

# Plight Of Women In War

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**Abstract :** *Violence against Women is a major public health problem that affects the lives of millions of women worldwide, in all socio-economic and educational classes. Violence is nothing but domination by the strong over the weak. In all religions, women are believed to be inferior to men and to have been created by god to serve the men and the families. This patriarchal belief developed male chauvinism and there by imposed controls on women's lives in the name of custom, ethnicity and rituals. Ultimately these boundaries, precincts and limitations restrain the freedom of women. There are many forms of violence against women, and thereby they are deprived of and denied access to education, health care and economic self sufficiency. In fact, denying access to education etc. is itself a direct manifestation of violence which is nothing but violation of human rights. The kind of insecurity and violence faced by women is exacerbated during an armed conflict or war. War has such a devastating effect on human society and economy that it would be almost impossible to restore the society to the pre-war situation. During conflicts, the gravity of violence becomes more due to the general break down of law and order. Rape and sexual violence are most common form of violence during war. The principles of International Humanitarian Law as well as customary laws lay down that violation of Human Rights of women in armed conflicts constitute the gross violation of the fundamental principles of International Humanitarian Law as well as International Human Rights. This paper attempts to analyze the suffering of women in war and protection of law relating to women.*

“All too often, conflicts happen in societies that can least afford it, takes its toll on those who least deserve it and hits hardest those least equipped to defend themselves. Civilians have become the main targets of warfare. From rape and displacement to the denial of the right to food and medicines, women bear more than their fair share of the burden”.<sup>i</sup>

War may be international or internal-in all situations; women have to pay the price due to their gender in the course of conflict. Violence against

women during times of armed conflict has been widespread and a constant practice over the centuries. Atrocities may be committed by military, terrorists, opposite party to the conflict, or even by neighbors against the women. There has been an unwritten legacy that violence against women during war is an accepted practice of conquering armies.<sup>ii</sup> Statistics reveal that women face vulnerable situations during conflicts.<sup>iii</sup> Most of the incidents illustrate that sexual harassment is used as a weapon in the hands of the armed forces against women. During the conflicts, women can be deprived of their liberty and lose their human rights due to their relation to hostilities as captured combatants, security detainees and civilian internees, as well as for their involvement in ordinary offences.

Women and girls may also be forced to follow camps of armed forces, providing domestic services, being used as sexual slaves<sup>iv</sup> and they have been forced to perform sexual and domestic slave labor. Further, Women have also been abducted and then forced to serve as “wives” to reward fighters.<sup>v</sup> The “comfort stations” that were maintained by the Japanese military during the Second World War and the “rape camps” that have been well documented in the former Yugoslavia are particularly egregious examples of sexual slavery. Sexual slavery also encompasses situations where women and girls are forced into “marriage”, domestic servitude or other forced labor that ultimately involves forced sexual activity, including rape by their captors. For instance, in addition to the cases documented in Rwanda and the former Yugoslavia, there are reports from Myanmar of women and girls who have been raped and otherwise sexually abused after being forced into “marriages” or forced to work as porters or minefield sweepers for the military. In Liberia, there are similar reports of women and girls who have been forced by combatants into working as cooks and who are also held as sexual slaves. In Guatemala, rebel groups use girls to prepare food, attend to the wounded and wash clothes. Girls may also be forced to provide sexual services. In Uganda, girls who are abducted by the Lord's Resistance Army are 'married off' to rebel leaders. If the man dies, the girl is put aside for ritual

cleansing and then married off to another rebel".<sup>vi</sup> In Colombia, the Special Rapporteur took testimonies from girls who had been recruited and used by the armed groups as sexual slaves, combatants, informers, guides and messengers.<sup>vii</sup>

So, women's experiences in conflict situations are countless and they have to cope with numerous troubles which are sometimes beyond imagination, irrespective of whether their association with the forces is voluntary as combatants or involuntary as in the case of civilians.

The vulnerability of women can be identified under two heads namely-

- (a) Women as combatants and
- (b) Women as civilians.

