



JAPAN  
METROPOLITAN  
MODEL  
UNITED  
NATIONS

# United Nations Security Council (UNSC)

Background Guide Topic:

Support of Rape Victims in Conflict Areas



## **Special Advanced Background Guide**

### **Director's Note**

Dear Delegates,

Thank you so much for participating in the 6th annual Japan Metropolitan Model United Nations! My name is Yuki Mizumura and I will be the director for this committee. Our topic this year is the support of rape victims in conflict areas — an extremely timely one as many regions around the globe are in conflict today and women and men's rights are infringed as a result of sexual violence. The usage of rape as a means to gain power over innocent civilians is a tactic that has suppressed both male and female victims not only by the hands of their offenders but also by their communities as a result of the social stigma surrounding rape itself. It is important that this alarming issue not be left unaddressed due to such stigma and solutions to combat the physical and psychological trauma that victims face. The speedy prosecution of rape offenders is urgently required as well.

As chair, I hope that each delegate will gain insight into this topic by holding discussions with other delegates, and am excited to hear solutions each country proposes to reconfirm men and women's basic rights. The Special Advanced committee is a new committee starting from this year, and I am looking forward to a fast-paced, animated debate about the topic. See you at the conference!

Sincerely,



Yuki Mizumura

Special Advanced Committee, Director

## History of the Committee

The United Nations Security Council (UNSC) is the United Nations' most powerful body. Its main function is to "maintain international peace and security in accordance with the principles and purposes of the United Nations"<sup>1</sup> (Functions and Powers), and to "investigate any dispute or situation which might lead to international friction"(Functions and Powers).

The Security Council was established in 1945 at the end of World War II. The Security Council held its first meeting in January 1946 at Church House, Westminster, London. Since its first meeting, the UNSC has taken permanent residence at the United Nations Headquarters in New York City.<sup>2</sup>

During the Cold War, constant disagreements between the United States and the Soviet Union made the Security Council ineffective. One of the notable exceptions to that occurred in June 1950,

when the Soviets were boycotting the Security Council over China's UN membership. The absence of The Soviet Union allowed the United States to approve a series of resolutions that authorized the use of military force to support South Korea in the Korean War.

Between the late 1980s and the early 21st century, the Security Council's power grew. Beginning in the late 1980s, the number of peacekeeping operations authorized by the Council increased. From 1948 to 1978, only 13 missions had been authorized, but from 1987 to 2000, around three dozen operations were approved.

In the conflicts of the 21st century, however, the Security Council has been less effective. The most notable example of this is what was called the first genocide of the 21st century. Beginning in 2003, Arab militias backed by the Sudanese government carried out a terror campaign in the region of Darfur. In August 2006, the Security Council authorized the creation and deployment of a peacekeeping force to Darfur. However, the Sudanese government rejected the measure, which made this the first peacekeeping mission to have ever failed to deploy that had been authorized by the

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<sup>1</sup> "Functions and Powers Security Council." United Nations, United Nations, <https://www.un.org/securitycouncil/content/functions-and-powers>.

<sup>2</sup> "What Is the Security Council? Security Council." United Nations, United Nations, <https://www.un.org/securitycouncil/content/what-security-council>.

UNSC. Later, a compromise was found in a joint peacekeeping force known as the hybrid United Nations/African Union Mission in Darfur (UNAMID), authorized by the Security Council in July, 2007.

The Security Council originally consisted of eleven members: five permanent members ( China, France, the Soviet Union, the United Kingdom, and the United States) and six non-permanent members elected by the UN General Assembly for two-year terms. An amendment to the UN Charter in 1965 increased council membership to fifteen. The non-permanent members are generally chosen to achieve equitable representation among geographic regions, with five members coming from Africa or Asia, one from eastern Europe, two from western Europe, and two from South America.<sup>3</sup>

## **History of the Topic**

### *The Rape of the Sabine Women*

In the mid-8th century B.C., the warrior tribe in Rome was facing a shortage of women. In that time, population growth

was the most difficult thing to achieve.

