atrocities. It can be combatted through punitive measures (punishing speakers or disseminators) and suppressive measures (curbing dissemination of hate speech). However, these can have limited effectiveness, particularly when the state itself is responsible for producing/endorsing hate speech. An alternative is to build resilience to hate speech among audiences, e.g. by increasing empathy with members of other groups and promoting counter narratives.
  - Independent media and media monitoring – Another approach to combat hate speech is to promote a strong, independent media and ensure all population groups are represented in the media and in media content. Media monitoring is important for early warning about spread of hate speech, but it is a complex undertaking.
  - Documentation – Documentation of human rights violations is important for both accountability (prosecution and punishment of perpetrators) and deterrence. Documentation is best carried out by local investigators; a clear research methodology and documentation standard should be established, as well as a security protocol for data; a communication and advocacy plan should be developed to enable information to play a role in early warning and atrocity prevention.
  - Rule of law – Holding perpetrators or atrocity crimes accountable requires the rule of law. Three especially important aspects are access to justice; effective and legitimate security forces; and transparent and accountable governance. Rule of law thus entails strengthening a large number of entities, including the judiciary, prosecution, police and professional bodies.
  - Role of international community – Atrocity prevention is a requirement under international law, and there are a range of tools that the international community can use. These can be categorised into diplomatic (e.g. coalition building), military (e.g. deployment of military forces) and economic (e.g. freezing/seizure of assets). Lessons for the international community include that atrocity prevention should be prioritised, the international community should be united in its commitment to atrocity prevention, and a comprehensive (rather than limited) approach should be taken.
  - Role of donors/international NGOs – Donors/INGOs can support atrocity prevention in ways that are unhelpful, e.g. operating in ‘silos’, not relying on local actors, having overly cumbersome reporting requirements. Recommendations include supporting locally-led approaches, having flexible funding mechanisms, and working in collaboration with other donors. It is also important to evaluate atrocity prevention efforts and identify lessons.

## 2. Understanding atrocity prevention

### Atrocity crimes

According to the UN Framework of Analysis for Atrocity Crimes, 'atrocity crimes' refers to three legally defined international crimes: genocide, crimes against humanity and war crimes (UN, 2014: 1):

- Genocide – systematic violence committed with the intent to destroy members of a national, ethnical, racial, or religious group on the basis of their membership in that group;
- Crimes against humanity – widespread and systematic violence against civilians;
- War crimes – violence against the wounded and sick, prisoners of war, and civilians during wartime.

Ethnic cleansing is not defined as an independent crime under international law, but can be included under atrocity crimes because the acts involved amount to genocide, crimes against humanity and/or war crimes. The related term of 'mass atrocities' can thus generally be understood as large-scale, deliberate attacks on civilians (Peace Direct, 2018: 7). This distinguishes them from sporadic or small-scale violence; from accidental civilian casualties during conflict, or from spontaneous riots; and from attacks on combatants (USAID, 2015: 3).

Atrocities can show considerable variation in multiple respects (USAID, 2015: 5-6):

- Context – while more common during armed conflicts (e.g. in Guatemala, the Democratic Republic of Congo or DRC), atrocities can also take place in non-conflict settings (e.g. North Korea, Kyrgyzstan) (see Section 3);
- Perpetrators – these can be states or their agents, or non-state entities such as informal militias and rebel groups. The former have been more common historically. Further, the state/non-state distinction 'should not be taken as a rigid dividing line': even in cases of non-state perpetrators, it is rare for 'atrocities to reach a massive scale without the active or passive support of the state';
- Targeted groups – targeting of groups can be on the basis of national, religious, racial, ethnic or other identity, or on the basis of political views/perceived association with armed actors. 'Often, these kinds of perceived group identification will coincide'. Targeting can also be based on sex, e.g. men and boys of fighting age, sexual violence against women.
- Means – civilians can be attacked in various ways including: systematic forced labour and displacement (e.g. Cambodia, Bosnia); burning of homes and villages (e.g. Darfur); shelling, aerial bombardment, and use of chemical weapons (e.g. Syria); and widespread use of small arms and light weapons (e.g. the DRC).
- Motives – these are often heterogeneous. In some notable historic mass atrocities, 'perpetrators were motivated by extremist ideologies and visions of radical transformation of society' (e.g. Nazi Germany, Khmer Rouge). But in most contemporary cases the driver is 'strategic logic', notably the desire to gain or hold onto political power (e.g. Sri Lanka, Syria). History and context can also be a contributory factor, with the 'propensity to see political competition in existential terms... (generally) greater in countries with a history of mass atrocities and genocide, feeding cycles of retaliatory violence'.

## Risk factors for atrocities

The United Nations Framework (UN, 2014: 3) stresses that ‘atrocities are not usually single or random events’ but rather develop in a dynamic process over time. ‘To be able to engage in the level of violence associated with atrocity crimes, perpetrators need time to develop the capacity to do so, mobilize the resources, and take concrete steps that will help them to achieve their objectives’ (UN, 2014: 4). This does not mean that plans to carry out atrocities will always be there from the outset – they can be formulated at a later stage – but the fact that they are processes makes it ‘possible to identify warning signs or indicators that they might occur’ (UN, 2014: 4). This is particularly true in the case of genocide and crimes against humanity.

