

**Evolving Role of International Organisations During
War with Reference to The Victim of Sexual Violence
in Conflict Zones: Study of 21st Century**

**Dissertation Submitted in section Fulfilment for the
requirement of the Degree of
LL.M.**

Submitted by:

Komal Rani

Supervised by:

Dr. Vinayak Pandey



**GALGOTIAS
UNIVERSITY**

SCHOOL OF LAW

GALGOTIAS UNIVERSITY

GREATER NOIDA

(2023-2024)

DECLARATION

I, here by declare that the dissertation entitled “**Evolving role of international organisations during war with reference to the victim of sexual violence in conflict zones: study of 21st century**” is based on original research undertaken by me and it has not been submitted in any University for any degree or diploma.

Place:

Signature of the student:

Date:

Name of the student: KOMAL RANI

Enrollment No: 23GSOL2040003

CERTIFICATE

This is to Certified that the dissertation entitled – “Evolving role of international organisations during war with reference to the victim of sexual violence in conflict zones: study of 21st century” has been prepared by (**MS. Komal Rani**), pursuing LL.M from School of Law, Galgotias University under my supervision and guidance. I recommend it for evaluation.

Place:

Date:

(Name, Designation and

Signature of Supervisor)

ACKNOWLEDGEMENT

I owe my gratitude to DR. VINAYAK PANDEY, School of Law, Galgotias University for giving his kind consent for my present study " **Evolving role of international organizations during war with reference to the victim of sexual violence in conflict zones : study of 21st century** "and for valuable suggestions, advice and supervision, without his guidance, this work of dissertation could not have been completed.

I am indebted to the staff of Library of Bar Associations, School of Law, Galgotias University, Police Disentombments and Newspapers for providing me reference material. My special thanks are for teaching staff of School of Law, Galgotias University, for their all-required assistance.

I am also indebted to various authors and publishers of various books and journals which I have referred in my Dissertation.

LIST OF ABBREVIATIONS

API	Protocol I additional to the Four Geneva Conventions, 1977
APII	Protocol II additional to the Four Geneva Conventions, 1977
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIL	Customary International Law
GC I	First Geneva Convention, 1949
GC II	Second Geneva Convention, 1949
GC III	Third Geneva Convention, 1949
HRC	Human Rights Council
IAC	International Armed Conflict
ICC	International Criminal Court
ICL	International Criminal Law
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IHRL	International Human Rights Law
NIAC	Non-International Armed Conflict
UN	United Nations
UNGA	UN General Assembly
UNSC	UN Security Council
UNSCR	UN Security Council Resolution
UNSG	UN Secretary General

CONTENT

S.NO	TITLE	PG. NO.
	Declaration	2
	Certificate	3
	ACKNOWLEDGEMENT	4
	List of Abbreviation	5
	CHAPTER 1 - INTRODUCTION	10-21
1.1	Introduction of the Study	
1.2	Statement of problem	
1.3	Literature Review	
1.4	Research Objective	
1.5	Research Questions	
1.6	Research Methodology	
1.7	Hypothesis	
	Tentative Chapterisation	22-23
	CHAPTER – 2 - HISTORICAL OVERVIEW OF SEXUAL VIOLENCE IN ARMED CONFLICTS AND INTERNATIONAL HUMANITARIAN LAW	24-45
2.1.	Introduction	
2.2.	The Historical Evolution of Sexual Violence in ARMED CONFLICT ZONES	
2.3	Sexual Violence and International Humanitarian Law	
2.4.	Conclusion	
	CHAPTER – 3 WOMEN AND ARMED CONFLICT ZONES	46-91
3.1	Introduction	
3.2	Development and progress of an ARMED CONFLICT ZONES	

3.3	What does Sexual violence in conflict means?	
3.4	Law and ARMED CONFLICT ZONESs	
3.5	<p>Women Experience in ARMED CONFLICT ZONES</p> <ul style="list-style-type: none"> a. The Deliberate Slaying of Women Civilians b. Women and the concept of collateral damage c. Violence and Brutality against women d. Refugee and Displaced women e. Women in Detention f. Persistent Gender stereotypes g. The death of members of the family h. A fall in one's social standing i. The impact of ARMED CONFLICT ZONES on the economy j. A means of obtaining Necessary Supplies and services <ul style="list-style-type: none"> a. Women's' Health b. Lack of access to emergency aid k. Women Soldiers and Sexual Violence 	
3.6	Defining Sexual Violence in Non- International ARMED CONFLICT ZONESs	
3.7	<p>Elements of Crime against Women during ARMED CONFLICT ZONESs</p> <ul style="list-style-type: none"> 1. Rape as a weapon of war 2. Forced Pregnancy and Forced Impregnation 3. Sexual Slavery, Enforced Prostitution and Enslavement 4. Torture, Nudity and Forced Pornography 5. Intentional Spread of Vulnerable Disease (AIDS/HIV) 6. Forced Marriage, Abduction and Trafficking 	
3.8	Conclusion	
	CHAPTER – 4 PROTECTION OF WOMEN DURING ARMED CONFLICTS IN THE 21ST CENTURY	92-120
4.1	Introduction	

4.2	Prohibition of Sexual Violence under International Criminal Law a. Codification of the Crime	
4.3	Approaches before 1990 a. Approaches by Human Rights bodies after 1990 b. Action of the UN Security Council c. Evolution of Soft Law concerning the protection of women in ARMED CONFLICT ZONESs	
4.4	Developments in protecting women in the 21 st Century 1. Vienna Conference on Human Rights UN (1993) 2. Prosecuting Sexual violence in Domestic Courts 3. Prosecuting Sexual violence as International Crimes	
4.5	Tribunals involved in the World War II and the reaction to cases of Sexual violence during ARMED CONFLICT ZONES a. International Military Tribunal at Nuremberg b. International Military Tribunal for the Far East c. Control Council Law No. 10	
4.6	Post – Nuremberg International Developments Addressing the needs of Women a. The Ad Hoc tribunals of Yugoslavia and Rwanda a.1. Yugoslavia a.1.1. Rules a.1.2. Prosecutions b. Rwanda c. International crimes Tribunal in Bangladesh (ICTB – 1973) d. Extraordinary chambers in the courts of combodia (ECCC – 1973) e. United Nations Interim Administration Misson in Kosovo (UNIAMK – 1999) f. Special panel for serious crimes in East Timor – Now Timor (SPSC – 2000) g. The Special Court of Sierra Leone (SCSL – 2002) h. Iraqi high Tribunal (IST – 2003) i. The War crime chamber in Serbia (WCC Serbia – 2003)	

	<p>j. The War crimes chamber in Bosnia and Herzegovina (WCC BiH – 2003)</p> <p>k. The Special Tribunal for Lebanon (STL – 2007)</p> <p>l. International crimes division of the high court of Uganda (ICD – 2008)</p> <p>m. The Guatemala courts of High-risk crimes (GCHRC – 2009)</p> <p>n. The Extraordinary African Chamber (EAC – 2013)</p> <p>o. The Specialized criminal chambers in Tunisia (SCC’s – 2014)</p>	
4.7	The International Criminal Court and Sexual Violence (ICC – 2002)	
	CHAPTER – 5 CONCLUSION	121-130
5.1	Conclusion	
5.2.	Recommendation/ Suggestion	
6	Bibliography	131-133

CHAPTER 1 - INTRODUCTION

1.1 INTRODUCTION OF THE STUDY

Women have historically been the victims of violence, particularly sexual abuse, during times of conflict. In the past, women were viewed as status symbols and were thought to be the primary victims. Crimes against women continue to rise, but in times of war, women are more vulnerable than males. Sexual violence against women is considered a weapon of war, regardless of whether the wars are international or not. Women have suffered mental, emotional, and physical difficulties for all of recorded time. Whether crimes are perpetrated by individuals, organizations, or authorized state authorities during peacetime or warfare, women make up the majority of the victims. The concept of "crime against women" is relatively new; throughout human history, it has always been unlawful and criminal. Any major violation of women's equality, freedom, dignity, integrity, and security—whether in times of war or peace—is considered a crime against women. Legislation, cultural norms, political and religious beliefs, freedom of movement, and prejudice in the application of social, educational, procedural, and customary standards are all included in this.

The horrible reality of systematic sexual violence being used as a tool of oppression and terror, a practice that has been long-established in war zones, is addressed. The 20th century saw fragmented, predominantly reactive attempts to counter this horrific practice. However, the international response has witnessed a considerable transformation in the 21st century. This paper explores the transition in the functions of international organizations, particularly regarding their interventions for victims of sexual violence in conflict zones dating from the onset of the new millennium.

The historic UN Security Council Resolution 1325 (2000) was a breakthrough moment, acknowledging sexual assault as a threat to international peace and security, rather than an unavoidable byproduct of war¹. This was followed by a number of resolutions and activities focused on prevention, protection, prosecution, and recovery. Organizations

¹ United Nations. (2000, October 31), Resolution 1325 (2000), available at <https://www.unwomen.org/en/annual-report/2022>

such as UN Women, the UN Special Representative on Sexual Violence in Conflict, and the International Criminal Court (ICC) have emerged as key players, advocating for proactive measures such as early warning systems, perpetrator training, and community engagement, as well as specialized medical, legal, and psychosocial support for survivors.²

This evolving function reflects a rising awareness of the devastation caused by sexual abuse. Beyond individual suffering, it destabilizes communities, perpetuates violent cycles, and impedes post-conflict reconstruction.³ The international community has recognized its shared duty, extending beyond crisis response to advocate for accountability and survivor-centred policies. Despite the advances, considerable challenges persist. Operational limits, resource constraints, and political difficulties frequently impede successful interventions on the ground.⁴ Maintaining accountability for criminals remains difficult, with impunity fuelling an atmosphere of fear and silence.⁵ Furthermore, survivor-centred support services frequently encounter accessibility and cultural sensitivity challenges.⁶

This research paper will critically evaluate the evolving role of international organizations in combating sexual violence in conflict zones. By examining achievements, limitations, and current issues, it hopes to contribute to a more effective and complete response that prioritises prevention, accountability, and survivor-centred assistance. Finally, the purpose is to pave the path for a future in which war zones no longer provide impunity for such brutality, and all individuals' rights and dignity are respected, even during the darkest hours of conflict.

The twenty-first century has seen an increasing acknowledgment of the devastation caused by sexual violence in conflict zones, with women and girls being disproportionately affected. International organizations, navigating an ever-changing

² Global Protection Cluster. (2023, March 8), Gender-Based Violence in Emergencies: An Overview, available at <https://www.unicef.org/protection/gender-based-violence-in-emergencies>:

³ Human Rights Watch. (2023, February 16), 2023 World Report: Unchecked Global Abuses Demand Action, available at <https://www.hrw.org/world-report/2023>

⁴ International Crisis Group. (2021, September 29), Conflict-Related Sexual Violence: Time for Action, available at <https://www.un.org/en/observances/end-sexual-violence-in-conflict-day>:

⁵ Amnesty International. (2023, January 26), Impunity Persists for War Crimes of Sexual Violence in Ukraine, available at <https://www.amnesty.org/en/location/europe-and-central-asia/ukraine/>:

⁶ UN Women, (2023, March 8), Women, War and Peace: 2023 Theme - "Transforming our World: Realizing the Promise of Equality and Ending All Forms of Violence against Women and Girls." Available at <https://www.unwomen.org/en/annual-report/2022>:

global landscape, have adjusted their roles to handle this dreadful reality. This research paper looks into this dynamic by examining the growth of international organizational responses to sexual violence during warfare over the course of the twenty-first century.

The research takes a historical and critical approach, examining significant changes in international legal frameworks, intervention techniques, and resource allocation. It begins by delving into the important UN Security Council Resolution 1325 (2000), which recognized the gendered components of war and called for specific actions to safeguard women and girls. The analysis then tracks the following development of legal mechanisms, such as the Rome Statute of International Criminal Court, that recognizes sexual violence as a war crime and a crime against humanity.

Moving beyond the organization's public statements, the article looks into the practical issues and evolving approaches used by international organizations on the ground. It investigates the complexity of putting protection measures in place while dealing with conflict dynamics, resource restrictions, and cultural sensitivity. Case studies of specific initiatives will be presented, drawing from a variety of contexts such as the Democratic Republic of the Congo, Iraq, and Syria. Additionally, the article will critically examine the success of these treatments, taking into consideration aspects such as victim access to justice, perpetrator accountability, and community-based support structures.

Finally, the article discusses existing patterns and future approaches in preventing sexual assault in conflict. It considers the expanding role of technology in evidence collection and advocacy, the increasing focus on prevention through survivor-centred initiatives, and the growing emphasis on accountability for non-governmental organizations. The study continues by advising international organizations to continue modifying their responses, prioritizing survivor needs, and ensuring that their initiatives result in demonstrable changes on the ground for the most marginalized populations.

1.2 STATEMENT OF PROBLEM

Sexual assault is still a common and terrible reality in conflict zones, disproportionately affecting women, children, and vulnerable groups, despite increased awareness and legislative frameworks. Although the role of international organizations has commendably evolved in the twenty-first century, there are still major obstacles in the

way of properly preventing, reacting to, and securing responsibility for this horrific crime.

Key questions: -

1. How has the 21st century seen changes in the prevalence and kind of sexual violence in conflict zones?
2. Which are the main issues that victims of sexual violence in war zones have to deal with, and how have they evolved over time?
3. What are the historical and contemporary roles that international organizations have played in combating sexual violence during periods of war?
4. What are the advantages and disadvantages of the strategies that international organizations are now using to combat sexual violence in war zones?
5. How successful are international legal frameworks and procedures in holding offenders accountable and giving victims of sexual assault in conflict areas justice?
6. How much do social, cultural, and political aspects affect how successful international efforts are in preventing sexual assault in periods of war?
7. What effects do current events have on global attempts to combat this issue, such as the weaponization of sexual assault and the confluence of gender-based violence with various other forms of oppression?

1.3 LITERATURE REVIEW

A comprehensive review of literature is essential for any good research endeavour as it provides a background to aid the researcher in designing and analysing research work.

1. Elizabeth D. Heineman (2011) in her article “Introduction: The history of sexual violence in conflict zones” recognizes, the Abu Ghraib prison scandal and incidents of rape in Sudan, Uganda, and Congo have highlighted the prevalence of sexual violence in areas affected by conflict. Even though international humanitarian law denounced it, efforts to address conflict-related sexual

violence only began to pick up in the 1990s. This article seeks to enhance knowledge by looking at conflicts that occurred before the 1990s, delving into the lasting impacts, studying the factors affecting sexual violence, and incorporating theories into wider conversations about violence in society. The phrase "sexual violence in conflict zones" includes a range of abuses beyond just rape and applies to instances of widespread armed conflict, irrespective of official declarations of war. The article aims to enhance comprehension and guide actions in addressing and preventing sexual violence in conflict zones through historical and modern studies.

2. Foster J. E., Minwalla S. (2018) through their journal "voices of Yazidi women: Perceptions of journalistic practices in the reporting on ISIS sexual violence" paid a tribute to a worldwide transnational feminist viewpoint to explore how Yazidi women view media coverage of survivors of imprisonment, sexual assault, and trafficking by ISIS. From 26 in-person interviews with displaced Yazidi women, five common themes emerged: the expectation for women to share their stories, worries about journalism practices endangering them, the emotional strain of reliving their experiences, the belief in the importance of speaking out, and the disappointment over the lack of global action in response to the Yazidi genocide. This story shows a complicated mix of women's victimization and resistance in their involvement in media, pointing out the effects for journalists reporting on sexual violence in areas of conflict.
3. "Born of war: Protecting children of sexual violence survivors in conflict zones", James Garbarino (2010), is the book that examines the safeguarding of children conceived from sexual violence during war. Case studies are available that investigate the location, condition, and requirements of these children in different country settings, in addition to theoretical essays that delve into the human security aspects of this problem. The book sheds light on the susceptibility of these kids in areas of conflict, where they encounter bias, killings of infants, and deprivation of necessities like medical treatment and schooling. The contributors seek to increase awareness of this overlooked group in global discussions on human rights and push for their participation in humanitarian initiatives. The different case studies highlight how various

communities respond to these children, providing important insights for modern humanitarian efforts.

4. Daoud S.S. (2023) in his journal “Sexual Violence in Armed Conflict, as an example of ISIS crimes” This research critically analyzes the legal challenges related to sexual violence in conflict zones, with a focus on Iraq and Syria, which are not signatories to the Rome Statute of the International Criminal Court. By conducting a legal comparison, differences are exposed between the offenses described in the Rome Statute and the local laws of Iraq and Syria, specifically the Iraqi Penal Code of 1969. The results highlight a notable deficiency in the legal system, impeding the punishment of offenders and the delivery of justice to victims. In addition, the research points out constraints present in the Iraqi legal system. It offers important perspectives on the legal obstacles of prosecuting sexual violence in areas of conflict, suggesting essential changes and global collaboration to harmonize domestic laws with worldwide norms. The study provides suggestions for improving legal systems to effectively address sexual violence in worldwide conflicts.

5. “Sexual violence in Africa’s conflict zones” (2011) Prescott J. A., Madsen A.M., Their book explores the ongoing problem of sexual violence in conflict areas in Africa, with a focus on the vulnerability of women and children. Both government security forces and non-state actors commit abhorrent acts such as rape, mutilation, and sexual slavery. Due to the deficiencies in the justice systems in numerous African countries, victims frequently have limited options for legal remedies. The book also delves into efforts by Congress to tackle these crimes through laws, hearings, and other actions.

6. McDonald T.W., Sand J.N. (2010) in their article, “post-traumatic stress disorder in refugee communities: The importance of culturally sensitive screening, diagnosis, and treatment” have mentioned that in recent years, many refugees affected by global conflicts have been relocated to different countries, such as the United States, Canada, Australia, and Sweden. A lot of these people

have suffered from intense and repeated trauma in areas affected by conflict, including events like warfare, torture, sexual abuse, and destruction of property. PTSD seems to be significantly common within this group of refugees. This legal paper analyzes how PTSD appears in refugee communities, looking at different ways it presents and suggesting best practices for screening, diagnosing, and providing culturally appropriate treatments.

7. "Children and the Responsibility to Protect, (vol.10/1-2, 2018) " Bina D'Costa and Luke Glanville convene a gathering of over a dozen academics and practitioners from diverse geographical backgrounds to analyze the intersections between the Responsibility to Protect (R2P) principle and the theory and implementation of child protection. Themes explored by contributors encompass the representation of children's agency and vulnerability, the inclusion of their perspectives in discussions on R2P and child protection, and the potential advantages of integrating the R2P and Children and Armed Conflict (CAAC) agendas. Additionally, case studies examining the lives of children in conflict zones, child soldiers, and offspring of conflict-related sexual violence are presented. This compilation of essays originally appeared in the journal *Global Responsibility to Protect* as a special issue.

8. Rana M. Jaleel (2013), in her journal, "Weapon of sex, Weapon of war: Feminisms, ethnic conflict and the rise of rape and sexual violence in public international law during the 1990s, stated that recent global focus has shifted to the classification of rape and sexual violence in areas of conflict. Important discussions arise from conflicts in the former Yugoslavia and Rwanda in the 1990s, specifically regarding the question of whether rape should be classified as genocide. The first formal accusation of wartime rape as genocide within international law was seen in the case *Prosecutor v. Akayesu*⁷ at the International Criminal Tribunal for Rwanda, but the initial prosecution of wartime rape as

⁷ *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, (Int'l Crim. Trib. for Rwanda, Sept. 2, 1998).

genocidal happened in a US federal court. This project seeks to investigate the wider societal and political impacts of the current legal emphasis on rape and sexual violence on a global scale. It explores how US and transnational feminist legal scholars and advocates have impacted perceptions of the connections between gender, violence, and ethno-religious distinctions within international law. In making this claim, it contends that their participation revisits and transforms previous discussions on gender, sexuality, race, and power dynamics from the US Sex Wars of the 1980s.

9. Ranit Mishori, (2014) in her article “Strengthening health system response to gender-based violence through multisectoral collaboration and best practices in evidence collection and documentation” mentioned about PHR's Program on Sexual Violence in Conflict Zones, overseen by Physicians for Human Rights (PHR), seeks to enhance the skills of healthcare and legal experts in collecting forensic evidence of sexual violence using recommended methods. This program, which is carried out in Kenya, the Democratic Republic of the Congo (DRC), Uganda, South Sudan, and the Central African Republic (CAR), tackles the issue of inadequate training for health professionals in recording forensic evidence. By bridging this divide, PHR thinks it can greatly improve the ability of health and legal professionals to hold perpetrators of sexual violence accountable, thus upholding women's rights and helping survivors seek justice. The program's main objectives are to educate healthcare professionals, encourage teamwork between different fields, and push for policy changes on a global scale. This presentation will explore how PHR's method can act as a blueprint for enhancing cooperation between health and legal experts in dealing with sexual violence offenses.

10. “Sexual Violence as a Weapon of War? Perceptions, Prescriptions, problems in the Congo and Beyond” (2016) Kula S. L., reviewed in her book, in times of conflict, rape is commonly referred to as a 'weapon of war', a term believed to be clear because of its inherent connection to gender and warfare. In their book, Eriksson Baaz, and Stern question current understandings of sexual violence in

conflict and post-conflict settings. Utilizing feminist perspectives on gender, warfare, violence, and militarization, the authors delve into the intricate issues stemming from the incorporation of sexual violence into global security discussions. Based on fieldwork in the Democratic Republic of the Congo and research in other conflict areas, "Sexual Violence as a Weapon of War?" challenges the current focus on sexual violence, pointing out the difficulties of separating it from other types of violence in war. Written by respected professionals in the field, this much-awaited book explores a growingly important subject in discussions about security, law, and gender.

11. Carolyn Nordstrom (2023), "Shadows of War: Violence, Power, and International Profiteering in the Twenty-First Century" she explores the complex aspects of warfare, delving into survival in war zones, power structures, and illicit networks that support war and global profit in this thorough study. Based on ethnographic research in politically violent regions worldwide, *Shadows of War* delves into the human aspect of conflict, revealing both apparent and hidden truths of modern warfare. Nordstrom emphasizes how war transforms basic ideas of humanity and exposes its connection to fights over state authority, the creation of both legal and illegal economic powers, and the pursuit of peace. The book reveals intricate international financial networks worth trillions of dollars that support conflicts, and it follows the complex routes through which illicit drugs, valuable gems, weapons, necessary supplies, and medications are moved by a diverse global network of individuals. *Shadows of War* highlights how the experiences of war creators and average people are often ignored in mainstream media, providing a powerful story that sheds light on the forgotten individuals in global discussions.

1.4 OBJECTIVES OF THE STUDY

1. To examine the historical evolution of international responses to sexual violence in conflict zones:

The study will look at the main milestones and evolves in international policy and practice since the twentieth century, with a focus on the twenty-first century as an era of significant change. This will involve researching landmark resolutions, the establishment of specialized agencies, and the creation of new standards and guidelines.

2. To assess the effectiveness of current international measures for avoiding sexual violence in conflict zones:

This objective will evaluate the effectiveness of existing preventative measures such as early warning systems, military training programs, and community involvement activities. It will examine the elements that influence their success or failure, such as resource restrictions, political will, and collaboration among multiple stakeholders.

3. To examine the difficulties and potential for holding perpetrators of sexual abuse accountable in conflict zones.

This objective will investigate the limitations of existing national and international justice structures, such as investigative bodies, tribunals, and domestic legal systems. It will also look at emerging developments and potential to improve accountability, such as the use of universal jurisdiction and technology advances in evidence collection.

4. To evaluate the adequacy and accessibility of support services for survivors of sexual abuse in war zones:

This aim will look at the availability and quality of medical, legal, and psychosocial support services for survivors. It will take into account cultural sensitivity, gender-specific needs, and the long-term effects of trauma. It will also look into the role of international organizations in assisting local care providers and advocating for survivor-centred methods.

5. Provide proposals to improve the international response to sexual abuse in conflict zones:

Based on the research findings, this target will make specific recommendations for improving current strategies. This could include closing resource gaps, improving accountability procedures, encouraging survivor-centered approaches, and successfully utilizing technology. Recommendations should be adapted to a variety of players, including international organizations, national governments, civil society organizations, and local communities.

1.6 RESEARCH QUESTIONS

- 1 How have the structures and mandates of major international organizations—such as the UN, ICC, and regional bodies evolved in the twenty-first century to combat sexual assault in war areas?
2. In what ways have various international organizations' reactions to sexual assault in conflict zones changed throughout the course of the 21st century, depending on the location and conflict? (Africa versus. Middle East, for example)
3. In the twenty-first century, how have international organizations modified their approaches to better meet the social, psychological, and physical needs of victims of sexual abuse in war areas?
4. What obstacles must international organizations overcome in order to guarantee victims of sexual assault in war areas access to justice and compensation?
5. In what ways have international organizations supported the inclusion and empowerment of sexually assaulted survivors in conflict areas in peacekeeping and transitional justice initiatives?

1.7 RESEARCH METHODOLOGY

The research methodology used in this project is the doctrinal and non-empirical type of research. The sources from where the data has been collected are secondary sources. The secondary sources are used for referring to the case laws and collecting the material. Secondary source information is the literature available in the form of research publications, reference books, media news. Material is also collected from print and electronic media like various search engines and internet databases. From the collected material and the information, the researcher proposes to critically analyze the subject of the study and tries to achieve the core aspects of the study.

1.8 HYPOTHESIS

Whether in times of peace or conflict, violence against women endures. The key problem here is that there is still debate around sexual violence of women during war conflict. Since ancient times, systematic violence against women has been a part of ARMED CONFLICT ZONESs.

Those who commit these crimes have either escaped punishment because of their political standing as sovereign heads or because international humanitarian law and criminal law were not in place or were not effectively enforced at the time.

Unfortunately, violence against civilians, noncombatants, women, and children is still evident throughout such violent conflicts in the twenty-first century, despite advancements in all areas of human development.

While the concerns of violence during armed situations are covered by international humanitarian law, sexual assault against women is more difficult to address given the prevalence of low conviction rate for such crimes. Regarding sexual violence during ARMED CONFLICT ZONESs, there appears to be uncertainty in the treaties governing humanitarian law.

TENTATIVE CHAPTERISATION

CHAPTER 1 INTRODUCTION

This chapter serve as an introduction to the study and covers the research problems, the need for the study and its significance, the objective, hypothesis, methodology, and the literature review. It also describes the study's scope, analysis, and structure along with a convincing justification.

CHANTER 2 HISTORICAL OVERVIEW OF SEXUAL VILENCE IN ARMED CONFLICTS AND INTERNATION LAW

This chapter delves into the historical backdrop of sexual violence in armed conflict. It explores how these acts, though prevalent throughout history, were often overlooked or excused. The chapter then examines the evolution of International Humanitarian Law (IHL), the body of law governing wartime conduct. It will trace how IHL gradually incorporated protections against sexual violence, shifting the narrative from a sad inevitability to a serious violation. This historical overview lays the groundwork for understanding the contemporary challenges and evolving role of international organizations in addressing this persistent war crime.

CHAPTER 3 WOMEN AND ARMED CONFLICT ZONES

This chapter explores the brutal reality of sexual violence faced by women in war zones. It defines sexual violence in this context and delves into the experiences women endure. These include physical and sexual assaults, displacement as refugees, and exploitation in detention, Gender stereotypes further heighten their vulnerability. The chapter also outlines the specific war crimes committed against women, including rape as a weapon of war, forced pregnancy, and sexual slavery it highlights the

devastating impact on both physical and mental health, along with the struggle to obtain basic necessities and healthcare.

CHAPTER 4 PROTECTION OF WOMEN DURING ARMED CONFLICT IN THE 21ST CENTURY

This chapter tackles the legal response to the horrific issue of sexual violence in war zones, it traces the evolution of international law, moving from pre-1990 approaches to the growing prominence of human rights bodies like the UN Security Council, Key milestones like the Vienna Conference are explored, along with the increasing focus on protecting women in armed conflicts. The chapter then delves into the prosecution of these crimes, examining how domestic courts and international tribunals like those for Yugoslavia and Rwanda began holding perpetrators accountable for sexual violence as war crimes and crimes against humanity. Finally, it concludes by focusing on the international criminal court (ICC) and its crucial role in bringing justice to victims of sexual violence in war.

CHAPTER 2 - HISTORICAL OVERVIEW OF SEXUAL VIOLENCE IN ARMED CONFLICTS AND INTERNATIONAL HUMANITARIAN LAW

2.1 INTRODUCTION

When it comes to war, Western thinkers have traditionally shown a usually low level of concern. As a consequence, the amount of theoretical literature devoted to this issue is not as extensive or comprehensive as that which has been dedicated to a range of other topics.⁸ As a result, the historical perspective opposing discrimination against women during times of conflict is given more weight than the conflict itself. This is done as an alternative to the conventional strategy of concentrating on the conflict itself. Over the course of human history, rape and other forms of sexual assault have claimed the lives of countless children, women, and adults. This includes offenders who are men and women equally.⁹ This category includes inappropriate behaviour, such as sexual violence. In popular culture, documentaries, and films, rape during war has always been portrayed as a "Special experience" of brutal conflict, even though it has almost always been committed against women.¹⁰

Even though this has historically happened, women are nonetheless the targets of rape during times of conflict. This is true even if there has not been much conversation on the matter in the past, both politically and legally. Rape and other forms of sexual violence against men, women, and children have historically been quite common.¹¹ Rape in war has always been depicted as a "great memory" of violent conflict in popular culture, documentaries, and films, even though it was almost exclusively committed against women. This is true despite the protracted legal and political silence about it. mass rape of women in Belgium during World War I and the Philippines in 1944 at Mapanik, the mass rape of German women after World War II, and the sexual slavery

⁸ Wasserstrom, Richard A. War and Morality (1970)

⁹ Jewkes, R. & Daitnall, L. Sexual Violence, *international Encyclopedia of public Health* (2008).

¹⁰ Fernandez, T. The importance of including a gender- based perspective when dealing with the past: Sexual and gender – based violence committed during the Franco Dictatorship in Spain, *International journal OF rule of law*, Transitional justice and human rights 7(7) , (2016)

¹¹ Baaz, E, M. et.al. Why do soldiers rape? Masculinity. Violence. & sexuality in the armed forces in the Congo (DRC). *International Studies Quarterly* 53(2),495-518 (2009)

of up to 20,000 women throughout Asia during the Asia-Pacific War. Rape is the result of distorted (although acceptable) military hegemonic masculinity, which is definitely the outcome of pre-conflict gender inequality and inequality deeply ingrained in power relations, the number of nations where rape is common in conflict is too extensive to be listed here. Gender-based violence persists even though rape and other sexual violence like forced marriage, sexual slavery, and sterilization are now regarded as the most serious violations of international humanitarian law and there is no denying that sexual violence is more usual during times of war. Furthermore, victims and survivors of political violence continue to face stigma and humiliation, while culprits are spared punishment.

