

Women Victims of Harassment: A Study of Half-Widows in Kashmir

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ABSTRACT

Since the beginning of the armed insurgency in Kashmir, thousands of people have been subjected to enforced disappearances. According to official reports of the Association of Parents of Disappeared Persons (APDP) a non-governmental organisation (NGO) formed by the parents of disappeared persons in Kashmir, there is an estimate of around 8000 to 10,000 cases of disappearances. Whatever be the reason and nature of the disappearance, the phenomena of enforced disappearances leads to two kinds of victims, first the individuals themselves and second their families. As the disappeared people are largely men in Kashmir, they have left behind the families that mostly comprise of their wives. The wives of such disappeared men locally known as Half-Widows are the worst sufferers. 'Half-Widow represents the starkest outcome of the on-going armed conflict in Kashmir for last 25 years in the region. The paper in the cultural contrast of the region endeavors to make an analysis of the social, legal, sexual, and psychological harassment faced by the half-widows through the state, nonstate actors, society and their own family members. The study is based on in-depth interviews carried out with Half-Widows of district Baramulla of Jammu and Kashmir state. Drawing upon the personal accounts of these women, it focuses on their experience of loss, the ostracism and stigma faced by them, and their struggle for survival and justice.

Keywords: *Enforced Disappearance, Half-Widows, Women Victims of Armed Conflict, Harassment*

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INTRODUCTION

Armed conflict has a drastic impact on the overall social fabric of the society. It has a devastating effect on people, families, communities and nations. It not only obliterates the present but also mutilates the future (Qayoom, 2014). In the situation of armed conflict, communities as well as individuals are often affected in a way which destroys unity and the solidarity of the social networks. Households are left without breadwinners, the livelihood of individuals is threatened and the safety of communities and the human rights of individuals are not preserved. Apart from the physical and emotional trauma of these oppressive and deliberate actions, such events have long-lasting effects upon the ability of these communities to recover in the wake of armed conflict (UNHCR, 1997).

Kashmir is a disputed territory according to the United Nations and has been a source of conflict between India and Pakistan since partition in 1947. This conflict has continued and escalated more during the last two decades and shows little signs of ebbing, because of the fluctuating relations between India and Pakistan. It is estimated that since the inception of the armed conflict in 1989, 60,000 to 70,000 people have died. Some 4,000 are believed to be missing or in illegal detention, more than a million people have been displaced, the number of widows and half-widows is said to be more than 15,000 (Butalia, 2002). The figures vary between those presented by the government and those by the civil society organisations, but nevertheless, the fact remains that Kashmir conflict is a saga of human tragedy. Kashmir has become a human abattoir, and its people are further being decimated every day, creating a state of mayhem (Siraj, 1997). The heavily deployed security forces (more than six hundred thousand, the highest number of the army during peacetime anywhere in the world) during its campaign against anti-state actors has resorted to different forms of human right violations like extra-judicial executions, custodial deaths, custodial torture, rapes, forced labor, including the disappearances. The phenomenon of enforced disappearances emerged in Kashmir after the outbreak of the violent armed conflict in 1989. As security forces suspect every Kashmiri, promiscuous arrests of the non-combatant Kashmiris and subsequent tortures has resulted in the disappearances. People from all spheres of life belonging to different age groups, (10 - 70 years) have got disappeared after their arrests. Militants, their sympathisers, political activists and a large number of innocent people have become the victims of Enforced Disappearances (APDP, 2011).

The international Convention for the protection of all people from enforced disappearances adopted on 20 December 2006 by UN General Assembly in its article 2 defines Enforced Disappearance as “the arrest, detention, abduction or other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorisation, 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 person, which place such a person outside the protection of the law”.

Most of the enforced disappearances in Kashmir have followed a common pattern (though disappearances have been carried out both by government forces and militants, the latter are significantly fewer since militants generally have little reason to hide those abducted, either dead or alive). The government forces enter and search a house and take the eldest son, stating that they need to question him. Then the son is never seen again (APDP, 2011). In most cases, wives and other family members who go looking for their loved ones are sent from one military base and/or jail to another, each suggesting some clue to the next. Many times officials fix a date and time of appointment to meet the disappeared person and later they re-state that the person in question is no longer in their custody. Thus, the person has truly disappeared. The families, including the wives of such people, are left in a permanent state of limbo, uncertain whether the person is dead or alive (Kaur, 2012).