The Roman leader, Romulus, held a religious festival and invited the neighboring Sabine tribe. At Romulus's signal, the Romans attacked and killed the Sabine men at the festival and carried off the women. They were raped by the Roman men. In the resulting war, the Sabine women called a halt to the hostilities, making allies of the tribes and allowing the Romans to multiply.

### *Columbus and Slavery*

When Italian explorer Christopher Columbus voyaged to the Caribbean in the 1490s, he not only discovered new lands, at least one of his men would document his own rape and torture of an indigenous woman. Carib women were given to the crews by Columbus. When women fought back against their attempted sexual attacks, they took a piece of rope and whipped the women soundly. Columbus' ships sailed back to Europe, carrying more than 1,000 sex-slaves.

### *Sexual Assaults Before the American Civil War*

Many women of color were assaulted by slave owners in the colonies and the United States before the end of the Civil War. Such instances were common and

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<sup>3</sup> Britannica, The Editors of Encyclopaedia. "United Nations Security Council." Encyclopædia Britannica, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/United-Nations-Security-Council>.

wouldn't have been considered assault. In 1662, Virginia's governing body, the House of Burgesses, instituted rules addressing children born of enslaved women, no matter if the father might be a white man, they were slaves. Surviving stories of such assaults only came from escaped or freed slaves, who managed to record them.

### *India Rape Crisis*

Jyoti Singh Pandey was raped in 2012. This attracted global outrage and seemed for a time to be the catalyst that would force change on an issue that has long plagued India. However, that effort has faltered. The systemic changes have not yet accompanied the change in law and policy for six years after the rape and murder of Jyoti Singh Pandey. Following the case, the government brought in new laws lengthening prison terms and introducing the death penalty for the rape of girls under 12 years of age. Although there is a lot of focus on punishment, the systemic changes are missing.

### *UN Resolutions*

UNHCR's position is clear, and has been reiterated on a number of occasions by our High Commissioner: sexual misconduct is unjustifiable and must be eradicated from

UNHCR operations. The UN has taken a series of decisive actions over recent years to reinforce mechanisms for preventing and responding to sexual exploitation, abuse and harassment. UNHCR now has a well-established, effective safeguarding team, and a Senior Coordinator was appointed in March 2018 to lead the UNHCR's work on sexual exploitation, abuse and harassment.

### **Health and Care of Victims**

#### *Effects of Rape on Survivors*

Sexual assault leads to several after-effects in survivors with “physical, psychological and social effects”<sup>4</sup> (Mental health and psychosocial support) and affecting not only the survivors themselves but to their society and community. After rape, victims' lives are changed drastically: “women are often unable to care for their children or households, fear leaving their homes, can become socially ostracized and isolated, and may be rejected by their husbands, families, or communities”<sup>5</sup>

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<sup>4</sup> Mental Health and Psychosocial Support for Conflict-Related Sexual Violence: Principles and Interventions, World Health Organization, 2012.

<sup>5</sup> The PLoS Medicine Editors. “Rape in War Is Common, Devastating, and Too Often Ignored.” PLoS Medicine, US National Library of Medicine, 27 Jan. 2009,

(Rape in War) Financially unstable mothers may be unable to care for a child if they not receive an abortion, potentially subjecting the child to poverty. Differing religious beliefs surrounding abortion and rape in nations illustrates the improbability of a uniform solution to this issue and must be adapted reflecting circumstances.

Physical effects “include sexually transmitted diseases, including HIV, unwanted pregnancies, unsafe abortions, gynaecological problems and physical injuries.” (Mental health and psychosocial support) Such victims in conflict areas have less access to immediate medical help, and the social stigma surrounding rape victims can hinder them from seeking help.

Psychologically, rape survivors are more likely to develop “depression, PTSD, substance use disorders, eating disorders, [and] anxiety” and many “report flashbacks of their assault, and feelings of shame, isolation, shock, confusion, and guilt,”<sup>6</sup> (Sexual Assault and Mental Health) regardless of the circumstances of the crime itself, and even with treatment

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2631054/>.

