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THE GIRL CHILD AND ARMED CONFLICT: RECOGNIZING AND ADDRESSING GRAVE VIOLATIONS OF GIRLS' HUMAN RIGHTS

INTRODUCTION

History has been the evidence of how the victories through wars and armed conflicts, have been an active manifestations of manpower, strength and dominance. Be it the First World War, where the Allied Powers emerged victorious, or the Second World War, which led to emergence of two world powers, the USA and USSR, famously known as the 'era of cold war' (1945-1991). Concluding the war, with The United States turning the world 'unipolar'. Thus, it is substantially clear that wars and armed conflicts have emerged as the major component for various nations demarcating their dominance and strength. However, it is important to put forth the thought, 'What good have these wars and armed conflicts brought to the world?' Yes, they undoubtedly added to the victorious countries' profile of dominance and strength, but what about the common folk of such nations, the people, women, children, the senior citizens, what did the countries do to ensure their protection? Thus, it is important to understand that these armed conflicts have had various negative consequences, that are not only grotesque and violent in nature, but undermine the very basic, fundamental principles of peace, tranquillity, and protection of human rights irrespective of caste, sex, place of birth etc.

The victims of such conflicts go unnoticed amidst the celebratory cries of the victories nations. Women and children, especially the young girls undergo various grave human rights violations, before, after and throughout such conflicts, ranging from mental, physical, emotional, spiritual and material repercussions. It is important to document, monitor and report such extreme sufferings

that the armed conflicts inflict on women, especially young girls.

Thus, the paper analyses various aspects of how young girls, have been undergoing grave human rights violations, ranging from sexual exploitation, illegal detention, abduction, torture, forced removal from families, child marriage, extending to the nature of them being used as agents of conflicts during such sensitive situations. These grave violations not only scar these girls physically but leave them with mental trauma and psychological scars.

LITERATURE REVIEW:

Susan Mckay, explains in her article, “*The effects of armed conflicts on women and girls*”,¹ that there are women during armed conflicts go through several health implications of sexual abuse, that include prolonged rectal bleeding and agony if victims have been forced to have anal sex, as well as throat irritation from forced oral sex. In addition, the humiliation, shame, and suffering caused by sexual abuse must be dealt with by girls and women. These include flashbacks, difficulties re-establishing close relationships, enduring worries, and a dulling of life's pleasure. They might put off getting medical attention out of concern for criticism. The suicide rate is elevated. Rape during a war damages a woman's sense of control over her body and life, which causes psychological harm. Women who have forced pregnancy may suffer from psychological stress and lose their ability to engage in typical sexual or reproductive activities.

In the journal, titled, “*The Disproportionate Effects of War and Conflict on Women and Girls*”, by *Hattie Phelps*,² explain that women, although, disproportionately impacted by conflict, yet they are frequently excluded from peace negotiations and efforts to avert conflict. In actuality, women made up only 23% of delegates in peace initiatives backed by the UN in 2020, according to UN

¹ McKay, S. (1998) ‘The effects of armed conflict on girls and women.’, *Peace and Conflict: Journal of Peace Psychology*, 4(4), pp. 381–392. doi:10.1207/s15327949pac0404_6.

² Phelps, H. (2023) *The disproportionate effects of war and conflict on Women and Girls*, Georgetown Law. Available at: <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2023/04/The-Disproportionate-Effects-of-War-and-Conflict-on-Women-and-Girls.pdf> (Accessed: 15 April 2024).

Women. Furthermore, in 2020, the percentage of women holding political office in nations still recovering from conflict was only 19%. This statistic is regrettable because studies demonstrate that peace agreements involving women are "more durable and more effectively carried out" and can be up to 64% less likely to collapse. These findings emphasise the need for more women to fill these vital positions.

In the article, "*The Girl Child and armed conflict: recognising and addressing grave violations of girls' human rights*", the authors, *Dyan Mazurana and Khristopher Carlson*³, explain that although boys and girls go through similar atrocities of wars and conflicts, and similar roles of raiding, cooking, fighting etc are taken from and forced upon adolescent girls. Girls may be handed to one male for his sole use as a prisoner "wife," or they may be made to serve as sexual slaves to multiple males in the armed services. Additionally, the bulk of the domestic and agricultural labour required to keep the military troops afloat is forced onto adolescent girls. In certain conflicts, kidnapping rates are incredibly high. Because of their experiences in such fighting forces, many girls are connected to those forces and die as a result.

RESEARCH METHODOLOGY:

Doctrinal method is employed for conducting this study, wherein the works of various esteem writers, journals, articles and reports were studied and complied with careful evaluation, to address the issue at hand.

Further, various literature, books, research papers, and travelogues were analysed and an in depth research is conducted in order to provide justice to the topic and enhance comprehension and deeper understanding of the subject-matter.