While the disappeared are victims themselves, but their families or dependents are also victims or in other words the secondary victims. Individuals are affected according to their relationship to the missing person, mediated by the culture and society in which they live. Females especially are the worst affected as they are usually pushed so as to carve out space for themselves and their families on humanitarian demands such as locating the ‘disappeared’ men (Butalia, 2002). The international convention for the protection of all people from enforced disappearances which has been signed by over 80 states in its Article 24 defines the victim as the disappeared person and any individual who has suffered harm because of the direct result of an enforced disappearance.

WOMEN AND THE PHENOMENON OF ENFORCED DISAPPEARANCES

Kashmir conflict has borne a severe impact on women both directly, as well as indirectly. Their suffering has been manifold. Women have faced

harassment from both the armed forces, as a punishment for their support to the armed struggle and also to break the movement (Women's Initiative, 1994) and the militant groups who wanted to reinforce hegemony in the region or punished them for being state informers (Kazi, 2009). Women are the worst sufferers of direct, as well as indirect consequences of armed conflict which have over the years become more internal involving the greater number of civilian's casualties. The indirect implications of armed conflict on women, however, are often not visible or acknowledged which is apparent due to the large-scale disappearances of men in the ongoing armed conflict in Jammu and Kashmir. Disappearance is a violation that largely targets men and is overwhelmingly perpetrated by men, but it is women, however, notably the wives and mothers of the disappeared, who are most affected by the disappearance and are themselves the victims. Due to the disappearance of the male members, women are forced to venture out of homes in search of remunerative work and also face harassment by armed forces. They are often subjected to additional discrimination and victimisation in other areas of their life like the issues they face in looking after their children, problems they face in getting documents like ration card, etc. on their name and the discrimination they face in getting property rights. These women have struggled and continue to struggle against the societal discrimination and inequality. Not only have these women been subjected to violence by the police, but many have also experienced intense sufferings at the hands of their own family members like in-laws or in some cases even the maternal family were of no help. Along with attacks on their life and safety, they are specifically targeted for physical as well as verbal abuse. The cultural pattern of Kashmir is subsumed within traditional gender roles and structural inequalities and amid this, the wives of the disappeared continue with structural inequalities in psychological, social, economic and even political sphere. They are often pushed out in public spaces, where they must become the sole bread earners, as well as the household heads to feed their families which lead to further victimisation as they continuously face harassment both physical, as well as psychological by the people who were supposed to help them. Harassment covers a range of behaviours of an offensive nature. It is commonly understood as behaviour which disturbs or upsets, and it is characteristically repetitive. In the legal sense, harassment refers to a wide variety of behaviours which can violate both civil and criminal laws. What constitutes criminal harassment by state varies, but it generally entails targeting someone with behaviour meant to alarm, annoy, torment or terrorise, and creating reasonable fear in the victim for their safety

or the safety of their family. Half-widows are living in constant fear, amid the pain of separation from their husbands they have to face the hostile environment of fear and insecurity around them. They are being continuously harassed and victimised not only by the people whom they approach in search of their husbands, but also by their own families. The present paper focuses on the various kinds of harassment like physical, sexual, psychological, etc. faced by half-widows in their daily lives. The conclusions are drawn on the personal experiences of half-widows. The fieldwork for the study was carried out in the district Baramulla of Jammu and Kashmir state. The methodological tools of case study focusing on the personal narratives of the respondents, participant observation and secondary sources were utilised.

METHODOLOGY

The qualitative study was designed and carried out with an aim to explore experiential aspects of harassment faced by half-widows in Kashmir. Keeping in view the complexity of the issue and respecting the uniqueness of every individual, qualitative approach of research was used by the researcher to collect the data. The sensitivity of the issue demanded such type of research. The issue of half widows is very sensitive. Their unending grief and continuous identity crisis cannot be measured. There is need to understand the issue in a peculiar way based upon the uniqueness of each case within its context.

