

*In a recent article published by the Review the author gave an overview of the specific problems women have to face in war:<sup>1</sup> This contribution elaborates on the situation of women in detention. Other articles on women's experiences during armed conflict will follow.*

## **Women and war: the detention of women in wartime**

by CHARLOTTE LINDSEY

The Women and War Project unit has been conducting a study of the impact of armed conflict on women and the normative and operational responses to their needs by the ICRC in carrying out its activities. This study will be published in 2001 and forms the basis for the implementation of a specific pledge on women and war made by the ICRC at the 27th International Conference of the Red Cross and Red Crescent (Geneva, 1999) for four years from the year 2000. In that pledge, the ICRC undertook to increase its promotion both of the protection accorded to women by international humanitarian law and of the prohibition of sexual violence. It will also endeavour to ensure that all its protection, health and assistance activities appropriately meet the needs of women war victims in order to alleviate their plight.

In armed conflicts, women can be deprived of their liberty for reasons either directly related to the conflict or that have nothing to do with it; they can in particular be held in custody for ordinary crimes unrelated to the hostilities, whether committed prior to or during the armed conflict. The issues raised by the detention of women rarely feature in public discourse or articles on women and war. Media images of detainees usually portray men languishing behind bars or barbed wire. Yet the ICRC visits and has registered several thousand women (and girls) detained in relation to armed conflict and internal disturbances. The perception by public opinion of women in deten-

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tion was once eloquently summed up by an ICRC doctor: “There is one category of detainees which is seldom mentioned — women. They do not fit the typical image of a prisoner. They are not “real prisoners”.<sup>2</sup> This article aims to highlight some of the main factors particularly affecting female detainees, and the international rules and standards that afford them protection.

Women are less visible in detention, primarily because they are fewer in number than their male counterparts in places of detention throughout the world. As a rough approximation, women represent around 4-5% of a country’s detainee population. This includes women deprived of their freedom in relation to hostilities as captured combatants, security detainees and civilian internees, as well as women in custody for ordinary offences. In addition, in some countries women are also detained for reasons “related to their conduct”, so-called “honour crimes”. “Honour crimes” is the term frequently used in many countries to describe the reasons for the detention of women for behaviour which is perceived by law or custom as unacceptable or inappropriate or, in some cases, for their own protection from members of their family or community.

In situations of armed conflict, international humanitarian law protects women who are taken prisoner, interned or detained. The relevant provisions are laid down in the four Geneva Conventions for the protection of war victims of 12 August 1949 and their two 1977 Additional Protocols and concern the treatment of persons deprived of their freedom, including the specific conditions of detention and treatment of women. In other situations of violence not covered by the 1949 Geneva Conventions and their Additional Protocols, other international standards supplement domestic legislation on the treatment of detainees. The most important are the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955); the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988); the International Covenant on Civil and Political Rights (1966); and the

<sup>1</sup> Charlotte Lindsey, “Women and war”, *IRRC*, No. 839, September 2000, pp. 561-580.

<sup>2</sup> Dr Jacques Moser, “Forgotten Prisoners: Women”, ICRC (not published).

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). It is important to note that these standards and national law also apply to women deprived of their freedom in relation to international and non-international armed conflicts. Both international humanitarian law and the international standards applying to detention make no distinction as regards the detention of adults, whether male or female.

From the outset it should be remembered that in all circumstances the responsibility for providing for the needs of detainees and for adequate and appropriate accommodation, food and other items and services necessary for their health and dignity rests with the detaining authorities. The detaining authorities are also responsible for ensuring that detainees are treated correctly, and in particular that they are not subjected to ill-treatment. It is incumbent upon them to ensure that the detention of persons in relation to hostilities complies with the provisions laid down in international humanitarian law.

**International humanitarian law on women in detention:  
general provisions<sup>3</sup>**

International humanitarian law has, from its inception, accorded women general protection equal to that of men. Women are protected as members of the armed forces when captured and detained by the enemy, and as members of the civilian population if they are interned. But the law has also recognized the need to give women special protection according to their specific needs.

