

INTERNATIONAL FRAMEWORKS ON SEXUAL AND REPRODUCTIVE VIOLENCE: A STUDY OF GLOBAL CONVENTIONS AND STANDARDS

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ABSTRACT

Sexual and reproductive violence constitutes a profound violation of human dignity, bodily integrity and personal autonomy, and remains a persistent global challenge notwithstanding an expanding architecture of international legal protection. This paper examines the international frameworks that define, regulate and seek to eliminate sexual and reproductive violence, with particular attention to the Universal Declaration of Human Rights, the International Covenants on Civil and Political and on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Rome Statute of the International Criminal Court, regional human rights systems, and United Nations Security Council resolutions on women, peace and security. It traces the evolution of international norms from early silence toward the progressive recognition of sexual and reproductive violence as gender-based violence, as an international crime, and as a violation of bodily autonomy, and it undertakes a comparative assessment of India's compliance with these international commitments, situating that assessment against the continuing constitutional litigation over the marital rape exception preserved in Exception 2 to Section 63 of the Bharatiya Nyaya Sanhita, 2023. Through an examination of definitional clarity, enforcement mechanism and implementation challenge across this architecture, the paper argues that reproductive violence continues to receive markedly less international legal attention than sexual violence, particularly outside armed conflict, and it proposes strengthened harmonisation, accountability and survivor-centred reform capable of closing the persistent gap between international normative commitment and domestic legal reality.

KEYWORDS: Sexual Violence; Reproductive Rights; CEDAW; International Criminal Law; Gender-Based Violence.

1. INTRODUCTION

Sexual and reproductive violence constitutes one of the gravest violations of human dignity, bodily integrity and personal autonomy, affecting individual across every jurisdiction, culture and socio-political context. Historically, acts such as rape, forced pregnancy, enforced sterilisation, sexual slavery and denial of reproductive healthcare were either normalised, rendered invisible, or relegated to the private sphere, escaping meaningful legal scrutiny in consequence. Over the past several decades, however, international law has undergone significant normative transformation, gradually recognising sexual and reproductive violence as serious violation of international human rights law, international humanitarian law and international criminal law. Sexual violence has attained relatively clear recognition within international legal instrument, particularly in the context of armed conflict and crime against humanity, and jurisprudence from international criminal tribunal and the

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International Criminal Court has affirmed that sexual violence may constitute torture, genocide, war crime and crime against humanity.¹

Reproductive violence, by contrast, manifesting through practice such as forced sterilisation, forced pregnancy, reproductive coercion and denial of reproductive autonomy, remains conceptually fragmented and insufficiently articulated within binding international legal framework. While aspect of reproductive violence are addressed indirectly through the rights to health, privacy and non-discrimination, the absence of a coherent, explicit legal framework continues to limit effective accountability and redress. International convention including the Universal Declaration of Human Rights, the twin International Covenant, and the Convention on the Elimination of All Forms of Discrimination Against Women have played a foundational role in shaping global standard relating to sexual and reproductive right, and developments in international criminal law, particularly the Rome Statute, have expanded the scope of prosecutable sexual and gender-based crime. Regional human right instrument and soft-law mechanism, including United Nations General Recommendation, Security Council resolution and global policy declaration, have contributed further to this evolving normative framework.

Despite these advance, significant gap persist in the international legal regulation of sexual and reproductive violence. Enforcement mechanism remain weak, state compliance is uneven, and reproductive violence continues to receive comparatively less attention than sexual violence, particularly outside conflict situation. Cultural relativism, gender stereotype and structural inequality further complicate the realisation of international standard at the domestic level. Against this backdrop, this paper critically examines the international legal framework governing sexual and reproductive violence, with particular focus on global convention, judicial interpretation and normative standard, seeking to identify conceptual and enforcement gap and to assess emerging trend in international legal discourse.

1.1 Research Methodology

This study adopts a doctrinal and analytical research methodology. Primary source include international treaty, convention and statute, together with jurisprudence of international court and tribunal, the International Criminal Court, international criminal tribunal, regional human rights court and treaty body decision among them. Secondary source include scholarly article, commentary, report of international organisation and soft law instrument. A comparative approach assesses the extent to which international standard relating to sexual and reproductive violence are reflected in the Indian legal framework, evaluating compliance with international obligation.