The universe for the present study was the district Baramulla of Jammu and Kashmir state. The justification for selecting this district is that it is very close to the line of control and the district has been witnessing high rate of violence since the outbreak of armed conflict in the valley. The district has highest number of enforced disappearance cases, as well as the highest number of half widows (JKCCS, 2007). As per Asian Federation against Disappearances (AFAD) two districts, Baramulla and Kupwara being nearest to the Pakistan controlled Kashmir have highest number of enforced disappearances cases which has been admitted by Minister of State for Parliamentary affairs Government of India, Abdul Rehman Veeri in legislative assembly on June 21, 2003 and out of these two districts Baramulla has the highest number (<http://www.afad-online.org/afadweb/home.html>). The sample for the present study was purposively drawn from the list of half-widows drawn by the Association of Parents of Disappeared Persons in District Baramulla. However, on the basis

of evidences and present status of half-widows, a sample of total 12 respondents has been studied for the present study. Purposive sampling method was used to choose the participants. The selection process was facilitated by the Association of Parents of Disappeared Persons (APDP).

PARTICIPANTS

Twelve half-widows from district Baramulla of Jammu and Kashmir state have been selected for the present study. The participants in the age group of 35 to 50 years were recruited after they agreed to participate. Out of twelve half-widows, six of them were not working anywhere and thus completely dependent on others, four half-widows were working in private sector and two were working in government offices. Key informants level of education ranges from being completely illiterate to High school level.

PROCESS OF FIELD WORK

The process of fieldwork was initiated by visiting the non-governmental organisations dealing with the issue of enforced disappearances. During these meetings, the researcher met functionaries of these bodies and also made some contacts in the field. The researcher participated in the monthly sit-in protests of the APDP, which is held on every 10th of the month, and got the opportunity to meet large number of half-widows at one place. Interacting with the half widows was a learning experience. Discussions with various field-based organisations were conducted to get a deeper understanding of the research problem. The researcher looked into the news reports, did wide range readings on the issue, watched documentaries, interacted with activists who were engaged with the issues of these women and the people who had already worked on the issue. With the help of Association of Parents of Disappeared Persons (APDP) and Jammu and Kashmir Coalition of Civil Society (JKCCS) researcher started her fieldwork in District Baramulla. The members of the association and civil society members provided the researcher with some local contacts that helped her in meeting these women. A local organisation in District Baramulla (Voice of Victims) helped her in arranging appointments with these women. Thereafter, the researcher started the process of meeting half-widows at their homes to get the first-hand account of their lives and observe the environment in which they were living, to get a holistic understanding of their issues. Convincing the women to speak about this

unpleasant incident was not that easy. It was explained to the participants that the study is completely an academic exercise and has nothing to do with any government or NGOs. It was only the rapport that researcher built with the respondents that allowed the free flow of information from the respondents to which a patient hearing was given by the researcher. More emphasis was laid upon empathetic approach towards the respondents. This approach was made in view of the social work background of researcher, as the broad aim of the social work profession is to help the individual to satisfy his/her needs in the social milieu and to remove as far as possible the barriers which obstruct people from achieving the best of which they are capable.

ETHICAL CONSIDERATION

Being a trained social worker, the researcher had kept full consideration of social work ethics and principles while dealing with half-widows. The following broad ethical principles were taken care of:

- An informal oral consent was taken from each respondent to respect the right of the respondents to refuse or withdraw the consent. As majority of respondents were not literate, a detailed verbal overview in local language was given to them to explain the purpose and nature of study.
- Researcher had fully valued the respondent's right to privacy and any sort of private information shared by them had been kept confidential. Some information had to be withheld for the safety of the half-widows. The names of the respondents as well as the address had been kept off the record to maintain the principle of confidentiality.
- Researcher had taken special care of cultural sensitivity and worth and dignity of the respondents.
- The principle of controlled emotional involvement has been fully exercised by the researcher as the issue with which researcher was dealing was very sensitive. An empathetic attitude was adopted by the researcher.

