



# Gender, Armed Conflict and Intergenerational impacts of enforced disappearances: Case Studies from Kashmir

Marshline Purti

## Abstract

Enforced Disappearance is arrest done to person from state or non- state forces accompanied by the refusal to acknowledge followed by the depriving the freedom to know about the whereabouts of the person resulting the person out of protection against the law. This paper explores intergenerational impacts among the victims of the relatives of the disappeared persons. Six cases studies with the gen-next and in-depth interviews were conducted in Srinagar district of Kashmir Division in Jammu & Kashmir during the field study conducted February to October 2021.

*Key words: Enforced Disappearances, Gender, Armed Conflict, Kashmir, Intergenerational impacts*

## Background

According to the study conducted by the Department of Sociology, Kashmir University there are 32,400 widows and 97,000 to 1 lakh orphans in the valley<sup>1</sup>. Association of Parents of Disappeared Persons (APDP) estimates there are actually between 8,000 and 10,000 missing people in the region. The number of publicly announced and reported half-widows in the Kashmir valley is between 2,000 and 2,500. Along of 6,000

<sup>1</sup> <https://www.hindustantimes.com/india/survey-on-orphans-and-widows-in-kashmir/story-U5hwCkEDQz5gBmrrk7AYvJ.html>

orphans, the children of half-widows who are affected deeply by the conflict, this issue adds much to the crisis.<sup>2</sup> a systematic search of 42 studies conducted identifies psychological impacts prevailing among people with a missing loved one (Kennedy, Deane, & Chan, 2019). The prolonged grief disorders (PGD) among the participants who lost a significant other due to disappearance was 23% as compared to 31.5% in bereaved participants (Heeke, Stammel, & Kaaevelsrud, 2015). This was due to forced disappearance is related to prolonged grief reactions particularly when those left behind maintain hope that the disappeared person is still alive. A systematic search in Psych info, web of Science, and Medline which resulted in 15 studies in the meeting predefined inclusion criteria. Eligible studies included quantitative peer-reviewed articles and dissertations that assessed psychopathology in relatives of missing persons. These studies focused on disappearances due to war or state terrorism. Prevalence rates of psychopathology were mainly described in terms of post- traumatic stress disorder and depression and varied considerably among the studies. Number of experienced traumatic events and kinship to the missing and deceased persons (Lenferink, de Keijser , & Wessel, 2019). Forced Disappearances is the frequent phenomenon in violent conflicts and regimes, yet little is known about unresolved

### **Gender and Enforced disappearances**

Armed Conflict is Gendered and hence is enforced Disappearance. This difference is the basis of unequal power relation and coincides with the use of force or violence. Connell States: ‘What it means to be masculine is quite literally, to embody force’ (Chenoy, 2010). The suffering can be direct or indirect. In Kashmir male are usually the targets of direct victimization and female suffers from indirect victimization due to death, disappearance and disability (Qutab, 2012). Our focus is to understand the indirect victimization through understanding the invisible pain and juridical sovereignty which is main component of enforced disappearance phenomenon (Bargu, 2014). Through case studies collected from the Srinagar district of Kashmir Division of J& K. The victims were contacted through an Organisation Associations of Parents of Disappeared Person (APDP, 2011).

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<sup>2</sup> <https://www.theguardian.com/global-development/2010/oct/11/1>

Disappearances of the male hits the socio-cultural fabric of the society. It effects the population and sex ratio.

Problems of the Disappearances had reinforced shifting of gendered roles. Increasing social mobility of the women victims of enforced disappearances has created armed conflict paradoxical in terms of equality and empowerment in light of sustaining conflict in Kashmir Hence gender inclusive discourse holds its relevance in while studying conflict.

### **Instrument of Human Rights and definitions of Enforced Disappearance**

Roman Statue of International Criminal Court, 1998, Article 7 crime against humanity for the purpose of this Statue,” Crime against humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population with knowledge to attack. i) Enforced Disappearance of persons. It means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intentions of removing them from the protection of laws. The Rome Statue of the International Criminal Court (ICC) is the treaty that establishes the International Criminal Court (ICC). Article 2 International convention for Protection of All Persons from Enforced Disappearance (ICPPED) Enforced Disappearance is considered to be the arrest, detention, abduction or any other deprivation of liberty by agents of the state or by persons or groups of persons acting with authorizations, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared persons, which place such a person's outside the protection of the law.