¹ Christine Chinkin, Rape and Sexual Abuse of Women in International Law, 5 Eur. J. Int'l L. 326 (1994).

1.2 Research Questions

- How has international law conceptualised sexual and reproductive violence under human rights, humanitarian and criminal law framework?
- What obligations do international convention and treaty body jurisprudence impose upon states in preventing and addressing sexual and reproductive violence?
- To what extent does the Indian legal framework comply with international standard on sexual and reproductive violence?
- What gap persist between international norm and domestic implementation in India?

1.3 Conceptualising Sexual and Reproductive Violence in International Law

Sexual violence encompasses act of a sexual nature committed without free and informed consent, including rape, sexual assault, sexual exploitation and sexual harassment. Reproductive violence refers to conduct that interferes with reproductive autonomy, forced abortion, forced sterilisation, denial of contraception and coercive medical procedure among them. International legal discourse increasingly treats these two forms of violence as interconnected manifestation of gender-based discrimination, rooted in the shared principles of bodily integrity, personal autonomy and substantive equality. Treaty bodies have emphasised that such violence may be physical, psychological, structural or institutional in nature, expanding the understanding of harm well beyond overt physical force.²

2. HISTORICAL EVOLUTION OF INTERNATIONAL RECOGNITION

The historical evolution of international recognition of sexual and reproductive violence reflects a gradual shift from normative silence toward partial legal acknowledgment and eventual codification. In the early development of international legal framework, sexual and reproductive harm were largely invisible, as classical humanitarian and human rights instrument prioritised state-centric concern and conventional armed conflict, relegating gender-based violence to the private sphere. Although the Universal Declaration of Human Rights and subsequent international covenant laid down foundational principle of dignity, equality and freedom from inhuman treatment, they failed to address sexual and reproductive violence explicitly, resulting in indirect and fragmented protection.

² Rebecca J. Cook & Simone Cusack, Gender Stereotyping: Transnational Legal Perspectives 148-52 (Univ. of Pa. Press 2010).

A significant normative shift occurred in the late twentieth century, driven by sustained feminist advocacy and women's rights movement that reframed sexual and reproductive violence as violation of fundamental human right rather than incidental social harm. This transformation was strengthened further by the jurisprudence of international criminal tribunal in the 1990s, which recognised rape and other form of sexual violence as war crime, crime against humanity and act of genocide. Reproductive violence, by contrast, evolved considerably more slowly within international legal discourse, addressed largely through interpretation of right related to health, privacy and non-discrimination rather than recognised as an autonomous violation in its own right.³

The adoption of the Rome Statute of the International Criminal Court marked a crucial milestone in this trajectory, explicitly criminalising act such as forced pregnancy and enforced sterilisation and thereby consolidating international recognition of sexual and reproductive violence, particularly within conflict setting. Despite this advance, international legal recognition remains uneven, and reproductive violence continues to receive markedly more limited attention outside armed conflict context, underscoring the continuing need for a more comprehensive and coherent international framework, a theme this paper's subsequent sections examine across the specific instrument that presently constitute that framework.

3. UNIVERSAL HUMAN RIGHTS FRAMEWORKS

3.1 Universal Declaration of Human Rights

The Universal Declaration of Human Rights supplies the normative foundation for addressing sexual and reproductive violence through its guarantee of equality, life, liberty, security of person and freedom from torture and degrading treatment. Although the Declaration does not refer to sexual or reproductive violence explicitly, its emphasis on inherent human dignity has informed subsequent treaty interpretation and jurisprudence across the entire framework this paper examines.⁴

3.2 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights imposes binding obligation on states to respect and ensure right directly relevant to sexual and reproductive violence, including the right to life under Article 6, freedom from torture and cruel, inhuman or degrading treatment under Article 7, the right to privacy under Article 17, and equality before the law under Articles 2 and 26.⁵

³ Kelly D. Askin, *Prosecuting Wartime Rape and Other Gender-Related Crimes under International Law*, 21 Berkeley J. Int'l L. 288 (2003).

