

## Erasing identity through culture: Towards the formation of a legal framework for cultural genocide

Yevheniia Murzo\*

Doctor of Philosophy in Law

Main Pre-Trial Proceedings Department of the National Police of Ukraine

01024, 10 Academician Bohomolets Str., Kyiv, Ukraine

<https://orcid.org/0009-0000-4409-0560>

**Abstract.** The relevance of this study is due to the growing number of documented practices of destruction of cultural identity in the context of the Russian Federation's armed aggression against Ukraine and the lack of a comprehensive legal conceptualisation of these practices within international criminal law. Despite active research into war crimes and crimes against humanity, the cultural dimension of violence is often considered secondary or auxiliary, which prevents a proper assessment of its systemic nature and legal significance. The aim of the article was to systematise established practices of influencing the cultural identity of the Ukrainian people and to justify the possibility of their legal interpretation within the framework of international criminal law as a comprehensive model of influence relevant for assessing specific intent. The study used formal legal, comparative legal and content analysis methods. The application of these methods made it possible to analyse international legal norms, judicial practice and documented facts of violations, as well as to structure the forms of influence on cultural identity into analytically independent categories. The main results of the study were the identification and systematisation of key forms of destruction of cultural identity, in particular interference in the linguistic sphere, education, religious life, traditions and customs, the activities of cultural institutions, material cultural heritage, as well as the intergenerational dimension of identity through influence on children. It was shown that these practices are not fragmentary, but interconnected and repetitive in nature, which allows them to be considered as elements of a coherent systemic policy. It has been proven that the combination of established actions, in particular the combination of cultural destruction and systematic violence, in the relevant ideological context, provides grounds for their assessment as legally significant indicators of specific intent derived from a pattern of behaviour. The practical value of the work lies in the possibility of using the results obtained in law enforcement activities, in documenting international crimes, as well as in scientific research devoted to the issues of genocide and the protection of cultural identity in the context of armed conflicts

**Keywords:** erasure of cultural identity; forced assimilation; destruction of cultural heritage; deportation of children; violation of cultural rights; international criminal law

### Introduction

The Russian Federation's armed aggression against Ukraine has not only a military dimension, but also a clear civilisational and cultural dimension. Along with massive violations of international humanitarian law, war crimes and crimes against humanity, the full-scale invasion is accompanied by the systematic destruction of the cultural identity of the Ukrainian people. The destruction of cultural heritage sites, the suppression of the Ukrainian language in public spaces in the temporarily occupied territories, the destruction of educational institutions, the persecution of religious communities, the forced deportation of children and the imposition of a foreign historical and cultural paradigm form a consistent pattern of actions aimed at breaking cultural continuity (Bakalchuk, 2022; Chopyak & Lonchyna, 2024).

The problem of identity destruction as a specific form of violence is receiving increasing attention in contemporary

international legal doctrine. Genocide was first considered by R. Lemkin as a complex process involving cultural, social, linguistic and religious aspects of the destruction of a group. However, during the codification of the Convention on the Prevention and Punishment of the Crime of Genocide (1948), these elements were excluded, leading to the dominance of a narrow, predominantly biological approach. In recent literature, in particular J. Heiskanen (2021) and F.A. Raihany *et al.* (2023), there is an active debate on the need to rethink classical approaches and include cultural forms of destruction in the modern legal framework. According to Article 6 of the Rome Statute of the International Criminal Court (1998) and Elements of Crimes, the crime of genocide is characterised by a combination of objective and subjective elements and is committed in a specific context. In particular, it includes: (1) an objective element (*actus*

**Suggested Citation** ————— **Article's History:** Received: 15.11.2025 Revised: 20.02.2026 Accepted: 25.03.2026 Published: 01.04.2026

Murzo, Ye. (2026). Erasing identity through culture: Towards the formation of a legal framework for cultural genocide. *Social & Legal Studios*, 9(1), 17-25. doi: 10.32518/sals1.2026.17.

\*Corresponding author



reus) – the commission of one or more prohibited acts, as provided for in paragraphs (a)-(e) of Article 6, against members of a protected national, ethnic, racial or religious group; (2) a subjective element (*dolus specialis*) – a specific intent to destroy such a group in whole or in part as such. At the same time, such acts must take place in the context of a clear pattern of similar acts directed against the group in question, or be such that they are capable of causing its destruction.

Despite this, in the current system of international criminal law, acts aimed at destroying culture, language, education and other elements of identity are mostly classified as war crimes or crimes against humanity. This approach does not always fully reflect the true nature of the practices in question, especially when cultural destruction is used as an instrument of deliberate state policy. In this context, the Ukrainian case is of particular interest for scientific analysis, as it demonstrates the systematic and multi-level nature of the impact on cultural identity during armed conflict. At the same time, such a classification does not mean that there is no connection between the relevant practices and the crime of genocide. The shelling of cultural heritage sites, interference in the linguistic, educational and religious spheres, and the destruction of cultural infrastructure do not in themselves constitute genocide within the meaning of Article 6 of the Rome Statute of the International Criminal Court (1998). However, their repetition, selectivity and combination with other forms of violence give such acts legal significance at another level – as elements of the context from which *dolus specialis* to destroy a protected group as such can be inferred. It is this distinction between the classification of individual acts and the assessment of their cumulative effect that necessitates a separate analysis of the cultural dimension of genocidal impact.

