

# Armed Struggle, Identity and **THE STATE**

Experiences of Women in Conflict  
Situations in Assam, India

Anurita P Hazarika  
Sheetal Sharma



A Report by North East Network 2014

# **Armed Struggle, Identity and the State: Experiences of Women in Conflict Situations in Assam, India**

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# Preface

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This study, *Armed Struggle, Identity and the State: Experiences of Women in Conflict Situations in Assam, India*, is important for two reasons. One, it is one of the first studies relating to the long history of the United Liberation Front of Asom (ULFA) in Assam that focuses on women. Two, it documents the experiences of women during their days spent with a militant ‘outfit’ and records their plight in the surrender/designated camps. The story of their personal lives, in particular, is that of disillusionment, once their initial excitement of individual freedom and mobility seemed to have been snuffed out by their own male colleagues and spouses. The study also explores different layers of discrimination experienced by women who are indirectly or directly associated with the conflict, including the inequities faced at different phases of the ‘active’ lives of women combatants. While going through the study one can feel the invisibility of women’s lives within the armed struggle and certainly the non-recognition of their concerns when we look at the ideological paradigms of the insurgent group. This has a backlash on the essence of equality between men and women which many of us have sought in the context of entitlements in the social, economic, political, public and individual domains. The study also explores different layers of discrimination experienced by women who are indirectly and /directly associated with the conflict and how their domestic relationships have been affected.

I would like to acknowledge the valuable time given to us during the study by Smt.Kaberi Kochari Rajkonwor for providing us logistical support towards the camp visits and organising the interviews. I thank Dr. Roshmi Goswami who engaged us in thought provoking discussions on women’s human rights in conflict situations. I am also grateful for the expert comments of Triveni Goswami Vernal, an independent researcher who dealt with the conceptual and theoretical aspects of our study. I also thank Sreekala MG, former Executive Director of NEN, for her contribution to our advocacy initiatives on the issue.

We, at NEN, are most grateful to all the women respondents who shared their personal views and stories of their lives which were narrated with emotion and humility. I would like to acknowledge the valuable contribution of my colleagues, Anurita P Hazarika and Sheetal Sharma, in making this study possible through their empirical work, secondary data and analysis of the issues using the CEDAW framework. Their combined efforts in putting out NEN’s perspective on conflict is also drawn from the consequences of what women combatants have felt, cherished and regretted in their lives.

Finally, we acknowledge the support of the Bread for the World-EED and Misereor, Germany, through which we have been running a substantial programme dealing with the lives of women and issues of gender equality in different parts of India’s North East.

**Dr. Monisha Behal**

Executive Director, North East Network

# List of Acronyms

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<b>AFSPA</b>	Armed Forces (Special Powers) Act, 1958
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination against Women
<b>CO</b>	Concluding Observation
<b>CPR</b>	Civil and Political Rights
<b>DDR</b>	Disarmament, Demobilisation and Reintegration
<b>DV</b>	Domestic Violence
<b>ESCR</b>	Economic, Social and Cultural Rights
<b>GoI</b>	Government of India
<b>HR</b>	Human Rights
<b>IWRAW-AP</b>	International Women's Rights Action Watch Asia Pacific
<b>MHA</b>	Ministry of Home Affairs
<b>NAWO</b>	National Alliance of Women
<b>NCW</b>	National Commission for Women
<b>NEN</b>	North East Network
<b>NER</b>	North East Region
<b>NMEW</b>	National Mission for Empowerment of Women
<b>PWESCR</b>	Programme on Women's Economic, Social, Cultural Rights
<b>RTI</b>	Right to Information
<b>SoO</b>	Suspension of Operation
<b>SRE</b>	Security Related Expenditure
<b>ULFA</b>	United Liberation Front of Asom
<b>UN</b>	United Nations
<b>UNSCR</b>	United Nations Security Council Resolution
<b>VAW</b>	Violence against Women



*NEN's meeting with spouses of male ex-combatants in a designated camp*

## Negotiating Women's Human Rights in Conflict Situations: *A Background to NEN's Study*

The experiences of women and girls during conflict have been highly adverse in nature, exposing them to various forms of discrimination and violence, which perpetuates their marginalised status. The image of a woman in a conflict situation is that of a 'victim', and her rights as a survivor and role as peace builder become sidelined. Not only does conflict promote violence against women, it is also used as a permissive setting for the abuse of women. The exploitation of women and gender based violence are often the wages of war/conflict.

Lack of agency to address the violation of women's rights in conflict situations continues to pose a threat to accessing justice and achieving sustainable peace. The UN Secretary-General's report (S/2014/181) in 2014 in regard to conflict-related sexual violence clearly says, '*Access to justice for survivors can be hindered by physical restrictions, by inadequate legislation or by the financial and social costs associated with reporting and pursuing justice for crimes of sexual violence.*'<sup>1</sup>

During conflict, while men tend to be the primary soldiers/combatants, there are evidences worldwide of women making up significant numbers of combatants. Women have challenged traditional gender stereotypes and roles by becoming active combatants and taking on other non-traditional roles. Although, the gendered division of labour in workplaces change in such situations, the phenomenon of women as 'active combatants' has not received due recognition.

At the centre stage of conflict are women in different roles – as combatants, peace advocates and providers – continuing to picking up rags of conflict, facing exclusions and sustaining their everyday life through the difficulties. Thus, it is important to look at the dimensions of conflict through a strong gender lens. The broader processes of post-conflict transition need to integrate all these categories of women and reconstruction processes should envisage strategies, plans and programmes tailored to the needs of these women. The shift from 'women as victims' to women as 'agents of transformation' should be ingrained in all human rights and peace discourses.

There is enough evidence confirming that despite the numerous global commitments to end impunity for human rights violations and to address the gender-specific challenges related to post-conflict participation, women continue to be marginalised from conflict resolution processes and their priority concerns systematically excluded in post-conflict reconstruction agenda. In

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<sup>1</sup> <http://reliefweb.int/sites/reliefweb.int/files/resources/N1426364.pdf> accessed 1 May 2014



effect the entrenched gender inequalities of society or of a pre-conflict stage are amply reflected in peace processes and post-conflict reconstruction efforts and agendas. The fallout is different for different categories of women and the situation for women who are already vulnerable gets further exacerbated. It is important therefore to pay attention to the special needs of different categories of women and factor in these differences to determine how repatriation and resettlement are to be executed and rehabilitation and reintegration planned. This has to be done so as to reconstruct a society with due regard for human rights principles and respect for human dignity.

On the other hand, in a post-conflict context, particularly where peace negotiations are underway, a world of opportunities and possibilities open up for women which need to be properly understood and strategically dealt with, and gender-sensitive institutional measures sought. The focus must be to ensure that post-conflict reconstruction is addressed within a justice and rights framework to ensure long-term solutions, sustainable peace and social transformation, making women an integral part of the process. Looking at women simply as victims makes different experiences invisible, blurring the distinctions between the roles that they play, and the potential they have as agents of change in the post-conflict scenario.

### *Women Combatants*

- 1. Active Combatants: Women cadres in ULFA include active combatants in different roles. The ratio of women cadres to men is 2:10.*
- 2. Ex-combatants: This category refers to Women Associated with Armed Forces (WAAFS) and includes former women combatants who have entered into ceasefire/Suspension of Operation (SoO) or surrendered before government authorities. The United Nations (UN) uses the term WAAFS for not only the active fighters but also includes within it women who support the fighters in any other participatory role such as medics, cooks, logistics, intelligence gatherers, family support, etc. At present the ratio of women to men who are in the ceasefire/SoO category is 350 to 2650. According to an RTI reply to NEN from the Office of the Additional Director General of Police, Special Branch, Assam, out of 1190 male combatants belonging to different outfits in Assam, 12 women had surrendered between 1 January 2007 and 30 June 2012. In another RTI reply to NEN, the Office of the Inspector General of Police, Special Branch, Guwahati, stated that between April 2006 and September 2008, 27 women belonging to ULFA surrendered to the Government of Assam.*

In Assam, the role and recognition of women in the realm of conflict management presents a skewed picture. Although women have played key roles in attempts to bring about peace and prevent abuses, visibility in formal peace processes still remains a huge challenge. The late Indira (Mamoni Raisom) Goswami, a writer, facilitated exploratory talks between the Government of India and a major separatist armed group of the North East Region (NER) of India, called the United Liberation

Front of Asom (ULFA), through the People's Consultative Group in 2005. Despite her strong feminist convictions, Goswami was engaged in a heavily male dominated forum which left very little scope for her to table the gender agenda. Much later in Assam, in 2011, as part of a peace initiative, civil society members and individuals assembled under the Sanmilita Jatiya Abhibartan (Public Convention for Revival of Talks), whose leadership of intellectuals and academics had no representation of women or women's groups. Pranati Phukan, the lone woman representative and member of the pro-talk ULFA faction, during an interview with NEN, acknowledged that there has been a gap in this respect so far and that it needs to be addressed while peace dialogues are ongoing. ULFA's priority has changed from identifying local needs to international politics and a women's agenda will definitely be incorporated once their core demands are addressed, she said. In conflict situations, there is a constant negotiation back and forth on women's issues as key actors roll out their charter of demands in formal peacemaking dialogues.