(a) **Women as combatants:** Women deployment in forces is voluntary<sup>viii</sup> or involuntary<sup>ix</sup> and their association with forces may be direct or indirect. They may act as direct supporters as combatants or provide services to the military as a non-combatant. But in both cases their position is vulnerable. Even though she leads army and act as a combatant sometimes she exposes herself to high risks. Sex is a bar to face susceptible situations either in the course of employment or in armed conflicts. Generally, women in defense forces face sexual harassment and rape is the most common experience at working place.

But, what is surprising is that women in armed forces also face this problem. A woman combatant carries arms primarily meant for protecting the national interest and not merely protecting herself. The peculiar situation in which women combatants work may put their honor to jeopardy through sexual harassment from the male colleagues or superiors. It may severely affect her professional performance and may lead to prolonged mental agony. The American and the British societies are highly emancipated and liberal with women having equal status in all fields. However, the problem of sexual harassment is still persisting.

Author Helen Benedict<sup>x</sup> on her research of Iraq soldiers reported that one of the shocking news which came out of the Iraq War is widespread reports that women are not safe going to the nature calls at night.<sup>xi</sup> Despite the increasing engagement of women in army- rape, sexual assault and harassment is the major menace dogging women soldiers. And it is at the hands of their male

colleagues. What hurts women most is the attitude of military officials who dismiss complaints of sexual harassment by women as frivolous and due to over-sensitivities of women involved. Even serious accusations of sexual assault are many times treated in a perfunctory manner. Most of the cases are either let off with minimal punishment or not given much importance. Even though military training instills discipline, general problems faced in the civilian society reflect there. Women are treated as weaker sex and secondary citizen and there is no place for their safety in which she is employed.

- (b) **Women as civilians:** All legal systems on principle acknowledge that civilian women are entitled to utmost protection. But practice has no reference to principle. As civilians, Women face worst situations of violence during the period of war. She has to handle so many challenges with utmost effort. United Nations Security Council clearly expressed its concern that "civilian particularly women and children are adversely affected by armed conflicts".<sup>xii</sup>

Women and girls are particularly targeted by the use of sexual violence, including in some cases as "a tactic of war to humiliate, dominate, inculcate fear in and diffuse or forcibly relocate civilian members of a community or ethnic group".<sup>xiii</sup> During armed conflict, women experience all forms of physical, sexual and psychological violence perpetrated by both State and non-State actors. These forms include murder, unlawful killings, torture and other cruel, inhuman or degrading treatment or punishment, abductions, maiming and mutilation, forced recruitment of women combatants, rape, sexual slavery, sexual exploitation, involuntary disappearance, arbitrary detention, forced marriage, forced prostitution, forced abortion, forced pregnancy and forced sterilization.<sup>xiv</sup>

Further, Women and girls are forced to take on more responsibility for family security. Women's daily tasks as providers and caregivers become increasingly dangerous and difficult, especially as the availability of and access to public services and household goods shrink. The role of women in relation to ensuring food security, the provision of water and energy for household use and their responsibility for health care — in both urban and rural contexts — may also put them at risk of being injured by landmines, in cross-fire and by sexual abuse.

Further, Women are also victims of detention or "disappearance". The "disappearance" of male

relatives affects women, particularly in societies where their status is directly linked to their relationships with men. Women are traumatized and cannot come to normalcy as long as they still hope for the return of their relatives. They also face additional responsibilities for the well-being of their families.

