

SEXUAL EXPLOITATION OF WOMEN IN CONFLICT ZONES: A COMPARATIVE ANALYSIS OF THE IIOJK AND THE OCCUPIED PALESTINIAN TERRITORIES

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Abstract

Irrespective of the role that women play in conflict zones, they face sexual violence in several forms such as rape, sexual slavery, forced marriages, etc. History bears witness to sexual violence against women in cases such as Bangladesh, Bosnia and Herzegovina, Congo, and Rwanda, and among others. The UN recognises conflict-related sexual violence (CRSV) as a punishable war tactic that has severe detrimental impacts on the victims. This paper explores CRSV in the context of Indian Illegally Occupied Jammu and Kashmir (IIOJK) and Occupied Palestinian Territories, perpetrated by the Indian and Israeli security forces, respectively. The crux of this paper is that Kashmiri and Palestinian women are being exploited based on their gender in the ongoing conflicts as a socio-political expression of patriarchal power, inflamed by religious ethnonationalism. The paper begins with an introduction followed by a discussion of the background and scope of this study and an overall description of women as weapons of war. It further probes into why sexual exploitation of women in conflict zones takes place. Then, the case studies of Kashmiri and Palestinian women are discussed separately in addition to a comparative analysis, followed by a conclusion.

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Introduction

Traditional theories in International Relations (IR) including realism and liberalism have been 'gender-blind'.¹ Their core assumptions and tenets exclude the element of gender from global politics. In the latter half of the twentieth century, emerging paradigms such as feminism attempted to incorporate gender in IR. In addition, human security has emerged as a dominant theme in world politics over the past few decades. A shift in the focus from traditional issues towards individuals has broadened the scope of security studies, resultantly, adding to the relevancy of several issue areas. Ending violence against women and ensuring that they are given their due place in society has become an important agenda worldwide. This includes eliminating sexual violence against women in conflict zones where there is still a long way to go.

The UN Office of the Special Representative of the Secretary-General on Sexual Violence of Conflict defines conflict-related sexual violence (CRSV) as "rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage, trafficking in persons when committed in situations of conflict for sexual violence/exploitation and any other form of sexual violence of comparable gravity, perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict."² This definition indicates that men and women can both be victims of sexual exploitation in conflict zones, but the latter are significantly more affected by this act, which is why this study primarily focuses on women's experiences. UN Security Council Resolution 2467, adopted in 2019, recognises the possibility and prevalence of CRSV in detention settings such as prisons.³ Out of many conflicts where women have endured sexual exploitation, some of the most notable instances are those of the Indian Illegally Occupied Jammu and Kashmir (IIOJK) and

Occupied Palestinian Territories. Women continue to be an important element of these conflicts as non-mutually exclusive active combatants as well as passive victims. In the case studies opted for this paper, the primary forms of CRSV include rape, forced pregnancy, forced marriage, sexual harassment, and sexual intimidation during prison interrogations to extract information. The past few decades have seen a rapid rise in gender equality and women empowerment movements across the world. Sexual violence against women has been discussed widely but, by and large, the discourse on the case studies presented here remains rather scanty. The following sections discuss case studies of Kashmiri and Palestinian women separately and carry out in-depth comparative analysis to arrive at conclusions.

Background and Scope

The role of women in war and the unique challenges faced by them in conflict zones are the topic of research in a number of academic circles. Women's sexual exploitation in conflict zones is not a novel topic. However, most of the literature discusses selective case studies such as Bangladesh, Congo, Japan, and Yugoslavia. This study contributes to the existing body of knowledge by taking women from the IIOJK and Israeli-occupied Palestine as case studies to add to the diversity within this field and also shed light on how convoluted Indian and Israeli state practices are despite their insistence on being successful democracies. The reflections on the two case studies, particularly from a gender-driven perspective are rather thin. This paper aims to fill in the said gap by presenting the horrors (mental and physical) associated with gender-based violence.

