# Tortured minds, broken bodies: How rape can constitute genocide

## Abstract

The study analyzes how rape can constitute genocide. The starting premise is that rape has effects and it is through these effects that they can contribute to genocide. The effects of rape are analyzed in light of the provisions listed in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide to see whether the effects of rape actually meet the criteria for genocide. The effects are divided into physical and psychological effects on the individual and societal level.

A feminist viewpoint is used to highlight concepts such as gender, identity, and ethnicity that are essential in understanding genocide and genocidal rape but that are also ignored by traditional IR theories. According to a feminist view, rape is viewed not as a violation of the victim’s honor but as a violent assault of sexual nature that can cause serious bodily and mental harm to the victim and also have serious societal effects. Genocide functions as a context for genocidal rape, not as a theoretical framework in the traditional sense.

Rape was found to fall most clearly under provision (b) (causing serious bodily or mental harm) of Article 2 of the Convention, but rape can also fulfill the criteria for provision (a) (killing members of the group) through the death of the victim as a result of rape, provision (c) (deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part) when rape results in serious physical (including reproductive) harm, provision (d) (imposing measures intended to prevent births within the group) through death and physical and/or psychological harm to the victim, and through the societal response to the rapes that can include the ostracizing and abandonment of the victim, and provision (e) (forcibly transferring children of the group to another group) if women are forced to marry into, and ultimately bear children of, different ethnic groups, or through forced impregnation and forced maternity.

Genocidal rape needs to be analyzed in its situational context in order to deduce special intent, or dolus specialis, for the rapes. An analysis of the cultural context of genocidal rape is necessary to understand the societal response. Rape that occurs in a genocidal context without special intent does not constitute genocide.

## Keywords

- genocide
- rape - effects
- ethnic cleansing
- identity
- ethnicity
- sexual violence
- sexual crimes

## Where deposited

Muita tietoja-Övriga uppgifter-Additional information