In international armed conflicts, women who have taken an active part in hostilities as members of the armed forces are protected, if captured, by the 1949 Geneva Convention relative to the Treatment of Prisoners of War (Third Convention). This Convention elaborates the principle that POWs shall be treated humanely in all circumstances. However, besides the rules which are applicable to all POWs, the Third Convention also affords women special protection, in particular by its Article 14, paragraph 2, which stipulates that “women shall

<sup>3</sup> See in general Françoise Krill, “The protection of women in international humanita-

rian law”, *IRRC*, No. 249, November-December 1985, pp. 337-363.

be treated with all the regard due to their sex". This injunction is followed through in a number of provisions which expressly refer to the conditions of detention for women in prisoner-of-war camps, such as the obligation to provide separate dormitories for women and men,<sup>4</sup> separate sanitary conveniences,<sup>5</sup> and separate quarters under the supervision of women in the event of punishment.<sup>6</sup> The principle of specific treatment for women is now also reflected in Article 75, paragraph 5, of Protocol I, which requires in all circumstances separate confinement of women from men and the direct supervision of women detainees by women.<sup>7</sup>

Women as members of the civilian population can be interned by a party to an international armed conflict if "the security of the Detaining Power makes it absolutely necessary".<sup>8</sup> The 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention) and 1977 Additional Protocol I contain a number of special provisions on the internment of women.<sup>9</sup> Moreover, the Convention lays down special provisions for interned or detained pregnant women and mothers of small children (generally considered to be children under seven years of age). It stipulates that the cases of pregnant women and mothers with dependent infants who are detained or interned must be considered with the utmost priority,<sup>10</sup> and maternity cases must be "admitted to any institution where adequate treatment can be given".<sup>11</sup>

<sup>4</sup> (Third) Geneva Convention relative to the Treatment of Prisoners of War, Art. 25(4).

<sup>5</sup> *Ibid.*, Art. 29(2).

<sup>6</sup> *Ibid.*, Arts 97 and 108.

<sup>7</sup> *Ibid.*, Arts 97 and 108, Additional Protocol I, Art. 75(5).

<sup>8</sup> (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War, Art. 42.

<sup>9</sup> *Ibid.*, Art. 85, regarding sleeping quarters and sanitary conveniences for interned women separate from those of men; Art. 89, on additional food provisions for expectant and nursing mothers; Art. 91, regarding adequate treatment for maternity cases; Art. 97,

on searching of women detainees; Art. 124, regarding conditions of detention for interned women undergoing disciplinary punishment; and Art. 127, regarding the transfer of maternity cases. Protocol I, Art. 75(5), regarding separate accommodation from men and supervision by women, and Art. 76, regarding protection of women from violations such as rape, and priority consideration of the cases of, and avoidance of pronouncement of the death penalty on, pregnant women or women with small children.

<sup>10</sup> Protocol I, Art. 76(2).

<sup>11</sup> Fourth Convention, Art. 91(2).

International law on non-international armed conflicts does not define captured combatants as prisoners of war. However, women who have taken an active part in the hostilities and are captured by the enemy are entitled to the fundamental guarantees afforded by Article 3 common to the Geneva Conventions and by Article 4 of 1977 Additional Protocol II. Women are entitled to the same protection as men, but they also have a right to special treatment. Protocol II provides for special treatment of women who are arrested, detained or interned in relation to the hostilities. In such cases, “except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women”.<sup>12</sup> Women members of the civilian population who are interned by a party to a non-international armed conflict are also protected by Articles 4, 5 and 6 of Protocol II.<sup>13</sup>

#### **Separation of women from men in detention<sup>14</sup>**

As previously mentioned women, compared to men, are by far the minority in detention (both in peacetime and in times of armed conflict). Yet their conditions of detention are not necessarily better because there are fewer of them. On the contrary, this may not always be the case, primarily because there are few prisons or places of detention solely for women. In many cases women are detained in men’s prisons, where their section is usually the smallest and the sanitary and other facilities may be insufficient. In such situations it is important to ensure that the detention quarters and sanitary facilities for women are adequate and that there is a physical separation (walls) between women and men, i.e. the women’s quarters must be entirely separated from men’s quarters, as required by international humanitarian law.

However, a separate place of detention for women can bring its own problems, since there are usually only very few women’s prisons per country, detained women are often held in places of detention far

<sup>12</sup> Protocol II, Art. 5(2)(a).