The UN Framework identifies a number of risk factors for atrocity crimes. These include both structural factors (long-term, underlying issues) as well as more immediate triggering factors. For each risk factor the Framework lists indicators. Of the 14 risk factors, eight are common risk factors – applicable to all types of atrocity crimes (genocide, war crimes, crimes against humanity) – while of the remaining six risk factors, two are specific to genocide, two to war crimes and two to crimes against humanity.

The 14 risk factors are as follows (UN, 2014: 9):

### Common risk factors

1. Situations of armed conflict or other forms of instability
2. Record of serious violations of international human rights and humanitarian law
3. Weakness of State structures
4. Motives or incentives
5. Capacity to commit atrocity crimes
6. Absence of mitigating factors
7. Enabling circumstances or preparatory action
8. Triggering factors

### Specific risk factors

#### *Genocide*

9. Intergroup tensions or patterns of discrimination against protected groups
10. Signs of an intent to destroy in whole or in part a protected group

#### *Crimes against humanity*

11. Signs of a widespread or systematic attack against any civilian population
12. Signs of a plan or policy to attack any civilian population

#### *War crimes*

13. Serious threats to those protected under international humanitarian law
14. Serious threats to humanitarian or peacekeeping operations

The UN Framework stresses that not all risk factors need to be present for there to be a strong likelihood of atrocity crimes, but obviously the more that are present, the greater the risk of atrocity crimes occurring. Also, neither the risk factors nor the indicators listed under each are ranked as ‘their relative importance will differ according to the particular context’ (UN, 2014: 7).

## Importance of atrocity prevention

'Atrocity prevention refers to a broad range of tools and strategies which aim to prevent the occurrence of mass killings and other large scale human rights abuses committed against civilians' (Peace Direct, 2018: 7).

Atrocity prevention is vital for several reasons:

- To preserve human life – Atrocity crimes are generally large-scale events – in the last century, tens of millions of civilians were killed in episodes of mass killings (USAID, 2015: 11). Hence atrocity prevention 'will avoid significant loss of human life, as well as physical, psychosocial and psychological damages and trauma' (UN, 2014: 2).
- To prevent long-term societal trauma and further violence – Atrocity crimes cause a particular kind of trauma that affects whole societies and stretches over generations, and is difficult to overcome. 'Experiencing the widespread, deliberate targeting of civilians is uniquely traumatizing to individuals and societies and can lead to cycles of violence and atrocities committed out of a desire for retribution or revenge..... The challenge of reintegrating former combatants, to cite one aspect, is all the more difficult when former combatants have killed and maimed their own neighbours, not just opposing soldiers'.
- To promote national as well as regional and international peace and stability – Atrocity crimes will often cause displacement, including large numbers of refugees in neighbouring countries. They can also spread tensions (and even conflict) to those countries, 'for example, creating or reinforcing tensions between groups that are defined along religious or ethnic lines rather than by national borders' (UN, 2014: 2).
- To enable development and growth – Atrocity crimes significantly undermine economic growth and development. '(M)ass atrocities represent the antithesis of development... (They) destroy human and physical capital, cause mass displacement and humanitarian emergencies, and disrupt productive social and economic activity across all domains' (USAID, 2015: 11). The negative impact is long-term: 'societal traumas resulting from mass atrocities continue to affect a country's development prospects decades later' (USAID, 2015: 11)
- Prevention costs far less than dealing with atrocity crimes – Intervening to halt atrocity crimes once they start, or to deal with their aftermath is very costly. 'Wars, humanitarian crises, the rebuilding of nations and the building of sustainable peace after conflict require high and sustained levels of international support, often over many years' (UN, 2014: 2). Furthermore, there is a greater likelihood of success in the prevention stage, than if crises are imminent or ongoing (UN, 2014: 2).
- All countries and societies are vulnerable – 'No society is immune to the risk and occurrence of mass violence and atrocities; every country should treat prevention as a top priority at home as well as abroad' (Stanley Centre, 2020a: 6). 'The rise in deliberate, systematic, and widespread violence against civilians, the globalization of hate-based networks, and the growing polarization in democratic politics have upended the belief that the prevention of identity-based violence is only required in some parts of the world but not others' (2019 Protection Approaches report, cited in Stanley Centre, 2020a: 6).
- International commitments to protect populations at risk of atrocity crimes – In addition to moral and ethical obligations, countries are obliged under various international conventions and laws to prevent atrocities. These include the Geneva Conventions which call on states

to 'respect and ensure respect for international humanitarian law', and the Convention on the Prevention and Punishment of the Crime of Genocide. In a landmark judgement on the latter in 2007, the International Court of Justice declared that the obligation to protect was not territorially limited. Rather it ruled that every state with a 'capacity to influence effectively the action of persons likely to commit, or already committing genocide,' even if outside its own borders, was under the obligation 'to employ all means reasonably available to them, so as to prevent genocide so far as possible' (UN, 2014: 3).