Women's groups in Assam have been at the forefront in protesting violence, gender inequalities and social injustice. Hence, women here can play important roles in initiating, facilitating and sustaining peace dialogues. Sustainable peace cannot be achieved until and unless women are included in all peace efforts equally with men. The danger of non-inclusion of women from the beginning lies in further marginalisation of already marginalised issues in a society as it gets caught up in nation building. Reports from across the world show that different categories of women face a whole host of discriminations when a conflict draws to an end and peace negotiations begin.

This study looks at gender discrimination in a conflict scenario by focusing on a specific category of women: female combatants and spouses/partners of men combatants (both surrendered and ceasefire). Women combatants are often not seen as important contributors and participants in combat and often do not receive equal treatment in terms of opportunities or a place at the negotiating table. Using a gender-sensitive understanding of their situation, the study attempts to provide insights to facilitate the process of their reintegration into society.

The location of this research is the state of Assam which has witnessed protracted armed conflict and political strife over three decades, and which houses numerous militant organisations, prominent among them being the United Liberation Front of Asom (ULFA). This documentation is an attempt to reveal the realities of these women in ULFA, including their induction processes, their position and their status during the period of active combat. It attempts to highlight and analyse the key motivating factors for women joining the outfit, the aspirations and realities of being part of it, the impact on their lives, their identity and finally their notions of participation and the realities and challenges of reintegration. The study also highlights other women whose lives have been affected by the conflict. It looks into their personal lives and their perceptions of conflict and finally their integration into society.

This study is a part of NEN's larger work on women, peace and conflict which was initiated

in the 1990s. In this process, the organisation has constantly focused its advocacy efforts on special vulnerable categories of women affected by conflict. This study also complements NEN's extensive work on Violence Against Women (VAW) and brings out the special vulnerability of women in and around armed struggles to different forms of domestic violence and complexity of the issue. Finally, this study lays out in detail NEN's advocacy efforts at different times and in different forums on the issues that plague women in conflict situations.

## Objectives

- To understand different layers of gender inequalities and discrimination in the lives of women combatants and those who exist in the periphery.
- To examine government schemes and support for women affected by conflict situations and policy advocacy for gender-just reintegration in Assam.
- To contribute insights and recommendations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in the context of General Recommendation No. 30 (on women in conflict prevention, conflict and post-conflict situations) and General Recommendation No. 19 (on violence against women).<sup>2</sup>
- To contribute to ongoing advocacy and analysis of women vis-à-vis armed conflict at the national, South Asian regional and international levels.

## Methodology

- The fieldwork was carried out by three women researchers and activists of NEN between April and August 2013. A key armed outfit of the region was selected for the study. Nine key women respondents were selected, based on their combat experiences and identity status (ex-combatants, deserted wives/partners of militant leaders, women members in non-combatant roles, etc.) from different districts of Assam. One-to-one interviews were conducted with these women. Some interviews were difficult as women expressed immense fear of putting their children or families in danger by participating in the interviews. Clearly, threat looms large every second of their lives. Three unstructured group discussions were done with women combatants and wives of men combatants during NEN's visits to designated camps located in Lakwa, Moran and Kakopathar, of Sivasagar, Dibrugarh and Tinsukia districts of Assam. Three RTI applications were made to Assam Police and Ministry of Home Affairs to procure data related to conflict in Assam.
- Desk reviews included literature analysis on the issue, collection and compilation of information related to conflict in Assam, and NEN's past and ongoing national and international advocacy on women, peace and conflict.
- Analysis of the case studies and report writing was done using the CEDAW framework, and feminist principles of equality and social justice.

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<sup>2</sup> See Annexure 2 for the relevant portions in CEDAW, General Recommendation Nos 19 and 30 related to this study.



*NEN field visit to Moran designated camp, Assam.*

## Armed Struggle and the State

### AFSPA and the North East

The North Eastern Region (NER) of India consists of eight states—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. The region has over 4500 km of external frontiers with Bhutan, China, Burma and Bangladesh, making this region geo-politically and strategically significant. It is also home to hundreds of ethnic groups, dialects and languages. The area has been embroiled in several internal armed conflict situations for over five decades now.

The Government of India (GoI) does not recognise ‘armed conflict’ within India as it claims that India’s conflict situation does not fit into the ambit of international law pertaining to such conflict. The conflict-hit areas of NER have been given the tag of ‘disturbed area’ under the Armed Forces (Special Powers) Act, 1958 (AFSPA). Assam was first declared a ‘disturbed area’ on 27 November 1990 by the Centre under Section 3 of AFSPA and since then the tag has been renewed every year. In a notification issued by the Ministry of Home Affairs (MHA) in November 2013, Assam has also been declared as ‘Maoist hit’ for the first time.<sup>3</sup>

Over the years the imposition of AFSPA in parts of NER has not only increased the frustration of the people about the endless killings and violence on women, men and children but has also generated a certain degree of international pressure, due to the efforts of civil society organisations, around the issue of ‘armed conflict’ which would otherwise have remained buried within the region. To a query posed by NEN about reasons for the imposition of AFSPA in NER, the reply received from the Director (NE) of MHA on 14 November 2013 stated that ‘*violence became the order of the day in the North-East due to ethnic clashes and other historical factors, giving rise to formation of militant groups (possessing sophisticated weapons) which with cross-border support, challenge(d) the sovereignty and integrity of India. Law and order machinery in the North-Eastern states became inadequate to counter these militant forces thus calling for deployment of armed forces to aid the civil powers. Hence AFSPA.*’

However, how successful AFSPA has been in mitigating conflict is a matter of debate. There has been increasing opposition to AFSPA by different government instituted committees and civil society organisations. The report of the Committee headed by Justice (Retd.) B.P. Jeevan Reddy to review AFSPA in 2005 clearly mentioned that the law had become a ‘*symbol of oppression, an object of hate and an instrument of discrimination and high-handedness*’.<sup>4</sup> NEN had made a submission to

<sup>3</sup> □  
tional-volunteer-council, accessed 30 January 2014.

the Committee recommending the immediate and complete removal of AFSPA, preventing the Act from being institutionalised in NER.<sup>5</sup>

It is interesting that the report of the Justice Verma Committee, set up in 2013 to review the existing Indian criminal law system, explicitly pointed out that ‘*systematic or isolated sexual violence, in the process of Internal Security duties, is being legitimised by the Armed Forces Special Powers Act, which is in force in large parts of our country*’.<sup>6</sup> The Committee recommended measures to bring sexual violence against women committed by armed forces under the ambit of ordinary law, a suggestion which was also made by NEN in its submission to the Committee, during the public hearing in January 2013 at New Delhi.

AFSPA has been severely criticised by United Nations (UN) bodies and experts. Rashida Manjoo, the UN Special Rapporteur on violence against women, its causes and consequences, who visited India in April 2013, remarked that, ‘*AFSPA has mostly resulted in impunity for human rights violations*’.<sup>7</sup> Similarly Christof Heyns, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, commented during his March 2012 visit to India, ‘*A law such as AFSPA has no role to play in a democracy and should be scrapped*’.<sup>8</sup> Margaret Sekaggya, the UN Special Rapporteur on the situation of human rights defenders, also called for repeal of AFSPA in 2011.<sup>9</sup>

While most of the instrumental bodies have acknowledged the negative impact of AFSPA and called for its repeal, the GoI in its combined fourth and fifth periodic period report to the CEDAW Committee in 2012 maintained that ‘*AFSPA is considered necessary to deal with serious terrorist and insurgency/militancy situation arising in certain parts of the country and uphold the duty of the state to protect and secure its citizens ... An analysis of the ground realities shows that the violence levels and the fighting ability of terrorists have reduced over the years...*’<sup>10</sup>

The CEDAW Committee’s Concluding Observations (CO 13 a) dated 18th July 2014 to GoI stated: *In accordance with the recommendations of the Justice Verma Committee report, promptly review the continuance of the application of the Armed Forces Special Powers Act and related legal protocols and to enforce special powers protocols in conflict areas and assess the appropriateness of their application in those areas...*<sup>11</sup>

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<sup>4</sup> <http://www.hindu.com/nic/afa/afa-part-iv.pdf>, accessed 23 December 2013.

<sup>5</sup> <http://www.hindu.com/nic/afa/afa-part-iii.pdf>, accessed 23 December 2013.

<sup>6</sup> [http://www.thehindu.com/multimedia/archive/01340/Justice\\_Verma\\_Comm\\_1340438a.pdf](http://www.thehindu.com/multimedia/archive/01340/Justice_Verma_Comm_1340438a.pdf), accessed 6 April 2014.

<sup>7</sup> <http://www.unic.org.in/display.php?E=12739>, accessed 12 February 2014.

<sup>8</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12029&LangID=E>, accessed 15 January 2014.

<sup>9</sup> <http://www.ohchr.org/Documents/Issues/Defenders/A-HRC-19-55-Add1.pdf>, accessed 13 January 2014.

<sup>10</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FIND%2F4-5%2FAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FIND%2F4-5%2FAdd.1&Lang=en), accessed 5 January 2014.