Despite the growing number of works devoted to war crimes and crimes against humanity, the issue of cultural genocide in the context of the Russian Federation's aggression against Ukraine remains only partially researched and still lacks a comprehensive legal conceptualisation. Recent literature from 2023-2025 focuses mainly on the protection of cultural heritage in armed conflict and on the classification of relevant offences within the established categories of international criminal law, primarily as war crimes or crimes against humanity (Popov & Orobets, 2025). At the same time, the destruction of cultural heritage is seen primarily as evidence of genocidal intent rather than as an independent element of the crime of genocide (Wierczyńska, 2025). Some studies, in particular D. Azarov *et al.* (2023), analyse the systematic destruction of cultural heritage and the suppression of elements of cultural identity not as an independent legal category, but as contextual evidence of the presence of *dolus specialis* when assessing the possibility of qualifying actions as genocide. Such fragmentation of approaches leads to a persistent scientific gap in the legal conceptualisation of cultural genocide.

The aim of this article was to study the possibility of forming a legal framework for cultural genocide in the system of international criminal law based on an analysis of practices of destruction of the cultural identity of the Ukrainian people in the context of the Russian Federation's armed aggression against Ukraine. To achieve the aim of the study, the following objectives were set: to analyse the evolution of approaches to understanding the cultural dimension of genocide; to examine the main forms of destruction of

tangible and intangible elements of cultural identity; to determine the possibilities and limits of the legal classification of such actions as cultural genocide. The scientific novelty lies in the attempt to conceptualise cultural genocide as a legal category of international criminal law, taking into account the Ukrainian context, which demonstrates the systematic nature of cultural destruction as a tool for undermining the existence of the national community.

### Literature review

Contemporary genocide studies increasingly demonstrate a tendency to conceptualise genocide not as a single act of mass violence but as a prolonged process directed at the destruction or transformation of a national group. A. Fox (2021), analysing Russian-Ukrainian relations in the 20<sup>th</sup> century, views them as a continuous “arc process of genocidal practices” combining phases of overt violence with prolonged periods of systematic suppression of Ukrainian identity. The author draws on the concepts of Raphael Lemkin and Martin Shaw, showing that the destruction of culture, language and institutions was an integral part of imperial policy. A similar procedural approach is developed by I. Kravets (2024), who traces the evolution of ideas about genocide from the categories of “act of barbarity” and “act of vandalism” to an understanding of it as a deliberate campaign to destroy a national group. The author emphasises the primary nature of the cultural dimension of genocide in Raphael Lemkin's concept, which envisaged the destruction of the national pattern of the oppressed group with the subsequent imposition of the oppressor's pattern. At the same time, it is emphasised that the definition of genocide enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide (1948) does not reproduce all the components of the original concept, which leads to contemporary legal and cultural conflicts.

Some studies focusing on the normative formulation of the concept of cultural genocide point out that this concept was considered during the preparation of the Convention on the Prevention and Punishment of the Crime of Genocide (1948), but was ultimately not included in its text. M. Hamilton (2022) emphasises that the concept of cultural genocide is based on the idea that cultural groups can be destroyed by destroying the material manifestations of their culture, in particular cultural heritage objects. This approach emphasises the close link between cultural heritage and the preservation of cultural identity. At the same time, the author notes that international law has not yet developed a comprehensive approach to assessing the consequences of the loss of material carriers of culture for the existence of cultural groups, especially in the context of armed conflicts. Further development of this issue can be traced in works that consider cultural genocide as an “invisible” process of systematic destruction of language, traditions, education, religion and historical memory. K. Lekić (2022) emphasises that such practices can lead to the disappearance of a group as a cultural entity even without direct physical extermination, as they are often legitimised as elements of social or civilisational policy. The author also draws attention to the fact that the absence of a direct provision for cultural genocide in international criminal law contributes to its neglect in legal classification, despite its significant long-term consequences for the preservation of cultural diversity and social stability at the global level.

Contemporary studies of genocide are increasingly focusing on its intangible and procedural dimensions, particularly through the prism of memory, culture and social ties. In the collective monograph by S. Wolfe *et al.* (2023), genocide is viewed not only as an act of physical destruction, but as a prolonged process of destroying the cultural, symbolic and institutional foundations of a group's existence. The authors emphasise that the destruction of memory, the distortion of historical narratives and the undermining of cultural continuity are integral components of genocidal practices, and that ignoring them in legal assessments leads to a fragmented understanding of the scale of the crime. This approach conceptually continues Raphael Lemkin's original vision and provides a theoretical basis for analysing the cultural dimension of genocide in contemporary conflicts. From the perspective of this approach, O. Bartov (2023) emphasises the importance of integrating personal testimonies: diaries, interviews, memoirs and court testimony in the study of genocide, emphasising their evidential value on a par with official documents and their role in revealing not only mass violence, but also mechanisms of survival, resistance and the destruction of social ties.

At the same time, studies devoted to the investigation of war crimes emphasise that only the correlation of the testimony of victims and witnesses with open sources and the results of investigative actions makes it possible to establish connections between individual episodes and to reconstruct the broader context of criminal conduct (Shulha *et al.*, 2023). A separate area of contemporary research on cultural genocide focuses on the destruction of material carriers of collective memory, in particular archives. In the introduction to their work, H. Khalaf & A. Dorval (2023) emphasise that archives are a key element of cultural heritage, ensuring historical continuity, institutional memory and the possibility of shaping future state policy. Using the example of the destruction and appropriation of Iraqi archives, the author argues that such actions go beyond internal damage to a single state and constitute a form of international cultural genocide, as they lead to the irreparable loss of humanity's common heritage and call into question the effectiveness of existing international mechanisms for its protection.

S. Mapp & K. Smith Rotabi-Casares (2023) analyse the practice of state separation of children from their families as a form of cultural genocide, demonstrating its recurrence in different regions of the world – the United States, Africa, and Asia. The authors emphasise that such actions are deliberate cultural assimilation and control, as well as a gross violation of international standards for children's rights enshrined in relevant UN conventions. Particular attention is paid to contemporary examples, including Russia's policy towards Ukrainian children and US practices on the southern border. O. Brynzanska (2024) argues that damage to the environment can be considered a sign of genocide, provided that such actions create deliberate living conditions aimed at the complete or partial physical destruction of a protected group. The researcher notes that environmental destruction may correspond to the elements of genocide defined by the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Rome Statute of the International Criminal Court (1998). At the same time, there is a view that environmental damage can simultaneously constitute signs of both ecocide and genocide, if there

is a specific intent to destroy a national, ethnic, racial or religious group in whole or in part.

