

---

# **SEXUAL VIOLENCE IN CONFLICT ZONES: A GRAVE VIOLATION OF HUMAN RIGHTS AND LEGAL CHALLENGES**

---

Suhani Mangal, Maharashtra National Law University, Nagpur

## **ABSTRACT**

Sexual violence in conflict zones is a grave human rights violation that impacts the individuals and communities profoundly, often disproportionately affecting women but also targeting men and LGBTQ+ individuals. Perpetrators use sexual violence as a weapon of war to dominate, control and destabilize communities. This article examines the forms of sexual violence, including rape, forced prostitution and sexual slavery, and discusses its physical, psychological and social consequences.

Key issues include the increase in gender-based violence during and post conflicts, due to weakened rule of law and existing inequalities. There are various contemporary examples which highlight the persistence of violations across geographies such as Israel- Palestine, Russia- Ukraine and incidents in Manipur. The article underscores how sexual violence violates fundamental human rights, including sexual and reproductive autonomy, while contributing to long- term trauma, stigma and health risks.

It also analyses the legal framework for addressing sexual violence in conflict, covering international instruments such as Geneva Conventions, Rome Statute and UN Security Council resolutions, alongside domestic laws while enforcement challenges still remain. The article concludes with a call for stronger accountability, policy implementation, and survivor support to ensure sustainable peace and justice in conflict zones.

## Introduction

*“We realize the importance of our voices only when we are silenced.”*

*-Malala Yousafzai*

Sexual violence is a widespread human rights violation issue of global concern. This disturbing phenomenon is used by perpetrators to create political dominance among people. It is a forced sexual act by a perpetrator against an individual's wish which has profound social, physical and psychological consequences for the victims. This form of violence is used to create terror among people, dominate and control populations.

Sexual violence in conflict can take various forms such as forced prostitution, rape, assault, sexual slavery and other forms of sexual violence. It often disproportionately affects women in conflict situations but men and LGQTIQ+ community can also be its victim. Perpetrators often use such violence as a weapon of war to influence and destabilize communities. These sexual violence incidents violate sexual and reproductive rights of people.

For instance, during 2<sup>nd</sup> World War, brutal mass rapes were committed against German women, which is a blatant violation of international laws and human right principles.

Various factors could create conflict situation where offenders can take advantage of people. Lack of accountability to the government allows perpetrators to act without the fear of punishment or its consequences. They use war situations and power imbalance as an opportunity to fulfill sexual desires by dominating people.

## Increased Gender based violence in conflict zones and post conflict zones

Conflict can escalate the incidences of sexual harassment, especially against women and girls. It can be used as a tactic of war. Human trafficking also worsens due to the breakdown of rule of law, increased militarism and high levels of violence.

Sexual violence is used to fulfill social, political and military agendas. It causes human rights abuses which can escalate tension. The existing inequalities and patriarchal mindset can be intensified in conflict zones. Women don't even raise their voices due to the guilt, shame or

fear from the society. In post conflict situations as well, women face discrimination and their rights are violated which worsens their living condition.<sup>1</sup>

### **Contemporary cases of violence in conflict zones**

In Israel Palestine conflict, Israel supporters have used sexual violence against Palestinian women since 1984 to create dominance.<sup>2</sup> They used sex and honor to silence Palestine women and influence them. Both Israel and Palestine have sexual force to intimidate people. There are reported incidents of sexual assault, including rape, intimidation, slavery and other forms of exploitation.

In Russia- Ukraine conflict, various human rights organizations have reported repeated incidents of sexual violence, forced prostitution and cruelty. Offenders killed witnesses to bury evidence against them. Gang rapes were widely reported. There were also incidents of child abuse and exploitation.<sup>3</sup>

The incidences of sexual violence in Manipur also shed light on the vulnerability of women in conflict zones. One such incident, in which two women were stripped, paraded down a rural road and brutally assaulted by the armed force.<sup>4</sup>

### **Human rights violation**

Sexual harassment in conflict zones violates sexual and reproductive rights fundamental to human beings. It is a form of discrimination and torture that goes against the principles of justice, dignity and equality. This has a long-lasting impact on physical and mental health of the victims. This is an inappropriate behavior of sexual nature that creates fear and hostile environment during war times.

These basic human rights need to be protected to ensure the protection of values and dignity of

---

<sup>1</sup> UNITED NATIONS HUMAN RIGHTS, <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability> (last accessed Jan. 11, 2025).

<sup>2</sup> Ilan Pappé, *THE ETHNIC CLEANSING OF PALESTINE*, (Oneworld, 2006).

<sup>3</sup> Perna Deep, *Exploring the Intersection: Women's Bodies, Warfare and International Law*, SCC ONLINE (Jan. 11, 2025), <https://www.sconline.com/blog/post/2023/12/08/exploring-the-intersection-womens-bodies-warfare-and-international-law/#fn23>.

