

# TRIBULATIONS WOMEN FACE DURING CONFLICT

*“When women and girls suffer deep discrimination, they are more vulnerable to the worst effects of the disaster or war, including the weapon and humiliation of rape, and less likely to contribute to peace building, which threatens long term recovery. If we are serious about preventing conflicts, recovering from war and natural disaster and building lasting peace, we need to empower women, as well as the young the elderly to become agents of positive change”.<sup>1</sup>*

## **THE REAL SCENARIO**

Women and girls are susceptible to sexual vehemence, trafficking and disfigurement, whether at home, in journey or in encampments for exiled or displaced populations. The trauma for female fatalities of violence endures even when the battle is ended, as they are frequently shunned, ostracized and further stigmatized and tagged by different people differently.

And situation of low intensity makes their position even worse. Violence against women is and always has been integral to war and all armed conflict. It pervades all forms of militarism. It is likely to endure so long as the institution of war is a legally sanctioned instrument of state, so long as arms are the means to political, economic or ideological ends. To reduce Violence against women; to eliminate its acceptance as a “regrettable consequence” of armed conflict; to exorcize it as a constant of the “real world” requires the abolition of war, the renunciation of armed conflict and the full and equal political empowerment of women as called for by the UN Charter.

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<sup>1</sup>Thoraya Ahmad Obaid, Executive Director of the United Nations Population Fund at the Launch of the 2010 State of world population report.

Warfare may be of any nature be it national or international, it may vary from each other in numerous aspects but the thing which is common between all the conflicts is the situation of women. Various studies have proved that owing to their position in the society they are differently affected than men in conflict situation. We see that even in normal bearing women in society require special care and protection

The twentieth century has witnessed 250 conflicts and over 100 million casualties. Civilians remain the main targets of contemporary conflicts and account for over 90 per cent of casualties. Over 23 million people have died in more than 160 wars and, after 1945, overwhelmingly in the Third World. These wars have resulted in millions of people being displaced from their homes, and the numbers are rising each year. In such a scenario the need for peace is even more urgent today, especially in Third World countries, where countries often resort to the use of military might to solve what are essentially political conflicts.

After the end of the Cold War, the number of conflicts which is not a war but a conflict within state between a state and a non state actor has emerged (i.e conflicts which take place inside the boundaries of the state) has multiplied worldwide. An array of thing put in to these conflicts, such as poverty and the thrash for scarce resources, low standards of living, racial contention and diversities, political domination by person in power, and speedy social and economic modernization. Although the low intensity conflicts vary but they tend to share distinctiveness that have deep effect on women. This chapter describes what is exactly the researcher intended to do in this research and it introduces the consequences of this new type of war on women in a summarized form.

This write up also describes that all the intrastate clashes, including Indian one, has a common impact worldwide for women. In includes first, the offensive parties purposely cause violence on civilian populations. And as a result maximum casualties in such conflicts are civilians (men, women, and children), it is nothing but a distressing tendency which changes a state's demographic situations and its citizen's societal relationships. Whereas in conventional confrontation between nations, the parties involved in war are one way bound to follow certain international norms which is made mainly to reduce the direct harm to civilian populations.

Second, the common effect of such type of conflict is significant numbers of population are displaced due to this. The extensive destruction, physical insecurity, interruption in livelihoods, and food deficiency, compels population to flee from their residence in quest of shelter in other parts of the states or in bordering states.<sup>2</sup>

Third, women's partaking in war throws them on a space where there is need to the redefine their existence and long-established roles. In El Salvador, twenty five percentages of the forces were women. In Rwanda and Bosnia and Herzegovina, women were involved in ethnic cleansing<sup>3</sup>.

In many countries we find that the part of the women is not only limited to the conventional role they hold but they perform versatile task such as active participation in military operations, mostly in health areas, transportation work, communication, and intellectual functions. Women's perspective of being part of any violence situation or war were generally same as men's, even though some felt forced to hold on to such inconsistency because of their men's positions or were pushed into supportive roles out of political demands. Their Culture, ethnicity, rank, and age has direct relationship with the environment and degree of women's participation. Similar to male members, females were both the perpetrators and victims of violence in intrastate conflicts.

Women demand peace because they are directly and specifically impacted by conflict being women. They are the ones who do the daily tasks in everyday life in times of civil strife; they are responsible as mothers of the children, the hurt and the wounded, who are innocent hostages to the conflict not of their creation. They are the wives of injured, disabled or missing men, the soldiers of warring factions and the state. They suffer as civilians with their freedoms curbed and shackled. They are assaulted, beaten, humiliated, raped and murdered during conflicts. In fact, they face violence from three quarters the State, the opposing community, and often in their own homes in the form of domestic violence.