- **Responsibility to Protect (R2P)** – The above provisions are embodied in the principle of responsibility to protect, laid out in the Outcome Documents of the 2005 United Nations World Summit. World leaders committed to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing, i.e. atrocity crimes (Peace Direct, 2018: 8). 'R2P is not a law, but rather a political commitment to guide states and sub-regional, regional and international arrangements in protecting populations from these crimes and violations' (Peace Direct, 2018: 8). This includes obligations on the international community 'to take collective action, in a timely and decisive manner, in accordance with the UN Charter, if a state fails to protect its populations or is in fact the perpetrator of crimes' (Peace Direct, 2018: 8).

Bellamy and Simonovic (2020a: 286) stress that 'atrocities could not happen without the support, or at least the acquiescence, of local populations' and 'the passive acceptance or half-hearted resistance of outsiders, especially those that have the material and ideational capacity to make a difference but who, for one reason or other, choose not to'. They argue that it is this element of choice – to acquiesce in atrocity crimes or play the role of idle bystander or take resolute action to prevent atrocity crimes – that makes atrocity prevention possible (Bellamy & Simonovic, 2020a: 286).

## Overlap between conflict and atrocities

There is significant overlap between violent conflict and mass atrocities. 'Since 1945, two-thirds of episodes of mass killing (defined as a minimum of 5,000 civilians killed intentionally) occurred within the context of an armed conflict. Between 1980 and 2010, that figure was 85 percent' (USAID, 2015: 8). Similarly political instability that features large-scale conflict between the state and an organised challenger, is 16 times more likely to lead to mass intentional non-combatant deaths than episodes involving only adverse regime change (USAID, 2015: 8). Ferguson and Jones (2021: 1) explain that the deliberate perpetration of atrocity crimes during war:

is either part of the political strategy of a party to the conflict, such as the targeting of civilians by Muammar Qadhafi in Libya, or they are committed under the cover of a wider conflict – for example, the crimes of the Islamic State against the Yazidis in Syria, or the Nazi genocide against Europe's Jews during the Second World War.

However, conflict and atrocities do not always go hand in hand. '(N)ot all conflicts give rise to mass atrocities, and many atrocities occur in the absence of armed struggle' (Bellamy, 2011: 1). Ferguson and Jones (2021: 1) cite the examples of atrocities committed by the North Korean government against its own citizens and the treatment of the Uyghurs by the Chinese state. They stress: 'The assumption that identity-based mass violence and atrocities only occur in fragile states or contexts of armed conflict is no longer – if indeed it ever was – sufficient to guide

prevention and protection policy'. They also suggest that the proportion of atrocities taking place outside of armed conflict situations is probably increasing.

Bellamy (2011: 3) identifies three main forms of 'peacetime' (non-conflict) atrocities:

1. State-directed suppression – Atrocities committed by nondemocratic regimes against opponents or marginalized ethnic groups. The most frequent type of "peacetime" mass atrocity, episodes usually begin soon after an adverse regime change (e.g. Pinochet's Chile) or attempted change (e.g. Zanzibar). However, some important episodes have occurred outside the context of regime contestation (e.g. China's Cultural Revolution).
2. Communal violence – Atrocities committed by groups not organized by national governments or well-established non-state armed groups. Violence is not entirely spontaneous and is usually incited or orchestrated by local or national political figures, often either state officials, politicians, or local leaders of different varieties (religious, ethnic, clan, etc.). Attacks are often religious or ethnic in nature and can be triggered by a variety of national and local events.
3. Post-war retribution – Atrocities committed by states and non-state actors in the immediate aftermath of armed conflict as retribution against former enemy groups. Sometimes massacres are intended to avenge specific atrocities committed during the armed conflict (e.g. eastern DRC), but are also perpetrated for a combination of political reasons not directly connected to the commission of prior atrocities (e.g. pre-emptively eliminating threats/perceived future risk).'

## Need for dedicated approach to atrocity prevention

Just as there is overlap between violent conflict and atrocities, so there is significant overlap between conflict prevention and atrocity prevention. The fact that so many atrocities are associated with conflict means that 'reducing the occurrence of violent conflict is likely to reduce the number of instances of mass atrocities too' (Peace Direct, n.d.). In addition, many of the strategies and tools used in conflict prevention can also be used in atrocity prevention:

The strategies, activities, and initiatives undertaken to prevent mass violence and atrocities are similar to those in other fields— including preventing violent conflict, peacebuilding, and human rights—as well as the Sustainable Development Goals (SDGs). Across these policy sectors, actors use a range of tactics to build societies where governance structures uphold global norms; include diverse voices, identities, and interests; support civil society and an open media; and promote respect for human rights and the rule of law (Stanley Centre, 2020a: 3).

Nonetheless, there are significant differences between conflict prevention and atrocity prevention (Peace Direct, n.d.):

- Given that atrocities can occur in non-conflict settings, 'conflict prevention strategies which are focused on preventing armed conflict without addressing latent social conflict may not alone be enough to prevent mass atrocities';
- '(E)ven in situations of ongoing armed conflict, where by definition conflict prevention has failed, work can still be done to prevent the occurrence of atrocities';



- 'Whilst in some contexts, resort to armed violence may appear to have some legitimacy – as a means of self-defence or of resisting oppressive rule, for example – atrocities on the other hand are never legitimate or justifiable'.