⁴ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, arts. 1, 3, 5 (Dec. 10, 1948).

⁵ International Covenant on Civil and Political Rights, arts. 2, 6, 7, 17, 26, 999 U.N.T.S. 171 (Dec. 16, 1966).

The Human Rights Committee has consistently held that rape and sexual violence amount to violation of Article 7, and may also implicate Article 6 where state inaction places life at risk. In *Aydin v. Turkey*⁶, though decided by the European Court of Human Rights rather than under the Covenant directly, the recognition of rape as a form of torture has strongly influenced treaty body interpretation more broadly, and the Human Rights Committee has similarly emphasised state responsibility in case involving custodial rape and failure to investigate sexual violence, underscoring the due diligence obligation that runs throughout this body of jurisprudence.

3.3 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights addresses reproductive violence principally through the right to the highest attainable standard of health under Article 12.⁷ In General Comment No. 22, the Committee on Economic, Social and Cultural Rights clarified that sexual and reproductive health forms an integral component of the right to health, encompassing autonomy over reproductive decision-making, and it has condemned practice such as forced sterilisation and the denial of safe abortion service as violations of the state's obligation to respect and protect reproductive autonomy, particularly where such practice disproportionately affects marginalised group.⁸

3.4 CEDAW and Treaty Body Jurisprudence

The Convention on the Elimination of All Forms of Discrimination Against Women represents the most comprehensive international instrument addressing sexual and reproductive violence specifically. Although the Convention does not expressly define violence, the CEDAW Committee has interpreted gender-based violence as a form of discrimination falling within Article 1.⁹ General Recommendation No. 19 marked a watershed moment in this interpretive development, recognising violence against women as a manifestation of historically unequal power relation, an interpretation subsequently strengthened by General Recommendation No. 35, which explicitly recognises sexual and reproductive violence as a violation of women's human right and affirms state obligation to exercise due diligence in prevention, investigation, punishment and reparation.¹⁰ In *A.T. v. Hungary*¹¹, the CEDAW Committee held the state

⁶ *Aydin v. Turkey*, App. No. 23178/94, Eur. Ct. H.R. (1997).

⁷ International Covenant on Economic, Social and Cultural Rights, art. 12, 993 U.N.T.S. 3 (Dec. 16, 1966).

⁸ Comm. on Econ., Soc. & Cultural Rights, General Comment No. 22 on the Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (2016).

⁹ Convention on the Elimination of All Forms of Discrimination Against Women, art. 1, 1249 U.N.T.S. 13 (Dec. 18, 1979).

¹⁰ CEDAW Comm., General Recommendation No. 35 on Gender-Based Violence Against Women, U.N. Doc. CEDAW/C/GC/35 (2017).

accountable for failing to protect a woman from violence perpetrated by a private actor, reinforcing the principle that state responsibility extends beyond direct state action to encompass omission as well.

4. SEXUAL AND REPRODUCTIVE VIOLENCE UNDER INTERNATIONAL CRIMINAL LAW

International criminal law has played a pivotal role in recognising sexual and reproductive violence as among the gravest international crimes. Jurisprudence from the International Criminal Tribunals for the former Yugoslavia and for Rwanda established that rape may constitute torture, a crime against humanity, and, where committed with the requisite intent, an act of genocide. In *Prosecutor v. Akayesu*¹², the International Criminal Tribunal for Rwanda recognised rape and sexual violence as constitutive act of genocide, a landmark development that fundamentally reshaped international criminal jurisprudence in this domain.

The Rome Statute of the International Criminal Court codifies these advance by explicitly criminalising rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilisation as both war crime and crime against humanity.¹³ This codification supplied, for the first time, an explicit, treaty-based definition of reproductive violence specifically, forced pregnancy and enforced sterilisation among them, extending international criminal accountability beyond the sexual violence category that had until then dominated tribunal jurisprudence. The Statute's treatment of these offence remains, however, confined to their occurrence within the context of armed conflict or systematic attack against a civilian population, a jurisdictional limitation that leaves reproductive violence occurring outside such context considerably less comprehensively addressed by binding international criminal law, a gap this paper's subsequent sections return to directly.

