

Disparity of Policy and Field Reality at Areas Under Armed-Conflict in Relation to Gender-Based Violence Against Women

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Abstract

International humanitarian law (IHL) seeks to protect all individuals involved in armed conflicts. It comprises numerous regulations governing the rules related to unavoidable hostility and the protection for civilians. When armed conflicts occur, women are disproportionately harmed and subjected to horrific human rights violations such as gender-based assault, rape, torture, slavery, and displacement. The article examines legal statutes and international humanitarian law governing gender-based violence (GBV) against women in areas of armed conflict. It investigates the use of international humanitarian law, international criminal law, and human rights law to combat and prevent GBV. Despite statutory provisions, societal norms, political realities, and enforcement issues, there remains a significant gap between Policy and ground reality. This disparity impedes the successful prosecution of abusers and the delivery of justice to survivors. The study emphasises the significance of a comprehensive strategy that includes protection, accountability, and prevention in preventing violence against women in areas of armed conflicts. It focuses on the 'Geneva Conventions and Additional Protocols' specific provisions for civilian women and women who serve in the armed services. The research contributes to global efforts towards eliminating gender-based violence in conflict situations by examining the disparity between the law and actual instances of gender-based violence extensively. It portrays the urgent necessity of having robust legal frameworks, accountability procedures, and support networks to safeguard women from gender-based violence in areas of conflict.

Keywords: Gender-based violence, Human Rights, International law, Gender Justice, Humanitarian Law, Equality, Policy Reform.

1. INTRODUCTION

International humanitarian law (IHL) aims to safeguard all individuals during armed conflicts. It contains a wealth of regulations about how hostilities should be conducted and how civilians should be protected. Women are disproportionately affected by war and suffer from egregious human rights violations such as gender-based assault, rape, torture, slavery, and displacement when armed conflicts break out. Armed battles for eons have afflicted the globe (Smith & Johnson, 2020). People have been involved in conflict in one way or another since the time of the Bible. Conflict law is also referred to as international humanitarian law, and it is based on the principles of jus ad bello. Regardless of whether or not they are involved in hostilities, women are severely affected by war (Howard & VeneKlasen,

2015). However, since the beginning of time, it has been evident that women have suffered largely from gender-based assault during and after armed battle, putting their health in danger.

It strives to protect people who are not engaged in the conflicts or who are no longer doing so without sex-based discrimination (Jaishankar & Mukherjee, 2017). These people may be adults, adolescents, or both. Since the dawn of time, it has been clear that women have suffered much during and after armed conflicts, often as a result of gender-based violence that endangers their health. However, participating in armed conflicts includes much more than merely protecting oneself from gender-based abuse (Gokalp, 2014). For many fields, there are distinct laws. Comparably, civilized governments see a body of customary and conventional rules governing their

interactions as legally obligatory. This corpus of standards is referred to as international law. International law is also referred to as the Law of Nations. International Humanitarian Law is one of its four branches. Nevertheless, the majority of gender-based attacks focus on specific genders. Women and girls make up most of those assaulted by gender-based violence (GBV), although it sometimes attacks men and boys as well (Zarkov, 2001). Forced gender-based actions or contact with family members, forced pregnancy, forced mutilation, gender-based humiliation, and conducting medical research on female reproductive or gender-based organs are a few examples of these. These also include forced prostitution, forced sterilizations, forced abortions, forced prostitution, forced sale of gender-based services for essentials, and forced human trafficking. Two forms of violence that exclusively affect women are forced conception and sterilization (World Health Organization, 2021). Conventions across the globe in international humanitarian law outline several rules that govern public relations in armed conflict. The Hague Conventions deal with the conduct of the war and are also important documents, along with the 1949 Geneva Conventions dealing with the protection of victims of war and the Additional Protocols to them adopted in 1977 (Geneva Conventions, 1949/1977; Hague Conventions, 1899/1907).