In examining the situation of indigenous peoples in Bolivia, J. Linstroth (2022) highlights the insufficient level of international awareness of ongoing genocidal processes and emphasises the need for more systematic approaches to the protection of indigenous peoples at the global level. In the scientific work of P. Chaney (2025), the key point is the well-founded assertion that cumulative, prolonged and systematic violations of the rights of indigenous peoples can create conditions that lead to cultural genocide, even if at a certain stage they have not yet reached its "classical" threshold.

### Materials and methods

The study was conducted within the framework of qualitative legal analysis based on the methodology of international criminal law and interdisciplinary approaches to the study of mass international crimes. The conceptual framework of the work was based on the classic definition of genocide enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide (1948), as well as the provisions of Article 6 of the Rome Statute of the International Criminal Court (1998) and Elements of Crimes. In addition, doctrinal approaches to the analysis of the cultural dimension of genocide and ethnocide, initiated by R. Lemkin and developed in contemporary scientific literature, were taken into account. The main method of scientific inquiry was the formal legal method, which was used to analyse the normative content of the crime of genocide, in particular its objective and subjective elements, as well as to clarify the legal significance of cultural forms of destruction in the structure of international crimes. The comparative legal method was used to compare the approaches of international judicial institutions to the assessment of the destruction of cultural, linguistic, educational and religious elements in cases of international crimes. This method was used to analyse the decisions of the International Criminal Court, the International Tribunal for the Former Yugoslavia and the European Court of Human Rights, which made it possible to identify common criteria and differences in the interpretation of the cultural dimension of violence.

Content analysis was used to process a set of documented facts recorded in reports by the ICC (2023), OHCHR (2023), and Human Rights Watch (2024). Based on this analysis, the main forms of influence on cultural identity were identified and classified. The classification methodology was based on approaches relevant to understanding the cultural dimension of genocidal influence, in particular on positions supported or confirmed by the results of this study (Gavira Díaz, 2022; Raihany *et al.*, 2023; Mapp & Smith Rotabi-Casares, 2023). The systematic analysis method made it possible to consider the established practices not as isolated violations, but as interrelated elements of a holistic model of influence on cultural identity, as reflected in the analytical diagram. This method was used to reproduce the logic of interaction between different forms of influence and their cumulative sociocultural effect.

### Results and discussion

An analysis of the practices implemented by the Russian Federation in the temporarily occupied territories of Ukraine has revealed a systematic, multifaceted and targeted impact on the tangible and intangible elements of cultural identity.

The totality of the recorded actions indicates the formation of a persistent pattern of destruction of the cultural foundations of the Ukrainian people. It has been established that the destruction of objects of tangible cultural heritage is not accidental and covers religious buildings, museums, libraries, archives, historical monuments and places of collective memory. Such objects are subjected to deliberate damage, destruction or unlawful removal followed by their transfer beyond the territory of Ukraine. The cumulative effect of these actions consists in the loss of material carriers of historical memory and the disruption of mechanisms of inter-generational cultural transmission.

The systematic nature of the impact on intangible elements of cultural identity has been separately established. This refers to the displacement of the Ukrainian language from the public sphere, the transformation of educational programmes, changes in the content of academic disciplines, and the imposition of alternative historical narratives and ideological constructs. These practices are aimed at changing the models of self-identification of the population, especially children and young people, and forming an alternative cultural identity. An analysis of documented practices of forcible displacement of Ukrainian children from temporarily occupied territories, as reflected in the materials of the International Criminal Court on the illegal transfer and deportation of children (Mentzelopoulou, 2025) and in thematic reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2023), as well as in detailed

studies of violations of educational rights during the occupation (Human Rights Watch, 2024), shows that such actions are accompanied by restrictions on access to the Ukrainian language, culture and educational environment.

It is important to note that the deportation of Ukrainian children is currently being prosecuted by the International Criminal Court as a war crime, which does not exclude its legal significance for assessing possible genocidal intent. Within international criminal law, the classification of a particular act and the assessment of its evidentiary role in establishing *dolus specialis* are different levels of analysis. The forcible transfer of children, even if their lives are spared, is explicitly provided for in the Convention on the Prevention and Punishment of the Crime of Genocide (1948) as one of the possible mechanisms for the destruction of a group as such. A separate group of established facts concerns interference in religious life: there have been reports of persecution of religious communities, seizure of religious buildings, restrictions on freedom of religion, and the subordination of religious institutions to structures controlled by the aggressor state. Such actions undermine the spiritual foundations of the national community as a component of cultural identity. In order to typologise the described forms of influence on cultural identity and determine their potential international legal significance, Table 1 summarises examples of international judicial practice in which similar actions were considered legally relevant for assessing the specific intent or context of international crimes.

