

Gender Dynamics in Indian Illegally Occupied Jammu and Kashmir: Exploring UNSCR 1325 through an Intersectional Lens

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Abstract

The protracted state of conflict in Kashmir has inflicted profound suffering on its people with Kashmiri women predominantly bearing the brunt of suffering. Their rights have been brutally violated since then. Even after the revocation of articles 370 and 35-A, the situation remains dire, making them equivalent to a colony deprived of their most basic rights and necessities. Women being disproportionately affected by this upheaval, are further subjected to marginalization with their voices suppressed and their autonomy compromised. They are frequently assigned the position of victims, with their opinions obscured throughout peace-making processes and negotiating procedures. While India maintains a rhetorical commitment to the Women, Peace and Security (WPS) agenda at international forums, it fails to extend these values at the domestic realm. United Nations Security Council Resolution (UNSCR) 1325 is a genuine hope for the women of Kashmir to participate in peace-making processes and to safeguard their rights. By adopting an Intersectional approach to the existing framework of WPS, the research aims to demonstrate the interplay of multiple factors that determine the trajectory of woman's life in Kashmir. This study advocates for the urgency of Implementation of UNSCR 1325 by Indian government to address the multifaceted challenges faced by Kashmiri women in the face of conflict. The successful implementation of UNSCR 1325 is both a moral necessity and a strategic step toward constructing a more inclusive and resilient society in the conflict-affected region.

Key Words

Women of Kashmir, UNSCR-1325, Women Peace and Security, Intersectionality, Kashmir Public Safety Act.

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Introduction

Kashmir, a princely state at the heart of the partition dilemma, faced a complex political situation. Maharaja Hari Singh of Jammu and Kashmir initially sought independence, proposing a Standstill Agreement to both Pakistan and India. Pakistan promptly ratified the agreement, whereas India deliberated further. During this period, the Rashtriya Swayamsevak Sangh (RSS) and Hindu and Sikh refugees from Pakistan are alleged to have assisted the Maharaja's forces in committing grave atrocities against Muslims in Jammu. This period witnessed substantial turmoil, including reports of a massacre and the displacement of a large Muslim population. The Indian National Congress leadership and Lord Mountbatten, the former British Viceroy and then Governor-General of India, are accused of overlooking these events. The RSS, part of the broader Sangh Parivar, is believed to have played a significant role in these incidents. Subsequently, the Maharaja sought military assistance from India, which was provided on the condition that the state's people would later decide their allegiance.¹

This series of events led to the division of Jammu and Kashmir into Azad Jammu and Kashmir (AJ&K) and Indian Illegally Occupied Jammu and Kashmir (IIOJK). The Line of Control (LoC) emerged as a demarcation line, with the UN Security Council advocating for a peaceful resolution via a referendum.²

These events significantly shaped the enduring Kashmir conflict and the strained relations between Pakistan and India. They narrate a complex history of alleged massacres, demographic shifts, and political maneuvering during the partition and the integration of princely states.³

Intriguingly, two articles in the Indian Constitution, named as Article 370 and 35A, accorded special status to Kashmir. Article 370 acknowledged Jammu and Kashmir's unique position, granting it autonomy in legislating for its permanent residents. Article 35A allowed only Kashmiri residents to own property, seek public sector employment, enroll in state-run professional

¹ Salma Malik and Nasreen Akhtar, "Explaining Jammu and Kashmir Conflict Under Indian Illegal Occupation: Past and Present," *Margalla Papers* 25, no. 1 (June 2021): 25, accessed May 17, 2023, <https://doi.org/10.54690/margallapapers.25.1.48>.

² Bhisma N. Sabar, "India-Pakistan Relations after Abrogation of Articles 370 and 35A," *Scholarly Research Journal for Interdisciplinary Studies* 9, no. 67 (2021): 15757, accessed June 6, 2023, <https://10.21922/srjis.v9i67.8224>.