<sup>11</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=814&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=814&Lang=en) accessed on 23 July 2014

Whatever be the justifications about AFSPA, it has been a prime cause of disadvantage to women. NEN's previous documentation has clearly uncovered the impact of AFSPA in the everyday lives of women in terms of restricted mobility and fear psychosis, apart from sexual violence and harassment.<sup>12</sup> Violence against women perpetrated by state actors under the veil of AFSPA has deep consequences on the gender status of women in the society. These are not solitary incidents by individuals but systematic violence caused by institutions.

## ULFA and Identity Politics

Several armed groups currently operate in Assam; indicating the exact number is a tough proposition. According to GoI, eleven groups are active in Assam<sup>13</sup> though the list expands hugely if we take into account the numerous smaller outfits operating in fragmented pockets of Assam. Identity issues have been at the core of these struggles, armed or non-armed, with different collectivities raising different issues and demands, ranging from issues of land alienation and forest rights to questions of participation and citizenship rights. As the struggles continue and new groups and new demands emerge, the state has initiated peace talks with different groups.

The most prominent among the militant outfits is the United Liberation Front of Asom (ULFA), which emerged in the late 1970s and is till today looked upon as one of the most formidable militant groups in South East Asia. ULFA was formed in 1979 by a group of revolutionaries in Sivasagar in Assam to establish a 'sovereign socialist Assam' through an armed struggle. It believes that British imperialism forcefully took away sovereignty from Assam after the Yandaboo Treaty of 1826. And even after contributing immensely to the freedom movement, the people of Assam were left in the margins, leading to a history of underdevelopment and unrest. Assam has been plagued by a plethora of issues ranging from illegal encroachments, control of land and resources by outsiders, unemployment and loss of identity. These grounds of regional disparity paved the way for a struggle to uphold Assam's inalienable rights. But this quest for identity has also perpetuated militarisation and disruption of life and normal activities in the region over the years. A major problem stemming from militarisation is immense violation of women's human rights by both state and non-state actors. Of equal concern is the fact that there is a blanket of impunity over such violations.

A faction of ULFA entered into ceasefire/Suspension of Operation (SoO) with GoI on 3 September 2011.<sup>14</sup> This faction of the outfit is known as ULFA (pro-talks). It is important to note that ULFA's broad charter of demands<sup>15</sup> for negotiation has highlighted issues of economic, social, cultural rights (ESCR) and civil and political rights (CPR). But not a single demand relating to women's rights

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<sup>12</sup> Roshmi Goswami, M.G. Sreekala and Meghna Goswami, *Women in Armed Conflict Situations*, NEN, 2005. ht□ 2013.

<sup>13</sup> <http://www.thehindu.com/news/65-terror-groups-active-in-india-govt/article5064769.ece>, accessed 30 January 2014.

<sup>14</sup> <http://www.thehindu.com/news/national/article2421033.ece>, accessed 30 September 2013.

<sup>15</sup> See Annexure 1 for a scanned version of ULFA's charter of demands.

has secured a place in their entire agenda. Such non-inclusion has resulted in keeping women's human rights at the margins in the entire canvas of discourse, activism, restoration of peace in the state and state strategies on human rights. In fact, both women's agenda in the peace process and women's contribution to the peace process are not seen as significant by state and society.

### *Government Schemes for Ex-combatants*

*Security Related Expenditure (SRE): The Central Government is implementing a non-plan scheme for reimbursement of SRE for states seriously affected by militancy/insurgency. The scheme is being implemented in all states of the region except Mizoram and Sikkim. Under it, one of the expenditures incurred by them, the maintenance of designated camps set up for groups with whom the Central Government/State Governments have entered into agreement for SoO, is reimbursed. For the year 2013-14, assistance released to Assam under SRE scheme was Rs. 134.83 crores.*

*Source: [http://mha.nic.in/northeast\\_new](http://mha.nic.in/northeast_new)*

*Revised Scheme for Surrender-cum-Rehabilitation of Militants in North East: This scheme is implemented by MHA to wean away misguided youth as well as hardcore militants who have strayed into the folds of militancy and now find themselves trapped in that net. The scheme also seeks to ensure that the militants who have surrendered do not find it attractive to join militants again.*

*Source: <http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/Surrender.htm>*

The current narrow focus of the government, with its inability to frame a gender-responsive post-conflict recovery programme, is a major lacuna in the sustainable peace and development process. The government schemes and programmes for ex-combatants and those associated with the armed groups follow a quick-fix traditional approach focusing on 'men and arms' and cash-assistance methods rather than an inclusive and participatory approach. Such programmes not only downsize the role of women within the outfit but also undermine the specific needs of women and children. There are no clear, organised peacemaking processes encompassing a comprehensive Disarmament, Demobilisation and Reintegration (DDR) approach. The structure of the government's peace initiatives needs immediate attention and articulation.



## *The Official UN Definitions of Each Stage of DDR*

### **DISARMAMENT**

*Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.*

### **DEMOBILIZATION**

*Demobilization is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilization may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilization encompasses the support package provided to the demobilized, which is called reinsertion.*

### **REINSERTION**

*Reinsertion is the assistance offered to ex-combatants during demobilization but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is a short-term material and/or financial assistance to meet immediate needs, and can last up to one year.*

### **REINTEGRATION**

*Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open timeframe, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.*

*Source: [http://pksoi.army.mil/doctrine\\_concepts/documents/UN%20Guidelines/IDDRS.pdf](http://pksoi.army.mil/doctrine_concepts/documents/UN%20Guidelines/IDDRS.pdf)*



*An ex-combatant talks about her experiences as her child sleeps*

## Women in Conflict Situations: *Elaboration and Analysis through Case Studies*

### Challenges of Women Combatants: *Identity and Discrimination*

History tells us that women have been in the forefront of all kinds of struggles, be it against oppression or violation of women's rights. Despite being impeded by social norms and boundaries, women have come forward and revolted against patriarchal norms of society by not only taking on multiple feminist identities but also alternative identities on the lines of 'masculinity'. History has documented women not only as victims but also as revolutionaries, peacemakers and agents of transition. Unfortunately, the contribution/struggle of this category of women has been more or less subsumed within the whole regime of patriarchy.

The indigenous people of Assam have a deep-rooted sense of marginalisation, 'Indian' hegemony and state repression. ULFA's championship of Assamese sentiments gave it a tremendous support base in the state for several years; additionally, the kangaroo court justice meted out by the outfit gave them a heroic aura, attracting people irrespective of class and tribes. A combination of passion and the desire to unchain themselves from the subjugation perpetrated in their own homes and society led women and girls to join the outfit. Curiously, some families offered their girls to the outfit as a symbol of 'sacrifice and nationalism'. Joining the outfit was a source of pride for many women and girls who viewed it as an ideological forum, whereas for a few it was another world of power, control and violence.

Anuradha Dutta and Triveni Goswami Vernal point to a trigger for women joining up with militant groups: *'The narratives have revealed the inherent fractures in the social structures of both Nepal and Nagaland, and these fissures can transform into more potent faultlines by pitting an entire mass of population against the perceived "oppressor". Therefore, the prevalent social systems in both these contexts have provided the women with an ample opportunity to resist and carve out a space for themselves. This has, thus, given a boost to the women to join the rebel movements for a redressal of their grievances.'*<sup>16</sup>

Our interactions with women ex-combatants revealed their motivations in joining the armed struggle and how their lives were spent within the outfit and thereafter. The case studies uncovered a variety of aspirations, altered identities, veiled by distinct layers of inequality. The outfit was an agency for these woman cadres to create a niche for themselves in terms of autonomy and liberation. Some of

<sup>16</sup> Dutta, Anuradha and Goswami Vernal, *Women Rebels: Stories from Nepal and Nagaland*, Akansha, 2009.

them were aware of the implications of the 'ULFA tag' in their lives but many did not know what lay in store for them. For some, the outfit was an intellectual platform, whereas for several, it was a corridor to employment and a mechanism to escape from the patriarchal clutches of the society.

Says a respondent, *'Many girls in the outfit did not have the slightest idea what it was all about. Some of them came with their friends while on a joyride on their motorcycles. A few of them even joined to seek adventure. Earlier, an eager member was first scrutinised for almost a year before induction into the outfit. But later, inclusion became a very casual affair. Some parents would willingly offer their daughters to the outfit boys in the hope that they would live a constructive life.'*

### *Staying Militant Out of Fear*

*My entry into the outfit was prompted by passion and the call to take on the role of a 'Good Samaritan'. I was in my late teens and found the whole affair of providing refuge to the boys from the outfit appealing. Listening to stories of rebellion from them was quite exciting. I used to ride a motorbike and get medicines from the town for these boys when they had any bullet injury or illness. My eagerness to help attracted the attention of the men from the outfit and they came up with an offer for me. One day I got a letter from the outfit offering to provide free training on nursing. Although the offer was very alluring, I was equally worried about getting killed if I declined to join. Finally, I made up my mind to join the outfit, get trained, serve the outfit for five years and then come back to village and marry. But unfortunately, the plan of settling back in the village could not materialise due to regular army search operations for the cadres of the outfit. The major factor for me to continue working with the outfit was my fear of getting raped by army personnel if I came back to stay in the village.*

While most of the women joined the outfit voluntarily, a case of forceful induction also emerged during the course of the study. Whatever be the induction process, most women combatants felt a great sense of excitement and aspiration at joining the outfit. They wanted to showcase their nationalism by being active warriors, but despite such expectations only a few were assigned responsible roles.

