

The International Protection of Women in Armed Conflicts: Analytical Study

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Abstract—The protection of women during armed conflicts has from time to time been a matter of concern to the international community in various forms and degrees. The laws of war have regulated the protection of women long before the Geneva Conventions and additional protocols system. The aim of this paper is to highlight the protection that women should be given in armed conflict, also taking into account their special needs.

Keywords—Armed conflict, International humanitarian law, International instruments, Protection, Women.

I. INTRODUCTION

Women are repeatedly the victim of armed conflict. Whose are exposed to armed conflict, including gender-based violence such as rape, sexual violence, killing, harming, enslavement, and forced prostitution, are directly or indirectly affected by the conflict. Furthermore, armed conflict also effects of women gender relations, for example, as a result of the family's loss due to the conflict. This article aimed to discuss how international law protects women in armed conflict according to international conventions, protocols, and how the implementation of that protection. This study is divided into several sections; with conclude closing remarks and recommendations.

II. RESEARCH BACKGROUNDS

The behavior of war has changed dramatically over the past century. In its traditional context, the war was fought against states. In the aftermath of World War II, and especially after the end of the Cold War, (Schütte, 2015, p. 28), we witnessed a sharp rise in civil wars – wars between the states, armed groups, or wars between armed groups and the state were fought. A common feature of past conflicts is that armed conflict has turned into massacres of the resident population whenever regular forces face an irregular or “weak” conflict.

Women in armed conflict suffer from massive gender-based violence, among other types of gender-based violence,

sexual violence such as rape, sexual assault, forced abortion, forced marriage, slavery, and women in warfare, also being met with other types of violence sexual. For example, in Somalia, opposition groups use rape and sexual assault against women as a form of reprisal. In armed conflicts that include the Islamic State in Iraq and Syria (ISIS), women are forced to work as sexual slaves to serve ISIS fighters, some of whom are sold as sex slaves for \$ 500–2000 per woman, and if they refuse to be sex slaves, ISIS fighters will kill the women, (Bunga, 2017, p. 15).

A. Problem Statement

With regard to the protection of women in armed conflict, it is important to consider the relevant legal instruments that provide the basis for the protection of women when conflicts occur and how to institutionalize them. The aim of this paper is to explore how international humanitarian law provides the legal framework for the protection of women in armed conflict, and how to exercise such protection. Both will be followed by looking at how women are affected by armed conflict.

III. RESEARCH QUESTIONS

A. The Question of this Thesis Tries to Address

1. Do the women enjoy the same protection and responsibilities as ordinary citizens in armed conflicts?

2. To what extent the international humanitarian law has been effective to protect women in armed conflict?

B. Research Objective of the Study

The main objectives of this research are as follows:

1. Attempts to evaluate the international provision or suitable legal instrument to protect women in armed conflict.
2. It is the aim of this research to provide an overview on the status and treatment of women in national and international sphere.

C. Scope of the Study

This study will concentrate only on the international protection of women in armed conflicts since 2014 specifically in Iraq and Syria. Moreover, this study will also discuss the impact of conflicts whether international or non-international on women; furthermore, the study will examine the conventions and international instruments concerning their protection.

D. Women in Armed Conflicts

The women's situation in armed conflict

Women face the same receding tide and movement in times of armed conflict, which are violations of international humanitarian law as groups at risk as a whole: Torture, summary execution and arbitrary arrests, forced transfer, hostage taking, threat, and intimidation. In addition to these women, sexual violations such as rape, forced prostitution, sexual slavery, and forced vaccinations must be faced, (Bennoune, 2007, p. 363).

Women account for the largest proportion of refugees or vulnerable persons who are transported with their children. Keeping their husbands away from the family, and participating in armed conflict several times, the social status of women also changes. Women bear all responsibilities for the care of children and the elderly, becoming the only and final guardian of family peace, harmony, and identity. She becomes vulnerable in such matters, and the mortality rate inside pale women increases alarmingly in the event of armed conflict. It is estimated that since 1990, 90% of all deaths related to armed conflict have been civilians and that 80% of this number are women and children, (Otunnu, 2002).

Women have suffered from serious violations of human rights and international humanitarian law in all armed conflicts. They have been victims of all forms of sexual violence due to the negligence of the leaders or leaders of armed groups, in an intermittent and uncontrollable manner. These barbaric acts, however, also occur in a continuous and systematic way. In some cases, by perpetrating these atrocities, women become real targets of those who seek to humiliate and destroy entire societies. Women are victims of sexual aggression because their mental and physical integrity is destroyed by the attackers. Usually, in an inhuman attempt to demonstrate the inability of the male part of a group to protect them, women are attacked in public. Women are victims, because they represent the future of the group to which they belong. For this reason, acts such as female genital

mutilation or forced fertilization are common, where attackers attack a nation or an ethnic or religious group, in whole or in part. These acts are a crime of genocide committed during armed conflict or in peacetime, (Ivanciu, 2016, p. 2).