³ Malik and Akhtar, "Explaining J&K Conflict under IIOK," 27.

institutions, and benefit from state-administered welfare in the region. These provisions not only reinforced Kashmir's autonomy but also cemented its distinct sovereign status.⁴

The Indian government's decision on August 5, 2019, under Prime Minister Modi's administration, to revoke these articles, fundamentally altered Kashmir's special status.⁵ This move, fully integrated Kashmir into Indian territory, replacing the local constitution with the Indian constitution and extending all Indian laws and treaties to the region. However, contrary to expectations, these changes exacerbated tensions in Kashmir, with reports of human rights violations and deprivation of basic necessities. A particularly troubling aspect of the conflict in Kashmir is the plight of women, who, despite being major sufferers, are often sidelined. In IIOJK, women endure extreme hardships, including sexual violence, rights abuses, and struggles for survival amidst the loss of male family members. Their roles in resistance and politics are frequently overlooked, and they are often portrayed solely as victims of violence.⁶

The ongoing conflict and political instability in IIOJK have significantly impacted Kashmiri women. They face challenges in mobility, safety, and access to essential services, such as education and healthcare. The prevailing security scenario has created an environment of fear and uncertainty, exacerbating the impact of human rights violations, including enforced disappearances, extrajudicial killings, and sexual violence by security forces. Gender-based violence, including domestic abuse and sexual assault, has also increased, sometimes used as a method of intimidation and control by various conflict parties.⁷

The prevalent culture of impunity and the extensive powers granted to security forces compound the difficulties Kashmiri women face in seeking justice for the violence and abuse they suffer. This violence has contributed to the weakening of the region's economy, limiting women's access to employment opportunities and leading to increased unemployment. The prolonged conflict has adversely affected the mental health of Kashmiri women, with limited access to mental

⁴ Al Jazeera, "Kashmir Special Status Explained: What Are Articles 370 and 35A?," *Al Jazeera International*, accessed February 5, 2023, <https://www.aljazeera.com/news/2019/8/5/kashmir-special-status-explained-what-are-articles-370-and-35a>.

⁵ Al Jazeera, "Article 35A and 370 Explained".

⁶ Izzat Raazia and Saqib U. Rehman, "Resistance of Women against Indian Illegal Occupation of Jammu and Kashmir: Their Invisibility during Peace Negotiations," *Margalla Papers* 25, no. 1 (2021): 96, accessed February 12, 2023, <https://10.54690/margallapapers.25.1.54>.

⁷ Raazia and Rehman, "Resistance of women," 98.

health care and support. The conflict has also disproportionately disrupted education for females and young women, leading to lower enrollment rates and restricted access to quality education.⁸

Furthermore, women's lives have been disproportionately impacted by movement restrictions, curfews, security checkpoints, and limitations on daily activities. Forced migration has resulted in displacement and dispossession, costing women their homes, livelihoods, and social networks. Despite their significant roles in Kashmiri society, women remain underrepresented politically and often excluded from decision-making processes. Addressing the myriad and complex challenges faced by Kashmiri women requires comprehensive efforts, encompassing human rights, gender equality, and a sustainable resolution to the Kashmir conflict.⁹

Despite their significant contributions to the freedom movement, Kashmiri women have been marginalized in the dialogue process. Their perspectives and approaches are often overlooked in conflict-related discourse, and the incorporation of gender in conflict resolution remains a secondary consideration. The grievances and needs of Kashmiri women during and post-conflict situations have been inadequately addressed in peace efforts.

The United Nations has long endeavored to address women's issues through various resolutions on "Women, Peace, and Security", notably UNSCR 1325, adopted on 31st October, 2000.¹⁰ This resolution sets forth important operational mandates for both Member States and the UN system. It emphasizes the vital role of women in conflict prevention, resolution, peace agreements, peacebuilding, humanitarian response, and post-conflict reconstruction, underscoring the need for their full and equitable participation in all efforts to maintain and promote peace and security. It also recognizes the unique and disproportionate impact of armed conflict on women. As a signatory to UNSCR 1325, India is obligated to implement this resolution in the Kashmir region. By now, Resolution 1325 was expected to have ensured the active involvement of women at all levels of peacemaking. The resolution aimed to transform women in conflict areas from passive victims to active agents of change.¹¹

⁸ Ibid.