Patriarchal perceptions about gendered divisions of labour, roles and responsibilities were strongly permeated within the outfit as well. These roles also took into account their status, whether they were married or single. It is also to be noted that the outfit, in its initial years, strongly protested violations committed by the armed forces on women and the culture of impunity enjoyed by the army under the banner of AFSPA. This also inspired many girls and women to join the outfit. But later this became an issue of lesser importance for the outfit.

## *Questioning Gender Imbalances within ULFA*

*My entry into the outfit was a dramatic affair. I was associated with a women's group that used to mobilise rural women around the issue of their rights and to protest against atrocities on women. In one such meeting of this group, a consensus was adopted by all women, except me, to undergo armed training of the outfit as they felt that nothing could be achieved without armed struggle. I somehow attended the training, not comprehending the fact that once inducted in the outfit one is compelled to stay and follow the rules, or be subjected to extreme punishment if one desires to leave the outfit.*

*Inside the outfit, I was assigned to take sessions on language, nationalism, culture, etc. for the camp cadres. But after marriage which was also not much to my liking, my life changed. I had to look after the office and paperwork of our outfit in a group. But after pregnancy, I stopped doing that work altogether.*

*I faced punishment twice for questioning the unequal treatment meted out to women within the outfit. According to the Constitution of the outfit, if any male cadre marries a woman outside the outfit, the woman automatically becomes an outfit member and can live together in a camp. But if any women cadre marries a man outside the outfit, then she faces terrible consequences. I found this discriminatory as there is no logic behind this rule — it is the same as the Indian Constitution which was drafted by a handful of people! A change was made after I raised the question within the outfit where a man can stay in the camp if the woman cadre agrees, though the decision rests fully with her.*

It is worth mentioning some particular duties carried out by women combatants which helped their male colleagues tremendously. Women did excellent work as messengers and arms carriers, responsibilities that were difficult for men to carry out. A senior women ex-combatant stated, *'When the communication between the districts and the organisation was curtailed, for example, during critical junctures such as secret killings, search operations by the army and others, our women have done a good job as messengers and arms carriers.'*

Says a woman combatant, *'When Operation Bajrang came into action, all communication between the districts was disrupted and plagued by frequent interventions. One of our senior male leaders lamented his helplessness and I gave him words of comfort and courage after which I began my journey from Sadiya to Dhubri crossing 55 check gates. I continued to keep up the cadres' spirits with words of courage through letters and telling them not to panic.'*

Women have also performed the role of shielding their male counterparts. A respondent observes, *'[During the 2003 counter - insurgency operation,] when we got the sudden news that our camps were cordoned by the army, we did not have any way to fight back. So, we decided that women and children would come to the forefront and get themselves arrested while the men would flee. In the*

*camp, there were 11 women and 9 children.'*

Despite such critical roles played by women within the outfit, the recognition given to them has been minimal and this is evident from the ranks/designation they were awarded within it. The highest position that one of our respondents received despite joining the outfit at its formative period was that of a second lieutenant. Interestingly, younger male cadres trained by her were promoted to higher ranks without even fighting a single battle. A senior women ex-combatant remarks, *'There is a lot of discrimination within the outfit and I do not deny that.'*

According to Anuradha Dutta and Triveni Goswami Vernal, *'Women seem to have been caught in a patriarchal system within the rebel outfit as well. Our interactions revealed that women have been denied their rightful space within the organizational set up. Although they have been delegated certain duties within the organizational structure, very few women have been able to break through the inevitable "glass ceiling" that seems to exist. More often than not, women rebels are almost invisible in the top leadership. Even if they are they belong to an elite class or their spouses are themselves in the top leadership.'*<sup>17</sup>

The common patriarchal imperative of restricting a woman within the domain of marriage and motherhood was visible within the outfit too. One respondent confides, *'I never had the intention of marrying as it was in sharp contradiction to my ideology and dreams. But one of the senior leaders told me that many senior outfit cadres led precarious lives and often died during combat. He told me that the outfit needed the progeny of 'our blood', for which I should get married. And so I sacrificed my ideals to a marriage. Eventually i married to this person who is my husband.'*

Inequality was a discernible factor for many women not only during their active years of combat but also during their transition period. After entering mainstream society, life became very difficult for these women not just due to their 'combat identity' but more so because they had to succumb to the stereotypical societal norms they had once defied. During this period of societal assimilation and transition from combatant to civilian, even their own male fellow combatants reduced their role to that of a 'good' woman who takes care of children and family and is immersed in household chores.

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<sup>17</sup> Dutta, Anuradha and Goswami Vernal, *Women Rebels: Stories from Nepal and Nagaland*, Akansha, 2009.

## *Trapped by Tradition*

*There was an outfit camp in our village. In my early teens, before joining the outfit, I used to play and sing a lot. I used to sing Hindi songs which was vehemently discouraged by some senior cadres for which I had lots of arguments with the cadres. One day, a senior cadre came to my home to take me and I was hiding under the bed because I did not want to join the outfit. But after a long discussion with my family members, I left the village with him. Inside the outfit, I was an instructor/trainer and my work entailed providing induction training to the cadres. I served 17 long years in the outfit of which I worked as trainer for 12 years.*

*After marriage, I was camp in-charge and looked after the daily chores within the camp, looking into the discipline of cadres, their food, arranging firewood, coordinating and assigning duties such as house building, caring for the sick, etc. to all cadres.*

*I felt very proud as a trainer, an unconventional role for a woman, which proved that women could do everything. One of the most memorable moments during my combat period was a close encounter with the Indian armed forces. But after entering mainstream society, life has turned upside down. I had proved my competence as a trainer but the sudden transformation from a combat trainer to a housewife was very painful. Adjusting to a contrasting role is difficult. I had a sense of fulfilment in the outfit but now my identity is lost. My independence is trapped in materialistic compulsions. I feel I am nowhere today. To give up the combat outfit was the biggest defeat and I feel deep emotional pain.*

*At present, I am an Aiyoti (devotional singer), a 'daughter-in-law' in the village, completely controlled by society's expectations of a conventional woman — a wife. This was something I had challenged as a young woman and so walked out to join the outfit to challenge conventional norms of my society along with a lot more issues concerning subordination. The armed struggle was an ideological forum to challenge discrimination and social injustice, just like the way women's rights organisations challenge discrimination.*

A respondent, in contrast to the general view, said that *'adhering to a conventional role is the only way out for survival in this materialistic society'*.

While it is very important to acknowledge the contributory factors which have led women to join rebel groups, it is equally important to understand the challenges faced by these women during the transitional phase and mainstreaming. Our interviews with the women combatants and spouses of male combatants in the designated camps brought to the fore the patriarchal attitudes embedded in our society, which lopsided government programmes do nothing to dislodge.

## Challenges of Women Ex-combatants and Wives of Ex-combatants during Transition: *Rehabilitation and Reintegration*

*'May be we will have to take up arms,'* says a group of women in their 30s and 40s living in dire conditions in the designated camps.

A visit to the designated camps set up by the Government of Assam, under the banner Naba Nirman Kendra (rehabilitation centres), for the ULFA cadres who are presently involved in peace talks with GoI, revealed a sordid picture. This transition phase for the cadres and their dependents is not an easy one. It is in fact a challenging journey as they have to face not only the wrath of the people (unlike the situation in the early years of the outfit) and the apathy of the government, but also an uncertain and fragile future. We paid visits to Lakwa, Moran and Kakopathar camps which had ex-combatants and their families. The picture was similar in all the camps—dismal and permeated by a sense of hopelessness—quite different from the Assam Government's depiction of the prevalent scenario in the camps.

The peace building process calls for a comprehensive DDR approach. And for this approach to bear fruit, a support package is required. The rehabilitation camps comprise a major assistance programme that can help ex-combatants with smooth transition for reintegration. The Government of Assam has set up several camps all over Assam with overwhelming publicity. In reality, the number of cadres staying in the camps is much less than the number registered with these camps. During the course of our visit, Lakwa camp housed 25 inmates (9 families and 2 single women) of the total 77 who were registered with the camp. This did not surprise us one bit. While it is understandable for ex-combatants to desire to stay in their homes, having been away from their homes for so long, we felt they would settle in quite easily in the camps set up for the very purpose of achieving successful reintegration had the camps been in better shape. Our visit to these camps and interaction with the cadres and their families revealed the scarcity of resources and economic deprivation faced by the inmates of the camps.

### *Designated Camps*

*Designated camps are set up for groups with whom the Central Government/State Governments have entered into agreement for SoO. The expenditure on the maintenance of designated camps set up for groups are reimbursed to the states by the Centre under SRE.*

*There are 9 designated camps for ULFA in Assam and 3000 cadres of the pro-talk faction are registered with the camps. Of these, only 500 are lodging in the camps. The designated camps of the ULFA operate under a definite structure headed by the camp commander. The other posts include that of camp in-charge, quarter master, finance secretary, communication/Public relations secretary and office secretary. Ceasefire ground rules apply to those who reside in the camps and are under SoO.*



Setting up of camps alone cannot be regarded as a peace building measure if there is no comprehensive framework for the functioning of these camps. Under the Government of Assam programme, cadres of the pro-talks faction are entitled to a monthly stipend of Rs. 3000. Food and stay in the camp are also free for those residing in the camps. Unfortunately, this monthly stipend is so irregular that the cadres have to live in a constant state of deprivation and uncertainty. An inmate of the Kakopathar camp disclosed that her husband received Rs. 12000 after a period of 11 months and yet another woman cadre from the Moran camp said that the stipend she received after eight months was the amount for four months. It is difficult to comprehend why the government is failing to fulfil its minimum commitment of paying the stipend on a timely and actual basis when its target is to build confidence amongst these groups and take them along the path of the peace process. Considering the state of these camps one can well understand the reluctance of the families of the cadres to revisit another cycle of frustrations and disenchantment.