Women still suffer in the post-conflict period because of their sexual assaults, but in some cultures the assaults come from the members of their group. In times of armed conflict or soon after it ends, with husbands engaging in warfare or killing at work, the status of women is greatly changed and they are either the only protection for their families or, on the contrary, they are excluded due to the sexual aggression that they need to overcome. That the victim of sexual assault is equivalent to the disastrous consequences of the victim, such as the consequences of exclusion from public life in society, persecution, or loss of marital status, and the judgment in certain cultures that the victims have mutilated the family and the group in which they live, (Than, 2003, p. 347).

The President of Security Council made a statement on the role of women in peace building on October 26, 2006, by the Security Council, (S/PRST/2006/42). President declared: The Security Council remains deeply concerned about the existence of forms of violence against women in armed conflict, including murder, mutilation, severe sexual violence, kidnapping, and human trafficking. The council reiterates its utmost condemnation of such activities and calls on all parties to the armed conflict to ensure full and effective coverage of women and stresses the need to end impunity for those responsible for gender-based violence (McCormack and Kleffner, 2006, p. 278).

In an armed conflict, women must be treated in a manner that takes into account their specific needs. Women are protected under the Fourth Geneva Convention in wartime during an international armed conflict. Under these circumstances, women are subject to all laws that uphold the basic principle of humane treatment, including respect for life and physical and mental dignity, in particular, the prohibition of coercion, punishment, torture, collective punishment, and the taking of hostages, (Papyan, 2016, p. 6).

In addition to the general protection that "Women shall be specially secured against any attack on their honor, in particular against enforced prostitution, rape or any form of indecent assault," (Geneva Convention IV, 1949, Article 27).

The origin of Article 76 of Additional Protocol I, entitled "Women's protection," is the United Nations Economic and Social Council resolution "Protection of women and in the time of emergency, war, the struggle for peace, national liberation, and independence." In a non-international armed conflict, women are protected by the basic guaranteed protection of persons not participating in the hostilities set forth in Article 3, and common to all four conventions, (Protocol Additional II, 1977).

However, there is no special protection for women under Article 3 of the Geneva Conventions. This provision was supplemented and developed under Protocol II. Article 4 of Protocol II explicitly prohibits "outrages on personal dignity, in particular, humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault."

Like all vulnerable groups, women are legally protected from any abusive treatment by the conflicting parties as well

as from the effects of hostilities: “A vulnerable groups are any person who does not belong to armed forces.” These special protection measures provide a more comprehensive mechanism to prohibit any degrading treatment of women, but there are some difficulties in practicing getting parties to a conflict to properly implement their obligations, (Papayan, 2016, p. 7).

Understanding the global impact of armed conflict on women

Armed conflict has had a major impact on the lives of women. Females are more vulnerable at the personal and structural levels to become victims of gender-related abuse. For example, women are victims of rape, forced marriage, or detained women in their places, and access to fresh air that is caused by arrests mixed with men. However, the impact of armed conflict has brought about changes in gender relations, especially with regard to women, specifically in the four areas of attitude, identity, constitution, and ideology. For example, due to the armed conflict of women who have lost their husbands who previously worked as families, women have been forced to take office, or armed conflict has made it possible for women to obtain smaller marriage expectations, which in some places have a high social status associated with marriage to reduce women’s chances of standing higher social, (Bunga, 2017, p. 18).

Women also tend to be classified as “vulnerable,” although they are not necessarily weak, they even display remarkable strength, as evidenced by their role as fighters or agents for peace, or through their wartime roles to protect and support their families. Conversely, women and girls are more vulnerable to sexual violence, regardless of the perpetrator’s motives, although men are also victims of this violence,” (Lindsey, 2001, p. 11).

In some opposing villages, young girls have admitted that armed men come at night – these girls are used as sex workers – they are not allowed to protest – they are not allowed to close their doors, and this is acceptable to the entire community because these armed men protected the society – so it is a trade-off. The essence of women’s vulnerability lies more in the fact that armed conflicts have grown to such an extent that the vulnerable groups are completely trapped in war, and it is often women who try to perpetuate them and provide them and their protection daily survival for families, (Krill, 1985, p. 337-363).

The notion of vulnerability also includes the problem of danger (exposure), ability to deal with a situation, pain and trauma, and war trauma. “Weaknesses” do not thus fall into an easily identifiable category or description – especially when it comes to women. Therefore, it is possible to identify groups of women as particularly vulnerable and need special assistance according to the specific nature of each case and the various relevant factors, for example, pregnant women, breastfeeding mothers, mothers of children, and housewives. At the same time, women all over the world not only show that they can be very brave and resilient but also those they can take full advantage of their ingenuity and skills in their daily roles as heads of households, caregivers, and caregivers within their families, as well as active participants in the life

of their societies, as employees of international organizations and NGOs, (Lindsey, 2001, p. 12).