Since the beginning of written history, women have frequently suffered in wars initiated by men: "Men die, while women are often subjected to rape, torture, and abuse, or are raped and killed." Evidence suggests that sexual violence against women was common in battles from ancient Greece through the Middle Ages. This trend has persisted up to contemporary times, evident in the sexual assault of black slave women and American Indian women pre, during, and post the Civil War, as well as in the well-known "Nanjing Massacre." Military conflicts and sexual violence are closely connected, frequently causing a lack of justice for the victims due to the failure to prosecute the criminals involved.

Sexual violence in the American Revolutionary War emphasized the difference between these acts during times of war and times of peace. Both sides of the revolution had armed soldiers who could freely use their weapons, endangering women by forcing them to comply through threats. This ongoing issue of soldiers using their military might to intimidate and harm women is still significant in modern times. The existence of weapons increases the ease and frightfulness of sexual assault during combat. Numerous acts were done in public during the day, with soldiers rationalizing their behaviour by branding the victims as supporters of the enemy. Many reasons have been given for sexual assault in history, such as notions of ownership, dominance, traditional gender roles, spoils of war, intimidation, and eliminating adversaries. During the Middle Ages, conquering towns successfully was incentivized by allowing fighters to engage in unrestricted sexual contact with women who had been defeated. Even though sexual assault was not explicitly approved of, commanders who thought it would

improve their soldiers' effectiveness in battle frequently ignored it before it was prohibited by traditional laws.

Between the 18th and early 20th centuries, sexual assault was viewed as an infrequently penalized outcome of weak military discipline, revenge, or conflict. In the 21st century, opponents are intimidated, frustrated, and humiliated through the use of sexual violence. Its purpose is not just to control people but also to showcase military power and national pride, with the goal of threatening, disheartening, and embarrassing the enemy. Sexual violence encompasses crimes such as rape, sexual mutilation, sexual insults, forced prostitution, and forced pregnancy.¹² Numerous factors have played a role in the commission of these crimes over time. There has been a common belief that soldiers are entitled to see women as "spoils of war." This view considers women to be possessions - valuable goods that successful soldiers can take control of. Sexual violence is utilized to assert dominance in the military by forcing female soldiers into prostitution. In addition, sexual violence can also diminish the confidence of men, ultimately impacting the spirit of the entire team. Men who are unable to defend their women are seen as debased and impotent. Sexual violence can be employed as a means of punishment when women are involved in politics or have relationships with powerful political figures. It can also be used as a means to frighten many people at once, which may result in the breakdown of communities and the displacement of residents.

Sexual assault, as a tactic in genocidal campaigns, can result in severe psychological and emotional damage, ultimately aiding in the obliteration of a specific population. This type of violence possesses the ability to cause serious harm that could result in death, and can be used as a way to impose terms that ultimately seek to destroy a population.¹³

2.2 THE HISTORICAL EVOLUTION OF SEXUAL VIOLENCE IN ARMAED CONFLICT

War, an enduring and dreadful part of human life, consistently exposes some of the most despicable aspects of human behavior. Throughout history, battles have been

¹² Jarvis, J.M and Gardam, G. Judith, Women, Armed Conflict and International Law, Brill (2001)

¹³ Jarvis, M. Women2000: Sexual Violence and Armed conflict – United Nations Response – Beijing Declaration \and platform for Action. (1998)

characterized by intense violence, deaths, destruction, and immense pain, and this continues to hold true in our current society. After the Cold War, there has been a decrease in wars between countries, but internal conflicts within nations have become more frequent, and the international system continues to be affected by armed conflict. The majority of the wars and conflicts in the last thirty years fall into the category of intra-state or domestic conflicts. This study will explore internal armed conflicts, also referred to as civil wars, as disputes of a social or economic nature involving the military forces of a nation and factions seeking control over the state or territory.¹⁴ These violent clashes can happen at regular intervals. Throughout history, war has directly caused suffering for both males and females. Although women and children are typically protected from physical harm or death in combat, reducing their chances of being fatalities, innocent men almost always die during battles. Nonetheless, women are often targeted as victims of sexual assault, exploitation, and human trafficking. Rape is employed as a strategy in warfare to intimidate and debase the opponent, belittle women, and underscore the weaknesses of the losing military force. This strategy is focused on destroying the morale and unity of the opponent.

Rape can serve as a reward for the winners in some circumstances and alter the demographic composition of the population. Several conflicts, both past and contemporary, have shown this characteristic. Renowned psychiatrist Ruth Seifert, who specializes in armed conflict, said that rape may be used as a tool to split families and communities apart.¹⁵ A further layer of cultural destruction is added during times of armed war by sexual assault. This kind of violence is deliberate and can have long-term negative effects on the physical and mental well-being of those impacted, as well as irreversible damage to the family relationships and the social structure of a community. Sexual violence, including crimes like rape, sexual mutilation, forced prostitution, and forced pregnancy, is considered inappropriate behavior that affects the victim's sexual organs and overall well-being.¹⁶ Using force to engage in sexual acts, try to engage in sexual acts, make unwanted sexual remarks, or provoke sexually against another person for trafficking or any other reason is always unacceptable. This refers to any type of

¹⁴ Richey, C, K. Several Steps Sideways – International Legal Developments Concerning War Rape & the Human Rights of Women, *Texas Journal of Women, and the Law* 17(1) 110 (2007).

¹⁵ Seifert, R. War and Rape – A Preliminary Analysis, in a Stiglmeier (eds.), *Mass Rape: The War against Women in Bosnia Herzegovina*. University of Nebraska Press (1994).

¹⁶ .Kalra, G. & Bhugra, D. Sexual Violence against women: Understanding cross- cultural intersections, *Indian Journal of Psychiatry* 55(3) (2013)

sexual contact forced upon the victim without their consent.

This study will concentrate on the concepts of "sexual violence," "sexual assault," and "rape," which refer to actions forced upon victims without their consent. Some examples are coercion into sexual contact, mandatory or stopped pregnancies, trafficking or enslavement for sexual purposes, genital mutilation, and various types of torment. The Bible includes many instances of violence against women, some explicit and others more open to interpretation.¹⁷ Numerous religious scriptures portray women being attacked, sexually assaulted, disfigured, and ultimately murdered by men. Psychological abuse, more challenging to recognize because of the scarce details about the emotions and thoughts of biblical figures, is also evident in addition to physical abuse. The utilization of metaphor in prophetic texts can symbolize a highly harmful form of violence towards women, an abuse that must be carefully prevented. It is important to emphasize that our knowledge of the daily violence faced by women in ancient Israel is restricted and should not be ignored. This cruel mistreatment of women as depicted in the Bible frequently appears as a recurring theme, observable in both the Old and New Testaments. Phyllis Trible's groundbreaking book, "Texts of Terror," was the initial in-depth examination of violence towards women in biblical stories. Trible analyses the narratives of Hagar, Princess Tamar, an unnamed concubine from Judges, and Jephthah's daughter, portraying their suffering and violence with full intensity. She tells these events in the order they appear in the Bible.¹⁸ Following the release of this foundational research, there has been a significant increase in new studies on violence in the Bible, specifically towards women.

The most severe instances of sexual assault against women frequently indicate the breakdown of society and come before large-scale massacres. In Genesis 34, Dinah is raped by Shechem, the city's prince, and her brothers seek revenge by killing all the city's residents in the name of family honour.¹⁹ They see the attack on Shechem as a blemish on their family's reputation. In the same way, the book of Judges concludes by using a rhetorical device to indicate that society will fall into chaos without a monarchy.

¹⁷ Hamby, S. On defining violence, and why it matters. *Psychology violence* 7(2) 2017.

¹⁸ Evans, H. Rachel. *The Dark Stories* (2013).

¹⁹ Blyth, C. *Terrible Silence, Eternal Silence, A consideration of Dinah's Voicelessness in the Text and Interpretive Tradition of Genesis 34* (2008).

This story aims to persuade readers of the importance of having a monarchy for maintaining societal stability. In these passages, Judges 19-21 describes a disturbing incident in which a host offers his household's women to a mob in order to shield a male guest from being raped.²⁰ An unidentified woman is subjected to gang rape, murder, and mutilation.²¹ This horrendous event ignites a civil war within the Israelite tribes. These stories highlight a clear disregard for the women involved, portraying them as simply pieces in larger violent plots. Even though there is no comfort for Dinah or Tamar, it is agreed upon that these behaviours should not be accepted as normal. These are stories of brutality and conflict that have been passed down for generations, in which those who commit the violence often view their victims as mere possessions. Violence against women is not limited to males; it can also be committed by females against other females. This can be seen in the narrative of Sarah and Hagar found in Genesis 16. Sarah's harsh treatment of the pregnant Hagar leads her to the wilderness, where her odds of survival are low. Eventually, Hagar goes back to enduring continued mistreatment from Sarah, with no recognition of Sarah's fault. This pattern of violence between individuals of the same gender highlights the intricate complexity of biblical stories. In yet another case, Judges 21 recounts the almost complete destruction of the Israelite clan of Benjamin in a domestic conflict. In order to secure the tribe's existence, Israelite soldiers attack a land, slaughtering its people but sparing 400 young women, who are taken captive and distributed among the remaining warriors of Benjamin. This episode brings attention to how women are objectified and turned into commodities, seen as a way to maintain tribal lineage.

Additionally, the book of Numbers (Chapter 5) explains a procedure for a suspicious husband to verify his wife's faithfulness. The husband has the ability to take his wife to the priest, who will make her participate in a ceremony that includes consuming a substance that could be dangerous. If she comes out unscathed, it proves her innocence. This test demonstrates violence approved by religion, mixing both physical and spiritual mistreatment. The woman's pain is embedded in the religious system. Violent acts can even touch virtuous individuals such as Esther. Esther is forcefully brought into the king's harem and regarded as his possession. Her narrative highlights the

²⁰ Mafana, C. The story of the unnamed women. *Women and the bible* (2013)

²¹ Kamionkowski, T. Violence against women in the Hebrew Bible, *The Hyman Encyclopediaba of Jewish Women*, <https://jwa.org/encyclopadia//article/violencewomen-in-the-hebrewibible>

acceptance of violence against women as long as they are considered property in society. In short, the use of metaphor in prophetic texts frequently continues to promote violence towards women in a subtle manner, illustrating deeper societal problems and storytelling conventions. The accounts of Dinah, Tamar, Hagar, and other women show how they are often portrayed as mere objects or tools in violent stories, emphasizing a prevalent lack of regard for their pain. This portrayal in literature emphasizes the importance of examining and questioning these narratives to prevent the continuation of these subtle yet deep forms of mistreatment. An Israelite tribe civil war breaks out due to the actions mentioned. In the book of Samuel, Amnon, who is one of David's sons, sexually assaults his half-sister, Tamar. This violent deed causes a competition between siblings that results in Amnon's demise by his brother Absalom (2 Samuel 13).²² In not one of these cases does the Bible display care for the women; instead, they are portrayed as mere pieces in larger stories of brutality. Even if Dinah or Tamar receive no comforting, it is generally agreed that such actions should not be seen as usual. Generations have passed down these stories of violence and warfare. Individuals who engage in different types of violence against women frequently see them as objects or belongings.

Women have the capacity to commit acts of violence against other women, as shown in the story of Sarah and Hagar in Genesis 16. In this story, Sarah's cruel behavior towards pregnant Hagar results in Hagar fleeing into the dangerous wilderness for survival. Upon Hagar's arrival back, she is forced to endure ongoing mistreatment from Sarah. Sarah's misdeeds are never recognized in the text.

In Judges 21²³, the Israelite tribe of Benjamin is almost wiped out in a civil war with fellow Israelite tribes. After seeing the slaughter of everyone except the Benjaminite soldiers, the other tribes believe it is improbable that the tribe of Benjamin will survive. In order to solve this problem, the Israelite troops attack a different land, slay its inhabitants, and take 400 young women, whom they then present to the surviving Benjaminite fighters. This behavior highlights the dehumanization and commercialization of women, utilized as a means to ensure tribal survival. An envious

²² Dr. Ralph F. Willson Rape, Murder, and Conspiracy in David's Family (2 Samuel 13:1-15:13)

²³ Judges 21 commentary, https://www.preceptaustin.org/judges_21_commentary

husband might find guidelines for testing his wife's faithfulness in the fifth chapter of the Book of Numbers. The husband has the option to bring his wife before the priest, who will perform a ceremony on her that includes ingesting something that could be hazardous. Her innocence is established if she makes her out unscathed. This test, which combines physical and spiritual torture, is an example of violence that is approved by religion. The religious framework institutionalizes the suffering of the lady.

Even individuals with good moral character like Esther can still experience violence. Esther is unwillingly brought into the king's harem and regarded as belonging to him. Her narrative highlights the acceptance of violence against women as long as they are seen as possessions.

The tales of Hagar, Tamar, Dinah, and additional female characters demonstrate a significant disregard for their well-being, as they are frequently treated as unimportant figures in bigger narratives of brutality. These stories emphasize how violence against women has become normalized, whether it is done by men or women. In the situation with Sarah, her inappropriate treatment of Hagar is ignored, showing a larger trend of unchecked mistreatment. The story of the Benjaminite troops and the imprisoned women highlights once again how women are objectified and viewed solely as resolutions for tribal issues. The practice of evaluating a wife's loyalty incorporates aggression in a religious setting, reinforcing the acceptance of mistreatment. Esther being forced into the king's harem illustrates the treatment of women as possessions, vulnerable to violence with no way to resist. These instances highlight how prevalent violence against women is in biblical stories, where they are frequently portrayed as possessions or things and not as individuals with inherent worth. To sum up, the use of metaphor in prophetic texts frequently supports unnoticed but significant acts of harm towards women, mirroring larger societal problems. These stories act as a strong warning to examine and question these portrayals in order to avoid continuing these harmful forms of mistreatment.

Historically, rape has been seen as a severe crime, warranting death as a punishment in ancient societies such as Greece and Rome, as well as in the colonial era in the Americas. In addition to crimes like arson, treason, and murder, rape was deemed serious enough to justify the death penalty. In Greek mythology, the theme of rape,

whether involving women or young people, is commonly repeated.²⁴ Even Zeus, the powerful god of the Greek gods, is connected with numerous cases of rape and abduction, like Europa, Ganymede, and Leda. The incident where Laius sexually assaulted Chrysippus became famously known as "the crime of Laius," impacting his future generations like Oedipus and Antigone, highlighting the idea of excessive pride.²⁵

In Roman law, the term "raptus" was mainly used to describe kidnapping or abduction, with sexual assault seen as a less important issue. The idea of raptus ad stuprum came into existence at a later time, highlighting the act of seizing someone with the intent of committing a sexual offense.²⁶ As stated in the "Lex Julia de vi publica," rape was defined as sexual activity forced upon "boy, woman, or anybody," highlighting the severity of the offense in Roman law. Although it was legally condemned, rape was still a common theme in the myths and stories of ancient Rome. Livy, a historian from the Augustan era, focused on the political elements of popular myths, aiming to align the "abduction" of the Sabine women with Rome's story of agreement and agreements. The attack on Lucretia, a woman of high social status, was crucial in the shift from a monarchy to a republic.²⁷ In the 50s BCE, Lucretius, a philosopher following the Epicurean school, denounced rape as a barbaric deed that goes against the values of a cultured community. He described it as the application of power to fulfil men's sexual needs. During this era, the victim was not considered at fault in instances of non-consensual sexual acts, as it was understood that coercion removed moral accountability. During Emperor Diocletian's rule, laws were established to punish those responsible for rape while recognizing the innocence of the victim and safeguarding their honour. The focus was on criticizing the evilness of the action instead of assigning blame to the victim who was forced to do it. In ancient societies, rape was considered a serious crime, usually resulting in the penalty of death. Despite the criticism and disapproval from legal and philosophical discussions, rape continued to be widespread,

²⁴ Olson, T. The Medieval Blood Sanction and strum the Divine Beneficene of Pain, *Journal of Law and Religion* 22(63),(100 1450),(2006).

²⁵ Hubbard, K. T. History's First Child Molester: Euripides' Chrysippus and The Marginalization of Pederasty in Athenian Democratic Discourse." *Bulletin of the Institute of Classical Studies Supplement* 87 (2006)

²⁶ Nguyen, L. N. Roman Rape: An overview of Roman Rape laws from the Republican period to Justinian's Reign, *Michigan Journal of Gender & Law*, 13(1), 2006.

²⁷Cowie, K. *The Rape of Lucretia, Women in Antiquity* (2017),
[/https://womeninantiquity.wordpress.com/2017/03/31/the-rape-of-lucretia/](https://womeninantiquity.wordpress.com/2017/03/31/the-rape-of-lucretia/)

including in stories from mythology. Legal principles developed to safeguard victims and denounce offenders, mirroring shifting societal views on sexual assault.²⁸

The defence's language implies that certain jurors could be made to feel accountable for the crime, even though the law acknowledges the victim's lack of guilt. In Roman law of the past, only an upstanding citizen could be considered a victim of rape. If a slave owner took legal action, the rape of a slave would only be charged as harm to the owner's property. Despite having the option to work as prostitutes or entertainers, people often faced negative consequences such as legal and social repercussions which tainted their reputation.

Laws stated that men who were sexually assaulted by thieves or adversaries in battle were not subject to disgrace and could maintain their honour. Augustus criminalized adultery with a five-year time limit for prosecution, while there were no time limits for prosecuting rape. In ancient Rome, the violation of a freeborn male or female virgin was seen as one of the gravest offenses, leading to a death penalty. Roman rape trials usually did not take into account the victim's consent, frequently ignoring the head of the household's power. Abduction or elopement were considered private issues for the couple and their families to address, such as deciding whether to acknowledge the marriage that ensued. As Christianity spread throughout the Roman Empire, attitudes towards rape changed. St. Augustine suggested that Lucretia took her own life due to shame and the fear of being held responsible for her assault, possibly as a way to make amends for any inadvertent enjoyment she may have felt. Augustine's account of Lucretia's assault in "The City of God Against the Pagans" has stirred controversy, particularly among Machiavelli and scholars such as Peter Brown, who viewed it as a severe judgment of Roman.²⁹

Constantine, the initial Christian ruler, is acknowledged for changing the understanding of rape from a personal issue to a societal crime. This change resulted in the contemporary view of rape as an offense against the community. In a proclamation, Constantine mandated that if a woman did not clearly provide her consent, she would

²⁸ Ashmore, M. Rape culture in Ancient Rome, Connecticut college (2015).

²⁹ Saint Augustine, "The City of God" 413–426 CE. <https://www.britannica.com/topic/The-City-of-God>

be viewed as a collaborator and face punishment, such as being burned alive with the male kidnapper. This ruling originated from the Roman legal concept "raptus," which covered running away or kidnapping without the consent of the household's leader. If a woman did not give permission but did not fight back or ask for assistance, she was considered involved and faced serious punishments like being disinherited, regardless of her family's thoughts on the marriage.³⁰ In the time of Emperor Justinian I, stricter laws regarding the kidnapping of nuns, known as "raptus," were implemented. Simply having the desire to kidnap a nun for marriage or sexual activity was punishable by death. During Constantine's reign, laws placed responsibility on the man for a woman's involvement, regardless of whether it appeared to be consensual or not. This legal amendment was designed to make men responsible for sexual kidnapping. The old Roman legal rules on cases of "stuprum," like sexual misconduct, still shaped the law's approach to different types of sexual violence, even when "stuprum" was no longer used. The stuprum principles, which were influential in shaping legal responses to sexual offenses, still hold significance.³¹

Hugo Grotius, often respected as the trailblazer of international law and famous for his book "De jure belli ac pacis" (1625), strongly condemned rape as a severe breach, whether during war or peace.³² He opposed the idea of causing damage to someone else's belongings, such as women. The discussion on whether rape is acceptable in times of war showcases varying viewpoints. Supporters of these actions only consider the instant damage caused to the person, seeing deliberate harm as permissible within the rules of warfare. Yet, a different viewpoint that highlights the inherent immorality of uncontrolled desire argues that these actions should be prohibited during times of conflict and times of peace, adhering to superior moral standards. Emmerich Vattel became well-known for supporting the safeguarding of civilians from the horrors of war, promoting the idea that all individuals, regardless of their gender, should be recognized as non-combatants.³³

³⁰ Amato, E. Citti, F. and Huelsenbeck, B. Law and Ethics in Greek and Roman Declamation, De Gruyter (2015).

³¹ Amato E. et.al., Law and Ethics in Greek and Roman Declamation, Ambiguous Silence: Stuprum and pudicitia in latin declamation, (2015).

³² Grotius, H. Life in exile: De Jure Belli ac Pacis (on the law of war and peace (1965).

³³ Tuck, R. Grotius, H. The rights of war and Peace: Political thought and the international order from Grotius to Kant, Oxford academic (2011).

As we moved through the 18th and 19th centuries, treaties and laws began to incorporate more clauses to protect the dignity and rights of women and children in times of war. The 1863 Lieber Code was a significant advancement in humanitarian law as it specifically prohibited rape as a crime punishable by death, establishing a precedent in international customary law. Nonetheless, despite these progressions, the Hague Conventions of 1899 and 1907 did not specifically forbid rape, highlighting a hesitancy to fully tackle the issue.³⁴

In World War I, there were reports of extensive sexual violence towards women, especially in times of invasion, revealing the awful experiences civilians had to endure. Despite the possibility of official records not accurately reflecting the full scope of rape incidents, investigative reports, media coverage, and propaganda have been essential in increasing public awareness and condemnation of these crimes because of underreporting and societal stigma. Rape carried out by German soldiers was used as a major theme in anti-German propaganda, representing the brutality and hostility of the foe. Reports of group rapes and other violent acts fuelled public outrage, revealing the perpetrators' intention to dominate and shame victims. While some attacks were done publicly, a lot happened secretly, showing a deliberate tactic to spread terror and demonstrate power.

During the First World War, there were reports of rape in different places and times, with Russia and the Central Powers accusing each other, especially on the Eastern Front. German refugees from East Prussia documented instances of sexual assaults after the Russian invasion in 1914, while Jewish communities in Galicia and Bukovina experienced targeted brutality by Cossacks, leading to theft, destruction, murder, and rape being recorded in Austro-Hungarian archives. During the summer of 1915, the Tsar was forced to give up his throne due to attacks from the Central Powers, while also facing accusations of German brutalities in Poland. Yet, the Russian forces' use of "scorched earth" tactics as they withdrew caused more damage to civilians than the German invasion did.³⁵ The documented instances of rape by German and Austro-

³⁴Krill, F. The Protection of women in International Humanitarian Law , International Review of the Red Cross(1985).

³⁵ Sellers, V. P. The Prosecution of Sexual Violence in conflict: The Importance of Human Rights as Means of Interpretation.

Hungarian soldiers in Friuli and Veneto after Italy's defeat at Caporetto in 1917-18 were similar to the horrors seen in France and Belgium earlier in the war. Historians generally believe that leaders in the First World War did not plan or approve of the rapes committed by soldiers but simply allowed them to happen due to breakdowns in military discipline. Nevertheless, the scenario in Serbia shows a clear difference, as recent studies have exposed systemic racial brutality, such as widespread sexual assaults promoted by Bulgarian officials while they controlled southern Serbia from 1915 to 1918. The exposure of rape incidents committed by German soldiers-initiated conversations regarding the offspring born from these attacks in France and Italy. Although some supported abortion and infanticide due to concerns about "enemy offspring," the government stepped in by increasing restrictions on abortion and creating initiatives to assist these children. Throughout the occupation, instances of rape frequently included individual perpetrators who occasionally took advantage of their acquaintance with victims and the difficult conditions in military barracks and the exploitation of female laborage, resulting in situations involving coercion and starvation as methods of control. Although there is growing awareness, some areas, like those concerning the Eastern Front, are still not thoroughly researched in history. In the same way, the lack of scholarly focus on acts of hostility from winning forces and cases of sexual assault by British soldiers in France among civilians is concerning.³⁶

The historical records of sexual assault during war, especially in the Second World War, have frequently been kept secret, supposedly to protect the dignity of men and the virtue of women. Cases of sexual abuse, as well as the accounts of survivors, were not widely acknowledged. Furthermore, throughout history, there have been concerted efforts to highlight and condemn the impact of sexual violence on the honour of both men and women, as well as on the reputation of communities. Conversations have even suggested the idea of publicly embarrassing and shaming male colleagues who did not defend women's dignity. Many factors play a role in the shroud of secrecy that surrounds sexual assault, such as society's unease with sexuality and sexual violence, leading victims to feel ashamed and marked, preventing them from coming forward.³⁷

³⁶ Schmitt, N. M. War, Technology, and the law of armed conflict, *International law studies* (2006).

³⁷ United states Holocaust Memorial Museum. German Invasion of western Europe, May 1940. Holocaust Encyclopedia, <https://encyclopedia.ushmm.org/content/en/article/german-invasion-of-western-europe-may-1940>

Additionally, due to sexist influences, many historians and policymakers frequently overlooked the viewpoints of women who experienced abuse.

In World War II, the "comfort women" system run by the Imperial Japanese Army is highlighted as one of the most severe cases of sexual assault carried out by a government organization. The term "comfort women" was used to hide the seriousness of government-approved human trafficking, aimed at covering up the reality with euphemistic words. The Japanese emperor introduced this system to avoid occurrences such as the large-scale rape in Nanking, China, which put Japan's image at risk. "Comfort women" were given to Japanese soldiers to boost morale, maintain discipline, and prevent sexual assault, especially in areas under Japanese occupation.³⁸ Although rules were established by the Japanese military for the operation of Comfort Stations, soldiers frequently ignored them, leading to the widespread mistreatment of numerous women recruited from Southeast Asian countries. Some girls as young as twelve were forced or taken against their will and pushed into prostitution close to the battlefield.

Likewise, Heinrich Himmler introduced a system of brothels in Nazi concentration camps to motivate prisoners to work harder. Nevertheless, this plan exposed countless women, mainly from places such as Ravensbrück and Auschwitz, to compulsory prostitution. Frequently, women felt pressured to "volunteer" for these brothels as a supposed choice to the difficult conditions of camp work. In both situations, the crimes carried out under the supervision of authorities emphasize the systematic prevalence of sexual violence during wartime, upheld by institutionalized customs and societal apathy. Even though attempts were made after the war to deal with these crimes, survivors still encountered social exclusion and shame, which served to quiet their stories even more.

The story tells about the terrifying ordeals women faced in World War II, especially involving sexual violence by different groups. Women at Ravensbrück concentration camp were pressured into engaging in forced prostitution by being told they were lucky to be selected to work in a camp brothel. They experienced organized mistreatment, with every woman required to attend to several male prisoners every evening with

³⁸ Kim, J. Lee. Shin, S. Teaching about the comfort women during World-War II and the use of personal stories of the Victims , *Asian Literature in the Humanities and the social science* 24(3), (2019)

precise time constraints, under the supervision of SS inmates. Prior to and following sexual acts, women were dehumanized through the enforcement of medical exams and disinfectant creams in order to ensure "sterility." Following the war, the survivors were pushed to the outskirts and muted, dealing with embarrassment and psychological wounds that hindered them from recounting their experiences. Likewise, approximately 1.5 million German women suffered sexual attacks from Soviet soldiers during the Red Army's push towards triumph. Mass rapes and personal attacks were widespread, especially in Berlin, where women of various ages experienced them.³⁹ Jewish women, who had already suffered hardships in concentration camps, were also among those affected. Some women turned to unofficial agreements with Soviet soldiers or engaged in prostitution in order to survive.

According to academic research, sexual violence was employed as a form of retaliation towards German women for the actions of German men in the Soviet Union. This was done with the intention of humiliating and degrading them, challenging German manliness, and disrupting societal norms. German men's reaction worsened the trauma by holding the victims responsible for the violence they experienced. Sexual violence in times of war is seen as a deliberate tactic used to reach political, military, or economic goals, frequently focusing on civilians. Different types of sexual violence, such as forced marriage, sexual mutilation, and trafficking, are used to manipulate, or pressure individuals. Even though international war crimes tribunals were held in Tokyo and Nuremberg after the war, sexual assault was largely overlooked.⁴⁰ Although there was evidence of the crimes, the victims were not asked to give testimony, resulting in the issue being mostly ignored during the tribunal. Control Council Law No. 10 acknowledged rape as a crime that could be punished, however, there were no individuals accused of this offense under this law.⁴¹

The significance of the four 1949 Geneva Conventions, even if they are not formally recognized as UN policy, is vital to our investigation. Rather, they are international accords that are not connected to the UN and are instead deliberated and accepted

³⁹ Helm, S. *If this is a woman: inside Ravensbruck: Hitler's concentration camp for women*, Abacus Publisher (2016)

⁴⁰ Aleshkina, M. *Sexual violence in Armed conflict under International Law*, University of Oslo (2016).

⁴¹ Beijing Declaration and the platform action (1998).

independently by nations. However, the UN has endorsed and upheld the objectives of the Geneva Convention, encouraging its global ratification and execution.

After the horrors of World War II, the International Committee of the Red Cross conceived the idea for these Conventions to improve the lives of those affected by war. The Geneva Conventions' protective scope was broadened and reinforced with the adoption of two Additional Protocols in 1977.⁴² These treaties, now integral to the law governing armed conflict, contain clauses applicable specifically to women. Certain provisions regulate the treatment of female prisoners, while others seek to safeguard women in various maternal roles. Additionally, there are specific rules addressing sexual assault.

While the United Nations has taken initial steps towards addressing sexual violence during wartime, these efforts have often gone unnoticed. During subsequent conflicts, such as Iraq's invasion of Kuwait in 1990, sexual assault persisted, mirroring past occurrences. Iraqi forces were notably responsible for a disproportionate number of rapes against Kuwaiti women during the invasion, according to a United Nations report. Despite this, the UN Security Council did not specifically address sexual violence against women in its resolutions on the Gulf War. However, it did establish the United Nations Compensation Commission (UNCC) to compensate those harmed by Iraq's invasion. Initially, Iraq's reluctance to resume oil shipments hindered the UNCC's ability to provide compensation. Yet, an agreement known as the "oil for food" arrangement eventually enabled funds for settlement claims.⁴³

The UNCC received numerous allegations of rape committed by Iraqi armed forces, leading to the development of criteria to simplify evidence of these claims, making it easier for women to seek reparation. Notably, even if victims chose not to reveal their identities, compensation was still recommended. Despite these efforts, the international community did not adequately address sexual violence during conflicts until reports

⁴² The 1977 Additional Protocols to Geneva Conventions: A historical perspective (2017) <https://www.icrc.org/en/document/china-yves-sandoz-additional-protocols-40-years#:~:text=The%20first%20Additional%20Protocol%20relates,changing%20face%20of%20modern%20conflicts.>

⁴³ An Inquiry on the U.N. Iraq Oil-for-Food Programme https://www.law.nyu.edu/news/IILJ_IRAQ_OILFOOD

emerged from the former Yugoslavia. The United Nations Security Council, in Resolution 798 dated December 18, 1992, acknowledged the widespread rape and detention of women in Bosnia and Herzegovina.