⁹ Ibid, 100

¹⁰ United Nations, "Landmark Resolution on Women, Peace and Security (Security Council Resolution 1325)," *Un.org*, 2000, <https://www.un.org/womenwatch/osagi/wps/>.

¹¹ Paula Banerjee, "Women Peace and Security in the Context of India by Paula Banerjee," *PIJ.ORG*, accessed January 13, 2023, <https://www.pij.org/articles/2058/women-peace-and-security-in-the-context-of-india>.

Therefore, this paper will analyze the:

- Concept of women, peace, and security
- Situation of women, peace, and security in IIOJK
- India's responsibility in implementing UNSCR 1325 to ensure security for women in IIOJK

To address these research questions, a qualitative content analysis methodology has been employed. This approach facilitates an in-depth understanding of the phenomenon under study. A range of sources, including books, journals, periodicals, research articles, official documents, and previously conducted interviews, have been reviewed to analyze the existing information pertinent to the topic.

Conceptual Framework

The conceptual framework applied to the ongoing crisis is the "Women, Peace, and Security" (WPS) agenda. This framework recognizes the pivotal role of women in achieving peace and stability through their active participation in security processes.¹² Stemming UNSCR 1325, adopted in October 2000, the WPS agenda marked the United Nations' inaugural acknowledgment of women's specific concerns in conflict situations.¹³ Beyond highlighting the adverse impacts of warfare on women, UNSCR 1325 underscores the integral contributions of women in conflict prevention, mitigation, and resolution. The WPS framework seeks to address the historical exclusion of women's experiences in war and policy-making, resulting from the power dynamics associated with masculinity, by proposing policy interventions.¹⁴

Central to WPS agenda is the need for a gender-sensitive perspective in all aspects of security and peace. For women, this encompasses addressing human rights violations during wartime, such as sexual violence, overcoming barriers to their participation in post-conflict elections, and ensuring post-war economic opportunities are tailored to accommodate both genders' unique needs

¹² Advancing Women, Peace and Security," United States Institute of Peace, accessed January 13, 2023, <https://www.usip.org/programs/advancing-women-peace-and-security>.

¹³ Security Council Resolutions on Women, Peace and Security | UN Peacemaker," *Peace Maker UN*, accessed 20 January, 2023, <https://peacemaker.un.org/wps/normative-frameworks/un-security-council-resolutions>.

¹⁴ Ibid, 513.

and rights. The WPS framework is structured around four pillars: prevention, participation, protection, and relief and recovery.¹⁵

Prevention: Ensuring women's involvement in conflict prevention and resolution, acknowledging their contributions at both micro and macro levels.

Participation: Guaranteeing women's engagement in peace processes and decision-making in economic, political, and social realms.

Protection: Safeguarding women's rights during critical periods of war and peacebuilding, with an emphasis on protection from sexual violence.

Relief and Recovery: Ensuring humanitarian efforts, transformation, rehabilitation, and peacekeeping initiatives address women's rights and needs adequately.

In the context of Kashmir, the application of WPS framework is crucial for addressing the challenges faced by women, particularly their participation in peace-making and decision-making processes.

Theoretical Framework

Western Feminist discourse has historically been critiqued for its limited recognition of the multifaceted identities influencing women's experiences in Eastern societies. Acknowledging the diversity of experiences among women in Postcolonial States is imperative; their lives are shaped by a confluence of factors including gender, race, ethnicity, religion, and social class. This necessitates an intersectional approach in gender mainstreaming.¹⁶ The proposed theoretical framework adopts Kimberlé Crenshaw's concept of Intersectionality, introduced in the late 1980s, to comprehensively understand the diverse and complex experiences shaping women's lives in Kashmir.

Intersectionality theory explores the interplay of various identities and social structures, such as gender, caste, ethnicity, and religion, in shaping women's unique realities. For instance, understanding women's decisions to engage in militarization requires examining the intersection

¹⁵ Ibid, 514.