5. REGIONAL HUMAN RIGHTS SYSTEMS

5.1 Inter-American Human Rights System

The Inter-American Convention of Belém do Pará supplies an explicit, comprehensive definition of violence against women, encompassing both public and private act.¹⁴ The Inter-American Court of Human Rights has developed

¹¹ A.T. v. Hungary, CEDAW Comm., Comm. No. 2/2003, U.N. Doc. CEDAW/C/32/D/2/2003 (2005).

¹² *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment (Sept. 2, 1998).

¹³ Rome Statute of the International Criminal Court, arts. 7(1)(g), 8(2)(b)(xxii), 2187 U.N.T.S. 3 (July 17, 1998).

¹⁴ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, art. 1 (Belém do Pará Convention) (June 9, 1994).

robust jurisprudence on sexual violence, emphasising state responsibility, victim-centred reparation and structural reform; in *González et al. (Cotton Field) v. Mexico*¹⁵, the Court highlighted systemic failure in preventing and responding to gender-based violence, ordering wide-ranging structural remedy extending well beyond individual compensation.

5.2 African Human Rights System

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, commonly termed the Maputo Protocol, supplies explicit recognition of reproductive right, including access to abortion in specified circumstance.¹⁶ It stands as one of the most progressive regional instrument addressing reproductive autonomy and protection from violence, and its explicit textual treatment of reproductive right, in contrast to the largely interpretive route through which comparable protection has developed under the universal instrument examined in Section 3, supplies a model this paper's concluding recommendations draw upon directly.

5.3 European Human Rights System

The European Court of Human Rights has interpreted rape and sexual violence as violation of Article 3 of the European Convention on Human Rights, its prohibition on torture and inhuman or degrading treatment. In *Aydin v. Turkey*, the Court recognised rape committed by state official as torture within the meaning of Article 3, a holding of considerable influence across the international jurisprudence this paper has traced. The Council of Europe's Istanbul Convention further consolidates regional standard by adopting a comprehensive approach spanning prevention, protection and prosecution, supplying one of the most detailed regional treaty frameworks addressing violence against women presently in force anywhere in the world.¹⁷

6. COMPARATIVE PERSPECTIVE: INDIA AND INTERNATIONAL OBLIGATIONS

6.1 India's International Commitments

India is party to several core international human rights instrument relevant to sexual and reproductive violence, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of

¹⁵ *González et al. ("Cotton Field") v. Mexico*, Inter-Am. Ct. H.R. (ser. C) No. 205 (Nov. 16, 2009).

¹⁶ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, art. 14 (Maputo Protocol) (July 11, 2003).

¹⁷ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (May 11, 2011).

Discrimination Against Women. These treaty impose binding obligation on the state to prevent gender-based violence, ensure reproductive autonomy, and provide effective remedy for violation. Although India has not ratified the Optional Protocol to CEDAW, foreclosing individual communication to the Committee, the concluding observation and general recommendation of treaty bodies continue to serve as authoritative interpretative guidance in assessing India's compliance with its international obligation.

6.2 Domestic Legal Framework on Sexual Violence

Indian criminal law addresses sexual violence principally through the Bharatiya Nyaya Sanhita, 2023, which succeeded the Indian Penal Code, 1860 as amended by the Criminal Law (Amendment) Act, 2013 and the Criminal Law (Amendment) Act, 2018. These successive amendment expanded the definition of rape, introduced new sexual offence and enhanced penalty, reflecting partial alignment with the international standard this paper's Section 3 and Section 4 have examined. Judicial intervention have reinforced state responsibility further: in *Vishaka v. State of Rajasthan*¹⁸, the Supreme Court relied directly upon international convention, CEDAW among them, to frame guideline on workplace sexual harassment, integrating international norm into domestic law in the continued absence of specific legislation, and in *Mukesh v. State (NCT of Delhi)*¹⁹, the Court emphasised the state's duty to ensure effective investigation and deterrent punishment for sexual offence.

