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# Conflict Related to Sexual Violence

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## ABSTRACT

*Conflict-related Sexual Violence (Conflict Related to Sexual Violence) is frequently and purposefully utilized to target people, inflicting permanent suffering and humiliation, harming households and the very fabric of society, causing displacement, and igniting the activities of armed characters. Conflict Related to Sexual Violence is fueled by governing territory or resources that can be driven by political, military, or economic purposes. This kind of violence is additionally utilized as a strategy in terrorism and militant extremism. Women and girls continue to be the group most affected by Conflict Related to Sexual Violence, in part because of historical patterns of gender inequality and discrimination. The expression "conflict-related sexual violence" refers to sexual slavery, rape, prostitution by force, forceful pregnancy, compelled abortion, forced sterilization, forced marriage, and any other form of comparable sexual violence performed towards women, men, girls, or boys, without delay or in a roundabout way associated with a conflict. It has never been easy to explain why soldiers commit atrocities or to describe how individual malice, battlefield frustration, national propaganda, military culture, and orders from superiors can combine to create such horrors.*

## I. INTRODUCTION

Women and girls experience a very real fear during times of war, conflict, and crisis: that their safety and human rights will be put last among the violence. It is widely believed that women and girls will suffer the most short- and long-term consequences of the ongoing conflict in Ukraine.

This is because almost all wars and conflicts throughout history have shared this trait, and we have also observed it in the ongoing violence in other parts of the world, such as the Sahel, Tigray, and Afghanistan.

**In addition to being directly exposed to conflict on the front lines and dealing with potentially lethal situations, women and girls caught in the middle of war also endure sexual violence, physical and verbal abuse, hurdles in obtaining access to resources, and violations of their human rights.<sup>2</sup>**

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<sup>2</sup> <https://www.shethepeople.tv/inspiration/refugee-mursal-mohammadi-on-education>.

Overall, war is a hindrance to development and threatens to push more people and countries into extreme poverty. People flee their homes in search of unreliable displacement; food and other necessities for survival become scarce; economies suffer significant losses; and nations witness widespread infrastructure destruction.

Armed conflict and war have a devastating impact on economies, social systems, and necessities around the world, which has significant humanitarian ramifications. Different victims of war and armed conflict may be affected in different ways, but under such circumstances, women and girls frequently experience unimaginable dangers, threats, and difficulties. These risks and problems, according to the International Committee of the Red Cross (ICRC), include poverty, physical and/or sexual assault, loss of loved ones, loss of means of subsistence, increased responsibility for family members, displacement, and occasionally death.

As a result, women are frequently coerced into new and challenging roles that force them to hone already acquired skills and pick up new ones.

Women who have lost their husbands, children, or other family members to war and armed conflict may experience extremely traumatic psychological effects. The magnitude of the psychological impact on women's well-being is further increased by the risk of physical harm and/or sexual violence they face when seeking safety. Conflict actors frequently use rape in these circumstances as a weapon to terrorize, decimate, and destabilize a population.

Gender and cultural considerations should be incorporated into on-the-ground assistance programs due to the significant psychological effects of war and conflict. These factors must be taken into consideration to ensure that women are properly supported, especially those who originate from cultures where gender inequality and stereotypes are pervasive. To ensure that women's voices are heard in both the home and the community, safe spaces must be established. Despite the horrific and traumatic situations that women find themselves in, they are still able to show an amazing amount of strength and resilience when adjusting to new roles and environments after a conflict.

**An example of this would be the Russia and Ukraine war<sup>3</sup>:-**

**According to the UN, Russian forces were responsible for the "vast majority" of the conflict's human rights violations. These offenses include the frequent commission of rape**

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<sup>3</sup> Busol, Kateryna. "When the Head of State Makes Rape Jokes, His Troops Rape on the Ground: Conflict-Related Sexual Violence in Russia's Aggression against Ukraine." *Journal of Genocide Research*, vol. 25, no. 3–4, Oct. 2023, pp. 279–314. DOI.org (Crossref), <https://doi.org/10.1080/14623528.2023.2292344>.

**and sexual assault.** The ages of sexual assault victims range from four to eighty. According to the report, a four-year-old was made to engage in oral sex with a Russian soldier. Other instances of violence that have been documented include gang rape and making family members witness sexual assaults on their mothers and children. The majority of sexual assault cases fall under the category of torture or other inhumane treatment. Rape is being used by Russian forces as a "military strategy," according to the **UN Special Representative of the Secretary-General** on Sexual Violence in Conflict, who also described it as a "deliberate tactic to dehumanize the victims." <sup>4</sup> **The UN Human Rights Office, OHCHR**, claims that as of currently, 9,287 people have died and more than 16,300 have been injured, although the actual toll is probably higher. With 537 fatalities, children, in particular, have been severely hit. Ukraine had the most attacks on schools and hospitals and the highest number of child fatalities and injuries during the previous year <sup>5</sup>

Accessing medical care, counseling services, and law enforcement has grown more difficult for victims of conflict and forced displacement. Although there is an unprecedented amount of coverage of sexual violence in Ukraine and many victims are sharing their stories with the international media, many survivors of sexual violence are reluctant to talk about their experiences due to the trauma and social stigma associated with it.