The degree of exposure of women and, accordingly, the type of work required to respond to needs clearly depends on the circumstances. A comprehensive needs assessment is required in each situation to identify the most vulnerable groups – however, the potential for women’s situations and needs must always be taken into account. Sexual violence as a method of warfare, for example, or the demand for women to have more children to replace lost children (an increase in the birth rate that increases the demand for reproductive health services) makes women more vulnerable and need to address their own situation.

International humanitarian law and women

Most rules of international humanitarian law apply to international armed conflicts. There is no definition of cases to be applied in the Hague Regulations, (Laws and Customs of War on Land) (Aldrich, 2000, p.42-63). It is clear from their title and material that they refer to interstate wars. Since the concept of war was common and firmly established in international law at the time of its introduction, the application of these laws was not an immediate problem. In recognition of the impact of Article 2 (4) of the Charter of the United Nations and the reluctance of states to recognize the existence of war, the four Geneva Conventions of 1949 extend the coverage of the agreements under common Article 2: “To include all declared states of war or any other armed conflict ... even if they do not One of them recognizes the state of war and all cases of partial or total occupation,” (Schindler, 1979, p. 4 and Greenwood, 1987, p. 283-295).

At the end of the hostilities, IHL generally ceases to apply, (Geneva Convention III, 1949, Article 5). In the case of the occupied territories, 1 year after the end of the hostilities, the Fourth Geneva Convention is no longer in force. The first protocol abolishes this rule and replaces termination of employment as the date on which the agreements and protocol ceased (Roberts, 1990, p. 44-103).

The protection of international humanitarian law of women covered under the Fourth Geneva Convention. The convention provides some general immunity to all residents of disputed countries, (Additional Protocol I, 1977, arts 68-72). However, most of its provisions apply only to “protected persons” during war or invasion, that is, to persons who are in possession of a party to the conflict or occupying power who are not citizens. Neither the nationals of a neutral state, nor the nationals of a belligerent state, “whereas the state they are nationals has a normal diplomatic representation in the state in their hands,” (Geneva Convention IV, 1949, Art 4).

Adequate protections for women

International humanitarian law is the law that governs armed conflict and is therefore the first place to consider whether women enjoy adequate protection in international law against violence, (Qurashi, 2013, p. 43). The basic requirements for the protection of women are contained in the Geneva Conventions, which state that “women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any

form of indecent assault,” (Geneva Convention IV, 1949, Article 27). This explains how international humanitarian law is an existing law on gender; he sees rape as an “honor” challenge and not a violent attack on women because of their gender, (Niarchos, 1995, p. 672). When linking rape with dignity, the violent attack on a woman’s body and mind is not mentioned. It also fits with expectations in society that women are subjected to humiliation and deserve to be overlooked after bearing this assault.

Moreover, Article 147 of the Fourth Geneva Convention does not define rape as a “serious violation” that refutes the severe and harmful consequences of rape and denies that it deserves universal jurisdiction, (Niarchos, 1995, p. 674). However, some progress has been made with the 1977 Additional Protocols to the Geneva Conventions, which prohibit “attacks on personal dignity,” including rape, forced prostitution, and any other degrading treatment, (Additional Protocol I, 1977, Articles 76 (1)).

However, by granting woman a secondary status in international humanitarian law, the reference to “personal dignity” still fails to recognize the seriousness of rape. Another concern is that, due to the improvements made in the protocols for women, the scope of their protection is limited because it is universally unacceptable and does not belong to customary international law. Charlesworth and Gardam also clarify how important 43 provisions of the Geneva Conventions and their Protocols are in dealing with women and the consequences of armed conflict, but they remain ineffective because they only deal with women in relation to others and not as individuals alone, (Gardam and Charlesworth, 2000, p. 159). Gardam also believes that international humanitarian law takes into account the protection of women from a male perspective, thus ensuring that laws remain inherently discriminatory and unfair, (Gardam and Charlesworth, 2000, p. 67).

The interests of women are less important than men because the terms “defense” are used instead of “prohibitions.” Gardam suggests that it is important and fact that there is a new protocol to protect women in times of armed conflict, (Gardam, 1997, p. 77). However, another more credible option is to focus on reimagining existing rules by incorporating gender issues into them. Whatever method is used, it is clear that international humanitarian law needs to be revised to recognize rape as a distinct form of warfare used to persecute women because of their gender, (Niarchos, 1995, p. 679).

E. The Instrument for Protection of Women in International Humanitarian Law

Specialists differ on the types of provisions of international humanitarian law that provides women with protection in armed conflict. The cornerstone of modern international humanitarian law is the four Geneva Conventions adopted in 1949 (with reliable comments issued between 1952 and 1960 by the International Committee of the Red Cross) and their two complementary protocols that were adopted in 1977. As protectors of international humanitarian law, the conventions are remembered Geneva. Although there are sufficient rules

in international humanitarian law to prevent violence against women in armed conflict, the problem lies in the lack of implementation of the law, (Bennoune, 2007, p. 363).