RESEARCH OBJECTIVES:

The research paper aims to delve into the following-

- Analyse the concept of sexual military slavery and the system of 'comfort women' during armed conflicts.

³ Mazurana, D. and Carlson, K. (2006) 'The girl child and armed conflict: Recognizing and addressing grave violations of girls' human rights', United Nations Division for the Advancement of Women [Preprint].

- Impact of armed conflicts on girls and women.

ANALYSE THE CONCEPT OF SEXUAL MILITARY SLAVERY AND THE SYSTEM OF 'COMFORT WOMEN' DURING ARMED CONFLICTS.

The system of 'comfort women' is a linguistically systemised word that wraps around its meaning the sentiments of several women who have been the unnecessary victims of armed conflicts and wars. Since times immemorial, wars and armed conflicts have been a gruesome evidence of the harsh realities and the grotesque impact these wars and conflicts have on the people and especially women and girls. One such infamous practice was witnessed during the Second World War, in the Japanese military, which gave birth to the concept of 'comfort women', a concept that was systematically organised and controlled by the state but publicly silenced for international peace and security. A gruesome and inhumane practice which finds its basis on the socio-stereotypical concept of the patriarchal system of the society, with the belief that women should systematically delve into the practice of 'sexual military service' to satisfy the uncontrollable needs of the military officials.⁴

During the Second World War, Imperial Japan, abducted and coerced women from their occupational territories, such as Korea, Taiwan, Indonesia, the Philippines, Taiwan, and sometimes Japan itself. These women were compelled into sexual servitude for Japanese soldiers. With only one day off for rest and medical examination, a large number of women and young girls were simply abducted from their homes, workplaces, schools, rice fields, and prisoner-of-war camps in order to work as many as 30 to 40 men every day. These ladies would still be raped by army physicians. Numerous diseases, drug addictions, suicides, and forced double suicides claimed the lives of these Japanese military sex slaves. A lifetime of desertion, illness and injury, PTSD, and societal prejudice awaited those who made it out of the war and their sexual captivity.⁵

Furthermore, sexual slavery was imposed on the women by the Japanese troops. Many strategies were employed, including gang rape (also known as "subjugation" operations), marketing

⁴ Bisland, B.M., Kim, J. and Shin, S. (2019) 'Teaching about the Comfort Women during World War II and the Use of Personal Stories of the Victims', *Asian Literature in the Humanities and the Social Sciences*, 24(3).

⁵ Pae, K.C. (1970) In remembrance of wartime 'Comfort women', *Reflections*. Available at: <https://reflections.yale.edu/article/womens-journeys-progress-and-peril/remembrance-wartime-comfort-women> (Accessed: 15 April 2024).

(referring to the need for "hostesses"), deceit (saying that "your salary will be sent back to your family if you work as a washing woman [for the Japanese army]"), and outright seizure.⁶

It is essential to highlight that such practices were not only confined to Japanese military but were widely prevalent, however they never came to the forefront and gained importance as this case did. Moreover, this practice is a reminder that the sufferings of women who were subjected to such gruesome practices did not come to an end with the end of the war. The sufferings of these women, forced into sexual servitude transcends periodical boundaries. With the end of the war, the military forced the police to procure several women, thus, resulting in the harsh and forceful procurement of several young girls and women.

The "comfort women" system survivors withheld their testimonies from the public for many years. The outside world was not privy to their shame-cloaked private suffering. However, information about their experiences started to surface in a number of cases against Japan by the early 1990s. They demanded a cash settlement and an apology from Japan for their suffering. South Korean women introduced the term "comfort women" to the body of legal precedent pertaining to women's rights during times of war when they were the first to organise it into a national campaign.⁷

Nevertheless, the greater narrative of the 35 years of sexual enslavement Korea endured during Japanese colonial control has overshadowed the experiences of other termed "comfort women." Even in their 80s and 90s, survivors in the Philippines, like the few surviving women in Korea, are still fighting for recognition.

They were imprisoned in the Philippines for anything from a few nights to over a year. These women had psychological and physical wounds from the conflict, including impaired reproductive systems, STIs, and post-traumatic stress disorder. Many were ostracised and occasionally rejected by their own families.

⁶ McCarthy, J. and Meyer, P. by C.D. (2020) Photos: Why these World War II sex slaves are still demanding justice, NPR. Available at: <https://www.npr.org/sections/goatsandsoda/2020/12/04/940819094/photos-there-still-is-no-comfort-for-the-comfort-women-of-the-philippines> (Accessed: 15 April 2024).

⁷ Min, P.G. (2003) 'Korean "Comfort Women": The Intersection of Colonial Power, Gender, and Class', *Gender and Society*, 17(6), pp. 938–957.