Women and girls in Ukraine are suffering significant effects, such as increased gender-based violence and human trafficking, as well as the loss of essential livelihoods and rising levels of poverty. The widespread destruction of infrastructure has made it difficult for many people to access healthcare, survivor services, and other essential forms of support.

Protecting civilians and helping the nearly 18 million in-need Ukrainians must continue to be top priorities. Investigations must be conducted into human rights violations, such as the epidemic of sexual assaults, and survivors must receive justice.

Women must be represented in all decision-making forums on de-escalation, conflict prevention, mitigation, and other processes to achieve peace and security for all Ukrainians, as they continue to bear different and additional burdens of conflict.

Many women are left widowed and many children are left orphaned after a war, and these effects can last for years after the fighting has stopped. After a conflict, women struggle to provide for their children's livelihoods.

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<sup>4</sup> "Rape Used in Ukraine as a Russian 'military Strategy:' UN." *France 24*, 14 Oct. 2022, <https://www.france24.com/en/live-news/20221014-rape-used-in-ukraine-as-a-russian-military-strategy-un>.

<sup>5</sup> "Conflict-Related Sexual Violence." *United Nations Peacekeeping*, <https://peacekeeping.un.org/en/conflict-related-sexual-violence>. Accessed 26 Oct. 2023.

Therefore, women must start to play a significant role in reducing the negative effects of violence on themselves, their families, and their communities. For women to assert their rights and mobilize for peace on a national level, they must be actively included and involved in the formal aspects of the peace process. It is impossible to ignore the connections between the advancement of women, peace, security, and human rights.

It is estimated that 500,000 Ukrainian refugees who have arrived in Poland are traumatized, though the actual number is probably much higher. As the conflict persists and schools are forced to close, families have been torn apart, common people have been forced to take up arms, and millions of children are at risk of losing out on an education.<sup>6</sup>

In some cases, women want respect from society more than they want safety. Completing this straightforward task takes a lifetime, and many people never even get to this stage. Imagine that when a war breaks out; the women will instantly lose all of their achievements and hope and fall to the lowest social strata. This creates a feeling of despair and fear in the hearts of the population.

With the help of their families, victims of conflict-related sexual violence (Conflict Related to Sexual Violence) are receiving compensation from Ukraine. These actions include creating a legal framework, carrying out efficient investigations, signing cooperation agreements, and suggesting payment methods. The objective is to create a reliable national response system, offer Conflict Related to Sexual Violence victims physical and psychological rehabilitation, and safeguard their vulnerability and privacy.

### **(A) Research Methodology**

This Research paper was done in a doctrinal form of a research paper. The research paper is done with secondary research methodology from various sources like the Library of Christ University, Lavasa, and various online sources like articles from official websites of the United Nations on Human rights. Various articles have also been incorporated for the formation of this research paper.

## **II. CONCEPTUAL FRAMEWORK**

Sexual and Gender-Based Violence is defined as "any act committed against a person's will following gender norms and unequal power dynamics." Threats of violence and coercion are included. It might be physical, emotional, psychological, or spiritual.<sup>7</sup>

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<sup>6</sup> "Ukrainian Refugees in Poland 2023." *Statista*, <https://www.statista.com/statistics/1293564/ukrainian-refugees-in-poland/>. Accessed 26 Oct. 2023.

<sup>7</sup> <https://data.unhcr.org/en/documents/download/89058>.

Sexual in nature and might manifest as a lack of resources or access to services. It causes damage to women, girls, men, and boys. Not all forms of violence may be classified as gender-based violence (GBV). Forms of GBV can have sexual manifestations.

While the breadth and degree of Conflict Related to Sexual Violence vary, under-reporting is a common aspect that results in scarce and fragmented statistics and data availability. In other circumstances, the pattern of sexual violence is symmetric, with all groups perpetrating conflict-related Sexual and Gender-Based Violence. In other cases, it is asymmetric, because a certain aspect of the armed group participates in these atrocities while others do not in some wars. Conflict Related to Sexual Violence reduces during the duration of the war, grows in others, and persists post-conflict. As will be examined, conflict related to Sexual Violence comprises many types of sexual violence and is frequently regarded as the *actus rea* of genocide, war crimes, and crimes against humanity.

The expression "conflict-related sexual violence" refers to rape, sexual enslavement, prostitution by force, compelled pregnancy, forceful abortion, forced sterilization, marriage by force, and any other form of equivalent sternness perpetrated against women, men, girls, or boys that is directly or indirectly linked to a conflict. When perpetrated in a war environment, the word also includes "person trafficking for sexual violence or exploitation." Conflict related to sexual violence can be exploited as part of an expansive or systematic attack on a particular group of people, it can be used to weaken and gain control over communities; it can be used to punish or destroy a community; it can be used in detention centers to coerce information or/and as a form of torture; it can be used against specific individuals because of their role in society, such as leaders or activists; it can be used as a form of camaraderie between soldiers and fighters.