Females are covered under treaties and regulations, such as those who are part of the vulnerable groups that do not participate in war, as well as female fighters who have fallen into the enemy’s hands. Article 3 (1) of the 1929 Convention has already established that “women must be treated with due regard for their gender,” (Geneva Convention, 1929, article 3). It then stated in the third Geneva Convention for the Treatment of Prisoners of War that “Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men” (Geneva Convention III, 1949, Article 14). Therefore, we see in this statement that women should be treated no worse than men in all cases, which means that women enjoy all the rights and freedoms granted by the Convention. Therefore, any discriminatory measures not arising from the convention are prohibited. The principle of equal treatment is supplemented by the other principle, which states that in Article 12 of the First Convention and the Second Convention, Article 14 of the Third Convention, “women should be treated with all consideration to their sex respected,” (Geneva Convention III, 1949, Article 14).

In the event of armed conflict, international humanitarian law provides women equal rights to men, regardless of whether they are vulnerable groups or fighters. In the documents of the Geneva Conventions (1949) and the Additional Protocols to the Geneva Conventions (1977), the definition of discrimination is legislative. To this end, Article 27 of the Fourth Geneva Convention states that “protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs” (Ivanciu, 2016, p. 3).

Sexual violence during armed conflict was a matter of concern before the adoption of the Geneva Conventions system. The Lieber Act provides for punishment for those responsible for the rape of a hostile country. Convention No. 4 of The Hague Convention of 1907 stipulates that family honor, rights, property of persons, religious beliefs, and religious practices must be respected, (Dixit, 2002, p. 147).

They must be treated humanely at all times and protected, in particular, from all acts of violence or threats to which they are subjected and from insults and public curiosity. Any discrimination based on gender, color, language, race, ethnicity, political opinion, national or social context, level of wealth, or any other similar standard is strictly prohibited on the same side, (Geneva Convention IV, 1949).

At the same time, the framers of the Geneva Conventions and their Additional Protocols, taking into account the physical and psychological characteristics of women, are entitled to women with a special requirement for protection. In the four Geneva Conventions and their two Additional Protocols, rules that define and impose respect for the special needs of women can be found:

The First Geneva Convention concerning the Improvement of the Status of the Wounded and Sick in the Armed Forces

in the Field and the Second Geneva Convention Concerning the Improvement of the Status of the Wounded, Sick and Shipwrecked in the Armed Forces at Sea, these conventions (similar in both conventions) state that “women shall be treated with all consideration due to their sex;” (Geneva Convention II, 1949, article 12, para 4).

Article 27, paragraph 4 Geneva Convention. 2. Women are granted special protection “in relation to any attack on their honor, especially rape, forced prostitution or any other form of inappropriate assault;” (Geneva Convention IV, 1949, article 27, para 2).

Additional Protocol I to the Geneva Conventions on the protection of victims of international armed conflicts contains special provisions for the protection of women in Article 76, paragraph 1: “Women are of special concern and are protected in particular from rape, forced prostitution and any other form of inappropriate assault;” (Protocol Additional I, 1977).

The Second Additional Protocol to the Geneva Conventions does not include a specific rule requiring respect for the special needs of women, but it requires refraining from violent behavior against life and physical and mental well-being as a general rule for all, (Ivanciu, 2016, p. 3).

Accordingly, Article 70 of Additional Protocol I address the situation in which vulnerable groups are under-supplied, and when there is a need for humanitarian and impartial activities. Pregnant women and breastfeeding mothers will be given priority when allocating this humanitarian aid. Parties to an armed conflict must also access any transport of basic food and fortified clothing for children under 15, pregnant women and maternity issues, (Geneva Convention IV, 1949, art. 23, para 1).

As a result of this whole set of provisions, without looking again at the specific rules that protect women in general, among them some of the vulnerable groups, we may conclude that the Geneva Conventions and their Additional Protocols harbor pregnancy and family unity.

In all four Geneva Conventions of 1949, and in both protocols, there are provisions that specifically address women. The starting point for a special protection plan for women is laws that address “respect” or “consideration due to women because of their gender” and that require special respect and security for them, (Gardam and Jarvis, 2011, p. 79) the purpose of these provisions is to preserve the woman’s “modesty,” “honor,” or “weakness.” For example, in Article 3 of the 1929 Geneva Convention relative to the Treatment of Prisoners of War, the first recent traditional reference to women requires “the treatment of women with regard to their gender,” (Geneva Convention I, 1949, art 12, and Geneva Conventions II, 1949, art 12, and additional Protocol I, 1977, Art 76).

There are a number of provisions that have the same effect in conventions and protocols. Comments on these provisions give an indication of the meaning of these phrases. For example, in the meaning of Article 14 of the Third Geneva Convention, the phrase “women must be treated with all due respect because of their gender ...” is defined as follows: “It is difficult to give some general definition of” women’s interest. “Some considerations, however, they should be

taken into consideration;... these points are as follows: (Geneva Convention of Commentary III, 1949, at 147-148).