Following this, the Security Council set up a group of specialists to examine human rights abuses in the former-Yugoslavia region, revealing approximately 1,100 verified instances of sexual assault. Although all parties were responsible for committing atrocities, Bosnian Muslims were the most numerous victims, with Bosnian Serbs being the main offenders.⁴⁴ The Commission discovered significant proof of a repeated occurrence of sexual assault by Bosnian Serbs but refrained from reaching definitive conclusions. After making these discoveries, Tadeusz Mazowiecki, who was chosen as Special Rapporteur, began an inquiry in January 1993, verifying the employment of rape as a method of ethnic cleansing in Bosnia and Herzegovina and Croatia. Likewise, following the Rwandan genocide in 1994, there were accounts of extensive sexual violence targeting women. While initially disregarded by the global community, non-governmental organizations pushed for its recognition. The Rwandan Commission's Final Report acknowledged rape as a grave breach of international humanitarian law and a crime against humanity.⁴⁵ Nonetheless, the Commission paid little attention to sexual violence. Special Rapporteurs later referenced NGO reports regarding sexual assault, affirming its organized utilization as a tool during the massacres. Even though the Rwandan Tribunal had laws in place like the Yugoslav Tribunal that focused on rape as a crime against humanity, they did not prioritize investigating sexual assault cases at first.⁴⁶ As a result, there were no charges for rape or similar crimes until 1997, emphasizing the importance of focusing more on sexual violence in times of conflict.

2.3 SEXUAL VIOLENCE WITHIN THE CONTEXT OF INTERNATIONAL HUMANITARIAN LAW

⁴⁴ UN Security Council. Security Council Resolution 798(1992)[Bosnia and Herzegovina]

⁴⁵ 8 United Nations, Report on the Situation of Human Rights in Rwanda reported by Degni-Ségui, R. Special Rapporteur of the Commission on Human Rights, under para. 20 of resolution S-3/1, (E/CN.4/1996/68), 1996, para. 16.

⁴⁶ The Rwanda Tribunal's jurisdiction is distinct from the Yugoslav Tribunal's since the conflict in Rwanda is predominantly classed as an internal conflict, as opposed to the conflict in the former Yugoslavia, which incorporates aspects of both internal and international conflicts. Common Article 3 and Additional Protocol II of the 1949 Geneva Conventions specifically handle internal disputes.

A thorough analysis of the historical development of International Humanitarian Law (IHL) reveals how strategies for addressing sexual abuse in times of war have evolved over time. IHL includes a series of guidelines and laws that control the behavior of military forces and some civilians in times of war. Although their enforcement was limited, early versions of humanitarian law in various areas included bans on sexual violence. These rules were intended not just to uphold societal operations but also to preserve the cohesion of political bodies, instead of emphasizing individual rights as modern human rights ideas do.

Originating in the seventeenth century and beyond warrior customs, these prohibitions were created to safeguard different non-military sectors of the population, such as scholars, peasants, females, traders, clergy, and youngsters, against sexual violence in times of war. The legal ban on sexual violence was in place for all individuals, not just those in the military, allowing political leaders to use this measure when needed.

During military sieges, rulers had the power to surround enemy fortresses to win, and could choose to allow safe passage for innocent civilians if they surrendered. Yet, if opposition continued, actions like rape, plunder, theft, and aggression towards both foe fighters and non-combatants were considered acceptable based on the rules of *ius in bello*, or the laws of war.

According to international legal frameworks, sexual violence in the context of international humanitarian law refers to any kind of sexual abuse, assault, or exploitation that takes place during armed situations.⁴⁷ This includes sexual slavery, forced prostitution, rape, and other types of sexual coercion committed against people in conflict-affected areas, especially against women and girls. Protecting victims of sexual assault during armed situations is primarily based on the 1949 Geneva Conventions and its Additional Protocols. These treaties strive to reduce suffering and safeguard civilians, especially women, from damage by establishing core values and guidelines that regulate the behavior of parties engaged in wars.

⁴⁷ Sellers, V.P. The prosecution of sexual Violence in Conflict : The importance of Human Rights as Means of Interpretation , https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/Paper_Prosecution_of_Sexual_Violence.pdf

Furthermore, sexual violence is recognized by international criminal law as a war crime, a crime against humanity, and, in certain cases, a component act of genocide. This recognition is reflected in the statutes of the International Criminal Court (ICC) and ad hoc tribunals like the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). In an attempt to combat sexual assault within the parameters of international humanitarian law, systems for looking into, charging, and punishing offenders have been established. Even with these developments, there are still issues with holding people accountable, giving survivors proper care and compensation, and stopping sexual assault in war areas in the future. Therefore, in order to successfully prevent sexual assault and safeguard human rights during times of armed conflict, continued advocacy, legislative reforms, and global cooperation are needed. Although early international humanitarian law had rules against sexual assault, it was commonly disregarded in practice, leading to widespread sexual violence. Sexual assault was not considered as an exception to *jus in bello* rules, but instead seen as a conqueror's right during military missions intended to "civilize" or promote Western cultural, religious, or racial superiority. Nevertheless, advancements were achieved in defining sexual violent offenses, specifically wartime rapes, in the late 1800s and early 1900s, signalling the start of the modern period of International Humanitarian Law (IHL).

This evolution is demonstrated by a variety of military codes and treaties. One example is the Lieber Code of 1863, which was based on customary international law and specifically banned rape, declaring that offenders would face punishment. In the same way, the Hague Conventions of 1899 and 1907 warned combatants to follow the rules and traditions of warfare, which indirectly banned all traditional war atrocities such as rape. Moreover, the Geneva Convention of 1929 included clauses highlighting the importance of honouring the dignity and integrity of prisoners of war, with follow-up agreements such as the London and Tokyo Charters reiterating the need to prosecute crimes against humanity, breaches of global peace and security, and traditional acts of war brutality.

Even though the Nuremberg Tribunal is often thought to have overlooked sex-based crimes, evidence of rapes was acknowledged and addressed in all military trials. During the Tokyo Tribunal, prosecutors were relentless in bringing charges for rape,

resulting in convictions for murder, rape, and various other atrocities. Nevertheless, no one was prosecuted for the organized sexual enslavement carried out by the Japanese Army on thousands of women from different Asian territories. Following the Nuremberg and Tokyo Trials, Allied military tribunals were established to prosecute minor Axis war criminals, specifically targeting rape as a war crime in the Asia-Pacific region during these subsequent proceedings. Control Council Law No. 10, the guiding document for these trials, maintained the power to charge rape as a crime against humanity in European courts according to Article II (a).⁴⁸ Although there is abundant proof of wartime medical tests, such as forced sterilization, castrations, and fertility experiments in Nazi concentration camps, few cases in Europe used Article II (a) for prosecuting rape, including gender-based violence.

One significant missing element in the grave breaches provisions of all Geneva Conventions is a direct ban on the act of rape. Rape, compelled prostitution, and indecent abuse are explicitly prohibited by Article 27 of the Fourth Geneva Convention as a means of protecting civilians in occupied areas from enemy forces. The language found in Article 3 of the 1929 Geneva Convention is echoed in Articles 12 and 14 of the First and Second Geneva Conventions, as well as the Third Geneva Convention, highlighting the importance of considering the gender of women in their treatment.⁴⁹ Article 3 in all of the Geneva Conventions, just like in the versions from 1949, discusses conflicts within a country and uses wording about acts that disrespect personal dignity, especially treatment that is degrading and humiliating. This phrasing, similar to code language from the Victorian era, hints at crimes of a sexual nature and studies on human reproduction, carefully worded to cover different types of inhuman actions done by individuals who torture.

Nevertheless, in December 1992, the ICRC released an Aide-memoire to explain the prohibition of rape as stated in the Geneva Conventions of 1949 after the Additional Protocols were ratified. It was suggested that the serious violations outlined in Article 147 of the Fourth Geneva Convention, such as intentionally causing severe physical

⁴⁸ Control Council Law No. 10, Punishment of Persons Guilty of War Crimes, Crimes against Peace and against Humanity, December (1945), Official Gazette Control Council for Germany 50-55 (1946)

⁴⁹ Gandhi, M. Notes and Comments: Common Article-3 of Geneva Conventions, 1949, In the era of International criminal Tribunals, ISIL Year Book of International Humanitarian and Refugee Law (2001).

or emotional harm, cover more than just rape and extend to any form of assault on a woman's honour. This explanation clarifies the legal boundaries of the restrictions outlined in Article 147 and the corresponding regulations in the grave breach provisions of the First, Second, and Third Geneva Conventions of 1949. The Geneva Conventions of 1949 were enhanced with the First and Second Additional Protocols in 1977. In Article 75(2)(b) of Additional Protocol I, which deals with the laws of war during international conflicts, both civilians and military personnel are forbidden from engaging in actions that violate personal dignity, such as humiliating and degrading treatment, forced prostitution, and any type of indecent assault. These rules are known as the Fundamental Guarantees. Article 76(1)⁵⁰ specifically provides protection for women against "rape, forced prostitution, and any other type of assault," with Article 77(1)⁵¹ offering protection for children, including girls, from "indecent assault."

While the Additional Protocol II of 1977 to the Geneva Conventions of 1949 is not fully acknowledged as customary international law, it is possible to suggest that the regulations in Common Article 3 concerning gender-based violence have gained customary status in the last ten years. As a result, in the early 1990s, International Humanitarian Law (IHL) had placed limitations on the use of sexual violence against different groups of people in times of war.

Despite the presence of these legal safeguards, there have been minimal cases of prosecution against individuals who commit rape during times of conflict under both national military regulations and local laws post World War II. This limitation on breaches of sexual dignity in times of war, based on the principle of compassionate treatment in international humanitarian law, is essential in both treaty law and customary international law.

2.3 CONCLUSION

Sexual violence during times of warfare is a multifaceted and deeply rooted problem that extends across historical and modern conflicts. Its occurrence and characteristics

⁵⁰ Art. 76(1). <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>

⁵¹ Art. 77(1). <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule93>

differ greatly among different societies, shaped by cultural, social, and political influences. Despite being against the law, sexual violence continues to occur during numerous conflicts, often fuelled by reasons other than just seeking physical pleasure. The inquiry about sexual violence goes beyond just rape and includes various behaviours that are not easily explained. Torture and mutilation of victims can serve purposes other than sexual gratification, suggesting deeper motivations are in play. The complexity highlights the importance of having a detailed knowledge of sexual violence during conflict. Sources from both past and present, as well as literary descriptions of war, illustrate the complex aspects of sexual violence. It has the ability to fulfil various functions, such as boosting morale, rewarding soldiers, or establishing power dynamics between groups. The complexities of sexual violence in conflict are exacerbated by the dehumanization and feminization of victims, as well as the thirst for revenge. As long as wars are used as tools of national policy, there is still a chance for reason to prevail and conflicts to be resolved peacefully. Nevertheless, it is essential for intellectuals in society to confront the moral challenges raised by war until that time. Glorifying war or disregarding its aftermath only continues to cause damage and obstructs advancements towards a more peaceful global society. The way prisoners of war are treated shows changing views and legal structures. Women, especially, encounter distinct obstacles within the realm of international humanitarian law (IHL). Although IHL regulations provide certain protections, they frequently do not sufficiently cater to the unique vulnerabilities and requirements of women during conflicts.

Criticism of IHL's ability to effectively address gender-based violence is justified, as it may not fully consider the complexities and the challenges women experience in times of armed conflict. Gender inequality worsens shared factors for both men and women, leading to discriminatory behaviours in line with IHL standards.

Efforts to enhance the IHL regime should take into account the knowledge acquired through understanding how gender dynamics intersect with armed conflict. Efforts to address sexual violence in conflict will be inherently restricted in their effectiveness if the underlying issues are not tackled. To sum up, sexual violence during times of conflict is a complex problem that is strongly influenced by societal beliefs, cultural perspectives, and power structures. It is crucial to comprehend the intricacies in order to create better strategies for addressing and preventing atrocities in global conflicts.

CHAPTER – 3 WOMEN AND ARMED CONFLICT ZONES

3.1 INTRODUCTION

The involvement of women in conflict zones represents a multifaceted and frequently disregarded aspect of global warfare. Traditionally, the focus of war narratives has centered on men's roles on the battlefield, often neglecting the significant contributions and challenges faced by women in regions affected by conflict. However, women are not passive bystanders in war; they actively navigate distinct obstacles and play vital roles in both perpetuating and resolving conflicts. In recent years, there has been an increasing acknowledgment of the unique impact of armed conflict on women, as well as their crucial involvement in efforts to prevent, manage, and rebuild from conflicts.

Women encounter conflict in ways that differ from men, facing increased vulnerability to sexual violence, displacement, and economic instability. Despite these adversities, women frequently emerge as resilient leaders within their communities, advocating for peace, justice, and the safeguarding of human rights.

This examination of the roles of women in conflict zones aims to illuminate their experiences, obstacles, and contributions. By comprehending the gender-specific aspects of conflict, policymakers, humanitarian organizations, and peacebuilders can devise more comprehensive and efficient approaches to conflict resolution and prevention. By amplifying the voices of women living in conflict-affected areas, we can strive towards a more equitable and sustainable peace for all.⁵²

Despite these challenges, women in conflict-affected areas demonstrate remarkable resilience and agency. They play critical roles as caregivers, community organizers, peacebuilders, and advocates for change. The active involvement of women in peace processes has been demonstrated to significantly improve the chances of achieving

⁵² Florence N Bangalie, *An Examination of the Role of Women in Conflict Management: Sierra Leone Case Study*, DIPLOMACY (May 20, 2024, 9:23 PM), <https://www.diplomacy.edu/resource/an-examination-of-the-role-of-women-in-conflict-management/>.

sustainable peace. Women bring unique perspectives, priorities, and solutions to the negotiating table, enriching the dialogue and outcomes. Furthermore, empowering women economically and politically can catalyse broader social transformations and post-conflict reconstruction efforts.

To effectively address the needs and rights of women in conflict zones, it is imperative to adopt a gender-sensitive approach across humanitarian assistance, peacebuilding, and development initiatives. This entails ensuring women's meaningful participation in decision-making processes, addressing the underlying causes of gender inequality and violence, and providing targeted support for women's empowerment and protection.

By centering the experiences and voices of women in conflict-affected areas, we can cultivate more inclusive and resilient societies better equipped to prevent and mitigate the impacts of armed conflict.

3.2 DEVELOPMENT AND PROGRESS OF AN ARMED CONFLICT ZONES

Armed conflict zones, characterized by violence, instability, and humanitarian crises, are dynamic environments where the trajectory of events is often complex and multifaceted. The development and progression of conflicts vary widely depending on numerous factors, including the underlying causes of the conflict, the dynamics between the warring parties, external interventions, and the resilience of local communities. In this essay, we will explore the evolution of armed conflict zones, examining key stages such as escalation, stalemate, resolution, and post-conflict reconstruction.⁵³

Armed conflicts often begin with a spark—a political dispute, ethnic tension, or socio-economic grievances—that escalates into violence. The escalation phase is characterized by an increase in hostilities, including acts of aggression, violence against civilians, and the mobilization of armed groups.⁵⁴ As tensions escalate, the conflict can

⁵³ *Published by the United Nations Department of Public Information, Women and Armed Conflict, WOMENWATCH, (May 14, 2024, 5:10 PM)*
<https://www.un.org/womenwatch/daw/followup/session/presskit/>

⁵⁴ *Women and armed conflict, UNWOMEN (May 14, 2024, 5:18 PM),*
<https://www.unwomen.org/en/news/in-focus/end-violence-against-women/2014/conflict>.

spread geographically, drawing in neighbouring regions or countries through alliances or cross-border incursions. During this stage, efforts to contain the violence and prevent further escalation are crucial but often challenging. Diplomatic initiatives, mediation efforts, and peace talks may be initiated by international organizations, regional powers, or local actors in an attempt to de-escalate the situation and find a peaceful resolution. However, these efforts may face resistance from entrenched interests, extremist factions, or spoilers who benefit from the continuation of hostilities.⁵⁵ In many armed conflict zones, the initial phase of escalation gives way to a protracted stalemate, where neither side is able to achieve a decisive victory. Stalemates can occur for various reasons, including the military strength and resilience of the warring parties, external support or intervention, and the geographic terrain of the conflict zone. During this phase, armed groups may entrench themselves in defensive positions, resort to guerrilla tactics, or engage in prolonged sieges or attrition warfare. Stalemates often result in a humanitarian crisis, with civilians bearing the brunt of the conflict's consequences. Humanitarian agencies struggle to deliver aid to those in need, while basic services such as healthcare, education, and sanitation deteriorate. Displacement becomes widespread as civilians flee the violence, seeking refuge in overcrowded camps or neighbouring countries. Women, children, and marginalized populations are particularly vulnerable, facing heightened risks of violence, exploitation, and deprivation in conflict zones.

Resolving armed conflicts is intricate, typically involving diplomatic negotiations, military interventions, and shifts in power dynamics. This phase often sees formal peace agreements, ceasefires, or negotiated settlements aimed at addressing underlying issues and establishing sustainable peace frameworks. Success depends on factors such as parties' readiness to compromise, negotiation inclusivity, and support from external actors like mediators, peacekeepers, and donor countries.⁵⁶

Transitional justice mechanisms, including truth and reconciliation commissions, reparations, and accountability measures, are essential for addressing past atrocities and fostering reconciliation among former adversaries.

⁵⁵ *Women's human rights and gender-related concerns in situations of conflict and instability*, OHCHR (May 14, 2024, 6:02 PM), <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability>.

⁵⁶ *Women Still Suffering in War Zones, Special Representative Tells Security Council, Highlighting Unmet Global Commitments to Victims of Sexual Violence*, PRESS.UN.ORG, SC/1449, 14 April 2021, <https://press.un.org/en/2021/sc14493.doc.htm>.

Even after a peace agreement is reached, the transition from conflict to peace is often fraught with challenges. Post-conflict reconstruction efforts aim to rebuild infrastructure, restore essential services, and promote reconciliation and social cohesion. However, these efforts are hindered by the legacy of conflict, including widespread trauma, distrust, and the presence of spoilers who seek to derail the peace process.⁵⁷ International assistance and support are essential for post-conflict reconstruction, providing funding, expertise, and technical assistance to help rebuild war-torn societies.⁵⁸ However, reconstruction efforts must be locally owned and led, with meaningful participation from affected communities in decision-making processes. Sustainable peace requires addressing the root causes of conflict, including inequality, injustice, and exclusion, and promoting inclusive governance, economic development, and social justice.⁵⁹

3.3 WHAT DOES SEXUAL VIOLENCE IN CONFLICT MEANS?

Sexual violence in conflict is an extensive and deeply damaging occurrence that causes significant harm to individuals, families, and entire communities. It includes various acts like rape, sexual slavery, forced prostitution, genital mutilation, and other forms of sexual abuse and exploitation.⁶⁰ This form of violence is not just a breach of human rights but also a strategy of warfare, employed to intimidate, manipulate, and dishearten populations, and to assert authority and control over vulnerable individuals.

At its core, sexual violence in conflict represents a gross abuse of power, often perpetrated by armed actors—such as military forces, rebel groups, and paramilitary militias—against civilians, including women, men, and children. It is frequently employed as a deliberate strategy to intimidate and silence communities perceived as

⁵⁷ United Nations (2006). *In-Depth Study on All Forms of Violence against Women. Report of the Secretary-General*. UN DOCUMENT A/61/122/Add.1. (20 May 2024, 9:16 PM)

⁵⁸ Published online 2021 Jan 24, *The effects of armed conflict on the health of women and children*, LANCET. 2021 Feb 6; 397(10273): 522–532. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7612212/>

⁵⁹ Sonja Wolte, *Armed Conflict and Trafficking in Women*, Eschborn, LASTERDAINTERNATIONAL January 2004, (19 May 2024 6 PM) <https://documentation.lastradainternational.org/lisdocs/armed%20conflict%20and%20trafficking%20in%20women.pdf>

⁶⁰ Author: B. Poornima | Kiran Bhatt | Sanjay Pattanshetty, *Concealed scars beyond the frontlines: Women's health in conflict zones*, (Nov 26, 2023 6:01 PM), <https://www.orfonline.org/expert-speak/concealed-scars-beyond-the-frontlines-women-s-health-in-conflict-zones>

opposing or supporting rival factions, to punish or humiliate individuals based on their perceived ethnicity, religion, or political affiliation, or to exert control over valuable resources, territories, or populations.

The ramifications of sexual violence in conflict are extensive and complex, stretching beyond the direct physical damage to encompass psychological anguish, societal ostracism, and enduring health issues.⁶¹ Those who survive such violence may grapple with emotions of disgrace, culpability, and self-condemnation, alongside deep psychological anguish like depression, nervousness, and post-traumatic stress disorder (PTSD). These emotional scars may persist well beyond the cessation of conflict, hindering survivors' efforts to reconstruct their lives and communities.

Moreover, “sexual violence in conflict carries significant public health risks, including the transmission of sexually transmitted infections (STIs), HIV/AIDS, and unwanted pregnancies. Access to healthcare services, including reproductive health care”, psychosocial support, and legal assistance, is often limited in conflict-affected areas, further exacerbating the vulnerabilities of survivors and hindering their ability to seek justice and redress. The prevalence and severity of sexual violence in conflict are exacerbated by a culture of impunity, where perpetrators are rarely held accountable for their actions.⁶² Factors such as weak legal frameworks, lack of political will, corruption, and institutionalized discrimination against women and marginalized groups contribute to a climate of impunity, allowing perpetrators to escape justice and continue their abuses unchecked.⁶³

Combating sexual violence in conflict demands a holistic and multi-faceted approach that tackles the fundamental causes of gender disparity, bias, and brutality, while also addressing the unique needs and entitlements of survivors. This involves bolstering legal frameworks and mechanisms for accountability to ensure wrongdoers face consequences, offering survivors access to comprehensive support services like healthcare, emotional assistance, and legal aid, and advancing peacebuilding efforts and

⁶¹ Tiya Singh, *Women in Conflict Zones: Navigating the Complexities*, CLAWS, (February 17, 2021, 7:05 PM) <https://www.claws.in/women-in-conflict-zones-navigating-the-complexities/>

⁶² Policy Brief, *Gender-Based Violence in Conflict*, FREEPOLICYBRIEFS, (May 30, 2022, 3:03 PM) <https://freepolicybriefs.org/2022/05/30/gender-based-violence-conflict/>

⁶³ Susan McKay, *The Effects of Armed Conflict on Girls and Women*, TANDFONLINE, (18 Nov 2009, 04:19 PM) https://www.tandfonline.com/doi/pdf/10.1207/s15327949pac0404_6

conflict resolution strategies that prioritize gender sensitivity and empower women to participate in decision-making processes.

Additionally, preventing sexual violence in conflict necessitates confronting the underlying societal, economic, and political elements that ignite conflicts and foster environments conducive to violence.⁶⁴ This entails advocating for gender parity and women's rights, investing in education and economic prospects for women and girls, and challenging detrimental gender norms and stereotypes that perpetuate violence and bias. Ultimately, ending sexual violence in conflict requires a concerted effort from governments, international organizations, civil society, and communities to uphold human rights, promote gender equality, and build peaceful and inclusive societies where all individuals can live free from violence and fear.⁶⁵ Only through collective action and sustained commitment can we hope to eradicate this egregious violation of human rights and ensure justice and dignity for survivors of sexual violence in conflict.

3.4 Law and ARMED CONFLICT ZONES

Armed conflict zones present some of the most challenging environments for the application and enforcement of law. The chaos, violence, and breakdown of institutions in these regions often result in widespread human rights abuses, including violations of international humanitarian law (IHL), also known as the laws of war. Despite these challenges, the rule of law remains a critical tool for promoting accountability, protecting civilians, and upholding human rights in conflict-affected areas. In this essay, we will explore the role of law in armed conflict zones, examining the legal frameworks that govern conduct during war, the challenges of enforcing these laws, and the importance of accountability for ensuring justice and peace.

Armed conflict zones present some of the most challenging environments for the application and enforcement of law. The chaos, violence, and breakdown of institutions in these regions often result in widespread human rights abuses, including violations of

⁶⁴ *Why Women in Conflict*, WOMENFORWOMEN, (16 January 2022 4:16 AM) <https://womenforwomen.org.uk/work-we-do/why-women-conflict>

⁶⁵ Charles Savona-Ventura, Tahir Mahmood, Sambit Mukhopadhyay, Nuno Martins, Frank Louwen, Basil Tarlatzis,, *The consequences of armed conflict on the health of women and newborn and sexual reproductive health - A position statement by the European Board and College of Obstetrics and Gynaecology (EBCOG)*, PUBMED (16 January 2022 4:35 AM) <https://pubmed.ncbi.nlm.nih.gov/35609350/>

international humanitarian law (IHL), also known as the laws of war. Despite these challenges, the rule of law remains a critical tool for promoting accountability, protecting civilians, and upholding human rights in conflict-affected areas.⁶⁶ In this essay, we will explore the role of law in armed conflict zones, examining the legal frameworks that govern conduct during war, the challenges of enforcing these laws, and the importance of accountability for ensuring justice and peace.

International humanitarian law (IHL) and international human rights law (IHRL) constitute the primary legal frameworks governing conduct during armed conflict. “IHL, embodied primarily in the Geneva Conventions and their Additional Protocols, regulates the conduct of hostilities and seeks to protect civilians, prisoners of war, and other non-combatants from the effects of armed conflict. It establishes fundamental principles such as distinction (between combatants and civilians)”, proportionality (the principle that the harm caused by an attack must not exceed its military objective), and humanity (the obligation to minimize suffering and protect human dignity). In addition to IHL, international human rights law applies at all times, including during armed conflict, and provides further protections for individuals' fundamental rights and freedoms. “The Universal Declaration of Human Rights (UDHR) and various international treaties and conventions, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT)”, outline the rights that must be respected, protected, and fulfilled, even in times of war.

Enforcing law in armed conflict zones poses significant challenges due to the breakdown of state institutions, the proliferation of armed groups, and the widespread impunity enjoyed by perpetrators of human rights abuses. In many conflict-affected areas, state authorities lack the capacity or political will to enforce laws effectively, leaving civilians vulnerable to exploitation, violence, and injustice.⁶⁷ Moreover, armed groups operating in conflict zones often disregard or actively violate international legal norms, engaging in acts such as indiscriminate attacks, deliberate targeting of civilians, and the use of child soldiers. These groups may also control territory, resources, and

⁶⁶ Area E — *Women and armed conflict: participation and protection in the EU*, EIGE, (17th March 20224 01:15 PM)

https://eige.europa.eu/sites/default/files/documents/20190448_mh0119043enn_pdf.pdf

⁶⁷ UCLG, *8 March: women's rights violations in armed conflicts*, CISDP, (18/03/2022 9:01 PM), <https://www.uclg-cisdp.org/en/news/8-march-womens-rights-violations-armed-conflicts>

populations, making it difficult for law enforcement authorities or humanitarian organizations to access affected areas and deliver assistance.

The prevalence of impunity further undermines efforts to enforce law in conflict zones, as perpetrators of human rights abuses often evade accountability for their actions. Weak or corrupt judicial systems, lack of access to justice for marginalized communities, and intimidation or reprisals against victims and witnesses all contribute to a culture of impunity that perpetuates cycles of violence and injustice.

Despite the challenges, accountability for violations of international law is essential for promoting justice, preventing future abuses, and rebuilding trust in post-conflict societies. “Accountability mechanisms, including domestic and international courts, truth commissions, and hybrid tribunals, play a crucial role in holding perpetrators accountable for their actions and providing redress for victims.”⁶⁸ International criminal law provides a framework for prosecuting individuals responsible for the most serious crimes under international law, including war crimes, crimes against humanity, and genocide. The International Criminal Court (ICC) and ad hoc tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have played significant roles in prosecuting individuals responsible for atrocities committed during armed conflicts. Moreover, transitional justice processes, including truth and reconciliation commissions, reparations programs, and memorialization initiatives, aim to address the legacy of human rights abuses and promote reconciliation and healing in post-conflict societies.” By acknowledging the truth of past atrocities, providing reparations to victims, and holding perpetrators accountable, these mechanisms contribute to building a more just and peaceful future.

3.5 WOMEN EXPERIENCE IN ARMED CONFLICT ZONES

Armed conflict zones have long been hotbeds of violence, chaos, and suffering, affecting entire populations. Amidst this turmoil, women often face distinct and exacerbated challenges, ranging from heightened risks of sexual violence to limited

⁶⁸ Aimen Waqar, *Women’s Rights in Armed Conflicts under International Humanitarian Law*, DLPFORUM, (October 13, 2022 05:18 PM), <https://www.dlpforum.org/2022/10/13/women-rights-in-armed-conflicts-under-international-humanitarian-law/>

access to resources and opportunities.⁶⁹ Understanding the experiences of women in these contexts is crucial for addressing their needs, promoting gender equality, and building sustainable peace.⁷⁰ This essay delves into the multifaceted experiences of women in armed conflict zones, examining the challenges they encounter and the resilience they demonstrate in the face of adversity.

Challenges Faced by Women in Armed Conflict Zones:

Sexual Violence and Exploitation: Women and girls in conflict zones are at heightened risk of sexual violence, including rape, forced marriage, and human trafficking. Perpetrators often exploit the breakdown of law and order to target women with impunity, leaving deep physical and psychological scars.

- ✓ **Displacement and Refugeehood:** Conflict-induced displacement disproportionately affects women, who often bear the responsibility of caring for families in precarious environments. Displacement exacerbates vulnerabilities, exposing women to further risks of exploitation, trafficking, and separation from their families.
- ✓ **Lack of Access to Healthcare:** Health systems in conflict zones are often decimated, leaving women without access to essential reproductive health services, maternal care, and treatment for gender-specific health issues. This lack of access increases maternal mortality rates and perpetuates cycles of poverty and ill-health.
- ✓ **Educational Barriers:** Conflict disrupts education systems, depriving many girls of their right to education. Schools may be damaged or destroyed, and cultural norms may prioritize boys' education over girls', further exacerbating gender disparities in literacy and opportunities for future employment.
- ✓ **Economic Disempowerment:** Women's economic opportunities are severely constrained in conflict settings, as they face barriers to employment, land ownership, and financial independence. Traditional gender roles may also restrict women's mobility and economic agency, trapping them in cycles of poverty.

⁶⁹ United Nations Population Fund, *Global leaders launch a new programme to support women in conflict zones*, UNFPA.ORG, (16 March 2016 12:45 PM), <https://www.unfpa.org/news/global-leaders-launch-new-programme-support-women-conflict-zones>

⁷⁰ Tingkai Zhang, Qiwei He, Sol Richardson, ORCID, (21-05-2024 1:45 PM) <http://orcid.org/0000-0002-5444-186X>Kun Tangl

- ✓ **Invisibility and Marginalization:** Women's voices are often marginalized in peace processes and decision-making forums, despite their crucial role in building sustainable peace. Their experiences and perspectives are frequently overlooked, perpetuating gender inequalities and hindering efforts to address root causes of conflict.

