

THE STUDY ON NEED FOR RESEARCH BASED APPROACH TOWARDS THERAPEUTIC TREATMENT OF WOMEN AFFECTED BY ARMED CONFLICT: A PATHWAY TOWARDS PROTECTION UNDER INDIAN LEGAL REGIME

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Abstract

India has fought and won various national as well as international armed conflicts and wars, after the enactment of Geneva Convention. The post as well as immediate impact of each war has left a deterrent effect on the women. Psychology of women has been affected immensely as a result of armed conflict. The procedure of rehabilitation and protection of rights women fail to recognize their mental agony. At the same time therapeutic approaches towards the women affected by armed conflicts also tend to show unfavorable results, this could be framed from the comparison of impact and treatment of women affected by armed conflict before and after implementation of therapeutic jurisprudence. While therapeutic jurisprudence or therapeutic treatment is considered to be the most ideal treatment in protecting the psychological wellbeing of a person in the process of law, failure of the same in the case of women affected by armed conflict brings it into the limelight that whether lack of research has led in unsuccessful or failure in therapeutic approach towards women affected by armed conflict in India as the cultures with their customs, habits, and mutual differences vary at greater extent in this case. This research aims in finding out the need of the same. By the virtue of non probability convenience sampling and chi square test it could be found out that there is need for ethnographic research in effective implementation of therapeutic approach towards women affected by armed conflict. The recommendation put forth by the study is that research strategies such as the SWOT analysis and action determinants need to used for the better implementation of the same.

Keywords: women, armed conflict, war, research, therapeutic approach

INTRODUCTION

Any person who is a victim of insurgency or belligerency expressly or impliedly is known as victim of armed conflict or a person affected by armed conflict (Karp 2010). The global history brings it to limelight that there are several armed conflicts fought and won between different countries, but it also makes a candid disclosure that these wars have let a deterrent effect on women and children (Akesson & Denov 2017a).

The problems experienced by women in circumstances of armed conflict have gotten expanded consideration of the International Red Cross and Red Crescent Movement (Heike 2018). The concern to address the problems faced by women has been reflected in goals relating to the Movement in general, and in progressively explicit choices taken by both national and international organizations (Kuntz 1973). In the two International Conferences of the Red Cross

and Red Crescent in 1996 and 1999, contained explicit references for the insurance of women, for instance, the 26th International Conference in its goals entitled "Security of the non military personnel populace in times of armed conflict", encouraged that "solid measures be taken to furnish women with the assurance and help to which they are entitled under national and international law"(Chenot 1988).

At the 27th International Conference the ICRC swore "to guarantee that the particular assurance, wellbeing and help needs of women and girl children affected by armed conflicts are suitably surveyed in its tasks with the expect to mitigate the predicament of the most powerless" and "to put accentuation all through its exercises on the regard which must be agreed to women and girl children ... effectively dispersing the denial of all types of sexual violence to gatherings to an armed conflict"(Lenz 2017).

The United Nations General Assembly and the United Nations Commission on Human Rights have made various laws to protect the rights of women (Lenz 2017; Nations & United Nations 2014). In its report to the Secretary-General, the UN Commission on the Status of Women expressed that "international compassionate law, which forbids assaults on regular people, is now and again efficiently ignored, and human rights are frequently disregarded in armed conflict, affecting the non military personnel populace, particularly women, children, the old and the handicapped"(David 2013).

It could be understood from Geneva Convention optional protocol IV that the international agencies aim in bringing protection towards women affected by armed conflict. The countries across the global have started following therapeutic approach towards women affected by armed conflict (Beate 2008).

However under the Indian legal system in spite of efforts taken by national and international legislatures, women affected by war and armed conflict tend to face inhumane treatment both physically and mentally at this juncture there is scope to conclude that there is a lack of effectiveness of therapeutic approach towards women affected by armed conflict(Beate 2008; Emily 2010)(Akesson & Denov 2017b). While psychologist praise this legal approach in solving both legal and psychological issues, a question arises with respect to whether lack of research has led in unsuccessful or failure in therapeutic approach towards women affected by armed conflict in India as the cultures with their customs, habits, and mutual differences vary at greater extent in this case?, Thus current study aims to need and procedure of implementing the concept in research in the therapeutic approach towards women affected by armed conflict.