As mentioned earlier, the geographic scope of this study is limited to the IIOJK and the Occupied Palestinian Territories where the exploitation of women has been rampant over the past several decades. In the IIOJK, non-Muslim women especially Kashmiri Pandit women have also been at risk.⁴ However, this paper focuses on the plight of Kashmiri Muslim women at the hands of the Indian security

forces which has existed since 1947 but has been on the rise since 1989. Similarly, in Palestine, women are also at risk due to the Israeli occupation and have received even lesser attention in this context. The underlying rationale behind picking these two cases together is that they are both currently outstanding issues, defining the politics of their respective regions. While a comparative analysis of these two cases is presented in the latter part of this paper, it ought to be mentioned that both cases differ in the specific nature and forms of women's sexual exploitation. However, the underlying assumptions about women's role in society and extremist governments in both cases bridge the two together as an appropriate basis for a comparative study. The premise of this paper is that Kashmiri and Palestinian women are being exploited on the basis of their gender in the ongoing conflicts as a socio-political expression of patriarchal power inflamed by religious ethnonationalism.

Violence against Women as a Weapon of War

In conflict zones, women adopt several roles such as actively participating as combatants, working in the medical field to provide health care to the injured, or as household managers by ensuring food and water supply as well as provision of care to combatants and non-combatants. Irrespective of the multiple roles played by women, men belonging to the same or different groups sexually exploit them, inter alia, through rape, sexual slavery, forced abduction, harassment including forced nakedness, forced pregnancy/abortion, forced sterilisation, and sexual torture.⁵ Women's bodies are treated as weapons of war by sexualising and objectifying them and the perpetrators view this gruesome practice as completely legitimate. History bears witness to the vulnerability of women to sexual exploitation. Some noteworthy instances include Bangladesh (1971), Rwandan genocide (1994), Congo Civil War (1998-2003), Sudan Civil War (1983-2005), Sierra Leone Civil War (1991-2002), Rohingya crisis

(2017-present), and the Yugoslavian war (1991-2001).⁶ In the Yugoslav wars alone, between 20,000 and 50,000 women and girls, mostly Bosnian and Croats, were raped and in the Democratic Republic of Congo, at least half a million rape survivors live today.⁷

Gender-based violence against women in times of conflict has lasting impacts which continue to affect the survivors for the rest of their lives. At an individual level, women suffer physically and psychologically. There is a high risk of women developing reproductive complications, having to undergo abortions, acquiring sexually transmitted diseases (STDs), and possibly even death. Moreover, survivors may develop mental disorders or conditions such as post-traumatic stress disorder (PTSD) along with having to deal with the stigma that surrounds sexual violence and assault thus becoming social outcasts.⁸ The victim/survivor not only loses agency over her physical body but also over other aspects of life. For example, a survivor may consider forced displacement in view of her gruesome experience(s). Furthermore, sexual violence 'demoralises and destabilises' the basic fabric of societies particularly attacking their cohesion.⁹ Such incidents also remind families and communities of their 'collective defeat' which itself can be terrifying.¹⁰ All in all, violence on women's bodies in times of war has lasting impacts for the times that follow.

Understanding Wartime Sexual Exploitation

Experts in fields of gender and peace studies as well as sociology, psychology, and international relations have researched to understand the causes and drivers of sexual violence against women in conflict zones. It is not the result of 'uncontrolled sexual desire' but a manifestation of power and domination.¹¹ In 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women which especially highlighted the vulnerability of women in conflict zones.¹² The UN also sees rape during wartime as a crime against humanity which may be treated as a war crime.

According to United Nations Security Council Resolution 1820, adopted in 2008, sexual violence against women and girls is employed as a war tactic “to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.”¹³ Women are considered spoils of war whereby raping or sexually abusing them is seen as booty. Rape, especially gang rape and systematic rape, takes place and is sanctioned by commanding officers to “promote soldierly solidarity through male bonding.”¹⁴

The underlying notions of masculinity whereby men are deemed as protectors of women and femininity whereby women are treated as “bearers of traditions and national culture” enable women to be used sexually in conflicts.¹⁵ When a group of combatants sexually violates women of the enemy group, it not only damages the honour of the latter but also carries a ‘man-to-man message’ displaying a machismo that they were unable to protect their women.¹⁶ Carrying out rape in public makes the impact more intense and in the process, targeted men of the enemy community may see it as an attack on their manliness, integrity, and honour.