Women are victims of war and conflict in a variety of other ways as well. The loss of family members, which includes husbands, brothers and children, has long-term psychological effects of women. The suffering

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<sup>2</sup> Rwanda, 500,000 citizens fled to Tanzania to escape the genocide.

<sup>3</sup>INTRASTATE CONFLICTS, Krishna Kumar pg 4

endured by women as caretakers and those who 'pick up the pieces' after conflict and devastation results in emotional and mental stress. Their loss is not just emotional, it is also economic and most women experience a decline of social legitimacy. The loss of male family members often renders them completely poverty stricken—since they form the bulk of the unemployed and illiterate they are ill equipped to take over the burden of being primary earners or sole earning member and head of the household. All too often destitution follows the loss of earning men.

Food scarcity, destruction of infrastructure and basic facilities like water, roads, bridges, hospitals, shelters and farmlands have an impact on the entire social structure of a community. Studies have shown that when there is food scarcity, women are likely to reduce their own food intake. The devastation of the natural environment too has serious repercussions. Since women take on the role of food providers and caretakers, the responsibility of finding alternative sources of food and water and rebuilding falls on them. Often it is they who single handily bear the burden of growing food and finding fuel.

Either by choice or under coercion, young women in many parts of the world are increasingly taking on the role of militants. Women sometimes see this process as one of empowerment since it implies that they have broken out of the traditional mould. But often these non-traditional roles have to be legitimized before they can be accepted within patriarchal structures and this kind of freedom requires reinterpretations of history and tradition—something not easy to do. Often young women are forced into this role under coercion and within the training camps they find themselves marginalized and confined to the same inferior positions as they occupied within their homes. Sometimes it seems that they have only exchanged their traditional dress for uniforms.

It has been argued that force is necessary to ensure territorial integrity. But in places where social groups have been denied justice and the state has used coercive means to repress minority or ethnic aspirations for equality, such groups stop negotiating with the State and resort to collective violence as a means of getting their demands heard. When electoral processes get corrupted and the rule of law breaks down, the parliamentary process, as part of competitive politics, loses its legitimacy in the eyes of affected groups, which

then resort to force. They reject democracy and formal institutions. Once they resort to such kind of conflicts struggle it becomes increasingly difficult to return to the process of negotiation.

We have enough legislation to protect women from various violations; in fact we have various laws to protect the violation women face during such conflicts national and international. Our Constitution provides for special law for women in certain circumstances. This study will not include every law and every violation faced by women but we will discuss the violations exclusive of conflict times, which will also include Indian incidents and occurrences from other parts of the world and it is only to establish the magnitude of violation. But the focus of the study would be Indian scenario.

On the other hand we have various laws to address the problems of women but those laws either proved to be draconian or else they do not address the issue properly. So here we will scrutinize such laws and will investigate the extent to which these law is protecting women in the above situation. In the process we will recommend appropriate mechanism to handle the problem.

We will also critically see the work of various women organizations National and International to see their role. Since we know that women have distinctive requirements in the perspective of redress and studies have shown that NGO has done tremendous work in providing relief to these women.

### **Why do women need such special care in conflict zone**

Violence against women in any form of conflict is a demonstration of the worldwide, inadequate, power relations between men and women. Such violence crosses all cultural boundaries and has been consistently unreported and unrecorded, although it has resulted in death and suffering for countless women over the years. This sufferings of women, furthermore, takes on new dimensions and distinctive patterns in serious conflicts. For example, in the conflicts in the former Yugoslavia and Rwanda, in Kashmir in North Eastern Part of India, In Shrilanka etc where mass rape, and many other inhumane acts of sexual violence, were used as a means of warfare to terrorize and humiliate the civilian population, and to further the goal of genocide and ethnic

cleansing. These appalling practices, however, should not obscure the impact of sexual violence on individual women. As we are aware of the fact that Women are prone to mistreatment by all participants in armed conflict; by "friendly" and "enemy" forces, by civilian and military personnel, including peacekeeping forces and forces who are controlling the situations, in other words people who are commended with the task of shielding women and womanhood. The physical and psychological consequences of this widespread abuse in bigger or smaller conflict has devastating consequences, not only for the women themselves, but also for all the members of the societies of which they are a part. Unquestionably, this is one of the most widespread and pervasive effects of conflict on women in all cultures and in all conflicts.