<sup>13</sup> See also Protocol II, Art. 4, on fundamental guarantees; Art. 5, in relation to persons whose liberty has been restricted and their conditions of and treatment in detention; and Art. 6, regarding penal prosecutions.

<sup>14</sup> Fourth Convention, Art. 76, and Art. 124; Protocol I, Art. 75; Protocol II, Art. 5; and Standard Minimum Rules for the Treatment of Prisoners (1955), Rule 8(a).

away from their places of origin, their families and the vital support that they provide.<sup>15</sup>

It is, of course, essential that in all places of detention allowance should be made for access to the open air and the material conditions of detention should be adequate. In particular, pregnant women and children accompanying their mothers in detention must have more frequent access to the open air and to physical exercise than other detainees.

The aim of the foregoing standards is to protect detained women, especially from violence, abuse and intimidation, to help maintain their privacy and dignity and to organize their lives in detention according to the special needs they have on account of their sex.

### **Children with their mothers in detention**

Domestic legislation or penitentiary rules determine whether a child can remain with a parent (generally the mother) in detention and the maximum age to which that is possible. The Geneva Conventions have not established any age limit. The situation of children with their detained mothers — taken into custody at the same time and/or living with them in detention — is a complex and delicate issue. Places of detention are unquestionably not the ideal environment to raise a child, but mother and child should not necessarily be separated with the pretext of providing the child with a “better” environment. In certain cases, a detained woman may want to keep her child with her under any circumstances, especially if her social status and her status in the family directly depend on the fact that she takes care of the child — a position she may lose, including all rights over her child, if the child goes to live with another family member. However, when the child reaches the age when he/she is no longer able to stay in detention — the age determined by national law — the pain of separation for mother and child is enormous.

<sup>15</sup> The ICRC has asked detaining authorities to organize transfers of detained women from one detention place to another which is exclusively for female detainees. The following conditions must be met: consent of the detainee; transfer of the judicial case to a

court in the vicinity of the new detention place; possibility of visits by members of the family; improvements in the conditions of detention; presence of female guards; no separation of children from their mother.

In situations where the child is not living with the detained mother, she is beset by the obvious fears and concerns about her separation from her child and uncertainties as to who is raising him/her and how. Even where a family member has taken over responsibility for the child, this enforced separation can be very difficult for a mother to bear. When the child is to be placed in a home or in a foster family, the mother in detention will be anxious about the child's welfare, the legality of the placement and the conditions thereof,<sup>16</sup> her own retention of the parental authority, her contact with her children, etc. Women consequently need to be informed about the whereabouts of their children and should have regular contact with and visits by them, facilitated by the detaining authority. Whenever possible, children should stay with their mother or with a family member outside the place of detention.

When a woman is allowed to keep her child with her in detention, she has the added worry of trying to raise the child in difficult circumstances and ensure the child's health and well-being. Children themselves may also be at risk: they may be taken from their mother and disappear, or may be subjected to abuse — either to exert pressure on the parent(s) or, for instance, by being taken for adoption or because they are of the wrong ethnic group.

### **Pregnant women**

International humanitarian law provides specific protection for pregnant women.<sup>17</sup> It is the responsibility of the detaining authorities to provide for appropriate care, including medical care and supplementary food rations, for a pregnant detainee. The necessary medical arrangements must be made to ensure that childbirth takes place in an appropriate medical establishment, preferably a hospital outside the prison, and that medical care is given to mother and child. When a detained woman gives birth to a child, this infant must be registered appropriately with the authorities and receive proper documentation.<sup>18</sup>

<sup>16</sup> For example, children of one ethnic group should not be accommodated in a foster home of another ethnic group (unless their parents so request).

<sup>17</sup> Fourth Convention, Arts 89, 91, 98 and 127; Protocol I, Art. 76; and Protocol II, Art. 6.

<sup>18</sup> UN Standard Minimum Rules, Rule 23.1.

### Prison personnel<sup>19</sup>

Women in detention should be held under the direct supervision of female supervisors and female guards. It is also important that there be rules and regulations within the place of detention governing the relationship between guards and detained persons, particularly women detainees. In many places of detention there is often a lack of female guards. This can mean that women have more restrictions on their freedom of movement, are given less access to recreational activities and may be locked in their cells for long periods of time. Conversely, they may have more freedom of movement in the prison as they are less strictly guarded, but may choose to remain in their cells because of intimidation or threats from male guards or other detainees (lack of privacy or even abuse).

