

Gender-Based Violence: An Unethical Weapon in Warfare

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Abstract: Sexual and Gender-Based Violence (SGBV) or Conflict-Related Sexual Violence (CRSV) in form of Gender-Based Violence (GBV) is an un-pardonable and forbidden act in the humanitarian community. Threats and embarrassments in form of SGBV or CRSV have been utilised as a strategy to undermine their opponents in hostile territory or conflict zones. Humanitarian law (HL) is a specific subset under the international law jurisprudence designed to alleviate the after-effects of war or in armed conflict. Despite the fact that GBV constitutes a crime against humanity in HL and human rights violation, the problem persists and is prevalent in society even today.

In this article, an attempt is made to identify potential means of the motive and intention behind GBV. It is also argued that these incidents of patriarchal activity were planned and used as an unethical weapon. The article advocates the comparative difference between CRSV and SGBV. This article also assesses the applicable international laws, Treaty (ies), Conventions and the stand taken by United Nations (UN).

India has witnessed CRSV or SGBV, especially in warfare and armed conflict. Many sacrificed innocent civilian and this article has summarised such draconian and rampant instances. The article has also outlined the Constitutional provisions and the overhaul of Legislations to dearth the evils related to CRSV or SGBV in the Indian context.

The article concludes with the author's two-pronged suggestion(s) i.e. more women participation in peace-keeping and other adequate preventative measures with post-traumatic survivors of GBV.

Keywords: Gender-Based Violence (GBV), Conflict-Related Sexual Violence (CRSV), Sexual and Gender-Based Violence (SGBV),

1. PROLOGUE:

1.1. Human civilization has been devastated by war throughout its history. Thus, women and others with a gendered perspective are the worst affected in societies rooted in patriarchal and gendered foundations. Sexual and Gender-Based Violenceⁱ (SGBV) or Conflict-Related Sexual Violenceⁱⁱ (CRSV) in form of Gender-Based Violenceⁱⁱⁱ(GBV) is an un-pardonable and forbidden act in the humanitarian community. Threats and embarrassments in form of SGBV or CRSV have been utilised as a strategy to undermine their opponents in hostile territory or conflict zones.

1.2. International law as a whole, Humanitarian Law (HL) is a specific subset designed to alleviate the ill-effects of warfare and to safeguard human rights from abuses by state authorities. The primary aim of HL is to shield the human being and to protect the dignity of man in the extreme situation of war & reduce the obstruct mankind's decline to a state of complete barbarity. In a situation where the state is the perpetrator of violence and threat, the responsibility to protect the individual becomes even more poignant. Despite the fact that GBV constitutes a crime against humanity in HL and human rights violation, the problem persists and is prevalent in society even today.

