

Protection Of Women In Armed Conflict : A Critical Analysis Of International Humanitarian Law

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The protection of Women in armed conflicts represents one of the most complex challenges within the framework of International Humanitarian Law. While the Geneva Conventions of 1949 and their Additional Protocols profiled a dual laser protection-both as civilians and as a group with specific needs. The reality of modern warfare continues to disproportionately affect women through gender based violence and displacement.

The Geneva Conventions, adopted in 1949, are the fundamental instruments of international humanitarian law regulating the protection of civilians, prisoners of war, and the wounded during armed conflicts. Developed with the leading role of the International Committee of the Red Cross (ICRC), these conventions aim to limit the impact of war on human dignity. Special provisions concerning women emerged due to the historical reality that women have been particularly exposed to sexual violence and degrading treatment in times of war. In this context, Article 27 of the Fourth Geneva Convention stipulates that woman shall be accorded “special respect and protection” and explicitly prohibits rape and enforced prostitution. Article 76 further requires that detained women in occupied territories be held separately from men and that pregnant women be given priority protection. In addition, Common Article 3 prohibits outrages upon personal dignity, thereby extending protection to women as well. The Geneva Conventions remain in force today, enjoy near-universal ratification, and continue to be legally binding. The adoption of United Nations Security Council Resolution 1325 in 2000 marked a transformative moment in the evolution of international legal responses to armed conflict. Unlike earlier frameworks that primarily conceptualized women as victims in need of protection, Resolution 1325 introduced a participatory dimension by recognizing women as essential actors in conflict prevention, peace negotiations, and post-conflict reconstruction. Subsequent resolutions, including 1820, 1888, and 1960, further strengthened the normative framework by explicitly recognizing sexual violence as a tactic of war and a threat to international peace and security.

However, despite this progressive normative development, the implementation of the Women, Peace and Security agenda remains inconsistent. National Action Plans vary significantly in scope and effectiveness, and the absence of binding enforcement mechanisms limits the transformative potential of these resolutions. Consequently, while the Security Council has expanded the legal and political recognition of gendered harms in conflict, structural barriers and political selectivity continue to undermine substantive gender equality in practice. Despite the progressive normative framework established by the Women, Peace and Security agenda, significant shortcomings persist in its practical implementation. The absence of binding enforcement mechanisms, limited political

commitment, and insufficient funding continue to weaken the transformative potential of these resolutions. In many conflict zones, women remain disproportionately affected not only by sexual violence but also by forced displacement and migration. Armed conflicts frequently generate large-scale refugee flows, and displaced women face heightened risks of exploitation, trafficking, and economic marginalization. Although international law recognizes their vulnerability, protection mechanisms often fail to respond adequately to the complex realities experienced by migrant and refugee women. Consequently, the gap between legal recognition and lived reality highlights the urgent need for stronger accountability mechanisms and more comprehensive, gender-sensitive migration policies.

Sources

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