Particularly after adopting these treaties, international humanitarian law replaced domestic law as the exclusive set of rules in armed conflicts (D'Amato, 2013). Regardless of whether they are civilians or combatants, the IHL protects women against gender-based enslavement, abusive incarceration, forced relocation, torture, and many other forms of gender-based abuse. Jus ad bello definitions of IHL state that it is the law of war (Alawemo & Muterera, 2010). Controlling instances of armed conflicts, such as internal conflicts between armed organizations and governments, as well as national or international wars between armed groups, is the goal of this relatively new field of law (Gekker, 2014). Every day, gender-based assault is used as a weapon of war to frighten populations and undermine social cohesiveness. They may be forced to abandon their hometowns and residences and

expose them to attack and exploitation. Girls and women are often vulnerable to GBV and other types of gender-based aggression in refugee camps and other settings of displacement (Meron, 1993).

Humanitarian laws are sometimes those which apply during armed conflict and the Geneva Conventions are the main sources of IHL. Along with these more general instruments, the writer seeks to examine relevant law that provides women additional safeguards during these periods of conflict and ascertain the degree to which these regulations complement both their protection and rehabilitation once the fighting ceases (Buchowska, 2016). This essay seeks to consider these principles of international humanitarian law as well as assess the importance of further standards of safety that need to be implemented during these armed conflicts taking into consideration the specific needs of women (Smith, 2016). The development and operating principles of international humanitarian law, sometimes referred to as the law of war, will be examined in this article from a feminist viewpoint.

The absence of proper means to prevent violence against women within international humanitarian law will be asserted. This is not to say that legal conflicts over GBV do not occur; rather it is to say that existing international law, although not perfect, provides adequate and proper guidelines (Askin, 2003). In order to effectively eliminate or at least significantly decrease the occurrence of GBV. But the enforcement of these norms at the local and global levels needs to be enhanced. Terminologies such as GBV and rape will be defined prior to presenting an overview of the international legal order addressing GBV under the IHL, international criminal law, and the human rights law.

2 IMPACTS OF ARMED CONFLICT ON WOMEN

All modern militarized conflicts involve violence against women. It comes in various shapes and sizes, and many times, multiple people commit the same act at the same time. This list includes the following: the Use of Torture experiments in medicine, human trafficking, rape, forced prostitution or forced exchange of gender-based favors for essential items or the return of children, forced cohabitation or

marriage, pregnancies, intentional HIV infection, forced abortion, and forced sterilization (Meron, 1983). It is highly significant because the most frequent and pervasive types of major legal offenses against women are acts of GBV, particularly rape (Chen, 2018). In times of conflict, women were seen as loot, and rape was a common technique to inspire warriors. It was observed that the assailants' motives in both Bosnia and Herzegovina and Rwanda went beyond simply enjoying a plunder or scaring the populace (Anderson, 2017). Systematic rape and gender-based assaults were employed as forms of genocide (Chappell, 2020). An intentional, deliberate attempt is made to humiliate and terrorize, not only women but also all the people within the community or ethnic group in order to dominate it and, in the worst-case scenario, to attain ethnic cleansing and disintegration; this is how GBV is employed in most modern-day conflicts (Buss & Dzurilla, 2018).

The term "gender-based violence" refers to all gender-based offenses committed against women during armed conflict. Although it is expressly forbidden by Article 27 of the Fourth Geneva Convention, it is still widely practiced (Angevin, 2015). It has grave consequences, including the danger of death from HIV transmission and other gender-based transmitted diseases. For the first time, a defendant was tried only for offenses including GBV in the 'Furundzija case.' The Tribunal further confirmed that additional "severe gender-based assaults falling short of penetration" and oral sex could both be regarded as forms of rape (Prosecutor v. Furundzija, 1998; World Health Organization, 2021).

- **Sexual Violence:** During wars, women are specifically most often the targets of sexual violence, such as rape and gender-based enslavement. Gender-based assault is used as a weapon during war to intimidate and intimidate civilian groups, and women are especially vulnerable to this kind of aggression (United Nations, 2018; World Health Organization, 2021).
- **Forced displacement:** Conflicts tend to lead to the displacement of individuals, and women and children constitute a large number of people forced to displace themselves. Women and girls tend to experience more violence, including GBV, while in

displacement (United Nations High Commissioner for Refugees, 2020).