HALF-WIDOWS AS VICTIMS OF HARASSMENT

Women are labelled as half-widows when their husbands have been disappeared but not yet been declared dead. Half-widows, as they're

currently called in Kashmir, actually suffer all over the world – from India to Libya, Chile to Eastern Europe. Some have more difficulties than others, but all share one thing in common: their husbands vanish because of forced disappearance (The Marginalized.com 2011). As wives of disappeared, half-widows occupy a precarious position, one of constant limbo, and face various economic, social, and emotional insecurities (Kaur, 2012). Half-widows experience many of the same problems as widows, but their situation bears some unique aspects. Besides the uncertainty about the existence of their loved ones, they do not get official recognition of their status, as there is no proof of death of their husband's. The struggle for survival with the sudden loss of the main breadwinner often pushes them to poverty and suffering. Under these circumstances, pressure mounts on the half widows to assume the role of breadwinners for their households. In the process, they struggle between new roles and responsibilities, on one side, and their own vulnerabilities and deficiencies on the other. Not being able to bury their loved ones and mourn properly adds to a psychological trauma, as they do not get any closure. Death rituals like funerals for enabling the person or group to deal with loss and death and to start the process of reintegrating in the society is missing in the case of half widows (Bllauw and Lahteenmaki, 2002). Psychologically and emotionally, these women are living two lives — one in which they strive to believe that their husbands shall come back home one day, and the other where they have to reconcile with the fact that their husbands may be dead during the course of the conflict. Earlier, it was believed that these war widows show the symptoms of post-traumatic stress disorder (PTSD), but most recently, this diagnosis has been debunked, and replaced by the term 'ambiguous loss', which identifies the causes of stress as an external, outside and ongoing pressure, instead of previous, disjointed traumatic experience. Pauline Boss defines ambiguous loss as a "situation of unclear loss resulting from not knowing whether a loved one is dead or alive, absent or Present" Boss (1999). Amidst of suffering from this ambiguous loss, half-widows endure the pain of searching – often unsuccessfully for years – for any word on the men's fates. In addition, half-widows suffer as non widows. Because they cannot prove their husband's deaths, they often face barriers to benefits like life insurance or governmental aid programmes. Some have no livelihood or education outside of their spouse, and certain fundamentalist cultures do not permit them to remarry without labelling the relationship adulterous.

HALF-WIDOWS FACING HARASSMENT AT SOCIETAL LEVEL: THE STIGMA OF BEING SINGLE

Half-widows also run the same risks as any other impoverished, single females in any third world countries. They have very little physical protection, if any, and run a high risk of losing their land ("The Marginalized.com (2011). A half-widow while expressing her sufferings revealed that:

The initial trauma of the disappearance and the resulting socio-economic hardships have adversely affected my life and the life of my children. The forced single woman status, patriarchy, and daily hardships have resulted in social stigma, humiliation and physical insecurity.

Half-widows are often watched with suspicion, being without the presence of husband, they are accused of trying to attract other men. The cultural constraints and social stigma associated with these women made them to think that whether they should continue to dress as they were used to do when married, or leave the house for work or everyday chores, or meet the lawyers, government officials creates chaos and confusion among them. A half-widow while talking about the harassment at societal level reveals as follows:

"If I go out for daily house-hold chores or meeting any official or to attend a wedding, people would ask, is she the one whose husband was taken by army and subjected to disappearance? Then they start commenting on my clothes----'look she has an elegant dress'. Whom is she trying to attract? 'The neighbour's son or the landlord.'" Now I stopped going out...."

While interacting with various half-widows some of them reported of becoming targets of daily violence from those viewing them as defenceless without a partner. They are facing threats to their life and harassment which sometimes makes them regret the decision to follow the disappearance cases of husbands. While recollecting the trauma a half-widow revealed:

"I spent most savings on messengers in a hope that they could get a trace of my husband until one such man started calling the house at midnight, insisting on speaking with my 16-years old daughter. I had to accept that this was a dead end. I couldn't afford to lose my daughter as well. Then I stopped searching him altogether".

Years passed but nothing changed for half-widows, their unending search did not reach any logical conclusion. Even after facing continuous threat to their own lives as well as their families from both militants as well as army, half-widows are continuously struggling for searching their disappeared husbands. While revealing about the threats faced in seeking the whereabouts of her husband a half-widow revealed:

“Once I started going to the State Human Rights Commission (SHRC), the ikhwanees [renegades] from nearby camp came threatening us. They said, “Do not pursue the case, and don’t go to the police”. I had nothing to lose as I was already three parts dead. I just thought, if I don’t, do this now... then they’ll do the same to someone else tomorrow. I just kept silent pursuing the case.”