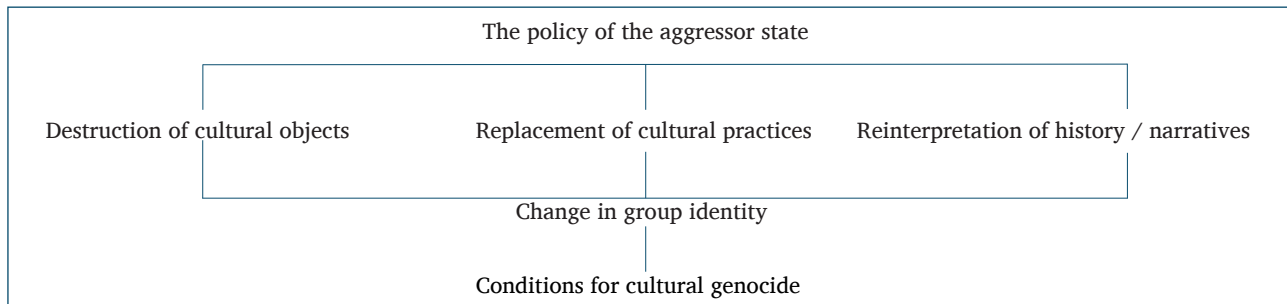
Table 1. Forms of destruction of cultural identity

Category	Judicial decisions	Brief description of manifestations
Cultural heritage, traditions, connection to place	Prosecutor v. Ahmad Al Faqi Al Mahdi (Judgment of the International Criminal Court No. ICC-01/12-01/15-171, 2016)	Attacks on historical monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali.
	Prosecutor v. Pavle Strugar (Judgment of the International Criminal Tribunal for the former Yugoslavia No. IT-01-42-T, 2005)	Deliberate shelling and damage to the historic centre of Dubrovnik, a cultural heritage site, without military necessity.
	Prosecutor v. Kordić & Čerkez (Judgment of the International Criminal Tribunal for the former Yugoslavia No. IT-95-14/2-A, 2004)	Deliberate destruction and damage to religious and cultural sites (including mosques) as part of a campaign of violence against the civilian population.
	Prosecutor v. Prlić et al. (Judgment of the International Criminal Tribunal for the former Yugoslavia No. IT-04-74-A, 2017)	Systematic destruction of religious and cultural sites (including mosques) as part of a campaign of persecution against the civilian population and the creation of an ethnically homogeneous territory.
	Sargsyan v. Azerbaijan (Judgment of the European Court of Human Rights No. 40167/06, 2015)	Prolonged deprivation of access to housing, land and culturally significant sites as a result of armed conflict, in violation of the right to respect for private life and peaceful enjoyment of property.
Language	Catan and Others v. Moldova and Russia (Judgment of the European Court of Human Rights No. 43370/04, 8252/05, 18454/06, 2012)	Forced interference in education and language policy as a form of prolonged influence on cultural identity under the effective control of a foreign state.
Religion, education	Cyprus v. Turkey (Judgment of the European Court of Human Rights No. 25781/94, 2001)	Obstruction of access to places of worship, restrictions on religious rites, interference in the functioning of educational and cultural institutions under the effective control of a foreign state.
Children's identity	Prosecutor v. Vladimir Vladimirovich Putin (Judgment of the International Criminal Court, Situation in Ukraine, No. ICC-01/22, 2022)	Illegal deportation and forced displacement of Ukrainian children from the temporarily occupied territories of Ukraine to the Russian Federation as a war crime.
	Prosecutor v. Maria Alekseyevna Lvova-Belova (Judgment of the International Criminal Court, Situation in Ukraine, No. ICC-01/22, 2022)	Organisation and facilitation of the illegal displacement and assimilation of Ukrainian children, including transfer to guardianship and change of cultural environment.

Source: developed by the author based on international judicial practice

A summary of the above facts allows to establish the complex nature of the influence, in which the destruction of material culture is combined with the transformation of language, education, religion, and the forced change of the environment of socialisation of children (Fig. 1). This set of actions indicates not isolated violations, but the implementation of a comprehensive model of influence on identity as a socio-historical category. A synthesis of the established practices allows to determine their social consequences. The influence exerted causes the gradual destruction of group

identity, whereby the community loses the ability to reproduce itself as a separate socio-cultural entity. It has been established that such processes occur mainly without the use of overt physical violence, through assimilation and administrative mechanisms, which makes it difficult to identify their destructive nature in a timely manner. The latent and gradual nature of these practices leads to their long-term legitimisation as acceptable forms of managerial or educational influence, which exacerbates their destructive effect on social ties and cultural continuity.



**Figure 1.** The mechanism of cultural aggression as a process of destroying cultural identity

**Source:** developed by the author based on the generalised forms of influence presented in Table 1

The results obtained allow to join the current scientific debate on the possibility of conceptualising cultural genocide within the framework of international criminal law. In particular, they correlate with the conclusions of V. Bakalchuk (2022), who, analysing the actions of the Russian Federation in the temporarily occupied territories of Ukraine, substantiates the presence of signs of cultural genocide through the systematic destruction of cultural heritage sites, the displacement of language and the transformation of the educational space. At the same time, the above analysis shows a different, more complex picture, since the established practices are not limited to cultural heritage and education, but also cover the religious sphere, the environment of children's socialisation, and the mechanisms of collective memory reproduction. Thus, the results of this study support the general logic of V. Bakalchuk's (2022) argument, but expand it by identifying a comprehensive model of influence on identity as a socio-historical category.

A similar emphasis on the procedural nature of identity destruction can be found in the works of J. Heiskanen (2021), who considers ethnocide and cultural destruction as tools for transforming groups without physically exterminating them. This scholar's conclusions are methodologically important because they allow to move away from a narrow, biologised understanding of genocide. At the same time, the results of this study do not fully agree with this position, because in the case of Ukraine, cultural destruction is not a self-sufficient or isolated phenomenon, but is combined with war crimes and crimes against humanity. The reason for the different interpretations may lie in differences in the empirical basis: J. Heiskanen (2021) analyses mainly cases of cultural assimilation without an active phase of armed conflict, while the Ukrainian context is characterised by the overlap of several forms of international crimes. In this sense, the statements of J. Siekiera (2023) seem debatable, as she believes that the crimes committed by the Russian Federation on the territory of Ukraine should be considered primarily as a tool for restoring territorial control, rather than as a manifestation of

genocidal intent (Siekiera, 2023). This is inconsistent with the results of the above analysis, as the established practices of influencing language, education, religion and the environment of children have no direct military significance and are aimed at the long-term transformation of group identity. Thus, territorial control in this case is more of an intermediate goal, while the ultimate goal is to undermine the national community's ability to reproduce itself.