- **Infrastructure devastation:** Women are more likely to be devastated by the loss of infrastructure in wars with arms because they are most often responsible for taking care of children and the elderly (UNDP, 2019).
- **Loss of relatives:** Women are likely left to provide the role of protection for children and other relatives when male relatives are killed or forced to escape during wars (UN Women, 2015).
- **Denial of access to basic needs:** Women usually have limited access to basic necessities like food, water, and medical care amidst armed conflicts. This is particularly the case for women who are pregnant or have small children (International Committee of the Red Cross, 2017).
- **Forced recruitment:** Women and girls are frequently forcibly recruited into armed groups and compelled to take part in armed conflicts (UNICEF, 2019).
- **Political exclusion:** Women tend to be denied participation in political processes and decision-making in and after armed conflicts, which may lead to their needs and interests being ignored (UN Women, 2018).

The wallop of weaponized ambivalence against women is dynamic and complex, and their needs and viewpoints must be considered in order to avoid and resolve disputes and stand with their victims. Atrocities, fierce brutality, and ferocity have ever been the companions of battles through all times, and from a contemporary legal point of view, they ought to be deemed widespread abuses of human rights (Ladan, 2007). Women were and continue to be particularly exposed to all kinds of such crimes, even though any armed war takes a severe toll upon all members of a society, irrespective of their gender, age, skin color, nationality, or ethnic origin (UN Women, 2020). Rape had been viewed as an awful yet inevitable outcome of war, much like collateral damage, and women were thought to be the winning forces' reward (Lindsey, 2001).

2.1 International Laws for The Protection of Women in Armed Conflicts

International humanitarian law has been significantly shaped by multiple international legislation, several

of which consider the necessity for women to have extra protection during periods of military conflict. Humanitarian law treaties also consider the need to provide women with additional protection based on their special of necessity (Brownmiller, 1975). This protection is contained in the four Geneva Conventions of August 1949 for the protection of war victims and its Additional Protocols of June 1977 (Geneva Conventions, 1949/1977). The Convention and Protocols offer protection to both women who are in the armed forces and civilians who do not take part in hostilities (Rehn & Sirleaf, 2002). Some of these laws even go so far as to include particular protections for rape victims, pregnant women, and female combatants.

2.1.1 Women in International Humanitarian Law

In most nations, females are entitled to be a part of the military, fight alongside males equally, and engage in combat. However, numerous women prefer not to engage in combat and are non-combatants (Wood, 2006). These women have been abused while incarcerated and in captivity. Now, that raises the question of whether or not women's rights are guaranteed under international humanitarian law, and if they are, how best to implement these rights in order to bring about justice to those deprived of them (Greenwood, 2008). We will now analyze the provisions of International Humanitarian Law and the treaties derived from it to give the best possible answers to these queries. We will now analyze the IHL's provisions and the treaties derived from it to give the best possible answers to these queries. The legislation that controls pacifists, civilians, and the opposing forces during times of armed conflict is known as IHL. Some forms of combat warfare are forbidden. The Hague Conventions evolved an assortment of international agreements that were envisioned, across numerous other things, to prohibit specific weapons of war and govern how countries and their armed forces should behave when at war (Hague Conventions, 1899/1907).

Nations from around the world gathered in Geneva, Switzerland, in 1929, at the behest of the IRCC, to draft a protocol intended in addressing the dire condition of prisoners of war. Nations from around the world gathered in Geneva, Switzerland, in 1929,

at the behest of the IRCC (Geneva Convention I, 1949), to draft a convention to address the treatment of prisoners of war. The Geneva Convention of 1929 was given this name (Geneva Convention II, 1949). IHL includes provisions for general and specialized women's protection during the war (Geneva Convention III, 1949). The Hague Conventions of 1899 and 1907 established early laws of war but lacked comprehensive protection for prisoners and civilians. The 1949 Geneva Conventions, particularly the Fourth Convention, significantly expanded IHL by prohibiting discrimination against civilians based on gender during armed conflicts (Geneva Convention IV, 1949). The broad protection for both men and women is provided by articles 3, 27, 34, (Additional Protocols I & II, 1977) and 49, and additional articles like Article 14 (Convention against Torture, 1984).

IHL is founded on the Geneva Conventions of 1949 and their two Additional Protocols of 1977. The Additional Protocols, specifically Protocol I, govern international armed conflicts, while 'Protocol II' addresses 'non-international' weaponized conflicts; and several other accords on particular theme. Disputed parties and all governments must abide by a sizable body of customary law. Those who supported the Geneva Convention (Geneva Convention) 37 attempted to consider a brand-new phenomenon in 1929: the significant involvement of women in World War I (14th–19th Century) fighting.