### **Case study 1**

Shalika (name changed) is the daughter of Ayessha Mattoo. She had two other siblings, one brother and another sister. During the search operation the brother was picked up by the armed forces battalion while he was a school student and was understood as the informer. The army blamed that the boy had the armed weapons and the small weapons and they took him for inspection and never to return back. The other sister died in grief of the brother. Shalika was left alone to take care of her parents. She is only daughter now. As of now she is now married and has children. She holds the responsibility of both mother and in law's

simultaneously. After a long discussion with Shalikaa, we came to understand that the loss of male members in society has a deeper impact on the family. The expectations from male members in the society unlike all the cultures are likely more in the patriarchal society. The male holds the responsibility of breadwinner in the society and the carriers of family genes. The sorrow of losing family members has a drastic change in the lives of people. The family in Kashmir is closely knitted and the bonding in the family members is very strong; they are closely connected with the kins and the marriage within their clans. They are the ones who are closely knitted. The social fabric of the society needs linguistic discourse. For example, mother's call their children 'jigar'. The address children as (jigar) which means heart has the resounding effects on the mind of the people. The expression of love for the children shows the bond and knot. The children addressed in the particular cultural context in the specific name have special relevance.

## Case Study 2

Javed is the son of the widow due to enforced disappearances, whose father got enforced and disappeared on his way back home. Javed has completed his 12 class. He has another sibling who has completed his graduation. Junaid is happily married and has two sons from his wife. Both the brothers are associated with the tourism department. Javed owns a Innova which is the source of income. They stay in their maternal home. Javed wife has recently working. On asking Javed about how he sees the future of Kashmir? What are your thoughts on the disappearance of your father? What is the sentiment that you have for the India? Javed openly confesses says that his father was not part of militancy. *He was suspected as militant because of his look and got disappeared. If we would not have lost our parents we would not have to sell our old house. Our standard of living would have been much better as compared today. Although we received compensation but we have to go through the long legal process. We have to go through the long legal process which takes 10 long years even more.* The state of liminality is often accompanied with sometimes made them to believe in the extra juridical killing. The increasing mobility in the direction of the state institutions like police stations, courts, army camps, jails which are the rare institution which is very uncommon institutions for the common man; which defines the conflict zone criticalities; which impacts social fabric of any community which is listed as conflict zone.

**Case Study3**

Shajid is twenty-four years youth who stays with family with sister and mother. Shajid says he 2 years old when my father got disappeared. He doesn't remember much about those days. But he says that he has heard about his father from other people. His grandmother and grandfather have spent lot of time in searching his sons. Doing door to door army camp visit, police stations, and jails in search of his sons for the long time. We asked about joining militancy, he said militancy is calling and not everyone is called to be militant. We need to understand why people join militancy. On asking if he is interested in joining militancy. Suhail said he is not called to be militant. He has seen the condition of his a family post disappearance of the family. He said we have struggles, we have seen our mother going for the daily wages work in the neighbour. We got share from our family land and hence, we are able to make our house. Earlier we lived in the one room house. The story is untold. On asking did you get support from the mosque? He said we did not get support from mosque or the wafq board. He said mosque doesn't support us financially. We have to take care of ourselves. On asking how you visualize the future of Kashmir, he said unless our people are killed and oppressed

**Case Study 4**

Shifa is 20 years old she has completed her tenth class. After tenth she has dropped her studies. She said there are tough competitions in Kashmir University and I am not in the position to compete in University. On asking how do you pen picture about your loved one? Shifa say she was in her mother's womb when her father disappeared. *I have not seen the face of my father. We used to stay in the joint family earlier. My grandparents took care of me while my mother has to go for work. The house that you are seeing now is an own house. Earlier we stayed in one room house. We made our only when we got the share from our ancestral property. I have problems going to school. The problem that I face in the school during parents meetings. When all my friends come with their parents. I used to go with my grandfather.* On asking what do you write in the prefix of the father's name Shifa says she writes late. The late literally means that father is assumed to be dead.

