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RAPE AS A WEAPON OF WAR: A MULTI-PERSPECTIVE ANALYSIS

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Abstract:

Across Human history, conflict in one form or the other has remained the bedrock of civilizations. Conflict affects both men and women, although, differently and has tendency to violate the human rights. Since women have remained one of the most vulnerable groups in human society they have been victimized through ages, particularly in situations of conflict and war. Across time and space women have been subject to humiliation through different tactics. Among the brutalities that have been employed by oppressors on women rape has remained the dominant one. Rape as a weapon of war has both physical and psychological implications. It is used to dominate, disperse and instill fear among the women as well as the societies. This paper focuses on why rape is being used as a weapon of war and how it tends to affect women in particular and society in general. This paper also examines the steps that have been taken by international organizations to tackle this issue.

Keywords - Women, conflict, war, rape, international organizations.

INTRODUCTION

Any situation of armed conflict or war has mostly remained a male activity. Usually men take up arms and fight and thus assume the roles of combatants. Women mostly are left at home to take care of the family. In most of the cases women are not directly involved in the fighting yet they have been specifically targeted and suffer a lot. While armed conflicts have the tendency to harm to anyone, men, women, girls and boys may face very different dangers. People get displaced and are forced to leave their homes and possessions in the process of running for the safety. Depending on the nature of conflict people may be forced to flee a number of times, seldom able to reestablish stability within family or involve in normal livings. Without any basic security women are much

prone to the sexual violence¹. Women neither start the wars nor get directly involved in them yet they have been at greater risk of violence. Thus armed conflict and displacement can bring different forms of violence against women with them. These may include casual acts of sexual assault both by enemy and friendly forces or mass rape as a deliberate tactic of genocide. Some groups of women and girls have been predominantly susceptible in conflict and displacement conditions. These include some particular ethnic groups, unaccompanied women and children, children in foster care arrangements and lone heads of household. Some forms of violence, resulting from the conflict situation are:

- Mass rape, military sexual slavery, forced prostitution, forced marriages and forced pregnancies.
- Multiple rapes and gang rape and the rape of young girls.
- Sexual assault associated with violent physical assault.
- Resurgence of female genital mutilation with the communities under attack, as a way to reinforce cultural identity.
- Women forced to offer sex for survival, or in exchange for food, shelter or protection.²

Nature of the assault to be referred to as rape: Rape, as a tool of war, has undoubtedly remained effective, as it is not just an attack on the individual but an attack which utilizes social and gender stigmas leading societal breakdown. As a weapon of armed conflict it demoralizes and destabilizes entire communities, it weakens ethnic communities/ties and affects populations with exploitation of reproductive rights and abilities of its victims.³ Rape, one of the sexual violence acts, is a penetrative sexual assault. Penetration may occur using any object or a part of human body. It not only includes vaginal copulation but also oral penetration. The International Criminal Court for Rwanda defined rape as, “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”. Sexual violence and rape can also include elements that are considered as crimes under international law. The International Criminal Tribunal for the former Yugoslavia held that rape could constitute torture when the particular conditions of torture were fulfilled. The International Criminal Tribunal for Rwanda held that rape could constitute genocide when the particular conditions of genocide were fulfilled.⁴

¹Cohn, C. (2013). *Women and Wars*. UK: Polity Press.

² (1997). *Violence against women in situations of armed conflict and displacement*. World Health Organisation.

³ Clifford, C. (2008). Rape as a weapon of war and its long term effects on victims and society. *7th global conference: violence and context of hostility*, (p. 13). Budapest.

⁴ *Rule no 93. Rape and other forms of sexual violence*. (2005). Retrieved July 20, 2024, from International Committee Of The Red Cross: http://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93

