



RESEARCH PAPER

**Militarization and Violence against Women in Indian held
Kashmir: An Analysis of International Human Rights Discourse**

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ABSTRACT

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This research paper aims to explore the militarization led victimization of female freedom fighters in Indian held Kashmir. Women are the worst sufferers of the conflict. The current study aims to particularly unveil the experiences of women, they have undergone as a direct hit of violence, molestation and physical and sexual abuse by Indian Armed Forces and rival militant factions with impunity. They are the target of indirect victimization due to the absence of the male members of households (fathers, husbands and sons) in genocide, enforced disappearances, fatalities and mass and unidentified graves that have made the women sole bread earners of households. This study has used the theoretical lens of Feminist Security Studies. For textual interpretation and contextualization of reports published by International Non-Governmental Organizations and other gendered discourse on Kashmir, qualitative content analysis has been employed. This study measures the UN landmark Resolution 1325 in 2000 that acknowledges the impact of conflict on women disproportionately. The study concludes by proposing recommendations that Indian state must prohibit and protect all forms of gender based violence during prolonged conflict of Kashmir and let the Kashmiris exercise their free will.

Introduction

“Many stories are not written on paper, but are written on the bodies and minds of women” (Amrita Pritam, 1967).

Kashmir is the unfinished agenda of partition that has recently grasped international attention again in 2019 when India repealed Articles 370 and 35A of its Constitution unilaterally without the consent of Jammu & Kashmir state (Dash, 2021). Kashmiris have been suffering from more than seven decades by refusing to let the people decide their own future. Currently the youth is mobilized in separatist movements. Schofield (2003) noted that Pakistan provided moral and diplomatic support to sustain militancy in Kashmir and portrayed the militants as ‘freedom fighters’. Singh asserted that Kashmir region is among world’s most militarized

zones as well as the largest area occupied by security forces that has unleashed the reign of violence and terror (Singh, 2016). Since 1989, J&K region witnessed the excessive militarization. Three Indian Security Forces the army and two paramilitary forces, BSF (Border Security Force) and CRPF (Centre Reserve Police Force) that are accounted for 700,000 are operating in Kashmir. The presence of military is established by series of provisions in the shape of immunity laws (OHCHR, 2018).

Since 1980s the conflict in Kashmir has adopted a gendered dimension. Female freedom fighters are the victims of protracted conflict and disproportionate violence. Since 1989, a huge number of women have been raped, tortured and physically, sexually and mentally assaulted by the Indian Armed Forces and militant outfits with legal immunity. Ganguly (2003) averred that the sexual abuse of women is not the isolated case of unprincipled armed forces in Kashmir but it is being systematically used as a counter-offensive tactic to humiliate and frighten the population in which the families and communities are made to witness these acts. According to Human Rights Watch (1993), there is no authentic data on the number of sexual abuses committed by Indian armed forces due to their large number of occurrences in remote villages. Use of rape is common and routinely goes unreported and with impunity due to stigma and shame. As per Asia Watch & Physician of Human Rights (1993) rapes by militants were rare until 1990. Since 1991, increased number of women have been abducted by rival militants or held hostages for their male relatives. Social ostracization and fear of reprisal prevented the people to report such cases.

Moreover, thousands of women have become widows and half-widows who are left with a challenging situation of heading their households along with their orphans and half-orphans. The absence of their fathers, husbands and sons made them to confront many challenges including financial, legal and psychological. The half-widows are not certain either to wait for their spouses to return or re-marry (Qutab, 2012). Resultantly, a large number of rape sufferers and widows are afflicted with Post-Traumatic Stress Disorder (PTSD).

The current study is an attempt to decode the International Human Rights NGOs' reports such as UN Office of the High Commissioner for Human Rights (OHCHR), Human Rights Watch (HRW), and Amnesty International (AI) and other previously published discourse in order to analyze and interpret the underlying meanings from the content. Experiences of women in Kashmir covered in the discourse have been used as a case study. The qualitative content analysis has been used for this purpose. Latent content analysis in summative approach refers to the process of interpretation and contextualization of data.