#### **(A) Analysis Of Conflict Related To Sexual Violence:-**

##### **a. Conflict-related sexual assault in a detention setting**

In areas under the control of the government of Ukraine, OHCHR found a pattern of sexual abuse occurring in detention facilities against people who were thought to be associated with or members of armed groups to punish and humiliate them and/or coerce confessions. While the majority of the victims were young and middle-aged men, threats were also made against the women in their families, and in some cases, the perpetrators even briefly detained the women to put pressure on the male detainees. These threats were typically used to coerce the

victim into "confessing" or into working in some other way with the security or military actors.<sup>8</sup> Sexual assault frequently amounted to torture, inflicting excruciating physical and emotional pain. Rape, rape threats, beatings, and genital electrocution were frequently used as interrogation techniques. These violations were most frequently committed against people, mostly men, who were being held by volunteer battalions and the Security Service of Ukraine (SBU). Even though the majority of these incidents occurred in 2014 or 2015, OHCHR continues to hear from witnesses who say that this practice is still in place.

Custodial sexual violence "must be considered to be an especially grave and abhorrent form of ill-treatment given the ease with which the offender can exploit the victim's vulnerability and weakened resistance," the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the United Nations stressed.

The current international armed conflict in Ukraine has been characterized as including the "weaponization of rape" by Russian forces as a result of the development of discourse on conflict-related sexual violence (Conflict Related to Sexual Violence) since 2008. This linguistic choice is significant because it raises the issue of what should constitute a legitimate military response from a party to a conflict. Something that has been "weaponized" implies a kinetic response using military equipment, such as weapons, force maneuvers, and tactics like bombardment from the air, land, or sea.<sup>9</sup>

b. Civilians accused of helping opponents face punishment.

Here, a civilian without any political or military background can be made a victim of Conflict Related to Sexual Violence just because the civilian instead of following the laws mandated by political supremos chose to follow the law dictated by their heart and that is humanity.

For example, According to this factor Fahad Shah, the founding editor of The Kashmir Walla, was detained on Friday in Pulwama, a city in India-controlled Kashmir. The Kashmir Walla said that Shah was summoned by authorities as part of an inquiry into a series of reports the outlet made regarding a police raid in the area in January 2020.

Shah has not been charged formally. Local police in Pulwama, however, accused Shah of being among a gang of "Facebook users" who posted "anti-national content including photographs, videos, and posts with criminal intent to create fear among the public" in a statement issued

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<sup>8</sup> *Sexual Violence 'Most Hidden Crime' Being Committed against Ukrainians, Civil Society Representative Tells Security Council | UN Press*. <https://press.un.org/en/2022/sc14926.doc.htm>. Accessed 26 Oct. 2023.

<sup>9</sup> <https://www.securitycouncilreport.org/whatsinblue/2023/10/arria-formula-meeting-on-conflict-related-sexual-violence.php>.

Friday. According to a tweet from the Kashmir Police, Shah is suspected of "glorifying terrorism, spreading fake news, and inciting the general public."

### **(B) Characteristics Of Conflict Related To Sexual Violence:-**

The first feature that we can identify is the Conflict Related to Sexual Violence unreported element.<sup>10</sup> Although the phenomenon is generally recognized as a pattern of the majority of conflicts, accessible data is restricted for a variety of reasons; it is widely acknowledged that we only know the tip of the iceberg of sexual violence, both in conflict and in peacetime. Aside from the delicate nature of this issue, victims are discouraged from reporting Conflict Related to Sexual Violence due to stigma and fear of ostracism or punishment. In some cultures, being a victim of sexual violence, particularly rape, entails familial and communal rejection, as well as a loss of honor; in others, as we have seen, it means being condemned of homosexuality or facing criminal prosecution for sodomy or adultery. Some people are terrified of more violence, such as revenge or honor killing.

Furthermore, physical hurdles such as security concerns, physical distance, transportation costs, and disruptions in police and health services may make access to the limited services problematic. This is worsened by the fact that Conflict Related to Sexual Violence might occur in regions inaccessible to journalists, humanitarian workers, or medical experts. The second feature is the impunity associated with Conflict Related to Sexual Violence is one of its consequences; impunity not only encourages perpetrators to engage in this activity but also discourages its denunciation. With poverty, a lack of options, and a poor rule of law, victims are especially vulnerable to sexual exploitation and human trafficking. Conflict Related to Sexual Violence is frequently part of a larger criminal strategy that causes populations to evacuate their homes.

Furthermore, Conflict-Related Sexual Violence is frequently perpetrated in public to destabilize entire communities and heighten emotions of insecurity. Finally, Conflict Related to Sexual Violence may be exceptionally cruel, sadistic, xenophobic, and sexist.

