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Women and Violence in Conflict Zones: Some Reflections from Kashmir

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Abstract:

The violence against women in its myriad forms has increasingly been recognized all over the world. It has been found that over the entire conflict period, interstate and civil wars on average affect women more adversely than men. I posit that in the current armed insurgency and counterinsurgency in the Kashmir region of Jammu and Kashmir, inadequate attention has been paid to the gender dimension of the armed conflict, which stymies the socio-economic reconstruction, political liberty, and emergence of peace in the region. Since more than three decades of armed conflict between Security and paramilitary forces on the one hand and a number of militant outfits on the other, Kashmiri women have been exposed to multifarious forms of violence. In this backdrop, this paper unfolds two important things. First, to examine and explore the impact of armed conflict on women and children in Kashmir and second to formulate strategies and tools to address these issues through a comprehensive gender based approach.

Keywords: Violence, counterinsurgency, armed conflict

1. Introduction

Violence against women is a ubiquitous phenomenon. The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Violence against women is a universal phenomenon that persists in all countries of the world, and the perpetrators of that violence are often known to their victims. Domestic violence, in particular, continues to be frighteningly common and to be accepted as "normal" within many societies. Since the World Conference on Human Rights, held in Vienna in 1993, and the Declaration on the Elimination of Violence against Women in the same year, civil society and governments have acknowledged that violence against women is a public policy and human rights concern.

Prevalence of violence against women in the conflict situations is quit visible and the women and children are used as tools of contention. Women are more Susceptible in Conflict Zones (UNPF 2002). Women and girls constitute close to 80 per cent of internally displaced people and refugees worldwide. Although war has always victimized non-combatants, contemporary armed conflict exploits, maims and kills civilians more callously and systematically than ever before (ibid). The consequence of prevalent armed struggle in Kashmir had created devastative effects on the social, economic, psychological and cultural well-being of the Kashmir populace most of them are women and children. Gender aspect of Kashmir conflict is acting as one of the centripetal issue while studying the human rights dimension. Women have always been used as instruments in the game of suppression from state and non state actors.

2. Back Ground of Kashmir Conflict

Kashmir problem is the offshoot of the partition of British India. Jammu and Kashmir was one of the three princely states which did not promptly accede to either India or Pakistan in 1947. In October 1947 rebellion took place in Poonch (Jha 1996) against the autocratic rule of Hindu Maharaja Hari Singh, which was latter supported by the tribesmen of the North –West frontier and finally unable to compete with tribes men Maharaja Hari Singh signed the instrument of accession and requested the India's military assistance to free the state from tribal invasion. In accepting the offer of accession under special circumstances, Governor General Lord Mountbatten informed the Maharaja that the question of accession should be settled through plebiscite once the law and order had been restored in Kashmir. Prime Minister Nehru Immediately confirmed the conditional acceptance of Kashmir's accession to India and Stated were anxious not to finalize anything in a moment of crises, and without the fullest opportunity to the people of Kashmir to have their say. It was for them to ultimately decide (Tremblay 1996). Once the Maharaja had signed the Instrument of accession and Abdullah granted his approval, Nehru instructed Indian troops to be airlifted into Kashmir. However, by the time Indian troops arrived in Kashmir one third of which had already occupied by Pakistan and declared it "Azad Kashmir" (ibid). Analysts have

subscribed to different theories, though at times overlapping, regarding the rise of separatism ultimately leading to militancy in the Kashmir valley. Thus when an armed conflict broke out in Indian held Kashmir it was quickly backed by Pakistan (Rashid 2008). Kashmir has fallen into the vortex of Terrorism. A countless militant organizations have appeared on the scene fighting for the Independence of Kashmir from India. India increasingly deployed its forces; paramilitary and military; implemented some draconian laws like Armed Forces Special Powers Act (AFSPA), Public Safety Act (PSA), and Disturbed Areas Act (DAA) (Schofield 2010). Since then women in Kashmir have been the subjects of brutal forces directly and indirectly from state and non state forces. More over the rights of women have been violated because of the feelings of fear.