Despite these daunting challenges, women in armed conflict zones demonstrate remarkable resilience and resourcefulness in navigating adversity:

- ✓ **Community Mobilization and Solidarity:** Women often play central roles in community organizing, mobilizing resources, and providing support networks for fellow survivors. Through collective action, they challenge patriarchal norms and advocate for their rights.
- ✓ **Peacebuilding and Conflict Resolution:** Women's organizations and grassroots movements are at the forefront of peacebuilding efforts, advocating for inclusive and gender-sensitive approaches to conflict resolution. Their participation in peace negotiations and transitional justice processes is essential for addressing root causes of violence and building sustainable peace.
- ✓ **Entrepreneurship and Economic Empowerment:** Despite economic constraints, many women in conflict zones engage in entrepreneurial activities to support their families and communities. Microfinance initiatives and vocational training programs empower women to generate income and build economic resilience.
- ✓ **Education and Empowerment:** Despite barriers to education, many women and girls in conflict zones are determined to pursue learning opportunities. Non-governmental organizations and community-based initiatives provide alternative education programs, literacy classes, and skills training, enabling women to enhance their knowledge and capabilities.
- ✓ **Advocacy and Awareness-raising:** Women's rights activists and advocates raise awareness about gender-based violence, reproductive health rights, and women's participation in peace processes. Through advocacy campaigns and media outreach, they challenge stereotypes, amplify women's voices, and mobilize support for policy change.

a. The Deliberate Slaying of Women Civilians

The term "slaying of women" refers to the deliberate killing or murder of females, often in the context of armed conflicts or violent situations. It encompasses various forms of violence targeting women, including but not limited to homicide, femicide, honor killings, and targeted assassinations. In conflict zones, the slaying of women may be perpetrated as a means of intimidation, punishment, ethnic cleansing, or asserting dominance over civilian populations. It represents a severe violation of human rights and international humanitarian law, and it contributes to the perpetuation of cycles of violence, fear, and insecurity.⁷¹

The deliberate execution of female civilians within conflict settings represents a flagrant breach of human rights and international humanitarian law, perpetuating cycles of violence, fear, and instability.⁷² Women frequently endure gender-specific forms of violence, such as sexual assault, coerced unions, and femicide, as part of broader strategies aimed at instilling terror and asserting dominance over civilian populations. These atrocities inflict severe physical and psychological trauma upon women, leaving enduring scars upon individuals, families, and communities alike. Furthermore, the intentional targeting of female civilians undermines social cohesion, erodes trust in institutions, and impedes prospects for reconciliation and peacebuilding efforts.

The deliberate victimization of women within conflict contexts often stems from a toxic amalgamation of misogynistic attitudes, patriarchal ideologies, and militarized conceptions of masculinity.⁷³ Women are frequently regarded as symbols of communal honour and cultural identity, rendering them susceptible to acts of collective punishment and degradation. In certain instances, armed groups specifically single out

⁷¹ Ldhi, *Hidden Voices: Enslaved Women in the Lowcountry and U.S. South*, LDHI.LIBRARY, (22-05-2024 1:46 PM) <https://ldhi.library.cofc.edu/exhibits/show/hidden-voices/continuities-and-changes/enslaved-women-in-the-civilwar>

⁷² Radhika Coomaraswamy, *Girls in War: Sex Slave, Mother, Domestic Aide, Combatant*, UN.ORG/EN/CHRONICLE, (21-05-2024 3:00 PM) <https://www.un.org/en/chronicle/article/girls-war-sex-slave-mother-domestic-aide-combatant>

⁷³ Beverly Milner (Lee) Bisland, Jimin Kim, Sunghee Shin, *Teaching about the Comfort Women during World War II and the Use of Personal Stories of the Victims*, ASIANSTUDIES, (18-04-2024 3:14 PM) <https://www.asianstudies.org/publications/ea/archives/teaching-about-the-comfort-women-during-world-war-ii-and-the-use-of-personal-stories-of-the-victims/>

women perceived as challenging traditional gender roles or advocating for women's rights, employing violence as a means to intimidate and suppress dissent.⁷⁴ Additionally, the deliberate elimination of female civilians may serve as a tactic of ethnic cleansing, aimed at eradicating entire communities or asserting dominance over contested territories. The systemic prevalence of gender-based violence within conflict zones underscores the imperative of establishing robust accountability mechanisms and avenues for redress for survivors. Nevertheless, securing justice for women who have fallen victim to conflict-related violence remains a formidable undertaking, impeded by various impediments such as limited access to legal recourse, pervasive impunity for perpetrators, and societal stigmatization of survivors. Women who courageously come forth to report instances of violence often encounter scepticism, victim-blaming, and reprisals, exacerbating their trauma and dissuading others from seeking restitution. Moreover, the failure to prioritize gender-sensitive approaches to justice and reparations perpetuates cycles of impunity, impeding efforts to break the cycle of violence.⁷⁵

Effective mitigation of the deliberate targeting of female civilians within conflict necessitates comprehensive and multi-pronged interventions that centre on safeguarding women's rights, security, and integrity. This encompasses fortifying legal frameworks to hold perpetrators accountable for acts of gender-based violence, ensuring survivors have access to holistic support services, and fostering an environment wherein women are empowered to partake in decision-making processes that impact their lives. Moreover, it entails challenging entrenched gender norms and stereotypes that underpin violence and discrimination against women, promoting gender parity, and investing in initiatives aimed at empowering women. Through concerted efforts to address the root causes of gender-based violence and prioritize the needs and rights of female civilians in conflict, strides can be made toward cultivating more equitable, peaceful, and inclusive societies for all.⁷⁶

b. Women and the concept of collateral damage

⁷⁴ Noralee Frankel, *From Slave Women to Free Women: The National Archives and Black Women's History in the Civil War Era*, ARCHIVES, FEDERAL RECORDS AND AFRICAN AMERICAN HISTORY (SUMMER 1997, VOL. 29, NO. 2), (06-05-2024 3:00 PM) <https://www.archives.gov/publications/prologue/1997/summer/slave-women>

⁷⁵ Thavolia Glymph, Duke University; and Nina Silber, Boston University, *Women Amidst War*, NPS.GOV, (03-03-2024 05:15 PM) <https://www.nps.gov/articles/women-amidst-war.htm>

⁷⁶ *From Slave Mothers & Southern Belles to Radical Reformers & Lost Cause Ladies*, CIVILWARWOMEN (01-03-2024 07:30 PM) <https://civilwarwomen.wp.tulane.edu/>

The involvement of women in conflicts often brings to the fore the concept of "collateral damage." Historically, discussions around collateral damage have primarily focused on its impact on civilian populations, with women frequently falling within this category due to their roles as caregivers, homemakers, and community members. However, the concept of collateral damage extends beyond physical harm to encompass a broader range of social, economic, and psychological consequences that disproportionately affect women in conflict-affected areas. One aspect of collateral damage for women is the disruption of their social networks and support systems. Conflict situations often lead to displacement, separation from family members, and loss of community ties, leaving women isolated and vulnerable. This disruption can have profound implications for women's mental health and well-being, exacerbating feelings of fear, anxiety, and hopelessness.

Additionally, conflict-related displacement can result in economic hardship for women, particularly those who are the primary breadwinners or caregivers in their households. Displacement may force women to take on new roles and responsibilities, such as providing for their families or navigating unfamiliar environments, without adequate resources or support. Economic insecurity can further compound women's vulnerability to exploitation, abuse, and trafficking.⁷⁷ Furthermore, women may become targets of violence or discrimination as a result of their association with combatants or opposing groups. In some conflicts, women are specifically targeted for reprisals or acts of revenge, further exacerbating their vulnerability and marginalization.⁷⁸ Moreover, women may be subjected to gender-based violence, including sexual violence, as a tactic of war or as a means of asserting control and domination over civilian populations.

The concept of collateral damage also encompasses the long-term impact of conflict on women's rights and gender equality. Conflict can erode hard-won gains in women's rights, undermine efforts to promote gender equality, and reinforce traditional gender roles and stereotypes. Moreover, post-conflict reconstruction efforts often prioritize

⁷⁷ UN News, Sudan: Women and girls abducted, held 'in slave-like conditions' in Darfur, AFRICARENEWAL (12-02-2021 8:12 PM) <https://www.un.org/africarenewal/magazine/november-2023/sudan-women-and-girls-abducted-held-%E2%80%98slave-conditions%E2%80%99-darfur>

⁷⁸ Violence against women: Causes and consequences, Medicamondiale (12-05-2023 6:18 PM) <https://medicamondiale.org/en/violence-against-women/causes-and-consequences>

infrastructure and security over social services and gender-specific needs, perpetuating inequalities and marginalization.

c. Violence and Brutality against women

Violence and brutality against women represent pervasive and egregious violations of human rights, perpetuating cycles of fear, trauma, and inequality. This essay delves into the various forms of violence perpetrated against women, explores their underlying causes, and examines the multifaceted impacts on individuals, families, and communities.⁷⁹

Violence against women takes many forms, ranging from physical and sexual violence to psychological, economic, and structural forms of abuse. Physical violence often manifests as domestic violence, intimate partner violence, or other forms of interpersonal violence, resulting in injuries, disabilities, and even death.⁸⁰ Sexual violence encompasses rape, sexual assault, and harassment, with perpetrators exploiting power imbalances and societal norms to perpetrate acts of violence against women.

Psychological violence, including emotional abuse, coercion, and manipulation, inflicts lasting harm on victims' mental health and well-being. "Economic violence, such as financial control, economic exploitation, and denial of resources, undermines women's economic autonomy and perpetuates cycles of poverty and dependence." Structural violence, embedded within social, economic, and political systems, manifests as discrimination, marginalization, and exclusion, denying women equal rights, opportunities, and access to resources.

The root causes of violence against women are complex and multifaceted, stemming from intersecting factors including gender inequality, patriarchal norms, social attitudes, and power imbalances. Gender inequality, deeply entrenched in social, cultural, and institutional structures, perpetuates unequal power dynamics between men and women, reinforcing women's subordinate status and justifying their subjugation

⁷⁹ World Health Organization Newsroom, *Violence against women*, WHO.INT/NEWS-ROOM, (25 March 2024 6PM), [https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=The%20United%20Nations%20defines%20violence,private%20life%22%20\(1\).](https://www.who.int/news-room/fact-sheets/detail/violence-against-women#:~:text=The%20United%20Nations%20defines%20violence,private%20life%22%20(1).)

⁸⁰ *What is violence against women?* PLAN4WOMENSSAFETY, (13-01-2021 9:12 PM) <https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/>

and exploitation. Patriarchal norms and attitudes, which prioritize male authority and control over women's bodies and lives, normalize and condone violence against women, perpetuating a culture of impunity and silence. Social attitudes that blame and stigmatize victims of violence, rather than holding perpetrators accountable, create barriers to reporting and seeking assistance, further perpetuating cycles of abuse and impunity. Power imbalances in interpersonal relationships, institutions, and society at large enable perpetrators to exert control and coercion over women, exploiting vulnerabilities and perpetrating acts of violence with impunity.⁸¹

“The impacts of violence and brutality against women are profound and far-reaching, affecting not only individual victims but also their families, communities, and societies at large.” Women who experience violence often suffer physical injuries, mental health disorders, and reproductive health complications, with long-lasting implications for their health and well-being. Survivors of violence may also experience social isolation, economic insecurity, and homelessness, as they struggle to rebuild their lives in the aftermath of trauma. Children who witness violence against their mothers may suffer from emotional and psychological trauma, perpetuating cycles of violence and intergenerational transmission of trauma.⁸² Communities affected by violence against women experience erosion of social cohesion, breakdown of trust, and loss of collective well-being, hindering efforts toward peace, development, and reconciliation.⁸³

Addressing violence and brutality against women requires comprehensive and multi-faceted responses that prioritize prevention, protection, and support for survivors, while also challenging the root causes and structural factors that perpetuate violence. Prevention efforts must address underlying drivers of violence, including gender inequality, patriarchal norms, and social attitudes that condone and justify violence against women.⁸⁴

⁸¹ Parul Sinha, Uma Gupta, Jyotsna Singh, and Anand Srivastava, *Structural Violence on Women: An Impediment to Women Empowerment*, NCBI, (12-02-2021 9:30 PM) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5561688/>

⁸² Fatma ElzahraaYassin, *Ending violence against women*, UNWOMEN, (11-07-2021 8:19 PM) <https://www.unwomen.org/en/what-we-do/ending-violence-against-women>

⁸³ Sinha, Parul; Gupta, Uma; Singh, Jyotsna; Srivastava, Anand, *Indian Journal of Community Medicine, Structural Violence on Women an Impediment to Women Empowerment*, LWW (14-06-2022 8:30 PM) https://journals.lww.com/ijcm/fulltext/2017/42030/structural_violence_on_women__an_impediment_to.3.aspx

⁸⁴ Julie Gregory Human Rights & IHL, *Tackling Violence Against Women & Girls*, stimson, <https://www.stimson.org/2023/tackling-violence-against-women-girls/>

This entails promoting gender equality, challenging harmful gender stereotypes, and fostering respectful and equitable relationships based on consent and mutual respect. Protection measures must ensure women's safety and security, providing access to safe spaces, shelters, and support services for survivors of violence. Support for survivors must encompass holistic and survivor-centred approaches, including medical care, psychosocial support, legal assistance, and economic empowerment programs.⁸⁵ Accountability mechanisms must hold perpetrators of violence accountable for their actions, ensuring justice and redress for survivors, while also challenging impunity and promoting a culture of zero tolerance for violence against women.

d. Refugee and Displaced women

Refugee and displaced women constitute some of the most vulnerable populations in the world, facing a multitude of challenges that exacerbate their already precarious situations. This essay delves into the unique experiences and struggles of refugee and displaced women, exploring the root causes of their displacement, the challenges they encounter, and the importance of addressing their needs in humanitarian responses.

Refugee and displaced women are forced to flee their homes due to a variety of factors, including conflict, persecution, violence, environmental disasters, and economic hardship. Many are compelled to leave behind their communities, livelihoods, and support networks in search of safety and security for themselves and their families. The journey to safety is often perilous, with women facing increased risks of exploitation, trafficking, sexual violence, and other forms of abuse along the way.⁸⁶

Upon arrival in refugee camps or host communities, women may find themselves in overcrowded and under-resourced environments, further exacerbating their vulnerability to violence, poverty, and exploitation.

One of the primary challenges faced by refugee and displaced women is the heightened risk of gender-based violence (GBV) in humanitarian settings. Conflict and displacement disrupt social and protective structures, leaving women and girls more susceptible to sexual violence, forced marriage, trafficking, and exploitation.

⁸⁵ *What is gender-based violence?* EUROPA (04-03-2021 7:09 PM) https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence?language_content_entity=en

⁸⁶ *Refugee and displaced women*, UNHCR, (11 December 1980 02:01 AM), <https://www.unhcr.org/in/publications/refugee-and-displaced-women>

Limited access to safe spaces, inadequate lighting, and inadequate protection mechanisms in camps and settlements increase women's exposure to GBV, while social stigma and fear of reprisal often prevent survivors from seeking help or reporting incidents of violence.

Refugee and displaced women also face significant barriers to accessing essential services, including healthcare, education, and livelihood opportunities.⁸⁷ Many refugee camps and host communities lack adequate healthcare facilities, trained personnel, and supplies, leaving women without access to essential reproductive health services, maternal care, and treatment for gender-specific health issues. Educational opportunities for refugee and displaced women are often limited, with overcrowded classrooms, inadequate resources, and cultural barriers preventing girls from attending school or accessing quality education. Economic opportunities for women in humanitarian settings are also constrained, with limited access to formal employment, land ownership, and financial services, exacerbating their economic insecurity and dependency.

Moreover, refugee and displaced women often experience discrimination, marginalization, and exclusion within host communities and humanitarian systems. Cultural norms and stereotypes may restrict women's mobility, autonomy, and decision-making power, limiting their participation in community life and decision-making processes. Language barriers, lack of documentation, and legal constraints may further hinder women's access to rights, services, and justice, leaving them vulnerable to exploitation and abuse.⁸⁸

Addressing the needs of refugee and displaced women requires a gender-sensitive and rights-based approach to humanitarian assistance that prioritizes their safety, dignity, and agency. This includes ensuring access to gender-responsive protection services, including psychosocial support, legal assistance, and safe spaces for survivors of GBV. It also entails integrating gender considerations into all aspects of humanitarian programming, from needs assessments and program design to implementation, monitoring, and evaluation. Empowering refugee and displaced women to participate

⁸⁷ *UN Women, Women refugees and migrants*, ECA.UNWOMEN.ORG, (11-07-2021 6:01 PM) <https://eca.unwomen.org/en/news/in-focus/women-refugees-and-migrants-0>

⁸⁸ Susan Martin, *Refugee and Displaced Women: 60 Years of Progress and Setbacks*, SSRN (31 Aug 2011 02:02 PM), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1919721

in decision-making processes that affect their lives is essential for promoting their rights, agency, and leadership within their communities and in humanitarian response efforts.

Here are a few examples of real-life refugee women along with excerpts from their interviews or stories:

1. *Malala Yousafzai*: “Malala is a Pakistani activist known for her advocacy for girls' education and women's rights. In 2012, she survived an assassination attempt by the Taliban for her outspoken views on education. Malala and her family were forced to flee Pakistan and seek asylum in the United Kingdom.” In her interviews, Malala has shared her experiences as a refugee and her determination to continue advocating for education and gender equality.
2. *Nujeen Mustafa*: Nujeen is a Syrian refugee who gained international attention for her journey to Europe in a wheelchair. Born with cerebral palsy, Nujeen and her sister fled the war in Syria in 2015, embarking on a perilous journey across several countries to seek asylum in Germany. In interviews, Nujeen has spoken about the challenges she faced as a disabled refugee and her determination to build a new life in Europe.
3. *Aya Abdullah*: Aya is a Rohingya refugee who fled persecution and violence in Myanmar. She now lives in a refugee camp in Cox's Bazar, Bangladesh, where she advocates for the rights of Rohingya women and girls. In interviews, Aya has shared her experiences of displacement and her efforts to support her community in the face of ongoing challenges.
4. *Hawa Aden Mohamed*: Hawa is a Somali refugee and women's rights activist who founded the Galkayo Education Centre for Peace and Development in Somalia. The centre provides education, vocational training, and support services for women and girls affected by conflict and displacement. In interviews, Hawa has spoken about her own experiences as a refugee and her commitment to empowering women and girls in Somalia.

e. Women in Detention

The detention of women represents a complex and often overlooked aspect of the criminal justice system, with profound implications for women's rights, dignity, and

well-being.⁸⁹ This essay examines the experiences of women in detention, explores the underlying causes of their incarceration, and highlights the unique challenges they face within correctional facilities. Women in detention encompass a diverse population, including those who are incarcerated in prisons, jails, detention centres, and other forms of confinement. They may be detained for a variety of reasons, including criminal offenses, immigration violations, drug-related offenses, poverty-related crimes, and political activism. Regardless of the reasons for their incarceration, women in detention often share common experiences of trauma, marginalization, and disempowerment.

One of the primary challenges faced by women in detention is the prevalence of gender-based violence within correctional facilities. Women are at heightened risk of sexual assault, harassment, and abuse by both staff and fellow inmates, perpetuating a culture of fear, silence, and impunity. The lack of effective reporting mechanisms, inadequate oversight, and institutional barriers often prevent survivors from seeking help or holding perpetrators accountable, further exacerbating their trauma and vulnerability. Moreover, women in detention often face inadequate access to healthcare, including reproductive health services, mental health care, and treatment for substance abuse and addiction. Correctional facilities may lack trained medical personnel, appropriate facilities, and gender-sensitive care, leaving women without access to essential health services and medications. The stigma surrounding mental health issues and substance abuse further compounds the challenges faced by women in detention, as they may be reluctant to seek help or disclose their needs for fear of discrimination or reprisal.

Additionally, women in detention often experience disruptions to their family relationships and support networks, with profound consequences for themselves and their children. Many women in detention are mothers, and their incarceration can have devastating effects on their children, who may experience separation, instability, and trauma as a result. Moreover, women in detention may face barriers to maintaining contact with their families, including limited visitation rights, prohibitive costs, and geographical distance, further undermining their social support and reintegration prospects.⁹⁰

⁸⁹ *Women in Detention and Access to Justice*, PRSINDIA, (09 Aug 2013 02:45 PM), <https://prsindia.org/policy/report-summaries/women-in-detention-and-access-to-justice>

⁹⁰ *Women in Prisons*, VIKASPEDIA, (21 May 2024 02:02 PM), <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/women-in-prisons>

The over-incarceration of women, particularly women of colour and marginalized communities, reflects broader structural inequalities within the criminal justice system. Women from low-income backgrounds, racial and ethnic minorities, indigenous communities, and LGBTQ+ individuals are disproportionately represented in correctional facilities, reflecting systemic biases and disparities in policing, sentencing, and access to legal representation. Moreover, the criminalization of poverty, homelessness, and survival crimes perpetuates cycles of incarceration and marginalization, further entrenching inequalities and perpetuating cycles of poverty and incarceration. Addressing the challenges faced by women in detention requires a comprehensive and gender-responsive approach to criminal justice reform that prioritizes the rights, dignity, and well-being of women. This includes implementing gender-sensitive policies and practices within correctional facilities, such as trauma-informed care, gender-specific programming, and access to reproductive health services. It also entails addressing the root causes of women's incarceration, including poverty, inequality, discrimination, and systemic racism, through reforms to policing, sentencing, and social services.⁹¹

Furthermore, efforts to support women in detention must prioritize alternatives to incarceration, such as community-based sentencing, diversion programs, and restorative justice approaches, which address the underlying causes of offending and promote rehabilitation and reintegration. Additionally, re-entry support services, including housing assistance, employment training, and counselling, are essential for women transitioning from incarceration back into their communities, helping to reduce recidivism and promote successful reintegration.

f. Persistent Gender stereotypes

Persistent gender stereotypes continue to permeate societies around the world, shaping perceptions, attitudes, and behaviours towards men and women. This essay explores the enduring nature of gender stereotypes, their impact on individuals and communities, and the challenges they pose for achieving gender equality and social justice.⁹²

⁹¹ *Women in Detention*, IPRT (21 May 2024 09:45 PM), <https://www.iprt.ie/women-offenders/>

⁹² Lloyd B. Lueptow, Lori Garovich, Margaret B. Lueptow, *The persistence of gender stereotypes in the face of changing sex roles: Evidence contrary to the sociocultural model*, SCIENCE DIRECT, <https://www.sciencedirect.com/science/article/abs/pii/0162309595000720>, Volume 16, Issue 6, November 1995 9 PM, Pages 509-530

“Gender stereotypes are deeply ingrained beliefs, norms, and expectations about the roles, traits, and behaviors deemed appropriate for men and women based on their perceived biological sex.”⁹³ These stereotypes are perpetuated and reinforced through various socializing agents, including family, media, education, religion, and culture. From a young age, individuals are socialized into gender roles and taught to conform to societal expectations regarding masculinity and femininity, often at the expense of their individuality and autonomy. One of the most pervasive gender stereotypes is the belief in the inherent superiority of men and the inferiority of women. This stereotype manifests in various forms, including the perception that men are naturally more competent, rational, and assertive, while women are nurturing, emotional, and submissive. These stereotypes not only limit women's opportunities for leadership, career advancement, and participation in public life but also contribute to their devaluation and marginalization within society.⁹⁴

Moreover, gender stereotypes perpetuate harmful notions of masculinity and femininity that constrain the freedom and agency of both men and women. Men are socialized to adhere to rigid norms of masculinity, which prioritize toughness, stoicism, and dominance, while discouraging expressions of vulnerability, emotion, and empathy. Women, on the other hand, are expected to embody traits of femininity, such as nurturing, caregiving, and self-sacrifice, at the expense of their own aspirations and ambitions. The perpetuation of gender stereotypes has far-reaching consequences for individuals, communities, and societies as a whole. For women, gender stereotypes limit opportunities for education, employment, and political participation, perpetuating inequalities and hindering their ability to fulfill their potential. Women who deviate from traditional gender roles may face social stigma, discrimination, and violence, further reinforcing conformity to stereotypes and stifling individual autonomy.

For men, rigid gender stereotypes can also have detrimental effects on mental health, well-being, and relationships.⁹⁵ Men who internalize norms of masculinity may feel

⁹³ Frontiersin, Tanja Hentschel, Madeline E. Heilman, Claudia V. Peus, *The Multiple Dimensions of Gender Stereotypes: A Current Look at Men's and Women's Characterizations of Others and Themselves*, FRONTIERS (22-05-2024 4 PM) <https://www.frontiersin.org/journals/psychology/articles/10.3389/fpsyg.2019.00011/full>

⁹⁴ Naznin Tabassum and Bhabani Shankar Nayak ORCID (23-05-2024 4:18 PM) <https://orcid.org/0000-0002-2669-9804>

⁹⁵ Allison Master, Andrew N. Meltzoff and Sapna Cheryan, *Gender stereotypes about interests start early and cause gender disparities in computer science and engineering*, PNAS (November 22, 2021, 8:05 PM) <https://www.pnas.org/doi/full/10.1073/pnas.2100030118>

pressure to conform to unrealistic standards of strength, success, and dominance, leading to stress, anxiety, and depression. Moreover, the expectation that men should suppress emotions and avoid seeking help for mental health issues perpetuates a culture of silence and stigma surrounding men's mental health. Furthermore, gender stereotypes contribute to the perpetuation of violence and discrimination against LGBTQ+ individuals, non-binary individuals, and gender non-conforming individuals who do not conform to traditional notions of masculinity and femininity.⁹⁶ These individuals may face heightened levels of prejudice, harassment, and violence, both within their communities and in broader society, due to their perceived deviation from gender norms.

Addressing persistent gender stereotypes requires concerted efforts at multiple levels, including education, media representation, policy reform, and cultural change. Education plays a critical role in challenging and dismantling gender stereotypes by promoting critical thinking, empathy, and respect for diversity. Schools and educational institutions can incorporate gender-sensitive curricula, promote positive role models, and provide opportunities for open dialogue and reflection on gender norms and stereotypes. “Media representation also plays a powerful role in shaping perceptions and attitudes towards gender.⁹⁷ By promoting diverse and non-stereotypical portrayals of men and women in media, advertising, and popular culture, media producers can challenge stereotypes and promote more inclusive and equitable representations of gender diversity.”⁹⁸

Additionally, policymakers can enact legislation and policies that promote gender equality, combat discrimination, and support the empowerment of women and marginalized groups. This includes measures to address gender-based violence, promote equal pay and employment opportunities, and ensure access to healthcare, education, and social services for all. Cultural change is also essential for challenging and dismantling gender stereotypes. Communities, religious institutions, and civil

⁹⁶ Daniela Palaščáková, *Persistence of Gender Stereotypes in Sports*, RESEARCHGATE, (December, 2023, 03:14 PM) https://www.researchgate.net/publication/375432630_Persistence_of_Gender_Stereotypes_in_Sports

⁹⁷ Nazli Bhatia and Sudeep Bhatia, *Changes in Gender Stereotypes Over Time: A Computational Analysis*, *journals.SAGEPUB*, (March 23, 2021 1:12 PM) Volume 45, Issue 1, <https://journals.sagepub.com/doi/10.1177/0361684320977178>

⁹⁸ *Committee on Women's Rights and Gender Equality*, Rapporteur: Kartika Tamara LIOTARD, (June 12 2023 3: 16 PM) https://www.europarl.europa.eu/doceo/document/A-7-2012-0401_EN.html

society organizations can play a crucial role in challenging harmful gender norms, promoting gender equality, and fostering inclusive and respectful attitudes towards gender diversity.⁹⁹

g. The death of members of the family

The death of family members in war zones inflicts deep and enduring psychological trauma on survivors, manifesting in grief, depression, anxiety, post-traumatic stress disorder (PTSD), and other mental health disorders. The sudden and violent loss of loved ones shatters the sense of security and stability, leaving survivors grappling with overwhelming feelings of sorrow, anger, guilt, and helplessness. Moreover, unresolved grief and trauma may become chronic and debilitating, impairing survivors' ability to function and cope with daily life. Furthermore, the death of family members in war zones disrupts social and support networks, fracturing the bonds that sustain individuals and communities. Families torn apart by conflict struggle to rebuild their lives and relationships amidst the devastation, with profound implications for social cohesion, trust, and resilience. Moreover, the loss of breadwinners, caregivers, and community leaders exacerbates vulnerability and dependency, further undermining the capacity of families and communities to recover and thrive.

The economic repercussions of familial death in war zones are also profound, particularly for families already living in poverty or marginalized communities. The loss of income earners and productive assets deprives families of essential resources and livelihood opportunities, plunging them into deeper poverty and destitution. Moreover, the economic burden of funeral expenses, medical bills, and displacement exacerbates financial strain, pushing families further into debt and dependency on humanitarian aid. Additionally, the death of family members in war zones exacerbates existing social divisions, tensions, and grievances within communities, fuelling cycles of violence, revenge, and conflict recurrence. Bereaved families may harbour feelings of resentment, hostility, and desire for justice or revenge, perpetuating cycles of intergenerational trauma and perpetuating cycles of violence. Moreover, the lack of accountability for atrocities and violations of human rights undermines prospects for reconciliation and peacebuilding, perpetuating cycles of impunity and mistrust.

⁹⁹ *Combating Gender Stereotypes and Sexism*, COE, (November 22, 2023, 09:23 PM) <https://www.coe.int/en/web/genderequality/gender-stereotypes-and-sexism>

Addressing the repercussions of familial death in war zones requires comprehensive and multi-faceted responses that prioritize the rights, needs, and well-being of survivors and affected communities.¹⁰⁰ This includes providing psychosocial support, counselling, and mental health services to survivors to help them cope with grief and trauma and rebuild their lives. It also entails strengthening social support networks, community resilience, and solidarity mechanisms to help families and communities heal and recover from loss.

Moreover, efforts to address the economic repercussions of familial death in war zones must prioritize livelihood support, economic empowerment, and social protection measures for affected families. This includes providing access to income-generating activities, vocational training, and microfinance opportunities to help families rebuild their livelihoods and achieve economic self-sufficiency. It also entails addressing structural inequalities, discrimination, and marginalization that exacerbate vulnerability and poverty among affected communities.