<sup>4</sup> Nadine Sayegh, *Manipur; sexual violence and the least condemned war crime*, TRTWORLD (last accessed Jan. 11, 2025), <https://www.trtworld.com/opinion/manipur-sexual-violence-and-the-least-condemned-war-crime-14329305>.

the people. Women have sexual and reproductive autonomy and ability to make choices related to sexuality in their lives. These rights ensure that they live a life free from gender-based violence, trafficking, sexual violence, dowry demands or other gynecological problems.

Sexual violence violates the right to life and liberty of a person. Victims are subjected to physical and mental harm and lose of their personal security. This increases the spread of sexually transmitted diseases and post traumatic stress disorder. Children are often abused sexually which have negative consequences for them in the future.

### **Legal framework against sexual violence in conflict zones**

Several national and international human right laws provide legal protection to the victims of armed conflicts. International Humanitarian Law aims to protect victims of armed conflict or tension situations from violation of sexual autonomy.

Sexual violence constitutes a war crime as it is considered a serious violation of International Humanitarian Law. Various conventions and protocols were released by different bodies to prevent the prevalence of sexual violence in conflict zones-

- Geneva Conventions and their additional protocols, which are of fundamental significance, provide protection of civilians, including both women and children, during war times. These treaties also include the prohibition of sexual harassment, intimidation and rape.
- Rome Statute of International Criminal Court- It prosecutes individuals for crimes against humanity and war crimes of international importance.
- United Nations Security Council Resolutions- UN Security Council has over the years passed several resolutions to address sexual violence in conflict, such as Resolution 1325 on women, peace and security, Resolution 1820 to protect civilians from sexual violence and prosecute the perpetrators.
- Convention on the Elimination of All Forms of Discrimination against Women - This international treaty recognizes that women are particularly vulnerable during war conflicts and provides special provisions for elimination of discrimination and protection of their rights.

The Indian Constitution does not specifically contain articles which prevents sexual violence. However, it contains several constitutional provisions and legal principles to address and punish sexual violence. Article 14<sup>5</sup> ensures right to equality before law and Article 15<sup>6</sup> prohibits discrimination on the basis of religion, caste, creed, or sex. These provisions are incorporated in constitution to ensure everyone gets equal treatment and protect them from sexual violence.

Apart from constitutional provisions, there are specific laws which address sexual violence. Section 375<sup>7</sup> and 376<sup>8</sup> of the Indian Penal Code prohibits and punishes rape and other related forms of sexual violence. Moreover, Section 354<sup>9</sup> of the Indian Penal Code addresses criminal force used against women to sexually harass or assault them.

Despite legal frameworks at national and international level to prevent sexual violence, challenges still persist during conflict situations, hence, improved accountability mechanisms, strong legal policies and constant support for survivors is needed to work towards a more peace and just world.

### **Impact on victims of sexual violence-**

Sexual violence has long lasting impact on victims which affects them physically, mentally, physiologically and socially. The consequences of sexual violence are different depending upon its nature. Victims suffer from extreme trauma, anxiety and distress.

Unprotected forceful sex in distressed areas could lead to the spread of sexually transmitted diseases, which could have physical health consequences. This could also lead to unplanned pregnancies or forceful abortions. Children who witness such events of sexual violence may create wrong perception about such events.

Survivors don't even come forward to seek help due to feelings of guilt, shame or taboos and many cases of sexual exploitation in conflict zones go unnoticed. Due to this, they could suffer from depression and panic attacks which have negative consequences on their mental health.

---

<sup>5</sup> India Const. art. 14.

<sup>6</sup> India Const. art. 15.

<sup>7</sup> The Indian Penal Code, 1860, § 375, No. 45, Acts of Parliament, 1860 (India).

<sup>8</sup> The Indian Penal Code, 1860, § 376, No. 45, Acts of Parliament, 1860 (India).

<sup>9</sup> The Indian Penal Code, 1860, § 354, No. 45, Acts of Parliament, 1860 (India).

**Conclusion-**

Sexual violence in conflict zones is a grave human rights violation that inflicts profound sufferings on communities. It is used as a tactic of war to control and influence people. Women are disproportionately affected by the sexual violence inflicted against them. The breakdown of rule of law often creates power imbalances which creates chaos and instability in society. Sexual violence exacerbates the already existing differences among communities. Sexual violence is a troubling concern which needs immediate concern that demands comprehensive attention and community efforts. There are several legal frameworks at national and international level to prevent and punish sexual violence in disturbed areas. These legal provisions are alone insufficient, there is a need to effectively implement them and make people aware. International organizations, government and other concerned authorities need to hold the humanitarian assistance and work to ensure sustainable peace and justice in conflict affected areas.