OBJECTIVES

1. To identify the relationship between demographic details and problems faced in war affected countries
2. To know the problems faced by women affected by the armed conflict.
3. To study the impact of therapeutic approach towards the women affected by armed conflict.
4. To analyse the need for research for treatment of women affected by armed conflict.
5. To give effective recommendations for research implementation.

REVIEW OF LITERATURE

William D Phyer (2012) from his article in **Annual report titled sexual violence against the Sri Lankan Tamil** one would get scope to identify various sexual violence against the Sri Lankan Tamil ethnic society during the civil war. The author also makes an attempt to analyze the effects of sexual violence against ethnic Tamil society with help of secondary source of data he concludes that there has been a lot of discussion about the Sri Lankan military and police force rapes and sexual abuse against the ethnic Tamil society during the civil war which caught the glare of lime light and became a burning issue of that time and briefs on the violations of international humanitarian laws and human rights unambiguously.

Gladstone Xaviour and Florina Benoit (2014), in the report The authors try to find out the status of Sri Lankan Tamil refugees in India and analyze the requirements and necessities for Sri Lankan Tamil refugees with primary and secondary sources of data from his article in acpub it is concluded that Sri Lankan Tamil refugees while moving from Sri Lanka their lives over economic necessities or any other qualitative necessity. They are forced to live without with basic necessities and have to rely on their daily wages and government monthly doles and their Valuables have never been a consideration while in flight **Akshay Nath (2008)** through his work **socioecological Research Methods with Children Affected by Armed Conflict**, Takes effort to analyze the different phases of Sri Tamil refugees influx to India and tries to explain the impact of refugees influx in India with secondary and primary sources of data from his article in the India today we are able to conclude that Over 1 lakh Sri Lankan Tamils had sought refuge in the State during the worst crisis in Sri Lanka between 1983 and 1987. The author through his article tells that the migration of Sri Lankan refugees into the India had also inspired many filmmakers in India, and have led to the making of memorable films like Kanathil Muthamital.

4. **Stephen Huygens(2010)** tries to trace the history of Sri Lanka and identify the personal and social causes involved in the formation of the LTTE. The author puts forth that Veluppillai Prabhakaran and his LTTE, who held sway in the modern Sri Lanka are the products of certain unfortunate sociopolitical conditions which every sensible state should fight to avoid their germination. The book teaches us the history of the South Asian Island Sri Lanka.

Padma Rao Sudarji(2011) makes an attempt to analyze the developments in Sri Lanka after war. She narrates the after effects of Sri Lankan civil war and the development after 30 years. Of the intelligent, enterprising, and proud Tamils of the Island and of their sociopolitical equation with the Sinhalese partners Of the formidable LTTE and of their fearsome, leader Prabhakaran who was also fearful for his life all the time.

WOMEN AND THERAPEUTIC JURISPRUDENCE IN INDIA

27th International Conference the ICRC Report mentions that In the growing phase of liberalization and legal supremacy, human rights and humanitarian legislations are given prime most importance, one of the key main aspect of humanitarian law is therapeutic approach and therapeutic jurisprudence (Winick 2008). Therapeutic jurisprudence is the study of the effects of law and the legal system on the behaviour, emotions, and mental health of people. It is a multidisciplinary examination of how law and mental health interact (Sadoff 1999).

Nations, U. & United Nations, 2014. Report of the United Nations High Commissioner for Human Rights, throws light that This principle under law is used as therapy to both victims as

well as the offender, the outcome after application of such laws is rehabilitation(Lim & Day 2016). These cardinal principles and theories remain silent or lack application and is ambiguous when the matter comes to treatment of women affected by armed conflict both in national and international perspective under the Indian context, due to which a drastic and adverse impact is created on women which as per the psychological reports are incurable(Wexler & Schopp 1992).

Wexler & Schopp 1992, in their work show that mental instability mental health consequences faced by women affected by armed conflict has grown in recent years (Wexler & Schopp 1992) .

Impact and Treatment of Women affected by armed conflict

In particular, research has documented the many ways in which exposure to war-related traumatic events contributes to subsequent mental health distress, and in some cases, longer-term psychopathology in adults and adolescents. The distress and gross subject to violence in an armed conflict creates a larger mental instability in the women affected by armed conflict which carries forward in their life time.