The major concern of the women at Lakwa and all other camps was the well-being of the children. And the reintegration programme was ostensibly set up precisely to respond to the needs of the children of combatants. However, the women feel that the environment in the camps was not suitable for their children and is particularly not conducive to studying.

One woman cadre was explicit about her frustration in the camps: *'Life in the base camp, in jungle surroundings, was much better than my present condition. Although it was a tough life in the forest there was much more discipline and security for families. There were designated family colonies and men cadres had to take permission to enter these colonies. There was discipline in the base camps and every child was equal before the camp teacher. But the present camps have space only for the cadres to conduct meetings and observe special days with practically no space for children to play or entertain themselves.'*

A girl at Lakwa camp studying in the tenth standard has penned a couple of poems that are evidence of the pain and trauma that she bore all these years and even now. It remains a mystery as to why initiatives such as AASHWAS<sup>18</sup> did not reach this child affected by conflict. AASHWAS (meaning assurance) is an Assam Police project to help the child victims of violence and insurgency in Assam. All the women in the Kakopathar camp expressed their inability to afford minimum basic food and medical facilities for their children due to the irregular stipend and apathetic attitude of the government. It was reported that 8 packets of biscuits and a bottle of malted milk powder was all that was provided for around 20 children for the entire month.

Rehabilitation is another major activity under the reintegration programme which needs attention. Rehabilitation should cover market-oriented vocational training accompanied by financial assistance to sustain it. The weaving programme of the State Government in the Lakwa and Kakopathar

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<sup>18</sup> <http://www.assampolice.gov.in/aashwas/index.html>, accessed 30 September 2013.

camps presented a desolate picture. We saw non-functional handlooms, inadequate raw materials and lack of market linkage.

Many other issues surfaced during our interactions. Women raised the issue of court case hearings, observing that more or less every man and woman in these camps had court cases registered against them. These hearings, which have been ongoing for several years, have become a major concern. Not only are the inmates engaged in lengthy court procedures, the travel costs incurred for these court hearings in different districts have become an unaffordable affair for them.

Another pertinent issue raised by women during our interview was of 'missing men'. One woman and 23 men of the outfit went missing during Operation All Clear (counter-insurgency operation by the government) in Bhutan in December 2003. Some of the women have organised themselves into a forum and are trying to find out the status of their spouses and friends who have not been traced as yet. They have organised protests and also approached the judiciary for answers.

### *Missing Mystery*

*It has been a life of sacrifice and struggle. My husband went missing in Operation All Clear. The pro-peace talk leaders send me money through designated camps. The house and the land where I live now is actually my brother's who has accepted me after my return. He gives me a share of his pension. While he is sympathetic to my situation my husband's family is indifferent. They were unhappy that my daughter has been given her mother's title/surname. I am an agent with a finance department and run the family on commissions I receive. It has been 10 years of emotional distress. There has been no answer or report on the disappearance of my husband and his comrades. It has been a long financial struggle. I am not able to cope with the challenges of this insensitive materialistic society.*

The government needs to understand that reconstruction processes have to be well-planned and integrated in approach. This strategic process can in turn create an enabling environment to facilitate peace negotiations. Equally pertinent for successful reintegration is the inclusion of women at different levels of planning, implementing and monitoring of programmes.

Peace is not a buzzword; it is a process. The government should realise that signing a peace agreement alone cannot engender peace. Conflict resolution and peace building efforts need a comprehensive operational strategy that addresses the human rights of all and is based on humanitarian laws and principles. United Nations Security Council Resolution (UNSCR) 1325 clearly highlights that in order to achieve sustainable peace, security and reconciliation, it is important for relief and recovery programmes to be gender-responsive and for DDR and security sector reform programmes to address the specific needs of women ex-combatants and those associated with the armed group.

## Challenges of Women Spouses of Combatants and Ex-combatants: *Militarisation and Domestic Violence*

Domestic violence (DV) is often perceived to be 'of least importance' when compared to other issues in conflict-prone, conflict and post-conflict situations. There are more 'important' issues to be handled when the entire community is affected by conflict. The 'important' issues would include both formal and informal discourses around casualties, rebuilding infrastructure, bargaining peace in formal talks, addressing core demands of warring parties and so on. In this entire debate, women continue to be doubly and triply disadvantaged. First, because of gender disparities, second, the hierarchy of priorities in the discussions and third, non-recognition of DV as a women's human rights issue. Discussions on conflict tend to engage in human rights more within the framework of civil and political rights or the nation building agenda where women's human rights will invariably occupy a low status. Negotiating women's rights, thus, becomes all the more difficult.

Another aspect of armed conflict is that women and children can be severely affected by psychological and emotional degradation and also by financial upheaval. This arises in cases when the men they were connected to have gone missing or are killed. What is most obvious here is a social disequilibrium. The woman has to suddenly become a man and a woman overnight. The blame game in the family will usually continue, where they find fault with her all the time, and there is the sudden pressure to search for an independent living. Dr Mythili Hazarika, a clinical psychologist who interacts with such women, says, *'The changed attitude of the mother and the role reversal coupled with the loss of the breadwinner is not acceptable to the children. The mother's trauma is threefold: loss of the spouse, developing coping mechanisms and the responsibility to look after the children. There is acute stress and pervasive sadness leading to severe depression. This is known as "post stress syndrome". The affected woman reactivates the events all the time and avoids people and certain situations. Sleeplessness, seizures and nightmares, dissociative disorders are physical manifestations of the psychological impact.'*

We met a few women who had been directly or indirectly affected by domestic violence stemming out of conflict in Assam. These were women who were friends, spouses and partners of men who are members or ex-members of ULFA. The outfit has been questioning issues of indigenous rights violation, but curiously it tends to give no importance to issues of violence against women in the domestic sphere. Such issues do not feature in their vocabulary of rights and non-discrimination.

Domestic violence in its worst manifestation was evident in the informal militarised situations of the homes of some women we interacted with. Many women continue in abusive relationships. The dilemma of the woman is that she is dependent, and in fact derives her identity from an abusive husband for social sustenance, and at the same time, is undergoing extreme trauma. Speaking against him may lead to further financial difficulties, emotional torture and, more seriously, death threats.

These women did not avail of services rendered by the state due to the fear that violence will recur from the abusers if they make their situation public.

### *Deserted but Dignified*

*Gun violence/threats were occasional but the terror triggered by one incident will remain with me till my last breath. I fear for my children's lives more than anything else.*

*I got married to my husband while I was in high school. My mother was opposed to the idea of early marriage and also because of his background which she frowned over. In fact I was in a dilemma. On one hand, I was attracted to him as a great person and on the other hand, I was doubtful. A couple of times I refused marriage but he would emotionally blackmail me saying that he would die instantly by using the 'suicide' (cyanide) locket which he wore. Finally I gave in and got married to him.*

*It was a happy marriage for the first few years. Two children were born. I was endowed with material comforts. However, he failed in his promise to support me, especially with regard to the continuation of my education. He never had time nor was there any opportunity for me to discuss his affiliation or role in the outfit. I needed to know about his source of income and also his responsibilities as husband and father. I was aware that he was active in the outfit but never in detail because he refused to discuss anything with me. I finally chose to be a wife, mother and daughter-in-law. In short, a homemaker.*

*I was informed of his second marriage to another woman by a relative. I was devastated. I would not allow this to happen to me. Humiliated and distraught I confronted him upon his return. Instead, he showed his power by pointing his pistol at me and threatened that he would either kill me or the children. Alas, I continue to lead what is called a critical life of ups and downs, a life of struggle. I am not divorced. I don't know about his whereabouts any more. The turning point in my life came when I decided I will not continue with him and came away to live independently with my children. In between I decided to go and stay with my parents-in-law because of lack of social, emotional and financial insecurity. There was no support.*

*I still cannot believe that I have been deserted. But I decided to stand on my feet, work and raise my children with pride and dignity. However, lack of formal skills and education posed a hurdle always. I have come a long way and out of the traumatic situation. I do not want to go back. I live with risks, threats and stigma.*

The whole stigma of their association with conflict makes them objects of ridicule where comments like ‘they deserve it’ or ‘they invited trouble for themselves’ are common. Women and girls further think of themselves as docile and powerless, thus accepting the sordid experience of domestic abuse, which is further aggravated by the conflict situation. Today these women are an invisible, lost lot. A few women rose above their situation and took bold steps to formally separate but are still dogged by threats and ridicule. Even the best laws/schemes of the land have neither been able to provide them a sense of social security nor space in social mainstreaming.