Furthermore, promoting accountability, justice, and reconciliation is essential for addressing the root causes of familial death in war zones and preventing recurrence of violence and conflict. This includes holding perpetrators of atrocities and violations of human rights accountable for their actions through fair and impartial justice mechanisms. It also entails promoting truth-telling, reconciliation, and dialogue initiatives that foster understanding, empathy, and healing among survivors and affected communities.¹⁰¹

h. A fall in one's social standing

In the theater of war, where morality is often obscured by the fog of conflict, the dynamics of social standing can become a weapon as lethal as any artillery barrage. A fall in one's social standing amid the chaos of war is not merely a personal tragedy but can also be a symptom of systematic oppression and, in extreme cases, a precursor to war crimes. Consider the case of the once-prosperous village of Lysander. Nestled amidst rolling hills, its people had long lived in harmony, bound together by shared

¹⁰⁰ Caroline Kapp, *The Devastating Use of Sexual Violence as a Weapon of War*, THINKGLOBALHEALTH, (November 1, 2022 5:15 PM) <https://www.thinkglobalhealth.org/article/devastating-use-sexual-violence-weapon-war>

¹⁰¹ BARBARA A. WARD, *War and Its Aftermath*, LITERACYWORLDWIDE, (Oct 31, 2016, 05:03 PM) <https://www.literacyworldwide.org/blog/literacy-now/2016/10/31/war-and-its-aftermath>

customs and traditions. Yet, when the tides of war swept across the land, they brought with them a cruel reordering of society's hierarchy.

As the conflict escalated, lines were drawn, dividing the village along ethnic and religious lines. Those who once broke bread together now eyed each other with suspicion.¹⁰² Amid the chaos, social standing became a precarious tightrope, with one misstep leading to a precipitous fall.

The first casualties of this social upheaval were the vulnerable—the elderly, the infirm, and the marginalized. With resources dwindling and loyalties shifting, they found themselves cast aside, deemed expendable in the ruthless calculus of war. But the erosion of social standing did not stop there. Soon, arbitrary distinctions based on ethnicity or political affiliation became justification for persecution. Families once esteemed in the community found themselves branded as traitors, their names tarnished, their livelihoods destroyed.

In the shadow of such oppression, war crimes festered like an untreated wound. Forced displacement, arbitrary detention, and extrajudicial killings became the norm, perpetrated with impunity against those deemed unworthy of protection.¹⁰³

Yet, amidst the darkness, glimmers of resilience emerged. Ordinary people, driven by a shared sense of humanity, risked their own safety to shelter the persecuted, offering sanctuary in defiance of tyranny. Their acts of courage served as a beacon of hope, a testament to the enduring spirit of solidarity in the face of adversity.¹⁰⁴

The story of Lysander serves as a stark reminder that in times of war, the fall in social standing is not merely a consequence of conflict but a catalyst for atrocities. It underscores the importance of safeguarding the dignity and rights of all individuals, irrespective of their station in life.

As the dust settles and the wounds of war begin to heal, let us not forget the lessons of Lysander. Let us strive to build a world where social standing is not a barrier to justice,

¹⁰² T Vishnu Jayaraman, *Rape as a War Crime*, (January 22, 2021, 8:05 PM) <https://www.un.org/en/chronicle/article/rape-war-crime>

¹⁰³ *The Aftermath of the War*, (March 05, 2021, 03:18 PM) <https://historiana.eu/historical-content/key-moments/world-war-1/the-aftermath-of-the-war>

¹⁰⁴ Thomas Putnam, Spring 2006, Vol. 38, No. 1, ARCHIVES, (May 03, 2019, 04:13 PM) <https://www.archives.gov/publications/prologue/2006/spring/hemingway.html>

where empathy triumphs over enmity, and where the echoes of war crimes are drowned out by the chorus of peace.

i. The impact of ARMED CONFLICT ZONES on the economy

Armed conflict zones cast a long shadow over economies, leaving devastation in their wake that extends far beyond the boundaries of the battlefield. From the destruction of infrastructure to the displacement of populations, the economic ramifications of war are vast and enduring, impeding development and sowing seeds of instability for generations to come. At the heart of the economic impact of armed conflict lies the destruction of vital infrastructure. Roads, bridges, power plants, and communication networks are often targeted in military campaigns, disrupting supply chains and hindering the flow of goods and services. The rebuilding of such infrastructure is a costly and time-consuming endeavour, diverting resources away from essential social services and impeding economic recovery.

Furthermore, armed conflict leads to the displacement of populations on a massive scale, creating refugee crises that strain neighbouring economies and international aid efforts. Host countries are often ill-equipped to provide for the basic needs of refugees, leading to overcrowded camps, strained resources, and social tensions. The influx of refugees also depresses wages and increases competition for jobs, further exacerbating economic hardship for local populations.¹⁰⁵

In addition to the immediate impact on infrastructure and displacement, armed conflict zones also disrupt trade and investment, stunting economic growth and development. Investors are wary of committing capital to unstable regions, fearing expropriation, political instability, and security risks. Foreign direct investment (FDI) dries up, depriving conflict-affected countries of much-needed capital for development projects and job creation. Trade is similarly affected, as borders are closed, ports are blockaded, and trade routes are disrupted by conflict. Export-oriented industries suffer from decreased demand and increased transportation costs, while imports become scarce and expensive, leading to shortages of essential goods and inflation. The informal economy often flourishes in conflict zones, as people turn to illicit trade and black-market

¹⁰⁵ *Rape as a weapon of war*; BRITANNICA, (June 02, 2023, 8:05 PM) <https://www.britannica.com/topic/rape-crime/Rape-as-a-weapon-of-war>

activities to survive, further undermining the formal economy and eroding state institutions.

The human cost of armed conflict is immeasurable, with lives lost, families torn apart, and communities shattered. However, the economic cost is also staggering, with studies estimating that armed conflict reduces a country's GDP by an average of 2% to 4% per year. The opportunity cost of war is equally significant, as resources that could have been invested in education, healthcare, and infrastructure are diverted to military spending and emergency relief efforts.

The long-term consequences of armed conflict on the economy are profound and enduring. Beyond the immediate destruction and displacement, conflict-affected countries face a myriad of challenges in rebuilding their economies and restoring stability. The social fabric is often frayed, with trust between communities eroded by years of violence and suspicion. Reconciliation and reconstruction efforts are hampered by political gridlock, corruption, and lack of institutional capacity.¹⁰⁶

Furthermore, the economic impact of armed conflict extends far beyond the borders of the conflict zone, with ripple effects felt globally. Humanitarian crises and refugee flows destabilize neighbouring countries, leading to regional instability and insecurity. The disruption of trade routes and supply chains reverberates through the global economy, affecting everything from commodity prices to financial markets.

- Human Capital and Labor Market Disruptions

Beyond physical destruction and displacement, armed conflict zones erode human capital, impairing the workforce's skills and productivity. The interruption of education systems due to conflict denies young people access to learning opportunities, perpetuating cycles of poverty and hindering long-term economic growth. Displaced populations often struggle to find employment opportunities, leading to high levels of unemployment and underemployment. Even for those who manage to secure jobs, the lack of stability and security in conflict-affected areas often results in precarious employment conditions and low wages. The loss of skilled professionals due to

¹⁰⁶ *Impact of war on an economy*, OPTIMIZEIAS, (September 26, 2017, 9:23 PM) <https://optimizeias.com/impact-of-war-on-an-economy/#:~:text=Impact%20on%20Trade%3A%20Wars%20can,a%20decline%20in%20economic%20activity.>

emigration exacerbates labor market shortages, further constraining economic recovery efforts.

- Fiscal Pressures and Debt Burden

Armed conflict places immense strain on government finances, diverting scarce resources away from essential social services and infrastructure investment. Military expenditures skyrocket, consuming a significant portion of the national budget and crowding out spending on education, healthcare, and poverty alleviation programs. Governments often resort to borrowing to finance war efforts, accumulating unsustainable levels of debt that burden future generations. International financial institutions may impose austerity measures and structural adjustment programs as conditions for lending, exacerbating economic hardship and social inequality.

- Environmental Degradation and Natural Resource Plunder

Armed conflict exacerbates environmental degradation, as warfare often results in the indiscriminate destruction of forests, wildlife habitats, and water sources. The use of heavy weaponry and explosives contaminates soil and water supplies with toxic chemicals, posing long-term health risks to local populations and inhibiting agricultural productivity. Natural resources become a source of conflict as armed groups exploit mineral deposits, oil reserves, and timber resources to finance their activities. Illegal logging, poaching, and mining further degrade ecosystems and exacerbate resource scarcity, fueling cycles of violence and instability.

- Humanitarian Aid Dependency and Development Aid Effectiveness

Armed conflict zones become dependent on humanitarian aid to meet the basic needs of displaced populations and conflict-affected communities. While humanitarian assistance is vital for saving lives and alleviating suffering in the short term, it can inadvertently undermine local economies and perpetuate dependency in the long term. Development aid, intended to support reconstruction and recovery efforts, often fails to address the root causes of conflict and may be siphoned off by corrupt elites or diverted to military purposes. Moreover, the influx of aid organizations and international NGOs can distort local markets, undercutting local businesses and hindering indigenous development initiatives.

- Social Cohesion and Trust

Armed conflict erodes social cohesion and trust within communities, weakening the fabric of society and hindering collective efforts towards economic recovery and development. Divisive narratives of ethnic, religious, or political identity exacerbate social tensions and fuel intergroup conflict, hindering cooperation and solidarity. Rebuilding social trust and fostering reconciliation are essential prerequisites for sustainable peace and economic progress. Community-driven initiatives that promote dialogue, conflict resolution, and inclusive governance can help bridge divides and build resilience against future conflict.

The economic impact of armed conflict zones is far-reaching and multifaceted, affecting every aspect of society and impeding long-term development and prosperity. From the destruction of infrastructure and displacement of populations to the erosion of human capital and social cohesion, the costs of war are immense and enduring. Addressing the root causes of conflict, investing in peacebuilding and conflict prevention efforts, and promoting inclusive and sustainable development are essential steps towards breaking the cycle of violence and building a more peaceful and prosperous world for all.

i. A means of obtaining Necessary Supplies and services

In the context of war, obtaining necessary supplies and services becomes a matter of survival, with unique challenges and complexities.¹⁰⁷ In wartime, market exchange continues to function, albeit under strained conditions. However, the availability of goods and services may be limited due to disruptions in supply chains, damage to infrastructure, and increased demand for essential items. Prices can skyrocket, making basic necessities unaffordable for many, especially those displaced or impoverished by the conflict. Black markets often emerge, where goods are traded illegally at exorbitant prices, exacerbating inequalities and undermining efforts to maintain stability and social order. In regions affected by conflict, barter and informal trade networks become essential means of obtaining necessary supplies and services. Communities may rely on traditional exchange systems to access food, medicine, and other essentials when currency loses value or becomes scarce.¹⁰⁸ Informal trade routes and smuggling

¹⁰⁷ KENNETH ROGOFF, THE LONG-LASTING ECONOMIC SHOCK OF WAR, IMF, (December 25, 2021, 03:05 PM) <https://www.imf.org/en/Publications/fandd/issues/2022/03/the-long-lasting-economic-shock-of-war>

¹⁰⁸ Clifford F. Thies and Christopher F. Baum, The Effect of War on Economic Growth, CATO, (May 31st, 2021, 06:12 PM) <https://www.cato.org/cato-journal/winter-2020/effect-war-economic-growth>

networks may develop to bypass blockades or sanctions, ensuring a flow of goods into conflict zones but also fueling illicit activities and contributing to insecurity and instability.

Governments involved in conflict often prioritize military spending over social welfare programs, diverting resources away from essential services and exacerbating humanitarian crises. State-controlled distribution systems may fail to adequately provide for civilian populations, leading to shortages, hoarding, and corruption. In some cases, governments exploit war economies, profiting from illicit trade, extortion, and looting of natural resources to fund their military campaigns, further entrenching conflict and undermining prospects for peace and development.

Humanitarian organizations and international actors play a critical role in providing necessary supplies and services to populations affected by war. Humanitarian aid agencies deliver food, water, shelter, medical care, and other essentials to displaced persons, refugees, and conflict-affected communities, often operating in dangerous and challenging environments. International assistance, including diplomatic efforts, peacekeeping missions, and development aid, aims to address the root causes of conflict, promote peacebuilding and reconciliation, and support long-term recovery and reconstruction efforts.

In wartime, civil society initiatives and community-based organizations play a vital role in meeting local needs and building resilience against the impacts of conflict. Grassroots organizations provide emergency relief, social services, and support networks for vulnerable populations, mobilizing community resources and solidarity to address immediate challenges and promote self-reliance and empowerment. Community resilience strategies, such as community-led disaster preparedness, conflict mediation, and peacebuilding initiatives, help mitigate the effects of war and strengthen social cohesion and stability.

a. Women's Health

Women's health during wartime is a critical but often overlooked aspect of conflict-affected populations. War exacerbates existing gender disparities and poses unique challenges to women's physical and mental well-being.

Healthcare Access and Infrastructure Damage

During wartime, healthcare systems are often overwhelmed or disrupted, making it difficult for women to access essential reproductive and maternal healthcare services. Damage to hospitals, clinics, and medical facilities can limit the availability of obstetric care, prenatal services, and emergency obstetric care, increasing the risks of maternal mortality and morbidity. Displacement and insecurity further hinder women's access to healthcare, forcing them to travel long distances or seek care in unsafe environments.

Sexual Violence and Gender-Based Violence

Conflict zones are characterized by high levels of sexual violence and gender-based violence, with women and girls disproportionately affected. Rape, sexual slavery, forced prostitution, and other forms of gender-based violence are used as weapons of war, terrorizing communities and causing profound physical and psychological harm. Survivors of sexual violence face stigma, social exclusion, and limited access to medical and psychosocial support services, exacerbating their trauma and hindering their recovery.

Reproductive Health Needs and Services

Women's reproductive health needs are often neglected in humanitarian responses to conflict, despite their increased vulnerability to unintended pregnancies, sexually transmitted infections, and reproductive health complications. Access to contraception, safe abortion services, and maternal healthcare may be limited or unavailable, leaving women at risk of unsafe abortions, pregnancy-related complications, and maternal mortality. “Comprehensive reproductive health services, including family planning, maternal care, and post-abortion care, are essential for protecting women's health and rights in conflict-affected settings.”

Mental Health and Psychosocial Support

“The psychological impact of war on women's mental health is profound, with many experiencing anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health disorders.” The stress of displacement, loss of loved ones, exposure to violence, and insecurity can take a toll on women's emotional well-being, affecting their ability to cope with adversity and rebuild their lives. Psychosocial support services, including counseling, trauma healing, and community-based interventions, are essential

for addressing the psychological wounds of war and promoting resilience among women and girls.

Displacement and Refugees

Women and girls constitute a significant proportion of displaced populations and refugees fleeing conflict and violence. Displacement exacerbates existing vulnerabilities and exposes women to risks such as sexual exploitation, trafficking, and abuse. In refugee camps and informal settlements, overcrowded living conditions, lack of privacy, and inadequate sanitation facilities pose additional threats to women's health and safety. Access to reproductive health services, gender-sensitive protection measures, and livelihood opportunities is essential for supporting displaced women and mitigating the risks they face.

Women's Agency and Empowerment

Despite the challenges they face, women in conflict-affected settings demonstrate remarkable resilience, resourcefulness, and agency in protecting their health and well-being. Women's organizations, community leaders, and grassroots initiatives play a critical role in advocating for women's rights, mobilizing support services, and providing assistance to survivors of gender-based violence. Empowering women economically, socially, and politically is essential for addressing the root causes of gender inequality and promoting sustainable peace and development in conflict-affected regions.

b. Lack of access to emergency aid

The lack of access to emergency aid is a critical issue, particularly in conflict zones and humanitarian crises where vulnerable populations are most in need.

1. Humanitarian Access Constraints

In conflict zones, access to emergency aid is often impeded by a range of factors, including security threats, bureaucratic obstacles, and logistical challenges. Armed conflict can restrict the movement of humanitarian organizations and personnel, making it difficult to reach affected populations in need of assistance. Checkpoints, roadblocks,

and military operations can create barriers to the delivery of aid, delaying or preventing life-saving interventions and exacerbating humanitarian crises.

2. Government Restrictions and Political Barriers

Governments and armed groups may impose restrictions on humanitarian access for political or strategic reasons, hindering the delivery of aid to vulnerable populations. Humanitarian organizations may face regulatory hurdles, visa restrictions, and arbitrary detention, limiting their ability to operate effectively in conflict-affected areas. Governments may also exploit aid delivery for propaganda purposes or use aid as a tool of coercion or control, further complicating efforts to provide emergency assistance to those in need.

3. Funding Shortfalls and Resource Constraints

The lack of access to emergency aid is often exacerbated by funding shortfalls and resource constraints facing humanitarian organizations. Humanitarian appeals may go underfunded, forcing aid agencies to scale back operations or prioritize certain sectors over others. Limited funding can result in gaps in critical services such as food assistance, healthcare, shelter, and water, sanitation, and hygiene (WASH), leaving vulnerable populations without access to life-saving support.

4. Inadequate Preparedness and Coordination

In some cases, the lack of access to emergency aid stems from inadequate preparedness and coordination among humanitarian actors and governments. Insufficient pre-positioning of supplies, inadequate contingency planning, and fragmented response efforts can hinder the timely delivery of aid to affected areas. Poor coordination between humanitarian organizations, government agencies, and local authorities can result in duplication of efforts, delays in response, and gaps in coverage, exacerbating the humanitarian impact of crises.

5. Marginalized and Remote Communities

Marginalized and remote communities are often the hardest hit by the lack of access to emergency aid, as they may be overlooked or underserved by humanitarian responses. Ethnic minorities, indigenous populations, and displaced persons face additional barriers to accessing aid, including discrimination, language barriers, and cultural

insensitivity. Remote areas with limited infrastructure and communication networks may be particularly vulnerable to delays in aid delivery, leaving residents isolated and vulnerable to the impacts of crises.

Consequences of Lack of Access to Emergency Aid

The consequences of the lack of access to emergency aid can be severe and far-reaching, affecting the health, safety, and well-being of affected populations. Without timely assistance, vulnerable individuals may face hunger, malnutrition, disease outbreaks, and preventable deaths. “Lack of access to clean water and sanitation facilities can lead to waterborne illnesses and environmental health hazards.” Inadequate shelter and protection services can expose displaced persons to risks such as violence, exploitation, and trafficking.

k. Women Soldiers and Sexual Violence

Sexual violence within military ranks remains a persistent issue, highlighting the vulnerability of women soldiers despite strides toward gender equality in armed forces.¹⁰⁹ The hierarchical and predominantly male culture within military institutions often perpetuates gender stereotypes and power imbalances, fostering an environment where sexual harassment, assault, and coercion thrive.¹¹⁰ Despite efforts to promote gender equality, women soldiers may still face discrimination, marginalization, and retaliation if they report instances of sexual violence, contributing to underreporting and a culture of silence that allows perpetrators to act with impunity.¹¹¹

The dynamics of power play a significant role in instances of sexual violence within the military. Perpetrators, including commanders, superiors, and peers, may exploit their positions of authority to coerce or manipulate women soldiers into non-consensual sexual encounters. Fear of reprisal, career repercussions, and social isolation often discourage victims from speaking out or seeking support, perpetuating cycles of abuse and impunity. These power dynamics are exacerbated by the hierarchical structure of

¹⁰⁹ *Prevalence of Sexual Assault in the Military: Risk and Protective Factors, Data Sources, and Data Uses*, RAND, (April 20, 2008, 10:20 PM) <https://www.rand.org/pubs/tools/TLA746-2/handbook/resources/data-on-sexual-assault-in-the-military.html>

¹¹⁰ *Travis Tritten, Sexual Assaults on Female Troops Reach Highest Level in More Than a Decade*, MILITARY, (September 01, 2022 7:13 PM), <https://www.military.com/daily-news/2022/09/01/sexual-assaults-female-troops-reach-highest-level-more-decade.html>

¹¹¹ Yvonne Roberts *'It was a hunting ground': women and sexual assault in the UK armed forces*, THEGUARDIAN, Sun 24 Dec 2023 07.00 GMT, <https://www.theguardian.com/society/2023/dec/24/it-was-a-hunting-ground-women-and-sexual-assault-in-the-uk-armed-forces>

military organizations, where reporting mechanisms may be inadequate or biased in favour of perpetrators.¹¹²

The unique challenges and stressors of military life, such as combat deployments and prolonged separations from support networks, can further increase the risk of sexual violence for women soldiers. Operational environments, particularly during deployments or in isolated and high-stress settings, may heighten the vulnerability of women to harassment, assault, or exploitation. Limited access to support services and resources in operational contexts can compound the challenges faced by survivors of sexual violence, making it difficult for them to seek help or access appropriate care.¹¹³

The consequences of sexual violence for women soldiers are profound, “encompassing physical, psychological, and social dimensions. Survivors may experience trauma, anxiety, depression, and post-traumatic stress disorder (PTSD), as well as physical injuries”, sexually transmitted infections, and unintended pregnancies. The betrayal of trust and breach of camaraderie within military units can erode morale, cohesion, and readiness, undermining mission effectiveness and unit cohesion. Addressing sexual violence within the military requires a holistic approach that addresses root causes, changes cultural norms, and enhances accountability and support mechanisms. Efforts to prevent sexual violence must include gender-sensitive training, education, and awareness-raising initiatives that challenge harmful attitudes and behaviours and promote respect, consent, and gender equality. Strong leadership and commitment from military commanders and senior officials are essential for fostering a culture of zero tolerance for sexual violence and ensuring that perpetrators are held accountable for their actions. Supporting survivors, strengthening support services, and fostering a climate of trust and transparency are essential steps towards creating a military culture that is free from sexual violence and harassment.

¹¹² *Combat Deployment Is Associated with Sexual Harassment or Sexual Assault in a Large, Female Military Cohort*, WHIJOURNAL (October 16 2021 2:39 PM) [https://www.whijournal.com/article/S1049-3867\(13\)00038-8/fulltext](https://www.whijournal.com/article/S1049-3867(13)00038-8/fulltext)

¹¹³ *Indian Women v. Indian Armed Forces*, VOELKERRECHTSBLOG, (06.03.2024, 05: 41 PM) <https://voelkerrechtsblog.org/indian-women-v-indian-armed-forces/>

3.6 DEFINING SEXUAL VIOLENCE IN NON- INTERNATIONAL ARMED CONFLICT ZONES

Defining sexual violence in non-international armed conflict zones is essential for understanding the scope, nature, and impact of such atrocities. In these contexts, sexual violence refers to any act of a sexual nature perpetrated against individuals, regardless of gender, without their consent, under the auspices of armed conflict.¹¹⁴ “It encompasses a range of acts, including but not limited to rape, sexual slavery, forced prostitution, sexual mutilation, and forced pregnancy. Sexual violence in non-international armed conflict zones often serves as a tool of intimidation, humiliation, and control, wielded by armed actors to assert power and dominance over civilian populations.” Perpetrators may include state security forces, non-state armed groups, militias, and paramilitary forces, each with their own motivations and objectives. Victims of sexual violence may be targeted based on their gender, ethnicity, religion, political affiliation, or other perceived vulnerabilities.¹¹⁵

The impact of sexual violence in non-international armed conflict zones is profound and multifaceted, affecting individuals, families, and communities in myriad ways. “Survivors of sexual violence may suffer physical injuries, sexually transmitted infections, unwanted pregnancies, and psychological trauma, including anxiety, depression, post-traumatic stress disorder (PTSD), and suicidal ideation.” The stigma and social ostracism associated with sexual violence can further compound the suffering of survivors, hindering their recovery and reintegration into society.

Defining sexual violence in non-international armed conflict zones is crucial for accountability and justice mechanisms, as well as for the provision of support and services to survivors. “It enables the documentation, investigation, and prosecution of perpetrators, both domestically and internationally, under the principles of international humanitarian law (IHL), international human rights law (IHRL), and domestic criminal law.” It also informs the design and implementation of prevention, protection, and

¹¹⁴ *Sexual and Gender-Based Violence in Armed Conflict*, OSCE, (13.05.2024, 09: 41 PM) <https://www.osce.org/files/f/documents/1/9/524088.pdf>

¹¹⁵ C. Fowmina and C. Rabbiraj, *Sexual violence against women during non-international armed conflicts*, *INDERSCIENCEONLINE* (January 30, 2023, 08:49 PM) <https://www.inderscienceonline.com/doi/abs/10.1504/IJPLAP.2023.130005>

response interventions aimed at addressing the root causes and consequences of sexual violence in conflict-affected settings.¹¹⁶

3.7 ELEMENTS OF CRIME AGAINST WOMEN DURING ARMED CONFLICT ZONES

The crimes committed against women during armed conflict zones are often egregious violations of their human rights, with devastating physical, psychological, and social consequences. Understanding the elements of these crimes is essential for prosecuting perpetrators, providing justice for survivors, and preventing future atrocities.

1. Sexual Violence

Sexual violence is a pervasive and brutal crime perpetrated against women in armed conflict zones. “It encompasses a range of acts, including rape, sexual slavery, forced prostitution, sexual mutilation, and forced pregnancy. Perpetrators may include state security forces, non-state armed groups, militias, and paramilitary forces. The elements of sexual violence include non-consensual sexual acts, coercion, force, or threat of force, committed with the intent to humiliate, intimidate, or control the victim.”

2. Gender-Based Violence

Gender-based violence (GBV) encompasses a broad spectrum of harmful practices and acts of violence directed at individuals based on their gender. In armed conflict zones, women are disproportionately affected by GBV, “which includes physical, sexual, and psychological violence, as well as harmful traditional practices such as forced marriage and female genital mutilation.” The elements of GBV include discriminatory attitudes, unequal power relations, and cultural norms that perpetuate violence and discrimination against women.

3. Forced Displacement

Forced displacement is a common tactic used in armed conflict to control civilian populations and assert territorial control. Women and girls are particularly vulnerable to forced displacement, as they may face increased risks of sexual violence,

¹¹⁶ *Law and Policy on Violence Against Women in War and Armed Conflict*, STOPVAW, (23-05-2024 2:42 PM) https://www.stopvaw.org/law_and_policy7

exploitation, and abuse during displacement. The elements of forced displacement include the forced or coerced movement of individuals from their homes or communities, often accompanied by threats, violence, or intimidation, with the intent to displace, control, or eliminate targeted populations.

4. Trafficking in Persons

“Trafficking in persons is a serious crime that involves the recruitment, transportation, transfer, harboring, or receipt of individuals through force, fraud, or coercion for the purpose of exploitation. In armed conflict zones, women and girls are often trafficked for sexual exploitation, forced labor, or other forms of abuse. The elements of trafficking in persons include the recruitment or abduction of victims”, their transportation or transfer to other locations, and their exploitation for profit or other gain.

5. Forced Marriage and Enforced Sterilization

Forced marriage and enforced sterilization are egregious violations of women's rights and dignity, perpetrated against women and girls in armed conflict zones. Forced marriage involves the coercion or abduction of individuals into marriage against their will, often for the purpose of control, exploitation, or punishment. Enforced sterilization involves the forced or coerced sterilization of women without their consent, often as a means of population control or punishment. The elements of forced marriage and enforced sterilization include the deprivation of individuals' autonomy, bodily integrity, and reproductive rights.

1. Rape as a weapon of war

Rape as a weapon of war is a reprehensible tactic used by armed actors to assert power, control civilian populations, and instill fear and intimidation during armed conflict. This heinous crime is characterized by the deliberate and systematic use of sexual violence against women, men, and children as a tool of warfare.¹¹⁷ In conflict zones around the world, rape is employed to demoralize and destabilize communities, sow division among ethnic or religious groups, and destroy the social fabric of societies. The use of rape as a weapon of war is often strategic, with perpetrators targeting individuals based

¹¹⁷ Harriet Marsden, THEWEEK, (21.03.2024, 11: 41 AM) <https://theweek.com/author/harriet-marsden-the-week-uk>

on their gender, ethnicity, religion, or political affiliation. “Women and girls are disproportionately affected by sexual violence in armed conflict, facing increased risks of rape, sexual slavery, forced prostitution, and other forms of gender-based violence. Men and boys are also targeted for sexual violence, though they are less likely to report or seek support due to societal stigma and gender norms.

Rape as a weapon of war inflicts profound physical, psychological, and social harm on survivors and their communities. Survivors may suffer from physical injuries, sexually transmitted infections, unintended pregnancies, and long-term trauma, including anxiety, depression, post-traumatic stress disorder (PTSD), and suicidal ideation. The stigma and shame associated with sexual violence can further isolate survivors, hindering their recovery and reintegration into society.¹¹⁸

The international community has recognized rape as a war crime, crime against humanity, and form of genocide under international humanitarian law (IHL), international human rights law (IHRL), and international criminal law (ICL). The Rome Statute of the International Criminal Court (ICC) defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence as crimes against humanity and war crimes when committed as part of a widespread or systematic attack against a civilian population.”¹¹⁹

Despite international legal frameworks and accountability mechanisms, impunity for sexual violence in armed conflict remains pervasive. Perpetrators often go unpunished due to weak legal systems, lack of political will, corruption, and societal attitudes that blame and shame survivors rather than hold perpetrators accountable. The underreporting of sexual violence and the lack of access to justice and support services further contribute to impunity and perpetuate cycles of abuse and violence.¹²⁰

Addressing rape as a weapon of war requires a comprehensive and multi-faceted approach that includes prevention, protection, prosecution, and support for survivors. Efforts to prevent sexual violence must address root causes, including gender

¹¹⁸ Claudia Card, *Rape as a Weapon of War*, Vol. 11, No. 4, *Women and Violence (Autumn, 1996)*, pp. 5-18 (14 pages), JSTOR (24-02-2024 09:02 PM) <https://www.jstor.org/stable/3810388>

¹¹⁹ MALANCHA CHAKRABARTY, *A war within a war: Sexual violence as a weapon of war*; ORFONLINE (Mar 23, 2022, 9 PM) <https://www.orfonline.org/expert-speak/sexual-violence-as-a-weapon-of-war>

¹²⁰ Sara Meger, *Sexual Violence as a Weapon of War*, ACADEMIC, (April 02: 2022 6:19 PM) <https://academic.oup.com/book/11149/chapter-abstract/159606495?redirectedFrom=fulltext>

inequality, conflict-related dynamics, and impunity for perpetrators.¹²¹ Protection measures should prioritize the safety and well-being of civilians, particularly women, men, and children at risk of sexual violence. Prosecution efforts should hold perpetrators accountable for their crimes and ensure justice for survivors, including through domestic and international courts. Support services should provide comprehensive care and assistance to survivors, including medical, psychosocial, legal, and socioeconomic support, tailored to their specific needs and circumstances.

