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Catastrophic Ramifications of Armed Conflicts on Women

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ABSTRACT

Serious violations of International Humanitarian laws and Human rights law are recurrent in armed conflicts. Armed conflict affects severely the life of the civilians to such an extent that they are unable to normalize their lives ever again. Armed conflicts and uprootedness emerge in their varied forms, spread its tentacles at a great spree and disrupt the life of the masses. Armed violence affects all the sections of the society and doesn't discriminate on the basis of race, class, caste, sex or place of residence but there is one group of the community that remains ostracized in this context and that is Women. Women witness such deplorable situations that includes random acts of violence be it sexual or physical and entails mental sufferings as well. Acts of sexual assault or mass rapes seems to be a deliberate strategy by both the enemy and "friendly forces" to devastate the lives of these women including young girls who surely dreams of flying to the highest pedestals of her life. Various atrocities are being faced by the civilian population of the areas where armed conflicts get triggered. There have been many countries who have seen massive destructions in the recent past like Yemen, Israel, Syria, Iraq, Ukraine, South Sudan, Afghanistan, Palestine etc. Peace is indispensable element of our lives that is linked to the equal status between men and women. Armed Conflicts, wars of aggression, terrorism and alien domination are few instances which act as stumbling blocks for the advancement of women in their lives. With the advent of industrialization, commercialization, enhanced means of communication, technology and transportation, the malpractices against women have increased manifold. Gender based violence leads to multifarious levels of vulnerability. Resultantly, Human rights is seen as a ray of hope in such deplorable situations as human rights emphasizes that all individuals are a matter of global concern. Human Rights showcases myriad rights and freedoms which are quintessential to have a holistically developed life.

Keywords- *Armed Conflicts, Human Rights, Gender Based Violence, Global Concern, Vulnerability, Women, Etc.*

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I. INTRODUCTION

From time immemorial, there has been division of society into two segments-the ones who always wish to maintain peace, prosperity, unity and aims at uplifting the liberation of humankind, whereas on the other end there seems to be a segment who always seeks to dominate, enslave and destroy the mankind. Wars are the outcomes of the follies, fallacies and misconceptions and a means to address the unwanted political desires. Conflicts tend to have an ever-lasting impact on the behavior and social relationships of the man. Conflicts finds its place and has spread its tentacles worldwide encompassing all the regions, sub- regions and countries. The impact is widespread and diversified on the civilian population in general and women in particular. There have been recurrent instances of armed conflicts in the international sphere. The extensive sphere of conflicts include genocide, war crimes and crimes against humanity. The civilians are the merciless victims who are brutally tortured, enslaved, raped and killed. They are used as weapons of war by making them human shields, barbarously forced to get displaced or recruited as combatants. These indiscriminate attacks leave them helpless as they are even denied the basic necessities like food, water, clothing for their survival.

The character of warfare has changed dramatically in the last century that results in causing manifold problematic situations for the mankind. These wars have transmuted its reach and lethality. The non-combatants are the worst sufferers of this dismal situation which exists worldwide. The sphere of human rights protection seems to uphold utmost importance as it calls for some serious confrontations and discussions because war atrocities has emerged to cause massive transgression of human rights. These wars affect all the segments of the society irrespective of their caste, class, sex, skin color, nationality or ethnicity. Furthermore, a type of conflict- whether it is an international or national conflict, must be taken into consideration to see the grotesque effects on women.

II. WOMEN IN CONTEMPORARY WARS

Although wars between countries have been declining, violence within states is on the increase. Over the last two decades, civil conflicts have more than doubled, jumping from 30 in 2001 to 70 in 2016.²

These wars are concentrated in poor countries with a toxic combination of fragile institutions, inequality, discrimination and social conflict. These factors, together with others such as the

² Large parts of the world are growing more fragile. Here are 5 steps to reverse course, <https://www.weforum.org/agenda/2018/07/fragile-states-2018-OECD-robert-muggah/>(last visited Nov. 29, 2021).

intensity of natural disasters, food crises, the increasing threats posed by climate change, terrorism and record numbers of displaced persons, are shaping a new international landscape.³ Throughout history, women and girls have often been targeted in wartime for violence, especially sexual violence. They have also been excluded from conflict prevention and resolution efforts. Despite increased awareness and mobilization at the local and international levels, women and girls in conflict continue to face multiple challenges.⁴ These challenges have a deplorable effect on them as they witness brutal incidents of rape, sexual violence, lose their loved ones in the battle, they are victims of atrocities who are forced to join the combatants or get displaced from their homes leaving them vulnerable. They are always on the verge of outbreaks of violence, bringing threats to their identity and security to a large extent.