The transition from being cared by the male members of their family that is their husbands to becoming a caretaker has made an immense impact on the life of the half-widows. As per the study, all the women interviewed revealed that life changed immediately and drastically after the disappearance of their husbands. While discussing about the insecurities a half-widow expressed:

The forced single woman status, coupled with gender bias, has resulted in social isolation, shaming and physical vulnerability. The initial trauma of the disappearance and the resulting economic hardships and social challenges have lasting adverse effects on my life which in turn deeply affected the children as well.

HARASSMENT FACED BY HALF-WIDOWS IN THEIR FAMILIES

Half-widows face harassment not only at institutional level, but have also faced certain kind of harassment at familial level. After the disappearance of the husbands many half-widows have been completely abandoned by their in-laws, and thereby adding to their sufferings.

‘Recollecting the trauma a half widow said, “My life turned upside down after the disappearance of my husband. I was depressed after my in-laws abandoned me. My in-laws now seem to have a life of their own and don’t want to bear the expenses of me and my daughters; they threw us out of the house. I had no place to turn except my natal home.”

Another half-widow revealed:

“Life has been cruel to me. I am caught between devil and deep sea. On the one hand, my in-laws want me to hand over my children to them and, on the other hand, my parents are non-supportive.”

Being single and dependent is the main reasons of harassment, Majority of half-widows face domestic violence to the extent that they are being expelled from their husband’s home. The half-widows are even deprived of the rights of the inheritance, while talking about inheritance rights a half-widow expressed:

“For my in-laws the disappearance of my husband was a blessing in disguise as they could easily claim or grab his share in ancestral property. They did same without a bit of shame and made me and my children homeless. Had not been there the help of maternal side we would have been roaming on roads like beggars.”

HALF-WIDOWS FACING SEXUAL HARASSMENT WHILE SEARCHING FOR THEIR HUSBANDS

Sexual harassment is a big issue faced by half-widows, while searching for their disappeared husbands. They not only find their life under threat but are also physically vulnerable in their encounters with the army, police, counter insurgents (Zia, 2009). Most of the half-widows, who have faced sexual harassment during their search for their husbands, remain silent about the ways in which the state and non-state actors have violated their private space. According to half-widows they do not talk about sexual abuse inflicted on them as, in their opinion the stories of sexual violence may eclipse the larger picture of the enforced disappearances of their husbands. The personal experiences of these women which include harassment, sexual abuse, violation of their rights during the reparation procedures, do not figure anywhere in the arrangement, thereby making the present system gender deficient and gender negligent. While revealing her ordeal a half-widow revealed:

“I was going to Divisional Commisioners’s office to file for ex-gratia relief. I got tired of the clerk’s unconcern and ultimately asked if he wanted a bribe. He said, “You just come with me today. I’ll take a look at that file.” I tossed the file on his face, right there in the office, with his juniors standing. I ran out....”

HARASSMENT AT WORK PLACES

Half-widows are mostly not equipped educationally or socially, to begin earning for their families. Reports reveal that very few half-widows are working in government or private sector and complain of continuous psychological harassment by their higher ups or colleagues. Even some of the half-widows reported of sexual violence at their work place. A half-widow working in a government office revealed her suffering as:

“He would gaze at me inquisitively; he would pass obscene comments and would opt to touch me unnecessarily. He used to harass me daily till I got a transfer order”.

The issues of half-widows reveal the starkest forms of the general insecurity in Kashmir, despite that they continuously struggle for justice for their missing spouses as well as for their own rights and entitlements. The official silence on the fates of the missing, the harsh official procedures and the social apathy aggravates their problems. Most of the half-widows in Kashmir live in a state of disturbed bereavement and suffer from major depressive disorders. As per psychiatrists, half-widows are suffering from post-traumatic stress disorders due to the sudden assumption of male responsibilities, psychological trauma, reported and unreported sexual violence and the overall stressful environment which is largely contributing to the worsening mental health.

RECOMMENDATIONS

The findings of the current study has felt the immense need to scale up social investments by the government and NGOs for the welfare and development of half-widows.

- Reveal whereabouts of the disappeared persons to the family: The state should take steps in resolving the disappearance cases and the families must be told the whereabouts of their loved ones, whether dead or alive. A full investigation must be conducted to inquire into the disappearances within a stipulated and reasonable time frame.
- Speedy judicial process: State authorities should speed up the judicial procedures to address the cases of disappeared persons. A special bench in the Jammu and Kashmir High Court must be constituted to hear the cases filed by half-widows on expedite basis. The bench must be committed to independent and impartial judgments. A credible, autonomous, and transparent international body must be constituted to analyse the judgments.