¹⁶ Gender mainstreaming promotes gender equality by incorporating a gendered perspective into all policies, programs, and activities. It was developed by the United Nations in the early 1990s and was recognized as a key strategy for empowering women worldwide at the Fourth World Conference on Women in Beijing in 1995.

of historical, social, economic, and political factors with gender. Intersectionality operates on three assumptions: the multiplicity of social categories and their interconnections, the existence of power imbalances within these categories, and the contextual nature of these social categories.¹⁷ This approach enables a thorough analysis of systemic issues while acknowledging the complex web of conditions influencing women's choices.¹⁸ In Kashmir, decades of sustained conflict have disproportionately affected women across different socio-economic, ethnic, and religious backgrounds, shaping their experiences of oppression and mobility.

Implications of the Abrogation of Articles 35A and 370 on the Kashmiri Community

A report titled “Life in Kashmir after Article 370” by Ajaz Wani provides an insightful analysis of the multifaceted impacts of the abrogation on various aspects of life in Kashmir. Based on interviews with locals, the report reveals a profound sense of lost identity among Kashmiris, who now perceive themselves as marginalized and labeled as separatists.¹⁹ The abrogation has intensified their feelings of being a colonized community, deprived of basic necessities. The report highlights a disturbing increase in human rights violations, particularly against women, citing an average of two reported rape cases daily in the region. This alarming trend underscores the exacerbation of women's suffering post-abrogation, with inadequate measures for their protection and rights. The report argues that rather than improving conditions in Jammu and Kashmir, the abrogation of these articles has deteriorated the situation, necessitating urgent attention and action.

Intersectional Dimensions of Conflict-Related Violence Against Women in Kashmir

In Kashmir, conflict-related violence against women encompasses a diverse array of intersectional aspects. These women are victims not merely of direct violence but also endure the broader socio-economic and political ramifications of war. The plight of Kashmiri women is

¹⁷ Cho, Sumi, Kimberlé Williams Crenshaw, and Leslie McCall, “Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis,” *Signs* 38, no. 4 (2013): 785–810, accessed May 17, 2023, <https://doi.org/10.1086/669608>.

¹⁸ Collins, Patricia Hill, *Intersectionality as Critical Social Theory*, Duke University Press, 2019, accessed May 24, 2023, <https://doi.org/10.2307/j.ctv11hpkdj>.

¹⁹ Ajaz Wani, “Life in Kashmir after Article 370,” (Mumbai: Issue Briefs And Special Reports, 2020), accessed May 27, 2023 <https://www.orfonline.org/research/life-in-kashmir-after-article-370-60785/>.

amplified by an intricate interplay of gender, ethnicity, religion, caste, and socio-economic marginalization. This analysis aims to decipher these critical factors affecting the lives of women in Kashmir daily.

Women's Bodies as a Battleground in Kashmir

In conflict zones, gender-based violence often escalates, subjecting women to various abuses, including rape, sexual exploitation, and domestic violence. An intersectional perspective on these issues highlights the confluence of multiple identities interacting with the gendered nature of violence. Thus, the lives and challenges of women are shaped by these intersecting identities, which cannot be viewed in isolation or ranked in a hierarchical order.

Kashmiri women have endured systematic physical and sexual abuse, the loss of children and family members, forced displacement, and severely limited social mobility for decades. Their identity and sense of self are continually assaulted through the use of sexual violence as a tool of humiliation or through their trafficking. A September 2021 report by the National Crime Records Bureau (NCRB) indicates a significant increase in gender-based violence in the region, with incidents rising by 15% in 2021 compared to 2020.²⁰ Addressing conflict-related violence against women in Kashmir requires a comprehensive and inclusive approach, prioritizing the needs and rights of all women.²¹