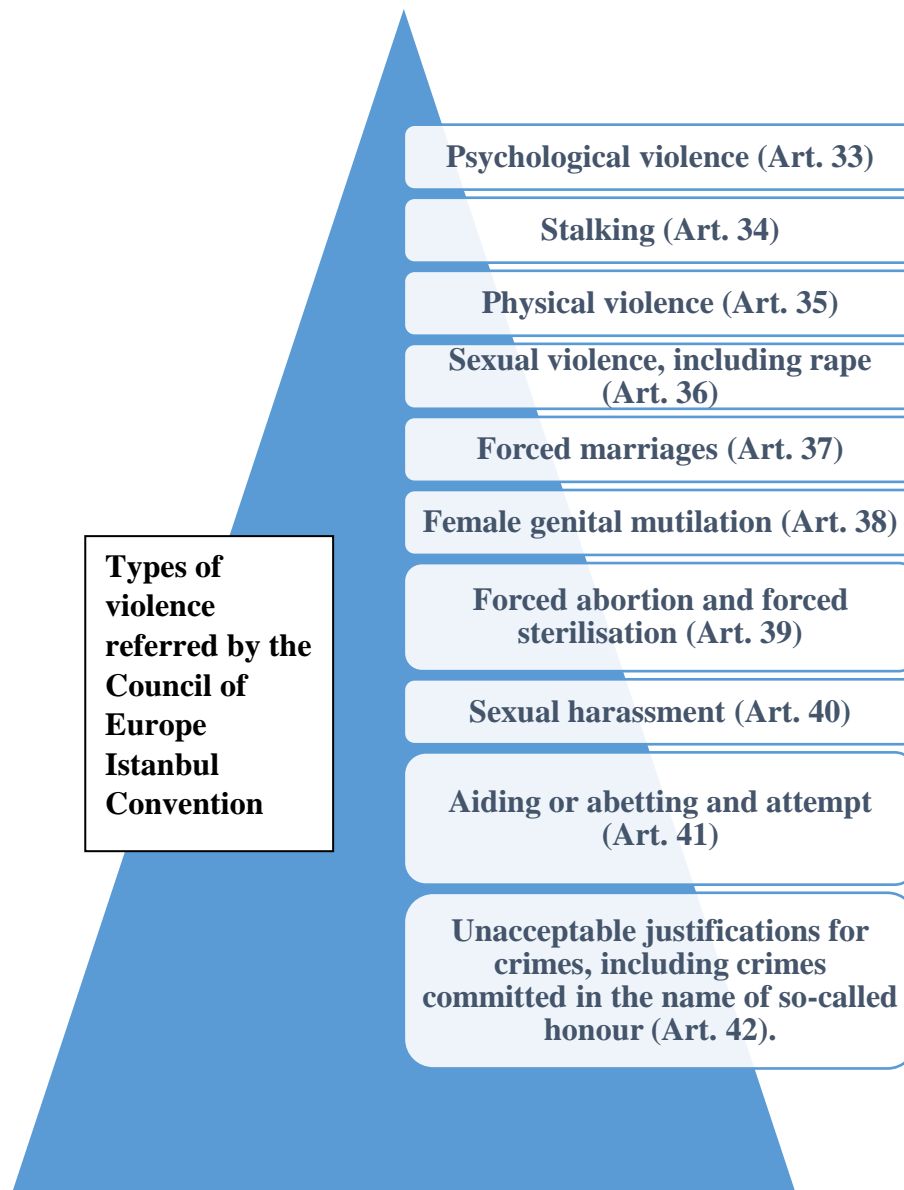
2. **Background: Concept, types and motive and intention of GBV**

2.1. GBV, sometimes also referred to as SGBV and as defined^{iv} Sexual violence is a form of gender-based violence and encompasses any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed alongside a person's sexuality using coercion, in any setting, regardless of the victim's relationship to the person. Rape, sexual abuse, forced pregnancies, forced

sterilization, forced abortions, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration, and forced nudity are among the examples of sexual violence.

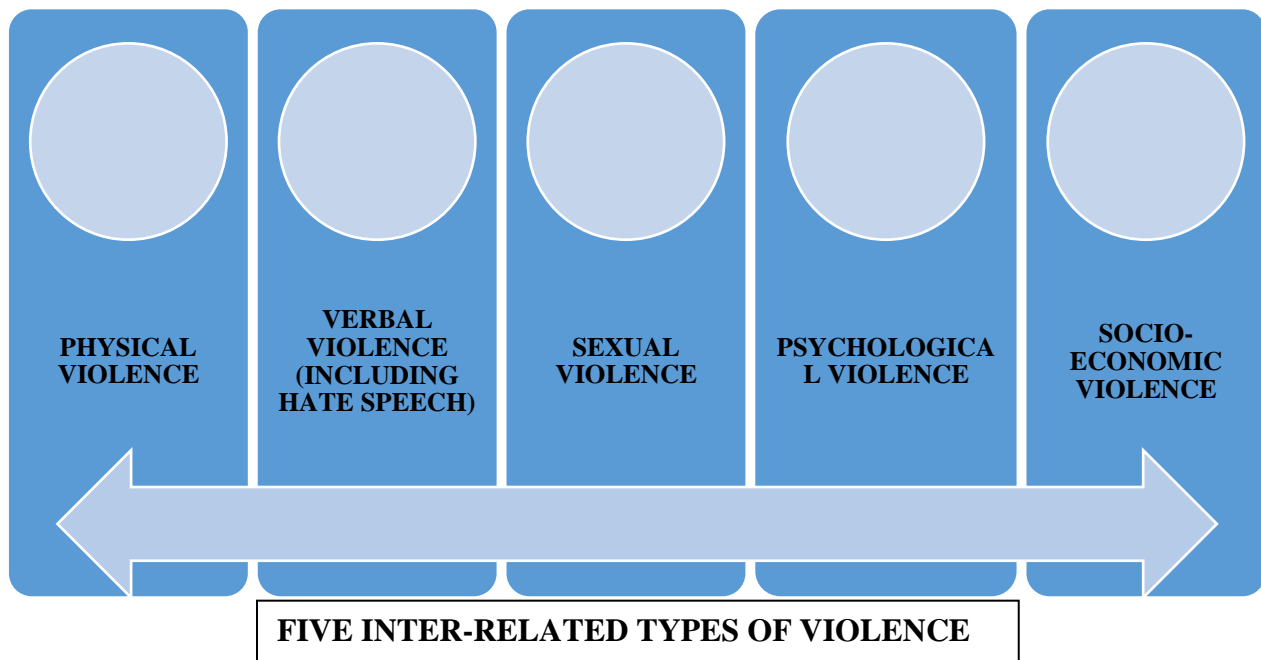
2.2. Abusive acts include physical, psychological, mental, and emotional abuse perpetrated against the will of an individual because of socially attributed (gender-based) differences between genders or between same-sex couples