Identity also plays a very important role in wartime sexual violence. This identity may be a group’s ethnicity, religion, or nationality, among other parameters. Ethnic nationalism paves way for “structural violence and gender-specific crimes.”¹⁷ Inciting violence on women of the enemy group is a blatant attack on its identity and honour. Rape specifically can lead to forced pregnancies which are seen as contamination of the ‘womb of the enemy’, thus making a woman’s body an ‘occupied territory’.¹⁸ Sexual violence can also be used to punish women for belonging to the enemy group or defending that group. Irrespective of what drives sexual violence, the purpose remains the same, i.e., “cultural elimination of the enemy.”¹⁹

Case Study: IIOJK

Kashmir is one of the most disputed regions in the world. Over the past 70 years, it has been at the centre of three wars between

Pakistan and India. This relentless conflict began in 1947 with the British division of the Indian subcontinent following decolonisation which Stanley Wolpert describes as a 'shameful flight'.²⁰ Kashmir, having a Muslim majority population and a Hindu ruler, was a princely state that had not acceded to either India or Pakistan in due time. The population expressed their right to self-determination to become a part of Pakistan and when Maharaja Hari Singh's intention seemed otherwise, initiating a freedom movement. To deal with this political turmoil, Hari Singh signed an instrument of accession to India on 26 October 1947.²¹ This led to an unending war between Pakistan and India because the ruler's actions did not reflect the will of the people. Intervention on behalf of the United Nations resulted in a ceasefire and it was decided that a plebiscite would be held in Kashmir to fully represent the will of the people.²²

The plebiscite has not taken place since the war in 1948. There have, however, been two more wars in 1965 and 1999, given the heightening tensions over the issue. Today, different parts of the former princely state are under the administration of China, India, and Pakistan with the latter two claiming more than what they already have. In addition to interstate conflict, Kashmir has also been a site of local militant insurgency that was at its first high in the 1990s and since the killing of Burhan Wani in 2016 has rejuvenated.²³ With the rise of the right-wing Hindu nationalist BJP to power in New Delhi, the situation in Kashmir has worsened as evident from Pakistan and India coming to the brink of war in 2019. Most recently, the Indian government abrogated Article 370 of the constitution thus stripping away Jammu and Kashmir's special status.²⁴

Muslim women continue to be one of the worst-hit segments of the society living in IIOJK because the heavily deployed Indian security forces have sexually violated them since the conflict began in 1947. However, since the militancy broke out in 1989 and intensified in 2016, the situation has gotten worse. There are no official figures on

the number of abused women but according to one estimate, more than 11,000 Kashmiri women have been raped by Indian security forces since 1989. These numbers do not include violations that are not rape.²⁵ According to another source, 1,046 rape cases were under trial in Jammu Kashmir over six years until March 2019.²⁶ The incidents that stand out include Kunan Poshpora, Kupwara, Trehgam, and Shopian. In Kunan Poshpora, 53 women were allegedly raped on 23 February 1991 during a search operation by the soldiers of the fourth Rajputana Rifles. In Shopian, 2 women were allegedly raped and killed by local security forces.²⁷ Since 1989, more than two rape or molestation cases have been reported in IIOJK per day, but the conviction rate has been 3.26 per cent. These statistics do not include the unreported incidents.²⁸ While recent reports of The Office of the High Commissioner for Human Rights (in June 2018²⁹ and July 2019)³⁰ do not provide total statistics about incidents of rape, they recognise the rampant presence of sexual violence in the region and the lack of action against it. A 2019 report by the Jammu and Kashmir Coalition of Civil Society assesses how various methods have been used by the Indian state as an instrument of control in the IIOJK. One of the themes that the report focuses on is sexual violence (which it labels as 'sexualised torture'). Of the 432 cases the report studied, 24 were women and 50% of these women were victims of rape at the hands of state perpetrators.³¹ Earlier, in 2006, Médecins Sans Frontiers revealed in a report that women in Jammu and Kashmir were heavily subjected to sexual violence in various forms since 1989. 11.6% of the 510 respondents of this study asserted that they were sexually abused and one in seven respondents disclosed that they had witnessed a rape.³² Both these reports highlight how men in the region are also subjected to sexual violence, but this aspect goes beyond the scope of this study.