3. Objectives and Methodology

The present paper is based on the secondary sources. The meta- analysis approach was used to study the impact and influence of conflict on gender.

The research was carried over the desk using Internet sources. The Objectives are as:

- To study the women violence and its relationship with conflict.
- To study the various structures of Women violence
- To Study some resilience structures.

4. Violence against Women Amid Armed Conflict

The Phenomenon of violence against women in Kashmir is multi dimensional. Violence against women can be studied by classification based on premises those related to conflict and not related to conflict. Kashmir being the patriarchal Society. Women are subject to pervasive situations of being the weaker sections of society. The types of Violence against women include:-

1. Conflict related violence
2. Rape and other forms of sexual abuse
3. War rapes against women
4. Domestic violence and other forms of patriarchal power related.

Women are subject to various forms of violence since the 1989. Conflict related violence has created devastative effect on the well-being of Kashmiri women. Sexual Violence has become a weapon of war, of which women and girls often become target. They suffer myriad forms of sexual abuse, exploitation and subjugation committed at different times of the conflict, from flight to repatriation (Manuela, 2002). Sexual violence is not a new phenomenon during armed conflict. It has existed for as long as there has been war (UNDAW, 1998). Sexual violence can have negative impact on the social health of a community. Since women are ostracized by their family and the whole community after the abuse, social links break down and women are thus isolated (Manuela, 2002). As Ramachandran notes, "raped women are thus victimized by more than one aggressor-the rapist and then their own society (Vanniaisinkam, 2010). This is a product of general breakdown in law and order; the perception of impunity felt by perpetrators committing acts of sexual violence; and the general acceptance of violence against women within many societies. Rape is the most commonly employed and cited forms of sexual violence during armed conflict. It includes random acts of sexual assault by enemy troops, bandit's border guards. Rape is used as an intentional act of war, by military forces to demoralize the enemy (Manuela, 2002). Approximately 2/3 of rapes were committed by someone known to the victim, 73% of sexual assaults were perpetrated by non-strangers, 38% of rapists are a friend or acquaintance 28% are intimate and 7% are a relative (RAINN). Recent available data of armed conflicts shows that during the 1994 genocide in Rwanda, 250,000 to 500,000 women and girls including 5 year young girls, were tortured, physically abused and raped. According to ILO estimate that, 20,000 to 50,000 women have been raped in Bosnian. Ninety six rape cases were documented by the Serbian and Yugoslav forces against the Kosovor Albanian women immediately before and during the 1999 bombing campaign (Human Rights Watch, 2000). It is believed that many cases have gone unreported and the actual number of raped women in the context of armed conflict is much higher. Nevertheless, globally millions of women are experiencing violence. Kashmir in this case represents a unique scenario.

Kashmir has been in Conflict more than two decades and the continuance of violence have repercussions on the general population, most importantly women. Sixty years back traditional society of Kashmir was crime free. Today, the same society stands at its extreme opposite. This alarming situation has emerged in the wake of armed conflict and has been legitimized by the draconian laws like Disturbed Areas Act and Armed forces Special Powers Act. Kashmiri women are the worst sufferers of sexual violence as per the study conducted by Medicines Sans Frontiers in 2005. The study shows that 11.6 per cent of the respondents were victims of sexual abuse. Interestingly figure is much higher than that of Sierra Leone, Sri Lanka and Chechnya (Saeed, 2006). In October 1992, a team of Asia Watch and Physicians for human Rights (PHR) visited Kashmir to investigate the rape and other rights abuses and violations of the laws by Indian security forces and armed groups. The team condemned the crimes committed by the security forces and armed militant groups as Violations of International human rights and Humanitarian law (Asia Watch, Physicians for Human Rights). Reports of rape by Indian security forces in Kashmir emerged soon after the government's crackdown began in January 1990 (Human Rights Watch, 1990). In Kunan Poshpora, the soldiers of fourth Rajputana Rifles raped around 30 during the search operations women on the night 23 February, 1991. The age gap of raped women ranges from 13 to 80. An investigation committee was sent after three months after the incident occurred. The committee examined the medical reports which confirmed that the hymens of three unmarried women had been torn. The committee concluded that medical evidence was worthless. (UNCHR, 1993).