2.3. The below Figure 1 depicts the types of violence against gender that prevails in the world.



Source^v Figure 1

2.4. The below Figure 2 depicts the five inter-related types of violence against gender that prevails in the world.



2.5. **Motive and intention behind GBV**

2.5.1 **Violence against women during and aftermath of the Second World War:**

2.5.1.1 The Second World War^{vi}, the most ruthless, brutal conflict in recorded history, caused atrocities and suffering to civilians of all ages, races, and genders. Women were treated as spoils of war for the victorious armies, and rape as a cruel, but also an unavoidable consequence of war, a categorised as collateral damage.

2.5.1.2 The Second World War was rife with sexual violence. During the Second World War, approximately 1.4–1.9million German women were raped and sexually abused by Red soldiers^{vii}. The Imperial Japanese Army held women and girls in sexual slavery before and during the Second World War by referring to them as comfort women or comfort girls^{viii}.

2.5.1.3 Survivors of sexual violence in the Second World War have endured a tragic fate that exacerbated a condition known as ethical loneliness^{ix}.

2.5.2 **Violence against women in armed conflicts**

2.5.2.1. During any armed conflicts, whether as combatants or civilians, women are subjected to the usual violence of war. Just like men they're killed, tortured, dislocated,

captured, starved or enslaved. However, sexual violence is mostly gender specific. Although sexual violence targets men and boys from time to time, the most vulnerable are women. In armed conflicts, women are subjected to a variety of forms of sexual violence which may include rape, forced sexual relations with family members, sexual mutilation, sexual humiliation, performing medical experiments on female reproductive organs, forced abortion, forced sterilization, forced prostitution, forcing women to offer sexual services for material or service exchange, forcing women to offer sexual services based on their parental responsibility, forced human trafficking, forced sexual slavery and used them as sexual objects in pornographic media.

2.6 **GBV are patriarchal activities and used as an unethical weapon**

2.6.1 It is primarily based on patriarchal practices that sexual violence is composed of many elements. When conflict erupts, patriarchal hierarchies protectionist values are accentuated, which makes women a prime target for sexual violence. Since ancient times, the safeguard of women was considered a part of the male honour. Honor is considered to be the concept of situatedness makes warfare sexual violence such an effective tool of terror. Raping women, therefore, sends a message that fighting men are too weak to

protect their women. The use of sexual violence as a weapon of war makes civilians fearful. The body of the raped woman is a ritualistic battlefield, a parade ground for the band and the banners of the victor. The game played over the body of a woman is a declaration sent from one man to another, a declaration of victory for one side and destruction and defeat for the other. If men perceive rape as a form of humiliation, it will be regarded as a weapon of war, and sexual violence as an act of war.