Literature Review

Violence against women in conflict regions particularly sexual abuse cannot be compared with violence against men as men do not undergo the same kind of experience. In Kashmir, the outfitted troops are empowered with immunity laws. Their activities lead to destruction of civil societies, large scale violence, repression and patterns of gender violence such as rape. Moreover, the patterns of militarization reinforce masculinity (Kazi, 2011). A huge number of Kashmiri women have been

sexually abused by the Indian armed forces (Khan, 2001). The intractable nature of Kashmir conflict has severely impacted the women's security. Huge militarization in Jammu and Kashmir region resulted in sexual harassment and violence against women (Abid & Ashfaq, 2016). In the early 1990s, when the insurgency rose, the security forces strategically used rape as a potent weapon to threaten, degrade, humiliate and coerce people into submission and suppress their spirit of struggle (Batool et al., 2016).

As maintained by OHCHR, the survivors and a local administrator reported that the night of February 23, 1991 witnessed Indian army gang-raped around 23 women in Kunan and Poshpura villages of Kupwara district which was vehemently denied by the Indian Government and the Armed Forces (OHCHR, 2018). Ramachandran noted that the raped women are not only victimized by the rapist but their own society. The village of Kunan Poshpura is known as a "village of raped women". Most of the women of the village remained unmarried. A few of them are able to get married with older men and are called with vile names. Young men do not intend to marry someone who belongs to the village of raped women. This stigmatization is not only attached to the women but with their children as well (Vanniasinkam, 2010).

As per the report, "Rape in Kashmir: A Crime of War", Indian government has pursued a strategy of oppression in Kashmir which has resulted in immense human rights abuses. Anyone within range may be shot dead, homes and other property may be burnt, and women may be raped without any charges being framed... Moreover, there is no reliable statistics of the cases of sexual abuse by Indian security forces in remote areas that go unpunished (Asia Watch & Physicians for Human Rights, 1993). In order to maintain its control, India has used repressive strategies that have made the lives of Kashmiris hell by curfews, crackdowns, fake encounters, target killings, inhuman brutal treatment, torture, rape, molestation, sexual abuse and forced disappearance with impunity (Wani & Sanskar, 2016). In the traditional Kashmiri society, honour is linked with its women. When the honour is violated, the society responds with rage but is often failed to support the victimized women. Unfortunately, the persecution of women especially during armed conflicts is not addressed (Ubbott, 2009). In "Rape, Impunity and Justice in Kashmir", the author voiced that since the decade of 1990, rapes by the Indian military have been frequently reported due to their massive presence in the Vale. They have got the legal immunity from prosecution due to the weak judicial and civilian authority, compliant and uncritical media and apprehension of retribution. The cultural notion of female 'honour' prevents the perpetrators (Kazi, 2014).

As noted by Shekhawat, women in Kashmir have not only been physically, mentally and socially victimized and traumatized but they are indirectly hit by the conflict due to the killings and massive disappearances of men in the households. They are widows, bereaved mothers and sole bread earners of the family (Shekhawat, 2014). As quoted by Butalia, vast literature has been produced from historical and analytical lenses with a little mentioning of women. Women rarely create or initiate any conflict but they along with children are the worst victims and sufferers. Woefully, their voices are not acknowledged. In the Vale, there are a large number of half-widows (whose husbands have been misplaced), widows, grieved mothers

(who have lost their sons), young women who have been raped, women who are the sole bread winners, women living in fear of their lives and women who are suffering from medical and psychological conditions, stress and trauma (Butalia, 2002). According to APDP (Association of Parents of Disappeared Persons) 6000 young men are missing and women behind them bore all the challenges. All the statistics for the number of people killed and missing and women widowed and raped vary extensively due to the sources they come from (Raina, 2009).

Schofield in her book, "Kashmir in Conflict India, Pakistan and the Unending War" asserted that the women are described as the invisible losers. A large number of women are widowed, many women's husbands have been disappeared, leaving them as breadwinners and neither free to grieve nor remarry. Their children are orphans and half-orphans (Schofield, 2003). As quoted by Suri, as a result of mindless violence, there is an army of widows and half-widows. According to a rough estimate, 25,000 women have become widows in Kashmir with 40,000 orphaned children. Dardpora, a village in Kupwara has come to be known as a village of widows. Half-widows hardly get any information about their missing husbands (Suri, 2009).