RAPE AS A WEAPON OF WAR IN HISTORICAL AND MODERN TIMES

The history of rape as a weapon of war dates back to the ancient times. The references related to such can also be found in Bible and some other ancient works, such as Homer's Iliad. Women were often abducted as rewards of war and then they were either murdered or forced to marry their captors/rapists. This was most prevalent in present day Gulf world, during the times Old Testament was revealed (as Christian accounts suggest). There are also references in the ancient Greeks and Romans scriptures that suggest, they would rape and enslave the women after they had conquered a city⁵. In Contemporary world there are a vast number of documented examples that could be offered in support of this claim. During world war second it is alleged that Nazi forces committed rape in the territories they occupied. Credible documented sources suggest that the Jewish women were very vulnerable to rape during Holocaust. One of the most shocking examples of massive and state organized programs of rape of women during wartime was the case of 'comfort women'. Comfort women were the women, who were forced into sexual slavery by Japanese forces in occupied territories. It is estimated that around 200,000 Korean, Chinese, Japanese, Taiwanese and Filipino women and girls were forced to serve as sex slaves in Japanese military brothels. In the infamous Nanking Massacres Japanese soldiers committed rape on a large scale by using around 20,000 women and girls as sex slaves. (Wartime sexual violence). During the last stages of world war second, Soviet soldiers reportedly raped more than two million German women and as per hospital statistics between 95,000 to 130,000 women were raped in Berlin alone.⁶ Serbian paramilitary troops also used rape as a way to encourage Bosnian Muslim women to run away from their land. According to International criminal Tribunal for the former Yugoslavia around 20,000 to 50,000 women and girls of Bosnian identity, ranging between the age six to seventy years, were repeatedly raped and held captives for many years during 1990s by Serbian forces in the camps particularly designated for it.⁷ Women in Rwanda were subjected to sexual violence on a large scale during 1994 genocide. Rape was committed by the members of infamous Hutu militia groups, by soldiers of Rwandan Armed Forces and by other civilians. Military and political leaders at national and local levels directed as well as encouraged the killings and sexual violence in order to achieve their goal i.e. the destruction of the Tutsi as a group. Though the exact number of women raped will never be known but the testimonies from survivors

⁵ Robinson, B. (2009). Rape of women during wartime. *Religious tolerance*.

⁶ Cunningham, A. R. (2008). Rape as a weapon of genocide. *Genocide studies and prevention: An international journal*.

⁷ Aydelott, D. (1993). Mass rape during war: Prostituting Bosnian rapists under international law. *Emory international law review*.

confirm that rape was tremendously common and women were raped individually, gang raped, raped with sharpened objects or gun barrels and also held in sexual slavery.⁸ Democratic Republic of Congo besides suffering from the civil war suffers from other war; a war on women. According to UN more than two million women have been raped in Congo since 1998, designating DRC as ‘the worst place in the world to be a woman’⁹.

WHY RAPE IS USED IN ARMED CONFLICT SITUATION AND WARS

‘It is more dangerous to be a woman than to be a soldier in modern conflict -Patrick Cammaert, Former Deputy Commander of the UN mission to the Democratic Republic of Congo.

Rape is neither incidental nor private. It normally serves a tactical purpose in war and acts as an essential tool for accomplishing specific military objectives. It is an attack directed against personal identity and cultural integrity. The saying goes that ‘rape is as old as war itself’ and the bodies of women have been used in the battlefield for hundreds of years around the world. But the Bosnia-Herzegovina and Rwanda wars in 1990s were defining moments because the term ‘rape as a weapon of war’ was brought out as rape was committed tactically and deliberately used as a war tactic.¹⁰ Rape as a weapon of war has been one of the most humiliating offences, which leaves permanent scars not only on victim’s body but also on the mind and soul. Rape, as a tool of war is used tactically and deliberately to derive some goals. It could be used to conquer, expel or control women and the communities. Sometimes rape is used deliberately to displace a group of people and empty the land of its settled population. The attack may be highly gendered while men get killed; women are raped and subjected to other kinds of sexual violence.¹¹ In the conditions of ethnic competition and enmity, rape takes on yet another form i.e. a tool of ‘ethnic cleansing’. The Bosnian women were repeatedly raped by Serbs in the infamous rape camps till they were pregnant and it was too late for abortion. It is alleged that the aim was to impregnate them with the children of mixed ethnicity, thus, destroying the Bosnian ethnic identity by diluting bloodlines. Thus the systematic rape served two military objectives: humiliation of the enemy and ethnic destruction. The Rwandan genocide also represents this tactic at its most vicious. Hutu attackers raped thousands of Tutsi women, sometimes they were allegedly raped by HIV infected men in order to infect the victims, with the aim of destroying the population. Women are attacked

⁸ (1996). *Shattered lives: Sexual violence during Rwandan genocide and its aftermath*. Human rights watch .

⁹ (2002). *The war within the war: Sexual violence against women and girls in Eastern Congo*. Human Rights Watch.

¹⁰ *War on women: Time for action to end sexual violence in conflict*. (2011, May). Retrieved July 1, 2024, from Nobel womens initiative: nobelwomensinitiative.org/wp-content/uploads/2013/09war-on-women-web.pdf

¹¹ International, Amnesty. (2004). *Lives blown apart: Crimes against women in times of conflict*. London: Amnesty International Publications.

because they represent the honor of the community and reproduce the culture. Since in most of the communities ethnic identity of a child is determined by the ethnicity of the father, a child fathered by an attacker from another community will belong to the attacker's community, so that it creates social and cultural crisis for the whole community. Thus a child born of rape by the enemy is a constant reminder of the humiliation.¹² Rape was carried out in Democratic Republic of Congo for number of reasons. Firstly, men raped and carried out the acts of sexual violence for their own pleasure, secondly rape was committed by the militia group to spread fear among the population and thus terrorize the communities and thirdly rape was used as a tool of ethnic cleansing. Many soldiers brutally raped the Congolese with the intention to sever the bloodline so that later on the women become infertile and thus unable to reproduce.¹³ Rape is often used as a predecessor to murder, where those who survive only serve as a regular reminder to those around them of the catastrophes of war. Victims are rejected by both families as well as the communities which place the victims in the state of victimization and isolation. While many sophisticated weapons may be used in modern warfare there is one weapon which all men carry and use during war i.e. manhood. Men use their bodies as weapons to attack. Rape as a tool of war not only affects individual but also whole family and the community in which they live.¹⁴ In addition rape of women carries with itself a message, a man to man communication i.e. telling the other side that they are unable and powerless to protect their women folk thus hurting their manly pride. Rape carried out during conflict situation or war can be regarded as the ultimate symbol of humiliation by the enemy group. Thus, rape of their women is seen as the degradation of masculinity by the men. It not only leads to infinite sufferings of the women but it has its effect on the men as well.¹⁵

POST RAPE EFFECTS

Rape has a long-lasting intense physical, social and psychological impact. The physical wounds suffered in most form of conflicts are usually visible, treated medically and finally healed. In contrast sexual violence may result in major physical injury and severe internal wounds; it is far less likely to be treated than other wounds. Not only physically mature women are raped but also children whose bodies haven't matured yet, who as a result may sustain terrible internal injuries. When a woman is raped it invades her most intimate space. Raped women live with high levels of anxiety and pain. They find it difficult to carry out day to day normal tasks and interact with

¹² Cohn, C. (2013). *Women and Wars*. UK: Polity Press.

¹³ Brown, C. (2012). Rape as a weapon of war in the Democratic Republic of the Congo. *Torture*, 22.

¹⁴ Clifford, C. (2008). Rape as a weapon of war and its long term effects on victims and society. *7th global conference: violence and context of hostility*, (p. 13). Budapest.

¹⁵ Brwonmiller, S. (1975). *Against our will: Men, women and rape*. Simon and Schuster.

others.¹⁶

PHYSICAL HEALTH

Rape has serious physical as well as mental health consequences for survivors. Physical consequences include injury, infection, unwanted pregnancy and HIV. Mental health effects can also be serious. They include anxiety, post-traumatic stress disorders, depression and even suicide. Rape can involve severe injury to woman's or girl's body including scratches and tears which may need stitching. Antibiotics are required to prevent infection. Post exposure HIV prevention can prevent HIV infection. But all these treatments require that the survivors have access to a health clinic where essential apparatus as well as trained personnel is available. But chances of getting the treatment in poor war torn areas are very less and very less people get the medical treatment they need. Thus, many survivors go without treatment suffering physically.¹⁷

CONCERNS OF THE CHILDREN BORN OF RAPE

The community stigmatizes and socially punishes the children born of the rape and their mothers as well. Children are rejected by their mothers and communities as they are viewed as the enemy because of their paternity and the conditions of their conception.

The mother of child faces a lifetime of turmoil over the conception, whether to raise the child, give up the child for adoption or terminate the pregnancy. Many pregnant survivors seek abortions but obtaining an abortion during war times is very difficult. Women who give up their child for adoption often live with trauma of carrying and giving birth to the enemy's child and they also live with grief of separation and loss.¹⁸ Children born as a result of rape face countless struggles of identity and social difficulties both internally and externally. In many communities such as Rwanda, where thousands of children were born of rape as a weapon of war, are labeled with names such as unwanted children, children with bad memories. Such children carry with them the burden of their traumatic conception. They see themselves as source of mistake; wretchedness and even evil as they see themselves genetically connected to the rapist father and thus are often prone to violence.¹⁹

¹⁶ Thomas, K. (2012). Sexual violence as a weapon of war. *The journal of the American medical association*.

¹⁷ Cohn, C. (2013). *Women and Wars*. UK: Polity Press.

¹⁸ Clifford, C. (2008). Rape as a weapon of war and its long term effects on victims and society. *7th global conference: violence and context of hostility*, (p. 13). Budapest.

¹⁹ Rimmer, S. H. (2006). "Orphans" or veterans ?Justice for children born of war in East Timor. *Texas international law journal*.

PSYCHOLOGICAL EFFECT

The mental health results of rape can be devastating especially if rape is carried out in presence of or by a family member or neighbors. In Sierra Leone a common form of attack involved compelling parents or children to watch or even take part in the rape of women and girls in their own families and villages. This was done to intimidate the community and impart extreme trauma on members of the family. The trauma is very difficult to cope up if the rape is carried out in public and accompanied by severe humiliation. Besides being a continued trauma to the individual, it also affects individual's relations with the community. If the trauma of rape is accompanied by unwanted pregnancy or the fear of HIV infection, it is even more difficult for the victims to recover and deal with day to day life.²⁰ The sense of structure and safety of survivor may be crushed by the number of traumas she has experienced. Rapes may be combined with physical abuse, torment, starvation, verbal abuse and other forms of humiliation with the intention of increasing the trauma to the survivor. Psychotic symptoms, sexual dysfunction, and self-harming behavior are common among the survivors. Rape has been associated with the development of borderline personality disorder or complex PTSD. Elevated levels of substance abuse, depression, eating disorders, and anxiety have been noted. Survivors are also likely to experience other types of psychosocial distress, including isolation; difficulty relating to others; low self-esteem or self-worth; and feelings of objectification, guilt, and self-blame²¹.

EFFECT ON COMMUNITY

The consequences of wartime rape aren't only at the individual level but also at societal level. Community experiences severe trauma when it witnesses rape and atrocities committed against their women. The community enters into shock and grief as it loses its mothers, sisters, daughters through rejection by community and families, physical death or devastating impact of psychological and physical wounds. In cultures with strong customs and taboos about virginity, sex and sexuality rape is characterized as disgraceful. The victim is viewed by community as being dirty and damaged. Thus women are re-victimized, ill-treated and isolated which not only affects the individual but also the community as a whole. This leads to destabilization of community and family structure.²² Message of rape is given by the survivors to their families and communities which may both demoralize and frighten them. Rape acquires deeper meaning during war and

²⁰ Cohn, C. (2013). *Women and Wars*. UK: Polity Press.

²¹ Cunningham, A. R. (2008). Rape as a weapon of genocide. *Genocide studies and prevention: An international journal*.

²² Clifford, C. (2008). Rape as a weapon of war and its long term effects on victims and society. *7th global conference: violence and context of hostility*, (p. 13). Budapest.

ethnic conflict i.e. rape may be carried out with the purpose to destroy the raped women's culture and community. The deconstruction of culture may be considered as the key purpose of rape warfare. Rape is considered an assault not only on the individual but on the community as well. When more and more women are traumatized it leads to the disintegration of social structure of the community. The body of female acts as a symbolic representation of the community. Rape of women damages the physical and personal integrity of the group. The rape of women in a community can be regarded as the rape of the body of that community.²³ In communities where sexual violence has been targeted along tribal or ethnic lines it can have long term impact on such societies, which may be very difficult to heal. In many contexts, conflict related sexual violence normalizes gender based violence, even aftermath the conflict or war. The most distressing effect that sexual violence has on a community is the way it damages the social capital on which the communities stand. At times whole villages can be displaced because of the fear of mass rape. Even if villages are not displaced, sexual violence destroys the fabric of a community in a way that few weapons can.²⁴

MEASURES TAKEN TO PROHIBIT RAPE AS A WAR CRIME.

International humanitarian law applies during conflict and war to protect people and regulate the means of warfare. One of the important of these laws are those formulated and ratified at the Geneva Convention of 1949 which applies to both state and non-state actors. The Geneva Convention offers women a special status which includes prevention of sexual violence.²⁵ The Geneva Convention 1949 was the first multilateral international agreement to both clearly mention and forbid rape. The protections were made available not only to those participating in the armed conflict but also against the civilians and also against those who stayed out of action. The Convention by granting special status to the women 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". The international criminal tribunal for Rwanda and International criminal tribunal for Yugoslavia, established in 1990, served as a milestone in recognizing rape as a war crime. In earlier trials held in Nuremburg and Tokyo sexual violence was highly overlooked. The jurisprudence of acts of sexual violence was advanced by these tribunals by developing legal doctrine under international humanitarian law and by prosecuting these crimes. The ICTR found Jean Paul Akayesu (leader of Taba community) guilty for ordering and aiding

²³ Cunningham, A. R. (2008). Rape as a weapon of genocide. *Genocide studies and prevention: An international journal*.

²⁴ Nicola Jones, J. C. (2014, June). The fallout of rape as a weapon of war. *Overseas development institute*.