2.6.2 Patriarchal mentality also damages women's ethnic and national roles in a legitimate way, which is another

factor to consider when studying sexual violence against women. A pure ethnicity and cultural identity can be maintained by allowing males to control their bodies. The assailant, from a race, nation, or ethnicity, can specify women as an enemy, thus targeting them at armed conflicts not just because they're women but also because they're members of the assailant's race, nation, ethnicity, or religion. Sexual violence becomes a weapon of war when patriarchy and enmity are combined. In the case of Rwanda^x and the Republic of Congo^{xi}, GBV was a strategy to eradicate the genocidal movement

2.7 Comparative Difference between CRSV and SGBV^{xii}

CRSV	SGBV
According to a 2019 report ^{xiii} by the UN Secretary-General Report, “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity...”	Sexual and gender-based violence (SGBV) refers to any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It includes physical, emotional or psychological and sexual violence, and denial of resources or access to services. Violence includes threats of violence and coercion. SGBV inflicts harm on women, girls, men and boys and is a severe violation of several human rights.
CRSV breaks the community	SGBV affects the peace stability
Rape is as an unethical tool of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.	SGBV is psychological can include: acute stress, depression, distress, emotional numbness, lack of concentration, isolation, withdrawal, extreme disorientation, difficulties with intimate relations
Women have taken part in many conflict situations as combatants either with guerrilla forces or in regular armed forces. Some have engaged in terrorism as suicide bombers.	The majority of offenders are those known to the victims. For children, this means they can be sexually abused over a longer period of time and the abuse can happen more than once.
Example: <ul style="list-style-type: none"> • Government actors:: <ul style="list-style-type: none"> ➢ civilian authorities, military, paramilitary, police, prison officers, and other state agents • Non-state actors: <ul style="list-style-type: none"> ➢ armed and non-armed opposition groups, rebels, militia groups, guerrillas • Community members: <ul style="list-style-type: none"> ➢ Individuals whose conduct is linked to the armed conflict 	Example: <ul style="list-style-type: none"> • Family members: <ul style="list-style-type: none"> ➢ fathers, mothers, grandparents, brothers, sisters, uncles, aunts and cousins • State officials: Police and other law enforcement agents, <ul style="list-style-type: none"> ➢ corrections officers, judicial officers, and government officials • Community members: <ul style="list-style-type: none"> ➢ corrections officers, judicial officers, and government officials Caretakers, teachers, supervisors, co-workers, acquaintances, strangers, religious leaders/workers, and health workers
It is narrow and limited when contrasted to SGBV	It is wider and includes CRSV

3 An assessment of applicable international laws, Treaty (ies), Conventions and the stand taken by United Nations(UN):

- 3.1. In Geneva Convention (IV), Article 27(2) refers to duty to protect women during time of war -“Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”^{xiv}
- 3.2. Additional Protocol I to the Geneva Conventions adopted in 1977 expanded on the abovementioned principle. Article 76(1) stated that women are to be protected from “rape, forced prostitution and any other form of assault”^{xv} and Article 77(1) protects the girl child from “indecent assault”^{xvi} Since the Geneva Conventions and Additional Protocols are a part of customary international law, they are binding on all states
- 3.3. The first ever international attempt to officially define gender-based violence was made at this United Nations Declaration on the Elimination of Violence Against Women in 1993 CEDAW^{xvii} in its General Recommendation 19 of 1992 that dealt with violence against women recognized in Article 1 that “Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.” Article 8 states that “the Convention applies to violence perpetrated by public authorities. Such acts of violence may breach that State's obligations under general international human rights law and under other conventions, in addition to breaching this Convention.” Therefore, the Convention puts an obligation on state parties to ensure that public authorities are not able to perpetuate violence against women failing which, the state will be in violation of the Convention. General Recommendation 30^{xviii} deals with “women in conflict prevention, conflict and post-conflict situations” Para 36 of the General Recommendation states “During and after conflict, specific groups of women and girls are at particular risk of violence, especially sexual violence, such as internally displaced and refugee women; women’s human rights defenders; women of diverse caste, ethnic, national or religious identities, or other minorities, who are often attacked as symbolic representatives of their community; widows; and women with disabilities^{xix}” This not only identifies the