## Findings and Discussions

### Loss of Education:

*“I was bright student in the school in comparisons with my friends. The disappearance of my father happened when I was in school. When I completed my 12th standard. At that time I wanted to attain professional education. Being a bright student in the class I was not able to keep pace with the studies because of the disturbances that were caused by the disappearance of my father. Although I completed my schooling, I was not able to follow my dreams of pursuing professional education like engineering or medical. I settled in less buying a vehicle and getting affiliated to ministry of tourism Jammu & Kashmir.”*

### Loss of childhood

Javed says *“his childhood night was spending sleeping besides his crying mother. This has deep impact in my childhood. When there was time to play study and prepare myself to be young man I has troublesome childhood giving emotional and mental support to my mother. In clear words I have not seen childhood days, I accompanied my grandfather and grandmother in the search of my father. I have seen army coming home for surveillance. I grew up accompanying my mother to protest, police station and court during this process I matured mentally before time. In true sense I have not seen my childhood. I don't know what happy childhood means”*

### Early Burden of Earning

The children victimized due to enforced Disappearance have an early burden of earning livelihood. Due to the burden they are engaged in minimum wage labour to shoulder responsibility of family. This responsibility is also gendered. The children become mature early, shouldering family responsibility also helps in reducing their grief and pain.

## Abnormality

*“We are not normal, we don’t have normal life”* says Shabnam. She adds we don’t have normal life. Half of our life is spent on the survival crises remembering father who is physically absent but mentally present. During the parents meeting when all the children come to school with parents, we go alone single parented. This way we feel discriminated and abnormality governs us in early day life as we have not received fathers love.

## Prolonged grief and trauma

There are cases of Disappearance which dates back to thirty years twenty years. The relatives of the missing persons have experienced massive struggle in searching their loved one. Disappearance bodily absence of the person and the unknown whereabouts which is the state of non-existence of the person disappeared. The justice seeking mechanism itself is helpless as the person is kept out of the protection of law. Disappearance is traumatic it leaves to the never-ending search and dilemma of getting the loved one back.

## Limility

Paul D’Souza derives the state of limility from the Hamlet “to be or not to be”. It is in the state of searching or not searching, waiting or not waiting. This is the dilemmatic situation where the person is not sure of the future course of action that needs to be taken. The relatives of the disappeared person in this case harshness as they are not confirmed about the where the person disappeared is dead or alive. In case of dead, the mourning in conducting the funeral procession helps in reintegrating oneself back into the society. The disappearance has stigmatisation effects and the morning never ends because the death never happened.

## Gender Dimension of Intergenerational

It was found out that families that were impacted due enforced disappearance phenomenon did not go for the higher education above twelfth class. Due to the stoppage of regular income, the dropout rates among the girl’s students are higher comparatively to the boys.

## The Cost and the compensation

The compensation that government give to the families of the disappeared people one Lakh compensation. Does my son life cost one lakh assert Praveen Avenger during group discussions? The people's life cannot have the monetary value<sup>3</sup>. The constant search for disappeared person sometimes more than thirty years has a cost in terms of monetary and non-monetary. The monetary cost involves searching to the loved ones from the time they for searching of the We need to understand the cost that the family member is willing to give in order to regain the lost (disappeared) person.<sup>4</sup>

## Disability adjusted life years

India ranks one out of the Twenty-five countries with greatest number of disability-adjusted life years (DALYs) lost to violence and estimated economic value of DALYs lost to violence in 20021 which is estimated at 7.598 and 3.640 (9)<sup>5</sup> respectively. The relative of the missing persons suffers from the constant uncertainty, mental health issues, trauma and prolonged grief which take away their productive years in remembering, searching their disappeared family members. Hence, their life can be counted as disability adjusted life years as they are in constant state of uncertainty.

## Intersection between Grief and hope

Research continuation in the Kashmir with the special group of disappeared population is self-evident that that there is continues efforts in ventilating the grief of the people. This grief is the prolonged grief. Javed Say “Disappearance is harsh than death, for us my father has never died”

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<sup>3</sup> While conducting an group interview with Praveena Ahanger.

<sup>4</sup> On discussions with Dr. Waqar Amin at Kashmir University august' 2021.

<sup>5</sup> Brown DW. Economic value of disability-adjusted life years lost to violence: estimates for WHO Member States. Rev Panam Salud Publica. 2008;24(3):203–9.