<sup>6</sup> “Sexual Assault and Mental Health.” Mental Health America, <https://www.mentalhealthamerica.net/conditions/sexual-assault-and-mental-health>.

such as counseling, “up to 50% of women retain symptoms of stress.”<sup>7</sup> (Sexual Violence) Employing counselors and social workers fully equipped to work with such rape victims in conflict areas is undoubtedly necessary.

Socially, the victims face “stigma and its sequelae – including social exclusion, discrimination, rejection by family and community, and further poverty.” Such exclusion from social contact prevents rapid care towards the survivors.

Awareness and education that the fault of rape lies not with the victims but the perpetrators themselves are crucial.

#### *Case Study: Nduta*

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<sup>7</sup> Foa EB et al. A comparison of exposure therapy, stress inoculation training, and their combination for reducing post-traumatic stress disorder in female assault victims. *Journal of Consulting and Clinical Psychology*, 1999, 67:194–200.

Tarrier N et al. Cognitive therapy or imaginal exposure in the treatment of post-traumatic stress disorder: twelve-month follow-up. *British Journal of Psychiatry*, 1999, 175:571–575.

Kilpatrick DG, Edmonds CN, Seymour AK. Rape in America: a report to the nation. Arlington, VA, National Victim Center, 1992.

In 2016, the Human Rights Watch interviewed 70 rape victims in a Nduta refugee camp aiding Burundi refugees. As a result, the organization discovered that “in many cases women were not identified as rape victims when they arrived at humanitarian transit camps on the Tanzanian side of the border and so did not get emergency care for HIV exposure or emergency contraception,”<sup>8</sup>(Burundian women in Tanzanian refugee camps) bringing to light the slow response and the lack of emergency care surrounding the attack itself. Better emergency care and the need of distributing it directly to victims in such conflict areas needs to be addressed urgently. Furthermore, rape is heavily rampant even inside refugee camps; the Nduta refugee camp reported that not only women but also girls were subject to such crimes, occurring “as many as three or four cases a week” at “both inside the camps and in areas outside where they collect firewood or goods for market.” (Burundian women in Tanzanian refugee

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<sup>8</sup> Safe Abortion. “Burundian Women in Tanzanian Refugee Camps Women Experience Pregnancy after Rape.” International Campaign for Women's Right to Safe Abortion, 5 Aug. 2016, <https://www.safeabortionwomensright.org/burundian-women-in-tanzanian-refugee-camps-women-experience-pregnancy-after-rape/>.

camps) Victims claim that perpetrators include “other Burundian refugees and Tanzanians.” Few of these perpetrators receive justice for their crimes -- as of 2016, out of the five convicted since the Nduta camp opened on October 2015, “four were found not guilty.”<sup>9</sup> (Burundi: Gang Rapes by Ruling Party Youth) Although terribly inadequate, the camp has put in efforts to solve this issue: “they were continuing to train staff at the border points, had stockpiled drugs at the border, and were trying ... to encourage women to report sexual violence.” However, a lack of funding -- the Nduta refugee camp only received 40 percent of the necessary funding requested from donor countries -- and a lack of adequate psychological and trauma care, as evinced by rape victims illustrate an urgent need for better support of victims in not only military areas themselves, but also the presumed shelter of refugee camps.

### ***Organizations and UN Branches***

#### **The Refugee Law Project**

The Refugee Law Project works with male rape victims, often hesitant to discuss their

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<sup>9</sup> “Burundi: Gang Rapes by Ruling Party Youth.” Human Rights Watch, 27 July 2016, <https://www.hrw.org/news/2016/07/27/burundi-gang-rapes-ruling-party-youth>.

experiences for fear of being condemned as homosexual, through “rehabilitation ... [the Refugee Law Project handles] medical issues such as anal bleeding before the victims join a support group.”<sup>10</sup> (Male rape survivors fight stigma in Uganda) Chris Dolan, the organizer of the Refugee Law Project, speaks that through a support group, survivors “become more confident about speaking about what happened” and more male victims have begun to discuss their experiences. The Project claims that although they have provided aid for survivors “from Congo, Rwanda, Uganda, Burundi, Somalia, Ethiopia and Eritrea ... the majority are from the Democratic Republic of Congo” as of 2013. However, male rape victims are disregarded or at times dismissed: “Many of the victims who spoke to Al Jazeera at the conference said when they reported the experiences to doctors or policemen they were not believed, and some were even told that male rape does not exist.” (Male rape survivors fight stigma in Uganda) Both male and female rape need to be brought to attention.