In response to the Asia Watch/PHR report, Rape in Kashmir: A Crime of War report, the Indian government stated that the Kunan Poshpora case was investigated not only by the government but by an independent and highly regarded body, the Press Council of India. The Divisional Commissioner, Wajahat Habibullah, after his inquiry into the allegation stated, "While the Veracity of complaint

is thus highly doubtful, it still needs to be determined why such a complaint was made at all.... I am of the opinion that the allegation of mass rape cannot be sustained." Had the authorities conducted a competent investigation, which would have included prompt medical examinations of the victims and the taking and preservation of semen samples from the accused, it would be possible to determine the truth about what happened in Kunan Poshpora. The weak legal system has done nothing to stop the abuses suffered by Kashmiri women and as a result, women are afraid to come forward and name their attackers. Since deterrence is nonexistent, Indian forces and rebels view themselves as above the law. By using rape and violence as a weapon, they have created a society that is too afraid to defy them and too afraid to speak up. In addition to the women being afraid, the men are afraid as well. If a man were to report a rape that occurred he would likely be killed (Vanniasinkam, 2010).

4.1. *Widowhood and Disappeared*

The proliferation of armed conflict and the heavy toll of military and civilian lives of those conflicts have left large number of widows in many countries (Lindsey 2001).Widowhood often changes the social and economic roles of women in the household, community and the structure of the family. Women whose husbands have disappeared experience the same problems as widows (ibid).

One of the horrendous consequences of the armed conflict in Kashmir is the disappearance of the people arrested by security forces. The majority of missing persons are men, which leaves large number of women awaiting, living the lives of "half widows" not sure whether they are still married or widow (THRV 2010). Disappearance at the hands of state has been codified as enforced or forced disappearance in international human rights law. International criminal court defines enforced disappearance as a crime against humanity.

According to Ms Parveena Ahangar, the chairperson of the Association of Parents of Disappeared Persons (APDP) 8-10,000 person have disappeared since 1989. APDP has been demanding the whereabouts of the people subjected to enforced custodial disappearance by security forces. Their sufferings and demands are yet to strike the conscience of so called elected representatives of the peoples (ibid).

4.2. *Psychological effect of Conflict in Kashmir*

Modern wars produce images that imprint themselves on our psyches. These come to symbolize everything about a particular conflict, marking the shift of the frontline from those once conventional trenches and battlegrounds, into our cities, onto our streets, and into our homes (Justine, 2013). Mental, physical and social health, are vital strands of life that are closely interwoven and deeply interdependent (Amin & W. A. Khan, 2009).The mental health damage caused by wars has been given many different names over the changing nature of armed conflicts. Herodotus an Athenian warrior described it, "struck down without blow of sword or dart," he fell dead in front of Herodotus in the middle of a battle. During the First and Second World War, "shell shock," and then "battle fatigue," "combat exhaustion"and"War stress". After Post World war it has more generic name, Post- Traumatic Stress Disorder (PTSD) (Justine, 2013). Post Traumatic Stress Disorder is a Psychiatric condition that may develop in response to one or more traumatic events, such as deliberate acts of interpersonal violence, severe accidents, disasters or military actions. After the outbreak of armed conflict in the Kashmir valley, there was an epidemic outbreak of stress related disorders (Rita, 2013).According to the survey conducted by Dr. Margoob 15% of people in the valley including Kargil are coping symptoms of PSTD and 19% depressed due to conflict(Aarti, 2005). Another study conducted on patient population based has shown alarming increase of mental disorders both in men and women be it depression, trauma related disorder or substance abuse. In 1980s 1200-1400 mental disorder patients came for treatment. In the following years 1990, 2002 and 2004, 1700, 48000, 62000 patients respectively visited the Psychiatric service of the department. The studies based on these patients found women and children to be the worst hit (Mustaq, 2006).