Sexual violence has often been used as a tactic of war. It is “not just rape out of control, but rape under orders, as means of pursuing military, political or economic ends.”⁵ Armed conflict and uprootedness bring their own distinct forms of violence against women with them. These can include random acts of sexual assault by both enemy and “friendly” forces, or mass rapes as a deliberate strategy of genocide.⁶ Armed violence emerges as a double-edged sword for women and girls as gender inequalities deepen their misery. Their problems accelerate as they are not only suffering from the atrocities addressed to the entire civilian population, but they also witness the brunt of gender discrimination and inequalities prevalent in societies. Violence, be it physical, verbal or sexual is used as a tactic or weapon of war now-a-days by the enemies to get their agendas resolved. In addition to all the human rights infringements, genocide and massacres, women face two-fold abomination from both within and outside their homes. These women and girls become landless, homeless, vulnerable, deprived of identity and are undocumented for varied reasons unknown. The confiscation of land and destruction of their homes, losing their husbands, sons or brothers in the battlefields not only make their lives disconsolate but leaves a scare that they are unable to forget throughout their lives.

III. INCREASED VIOLENCE AGAINST WOMEN DURING ARMED CONFLICT

The general breakdown in law and order which occurs during conflict and displacement leads

³ Women In Conflict Zones, <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/620690/bp-women-in-conflict-zones-290319-en.pdf> (last visited Nov. 29, 2021).

⁴ Women and Armed Conflict, <https://www.hrw.org/topic/womens-rights/women-and-armed-conflict> (last visited Nov. 29, 2021).

⁵ Sexual Violence in Conflict Zones A Challenge for International Law, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/10/report/sexual-violence-in-conflict-zones-a-challenge-for-international-law/Sexual-Violence-in-Conflict-Zones.-EPW.52.7.-2017.pdf> (last visited Nov. 29, 2021).

⁶ Violence against women In situations of armed conflict and displacement, <https://www.who.int/gender/violence/v7.pdf> (last visited Nov. 29, 2021).

to an increase in all forms of violence. The tensions of conflict, and the frustration, powerlessness and loss of traditional male roles associated with displacement may be manifested in an increased incidence of domestic violence against women. Alcohol abuse may also become more common and exacerbate the situation.⁷ They are killed, injured, disabled and tortured. They are targeted with weapons and suffer social and economic dislocation. They suffer the psychosocial impact as loved ones die or they witness violence against their families and neighbours. They suffer the effects of violence before, during and after flight from a combat zone. They are at heightened risk of diseases, including sexually transmitted diseases (STDs) and HIV/AIDS. They are affected by the resource depletion resulting from armed conflict. They join, or are forced to join, armed forces or insurgency movements. They care for the wounded, sick, despairing and displaced, and may be among the most outspoken advocates for peace.⁸ **Conflict can result in higher levels of gender-based violence against women and girls, including arbitrary killings, torture, sexual violence and forced marriage. Women and girls are primarily and increasingly targeted by the use of sexual violence, including as a tactic of war. Women and girls are in general more predominantly subject of sexual violence.**⁹ The commercial exploitation of women and girls exists in myriad situations. The problem includes child prostitution and pornography, the trafficking of children for sexual purposes, and bonded labour.

It seems that the nature of warfare is changing in ways that increasingly endanger women and girls. The prevalence of civil war and regional conflict has led to civilian casualties during recent conflicts of up to 75 percent. Although more men than women continue to die overall as a result of conflict, women and children are disproportionately targeted and constitute the majority of all victims of war.¹⁰

Female Genital Mutilation (FGM)

Today, the number of girls and women who have been subjected to FGM is estimated at more than 130 million individuals worldwide, and a further two million girls are at risk of this practice.¹¹ FGM, a form of violence against the girl child that affects her life as an adult

⁷ *Id.*

⁸ Women, Girls and Armed Conflict, <https://opentextbc.ca/womenintheworld/chapter/chapter-5-women-girls-and-armed-conflict/> (last visited Nov. 29, 2021).