Instances of violence against women during times of armed conflicts have been reported quite often. Some of the incidents are reported by the Special Rapporteur directly, some reported by NGO's like Amnesty International and Human Rights Watch and also independent fact finders. Sexual and gender-based violence has been recently reported in Afghanistan, Burundi, Chad, Cote d'Ivoire, the Democratic Republic of the Congo, Sri Lanka and in Darfur, the Sudan,<sup>xv</sup> and Special Rapporteur Ms. Radhika Kumaraswamy in her report affirmed that there are number of cases of violence against women in armed conflict between 1997-2000 in Afghanistan, Burundi, Colombia, D.R.C., East Timor, Federal Republic of Yugoslavia, India, Indonesia (West Timor), Japan, Myanmar, Russian Federation (Chechnya), Sierra Leone, Sri Lanka.<sup>xvi</sup> Further the Reports of the Secretary General clearly stated that there are more number of affected civilians in Afghanistan, Somalia, D.R.C., Darfur, between 2009-2010 warfare.<sup>xvii</sup> Even the recent warfare in Sri Lanka is also the one of the best example of women suffering especially during the final months of the conflict in 2009. Even though, the same is acknowledged by the international community but Sri Lanka President Mahinda Rajapaksa has denied that their forces did not commit any war crimes and has strongly opposed any international investigation despite several demands.<sup>xviii</sup> Further, though Libyan society is highly traditional, most of the women were targeted by the forces of Libyan leader Moamer Gadhafi.<sup>xix</sup> The position of women in recent wars indicates that women faced vivid challenges during the war due to the biological factor and male chauvinism. Even India is also facing the armed conflict since long in the regions of North-East<sup>xx</sup> and Jammu Kashmir.<sup>xxi</sup> Recent attacks of Israel on Palestinians indicate how women face such vulnerable situations in warfare.<sup>xxii</sup>

Rape and sexual violence are the symbolic activities of the forces of both parties in the conflict. Due to gender factor woman is treated as the luxurious thing which satisfies the desire of the men in all time. It is immaterial whether women are involved in the insurgent activities or not but the ultimate object is to terrorize the people. It is common to the military officials at the time of combat operations and enquiry. The situation is much more complicated for the category of women who are the wives, dependents, relatives of

opposition leaders or state officials. The women lead their lives with silent questions, unable to come to terms with the reality. Most often there is no compensation or whatever is given is grossly inadequate.

With reference to the above said data, one can easily estimate the position of women at the time of the conflict. Violence against women is a universal reality but at the same time it is invisible. Reports<sup>xxiii</sup> from all parts of the world point to the fact that violence against women is a "Manifestation of the unequal power relationship"<sup>xxiv</sup> between men and women and exists in all societies. Yet such violence is under reported if not "normalized" as acceptable social behavior. Armed conflict has been an important part of the post independence legacy of South Asia. Whether on the Afghan Border with Pakistan, in Kashmir, in the Chittagong Hill Tracts, among Maoist rebels or in the north and east of Sri Lanka, armed conflict is a terrible reality that many women in South Asia have to face. Women are affected by armed conflict in different ways.

Law relating to the Protection of women in armed conflict or war fare: The concept of protection of women in armed conflict was not known to the society prior to the First World War. With the effect of the Second World War,<sup>xxv</sup> it was felt necessary for the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War to take into account these developments while adopting the new legal instruments. The Conference has drawn up Four Conventions<sup>xxvi</sup> meant for 'Protection of Victims of War' in general and women in particular. Women are protected both in capacity of civilians and also as combatants.

Conversely Geneva Conventions of 1949 and their Additional Protocols of 1977 contain more than 560 Articles to protect both men and women as civilians and also as combatants who have fallen into enemy hands, among these, nearly more than 40 provisions for the protection of women during conflict.<sup>xxvii</sup> This protection is enshrined in the four Geneva Conventions and their two Additional Protocols of 1977. The Geneva Convention and its Protocols clearly specified that Women must be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault and they must be the object of special respect and must be protected in particular against rape, forced prostitution and any other form of indecent assault.<sup>xxviii</sup> These are drafted to provide the "protection" of women from violence rather than the prohibition of violence.

Furthermore, in these Conventions the words rape and sexual violence are not categorized as war crimes. Moreover with rare exceptions rape was the rule of the earlier days.<sup>xxxix</sup> After the establishment of United Nations', the International Law Commission revitalized a mandate to codify the legal principles but it was blocked during the cold war years.