Children in conflict with the law in India, and indeed in the rest of the world, are particularly vulnerable to abuse (ACHR, 2011). Children have been severely affected in the current turmoil of Kashmir valley (Rashid, 2012). The issues of torture and imprisonment are extremely serious concern of children experiencing an armed conflict (ibid). The lived experience of the children in interrogation and torture centers, security camps, police stations and prisons points to the inadequacy and incompetence of the juvenile justice systems in Kashmir (ibid). The study has shown that the most common traumatic event experienced by children is the killing of close relative (49%) followed by the arrest and torture of a close relative (15%). Parental loss and exposure to violence have led to an increase in pediatric psychopathology (Ovais, Aadil, 2009). Psychologically, women have suffered immensely over the past two decade of political turmoil in Kashmir. Their mental health has deteriorated the most, particularly women, who are the direct sufferers of conflict (Afsana, 2009). They have less resistance to exposure to disasters, accidents, and social violence, assault, rape, wars, terror, attacks, disappearance and killings (Irfan, 2011). More than 60 percent of the patients visiting Kashmir's lone mental health hospital in Srinagar for treatment are women, with most of them suffering from Post Traumatic Stress Disorders (Latif, 2013). Dr Aslam, a retired neuro-Psychiatrist, women still are the worst affected, around 30 to 40 fresh patients are coming everyday for treatment most of them are women (ibid).

5. **Violence In the context of AFSA/PSA**

Armed Forces Special Powers Act (AFSPA), Public Safety Act (PSA), and Disturbed Areas Act (DAA) which have been enacted to empower armed forces have been brutally used against civilians including the women and juveniles. The Armed Force Special Powers act.1958 (AFSPA) a law operative in "disturbed areas" of Northeast and the state of Jammu and Kashmir has facilitated grave human rights abuses, extra judicial execution, disappearance, rape and torture by bestowing sweeping powers to the armed forces in these areas. The Act violates the provisions of international human rights law, enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which India is a party since 1989 (Amnesty International, 2005). Under the AFSPA the government can declare

any state or union territory a “disturbed area,” a declaration that allows security forces to fire on any person to “maintain law and order” and to arrest any person “against whom reasonable suspicion exists” without informing the detainee of the grounds for arrest. Armed Forces Special Powers act provides impunity to Security forces against rape and other sexual abuses. The act is excessively misused to give impunity against the crimes committed against civilians particularly women. Shopian rape Case (2009) against two young women and *Kunan Poshpora* incident in February, 1991 are the notorious cases in which APSFS was brutally misused to save the culprits.

6. Resilience Structures Against women Violence in Kashmir

To combat the suffering in the conflict situation of violence, there is a great need of building resilience structures socially, economically and psychologically. The radical need of women must be met to restore the well being. At micro level, mezzo level and macro level there are some structures which are in place. At the family level, community level and institutional level structures are to be built to strengthen to pave way for strong feminism in Kashmir scenario. Some religious and non-governmental organization are playing important role in restoring peace and building bridges for women empowerment.

7. Conclusion

Role of women in Peace Building cannot be ignored. With the political Intervention and revoking of the laws which give special power to security forces to misuse the power. we can engage the women in the Confidence building process in the long run. Social enterprises and PRI'S can catalyze the resilience capacity to deal with the issues of Violence in the Contemporary Kashmir. Mitigating Violence against women needs a serious policy frame work and strong implementation mechanisms for equitable justice.

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