⁹ Women's human rights and gender-related concerns in situations of conflict and instability, <https://www.ohchr.org/en/Issues/Women/WRGS/Pages/PeaceAndSecurity.aspx> (last visited Nov. 29, 2021).

¹⁰ Sexual Violence Against Women and Girls in War and its Aftermath: Realities, Responses and Required Resources, <https://gsdrc.org/document-library/sexual-violence-against-women-and-girls-in-war-and-its-aftermath-realities-responses-and-required-resources/> (last visited Nov. 29, 2021).

¹¹ World Health Organization. Female genital mutilation: report of a WHO technical working group, Geneva, 17-19 July 1995, https://apps.who.int/iris/bitstream/handle/10665/63602/WHO_FRH_WHD_96.1

woman, is a traditional cultural practice. In those societies where it is practised, it is believed that FGM is necessary to ensure the self-respect of the girl and her family and increases her marriage opportunities.¹² FGM constitutes all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural or any other nontherapeutic reasons.¹³ During the times of armed conflicts, many combatants take recourse of genital mutilation to torture the non-combatants, especially women and young girls. All of such instances makes us wonder that are we obliged enough to call ourselves even humans.

Severe Health Consequences

Health emphasises that there is complete physical, mental and social well-being, not merely the absence of infirmity. Besides many physical and psychological consequences of violence against women, the impact on the “social health” of a community is both negative and widespread.¹⁴ The health infrastructure gets disrupted massively leaving no option with the masses to get any kind of medical relief. **Violent conflicts pose a challenge to human civilisations, human health and health systems. Epidemiological studies indicate that war ranks among the top-ten causes of death worldwide. Populations affected by armed conflict experience severe public health consequences mediated by population displacement, food scarcity, and the collapse of basic health services, which together often give rise to complex humanitarian emergencies.**¹⁵ The impact of armed conflicts is both direct and indirect, resulting in the increase in infectious diseases which makes the situation even worse. Armed conflicts result in worsening of various health indicators.

Forced Displacement of Women

Threats of killing, torture and rape builds up an atmosphere of terror, which often compels the civilian population to flee their homes. Civilians may leave their land and possessions because they fear an attack, as a result of a campaign of “ethnic cleansing”, because their houses and habitual means of subsistence have been destroyed by fighting, or sometimes even due to a strategy of employing “human shields” to protect, advancing or retreating armies.¹⁶ There are

0.pdf?sequence=1(last visited Nov. 29, 2021).

¹² Violence against women The girl child, <https://www.who.int/gender/violence/v7.pdf>(last visited Nov. 29,2021).

¹³ *Id.*

¹⁴ Violence against women In situations of armed conflict and displacement, <https://www.who.int/gender/violence/v7.pdf> (last visited Nov. 29,2021).

¹⁵ Understanding effects of armed conflict on health outcomes: the case of Nepal, <https://conflictandhealth.biomedcentral.com/articles/10.1186/1752-1505-4-20>(last visited Nov. 29, 2021).

¹⁶ Addressing the needs of women affected by armed conflict, https://www.icrc.org/en/doc/assets/files/other/icrc_002_0840_women_guidance.pdf(last visited Nov. 29,2021).

innumerable cases where women and girls are subjected to various atrocities while they are fleeing their source of origin to an unfamiliar place because of armed conflicts.

Forced displacement may also be used to remove inhabitants from an area in order to cut off the logistical support or means of subsistence they give, or are perceived to be giving, to combatants. Women comprise a significant component of internally displaced and refugee populations, and often head households as a result of being separated from male family members. Separation from one's family, community, home and land can have life-threatening implications.¹⁷ The suffering of the women and girls is absolutely different from what is experienced by men in terms of displacement because of the existing gender division of roles and responsibilities which they encounter. Increasingly, modern warfare is effectuating catastrophic effect on the lives of women and girls, and on the health and educational services that are key to family and community survival and development.

Disrupted Access to Education and Information

Access to education and information holds utmost importance in an individual's life, especially when they are being subjected to discrimination massively. Education acts as a supreme tool to help the public in general and women and girls in particular to address the effects witnessed by them during armed conflicts. Education is quintessential for making informed choices. During the armed conflict, the civilian population is debarred from having access to any sort of information, they are not provided with any opportunity to gain education which proves to be detrimental for their holistic development.