As there is difference in the race or religion or origin or intelligence of these women in the case of armed conflict, they are caught in social stigma as a result of which include

- Limiting access to housing and employment (Weng 2017)
- damaging social relationships and social participation
- reducing self-esteem and dignity (Weng 2017; Rahimi & Strube 2007)
- lack of control and influence in how services are designed and delivered(Flecha 2015)

Detention centers feel like prisons, in many cases, they are actually housed in correctional facilities, which are either operated by the government, the state, or an outsourced private company (Altman n.d.). Living conditions are difficult at detention centers. The detainees will likely be transported to a detention center in handcuffs, and sometimes in shackles. Many of detainees personal belongings will be taken away from them , and will be assigned a specific bed. The guards will then refer to detainee is addressed on the number of your bed or using your alien registration number.

There has been many speculated un warranted reports on sexual violence perpetrated on the women detained, such sexual violence is committed by elder detainees, guards, or other persons (Schopp 1995). Lack of sanitation and lack of ventilation resulted in physical illness. Many detainees also suffered due to mental depression because of psychological torture and abuse perpetrated by the interrogators. Detainees who were subjected to physical torture suffered due to multiple fractures, blood clots, bruisers and other physical problems including breathing problems. Many victims who suffered due to sexual violence were silenced by the concerned officials.

Indian outset

India has fought and won various national as well as international armed conflicts and wars, after the enactment of Geneva Convention. The post as well as immediate impact of each war has left a deterrent effect on the women. Psychology of women has been affected immensely as a result of armed conflict(Gerd 2013). The procedure of rehabilitation and protection of rights women fail to recognize their mental agony. At the same time therapeutic approaches towards the women affected by armed conflicts also tend to show unfavorable results, this could be

framed from the comparison of impact and treatment of women affected by armed conflict before and after implementation of therapeutic jurisprudence. While therapeutic jurisprudence or therapeutic treatment is considered to be the most ideal treatment in protecting the psychological wellbeing of a person in the process of law, failure of the same in the case of women affected by armed conflict brings it into the limelight that whether lack of research has led in unsuccessful or failure in therapeutic approach towards women affected by armed conflict in India as the cultures with their customs, habits, and mutual differences vary at greater extent in this case. This research aims in finding out the need of the same.

Legal impediments and Laws influencing the process

In this problem the intervening factor is the Geneva Convention and its Optional protocol 4. This is considered to be an intervening factor because the research secondary objective is to examine the failure of Geneva convention, which deals with the Therapeutic approach towards women and children

Reported cases During SriLankan civil war

When a deeper understanding of Sri Lankan Civil war, it could be noted that Rape was usually used as a form of tortures to the Tamil ethnic civilians in custody which has been a burning issue in Sri Lanka. There has been many speculated un warranted reports on sexual violence perpetrated by the Sri Lankan armed security forces against the detained women and men including children, this became an integral part over the period of Sri Lanka's armed conflict. The study found out that almost all detainees were taken from their cells and were taken to a separate room for interrogation and torture in order to make them render their acceptance on ties with LTTE . The cells which were supposed to be rooms of detention were small rooms and without proper ventilation which led to suffocation and it can be understood from the witnesses statements that the room was a dark dongen and that lacked windows thus preventing the entry of light , the floor was kept cold and filthy; a bad smell was filled in the room. The detainees were touted with hunger, thirst, fear, inadequate food and sanitation with varied ablution facilities; in almost all detention camps there was no toilet instead a bag or a jar was supplied or there was a small hole in the floor for lettrinary uses .

The interrogation room was usually a large room when compared to cell or other rooms in camp which was mainly set up for torture. the room contained a table, a chair and sometimes with the implements that were used in the torture . The instruments used for torture were a rope or chain either hung directly from a roof beam or attached to a pulley system to a beam or ceiling which was used to raise victims from the floor. The detainees were Flogged with plastic pipes filled with sand or cement, iron bars, batons, cricket bats, cable wires, stripped electric wires etc....

Comparison with global outset

The techniques and methods used in process by armed forces included branding with hot metal rods, burning with lit cigarettes, lacerations, blunt trauma, suspension, beating on the soles of the feet, and electrocution, chocking with help of water or with plastic bags over the head containing petrol or chilli powder.