2. Forced Pregnancy and Forced Impregnation

Forced pregnancy and forced impregnation represent egregious violations of human rights and are often employed as tactics of war to exert control, instill fear, and perpetuate cycles of violence and domination. These reprehensible practices occur in the context of armed conflict, where women and girls are subjected to sexual violence, coercion, and exploitation by armed actors. Forced pregnancy and forced impregnation are characterized by the deliberate and systematic imposition of pregnancy upon individuals without their consent, often as a result of rape, sexual slavery, or other forms of sexual violence.¹²²

In armed conflict zones, forced pregnancy and forced impregnation are used as weapons to achieve various strategic objectives, including ethnic cleansing, population control, and the perpetuation of conflict. Perpetrators, including state security forces, non-state armed groups, militias, and paramilitary forces, may target women and girls based on their ethnicity, religion, or political affiliation, subjecting them to sexual violence and forced pregnancy as a means of terrorizing and subjugating civilian populations. Forced pregnancy and forced impregnation inflict profound physical, psychological, and social harm on survivors and their communities. Survivors of these crimes may suffer from physical injuries, sexually transmitted infections, and pregnancy-related complications, as well as long-term trauma, including anxiety, depression, post-traumatic stress disorder (PTSD), and suicidal ideation. The stigma and shame associated with forced

¹²¹ *Rape is a Weapon Of War*, KIRKENSNODHJELP, (June 03 2023 5:17 PM)
<https://www.kirkensnodhjelp.no/en/news/latest-news/rape-is-a-weapon-of-war/>

¹²² SIOBHAN K. FISHER, Occupation of The Womb: Forced Impregnation As Genocide, SCHOLARSHIP.LAW.DUKE, (22-05-2024 7:48 PM)
<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3320&context=dlj#:~:text=%22Forced%20impregnation%22%20can%20be%20defined,she%20become%20pregnant%20...>

pregnancy and forced impregnation can further isolate survivors, hindering their recovery and reintegration into society.

“The international community has recognized forced pregnancy and forced impregnation as serious violations of international humanitarian law (IHL), international human rights law (IHRL), and international criminal law (ICL). The Rome Statute of the International Criminal Court (ICC) defines forced pregnancy as a crime against humanity and a war crime when committed as part of a widespread or systematic attack against a civilian population. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)” and other human rights instruments prohibit discrimination based on sex and guarantee the right to bodily integrity and reproductive autonomy.

Despite international legal frameworks and accountability mechanisms, impunity for forced pregnancy and forced impregnation persists in many conflict-affected regions. Perpetrators often evade justice due to weak legal systems, lack of political will, and societal attitudes that blame and shame survivors rather than hold perpetrators accountable. The underreporting of these crimes and the lack of access to justice and support services further perpetuate impunity and undermine efforts to address these atrocities.

Addressing forced pregnancy and forced impregnation requires a comprehensive and multi-faceted approach that includes prevention, protection, prosecution, and support for survivors. Efforts to prevent these crimes must address root causes, including gender inequality, conflict-related dynamics, and impunity for perpetrators. Protection measures should prioritize the safety and well-being of survivors, ensuring access to medical, psychosocial, legal, and socioeconomic support services. Prosecution efforts should hold perpetrators accountable for their crimes and ensure justice for survivors, including through domestic and international courts.¹²³

3. Sexual Slavery, Enforced Prostitution and Enslavement

¹²³ Kjeld van Wieringen, *to counter the rationality of sexual violence: existing and potential policies against the genocidal use of rape as a weapon of war in the Democratic Republic of Congo*, JHUMANITARIANACTION, (19-05-2024 4:13 PM)
<https://jhumanitarianaction.springeropen.com/articles/10.1186/s41018-020-00074-4>

Sexual slavery, enforced prostitution, and enslavement are abhorrent practices used as tactics of war to exploit, control, and degrade individuals, particularly women and girls, in conflict-affected regions. In these crimes, individuals are subjected to coercion, deception, or force to engage in sexual activities against their will, often under brutal and dehumanizing conditions. Perpetrators, including state security forces, non-state armed groups, and criminal networks, may abduct, traffick, or forcibly recruit individuals into sexual slavery or enforced prostitution as a means of generating income, rewarding fighters, or exerting power and control over civilian populations. Survivors of sexual slavery, enforced prostitution, and enslavement endure severe physical, psychological, and social consequences, including trauma, physical injuries, sexually transmitted infections, unwanted pregnancies, and long-term psychological harm.¹²⁴ The stigma and shame associated with these crimes further isolate survivors, hindering their recovery and reintegration into society. The international community condemns sexual slavery, enforced prostitution, and enslavement as serious violations of international law and human rights, and efforts are underway to hold perpetrators accountable and provide support to survivors.

4. Torture, Nudity and Forced Pornography

Torture, nudity, and forced pornography are egregious violations of human dignity and rights, often employed as brutal tactics of coercion, intimidation, and humiliation in conflict zones. Perpetrators, including state security forces, non-state armed groups, and criminal networks, subject individuals, particularly women and girls, to extreme physical and psychological abuse for various purposes, including interrogation, punishment, and entertainment.

Torture involves the infliction of severe pain and suffering, both physical and mental, upon individuals to extract information, confessions, or compliance. In conflict settings, torture may take various forms, including beatings, electric shocks, burns, sexual violence, and mock executions. Victims of torture endure immense physical and psychological trauma, including permanent injuries, disabilities, and long-term mental health disorders such as post-traumatic stress disorder (PTSD). Nudity is often used as

¹²⁴ Annie Pohlman, *Sexual slavery, enforced prostitution, and forced marriage as crimes against humanity during the Indonesian killings of 1965–66*, TAYLORFRANCIS, (16-05-2024 2:48 PM) <https://www.taylorfrancis.com/chapters/edit/10.4324/9780429427763-6/sexual-slavery-enforced-prostitution-forced-marriage-crimes-humanity-indonesian-killings-1965%E2%80%9366-annie-pohlman>

a form of humiliation and degradation, with perpetrators stripping individuals of their clothing to assert power and control over them. In conflict zones, nudity may be used as a means of punishment, coercion, or entertainment, with individuals forced to strip naked in public or in front of others. The intentional exposure of individuals' bodies without their consent violates their privacy, dignity, and bodily integrity, causing profound shame, embarrassment, and psychological harm.¹²⁵

Forced pornography involves the recording, distribution, or dissemination of sexually explicit images or videos of individuals without their consent, often for purposes of exploitation, blackmail, or profit. In conflict settings, perpetrators may coerce or force individuals, particularly women and girls, to participate in pornographic acts under threat of violence, blackmail, or other forms of coercion. The production and circulation of forced pornography perpetuate the victimization of survivors, subjecting them to further exploitation, trauma, and social stigma.¹²⁶

The international community condemns torture, nudity, and forced pornography as serious violations of international law and human rights, including the prohibition against torture and cruel, inhuman, or degrading treatment or punishment. Efforts are underway to hold perpetrators accountable for these crimes and provide support to survivors, including through legal and psychosocial assistance. Additionally, measures are being taken to prevent and deter the use of torture, nudity, and forced pornography in conflict settings, including through the training of security forces, monitoring and reporting mechanisms, and advocacy for the protection of human rights in all circumstances.

5. Intentional Spread of Vulnerable Disease (AIDS/HIV)

The intentional spread of vulnerable diseases such as AIDS/HIV is a reprehensible tactic used to inflict harm, sow fear, and undermine the health and well-being of individuals in conflict zones. Perpetrators deliberately expose individuals to HIV/AIDS

¹²⁵ Giuseppe Davide Albano, Daniela Guadagnino, Mauro Midiri, Corinne La Spina, Valeria Tullio, Antonina Argo, and Stefania Zerbo, *Torture and Maltreatment in Prison: A Medico-Legal Perspective*, NCBI, (2023 Feb 28 4 PM); 11, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9956078/>

¹²⁶ Cody Cichowitz, Leonard Rubenstein, and Chris Beyrer, *forced anal examinations to ascertain sexual orientation and sexual behavior: An abusive and medically unsound practice*, ncbi, (20-05-2024 6:56 PM); <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5856262/>

through various means, including rape, sexual violence, and forced prostitution, with the intent of causing physical and psychological harm, as well as perpetuating cycles of disease transmission.¹²⁷

This heinous practice not only violates the fundamental principles of medical ethics and human rights but also poses grave risks to public health and stability in conflict-affected regions. Survivors of intentional disease transmission may suffer from serious health consequences, including HIV infection, AIDS-related illnesses, and premature death.¹²⁸ The intentional spread of vulnerable diseases also fuels stigma, discrimination, and social exclusion, further marginalizing already vulnerable populations and hindering efforts to prevent and treat HIV/AIDS. The international community condemns the intentional spread of vulnerable diseases as a serious violation of human rights and international law. Efforts are underway to hold perpetrators accountable for these crimes and provide support to survivors, including access to medical care, treatment, and psychosocial support services. Additionally, measures are being taken to prevent and deter the intentional spread of vulnerable diseases in conflict settings, including through education, awareness-raising, and advocacy for the protection of human rights and public health.¹²⁹

6. Forced Marriage, Abduction and Trafficking

Forced marriage, abduction, and trafficking are grave human rights abuses perpetrated against individuals, particularly women and girls, in conflict-affected regions. Perpetrators, including armed groups, criminal networks, and individuals, exploit vulnerable populations for various purposes, including forced labor, sexual exploitation, and marriage.

Forced marriage involves coercing or compelling individuals to enter into marriage against their will, often as a means of control, exploitation, or punishment. In conflict

¹²⁷ *What Is HIV?* HIV.GOV, (January 13, 2023 9:02 PM) <https://www.hiv.gov/hiv-basics/overview/about-hiv-and-aids/what-are-hiv-and-aids>

¹²⁸ Monique J Brown, Julianne M Serovich, and Judy A Kimberly, *perceived intentional transmission of HIV infection, sustained viral suppression and psychosocial outcomes among men who have sex with men living with HIV: a cross-sectional assessment*, NCBI (08-05-2024 5:13 PM) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6713223/>

¹²⁹ *HIV and STD Criminalization Laws*, CDC, December 19, 2023 (3:24 PM), <https://www.cdc.gov/hiv/policies/law/states/exposure.html>

zones, forced marriage may be used as a tactic of war to assert power and control over civilian populations, particularly women and girls, by armed actors.

Abduction involves the forcible or unlawful taking of individuals, often for ransom, extortion, or political purposes. In conflict settings, abductions may be carried out by armed groups, criminal networks, or individuals seeking to exploit individuals for financial gain or strategic objectives.

Trafficking refers to the recruitment, transportation, transfer, harboring, or receipt of individuals through force, fraud, or coercion for the purpose of exploitation. In conflict-affected regions, trafficking may involve the sexual exploitation, forced labor, or other forms of abuse of individuals, particularly women and girls, by armed groups, criminal networks, or individuals seeking to profit from their vulnerability.

The international community condemns forced marriage, abduction, and trafficking as serious violations of human rights and international law. Efforts are underway to prevent and combat these crimes, hold perpetrators accountable, and provide support to survivors, including through legal assistance, psychosocial support, and economic empowerment initiatives. Additionally, measures are being taken to address the root causes of forced marriage, abduction, and trafficking in conflict settings, including poverty, inequality, and lack of access to education and opportunities for women and girls.

3.8 CONCLUSION

War and its related issues exact a devastating toll on humanity, leaving behind a trail of destruction, suffering, and trauma. From armed conflict and violence to displacement, human rights abuses, and humanitarian crises, the impact of war reverberates across generations, communities, and nations. The indiscriminate nature of warfare knows no boundaries, affecting civilians, including women, children, and vulnerable populations, disproportionately. It undermines peace, stability, and development, perpetuating cycles of violence and instability that hinder progress and prosperity. Moreover, war exacerbates existing inequalities, deepens divisions, and fuels extremism, further complicating efforts to resolve conflicts and build inclusive societies. Addressing the root causes of war and related issues requires a multifaceted approach that prioritizes

diplomacy, conflict prevention, peacebuilding, and respect for human rights. It demands the engagement of all stakeholders, including governments, civil society, the private sector, and international organizations, in promoting dialogue, reconciliation, and sustainable solutions to conflicts. Ultimately, the pursuit of peace must remain a collective endeavour, grounded in the principles of justice, equality, and solidarity, to ensure a better future for all.

CHAPTER 4 - PROTECTION OF WOMEN DURING ARMED CONFLICTS IN THE 21ST CENTURY

4.1 INTRODUCTION

Protecting women during armed conflicts in the 21st century is paramount, given their continued vulnerability to violence, displacement, and human rights violations in conflict zones globally. “The international community has increasingly recognized the distinct challenges faced by women in times of war, leading to the development of legal frameworks and norms aimed at safeguarding their rights and well-being. Instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UN Security Council Resolution 1325 on Women, Peace and Security, and the Rome Statute of the International Criminal Court (ICC) underscore the importance of women's protection, participation, and empowerment in conflict situations.” Efforts to protect women in armed conflicts extend beyond legal frameworks to encompass prevention and early warning mechanisms. Addressing root causes of conflict, structural inequalities, and discrimination is crucial for mitigating the impact of violence on women and preventing its escalation. Early warning systems and conflict prevention strategies play a pivotal role in identifying and addressing potential threats to women's security before they escalate into full-blown conflicts.

The establishment of robust protection mechanisms is essential for ensuring the safety and security of women in conflict-affected areas. This includes deploying gender-sensitive peacekeeping forces, establishing safe spaces and shelters for survivors of gender-based violence, and providing comprehensive support services such as psychosocial support and legal assistance to women and girls affected by conflict.

Ensuring accountability for crimes committed against women in armed conflicts is imperative for ending impunity and providing justice to survivors. Efforts to investigate, prosecute, and punish perpetrators of sexual violence, forced displacement, and other gender-based crimes are essential for upholding international humanitarian law and deterring future violations. Empowering women as agents of change and promoting their participation and leadership in peacebuilding processes are critical for

advancing gender equality and sustainable peace. Supporting women's meaningful involvement in peace negotiations, reconciliation efforts, and post-conflict reconstruction can help address the root causes of conflict and promote long-term stability.

Despite progress, significant challenges remain in the protection of women during armed conflicts in the 21st century. These challenges include inadequate implementation of existing legal frameworks, lack of access to justice and support services for survivors, and persistent gender inequalities and discrimination. Addressing these challenges requires sustained political will, increased investment in gender-sensitive programming, and greater collaboration among governments, civil society, and the international community. By prioritizing the protection of women's rights in conflict settings and promoting gender-responsive approaches to peace and security, we can work towards building a more just, inclusive, and peaceful world for all.

4.2 PROHIBITION OF SEXUAL VIOLENCE UNDER INTERNATIONAL CRIMINAL LAW

The prohibition of sexual violence under international criminal law constitutes a fundamental aspect of the global effort to address and prevent atrocities committed during armed conflicts and other situations of violence. Sexual violence, including rape, sexual slavery, enforced prostitution, forced pregnancy, and other forms of sexual abuse, is recognized as a grave breach of human rights and humanitarian law, warranting robust legal measures to hold perpetrators accountable and provide justice for survivors.¹³⁰

Key international legal instruments, “such as the Rome Statute of the International Criminal Court (ICC), explicitly prohibit sexual violence as a war crime, crime against humanity, and, in certain circumstances, as an act of genocide.¹³¹ The ICC's jurisdiction extends to prosecute individuals accused of perpetrating sexual violence in the context

¹³⁰ Wolfgang Schomburg and Ines Peterson, *Genuine Consent to Sexual Violence under International Criminal Law*, JSTOR, (5th September 2024 8:02 PM) <https://www.jstor.org/stable/4149827>

¹³¹ Angela M. Banks, *Sexual Violence and International Criminal Law: An Analysis of the Ad Hoc Tribunal's Jurisprudence & the International Criminal Court's Elements of Crimes, scholarship*, (7th September 2024 7:01 PM) https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1326&context=fac_pubs;

of armed conflicts, ensuring that such crimes do not go unpunished. Additionally, the ad hoc international criminal tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), have also played crucial roles in prosecuting individuals responsible for sexual violence during conflicts in their respective regions. Furthermore, various United Nations Security Council resolutions, such as Resolution 1820 (2008), Resolution 2106 (2013), and Resolution 2467 (2019), emphasize the urgent need to prevent and address sexual violence in conflict settings and reaffirm the commitment to holding perpetrators accountable.” These resolutions call for the integration of measures to prevent and respond to sexual violence into peacekeeping operations, peacebuilding efforts, and post-conflict reconstruction initiatives.

Despite these legal and institutional frameworks, challenges persist in effectively combating sexual violence in conflict-affected contexts. These challenges include inadequate reporting mechanisms, limited access to justice and support services for survivors, stigma and cultural barriers, and the lack of political will to prosecute perpetrators. Addressing these challenges requires comprehensive approaches that prioritize the needs and rights of survivors, strengthen accountability mechanisms, promote gender equality and women's empowerment, and address the root causes of sexual violence, including conflict-related dynamics and gender-based discrimination.

a. Codification of the Crime

The codification of the crime refers to the formalization of laws and legal frameworks specifically addressing the prohibition and punishment of sexual violence under international criminal law.¹³² This process involves the establishment of clear definitions, elements, and penalties for acts of sexual violence committed in various contexts, including armed conflicts, peacetime, and transitional periods.¹³³

The codification of sexual violence as a distinct crime is essential for ensuring clarity, consistency, and accountability in the prosecution of perpetrators and the protection of

¹³² Lindsay Farmer, Codification, (5th January 2016 10:25 AM), <https://academic.oup.com/book/3085/chapter-abstract/143877817?redirectedFrom=fulltext&login=false>

¹³³ *Codification of the Criminal Law – General Principles – The Mental Element in Crime*, LAWCOM (23-05-2024 5:23 PM) <https://lawcom.gov.uk/document/codification-of-the-criminal-law-general-principles-the-mental-element-in-crime/>

survivors.¹³⁴ “It provides a legal basis for holding individuals accountable for their actions, regardless of their status or affiliation, and sends a strong message that sexual violence will not be tolerated under any circumstances. Key instruments of codification include international treaties, conventions, statutes, and jurisprudence developed by international courts and tribunals. For example, the Rome Statute of the International Criminal Court (ICC) defines sexual violence as a war crime, crime against humanity, and, in certain circumstances, as an act of genocide. The statute outlines specific elements of sexual violence, such as rape, sexual slavery, enforced prostitution, forced pregnancy, and other forms of sexual abuse, and provides for the prosecution of individuals responsible for these crimes.”¹³⁵

In addition to the ICC, regional and national legal systems may also codify sexual violence as a criminal offense, incorporating international legal norms and standards into domestic legislation. These efforts help to ensure that perpetrators of sexual violence are held accountable at all levels of governance and jurisdiction, and that survivors have access to justice and redress for the harm they have suffered. The codification of sexual violence as a distinct crime under international criminal law reflects the growing recognition of the severity and prevalence of these crimes and the urgent need to address them effectively. By establishing clear legal frameworks and mechanisms for accountability, the codification of sexual violence contributes to the prevention of atrocities, the protection of human rights, and the promotion of peace and security worldwide.

4.3 APPROACHES BEFORE 1990

Before 1990, approaches to addressing sexual violence in armed conflicts were often fragmented, with limited recognition of its systematic nature and the need for robust legal frameworks and accountability mechanisms.¹³⁶ Historically, sexual violence was often overlooked, dismissed, or even condoned as an inevitable consequence of war, rather than recognized as a grave violation of human rights and humanitarian law. One

¹³⁴ *Ratification of the Genocide Convention*, UN.ORG, 01-03-2023 9:30 PM
<https://www.un.org/en/genocideprevention/genocide-convention.shtml>

¹³⁵ *Definitions of war and conflict typologies*, WARP, 03-04-2021 12:00 PM
<https://warpp.info/en/m1/articles/definitions-of-war-and-conflict-typologies>

¹³⁶ *Technology, war and the state: past, present and future, academic*, OUP (01 July 2019, 02:15 PM)
<https://academic.oup.com/ia/article/95/4/765/5513164>

approach before 1990 was the reliance on ad hoc responses to individual cases of sexual violence, rather than comprehensive strategies to prevent and address these crimes systematically. Humanitarian organizations and relief agencies primarily focused on providing medical and psychosocial support to survivors, rather than addressing the root causes or holding perpetrators accountable.

Additionally, legal frameworks and international instruments lacked clear definitions and provisions specifically addressing sexual violence in armed conflicts. Existing laws and treaties were often inadequate or insufficiently enforced to address the complex and multifaceted nature of sexual violence, leading to impunity for perpetrators and limited access to justice for survivors.¹³⁷

Furthermore, cultural and societal attitudes towards sexual violence often perpetuated stigma, shame, and victim-blaming, discouraging survivors from reporting their experiences or seeking support. The pervasive silence surrounding sexual violence contributed to its underreporting and normalization, further exacerbating the challenges of addressing these crimes effectively. Despite these limitations, there were notable efforts to raise awareness and advocate for the rights of survivors of sexual violence before 1990. Grassroots movements, women's organizations, and human rights activists played crucial roles in challenging societal norms, advocating for legal reforms, and demanding accountability for perpetrators of sexual violence in conflict settings.

Overall, the approaches to addressing sexual violence before 1990 were characterized by a lack of comprehensive strategies, legal frameworks, and accountability mechanisms. While there were pockets of activism and advocacy, the systematic and widespread nature of sexual violence in armed conflicts remained largely unrecognized, underscoring the need for greater attention and action in subsequent years.¹³⁸

a. Approaches by Human Rights bodies after 1990

After 1990, human rights bodies significantly intensified their efforts to address sexual violence in armed conflicts, recognizing it as a grave violation of human rights and

¹³⁷ Andrew Mumford, *The New Era of the Proliferated Proxy War*, (November 16, 2017 09:35 PM), <https://thestrategybridge.org/the-bridge/2017/11/16/the-new-era-of-the-proliferated-proxy-war>

¹³⁸ Fraser Cameron, *The Impact of the First World War and Its Implications for Europe Today*, BOELL, (8 July 2014, 7:11 AM) <https://www.boell.de/en/2014/07/08/impact-first-world-war-and-its-implications-europe-today>

humanitarian law requiring comprehensive responses.¹³⁹ These bodies, including the United Nations (UN), regional organizations, and international tribunals, adopted a range of approaches aimed at preventing, documenting, prosecuting, and redressing sexual violence in conflict settings. Here are some key approaches:

- **Legal Frameworks and Norms:** Human rights bodies played a central role in the development and strengthening of international legal frameworks and norms addressing sexual violence. Instruments such as UN Security Council Resolution 1325 on Women, Peace and Security, the Rome Statute of the International Criminal Court (ICC), and regional conventions provided clear definitions, elements, and penalties for sexual violence as war crimes, crimes against humanity, and acts of genocide.
- **Documentation and Reporting:** Human rights bodies supported efforts to document and report instances of sexual violence in conflict-affected areas, including through fact-finding missions, investigations, and documentation initiatives. These efforts aimed to collect evidence, identify perpetrators, and raise awareness about the prevalence and impact of sexual violence on individuals and communities.
- **Accountability and Justice:** “Human rights bodies advocated for the prosecution of perpetrators of sexual violence through domestic and international legal mechanisms. International tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the ICC prosecuted individuals accused of committing sexual violence during conflicts, setting important precedents for accountability.
- **Support and Rehabilitation:** Human rights bodies called for the provision of comprehensive support and rehabilitation services to survivors of sexual violence, including medical care, psychosocial support, legal assistance, and socioeconomic empowerment programs. These efforts aimed to address the physical, psychological, and social consequences of sexual violence and facilitate survivors' recovery and reintegration into their communities.

¹³⁹ *The Core International Human Rights Instruments and their monitoring bodies*, OHCHR, (16-07-2021 8:30 PM) <https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies>

- **Prevention and Advocacy:** Human rights bodies engaged in advocacy and awareness-raising activities to prevent sexual violence in conflict settings and promote gender equality and women's empowerment. They called for the implementation of preventive measures, such as training for peacekeepers, integration of gender perspectives into peacebuilding processes, and initiatives to challenge discriminatory norms and attitudes.

Overall, the approaches by human rights bodies after 1990 reflected a concerted effort to address sexual violence in armed conflicts comprehensively, emphasizing prevention, accountability, support for survivors, and the promotion of gender equality and human rights. These efforts have contributed to increased awareness, advocacy, and action to combat sexual violence and ensure justice and dignity for survivors in conflict-affected regions.

b. Action of the UN Security Council

The action of the UN Security Council regarding sexual violence in armed conflicts has evolved significantly since the early 1990s, with the Council increasingly recognizing the importance of addressing this issue as a matter of international peace and security.¹⁴⁰ Here are some key actions taken by the UN Security Council in response to sexual violence in armed conflicts:

- ✚ **Adoption of Resolutions:** The Security Council has adopted several resolutions specifically addressing sexual violence in armed conflicts. Resolution 1325 (2000) on Women, Peace and Security was a landmark resolution that called for the protection of women and girls from sexual violence during armed conflicts and recognized the importance of their participation in peace processes. Subsequent resolutions, such as Resolution 1820 (2008), Resolution 1888 (2009), and Resolution 1960 (2010), further emphasized the need to prevent and respond to sexual violence, including through measures such as accountability, justice, and support for survivors.
- ✚ **Establishment of Special Mechanisms:** The Security Council has established special mechanisms to address sexual violence in specific conflict situations.

¹⁴⁰ What is the Security Council? UN.ORG/SECURITYCOUNCIL (21-01-2020 6:45 PM) https://www.un.org/securitycouncil/about_test1#:~:text=The%20Security%20Council%20takes%20the,adjustment%20or%20terms%20of%20settlement.

For example, in the Democratic Republic of the Congo (DRC), the Council established the Group of Experts on the DRC to investigate and report on sexual violence and other human rights abuses. Similar mechanisms have been established in other conflict-affected countries to monitor and report on sexual violence and support efforts to address it.

- ✚ **Sanctions Regimes:** The Security Council has incorporated provisions related to sexual violence into sanctions regimes targeting individuals and entities responsible for human rights abuses in conflict zones. These sanctions regimes may include targeted measures such as travel bans and asset freezes against individuals involved in perpetrating or facilitating sexual violence.
- ✚ **Peacekeeping Mandates:** The Security Council has included provisions related to sexual violence in the mandates of UN peacekeeping missions deployed to conflict-affected regions. These mandates may include tasks such as protecting civilians from sexual violence, supporting efforts to prevent and respond to sexual violence, and assisting national authorities in prosecuting perpetrators.
- ✚ **Monitoring and Reporting:** The Security Council receives regular briefings and reports from the Secretary-General and relevant UN entities on the situation of sexual violence in conflict-affected areas. These briefings and reports provide updates on trends, challenges, and progress in addressing sexual violence, and inform the Council's decision-making on appropriate measures to take.

Overall, the action of the UN Security Council regarding sexual violence in armed conflicts reflects a growing recognition of the severity and complexity of this issue and a commitment to addressing it as a matter of international peace and security.¹⁴¹ While challenges remain in translating resolutions into concrete action on the ground, the Security Council's engagement has contributed to increased attention, awareness, and accountability for sexual violence in conflict settings.

c. Evolution of Soft Law concerning the protection of women in ARMED CONFLICT ZONES

The evolution of soft law concerning the protection of women in armed conflict zones has been marked by increasing recognition of the unique vulnerabilities faced by

¹⁴¹ *United Nations Security Council*, BRITANNICA, (May 21, 2024 4:15 PM) <https://www.britannica.com/topic/United-Nations-Security-Council>

women and the need for specific measures to address their rights and well-being.¹⁴² Soft law refers to non-binding instruments, guidelines, and principles that provide guidance and set standards for state behaviour. Initially, soft law instruments such as the Universal Declaration of Human Rights and the Geneva Conventions provided general protections for civilians in armed conflict, including women. However, the specific experiences of women in conflict, including sexual violence, forced displacement, and discrimination, prompted the development of more targeted soft law instruments.¹⁴³

“Key milestones include the adoption of the Beijing Declaration and Platform for Action in 1995, which highlighted the impact of armed conflict on women and called for their increased participation in conflict resolution and peacebuilding. Subsequent soft law instruments, such as UN Security Council resolutions on Women, Peace, and Security,” and guidelines developed by international organizations, have further elaborated on the rights of women in armed conflict and outlined specific measures to address their protection, participation, and empowerment.

4.4 DEVELOPMENTS IN PROTECTING WOMEN IN THE 21ST CENTURY

In the 21st century, significant developments have occurred in protecting women in armed conflict zones, reflecting a growing recognition of their unique vulnerabilities and the need for comprehensive responses. International efforts have focused on several key areas:

- ✚ **Legal Frameworks:** The adoption of international legal instruments, such as the Rome Statute of the International Criminal Court and UN Security Council resolutions on Women, Peace, and Security, has strengthened legal protections for women in armed conflict.
- ✚ **Accountability Mechanisms:** There has been increased attention to holding perpetrators of sexual violence and other crimes against women accountable

¹⁴² *Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*, UN.ORG, (26-02-2024 01:20 PM) <https://www.un.org/securitycouncil/content/repertoire/actions>

¹⁴³ *Protection of women in situations of armed conflict*, ICRC, (06-05-2013 3:15 PM) <https://www.icrc.org/en/doc/resources/documents/field-newsletter/2013/india-e-newsletter/legal-opinion-05-2013.htm>

through domestic and international justice mechanisms, including special courts, tribunals, and commissions of inquiry.

✚ **Prevention and Response:** Efforts to prevent and respond to sexual violence in conflict have been bolstered through the deployment of gender-sensitive peacekeeping missions, the establishment of support services for survivors, and initiatives to address the root causes of gender-based violence.

✚ **Empowerment and Participation:** There has been greater emphasis on promoting the participation and leadership of women in conflict resolution, peacebuilding, and decision-making processes, recognizing their role as agents of change and contributors to sustainable peace and security.

1.Vienna Conference on Human Rights UN (1993)

The Vienna Conference on Human Rights, “held in 1993 under the auspices of the United Nations, marked a significant milestone in the international community's commitment to advancing human rights principles globally.¹⁴⁴ The conference brought together representatives from governments, international organizations, civil society, and other stakeholders to review progress and identify challenges in the field of human rights.¹⁴⁵

At the Vienna Conference, participants reaffirmed the universality, indivisibility, and interdependence of human rights, rejecting any attempt to prioritize certain rights over others. The conference emphasized that all human rights are equal and must be treated with equal importance and attention, regardless of cultural, political, or economic differences. One of the key outcomes of the Vienna Conference was the adoption of the Vienna Declaration and Programme of Action, which served as a comprehensive framework for promoting and protecting human rights.” The Declaration reaffirmed the principles enshrined in the Universal Declaration of Human Rights and underscored the importance of respecting human dignity, freedom, equality, and justice for all individuals.

The Vienna Declaration also recognized the critical role of international cooperation and solidarity in advancing human rights, calling for increased collaboration among

¹⁴⁴ *World Conference on Human Rights* (14-25 June 1993, 9:30 PM) Vienna, <https://www.un.org/en/conferences/human-rights/vienna1993>

¹⁴⁵ Vienna Declaration and Programme of Action, HUMANRIGHTSCOMMITMENTS, (26-04-2023 5:00 PM) <https://humanrightscommitments.ca/wp-content/uploads/2019/03/Vienna-Declaration.pdf>

states, international organizations, and civil society to address human rights violations effectively. Moreover, the Declaration emphasized the need for dialogue, tolerance, and understanding among nations to promote a culture of human rights and foster peaceful coexistence.