An underlying reason for the aforementioned abysmal conviction rate (3.26 per cent) lies in the Armed Forces Special Powers Act passed by the Indian Parliament in 1958. The Act essentially

legitimises the security forces' inhumane actions "to maintain public order in 'disturbed' areas" which India has not done away with despite the UN calling for its revocation.³³ Bodies of Kashmiri women have served as unrecognised battlegrounds since 1947. The Congress government in India sanctioned the violence as it did close to nothing for its prevention. The Bharatiya Janata Party (BJP) government that has been in power since 2014 has intensified the situation. The BJP and its leader, Prime Minister Modi are closely associated with a right-wing Hindu nationalist group Rashtriya Swayamsevak Sangh (RSS). The group is based on the Hindutva ideology, which claims that India is only for Hindus who have the right to reign over minorities. IIOJK was India's only Muslim majority 'state' and Modi's policies, especially the revocation of Article 370 of the Constitution, eliminated that status.³⁴ Prime Minister Modi, who was labelled by Indian psychologist Ashish Nandy as "a fascist in every sense," has been amassing huge support among the Indian Hindu population such that he was re-elected in 2019. The willingness of his supporters to overlook his fascist policies is more concerning.³⁵ Kashmiri women are just one group of people suffering under this tyrannical regime. A member of the BJP was reported as saying that the revocation of Article 370 enables non-Kashmiri men to "marry the white-skinned women of Kashmir," just one in many examples of the party's objectification and exoticisation of Kashmiri women.³⁶

Typically, two scenarios enable sexual exploitation in Jammu and Kashmir: firstly, during "search and cordon operations for Kashmiri militants" and, secondly, during "reprisal attacks by Indian forces after military ambushes."³⁷ Muslim women are targeted under the impression that their male relatives might be part of the militancy (there have also been increasing accounts of women taking part in fighting as well, but the numbers are rather insignificant). These attacks are driven by identity, primarily religious identity, and to some extent, ethnic identity too. In the current political climate, Muslims are

'othered' in India and Kashmiri Muslims also have a distinct ethnicity. By sexually violating Kashmiri Muslim women, the underlying aim is perhaps to dishonour and disgrace the people living in Kashmir. It can also be viewed as a form of 'collective punishment' for the Kashmiris engaged in active militancy.³⁸ A lot of cases result in pregnancies which is one way of dominating and humiliating Kashmiri Muslims because it is considered as corrupting their ethnic and religious identity. It also shames the men because they are unable to protect their women. Rape and other forms of sexual violence are also a way for developing solidarity among the Indian state soldiers. The ultimate goal of fetishisation, objectification, and violation of Kashmiri women and their bodies is the 'cultural elimination of the enemy',³⁹ which the Indian state seemingly intends for Muslims in Kashmir. Since individuals in Indian security forces sexually violate Kashmiri women and it is driven by the government's actions, the political structure and religious nationalism, it is both 'personal' and 'structural'.⁴⁰

Case Study: Occupied Palestinian Territories

The conflict between Palestine and Israel is one of the most transformative dilemmas of the Middle East. Palestine, which was historically a part of the Ottoman Empire, became a mandate following World War I. Instead of being given independence as it should have been, the interests of the colonial powers (especially Britain and France) along with those of the World Zionist Organization undermined Palestinian sovereignty. Israel came into existence in 1948 and the next few decades were marked with Arab-Israeli wars and a region-wide conflict.⁴¹ Israel continued making territorial gains and began moving Jewish people into historical Palestinian communities. It also amassed the support of major powers such as the US. By this time, the original Arab cause was dwindling. Arab states started acting out of their self-interest to gain back their territories. Egypt became the first Arab state to recognise Israel via the Camp David Accords in 1979.⁴²

While the Arab states started stepping back, indigenous movements in Palestine initiated armed resistance against Israeli occupation some of which were organized such as Hamas and others were prevalent among the common masses. Attempts at conflict resolution were also made such as Oslo Accords between Palestine and Israel in 1993 but several issues remained unaddressed and the conflict continued well into the twenty-first century.⁴³ Throughout this time, Israel (whose politics is dominated by extreme Zionists) continued to make territorial advances, drive Palestinians out of their homes, and intensify its occupation despite backlash from various countries. In recent years, Israel has declared the entirety of Jerusalem as its capital, a movement supported by the US under Trump's presidency.⁴⁴ Israeli aggression has also become evident through forced evictions in the Sheikh Jarrah neighbourhood, its assault on Al-Aqsa Mosque, and its relentless attacks on Gaza, an open-air prison since 2005.

