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## Violation of Human Rights During Armed Conflict: The Context under International Law

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*Human rights are the rights that are universal and inalienable, which, after plenty of arguments and conflicts, were acknowledged universally. Human rights are rights that are universal and inalienable, which, after plenty of arguments and conflicts, were acknowledged universally. In 1948, the United Nations drafted the ultimate instrument, the Universal Declaration of Human Rights (UDHR), and laws for human rights emerged. Despite these laws and policies, we have yet to protect human rights for everybody, largely during armed conflicts between states or nations. This research delves into the limitations of International Human Rights Law (IHRL) and its inadequacy to prevent the enormous rate of violation of human rights. International Humanitarian Law (IHL) is one of the central components of which is protecting civilians during conflicts. Alongside, some human rights laws obligate the states to respect and ensure human rights for the citizens. These laws stipulate the protection of defenseless civilians and their human rights. The research examines and analyzes the interval between the IHL and the IHRL whereas these two oughts to work together to preserve human rights during armed conflict. Despite existing laws, stakeholders are not being accountable, and lack of accountability uncovers the insufficient implementation of laws and raises questions about the legal regime. Following the doctrinal approach, this study analyzes treaties, conventions, and precedents to scrutinize the legal framework and its limitations. The research by investigating and discussing the extent of violation of human rights amidst armed conflict brings forth recommendations on enhancing implementation and compliance of IHRL along with IHL. However, by assessing the laws, this research further recommends establishing justice and protecting human rights for every human being across the world, even amidst armed conflict.*

**Keywords:** *human rights, armed conflict, humanitarian law.*

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## INTRODUCTION

Human rights are the rights that are universal and inalienable, and every human being on this earth is entitled to enjoy them without any interruption. The history of human rights has been a long path and it started with the powerful emperor Cyrus the Great.<sup>1</sup> After plenty of arguments and conflicts, fundamental human rights were acknowledged. In 1948, the United Nations drafted the Universal Declaration of Human Rights (UDHR), a comprehensive document outlining fundamental human rights, and alongside this, laws were established to protect human rights. Unfortunately, despite these laws and policies, they are yet to protect human rights for everybody, mainly during armed conflicts between states and nations. This research delves into the limitations of IHRL and its inadequacy to prevent the enormous rate of violation of human rights. Amidst conflict between the states, defenseless civilians suffer unreasonably.

IHL is the central component of which is safeguarding civilians during conflicts. Alongside, there are human rights laws that every state is obligated to respect and ensure for the citizens. Notwithstanding, a gap between international humanitarian law and international human rights law exists whereas these two ought to work together to preserve human rights during armed conflict.<sup>2</sup> The authorized stakeholders need to take responsibility for the protection of civilians and ensure the prevention of violations of human rights. Despite existing laws, it's not being called into question whether the stakeholders have taken sufficient measures to protect human rights during armed conflict. The lack of accountability uncovers the poor implementation of laws and it raises questions on the legal regime. When an armed conflict occurs, the responsibility of protecting civilians, their property, and their human rights lies upon the states, but they fail to do so.

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<sup>1</sup> Patrick Pasture, 'The Invention of European Human Rights' (2018) 103(356) History <[https://library.unibocconi.it/discovery/fulldisplay?docid=cdi\\_proquest\\_journals\\_2067056316&context=PC&vid=39UCLB\\_INST:VU1&lang=en&search\\_scope=MyInst\\_and\\_CI&adaptor=Primo%20Central&tab=Everything&query=creator,exact,Pasture,%20Patrick,AND&facet=creator,exact,Pasture,%20Patrick&mode=advanced&offset=0](https://library.unibocconi.it/discovery/fulldisplay?docid=cdi_proquest_journals_2067056316&context=PC&vid=39UCLB_INST:VU1&lang=en&search_scope=MyInst_and_CI&adaptor=Primo%20Central&tab=Everything&query=creator,exact,Pasture,%20Patrick,AND&facet=creator,exact,Pasture,%20Patrick&mode=advanced&offset=0)> accessed 18 February 2025