Zia revealed that Kashmiri women leave their doors open, waiting for their sons to return home. The mothers and half-widows step out boldly into courts, military camps, morgues and collective mourning for their disappeared kin. APDP estimated that 8,000 to 10,000 Kashmiri men have been disappeared since 1989. The Kashmiri women along with APDP activists cry and lament while holding photos of their loved ones in presence of Indian troops and international journalists against the government's threatening silence (Zia, 2019). The armed conflict in Kashmir has destroyed the infrastructure and caused large scale displacement and deaths that impacted the women's education (Parlow, 2011).

Suri contributed in a book *Kashmir: New Voices, New Approaches*, women have been affected by the conflict psychologically, emotionally, economically and educationally. They are involved in mass agitations and protests and remained the worst victims of the conflict. They are in favour of building peace. But in much of existing literature on Kashmir, they remained invisible (Suri, 2009). In post-1989, a sharp rise in psychiatric disorders among women has been observed. The lone hospital treating mental illness in the Valley is in Srinagar. In 1989, about 1700 patients visited the hospital. The number rose up to 48,000 by 2003. Between 2003 and 2012, no expert has estimated the ratio. Furthermore, the data are accounted for one single hospital in one single city and merely of those women who are fortunate enough to reach out to the hospital (Tamim, 2016 Sep. 3).

Theoretical Framework

Dating back to late 1980s, a novel approach of feminist security has been incorporated in IR discipline that was earlier marginalized and overlooked. The feminists go on to see the causes of war and its impacts on women. Sylvester (2010) argued that the traditional security studies were gender blind whilst the feminist scholars acknowledged to broadening the scope... working to sustain violence against women.

Militarization is a phenomenon that is larger than war. The human cost of militarization is higher than war in which civilians remain the major casualties and displacement. Women are significantly impacted by this phenomenon. They are the bereaved mothers, widows and humiliated civilians, raped and killed (Chenoy, 2002). As per Roland Simbulan, militarization is used decisively “to suppress people’s just demands for a humane society. It logically connotes human rights violations by the physical presence or even saturation of soldiers... The main pretext of militarization is the achievement or maintenance of political stability, national security or other similar goals, but whose real purpose is the maintenance of regime in power.” Enloe (1990) asserts the ‘ideology of militarism’ is gendered. Militarism paves way to masculinist values to sustain it. The practice of militarization is entrenched and has become a normalized part of life.

Sjoberg and Via (2010) viewed that “Though war is an essential condition of militarism- the apex, the climax, the peak experience...It is the extension of war-related, war-preparatory and war based activities...outside of war proper and into social and political life more generally”. Enloe examines the impacts of military bases on women’s lives compromised their security (Enloe, 1990). In militarized conflicts, women are more vulnerable than men. Sexual violence has been inflicted upon them. Peterson and Runyan (1999) defined militarization as a process through which military practices go beyond into public space. Prolonged conflicts resulted in the enforced displacement of population, increased militarization of civilian space... gross violations of human rights, sexual abuses and HIV infections. Norville (2011) is of the view that wars and conflicts are not something that women can participate in without being affected by it. Women are often viewed as victims of conflict because they suffer in a distinct way. They are affected disproportionately than men. The worst form against women and girls is physical and sexual violence and military prostitution. Women are casualties as well. Moreover, their multiple roles in war are ignored by undervaluing them as victims and not as active participants. The conflict affects the traditional gender roles.