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<sup>10</sup> Natabaalo, Grace. “Male Rape Survivors Fight Stigma in Uganda.” Al Jazeera, Al Jazeera Media Network, 12 Apr. 2013, <https://www.aljazeera.com/indepth/features/2013/04/2013411111517944475.html>.

## **The International Review of the Red Cross**

The International Review of the Red Cross endorses “over forty programmes” that aim to help not only the rape survivors themselves but also their communities as a result of rape. Such programmes “provide mental health and psychosocial support (MHPSS) to victims of sexual violence, as well as families of missing persons, detainees, and other victims of violence.”<sup>11</sup> (After sexual violence: Paths to recovery) and operates mostly in Sub-Saharan Africa, although “future programs will be developed in South Sudan, Lebanon and Mexico.”

## **UN Action**

The UN Action Against Sexual Violence (UN Action) represents thirteen UN organizations -- including UNWOMEN, UNICEF, and UNHCR -- aimed to eradicate sexual violence and is also linked to numerous NGOs. UN Action introduces three main goals to achieve its goal: Country Level Action, in which the organization collaborates with UN Country Teams and Peacekeeping Operations to further capacity building;

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<sup>11</sup> “After Sexual Violence: Paths to Recovery.” International Committee of the Red Cross, 9 Sept. 2015.



Advocating for Action, raising awareness to directly address sexual violence on a global level; and Learning by Doing, where UN Action creates “a knowledge hub” regarding sexual violence.<sup>12</sup> (About UN Action)

## **Prosecution and Legislation**

### *Prosecution of Rape in War*

Violence against women in war zones situations assumes many forms. Rape has been used as a war tactic for a long time, and rape is one of the only ways in which women are directly targeted. While other abuses, such as murder, have been prosecuted as war crimes, rape has, until recently, been downplayed as an unfortunate side effect of sending men to war. Because of this, rape was only prosecuted as a crime against humanity in 1998 by the International Criminal Tribunal, following the discovery of the rape camps used by Serb soldiers during the Bosnian war.<sup>13</sup> The first conviction issued by the International Criminal Court was in 2016, when it held Congo’s Jean-Pierre Bemba responsible for rape

and murder in the Central African Republic.<sup>14</sup>

All war crimes and crimes against humanity can be extremely difficult to investigate and to prosecute. Gathering evidence during any situations where periods of open hostility or even genocide is an extremely challenging task, if not impossible. Patricia Sellers, a prominent international criminal attorney and special adviser for prosecution strategies to the prosecutor of the International Criminal Court, says that “in reality, the sexual assault victim or survivor might also have been subjected to multiple war crimes or crimes against humanity. The sexual assault investigation and prosecution, therefore, usually takes place within the context of the pursuit of other crimes. To claim that sexualized violence crimes are too difficult is a self-defeating proposition that might, and usually does, weaken the

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<sup>12</sup> “About UN Action.” Stop Rape Now , <http://www.stoprapenow.org/about/>.

<sup>13</sup> The Secret War Crime, Aryn Baker, Time, <https://time.com/war-and-rape/>

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<sup>14</sup> Lazareva, Inna. “Nobel Laureate Urges End to Impunity on Rape as Weapon of War.” Reuters, Thomson Reuters, 19 Oct. 2018, <https://www.reuters.com/article/us-nobel-prize-peace-congo-interview/nobel-laureate-urges-end-to-impunity-on-rape-as-weapon-of-war-idUSKCN1MT101>.

overall case.”<sup>15</sup> (When Rape Became a War Crime)

During the past two decades, the acknowledgement of rapes in war, among other conflict-related sexualized violence as international crimes, has dramatically advanced. However, only an extremely small percentage of the sexual crimes upon females and males has ever been investigated or charged.