Rape as a Weapon of War

Major General (Retd.) Patrick Cammaert, former UN Division Commander for Eastern DRC, poignantly observed, “It is perhaps more dangerous to be a woman than a soldier in an armed conflict.” Sexual violence in Kashmir is often used as a weapon of war, with women frequently becoming direct or collateral victims. Women are targeted based on their gender, race, religion, and social class. Indian Security Forces have been reported to use rape as a tool to intimidate the indigenous population. For the past 24 years, more than two incidents of rape and molestation are reported daily in Kashmir. The involvement of Indian Security Forces in these crimes, including

²⁰ “Crime against Women Rose by 15.3% in 2021: NCRB,” *The Indian Express* (blog), August 30, 2022, <https://indianexpress.com/article/india/crime-against-women-rose-by-15-3-in-2021-ncrb-8119739/>.

²¹ Kounsar Bashir, “Kashmiri Women Grappling with the Surge of Gender-Based Violence and Absence of Accountability,” *Feminism in India*, March 28, 2023, accessed May 29, 2023, <https://feminisminindia.com>.

instances of gang rape, is a concerning trend. Over the last two decades, thousands of rape incidents, molestations, custodial killings, detentions, and cases of torture have been documented, reflecting a blatant disregard for domestic and international law and human rights. The persistent use of rape in conflict is a potent, cost-effective strategy that devastates not only individual lives but also families and entire communities. It serves as a tool for demoralizing enemy forces, carrying out acts of genocide, and intentionally spreading diseases such as HIV among the targeted population. This horrific use of sexual violence in warfare highlights the need for urgent and effective interventions to protect women in conflict zones.²²

The Destitute and the Displaced

The enactment of stringent laws like the Jammu and Kashmir Public Safety Act 1978 (PSA)²³ and The Armed Forces Special Powers Act 1958 (AFSPA)²⁴ has led to a deterioration of law and order, resulting in forced displacement, fracturing families and communities, and leaving women increasingly vulnerable to further violence and exploitation. The protracted dispute in the Kashmir Valley has compelled many Kashmiri women to flee their homes, facing numerous challenges as a result of their displacement. According to intersectionality theory, displaced women face multiple forms of discrimination and vulnerability due to their gender, displacement status, and intersecting identities. These women are often subjected to new forms of violence and exploitation, such as human trafficking and sexual exploitation, while navigating the challenges of greater insecurity in unfamiliar environments.²⁵

The breakdown of law and order, excessive militarization, and rampant human rights violations exacerbate the systemic oppression of women in both public and private spheres. The presented

²²Nabeel Hussain, Asma Khawaja, and Shabana Fayyaz, "Hermeneutical Inquiry of Human Rights Violations in Kashmir: International Humanitarian Law Perspective," *Journal of Indian Studies* 6, no. 2 (December 2020): 70, http://pu.edu.pk/images/journal/indianStudies/PDF/1_v6_2_20.pdf.

²³ A preventive detention law, which authorizes the state to imprison people without a formal accusation or trial if they suspect they are going to act in a way that jeopardizes state security or public order

²⁴ Enacted by the Indian legislature to grant special powers to Indian forces deployed in 'contested areas in order to preserve order and combat insurgency. However, it has been questioned rigorously due to its grave implications for human rights and civil liberties.

²⁵ Mantasha Rashid, "Violence Against Women in Kashmir: Personal and Political," *PhD thesis University of Westminster Social Sciences*, accessed May 29, 2023. <https://westminsterresearch.westminster.ac.uk/item/vzw55/violence-against-women-in-kashmir-personal-and-political>.

data is a stark testimony to the inhumane treatment meted out by Indian forces towards the Kashmiri people, particularly women, subjecting them to various forms of violence. This situation underscores the urgent need for comprehensive measures to address the plight of women in conflict-affected regions, ensuring their protection, dignity, and rights.