Within the framework of a realistic approach, post-Soviet states, including Ukraine, are not actually considered fully sovereign actors in international relations, and their foreign and security policies must be consistent with the "security interests" of neighbouring great powers (Mueller, 2021). At the same time, the discussion about the relationship between territorial motives and genocidal intent is methodologically important. Within the framework of international criminal law, the motive of "territory" is not mutually exclusive with the existence of a specific intent to destroy a protected group in whole or in part as such. The practice of international criminal tribunals consistently confirms that *dolus specialis* can be established by inference from a set of circumstances and patterns of behaviour, even in the absence of direct evidence in the form of declarative statements (Judgment of the International Criminal Tribunal for the former Yugoslavia in Case No. IT-98-33-A, 2004). In this context, massive and repeated shelling, systematic targeting of civilian objects, and destruction of cultural and social infrastructure are significant not only as war crimes. They can be seen as part of a general pattern aimed at undermining the ability of Ukrainians to exist as a national group "as such" by destroying the environment in which their identity is reproduced and simultaneously depriving them of basic security. It is this cumulative effect – the combination of cultural destruction and systematic violence – that strengthens the argument for the deliberate nature of the policy in question. Of particular importance for assessing possible genocidal intent is the treatment of persons who have ceased to participate in hostilities. The executions of captured military personnel and

the torture of prisoners of war cannot be explained by military necessity and serve another function: the demonstrative devaluation of the lives of members of a particular national group, the normalisation of the practice of “taking no prisoners”, and the creation of a regime of fear and breaking resistance. The UN Human Rights Monitoring Mission in Ukraine reported a sharp increase in the number of executions of captured Ukrainian military personnel, as well as the continuation of torture and deaths in places of detention in 2025.

In the literature, more and more researchers are questioning the rigid distinction between physical and cultural destruction of groups. F. Raihany *et al.* (2023), analysing the boundary between ethnic cleansing and genocide, emphasise the complexity of the legal classification of contemporary forms of violence. Their conclusions are generally supported by the results of this study, but given the established complex nature of the impact on identity, they can be considered in a different light. In particular, the cultural dimension of violence in the case of Ukraine is not auxiliary or secondary, but forms an independent level of destruction that goes beyond the classical models of ethnic cleansing. A number of contemporary studies draw attention to the specific nature of the Russian ideological narrative regarding Ukraine, within which the destruction of Ukrainian cultural identity is presented as a form of “liberation” or “rescue”. Unlike classic models of dehumanisation, this discourse denies the distinctiveness of Ukrainians as a group, asserting their “identity” with Russians, while those who bear Ukrainian identity are seen as subject to elimination. Under such conditions, the destruction of culture, language and historical memory appears not as violence, but as a supposedly legitimate form of ideological correction. Such rhetoric fits into a long tradition of Russian nationalist thought, in which the “Ukrainian question” is seen as an existential threat (Laryš, 2025).

Comparative and empirical studies of genocide also confirm that the cultural dimension of violence cannot be considered secondary or auxiliary. For example, analysis of the Rohingya genocide in Myanmar shows that the systematic destruction of religious institutions and the prohibition of religious practices lead to the loss of a group’s social viability, while demographic restrictions and birth control policies directly affect its physical reproduction. In this context, genocide emerges as a tripartite practice combining political, cultural and physical mechanisms of destruction motivated by fear of political transformation of the dominant group (Anwary, 2025). Studies of the colonial experience in Africa and the Caribbean also show that cultural genocide can be implemented through the institutional imposition of religion as a tool for assimilation and the destruction of local value systems and identities, which has historically been legitimised as a “civilising mission”. V. Chopyak & V. Lonchyna (2024) rightly emphasise the destruction of education and science as an instrument of genocidal policy. At the same time, the results obtained allow to assert that the educational component is only one link in a broader chain of influence aimed at transforming identity as a whole.

In view of this, the position of P. Gavira Díaz (2022) is relevant, who emphasises that the destruction of language, religion, cultural heritage, archives and symbolic foundations of identity is not always recognised as genocide as a separate crime, but is crucial for establishing a specific intent to destroy a group as such. The results obtained in this study confirm this position, demonstrating that systematic

interference in the tangible and intangible elements of the cultural identity of the Ukrainian people cannot be considered a side effect of armed conflict, but rather indicates the deliberate nature of the relevant policy. Even in legal systems with an established democratic tradition, practices that had long been legitimised as “social policy” were later reinterpreted as forms of cultural genocide, particularly in connection with the systematic destruction of the family and cultural ties of indigenous peoples (van Krieken, 2024). Studies of cultural genocide in contemporary conflicts show that one of the key tools for destroying identity is the criminalisation of traditional cultural practices. The example of the Amhara in Ethiopia shows that state prohibition and persecution of traditional forms of social organisation and conflict resolution can serve as a deliberate mechanism for undermining the cultural identity of a group. Such practices are combined with politically motivated violence, forced displacement and manipulation of traditional institutions, which together form a systematic pattern of cultural destruction (Wondie, 2025).