### **(C) Factors Of Conflict Related To Sexual Violence:-**

#### **a. The victim/survivor's account:-**

Conflict Related to Sexual Violence is often associated with other breaches and abuses against civilians, individuals may be targeted due to their real or perceived affiliation in a political,

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<sup>10</sup> Germano, Rebecca. *Conflict-Related Sexual Violence : The Darker Side of the History and the Untold Herstory of Conflicts under International Human Rights Law*. 2018. [repository.gchumanrights.org, https://doi.org/20.500.11825/852](https://doi.org/20.500.11825/852).

ethnic, or religious minority group, as well as their sexual orientation and gender identity.

Furthermore, persons suspected of engaging in activities deemed dangerous to conflict parties, such as journalists and human rights defenders, particularly women's rights activists, may be targeted.

As previously stated, while anybody can be infected with Conflict Related to Sexual Violence, women, and girls continue to be disproportionately impacted and predominantly targeted as a result of the continuum of discrimination and violence they experienced before the conflict or political upheaval.

Refugees and displaced individuals, unaccompanied or separated children and orphans, the elderly, people with disabilities, and LGBTI people are also more vulnerable to Conflict Related to Sexual Violence. Women and male soldiers, as well as forcefully recruited youngsters, may be victims/survivors of Conflict Related to Sexual Violence.

It is critical to demonstrate the relationship between sexual violence and conflict by determining the profile of victims/survivors who become the focus of Conflict-Related to Sexual Violence.

**b. Collapse of Government Authority:-**

The disintegration of political authority and the rule of law are significant factors that contribute to a culture of impunity, allowing sexual assault to thrive. The failure of national authorities to investigate and prosecute sexual violence offenses committed by conflict parties, as well as the absence of effective authority over territory, are indicators of state breakdown.

**c. Cross-border implications, such as relocation or human trafficking:-**

The Conflict Related to Sexual Violence can be used to forcefully relocate communities to capture land and resources. Sexual violence may occur in refugee and internal displacement camps at the hands of State officials, armed organizations, traffickers, and smugglers who control resources and services, as well as other local or displaced persons. The United Nations Security Council has acknowledged the link between Conflict Related to Sexual Violence, trafficking, and violent extremism.

**d. Sexual Violence with the Purpose of Forced Impregnation:-**

Rape is frequently used as a tool to forcefully impregnate the female members of the opposition organization. This type of sexual assault and rape has traditionally been employed in several

conquering and ethnic cleansing operations.<sup>11</sup> To further elaborate my point I would like to share an excerpt from Yahya Khan's Interview who was also the President of Pakistan at that time. "Yahya Khan included rape and if it did, what was the rationale behind it: "Yes, they were soldiers. What do soldiers talk about in barracks? Women and sex. What do they look for when they go out of barracks on liberty? Women and sex. Put a gun in their hands and tell them to go out and frighten the wits out of a population and what will be the first thing that leaps into their minds? Sex "

**e. Sexual Violence with the Purpose of Rendering a Women Infertile:-**

Rape is seen as a physically aggressive conduct that is exceedingly violent. Genocidal rape is not primarily committed for sexual gratification. Victims who were women were sexually assaulted with great force, sometimes using items and weapons, causing severe physical harm to their bodies.

In addition to causing psychological and emotional distress, sexual assault and rape cause Bengali women to suffer from physical disabilities like as incontinence, infections and illnesses transmitted via sex, difficulty sitting or standing, and infertility. Sexual violence abusers ensure that a specific group or community's race, ethnicity, culture, and customs cannot be handed down to future generations by utilising their aggression against a population of women in order to influence birth rates.

**f. Sexual Violence as a method of disrupting the social order:-**

Rape has both societal and personal effects. In addition to physical and psychological illnesses, shame and guilt are common side effects that victims experience. Victims are also frequently rejected by their communities or labelled as dirty and unlikely to marry, which further isolates them. Rape is viewed as an assault on community safety and culture. That community is being torn apart by it. Rape has terrible repercussions on a community. Women are frequently seen as the guardians of their communities, the teachers of the next generation's cultural values, and the suppliers of their families' religious and cultural traditions.

The discussion on sexual violence during the 1971 war includes the narration of Ferdousi Priyabhasini. Ferdousi was the first woman in Bangladesh to publicly testify against the Pakistani army officers responsible for gang-raping, and brutally torturing her: "**There were four or five people who raped me all together.....They started rubbing Vicks1 in my private parts, which you know, can be dangerous..... They kept shouting at me "You are**

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<sup>11</sup> Sarker, Avijit. (2022). A study on Liberation War of Bangladesh: Sexual violence as a weapon of war.

**a Hindu. You are a spy". After they gang-raped me they took me to a bunker. They showed me women who were kept there....they were living in filth, in a hell, so it appeared to me.....There the women were raped by rank-and-file soldiers and the condition of the women was inhuman.**<sup>12</sup>

In a first attempt to address the pain of sexual abuse on a communal level, the government designated victims as war heroes, or Birangonas, for their valiant efforts in protecting their country.