A generation of young women saw the typical notions of masculinity exemplified in these men, not realising their icons or idols would reduce some of them to objects of shame and humiliation. Promises made were broken overnight. As long as the woman remained submissive, it was absolutely fine with the man. His masculinity and authority need to remain unchallenged. Violence is his ideology for self-determination and he uses it as a tool to determine everything on the personal front.

The possession of guns has been considered a male privilege relating to power and status. It has resulted in men’s increased control over women, thus, putting the latter at the mercy of men, and there is a direct link between the gun and domestic violence. Men have the urge to display masculine power and control in both combat and non-combat situations. Examining the role of the state is also important. The state allows ex-combatants to retain their weapons to protect themselves. These are used by men to retain their masculinity and wield extreme patriarchal control on women. This seems to imply that the state legitimises domestic violence. The different conflicts gripping the state for several decades have gripped the lives of these women forever in a state of uncertainty.

### *Throwing off the Yoke*

*For seven years I did not know that he had a relationship with a woman outside our marriage. He was running a parallel family with a child.*

*I belonged to a family where my parents were incompatible despite being from a prosperous, elite background. In my father, I did not see certain fatherly traits which I craved. I yearned for companionship and eventually I met him, a man who was an active combatant. He was like a father figure to me. I persuaded him to surrender. I wanted him to surrender because I wanted to marry him and I had to convince my parents that he was not a combatant. I was a young 22-year-old educated woman with an independent mind. I wanted things to be perfect. In four years time, he surrendered after I begged and pleaded with him to do so. We were happily married and our daughter was born.*

*I, however, always carried the stigma that I was married to a surrendered combatant. But I did not care. I was the naïve young wife who listened to him. I detached myself from my friends’ circle as it was a mismatch. Slowly we became isolated from my social circle and mixed more with his friends*

*and relatives. I always believed that because he loved me so much I needed to share everything with him—who I would meet, where I would go—and finally let him control everything. I would give in to his physical abuse as it satisfied the male ego in him. Life became restricted and I became a prisoner in my own home, pandering to him, his instructions, and giving time to my daughter. For seven years this continued. During this time, I motivated him to continue his studies, which he had given up altogether. As for me, even if I was gullible in other ways, I was not so when it came to my studies. I pursued higher education. As a part of my curriculum, I had to counsel couples going through strained relationships and incompatibility. I identified myself with them and had a sudden breakdown. I was counselled by my supervisor. It was through her psychotherapy sessions that I realised that I needed to come out of this deception. And I did so and today I am back to my old ways of being independent and assertive.*

*A decade was wasted living in deception and I finally resorted to divorce.*

Caught in a web of discriminating patriarchal demands and ideology of the society, a woman plays multiple roles of a ‘good’ woman—the lover, the mother, the wife and a host of other kinship relations. On the rare occasion a woman dares to defy tradition and points a finger at the injustice meted out to her, she is a ‘bad’ woman and hardly ever supported by her kin. Women are the human shields in times of conflict. She could be the protective armour for her husband, trying to safeguard his security and identity from the society and also from threats of active combatants as state security is not sufficient or guaranteed. But after separation/desertion, she is left to cope on her own. In some cases ‘husbands’ have remarried. But a woman continues her allegiance to the family. Traditional gender roles are adhered to very strongly during such situations and extend to all kinship and social relations.

Even if there are state mechanisms like the Social Welfare Department to address the issue of domestic violence within the ambit of the Domestic Violence Act of 2005, the issue has never gained any space in the rehabilitation and reintegration efforts of the government. Conforming to male centric standards, these efforts systematically leave out women who are faced with newer challenges to survive in a society. Women, thus, live in an environment of fear, mistrust and danger of repercussions. Social exclusion and the lack of institutional support compound the problem for these women. The processes of DDR must be inclusive, responsive to gender needs and geared towards rights strategies that minimise gender discrimination and inequalities.



*Designated camp in Kakopathar, Tinsukia*

## State Measures for Women in Conflict Situations in Assam

### Central Measures

The Government of India has initiated laws that have a great potential for safeguarding women's well-being and their rights. A relatively recent initiative of the government is the launch of the National Mission for Empowerment of Women (2010-15) (NMEW) in March 2010. The Mission aims to use convergence of schemes/programmes of different Ministries and Departments in securing women's social, economic and educational empowerment, along with monitoring them and reviewing gender budgeting in the country.

The Eleventh Five Year Plan (2007-2012), expressed great concern about the multiple forms of VAW in conflict zones and in communal or sectarian violence. Hence a commitment was made in the Eleventh Plan period (Volume II: Social Sector, Point 6.50, p. 194) to set up a National Task Force on VAW in Zones of Conflict under the National Commission for Women (NCW). This was to be supported with adequate budgetary allocations to make it effective in monitoring VAW in conflict zones and facilitating relief and access to justice for affected women. Unfortunately, the commitment has not been fulfilled as yet.

The Twelfth Five year Plan(2012-2017) includes the component 'women in disturbed areas' (Volume III: Social Sector, Point 23.65, p. 175). It acknowledges how continuous violence has led to lack of normal access to facilities/services and increased vulnerability of women. It further states that, Gender sensitisation programmes will be held for authorities who implement legislations, such as AFSPA, applicable in disturbed areas. The twelfth plan will also initiate a review of AFSPA using gender lens. Gender Resource Centres will be established by the State Departments for Women and Child Development in all pockets of disturbed areas on a priority basis.<sup>19</sup>

### State Government Initiatives

There are state institutions mandated to provide services under national missions. These include the Assam State Commission for Women which investigates all matters relating to the legal safeguards provided for women and examines non-compliance of policy decisions by the state; Assam Human Rights Commission which inquires into complaints of human rights violation or abetment *suo moto* or on a petition by a victim or any person on her/his behalf; Assam State Legal Services Authority which, through its district authorities, is entitled to provide free legal aid to women and children and person if they are victims of a mass disaster, ethnic violence, caste atrocities, and others.

<sup>19</sup> [http://agritech.tnau.ac.in/pdf/12th\\_plan\\_GOI\\_2012-17/vol\\_3.pdf](http://agritech.tnau.ac.in/pdf/12th_plan_GOI_2012-17/vol_3.pdf), accessed 14 August 2014.



The Assam Relief Manual, 1976, is in the process of being updated. However, the Government of Assam's current relief strategy is limited to periodic distribution of cheques, supply of relief materials and temporary shelters. Also, the Government does not have an official policy/guideline addressing issues of persons internally displaced through ethnic conflict. Government of India does not recognise people who live in relief camps as 'Internally Displaced' due to armed conflicts/ethnic hostilities and hence, does not abide by the UN mandated norms for Internal Displacement. Therefore, concerted efforts towards conflict resolution from the government, communities, NGOs and the media are vital. Trust building efforts should encompass concrete measures that are sustainable. If some of the long pending grievances are not addressed sensitively, current conflicts have the potential of developing into a long lasting ethnic strife in the region.

Two surrender schemes, which cover women as well, were launched by the Assam Government. The first was in 1992 proposed by Late Chief Minister Hiteswar Saikia with the objective of 'rehabilitating surrendered terrorists'. It was called the '100 per Cent Special Margin Money Scheme' and implemented from 1 June 1992 till 31 March 1997.<sup>20</sup> The second scheme was proposed by the State Government of Assam in 1998.<sup>21</sup> The Ministry of Home Affairs (MHA) has been implementing this scheme for Surrender-cum-Rehabilitation of militants in the North East with effect from 1 April 1998. The scheme has since been revised with effect from 1 April 2005.

The Government of Assam has made two important proposals to address the needs of people affected by conflict. An announcement made by the Chief Minister of Assam during his budget speech in 2007-08 proposed paying one-time ex gratia grants to the next of kin of victims of terrorist violence.<sup>22</sup> In addition, the government planned to set up two rehabilitation homes for widows, widows of militant leaders and orphans affected by armed conflict which would include facilities for counselling, education and employment, stated a media report of 2007.<sup>23</sup>

During 2013-14, the Chief Minister in his budget speech proposed to provide a mechanism for free legal aid to the victims and establishment of fast track courts to try cases of violence against women.<sup>24</sup> For the rehabilitation of such victims, both women and children, there is a proposal to set up a special fund in the next financial year with an initial corpus of Rs. 5 crore. The government also notified the Assam Victim Compensation Scheme, 2012. Other measures include strengthening of the Assam Police Force, by operationalising 14 Anti Human Trafficking Units during 2012-13. There are 30 more women's cells in police stations to be made functional besides raising the Veerangana Company of Women Police. Veerangana (women warriors) is a Special Force of the Assam Police;

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<sup>20</sup> <http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/Surrender.htm>, accessed 1 October 12.

<sup>21</sup> <http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/Surrender.htm>, accessed 1 October 12.

<sup>22</sup> [http://assamgovt.nic.in/budget\\_speech2007-08.asp](http://assamgovt.nic.in/budget_speech2007-08.asp), accessed 3 January 2014.

<sup>23</sup> <http://www.india-forums.com/news/national/28265-rehab-home-for-widows-orphans-of-assam-armed-conflict.htm>, accessed 6 March 2014.