According to the 1955 UN Standard Minimum Rules for the Treatment of Prisoners, the women's quarters in places of detention for both men and women must be under the authority of a responsible woman officer, who must have the custody of all keys of that prison section. No male member of the staff may enter the women's quarters without being accompanied by a female prison staff member. Only female guards may supervise detained women. However, this does not preclude male staff, especially doctors and teachers, from entering the women's quarters in order to carry out their professional duties. The recruitment of female supervisory personnel and social workers for female detainees is recommended and encouraged.

But the recruitment of female personnel itself is no guarantee for the correct treatment of female detainees. Such recruitment must be followed by suitable training, and the tasks of a guard with respect to the treatment of male and female detainees must be clearly defined by rules explaining the role and the behaviour expected of prison guards in performing their duties.

### Protection from ill-treatment

Under international humanitarian law the ill-treatment of persons detained in relation to armed conflict is prohibited. Yet women are often ill-treated in particular ways because of their sex. As the

<sup>19</sup> *Ibid.*, Rules 46-54.



ICRC has previously stated, “although both men and women are subject to sexual assault, a distinction needs to be drawn between them. Sexual torture as such, particularly during interrogation, with its full spectrum of humiliation and violence can, and often does, culminate in the rape of the victim, and is more common with women prisoners. In male prisoners, direct violence to sexual organs is more common during this same phase.”<sup>20</sup> Furthermore, the very real fear of becoming pregnant as a result of rape on arrest or in detention is ever-present for women. To cope with a pregnancy as a result of rape is terrible enough, and is made all the worse by being in detention. Women fear the consequences of pregnancy both for their life in detention and after their release, when they return to their families and communities. Termination of pregnancy may not be an option, either because it is not an acceptable solution to the detainee herself, or because it is illegal in the country or not facilitated by the detaining authorities.

Women are subjected not only to abuse in the form of rape but also to other forms of ill-treatment, and threats thereof, such as beatings, forced termination of pregnancy, strip searches, intimate and abusive medical examinations or body searches, separation from their children, abusive and degrading language, non-provision of sanitary protection, etc.

Obtaining information about the treatment of women in detention can be difficult, because often women are not willing to speak about any ill-treatment they receive, especially sexual violence. There can be a number of reasons for this. They may, for instance, feel extremely ashamed about what has happened to them, or be afraid to tell for fear of repercussions. Some women may not have the words to describe the abuse inflicted upon them — in many countries it is taboo to discuss matters of a sexual or intimate nature — and in addition may feel that they cannot be helped so there is no point in discussing violations. So that attempts can be made to prevent any further such abuse and to give them appropriate medical care for any injuries sustained, it is important for women to be able to talk to someone who does not belong to the detaining authorities and to know that

<sup>20</sup> P. Daudin and H. Reyes, *How visits by effects of traumatic stress*, ICRC, Geneva, 1996.  
*the ICRC can help prisoners cope with the*

they can express themselves privately and confidentially. In other words, to have their situation monitored by an institution from outside the detaining authorities, such as the International Committee of the Red Cross.

### **Food**

Women in detention need to be provided with an adequate amount of food by the prison.<sup>21</sup> This food may be prepared by detainees themselves, in which case safe and hygienic conditions for food preparation and the necessary means (cooking fuel, pots, stoves) must also be provided.

Pregnant women, nursing mothers and children need to have facilitated access to food, the quantity and quality of which must be adapted to their specific requirements. A problem for a small number of women in detention is not having sufficient breast milk to feed their babies. In such cases nursing mothers need to be given a milk substitute to supplement it. Where milk powder is provided, precautions must be taken to ensure that the mother knows how to prepare the mixture and the feeding utensils safely and hygienically, because powdered baby milk can seriously endanger the baby's health if the water used is not clean, if equipment is not sterilized and if the milk powder is not appropriately prepared.

### **Hygiene**

In order to meet basic needs and maintain personal cleanliness, health and dignity, women must have access to sanitary facilities. They must be able to use and go to and from showers, washing facilities and toilets in safety — free from intimidation and abuse by prison personnel and other prisoners — and with dignity. Hygiene also requires the provision of toilet soap, and the means and possibility to wash clothes and clean cells.