With the development of human rights perspective in 1980's, again the need for establishing international criminal jurisdiction was emphasized. Further the invasion by Iran of Kuwait in 1990 had led a large-scale human rights violation and humanitarian law in occupied Kuwait. War crimes committed in Iran and Iraq war, and the serious violations of International humanitarian law in the wars of the former Yugoslavia and Rwanda revealed the urgent need to bring these historic international laws out of theory and into the courtroom.

In this back drop, towards the end of the 20<sup>th</sup> century, the United Nations became seriously engaged in the establishment of International Criminal Courts/Tribunals. First time rape was officially recognized as a "war crime" by the activism of former "comfort women" in the 1990's. However, in response to the 1993 Vienna World Conference on Human Rights which prioritized violence against women and recognized gender based violence and all forms of sexual harassment and exploitation in armed conflicts, United Nations Security Council set up two international tribunals namely, the ICTY<sup>xxx</sup> and ICTR<sup>xxxii</sup> and one Special Court for Sierra Leone<sup>xxxii</sup> which is different in its constitution from the ICTY and ICTR. Finally, the Rome Statute of the International Criminal Court was adopted in 1998 to end impunity for the perpetrators of the most serious crimes of concern to the international humanitarian law. Thus, the ICC has been set up to ensure human rights which are violated during the conflicts. It is a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international apprehension. The international society has long aspired for the creation of a permanent international court, and finally it fulfilled its wish in the 20<sup>th</sup> century, after achieving consensus on definitions of genocide, crimes against humanity and war crimes. On 17<sup>th</sup> July 1998, the international community reached an historic milestone when 120 States adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court. The Rome Statute entered into force on 1<sup>st</sup> July 2002 after ratification by 60 countries. The statute of the ICC has received such universal acceptance (barring a

few states like the USA) that is membership more than that of the UNO.

Thus, perceptions under international law regarding sexual violence during armed conflict have undergone a systematic change. From the conception of sexual violence and rape as a 'trophy of war' and 'spoils of war' to 'as a crime against humanity; an act of genocide and war crime'. At present, International law recognized it as a part of humanitarian law as well as rules of Armed Conflict hence rape and other forms of sexual violence in conflict situations amounts to a grave breaches of the Geneva Conventions. War time Sexual violence and Rape appear to have gone through the following stages of characterization.

- The first stage is to regard rape as a reward to the soldiers. In ancient time rape was a reward to the victors. Ex: the Hebrew Scriptures describe the rape of women of conquered tribes as a routine act. According to the book "Rape of war fare", the ancient Greeks and Romans would rape and enslave women after they had conquered city. Rape is also used as an intentional tactic of terror.<sup>xxxiii</sup>
- The second stage is where the illegality of rape and sexual violence in war time is perceived as illegal and is prohibited. In 20<sup>th</sup> century rape is prohibited by Geneva Conventions and the Additional Protocols oblige the parties to the conflict to protect women at all times.
- A later development in this regard has been to equate rape and sexual violence to violation of women's human rights. At present International Humanitarian Law recognizes rape and sexual violence as war crimes and even establishes individual criminal responsibility for the same thing.

Besides these, the UN Security Council has also been developing a soft law for the protection of women from war related violence. The U.N Security Council Resolutions regarding the plight of women in armed conflicts and specific need to eradicate the violence is much appreciable and noteworthy. Particularly Special Resolutions of 1325 of 2000, 1820 of 2008, 1888 of 2009, 1889 of 2009, 1960 of 2010, 2122 of 2013, 2160 of 2013 and Resolution 2242 of 2015 emphasize the responsibility of the States for the protection of women's human rights and to take all feasible steps to ensure the protection of women and encourage the role of women in civil and military functions.