2.1.2 What kind of protection is given to women?

The specific practice relating to the prohibition of GBV (Convention on the Elimination of All Forms of Discrimination Against Women, 1979), the duty to keep women deprived of their liberty apart from men (Convention on the Prevention and Punishment of the Crime of Genocide, 1948), and the prominence of women's rights in human rights law all serve to reinforce and illuminate the practice gathered about the particular needs of women. The development of very sick or injured individuals from wars and 3(c) offenses against human dignity is collected and given care, according to Article 3 (UNSC, 2000). Women are protected by unique protection laws that fall under the category of gender-specific protection in addition to the general safety of "non-

discrimination." The ICRC states that among the five. In the 160 articles that make Geneva's law, about 50 of the clauses related to nondiscrimination or "special protection for women" comes from the Conventions and Protocols. Two clauses in this international treaty caught my attention in particular:

"Women should be treated with every care due to their sex." Differences in the way physical or mental health, professional skills, or gender-based orientation of individuals who benefit from them are treated (Human Rights Council, 2013). To guarantee the timeless values, the Fourth Geneva the convention included the following legislative measures:

- Hostage-taking is prohibited by Articles 34 and 49;
- Assaults on private integrity, such as defamation, harassment, discrimination and crimes against women, are prohibited by Article 27;
- Article 72 stipulates, "Accused women shall have the right to present evidence necessary to their defense and witnesses."
- Torture, slander, and severe treatment are prohibited by Article 32, along with any other bodily abuse against a person.
- If the ambivalence is between two agreed nations, the agreeing set must abide by their concord following the provisions of the Geneva Conventions, as state article 2 (UNGA, 2013), it does not matter if any of the parties sees the action as anything other than a state of war.

2.1.3 The Template of Protection of Women Under International Court of Justice

Article 69 and Article 70 are covered under Chapter 5 of the ICJ statute, which deals with the procedure for modifying the statute. Anybody authorized by or in accordance with the UN Written document may ask the court to offer an advisory opinion on a legal matter. This is because the statute's primary goal is to define the court's structure and functions. It is an essential part of the UN Charter. The General Assembly must vote by a two-third number of majorities to amend the act, and two-thirds of the states must ratify any changes in the same way as the Charter (UN Women, 2020). The International Court of Justice (ICJ) shall submit a formal

recommendation to the Secretary-General of the United Nations, who shall transmit it to the General Assembly if the ICJ determines that amending its statute is necessary. However, the statute has yet to undergo any amendments. The ICJ statute comprises five chapters, including Chapter 4 on advisory opinions and Chapter 5 on amendment, along with Chapter 1 on court organization, Chapter 2 on court jurisdiction, and Chapter 3 on-court procedures.

Women frequently assume the role of caregiver for sick household members and community portion. As an effect, the International Committee of the Red Cross (ICRC) intervenes to provide medical care, as well as necessary items for survival, such as food, household supplies, and shelter (UN Women, 2022). The ICRC also advocates for the parties involved in the ambivalence to allow adequate supplies to range civilians, including women, who are a significant part of the affected population (United Nations, 1998). This legal instrument contained provisions that mandate that women are to be treated with due thought for their sex (Article 3) and that any differences in attention among prisoners of war are only permissible if based on military rank, physical or mental health status, professed abilities, or sex (Article 4). Although women did not commonly bear arms during World War II, they take part in hostilities in more significant unit than before.

3 ASSESSING THE ADEQUACY OF CURRENT LEGAL FRAMEWORK IN ADDRESSING GENDER-BASED VIOLENCE AGAINST WOMEN

Humanitarian law aims to decrease the effects of armed conflicts on civilians by restricting the scope of conflicts, regulating combat methods, protecting prisoners of war, and distinguishing combatants from civilians. Deliberately targeting civilians and shielding them from conflict dangers are core principles of this body of law (ICRC, 2019). The Geneva Convention, which dealt with protecting civilians during armed conflict, dated August 2, 1949, covers civilian protection in Articles 48–58. The articles ensure that only military targets, not people, can be attacked. Violence and threats aimed simply at terrorizing citizen are strictly impermissible. While the Geneva Conventions and associated protocols

admit that civilian losses are unavoidable in combat, they do not condone attacks on civilians with the express intention of terrorizing them (ICRC, 2022). Civilians dying does not necessarily mean that a war crime has been committed. The purpose here is to avoid civilians from becoming targets. Severe violations of humanitarian law can result in criminal charges for those who fail to stop the violators and the crime, as well as those who fail to stop the crime itself, particularly when military, civilian, or political leaders are involved (FIDH, 2017).

