



Destruction of the Spirit: *The Critical Role of Gender in Genocide*

Genocide is a crime of destruction, an attempt to annihilate a group of people and render them irrelevant, invisible, and eventually forgotten. Popular conceptions of genocide have long characterized it mainly as a crime of mass killing, the majority of victims of which tend to be men. During genocidal campaigns, women and girls are more likely to survive the initial killings but face enslavement, beatings, starvation, degradation, and other atrocities that form constitutive acts of genocide. Survivors of these abuses are not just witnesses to genocide; they are also its intended targets. When these gendered, non-killing crimes are not recognized as genocide, women and girls are denied justice for the abuses they have suffered.

Across continents and cultures, genocide is carried out along gendered lines. The first step is often the separation of groups by gender and age for distinct treatment. When Daesh captured thousands of Yazidi in August 2014, they executed males over 12 years old, and sold women and girls into slavery. During the Rwandan genocide, members of the Hutu militia tore clothes off children to ensure boys were not dressed in girls' clothing as a means of escaping mass killings. Once separated, women and girls experience distinct and destructive genocidal acts.

Though they are frequently not regarded as genocidal, these acts can in fact form the basis for the four non-killing crimes of genocide: causing serious bodily or mental harm, inflicting conditions of life calculated to destroy, imposing measures to prevent births, and forcibly transferring children to another group. For an in-depth legal analysis of the role of gender in genocide, see the Global Justice Center's whitepaper, [Beyond Killing: Gender, Genocide, and Obligations Under International Law](#).

EXAMPLES OF NON-KILLING GENOCIDAL CRIMES AGAINST WOMEN AND GIRLS

Widespread Sexual Violence

Sexual violence is a deliberate tactic in most genocidal campaigns. In Darfur, the Janjaweed militia conducted a campaign of systematic rape of women and girls, which frequently involved sexual mutilation of victims. In Burma, there are at least ten recorded instances of large-scale gang rape, where Burmese forces raped up to 40 Rohingya women and girls at a time, often in front of their communities; sexual violence was so widespread during the military's attacks that a survivor recalled, "I was lucky, I was only raped by three men." In Rwanda, between 250,000 and 500,000 Tutsi women and girls were subjected to systematic rape throughout the course of the 100-day genocide. As the landmark Akayesu judgment later ruled, "sexual violence was a step in the process of the destruction of the Tutsi group—destruction of the spirit, of the will to live, and of life itself."

Forced Pregnancies and Reproductive Control

Forced pregnancy as a result of mass rape is also a tactic of genocide. Daesh openly discussed the impregnation of Yazidi women and girls, adhering to a theory of patrilineage where "the slave girl gives birth to her master." During the Bosnian War, Serbian forces deliberately impregnated non-Serbian (and particularly Bosnian Muslim) women and adolescent girls, forcing those who became

pregnant as a result to carry their pregnancies to term. These forced pregnancies reverberate long after atrocities have ceased—victims of rape can be cast out of their communities, while children of rape are abandoned or are not accepted into their mothers' societies at all. Some genocidaires take a different approach to reproductive control, subjecting women to campaigns of forced sterilization and forced abortion. During the Rohingya genocide, for instance, pregnant women were regularly targeted for rape and abuse. In one instance, a perpetrator raped a Rohingya woman before slitting open her stomach and killing her unborn baby with a knife. Other pregnant Rohingya women suffered miscarriages due to the trauma of rape.

Enslavement

During the Armenian genocide, Ottoman officials abducted women and girls categorizing them by age, marital status, and physical appearance before being sold, with senior Ottoman officials given the “first choice.” Yazidi women and girls were taken to holding sites, where they were registered and categorized before being sold to Daesh fighters to be held in sexual slavery. Daesh subjected Yazidi women and girls over the age of nine to brutal sexual violence, keeping them locked inside fighters' homes with inadequate food, water, heat, or medical care. As a result, several committed suicide while in captivity. It is estimated that several thousand Yazidi women and children remain in Daesh captivity. As long as they remain there, the genocide of the Yazidi continues.

Witnessing the Murder of Loved Ones

Not uncommon was the scene described by a Yazidi girl to the UN Commission of Inquiry on Syria: “After we were captured, Daesh forced us to watch them beheading some of our Yazidi men. They made the men kneel in a line in the street, with their hands tied behind their backs. The Daesh fighters took knives and cut their throats.” Rohingya women gave similar accounts of being made to watch the execution of their male relatives and neighbors. In Rwanda, the Interahamwe forced some Tutsi women to kill their sons in order to spare other members of their family. While female survivors are often regarded as witnesses to genocide by virtue of the fact that they live to see its end, there has been lesser regard to the violations they have suffered, including the serious mental harm that results from being forced to kill or witness the killing of one's family.

JUSTICE FOR GENDER-BASED CRIMES OF GENOCIDE

In the 70 years since the Genocide Convention was signed into law, genocide has been charged primarily in instances involving mass killing, whereas non-killing genocidal acts have been prosecuted as crimes against humanity, war crimes, or not at all. When the gendered, non-killing crimes of genocide go unrecognized, women and girls in particular are denied equal protection under the law and robbed of the chance to see justice for the abuses they have suffered.

The majority of genocide convictions in both the International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal for the former Yugoslavia (ICTY) were based on killing crimes. A 2004 review of ICTR jurisprudence found that out of the 21 then-adjudicated cases, only 30% included rape charges, and only 10% of those led to convictions for rape. Likewise, the ICTY's prosecution of genocide at Srebrenica was limited solely to the executions of men as killing. The rape of tens of thousands of Bosnian women was prosecuted solely as a crime against humanity, framing these women only as witnesses to, rather than survivors of, genocide.

The continued failure to acknowledge the complexity of genocidal violence, especially the role gender plays in the planning and commission of the crime, has undercut the development of an effective legal framework to prevent and punish genocide. This significantly undermines the ability to recognize the warning signs of an imminent genocide, and to identify and suppress ongoing genocides. Gender-blindness affords space for equivocation when states are reluctant to carry out their legal obligations to prevent genocide.

The world is now witnessing at least two genocidal campaigns—those of the Yazidi in Iraq and the Rohingya in Burma. Widespread and systematic sexual and gender-based violence is endemic to both, and accounts of these crimes have been heavily documented. The mechanisms created to address these atrocities must center the experiences of women and girls. With accountability proceedings on the horizon, the gendered crimes of genocide must not be ignored.

For an in-depth legal analysis of the role of gender in genocide, see the Global Justice Center's whitepaper, *Beyond Killing: Gender, Genocide, and Obligations Under International Law* at [bit.ly/beyondkilling](https://www.globaljusticecenter.net/publications/beyond-killing).