<sup>2</sup> Gerd Oberleitner, *Human rights in armed conflict: Law, practice, policy* (Cambridge University Press 2005)

## HUMAN RIGHTS AND ARMED CONFLICT

The term 'Human Rights' means the rights that every human being is entitled to avail just by being human. Emperor Cyrus first announced that there would be no slavery, that everyone would have equal rights, and that every person would be free to choose their religion, and all these concepts in a document called the Cyrus Cylinder.<sup>3</sup> This concept was known as natural law and was adopted by many nations. Over the years, when rights were being violated by powers, the Magna Carta emerged, which specified that nobody has the right to deprive a human of these rights, not even the king.<sup>4</sup> Jurists have argued over the concept of human rights over the years due to the diverse viewpoints of individuals.

When the UN formed, along with several councils, the Human Rights Council was established, which will work for the preservation and monitoring of human rights and work on preventing violence all over the world.<sup>5</sup> This led to the modern law of human rights and the documentation of the UDHR. After World War I, nations attempted to define certain rights and protect those but were not successful. After witnessing the barbaric result of World War II, the nation thought about giving official recognition to human rights to protect mankind from violation of human rights further.<sup>6</sup> After World War II, this concern was given more attention, and the nations acknowledged human rights and promised to ensure those for their citizens. The codified laws and procedures were established but it is still challenging to ensure human rights for everyone.<sup>7</sup> In 1948, at a session of the UN, the UDHR was adopted, and since then, it has been recognized as the official instrument of human rights, which indicates the universality of human rights.<sup>8</sup> Besides the UDHR, there are numerous treaties, conventions, and laws regarding human rights.

The goal of these laws is to ensure human rights for every human and prevent violation of these rights. Human rights are categorized into two groups: civil and political rights and economic, social, and cultural rights specified by ICCPR and ICESCR, which explain these two categories of human rights distinctively. Being universal and inalienable, no one can

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<sup>3</sup> Pasture (n 1)

<sup>4</sup> *Ibid*

<sup>5</sup> *Ibid*

<sup>6</sup> Sarbani Guha Ghosal, 'Human Rights: Concept And Contestation' (2010) 71(4) The Indian Journal of Political Science <<https://www.jstor.org/stable/42748940>> accessed 18 February 2025

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid*

obstruct the endowment of human rights, nor can they violate and prevent these rights. It is tough to define human rights and violation of human rights even after years of the evolution of rights and socio-economic transformation of nations, and communities which affected the hypothesis of human rights as well.

The jurists and philosophers have tried to define human rights and they came up with a diverse definition of this. Human rights are distinctive from constitutional rights, and it is hard to fit them into the legal framework because this is not limited to rights related to justice and politics. It includes the rights to basic needs of life like healthcare, education, food, etc. But it also is not limited to these but includes rights like freedom of expression, the right to vote,<sup>9</sup> and most modern contexts rights in cyberspace. Even though the rights are not tied to politics, in the present world, politics is the major influence on human rights, which is also the biggest reason for the violation of rights.

Armed conflict, the literal meaning of this term, is any kind of conflict between two parties where armed force is applied. Here, the parties can be states or communities, which are highly influenced by political powers.<sup>10</sup> IHL and human rights laws, conventions, and treaties tried to define armed conflict over time, but at first, the concept was narrow and inadequate to address many aspects. However, IHL is known as the law of war that deals with war crimes, as per the principle of *lex specialis*, IHL is more applicable.<sup>11</sup> This can be defined as a limitation of the legal framework that IHL prevails over IHRL during armed conflict.<sup>12</sup> However, IHRL and IHL are reciprocal and co-applicable, so the theory of amalgamated implementation can be a way out here.<sup>13</sup>

However, there are people with diverse limitations in every community, for whom protection needs to be taken accordingly. Therefore, the Geneva Convention and its additional protocols tried to individualize the protection for people of different groups define

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<sup>9</sup> Universal Declaration of Human Rights 1948