Article 71 of the Third Geneva Convention restricts the number of letters a prisoner of war may receive each month; the Fourth Geneva Convention's Article 95 establishes the rules under which internees may be utilized; and the regulations of the Law of War, which cover various matters in great depth (Amnesty International, 2021). International humanitarian law, which emerged in the 19th century, has limited provisions addressing women's experiences in armed conflicts (Chappell, 2020). Before this, the law of war was founded on customs, military codes, and religious beliefs. Lucas de Penna, an Italian lawyer from the 14th century, claimed that wartime rape should be considered the same as sexual assault during peacetime (Amnesty International, 2022). The Brussels Declaration of 1874 called for protecting people's lives, property, religious practices, and prayers during war. While the International Council (ICW) of Women, made up of women's groups from twenty-three different nations, took part in the peace movement, The 1907 Hague Peace Conference had no women among its attendees (Global Network of Women Peacebuilders, 2022). Although the fact that the ICW presented a peace petitions with two million signatures on them, they failed to address the issue of GBV.

Therefore, it is acceptable to claim that the conference's failure to address rape and GBV against women was badly impacted by the absence of female delegates (Lindsey, 2001). After 1913, feminists could finally begin to voice their opinions about how the war affected women. The existing regulations, especially the four Geneva Conventions of 1949 and their Additional Protocols of 1977, are vital in setting the principles that the high contracting parties must abide by during armed conflict, as the paper's debates

on the provisions for protecting women make clear. A critical analysis of these deficiencies reveals a complex web of factors that perpetuate and exacerbate the issue (International Rescue Committee, 2020). One significant issue is the lack of clear and specific definitions of key terms and concepts related to gender-based violence. This ambiguity makes it difficult to identify and prosecute offenders effectively, also impedes efforts to give suitable safeguards and assistance to victims (Human Rights Watch, 2020). Additionally, the existing legal framework often fails to take into knowledge the unique experiences and needs of diverse groups of women, including those from marginalized communities or those with disabilities (United for Human Rights, 2008–2015).

However, the existing legal framework often focuses on reactive measures such as punishment and deterrence, rather than proactive measures that address the underlying drivers of violence. The protection of two types of civilians in the hands of an adversarial party to the conflict is covered in great depth by the law of armed conflict: residents of occupied territory and citizens of a belligerent state who are on the enemy's land (Prosecutor v. Furundzija, ICTY, 1998). The majority of the provisions for protecting civilians from the impacts of war are included in Additional Protocol I. Women must be treated with "special respect" and must be shielded against indecent assaults, including rape and forced prostitution.

Overall, while the existing legal framework provides some protection for women in armed conflicts, it is far from adequate. An urgent need is for a more robust legal framework fully implemented at the global and national levels. The protection of women's rights and the prevention of violence against them should be a priority for policymakers, human rights advocates, and civil society's various organizations (Alpheaus, 2014). Only then can we hope to make progress towards a world where women can live free from violence and fear. Despite providing certain protections for women in armed conflicts, the current legal system falls short of satisfying their needs. A thorough and more robust legal framework is necessary, one that is not only written down but also successfully applied and enforced on a global and

national level. The defense of women's rights and the abolition of violence against them must be a top priority for policymakers, human rights activists, and civil society organizations (Wood, 2006). We can only hope to establish a society where women can live free from violence and fear through these coordinated efforts.