A USAID field guide on preventing mass atrocities distinguishes between 'upstream' prevention strategies aimed at strengthening societal resilience against future threats of violence, and more immediate prevention measures when violence appears imminent (USAID, 2015) – effectively, structural and operational prevention. Overlap between atrocity prevention and conflict prevention will be greater for upstream (structural) measures, but there may be greater divergence in immediate (operational) preventive strategies. 'For example, atrocity prevention strategies might use tools that are rarely associated with conflict prevention, such as physical protection for vulnerable groups or support for high-level criminal prosecution' (USAID, 2015: 8). Peace Direct (n.d.) give the example of early warning systems, which are a vital element of both conflict prevention and atrocity prevention. However, the indicators for the onset of violent conflict could be very different from those for risk of atrocities, and hence 'a conflict prevention early system may "miss" signs of the onset of mass atrocities' (Peace Direct, n.d.). Similarly, the principle of neutrality is a fundamental of conflict prevention and peacebuilding but 'in the contexts of one-sided atrocities this may be less appropriate, and even act as a "green light" to perpetrators' (Peace Direct, n.d.).

It is therefore important to focus specifically on atrocity prevention, rather than simply treat it as part of conflict prevention.

While there can be no meaningful and effective agenda for the prevention of genocide and mass atrocities that does not incorporate the prevention of armed conflict, atrocity prevention requires tailored engagement that targets both peacetime atrocities and those committed within a context of armed conflict (Bellamy, 2011: 1).

Ferguson and Jones (2021: 4) echo this in relation to the UK: 'The government needs to take an approach to modern atrocities within and beyond its conflict strategy'.

## Forms of atrocity prevention: operational vs. structural

While specific measures for atrocity prevention are wide-ranging, these can broadly be grouped into two forms:

- Operational atrocity prevention – focused on immediate crisis response: 'a short-term response to prevent imminent mass violence, halt ongoing atrocities, or mitigate its impact. These efforts aim at immediate impact through strategies such as sanctions, preventive diplomacy, or mediation' (Lonergan, 2017: 9).
- Structural atrocity prevention – 'takes a longer-term approach, aiming to address the underlying causes of mass atrocity long before they erupt..... Structural prevention efforts focus on changing the social and political factors that make atrocities more likely to occur, such as discrimination, divisive economies, weak accountability institutions, and access to the means to commit atrocity crimes' (Lonergan, 2017: 9).

Lonergan (2017: 9) notes that while international actors often dominate atrocity prevention, 'the primary source of structural prevention lies with national actors, at both the state and the

grassroots level'. However, while more effective in preventing atrocities long-term, structural prevention is generally harder to implement.

The remainder of this rapid review discusses a wide range of approaches that can be taken to atrocity prevention, and the lessons learned from these. It is important to stress, firstly, that determining which specific approaches and tools to use will depend on the context. Based on their study of atrocity prevention efforts in several countries, Bellamy and Simonovic (2020b: 546) conclude that, 'preventive action must be carefully tailored to each individual situation'. Secondly, it is very hard to assess the impact of atrocity prevention efforts. 'It is difficult to know with any degree of certainty whether atrocities would have occurred without preventive interventions of one form or another' (Bellamy & Simonovic, 2020a: 303). This, in turn, makes lesson learning challenging.

### 3. Importance of acting locally

#### Local ownership and leadership

The literature stresses the need for local actors and communities to play a leading role in atrocity prevention, and to be supported in doing so by the international community/donors.

There is growing recognition that local communities and their leaders must participate in and lead program design, decision-making, and policy development and implementation. Top-down interventions have repeatedly failed to acknowledge or incorporate local realities; when there is no input or buy-in from those most affected, the chance of a particular initiative's success diminishes exponentially (Stanley Foundation, 2020a: 4).

There are a number of factors which make local involvement so vital:

- Communities are at the frontline – 'Communities themselves are the first lines of prevention, and are best placed to stop the seeds of escalation in their midst. They are also the first line of protection when atrocities are perpetrated' (Bellamy & Simonovic, 2020a: 559-560).
- Being on the ground, local actors are ideally located to carry out early warning of atrocities (through established local networks) and mobilise early response (USAID, 2014).
- Local civil society activists and human rights defenders are in a position to identify, investigate and document violations of international human rights, and report these so they reach national and international decision-makers (USAID, 2014).
- Local knowledge can be hugely beneficial in the design and implementation of interventions for atrocity prevention which, as discussed below, need to be context-specific. 'Policy solutions need to be relevant and responsive to local realities' (Stanley Centre, 2020a: 4). Inclusive approaches involving locals – leaders, community members and marginalised groups – create ownership and thus increase the chances of interventions being effective.

Bellamy and Simonovic (2020b: 560) emphasise the need for the international community to support local atrocity prevention:

Among the most innovative ways in which the UN supports atrocity prevention is through the provision of political, technical, and financial support to civil society organizations to help them better engage in grassroots prevention. ... When it is difficult to make progress because political space is limited, prevention can be supported by supporting grassroots initiatives.

## Early warning and early response

Early warning and early action are critical to atrocity prevention. If the indicators of imminent violence can be picked up before violence starts, and if action is taken urgently to stop that violence occurring, atrocities can be prevented. Such a proactive approach is vastly preferable to – and easier than – a reactive one once atrocities have started. The key here is assessing the situation and taking mitigation/protection steps as early as possible.