- A. Weakness – This will affect working conditions;
- B. Honor and modesty – The main goal is to defend women prisoners from rape, forced prostitution and all forms of inappropriate assault...
- C. Pregnancy and child-birth – If there are mothers with children among the inmates, early repatriation must be granted ... Women who have given birth to their children must be repatriated, while pregnant women must either enjoy special treatment or must be returned if their health permits. In the context of Articles 12 of the First and Second Geneva Conventions, a similar approach has been adopted:

The special consideration with which women must be treated is of course in addition to the safeguards embodied in the preceding paragraphs, to the benefits of which women are entitled equally with men. What special consideration? No doubt that accorded in every civilized country to beings who are weaker than oneself and whose honor and modesty call for respect, (Pictet et al., 1960, p. 92).

Geneva conventions 1949

The creation of the Geneva Conventions was seen as a major step forward for the security of women in armed conflict. Art. 12 of the First Geneva Convention on Improving the Treatment of the Wounded and Sick in the Field Armed Forces (1949) establish the Equal Treatment of Men and Women Act. However, it also indicates the need for women to be treated “with due regard to their sex” (Article 12), (Gekker, 2014, p. 105-133).

Likewise, the Third Geneva Convention provides that women and men prisoners of war are treated fairly and that women are treated “with due respect for their gender,” (Geneva conventions, 1949, art. 14, 88, 97). On the other hand, the Fourth Geneva Convention for the Protection of vulnerable groups in Time of War (1949) states that “women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault,” (Additional Protocols, 1977, art.2). It also determines the protection of specific maternity (Additional protocol, 1977).

A broader analysis of the Geneva Conventions will go beyond the scope of this paper, but some comments should be made. The Geneva Conventions marked a major shift in the legal status of women in war, but the protection of their rights enshrined in them remains largely based on concepts such as “respect for women,” “honor,” and “family rights,” and women are seen primarily as mothers and capabilities Care in those treaties. Researchers point out that acts of coercion against women, especially rape, are considered by these treaties to be harmful to a woman’s “honor” in its social sense, and not to the dignity of women in the sense that a person is necessary in character, (Even Khen and frey, 2013, p. 43-66). It is also important that the application of the Fourth Geneva Convention be somewhat restricted to the notion of “protected persons” who are “in the hands of an opposing party or an occupying power who are not citizens,” (Geneva Convention IV, 1949, article 4). This means that

the nationals of a state are not a party to the agreement and citizens of a state; neither do they have the nationals of a neutral state nor the nationals of a belligerent state, (Gardam, and Jarvis, 2011, p. 60).

Moreover, the Geneva Conventions do not explicitly provide for the prosecution of crimes against women, but they do state that the conventions are governed by the States parties, (Geneva Convention I, Article 49; Geneva Convention II, art. 50; Geneva Convention III, art. 129; Geneva Convention IV, Article 146, 1949). Effective penalties should be imposed on persons who commit or order the commission of any serious breach of the convention. However, all forms of sexual violence were considered to meet the criteria for serious breach of the convention, (Security Council Resolution 780, 1992). It was stated that the issue of the prosecution of violence against women should be expressly included in the treaty and should not be interpreted, (Gardam and Jarvis, 2011, p. 67).

Additional protocols

With regard to sexual violence, Article 76 (1) of Additional Protocol I states that “Women shall be the object of special respect and shall be protected in particular against rape, forced prostitution, and any other form of indecent assault.” Consequently, the protocol explicitly refers to specific forms of sexual violence and provides for the protection of women from these acts. Article 75 also prohibits “enforced prostitution and any form of indecent assault, not limiting the prohibition to a particular sex.” Article 76 also provides for broader protection for women by making women a subject of “special respect.”

Additional Protocol I also offer implicit protection against sexual violence as an additional protocol. Article 75 (1) provides for a general obligation to humane treatment, which therefore includes a ban on sexual violence. Article 75 (2) specifically prohibits “violence in people’s lives, health, or physical, or mental integrity,” in particular, torture and mutilation. We know that rape and other forms of sexual violence can be torture, (Prosecutor v Kunarac, 2002, para. 150).

Likewise, some forms of sexual violence can be considered mutilation. Article 75 (2) continues to prohibit “outrages on personal dignity, in particular, humiliating and degrading treatment’ and includes, as mentioned, enforced prostitution, and indecent assault,” and it includes, as mentioned, forced prostitution, and inappropriate assault. The International Criminal Tribunal for the Former Yugoslavia concluded that some forms of sexual violence, such as public forced nudity, and constitute attacks on personal dignity.

For its part, Article 4 of Additional Protocol II sets the rule for general humane treatment and prohibits many of the same procedures. Therefore, we need to look beyond explicit references to rape or inappropriate assault on our own to understand protection from sexual violence. There are, in fact, other provisions of the protocol that contributes to protection from sexual violence. In particular, Article 75 (5) of Additional Protocol I states that “women whose liberty has been restricted for reasons related to the armed conflict

must be held in places separate from those of men” and “they must be subject to the immediate supervision of women ... among other things, to protect women from sexual violence” (Sivakumaran, 2018, p. 113).