#### *The Lieber Codes*

The Lieber Codes were developed in 1862 and published in 1863 by Abraham Lincoln during the Civil War originally as a war code for the North specifying the punishments for offences by Francis Lieber, a German professor. Although rape was discussed very little in that period, rape of enslaved African-American women was especially rampant throughout the region. However, three clauses in the Lieber Code addressed rape, one of which specified the punishment of such sexual violence:

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<sup>15</sup> Paterson, Kerry K. “When Rape Became a War Crime (Hint: It's Not When You Think).” Women's Media Center, <http://www.womensmediacenter.com/women-under-siege/when-rape-became-a-war-crime-hint-its-not-when-you-think1>.

“The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women: and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.” (Article 37) “all rape ... [is] prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.” (Article 44)

“Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment

shall be preferred.”<sup>16</sup> (Article 47, “General Orders No. 100 : The Lieber Code.”)

Thanks to the Lieber Code, the U.S was effectively able to “[govern] the United States throughout the latter half of the Civil War and through the First World War.”<sup>17</sup> (The Lieber Code) The success of the Lieber Code formed the basis -- almost an exact copy -- of the Geneva Convention in 1864, where European world leaders convened to discuss the foundation of basic human rights.

#### *The Tokyo War Crimes Trials*

Following World War II in 1945-46, the Tokyo War Crimes Trials, also known as the International Military Tribunal for the Far East, “charged rape as an offense”<sup>18</sup> (Treatment of Sexual Violence in International Law)

#### *World War II*

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<sup>16</sup>“General Orders No. 100 : The Lieber Code.” Avalon Project - General Orders No. 100 : The Lieber Code, [avalon.law.yale.edu/19th\\_century/lieber.asp#sec2](http://avalon.law.yale.edu/19th_century/lieber.asp#sec2).

<sup>17</sup> “The Lieber Code.” History Revived, 1 May 2013, [historyrevived.blogspot.com/2013/04/the-lieber-code.html](http://historyrevived.blogspot.com/2013/04/the-lieber-code.html).

<sup>18</sup> “Treatment of Sexual Violence in International Law.” Women’s Initiatives for Gender Justice, [iccwomen.org/resources/crimeschart.html](http://iccwomen.org/resources/crimeschart.html).

The first significant international court case where rape was prosecuted as a war crime

was after World War II. “While postwar courts such as the International Military Tribunal in Nuremberg heard evidence of rape being committed, the actual crime of rape was missing from the tribunal’s charter and not mentioned within the definition of a crime against humanity.”<sup>19</sup>

(Rape as As a Weapon of War) Some of the members of the Imperial Japanese Army were charged with failing to prevent rape during the Nanking Massacre (also known as the Rape of Nanking), which made headlines in The New York Times, which read: “For First Time, Court Defines Rape as War Crime”<sup>20</sup>. (For First Time, Court Defines Rape as War Crime) “This historic ruling included “the indictment of eight Bosnian Serb military and police officers for their connection with the rapes of Muslim women during the war in Bosnia (April 1992 through December 1994.) This historic ruling,

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<sup>19</sup> “Rape As a Weapon of War.” Facing History and Ourselves, <https://www.facinghistory.org/nanjing-atrocities/judgment-memory-legacy/rape-weapon-war>.

<sup>20</sup> The New York Times, The New York Times, <https://archive.nytimes.com/www.nytimes.com/specials/bosnia/context/0628warcrimes-tribunal.html>.

heard at the International Criminal Tribunal for the former Yugoslavia (ICTY), was a landmark in the efforts to prevent and prosecute sexual violence during war. It was the first international tribunal to try a case exclusively for charges of sexual violence and was being prosecuted as a crime against humanity.”<sup>21</sup>  
(Rape as a Weapon of War)

### *Security Council Resolution 1820*

The resolution created by the Security Council in 2008 stated that “rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide”.<sup>22</sup> (Resolution 1820)

### **Prevention of rape in war**

#### *Prosecution as a form of prevention*

While rape is often common in war zones, “a significant percentage of both armies and rebel groups in recent civil wars were, surprisingly, not reported to have raped

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<sup>21</sup>“Rape As a Weapon of War.” Facing History and Ourselves, <https://www.facinghistory.org/nanjing-atrocities/judgment-memory-legacy/rape-weapon-war>.