Furthermore, the Vienna Conference provided a platform for addressing emerging human rights issues, including the rights of women, children, indigenous peoples, minorities, and other vulnerable groups. Participants highlighted the importance of mainstreaming human rights considerations into all aspects of governance, development, and conflict resolution, to ensure that human rights are protected and promoted in all circumstances.

Overall, “the Vienna Conference on Human Rights in 1993 reaffirmed the international community's commitment to upholding human rights as universal values and provided a roadmap for action to address human rights challenges in the 21st century.”

2. Prosecuting Sexual violence in Domestic Courts

Prosecuting sexual violence in domestic courts has historically presented numerous challenges due to various legal, cultural, and institutional barriers. However, in recent years, there has been a growing recognition of the importance of holding perpetrators of sexual violence accountable through domestic legal systems. Several key developments have facilitated progress in this area:

Firstly, changes in domestic legislation have expanded the legal frameworks to address sexual violence comprehensively. Many countries have enacted or amended laws to criminalize various forms of sexual violence, establish specialized courts or units to handle such cases, and provide enhanced protections for survivors.¹⁴⁶

Secondly, increased awareness and advocacy efforts have contributed to changing societal attitudes towards sexual violence and survivors' rights. Grassroots movements, civil society organizations, and survivor-led initiatives have mobilized public support for legal reforms, raised awareness about the prevalence and impact of sexual violence, and challenged the culture of impunity surrounding these crimes.

¹⁴⁶ *Sub-sub-sub-series HURC-WHCR - World Conference on Human Rights - Vienna, 1993*, UNGENEVA, (26-09-2023 6 PM) <https://archives.ungeneva.org/world-conference-on-human-rights-vienna-1993>

Thirdly, capacity-building initiatives have strengthened the ability of law enforcement agencies, judicial institutions, and legal professionals to effectively investigate, prosecute, and adjudicate cases of sexual violence. Training programs, technical assistance, and cooperation with international partners have enhanced the expertise and resources available to domestic authorities in addressing these complex cases.

Moreover, survivor-centred approaches have been increasingly prioritized in domestic legal proceedings, ensuring that survivors are treated with dignity, respect, and sensitivity throughout the legal process. This includes providing access to support services, legal aid, and psychosocial assistance to survivors, as well as implementing measures to minimize traumatization and ensure their safety and well-being.¹⁴⁷

Despite these positive developments, challenges remain in prosecuting sexual violence in domestic courts, including underreporting, inadequate resources, limited access to justice for marginalized communities, and entrenched gender stereotypes within the legal system.¹⁴⁸ Addressing these challenges requires sustained efforts to strengthen legal frameworks, enhance institutional capacities, promote survivor-centred approaches, and combat impunity for perpetrators of sexual violence. By prioritizing the prosecution of sexual violence in domestic courts, countries can contribute to ending impunity, promoting accountability, and ensuring justice for survivors of these heinous crimes.

3. Prosecuting Sexual violence as International Crimes

Prosecuting sexual violence as international crimes represents a critical step towards addressing impunity, upholding human rights, and promoting accountability on a global scale.¹⁴⁹ The prosecution of sexual violence as international crimes encompasses various legal mechanisms and international tribunals, aimed at holding perpetrators

¹⁴⁷ Natalie K. Orpett, Fionnuala Ní Aoláin, Jen Patja, *The Lawfare Podcast: Prosecuting Sexual and Gender-Based Violence in Armed Conflict*, LAWFAREMEDIA Tuesday, February 6, 2024, 8:00 AM, <https://www.lawfaremedia.org/article/the-lawfare-podcast-prosecuting-sexual-and-gender-based-violence-in-armed-conflict>

¹⁴⁸ Jessica Schwarz, *Between Law and Reality: Preventing Sexual Violence in Conflict*, PULSE (September 21, 2023 5:40 PM) <https://www.linkedin.com/pulse/between-law-reality-preventing-sexual-violence/>

¹⁴⁹ Crimes of Sexual Violence, ICTY, 03-05-2022 4:20 PM <https://www.icty.org/en/features/crimes-sexual-violence>

accountable for their actions. Here are key aspects of prosecuting sexual violence as international crimes:

- A. International Criminal Tribunals: “International criminal tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC), have played crucial roles in prosecuting sexual violence as war crimes, crimes against humanity, and acts of genocide. These tribunals have established legal precedents, developed jurisprudence, and contributed to raising awareness about the seriousness of sexual violence in conflict.”¹⁵⁰
- B. Legal Frameworks: International legal instruments, including the Rome Statute of the ICC, provide clear definitions, elements, and penalties for sexual violence as international crimes. These legal frameworks recognize sexual violence as a grave breach of human rights and humanitarian law, warranting robust measures to prevent, investigate, and prosecute these crimes.
- C. Prosecutorial Strategies: Prosecuting sexual violence as international crimes requires specialized expertise and resources to gather evidence, interview witnesses, and build cases against perpetrators. Prosecutors at international tribunals employ various investigative techniques and legal strategies to hold individuals accountable for acts of sexual violence committed in conflict situations.
- D. Victim Participation and Support: International criminal proceedings often prioritize the participation and protection of survivors of sexual violence, ensuring their voices are heard, and their rights are respected throughout the legal process. Victim and witness support services, including psychosocial assistance, legal aid, and protection measures, are integral to promoting survivor-centered justice and addressing the needs of individuals affected by sexual violence.
- E. Preventive Measures: Prosecuting sexual violence as international crimes serves not only to secure justice for survivors but also to deter future violations and contribute to preventing atrocities in conflict settings.

¹⁵⁰ *Baron Serge Brammertz, Michelle Jarvis*, OUP LAW, 05-06-2019 7:15 PM
<https://opil.oup.com/display/10.1093/law/9780198768562.001.0001/law-9780198768562>

4.5 TRIBUNALS INVOLVED IN THE WORLD WAR II AND THE REACTION TO CASES OF SEXUAL VIOLENCE DURING ARMED CONFLICT ZONES

“During and after World War II, several tribunals were established to address war crimes, crimes against humanity, and other violations of international law.”¹⁵¹ The major tribunals involved in prosecuting individuals for crimes committed during WWII include:

- **Nuremberg Trials:** Held in Nuremberg, Germany, from 1945 to 1949, these trials prosecuted prominent Nazi leaders for crimes such as crimes against humanity, war crimes, and aggression. The Nuremberg Trials established many principles of modern international law.
- **Tokyo Trials:** “Officially known as the International Military Tribunal for the Far East, these trials were held in Tokyo, Japan, from 1946 to 1948. They prosecuted Japanese leaders for similar crimes as the Nuremberg Trials, including crimes against peace, war crimes, and crimes against humanity.”
- **Subsequent Nuremberg Trials:** Following the main Nuremberg Trials, several subsequent trials were held to prosecute lower-ranking Nazi officials and individuals responsible for specific atrocities.
- **Other National Trials:** Many countries also conducted their own trials to prosecute individuals responsible for war crimes and crimes against humanity committed during World War II.

Regarding the reaction to cases of sexual violence during armed conflict zones in World War II, it's essential to note that awareness and recognition of sexual violence as a war crime were not as developed during that time as they are today.¹⁵² However, there were instances of sexual violence documented during World War II, including the widespread use of rape by German soldiers during the invasion of the Soviet Union and by Japanese soldiers in territories they occupied in Asia. The reaction to these cases varied. Some incidents were documented and prosecuted as war crimes during the Nuremberg and

¹⁵¹ Elizabeth D. Heineman, *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*, (09-08-2022 8:25 PM) <https://www.jstor.org/stable/j.ctt3fhfgp>

¹⁵² *Sexual Violence and Armed Conflict: United Nations Response*, PREVENTGENOCIDE, (17-01-2022 3:35 PM) <https://www.un.org/en/preventgenocide/rwanda/pdf/sexual-violence-and-armed-conflict-1998-UN-report.pdf>

Tokyo Trials, particularly when they were part of broader atrocities. However, many cases of sexual violence went unreported or were not adequately addressed, partly due to social taboos and the lack of legal frameworks specifically addressing sexual violence in armed conflict.¹⁵³

It wasn't until much later that the international community began to recognize sexual violence as a distinct and significant war crime. "In recent decades, efforts have been made to prosecute perpetrators of sexual violence in conflict zones through international criminal tribunals and national courts, and to provide support and justice for survivors. This includes the establishment of the International Criminal Court (ICC) and its recognition of sexual violence as a war crime, crime against humanity, and even a constituent act of genocide.

a. International Military Tribunal at Nuremberg

The International Military Tribunal (IMT) at Nuremberg was a landmark post-World War II tribunal established to prosecute prominent Nazi leaders for crimes committed during the war. Held in Nuremberg, Germany, from 1945 to 1946, it marked the first time in history that individuals were held accountable for crimes against humanity, war crimes, and crimes against peace on an international level. The tribunal consisted of judges from the Allied powers – the United States, Great Britain, the Soviet Union, and France. The Nuremberg Trials focused on prosecuting 24 major Nazi leaders, including Hermann Göring, Rudolf Hess, and Joachim von Ribbentrop." The trials introduced significant legal concepts, including the principle of individual criminal responsibility for international crimes, the idea that individuals can be held accountable for actions committed under the orders of a superior, and the recognition of crimes against humanity as a distinct category of offenses.

The trials had a profound impact on the development of international law and laid the groundwork for subsequent prosecutions of war crimes and crimes against humanity. While criticized for some procedural flaws and controversies, the Nuremberg Trials

¹⁵³ Tanja Altunjan, Cambridge, *The International Criminal Court and Sexual Violence: Between Aspirations and Reality*, (06 August 2021 9:00 PM), <https://www.cambridge.org/core/journals/german-law-journal/article/international-criminal-court-and-sexual-violence-between-aspirations-and-reality/6B37A67C8196A6159237A893D2A5722A>

represented a crucial step towards ensuring accountability for the gravest human rights violations committed during times of conflict.

b. International Military Tribunal for the Far East

The International Military Tribunal for the Far East (IMTFE), commonly known as the Tokyo Trials, “was established to prosecute individuals responsible for war crimes and crimes against humanity committed during World War II in the Asia-Pacific region.¹⁵⁴ Held in Tokyo, Japan, from 1946 to 1948, the tribunal was composed of judges from 11 Allied nations, primarily the United States, China, the Soviet Union, the United Kingdom, Australia, Canada, France, India, the Netherlands, New Zealand, and the Philippines. The Tokyo Trials focused on prosecuting Japanese political and military leaders, including Prime Minister Hideki Tojo, for offenses such as crimes against peace, war crimes, and crimes against humanity. The trials highlighted atrocities such as the Rape of Nanking, the Bataan Death March, and the use of forced labour and ‘comfort women’ (women forced into sexual slavery by the Japanese military).”

Similar to the Nuremberg Trials, the Tokyo Trials established legal precedents regarding individual criminal responsibility and the prosecution of war crimes and crimes against humanity. While not as widely recognized as its European counterpart, the Tokyo Trials played a crucial role in addressing Japanese wartime atrocities and contributed to the development of international humanitarian law in the Asia-Pacific region.¹⁵⁵

c. Control Council Law No. 10

Control Council Law No. 10 was a legal instrument enacted by the Allied Control Council (composed of the United States, the United Kingdom, the Soviet Union, and France) in Germany after World War II.¹⁵⁶ It was established to address issues of accountability and justice for war crimes, crimes against humanity, and other offenses committed during the war and the Holocaust. Control Council Law No. 10 was specifically focused on prosecuting individuals responsible for Nazi atrocities.

¹⁵⁴ *The Nuremberg Trial and the Tokyo War Crimes Trials (1945–1948)*, HISTORY.STATE.GOV, (01-01-2020 1:30 PM) <https://history.state.gov/milestones/1945-1952/nuremberg>

¹⁵⁵ *International Military Tribunal for the Far East*, BRITANNICA, (15-01-2021 4:00 PM) <https://www.britannica.com/topic/International-Military-Tribunal-for-the-Far-East>

¹⁵⁶ Control Council Law No. 10, *Punishment of Persons Guilty of War Crimes, Crimes Against Peace and Against Humanity*, December 20, 1945, 3 OFFICIAL GAZETTE CONTROL COUNCIL FOR GERMANY 50-55 (1946). <http://hrlibrary.umn.edu/instree/ccno10.htm>

Key provisions of Control Council Law No. 10 included:

- ✓ **Definition of Crimes:** The law defined various categories of offenses, including crimes against peace, war crimes, crimes against humanity, and membership in criminal organizations such as the Nazi Party, SS, and Gestapo.
- ✓ **Individual Criminal Responsibility:** Control Council Law No. 10 emphasized the principle of individual criminal responsibility, holding individuals accountable for their actions regardless of official position or orders received.
- ✓ **Prosecution and Punishment:** The law established procedures for the prosecution and punishment of individuals accused of war crimes and other offenses. It authorized military tribunals to conduct trials and impose sentences, including death, imprisonment, or other penalties.
- ✓ **Legal Safeguards:** Control Council Law No. 10 included provisions to ensure fair trial rights for defendants, such as the right to legal representation, the presumption of innocence, and the opportunity to present evidence and cross-examine witnesses.

Control Council Law No. 10 played a significant role in the prosecution of war criminals and collaborators in post-war Germany. It provided a legal framework for holding individuals accountable for their involvement in Nazi atrocities and contributed to the establishment of principles of international humanitarian law and justice.¹⁵⁷

4.6 POST – NUREMBERG INTERNATIONAL DEVELOPMENTS ADDRESSING THE NEEDS OF WOMEN

Following the Nuremberg Trials and subsequent international developments, there has been increasing recognition of the specific needs and rights of women in various spheres, including in conflict and post-conflict settings. Here are some post-Nuremberg international developments addressing the needs of women:

Universal Declaration of Human Rights (1948): The Universal Declaration of Human Rights affirmed the principle of equality and non-discrimination, laying the

¹⁵⁷ Memorandum, Control Council Law No. 10: *Punishment of Persons Guilty of War Crimes, Crimes against Peace and against Humanity*, TRUMANLIBRARY, 18-08-2022 7:24 AM <https://www.trumanlibrary.gov/library/research-files/memorandum-control-council-law-no-10-punishment-persons-guilty-war-crimes>

groundwork for recognizing women's rights as human rights.¹⁵⁸ While not specific to women, it provided a foundation for subsequent efforts to address gender-based discrimination and violence.

“Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979): CEDAW is often described as an international bill of rights for women. It mandates state parties to take all appropriate measures to eliminate discrimination against women in all areas of life, including political, economic, social, and cultural spheres.¹⁵⁹ It also addresses issues such as violence against women and access to education and healthcare.”

UN Security Council Resolution 1325 (2000) and Subsequent Resolutions: “UNSCR 1325 was the first resolution to specifically address the impact of conflict on women and the importance of their participation in peace and security efforts.¹⁶⁰ It calls for the inclusion of women in all aspects of conflict prevention, resolution, and peacebuilding.” Subsequent resolutions, such as UNSCR 1820, 1888, and 2106, further emphasize the protection of women and girls from sexual violence in conflict and post-conflict situations.

“Rome Statute of the International Criminal Court (1998): The Rome Statute, which established the International Criminal Court (ICC), recognizes gender-based crimes, including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and other forms of sexual violence, as crimes against humanity and war crimes.”¹⁶¹ The ICC has prosecuted individuals for these crimes in various conflict-affected regions.

National and Regional Initiatives: Many countries and regional organizations have implemented policies and programs to address the specific needs of women in conflict

¹⁵⁸ What Is the Universal Declaration of Human Rights and Why Was It Created? AMNESTY (16-06-2022 02:30 AM) <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/#:~:text=The%20UDHR%20was%20adopted%20by,for%20freedom%2C%20justice%20and%20peace.>

¹⁵⁹ *United Nations General Assembly Convention on the Elimination of All Forms of Discrimination against Women* New York, (18 December 1979 9-08-2021 7:03 PM) <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

¹⁶⁰ *Security Council Resolutions on Women, Peace and Security*, PEACEMAKER (13-05-2024 9:23 AM) <https://peacemaker.un.org/wps/normative-frameworks/un-security-council-resolutions>

¹⁶¹ Rome Statute of The International Criminal Court, LEGAL.UN.ORG, (15-07-2023 :27 PM) [https://legal.un.org/icc/statute/99_corr/cstatute.htm#:~:text=An%20International%20Criminal%20Court%20\(%22the,complementary%20to%20national%20criminal%20jurisdictions.](https://legal.un.org/icc/statute/99_corr/cstatute.htm#:~:text=An%20International%20Criminal%20Court%20(%22the,complementary%20to%20national%20criminal%20jurisdictions.)

and post-conflict settings, including initiatives to support survivors of sexual violence, promote women's participation in peace processes, and strengthen legal frameworks to combat gender-based violence.¹⁶²

These developments reflect a growing recognition of the importance of addressing gender-based discrimination and violence in conflict and post-conflict contexts and the need to promote women's rights and participation in all aspects of peace and security.

a. The Ad Hoc tribunals of Yugoslavia and Rwanda

a.1. Yugoslavia

“The Ad Hoc tribunals for the former Yugoslavia were established by the United Nations Security Council in the 1990s to prosecute individuals responsible for serious violations of international humanitarian law committed during the conflicts in the Balkans. The two main tribunals were the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The ICTY, based in The Hague, Netherlands, focused on prosecuting war crimes, crimes against humanity, and genocide committed in the former Yugoslavia.”¹⁶³ Its work contributed to establishing accountability for atrocities and promoting reconciliation in the region.

a.1.1. Rules

The International Criminal Tribunal for the former Yugoslavia (ICTY) followed a set of rules and procedures to ensure fair and effective trials.

1. *Statute of the Tribunal*: The ICTY operated under its Statute, which outlined its jurisdiction, functions, and powers. This included the authority to prosecute individuals for genocide, crimes against humanity, war crimes, and violations of the laws or customs of war.¹⁶⁴
2. *Rules of Procedure and Evidence*: The ICTY had a comprehensive set of Rules of Procedure and Evidence governing the conduct of trials, including rules on evidence, witnesses, motions, appeals, and other procedural matters.

¹⁶² National and Regional Business and Biodiversity Initiatives CBD (04-04-2022 9:24 PM) https://www.cbd.int/business/National_Regional_BB_Initiatives.shtml

¹⁶³ United Nations, *Mechanism for Closed Rwanda, Former Yugoslavia Criminal Tribunals Ready for Transition from Operational Court to Residual Institution, President Tells General Assembly*, PRESS.UN.ORG, (19-05-2023 8:15 PM) <https://press.un.org/en/2022/ga12459.doc.htm>

¹⁶⁴ International Criminal Tribunal for the former Yugoslavia 1993 ♦ 2017, ICTY <https://www.icty.org/>

3. *Principles of International Law*: The Tribunal applied principles of international law, including the presumption of innocence, the right to a fair trial, and the prohibition of torture or cruel, inhuman, or degrading treatment or punishment.
4. *Rights of the Accused*: Defendants before the ICTY enjoyed fundamental rights, such as the right to legal representation, the right to remain silent, and the right to confront witnesses against them.
5. *Victims' Participation*: The ICTY allowed for the participation of victims in its proceedings, including the right to present evidence and make statements during trials.
6. *Appeals Process*: Decisions of the Trial Chambers could be appealed to the Appeals Chamber, providing a mechanism for reviewing and correcting errors in the trial process or legal interpretation.
7. *Cooperation with States and Entities*: The ICTY required cooperation from states and entities to secure evidence, facilitate witness testimony, and execute arrest warrants for indicted individuals.

a.1.2. Prosecutions

“The International Criminal Tribunal for the former Yugoslavia (ICTY) conducted prosecutions against individuals accused of serious violations of international humanitarian law during the conflicts in the Balkans.¹⁶⁵ It indicted and prosecuted numerous individuals, including political and military leaders, for crimes such as genocide, war crimes, and crimes against humanity. High-profile cases included those against former Yugoslav President Slobodan Milošević, Bosnian Serb leaders Radovan Karadžić and Ratko Mladić, and Croatian Serb leader Goran Hadžić. The ICTY's prosecutions contributed to establishing individual accountability for atrocities committed during the conflicts and played a significant role in promoting justice and reconciliation in the region.”¹⁶⁶

b. Rwanda

¹⁶⁵ International tribunals, DAGDOK, (16-01-2022 6:15 PM) <https://www.dagdok.org/un-system/security-council/international-tribunals/>

¹⁶⁶ Marie-Claude Roberge *Jurisdiction of the ad hoc Tribunals for the former Yugoslavia and Rwanda over crimes against humanity and genocide*, ICRC (20-12-2000 3:30 PM) <https://international-review.icrc.org/sites/default/files/S0020860400077743a.pdf>

The International Criminal Tribunal for Rwanda (ICTR) conducted prosecutions against individuals accused of genocide, war crimes, and crimes against humanity committed during the 1994 genocide in Rwanda.¹⁶⁷ The tribunal indicted and prosecuted numerous individuals, including political and military leaders, for their roles in orchestrating or participating in the genocide. High-profile cases included those against former Rwandan Prime Minister Jean Kambanda, military leaders such as Théoneste Bagosora, and media executives like Ferdinand Nahimana.¹⁶⁸ The ICTR's prosecutions aimed to establish accountability for the genocide and other atrocities, contribute to reconciliation efforts in Rwanda, and promote justice for the victims and survivors of the genocide.

c. Inter-national crimes Tribunal in Bangladesh (ICTB – 1973)

The International Crimes Tribunal in Bangladesh (ICTB), established in 1973, was tasked with prosecuting individuals responsible for atrocities committed during the Bangladesh Liberation War of 1971.¹⁶⁹ It aimed to address war crimes, crimes against humanity, and genocide perpetrated by Pakistani military and collaborators. The tribunal operated under the International Crimes (Tribunals) Act of 1973 and pursued justice for victims of mass killings, rape, and other heinous acts during the conflict. In recent years, the ICTB has gained renewed attention with significant trials and convictions of individuals involved in the atrocities, contributing to the country's efforts towards accountability and historical reconciliation.

d. Extra-ordinary chambers in the courts of Cambodia (ECCC – 1973)

“The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, was established in 2006 to address the crimes committed during the Khmer Rouge regime in Cambodia from 1975 to 1979. The tribunal was a hybrid court, incorporating both Cambodian and international legal standards, and aimed to prosecute senior Khmer Rouge leaders and those most responsible for the

¹⁶⁷ Pritzker Legal Research Center NORTHWESTERN (16-11-2022 9:00 AM) <https://library.law.northwestern.edu/IntlCrimLaw/AdHoc>

¹⁶⁸ Dagmar Stroh, *State Cooperation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda* (13-10-2022 3:20 AM)

¹⁶⁹ Aftab, *The Role of International Crimes Tribunal of Bangladesh in The Development of International Humanitarian Law*, BILIABD (09-08-2022 2:20 PM) <https://www.biliabd.org/wp-content/uploads/2021/10/Aftab.pdf>

atrocities. Its jurisdiction covered crimes such as genocide, crimes against humanity, war crimes, and grave breaches of the Geneva Conventions.”¹⁷⁰

The ECCC's proceedings have included several high-profile trials, including those against leaders such as Nuon Chea and Khieu Samphan. While facing criticisms and challenges, including concerns over its efficiency and impartiality, the ECCC has contributed to providing justice for the victims of the Khmer Rouge regime, preserving historical memory, and promoting reconciliation in Cambodia.

e. United Nations Interim Administration Mission in Kosovo (UNIAMK – 1999)

The United Nations Interim Administration Mission in Kosovo (UNMIK) was established in 1999 following the Kosovo War to administer the province and facilitate its transition to self-governance.¹⁷¹ UNMIK aimed to restore peace and stability, promote human rights, and oversee the rebuilding of institutions in Kosovo. It assumed responsibility for key areas such as civil administration, police, and justice. UNMIK also facilitated negotiations between Kosovo's ethnic Albanian majority and its Serb minority, working towards a political settlement. While UNMIK faced challenges, including tensions between different ethnic communities, it played a crucial role in post-conflict stabilization and state-building efforts in Kosovo.

f. Special panel for serious crimes in East Timor – Now Timor (SPSC – 2000)

The Special Panels for Serious Crimes (SPSC) in East Timor, now Timor-Leste, were established in 2000 to address crimes committed during the period of Indonesian occupation and the violence surrounding the territory's independence referendum in 1999.¹⁷² The SPSC operated as a hybrid tribunal, incorporating both international and East Timorese legal standards, and prosecuted individuals accused of crimes against humanity, war crimes, and other serious offenses. Despite challenges, including limited resources and capacity constraints, the SPSC contributed to promoting accountability,

¹⁷⁰ *The Extraordinary Chambers in The Courts of Cambodia (ECCC)* CJA 09-09-2021 9:40 AM <https://cja.org/what-we-do/litigation/khmer-rouge-trials/related-resources/the-extraordinary-chambers-in-the-courts-of-cambodia-eccc/>

¹⁷¹ *Unmik Fact Sheet United Nations Interim Administration Mission in Kosovo*, PEACEKEEPING (22 May 2024 - 22:04 CEST) <https://peacekeeping.un.org/en/mission/unmik>

¹⁷² *Special Panels for Serious Crimes, East Timor (SPSC) International criminal tribunal records (1945-present)* STANFORD (31 May 2019 4:45 PM) <https://exhibits.stanford.edu/virtual-tribunals/feature/special-panels-for-serious-crimes-east-timor-spsc>

reconciliation, and the rule of law in Timor-Leste, fostering a sense of justice for victims and survivors of past atrocities.

g. The Special Court of Sierra Leone (SCSL – 2002)

“The Special Court for Sierra Leone (SCSL) was established in 2002 through an agreement between the government of Sierra Leone and the United Nations to prosecute individuals responsible for serious violations of international humanitarian law committed during the Sierra Leone Civil War (1991-2002).¹⁷³ The court was a hybrid tribunal, combining international and Sierra Leonean legal elements, and prosecuted individuals for crimes such as war crimes, crimes against humanity, and other serious offenses. High-profile cases included those against former Liberian President Charles Taylor and leaders of Sierra Leone's rebel factions.” The SCSL played a crucial role in promoting accountability and reconciliation in Sierra Leone.

h. Iraqi High Tribunal (IHT – 2003)

The Iraqi High Tribunal (IHT), also known as the Supreme Iraqi Criminal Tribunal (SICT), was established in 2003 by the Iraqi Governing Council to prosecute individuals accused of crimes against humanity, war crimes, and genocide committed during Saddam Hussein's regime (1968-2003).¹⁷⁴ The tribunal operated under Iraqi law and was tasked with ensuring justice for victims of human rights abuses, including the Anfal campaign against the Kurds and the suppression of Shiite uprisings. Despite criticisms regarding its fairness and impartiality, the IHT conducted several high-profile trials, including those against Saddam Hussein himself, ultimately contributing to accountability for atrocities committed under his regime.

i. The War crime chamber in Serbia (WCC Serbia – 2003)

The War Crimes Chamber (WCC) in Serbia was established in 2003 within the Serbian court system to address war crimes committed during the conflicts in the former Yugoslavia, particularly in Bosnia and Herzegovina, Croatia, and Kosovo. Operating under Serbian law, the WCC has jurisdiction to prosecute individuals accused of war

¹⁷³ *Residual Special Court for Sierra Leone*, Wednesday 22nd May 2024 12:24 PM [https://rscsl.org/#:~:text=The%20Special%20Court%20for%20Sierra%20Leone%20was%20set%20up%20in,1991%2D2002\)%20civil%20war.](https://rscsl.org/#:~:text=The%20Special%20Court%20for%20Sierra%20Leone%20was%20set%20up%20in,1991%2D2002)%20civil%20war.)

¹⁷⁴ *III. How the Supreme Iraqi Criminal Tribunal Will Work* HRW (18 April 2020 11:30 AM) <https://www.hrw.org/legacy/backgrounder/mena/iraq1005/3.htm>

crimes, crimes against humanity, and genocide.¹⁷⁵ Its establishment was a crucial step towards Serbia's fulfilment of its international obligations to bring perpetrators of war crimes to justice and promote reconciliation in the region. The WCC has conducted numerous trials, including those against high-ranking military and political figures, and has contributed to Serbia's efforts to address its past and foster closer cooperation with international justice mechanisms such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Court (ICC).

j. The War crimes chamber in Bosnia and Herzegovina (WCC BiH – 2003)

The War Crimes Chamber (WCC) in Bosnia and Herzegovina (BiH) was established in 2003 as part of the country's judicial system to prosecute individuals responsible for war crimes, crimes against humanity, and genocide committed during the Bosnian War (1992-1995).¹⁷⁶ Operating under BiH law, the WCC has jurisdiction over cases related to the armed conflicts in Bosnia and Herzegovina. It plays a crucial role in addressing the legacy of the war, promoting justice, and reconciliation in the country. The WCC has conducted numerous trials, including those against military and political figures, contributing to accountability for atrocities committed during the conflict.

k. The Special Tribunal for Lebanon (STL – 2007)

The Special Tribunal for Lebanon (STL), established in 2007, is an international tribunal tasked with prosecuting those responsible for the assassination of former Lebanese Prime Minister Rafik Hariri and related crimes.¹⁷⁷ Operating under Lebanese law, the STL is based in The Hague, Netherlands, due to security concerns. It employs a mix of international and Lebanese legal standards and has jurisdiction over individuals regardless of nationality. The STL's mandate includes investigating, prosecuting, and holding accountable those responsible for the Hariri assassination and other attacks in Lebanon between October 2004 and December 2005, contributing to justice and stability in the region.

¹⁷⁵ *War crimes proceedings in Serbia (2003-2014)* OSCE (27 October 2020 11:55 AM) <https://www.osce.org/files/f/documents/9/7/194461.pdf>

¹⁷⁶ *The War Crimes Chamber in Bosnia and Herzegovina: From Hybrid to Domestic Court (2008)* ICTJ (23-05-2024 6:30 PM) <https://www.ictj.org/sites/default/files/ICTJ-FormerYugoslavia-Domestic-Court-2008-English.pdf>

¹⁷⁷ *The Cooperation Regime of the Special Tribunal for Lebanon* UNICTR (21-05-2024 8 PM) <https://unictr.irmct.org/sites/unictr.org/files/publications/compendium-documents/iv-cooperation-regime-stl-mundis.pdf>

l. Inter-national crimes division of the high court of Uganda (ICD – 2008)

The International Crimes Division (ICD) of the High Court of Uganda was established in 2008 to handle cases involving war crimes, crimes against humanity, genocide, and other serious international crimes. It operates within the Ugandan legal system and has jurisdiction over offenses committed both within and outside Uganda's borders.¹⁷⁸ The ICD's establishment was a significant step towards fulfilling Uganda's obligations under international law and addressing impunity for grave human rights violations. It aims to ensure justice for victims of international crimes, promote accountability, and contribute to the prevention of future atrocities, enhancing Uganda's role in the global fight against impunity and promoting respect for human rights and the rule of law.

m. The Guatemala courts of High-risk crimes (GCHRC – 2009)

The Guatemalan Courts of High-Risk Crimes (GCHRC), established in 2009, are specialized courts within the Guatemalan judicial system tasked with prosecuting cases involving organized crime, drug trafficking, corruption, and other serious offenses deemed high-risk.¹⁷⁹ These courts operate with enhanced security measures and focus on expediting trials for cases considered critical to the country's stability and security. The GCHRC emerged in response to Guatemala's long-standing struggle with crime, corruption, and impunity, particularly following decades of internal armed conflict marked by widespread human rights abuses. By targeting high-risk crimes, these specialized courts aim to strengthen the rule of law, combat impunity, and promote accountability for those involved in organized crime and corruption networks.

