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**INTERACTIVE EXPERT PANEL**

**Unite to End Violence against Women**

International Committee of the Red Cross: Women and War Talking Points  
The Impact of Conflict on Women\*

**Submitted by**

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\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

## **International Committee of the Red Cross: Women and War Talking Points** **The Impact of Conflict on Women**

### **1. Overview**

In the absence of clear front lines, distinct uniforms and recognizable military structures, it is increasingly difficult to distinguish between combatants and civilians in today's warfare. As such, civilians are frequently placed at the epicentre of the conflict, endangered not only because of their proximity to the fighting, but also because they are deliberately being targeted as a method of warfare. This evolution of warfare has led to women, as members of the civilian population, facing increased risk of injury, displacement and sexual violence.

Women's experience of war is multifaceted - it can mean separation from or the death of loved ones, the loss of livelihood, an increased risk of forced displacement, deprivation, sexual violence, physical harm or death. International humanitarian law, human rights and refugee law are clear about the protection women have a right to expect; yet all too often, this law is not implemented or respected. Constant efforts must be made to promote knowledge of and compliance with the obligations of international humanitarian law by as wide an audience as possible and using all available means. States and humanitarian actors alike must be made responsible for improving the plight of women in times of war, and women themselves must be more closely involved in all the measures taken on their behalf.

### **2. *Abandoning the limited perception of women as "victims" or "vulnerable".***

Public opinion and the media commonly reflect the supposed passive victimisation of women: Women tend to be definitively portrayed as victims of fighting, a poignant story to move and to influence. However, the reality is women can also take an active role in armed conflicts and hence should not be automatically labelled as vulnerable. Women are also politicians, leaders of non-governmental organisations, social and political groups and peace campaigners. As members of the civilian population, they have crucial social roles and skills that enable them to deal with the increased stress and burdens placed on them in wartime. For example, women have initiated small enterprises and income-generating projects with meagre resources within their devastated communities and IDP camps. Women in wartime show tremendous courage and resilience as survivors and as heads of households - a role for which many of them have had little or no preparation and which is often exacerbated by the social constraints imposed on them. The terms "vulnerable" and "victim" are thus not synonymous with women and demonstrates a limited understanding of women's experience in wartime.

As such, the ICRC contends that women should be involved in the planning, implementation and evaluation of assistance programmes carried out in their favour in order to increase knowledge of their specific problems and needs. In doing so, organisations are able to implement controls to ensure that women beneficiaries are not being exploited or abused. Such involvement of women can afford them better protection and assistance as specific concerns related to women can be raised and addressed throughout the programme life cycle.

### ***3. International Humanitarian Law, Human Rights and Refugee Law afford protection to women in situations of armed conflicts. The problem is a lack of implementation of, and/or respect for this law***

Protection for women in wartime is enshrined in international humanitarian law (IHL), which is binding on both States and armed opposition groups. This body of law, which includes the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, provides protection for women as civilians and as captured or wounded combatants. Many of IHL's rules constitute customary law and therefore are binding on parties to an armed conflict, regardless of whether they have ratified the relevant treaties. These IHL customary rules specify that rape and other forms of sexual violence are prohibited and this is applicable in both international and non-international armed conflicts.

Women benefit from the general protection afforded by International Humanitarian Law. Along with the rest of the protected population, they must be able to live free from intimidation and abuse. In addition, IHL includes a specific protection regime for women, primarily in respect to their health and hygiene needs and their roles as mothers. Human rights law and refugee law provide further protection for women in times of violence. Hence, the challenge lies in ensuring implementation and respect for the existing rules.

- ∅ In addition to the existence of rules and the need to respect them, mechanisms for enforcing rights and redressing violations are also of crucial importance. In this respect, the recent developments embodied by the International Criminal Tribunals and the prosecution of those responsible for war crimes, are a very important step forward in the fight against impunity. Not only are the perpetrators actually brought to justice, but also the ICTs are a general deterrent against replicating such abhorrent violence in future conflicts.

### ***4. Sexual violence is unacceptable and not inevitable.***

#### ***Overview:***

Sexual violence is one of the most frequent and traumatic violations that women suffer in wartime and strikes at the very core of human dignity and physical integrity. By violating women, arms bearers are able to humiliate and demoralize the community who could not protect them. Where the integrity of the community and the family is perceived to be bound up in the "virtue" of women, rape is used as a deliberate tactic to destabilize families and communities. The assault causes immeasurable physical and psychological suffering and can result in the victim being abandoned by their family or ostracized by the community.

#### ***Sexual violence and IHL:***

- ∅ Sexual violence is **expressly prohibited** in international humanitarian law and is encompassed in "wilfully causing great suffering or serious injury to body or health."<sup>1</sup> Acts of sexual violence are expressly included as self-standing crimes in the statutes of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR) and

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<sup>1</sup>Article 147, IV GC.

the International Criminal Court (ICC). Crimes of sexual violence have attained more visibility and received marked importance in terms of prosecution under humanitarian law. Prohibitions of rape and other forms of sexual violence must be included in national law and in the military codes and training manuals of arms bearers. Sexual violence is prohibited against men, women, girls or boys. Breaches of this law and of instructions given to arms bearers must be appropriately punished. Rape is preventable; this must be recognised and realized.

Ø ***There must be a more comprehensive response to sexual violence.***

Victims of sexual violence need rapid access to appropriate and adequate medical care (including pre- and postnatal care for those who have become pregnant) and may need counselling. In order to avoid the risk of ostracism or punishment because they have been the victim of sexual violence (a very real risk in many communities), victims need an appropriate environment in which to relate and report their experiences. Their situation needs to be handled confidentially and sensitively, taking into account their cultural background, preferably by trained female staff (for women and girls), including interpreters.

- Ø In the field of dissemination of international humanitarian law, greater efforts should be made to improve and increase dissemination of the rules concerning the protection of women and the prohibition of sexual violence at all times among parties to an armed conflict. These rules also apply to peacekeeping forces.

## ***6. The situation of women in armed conflict***

### **Female Head of Households:**

- Ø In the absence of the male breadwinner, women often have to manage alone and assume extra responsibilities. This is particularly true for female heads of household, widows, elderly women, pregnant women or mothers with small children. Women often have to travel long distances to find water, food, firewood, medicines, and all other necessities for trading or for their families' consumption. As they move around, they risk sexual violence, rape or injury from landmines and unexploded ordnance. Such challenges and dangers increase in cases of forced displacement.

### **Economic deprivation**

- Ø Wives and mothers have to find ways to support the family, often facing a life of poverty – exacerbated by the low social status and marginalization they suffer in many societies. Many lack a trade or source of income that would enable them to provide for their dependants.

### **Lack of legal status**

- Ø For women with missing husbands, very often their legal status is unclear, since they are no longer wives yet not officially widows. Some countries allow years to pass before declaring a person officially dead or absent. Without the proper documentation, women cannot claim an inheritance, seek guardianship of children, access property or even remarry.

### **Access to health care**

- Ø Women come across numerous obstacles in accessing services and assistance in wartime. This is linked to the destruction of the community's

infrastructure, which can result in the collapse of even essential services. For example, maternal health services are rarely available in conflict. In developing countries, pregnancy and childbirth are major causes of death, illness, and disability among women.

- Ø Socio-cultural factors can also render access more difficult. In certain cultures they are not permitted to travel unless accompanied by their husband or male family member. Indeed, lack of awareness compounds lack of access, for example higher rates of illiteracy and less contact with the public sphere may mean that women and girls do not get enough information regarding the threat of mines for example, or health services available.