

SEXUAL VIOLENCE AGAINST WOMEN IN ARMED CONFLICTS: ISSUES AND CONCERNS

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Abstract: In many conflicts (international/internal) women have been systematically targeted for sexual violence — sometimes with the broader political objective of ethnically cleansing an area or destroying a people. From Bangladesh to former Yugoslavia, from Berlin in World War II to Nanking under Japanese occupation, from Vietnam to Mozambique, from Afghanistan to Somalia, women and girls have been the victims of sexual violence in armed conflict (this is also true for men and boys, although even less is known about the extent of this problem).

Rape, forced prostitution, sexual slavery and forced impregnation are violations of international humanitarian law and are now an undisputed part of the vocabulary of war. Not that they are "new" crimes. Who didn't learn in their history lessons of marauding armies entering the conquered towns on a rampage of 'looting and raping'. But few of us were probably taught that "rape" was a crime and can never be justified as a means of warfare or show of power, as a reward for the victorious army or as a lesson for the vanquished unable to protect their womenfolk.

However, at a more fundamental level, another 'layer' of theorization links the sexual violence against women in conflict to the concept of patriarchy: crucial to understanding the links between violence against women in conflict and violence against women in all other contexts is an examination of the discriminatory structures and beliefs which permeate our societies, and the positions (both literal and symbolic) which women hold in them. Deeply held patriarchal beliefs and strong patriarchal social relations are necessary factors in engendering high levels of sexual violence against women, and to the 'success' of rape as a strategy to humiliate and undermine male opposition forces. Rape of enemy women in conflict can be seen as being *aimed* at men, through the use of a woman's body as a vessel, violating both men's honour and their exclusive right to sexual possession of his woman as his property. Thus, the rape of women as a strategy designed to humiliate men and the community 'reflects the fundamental objectification of women. Women are the target of the abuse at the same time as their subjectivity is completely denied'. However, the fact that rape is fundamentally violence against women – against their body, autonomy, integrity, security, and self-esteem – is often obscured. Crucially, though, it must be recognized that rape that gets recognition as a war crime is necessarily more 'brutal, relentless or dehumanizing than the 'private' rapes of everyday life'. In light of these observations researcher undertakes to unveil the various reasons behind the systematic mass violation of woman's life and dignity.

Keywords: armed conflicts; human rights; humanitarian law; sexual exploitation; etc

INTRODUCTION

Sexual violence of women is considered as brutal, ruthless, heartless and inhuman at all times also in all its forms. In order to accept and recognized the same, no requirement of any type of domestic law, human right convention or any custom or tradition in supporting it. It is purely a case of human tendency and nature especially for women that the sexual intercourse has always a close connection with dignity of women and her nature.

But it has been experienced from early history period especially during armed conflict that after killing the husband of any women, she was ravished by not only by any one person but by a group of persons and also considered as an unavoidable outcome of conflict. Sexual violence persists as a devastating phenomenon with damaging consequences for victims – women, men, boys and girls – as well as their families and whole communities. Additionally, such violations remain vastly under-reported, and underestimated in terms of prevalence and consequences.

MEANING OF SEXUAL VIOLENCE

The term "sexual violence" is used to describe acts of a sexual nature imposed by force, or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power directed against any victim – man, woman, boy or girl. Taking advantage of a coercive environment or of the victim's incapacity to give genuine consent is also a form of coercion. Sexual violence encompasses: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of a comparable gravity.

Such acts rarely occur in isolation. They form part of a pattern of abuse and violence, which includes killing, child recruitment, destruction of property and looting. Sexual violence can be used as a form of reprisal, to create fear, or as a form of torture. It may also be used systematically, as a method of warfare, aimed at destroying the social fabric.

Sexual violence can result in severe physical and psychological trauma, HIV infection and, occasionally, in death. In addition, victims often face double victimization: not only sustaining potentially dangerous and long-lasting injuries and trauma, but also facing stigmatization and rejection by their families and communities.

Despite the pervasiveness of sexual violence in many armed conflicts, it frequently remains invisible. Feelings of guilt and shame, fear of retaliation, or taboos surrounding the subject may prevent victims from coming forward. As a result, the full extent of the problem is often concealed. For these reasons, it can be very difficult to reach and provide support to victim.

WHO ARE THE VICTIMS AND THE PERPETRATORS?