It can be understood form the witness statements that the torture was done for a long period of time which aimed to make the detainees sign in documents which stated that they belong to the LTTE . In some cases women officials of the armed force accompanied the male officers in the

process of torture. Women officers were generally used for assisting the male officers in torturing women or for examining women for battle scars and marks. In cases women officers were kept in the interrogation rooms to give assistance to the women detainees after the brutal torture which included molestation.

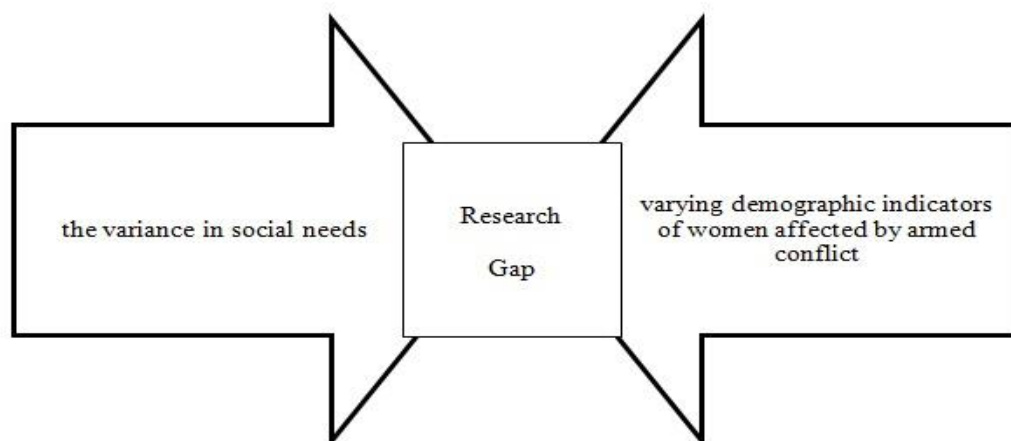
RESEARCH METHODOLOGY AND MATERIAL

Method of study

As the researcher intends to take an overview on the need of research in therapeutic treatment of women affected by armed conflict, the study is divided into two categories Varying demographic indicators of women affected by armed conflict and variance in social needs, using Primary Sources – Primary data is collected by collecting questionnaire from general public and Secondary Sources which include literature of N.G.O. reports, Government Reports, Websites, Research Articles, Newspapers. The analysis is done with help of chi square analysis

Determining The Need for Research Based approach

This Research gathers new information relevant to a topic uses and analyses existing information for the prescribed aim. Since the research aims at finding out the need for ethnographic research, A deeper but narrower inquiry that examines a smaller number of issues in depth is carried out. Considering these two stages with respect to the armed conflict and women, the broader will be to study the impacts or the effects. The narrow inquiry shall be based on varying demographic indicators of women affected by armed conflict and the variance in social and security needs as there is a doubt with Respect to the influence of culture, tradition and behaviours.



These two determinants are extracted from advocates, psychologists and other professionals have expertise knowledge on war and the impact of war on women, here in referred as experts with the help of a questionnaire. The responses are tested against age because inductive reasoning may be affected by age factor.

Sample size and Frequencies

age		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	18-30	723	41.7	41.8	41.8
	31-40	753	43.5	43.5	85.3
	41-50	220	12.7	12.7	98.0
	51 and above	35	2.0	2.0	100.0
	Total	1731	99.9	100.0	

SAMPLE SIZE CALCULATION

A sample size of 1731 is chosen by which 723 respondents are in the age group 18-30, 753 respondents in the age group 31-40, 220 respondents are in the age group 31-40 and 35 respondents are above 51 years. The study uses this distribution of frequency because it is a non probability convenience sampling method.

TABLES AND CALCULATION

In this study for each issue a survey is done where a sample size mentioned is taken and the percentage is also mentioned, to determine the validity and the determine the study results chi-square analysis and correlation symmetric measures method is used. when the pearson value of 'Asymp. Sig' value is less than 0.05, the alternate hypothesis is considered and when the pearson value 'Asymp. Sig' value is greater than 0.05, the null hypothesis is accepted. For the determining the hypothesis the variables are cross tabulated.

HYPOTHESIS

H₀: there is no need for ethnographic research based approach towards therapeutic treatment of women affected by armed conflict.