4 EFFECTIVENESS OF LEGAL FRAMEWORK ON VIOLENCE AGAINST WOMEN IN ARMED CONFLICTS

One of the most essential aspects of preserving gender equality, human rights, and international humanitarian law is the protection of women's rights during armed conflict (Howard & Veneklasen, 2015). In order to protect women's rights during armed conflict, this legal analysis will examine the significance of strengthening judicial systems and ratifying international treaties and conventions like the Geneva Conventions and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). To provide a thorough grasp of the subject, this analysis will reference the research done by many academics in the area. First, the CEDAW: A key worldwide tool for the advancement and defense of women's rights is the CEDAW, which was adopted by the UN General Assembly in 1979 (Smith & Johnson, 2020). The CEDAW can offer a strong legal foundation to address gender-based discrimination and violence against women during armed situations if it is ratified and put into practice (Smith & Johnson, 2020). The under representation of women's experiences in international human rights law contributes to the neglect of women's issues and rights violations in the human rights goals. The current framework primarily addresses challenges faced by men in public spheres, prioritizing violations affecting male individuals over those impacting women.

The feminist movement has highlighted that gender discrimination is a fundamental prospect of the current human rights law, which is largely based on masculine experiences. The movement emphasized the need for a more inclusive and gender-sensitive approach to human rights (Howard & Veneklasen, 2015). In the explanation of lack of attention to women's issues in the human rights framework,

Felice Gear, for instance, emphasized the UN's organizational structure (Gaer, 1989). Gaer asserts that while addressing human rights, the UN bodies frequently prioritize civil and political rights over socioeconomic rights.

Women's human rights violations tend to concentrate on women's ability to exercise their political and civil rights, as well as violations committed by state agents that harm a person's physical wholeness (Howard & Veneklasen, 2015). Feminist critique proposes investigating private realm behaviors as well as public domain breaches by state officials in order to show the violence that standard human rights philosophy ignores or avoids addressing. Doctors check out and manage them less frequently, and malnutrition causes them to die or suffer physical or mental complications at a higher rate than boys (Jaishankar & Mukherjee, 2017). Furthermore, the overwhelming majority of refugee populations are made up of women and children, which causes complications with access to nourishment, shelter, foods, medical treatment, and, in some cases, eligibility for citizenship (Gokalp, 2014).

4.1 An assessment of specific/special laws and provisions for the protection of the rights of women in conflict situations

The Geneva Conventions and the Additional Protocols I–III precisely govern the conduct of war and hostilities during armed conflicts situations (Geneva Conventions, 1949/1977; Additional Protocols I–III, 1977). In unification with this discussion, the defense of women's rights during armed conflict falls under the scope of the Geneva Convention IV, which deals with the protection of civilians in armed situations; the civilian population is made up of women, children, and other noncombatants. The 1949's Conventions and the 1977's Protocols establish the equality principle, which states that "no adverse distinction between individuals on the basis of, among other things, sex" is permissible (International Committee of the Red Cross, 2017).

States parties are legally obligated by the CEDAW to end any discrimination against women, especially during the time of armed conflicts. States are required to take all necessary steps to stop and

address violence against women, offer support services, and guarantee survivors' equal access to the court system (Gokalp, 2014).

Normative influence:

By influencing norms and standards about women's rights, the CEDAW helps to build customary international law. Its influence can go beyond the confines of its immediate application, motivating governments to pass and uphold regulations that safeguard women's rights during ambivalence.

GBV in armed conflicts and the Geneva conventions:

The Geneva Conventions, a collection of international humanitarian law treaties, provide a legal framework for protecting people impacted by armed conflicts. Despite not directly addressing aggression against women, the Geneva Conventions must be interpreted and applied to alleviate GBV, according to academic studies. Key details emphasized by academics include:

Customary international law:

Academic studies have noted the evolution of customary international law, which now regards violence against women as a severe violation of the Geneva Conventions (Jaishankar & Mukherjee, 2017). The legal responsibility of states to stop, look into and penalize instances of ferocity against women during armed situations are reinforced by this acknowledgement.

4.2 Strengthening Protection Mechanisms

Academics propose the incorporation of special measures into the Geneva Conventions to combat violence against women (Jaishankar & Mukherjee, 2017). This entails encouraging the military to train in a gender-sensitive manner, putting in place efficient reporting procedures, and ensuring that survivors have access to the right medical, psycho-social, and legal assistance. Construct gender-sensitive laws that make all types of violence and assault against women illegal during military operations. Understanding the Gender Dimensions of Violence in Armed Conflicts Research indicates that gender inequality and power inequities are the primary causes of violence against women in armed

conflicts rather than random acts of violence (Zarkov, 2001). Gender-based discrimination is already there, and armed conflicts make it worse, particularly for women. According to academics, any successful legal response to this problem must recognize the gendered dimension of violence and take a gender-sensitive stance.