It is known that sexual assault of women in wartime is considered a weapon of war. During the 1994 genocide in Rwanda, more than 50,000 women were raped; in the early 1990s, about 20,000 and 50,000 women in Bosnia and Herzegovina were sexually assaulted. It was also found that more than 50,000 women were internally displaced in the Sierra Leone conflict and that about 64,000 women had been subjected to violence by armed fighters. This conclusion prompted the United Nations to conclude that “Violation of the human rights of women in a situation of armed conflict constitutes violation of the fundamental principal of human rights and humanitarian law,” (Nkuanga, 2019).

According to the testimony of witnesses and victims verified by reports from the United Nations (UN), including the Secretary’s report on sexual harassment in 2015, this sex trade was a planned process that ISIS itself had initiated, coordinated, and supervised. It began in August 2014, when ISIS launched an attack on the Yazidis, invading their main town of Sinjar, killing thousands, and capturing 6000 of their wives and children as young boys (women captured as slaves in battle) and “battle spoils,” (Callimachi, 2015).

Then, girls and women are divided into smaller groups. The “best” girls will go to “Raqqq,” the capital of the caliphate, while the rest will be sent to open slave markets, or “bazaars.” ISIS also published documents ranging from 300,000 Iraqi dinars for children (1–9 years) to 50,000 for women ages 40–50, allowing only foreign fighters from Turkey, Syria, and the Gulf states to purchase more than three prisoners, (UNIRAQ, 2016).

In addition to sporadic physical violence, including rape during armed conflict, it has been observed that women are plotting sexual violence in many conflicts. What happened in World War II in Berlin, Nanking under the occupation of Japan, in Vietnam, Mozambique, Afghanistan, Somalia, Bosnia and Herzegovina, Kosovo, Sierra Leone, and elsewhere around the world are not only open-minded but also a humiliating and horrific experience for the global community. The conflict in Bosnia and Herzegovina is a striking example of the rape of women as a method of war, (Meron, 1993, p. 424-428).

In Iraq, ISIS has committed atrocities against Yezidi women and girls, including systematic rape, human trafficking, and the killing of children. However, ISIS used the bodies of these women and girls as spoils of war to draw and train the Takfiri groups, often known as suicide bombers. Therefore, the justification of these women and the killing of their children is morally justified because the Islamic State claims that they really serve God by torturing the enemy. Certain fighters have kidnapped, abducted, and systematically raped Yezidi women and children. Moreover, because of violence and abuse in ISIS detention centers, many Yezidi women have suffered a miscarriage, and many children have lost their lives due to malnutrition and disease. Crimes committed by the Islamic State against Yazidi women

are a crime against humanity, and they should be considered genocide, (Hassen, 2016, p. 26).

The world was surprised and terrified to hear the accounts of women forcibly detained for rape and impregnation, (Meron, 1993, p. 424-428). Sexual crimes during armed conflict take multiple forms such as: Kidnapping, forced sexual intercourse, or other acts of sexual contact with family members, forced impregnation, sexual mutilation, sexual humiliation, medical experiments on the sexual and reproductive organs of women, forced abortion, forced sterilization, and prostitution forced, and sexual intercourse with essential subjects, (Schneider, 2007, p. 915). Sexual assault of vulnerable women in conflict is an unabated and ongoing legal issue and there is still insufficient legal redress for women victimized by gender violence in war, (Schneider, 2007, p. 920).

The international community has made great strides over the past few years to target and prosecute sexual violence against women in conflict, (Corcoran, 2008, p. 203). Starting with the international criminal tribunals in Rwanda and the former Yugoslavia, the Rome Statute was developed, (U.N. Doc. No. A/CONF. 183/9, 1998). The creation of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda has been successful in prosecuting sexual violence as war crimes, crimes against humanity, methods of torture, and forms of servitude and persecution, (O'Sullivan, 2011, p. 271).

F. The Scope of Protection of Women in Armed Conflict under IHL

Protection from sexual violence

Global armed conflict in situations of global armed conflict, rape and other forms of sexual assault are implicitly and explicitly discussed in the four Geneva Conventions of 1949 and their Additional Protocols of 1977. In particular, Article 12 of the First Geneva Convention and Article 12 of the Second Geneva Convention provide general immunity from, among other things, mistreatment and torture of the wounded, sick, and shipwrecked in the armed forces. By doing so, they stress, on the one hand, the non-discriminatory, gender-neutral approach of all those under protection. On the other hand, it includes a special reference to women who are "treated with respect for their gender," (Gaggioli, 2014, p. 894).

The protect prisoners of war from violence or intimidation and guarantee their right to "respect and honor people." Women are again identified and demanded not only "to be treated with regard to their gender," but also "to benefit from favorable treatment such as that given to men." More meaningful is the GC IV regarding the protection of vulnerable groups, (Geneva Convention IIV, 1949, Articles 13 and 14).