<sup>10</sup> Sylvain Vite, 'Typology of armed conflicts in international humanitarian law: legal concepts and actual situations' (2009) 91(873) International Review of The Red Cross  
<<https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/irrc-873-vite.pdf>> accessed 18 February 2025

<sup>11</sup> *Ibid*

<sup>12</sup> *Ibid*

<sup>13</sup> *Ibid*

armed conflict in a broader view, and add distinctive armed conflict, which can be seen in this modern world.<sup>14</sup>

Common Article 2(1) of the Geneva Convention, 1949 states, that when two state parties are involved in any conflict where they are utilizing armed forces, even if any of the parties does not recognize it.<sup>15</sup> In the judicial decision of the Prosecutor v Tadić (1995), the ICTY attempted to define armed conflict through adjudication that, An armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.<sup>16</sup> The armed conflicts are divided into two parts.<sup>17</sup>

1. International Armed Conflict;
2. Noninteractional Armed Conflict.

According to common article 2(1) of the Geneva Convention, 1949 states that, when two state parties are involved in any conflict where they are utilizing armed forces, even if any of the parties does not recognize it.<sup>18</sup> Here, article 2 of The Geneva Convention focuses on the term High Contracting Parties. The article expresses that all cases of declared war or any other armed conflict may arise between two or more of the High Contracting Parties.

This means the states that oppose the other ultimately get into conflict, and the conflict arises when the states recruit themselves for armed conflict. The primary concern arising from armed conflict is the enormous violation of the human rights of civilians. Even though there is international humanitarian law to deal with armed conflict, war crimes, etc, that is not sufficient to ensure human rights for the whole community, most importantly the civilians. Therefore, human rights law needs to work along with IHL to prevent the vast rate of violation of human rights amidst armed conflict. By criticizing the concept of Jus in Bello, it is very evident that; there is a huge gap within international human rights law and international humanitarian law, where these should work together to ensure the application

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<sup>14</sup> Tanzim Afroz, 'Concept Of Armed Conflict In International Humanitarian Law: Legal Analysis of Contemporary Issues' (2009) 20(1) Dhaka University Law Journal  
<<https://journal.library.du.ac.bd/index.php/DULJ/article/view/1618/1526>> accessed 18 February 2025

<sup>15</sup> The Geneva Convention 1949

<sup>16</sup> *The Prosecutor v Duško Tadić* [1999] IT-94-1-A

<sup>17</sup> *Ibid*

<sup>18</sup> The Geneva Convention 1949

of human rights during armed conflict.<sup>19</sup> On the other hand, Article 8(2)(c) of the Rome Statute deals with the application of rules concerning violation of common Article 3.<sup>20</sup>

Human rights and armed conflict are both focal points of concern in the present world. Conflicts between states are endangering civilians and their human rights. As the jurisprudence states human rights are inalienable, interpreting no person can obstruct the way of availing the human rights of another.<sup>21</sup> However, the acknowledgement is not enough for implementation; rather, the contribution of individuals in their community is necessary.<sup>22</sup> Still, due to the armed conflicts, the communities are suffering from their human rights, which they are entitled to enjoy by nature and look over the human rights laws internationally recognized and acknowledged. Despite the existence of human rights laws, numerous treaties, and conventions, universal protection of human rights remains elusive. The question is, on whom to place the blame, whether it is state parties' international organizations or the legal framework. Nevertheless, it is still limited to discussion, not reaching the step of taking action, and implementation of laws is yet to happen.

## VIOLATION OF HUMAN RIGHTS DURING ARMED CONFLICT

Armed conflict means the conflict influenced by politics that arises between two states with the usage of armed force and weapons, generally called war, including conflict over water, land, and other resources.<sup>23</sup> However, armed conflict can occur within a state, between different groups, and within two or multiple states. Previously in history, there have been numerous stories of armed conflict, both international and international, and world wars. Whenever these conflicts arise, people of the state, including armed personnel, defenseless civilians, and property get harmed. In the history of the two world wars, a vast humanitarian crisis and violation of human rights were seen, where women and children were included as well. The term 'violation of human rights' refers to the basic human rights mentioned in the UDHR as the universal right of a human, and depriving someone of the enjoyment of any of