A perusal of the above international provisions shows that both hard law as well as soft law has been seriously trying to combat violence against women in conflict zones. In fact, however IHL sometimes has been criticized as being inadequate in performing its task in modern-day armed conflict. Many practitioners and academics observed that most of the IHL rules are extraneous during armed conflicts or place more confidence in the ability of International Human Rights Law rather than IHL, to adapt itself to provide effective safeguards for the protection of the victims of armed conflict. Notwithstanding the laudable objectives of the IHL, it fails to live up to the expectations when it comes to practical implementation of the provisions relating to protection of women. Violence against women during wartime continues to involve horrendous crimes that must shock the conscience of humanity. The recent incident reveals the gravity of violence against women even contemporary situations. Islamic State theologians have issued an extremely detailed ruling<sup>xxxiv</sup> on when "owners" of women enslaved by the extremist group can have sex with them, in an apparent bid to curb what they called violations in the treatment of captured females. It indicates how the group is trying to reinterpret centuries-old teachings to justify the sexual slavery of women in the swaths of Syria and Iraq it controls. The fatwa was among a huge trove of documents captured by US Special Operations Forces during a raid targeting a top Islamic State official in Syria in May, 2015. Among the religious rulings are bans on a father and son having sex with the same female slave; and the owner of a mother and daughter having sex with both. Joint owners of a female captive are similarly enjoined from intercourse because she is viewed as "part of a joint ownership. The United Nations and human rights groups have accused the Islamic State of the systematic abduction and rape of thousands of women and girls as young as 12, especially members of the Yazidi minority in northern Iraq. Many have been given to fighters as a reward or sold as sex slaves.<sup>xxxv</sup>

These incidents reveal the worst situation of women in consequences of war. Despite the significant progress that has been made in recent years to strengthen legal prohibitions, human community is the witness of serious violations of 'International Humanitarian Law' and especially women and girls throughout the world continue to be the victims of unimaginable brutality. Women suffer just for being women no matter which region or religion they belong to.

In order to prevent violations of 'International Humanitarian Law', it is necessary to establish proper mechanisms at national and regional level, which would function under the guidance and supervision of the Security Council. On the other hand, State practices must stress the importance of addressing sexual violence in armed conflict and post-conflict situations in the context of security sector reform initiatives and arrangements including training, vetting and capacity-building of national security actors. Further, the establishment of permanent United Nations, International Humanitarian Law observation force in member States and in conflict areas will be helpful. It shall be comprised of reporters to observe the violations of IHL, investigating officers, special force consisting of government officials, N.G.O's and social workers to file cases against those perpetrators and separate Courts to deal with the matters relating to the violations of IHL in accordance with International Law. Moreover, gender training and awareness regarding the responsibilities towards women as per IHL as well as the women Human Rights shall be imparted to member of armed forces. Unless IHL becomes an integral part of regular combat training in Military maneuvers at all levels in the chain of command, it is highly impossible to have a favorable impact on the conduct of members of the armed forces. Besides it, knowledge on IHL shall be generated and spread through educational institutions, training in armed forces and media as well as participation of Non Governmental Organizations and women's association to combat violence during armed conflict shall be enhanced.

To challenge violations of IHL, States shall take appropriate measures for the safety as well as to respect the dignity of the displaced women and particular attention should be paid to gender based violence, further involvement of displaced women and refute women in peace process should be encouraged through provision of training, physical security and stipends. It must be documented that displaced women are not only victims of the conflicts they are vital sources for restoration and implementing projects. In addition to the above, sexual violence in combat zones requires continuous attention, action and cooperation of the United Nations, Governments, Civil Society Groups, communities, individual citizens, Corporate Sectors, Religious leaders etc., Peace, Justice and Security are interdependent. There can be no peace without peace of mind that enables women to undertake their daily tasks. No justice and no security without women's security.

So, it is cleared that the protection of women in situations of armed conflicts can be achieved through better implementation and enhancing respect for existing IHL and other relevant norms, every State and individual must feel the responsibility for improving the plight of women in times of conflict. 'We must understand the role of human rights as empowering of individuals and communities. By protecting these rights, we can prevent many conflicts based on poverty, discrimination and exclusion (social, economic and political) that continue to plague humanity and destroy decades of development efforts. The vicious circle of human rights violations that lead to conflicts-which in turn lead to more violations-must be broken. I believe we can break it only by ensuring respect for all human rights.'<sup>xxxvi</sup>

[<sup>i</sup>] Ex- Secretary General, Kofi Annan, United Nations Day for Women's Rights and International Peace, 6 March, 2000, press Release, SG/SM/7325.WOM/1190. Extract from Special Report of Amnesty International on the International Criminal Court. Fact sheet 7.