General protection for all vulnerable groups subject to the convention from violence and inhuman treatment without compromising their "health, age and gender," and specifically protecting women from any attacks on their honor... rape, forced prostitution, or any other form of inappropriate

assault, (Geneva Convention IV, 1949, article 27(2)). "Attacks on personal dignity, in particular degrading and degrading treatment, forced prostitution, and any other forms of inappropriate assault" on vulnerable groups and military agents are prohibited, (Additional Protocol I, 1977, article 75(2) (b)).

There are two additional articles, Articles 76 (1) and 77 (1), respectively, that specifically protect women from rape, forced prostitution, and any other form of inappropriate assault "and children" against any form of inappropriate assault. As a result, GCs I, II, and III do not refer to sexual violence or act directly. However, each of these treaties creates protections for societies that fall within its subject matter, and therefore prohibits violence against individuals, abuse and care, which may all include rape and other forms of sexual assault, depending on the circumstances, (Aleshkina, 2016, p. 30).

GC IV and AP I clearly define rape, forced prostitution, and inappropriate assault as serious enough crimes to protect vulnerable groups from enemies. Finally, all treaties affirm additional protection against what is implied or explicitly identified as acts of sexual violence against the most vulnerable groups of victims, especially women, and children, (Aleshkina, 2016, p. 31).

Protection from rape of women

Rape and sexual violence against women occurs in different circumstances: Sometimes the perpetrators continue after the attacks, but others may follow them; sometimes women and girls are kidnapped in family situations where they are repeatedly raped; (Prosecutor v Kunarac, Kovač and Vuković, 2001).

Legal research has shown that "the laws and customs of war do not definitely prevent rape and other crimes of sexual violence as they are core crimes under humanitarian law, and as such, constitute a clear definition of procedural doctrines and the range of substantive crimes under humanitarian law," (Sellers, 2000, p. 263). In 1474, rape was included in the first recorded trial of war crimes. Hugo Grotius believed that "as Part of the Law of Nations, namely, that whoever ravishes a Woman in time of War deserves to be punished in every Country," (Grotius, 2005, p. 1301).

Sometimes they are raped before killing. Women cannot easily escape the struggle zones when they are pregnant, burdened with children, or social norms that prevent their presence in public places. Even after fleeing the conflict zone, women and girls are not safe, and rape and sexual violence are not the only way for women to experience armed conflict, even though they have been at the center of the international legal system, In addition to the fear of physical violence, vulnerable groups face economic and social difficulties, and the risk of attacks that involve leaving the home to perform routine activities such as finding food, water, and fuel, (Lindsey, 2000, 561).

Occasionally, women and girls are arrested in prison conditions where they are repeatedly raped; sometimes, they are raped before the killing. Women cannot flee the combat zone easily when they are pregnant, burdened with children,

or social norms that prevent them from being in public places, (Prosecutor v Kunarac, Kovač and Vuković, 2001).

Among the ten countries most at risk of maternal death in history, most are in war today or in post-conflict situations, such as Afghanistan, Sierra Leone, Cameroon, Angola, Liberia, Somalia, and the Democratic Republic of the Congo; even after fleeing the conflict zone, women and girls are insecure and exposed to more Sexual violence in refugee and internally displaced camps, (Puechguirbal, 2009). For demonstration, in August 2014, Amnesty International reported the accounts of hundreds of Yazidis documenting forced marriage, sexual slavery, abuse, and sexual slavery of women and girls by ISIS, (Amnesty International, 2014). Many Yezidi women and girls were transferred by ISIS from ISIS in Iraq to ISIS in Syria, which made them foreigners under ISIS authority. Fleeing women and girls reported that they were offered as “gifts” or sold to fighters and other ISIS supporters, and they have continuously threatened by marriage and sexual harassment and that lead women of all ages to commit suicide because of fear and abuse, (Guttry, Capone and Paulussen, 2016, p. 115).

The systematic and widespread rape of women is slavery or, at the very least, a crime against humanity and a war crime. Crimes involving the persecution of a religious group, unlawful imprisonment, sexual slavery or any other form of sexual violence are considered to be of equal seriousness when committed in a systematic or widespread manner as part of the group’s international crime against humanity policy, (Rome Statute, art. 7).

The first volume of the study includes 161 laws that have been assessed as familiar, and most of them applicable to international and non-international armed conflicts. Rule 93 prohibits rape and sexual violence. It has been found that the embargo applies to international and non-international armed conflicts as well as the protection of women, girls, boys, and men, (ICRC Customary Law Study).

Protection pregnant women

There are a number of provisions that address pregnant women, maternity cases, and mothers of children under the age of seven, respectively. These groups of women are equal to the wounded, sick and elderly throughout the traditional rules and enjoy special protection and respect. In the context of matters such as medical care, food, physical safety, and repatriation, they are given special treatment, (Commentary Fourth Geneva Convention, 1949, p 134).