## Loss of healthy childhood

The compensation that government give to the families of the disappeared people is one Lakh. The people's life cannot have the monetary value<sup>6</sup>. The constant search for disappeared person sometimes more than thirty years has a cost in terms of monetary and non-monetary. We need to understand the cost that the family member is willing to give in order to regain the lost (disappeared) person.<sup>7</sup>

### Reduction in the social status accompanied with economic loss:

There is a disconnection formed in the social existence of the relatives of the missing people post disappearance. The relatives of the disappeared people experience the drastic change in the social relationship. Their energy is more channelized towards searching the disappeared person and visiting the justice seeking institutions such as law enforcement officers and human rights actioners. This has societal implications where the relative are cut-off from the normal experiences and form a part of the group generally termed as victims of conflict usually described as disadvantaged, helpless, vulnerable association of disappeared persons.

The utilization of economic resources has been used massively for searching the disappeared persons. Money was also given to the broker to know about the whereabouts of the missing and disappeared persons. But the effort has gone in vain. It has become the case of sunk cost fallacy.

### Social Work Implications and special areas of Interventions<sup>8</sup>

**School Social work:** It is very important for that the next upcoming generation to implant trust and remove the seeds of the unforgiveness and mistrust. The peace building models that that is suggested by FHI, WHO, UNICEF along with the Save the Children. Which includes conflict management, Anger management, Life skill development, realisation of self, Communication skills, self –esteem, financial management, Peace Module Decision making Skills, Analytic Skill in to be included in the course module.

<sup>6</sup> While conducting an group interview with Praveena Ahanger.

<sup>7</sup> On discussions with Dr. Waqar Amin at Kashmir University.

<sup>8</sup> On discussions with Nidhi Singhal, Assistant Professor Department of Social Work, Central University of Jammu on June'2021, she suggested on the special needs of the children in conflict need to be addressed by the school social workers through various peace building models. She also suggested on the correctional school work need and intervention for the police officers and law enforcement agents as a mechanism to rebuild trust of the people.

**Correctional Social Work:** Juvenile Justice Act need to be followed, Children should be sent to observation homes, should be sent to the rehabilitation, sensitization and awareness programme should be kept for the police officer for the effective administration and good governance.

**Psycho Social Healing<sup>9</sup>:** Psycho social healing is an attempt in rebuilding the communities. Mental Health effects leads to the distortion of physical health, somatic effects, Abuse, Child labour, bullying, Substance Abuse, School Dropout, Stone Pelting, Traumatic effects which builds.

**Advocacy:** There is the difference between the missing population and the enforced disappeared person. The enforcedly disappeared persons is the subset of the missing persons but not vice-versa.<sup>10</sup> International Commission for Missing Person report issues Global Report and on missing persons 2022 issued on 25<sup>th</sup> years of its celebration separately identifies missing and the enforced disappearance person and put state solely responsible for consequences and the state failing to give welfare to its citizen.<sup>11</sup> The relatives of the missing persons faces challenges first at the time of the filing the report second at the time of filing the case<sup>12</sup>. Doing advocacy for Human Rights in the cases of Enforced Disappearances is challenge as the Human Rights Defender are always in the strict scrutiny<sup>13</sup>. The silent protest in the Partap Park every month recreated as the day of remembrance /morning which spreads the strong message worldwide about the problems of

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<sup>9</sup> Psycho social healing as an intervention tool was suggested by Dr. R. Sudhakar Rao, Assistant Professor in the Department of National Security Studies (NSS), Central University of Jammu who is a member in my Research Academic Committee (RAC). This was incorporated via a suggestion that came on the progress report presentation on Nov'2020.

<sup>10</sup> On discussion with women relative of the enforcedly disappeared person on feb'2021 while conducting focused group discussion. The pilot study that was conducted with women relatives of the enforced disappearance which is the part of the authors doctoral research. The women in the clear lines demarcated that the First Information Report (FIR) that has been lodged in the police station is the missing peoples report. We don't come under the category of that population, we are victims due to state violence and the result of on-going armed conflict in Kashmir. It is difficult for the relative to file the FIR because they are filing the case against the State law enforcement officer and the army personnel who are responsible for upholding the state security. The irony is difficult to understand when there is breach of trust between the people and state and vice-versa. See Bana Bargu ,2014 Project Muse publication "Sovereignty at its erasure: Rethinking Enforced Disappearance ". See

<sup>11</sup> See Report "Global Report on missing person,2022" Published by International Commission for missing persons. Page 16 para2.