A similar approach is developed by A. Arciola (2025), who argues that the destruction of language, religion and symbolic foundations of identity creates living conditions incompatible with the continued existence of the group as such. This author’s conclusions are close to the results obtained, but this study shows that such conditions are not formed spontaneously, but through systemic administrative, educational and ideological mechanisms that are disguised as legitimate state policy. It is this latency and gradualness, as noted in the Results section, that explains why cultural destruction often remains outside the scope of timely legal assessment. A comparison with studies of the forced displacement and assimilation of children is also important for interpreting the results obtained. S. Mapp & K. Smith Rotabi-Casares (2023) consider the separation of children from their families as a form of cultural genocide aimed at breaking the intergenerational transmission of identity. The results obtained in this study support this position, but complement it by demonstrating that the deportation of children, combined with the transformation of the educational and linguistic environment, creates conditions for identity change not only at the individual level, but also at the group level.

In some of the contemporary political-realist and security literature, the Russian Federation’s armed aggression against Ukraine is interpreted primarily through the prism of geopolitical and territorial interests, in particular the desire to control strategic spaces, sea routes and port infrastructure, as well as to influence the architecture of European security (Moisio, 2022; Jin *et al.*, 2025). Within such approaches, interference in the linguistic, educational, religious and cultural spheres is usually considered a derivative or instrumental element of the management of occupied territories, rather than an independent object of legal assessment. At the same time, the results of this study show that such an interpretation does not explain the systematicity, repetitiveness and lack of immediate military necessity in practices aimed at transforming cultural identity, in particular through language displacement, changes in educational programmes, interference in religious life and the disruption of intergenerational cultural transmission. Under such conditions, territorial control appears not as an end goal, but as an intermediate condition for the implementation of a broader policy aimed at long-term change in group identity.

Thus, the study not only aligns with contemporary scientific approaches but also expands upon them, demonstrating that the destruction of cultural identity in the context of the Russian Federation's armed aggression against Ukraine has the characteristics of a comprehensive systemic policy that can be conceptualised within international criminal law as a specific form of genocidal influence. The combination of established practices, in particular the combination of cultural destruction (implemented mainly through assimilation and administrative rather than overt physical mechanisms) and systemic violence, combined with ideological narratives of denial as a contextual factor, allows to reasonably consider these actions as corresponding to the indicators of specific intent derived from a pattern of behaviour, as understood in international criminal law.

### Conclusions

The subject of this article was to explore the possibility of establishing a legal framework for cultural genocide in the system of international criminal law based on an analysis of practices of destroying the cultural identity of the Ukrainian people in the context of the Russian Federation's armed aggression against Ukraine. The aim was achieved through a comprehensive analysis of the evolution of doctrinal approaches to the cultural dimension of genocide, as well as a generalisation of established forms of influence on the tangible and intangible elements of cultural identity.

The study revealed that the actions of the aggressor state regarding cultural heritage, language, education, religion, and the socialisation environment of children are systematic and purposeful. An analysis of recorded practices has established that the destruction of objects of material culture is combined with the transformation of intangible elements of identity, in particular through the suppression of the Ukrainian language, changes to educational programmes and the imposition of alternative historical narratives. The analysis revealed a persistent pattern of influence aimed at disrupting intergenerational cultural transmission and undermining the mechanisms of self-reproduction of the national community. It was established that the forced displacement of Ukrainian children is accompanied by their inclusion in a foreign linguistic, cultural and legal system, which creates

the preconditions for the transformation of identity. These data indicate that the influence on cultural identity is not realised in isolation, but within the framework of a holistic model. The results obtained allow to assert that these practices are not limited to the side effects of armed conflict, but have the characteristics of a conscious policy.

Summarising the results, it can be noted that the destruction of cultural identity in modern armed conflicts requires independent conceptual consideration within the framework of international criminal law. The analysis shows that the cultural dimension of genocidal influence cannot be considered solely as an auxiliary element of war crimes or crimes against humanity. Conceptually, the above indicates the need to broaden the legal vision of genocidal practices, taking into account latent, administrative and assimilationist mechanisms of destruction of group identity. This deepens the understanding of genocide as a multi-level process combining physical, cultural and social dimensions. Promising areas for further research in this field include an in-depth analysis of the evidence of the cultural dimension of genocidal intent in international and national criminal proceedings, as well as exploring the possibilities of integrating the category of cultural genocide into the practice of international justice.

### Acknowledgements

The author expresses sincere gratitude to the Central European University Foundation of Budapest (CEUBPF) for its support of this research within the framework of the grant awarded.

### Funding

This research was conducted with the financial support of the Central European University Foundation of Budapest (CEUBPF) under a research grant awarded for the implementation of the author's project. Any conclusions, statements, or findings presented in this article reflect solely the author's views and do not necessarily represent the position of CEUBPF.

### Conflict of interest

None.

### References

- [1] Anwary, A. (2025). Political, physical, and cultural techniques of genocide against the Rohingyas of Myanmar. *The International Journal of Human Rights*, 29(6), 1069-1092. doi: 10.1080/13642987.2024.2434915.
- [2] Arciola, J.R. (2025). *Erasing cultures, resisting erasure: A comparative analysis of cultural genocide patterns of persecution and resistance in the Xinjiang Uyghur Autonomous Region and 20th century genocides*. (Doctoral dissertation, Chapel Hill, USA).
- [3] Azarov, D., Koval, D., Nuridzhanian, G., & Venher, V. (2023). Understanding Russia's actions in Ukraine as the crime of genocide. *Journal of International Criminal Justice*, 21(2), 233-264. doi: 10.1093/jicj/mqad018.
- [4] Bakalchuk, V. (2022). Cultural genocide as international crime committed by the Russian Federation in Ukraine. *Strategic Panorama*, Special Issue, 72-79. doi: 10.53679/2616-9460.specialissue.2022.07.
- [5] Bartov, O. (2023). *Genocide, the Holocaust and Israel-Palestine: First person history in times of crisis*. London: Bloomsbury Academic. doi: 10.5040/9781350332355.
- [6] Brynzanska, O. (2024). Damage to the environment as a sign of genocide. *Scientific Journal of the National Academy of Internal Affairs*, 29(3), 42-52. doi: 10.56215/naia-herald/3.2024.42.
- [7] Chaney, P. (2025). Cultural genocide? Civil society perspectives on the contemporary human rights situation of indigenous people in Bolivia: A critical analysis. *Journal of Civil Society*, 21(1), 41-65. doi: 10.1080/17448689.2024.2437579.
- [8] Chopyak, V., & Lonchyna, V. (2024). In the third year of war: Signs of genocide of the Ukrainian people through the destruction of medicine, science, and education. *Proceedings of the Shevchenko Scientific Society. Medical Sciences*, 73(1). doi: 10.25040/ntsh2024.01.02.
- [9] Fox, A. (2021). Russo-Ukrainian patterns of genocide in the twentieth century. *Journal of Strategic Security*, 14(4), 56-71. doi: 10.5038/1944-0472.14.4.1913.