[<sup>ii</sup>] Ms. Radhika Coomaraswamy, Report of the Special Rapporteur on 'Violence Against Women, its causes and consequences', submitted in accordance with Commission resolution 1997/44 E/CN.4/1998/54, 26<sup>th</sup> January 1998, para.1.

[<sup>iii</sup>] <sup>3</sup>It is estimated that between 250,000 and 500,000 women in Rwanda were raped during the 1994 genocide, that between 20,000 and 50,000 women were raped in Bosnia during the conflict in the early 1990s, and around 200,000 women and girls were raped during the armed conflict in Bangladesh in 1971. Report of the Secretary General, 'In-depth study on All forms of Violence Against Women', 61st Session of the General Assembly, Item 60(a) on Advancement of Women, A/61/122/Add.1, 6 July 2006, para.146.

[<sup>iv</sup>] Report of the Secretary-General, 'Women, Peace and Security', 16<sup>th</sup> October, 2002, S/2002/1154, Para 13.

[<sup>v</sup>] Supra n.3, para.144.

[<sup>vi</sup>] Ms. Gay J. McDougall, Special Rapporteur Report on 'Contemporary forms of Slavery; Systematic Rape, Slavery and Slavery-like Practices during Armed Conflict', E/CN.4/Sub.2/1998/13, 22<sup>nd</sup> June 1998, para.30.

[<sup>vii</sup>] Ms. Radhika Coomaraswamy, Special Rapporteur Report on 'Violence Against Women, its causes and consequences' submitted in accordance with Commission on Human Rights resolution 2001/49, E/CN.4/2002/83/Add.3, 11<sup>th</sup> March 2002

[<sup>viii</sup>] Direct recruitment of women in forces as combatants.

[<sup>ix</sup>] The Special Rapporteur Radhika coomaraswamy (in spl.report E/CN.4/2002/83/Add.3) took testimonies from girls who had been recruited and used by the armed groups as sexual slaves, combatants, informers, guides and messengers

[<sup>x</sup>] Professor at Columbia University's Graduate School of Journalism and the author of "The Private War of Women Soldiers"

[<sup>xi</sup>] A Female Vet, Soldier Speak Out on Rising Sexual Assault Within US Military 'The Private War of Women Soldiers', [http://www.democracynow.org/2007/3/8/the\\_private\\_war\\_of\\_women\\_soldiers](http://www.democracynow.org/2007/3/8/the_private_war_of_women_soldiers)

[<sup>xii</sup>] United Nations Security Council Resolution (hereafter UNSCR) 1325 of 2000.

[<sup>xiii</sup>] UNSCR 1820 of 2008.

[<sup>xiv</sup>] 61st session of the General Assembly, Item 60(a) on advancement of women, Secretary-General's study on 'Violence Against Women', Forthcoming as document A/61/122/Add. 1, para, 143.

[<sup>xv</sup>] Report of the Secretary-General on 'Women, Peace and Security' to United Nations Security Council on 13<sup>th</sup> October, 2004, S/2004/814, para.76.

[<sup>xvi</sup>] Ms. Radhika Coomaraswamy, Report of the Special Rapporteur on 'Violence Against Women, its causes and consequences', submitted in accordance with Commission on Human Rights resolution 2000/45; Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000), E/CN.4/2001/73; 23 January 2001.

[<sup>xvii</sup>] Report of the Secretary-General on the 'Protection of Civilians in Armed Conflict', S/2010/579, 11 November 2010.

[<sup>xviii</sup>] The 23rd Commonwealth Heads of Government Meeting, British Prime Minister David Cameron reiterated calls for an independent investigation into the alleged war crimes in SRI LANKA. "There needs to be proper inquiries into what happened at the end of the war, there needs to be proper human rights, democracy for the Tamil minority in that country" Cameron stated. He stated that if this investigation wasn't completed by March 2014 he would press for an independent international inquiry.