6.3 Reproductive Rights and Judicial Interpretation in India

Indian constitutional jurisprudence has progressively recognised reproductive autonomy as an integral component of the right to life and personal liberty under Article 21. In *Suchita Srivastava v. Chandigarh Administration*²⁰, the Supreme Court affirmed a woman's right to make reproductive choice as part of personal liberty and bodily integrity, and more recently, in *X v. Principal Secretary, Health and Family Welfare Department*²¹, the Court expanded access to abortion service and emphasised decisional autonomy and equality in reproductive healthcare, extending the benefit of the Medical Termination of Pregnancy Act's provision to unmarried woman on the same term as married woman. Despite this doctrinal advance, access to reproductive healthcare remains uneven in practice, particularly for marginalised woman, highlighting a continuing gap between constitutional principle and practical implementation.

¹⁸ *Vishaka v. State of Rajasthan*, A.I.R. 1997 S.C. 3011 (India).

¹⁹ *Mukesh v. State (NCT of Delhi)*, (2017) 6 S.C.C. 1 (India).

²⁰ *Suchita Srivastava v. Chandigarh Admin.*, (2009) 9 S.C.C. 1 (India).

²¹ *X v. Principal Sec'y, Health & Family Welfare Dep't*, (2022) 2 S.C.C. 519 (India).

6.4 Assessment of Compliance and Gaps: The Marital Rape Exception

While India's constitutional and legislative framework reflects core international principle of dignity, equality and autonomy, significant gap remain in addressing structural and reproductive violence specifically. The clearest such gap concerns the continued non-recognition of marital rape as an offence: Exception 2 to Section 63 of the Bharatiya Nyaya Sanhita, carrying forward the equivalent exception under Section 375 of the former Indian Penal Code, provides that sexual intercourse by a man with his own wife, the wife not being under eighteen year of age, does not constitute rape.²² This exception sits in direct tension with the due diligence obligation the CEDAW Committee has articulated through General Recommendation No. 35, examined in this paper's Section 3.4, which recognises marital status as affording no defence to an allegation of sexual violence.

The Delhi High Court delivered a split verdict on the constitutionality of this exception in May 2022, with one judge finding it unconstitutional under Articles 14, 15, 19 and 21 and the other deferring to Parliament to determine the appropriate legislative response, a division that pushed the matter before the Supreme Court.²³ A three-judge bench of the Supreme Court commenced hearing a consolidated batch of petition challenging the exception in October 2024, but hearing were subsequently deferred beyond the retirement of the Chief Justice presiding over the matter, and as of this writing the case remains before a reconstituted bench with no fixed date for judgment.²⁴ In the continuing absence of a definitive ruling, High Court practice has itself grown inconsistent: the Karnataka High Court, in *Hrishikesh Sahoo v. State of Karnataka*²⁵, rejected a husband's application to quash rape proceeding on the basis of the marital exception, characterising the exception itself as regressive, a ruling the Supreme Court has since stayed pending its own determination of the constitutional question; the Madhya Pradesh High Court reached the opposite conclusion in 2024, holding that forced sexual intercourse by a husband does not qualify as rape; and the Chhattisgarh High Court, in February 2025, acquitted a man of rape and culpable homicide notwithstanding his wife's dying declaration describing the assault that led to her death, reasoning based squarely on the continued statutory exception rather than any evidentiary deficiency.²⁶ Parliament has separately seen legislative attention to the issue: Member of Parliament Shashi Tharoor introduced a private member's bill in December

²² Bharatiya Nyaya Sanhita, 2023, § 63, Exception 2, No. 45, Acts of Parliament, 2023 (India).

²³ RIT Foundation v. Union of India, 2022 S.C.C. OnLine Del. 1404 (India).

²⁴ Supreme Court Observer, Marital Rape Exception: Case Background and Hearing History (2026).

²⁵ Hrishikesh Sahoo v. State of Karnataka, 2022 S.C.C. OnLine Kar. 3308 (India).