Here too local communities and local leaders can be critical (USAID, 2015: A-2):

- If local actors are able to gather, analyse, and share information on potential violence and are equipped with skills and resources to respond effectively and early, then communities can better prevent and mitigate violence while building resiliency.
- If information and analysis about potential violence is more effectively shared with local prevention and response actors, the ‘warning-response gap’ will be closed.

## Self-protection

Linked to early response is self-protection by communities, as opposed to waiting for help from outside actors. Mass atrocities can occur quickly, before the international community can respond/there might be little political will to get involved. ‘Self-protection refers to when a targeted or vulnerable community comes together to protect themselves in a non-violent manner from impending violence and atrocities’ (Peace Direct, 2018: 22). Examples of self-protection strategies include (Peace Direct, 2018: 22):

- ‘Informal, small-scale village and neighbourhood organisations that serve as an organising and mobilisation space to take protective action.
- ‘Formal peace communities and humanitarian spaces.... (which can) promote a culture of pacifist and non-violent norms within the community while at the same time negotiating with armed actors.’

While the ‘essence of self-protection strategies is that they are locally designed and implemented’ (Peace Direct, 2018: 22), they can benefit hugely from international support, e.g. through funding, capacity building, technical support.

## 4. Tackling hate speech and strengthening independent media

### Rationale

The Council of Europe defines hate speech as all forms of expression which ‘spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on

intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin' (cited in USAID, 2014: 2). A related term is dangerous speech, defined by Benesch (cited in USAID, 2014: 3) as 'an act of speech that has a reasonable chance of catalysing or amplifying violence by one group against another, given the circumstances in which it was made or disseminated'.

Inflammatory or dangerous hate speech has historically been a significant contributory factor in mass killings, including the Holocaust, the 1994 genocide of Tutsis in Rwanda, Serb killings of Bosnians and Croats in the 1990s, and most recently the efforts at ethnic cleansing of Rohingya Muslims by Buddhists in Myanmar (Benesch, 2014; USAID, 2014). In Rwanda, for example, in the run up to the genocide, radio and TV channels and the print media called minority Tutsis 'traitorous cockroaches' and accused them of plotting to overthrow the Hutu government (USAID, 2014: 2). Benesch (2014: 3) asserts that inflammatory hate speech catalyses mass killings: 'By teaching people to view other human beings as less than human, and as mortal threats, thought leaders can make atrocities seem acceptable – and even necessary, as a form of collective self-defence'.

## Approach

'The UN Strategy and Plan of Action on Hate Speech provides guidance for national governments and international leadership, on....addressing the "root causes and drivers of hate speech, as well as its impact on victims and societies more broadly"' (Stanley Foundation, 2020a: 6). Efforts to combat hate speech fall into two broad categories, both directed at perpetrators (Benesch, 2014):

- a) Punitive measures – these entail punishing the speaker, or disseminator of hate speech, through the law (prosecution, etc.) or sometimes outside the law (e.g. extrajudicial killings).
- b) Suppressive measures – these entail suppressing the speech itself, by censoring it or shutting down the mechanism by which it is disseminated, e.g. television channel, radio station, newspaper, social media platform or even curbing access to the internet.

USAID (2015: A-4) advocates building a strong, independent media:

If there is a strong and independent media in a country, the public will be more informed and able to hold the government accountable, which in turn will reduce the ability of potential perpetrators to mobilize masses to attack civilians and the ability of a government to commit atrocities without triggering a strong response.

The other rationale is that 'If diverse populations, including minority groups and women, have a voice and presence in all aspects of media, it is less likely to be used as a tool to instigate violence against a select part of the population' (USAID, 2015: A-4). Measures recommended by USAID (2015: 4-5) related to the media include:

- Increase the number of independent media voices available.
- Raise awareness about what constitutes hate speech/dangerous speech, its impact on society, and the precedence for perpetrators to be indicted and prosecuted.

- Educate media workers with programmes ... (that) may include training for journalists to foster sensitivity for context and inclusivity of voices, as well as programmes on data journalism that provide ground-truth accuracy to counter rumour.
- Support civil society organisations that fact-check media stories
- Produce and disseminate information or messaging to counter hate speech.
- Use technology to create alternate platforms when avenues are prohibited or threatened.

USAID (2014: 5) stress that a 'key component of addressing hate speech is to monitor its use, reach, effects and the ways it is spread'. Media monitoring is therefore important as 'it provides the early warning data to understand if and how hate speech is turning into dangerous speech' (USAID, 2014: 5). However, the agency warns that media monitoring is a complex undertaking – since both online and other (print, etc.) media need to be monitored – which requires sophisticated analysis and hence extensive training for both inputting data and analysing it. USAID (2014: 5-6) list the steps involved:

- Identify the actors and/or events that should be tracked.
- Decide which media to monitor.
- Identify the language or languages to be tracked, including local dialects.
- Identify the key words or phrases that are particularly relevant, including potentially 'coded' messages.
- Create a country-specific analytical framework to determine the type of speech (neutral, hate speech or dangerous speech), as well as the level of threat it poses.
- Identify and prepare for conflict prevention activities based on analysis of data.