The primary goal of using rape as a weapon of mass destruction is to obliterate the community's cultural identity. In fact, the identified seeks to sever any ties between people in order to eliminate whatever that comes under the opponents identify. "Genocidal rape" was a weapon of war used during the Liberation War to show dominance over the Bengali population, whom the Pakistani army saw as inferior to themselves; to terrorise the Bengali population, particularly women, so that they would no longer be accepted in the traditional Bengali society; and, finally, to ensure that the next generation of Bengalis would be ethnically transformed through forced pregnancy.

#### **(D) Consequences Of Conflict Related To Sexual Violence:-**

##### **a. At Physical Level:-**

Physical consequences may include rectal and vaginal tearing and bleeding; throat agitation caused by forced oral sex; bruising and broken bones; sexually transmitted infections; sexual dysfunction; reproductive disturbances; carcinoma; vaginal discharge, and chronic infections, as well as debilitating somatic symptoms. Furthermore, these medical issues are exacerbated by filthy environments and a lack of medical treatment and facilities.<sup>13</sup>

##### **b. At Psychological Level:-**

The psychological implications are no less hazardous, and they are the most difficult to recognize and address. Post-traumatic stress disorder, severe depression, terrible anxiety, phobias, sleeplessness, flashbacks, nightmares, sorrow, denial, depersonalization, distance, and dissociation are among them. This trauma can lead to suicide; "wartime rape transforms its victims into 'dissociative containers' who disconnect from humanity and the outside world."<sup>14</sup>

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<sup>12</sup> Sarker, Avijit. (2022). A study on Liberation War of Bangladesh: Sexual violence as a weapon of war.

<sup>13</sup> Germano, Rebecca. *Conflict-Related Sexual Violence : The Darker Side of the History and the Untold Herstory of Conflicts under International Human Rights Law*. 2018. repository.gchumanrights.org, <https://doi.org/20.500.11825/852>.

<sup>14</sup> Rebecca Germano, *CONFLICT -RELATED SEXUAL VIOLENCE The darker side of the history and the untold herstory of conflicts under International Human Rights Law* Author: Rebecca Germano, Academia.edu (Oct. 16, 2018),

**c. At Social Level:-**

Conflict Related to Sexual Violence has a significant influence on the social fabric at the societal level. Fear and shame associated with Conflict Related to Sexual Violence cause victims to abandon their homes, breaking whole families and sometimes leaving them without resources to meet necessities.

For example, the dissolution of familial networks may force mothers to play a nontraditional role to ensure their children's fundamental needs are addressed; this may include engaging in transactional sex. These women are frequently targeted by people in their communities who do not accept them. The stigma also affects family members; for example, the victim may be ostracised to protect the household's economic well-being.

In other circumstances, a man who refuses to reject his abused wife may face pressure from family and friends. Furthermore, because sexual violence is frequently committed in public, society is shocked and suffers the loss of mothers, sisters, daughters, husbands, or other relatives, whether through familial rejection, physical death, the debilitating effects of psychological and physical wounds, or as a result of forced migrations and displacement into camps.

**d. At Economic Level:-**

Victims frequently quit their jobs due to feelings of humiliation or fear of retaliation from their perpetrators.

Furthermore, the dangerous environment reduces school attendance, particularly among girls, as well as the number of women who can access water stations, markets, and polling booths, which has a direct influence on the family's finances. The disturbing picture painted by these cases explains why sexual violence happens in wars and how its effects make peace less likely.

**(E) Victims Of Conflict-Related To Sexual Violence:-****a. Women:-**

Though women and girls are the "privileged" victims of Conflict Related to Sexual Violence, anybody can fall prey to such crimes. Refugees, internally displaced persons, children, female heads of household, human rights defenders, detainees, those associated with armed forces or groups, and those belonging to specific racial, religious, political, national, or ethnic groups, as well as others facing discrimination, are among the most vulnerable to Conflict Related to

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[https://www.academia.edu/37595555/CONFLICT\\_RELATED\\_SEXUAL\\_VIOLENCE\\_The\\_darker\\_side\\_of\\_the\\_history\\_and\\_the\\_untold\\_herstory\\_of\\_conflicts\\_under\\_International\\_Human\\_Rights\\_Law\\_Author\\_Rebecca\\_Germano](https://www.academia.edu/37595555/CONFLICT_RELATED_SEXUAL_VIOLENCE_The_darker_side_of_the_history_and_the_untold_herstory_of_conflicts_under_International_Human_Rights_Law_Author_Rebecca_Germano).

Sexual Violence.<sup>15</sup>

Eg:- Pakistan soldiers raped more than 200,000 Bengali women in 1971<sup>16</sup>

#### **(F) Study of International Law On Conflict-Related To Sexual Violence:-**

There is a normative framework in international law that addresses rape and sexual violence in conflict, but there is a big difference between what these documents say they want to achieve and what happens. The 1949 Geneva Conventions and their subsequent amendments broadly recognize sexual violence during armed conflict. Rape and other sexual assaults are classified by the Rome Statute as crimes against humanity or war crimes, depending on the circumstances surrounding their commission. Sexual assault may occasionally be considered a form of genocide or a crime of torture. The use of sexual violence in conflicts has been denounced by numerous other national and international organizations.