The concept of security has different connotations. For women, during conflict situations, the issues such as rape and sexual violence against them not only from enemy but also from belonging to their own group need to be addressed (Ruiz, 2005). Enloe is of the view that wartime rapes impact the security of women. Even, the women are used as weapons of war. Rape as a war crime is identical to genocide (Pankhurst, 2010). Collective or gang rapes are intended to mobilize and encourage the troops to feel like a group and give an effective outlet to their natural drive. Shepherd (2010) averred that rape as a weapon of war boost the armed forces. It is not just the sexual frustration of armed forces but it is used as a strategic tool to intimidate, humiliate, politically terrorize, extract information, reward soldiers and ethnic cleansing. Moreover, wartime rapes against women are underreported. Nduwimana (n.d.) expounds that it goes beyond physical and emotional damage leading towards social insubordination, restricting women to public life, involving in opportunities to empower them and providing them with space to get their voice heard.

Bastick, Grimm & Kunz (2001) viewed that committing a crime of sexual violence is a systematic act to torment, disgrace and debase not only women but

families and communities where the men are ashamed of failing to protect 'their women'. The adversary destroys familial and societal structures mostly when these acts are performed in public by forcing the family members to observe each other's rape and inciting other people to commit such acts of sexual violence. Goldstein (2001) viewed that sexual abuse of women of 'other' community is considered as ultimate humiliation, a stamp of conquest. As per Sjoberg & Martin (2007), it is assumed that war is fought to protect women. But women are gravely affected by the wars. On the other hand, who is going to protect women that are displaced, victimized by disproportionate physical and sexual abuse and rape. Wars are not fought for women but through women or more specifically their bodies in order to spread mass terror.

Women and their bodies are being dehumanized as territories to be seized and conquered. They are restricted to the role of community's honour is at their backs. Disgracing their bodies through statutory offenses is to chastise and humiliate the entire community of adversary group. Along with the physical defiling, the psychological trauma of rape is twice, once when women are sexually abused and then they are condemned by the patriarchy.

Insurgency, Militarization and Gendered Violence in Kashmir

The aspiration of Kashmiris to hold a referendum in the Vale has transformed into insurgency that is confronted with Indian military's installation and established through the provision of counter-insurgency law paving the way for large-scale human rights violations. J&K, a breeding ground of separatist ambitions has been wreaked by Kashmiri *intifada* (insurgency). Earlier JKLF (Jammu Kashmir Liberation Front originated from Azad Kashmir) was a political organization in 1994 and got involved in armed militancy since 1989 supported by HM (Hizbul Mujahideen). Massive demonstrations, chanting slogans of *azadi* (independence), kidnapping of Dr. Rubaiya Sayeed (daughter of Mufti Muhammad Sayeed) in 1989, selective targeting of security forces and openly defied curfews were observed in the Vale. As per Chowdhary (2014) all this altered the original conflict from inter-state to internal. As maintained by Cheng (2011) in 1990, Kashmiri Pandits were targeted leading to their large-scale migrations to Jammu. Resultantly, Indian government responded heavy-handedly. As noted by Bose (2003) the second phase (1996-98) of insurgency is countered with the renewed counter-insurgency measures include establishing the massive troops, strikes, lockdowns, harassment, house search and an enforced 'normalcy' in urban areas. The *fidayeen* ('life-threatening') phase of the insurgency was marked by an introduction of suicide attacks into Kashmir insurgency carried out by LeT (Lashkar-e-Taiba) and JeM (Jaish-e-Mohammad). Gradually, the insurgency was transformed into a low-intensity war in Kashmir.

In response, the security forces were granted with Special powers under AFSPA (Armed Forces Special Powers Act) to 1. use force against any person who is breaching law and order or carrying weapons, 2. destroy property, 3. search and arrest without warrant and 4. decimation of houses 5. shoot to kill in areas notified as 'disturbed area' with virtual immunity from persecution (Wani, 2013) to maintain public order. The execution of AFSPA provides shield to Indian Forces in courts over substantial human rights violations in Kashmir. Under the protective cover of PSA

(Public Safety Act) indiscriminate violence and excessive human rights violations occur frequently (AI, 2013). Thousands of people including Asiya Andrabi have been detained under this law (AI, 1999). It is known as “lawless law” (AI, 2019). TADA (Terrorist and Disruptive Activities Act) amended in 1990, legitimizes the use of force and detention.