H₁: there is a need for ethnographic research based approach towards therapeutic treatment of women affected by armed conflict.

Results and Concept Analysis

Results

a. Varying demographic indicators of women affected by armed conflict

Hypothesis

H₀: Women affected by armed conflict do not come from varied demographic conditions.

H₁: Women affected by armed conflict come from varied demographic conditions.

Table1. Expert opinion on varying demographic indicators of women affected by armed conflict

		Expert opinion on Varying demographic indicators of women affected by armed conflict			Total
		yes	no	maybe	
age	18-30	283	232	208	723
	31-40	387	200	166	753
	41-50	109	74	37	220
	50 and above	19	10	6	35
Total		576	738	417	1731

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	72.244 ^a	6	.136
Likelihood Ratio	73.190	6	.136
Linear-by-Linear Association	1.399	1	.037
N of Valid Cases	1731		

In most cases the demographic status varies at a greater extent in India, an impediment arises as a result of demographic indicators, in the case of armed conflict and treatment of women affected by the same. The above analysis proves that there is a great variance in the demographic indicators of women affected by war. Women affected by armed conflict come from varied demographic conditions.

The pearson chi square value of ‘Asymp. Sig’ value is greater than 0.05, thus it could be stated that there is no Relationship between independent and dependent variables. Therefore gives the result that Women affected by armed conflict come from varied demographic conditions.

b. variance in social and security needs

HYPOTHESIS

H₀ : Women affected by armed conflict do not have varied social and security needs

H₁: Women affected by armed have varied social and security needs

Table2. Expert opinion on variance in social security needs

		7. Do you 4 that the eco2mic status of women is considered to be a touchstone for the development of society?					Total
		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE	
age	18-30	289	126	112	110	86	723
	31-40	48	280	160	230	35	753
	41-50	50	68	34	52	16	220
	50 and	16	0	0	4	15	35

	above						
Total		403	474	306	396	152	1731

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	373.373 ^a	12	.000
Likelihood Ratio	391.636	12	.000
Linear-by-Linear Association	23.768	1	.000
N of Valid Cases	1731		

The impact of war and armed conflict varies from women to women, as a result their social needs also vary from the victims.

The Pearson Chi-Square value of 'Asymp. Sig' value is greater than 0.05, thus it could be stated that there is no relationship between independent and dependent variables. Therefore, it gives the result that women affected by armed conflict have social varied needs.

Concept Analysis: procedure of conducting ethnographic research for implementation of therapeutic treatment

1. Choosing the type of ethnographic research

Ethnographic Research can take many different forms. It can be primary or secondary, based on qualitative or quantitative information, outcome or process focused, formative or summative, conducted by insiders or outsiders, and underpinned by diverse research philosophies. Most importantly, it can use a combination of methods that complement each other. The appropriate research approach depends on needs of each situation taking into account matters such as:

- the needs and views of victims
- the nature of the issues being examined
- the resources (including time) available to examine that topic

The research may be done in three ways

1. Primary research

Primary research is research that gathers new information relevant to a topic, while secondary research uses and analyses existing information. Often research will involve both primary and secondary research.

Primary research relies on a wide range of methods for collecting, analysing and interpreting different forms of information. This information may be qualitative or quantitative in nature. Examples of methods include:

- Qualitative
- Qualitative research provides information about how and why processes may operate. Qualitative information may be gathered using a range of methodologies. For example: Combined freeform questionnaires, targeted focus groups, structured interviews and other

techniques or Observational research based upon the observation of systems and processes and often an analysis.

- Quantitative

Quantitative research may involve empirical studies in which data is relevant to a research hypothesis research is collected and analysed. Quantitative research can also involve routine data collection

- Mixed methods

Often qualitative and quantitative data are collected simultaneously. For example, ABS demographic data may be applied to a survey population. Qualitative data may then be collected to determine the perceptions of a particular population which has been the subject of quantitative data collection exercise.