Closing impunity gaps:

The pervasive culture of impunity is one of the major hindrances in eliminating violence against women in military action. According to academics, improving legal systems should prioritize eliminating impunity loopholes. This necessitates ensuring that legal frameworks are thorough, eliminating any opportunity for impunity (D'Amato, 2013). Investigating and punishing offenders, offering survivors practical relief, and guaranteeing fair and unbiased trials are all part of it. Scholars also emphasize the significance of judicial capacity building and training to improve the comprehension and application of gender-sensitive legislative frameworks (Howard & VeneKlasen, 2015).

Holistic approaches:

Academics stress the importance of holistic strategies that go beyond decriminalization. Not only should offenders be punished within gender-sensitive legal frameworks, but survivors' protection, care, and prevention should also be given top priority. To do this, awareness-building, gender equality promotion, and comprehensive support services like healthcare, psycho-social assistance, and economic empowerment must all be offered (Alawemo & Muterera, 2010). In addition, academics contend that to scrap violence against women in weaponized conflicts effectively, women/girls must participate in decision-making and peace discussions (Meron, 1993).

4.3 National Legislation and Implementation

Scholars stress the significance of domestic legislation to criminalize violence and torture against women in militarized conflicts, even as international legal frameworks serve as a foundation. National legal systems must conform to international standards, ensuring that criminal definitions, proof standards, and punishments match the seriousness

and gender-specific character of the offenses. Effective implementation requires adequate resource allocation, inter-agency coordination, and cooperation with civil society organizations.

Empowering survivors:

Research demonstrates that providing legal aid services to survivors of gender-based violence can significantly empower them. Legal aid equips survivors with the knowledge and tools to navigate complex legal processes and helps them regain control and agency over their lives (Gekker, 2014). It ensures that survivors are well-informed about their rights, options, and available legal remedies, thus promoting their active participation in seeking justice. Empowerment, in turn, contributes to breaking the cycle of violence and fostering long-term societal change (Meron, 1993).

Overcoming justice barriers:

Academics have noted several obstacles that prevent survivors from receiving justice, including financial limitations, a lack of legal literacy, institutional prejudices, and discriminatory practices. Legal aid programs work to overcome these obstacles by giving financial aid to those who cannot afford legal counsel, educating the public about their legal rights and responsibilities, and aggressively promoting survivors' legal rights (Gekker, 2014). Legal aid increases the possibility that survivors can successfully seek justice and achieve the required protection and redress by removing these obstacles (Smith, 2016).

4.4 Challenges and Considerations

While providing survivors with legal counsel and support services is essential, some obstacles must be recognized. The main barriers that need to be overcome are the need for ongoing capacity building, a scarcity of experts with the necessary training, and limited funding for legal aid programs. A multifaceted strategy encompassing legislation reforms, awareness campaigns, and community engagement must address cultural, social, and institutional hurdles (Buchowska, 2016). Collaboration amongst stakeholders, including governments, NGOs, and lawyers, is essential to

successfully addressing these issues and bolstering legal frameworks.

Strengthening the enforcement mechanisms:

Armed conflicts foster an atmosphere that is favorable to pervasive and organized violence, such as gender-based assault, forced displacement, and attacks specifically aimed at women. Such actions are condemned, and women's rights in conflict-affected areas are intended to be protected by the rules and norms regulating armed conflicts (Smith, 2016). However, still it is challenging to police these laws, which frequently results in offenders going free. Enforcement mechanisms must be strengthened on multiple levels to address violence against women during armed situations successfully (Buchowska, 2016).

Promoting effective responses and accountability:

In armed conflicts, having well trained law enforcement and military personnel is essential for efficient GBV response. Scholars emphasize that thorough training gives these actors the knowledge and abilities they need to recognize, record, investigate, and prosecute GBV crimes (United Nations Office on Drugs and Crime, 2019). Additionally, training can encourage a victim-centered approach, ensuring that survivors get the safety and assistance they require while still holding offenders accountable (UN Women, 2020; Askin, 2003).