The Right to Education is recognized in the International Covenant on Economic, Social and Cultural Rights and in regional instruments. The principal aim of the relevant provisions is ensuring children's access to education and this right must be granted to all without distinction including on the basis of sex.¹⁸

During armed conflicts, the foremost service to get disrupted is education. There remains no accessibility to schools as teachers and children either flee or get displaced. Women and children suffer a lot in the conflict zones as they are the ones who abandon their education primarily. In such critical times, it becomes all the more important for the entire civilian population to get awareness about their rights, health issues, safety measures, assistance and training as to how to overcome the traumas manifested by these conflicts etc.

¹⁷ *Id.*

¹⁸ International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>(last visited Nov.30,2021).

IV. REDRESSAL OF THE NEEDS OF WOMEN AFFECTED BY ARMED CONFLICTS: THE NEED OF THE HOUR

The specific experience of women and girls in armed conflicts greatly depends upon their status in societies before armed conflict breaks out. Where cultures of violence and discrimination against women and girls exist prior to conflict, these abuses are likely to be exacerbated during conflict.¹⁹ Similarly, if women are not allowed to be part of decision making before conflict, it is usually extremely difficult for them to become involved in decisions during the conflict itself or the peace process and post-conflict period. Thus, gender relations in pre-conflict situations as shaped by ethnicity, class, caste and age often set the stage for women's and girls' experiences and options during and after armed conflict.²⁰

There is a **relevant legal framework in the International Humanitarian regime** that focuses on redressing the issues of atrocities being witnessed by the women at the national and international levels. International Humanitarian law (IHL) lays down important judicial guarantees for persons deprived of their freedom in relation to international armed conflicts, whether they be prisoners of war accused of violating the laws, regulations or orders of the detaining power, interned civilians or persons detained for penal offences in an occupied territory.²¹

The judicial guarantees provided by IHL in international armed conflicts include:

- the prohibition of retroactive punishment;
- the right to be promptly informed of the offence with which one is charged;
- the right to be judged before an independent and impartial court;
- the principle of *nullum crimen sine lege* (no crime without law);
- the presumption of innocence;
- the right not to be tried in absentia;
- the privilege against self-incrimination or coerced confession;
- the principle of *non bis in idem* (prohibition of double jeopardy);
- the right to a defence (lawyer, interpreter, witnesses);
- if convicted; the right to an appeal;

¹⁹ Women, Girls and Armed Conflict, <https://opentextbc.ca/womenintheworld/chapter/chapter-5-women-girls-and-armed-conflict/> (last visited Nov. 29, 2021).

²⁰ *Id.*

²¹ *Id.* 16

- the entitlement of civilian internees, interned for imperative security reasons, to a periodic review of the internment and the possibility of an appeal.²²

Women usually don't start wars, but they do suffer heavily from the consequences. Conflict spurs much higher rates of sexual violence. It renders women acutely vulnerable to poverty, the loss of jobs and the destruction of assets such as homes. Essential health services crumble, underlined by a maternal mortality rate that is 2.5 times higher on average, in conflict and post-conflict countries.²³ Most of today's conflicts take place within states. Their root causes often include poverty, the struggle for scarce resources, and violations of human rights. They have another tragic feature in common: women and girls suffer their impact disproportionately. While women and girls endure the same trauma as the rest of the population -- bombings, famines, epidemics, mass executions, torture, arbitrary imprisonment, forced migration, ethnic cleansing, threats and intimidation - they are also targets of specific forms of violence and abuse, including sexual violence and exploitation.²⁴

Various measures have to be undertaken to curb the turmoil that these armed conflicts bring with them, if not entirely, much relief can be granted by following various initiatives at the regional, national and global levels like incorporating gender perspectives in peace and security, curbing threats to safety of the civilians, eradication of discrimination on the basis of gender, providing access to basic necessities of life be it food, clothing, water, shelter, sanitation and education as well.