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<sup>19</sup> Gerd Oberleitner, *Human rights in armed conflict: Law, practice, policy* (Cambridge University Press 2005)

<sup>20</sup> *Ibid*

<sup>21</sup> *Ibid*

<sup>22</sup> Richard Falk, 'Human Rights' (2004) 141 Foreign Policy <<https://www.jstor.org/stable/4147546>> accessed 18 February 2025

<sup>23</sup> *Ibid*

the rights is addressed as a violation of human rights. To be noted, violation of human rights includes war crimes as well, which is a violation of Article 3 of the Geneva Convention.<sup>24</sup>

The UDHR, in different articles, specified that the basic human rights are the right to life, nationality, liberty, food, shelter, etc. As per Article 3 of the UDHR, every human has the right to liberty and security, along with the right to life. During armed conflict, the states use armed weapons and force against the opponent state, such as atomic weapons, air force weapons, etc.<sup>25</sup> The use of these weapons causes death, grievous hurt, and injury to civilians, including children and women. In the conflict between Israel and Hamas, due to the excessive attack of Israel on Gaza and other areas of Palestine, among the child population of Gaza, over 2% were injured or died in the 6 months of the war, alongside their education and health being hampered.<sup>26</sup>

The UDHR indicates that life, education, and health are basic human rights and shall not be interrupted. As per Article 3 of UDHR, every human has the right to life and liberty. During armed conflicts, the state parties, through their armed force, use weapons and atomic power to kill the people of the opposite state and violate the right to life of the civilians. As per a report by Al Jazeera, more than 35,000 people have been killed in Gaza since October 2023.<sup>27</sup> Moreover, due to the unstable circumstance arising from the act of the state parties, it obstructs the free movement of people, violating the right to freedom of movement as Article 13 of UDHR states.<sup>28</sup> Furthermore, as the schools and hospitals are being destroyed due to armed attacks, education is being obstructed, and they are being deprived of healthcare.

The term Domicide means the systematic demolition of houses and buildings and displacing the of people from shelter.<sup>29</sup> Moreover, the intense attacks cause grievous harm to the citizens, and as the hospitals are destroyed at the same time, the harmed people are deprived of medical care. Article 25 of the UDHR says that every human has the right to food, housing, and healthcare.<sup>30</sup> So, by destroying houses, hospitals, and educational institutions, several

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<sup>24</sup> Afroz (n 14)

<sup>25</sup> Universal Declaration of Human Rights 1948

<sup>26</sup> 'Over 2% of Gaza's Child Population Killed or Injured in Six Months of War' (*Save The Children*, 04 April 2024) <<https://www.savethechildren.net/news/over-2-gaza-s-child-population-killed-or-injured-six-months-war>> accessed 18 February 2025

<sup>27</sup> *Ibid*

<sup>28</sup> Universal Declaration of Human Rights 1948

<sup>29</sup> Over 2% of Gaza's Child Population Killed or Injured in Six Months of War (n 26)

<sup>30</sup> Universal Declaration of Human Rights 1948



provisions of human rights law are being violated. Civilians are being deprived of their human rights, from food and education to healthcare and liberation. Since October 7th of 2023, approximately 250 people have died every day in Palestine due to the Israel- Hamas conflict.<sup>31</sup>

In the provisions of human rights law for women, it is very specified that, sexual harassment shall be considered as a human rights violation for a woman which includes rape, torture, and murder.<sup>32</sup> The whole world is quite familiar with sexual violence due to its excessive occurrence of it, war is no exception. The armed personnel often use violence against women as a weapon against the opposition, commonly by rape, abduction and torture.<sup>33</sup> However, it is evident that sexual violence is adopted by the force to create terror, vulnerability, and fear among the community, and it is not only limited to women; some incidents happen to men as well.<sup>34</sup> As per human rights law, exposure without consent is a violation of human rights, specifically for women. Thus, in case of rape and other sexual violence, women get exposed physically to some males, without consent, which is a violation of human rights.