Fostering gender sensitivity and cultural awareness:

Research has shown how important it is to treat GBV in armed situations while also fostering gender sensitivity and cultural awareness. Law enforcement and military personnel should learn about the cultural backgrounds and power dynamics that lead to GBV through effective training

Enhancing prevention strategies:

GBV in Armed Conflict training programs can be useful prevention measures. Researchers have found that increasing societal knowledge among members of the armed forces and law enforcement can help challenge cultural norms and the normalization of violence against women. These programs can aid in

the reduction of GBV by encouraging a culture of respect and gender equality.

4.5 International Legal Entrust and Best Practices

Academics stress that the numerous international legal obligations and best practices are in line with the training on GBV in armed situations (Buchowska, 2016). The protection of women's rights and the avoidance of GBV in armed situations are demanded by international human rights instruments like CEDAW and United Nations Security Council resolutions. Scholars also highlight best practices that other nations can use as they launch extensive training programs (Askin, 2003).

Examine and prosecute all wrongdoer of GBV, regardless of their rank or affiliation:

- Regardless of their level or affiliation, all of the criminals must be effectively investigated and prosecuted in order to address this issue.
- Deterrence and Prevention: According to research, identifying and prosecuting those who conduct acts of GBV can help to prevent and discourage it. Holding people accountable sends a clear message that such behavior won't be tolerated, regardless of their status or affiliation.
- Rebuilding Victim Confidence: For victims of gender-based abuse, coming forward and demanding justice can be extremely challenging. Academic research indicates that by investigating and prosecuting all offenders, regardless of their background or affiliation, victims' confidence in the justice system can be rebuilt.

When victims perceive that justice is being administered impartially and without partiality, they are more likely to come forward, denounce crimes, and engage in court proceedings. This improves access to justice and raises the possibility that criminal defendants will be found guilty.

5 CONCLUSION

The paper concludes by highlighting the imperative necessity to address the widespread problem of violence against women in armed conflict situations

from a comprehensive perspective. Despite developments in the legal frameworks intended to safeguard women's rights in these circumstances, there is still a bigger gap between theory and practice, making it difficult to resolve this issue effectively and efficiently. The study emphasizes how critical it is to launch a comprehensive and sustained campaign centered on accountability, protection, and prevention to effect significant shifts. The study explores the intricacies of international humanitarian law that regulates hostility against women in Warfare, emphasizing the broad spectrum of violent experiences that women endure, such as forced prostitution, enslavement, trafficking, physical and emotional abuse, and gender-based assault. It highlights the severe and long-lasting effects of such crimes on women and throws light on the use of gender-based ferocity as a weapon of war, intended to engender fear and sabotage social cohesiveness. The analysis also emphasizes how susceptible women are in times of conflict, especially when they are forced to leave their homes and communities and run the greater danger of being gender basely assaulted and subjected to GBV. It looks at how international humanitarian law is applied and upheld, paying particular attention to the Geneva Conventions, which are essential resources for women's safety both during and after armed conflicts. It is imperative to emphasize that the occurrence of violence against women in armed conflicts is a widespread violation of human rights. gender-based assault is a deliberate and systematic tactic intended to degrade, threaten, and establish dominance not only over women but even over entire communities or ethnic groups. Considering the gravity of these offenses which could be compared to ethnic cleansing or genocide it is imperative that swift legal action be taken to put a stop to violence against women. Prevention is the key to eliminating violence against women during armed conflict, and prevention necessitates taking proactive measures to eliminate the same institutions that enable it. By addressing the root causes of gender-based assault, prevention strategies have the potential to break the cycle of harm and promote a culture that respects women's rights. The conclusion encourages a holistic strategy that employs preventative tactics to address the underlying causes of GBV in addition to serving the

urgent safety and rehabilitation needs of women. It highlights the need to close the gap between legal requirements and their successful execution and urges more robust accountability systems to prosecute perpetrators and pay victims restitution. The research ultimately highlights the necessity of the international community maintaining its commitment to advancing women's rights in situations including armed conflict. It demands a global cooperative effort, a cohesive approach to ending violence against women, and ongoing enhancement and enlargement of legal frameworks. The article envisions a future in which women are treated with respect and dignity even during chaos and destruction, rather than as victims of the horrors of armed conflict, by placing a priority on prevention, protection, and accountability and encouraging collective dedication to this cause.

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