Women in Palestine are one of the most significantly affected populations by the conflict. They have several roles to play ranging from fighters in the resistance against occupation to mothers of martyrs, wives of detainees, female relatives of prisoners, and just women in general. The challenges they face living under occupation include but are not limited to women in labour not being allowed to pass through checkpoints to receive medical care, women losing their agricultural work due to the confiscation of land and their homes due to demolition, girls being prevented from attending school and sexual exploitation.⁴⁵ Sexual exploitation of Palestinian women is rampant in the occupied territories, the most prevalent form of which is sexual harassment. Most testimonies and reports identify prisons to be the primary location of this harassment. However, it also takes place both physically and verbally at protests and checkpoints. For example, women may be asked to remove their veil to be inspected by a male

Israeli officer. Women who go to Israeli prisons to meet their male relatives are often subjected to sexual violence as well.

Given the fact that Palestinian women take part in the resistance as well, they turn up as detainees too. In this case, they have to deal with sexual exploitation from the moment they are arrested up to their release (even though the effect lasts much longer than that). Several women have recounted their imprisonment and highlighted the torture they have had to go through at the hands of the Israeli forces. These narratives mention the following forms of sexual exploitation: rape, recording of sexual acts to be used for blackmail,⁴⁶ sexual comments or gestures, exposition, extreme cavity searches at the time of admission, forced touching and forced nudity.⁴⁷ Dena Karmi, a 41-year-old woman, narrated her experience in the prison as: "When I refused to take my clothes off, the jailer attacked me. She ruptured my pants and subjected me to embarrassing searches."⁴⁸ Leader of the Union of Palestinian Women's Committees, Khitam Saafin, also reported being strip-searched during her detention by Israeli forces.⁴⁹ Sexual intimidation is a systematic tactic employed by the police and intelligence officers to extract information from detained women. This mechanism is known as 'isqat' (i.e., downfall) and refers to the sexual abuse of Palestinian women, done to obtain 'security information' for the Israeli state.⁵⁰ While Israeli law mandates the presence of a policewoman during interrogation, it makes little to no difference in how Palestinian women are treated. According to one account, sexual exploitation is "not something that's done by an individual soldier who decided to humiliate or mistreat [the prisoners].....It's part of the process, part of the policy, to affect the entire society and put it under pressure... because they are aware that [gender] is a sensitive subject in Palestinian society."⁵¹

In addition to sexual violence, Israeli prisons for women also lack basic healthcare and hygiene facilities for the detainees.⁵² While Israeli authorities are highly culpable in the violation of Palestinian

women's rights, they are not the sole culprits. Violence against women within the Palestinian community is also rampant including rape and honour killings. The two forms of violence on Palestinian women from within the community and from the occupation are interrelated. Because the Palestinian authorities treat the matter of sexual violence against Palestinian women as a matter of 'national security'⁵³ despite who the perpetrator is, the survivors find it difficult to speak about the violence they face in their communities. It is also worthwhile to mention here that Palestinian men in Israeli prisons have to endure sexual violence as well thus making it even more difficult for the women to voice their experiences (but that area of the occupation goes beyond the scope of this study).