The doctrine of international tribunals such as the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR) has clarified the legal requirements for sexual violence to constitute genocide, torture, crime against humanity, or war crime over the last two decades. Despite this, and despite the international community's ongoing attempts to condemn these atrocities,

Behaviors continue to be a defining feature of several armed wars, massacres, and national calamities, because of this, women and girls are disproportionately targeted.

Inequalities that have existed historically and structurally between men and women and Gender discrimination in many forms that ladies face throughout the world.

Over the last fifty years, the United Nations has tackled Conflict Related to Sexual Violence in war and postconflict settings using several instruments of hard and soft law. Because the United Nations has yet to adopt a distinctive instrument to address this issue, judicial authorities on a national, regional, and international scale must rely on a variety of international human rights, humanitarian, and humanitarian law publications, and criminal procedures.

### **III. LAW OF INTERNATIONAL HUMAN RIGHTS**

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<sup>15</sup> Rebecca Germano, *CONFLICT-RELATED SEXUAL VIOLENCE The darker side of the history and the untold herstory of conflicts under International Human Rights Law* Author: Rebecca Germano, Academia.edu (Oct. 16, 2018), [https://www.academia.edu/37595555/CONFLICT\\_RELATED\\_SEXUAL\\_VIOLENCE\\_The\\_darker\\_side\\_of\\_the\\_history\\_and\\_the\\_untold\\_herstory\\_of\\_conflicts\\_under\\_International\\_Human\\_Rights\\_Law\\_Author\\_Rebecca\\_Germano](https://www.academia.edu/37595555/CONFLICT_RELATED_SEXUAL_VIOLENCE_The_darker_side_of_the_history_and_the_untold_herstory_of_conflicts_under_International_Human_Rights_Law_Author_Rebecca_Germano).

<sup>16</sup> Sarker, Avijit. (2022). A study on Liberation War of Bangladesh: Sexual violence as a weapon of war. last accessed 28 Febuary, 2024

International human rights legislation applies in both peaceful and combative situations. While States have the main responsibility to protect human rights, it is becoming increasingly clear that armed organizations, particularly those in effective control of territory and populations inside it, also have human rights duties.

Sexual violence violates several human rights, including the right to life, liberty, and security of the person, privacy, the right not to be tortured or subjected to other cruel, inhuman, or degrading treatment or punishment, equality, equal protection under the law, and the right to be free from all forms of discrimination. It is a breach of the maximum achievable level of bodily and mental health. States are expected to take reasonable precautions to prevent, investigate, and prosecute acts of sexual assault committed by both state and non-state actors, as well as to compensate victims. Sexual violence comprises sexual actions committed against a person without his or her permission, frequently through force or compulsion.

**(A) International Crime:-**

Individual criminal responsibility for foreign crimes is addressed by international criminal law. According to the International Criminal Court's Rome Statute, sexual violence includes the following offenses: Rape, sexual slavery, forced prostitution, forceful pregnancy, forceful sterilization, and any other form of similar severity. Forced nudity, trafficking for sexual exploitation, forced virginity testing, and intrusive strip searches are examples of various types of sexual assault. Rape and other types of sexual violence can be investigated and punished as war crimes, crimes against humanity, and genocide constituent acts.

**(B) Institutional Framework On Sexual Violence In Conflict Related To Sexual Violence:-**

The United Nations Security Council has enacted ten UN Security Council Resolutions (UNSCRs) on Women, Peace, and Security. These UN Security Council Resolutions emphasize the relationship between sexual violence, gender equality, and the restoration of peace and security.<sup>17</sup>

**1. UNSCR 1325 (2000):**

It was a watershed moment in recognizing the distinct and disproportionate impact of conflict on women and girls, as well as the need for women's meaningful engagement in attempts to

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<sup>17</sup> *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* | Department of Political and Peacebuilding Affairs. <https://dppa.un.org/en/handbook-united-nations-field-missions-preventing-and-responding-to-conflict-related-sexual-violence>. Accessed 26 Oct. 2023.

create long-term peace. It reaffirmed the significance of incorporating gender views into all peace and security activities, including the negotiation of peace treaties, the establishment of refugee camps, peacekeeping operations, and the reconstruction of war-torn countries for long-term viability.

## 2. UNSCR 1820 (2008):-

It is recognized that sexual violence can significantly exacerbate armed conflict situations and impede the restoration of international peace and security and that coercive measures such as sanctions can be considered against parties who commit rape and other forms of sexual violence in armed conflict situations.