Special arrangements need to be made for female detainees with children to have increased access to sanitary facilities. Furthermore, menstruating women need a sufficient amount of culturally appropri-

<sup>21</sup> UN Standard Minimum Rules, Rule 20.

ate sanitary protection and the means to wash themselves and their clothes more frequently. Women may be ashamed to ask for such assistance, since in many cultures menstruation is often surrounded by social taboos and rarely discussed openly.

### **Health**

In detention, it is often very difficult to obtain appropriate medicines and medical care, particularly specialized care. For example, women detainees in many countries rarely, if ever, have the possibility to see a gynaecologist. Pregnant women should be given the necessary medical care and medicines — sufficient pre-natal, post-natal and obstetric care. Again, it is the responsibility of the detaining authorities to ensure that the appropriate medical care and medicines are provided for the detainee population throughout their detention. However, it must be acknowledged that in wartime the country's entire medical system may well be severely affected. Thus, in reality the detaining authorities must endeavour to ensure that women detainees have at least the same access to medical services and the same quality of care as women of the general population who are not in custody.

### **Family visits**

As mentioned above, women in detention often rely heavily on their relatives to visit them for support and to bring additional food and other items such as medicines, clothes, toiletries, etc. Yet they often receive fewer family visits than male detainees. The reasons vary, but some are as follows:

- women detainees are ostracized and abandoned by their relatives out of shame or fear; the social status of women;
- the place of detention for women may be too far away from the family home and impossible to visit for logistical, financial or security reasons;
- female relatives may be reluctant to visit because of inappropriate behaviour by male guards (e.g. fondling, verbal abuse), or may prefer not to because they have nothing to bring — materially — for their detained relative;
- male relatives may be reluctant to visit because of a risk of arrest.

Because detained women are so dependent on family visits, the importance of their relationship with the outside world must be recognized and their communication with it (frequency of family visits, possibilities to write to family members, etc.) must be facilitated.

### Judicial guarantees

The term “judicial guarantees” is used to encompass the principles and rules codified by international humanitarian law and human rights law which guarantee a fair judicial process or, in other words, a fair trial. They include, among others: the principle of *nullum crimen sine lege* (a person shall be prosecuted for or convicted of a criminal offence only if the act was a crime at the time it was committed); the principle of individual responsibility; the principle of non-retroactivity (of a law); access to an independent and impartial tribunal; the presumption of innocence; the right to be informed of the offence of which one is accused; the right to be present during trial; the right to a defence, including the right to have a lawyer; the right to call for witnesses; the right not to be forced to testify against oneself; the guarantee of an impartial ruling; the right to know how to appeal and the deadline for doing so; the guarantee to have a ruling within a reasonable time; and the guarantee of *ne bis in idem* (i.e. not to be tried twice for the same crime).

Women, and men equally so, should enjoy all judicial guarantees and be informed of their rights. Frequently they have no knowledge of either, and lack the means (legal representation, literacy, financial resources, family support) to clarify their situation. For example, obtaining the services of a lawyer may be difficult, especially because of the cost involved. A woman abandoned by her family after her imprisonment may well have little support or assistance in gaining access to a lawyer. Apart from financial reasons, women may be unaware of their right to be represented by a lawyer, or the authorities may refuse to allow them any contact with lawyers. The high illiteracy rate among female detainees in many countries may also make it even harder for women to ensure that their legal case is handled appropriately, and may compound the problems of gathering information on court procedures, following

up their files, getting legal assistance and pursuing their case with judicial and detaining authorities.

Although neither the Geneva Conventions nor their Additional Protocols prohibit the death penalty as such, international humanitarian law does stipulate that the death penalty sentence shall not be carried out on persons who were under the age of 18 years at the time of the offence,<sup>22</sup> or on pregnant women and women with small children.<sup>23</sup>

Other international treaties and documents also establish strong provisions regarding the death penalty, for example, stating that “persons below the age of 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.”<sup>24</sup>

### **Women in detention: the activities of the ICRC**

The ICRC has been mandated by the international community to visit persons deprived of their liberty for reasons related to an armed conflict or internal disturbances. The purpose of these visits is to ensure the implementation of international humanitarian law and other applicable norms and standards as briefly outlined in this paper.

