

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIAL TEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*



*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.



# **HUMAN RIGHTS VIOLATION IN ARMED CONFLICTS**

AUTHORED BY - VIVEK TIWARI

## **ABSTRACT**

Armed conflicts, whether international or internal, are frequently accompanied by widespread human rights violations, posing profound challenges to international law, humanitarian norms, and global security. This abstract explores the nature, causes, and consequences of human rights abuses in conflict zones, emphasizing the urgent need for stronger enforcement mechanisms and preventive strategies.

Human rights violations in armed conflict often include extrajudicial killings, torture, sexual violence, enforced disappearances, forced displacement, and the targeting of civilians and civilian infrastructure. These acts contravene numerous international legal instruments, notably the Geneva Conventions, the Universal Declaration of Human Rights, and various treaties and customary law aimed at protecting non-combatants and ensuring humane treatment of all individuals.

The perpetrators of these violations can be state actors, non-state armed groups, or foreign forces operating in the context of military intervention or occupation. The breakdown of law and order during conflict, coupled with weak accountability mechanisms and impunity, often creates an environment where such abuses proliferate. Additionally, ethnic, religious, or ideological motivations can intensify the scale and brutality of violations, transforming conflicts into campaigns of extermination or ethnic cleansing.

The consequences are severe and far-reaching: millions are displaced, economic collapse ensues, and societal suffering is prolonged. Children and women are especially vulnerable, often subjected to exploitation, recruitment into armed groups, or targeted attacks. Human rights violations not only depend on the

humanitarian crisis but also obstruct post-conflict reconstruction and reconciliation, laying the groundwork for future instability.

Despite international efforts by organizations such as the United Nations, International Criminal Court (ICC), and various NGOs, enforcement remains inconsistent. Political interests, lack of cooperation from sovereign states, and limited international jurisdiction impede justice and protection for victims. Strengthening international accountability, empowering local justice systems, and increasing preventive diplomacy are essential steps to warding off these violations.

This abstract underscores the critical intersection between armed conflict and human rights abuses, calling for an integrated approach involving legal enforcement, humanitarian aid, and political negotiation to safeguard fundamental human rights even in times of war. As armed conflicts persist globally, addressing these violations must remain a priority for the international community to uphold justice, peace, and human dignity.

## **HUMAN RIGHTS VIOLATIONS IN ARMED CONFLICT**

The issue of human rights abuses is a serious one in the midst of a resurgence of conflict throughout the globe, where the strength of law is side-tracked by the confusion of war. The violation of human rights is a crime whether by state or non-state actors abuse, neglect or deny the basic human rights articulated in the UDHR (universal declaration of human rights) this includes all rights ranging from civil, political, cultural, social rights and economic. The violations under these violations can include anything from genocide to torture and acts of sexual violence and the denial of basic necessities are a source of conflict.

Human rights are inalienable rights for every human who does not distinguish between nationality, sex, ethnicity, religion, language, or other status. They include right to life, right to freedom from torture, freedom of thought and freedom of expression and to work and to education. Preservation of these rights is essential because such rights are critical to human dignity as the basis of freedom, justice and peace. Genocide and Ethnic Cleansing: The United Nations

ations laid out what genocide was in 1948 in the Convention on the Prevention and Punishment of the Crime of Genocide. Genocide is defined by the treaty as five acts that can be committed if done “with the intent to destroy a national, racial or religious group” :

- 1 Killin g m em be rs o f th e g rou p
- 2 C a u sin g se rio u s b od ily or m en ta l da m a ge
- 3 M a ltrea tm en t b y c a u sin g co n d it io n s o f life th a t w e re de sig n ed to a c co m p lish th e su b sta n t ive b iolog ic a l liqu id ation o f th e g ro u p in to ta l or in p a rt.
- 4 M ea su res th a t a re m ea n t to h a lt b irth s
- 5 F o r c ib ly tra n sferrin g ch ild ren

In order that they may be a genocide, they must be committed with the intent to wipe out a whole group of people. While without provable intent a group or individual can be found guilty of “ crimes against humanity” or “ ethnic cleansing” but not genocide.

Tribunals have traditionally failed to develop a legal criterion for genocidal intent.

Unguided perpetrators, with the exception of the Nazi regime who provided explicit plans to wipe out groups, did not do the same.

The intent is the hardest to determine. Genocide, to be proven, must have existed in intention by the perpetrators to physically erase a national, ethnic, racial or religious group. Cultural destruction is insufficient and so is the intention to simply disperse a group. It is this particular intent: or do lus specialis, that makes the crime of genocide unique. Besides, case law has been connected in intent to a State or organization a plan or policy regardless of whether that element is part of the definition of genocide under international law.

Crucially, genocide victims are deliberately chosen – not whom ever gets in the way – based on the ir real or perceived membership in one of the four listed groups who receive under the Convention protection (and excludes, for example, political groups). This, therefore, means that a group has to be the target of destruc-



ction, such, and not individuals. Genocide may be also committed against only part of the group, if such a part is identifiable (including with in the geographic ally limited territory) and “substantial.”

**Sexual Violence:** Armed conflict and rape and other sexual violations cause great physical and psychological damage. However, adequate medical services, left of all with regards to abortions and HIV / Aids treatment – are quite often lacking.

Survivors usually experience a broad spectrum of public disdain and rejection by their communities. Many women are left alone by their husbands to raise children's sole caretakers. This rejection has a terrible economic implication for them in that they are being robbed of their homes, their sources of livelihood.

The stigma that the survivors encounter creates the psychological damage they went through during the experience. Regardless of whether these conflicts took place between a nation or within a nation, they have all been rich lands for growing large-scale human rights violations. Despite creating ways of keeping the peace, war usually breaks down the laws as well as the scruples from civilising processes to torture, sexual violence, forced displacement or recruitment of children. These laws that protect people in time of conflict are also violated at most part of the world. To beat these abuses, it would be important to get the sense, cause and impact of them.

**Human rights in the field of armed conflict.**

Human rights of a basic kind are those which all people are entitled to irrespective of one's race, colour, descent, sex, language or religion, political or other opinion, nationality or social origin, property, birth or other status. These documents have rights such as the right of life, the right from torture, the right to education and shelter, and these rights are played under the folds of international instruments such as Universal Declaration of Human Rights (1948) and International Covenant on Civil and Political Rights (1966).

These rights are invariably suspended or worse violated out of armed conflict internationally or by way of the hostilities. Most of international humanitarian law has been implemented primarily through the Geneva Conventions that entitle protections to persons including citizens, prisoners of war and wounded combatants while implementation of the law is still a problem. Where state control is poor, lawlessness is rampant and combatants enjoy a run of success in the fog of war, violations take place.

### Conclusion

Some of the most serious violations of international norms and humanitarian principles, violations of human rights, occurring during armed conflicts. Such as these violations, from military attacks on civilians to torture, rape and displacement, the outcome is devastating and long-term for individuals, communities and nations, as a whole. Though we have laws such as international humanitarian law and human rights treaties to protect civilians and enemies alike, the enforcement is often spotty, depending as it does on political interests, the lack of accountability and the structural weakness of the global governance system. In achieving these violations on time, the international community should place high importance on strengthening the legal institutions, the victim protection and justice support mechanism, and strengthening the early warning and conflict preventive systems.

Acting upon human rights in a conflict situation is not only a moral requirement, but an integral part of reaching a sustainable peace, security and post conflict reconciliation. In the absence of such decisive global action, we can only expect the vicious circle of violence and impunity to continue and to underwrite the humiliation of so many caught up in the horrors of armed conflict.