- [10] Gavira Díaz, P. (2022). The physical, biological and cultural dimensions of genocide: An expansive interpretation of the crime? *Journal on Ethnopolitics and Minority Issues in Europe*, 21(1), 111-151. doi: 10.53779/CNWQ2236.
- [11] Hamilton, M. (2022). The concept of cultural genocide. In *The preservation of art and culture in times of war*. Oxford: Oxford University Press. doi: 10.1093/oso/9780197610565.003.0006.
- [12] Heiskanen, J. (2021). In the shadow of genocide: Ethnocide, ethnic cleansing, and international order. *Global Studies Quarterly*, 1(4), article number ksab030. doi: 10.1093/isagsq/ksab030.
- [13] Human Rights Watch. (2024). *Education under occupation: Forced russification of the school system in occupied Ukrainian territories*. Retrieved from <https://www.hrw.org/report/2024/06/20/education-under-occupation/forced-russification-school-system-occupied-ukrainian>.
- [14] International Criminal Court. (n.d.). *Situation in Ukraine*. Retrieved from <https://www.icc-cpi.int/situations/ukraine>.
- [15] Jin, S., Hoang, K., Gan, C., Nguyen, Q.T.T., & Anh, D.L.T. (2025). Russo-Ukrainian geopolitical tensions: An empirical analysis of corporate investment in Europe. *Pacific-Basin Finance Journal*, 90, article number 102690. doi: 10.1016/j.pacfin.2025.102690.
- [16] Judgment of the European Court of Human Rights in the Case No. 25781/94 “Cyprus v. Turkey”. (2001, May). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-59454>.
- [17] Judgment of the European Court of Human Rights in the Case No. 40167/06 “Sargsyan v. Azerbaijan”. (2015, June). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-155662>.
- [18] Judgment of the European Court of Human Rights in the Case No. 43370/04 “Catan and Others v. Moldova and Russia”. (2012, October). Retrieved from <https://hudoc.echr.coe.int/eng?i=001-114082>.
- [19] Judgment of the International Criminal Court in the Case No. ICC-01/12-01/15 “Prosecutor v. Ahmad Al Faqi Al Mahdi”. (2016, September). Retrieved from [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_07244.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_07244.PDF).
- [20] Judgment of the International Criminal Court, Situation in Ukraine No. ICC-01/22. (2022, March). Retrieved from [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022\\_01686.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2022_01686.PDF).
- [21] Judgment of the International Criminal Tribunal for the former Yugoslavia in the Case No. IT-95-14/2-A “Prosecutor v. Dario Kordić and Mario Čerkez”. (2004, December). Retrieved from <https://www.refworld.org/jurisprudence/caselaw/icty/2004/en/91973>.
- [22] Judgment of the International Criminal Tribunal for the former Yugoslavia in the Case No. IT-01-42-T “Prosecutor v. Pavle Strugar”. (2005, January). Retrieved from <https://www.icty.org/x/cases/strugar/tjug/en/str-tj050131e.pdf>.
- [23] Judgment of the International Criminal Tribunal for the former Yugoslavia in the Case No. IT-04-74-A “Prosecutor v. Jadranko Prlić et al.”. (2017, November). Retrieved from <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Brief/NotIndexable/IT-04-74-A/BRF314R0000452780.pdf>.
- [24] Judgment of the International Criminal Tribunal for the former Yugoslavia in the Case No. IT-98-33-A “Prosecutor v. Radislav Krstić”. (2004, April). Retrieved from <https://www.icty.org/x/cases/krstic/acjug/en/>.
- [25] Khalaf, H.A.A., & Dorval, A.R. (2023). The cultural genocide of the Iraqi archives and Iraqi Jewish archive and international responsibility. *Information & Culture*, 58(1), 91-108.
- [26] Kravets, I. (2024). Current approaches to defining the concept of “cultural genocide”. *Ukrainian Cultural Studies*, 1(14), 40-44. doi: 10.17721/UCS.2024.1(14).06.
- [27] Laryš, M. (2025). “Liberation” of “younger brothers” or genocide of subhumans? Genocidal discourses on Ukrainians in Putin’s regime. *Nations and Nationalism*, 0. doi: 10.1111/nana.13120.
- [28] Lekić, K. (2022). Cultural genocide: Definition, characteristics, hazards. *Megatrend Review*, 19(3), 427-439. doi: 10.5937/MegRev2203427L.
- [29] Linstroth, J.P. (2022). Cultural genocide, genocide, and Amerindian genocide. In *Politics and racism beyond nations* (pp. 87-138). London: Palgrave Macmillan. doi: 10.1007/978-3-030-91720-3\_4.
- [30] Mapp, S.C., & Smith Rotabi-Casares, K. (2023). State-sponsored child separation as cultural genocide: Implications for children’s rights and child adoption. *Families in Society: The Journal of Contemporary Social Services*, 106(3), 601-612. doi: 10.1177/10443894231200659.
- [31] Mentzelopoulou, M.M. (2025). *Russia’s war on Ukraine: Forcibly displaced Ukrainian children*. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747093/EPRS\\_BRI%282023%29747093\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747093/EPRS_BRI%282023%29747093_EN.pdf).
- [32] Moisio, S. (2022). Geopolitics of explaining Russia’s invasion of Ukraine and the challenge of small states. *Political Geography*, 97, article number 102683. doi: 10.1016/j.polgeo.2022.102683.
- [33] Mueller, W. (2021). Review of the book “Everyone loses: The Ukraine crisis and the ruinous contest for post-Soviet Eurasia” by S. Charap & T. J. Colton. *East/West: Journal of Ukrainian Studies*, 8(1). doi: 10.21226/ewjus650.
- [34] Office of the United Nations High Commissioner for Human Rights. (2023). *Report on the human rights situation in Ukraine: 35th periodic report (24 March 2023)*. Retrieved from <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/23-03-24-Ukraine-35th-periodic-report-ENG.pdf>.
- [35] Popov, G., & Orobets, K. (2025). Assessing war crimes during armed conflicts: Insights from Ukraine and global standards. *Journal of Lifestyle and SDGs Review*, 5(1), article number e03391. doi: 10.47172/2965-730X.SDGsReview.v5.n01.pe03391.
- [36] Raihany, F. A., Bernard, Y., & Hidajaty, H. (2023). The subtle line that differentiates between ethnic cleansing and genocide. *Andalus Law Journal*, 8(2), 38-50. doi: 10.25077/alj.v8i2.57.
- [37] Rome Statute of the International Criminal Court. (1998, July). Retrieved from <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.
- [38] Shulha, A., Tkach, A., Murzo, Y., Horodetska, M., & Sokur, T. (2023). Forensic information sources during the investigation of war crimes. *Amazonia Investiga*, 12(71), 103-116. doi: 10.34069/AI/2023.71.11.9.