Globally, United Nations has initiated various Conferences to highlight this issue of women suffering like **The 1993 United Nations World Conference on Human Rights**, held at Vienna, recognized violence against women during armed conflict as a violation of human rights. The United Nations has been increasingly responsive to the impact of armed conflict on women and girls. In 1969, **the Commission on the Status of Women** considered whether special protection should be accorded to women and children during armed conflict and emergency situations. In 1974, the General Assembly adopted the **Declaration on the Protection of Women and Children in Emergency and Armed Conflict**. In 1997, the Secretary-General appointed a **Special Representative for Children in Armed Conflict** with a mandate to protect and promote the rights of war-affected children and ensure that those

²² *Id.*

²³ The Beijing Platform for Action Turns 20, <https://beijing20.unwomen.org/en/in-focus/armed-conflict>(last visited Nov.30,2021).

²⁴ Women, Peace and Security, <https://www.un.org/ruleoflaw/files/womenpeaceandsecurity.pdf>(last visited Nov.30,2021).

rights are comprehensively addressed by the main actors at all levels.²⁵

As has been noted by the **International Committee of the Red Cross (ICRC)**: “The fact, that generally, women do not go off to fight and largely remain unarmed and unprotected at a time when traditional forms of moral, community and institutional safeguard have disintegrated, and weapons have proliferated, leads to women being particularly vulnerable during wartime”.²⁶

Maintaining peace and preventing armed conflict are vital concerns of the United Nations. As provided in **Article 1.3 of the Charter of the United Nations**, promoting and encouraging respect for human rights and for fundamental freedoms for all without discrimination is one of the fundamental purposes of the Organization. In this respect, the United Nations has a long history of drawing on both international human rights law and international humanitarian law to protect people during times of armed conflict.²⁷ International human rights law and International Humanitarian Law are bodies of law in permanent evolution. Warfare is a phenomenon in constant change and, thus, international human rights law and international humanitarian law are required to adjust constantly to avoid gaps in the protection they provide. Changes in the law stem essentially from the practice of the different organs that supervise compliance with the system.²⁸

V. CONCLUSION AND CULMINATING REMARKS

The United Nations reported that more than 20,000 civilians had been killed or injured in 2019 as a result of attacks in conflicts in 10 countries: Afghanistan, Central African Republic, Iraq, Libya, Nigeria, Somalia, South Sudan, Syrian Arab Republic, Ukraine and Yemen. That figure is almost certainly an underestimate. Moreover, it does not include reports of civilian casualties in Cameroon, Chad, the Democratic Republic of the Congo, Mali, Myanmar, the Niger, the Sudan (Darfur) and the occupied Palestinian territory.²⁹

Tens of thousands of civilians were killed, physically injured or traumatized in 2019. Millions of people were forced from their homes or displaced for a second, third or fourth time, their vulnerability increasing in the process. Consistent with the findings in previous years, women and girls, in particular, were subject to appalling sexual and gender-based violence. In addition, direct or indiscriminate attacks by parties to conflict damaged and destroyed homes, schools,

²⁵ *Id.*

²⁶ *Supra note 24.*

²⁷ [hr_in_armed_conflict.pdf](https://www.ohchr.org/documents/publications/hr_in_armed_conflict.pdf), https://www.ohchr.org/documents/publications/hr_in_armed_conflict.pdf (last visited Nov. 30, 2021).

²⁸ *Id.*

²⁹ Protection of civilians in armed conflict, https://reliefweb.int/sites/reliefweb.int/files/resources/S_2020_366_E.pdf (last visited Nov. 30, 2021).

hospitals, markets, places of worship and essential civilian infrastructure, such as electrical and water systems.³⁰

Serious violations of International Humanitarian laws and Human Rights law are constantly in motion in armed conflict Zones. Armed conflict affects severely the life of the masses to such an extent that they are unable to normalize their lives ever again. Armed conflicts and uprootedness emerge in their varied forms, spread its tentacles at a great spree and disrupt the life of the masses. Armed violence affects all the sections of the society and doesn't discriminate on the basis of race, class, caste, sex or place of residence but there is one group of the community that remains ostracized in this context and that is Women. Various initiatives, legislations and judicial precedents have been pronounced and enacted, but the situation seems to be still out of control. There has to be a concerted efforts on part of all the nation states to curb this menace faced by the civilian populations during armed conflicts as it leaves a gross catastrophic effect on the lives of the individuals.

³⁰ *Id.*