Due to huge militarization in the Vale of Kashmir, social life is absented. People work during daytime. Streets are empty in dark. Evenings are long, cold and depressing. Women are dominated with male structures and security apparatus. Only the Security Forces and the militants have the ‘night-life’ (Ramachandran, 2003). Paradoxical to this view, Bilkees (2018) asserted that now Kashmiri women are in better position as compared to traditional Kashmiri society. Due to endeavors made by the Indian government, women are socially and economically empowered and have shown interest in education and politics.

In context of Kashmir, militarization is a total war that blurs the distinction between private or domestic spaces (where the women are protected and secured) and war zones. Women suffer from direct victimization in the face of conflict such as sexual abuse, causalities, humiliation and harassment and indirect violence (whose male members of the families have been disappeared and their fates remain unknown means they are not the direct victims but they are affected by it) that have transformed them into bereaved mothers, widows and half-widows and face psychosomatic problems. Ubbott explicated that in response to excessive militarization and violence, a full generation of Kashmiris has grown in this environment. Now, stones have been replaced by guns (Ubbott, 2013).

Massive militarization in Kashmir resulted in gross human rights violations. Among others, massive disappearances, custodial deaths, mass and unidentified graves, arbitrary detentions, extra-judicial killings, imprisonment of political figures and prisoners of conscience and decimation of houses and villages by the Security Forces deprived them of basic human rights that is unconditionally prohibited under international human rights law, Constitution of India and Indian law. Away from the scrutiny of lawyers, family members and human rights observers, the “disappeared” are likely to be tortured or killed with legal immunity (AI, 1999). Around 135,657 people have been detained (Kashmir Media Service, August 15, 2016). Habeas Corpus petitions are largely disregarded or there is a huge backlog that paved way for human rights violations during detentions (Refworld, 1995). Militants have also been responsible for a long string of massacres, bombings, killings and attacks on minority Hindus and Sikhs. After the implementation of counter-insurgency law, in order to control the masses, the troops used lethal force, killing scores of demonstrators (HRW, 2006). Moreover, since the enforcement of counter-insurgency laws in the Vale, not a single persecution against the Indian Security Forces has been granted sentence (OHCHR, 2019).

The people of Jammu and Kashmir are deprived of basic rights as stated in the UDHR (Universal Declaration of Human Rights). As per Article 3 of UDHR, “Everyone has the right to life, liberty and security of the person”. Article 9 of UDHR stated, “No one shall be subjected to arbitrary arrest, detention or exile”. According to Article 10, “Everyone is entitled in full equality to a fair and public hearing by an

independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him" (AI, 1999).

The feminist theorists cited that during prolonged conflicts, the experiences of women are different from men. Women are in more vulnerable because they suffer more as compared to men as victims of sexualized violence not only from enemy but also from belonging to their own group. Moreover, wartime rape against them is underreported. As reported by Asia Watch & Physician of Human Rights (1993) previously, rape during armed conflicts was considered as incidental or privately-motivated and not as a crime calling for international scrutiny and condemnation. In former Yugoslavia, rape is used as an instrument and a tactic of war that must be condemned.

In Kashmir, women are the particular targets of rape, sexual abuse, rude questioning, lifting the veils, harassment and humiliation by Indian troops. However, the Indian Government dismissed the charges. Scores of cases are pending due to no impartial investigation of independent body (AI, 2008). Kazi stated that raping women is a cultural, political and psychological weapon of war (Kazi, 2014). Both Indian Security Forces and militants have used violence against women as a weapon to punish, intimidate, degrade, humiliate and coerce the enemy population (Asia Watch & Physician of Human Rights, 1993). Scores of women have been raped by Indian security personnel (AI, 1995) during search and cordon to threaten, terrorize, oppress and kill the spirit of independence. Ramachandran (2003) viewed that mothers, sisters and wives of militants are particularly targeted, harassed and raped.

As per the UNHCR 1995 report, 'rape of women is the symbolic rape of the community, the destruction of the fundamental elements of a society and culture-the ultimate humiliation of the male enemy' (Walikhana, 2004). Women are considered bearers of honour and markers of identity. By targeting women, the community's honour is targeted. It is a collective punishment because men are unable to defend their women. Moreover, there are no reliable statistics of raped women and girls due to frequent occurrences in distant areas.