Despite facing challenges such as threats against judges, witnesses, and prosecutors, the GCHRC has made notable progress in prosecuting high-profile cases, including those involving political and business elites. Its work has been praised for its contributions to judicial independence and the fight against impunity in Guatemala, though ongoing efforts are needed to address systemic issues and ensure equal access to justice for all citizens.

¹⁷⁸ Are John Knudsen, Sari Hanafi (2013) ASF (20-05-2024 6 PM) <https://www.asf.be/wp-content/uploads/2012/10/Case-Study-of-the-International-Crimes-Division-of-Uganda.pdf>

¹⁷⁹ SOPHIE BEAUDOIN *Guatemala Opens a New Court to Hear Cases Related to Grave Crimes* IJMONITOR (NOVEMBER 4, 2015 7:30 PM) <https://www.ijmonitor.org/2015/11/guatemala-opens-a-new-court-to-hear-cases-related-to-grave-crimes/>

n. The Extraordinary African Chamber (EAC – 2013)

The Extraordinary African Chambers (EAC), established in 2013, is a special court within the Senegalese judicial system specifically created to prosecute individuals responsible for international crimes committed in Chad during the rule of Hissène Habré from 1982 to 1990.¹⁸⁰ The EAC operates under the auspices of the African Union but is located in Dakar, Senegal, and operates based on Senegalese law.¹⁸¹ The establishment of the EAC marked a significant milestone in the pursuit of justice for the victims of Hissène Habré's regime, which was characterized by widespread human rights abuses, including torture, extrajudicial killings, and political repression. After years of advocacy and legal proceedings, Habré was eventually brought to trial before the EAC, becoming the first former head of state to be prosecuted in Africa for crimes against humanity by the courts of another African country.

The EAC's proceedings have been widely hailed as a landmark in the fight against impunity in Africa and have demonstrated the continent's capacity to hold its leaders accountable for serious human rights violations. Its work underscores the importance of regional mechanisms in addressing impunity and promoting accountability for international crimes.

o. The Specialized criminal chambers in Tunisia (SCC's – 2014)

The Specialized Criminal Chambers (SCCs) in Tunisia were established in 2014 as part of the country's transitional justice process following the ousting of President Zine El Abidine Ben Ali during the Arab Spring uprising in 2011.¹⁸² These chambers were created to address cases of corruption and human rights abuses committed under the former regime. Operating within the Tunisian judicial system, the SCCs are tasked with prosecuting individuals accused of financial crimes, corruption, and human rights violations, particularly those perpetrated by government officials and security forces during Ben Ali's rule. The establishment of these specialized chambers reflects Tunisia's

¹⁸⁰ *Statute of the Extraordinary African Chambers* HRW (September 2, 2013 11:09AM EDT) <https://www.hrw.org/news/2013/09/02/statute-extraordinary-african-chambers>

¹⁸¹ *Chambres Africaines Extraordinaires/Extraordinary African Chambers*, HYBRIDJUSTICE (February 8, 2013 – April 27, 2017) <https://hybridjustice.com/extraordinary-african-chambers/>

¹⁸² *Tunisia: Procedures of the Specialized Criminal Chambers in Light of International Standards*, ICJ, (July 2017 3 PM) <https://www.icj.org/wp-content/uploads/2017/07/Tunisia-Memo-on-SCC-Procedures-Advocacy-Analysis-Brief-2017-ENG-1.pdf>

commitment to accountability, justice, and the rule of law as it seeks to address the legacy of decades of autocratic rule.¹⁸³

The SCCs' work is significant not only for holding perpetrators accountable but also for fostering transparency, promoting trust in the judiciary, and contributing to the country's democratic transition. However, challenges remain, including ensuring the independence of the judiciary, providing adequate resources for the chambers to operate effectively, and addressing the backlog of cases. Nevertheless, the SCCs represent a crucial step towards addressing past injustices and building a more just and democratic society in Tunisia.

4.7 THE INTERNATIONAL CRIMINAL COURT AND SEXUAL VIOLENCE (ICC – 2002)

The International Criminal Court (ICC), established in 2002 by the Rome Statute, plays a crucial role in addressing sexual violence as a grave international crime.¹⁸⁴ Sexual violence has long been recognized as a tactic of war, used to terrorize communities, undermine social fabric, and perpetuate conflict. The ICC's mandate includes prosecuting individuals for genocide, crimes against humanity, war crimes, and the crime of aggression. Sexual violence falls within the jurisdiction of the ICC when committed as part of these crimes.

Legal Framework: “The Rome Statute defines sexual violence broadly to encompass a range of acts, including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence of comparable gravity. This comprehensive definition ensures that all forms of sexual violence are recognized as serious international crimes.”¹⁸⁵

¹⁸³ *Tunisia: Practical Guides show how Specialized Criminal Chambers can ensure access to justice for victims of abuses, in compliance with international standards*, ICJ (09/12/2020 6:30 PM) <https://www.icj.org/tunisia-practical-guides-show-how-specialized-criminal-chambers-can-ensure-access-to-justice-for-victims-of-abuses-in-compliance-with-international-standards/>

¹⁸⁴ Policy on Gender-Based Crimes ICC-CPI (15 December 2023 2:15 PM) <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>

¹⁸⁵ *Tanja Altunjan The International Criminal Court and Sexual Violence: Between Aspirations and Reality* RESEARCHGATE (August 20 2021 12:45 PM) https://www.researchgate.net/publication/353746006_The_International_Criminal_Court_and_Sexual_Violence_Between_Aspirations_and_Reality

Precedents and Jurisprudence: The ICC has built upon its jurisprudence to establish that sexual violence can constitute crimes against humanity and war crimes. Landmark cases such as the Lubanga and Katanga trials in the Democratic Republic of the Congo have underscored the importance of holding perpetrators accountable for sexual violence committed during armed conflict.

Prosecutions and Investigations: “The ICC has launched investigations and prosecutions specifically targeting sexual violence. For example, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, the ICC convicted Bemba, a former vice president of the Democratic Republic of the Congo, for war crimes and crimes against humanity, including rape and sexual slavery committed by his forces in the Central African Republic.”

Complementarity and National Jurisdictions: The ICC operates under the principle of complementarity, which means it only intervenes when national jurisdictions are unwilling or unable to prosecute. Therefore, the ICC's involvement in cases of sexual violence often occurs when domestic courts fail to address these crimes adequately. However, the ICC also provides support to national jurisdictions in strengthening their capacity to investigate and prosecute sexual violence cases.

Victim Participation and Protection: The ICC places a strong emphasis on the participation and protection of victims of sexual violence. Victims can participate in ICC proceedings through legal representation or by providing testimony. Special measures are in place to protect the safety, privacy, and dignity of victims, including the use of closed sessions, pseudonyms, and witness relocation programs.¹⁸⁶

Gender Sensitivity: The ICC has made efforts to ensure gender sensitivity in its proceedings, recognizing the gendered nature of sexual violence and its impact on both individuals and communities. This includes training for judges, prosecutors, and other court staff on gender-related issues and the rights of survivors.

Outreach and Awareness: The ICC conducts outreach activities to raise awareness about sexual violence and encourage survivors to come forward. These activities

¹⁸⁶ *Prosecutor of the International Criminal Court (ICC), Karim A.A. Khan KC Publishes Policy on the Crime of Gender Persecution* ICC (7 December 2022 7:43 PM) <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-icc-karim-aa-khan-kc-publishes-policy-crime-gender>

involve engaging with affected communities, civil society organizations, and local authorities to provide information about the ICC's mandate, procedures, and support services available to victims.

Challenges and Criticisms: Despite its efforts, the ICC faces challenges and criticisms in addressing sexual violence effectively. These include limited resources, difficulties in collecting evidence, the re-traumatization of survivors through court proceedings, and the need for greater accountability within the court itself regarding allegations of sexual harassment and misconduct.

In conclusion, the International Criminal Court plays a vital role in addressing sexual violence as a serious international crime within its mandate. Through prosecutions, investigations, victim participation, gender sensitivity, and outreach efforts, the ICC aims to hold perpetrators accountable, provide justice for survivors, and contribute to the prevention of sexual violence in conflict and post-conflict settings. However, ongoing challenges and criticisms highlight the need for continued efforts to strengthen the ICC's response to sexual violence and ensure justice for all victims.

CHAPTER 5 - CONCLUSION

5.1 CONCLUSION

Sexual violence has a lengthy history of being used as a weapon against women in armed conflicts. International humanitarian law, also known as the rules of war, works to safeguard women and girls from sexual assault in times of armed conflicts. IHL clearly prohibits every type of sexual violence, including acts like rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, and any other form of sexual violence, directed at civilians and non-combatants. Breaking these laws could lead to being prosecuted under international criminal law.

The foundation of international humanitarian law is rooted in the Additional Protocols, which apply to all parties participating in a conflict, regardless of whether they are governmental entities or non-state armed organizations. Moreover, international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Rome Statute of the International Criminal Court (ICC) protect women from sexual violence. The ICC handles cases of sexual violence in addition to crimes against humanity, war crimes, and genocide, as shown by prosecutions in conflict zones like the Democratic Republic of the Congo, the Central African Republic, and Sudan.

The United Nations Security Council has implemented different actions to tackle sexual violence in armed conflict, such as passing Resolution 1820 (2008), which acknowledges sexual violence as a strategy of war and urges actions to stop it. Even with legal frameworks and international efforts in place, sexual violence against women and girls continues in conflict zones.

The International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have been crucial in prosecuting sexual assault in armed conflict, especially cases of violence against women. Created in 1993 to deal with war crimes in the former Yugoslavia, the ICTY has carried out many trials focusing on sexual violence against women. In 2001, during the Srebrenica massacre, there was a significant incident involving sexual assault and rape against

Bosniak women. As a result, the ICTY found Bosnian Serb military commander Radislav Krstic responsible for these offenses.

In another important case, the ICTY held a trial for Radovan Karadzic, the former leader of the Bosnian Serbs, and determined his guilt for genocide, war crimes, and crimes against humanity in 2016. The charges involved instances of sexual assault in the Bosnian War, showing the tribunal's dedication to tackling sexual violence in times of war.

Likewise, the ICTR, created in 1994 to address genocide and other crimes from the Rwandan genocide, has brought charges against numerous cases of sexual violence towards women. In 1998, Jean-Paul Akayesu, the ex-mayor of Taba commune, was convicted of genocide and crimes against humanity. The ICTR found that Akayesu had been involved in raping and assaulting Tutsi women during the genocide, showcasing the tribunal's commitment to holding those responsible for sexual violence to account.

These trials carried out by the ICTY and ICTR are important achievements in the efforts to hold perpetrators accountable for sexual violence in conflict areas. Having held accountable individuals for committing sexual violence, these tribunals have clearly communicated that these crimes will not be overlooked or forgiven. Moreover, these trials have offered a sense of justice and resolution to the victims of sexual violence, recognizing their pain, and confirming their encounters.

Moreover, the trials held by both the ICTY and ICTR have helped shape the larger conversation surrounding sexual violence in times of war, shedding light on the frequency of such offenses and emphasizing the importance of holding individuals accountable. Through documenting and prosecuting cases of sexual violence, these tribunals have been instrumental in fighting the culture of impunity that often protects such crimes, leading to increased respect for human rights and the rule of law in areas affected by conflict. The ICTY and ICTR have played a key role in prosecuting sexual violence during armed conflict, bringing perpetrators to justice, offering closure to survivors, and increasing awareness of the frequency of these offenses. These trials are crucial in efforts to stop sexual violence with perpetrators being held accountable.

The ICTY and ICTR have played a major role in increasing public knowledge of sexual violence in times of war and aiding in the prosecution of those responsible. Just like the ICC, prosecuting these cases has been difficult because of the high burden of proof

needed for a conviction, challenges in gathering evidence, and obstacles like social and cultural barriers preventing victims from testifying. In spite of these challenges, the ICTY and ICTR have made significant progress in addressing sexual violence in wars, establishing legal norms and recommendations for future legal proceedings.

Nevertheless, the ICC has had limited success in prosecuting cases of sexual assault during armed conflict. The ICC's report on preliminary examination activities for 2020 showed that by December 2020, there were 10 cases of sexual violence in armed conflict being investigated or prosecuted. However, most of these cases ended in dismissals or acquittals instead of verdicts.

These results emphasize the difficulties involved in pursuing cases of sexual violence during times of armed conflict. Challenges faced by prosecutors include lacking evidence, difficulty in obtaining witness testimonies, and the complex nature of conflict-related sexual violence cases. Additionally, societal, and cultural shame linked to sexual violence could discourage victims from involving themselves in legal processes, hindering attempts to obtain guilty verdicts.

Despite facing difficulties, the ICC's continued investigations and prosecutions demonstrate the global commitment to tackling sexual violence in armed conflicts. These actions aim to make perpetrators responsible for their actions, offer justice to survivors, and prevent future offenses. Additionally, they play a role in shaping legal systems and procedures to enhance responsibility and deter impunity for sexual violence offenses in conflict zones.

Ultimately, prosecuting sexual violence crimes in armed conflict is difficult, but international tribunals like the ICTY, ICTR, and ICC have played a crucial role in increasing awareness, improving legal norms, and ensuring accountability for the perpetrators. Sustained commitment is necessary to address the challenges and secure justice for victims of sexual violence in conflict situations.

The high rate of acquittals in cases of sexual violence in armed conflict stems largely from the rigorous burden of proof necessary for convictions. As per the Rome Statute, which regulates the International Criminal Court (ICC), the prosecutor is required to prove the innocence of the accused with a high level of certainty. Nevertheless, it can be difficult to establish guilt beyond a reasonable doubt in instances of sexual violence in times of war because there is little physical evidence and witnesses may be hesitant

or inaccessible. The difficulty of these situations adds to the challenge of obtaining convictions. Multiple perpetrators and victims, complex power dynamics, and cultural factors complicate the attribution of blame in instances of sexual violence in times of war. Moreover, prosecutors and investigators frequently face challenges in reaching crime scenes situated in remote or conflict-ridden areas. In spite of these obstacles, the ICC has managed to have some success in bringing prosecutions for sexual assault cases related to armed conflict. In 2016, the ICC convicted Jean-Pierre Bemba, the ex-vice president of the Congo, for committing rape and sexual assault as a soldier in the Central African Republic. This was the first ruling by the ICC on sexual violence during ongoing conflicts. Nevertheless, there is still a critical requirement for additional enhancements in the results of these trials to guarantee responsibility for individuals who commit sexual violence. Although the ICC has had some success in prosecuting these cases, there is still a need for collaborative efforts to improve the efficiency of legal processes and ensure justice for victims of sexual violence in conflict situations.

In conflict-affected areas, crimes against women, especially sexual violence, continue to be a persistent issue that requires urgent and ongoing focus. Deploying sexual violence in warfare causes severe physical, mental, and societal harm to women, their loved ones, and the community as a whole. Although there are established measures to protect women in armed conflicts under international law, their enforcement is still inadequate. An urgent need exists for a holistic strategy that encompasses security, reparations, punishment, and prevention, requiring cooperation between military, civil society, government, and international entities.

Despite legal protections, sexual violence remains a tactic in conflicts, causing more harm to victims and their communities. In situations of armed conflicts and humanitarian crises, sexual violence against women is a common type of gender-based violence that severely violates their basic human rights. During both war and peace, women are consistently subjected to acts of violence. Immediate and unified action is necessary to tackle this widespread problem and guarantee the safety and empowerment of women in every situation.

The main issue is the continued debate over accusations of sexual violence against women in the midst of armed conflicts. In the past, those who committed systematic

violence against women frequently avoided consequences, either because they held high political positions as rulers or because international laws were lacking or ineffective. Unfortunately, this is still true today. In spite of progress in different areas of human progression in the last hundred years, the prevalence of violence against civilians, non-combatants, women, and children remains high in armed conflicts. International humanitarian law aims to deal with violence in armed conflicts, but sexual violence against women poses unique challenges because of the consistently low rates of conviction for these offenses. There seems to be uncertainty in humanitarian law treaties regarding sexual violence committed during times of armed conflict. It is vital to work on clarifying this uncertainty and improving responsibility for those who commit sexual violence in order to protect and uphold the rights of women in areas affected by conflict.

Regardless of the presence of peace or conflict, women are still susceptible to violence. The continuous discussion about allegations of sexual assault against women during times of conflict presents a major challenge. Across history, women have regularly faced systematic violence in times of war, with those responsible often escaping punishment due to factors like their status as political leaders or the lack of strong international laws. Unfortunately, violence against civilians, women, and children continues in modern armed conflicts despite progress in different aspects of human development. Dealing with sexual violence against women is challenging because of the limited success in convicting offenders of these crimes. However, international humanitarian law covers topics concerning acts of violence in times of war, despite the uncertainty surrounding sexual violence in humanitarian law treaties during wartime. The term "sexual violence" refers to various acts of violence against women and children in areas affected by conflict that are motivated by gender. Instances of sexual violence can take different forms such as rape, sexual enslavement, forced prostitution, forced sterilization, forced marriage, sexual mutilation, and other similar acts. Preventing and addressing such atrocities necessitates holistic initiatives focused on advancing gender equality, upholding legal structures, and offering assistance and safeguards for survivors.

In times of war, women are at increased risk of sexual violence, frequently singled out because of their sex. Individuals who commit sexual violence could be civilians or individuals belonging to armed groups like military personnel, militias, or state security

forces. Sexual violence is used as a tool in warfare to maintain dominance over and take advantage of women, create terror in civilian communities, and weaken the morale of enemy troops. The effects of sexual violence on women are significant and long-lasting. Survivors could experience physical harm, unplanned pregnancies, STDs, and emotional distress. Moreover, they might face social and economic consequences such as being stigmatized, isolated socially, and having restricted job prospects. Acknowledging the immediate need to tackle sexual violence during armed conflicts, the global community has implemented measures to prevent and address these heinous acts. Efforts have been made to help survivors and ensure that those responsible are held responsible. Legal structures, like the UN Security Council Resolution 1325, highlight the importance of safeguarding women in areas affected by conflict and ensuring their participation in peacebuilding efforts. These actions show a joint dedication to addressing sexual violence and advancing gender equality during times of conflict.

The forms and occurrences of sexual violence towards women differ in various armed conflicts due to factors like the conflict's nature, the parties participating, and the specific circumstances. In the 1994 genocide in Rwanda, sexual violence was deliberately utilized as a method of ethnic cleansing, focusing on Tutsi women and girls for various forms of sexual violence by Hutu militias. On the other hand, the conflict in the Democratic Republic of the Congo has witnessed many armed groups using sexual violence as a tool of war against women and girls of different ethnicities. State security forces, rebel groups, and militias are all involved in committing sexual violence during armed conflicts. Sexual abuse can take different forms, such as the case of women and girls being kidnapped and forced into sexual slavery in Sierra Leone, or the use of systematic rape and sexual violence for ethnic cleansing in Bosnia and Herzegovina in the 1990s.

Despite the differences, women who endure sexual violence during armed conflicts have similar experiences of extreme infringement on their rights and overall health. Sexual violence causes physical, psychological, and societal damage to those affected, emphasizing the pressing necessity to confront the gender inequalities that contribute to women's increased susceptibility to such violence. Efforts to address and counteract sexual violence in conflict situations need to be customized for the unique circumstances of each conflict, recognizing the varied experiences of survivors and the

lasting consequences of sexual violence on their well-being. Viewing survivors through a victimological lens provides a more profound insight into their experiences and the wider consequences of sexual violence on their human rights, underscoring the need for holistic interventions to mitigate its harmful impacts.

Taking a victimological approach means comprehending the unique situations and requirements of women who have suffered sexual violence in times of war. This includes understanding the particular situations in which the violence took place, along with the societal, cultural, and economic influences that may have made women more susceptible to these acts. Furthermore, it is important to recognize the various ways in which women may react to and handle the effects of sexual violence, and to offer specific services and assistance to meet their individual requirements. By acknowledging and dealing with these various aspects, victim-focused strategies can provide more effective assistance and empowerment to individuals who have experienced sexual violence in times of war, aiding in their journey of recovery and healing.

There is an urgent requirement for all-encompassing and integrated strategies that tackle the immediate and long-lasting consequences of sexual violence, while acknowledging the intricate and diverse impacts of such violence on women's wellbeing. Yet, current global laws on humanitarian issues frequently fail to effectively tackle the problems linked to sexual violence against women in times of war. Even with notable progress in global regulations and policies, there continue to be challenges and deficiencies in carrying out and upholding current laws and guidelines. A major problem is the inconsistent and ineffective enforcement of international laws and standards concerning sexual violence during times of conflict. Multiple countries and military factions disregard these laws without facing consequences, as survivors struggle to obtain justice and assistance due to obstacles. Additionally, in conflict-affected areas, there is a shortage of coordination and essential resources needed for the efficient enforcement and supervision of these laws. Addressing these difficulties necessitates united actions to improve legal structures, boost accountability mechanisms, and offer extensive assistance to victims of sexual violence. Ensuring accountability for their actions is essential in conflict situations to prioritize protecting the rights and dignity of women. Moreover, there is a requirement for increased funding in resources and capacity-building efforts to aid in the successful enforcement of global

laws and standards focused on preventing and addressing sexual violence during times of conflict.

The insufficient range of existing regulations and norms presents a major obstacle in effectively addressing sexual violence in times of conflict. Although sexual violence is classified as a war crime, crime against humanity, and genocide under international law, these legal frameworks do not completely cover the complexity of the problem. For example, sexual abuse is often not seen as a type of torture, and there is not enough awareness of the various forms of sexual violence, like forced marriage and pregnancies, that women and girls may endure in times of conflict.

Consequently, there is an urgent requirement for a more thorough plan to tackle sexual violence in times of war, one that recognizes and deals with the underlying systemic and structural reasons for this violence. This involves tackling root gender disparities, advocating for women's involvement in peacebuilding and conflict resolution initiatives, and guaranteeing that survivors can access necessary services and assistance.

Despite progress in addressing sexual violence in conflict through international humanitarian law, there is still a need for further efforts to protect women and girls from such violence and ensure that survivors receive the justice and support they need. Accomplishing this objective necessitates ongoing and synchronized collaboration from the global community, involving nations, NGOs, and other parties involved. Prioritizing the prevention, reduction, and ultimate elimination of sexual violence in armed conflict through collective action can help establish safer and more equitable environments for women and girls around the globe.

5.2 RECOMMENDATION/ SUGGESTION

It is crucial to address violence against women in armed conflicts within the wider scope of gender discrimination, inequality, and societal norms. Dealing with these root problems requires ongoing, extended endeavours that involve the community, education, and initiatives for awareness raising. There are several factors that can be blamed for the lack of success in many court cases involving sexual assault against women:

1. Sexual violence is frequently underreported because survivors may fear stigma, retaliation, or lack of faith in the legal system. This hesitation creates challenges in gathering proof and recognizing those responsible.
2. Society's views on women and sexual assault: Cultural expectations might compel women to drop charges or agree to settlements, shifting responsibility onto them for the violence they suffered.
3. Legal systems' shortcomings: Certain courts do not have the necessary resources or knowledge to properly address sexual violence cases. This involves difficulties in collecting and examining forensic evidence, as well as a lack of adequate preparation for judges and lawyers to manage these cases with care and expertise.
4. Perpetrators of sexual violence might evade punishment because of their political or military power or because they are shielded by state or non-state entities, leading to impunity.

Dealing with these challenges involves implementing holistic approaches that focus on safeguarding and empowering women, while also ensuring the accountability of those responsible. This includes enhancing legal structures, enhancing support services for victims, and questioning cultural norms that sustain gender-based violence. Furthermore, effectively responding to sexual violence in conflict requires cooperation among governments, civil society groups, and international entities.

Preventing sexual abuse of women in times of war involves a comprehensive strategy that tackles the underlying issues of gender inequality, supports the empowerment of women and girls, and ensures that perpetrators are held responsible. As definitions of sexual violence have changed, so too have the dynamics of conflicts, leading to a continuous need for adjusting and assessing strategies to address this issue.

In today's world, technology has a substantial impact on avoiding and addressing conflicts. The use of technologies like artificial intelligence can help stop sexual abuse, and drones can be utilized to safeguard women involved in conflicts. Moreover, online defences can speed up legal proceedings, avoiding lengthy extradition processes and guaranteeing quick justice for survivors. In order to properly convict criminals and hold them accountable, it is crucial to set specific time frames for legal processes and evaluate how UN resolutions are being put into action. In addition, it is recommended

that every area create specific courts with female judges to handle cases of sexual crimes, which would create a more supportive atmosphere for victims and enhance their involvement in legal processes. This method also highlights the significance of offering compensation to victims and their families, enhancing family connections, and fostering healing in impacted communities. This comprehensive approach aims to empower women to challenge cultural obstacles and courageously speak about their experiences in court by recognizing and confronting the societal norms that contribute to sexual violence. To protect women from sexual abuse in times of war, it is essential to work together using technology, legal measures, and societal empowerment. By taking a holistic approach that considers the intricate dynamics of sexual violence in conflicts, we can strive to build a safer and fairer world for everyone.

BIBLIOGRAPHY

BOOKS

1. Anne Marie de Brower, "Supranational criminal prosecution of Sexual violence: The ICC and the practice of the ICTY and the ICTR", innersentia publishers (2005).
2. Amato, E. Citti, F. and Huelsenbeck, B. Law and Ethics in Greek and Roman Declamation, De Gruyter (2015).
3. Abbott, J, Guatemala: Indigenous women celebrate ruling in sexual violence (2022)
4. A.V.B. Roling., Cassese, A. The Tokyo trial and beyond: Reflections of a peacemonger (1994)
5. Ambos, K. Treatise on International Criminal Law, Vol 2: The Crimes And Sentencing 103- 104 (2013)
6. Askin, D.K. Prosecuting wartime rape and other Gender- Related crimes under International law: Extraordinary Advances, Enduring obstacles. Berkeley journal of International law 21(2) (2003).
7. Askin, K. Sexual Violence in Decisions and Indictments of The Yugoslavia and 192 Rwandan Tribunals: Current Status, 93 (97), 101 (1999).
8. Basu. R. Japan's apologies on comfort women not enough (2016)
9. Bernard, V. Sexual violence in armed conflict: From breaking the silence to breaking the cycle 96(894) -(2014)
10. Brownmiller S., "Making Female Bodies the Battlefield", in Mass Rape (1995)
11. Caterina, E. Ward, A. Wartime sexual violence at the International level: A legal Perspective, International Humanitarian law series 52, 15-58 (2018).
12. Denton, H.F, Knowing the roots of war – Analyses and interpretations of the six centuries warfare (2003).
13. Fitzpatrick, F. International Norms and Violence Against Women, Human rights of Women, 532-71 (2011)

14. Goldenberg, M. *Memoirs of Auschwitz Survivors: The Burden of Gender* (1998)
15. Halsell, G. *Women's Bodies a Battlefield in War for "Greater Serbia"* (2009)
16. Robertson, G. *Crimes Against Humanity, The Struggle For Global Justice* 95, 306 07 (1999);
17. Turshen, M. & Twagiramariya, C (eds.) *What Women Do in Wartime: Gender and Conflict in Africa*, Zed Books (1998);
18. Ribeiro, S. and Ponthoz, D. *International protocol on the Documentation and investigation of Sexual violence in conflict*. eds. 2nd (2017).
19. Wasserstrom, Richard A. *War and Morality* (1970)

ARTICLES/ JOURNALS

1. Jewkes, R. & Daitnall, L. Sexual Violence, *international Encyclopedia of public Health* (2008).
2. Fernandez, T. The importance of including a gender- based perspective when dealing with the past: Sexual and gender – based violence committed during the Franco Dictatorship in Spain, *International journal OF rule of law, Transitional justice and human rights* 7(7) , (2016)
3. Baaz, E, M. et.al. Why do soldiers rape? Masculinity. Violence. & sexuality in the armed forces in the Congo (DRC). *International Studies Quarterly* 53(2),495-518 (2009)
4. Jarvis, M. *Women2000: Sexual Violence and Armed conflict – United Nations Response – Beijing Declaration \and platform for Action*. (1998)
5. Kalra, G. & Bhugra, D. Sexual Violence against women: Understanding cross-cultural intersections, *Indian Journal of Psychiatry* 55(3) (2013).
6. Richey, C, K. Several Steps Sideways – International Legal Developments Concerning War Rape & the Human Rights of Women, *Texas Journal of Women, and the Law* 17(1) 110 (2007).

7. Seifert, R. War and Rape – A Preliminary Analysis, in a Stiglmeier (eds.), Mass Rape: The War against Women in Bosnia Herzegovina. University of Nebraska Press (1994).
8. Blyth, C. Terrible Silence, Eternal Silence, A consideration of Dinah's Voicelessness in the Text and Interpretive Tradition of Genesis 34 (2008).
9. Krill, F. The Protection of women in International Humanitarian Law , International Review of the Red Cross(1985).

Website

1. The 1977 Additional Protocols to Geneva Conventions: A historical perspective (2017) <https://www.icrc.org/en/document/china-yves-sandoz-additional-protocols-40-years#:~:text=The%20first%20Additional%20Protocol%20relates,changing%20face%20of%20modern%20conflicts>
2. An Inquiry on the U.N. Iraq Oil-for-Food Programme https://www.law.nyu.edu/news/IILJ_IRAQ_OILFOOD
3. United Nations. (2000, October 31), Resolution 1325 (2000), available at <https://www.unwomen.org/en/annual-report/2022>
4. Global Protection Cluster. (2023, March 8), Gender-Based Violence in Emergencies: An Overview, available at <https://www.unicef.org/protection/gender-based-violence-in-emergencies>:
5. Human Rights Watch. (2023, February 16), 2023 World Report: Unchecked Global Abuses Demand Action, available at <https://www.hrw.org/world-report/2023>
6. Amnesty International. (2023, January 26), Impunity Persists for War Crimes of Sexual Violence in Ukraine, available at <https://www.amnesty.org/en/location/europe-and-central-asia/ukraine/>: