

THE PROTECTION OF WOMEN IN ARMED CONFLICT

Gerald Alditya Bunga
Faculty of Law University of Nusa Cendana
Email: gerald.bunga@yahoo.com

ABSTRACT

The vulnerable groups often become the victim of adverse party of armed conflict. Women is included in there. Women in armed conflict are affected directly or indirectly by the conflict, including gender based violence like rape, forced impregnation, or forced prostitution. In addition, armed conflict also affects the gender relation related to women, for example women become the breadwinner as the result of lost of husband due to the conflict. this research aimed to discuss on the impact of armed conflict on women, how international humanitarian law protects women in armed conflict and how the implementation of that protection.

Keywords : Armed Conflict, Gender, International Humanitarian Law

A. INTRODUCTION

In armed conflict men are seen as having the ability to protect themselves better than women. Women are regarded as vulnerable groups in armed conflict so protection of them should take precedence, moreover most of the women are not directly involved in armed conflict. Although not directly involved in armed conflict but women have the potential to bear the consequences of armed conflict such as getting gender based violence (Siân Herbert, 2014:1) such as sexual violence which sometimes becomes part of the strategy in armed conflict. Therefore, this level of gender-based violence is increasingly high in armed conflict (Siân Herbert, 2014:3).

Gender-based violence can occur in two forms: interpersonally and institutionally/structurally. Interpersonally gender-based violence can take the form of sexual violence, economic violence, psychic violence, physical violence, or other acts of violence perpetrated by an individual against another individual. Institutional or structural violence is any form of structural inequality or

institutional discrimination that causes a person to remain in a depressed position / lower than others, both physically or ideologically, within the family or within a community (A. Kangas, et al,2014:40). Interpersonal violence that vulnerable to women in armed conflicts is rape, sexual violence or other physical and psychological violence, while structural violence encountered such as limited access to adequate space in a culture-specific detention in a community that does not permit women to exist In the same place, even though it's in the field though.

Violence against women in armed conflict does not only happen to women who are not directly involved in armed conflict but women who are members of the military are also vulnerable to violence. One in three women who leave military service are reported to have been raped or attempted to rape as much as one or more than one times (Anne G. Sadler, et all, , American Journal Of Industrial Medicine,Vol 43, 2003:266). The Pentagon estimates 26,000 people were sexually assaulted in 2010, and 19,000 people were sexually assaulted in 2011(Jennifer Steinhauer, New York TIMES, May7 2013). This fact shows that women in all conditions are weak in armed conflict, therefore the efforts of protection should be maximized to protect women from all threats of violence that may arise in armed conflict.

B. PROBLEM STATEMENTS

In relation to the protection of women in armed conflict it is necessary to look at the relevant legal instruments that provide the basis for the protection of women when conflicts occur and how they are institutionalized. This paper aims to examine the issue of how international humanitarian law provides the legal basis for the protection of women in armed conflict and how such protection is exercised. Both of these will be preceded by seeing how armed conflict affects women.

C. RESEARCH METHODS

The type of this legal research is normative-juridical, a legal research that is conducted based on law and regulation and library material, which is known as secondary material. Related with its type of research, the approach that is used in this paper is legal approach. Legal approach is done by reviewing the acts and regulations that related to the problem that is being discussed in this research

D. RESEARCH RESULT AND DISCUSSION

1. The Impact Of Armed Conflict On Women

In this section will be described on how the impact of armed conflict to women, whether directly or indirectly. The impact of the conflict can be physical, psychological, or socially. All of these impacts will then be placed within the frame of gender-based violence and the impact it has on gender relations especially for women.

Armed conflicts can have an impact on everyone, either combatants or non-combatants. However international humanitarian law provides that for those with non-combatant status must be protected during the conflict. Civilians belong to the category that applies such protection. In addition to the protection of civilians in general, it must be admitted that some groups may be considered vulnerable groups in armed conflict. These groups should have more attention in humanitarian actions during armed conflict. This is in line with what the ICRC Vice-President, Christine Beerli stated, "[...] The ICRC's mandate expanded then quickly to conduct humanitarian action in favor of all victims of armed conflicts, but the notion of vulnerability definitely remained at the core of Our action ". Women, children, the elderly, and people with disabilities are the most vulnerable in these situations (Christine Beerli, <https://www.icrc.org/eng/resources/documents/statement/2013/10-18-protected-person-bruges.htm>, accessed on 3 Juni 2015).

Violence against women occurs either during war or peace, but the level of violence against women will increase dramatically at the outbreak of armed

conflict. Recent cases such as the Japanese case during the Asia-Pacific war, the Vietnamese women during the Vietnam War and the Balkan Case, show how often women became the object of sexual violence during the war. Nanking's bloody tragedy is better known as "The Rape of Nanking" because of the many victims of rape of Chinese women by Japanese soldiers. Sexual violence against women in times of war sometimes gets worse when the violence is supported by state institutions and in some cases is done with the intention of destroying certain ethnic and / or cultural entities (Nursyahbani Karjasungkana in Kartini Syahrir (eds), 2000: 239-240).

In detention, women also experience their own problems. The condition of women in detention for example can be very bad for them. In the period of detention, women are often placed together with men which may pose a risk of harassment and may also indirectly affect their chances in obtaining other protections. The fact that in the field of detention, communal can disrupt women's access to fresh air, since mixing with men can put them at risk and may not be considered or allowed for cultural reasons. Likewise, when prison corridors are open for both sexes, women often remain locked in their cells. Their access to basic facilities is limited or blocked and their health and hygiene needs may not be met. Pregnant women and lactating mothers have special needs, requiring additional nutritional pre- and post-births so that they and their infants remain in good health (Christine Beerli, <https://www.icrc.org/eng/resources/documents/statement/2013/10-18-protected-person-bruges.htm>, accessed on 3 Juni 2015).

In situations of internal conflict or non-international armed conflicts in a country, often the humanitarian crisis is more severe than that of armed conflict between countries. For example the Boko Haram rebellion in Nigeria have a great impact on the civilian population there. Since the beginning of 2013 more than 300,000 people in Borno, Yobe and Adamawa states - 70% of whom are women and children - have been displaced from their homes. Overall due to Boko Haram

rebellion, since May 2013, 470,000 people become internally displaced persons (IDPs) and 60,000 others seek refuge in neighboring countries such as Chad and Cameroon. These people face enormous humanitarian problems such as difficult access to clean water, food, shelter, health, education and other basic needs (Human Rights Watch, <http://www.hrw.org/news/2014/03/14/nigeria-boko-haram-attacks-cause-humanitarian-crisis>, accessed on may 31 2015).

In the armed conflict between Boko Haram and the Government of Nigeria, women and children are subjected to extreme violations of their basic rights. According to the International Amnesty Report and Consortium For The Study Of Terrorism and the Response to Terrorism (START) there are at least some human rights violations that occurred: (1) kidnapping; (2) slavery; (3) rape; (4) massacre; (Amnesty Internasional, 2015) (5) recruitment of children into Boko Haram fighters; (6) forced marriages against women with Boko Haram fighters; (7) space restrictions, especially for women (START, 2014:6-8).

Margaret A. Schuler pointed out that sexual violence against women during armed conflict can be used by the military as part of its war strategy, with the following objectives (UNICEF, <http://www.unicef.org/sow96ok/sexviol.htm>, accessed on July 15 2015.):

- 1) Rape has been used for the following purposes:
 - a) Conduct terror against civilians and as a result encourage civilians to leave their homes and villages.
 - b) Degrading the enemy by conquering their women.
 - c) It is a "bonus" for soldiers and to increase their courage in the battlefield.
- 2) Forced prostitution has been used for the following purposes:
 - a) Increase the morale of soldiers and employees; and
 - b) Is a way to make or make women feel responsible for the violations that occurred.
- 3) Pregnancy and forced pregnancy have been used for the following purposes:
 - a) Deepening insults against rape victims.

- b) Give birth to babies with the same ethnicity as rapist.

Based on the exposure, if it is categorized in gender-based violence, then women in armed conflicts experience violence both interpersonally and structurally. Not all violence experienced by women in armed conflict can be categorized as gender-based violence, but there is some violence experienced by women in armed conflict due to their identity as women.

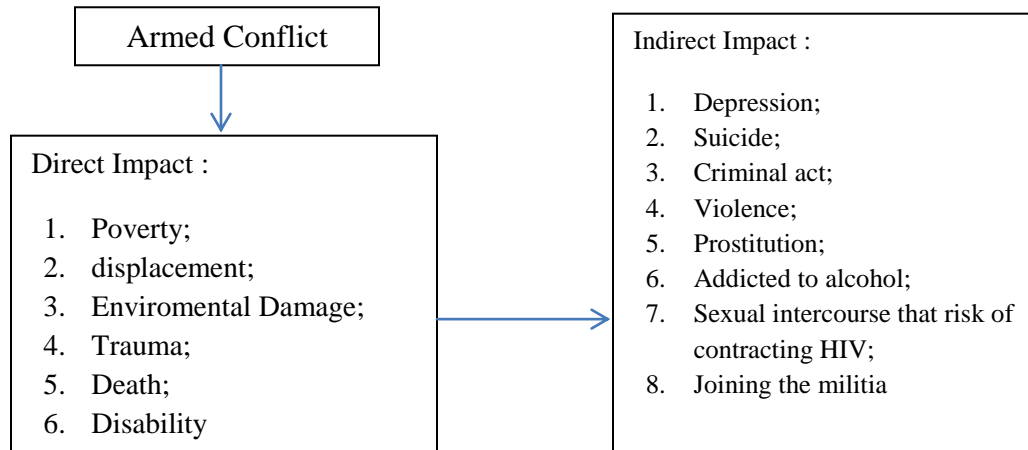
Matrix 1. Gender Based Violence Against Women In Armed Conflict

	<i>Gender Based Violence</i>		
	Interpersonal	Struktural	
Type of Violence	Sexual violence	The obstruction of access of women in custody to get free air because it is not allowed to be in the same room with men	
	Rape	Limited space for women in detention because they are placed in the same detention as men	
	Slavery	Restrictions on women's space	
	Foreced Marriage		Limited access to pregnant or breastfeeding mothers in detention to access of adequate health care
			Forced pregnancy
		Forced Prostitution	

In studies conducted in Sudan, Uganda, Mali, Angola and Somalia, it was found that the immediate consequences of armed conflict were injured (could cause disability) or death, impoverishment and loss of property and other resources, environmental damage, displacement, and psychological losses. This can cause a person to become frustrated or depressed which may lead to other forms of violence against oneself or others, such as criminal acts, alcoholism, suicide, prostitution, acts of violence, joining militias, and engaging in relationships Sex that is at greater risk for HIV transmission (Judy El-Bushra dan

Ibrahim M.G. Sahl, 2005, <http://www.acordinternational.org/silo/files/cycles-of-violence-gender-relations-and-armed-conflict.pdf>, accessed August 21 2015: 118-119).

Chart 1. The impact of armed conflict (chart modified)



Source: Judy El-Bushra dan Ibrahim M.G. Sahl, 2005, “Cycles of Violence: Gender Relations and Armed Conflict”

When viewed in the context of gender relations, armed conflict can affect the four areas that form the basis of gender relationships, namely roles, identity, institutions, and ideology. The following will briefly illustrates how armed conflict affects women in their gender relations based on research conducted in Somalia, Uganda, Sudan, Mali and Angola.

1. Role (Judy El-Bushra dan Ibrahim M.G. Sahl, 2005, <http://www.acordinternational.org/silo/files/cycles-of-violence-gender-relations-and-armed-conflict.pdf>, accessed August 21 2015:92)

Armed conflict can change the role of daily activities that are usually divided between men and women in a community according to the culture of each place, so that the role can not be carried out normally. This is usually related to the division of labor. As a result of the armed conflict women's responsibilities will be heavier, this is largely influenced by the absence of

men involved in armed conflict, killed during conflicts, or kidnapped. Another factor that affects greater responsibilities of women in conflict is the resources commonly used by men to earn a living lost due to conflict, and often more employment opportunities accept men labor than women.

2. Identity (Judy El-Bushra dan Ibrahim M.G. Sahl, 2005, <http://www.acordinternational.org/silo/files/cycles-of-violence-gender-relations-and-armed-conflict.pdf>, accessed August 21 2015: 93)

Armed conflict also affects changes in the characteristics and behavior of women and men. Research conducted in Uganda shows that the effects of conflict affect the behavioral changes of both women and men as a result of the erosion of the clan elders' system, which usually serves to regulate how women and men should act, due to overcrowding of refugee camps. This also affects the decreasing attitude of youth behavior from what they should do due to the changing of social system in the society due to armed conflict.

In the case of Rwanda, as a result of armed conflict is a gender imbalance in society that resulted in many women potentially not having a marriage partner in the future. Whereas high status in society there is viewed by marriage, so many women feel that they lose the opportunity to enjoy a higher status and therefore lose the loss of identity as a woman.

3. Institution

Armed conflict has influenced the position of women in social institutions in society, for example in the household, women will have the power to decide when they act as breadwinners in the family. In Somalia for example, women who have economic power in the family, the decisions they make will be respected. But in general, although women have been given more responsibility in the household but the changes have no impact on the political and organizational influence of women outside of their family environment (Judy El-Bushra dan Ibrahim M.G. Sahl, 2005,

<http://www.acordinternational.org/silo/files/cycles-of-violence-gender-relational-and-armed-conflict.pdf>, accessed August 21 2015: 94-96). So women get additional responsibility without any increase in power or status in social institutions in general.

4. Ideology

The impact of armed conflict on gender ideology in women's perspective has not changed much. Although the responsibilities women carry in their households are getting bigger due to armed conflict but it is still in accordance with the basic role they are expected to be to provide the needs of their families. At the same time that men no longer perform their role to provide their families, this does not mean to replace the existing ideology in society that men are in charge of the major resources (Judy El-Bushra dan Ibrahim M.G. Sahl, 2005, <http://www.acordinternational.org/silo/files/cycles-of-violence-gender-relational-and-armed-conflict.pdf>, accessed August 21 2015: 97).

The great risk is also faced by children who are in custody mixed with adults, either because they themselves are arrested or because they have to be with their detained parents. These resistant children face the risk of physical violence, sexual violence, and the impediments of their psychological development. Prison conditions and facilities do not fit their needs and vulnerabilities. In many situations, for example, these children do not have access to good skill education and training, nor do they have sufficient opportunities to access the physical and recreational activities they need, nor do they enjoy sufficient opportunities to communicate with the outside world, including with their parents, which can affect their emotional development (Christine Beerli, <https://www.icrc.org/eng/resources/documents/statement/2013/10-18-protected-person-bruges.htm>, accessed on 3 Juni 2015).

2. The Protection Of Women In International Humanitarian Law Framework

Considering the magnitude of humanitarian impacts arising in armed conflict especially to those not directly involved in the conflict, Article 3 of the Geneva Convention of 1949 establishes the minimum standards applied in an armed conflict.

In the case of non-international armed disputes taking place within the territory of one of the High Contracting Parties; Each Party to the dispute shall be required to implement at least the following provisions:

1. Persons who do not participate actively in the dispute, including members of the army who have laid down their weapons and those who are no longer taking (hors de combat) due to illness, injury, detention or any other cause, under circumstances However must be treated with humanity, without any adverse difference based on race, color, religion or belief, gender, heredity or wealth, or any other such criteria. For this purpose, the following acts are prohibited and shall remain prohibited against such persons above at any time and place:
 - a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - b) taking of hostages;
 - c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
2. The wounded and the sick must be gathered and treated. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to Parties to the dispute. The parties to the dispute shall

then endeavor to undertake by way of special agreements, all or part of the other provisions of this Convention. The implementation of the foregoing provisions shall not affect the legal status of the Parties to the dispute.

This standard is aimed to ensure the protection of the human rights of persons affected by armed conflict that occur even though they are not directly involved or no longer involved in it. The Rule of Article 3 itself is then further developed in Additional Protocol II of 1977 on the Protection of Victims of Non-International Armed Conflict which in Article 4 provides that everyone not directly or indirectly involved in non-international armed conflicts shall be treated Humanely and no distinction should be made to their disadvantage. In more detail in Paragraph (2) it is stipulated in detail the prohibited actions under any circumstances, namely:

- a) Violent acts against their souls, persons, health and physical or spiritual well-being, especially against murder or cruel treatment such as persecution, torture, or any form of physical harm;
- b) Collective punishment;
- c) Hostage;
- d) Terrorist acts;
- e) Harassment of personal honor, especially the treatment of insulting and degrading women, rape, prostitution, and any other forms of indecent acts;
- F. Slavery and trafficking in all forms;
- f) Robbery;
- g) Threat to perform any such action above.

In addition, Article 4 Paragraph (3) is also guaranteed to protect children who are in non-international armed conflicts, among others, to ensure that they continue to receive adequate education and are not used as soldiers by the parties in conflict. Such international rules show that the protection of human rights in all situations is absolute (Malcolm N Sahw QC, *terjemahan, Derta Sri Widowatie*, dkk, 2013: 1201). This is to anticipate circumstances where it is

difficult to determine whether an armed conflict is an international or non-international strife. This is in line with the provision of the International Covenant on Civil and Political Rights (ICCPR) Article 4 which requires that even in a critical situation, fundamental non-derogable rights must be respected. This is reaffirmed in General Assembly Resolution Number 2675 (XXV) of 1970 on the Basic Principles of Protection of Civil Populations in Armed Conflict which states that any fundamental rights accepted in international law and contained in international instruments shall be fully enforced In every type of armed conflict. Thus it can be seen that the movement to protect the basic rights of each individual is not limited to a situation of armed conflict of any kind, therefore any party involved in armed conflict should really take this into account, since those who are not directly involved in Armed conflict, are generally vulnerable groups such as children and women.

In general international humanitarian law provides protection and requires humane treatment of the wounded and sick, of prisoners of war, and of civilians without distinction by sex, race, nationality, religion, political views or other criteria, but international humanitarian law as well Recognizes that women face separate problems in armed conflict as described above, so more protection that should be given to women to prevent it from happening (ICRC, <https://www.icrc.org/eng/resources/documents/misc/57jpzn.htm>, accessed on August 22 2015).

3. The Enforcement Of Justice As Victims Of Armed Conflict

As illustrated in the discussion above, women in armed conflict are vulnerable to direct or indirect violence. In some of the cases described above, the violence experienced by women in armed conflict is often inhumane and undermines her dignity as a woman. Therefore in this section it will be seen how

the enforcement of justice and protection for women is done to ensure their rights as women remain fulfilled.

To ensure fairness and protection for women as victims of armed conflict there are two steps that can be taken, namely through humanitarian action when the conflict is in progress and through the judicial mechanism to ensure that perpetrators of violence against women in armed conflict are punished accordingly.

The distribution of humanitarian assistance during the conflict can be carried out by the government where the conflict take place or through the international red cross movement which also includes the International Committee of Red Cross (ICRC). The ICRC is a neutral and independent organization aimed at ensuring the protection and distribution of humanitarian assistance to victims of armed conflict or other situations of violence. The existence of the ICRC is recognized by the four Geneva Conventions of 1949 and all three of its Additional Protocols.

In international armed conflict, the ICRC has the mandate to make visits to prisoners of war and civilian internees, and has the right of initiative (Article 10 and 11 of Geneva Convention (IV), 1949). States Parties to the Geneva Conventions of 1949 and their Additional Protocols are bound to accept the ICRC humanitarian activities (Article 126 of Geneva Convention (III):1949 and Article 143 of Geneva Convention (IV):1949). In addition, Article 81 of Additional Protocol I provides that States Parties to the conflict shall provide the ICRC with all the means available within their competence to enable the ICRC to carry out the humanitarian functions assigned to it by the Geneva Conventions and the Additional Protocols for the purpose of ensuring protection And assistance for conflict victims.

In non-international armed conflicts the ICRC may offer its services to the parties to the conflict(Article 3 of Geneve Convention). The ICRC in particular may offer its services to the warring parties in order to visit persons deprived of

their liberty in connection with armed conflict, with a view to verifying their conditions of detention and restoring contact between them and the family (ICRC, https://drive.google.com/file/d/0B_ekamY8L73geG5mTC15bHpTZUE/edit, accessed on Juni 25 2015: 52). In other violent situations the ICRC may also be mandated to offer its assistance as defined in the Statute of the Red Cross and Red Crescent International (Article 5 Paragraph (2) Letter (d) Statute of the International Red Cross and Red Crescent.). In this case the ICRC offers its assistance without making such offerings interfere in the domestic affairs of the State concerned or granting certain status to any party.

In protecting people in armed conflict the ICRC seeks to minimize the dangers that threaten such people, to prevent and stop abusive treatment against them, to keep their rights in mind and their voices heard, and to provide them with assistance. To do this, the ICRC takes two ways: first, to stay near the victims of conflict and violence. second, conduct closed dialogue with the parties involved, both state and non-state (Ambarwati, dkk, 2013:151).

One of the problems of women in armed conflict is the loss of a husband who sustains the life of his family, either because he is held captive by one of the conflicting parties or dies in the conflict. In terms of being a prisoner, the ICRC may act as a liaison between the woman and her detained husband, thus maintaining communication. Other things that women have in armed conflict are the inhibition of access to proper health, clean water, food and education, in this case the ICRC also supports them by providing health facilities and basic needs for survival such as food and water, Need stairs, and shelter (ICRC, <https://www.icrc.org/eng/war-and-law/protected-persons/women/overview-women-protected.htm>, accessed on August 25th 2015).

In the regional sphere there are also bodies that are deliberately established specifically to protect civilians in conflict situations, especially women and children. In Africa, for example, through the African Union, a mechanism for the protection of civilians, especially women and children, in

which there will be cooperation between civil society organizations (CSO) and Peace and Security Council (PSC) One of the agencies of the African Union (African Union, <http://peaceau.org/en/topic/women-and-children-in-armed-conflicts-gender-mainstreaming>, accessed on may 21st 2015.). This mechanism is known as Livingstone Formula. Through this mechanism CSOs can play a greater role in the protection of women and children in armed conflict in Africa.

In addition to the pace of providing humanitarian assistance to women affected by armed conflict, the judiciary can also be one way to uphold justice for abuses committed against women at the time of the armed conflict. Violations against women in armed conflict as described above exist in the form of war crime so that an ad hoc or ad hoc judicial mechanism can be pursued or through permanent agencies. This judicial mechanism does not have a direct impact on victims of human rights violations during the conflict but at least can provide a sense of justice and not make the perpetrators escape the crimes committed. As explained above that in situations of armed conflict vulnerable groups such as women and children face the possibility of violation of the larger basic rights, therefore when the violation occurs then justice can be enforced through the judicial mechanism, one of which is through the International Criminal Court (ICC) which is a permanent judicial body to try crimes of genocide, crimes against humanity, war crimes, and crimes of aggression (Article 5 Phrase (2) of Rome Statute of International Criminal Court).

Women in armed conflict face enormous gender-based violence, among the many gender-based violence encountered, sexual violence such as rape, sexual abuse, forced pregnancy, forced marriage, slavery and Other form of sexual violence is often faced by women in conflict. In Somalia for example, rape and sexual violence against women are used as a means of reprisals by conflicting parties(Siân Herbert, 2014:8). In armed conflicts involving Islamic State of Iraq and Syria (ISIS), women are forced to serve as sex slaves to serve ISIS fighters (<http://www.dw.com/id/isis-paksa-perbudakan-seks/a-18149794>, accessed on

August 24th 2015), some even sold as sex slaves for \$ 500-2,000 per person (Jafar M Sidik, <http://www.antaraneews.com/berita/503602/isis-jual-42-wanita-yazidi-sebagai-budak-seks-di-suriah>, accessed on August 24th 2015), and if they refuse to be a sex slaves the ISIS fighters will kill the woman (Ike Agestu, <http://www.cnnindonesia.com/internasional/20150807174618-134-70758/menolak-jadi-budak-seks-isis-eksekusi-19-perempuan/>, accessed on August 25th 2015). Rape in armed conflict perpetrated by conflict participants may be subject to war crimes set forth in article 8 of the ICC Statute so that the perpetrators may be tried at the ICC.

In addition to conduct through the ICC as a permanent judicial body, violations of women's rights can also be resolved through the ad-hoc judiciary. One example is the International Criminal Tribunal For The Former Yugoslavia (ICTY). In 1993 as a response to violations of humanitarian law, including rape and other sexual violence against women in former Yugoslavia, the UN Security Council established ICTY to punish the perpetrators. One of the matters to be tried is rape which includes those set forth in the ICTY Statute. Cases that have had an enormous impact on prosecuting female sexual offenders in armed conflict are the cases of Anto Furunzija indicted by the ICTY of committing grave violations of international humanitarian law, of which are the torture and humiliation of a person's dignity. Claims against Frunzija included sexual violence and the rape of a Muslim woman who was interrogated (Kirsten Campbell , *Journal of Women in Culture and Society*, vol. 28, Number 1, 2002:149-150).

In the case's ruling it was explained that sexual violence constitutes a grave violation of international humanitarian law. In the decision of the council in the ICTY it was decided that, firstly, rape in certain circumstances can be included in the sense of torture in international humanitarian law. Secondly, in international criminal law, rape can be categorized as a crime different from torture. In particular, rape declared to be contrary to customary international law,

underlies violations of international human rights law, constitutes a grave breach of the 1949 Geneva convention, and violates the laws and customs of war (Kirsten Campbell , Journal of Women in Culture and Society, vol. 28, Number 1, 2002:153).

In 1992, in the context of the underlying serious violations of international humanitarian law, the ICRC declared that the provisions of the twin articles of the 1949 Geneva conventions and its supplementary protocols stating that "willfully causing great suffering or serious injury to body or health" includes not only the act of rape But also attacks on the dignity of women (Judith G Gardam, <https://www.icrc.org/eng/resources/documents/misc/57jpg4.htm>, accessed on Juny 1st 2015). Thus in the context of ICTY rape is considered a gross violation of international humanitarian law. In the ICTY Statute, rape is categorized as a crime against humanity and to enter into that category the rape must be addressed directly to the civilian population as a whole, when it occurs to individuals (individual basis) is not sufficient as a basis To be included in that category. Nevertheless, in practice, the prosecutor in the ICTY charged the defendants with sexual crimes as war crimes and the grave violations of international humanitarian law (Judith G Gardam, <https://www.icrc.org/eng/resources/documents/misc/57jpg4.htm>, accessed on Juny 1st 2015). This further strengthens and provides protection for the human rights of women in armed conflict.

E. CLOSING

Based on the explanation above it can be concluded that armed conflict has had a major impact on women's lives. Women are more vulnerable to becoming victims of gender based violence, both interpersonally and structurally. For example, women are victims of rape, forced marriage, or when in custody women are limited in their space and access to fresh air because of the detentions

mixed with men. In addition, the impact of armed conflict has also provided changes in gender relations especially in relation to women, namely in the four areas of role, identity, constitution and ideology. For example, due to the armed conflict of women losing their husbands who previously served as breadwinners, women forced to take over the role, or armed conflict made the possibility of marriage expectations for women getting smaller, which in certain areas high social status associated with marriage so that it minimizes Women's opportunities for higher social status.

International humanitarian law has established a legal framework for the protection of women in armed conflict so as to ensure non-violation of their human rights during the conflict. This is for example contained in the 1949 Geneva Convention and its additional protocols which establish basic rights that can not be reduced under any circumstances, including in armed conflict. In the event of a violation, a judicial mechanism can be made, either through a permanent institution such as the ICC or an ad hoc such as the ICTY. Protection of women can also be provided when conflict is underway through humanitarian activities through the ICRC.

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