most vulnerable classes of women, but also recognizes violence against women as a crime against humanity. Further, para 37 states “GBV often results in attacks against women's rights defenders by State or non-State actors, effectively undermining the ability of women to participate equally and meaningfully in political and public life. CRBV results in a vast range of physical and psychological consequences for women, such as injuries and disabilities, increased risk of HIV infection and risk of unwanted pregnancy resulting from sexual violence^{xx} Therefore, General Recommendation 30 recognizes that there is not only physical and sexual violence against women in conflict areas, but also political and mental violence that has far reaching and long lasting impact on the victims of such violence.

- 3.4. GBV violates fundamental human rights and is a major barrier to achieving gender equality. The UN regards violence against women as one of the most significant violations of women’s rights across the world. Human rights were enshrined in the 1948 UN Universal Declaration of Human Rights^{xxi}, and since then a range of international conventions covers GBV.
- 3.5. The adoption of the Rome Statute of the International Criminal Court (ICC) in 1998 and its entry into force in 2002 was widely celebrated as an important step towards ending impunity for sexual crimes under the HL^{xxii}
- 3.6. Thus GBV constitutes a crime against humanity in HL and violates the human rights.

4 Horrors, draconian and rampant instances in India:

4.1. Instances before Pre- Independence of SGBV or CRSV^{xxiii}

- 4.1.1. British colonists built brothels called Chaklas on the pretext of giving economic independence to poor Indian women and openly abused thousands of Indian women. The army of 1000 British soldiers consisted of only 12-15 Indian women.
- 4.1.2. Indian Hindu women often consider the British Empire to be their savior from socially manufactured myths of child marriage and Sati. There has been very little attention paid to the fact that the British forced Indian women into prostitution and sexual slavery.

4.2. Rampant instances of SGBV in Kashmir^{xxiv}

4.2.1. Since the partition of India in 1947 till today when the government of India has fully integrated Kashmir within the territory of Republic of India, Kashmir has remained a zone of conflict. In order to establish Kashmir as a separate state, separatists have engaged in violent conflict with the Indian army. Thousands of military personnel have been deployed by the government as a retaliatory measure^{xxv}. Since 1989, when the separatist militant groups rose in Kashmir, it has been heavily militarized. Various militant groups have sprung up over the years such as Harkat-ul-Jihad al-Islami, Lashkar-e-Taiba, Jaish-e-Mohammed, Hizbul Mujahideen, Harkat-ul-Mujahideen, Al-Badr, among others.

4.2.2. Militants and military personnel are both perpetrating GBV, which is widespread and largely ignored. Rapes committed by security personnel have increased in recent years. In most cases, rape occurs during crackdowns, which are searches conducted in parks and schoolyards during which men are questioned for identification and searched for their homes. By raping women who are suspected of sympathizing with militants, the security forces are attempting to punish and humiliate the entire community^{xxvi}.

4.3. North East

4.3.1. There are a number of militant groups in the north eastern parts of India, which frequently engage in violent conflicts with security personnel demanding a separate state for their regions. The United Liberation Front of Assam (U.L.F.A.), Garo National Liberation Army (GNLA), East India Liberation Front (EALF), and National Democratic Front of Bodoland (NDFB) are among these activists^{xxvii}. Fractional violence persists in tension-ridden areas, particularly against women. "The ongoing armed conflict in the North East of India has intensified violence against women, which includes physical, mental, and sexual abuse, killings, and clashes. All members of communities are affected by the armed conflict, but women and girls are particularly affected due to their status in society and their gender. There has been a re-surgence of patriarchal values and norms in the region, which have been linked to new restrictions on women's movement, the clothing they wear, as well as more overt physical violence such as rape, which is used to control a particular community. All of this is exacerbated by the

long-term social, economic, and psychological trauma of armed conflict

4.3.2. **Custodial rape and murder of Thangjam Manorama:** On July 11, 2004, 32-year-old Thangjam Manorama's brutally mutilated body was found near her house after she was picked up in the night from her home in Laiphorak Maring in Manipur by members of the 17th Assam Rifles unit of the Indian Army. An autopsy later revealed that she was raped and assaulted. According to the army, Manorama was picked up because she was a member of the separatist group *People's Liberation Army (PLA)* and was responsible for several bomb blasts. This was consistently disputed by Manorama's family.