Systemic Shackles of Patriarchy in Kashmiri Society

Kashmiri society, like many others, is deeply entrenched in patriarchal norms and practices. These societal structures perpetuate inequalities and prejudice against women, affecting their movement, autonomy, and decision-making power. The impact of patriarchy is further amplified during times of conflict, significantly hindering women's access to education, healthcare, and economic opportunities. Domestic abuse in Kashmir persists irrespective of the conflict's turbulence. The militaristic environment and ongoing insecurity tend to exacerbate household tensions, leading to an increase in domestic violence incidents. The lack of accountability and limited access to justice leave women trapped in abusive relationships, often without adequate support or protection. The intersection of conflict-related violence with entrenched patriarchal norms and interpersonal violence creates a particularly challenging situation for Kashmiri women, subjecting them to multiple layers of violence and oppression in both public and private spheres. The aftermath of Article 370's abrogation in Kashmir has seen increased objectification, exoticization, and sexualization of Kashmiri women on social media and digital spaces, with even political figures making derogatory remarks about marrying "white-skinned" Kashmiri women.²⁶

Socio-Economic Disparities and Marginalization

The prolonged conflict in Kashmir has led to the death and disappearance of thousands of Kashmiri men, resulting in a rise in the number of widows, "half widows," and orphans. This shift has placed the entire economic burden on women, many of whom have been compelled to work as unskilled laborers. Women, being the sole breadwinners in many families, face heightened financial vulnerability due to restrictions on social mobility and marginalization in a patriarchal and heavily militarized society.

²⁶ Adnan Bhat, "Kashmir Women Are the Biggest Victims of This Inhumane Siege," *Breaking News, World News, and Video from Al Jazeera*, accessed August 21, 2023, <https://www.aljazeera.com/features/2019/8/21/kashmir-women-are-the-biggest-victims-of-this-inhumane-siege>.

Women from marginalized communities, such as Dalits and Adivasis in rural areas or those from lower socio-economic strata in Kashmir, encounter additional barriers to accessing adequate healthcare and education. These challenges are compounded by gender stereotypes, financial constraints, and social mobility restrictions. Institutional intersectionality acknowledges how patriarchal attitudes and practices across various institutions impact women's lives in Kashmir. It emphasizes the need for effective measures to create a safe and conducive environment where women can contribute to the socio-economic development of the region.

Invisibility of Women in Peace Negotiations

Women's marginalization during peace negotiations is a critical issue. The underrepresentation of women leads to a lack of consideration for their needs, interests, and perspectives in conflict zones. Major General (ret.) Patrick Cammaert's observation that being a woman in an armed conflict can be more dangerous than being a soldier underscores this issue. Rationality, devoid of gender distinctions, is equally present in both men and women. However, women's absence from peace-making processes leads to agreements that fail to address the broader needs and concerns of affected populations.²⁷

Incorporation of Intersectionality in UNSCR 1325

The adoption of UNSCR 1325 marked a significant step in recognizing the importance of gender perspectives in peace and security efforts. However, its initial implementation primarily viewed women as a homogeneous group, overlooking the diversity of intersecting identities that shape their experiences. This approach neglected the fact that women's experiences in conflict zones are influenced by factors beyond gender, such as race, ethnicity, religion, class, and sexual orientation. The implementation of UNSCR 1325 often failed to address the unique needs and vulnerabilities of women with diverse marginalized identities, potentially reinforcing existing power structures and perpetuating inequalities. For instance, women's representation in peace process roles at international forums has been minimal, reflecting a lack of effort in promoting inclusive participation.²⁸ However, recent global discussions on gender, security, and peace reflect a growing recognition of the importance of an inclusive approach that acknowledges and addresses

²⁷ Ibid

²⁸Jou Fuster Paula, "CEU ETD Collection," accessed August 28, 2023, https://www.etd.ceu.edu/2022/jou-fuster_paula.htm.

the intersectionality of women's experiences. This shift is evident in subsequent resolutions and policy frameworks, which aim to be more inclusive and comprehensive. Implementing UNSCR 1325 with an intersectional approach involves recognizing the unique experiences of different women in crisis situations. By considering the interplay of multiple identities and social systems, it becomes possible to address the specific needs and vulnerabilities of marginalized women, ensuring their voices are heard and their rights are protected. This approach also fosters inclusion in decision-making, ensuring that women from diverse backgrounds are actively involved in shaping peace and security policies. Understanding the complex interrelationships between gendered experiences can enhance the efficacy of UNSCR 1325 as a tool for promoting gender equality and establishing lasting peace in conflict-affected areas.

