

Islamic State Men and Women Must be Treated the Same

Written by Katelyn Jones

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KATELYN JONES, AUG 26 2019

Is a convicted ISIS member any less dangerous because she is a woman? Regrettably, the US criminal justice system seems to think so. Islamic State women are less likely to be convicted than men. And when women are convicted, they receive more lenient sentences than men. 178 individuals have been charged in the United States on offenses related to the Islamic State. As of summer 2018, the average sentencing for convicted men was 13.8 years. By comparison, the average sentencing for women was only 5.8 years. But treating men and women ISIS members differently in court not only undermines judicial fairness, it also hinders counterterrorism and threatens security.

The widely publicized cases of Jennifer W. and Hoda Muthana highlight the reality that Islamic State women often play critical roles in the group. Jennifer W., a 27-year-old woman on trial in Germany, is accused of joining ISIS and committing war crimes, including as an accomplice to the murder of a five-year-old Yazidi girl she allegedly enslaved. And Hoda Muthana, now 24, seeks to return to the United States after leaving her college in Alabama to join ISIS where she ran a recruitment Twitter account for the group. These women's involvement in the group highlight that Islamic State women are not always victims, nor are they necessarily tricked into joining the group.

In fact, women and men tend to join ISIS for the same reasons. They enlist because they desire to participate in a religious movement, seek economic empowerment, join a political movement, and overcome social or cultural alienation. Men and women also play active roles in ISIS as recruiters and combatants. Policymakers have become increasingly aware of women's active contributions to ISIS, resulting in Islamic State women being more often subjected to criminal investigations and prosecution. In 2016, women constituted 26% of those arrested on terrorism charges in Europe, up from 18% in 2015. Nonetheless, sentencing of Islamic State men and women vary significantly.

Women receive more lenient sentences because of the false assumption that all women are victims. Women members are often presumed to have been tricked into joining the group due to a lack of education or naïveté. In the United States, court transcripts show judges using the trope of a "jihadi bride" to explain women were duped into joining the group and providing material support. Globally, Islamic State women are not only described as "jihadi brides," but also as "mothers of the caliphate," "vulnerable women," and "naïve girls." These portrayals of women reduce their agency, attributing their involvement to a lack of understanding and a tendency to be swept away by promises of romance and adventure.

The reality is that women who join ISIS come from a breadth of backgrounds. They are not all young, they are not all unmarried, and they are not all uneducated. In fact, a significant number of women, including Jennifer W. and Hoda Muthana, enter after having earned a high school diploma. False narratives about women's motivations and involvement misrepresent ISIS's recruitment and membership. And this misrepresentation ultimately impedes fair trials and counterterrorism.

Data from the Profiles of Individual Radicalization in the United States (PIRUS) dataset shows that authorities arrested and indicted about 73% of the men included in the PIRUS dataset, compared to 66% of women, for ideologically motivated crimes. Individuals included in the dataset must meet at least one of the following criteria:

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having been arrested/charged for an ideologically-motivated crime, indicted for the crime, killed as a result of ideological activities, a member of a terrorist organization designated by the US Department of State, and/or associated with an extremist organization whose leaders had been indicted for an ideologically-motivated violence offense. Moreover, each individual must have radicalized in the United States, espoused ideological motives, and show clear evidence that his/her behaviors were linked to the ideological motives he/she espoused. Arguably, the difference in conviction rates among men and women is in part due to the disparity in arrests and indictments due to gender.

The PIRUS dataset also demonstrates that courts convict about 38% of men compared to 29% of women. But this variation is not because men are being convicted of more serious crimes. In fact, based on the data currently available, men and women who face conviction are convicted for *similar* crimes. For example, Jaelyn Young (woman, 19 at time of arrest) was arrested and charged for being in violation of 18 U.S.C. §2339B (material support to a designated terrorist organization); her ultimate sentence (2016) was 12 years' prison and 15 years' supervised release. By comparison, Amer Sinan Alhaggagi (man, 21 at time of arrest) was also arrested and charged for being in violation of 18 U.S.C. §2339B; his ultimate sentence (2019) was almost 16 years' prison (188 months). This means that although Young and Alhaggagi were convicted for the violation, Alhaggagi's sentence was almost 33% longer than Young's. Men and women are convicted of comparable crimes, but they receive notably different sentences.

Failing to recognize the security threats posed by Islamic State women results not only in unequal convictions and sentencings, but also in inadequate reintegration and rehabilitation programs for convicted women. In general, there is a limited understanding as to what methods are most effective in the rehabilitation and reintegration of women foreign terrorist fighters. In the case of Boko Haram, research shows that women return to the group after completing disengagement programs because of poverty, social marginalization, and a lack of socio-economic opportunity outside. Because reintegration programs fail to provide the social, economic, and health opportunities for returning women, some choose to return to the group that empowered them in ways that society could not.

To prevent recidivism, reintegration programs must recognize and act on the gender-specific needs of returning terrorist fighters. They should work to provide economic and political agency for women, as well as to transform patriarchal norms that disempower women. And to ensure judicial fairness, policymakers have to acknowledge how gendered narratives inform terrorism trials, convictions, and sentencing, and then adjust legislation accordingly. Returning ISIS members must be treated the same, regardless of gender, to create effective counterterrorism programs and protect national security.

About the author:

Katelyn Jones is the Women, Peace, and Security Fellow at the Chicago Council on Global Affairs and Public Fellow for the American Council of Learned Societies. Her research concerns gender politics in international organizations, and is especially focused on gender mainstreaming in policy formation and implementation. Dr. Jones earned a PhD and MA in political science from the University of Wisconsin-Madison, and an AB in government from Georgetown University. Prior to joining the Council, she was visiting faculty in international politics at the University of Richmond and Barnard College. She has also worked at the Center for Religious Freedom in Washington, DC, and the National Geospatial-Intelligence Agency in St. Louis. Dr. Jones' research has been selected for presentations at the London School of Economics' Centre for Women, Peace, and Security, as well as Women In International Security's Next Generation Symposium on the future of WPS, the Institute of Politics at the University of Chicago, the UN Working Group to End Homelessness, and the Global Forum on Women in Science Education and Research.