One of the notable incidents occurred on the night of February 23, 1991, at least 23 women aged between 13 and 80 including a pregnant woman were allegedly gang-raped by 4th Rajputana rifles in the village of Kunan Poshpura in Kupwara district close to LoC (separating Indian from Pakistani administered Kashmir) (AI, 1991). The village is known as a 'village of raped women' with a testimony of legal immunity to perpetrators. Shortly after the incident, Indian government issued a statement saying that the sexual assault never took place, calling it a 'terrorist propaganda' (Crossette, April 7, 1991). After 23 years of incident, the case in 2013 is 'closed as untraced' (Suri, 2009). It is the village and women on whom video films have been made, where numerous national and international bodies have visited. But no medical treatment, no compensation, no support. The existence of deeply patriarchal society ensuring that no marriages be conducted, that all raped women and girls be taunted, teased and deserted (Dewan, 2002). However, Article 3 of the Geneva Conventions prohibits "murder, torture and ill-treatment of non-combatants by both government and militant force" (Asia Watch & Physician of Human Rights, 1993).

There are 10,169 women raped in Kashmir from January 1989 to January 2016. Moreover, male separatist and political leadership is failed to protect women or fight for justice (Cheema, 2016; Kashmir Media Service, August 15, 2016). They have adopted a conspicuous silence over this issue due to humiliation, ostracisation, and lack of faith on judicial system. Even the human rights bodies are failed to address the issue. They are the mute spectators. Parvez Imroz, Kashmiri human rights activist and lawyer states that most of the cases of sexual harassment by the Indian Armed forces in Kashmir go unreported (The Express Tribune, December 17, 2016). Rape by militant factions was less common in past but has now been increasingly reported over the years along with other crimes. Women who are suspected of opposing militants have been raped as a way to penalize. In the fear of reprisal, these cases are not discussed (Asia Watch & Physicians for Human Rights, 1993).

Recently, after annulling the Special Status of Kashmir in 2019 and its reduction from a state to a union territory, the Chief Minister of Haryana, Manohar Lal Khattar made a derogatory and demeaning statement that "now we can bring Kashmiri girls for marriage". Another remark was made by Vikram Singh Saini, BJP's MLA, 'now anyone can marry a fair Kashmiri girl.' After that "How to marry Kashmiri women" was increasingly googled. These remarks are a clear debauchery and condemnation to whole women lot. The statements reveal the misogynist, patriarchal and regressive mindset that women are objectified as a commodity and not as living beings. The other thing is marriage is about consent, it is not about abrogating Article 370. Now women feel more persecuted (Bhat, 2019 Aug. 21).

The feminist thinkers point out that along with the physical damage, there is a psychological trauma of rape. Ramachandran (2003) averred that from the last decade, the psychiatric problem in Kashmir have increased tenfold. Most of psychosomatic problems are faced by women because the Indian Security Forces have raped hundreds of women. Currently in Kashmir, all age groups are exposed to stress and disorders. Prior to 1990s, the people above 40 years complained. Husain (2002) viewed that now even children are susceptible of emotional stress and behavioural disorders due to instability and hostile and vulnerable atmosphere.

Women in Kashmir are a hard hit of indirect violence. Their sufferings are severe. Ramachandran (2003) noted that there is not a single family in Kashmir that is never hit by the violence. Mostly men are dead and have gone missing. The women in their absence, struggle hard, face mental trauma and rebuild their lives and their homes. In the last decade, approximately 50,000 people have been massacred. There are graves everywhere. Some families have no male members left. Schofield (2015) gave the figure of total 100,000 killings in the valley of mostly young people. As per the J&K Confederation at least 12,000 women have been widowed in the conflict. Dardpura village alone has 108 widows. As per another estimate, since 1989 to 2016, there are 22,808 widowed women with their 107,550 orphaned children (Cheema, 2016; Kashmir Media Service August 15, 2016). Husain (2002) gave the figure of 40,000 orphans that are in vulnerable conditions. Shekhawat (2014) maintains that mindless violence by Indian Forces has created an army of widows. Barve (2002) indicates that most of the widows are young, waiting for government's process of compensation to the families of dead ones that is full of corruption. A very little help

reached to the sufferers. Moreover, absence of male family members has grave economic implications on women.

