

OPINION

Consolidate, strengthen the international effort to stop the use of rape as a weapon of war

By ROBERT WEINER AND SOPHIA HOSFORD

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Most recently, members of the Russian military in Ukraine have used rape and sexual abuse as “weapons of war.” An October press release from the United Nations Commission on Human Rights reported an “array” of war crimes and violations of human rights committed by Russian personnel in Ukraine. President Vladimir Putin and the Russian military leadership have used rape as a tool to force subservience. The UNCHR recommended enhancing the coordination of international and national efforts to protect victims. This ambiguous recommendation holds no water to the Russian government -- apparently it fits in with catastrophic and harmful weapons of war. ()

Rape and other forms of sexual abuse have long been used as means of control, humiliation and dominance in wartime situations. These vicious acts have been perpetuated by systems that call for world peace over all else.

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Human Rights reported an “array” of war crimes and violations of human rights committed by Russian personnel in Ukraine. President Vladimir Putin and the Russian military leadership have used rape as a tool to force subservience. The UNCHR recommended enhancing the coordination of international and national efforts to protect victims. This ambiguous recommendation holds no water to the Russian government -- apparently it fits in with catastrophic and harmful weapons of war.

The rape and abuse of a nation is dehumanizing and instills an unshakable fear and shame. Rape as a wartime tactic is inhumane.

The U.S. is not immune to this military tactic. Prisoner sex abuse was rampant with 400 alleged cases carried out at Abu Ghraib, a prison complex in Iraq, and six other prisons between 2001 and 2005 according to a 2009 report from Reuters. The photographs obtained from Abu Ghraib show “torture, abuse, rape, and every indecency” as U.S. Maj. Gen. Antonio Taguba, who wrote the report on Abu Ghraib, told the Daily Telegraph May 30, 2009.

Today, the U.S. military is struggling to deal with an increase in rapes and sexual assaults with nearly 1 in 4 women reporting being sexually assaulted while serving, according to The New York Times.

On May 3, 2021, a former cadet at West Point was denied the opportunity to present a lawsuit to the Supreme Court. The cadet alleged rape on campus, pointing to the U.S. Military Academy’s “pervasive and well-known culture of sexual violence.” In fiscal year 2021 the Department of Defense received 161 reports of sexual assault that involved cadets/midshipmen/prep school students as victims and/or alleged perpetrators, an increase of 32 reports from the previous year. Rape in the military is not just an issue in combat, it starts in the academies.

In 2013, then-Rep. Jackie Speier, D-Calif., proposed the Vanessa Guillén Military Justice Improvement and Increasing Prevention Act. The legislation aimed to standardize how the military prosecutes sexual assault and to remove the fear survivors have of reporting the crimes against them. In 2021, a related bill was introduced by Sen. Kirsten Gillibrand, D-N.Y., to include an independent prosecutor in cases of rape and murder and received backing from Democratic leaders such as then-House Speaker Nancy Pelosi, of California, and Senate Majority Leader Chuck Schumer, of New York.

Former United Nations special rapporteur on violence against women Dubravka Šimonović presented the Model Rape Law, an addendum to her report on rape as a human rights violation, to harmonize both national and international standards on rape and sexual violence. Rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide when the other elements of the crimes are present.

The Model Rape Law could aid in implementing international standards on rape, thus presenting a stronger stance against rape and sexual abuse in the United States and abroad. One of the objectives of the legislation is to prevent and combat rape as a common and widespread violation of human rights. But this can't be the only action taken by the UNCHR to protect victims of rape and prosecute those responsible.

Sexual abuse is a direct violation of the Geneva Conventions, a set of protocols that dictate humanitarian treatment during wartime and prohibit torture, outrages upon personal dignity, and humiliating and degrading treatment of detainees, among other rules of conduct.

Thirty countries including the United States have imposed a series of sanctions on Russia, resulting in economic disruption -- but that hasn't stopped its government from ordering these attacks and from its soldiers from blindly carrying them out. While the U.N. is the overarching entity that regulates international standards and needs to be enacting laws that do so, Putin must independently be embarrassed by the atrocities he is encouraging and causing. More publicity of these rapes and abuses could help do that. The issue is widespread and international: On Jan. 17, CNN reported that a former London police officer, David Carrick, was dismissed following his admission to 24 counts of rape.

The U.N. and United States need to look internally and enact legislation that presents an explicit stance against rape, an offense considered to be a crime against humanity, but that isn't treated as such.

The U.S. has a duty to protect service members who are victimized and reprimand and discharge those who acted as aggressors. The U.S. and the U.N. must pass the aforementioned legislation and work with other governments to standardize responses to rape and sexual abuse in wartime on the global stage.

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