## 3. UNSCR 1888 (2009):-

It urged that peacekeeping mandates include measures for Conflict Related to Sexual Violence prevention and response, as well as more systematic reporting to the Security Council. It mandated the use of dedicated WPAs inside peacekeeping deployments. The Security Council sought the creation of a Special Representative on Sexual Violence in Conflict (SRSG-SVC) to strengthen coordination and collaboration among all relevant parties, among other things. The mission of the Team of Experts on the Rule of Law and Sexual Violence in Conflict was expanded by UNSCR 1888 to help national authorities improve the rule of law to ensure criminal responsibility for Conflict-Related to Sexual Violence offenders.<sup>18</sup>

## 4. UNSCR 1889 (2009):-

It was passed to enhance parts of previously passed WPS resolutions. It was primarily focused on post-conflict peacebuilding and asked for the creation of metrics to monitor UNSCR 1325 implementation both within the UN system and by Member States.

## 5. UNSCR 1960 (2010):-

It emphasized the importance of all conflicting parties, including state and non-state, adhering to their commitments under existing international law, including the prohibition of all kinds of sexual assault. It emphasized the importance of civilian and military leaders demonstrating their commitment to avoiding sexual assault, combatting impunity, and upholding accountability.

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<sup>18</sup> *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence | Department of Political and Peacebuilding Affairs*. <https://dppa.un.org/en/handbook-united-nations-field-missions-preventing-and-responding-to-conflict-related-sexual-violence#:~:text=Handbook%20for%20United%20Nations%20Field%20Missions%20on%20Preventing,Missions%20including%20Peacekeeping%20Operations%20and%20Special%20Political%20Missions>. Accessed 26 Oct. 2023.

The resolution requested that the Secretary-General include in the Annual Report on Sexual Violence in Conflict a list of parties to the conflict who are credibly suspected of being responsible for Conflict-Related to Sexual Violence, as well as track and monitor implementation of commitments to end Conflict Related to Sexual Violence by parties to armed conflict. The Monitoring, analytical, and Reporting Arrangements (known as the "MARA") were established by UNSCR in 1960 to offer a United Nations-wide information collection and analytical framework on Conflict Related to Sexual Violence.

**6. UNSCR 2106 (2013):-**

It recognized that sexual violence in armed war and post-conflict contexts disproportionately impacts women and children, as well as men and boys and those secondary traumatized as forced witnesses to sexual abuse against family members. It reiterates past resolutions' demands, such as incorporating Conflict Related to Sexual Violence in all peace efforts, and urges on all players to step up efforts to end Conflict Related to Sexual Violence and oppose impunity.

**7. UNSCR 2242 (2015):-**

It recognized that sexual and gender-based violence is part of certain terrorist organizations' strategic aims and ideologies and that it is utilized as a terrorist strategy.

**8. UNSCR 2331 (2016):-**

It is widely acknowledged that human trafficking, especially trafficking for sexual enslavement, may escalate conflict and encourage insecurity and instability. It emphasizes once more that sexual and gender-based violence can be utilized as a strategy by violent extremist or terrorist organizations during armed conflict and post-conflict settings. It confirmed that victims/survivors of human trafficking and sexual abuse should be classed as terrorist victims/survivors.<sup>19</sup>

**9. UNSCR 2467 (2019):-**

The necessity for a survivor-centered strategy to avoid and respond to Conflict Related to Sexual Violence was expressly recognized. It recognizes gender inequality and discrimination as core causes of sexual assault.

It emphasizes the importance of a multifaceted response to victims/survivors, calling for effective justice and responsibility, including restitution for survivors and livelihood assistance

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<sup>19</sup> *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* | Department of Political and Peacebuilding Affairs. <https://dppa.un.org/en/handbook-united-nations-field-missions-preventing-and-responding-to-conflict-related-sexual-violence>. Accessed 26 Oct. 2023.

for their families, especially children born of sexual abuse. The resolution also asked the Secretary-General to ensure the timely deployment of WPAs to United Nations Resident and Humanitarian Coordinator offices in all relevant situations of concern to advise senior leadership on the operational provisions of Conflict-Related to Sexual Violence resolutions.

**10. UNSCR 2493 (2019):-**

It acknowledged that states bear the primary responsibility under international law to respect and protect the human rights of all persons within their territory and subject to their jurisdiction, and reaffirms that parties to armed conflict bear the primary responsibility to protect civilians.

**IV. MECHANISM TO PREVENT CONFLICT RELATED TO SEXUAL VIOLENCE**

- Supporting women's organizations in the establishment/strengthening of local early warning and reporting mechanisms for Conflict-Related Sexual Violence and other crimes against humanity (early warning indicators, reporting mechanisms)
- Conducting training for security forces (Military, Police, Paramilitary/Foreign Legion/armed civilian groups) on Conflict-Related Sexual Violence
- Aiding security sector organizations in creating codes of conduct that address Conflict Related to Sexual Violence
- Aiding in the development of the skills of women and girls, especially female leaders and human rights advocates, in adopting self-care practices.
- Aiding in the establishment of secure gathering places and the development of networks for female leaders and human rights advocates.