This is a common occurrence in every armed conflict of history and till now, it is a grave violation. A common issue arising out of armed conflict is sexual abuse. The opposition force abducts women and sexually abuses them which includes rape, murder, and other heinous abuses toward women. It is used as a silent weapon against the opposition, to create fear, terror, and instability in the community. CEDAW highlights the rights of women, including civil, political, social, cultural, and economic rights.<sup>35</sup> As per CEDAW, women would be protected from sexual abuse, inequality, and discrimination.<sup>36</sup>

Sexual abuse is considered a violation of human rights as it causes unwilling exposure of women to others.<sup>37</sup> In the case law of Akayesu, the ICTR held that sexual violence is a kind of sexual abuse that has been done under a coercive circumstance.<sup>38</sup> Moreover, ECHR and

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<sup>31</sup> Over 2% of Gaza's Child Population Killed or Injured in Six Months of War (n 26)

<sup>32</sup> Convention on the Elimination of All Forms of Discrimination Against Women 1979

<sup>33</sup> *Ibid*

<sup>34</sup> Gloria Gaggioli, 'Sexual violence in armed conflicts: A violation of international humanitarian law and human rights law' (2014) 96(894) International Review of the Red Cross <<https://international-review.icrc.org/sites/default/files/irrc-894-gaggioli.pdf>> accessed 18 February 2025

<sup>35</sup> *Ibid*

<sup>36</sup> Convention on the Elimination of All Forms of Discrimination Against Women 1979

<sup>37</sup> *Ibid*

<sup>38</sup> *The Prosecutor v Duško Tadić* [1999] IT-94-1-A



IACHR consider sexual violence as a violation of human rights, and Geneva Conventions and additional protocols prohibit such violations.<sup>39</sup> Moreover, article 5 of the UDHR mentions that no human shall face inhuman treatment, torture, and punishment. From the statistics, it can be found that a huge amount of people get abducted and killed through inhuman treatment. The armed cohort abducts the civilians and tortures them to create terror in the community and, most importantly, to exhaust the state party. Apart from these, the owners of the properties that get destroyed due to the armed attack are being deprived of their ownership over the property, and their property gets destroyed arbitrarily, which is also a violation of human rights as per Article 17 of UDHR.<sup>40</sup> As armed combat destroys cultural and personal properties, it constrains the emotions of the nation as well.<sup>41</sup>

Moreover, the children subject to the deprived community, their right to education, healthcare, and a healthy lifestyle is being hampered.<sup>42</sup> Moving on, the ICCPR specifies that the state parties have the responsibility to ensure civil and political rights. Political powers often oppress people, abusing their power and violating human rights through such things as unreasonable imprisonment and unfair trials.<sup>43</sup> Additionally, the Fourth Geneva Convention also states that civilians should be protected even during war. Apart from these Geneva conventions, the protection of journalists and humanitarian workers is also included.

The Geneva Conventions talks about the protection of prisoners, wounded and sick people, and welfare workers.<sup>44</sup> Thus, by applying these provisions, the human rights of everyone can be protected. Now, during armed conflict, the state parties do not pay much attention to the defenseless community of the territory, thus, their human rights violation is often neglected. Lastly, all the instruments, conventions, and laws specify the universal human rights, originally acknowledged by UDHR, with which a primary idea of human rights can be found. Through analysis of the occurrences during armed conflict, it is very easy to identify

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<sup>39</sup> Gaggioli (n 34)

<sup>40</sup> Universal Declaration of Human Rights 1948

<sup>41</sup> Sigrid van der Auwera, 'Contemporary Conflict, Nationalism, and the Destruction of Cultural Property During Armed Conflict: A Theoretical Framework' (2012) 7(1) *Journal of Conflict Archaeology* <<https://doi.org/10.1179/157407812X13245464933821>> accessed 18 February 2025

<sup>42</sup> *Ibid*

<sup>43</sup> Atugonza Immaculate, *Mass Media and Prevention of Human Rights Abusing Armed Conflict Zones In Uganda: A Case Study of Study of Red Pepper Publications* (2018)

<sup>44</sup> Geneva Conventions 1949

the areas of violation of human rights. However, to prevent this, the legal framework needs to operate more efficiently.