<sup>12</sup> On discussions with the Javed (named changed) interviewed on feb' 2021 at kashmir. Javed has filed the FIR after 10 years that too after a great difficulty. The writ to habeas Corpus is filed in the court. The compensation is received to the person only after the court declaration of the person disappearance is the result of the collateral damage at the time of the maintaining security.

<sup>13</sup> On Discussion with Ms Sabia Dar on Aug 2021, Project Coordinator in APDP who says all our work of Human Rights Defence is against the will of state. We have received funding from UN. There are many Indian lawyers in UN.

disappearance<sup>14</sup>. The protestor in silent protest advocated for their rights and now it is been stopped after the abrogation of Article 370<sup>15</sup>.

**Research:** Research in the stream of Human Rights, Political Science, International Relation, Peace and Conflict Studies, National Security Studies, Women Studies, Gender Studies, Sociology and Social Work can intervene through their writing on the problems of the people and bring it to publications. This is considered to be the safe means of the interventions, is nonviolent in nature and helps in rebuilding the relationship through catharsis (ventilations of emotions). *“Most of the interns who come in organisations comes with the topic of truth and reconciliation. We encourage intern from all part of the countries so that our voices reach the other parts of the world”*<sup>16</sup>. Research is the intervention to study gap in the existing problems in the unbiased way. Thus, research as an intervention helps to throw light on the neutral ground looking at both state and people perspectives. Thus, the source of data is much reliable for the general public.

## Conclusion

In legal and official paper, the children have to write late before father's name signifying that the absence of their father due to disappearance is counted as the death but the families fails to acknowledge the death because there is no proof of the bodies. As we visualize the gender dimension of the conflict adopted from Verma's narrative of three dimensions of gender i.e., body, identity and expression. The disappearance of body gives us the notion about nonexistence and appearance of body speaks about the existence of person. The disappearance of male person is the disappearance of the male body. This leads to the social work intervention and a call for humanitarian aid in a sense that gendercide intentionally or unintentionally can lead to genocide. The invisible and unaddressed nature need a social work intervention in the conflict zones where only medium of intervention is social work research where the women voices are researched in the academic platform for the solution of the grievances. As we see the victimization has largely led to the anti-India sentiments in general which further leads to the protest and adds to movement. The continuous constant

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<sup>14</sup> See (Purti and Mengi ,2021) on topic Socio- Cultural Context of Half Widows in Kashmir, Issues and Challenges available at Researchgate published in Social Ion

<sup>15</sup> As informed by Praveena Ahengar founder APDP on Aug'2021

<sup>16</sup> On discussions with Ms Sabia Dar, Project Co-Ordinator at APDP

researcher intervention creates the reminiscence effects reawakening the unhealed wounds and constantly reminds of the disadvantages that have been caused in the integrations with the Indian Union.

It has been observed that enforced disappearance phenomenon as the state security tool has been used to curb the militia and has positive impacts in curbing the militia. The harm that is caused to the family and the energy that the family time spends in searching the family member has the deep wound and struggles. It has been observed that the next generation had anti India sentiments but doesn't involve in the militancy. Hence, the state security tool has deep realization on the people about the consequences that can occur if they are been suspected. Everyday life in conflict zone is the struggle for existence. After much conversation with the current generation youth it was observed that they do not want to join militancy as they want brighter future for themselves and want to get darker past.

Although state doesn't acknowledge enforced disappearance phenomenon but it happens under Armed Forced Special Power Act is still prevailing in the Kashmir. The women impacted due to disappearance of the male family member stand as an evident to atrocities of state. Shekhwat in Gender, Peace and Conflict writes Unless Indian State wins the heart and mind of the people, it not possible to integrate Kashmir with Indian Union. The question that arises is how can Indian State win the heart and mind of people? The present study has the implication to understand and to gain insight that increasing victim population has worked in curbing the militia but has given rise to human rights violence in the Global Perspective.

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