According to the Stanley Foundation (2020a: 6): 'Social media companies, while initially slow to acknowledge the role of their platforms in spreading hate online, have begun to engage with governments and civil society to design and implement responses to hate speech online, including engaging with fact-checking initiatives and sponsoring research on how to search for and remove terms in real time'.

However, Benesch (2014: 10) argues that punitive and suppressive measures have had limited effectiveness, for a number of reasons:

- When the state itself is responsible for producing/endorsing hate speech, censorship and punishment will obviously not work.
- States can misuse laws aimed at curbing hate/inflammatory speech, for example by deploying them against political opponents.
- Censorship and punishment might not impact the target audience of hate speech, and could even backfire by inadvertently helping to spread inflammatory speech and expanding the audience for it.
- It takes a long time to punish perpetrators, typically long after the mass violence has already taken place.
- Censorship often fails to control the spread of hate speech because it is so easy to disseminate information online – the only way to really stop it is to shut down access to the internet altogether.

She suggests alternative approaches directed at the audience and aimed at building resilience to hate speech (so they are less susceptible or receptive to it) (Benesch, 2014: 10). With regard to specific ways to bring this about, she writes: 'Resistance to dangerous speech seems to increase with the development of habits such as critical and sceptical thinking, empathy with members of other groups, and willingness to express dissent from the views expressed by a leader' (Benesch, 2014: 12). Evaluations of various interventions to build resilience to hate/inflammatory speech identify the following lessons (Benesch, 2014: 13-14):

- 'Increasing empathy with members of other groups counteracts incitement, since it makes it difficult to see other people as subhuman – an essential element of the process described by sociologists and historians as “social death” ...which distinguishes genocide from other forms of mass murder.
- 'Counter-speech by influential members of a community can lead group members to respond more positively to members of other groups, and diminish their susceptibility to incitement to mass violence. These speakers may be political, cultural, or religious leaders, or simply “active bystanders” with the courage to speak up.
- 'Modelling resistance to incitement, even in fictional accounts, can increase such behaviour among members of a group.'

## 5. Documentation (evidence gathering) and rule of law

Gathering evidence of atrocities and documentation of these, and prosecution and punishment of those responsible for carrying out atrocities, are strongly inter-linked – both ultimately serve as a deterrent to others, i.e. promote atrocity prevention. The rationale and approaches for each of these are described below.

### Documentation

Documentation of human rights violations is important for both accountability, and deterrence. On the latter, USAID (2015: A-14) explain: 'If human rights violations are being actively monitored and reported, it will change the calculation of potential perpetrators (simply by force of feeling watched and/or by supporting accountability), making them less likely to commit grave abuses'.

USAID's field guide on atrocity prevention makes a number of recommendations for documentation of atrocities (USAID, 2015: 14-17):

- Human rights documentation, during or after an atrocity, is best conducted by local investigators – Local human rights defenders (HRDs) offer numerous benefits: through their networks they are aware of what's happening in the region; being 'in situ' they can gather information as atrocities occur; they might even have witnessed violations themselves; they understand the context and so are better able to evaluate information, the reliability of sources, etc.; and they can blend in, speak the local language/dialect and access areas that would be inaccessible to international observers.
- Establish a clear research methodology and documentation standard – 'A critical element of human rights documentation is (to) establish a consistent research method for the collection of information and on the intended use of that information'. If information is to

be used to raise awareness (advocacy), the evidentiary burden will be lower than if it is to be used for criminal prosecutions.

- Ensure security of information and analysis – ‘(A) security protocol for the documentation process and security of the information collected must be established before work begins’. Both international and local observers (monitors) are exposed to risks when monitoring human rights violations, and for the latter these can be ongoing if they live in the affected communities. The information collected also needs to be secured. Failure to do so could, for example, lead to negative repercussions for those reporting atrocities.
- Develop a communication and advocacy plan – This is needed to enable ‘the documentation to play a role in early warning and public advocacy communicating that atrocity crimes cannot be committed with impunity’. On ground experience points to the need to ‘separate the analysis and reporting of information from those doing the documenting’. This ensures impartiality on the part of the latter, which in turn is essential to ensure their protection and security; if they are seen as taking sides they could face harassment or worse. Using the term ‘documentation’ rather than ‘investigation’ to describe their work can also be helpful: the former implies simple information collection, while the latter ‘carries a stronger connotation with the use of that information for prosecution’.

## Rule of law

Noting that perpetrators of atrocities often rely on confusion over the facts of their actions to evade accountability, USAID (2015: 14) write: ‘The desire to take away that impunity in order to make high or low-level perpetrators reconsider their participation in violence is an element of both ending an atrocity and preventing acts in the future’. This requires perpetrators to be held accountable, which in turn requires the rule of law. ‘Atrocities rarely occur in states where the rule of law is robust and both police and courts are seen as capable and impartial’ (USAID, 2015: 14). Rule of law can restrain both the state from committing atrocities, and enable citizens ‘to obtain remedies to rights abuses before those abuses reach a massive scale’ (USAID, 2015: 14).