Since the beginning of insurgency and excessive militarization in 1989, many Kashmiris go missing in custody of Indian Forces. As per APDP, 8000 to 10,000 Kashmiris have disappeared up till now (D'Souza, 2016). The state authorities put the figure is under 4000 that they say are exaggerated by APDP (Bhattacharya, 2016). Schofield (2015) gave the statistics of around 1,000 disappearances in the Vale. The half-widows of disappeared persons demand, "If he is alive, give me news of him. If he is dead, give me his body." In turn, the authorities deny the responsibility of enforced disappearances by the Security Forces during counter-insurgency operations, arbitrary detention and custodial deaths (HRW, 2006). Moreover, no ex-gratia payment is offered to half-widows, whose husbands are gone missing (Barve, 2002; AI, 2015). The half-widows in Kashmir are in appalling conditions with their half-orphans. They do not know about their counterparts, either they are disappeared or dead? Will they return or not? Chances of remarrying for them are less because of the dearth of marriageable men. Due to economic downfall, the half-widows cannot file a petition in the court. On the other hand, there are mass, unmarked and unidentified graves in the Vale. As per 2011 J&K State Human Rights Commission (SHRC) 2,730 corpses are dumped into unidentified graves at 38 sites in north Kashmir. At least 574 bodies are recognized as local Kashmiris. Unmarked graves are considered as militants who have gone for training in Pakistan are now handed over to villagers for burial. The issue needs impartial and independent investigation (HRW, 2011).

The adoption of UN landmark Resolution 1325 in 2000 on 'Women, Peace and Security' acknowledges the impact of conflict in which the civilians, especially women are disproportionately targeted. Moreover, women can contribute significantly to prevent, resolve and minimize conflict, humanitarian response during peace building and post-conflict reconstruction. This resolution urges to increase involvement of women by incorporating all gender related issues in all UN peace and security efforts and calls for the attention of all parties of conflict to take special measures to protect women and girls from gender specific violence especially rape and other forms of sexual violence during armed conflict (Report of the Secretary-General of women, peace and security, 2002). The UN mandates are binding on all its member states but with no enforcement and accountability mechanism.

Conclusion

During the prolonged conflict in Kashmir, women are hard hit and worst sufferers of conflict. They are the victims of direct and indirect violence. Rape is used as instrumental in conflict. Tens of thousands of women in Kashmir have been raped by Indian Security Forces with impunity. Thousands are widows and scores are living the lives of half-widows. After the disappearance or death of the male family members, women are left to protect the home and raise the offspring alone. These women keep on grieving and mourning for the rest of their lives. Moreover, despite suffering and sacrificing for more than seven decades, no emancipation is visible in near future. However, they won't surrender no matter how much violence may be

carried out against them. Indian state cannot enforce Kashmiri people to submit and desert their right to free will by using sheer brute force.

Recommendations

- India state must ensure, prohibit and protect all forms of gender based violence during prolonged conflict in Kashmir such as rape as a weapon of war to humiliate, degrade and intimidate the enemy population (Kashmiris). Violence amounts to a violation of their physical and sexual rights are offense that needs legal sanctions. It must develop and implement effective measures to prosecute sexual violence against women in Kashmir. The perpetrators of sexual abuse must be dealt with justice and criminal accountability and penalty should be granted to the offenders. Also, India must let the Kashmiris decide their own future by holding a free and impartial plebiscite under UN auspices.
- Due to social stigma, retribution and ostracization attached to it, reporting the issue of violations of human rights of women such as rape and physical and sexual misappropriation of women in Kashmir is problematic that needs impartial and prompt investigation by the Indian government.
- Women and girls face the issues of gender based violence in conflict and post-conflict times in Kashmir. They are in need of healthcare facilities because they face reproductive health and psychological issues.

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