Implications of UNSCR 1325 in Kashmir

In conflict resolution, the significance of women's involvement is undeniable. The marginalization of women in negotiated settlements, along with their perspectives, needs, and protection during and after conflict situations, has been internationally recognized. UNSCR 1325 mandates the participation of women in decision-making processes and their contribution to peacebuilding and negotiations. However, the resolution lacks an enforcement or accountability mechanism, which hinders its effectiveness in addressing the unique challenges faced by women in conflict situations. In IIOJK, women continue to face severe hardships. The demilitarization of the region and the repeal of laws granting extraordinary powers to the Indian Armed Forces are crucial steps toward ensuring women's security and empowerment. Women in the region aspire not only to end the conflict but also to achieve autonomy and empowerment, seeking the freedom to make their own choices and pursue their aspirations.²⁹

■ Barriers to Participation and Representation

Significant barriers prevent women from fully participating in peace processes and decision-making. Systemic discrimination limits women's access to resources and leaves them without recourse when they suffer abuses during conflicts. These challenges further marginalize women, hindering their ability to address gender-based violence and violations of their rights, and impeding their active participation in peace processes. Eliminating these barriers and creating a safe

²⁹ Ibid.

environment for women to voice their concerns is imperative. Holding perpetrators accountable for human rights violations and ensuring access to restorative justice are crucial steps toward this goal. In Jammu and Kashmir, men predominantly hold power, including within the state government. Unfortunately, the bureaucratic structure is not gender-neutral, with women often facing sexualization rather than recognition or reward for their competencies. This bias impedes their professional advancement and discourages them from pursuing fulfilling careers.

▪ **Importance of Diverse Voices and Perspectives**

The inclusion of diverse voices, particularly those of women, is crucial for the efficacy and sustainability of peace processes. Women bring unique perspectives and experiences, highlighting issues that might otherwise be overlooked. Their insights are instrumental in identifying the root causes of conflicts and in formulating comprehensive, enduring solutions. Inclusive participation, encompassing women from all backgrounds and identities, is key to creating more representative peace agreements.³⁰

In Kashmir, women have actively engaged in grassroots peace and reconciliation initiatives. Their inclusion in formal peace processes can significantly enhance the legitimacy and effectiveness of these efforts. The case of Aasia Jeelani (1977-2005), an activist, journalist, and human rights defender in Kashmir, exemplifies this point. Aasia played a pivotal role in the women's movement in Kashmir, notably in developing the Kashmiri Women's Initiative for Peace and Disarmament (KWIPD).³¹ KWIPD provided a platform for discussing the multifaceted challenges faced by Kashmiri women due to societal constraints and militarism. Aasia's tragic death in a landmine explosion in 2004 highlights the risks and challenges faced by Kashmiri women activists. Her legacy underscores the need to amplify the voices and perspectives of women in understanding the conflict's complexities and in formulating inclusive peace agreements.³²

▪ **Addressing Structural Inequalities and Power Dynamics**

³⁰ Issues, 2021, "Aasia Jeelani- a Kashmiri Feminist Trailblazer," *Zanaan Wanaan*, December 5, 2021, accessed June 9, 2023, <https://zanaanwanaan.com/issues/aasia-jeelani-a-kashmiri-feminist-trailblazer/>.

³¹ Secretariat, "Healing Wounds, Mending Scars," *Disappeared Asia*, January 1, 2005, <https://disappeared-asia.org/>.

³² Sajid Salamat, "Kashmiri Women Seek Inclusivity, Equity and Justice, Last Modified August 22, 2022, <https://dailytimes.com.pk/985255/kashmiri-women-seek-inclusivity-equity-and-justice/>.