## **PREVENTION OF VIOLATION OF HUMAN RIGHTS UNDER THE PURVIEW OF INTERNATIONAL LAW**

IHL, frequently known as the law of war, deals with the issues related to war, preserving humanity even during war. Apart from this, there are several concerns that IHL cannot provide a solution to. To prevent human rights violations for everyone during the war, including civilians, IHRL and IHL have to work together. There is an interval between international humanitarian law and international human rights law, thus, international organizations, including the UN, cannot reach the ultimate solution to this global issue. As per statistics, almost 14% of the world's population is affected by war at present.<sup>45</sup> To prevent this, first of all, human rights need to be identified, and what can be called an infringement of human rights needs to be identified.

To prevent this, first, the states need to recognize human rights and take action locally to preserve those for every citizen. However, poor implementation of the law is a major reason why violations of human rights are not prevented. To overcome this, the legislation has to be more obligatory, and it should bind the states to take enough measures to protect the civilians living within their territory. Initially, the responsibility to protect the citizens lies upon the state, as the Fourth Geneva Convention states. The international community needs to be stricter on the state parties and hold them accountable for their lack of action to prevent the violence. In the judicial decision of *Velásquez Rodríguez v Honduras*, the court mentioned that the State has the responsibility to prevent human rights violations, ensure proper investigation, and provide remedies for the citizens.<sup>46</sup>

The cause of such armed conflict is oppression and colonialism, for which the state party is liable. The lack of accountability and liability is a reflection of poor implementation of human rights law. Now, it is the responsibility of the state to corroborate protection for every person within their territory.<sup>47</sup> This can be done with the contribution of all the states of the international community and the organizations concerned. Even if the law implementation

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<sup>45</sup> *Velásquez Rodríguez v Honduras* [1988] 9 HRLJ 212

<sup>46</sup> *Ibid*

<sup>47</sup> *Ibid*

is sufficient, the procedure is so slow that it does not help. Therefore, human rights laws cannot prevent the vast range of violations of human rights. Even after having a legal framework to deal with, some challenges obstruct the way. Notwithstanding, it is quite tough to preserve the evidence during armed conflict, which benefits the wrongdoers.<sup>48</sup>

Also, political influence and a leisurely judicial system hinder the way to prevention. Moreover, insufficient monitoring of the occurrences and deficiency of enforcement of human rights law is also a reason behind the non-success of prevention of human rights violations. The legislation also has some limitations which makes it tough to apply those and prevent violation.<sup>49</sup>

Furthermore, criminalization of human rights violations can be a pathway to the prevention of such violations, which can be done by rephrasing the laws.<sup>50</sup> Most of the state parties solely focus on the conflict and defeating the opposition, and they do not pay attention to the civilians. Whereas some states target civilians to create terror among the other community, which leads to a vast range of human rights violations. It is high time for international organizations and the global community to focus on the limitations of legislation, monitor the activities of state parties, and hold them accountable. War crimes like genocide, ethnic cleansing, and crimes against humanity are violations of international humanitarian law, and proper judicial proceedings should be held against the people associated with them. Nonstate actors, political influences, and individual influences shall also be identified and held liable for such happenings. Lastly, the enforcement of a legal framework more efficiently and the contribution of the international community and organizations can improve the pathway to the prevention of the violation of human rights during and after armed conflict while ensuring proper investigation regarding this without any undue influence.<sup>51</sup> Also, overcoming the limitations of the legislation and identifying which one is a violation of human rights is necessary. Human rights are an inevitable right of every human, so a

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<sup>48</sup> Giovanna Frisso, 'The Duty to Investigate Violations of the Right to Life in Armed Conflicts in the Jurisprudence of the Inter-American Court of Human Rights' (2018) 51(2) *Israel Law Review* <<http://dx.doi.org/10.1017/S0021223718000055>> accessed 18 February 2025

<sup>49</sup> *Ibid*

<sup>50</sup> Amina Slimani, 'Criminology and Massive Violation of Human Rights: The Case of Terrorism and Genocide' (2022) 60(3) *International Annals of Criminology* <<https://www.cambridge.org/core/journals/international-annals-of-criminology/article/criminology-and-massive-violation-of-human-rights-the-case-of-terrorism-and-genocide/2C988D3ADA03652DE59BDEBBE0444210>> accessed 18 February 2025

<sup>51</sup> Frisso (n 48)

violation of these rights due to a conflict between two states should be prevented.