Violence against women, however, is only one way in which the vulnerability of women manifests itself in various conflicting situations. The overall experience of women affected by conflict is a product of their unequal status generally. Nowhere are women full participants in society. Women are deprived of access to education, health care, and are considerably less mobile because of their traditional role in caring for others. Seventy percent of the world's population living in poverty are women. Their work remains grossly unpaid, unrecognized, and undervalued.

Women the world over are disadvantaged in terms of education, constituting about two thirds of the illiterate population of the world and have more limited access than men to income, property, and credit. In addition, political openings for women are strictly limited. They are generally denied access to power structures, and participation in decision- making at all levels, and this exclusion carries through into the context of conflict. Because when their needs are not being considered in the normal schedule then how can we even expect their participation in Conflict situation at all in fact conflict or low threshold situations make them more vulnerable. Therefore, women are incapable of drawing attention to the particular difficulties they experience in conflict situations and, moreover, are powerless to acclaim any defensive action in reaction.

The low status of women in society is reflected in their treatment by the law, in property rights, rights of inheritance, laws related to marriage and divorce, and rights to acquire nationality or property or seek

employment. Given this lack of full participation in society, and their gender and biological roles, it is inevitable that armed conflict impacts extremely harshly on women. Because of their reproductive roles, they are particularly affected by shortages of food, medicine, and medical assistance. Women, moreover, lack the resources, education or skills to deal with the conditions that result from armed conflict, and in the absence of the male of the family, they frequently experience great difficulty in supporting themselves and their families. Regardless of the efforts to advance the protection of general categories of victims and children, and increasing recognition that such conflict has this differing impact on women, there has been, to date, no thought full endeavor to address in any comprehensive way the deficits of Law from their perspective. They are assumed to be adequately covered by the on-going strategies to improve the protections for the women and children etc.

It has been high time that women are becoming not only victims but weapons of warfare. Above discussion made it clear that they are already vulnerable and conflict time is just a kind of add on in their vulnerability. And so a critical analysis on their vulnerability in low threshold situation is very much overdue. The protection mechanism offered to women under such circumstances are inadequate in comparison with person effected by such new type of conflicts. Thought the efforts are not zero in this area, as various National and International lobbies are engaged in bringing out the appropriate mechanism to address the issue, but still their situation is getting worse day by day. When we see the statistics we find that number of social groups is involved to determine and address the crisis. Involvement of such groups is important, as the perpetrators of such violence belong to the same social groups. Nevertheless, measures adopted to resolve this issue, whether for short duration or long, are essential in order to protect the rights of women and other vulnerable groups, provided these originations join together and work.

### **Violence faced by the women**

Violence against women is perhaps one of the clearest examples of how discrimination against women that exists in all societies during peace-time is worsened during periods of civil unrest and riots and situation of this nature. Problems women face during this period is widely recognized as one of the most pervasive problems

faced by them in every country all over the world, and it is also one of the major means by which women are meticulously pressurized, and patriarchal structures protected. Figures show a high prospect that a woman will be raped in her lifetime<sup>4</sup>, and domestic violence is reported as a common occurrence by women in almost every country in the world. When fights or such nature breaks out, this violence intensifies. Sexual violence against women has been particularly prevalent mainly during armed conflict and takes many forms, including rape<sup>5</sup> forced sexual intercourse or other sexual acts with family members<sup>6</sup>, forced impregnation, forced pregnancy, sexual mutilation<sup>7</sup>, sexual humiliation medical experimentation on women's sexual and reproductive organs, forced abortion, forced sterilization, forced prostitution, being forced to exchange sexual favors for essential items<sup>8</sup>, being compelled to exchange sexual favors for the return of children, trafficking in women, pornography, and forced cohabitation/marriages<sup>9</sup>. The factors motivating these attacks are equally broad.

Women are exposed to sexual violence in a multitude of conditions, such as help camps health camps during and after unrest situations, detention camps specifically set up for that purpose, while confined, at various places if displaced, in refugee camps if at all fled from their place of origin, by gangs of attackers i.e. enemy or other party, in public places, also by looters. Often the sexual violence takes place in front of others, including family members.