Women's underrepresentation in peace processes often reflects broader systemic injustices and power imbalances. To counter this, efforts must aim to confront and change these systemic inequities, not just through tokenistic measures but by creating conditions conducive to active engagement by women. This entails ensuring gender-sensitive laws and practices and implementing affirmative action policies to enhance women's participation. Addressing these power disparities is essential for the meaningful involvement of women in peace processes and their sustainability.

In Kashmiri society, the phenomenon of working women is relatively recent. Traditionally confined to domestic roles, women have increasingly sought formal education and employment in government and non-profit organizations due to financial necessities, higher education levels, and evolving perceptions of suitable employment. This shift has led women from various social classes, groups, and communities to venture beyond their homes, embracing opportunities in professional sectors.

Prospects and Challenges in Implementing UNSCR 1325 in IIOJK

Implementing UNSCR 1325 in IIOJK presents both opportunities and challenges. Currently, the resolution's implementation to safeguard Kashmiri women is largely non-evident. The primary responsibility lies with the Indian government and the international community to recognize gender-specific issues in the region and the importance of involving women in peace and security initiatives. Structural disparities, discriminatory norms, and traditional gender roles pose significant barriers to implementing UNSCR 1325. Civil society organizations play a vital role in bridging implementation gaps through awareness-raising, support for women, and advocacy for policy reforms.

Collaborative efforts can lead to more inclusive and sustainable peace processes in IIOJK, accurately reflecting the needs and views of all parties, including women. Following the abrogation of articles 370 and 35A, Kashmir's integration into Indian territory implies that all resolutions and treaties India is party to should also apply in Kashmir.

Assessing India's Role in Implementing UNSCR 1325

The blurred lines between war and peace in prolonged conflicts like Kashmir necessitate a nuanced understanding of everyday violence. India's role in WPS agenda, particularly about Kashmir, has been largely rhetorical, with limited practical application. The Indian government has distanced itself from the domestic implementation of WPS resolutions, not recognizing the existence of any armed conflict within its borders.³³ Despite the heavy militarization and human rights violations in Kashmir, these areas are classified as "disturbed areas" rather than war zones. Implementing the WPS agenda could significantly improve women's security domestically, both in conflict zones and elsewhere.³⁴ Incorporating an intersectional approach in the WPS framework would enable the development of gender-sensitive and inclusive policies. Based on the principles of participation, prevention, protection, relief, and recovery, the WPS agenda could guide India's actions toward enhancing gender integration and mainstreaming in the disputed region of Kashmir.³⁵

Conclusion

Twenty-three years after the adoption of the WPS agenda by the UNSC under UNSCR 1325, Kashmiri women in India's sociopolitical landscape continue to struggle for freedom and leadership. Despite India's global support for this agenda and the revocation of Articles 370 and 35-A, the implementation of UNSCR 1325 in Kashmir remains absent. Institutional discrimination, ingrained patriarchal norms, and sexual violence exacerbate the challenges of marginalization and vulnerability for women. Human trafficking and sexual exploitation have been worsened by draconian laws and the erosion of the law-and-order situation in Kashmir. The lack of visibility of Kashmiri women in peace talks is a critical issue. Their perspectives and contributions are often overlooked, despite evidence suggesting that women's active participation in peace processes leads to more lasting and inclusive solutions. The Indian government's implementation of UNSCR 1325 is not just a moral imperative but also a strategic move toward establishing a more inclusive and resilient society in the conflict-affected region. Prioritizing the

³³ Aneesa Shafi, "Working Women in Kashmir: Problems and Prospects," *Louisville: APH Publishing*, 2002, 55.

³⁴ L. J. Shepherd, (2009), "Gender, Violence, and Global Politics: Contemporary Debates in Feminist Security Studies," *Political Studies Review*, 7(2), 208–219, accessed June 12, 2023, <https://doi.org/10.1111/j.1478-9299.2009.00180.x>

³⁵ *Ibid*, 62.

needs and rights of all Kashmiri women, considering their intersecting identities and challenges, is essential. A holistic approach that recognizes the intersection of various forces governing the lives of these women is necessary to achieve a just and equitable future for Kashmir's women and contribute to regional peace.