The ICRC visits and registers persons (female, male, adults and minors) detained in relation to an armed conflict or internal disturbance. In the year 2000, the ICRC visited and registered 170 583 detainees detained for reasons related to armed conflict or internal disturbances around the world, of which 5 548 were women and 277 were girls under 18 years of age.

During their visits to places of detention, the ICRC delegates assess the situation of the detainee population in order to identify the persons or group of persons who have protection needs, whatever the grounds for their deprivation of liberty. They speak to detainees in private (without any guards or witnesses) to find out about the conditions

<sup>22</sup> Protocol I, Art. 77(5), and Protocol II, Art. 6(4).

<sup>23</sup> Protocol I, Art. 76(3), and Protocol II, Art. 6(4).

<sup>24</sup> Guarantees for the protection of the rights of persons punishable by the death penalty, Resolution 1984/50 of the UN Economic and Social Council.

of detention and treatment. The aim of such visits is to try to ensure that, in accordance with international humanitarian law and international standards, detainees are held in conditions that maintain their health and dignity, are not ill-treated and do not disappear without trace.

On registering detainees, the ICRC records full details of their identity and place of detention. From then on, their presence in detention is continually monitored until they are released or their respective situation no longer requires the ICRC's intervention. If a detainee is not present during an ICRC visit, the ICRC will make enquiries and contact the detaining authorities to ascertain his or her whereabouts. If detainees are being ill-treated the detaining authorities may be confidentially approached on their behalf, subject to the consent of individual detainees, and requested to put a stop to such violations.

The ICRC visiting team also usually includes a doctor or nurse to assess medical needs and provide medical care and medicines. These medical delegates are able to counsel victims as to the likely medical repercussions of ill-treatment and try to obtain the appropriate medical treatment for them. For example, a female detainee who has been subjected to ill-treatment, especially in the form of sexual violence, would generally be referred to an ICRC doctor.

ICRC visits to places of detention provide an opportunity for women to talk in individual interviews without witnesses about their treatment and conditions of detention. The ICRC tries to ensure that its teams are composed of both male and female delegates to enable women detainees to talk to a female delegate if they so choose. In some places the authorities may not allow a male delegate to enter the women's quarters, or women are reluctant to confide their plight to a male delegate owing to cultural or religious factors, fear or shame. For ICRC visits to be effective, a relationship based on trust needs to be established before anyone will speak out about ill-treatment. This takes time and sensitivity, and a delicate balance needs to be maintained between providing a chance for the detainee to talk and invading his or her privacy.

After its visits to places of detention the ICRC presents confidential detailed reports to the detaining authorities on its findings there, together with comments and recommendations. The purpose of such reports is to improve the conditions of detention and treatment of detainees, and to ascertain the fate and whereabouts of detainees who could not be accounted for during visits.

Often the material conditions — bedding, clothing, medicines, water containers, recreational facilities — provided by the detaining authorities are insufficient, and detainees therefore rely heavily on the support of family members and/or international organizations, such as the ICRC, and non-governmental organizations. With the consent of the detaining authorities, the ICRC then gives material assistance, taking into account the needs of the different groups of detainees. The purpose of ICRC assistance is:

- to save lives and preserve the physical integrity of detained persons;
- to improve the living conditions of detained persons (by providing pastimes, soap, culturally appropriate sanitary protection for menstruating women, etc).

The ICRC also endeavours to assess whether the legal safeguards laid down in international humanitarian law are applied as regards the arrest, detention and sentencing of persons detained in relation to an armed conflict or internal disturbance.

### **Conclusion**

Among detainees as a whole, women are in the minority and their deprivation of liberty gives rise to specific problems for them. This article seeks to draw attention to some of the issues affecting women detainees and the applicable international humanitarian law and standards which afford them protection and assistance.

In view of the often serious plight of women detainees, every effort must be made to ensure that the guarantees established by international humanitarian law to protect them are duly implemented and respected. Better conditions of detention and the protection of women from all forms of ill-treatment can, and must, become a reality. It is the obligation and responsibility of the detaining authorities and the parties to hostilities to make sure that this is accomplished.

There is no lack of international law or instruments to protect women deprived of their liberty. The fact that the situation of women is not better is due to a lack of implementation of and respect for the existing law and standards in relation to armed conflicts and internal disturbances.