**(A) How To Aid The Conflict Related To Sexual Violence Victims:-**

**1. Avoid inflicting any harm:-**

This notion relates to the basic responsibility not to subject any victim/survivor to further bodily or psychological injury or suffering. Mission employees should be mindful of the dangers of causing more harm to Conflict Related to Sexual Violence victims/survivors in the course of their work, such as re-traumatization, stigmatization, violence, and marginalization.<sup>19</sup> While proactive efforts to protect and assist Conflict Related to Sexual Violence victims/survivors are frequently required, sometimes inaction may be the best course of action to avoid causing further harm, especially given the stigma and marginalization associated with sexual violence and the potential for victims/survivors to be further harmed by

their families and communities.<sup>20</sup>

## 2. Confidentiality:-

To protect victims/survivors, their families, and witnesses, the staff must regard any personally identifiable data linked to Conflict Related to Sexual Violence occurrences as secret by default. There must be safeguards in place to protect the confidentiality of recorded material, including the identity of victims/survivors and witnesses.

## 3. Consent:-

Consent from Conflict Related to Sexual Violence victims/survivors, witnesses, and other cooperating individuals must always be obtained for the use of the information they provide to Field Mission employees, including for follow-up action, reporting, and information sharing with other United Nations organizations and external partners.

Victims/survivors and any participating parties must fully comprehend for their permission to be "informed consent." that is the goal of the information collecting process, the processes that will be used, the expected outcome use of the information supplied, and how it is going to be secured. Individually identifiable information can be because of the potential personal hazards, identifying the victims/survivors must always be kept discreet and safeguarded of delivering such information. The main point of the given text is that women and girls are disproportionately affected by war, conflict, and crisis. They come across a variety of barriers, including sexual violence, physical and verbal abuse, restrictions to resource access, and violations of their human rights. It is crucial to incorporate gender and cultural considerations into assistance programs to ensure that women are properly supported. Women must also be included in decision-making processes to achieve peace and security.

## V. ANALYSIS

This research paper is written mainly for the purpose of creating awareness for the laws pertaining to Conflict Related To Sexual Violence or CRSV for short. The literature review for this research paper has provided me with the insight that there are few laws for Conflict Related to Sexual Violence and laws that are present are not up to the mark as they fail to fulfill the purpose for which they were created. One of the main lacunas related to Conflict Related to Sexual Violence is that there is lack of awareness about this crime since the victims of these inhumane crimes refuse to reveal the truth and bring the truth into the light due to fear of

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<sup>20</sup> *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence | Department of Political and Peacebuilding Affairs*. <https://dppa.un.org/en/handbook-United-Nations-field-missions-preventing-and-responding-to-conflict-related-sexual-violence>. Accessed 26 Oct. 2023.

societal stigma and being treated as an outcast even if they speak for themselves. The most effective way to provide solution to this lacuna is that there should be awareness created for this crime so that the victims of these crimes will realize that they are not alone and they should not be afraid and be silenced but instead share their experiences so that justice can be delivered and further ensure that there no new victims who have to succumb to the dogma. Furthermore these crimes have received positive efforts from International organizations worldwide like the United Nations.

This research paper is written mainly for the purpose of creating awareness for the laws pertaining to Conflict Related To Sexual Violence or CRSV for short. It is crucial to address the lacunas in existing laws and work towards improving them to ensure justice for the victims of such heinous crimes. Based on the analysis of this paper, it is evident that one of the main challenges in combating CRSV is the lack of awareness about this crime. Victims often hesitate to come forward due to fear of stigma and societal backlash. To address this issue, it is essential to create awareness campaigns and provide support systems for victims to feel empowered to speak out against their perpetrators.

One effective way to tackle this lacuna is to collaborate with organizations and agencies that specialize in supporting victims of sexual violence. By working together with these organizations, we can amplify your message and reach a wider audience. Additionally, engaging with local communities and educational institutions can help in spreading awareness and breaking the silence surrounding CRSV. Furthermore, leveraging the support of international organizations like the United Nations can also be beneficial in advocating for stronger laws and policies to address CRSV on a global scale. These organizations have the resources and expertise to drive meaningful change and support initiatives aimed at combating sexual violence in conflict zones.

In conclusion, this research paper attempts to shed light on the challenges and gaps in existing laws related to CRSV. By raising awareness, collaborating with relevant stakeholders, and advocating for stronger legal frameworks, you can contribute towards creating a safer and more just society for victims of sexual violence in conflict situations.

## **VI. CONCLUSION**

Rape and sexual violence in armed conflict are largely unavoidable, according to international law. International organizations should continue to look for more effective ways to reduce sexual violence caused by armed conflict, but many people are currently suffering. Delivering resources to victims of today's conflicts is the most crucial task for international organizations,

including the United Nations, WHO, and other national governments. To meet victims' present and future needs, pre-existing civil society organizations require more funding and training. Local healthcare providers will be able to assist their communities and carry-on offering services thanks to programs that train them long after international organizations have left. Humanitarian organizations must step in and tailor aid to particular conflicts and cultural considerations where those organizations do not exist. The first and foremost thing that has to be done is to make sure that there is awareness about it.

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