Forced pregnancy and maternity in armed conflict are another practice. Women become pregnant as a result of deliberate rape attempts and are limited to the intention of keeping them pregnant until it is too late for an abortion that aims to humiliate women, (Sudhakar, 2006, p. 279). In the former Yugoslavia, impregnation was imposed as a result of rape during armed conflict as a Serbian strategy and used as a weapon of war. Some rape victims were forced to have unwanted children. It is a humiliating practice against a woman who compels a rape victim to bear the offender’s children. The physical, psychological, emotional, and social dimensions will have serious consequences, (Fisher, 1996, p. 91).

The Vienna Conference on Human Rights in 1993 states that human rights violations against women in situations of armed conflict constitute violations of fundamental principles of international human rights and humanitarian law. All of these violations, including murder, systematic rape, sexual slavery, and forced pregnancy in particular, it requires a particularly effective response, (Vienna Declaration, World, 1993, 14-25). The 1995 World Conference on Women in Beijing urged the international community to “fully respect the standards of international humanitarian law in armed conflict and take all necessary measures to protect women,” (Beijing Declaration, 1995, para. 144).

The 2005 World Summit of the United Nations in the General Assembly resolved to “eliminate all forms of discrimination and violence against women and girls, including ending impunity and ensuring the safety of vulnerable groups, especially women and girls, during and after armed conflict in line with states’ obligations under the law International Humanitarian and International Human Rights,” (UN Doc. A/60/L.1,2005, para. 58(f)).

Protection of women from discrimination

The first principle states that there is no discrimination in the general protection of women. Articles 9 and 57 of Additional Protocol I, and Articles 2 and 4 of Additional Protocol II, as well as the Fourth Geneva Convention, refer to special provisions dealing with discrimination. The core of international humanitarian law is to protect all vulnerable groups without discrimination, and to apply this protection equally between men and women. In fact, this law requires that people be treated humanely, without any bias for sexual reasons, (Fnish, 2013, p. 71).

Treat vulnerable humanely

The second principle states that international laws protect vulnerable which requires any party to ensure the humane treatment of all vulnerable in a military conflict. Article 3 of the Fourth Geneva Convention also refers to this provision. All of these doctrines must apply to all persons who are not directly or indirectly involved in any offensive action, including any unarmed military personnel and those who are unable to fight. They should be considered vulnerable groups at all times, without bias. Thus, physical assault and killing of vulnerable groups are prohibited, (Geneva Convention, IV, 1949, art. 3).

IV. CONCLUSION

1. Based on the above analysis, we can infer that armed conflict has had a major impact on women’s lives. Women are more vulnerable among both individuals and the structure to become victims of gender-related violence. For example, women are victims of rape or forced marriage, or when women are limited in their place of detention.
2. Moreover, the impact of armed conflict has brought about changes in gender relations, especially with regard to women, specifically in the four areas of attitude, identity, constitution, and belief. For example, due to the armed conflict of women who lost their husbands who previously

worked as families, women were forced into office, or armed conflict made it possible for women to obtain lower expectations of marriage, which in some places enjoyed a high social status associated with marriage to reduce women's chances of standing higher social.

3. International humanitarian law provides international legal structure to protect women in armed conflict, to ensure that their human rights are not violated during the conflict. For example, this is contained in the 1949 Geneva Convention and its additional protocols that specify basic rights that cannot be reduced in any circumstance, even in armed conflicts.
4. International humanitarian law has provided a legal framework to protect women in armed conflict, to ensure that their human rights are not violated during the conflict. For example, this is contained in the 1949 Geneva Convention and its additional protocols that specify basic rights that cannot be reduced in any circumstance, even in armed conflicts.
5. Laws relating to women's protection must be disseminated as widely as possible and implemented during situations of armed conflict. Military laws and training manuals must contain a prohibition of sexual assault. Violations of international humanitarian law involving women must be monitored with a system. Attempts should be made to spread the rules relating to the protection of women between parties to armed conflict and the United Nations peacekeeping forces. In light of this violence against women in armed conflict, the Special Rapporteur on violence against women recommended that the existing humanitarian legal requirements be evaluated and that procedures be changed to reflect the development of guidelines on violence against women in armed conflict.
6. In overall, international humanitarian law provides protection and ensures fair care for the injured and the sick, and for prisoners of war and civilians without distinction between sex, race, nationality, religion, political opinions, or other criteria, but international humanitarian law also recognizes that women face different problems in armed conflict as the above-mentioned.

G. Recommendations and Suggestions for International Society

1. Military laws and instruction manuals must contain a prohibition of sexual assault. There have to be a system for monitoring violations international humanitarian law that involving women.
2. Striving to increase awareness of international humanitarian law by conducting courses, holding debates and introducing the international humanitarian law's convention and protocols to armed groups.
3. Penalizing all those groups that violate the Geneva Conventions, their additional protocols and the other international agreements for the protection of individuals.
4. Penalizing all those individuals and groups who order the violation of the provisions of international agreements that aim to protect especially women, from mistreatment.

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