2. Secondary research

Secondary research assists in the identification of relevant issues, processes and theoretical constructs. A 'desk audit' is often used as preliminary step in an enquiry. It involves the collection and categorisation of existing technical data. Such an audit may reveal key information gaps or identify common themes or issues in existing practices or Literature based research involves a deeper analysis and discussion about processes and theory. Research of this type involves a researcher collecting and analysing literature about treatment (for example, academic papers, research reports, policy document, technical literature). This analysis could lead to a discussion on hypotheses to be tested by primary research, or to provide direction for future policy or practice development. Or Meta-evaluation involves the evaluation of a selection of specific evaluation studies in an attempt to draw broader conclusions from these studies. Meta-evaluation could also involve the aggregation of separate data sets in order to increase sample size. Meta evaluations have been conducted in areas such as family mediation, where there has been a long history of small research studies without clear or statistically significant overall conclusions.

3. Mixed or 'triangulated' research

Increasingly, ethnographic research involves various combinations of research approaches. An example is 'triangulated' research, which involves qualitative, quantitative and literature based research. Different aspects or issues may be explained using all three research methods, or a selected issue may be explored by reference to qualitative, quantitative and literature-based information.

Program evaluation is a form of applied research in which each of the research methods above may be used. Program evaluation is concerned with whether and how the objectives of a program, scheme or organisation are being met, and may address issues such as efficacy, operation and effectiveness. This can be used to inform decisions about the future of that program or to suggest areas for improvement and development. Evaluation can be one-off or part of a regular review that takes place on an annual or other cycle.

II. Methodologies

A range of research methodologies can be used to gain an overall picture or describe the 'landscape' of dispute resolution, that is to 'map', 'profile' or 'audit' the field. Information sources

and methods can include surveys, formal RFIs (requests for information), literature reviews and data generated by individual practitioners and organisations such as courts and tribunals.

A two stage process may be useful:

- First, a broad but shallow inquiry (or 'trawl') in which all aspects of the issues are examined on a fairly superficial basis. This provides an overall picture and identifies where significant issues require further examination.
- A deeper but narrower inquiry that examines a smaller number of issues in depth. Such an enquiry may use triangulated research methodologies to delve into underlying issues and seek more specific information.

III. Objective determination for dispute resolution

There are many well developed planning and consultative processes in the ambit of therapeutic jurisprudence and ethnographic research for setting and clarifying the objectives of programs and organizations. In a issue involving Industrial Relations , which examines the needs of the whole business, sets the vision, mission, goals and operations, to identify: current situational issues - where are we now? future objectives - where to we want to be? process issues - how will we get there?

DISCUSSION

From the current study it could be inferred that in most cases the demographic status and needs vary at a greater extent in India, an impediment arises as a result of demographic indicators and needs, in the case of armed conflict and treatment of women affected by the same. The above analysis proves that there is a great variance in the demographic indicators of women affected by war. Women affected by armed conflict come from varied demographic conditions and The impact of war and armed conflict varies from women to women, as a result their social needs also vary from the victims. A research procedure which include Choosing the type of ethnographic research, methodology and procedure help in effective implementation of the therapeutic approach.

The current study is influenced by awareness of the impact of law on women affected by armed conflict; The systematic nature of science involves the use of both inductive and deductive research strategies. Inductive reasoning involves the formulation of a general principle or theory based on a set of specific observations. Conversely, deductive reasoning involves the formulation of specific observational predictions based on a general principle or theory, this principle is magnified or becomes easy to implement when educational knowledge of individuals.

The study includes 2 main parameters which is discussed in the study are, Varying demographic indicators of women affected by armed conflict and the variance in social security needs.

When the current study is compared with other common law countries, it could be found out that most States do not proceed with prior research based approach towards women affected by armed conflict thereby giving no scope to contrast.

The study therefore recommends that research strategies such as the SWOT analysis and action determinants need to used for the better implementation of the same.

CONCLUSION

From the current study it could be inferred that in most cases the demographic status and needs vary at a greater extent in India, an impediment arises as a result of demographic indicators and needs, in the case of armed conflict and treatment of women affected by the same. The above analysis proves that there is a great variance in the demographic indicators of women affected by war. Women affected by armed conflict come from varied demographic conditions and The impact of war and armed conflict varies from women to women, as a result their social needs also vary from the victims. As a result this research concludes that there is a need for ethnographic research in effective implementation of therapeutic approach towards women affected by armed conflict. A research procedure which include Choosing the type of ethnographic research, methodology and procedure help in effective implementation of the therapeutic approach.

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