The "comfort women" of the Philippines, organised into numerous and occasionally rival groups, have demanded official recognition and compensation from Japan as well as acknowledgement of their ongoing plight by the Philippine government.

Various instances have been cloaked with the inhumane conditions and practices these women were subjected to during armed conflicts and wars. The victims of such activities still waiting to be heard, while simultaneously fighting the societal prejudices, the survivors of such grisly and horrifying practices, have come a long way. It is essential that the law recognises the sufferings of these women and understand the impact armed conflicts and wars have had on the people of the nations involved, especially women and girls and how they are still relying their hope in justice and fighting for societal acceptance.

IMPACT OF ARMED CONFLICTS ON GIRLS AND WOMEN

The aftermath of war has always been grey, whether it concerns the social, political or economic infrastructure of the nation. The façade of political dominance and strength has never worked in the bigger picture, wars and conflicts have always led to bloodshed, disaster, and displacements. Armed rebellions, conflicts and wars have only led to harm to the peace and development of the nation and humanity as a whole. Moreover the aftermaths of such conflicts and rebellions has always led to various humanitarian crises, leading to violations of various human rights that are considered to be holy by the very same nations.

One such result of armed conflicts, rebellions and wars is the humanitarian crises women and young girls of such nation face. These women, find themselves failed by their own government, deprived of safety and security amidst widespread human rights violations, such as, sexual violence, abuse, and forced sexual labour.

The impact of such armed conflicts on these women and girls are deep rooted, as it affects them physically and mentally, resulting in exclusion from their own family and communities, thus leaving them with lifelong trauma.

There are various horrific impacts wars and armed conflicts have on women and girls, some of them are discussed below:

Sexual exploitation and gender-based violence:

Sexual assault has been a common military tactic. "Not just uncontrollably committed rape, but ordered rape as a means of achieving military, political, or economic ends" is what it is. As the Pakistani army worked to defeat the 1971 Bangladeshi freedom struggle, hundreds of thousands (or perhaps as many as four million) Bengali women were raped inhumanely across the Indian subcontinent. The island nation of Sri Lanka has been dealing with the fallout from 26 years of vicious warfare committed by the security forces and the separatist Liberation Tigers of Tamil Eelam (LTTE). Between 2002 and 2011, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has accused people of committing heinous crimes.⁸

In areas of war, sexual violence has been used rather frequently. The extent and frequency of such sexual assault has, in part, encouraged apathy and the idea that it is just an unavoidable "evil" that comes with the territory when there is war. The fight for justice for women who have been victims of sexual and gender-based violence (SGBV) is made more difficult by the prejudice and exclusion that have long existed and are typical of women's status in many communities. In turn, it exacerbates the vulnerability of women in civilizations that have experienced conflict.

In 2014, 122 member states of the United Nations General Assembly approved a "Declaration of Commitment to End Sexual Violence in Conflict." By prosecuting those who commit sexual assault during disputes, the proclamation aims to eradicate the toxic culture of impunity.⁹

The International Criminal Court's and its tribunals' statutes now include provisions pertaining to sexual and gender-based violence. Their recent indictments and developing body of legal precedent show tremendous progress against gender-based and sexual assault. Such gender-based crimes are not trivial, as evidenced by the progress made in the development of accountability for SGBV in conflicts as a separate crime.

Even so, it seems that there is little empathy to recognise the "multidimensional nature of their suffering" as women fight to survive the many violent battles that occur on all of the continents.

⁸ Anandakugan, N. (2021) The Sri Lankan Civil War and its history, revisited in 2020, Harvard International Review. Available at: <https://hir.harvard.edu/sri-lankan-civil-war/> (Accessed: 15 April 2024).

⁹ A DECLARATION OF COMMITMENT TO END SEXUAL VIOLENCE IN CONFLICT (no date) Ministry of Foreign Affairs of Japan. Available at: <https://www.mofa.go.jp/> (Accessed: 15 April 2024).

An overemphasis on the penetration and sexual abuse of women's bodies betrays a callous disregard for emotional distress, damage to families and private areas, injury to children, and harm to those with whom women have close relationships.

One of the most significant obstacles to preserving the grandeur of international law in this century is the matter at hand. Therefore, in order to bring about a more compassionate and secure world, sovereign governments, the UN, and international relief and humanitarian organisations must directly confront the threat of gender-centric violence.

Girls Soldiers:

Girls may be "volunteers," frequently as a result of their families' incapacity to support them and their poverty, or they may be forcibly abducted by the military. Similar to males, girls may enlist in resistance groups in order to seek protection—for instance, following the death of their parents. Soldiers also pick up unaccompanied minors for "humanitarian" purposes. Girls are frequently forced to work as camp chefs, wash clothes, and tend to the injured, regardless of how they are enrolled. Girls and young women may be forced to provide sexual services as a means of subsistence during modern wars. Because they need food, shelter, safe passage through conflict zones, or because they need documents or privileges for themselves and their families, they could be coerced into prostitution or other forms of sexual exploitation.