- **Proper Compensation:** The state should make a smooth system for providing compensation to the half-widows. The authorities should focus on the plight of half-widows and prioritise their cases without any delays, harassment or bullying. As the present study indicates that majority of half-widows are heading towards old age, the authorities should take comprehensive steps in providing economic assistance to these women.
- **Advocacy for rights of the half-widows:** The NGOs working in Kashmir must advocate for the rights of the half-widows both at family level as well as state level. NGOs must take comprehensive steps in providing awareness to the half-widows about their rights and provide legal education to them.
- **Initiating and strengthening psycho-social support for half-widows:** State programmes with regard to psychological and social development of the half-widows are much needed. The half-widows go through a world of pathos, depression and are victims of extreme stigmatisation. If the state invests in a programme where it provides for psychological support, along with voluntary trainings and employment while at the same time understanding the nature of their grief and removing stigma from society because of their identities, it will be an interesting way to integrate them back into society and giving them legitimacy. The NGOs can intervene in the areas of health especially mental health by providing adequate health facilities and psycho social support services to the half-widows. The services may include psycho-social counselling and emotional support. The NGOs working on mental health should join hands to provide effective services to these women.
- **Issuance of certificate of disappearance:** Authorities should accept the issue of enforced disappearances in Jammu and Kashmir and should introduce the scheme of providing a 'Certificate of absence' instead of death certificate to the family members of the disappeared. As this would be an official document to family members of the disappeared persons affirming their status as "missing" as opposed to "deceased". This procedure is widely recognised in international law as this can help in providing an accessible structure to receive social security and property benefits.
- **Empowering half-widows:** Legal advocacy and rights education programme may help half-widows from continuous harassment. Community-based organisations and NGOs can effectively take

up representative roles for these women and facilitate them access to justice and justice systems. Bringing various stakeholders on a common platform such as National and State Human Rights Commissions, women's commissions, State and District legal service authorities, and other NGOs and voluntary activists and legal service providers may help sensitise justice providers to take up the cause.

CONCLUSION

The heinous crime of enforced disappearance is not codified under any law neither in Jammu and Kashmir nor in India. Despite the number of international conventions and the customary international law that prohibits the crime of enforced disappearance, the laws will be practically impossible to enforce in India unless it ratifies the treaties and/or makes legislation on the same. This, of course, brings us to the point about criminal legal principles which suggest that an activity cannot be a crime unless the law says so, and that one cannot be punished for the commission of an act unless the act has been declared a crime under a law by the command of the sovereign. Both generally mean the same thing — one cannot be punished for the crime of enforced disappearance unless it becomes law. The problematic nature of this is evident. As long as acts of enforced disappearance are swept under the carpet and circumvented under legal fictions of missing cases or as 'death', the violations against the relatives of the disappeared will keep multiplying. Half-widows face grave violations because of enforced disappearances of their husbands, such as harassment by officials during the search processes, sexual violence, rape and stigma, and had despite all of this approached the reparation system and witnessed further harassment. Forced status as single women coupled with gender biases result in half widows facing social isolation, shaming and physical vulnerability. They have been at the receiving end of harassment during administrative or legal processes, and both state as well as central government have generally failed in providing any assistance to Half-widows resulting in their further hardships. In the case of Kashmiri half-widows, where a hierarchy of victimology has began to appear, it is important to understand the noticeable absence of the gender quotient. The violations against the half-widows are either not recognised or unqualified and more often than not, only a narrow perception of it exists in positive law. The half-widows find little help in the hostile and unpredictable environment. The social stigma and suspicion aggravate

their problems. Formal as well as informal help is scarce and insufficient. Coupled with this is the fact that many of these women are from weaker socio-economic backgrounds and are barely literate or skilled. In these circumstances, the half-widows mostly rely on their physical capacities for seeking paid works, capacities that get deteriorated with stress, poverty, and age. They face gender-based violence at many levels, and the sources of their vulnerabilities find rare acknowledgement, while their acts are often criticised.

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