[<sup>xix</sup>] [http://news.yahoo.com/s/afp/20110616/ts\\_afp/libyac\\_onflictuswomenrape\\_20110616222528](http://news.yahoo.com/s/afp/20110616/ts_afp/libyac_onflictuswomenrape_20110616222528)

[<sup>xx</sup>] Committee against violence on women (CAVOW), 'Accused Indian Army', Women's testimonies from Northeast, September 2003ed; NEN field studies and consultations, women in Armed conflict Situations, North East Network (2005) & For further references see, Report by Roshmi Goswami, base line Report on 'Women in Armed Conflict Situations in India', NEN (North East Network) Field Study, [http://www.iwraw-ap.org/aboutus/pdf/FParmed\\_conflict.pdf](http://www.iwraw-ap.org/aboutus/pdf/FParmed_conflict.pdf)

[<sup>xxi</sup>] Further reference see, <http://news.outlookindia.com/item.aspx?714788> & the incidents of kunan pooshpora .

[<sup>xxii</sup>] International Middle East Media Center, 'Israeli Academic: Raping Palestinian Women Would Deter Attacks', July 24, 2014.

[<sup>xxiii</sup>] See generally WHO 2002 World Report on 'Violence and Health'.

[<sup>xxiv</sup>] Preamble of DEVAW (Declaration of the Elimination of the Violence Against Women).

[<sup>xxv</sup>] Women participation was more in the Second World War hostilities, though the number of women directly taking part in hostilities was less than those in other positions. Also, the number of women killed in war was more.

[<sup>xxvi</sup>] Geneva Convention (hereafter) I - Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

GC II-Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.

GC III-Geneva Convention relative to the Treatment of Prisoners of War.

GC IV-Geneva Convention relative to the Protection of Civilian Persons in Time of War.

[<sup>xxvii</sup>] Francoise Krill, 'The protection of women in International Humanitarian Law', International Review of the Red Cross, November-December 1985, p.25 & Rohan Sharma 'Protection of Women and Children During Armed Conflicts under International Humanitarian Law',

<http://www.sharmalawco.in/Downloads/PROTECTION%20OF%20WOMEN%20AND%20CHILDREN%20DURING%20ARMED%20CONFLICTS%20UNDER%20INTERNATIONAL%20HUMANITARIAN%20LAW.pdf>

[<sup>xxviii</sup>] Art 27 of GC IV, Art 76 of API & Art 4 (2)(e) of AP II.

[<sup>xxix</sup>] In ancient time rape was a reward to the victors. Ex: the Hebrew Scriptures describe the rape of women of conquered tribes as a routine act. According to the book "Rape of war fare", the ancient Greeks and Romans would rape and enslave women after they had conquered city.

[<sup>xxx</sup>] It was established by the United Nations Security Council in accordance with chapter 7 of the United Nations Charter and Security Council Resolution 827 which was passed on 25<sup>th</sup> May, 1993 to prosecute perpetrators of serious violation of international Criminal and humanitarian law committed in the Former Yugoslavia since 1991.

[<sup>xxxi</sup>] It was established under Chapter VII of the United Nations Charter, and Security Council Resolution 955 which was passed on 8<sup>th</sup> November 1994 to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighboring States, between 1<sup>st</sup> January 1994 and 31<sup>st</sup> December 1994.

[<sup>xxxii</sup>] It was established as per the directions of the Security Council, in its resolution 1315 (2000) of 14<sup>th</sup> August to prosecute those persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30<sup>th</sup> November 1996.

[<sup>xxxiii</sup>] <http://www.religioustolerance.org/warrape1.htm>;

[<sup>xxxiv</sup>] The ruling or fatwa has the force of law and appears to go beyond the Islamic State's previous known utterances on the subject.

[<sup>xxxv</sup>] Islamic State Ruling aims to settle who can have sex female slaves; 'The Times of India'; Dt.29/12/2015.

[<sup>xxxvi</sup>] Marry Robbinson (former United Nations High Commissioner for Human Rights)