4.4. The Mathura rape case^{xxviii} is a landmark case in the history of Indian women's rights movement. The Supreme Court in this case held that Mathura, the girl who had been raped by three policemen, had submitted and given her consent to the sexual intercourse as there were no injuries of resistance found on her body

4.5. Horror instances of CRSV^{xxix} in armed conflict in India

4.5.1. **Kunan Poshpora mass rape:** On February 23rd 1991, soldiers of the Fourth Raj Rifles of the Indian Army, launched a search and interrogation operation in the Kashmiri village of Kunan Poshpora. Under the guise of a search operation, men and women in the village were separated. While men were dragged out of their homes at gunpoint and taken to military camps, over the next few hours, the soldiers raped at least 23 women in their own homes – the actual numbers still remain unclear. The Army has consistently denied the occurrence of the mass rapes over the years.

4.5.2. **Sexual violence against Adivasi women in Chattisgarh:** In 2015 and 2016, multiple Adivasi women in at least five villages of Chhattisgarh were sexually assaulted and raped by Chhattisgarh Police. After a report by activists was submitted to the *National Human Rights Commission (NHRC)*, it urged the Chhattisgarh government to give monetary relief to the women, but no move was taken to prosecute the perpetrators. Even after this, more reports of large scale sexual violence came out of Bastar and Bijapur in March 2016.

4.5.3. Sexual violence during anti-CAA and NRC protests: There were multiple instances of sexual violence during anti-CAA and NRC protests. During one protest, Police lathi charged multiple women from Jamia Millia Islamia University, some of whom reported being hit in their genitals. Reports of similar gendered violence came out of Aligarh Muslim University too.

5. Constitution provisions and the Legislations related to GBV:

5.1. The Indian Constitution under Article 14^{xxx} provides for “equality before the law and equal protection of the laws. While Article 21^{xxxi} under Constitution provides for the right to life and dignity to all persons, Indian law does not recognize sexual violence as a war crime or crime against humanity.

5.2. Under the Indian Penal Code, section 376^{xxxii} deals with the offence of rape. members of the military and paramilitary forces can be prosecuted for the offence of rape under section 376(2)(b) that states whoever “being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him” shall be “punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine

5.3. Criticism and dearth allied to GBV especially with regard to CRSV in India

5.3.1. The Indian Constitution under Article 14 provides for “equality before the law and equal protection of the laws”. However, the Armed Forces Special Powers Act (AFSPA) is a legislation that gives the armed forces extraordinary powers and protects them against prosecution from act criminal acts that maybe committed while on duty. “This results in army personnel committing grave human rights violations since they are given the opportunity to do so. Extrajudicial killings, mass rapes, sexual assault and other forms of harassment, enforced disappearances and torture are but just a few.”^{xxxiii} In Kashmir and areas of North East India, AFSPA has been misused to

commit extreme violence against women with impunity.

5.3.2. AFSPA has been one of the most controversial legislations that can be said to be in clear violation of human rights on many counts. It is especially dangerous for violence that is perpetrated against women living in conflict zones. The Supreme Court of India had entertained a petition challenging the constitutional validity of AFSPA. The court, without going into the merits of whether AFSPA violated the provisions of the constitution, simply laid down certain guidelines for the armed forces to follow while exercising their powers under AFSPA.^{xxxiv} While reviewing Section 7 of AFSPA that requires sanction of prior permission of the central government to prosecute armed forces for acts committed in areas where AFSPA is in force, the Supreme Court observed “You go to a place in exercise of AFSPA, you commit rape, you commit murder, then where is the questions of sanction? It is a normal crime which needs to be prosecuted, and that is our stand.”^{xxxv} However, the court did not strike down the validity of AFSPA. Despite the Act not being applicable anymore in states of Meghalaya, Assam and some parts of Arunachal Pradesh, it is still in force in Manipur and Kashmir where there have been repeated demands to repeal the same. Human rights groups have been very vocal about the misuse of AFSPA specially to perpetrate violence against women in the areas where it is in force. Sections 6 and 7 of AFSPA prevent victims of gender-based violence from exercising an effective remedy which is in violation of Article 2(3) of the ICCPR that states that state parties must “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by person acting in an official capacity”^{xxxvi} The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law categorically states that state parties have a duty to ensure that “An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.”^{xxxvii}