<sup>4</sup> J.Seager, The State of Women in the world Atlas (1997) 56

<sup>5</sup> See for example, A Stigmayer, "The Rapes in Bosnia-Herzegovina", in Mass Rape, supra note 37, at 131-137; Human Rights Watch, War Crimes in Bosnia Herzegovina, W 7/(1993) 21 (re the occurrence of this crime during conflict in Bosnia); and A Abdel Halim, "Attack with a Friendly Weapon", in What Women Do in Wartime, supra note 14, at 94 (re the occurrence of this crime during conflict in Sudan).

<sup>6</sup> See for example, Coomaraswamy 1998 Report, ibid (re Bosnia and Herzegovina, the case of B; and India, the case of Devki Rani Punjab).

<sup>7</sup> As heard from several parts of Iraq by the acts of ISIS recently

<sup>8</sup> See for example, N Sancho-Liao, "'Clutching a Knifeblade' Human Rights and Development from Asian Women's Perspective", in H O 'Connell, Women and Conflict (1993) 31 at 34

<sup>9</sup> As what happened with the girls who were abducted from African school and most of them were converted and got married to the Terrorists.



Although violation of the rights there, particularly sexual violence, has been an integral part of any such conflict whether big or small, since time centuries old, it was generally undocumented up to moderately recently. In 1975 work, Susan Brown miller presents stark accounts of rape and other sexual atrocities committed during the two World Wars, as well as the rape of women in conflicts in East Pakistan, and Vietnam<sup>10</sup>. Rest of the authors have now begun to re-examine the matter of sexual violence during the Second World War. And as a recent trend we can see a good rise in the work on the atrocities faced by women during unrest situations, such as riots and periods of civil unrest.

These days there are reports and stories of sexual violence from almost every conflict region in the world, such as: Aceh, Afghanistan, Algeria, Angola, Azerbaijan, Bosnia, Bougainville, Chad, Croatia, Cyprus, East Timor, Georgia, Guatemala, Haiti, India (Punjab)<sup>11</sup>,Indonesia, Iran, Kashmir<sup>12</sup>, Kosovo, Liberia, Mozambique, Myanmar (Burma), Namibia, the occupied Palestinian territories, the Persian Gulf conflict (1990-91), Peru, Philippines, Rwanda, Sierra Leone, Somali refugee women in Kenya, the apartheid era in South Africa, Sudani Tibet, Uganda, and West Papua.

Sexual atrocities on women during conflict are the rule rather than the exception, whether such kind of violence is listed and defined in the domestic or international document or not. Women are similarly at danger throughout conflict of violence from their own family and community members. For instance, in conflicts where the religious or cultural identity of groups is exposed, trends such as female genital mutilation may

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<sup>10</sup>See Brown miller, supra note 37, at 40-86. On this conflict, see also R Seifert, War and Rape, Analytical Approaches (1993).

<sup>11</sup>See for example, Human Rights Watch Women's Rights Project, Rape in Haiti: A Weapon of Terror (1994); Kumaraswamy 1998 Report.

<sup>12</sup>See for example, Human Rights Watch Women's Rights Project, Rape in Kashmir: A Crime of War (1993); IWRAW, (1991) 5(1) Women's Watch

become more popular, as clusters struggle to uphold and strengthen their identity. Further, there is increasing proof that tolls of domestic violence increases significantly in conflict zones<sup>13</sup>.

## CONCLUSION

As a final point, we know that these kinds of violent situations run off keeping an inheritance of annoyance, detestation, and anger amid the participants and other effected by such acts in that region and such wound are hard to heal. A very important impact of such kind of war or conflict is that, in a war between two nations generally after war is over, population residing there live in their own respective state thus there is no interaction between them. The circumstances are normally diverse in civil wars. Here unless the state is partitioned, or the demand of the rebellion group is accepted the previously warring contingents and people see each other and thus the bitterness keeps increasing.

Because of this uniqueness, civil conflict/low threshold conflicts intensely influences the societal, financial, and political standing, roles, and responsibilities of women and amend their relationships with men. Not all of these impacts are essentially dangerous and unwelcomed. Such conflicts imposes severe difficulty and deficiency on status of women, this kind of conflict generally opens a platform for grave injustice on women but if taken seriously and positively it can be utilized as a great platform and opportunity for gender equality and can overlay the path for women's empowerment in the social, economic, and political being of their countries.

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<sup>13</sup>See for example, Asia and Pacific Development Center, (detailing high levels of domestic violence in Cambodia following the Khmer Rouge regime); H Bernstein, for their Triumphs and for their Tears (1985)

23 (referring to the high rate of domestic violence in Wintersveld, South Africa during the Apartheid era.