## CONCLUSION

Human rights are a universal concept, and everyone has the right to enjoy them. Violation of human rights is also a very common occurrence in the present world. Every state and nation is struggling to ensure human rights for their population, unfortunately, it is very challenging to achieve. Moreover, inequality, prejudice, and crimes are increasing the violation of human rights. Thus, violation of human rights is a common occurrence, due to countless internal issues of states, politics, socio-economic status, etc.<sup>52</sup> Armed conflict, which is another global concern, is adding to this challenge by expanding the rate of violation. Armed conflict inherits brutal activities towards powerless civilians; the community is untrained and cannot defend themselves. Nevertheless, no one should be deprived of these rights, whether amidst armed conflict or in times of peace. Yet a vast amount of people are deprived of their rights and sufficient measures are not being taken. The fourth Geneva Convention expresses that the states have the responsibility to protect their citizens and their human rights.

## RECOMMENDATION

Throughout this research, by evaluating the legal framework, it was found that even though there are several conventions and treaties, there are some limitations to those too. Emphasizing these, some recommendations for this are given here.

First of all, the challenges do not end with the war, but the impact of violence remains, and the civilians fall into another humanitarian crisis; in some scenarios, human rights violations occur, too. The state and nonstate parties are liable for these occurrences, and the international organization cannot avoid it as well. The International Criminal Court has held trials to prosecute war crimes, genocide, and human rights violations as well, but the proceedings are slow. By enhancing the consolidated implementation of IHRL and IHL, laws and policies need to be more precise and provide clear-cut guidelines on this process to protect civilians. A bridge needs to be created between IHL and IHRL and a merged

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<sup>52</sup> Andreas Follesdal and Thomas Pogge, *Real world justice: grounds, principles, human rights, and social institutions* (Oxford University Press 2005)

implementation of these two can enhance efforts to prevent violation of human rights amidst armed conflict.

Secondly, it is the responsibility of the state to ensure the protection of the people, but due to a lack of accountability, they are negligent in this regard. Thus, the international community, including the UN and other organizations, needs to encourage the states to take sufficient measures to protect their civilians. If the states owe accountability to the international community, they will be sincere about the protection of the human rights of their population. ICJ and ICC can instruct them to provide a report on the circumstance and any misconduct and hold them liable and accountable.

Thirdly, as lack of proper investigation and hurdles to gather evidence hinder the way to justice and fast-moving procedure, it is important to ensure the safety of the people while investigating and there needs to be a precise guideline in this regard. Parties need to state evidence of violations, which is one of the challenges, and a lack of proper investigation and collecting sufficient evidence is necessary so that justice for the deprived people can be acquired. Political influence is an obstruction here, as the powerful organs of the international community often influence the states and hinder the way to justice. Upon ensuring proper investigation over the occurrences and specifying penalties for the breachers. Proper investigation, prosecution, and adjudication of cases of violation of human rights can be effective in preventing this.

To achieve ultimate equality, everyone needs to work together to ensure rights for each other. Armed conflict not only causes immediate instability but also leaves behind an enormous after-effect and challenges. This research for this purpose delved into the laws and policies and scrutinized the legal framework and its limitations. Lastly, the global community needs to put efforts into considering all the aspects and ensuring justice for everyone. Eliminating the political influence, the international community has to supervise this concern of violation of human rights with regard to justice, equality, equity, and humanity. By enhancing international cooperation, it is possible to prevent violations of human rights during armed conflict.