Bellamy and Simonovic (2020b: 548-549) reach a similar conclusion based on analysis of a number of case studies<sup>1</sup>:

Where a culture of impunity exists owing to the lack of accountability for past crimes, prevention becomes more difficult. Leaders of armed groups tend to be less susceptible to persuasion and societies lack confidence in the law and legal institutions. Where impunity was not guaranteed, however, armed groups and their leaders have tended to be more restrained and receptive to preventive actions.

Establishing the rule of law entails five essential elements: order and security, legitimacy, checks and balances, fairness, and effective application (USAID, 2015: A-12). USAID (2015: A-12) stress in particular the need to one, reform discriminatory legal provisions and practices – so as to foster more inclusive societies and reduce grievances – and two, ensure access to justice. Interventions to promote the rule of law will involve numerous government and non-government

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<sup>1</sup> The series of case studies to evaluate atrocity prevention efforts covered Burundi, Central African Republic, Cote d’Ivoire, Guinea, Kenya, Myanmar, South Sudan and Syria.

agencies/entities, notably the judiciary, prosecution service, police, legal defence, legislative bodies, independent government institutions, professional associations and civil society groups, as well as citizens (the general public).

Similarly, Bellamy and Simonovic (2020b: 522) highlight three main areas of action in order to strengthen rule of law capacity:

- 'First, access to justice. The principle of equality before the law finds its meaning in the equal capacity of individuals and groups to access justice. This means that states must have sufficient judicial capacity, spread throughout their territory, to ensure that complaints can be brought before them, but also that people have equitable opportunities to bring matters to courts, knowledge about their basic rights, and sufficient information about the relevant justice institutions. It also requires that the justice dispensed be fair, impartial, and governed by transparent rules.
- 'Second, effective and legitimate security forces are crucial for the rule of law.
- 'Third, the rule of law calls for transparent and accountable governance. This might start with constitutional guarantees that government will be subject to law, but needs to be reinforced with judicial institutions and security forces that are sufficiently independent to enforce the law equally, and other practices that promote transparency and accountability, such as a free press. It also involves systems of governance that are representative, inclusive, and accountable.'

It is beyond the scope of this review to describe rule of law programmes, but clearly these will be very wide-ranging.

## 6. Role of international community and donors/INGOs

### International community

As described in Section 2, atrocity prevention is a requirement under international law and conventions, and specifically includes preventing atrocities being carried out/likely to be carried out in another country. There are a range of tools that the international community can use for atrocity prevention (US Army PKSOI, 2012):

- a) Diplomatic measures – These can include a combination of inducements and threats, and are among the most important efforts when the goal is to prevent mass atrocities. They can be directed not just towards perpetrators, but also enablers, bystanders, neighbouring countries, regional bodies and other actors. Examples are fact-finding missions; informal and/or formal negotiations; coalition building; summits; travel bans and other punitive measures against perpetrators; ambassador recall; and breaking diplomatic relations.
- b) Military measures – Military forces can be used to support diplomatic efforts or as the leading component in a coercive intervention. Examples are security assistance to partners; military exercises; mobilisation of military to support diplomacy with credible threats; blockade or quarantine; deployment of military forces; strikes or raids; peace operations; and full military intervention.



- c) Economic measures – As with diplomacy, these can ‘provide a combination of inducements and sanctions to influence perpetrators, interveners, bystanders, and positive and negative actors’ (US Army PKSOI, 2012: 115). Two points to bear in mind are that one, economic tools can take time to take effect, and two, punitive measures will need to be implemented by other countries so that perpetrators cannot circumvent them. Examples are foreign aid or debt relief to incentivise perpetrators not to carry out atrocities/enablers to support them; international sanctions; freezing/seizure of assets; economic support for partners/regional countries/victim groups; humanitarian assistance; and support for recovery.

Such measures can be used for (US Army PKSOI, 2012: 82):

- Mitigating conditions that could make mass atrocities more likely, and diminishing perpetrator motivation or capability to conduct mass atrocities.
- Protecting potential victims.
- Exposing perpetrators and their enablers to international scrutiny.
- Establishing the credibility and capability of the international community, and building and demonstrating international resolve.
- Convincing bystanders and negative actors to not support perpetrators and take constructive action to mitigate mass atrocities.

Based on analysis of atrocity prevention efforts in a number of countries, Bellamy and Simonovic (2020b: 546-548) identify the following lessons in relation to the international community:

- ‘(T)he best outcomes are achieved when atrocity prevention is made a priority. The prioritization of atrocity prevention makes it more likely that the international community will take early and concerted action. It also means that atrocity prevention will not be considered secondary to other priorities’. Conversely, where atrocity prevention is just one of a number of priorities, or is not prioritised at all, efforts to prevent atrocities are undermined and they are less effective. An example is Syria where the principle of non-interference was prioritised over protecting civilians and preventing atrocities.
- Prioritising atrocity prevention also leads to key guarantor states (those with particular influence over an affected country) playing a more active and positive role, and enjoying international support. This in turn strengthens atrocity prevention.
- The international community must be united in its commitment to atrocity prevention. Success can only be achieved through multiple countries, multilateral bodies and others working together in a coherent manner. ‘(A) lack of unity of purpose can seriously weaken atrocity prevention’. Without unity, perpetrators can use international allies to prevent collective action (e.g. Russia and China blocking UN action on Syria). In addition, without unity ‘the credibility of preventive action is undermined by uncoordinated messaging and the availability of alternative forums’.
- Atrocity prevention must be comprehensive in order to be effective. There are many cases of the UN and other international actors using only a limited number of tools for atrocity prevention rather than a more comprehensive approach. ‘This can inadvertently signal international disinterest or the existence of competing priorities, encouraging perpetrators that their crimes will not be met with a resolute response and disheartening

vulnerable peoples. Experience teaches that a divided and circumscribed approach to prevention tends to be less effective, especially when confronted by intransigent parties.’