6. Final Thought:

6.1. Revamp to New Legal Approach

The winds of change have led to incorporation of GBV related provisions in the statutes of International Criminal Court and Tribunals. The development of accountability for GBV in conflicts as a crime has come a long way to underscore that such gender based crimes are not insignificant or second-rate and the perpetrator are escape. Hence it is necessary to have new legal approach hold such perpetrators of warfare and other GBV accountable in ICC. The UN has called for an expansion of the role and contribution of women in its operations, including uniformed women peacekeepers in its Security Council resolution 1325^{xxxviii}, and ensuing resolutions, as well as the A4P Declaration of Shared Commitments (Declaration of Shared Commitments).

6.2. Recommendation-Two-pronged suggestion(s)

6.2.1. Women's Participation In Peace-Keeping and access to justice

As a means of redressal of GBV, any gender especially women and girls are seeking access to the judicial system on an equal basis. A thorough understanding of HL norms and international criminal law is essential

for executing these rights and further securing them. More women participating in peacekeeping will make it more effective. A woman peacekeeper enhances the effectiveness of peacekeeping, fosters community involvement, facilitates the protection of civilians, and encourages women to become involved in peace and political processes. Safeguarding their privacy and safety, in line to punish the perpetrator for the heinous crime

6.2.2. Adequate preventative measure with post-traumatic survivors of GBV.

Adopt and implement effective legislative and other appropriate preventive measures to address the underlying causes of GBV.

Participation in awareness development and application of effective measures for GBV post-traumatic survivors

Encouraging private sector involvement, including through incentives and corporate responsibility models for their rehabilitation.

Endnotes and Reference:^{xxxix}

ⁱ In this article, SGBV is the abbreviation for Sexual and Gender Based Violence.

ⁱⁱ In this article, CRSV is the abbreviation for Conflict-Related Sexual Violence.

ⁱⁱⁱ In this article, GBV is the abbreviation for Gender Based Violence.

^{iv}United Nations Human Rights, Office of the High Commissioner, October, 2014(https://www.ohchr.org/documents/issues/women/wrgs/onepagars/sexual_and_gender-based_violence.pdf) accessed on February 23, 2022

^v The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was adopted by the Committee of Ministers and opened for signature in Istanbul on 11 May 2011. The Convention entered into force on 1 August 2014, and recognizes gender-based violence against women as a violation of human rights and a form of discrimination.([https://www.coe.int/en/web/gender-matters/council-](https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence#:~:text=The%20following%20types%20of%20violence,an%20adult%20or%20child%20to)

[of-europe-convention-on-preventing-and-combating-violence#:~:text=The%20following%20types%20of%20violence,an%20adult%20or%20child%20to](https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence#:~:text=The%20following%20types%20of%20violence,an%20adult%20or%20child%20to) accessed on February 22, 2022

^{vi} 1939-1945.

^{vii} Kuwert, Philipp & Freyberger, Harald. (2007). The unspoken secret: Sexual violence in World War II [3]. International psychogeriatrics / IPA. 19. 782-4. 10.1017/S1041610207005376.accessed on February 23, 2022

^{viii} https://en.wikipedia.org/wiki/Comfort_women, accessed on February 23, 2022

^{ix} Elena Grossmann, 2020 The Silent Aftermath of the Second World War: Ethical Loneliness of Rape Survivors, <https://www.diva-portal.org/smash/get/diva2:1483445/FULLTEXT01.pdf> accessed on February 23, 2022

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https://en.wikipedia.org/wiki/Gender_equality_in_Rwanda, accessed on February 23, 2022

xi

https://en.wikipedia.org/wiki/Sexual_violence_in_the_Democratic_Republic_of_the_Congo, accessed on February 23, 2022