Girls as young as 12 years old have reportedly sexually surrendered to paramilitary organisations in order to shield their families from other groups, according to the Machel Study.¹⁰ Reunification with families can be particularly problematic since a 12-year-old who was before happy may come home as a gloomy 16-year-old who feels more self-assured and independent. It can be extremely difficult for girl soldiers who have experienced sexual abuse or rape to remain with their family or to have any chance of getting married, in part due to cultural views and beliefs. Girls and young women may eventually turn to prostitution since they have few other options for ensuring their financial existence.

¹⁰ Japan - the "Comfort women" issue (2009) Office of the High Commissioner for Human Rights. Available at: https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/comfortwomen_japan_cedaw44.pdf (Accessed: 15 April 2024).

Displacement of girls and women in refugee camps:

There are over 30 million internally displaced people and an additional 27 million refugees worldwide, totalling approximately 57 million displaced persons. Shockingly, around 80% of these individuals are women and children.¹¹ The journey of displacement for women is often fraught with peril, as they are disproportionately vulnerable to sexual violence and assault, both during transit and within refugee camps.

The conditions in these camps exacerbate the challenges faced by displaced women and children. Deprivation of basic necessities such as food, fuel, and medicine, combined with the breakdown of family structures, heightens the risk of violence and exploitation. Gender biases further compound these issues, with men often controlling the distribution of resources, leaving women and girls at the mercy of power dynamics that can lead to exploitation and abuse.

It is imperative to address the specific needs of pregnant and lactating women, as well as children with disabilities, within these contexts. Moreover, efforts to improve camp infrastructure, including adequate lighting and security measures, can significantly enhance the physical and psychological well-being of women and girls.

In essence, the plight of displaced women and children underscores the urgent need for targeted interventions that prioritize their safety, dignity, and access to essential resources.

Thus, it is imperative that women and girls have been the victims of some of the most horrific results of armed conflicts and wars. They have been subjected to forced sexual labour, forced displacements, and to serve as soldiers during armed conflicts, forcefully. The health impacts are something that comes as result of gender based violations. Ranging from pregnancy and birth complications to mental trauma and PTSD.

Moreover, the victim survivors are the ones who are fighting the actual battle, with the society and themselves. They find it difficult to go back to their families and settle, they go through the societal prejudices, and are socially outcasted. Thus even though, an act with such horrific nature still

¹¹ Women's human rights and gender-related concerns in situations of conflict and instability | ohchr (no date) United Nations Human Rights Office of the Commissioner. Available at: <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability> (Accessed: 15 April 2024).

continues, the impacts of armed conflicts in the modern times has reduced, the survivors are still struggling.

CONCLUSION

Wars have brought bloodshed, displacements, deaths, loss, hindered the economic development of the involved nations, destroyed the social structures, all in the name political strength and establishing dominance. Several women, and girls, who have been subjected to the atrocities of wars, armed conflicts and rebellions, are still in the dark, with many who lost their lives. The major question that arises in the mind of a reasoned individual is whether, was all of this worth it? What good the conflicts and war brought to the nation? where was the promises of peace, protection and security, given by the government of the involved nations? Were all these hollow promises? What about the survivors of such atrocities, and what is the state doing it to ensure that they are deliver justice? These questions are still unanswered with victims still suffering and no one to look after them.

In the words of the famous poet, Robert Southey, in his poem, '*After Blenheim*', has beautifully illustrated how the people glorify the victories but these victories in actuality has only brought the disaster to the people.

"My father lived at Blenheim then,

Yon little stream hard by;

They burnt his dwelling to the ground,

And he was forced to fly;

So with his wife and child he fled,

Nor had he where to rest his head.

"With fire and sword the country round

Was wasted far and wide,

And many a childing mother then,

And new-born baby died;

But things like that, you know, must be

At every famous victory.

- *Robert Southey*

After Blenheim

The cries of the women and girls who were forced into the atrocities of gender based violence, and forced sexual slavery, and who had to succumb to the evils of the patriarchal system relying its belief on the system of 'comfort women', should not be silenced, they have the right to justice and the right to heal, since they did nothing wrong. They were forced, into such inhumane and grotesque nature of activities, and as democratic nations, that believe in peaceful development and equality we cannot sit silent on such matters. These women deserved to be heard and they deserve to be legally recognised by the nations who were involved in the commission of such heinous acts.

Therefore, we need to question the government, stand firm and raise voice against wars and armed conflicts, women should not be subjected to these grizzly activities. It is our voice that will matter and our mindset that could change the way the nations and the world functions. Sitting still and silent will only bring us subjection and violations. Therefore, we must as responsible citizens, act and bring justice to those who have been wronged.