²⁵ Cohn, C. (2013). *Women and Wars*. UK: Polity Press.

the acts of sexual violence carried against Tutsi women. The verdict was ground-breaking as it was for the first time that an international court found an individual guilty of rape as a crime of genocide.²⁶ The International Criminal Court also recognized rape and other forms of sexual violence as international crimes and established special measures for protection of victims and witnesses during the prosecutions.²⁷ Women in conflict settings was recognized as a vulnerable group by UN Declaration on the elimination of violence against women, 1994. The Declaration defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life,” which should be understood as including “physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs”. The 1995 Beijing Platform of Action included women and armed conflict among its twelve critical areas of concern, and specified forms of sexual violence against women that violated the human rights of women in situations of armed conflict, in particular murder, systematic rape, sexual slavery and forced pregnancy.²⁸

The United Nations Security Council has done much in recent years to raise awareness and take action against sexual violence.

UNSCR 1325(2000) It called on for the member states to increase the participation of women in all areas of peace and security process .It also approved the uneven impact of armed conflict on women girls and called for consideration of women’s and girl’s needs during and after the conflict.

UNSCR 1820(2008) Condemned sexual violence as a weapon of war and declared rape and other forms of sexual violence as warcrimes. It also called for an end to impunity of perpetrators.

UNSCR 1888(2009) established a special representative to the UN secretary-general on sexual violence in armed conflict and outlined a commitment by the council to include protection from conflict-related sexual violence in peacekeeping mandates.

UNSCR 1960(2010) created an investigation mechanism and called for an annual list of all governments and non-state armed groups suspected of committing conflict-related sexual

²⁶ Parisi, M. C. (2017). Sexual violence and law of armed conflict. *Responsibility to protect student journal*.

²⁷ Park, J. (2007). Sexual violence as a weapon of war in international humanitarian law. *International public policy review*.

²⁸ Raith, R. M. (2011). Gender based violence and justice in conflict and post conflict areas. *Cornell international law journal*.

violence, facilitating a name-and shame campaign and sanctions.

UNSCR 2016(2013) aimed at strengthening the monitoring and prevention of sexual violence in conflict.

UNSCR 2242(2015) called on the United Nations to double the number of women in peacekeeping operations over next five years.

UNSCR 2272(2016) called on the UN Security council to replace military or police units when a contributing country fails to hold perpetrators of sexual violence and abuse accountable²⁹.

To fight sexual violence the work of various UN agencies, in 2007, was put under one umbrella: UN Action against Sexual Violence in Conflict, uniting the work of 13 UN units. It is an intensive effort by the UN System to develop coordination and accountability, strengthen programming and advocacy, and support national efforts to prevent sexual violence and respond efficiently to the needs of survivors. In 2008, Secretary-General Ban Ki-moon launched UNITE to End Violence against Women — a movement to stop and eradicate violence against women and girls in all parts of the world, in times of war and peace. The movement brings together a number of UN agencies and joins forces with individuals, civil society and governments to put an end to all forms of violence against women.³⁰

CONCLUSION

Rape has remained a very powerful tool that has been used during wars and armed conflicts. As discussed above it has a potential of leaving very devastating impact and consequences on survivors and societies regardless of the time, place and culture. Family structures have been undermined and populations have been traumatized, as a result of rape as a weapon of war. The wounds of rape don't heal they leave long lasting scars on families and communities. Large number of cases of rape go unreported and unheard because of strong taboos associated to this horrendous crime or due to shame, lack of proper agencies to report to or the fear of expulsion by the families and communities. The culture of silence that follows the use of rape in war sometimes leads to death of the victim. Historically very less steps have been taken to address the issues of

²⁹ Vogelstein, J. B. (2017). *Countering sexual violence in conflict*. The Council On Foreign Realtions.

³⁰ *Background information on sexual violence used as a tool of war*. (2014). Retrieved february 04, 2024, from United Nations: <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml>

rape committed against women in time of wars and armed conflict but at the same time it is also true that there has not been a complete silence over the issue. Many measures have been taken, at national and international level, to address the issue including UN. But still much more needs to be done to tackle this issue properly. The rape not only needs to be reported but also the victims need to be provided with short and long term care including psychological support, medical treatment, legal aid and punishing the perpetrators. The need of hour is totake proper measures so as to prevent and curb the use of rape as a tool of war so that further generations don't witness this crime. There is an earnest need to socialize soldiers to behave as combatants and not as animals. The example has also to be set by the modern civilized States to try and award stern punishment to the soldiers found guilty of this horrendous crime and therefore set an example for the future generations.