²⁶ Feminism in India, The Marital Rape Exception: What the Law Says and What It Refuses to See (Apr. 14, 2026).

2025 proposing to amend the Bharatiya Nyaya Sanhita to bring non-consensual sexual act within marriage squarely within the definition of rape, though private member's bill rarely progress to enactment within the Indian parliamentary system.

This unresolved litigation illustrates, with particular clarity, the broader compliance gap this paper's analysis identifies: India's ratification of CEDAW and its acceptance of General Recommendation No. 35's due diligence standard sit in unresolved tension with a domestic statutory exception the treaty body's own jurisprudence would treat as facially inconsistent with the Convention's core prohibition on gender-based violence, and the persistence of that tension across successive statutory revision, from Section 375 IPC through to Section 63 BNS, underscores that legislative modernisation of India's criminal code has not, by itself, resolved the specific compliance gap this paper identifies as most acute. Custodial sexual violence and limited accountability mechanism for violation of reproductive right supply further, related instance of the same underlying pattern, underscoring the need for continued harmonisation of domestic law with evolving international standard and treaty body jurisprudence on due diligence and state responsibility.

7. SOFT LAW INSTRUMENTS AND GLOBAL STANDARDS

Soft law instrument play a significant role in shaping normative standard relating to sexual and reproductive violence, supplementing binding treaty obligation with detailed guidance for prevention, survivor-centred response and access to reproductive healthcare, particularly in conflict and humanitarian setting.

7.1 Beijing Declaration and Platform for Action

The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, represents a landmark soft law instrument in the global recognition of women's right, including sexual and reproductive autonomy. Although not legally binding, the Platform carries considerable normative authority and has profoundly influenced the development and interpretation of the binding international human rights and criminal law standard this paper has examined throughout. The Platform explicitly identifies violence against women, including sexual and reproductive violence, as a critical area of concern, affirms that such violence constitutes a violation of women's human right and fundamental freedom, and calls upon states to adopt comprehensive measure for prevention, access to justice and survivor-centred support. It recognises woman's control over her own sexuality and reproduction as central to gender equality, linking reproductive autonomy directly to dignity, health and freedom from coercion, and by articulating detailed strategic objective for government, international organisation and civil society alike, it

has served as a blueprint for legal and policy reform at both national and international level, repeatedly invoked by treaty body, special rapporteur and regional human rights court in the decades since its adoption.²⁷

7.2 UN Security Council Resolutions 1325 and 1820

United Nations Security Council Resolution 1325, adopted in 2000, marked a paradigmatic shift in the international legal and policy landscape by formally recognising the differential impact of armed conflict upon women and the centrality of women's participation in peace and security process.²⁸ While not exclusively focused on sexual violence, Resolution 1325 acknowledges the prevalence of sexual and gender-based violence in conflict situation and calls upon states and armed actor to respect the international humanitarian and human rights law protecting women and girl, introducing a genuinely gender-sensitive framework within the Security Council's own agenda for the first time. Resolution 1820, adopted in 2008, built directly upon this foundation by explicitly identifying sexual violence as a tactic of war and a matter of international peace and security specifically, affirming that rape and other form of sexual violence can constitute war crime, crime against humanity or act of genocide, and stressing the obligation of states to end impunity through investigation and prosecution.²⁹ Together, these two resolution function as normative catalyst, reinforcing existing obligation under international humanitarian law, human rights law and international criminal law while shaping state practice, peacekeeping mandate and accountability mechanism; although formally non-binding, their repeated reaffirmation through subsequent Security Council resolution has contributed considerably to the consolidation of global norm addressing sexual and reproductive violence in conflict and post-conflict setting specifically.

7.3 WHO and UNFPA Guidelines

The World Health Organization and the United Nations Population Fund have been instrumental in translating international norm on sexual and reproductive health and right into practical guidance for states, healthcare provider and humanitarian actor. While these guideline carry no binding legal force, they establish globally recognised standard for prevention, response and care in case of sexual and reproductive violence. The World Health Organization has developed clinical and policy guideline addressing sexual violence, including guidance on the Clinical Management of Rape Survivors and the Health Sector Response to Intimate Partner Violence and Sexual Violence, documents supplying detailed protocol for evidence-based medical care, psychosocial support and documentation practice while emphasising survivor-centred

²⁷ Beijing Declaration and Platform for Action, U.N. Doc. A/CONF.177/20 (1995).