<sup>24</sup> <http://assamassembly.gov.in/budget-cm-speech-eng-11032013.pdf>, accessed 7 March 2014.

their main objective is to check crimes against women.

In terms of support services, the government has instituted Swadhar homes in the state to respond to 'women victims of terrorist violence' through home-based care and rehabilitation. In Assam, there are 16 Swadhar homes across 27 districts. In 2012-13, NEN surveyed the support services, both government and non-government, in Assam. It documented 75 shelter homes, 97 legal aid/counselling cells, 13 emergency numbers/helplines and 130 similar services. While there is an increase in the number of services, their accessibility for women is limited. For example, some districts affected by decades of political turmoil are devoid of any shelter homes or trauma counselling centres which are urgently required by women. Secondly, most of these services are plagued by the problem of the service staff lacking professional training and adequate gender sensitivity to handle cases of VAW. Some of the better services are limited in number and are overwhelmed by increasing demands. The services do not address and/or redress critical needs of women in conflict and post-conflict situations.



*NEN's activism*

## Advocacy by NEN

Given the multiple impacts on and disadvantages of women in conflict and post-conflict areas, we at NEN are aware that we need to influence policy at multiple levels. During the early years of NEN's work, human rights activism in NER was confined to civil and political rights and was largely male dominated. We then began to use the CEDAW Convention as a tool for analysis of women's equality and status. Through the collaboration with the CEDAW monitoring network facilitated by International Women's Rights Action Watch Asia Pacific (IWRAP-AP), we undertook an extensive study on the impact of armed conflict on women in NER in 2005. This was probably the first time that violations of women's human rights were documented systematically in the region. We have used this documentation successfully to draw attention to the gendered impact of conflict and human rights violations in NER and it has helped give visibility to the issue at national and international advocacy levels.

We were able to bring attention to violence against women perpetrated by the state and non-state actors in conflict-affected areas. Although human rights groups have protested violence against women in the context of armed conflict, those situations were largely used instrumentally in their advocacy against state atrocities. Our advocacy around issues of violence against women in different circumstances, health care services and reproductive and sexual rights issues has occurred at local, national and international levels. We have utilised international treaty body reporting mechanisms through shadow reports coordinated by the National Alliance for Women's Organisation (NAWO) and Programme on Women's Social and Economic Rights (PWESCR) during India's reporting period to the CEDAW and ESCR Committees.

NEN wrote the chapter 'Women in Armed Conflict Situation' and thus, contributed to India's country review process by the CEDAW Committee in 2000.<sup>25</sup> In the subsequent review by the Committee in 2007, another chapter entitled 'Women in Armed Conflict: The Experience of NE India' was written by NEN.<sup>26</sup> The organisation also contributed significantly to the development of the NGO report to the United Nations Committee on ESCR by writing a chapter titled 'Women and Conflict' in 2008.<sup>27</sup>

NEN also engaged with the UN Special Rapporteur on VAW, its causes and consequences, in 2008 and 2013, to advocate for the situation of women in conflict and post-conflict affected areas of North East India. Written submissions were made by NEN in 2008 and 2013. Sexual violence faced by women during conflict was highlighted in the submission.

<sup>25</sup> See Chapter 'General Recommendation 19: Violence against Women' of Alternative NGO Report on CEDAW: Initial submission to the CEDAW Committee 2000, coordinated by NAWO.

<sup>26</sup> See Chapter 14 of India 2nd and 3rd NGO Alternative Report on CEDAW: 2006, coordinated by NAWO.

<sup>27</sup> S□ and Indian State, coordinated by PWESCR, New Delhi.

Through shadow reporting and other lobbying processes we were able to raise human rights issues pertaining to state budget on women's issues, impact of AFSPA on women, conflict induced displacement, women's representation in political and public life and women's participation in peace processes and others. Our efforts are reflected in the CEDAW Concluding Observation<sup>28</sup> (CO) No. 72 of 2000,<sup>29</sup> CEDAW CO Nos. 8, 9, 52, 53 of 2007<sup>30</sup>, CEDAW CO 12, 13 of 2014 (advance unedited version) and ESCR CO Nos. 12, 50 of 2008.<sup>31</sup> It is a part of our ongoing work to monitor implementation of the COs by the government agencies.

The Government of India's narrow understanding of armed conflict is a hurdle to the implementation of the CEDAW Convention and UNSCR 1325. In an advocacy, NEN questioned the government's position vis-à-vis its plan to fulfil the obligations towards women under these UN Commitments. NEN made a written submission in July 2011 to the CEDAW Committee: General discussions on women in conflict and post-conflict situations.<sup>32</sup> Additional inputs were provided by NEN in 2012 to the Working Group of the CEDAW Committee for the proposed general recommendation on human rights of women in situations of conflict and post-conflict.

NEN has been actively involved in the latest CEDAW review process. The combined fourth and fifth NGO alternative report to the CEDAW Committee in 2014 has a special joint chapter by activists and local human rights groups from Manipur, Assam, Chattisgarh and Kashmir, titled 'Women in Conflict Prevention, Conflict and Post Conflict Situation: Special Chapter on General Recommendation 30'. The report was considered in the 58th Session in Geneva in July 2014. The reporting this year was a very historic and significant one due to the fact that it was India's first reporting after the adoption of the General Recommendation No. 30.

Apart from contributing to the NGO Alternate Report, NEN has also been a part of the CEDAW review process through its submission of a set of pre-questions to the State Party, i.e. India, during its pre-sessional working group and lobbying in the schedule of events in Geneva, which included informal meetings between NGOs with CEDAW Committee, lunch briefings and a formal dialogue of the Committee with the State Party. Following the state's review on 2 July 2014, the CEDAW Committee has come up with its concluding observations on the fourth and fifth periodic reports of India. It has expressed major concerns around AFSPA, internally displaced persons, lack of support services in conflict zones and the absence of women in peace processes, among many others.<sup>33</sup>

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<sup>28</sup> Following consideration of each States party report, the CEDAW Committee formulates Concluding Comments/Observations, which principal areas of concern and recommendations to enhance implementation of the Convention by the State.

<sup>29</sup> <http://www1.umn.edu/humanrts/cedaw/india2000.html>, accessed 5 January 2014.

<sup>30</sup> [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb74df08b78f0554c12572a4003f9720/\\$FILE/N0724398.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/fb74df08b78f0554c12572a4003f9720/$FILE/N0724398.pdf), accessed December 2014.

<sup>31</sup> [www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc](http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc), accessed 1 April 2014.

<sup>32</sup> See Annexure no. 4 for the written submission by NEN to CEDAW general discussion on women in conflict and post-conflict situation. The report can be downloaded from: <http://www.ohchr.org/documents/HRBodies/CEDAW/Womenconflictsituations/NorthEastNetwork.pdf>.

<sup>33</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIND%2fCO%2f4-5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIND%2fCO%2f4-5&Lang=en), accessed 22 July 2014.

## Recommendations

This report shows that it is crucial to break away from a simplistic viewpoint of women impacted by conflict and post-conflict situations. There must be a nuanced understanding of special categories of women and issues because of women's status in the society which is further impacted by a complex conflict situation. Policymakers must view issues from a gender perspective and ensure a holistic approach taking into account all forms of discrimination and violence against women in such situations.

In conclusion, we at North East Network urge the Government of India to

- Acknowledge the existence of 'armed conflict' in India;
- Repeal the Armed Forces (Special Powers) Act, 1958, from NER;
- Recognise women ex-combatants and women family members of combatants (both surrendered and active) as a vulnerable category;
- Design and adopt a strategic guideline to operationalise sustainable DDR processes conforming to UN Integrated DDR Standards. There should be an appropriate budget to support the DDR process for long lasting peace;
- Provide immediate account of combatants who went 'missing' and 'disappeared' after operations by security forces to guarantee trust and support for the wives and their family members. In this context, India being a signatory state should ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Adhere to CEDAW General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations;
- Fulfil its commitment to set up a National Task Force on VAW in Zones of Conflict as proposed during the Eleventh Plan period and implement measures proposed in the Twelfth Five Year Plan for 'women in disturbed areas.'
- Recognise women's role in the peace process in the region, both at the formal and informal levels, and conform to UNSCR 1325 along with Resolutions 1820, 1888, 1889, 1960, 2106 and 2122. We strongly urge the Indian state to initiate domestic policies for facilitating the four pillars of the Resolution and use this progressive UN provision towards women's participation in peace processes as recommended by CEDAW CO 2014.
- Recognise domestic violence due to militarisation as a gross violation of women's human rights and address, through existing legislations and programmes, the particular disadvantages faced by women;
- Facilitate greater and faster engagement and proactiveness of institutions such as the National Human Rights Commission (NHRC), the National Women Commission (NCW), Legal Services Authority of India and the corresponding state commissions, and legal services created for safeguarding women's human rights and protection of vulnerable groups;
- Acknowledge the recommendations given by the National Review Committees and several International Human Rights Committees and UN Special Rapporteurs, in particular the Report of the Special Rapporteur on violence against women, its causes and consequences, 2014 and the Concluding Observations of CEDAW 2007 and 2014.