^{xii} United Nations Police Gender Toolkit First Edition 2015 available at (<http://repository.un.org/bitstream/handle/11176/387374/Module%203%20Lesson%201%20Introduction%20to%20SGBV.pdf?sequence=5&isAllowed=y>) accessed on February 24, 2022

^{xiii} <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report/s-2019-280/Annual-report-2018.pdf>

^{xiv} Article 27(2), Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Available at <https://ihl.databases.icrc.org/applic/ihl/ihl.nsf/9861b8c2f0e83ed3c1256403003fb8c5/ffcb180d4e99cb26c12563cd0051bbd9>

^{xv} Article 76(1), Additional Protocol I to the Geneva Convention, 1977 available at <https://ihl-databases.icrc.org/ihl/INTRO/470>

^{xvi} Article 77(1), Additional Protocol I to the Geneva Convention, 1977 available at <https://ihl-databases.icrc.org/ihl/INTRO/470>

^{xvii} Article 1, CEDAW General Recommendation 19 of 1992

^{xviii} General Recommendation 30, CEDAW, adopted on 18 October 2013

^{xix} Supra, Para 36

^{xx} Supra, Para 37

^{xxi} Art. 3 (right to life, liberty and security of person) <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

^{xxii} <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> accessed on February 24, 2022

^{xxiii} The Queen's Daughters in India" written by Elizabeth W. Andrew & Katharine C. Bushnell in 1898 uncovers a tragic truth of the British rule in India (<https://www.opindia.com/2021/09/how-indian-women-were-thrown-in-sexual-slavery-during-british-rule-the-queen-daughter-in-india/>) accessed on February 24, 2022

^{xxiv} The Asian Age, Forces deploy 1 million to guard Kashmir Valley, available at

<https://www.asianage.com/india/all-india/180819/forces-deploy-1-million-to-guard-kashmir-valley.html> accessed on January 23, 2022

^{xxv} The Asian Age, Forces deploy 1 million to guard Kashmir Valley, available at (<https://www.asianage.com/india/all-india/180819/forces-deploy-1-million-to-guard-kashmir-valley.html>) accessed on February 23, 2022.

^{xxvi} Asia Watch, RAPE IN KASHMIR- A Crime of War, Vol. 5, Issue 9 (<https://www.hrw.org/sites/default/files/reports/INDIA935.PDF>) on January 23, 2022.

^{xxvii} The Economic Times, Army plans crackdown on key North East insurgent groups, Available at (https://economictimes.indiatimes.com/news/defence/army-plans-crackdown-on-key-north-east-insurgent-groups/articleshow/69848344.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cpsst) accessed on February 24, 2022

^{xxviii} Tuka Ram And Anr vs State Of Maharashtra, 1979 AIR 185, available at (<http://www.indiankanoon.org/doc/1092711/>) accessed on January 23, 2022.

^{xxix} Sexual Violence in Conflict By FII Team - June 19, 2020, available at (<https://feminisminindia.com/2020/06/19/infographic-sexual-violence-in-conflict/>) accessed on January 23, 2022).

^{xxx} Constitution of India, Art. 14

^{xxxi} Constitution of India, Art. 21

^{xxxii} Indian Penal Code, 1886

^{xxxiii} WILPF, A Look at Women's Rights in India through CEDAW, available at <https://www.wilpf.org/a-look-at-womens-rights-in-india-through-cedaw/> accessed on February 24, 2022

^{xxxiv} Supreme Court of India, Naga People's Movement of Human Rights vs. Union of India, 27 November 1997 accessed on February 24, 2022

^{xxxv} Supreme Court of India, CBI v. General Officer Commanding, 1 May 2012 accessed on February 24, 2022

^{xxxvi} Article 2(3), International Covenant on Civil and Political Rights (ICCPR)

^{xxxvii} Article 14, Resolution no. A/RES/60/147 adopted by the UN General Assembly, 21 March 2006

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<https://www.un.org/womenwatch/osagi/wps/#resolution>

^{xxxix}