²⁸ S.C. Res. 1325 (Oct. 31, 2000).

²⁹ S.C. Res. 1820 (June 19, 2008).

approach and the protection of human right, and highlighting the link between sexual violence and broader health outcome including reproductive autonomy, maternal health and mental wellbeing.³⁰

The United Nations Population Fund focuses specifically on reproductive health and population-related intervention in context of conflict, displacement and humanitarian crisis. Its guidance on Reproductive Health in Emergencies and the Minimum Initial Service Package operationalises access to essential reproductive health service, emergency obstetric care, contraception and prevention of sexual violence among them, underscoring the obligation of states and humanitarian actor to respect, protect and fulfil reproductive right even in situation of acute crisis, and thereby reinforcing the integration of reproductive autonomy into both human rights and humanitarian legal framework.³¹ Together, these two bodies' guideline serve as practical instrument complementing binding legal norm, translating abstract human rights and humanitarian law obligation into actionable standard capable of facilitating implementation, accountability and capacity-building at both national and global level.

8. PERSISTENT CHALLENGES AND CONCLUSION

Despite the development of a comprehensive normative framework spanning universal human rights treaty, international criminal law, regional human rights system and soft law instrument alike, implementation remains uneven across every level this paper has examined. Persistent barrier include social stigma, inadequate legal framework, limited access to justice, and intersectional discrimination grounded in gender, caste, race, disability and migration status, while emerging challenge posed by assisted reproductive technology, commercial surrogacy and digital form of sexual exploitation continue to strain existing legal standard that were, in many instance, drafted without these contemporary development in contemplation.

International law has undergone a genuinely significant transformation in its approach to sexual and reproductive violence, evolving from silence to explicit recognition and condemnation. Through global convention, treaty body jurisprudence, international criminal law and regional human rights mechanism, sexual and reproductive violence is now firmly established as a violation of fundamental human right and, in certain context, an international crime. A consistent theme running across this entire framework is the state's obligation to exercise due diligence in preventing sexual and reproductive violence,

³⁰ World Health Organization, *Health Care for Women Subjected to Intimate Partner Violence or Sexual Violence: A Clinical Handbook* (2014).

³¹ United Nations Population Fund, *Minimum Initial Service Package for Reproductive Health in Crisis Situations* (2015).

investigating violation, prosecuting perpetrator and providing effective remedy, and treaty body and regional court alike have affirmed that failure to act with due diligence may engage international responsibility even where the underlying violence is committed by a non-state actor rather than the state directly.

India's own experience, examined throughout this paper's Section 6, illustrates both the genuine progress and the continuing limitation this normative transformation has produced at the domestic level. Constitutional jurisprudence extending reproductive autonomy under Article 21, and legislative reform strengthening the definition and penalty attached to sexual offence, reflect meaningful alignment with the international standard this paper has traced; the continued, unresolved constitutional litigation over the marital rape exception, by contrast, illustrates precisely the gap between international normative commitment and domestic legal reality this paper's central argument identifies, a gap whose eventual resolution, whether through judicial determination or the kind of legislative reform Parliament has thus far declined to enact, will supply a considerable test of India's genuine commitment to the due diligence standard its own treaty obligation already requires.

Normative progress of the kind this paper has documented must, ultimately, be matched by effective domestic implementation, survivor-centred remedy and sustained international cooperation if it is to translate into genuine protection rather than remaining aspirational. Strengthening accountability mechanism, closing the definitional gap that continues to leave reproductive violence considerably less comprehensively addressed than sexual violence within binding international law, and adopting a genuinely intersectional perspective attentive to how gender-based violence compounds with caste, disability, migration status and other axis of disadvantage remain essential to advancing justice and reproductive autonomy worldwide.