It is a very general phenomenon that the victims of any conflict are the very members of the near populations of the conflict area. Mostly it the women and the girls who frequently measured the most vulnerable to conflict-related sexual violence, men and boys are also questionably equally vulnerable to sexual violence when placed in detention or forcibly recruited by armed groups. The perpetrators of acts of sexual violence especially during conflicts include civilians, refugees and displaced persons, non-state armed groups, paramilitary groups, security forces also include members of official armed. The very right figure of such conflict-related sexual violence is almost unknown up to a large extent. The fear of being out of favor by the neighboring group of people, a kind of feelings of shame and guilt and like contribute to keeping victims of sexual violence as well as his immediate family members in both war and peace silent

REASONS BEHIND SEXUAL VIOLENCE IN ARMED CONFLICTS

It is most unfortunate for several reasons sexual abuse/violence against women (including children and man, though quite rarely) is reported both in peace and war time. This paper aims at identifying the reason behind sexual violence against women during International armed conflict. The reasons are well known,

- (1) It is the patriarchal mindset, which allows physically strong man to exploit women sexually.
 - (2) Religious doctrines and ideologies example: Many claims that Islam allows sexual exploitation of women and it considers women equivalent to chattels thus sanctions the sexual abuse. To this recent example is Islamic State jihadists are raping Christian and Yazidi women and claims support of religious texts like hadith which provides- The Apostle of Allah (may peace be upon him) sent a military expedition to Awats on the occasion of the battle of Hunain. They met their enemy and fought with them. They defeated them and took them captives.
- Some of the Companions of the Apostle of Allah (may peace be upon him) were reluctant to have intercourse with the female captives in the presence of their husbands who were unbelievers. So Allah, the Exalted, sent down the Qur'anic verse: (Sura:24) "And all married women (are forbidden) unto you save those (captives) whom your right hands possess." (Abu Dawud 2150)
- (3) It is intentionally inflicted by a State official in order to obtain confessions from the victim in time of war etc.
 - (4) It is used to be tool in ethnic violence or genocide by preventing births within the group, through for instance sexual mutilation or sterilization.
 - (4) Rape can also be a measure intended to prevent births: in patriarchal societies, for example, when a woman is deliberately impregnated by a man of another ethnic group, with the intent to have her give birth to a child who will consequently not belong to his/her mother's group.
 - (5) Sexual violence against the women is committed with the intention to humiliate the male members of lost combatant group.
 - (6) Sexual abuse sometime is taken as war strategy, captive women and children are offered to military corps as replacement against prostitute as stimulus to their war attempt or victory thereby keeping them undistracted in times of war. Thus in many wars sexual violence particularly when they are internally displaced, migrants, widows, heads of households, detainees, associated with armed forces or armed groups, or from a specific ethnicity. Let us understand these generalization by taking example of sexual violence against women and girls in south Kivu, democratic republic of Congo- wherein sexual violence of unprecedented scale are committed with unprecedented violence and include acts particularly aimed at humiliating and degrading victims.

Most of the rapes described by those interviewed were committed in public places and in front of witnesses. Four types of rape were identified:

One-on-one rape: committed by a single perpetrator on a single victim. 23.3% of the informants had been subjected to this type of rape

Gang rape: committed by at least two perpetrators on the same victim, either one after the other or at the same time was experienced by 79% of the informants

Forced rape between family members: where the perpetrators force members of the same family to have sexual relations with

each other (a mother and son, a father and daughter, a brother and sister), or to participate in the gang rape of a family member who is more often than not a mother or a sister

Rape in which objects are inserted into the victim's genitalia: 12.2% of the informants had experienced this type of rape. The objects used for this type of rape were mainly batons, bottles, green bananas, pestles covered in pepper and gun barrels. Many rapes were accompanied by torture, especially if the victims resisted. Some victims were beaten, wounded with machetes or had their genitals mutilated or burnt. All the informants said that the way in which they had been raped was the most degrading experience of their lives. 70% of the victims asserted that the perpetrators behaved calmly and lucidly when they carried out the rapes, whilst 30% of the victims noticed that the perpetrators exhibited extreme agitation and irrational behaviour during the attacks.

Thus the sexual violence against women appears to have been planned and coordinated. Attackers descend on a community to rape and pillage before leaving with stolen goods (livestock, crops, cooking utensils, ploughs, etc.), sometimes forcing villagers to carry these for them. These attacks also provide an opportunity to kidnap young women who are used as sex slaves in camps set up by the attackers. 10% of the women who were interviewed suffered this fate. The attackers appear to be fully aware of women's productive and reproductive capacities and how they can benefit from them. Even the rape of a woman working alone in a field is systematically followed by the looting of agricultural produce and implements. Rape is therefore no longer just an act of social violence it has also become an act of economic violence.

(7) Reason behind sexual violence during armed conflict are a mixture of ideological, political, psychological and socio-cultural elements.

SEXUAL VIOLENCE AS WAR CRIME

Many international conventions declares sexual violence as offence against humanity and war crime and urges State parties to legislate on the issue relating to sexual exploitation of women and prescribe stringent punishment against these offences.

Article-27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war. In the same way Additional Protocol I and Additional Protocol II prohibits sexual violence.

CONCLUSION

Rape and other forms of sexual violence, when committed in the context of an armed conflict either international or non-international, constitute violations under international humanitarian law (IHL). All parties to an armed conflict must abide by the prohibition of sexual violence. All states have an obligation to prosecute the perpetrators also should keep in the mind that

1. Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.
2. Pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority.
3. To the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, for an offence related to the armed conflict. The death penalty for such offences shall not be executed on such women.

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