- [39] Siekiera, D.J. (2023). Between genocide and war crime – legal-cultural analysis of the Russian aggression in Ukraine. *Review of European and Comparative Law*, Special Issue, 55-76. doi: 10.31743/recl.16472.
- [40] United Nations. (1948). *Convention on the Prevention and Punishment of the Crime of Genocide*. Retrieved from [https://zakon.rada.gov.ua/laws/show/995\\_155#Text](https://zakon.rada.gov.ua/laws/show/995_155#Text).
- [41] van Krieken, R. (2024). [Welfare or cultural genocide? Law, civilization, decivilization, and the removal of indigenous children in Australia](#). *Historical Social Research / Historische Sozialforschung*, 49(2), 65-86.
- [42] Wierczyńska, K. (2025). The unrecognized genocide: Rethinking the legal framework for the destruction of cultural heritage in Ukraine and Gaza. *Santander Art and Culture Law Review*, 2(11), 57-82. doi: 10.4467/2450050XSNR.25.017.2268258.
- [43] Wolfe, S., Kane, M.C., & Ansah, T.B. (2023). *In the shadow of genocide: Justice and memory within Rwanda*. London: Routledge.
- [44] Wondie, D.B. (2025). Criminalization of traditional practices as a facet of cultural genocide: The case of enbedade amongst the Amhara community in Ethiopia. *African Identities*. doi: 10.1080/14725843.2024.2440088.

## Стирання ідентичності через культуру: до формування правової рамки культурного геноциду

**Євгенія Мурзо**

Доктор філософії у галузі права

Головне слідче управління Національної поліції України

01024, вул. Академіка Богомольця, 10, м. Київ, Україна

<https://orcid.org/0009-0000-4409-0560>

**Анотація.** Актуальність дослідження зумовлена зростанням кількості документованих практик знищення культурної ідентичності в умовах збройної агресії Російської Федерації проти України та відсутністю їх цілісної правової концептуалізації в межах міжнародного кримінального права. Попри активне вивчення воєнних злочинів і злочинів проти людяності, культурний вимір насильства часто розглядається як допоміжний або вторинний, що не дозволяє належним чином оцінити його системний характер і правове значення. Метою статті була систематизація встановлених практик впливу на культурну ідентичність українського народу та обґрунтування можливості їх правової інтерпретації в межах міжнародного кримінального права як цілісної моделі впливу, релевантної для оцінки спеціального наміру. У дослідженні використано методи формально-юридичний, порівняльно-правовий методи та контент-аналіз. Застосування цих методів дозволило проаналізувати міжнародно-правові норми, судову практику та документовані факти порушень, а також структурувати форми впливу на культурну ідентичність за аналітично самостійними категоріями. Основні результати дослідження полягають у виявленні та систематизації ключових форм знищення культурної ідентичності, зокрема втручання в мовну сферу, освіту, релігійне життя, традиції та звичаї, діяльність культурних інституцій, матеріальну культурну спадщину, а також у міжпоколінний вимір ідентичності через вплив на дітей. Показано, що ці практики мають не фрагментарний, а взаємопов'язаний і повторюваний характер, що дозволяє розглядати їх як елементи цілісної системної політики. Доведено, що сукупність встановлених дій, зокрема поєднання культурного знищення та системного насильства, у відповідному ідеологічному контексті, створює підстави для їх оцінки як юридично значущих індикаторів спеціального наміру, виведеного з патерну поведінки. Практична цінність роботи полягає в можливості використання отриманих результатів у правозастосовній діяльності, під час документування міжнародних злочинів, а також у наукових дослідженнях, присвячених проблематиці геноциду та захисту культурної ідентичності в умовах збройних конфліктів

**Ключові слова:** стирання культурної ідентичності; примусова асиміляція; знищення культурної спадщини; депортація дітей; порушення культурних прав; міжнародне кримінальне право