<sup>22</sup> Resolution 1820, United Nations Security Council, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>

civilians.”<sup>23</sup>(How to Counter Rape During War) This is mainly due to the type of commanders. Some commanders use rape as a strategic assault on a specific target, or tolerate it, while others prohibit rape. One of the examples for the latter is the Tamil Tigers in Sri Lanka. The Tamil Tigers, “while otherwise very violent during their insurgency in the 1980s and ’90s, closely monitored their troops and brutally punished the few soldiers who raped.”

(How to Counter Rape During War)

Zainab Bangura, UN Special Representative on Sexual Violence in Conflict, says that making the price for rape expensive for the perpetrator is one effective way to reduce rape. This “[means] they will be prosecuted and imprisoned, they will never be integrated into state security forces or allowed to work for the state, and they will be named and shamed in the community.”<sup>24</sup>

(Changing the equation: prosecution as

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<sup>23</sup> “How to Counter Rape During War.” The New York Times, The New York Times, 28 Oct. 2015, <https://www.nytimes.com/2015/10/29/opinion/how-to-counter-rape-during-war.html>.

<sup>24</sup> Tickle, Louise. “Changing the Equation: Prosecution as Prevention of War Rape.” The Guardian, Guardian News and Media, 10 June 2013, <https://www.theguardian.com/global-development-professionals-network/2013/jun/07/prosecution-prevent-war-rape>.

prevention of war rape) Another way to prevent rape is to publicly name and shame armies who have raped, “a tactic that research shows significantly ameliorated the severity of genocides and state-sponsored killing in the last several decades.”(How to Counter Rape During War) If a soldier or a commander is publicly identified as a rapist, the shame and threat to their reputation could prevent peers from raping.

#### *Prevention through education*

Another example of an army which prohibited rape is the Farabundo Martí National Liberation Front in El Salvador. The commanders required their soldiers to attend classes that emphasized the group’s ideology which prohibited the abuse of civilians. While rapes were rare and infrequent, after the classes began, it virtually stopped.

Putting an end to the impunity that surrounds rape during wartime requires more than implementing laws to prosecute rapists. To end wartime rape also means tackling the history of silence and shame that surrounds rape victims. In many countries affected by wartime rape, from the Democratic Republic of Congo to Libya, there is a cultural stigma against rape survivors. The stigma surrounding rape is so strong that “many are ostracized

from their communities, disowned by their husbands, prosecuted for illegal sexual activity or pregnancy, or even murdered by their own families to restore “honor” in the wake of their sexual assault.”<sup>25</sup> (What are the solutions to wartime rape?) This stigma makes it difficult for rape victims to come forward to seek help or take legal action. Often, the victims suffer in silence. This silence only adds to the culture of impunity surrounding wartime sexual violence.

While this cycle of silence and violence seems inescapable, there is a proven method of ending this vicious cycle. Former UN Peacekeeping Commander Patrick Cammaert describes how mobile cinemas were taken from a village to another, showing films about sexual violence denouncing rape as an unacceptable crime that should be properly prosecuted. Cammaert stated that “If local women know that rape need not be suffered silently, with impunity for the perpetrators, they can begin to work against the problem, too.”

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<sup>25</sup> Bates, Laura. “What Are the Solutions to Wartime Rape?” Women's Media Center, <http://www.womensmediacenter.com/women-under-siege/what-are-the-solutions-to-wartime-rape>.

**Questions to Consider**

What are some steps that are/can be taken to lower the number of wartime rape in your country?

What is the penalty for rape in your country?

How does your country educate about rape in schools?

How does your country provide asylum for the rape survivors?

What does your country do to support organizations that work to treat rape survivors?

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