The justice system in the occupied territories makes it virtually impossible for Palestinian women to voice their concerns. Since the topic is seen as taboo in the Arab world, Palestinian women often do not speak up because what they endure as a violation of their bodily autonomy would automatically categorise them as honourless. Moreover, since the Oslo Accords, civil society in Palestine depends on foreign funding and their work on women's rights is almost always limited to the socio-economic sphere and rarely highlights the role Israel and its occupation play in the violation of women's rights in Palestine.⁵⁴ Another challenge in this fight is that there is a lack of authoritative data on sexual violence conducted against Palestinian women in prisons. By 2014, 23,000 Palestinian women had been placed in Israeli prisons since the 1967 war.⁵⁵ A 2020 publication revealed that about 4,300 Palestinians were placed in Israeli prisons out of which 41 were women.⁵⁶

As has been mentioned several times in this paper, the treatment of women's bodies as battlegrounds is not caused by men not being able to control themselves. It is not just an accident of war rather a systematic military strategy that serves to undermine the identity of entire communities.⁵⁷ Research of Nadera Shalhoub-

Kevorkian, a renowned scholar in this field perfectly explains why Palestinian women are seen as weapons of war by Israeli forces: “The way nationalist discourses constitute the female body *as a way to claim it for an imagined national body* [...]”.⁵⁸ In other words, women are seen as bearers of the nation’s honour and any attack on them is an attack on the nation.

Comparative Analysis

Kashmir and Palestine are two of the most striking flashpoints in global politics. Both communities have been facing occupation for a long time and a comparison is often drawn between them. Pakistan has even gone to the extent of hyphenating Kashmir and Palestine and maintaining Israel and India as similar occupants. The problem in both polities emerged around the same time and the role of the UK and its colonisation cannot be ignored. It was Britain’s Balfour Declaration that enabled the creation of Israel and it was Britain’s shameful flight from the subcontinent that caused a hurried partition of the subcontinent in which princely states particularly Kashmir had to face forceful accession.⁵⁹ Both the Kashmiris and the Palestinians have had to face despicable human rights violations in the form of torture, rape, sexual violence, enforced disappearances, and extra-judicial killings at the hands of India and Israel respectively. Modi and Netanyahu have been instrumental in inciting violence on Palestinians and Kashmiris. Furthermore, Zionism and Hindutva are both extreme religious nationalist ideologies. Both Israel and India have received a lot of vain criticism from the international community due to their atrocities in Palestine and Kashmir. Perpetrators in both cases violate, in addition to several UN Security Council Resolutions, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Fourth Geneva Convention, as well as the International Covenant on Civil and Political Rights.⁶⁰

In the specific context of sexual exploitation of women, both cases have similarities as well as differences. In both cases, gendered

power dynamics are exhibited during the conflict. It is not just men sexually violating women. It is men of one particular group (Israelis/Indians) who are sexually exploiting the women of another group (Palestinians/Kashmiris). The goal remains the same for both of them: humiliation, intimidation, and cultural elimination of the enemy.⁶¹ While both cases are similar, there are certain points of divergence as well. Women in Palestine are significantly a part of the resistance movement while those in Kashmir are mainly stay-at-home, and their representation is based on how they are related to the Kashmiri resistance fighters. In the latter, sexual exploitation of women takes place primarily in homes during search operations while prisons are the main sites of sexual violence against Palestinian women. Interestingly, there is less coverage on the sexual abuse faced by Palestinian women. Moreover, men are also subjected to sexual violence in Israeli prisons and Israeli policewomen are perpetrators in this situation as well.

Conclusion

Kashmiris are trapped in a vicious cycle of violence since 1947 and Kashmiri women continue to endure violence on their bodies, femininity, and lives as their voices get lost in the confrontation between the two South Asian neighbours. Likewise, Palestinian women have not only had to experience the loss of their homeland to make space for Israeli settlers but have also had to endure living under occupation. The resolution of the Kashmiri and Palestinian conflicts must highlight the concerns of the people living there before looking for political gains. The UN was successful in punishing perpetrators of sexual violence in the Yugoslavian Civil War of the 1990s, but Kashmir and Palestine have not received significant attention globally in the context of sexual violence. The willingness of the same international community that champions women's rights to stand by when women in Kashmir and Palestine are objectified, tortured, raped, forcefully impregnated, and sexually humiliated speaks volumes of the

importance that states' political and strategic interests have over humanitarian concerns. The international community needs to uphold the human rights it has so proudly adopted in the United Nations Declaration with basic decency. We also need to understand that violence against women in Kashmir and Palestine is just one symptom of a bigger problem—the underlying notions about female bodies and their association with honour and objectification. Since sexual violence is a war tactic that has named perpetrators, it can and must be punished.

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