- Unity requires international leadership. ‘The most effective atrocity prevention occurs when those that bear the responsibility to protect, exercise their responsibility by leading preventive efforts’. Who that will be (a state, group of states, or regional/international body) will depend on the context. For example, ECOWAS and Burkina Faso played important roles in Guinea, but in Kenya, it was the African Union and UN which were crucial. ‘Where there is a vacuum of leadership....preventive action is less well coordinated, less credible, and as a result less effective’.
- The UN Security Council, especially its permanent members, should be ready to act, including under Chapter VII<sup>2</sup> if necessary. ‘If local actors are aware that the Security Council will be blocked through the use of veto power, its leverage diminishes and the likelihood of atrocity crimes increases, as was the case in Myanmar and Syria’.

## Donors/International NGOs

The way in which international donors/INGOs fund and work on atrocity prevention can be ‘a driver of unhelpful trends’ including (Stanley Centre, 2020a: 7):

- Siloed sectors, stakeholder groups, conversations, and policy solutions.
- A lack of trust in local actors’ capacity to identify priorities, take action, and manage financial resources.
- Overly cumbersome reporting requirements or demand for evidence of success.
- Resource competition that undermines collaboration and pushes grantees to bend their missions to ‘feed into a cycle of ‘trends’ and ‘hot topics’ in international financing’.
- The politicisation of funding.
- A lack of coordination among donors.

These problems are echoed by Peace Direct (2018: 48):

- Donor funding can be difficult to mobilise before atrocities break out and can quickly dissipate when immediate violence subsides; funding is not rapid response nor long-term, both of which would be more valuable for peace and prevention efforts.
- Local knowledge and perspective is not taken into account or trusted.
- In some cases, donor funding can also exacerbate conflict or even fuel atrocities.
- Assessing the risks of atrocities, deciding how, when and where to prioritise funding and finding local actors who can manage their funding requirements – particularly in a high-risk conflict context – can all be challenges.
- Donors struggle to understand what specific kinds of programmes and initiatives are most needed and impactful in a particular context.

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<sup>2</sup> Action with respect to threats to the peace, breaches of the peace and acts of aggression.  
<https://www.un.org/en/about-us/un-charter/chapter-7>

The report concludes that: 'Even the best intentions of donors to support atrocity prevention do not yet match the needs and escalation of violence against civilians in recent years' (Peace Direct, 2018: 49). It makes a number of recommendations (Peace Direct, 2018: 50):

- 'International donors should establish and invest in innovative financing structures to support locally-led prevention and peacebuilding throughout the conflict cycle. These include more rapid response funding, long-term prevention and peacebuilding to address root drivers and core organisational support to strengthen local capacities for peace.
- 'Donors should build stronger partnerships with local actors who have expertise in prevention and peacebuilding, consult them for trusted information and conflict analysis and work toward a culture of increased trust between local and international partners.
- 'Funding mechanisms should be designed in ways that provide greatest flexibility for local actors within volatile conflict environments. This includes finding ways to combine rapid response with longer-term funding and reducing barriers and bureaucracy for shifting programme approaches to respond to changing local needs and conflict dynamics and allow for seizing opportunities for peace and prevention.
- 'Donors should take a Do No Harm approach to prevention and peacebuilding and conduct comprehensive assessments of their own policies and practices within conflict environments to understand potential negative impacts or unintended harm. Donors should prioritise prevention of mass atrocities, protection of civilians and supporting long-term sustainable peace as fundamental to their foreign policy strategies, not just a matter of specific funding streams.'

The Stanley Foundation discussion paper (2020a: 7) also argues that problems can be overcome by: 'providing direct, flexible funding (rapid response and sustainable) of local efforts; considering how to better encourage collaboration and shared learning across sectors and among stakeholders; and through better coordination among funders as a stakeholder group to create context-specific funding responses'.

The Stanley Foundation (2020a: 5) stress the need to evaluate atrocity prevention efforts, in order to identify lessons and best practices. They list three types of evidence that are needed to drive change:

- evidence about approaches, including specific interventions, comparing interventions, and articulating a specific strategy;
- evidence to fight apathy, showing an outcome is possible and highlighting potential benefits/consequences;
- evidence to create engagement, which evokes empathy and removes barriers for engagement.

Such evidence can influence donor funding and programmes and, by highlighting success stories, compel policymakers to support atrocity prevention. Alongside evidence gathering, it is important to communicate findings, including to identify target audiences (Stanley Foundation, 2020a: 5).

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## Key websites

- Stanley Centre for Peace and Security: [www.stanleycenter.org](http://www.stanleycenter.org)
- Peace Direct: [www.peacedirect.org](http://www.peacedirect.org)

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## About this report

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