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## Annexures

### **Annexure 1: ULFA's Charter of demands for negotiation to resolve the issues between Assam and India**

In the negotiations, the issues will be discussed under the following groupings:

- Grounds for ULFA's struggle and their genuineness.
- Status report on missing ULFA leaders and cadres.
- Constitutional and Political arrangements and Reforms, including protection of the identity and material resources of the local indigenous population of Assam.
- Financial and Economic Arrangements, including settlement of all royalties on mines/minerals including oil on a retrospective compensatory basis and rights of independent use for a sustainable economic development of a native force to man the borders.
- Illegal migration— its effect/impact and required remedies including sealing of international borders, river patrolling, development of a native force to man the borders.
- Ethnic issues— problems and constitutional restructuring including settlement of border disputes and removal of encroachment.
- Education and Health reforms as required to preserve the identity of the people of Assam and benefits.
- Agricultural and Rural Development.
- Land and Natural resources, including right of natives to the land, flood control and management.
- Industrial Growth— Development of infrastructure, removal of transport bottleneck, development of entrepreneurial skill and efficiency in labour, availability of credit, infusion of capital— leading to industrial take off and right to engage in specific relationship with foreign countries for promotion of mutual trade, commerce and cultural relationship.
- Restoration, protection, preservation and spread of indigeneous culture of Assam in all its variety.

### **Annexure 2: Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

CEDAW is a United Nations Convention designed to protect the human rights of women. This came into force as an International Treaty in September 1981. This Convention is also known as the Women's Convention.

Many human rights treaties have recognised the importance of rights of persons, including women. However, it was generally felt that the general human rights regime was not working very well to protect and promote the rights of women. CEDAW is the only human rights treaty which specifically focuses on the human rights of women.



Some of the important features of CEDAW:

- The Convention is a comprehensive bill of rights for women.
- The Convention is based on three interrelated core principles, namely i) principle of equality, ii) principle of non-discrimination, and iii) principle of state obligation.
- Through its principle of equality between men and women the Convention extends the coverage of human rights to women.
- The Convention draws a distinction between de jure and de facto rights. In this regard, it recognises not only current discrimination but also past discrimination and introduces the concept of corrective measures to overcome the effect of past discrimination.
- Temporary Special Measures are special provisions under the Convention to bring about equality.
- The Convention goes beyond law and obligates governments to implement extra legal measures. It addresses the need to tackle power relations between women and men at all levels, including family, community, market and state.
- India ratified the Convention in 1993 and is bound by the provisions of this Convention

### General Recommendations (GR)

The CEDAW Committee makes general recommendations that are interpretative comments on specific articles of the Convention based on the examination of reports and information received from state parties. General recommendations are elaborations of the articles, which need to be considered while preparing reports by the state parties.

CEDAW GR No. 30 is a historic resolution by the CEDAW focusing on women in conflict prevention, conflict and post-conflict situation. It was adopted in October 2013. It gives authoritative guidelines to state parties to protect women's human rights before, during and after conflict. The same was asserted by the CEDAW GR No. 19 (1992) on VAW in which it stated that '*Gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include ... the right to equal protection according to humanitarian norms in time of international or internal armed conflict.*'

GR 30 calls upon state parties to fulfil their CEDAW related obligations to situations of conflict and overcome their gaps over reporting on the same. What is most noteworthy about this GR is that it extends to women's crisis situations not only in conflict as classified under humanitarian law but also '*... other situations of concern and lists examples of these such as war against terrorism, internal disturbances and low intensity civil and political strife, ethnic and communal violence, suppression of mass uprisings, etc.*'. Pre the GR 30, NEN made significant contributions and impressed upon the CEDAW Committee's regional consultations to consider NER of India as being affected by armed conflict for several decades.

The GR also emphasises state obligations with respect to:

- Women in conflict and conflict prevention (Section IV A, arts 29-33)
- Women in conflict and post conflict contexts (Section IV B). These include:
  - ✓ Gender based violence against women (arts 34-38)
  - ✓ Trafficking (arts 39-41)
  - ✓ Participation (arts 42-47)
  - ✓ Access to education, employment and health, and rural women (arts 48-52)
  - ✓ Displacement, refugees and asylum seekers (arts 53-57)
  - ✓ Nationality and statelessness (arts 58-61)
  - ✓ Marriage and family relations (arts 62- 65)
  - ✓ Security sector reform and disarmament, demobilization and reintegration (arts 66-69)
  - ✓ Constitutional and electoral reform (arts 70-73)
  - ✓ Access to justice (arts 74-81)

For the purpose of this report, we are trying to closely follow the CEDAW Committee's emphasis on women in conflict and post-conflict situations in respect of:

## 7. Marriage and family relations

62. Inequalities in marriage and family relations impact women's experiences in conflict and post-conflict situations. In such situations, women and girls may be coerced into marriage to placate armed groups or because women's post-conflict poverty forces them to marry for financial security, affecting their rights to choose a spouse and enter freely into marriage, as guaranteed by article 16 (1) (a) and 16 (1) (b). During conflict girls are particularly susceptible to forced marriage, a harmful practice which is increasingly used by armed groups. Families also force girls into marriage due to poverty and a misconception that it may protect them against rape.

63. Equal access to property, as guaranteed by article 16 (1) (h), is particularly critical in post-conflict situations, given that housing and land are crucial to recovery efforts, in particular for women in female-headed households, the number of which tends to rise in crisis owing to family separation and widowhood. Women's limited and unequal access to property becomes particularly damaging in post-conflict situations, especially when displaced women who have lost husbands or close male relatives return to their homes to find that they have no legal title to their land and, as a result, no means of earning a livelihood...

## 8. Security sector reform and disarmament, demobilization and reintegration (arts. 1-3, 5 (a) and 7)

66. Disarmament, demobilization and reintegration are part of the broader security sector reform framework and among the first security initiatives put in place in post-conflict and transition periods. This notwithstanding, disarmament, demobilization and reintegration programmes are rarely developed

or implemented in coordination with security sector reform initiatives. This lack of coordination often undermines women's rights, such as when amnesties are granted in order to facilitate the reintegration into security sector positions of ex-combatants who have committed gender-based violations. Women are also excluded from positions within newly formed security sector institutions owing to a lack of planning and coordination in security sector reform and disarmament, demobilization and reintegration initiatives. Inadequate vetting processes further impede gender-sensitive security sector reform, which is key to developing non-discriminatory, gender-responsive security sector institutions that address the security needs of women and girls, including disadvantaged groups.

67. At the end of conflict, women face particular challenges as female ex-combatants and women and girls associated with armed groups as messengers, cooks, medics, caregivers, forced labourers and wives. Disarmament, demobilization and reintegration programmes, given the traditionally male structure of armed groups, often do not respond to the distinct needs of women and girls, fail to consult them and also exclude them. It is not uncommon for female ex-combatants to be excluded from disarmament, demobilization and reintegration lists. Such programmes also fail to recognize the status of girls associated with armed groups by characterizing them as dependants rather than abductees, or by excluding those who did not have visible combatant roles. Many female combatants suffer gender-based violence, in particular sexual violence, resulting in children born of rape, high levels of sexually transmitted diseases, rejection or stigmatization by families and other trauma. Disarmament, demobilization and reintegration programmes often fail to address their experiences and the psychological trauma that they have undergone. Consequently, they are unable to reintegrate into family and community life successfully.

68. Even when women and girls are included in disarmament, demobilization and reintegration processes, the support is inadequate, gender stereotyped and limits their economic empowerment by providing skills development only in traditionally female fields. Disarmament, demobilization and reintegration programmes also fail to deal with the psychosocial trauma that women and girls experience in conflict and post-conflict situations. That in turn can cause further rights violations, given that women's social stigma, isolation and economic disempowerment can force some women to remain in exploitative situations (such as with their captors) or force them into new ones if they have to turn to illicit activities to provide for themselves and their dependants.

*Source: <http://www.ohchr.org/en/hrbodies/cedarw/pages/cedarwindex.aspx>*

### Annexure 3: UN Security Council Resolution 1325

Resolution 1325 marks the first time the UN Security Council addressed the disproportionate and unique impact of armed conflict on women, recognized the under-valued and under-utilized contributions women make to conflict prevention, peacekeeping, conflict resolution and peace-building, and stressed the importance of their equal and full participation as active agents in peace and security. The United Nations Security Council passed the Resolution 1325 on 31 October 2000.

Resolution 1325 is the most comprehensive UN resolution to date on the role of women in peace building activities. UNSCR 1325 takes special measures to protect women and children, not only from the violence of armed conflicts but also from gender-based violence such as rape and other forms of sexual abuse. It emphasises the responsibility of all UN member states to end impunity, and to persecute those responsible for genocide, crimes against humanity, and war crimes, including those related to violence against women and girls. The Council calls on all actors in negotiations and peace processes to adopt a gender perspective including measures that protect and respect the human rights of women and girls, especially those relating to the constitution, the electoral system, the police and the judiciary. It also calls on UN member states and other parties to consider the different needs of women and male ex-combatants when planning disarmament, demobilisation, and reintegration; to give special consideration to the potential impact of sanctions on civilian populations, and consider humanitarian exemptions; and to protect women and girls from gender-based violence in conflict, especially rape. The Resolution's stand on recognising and meeting the particular needs of women and girls in refugee and IDP camps and settlements is notable.

The Resolution 1325 calls upon the UN member states and all other parties (non-state actors, militias, humanitarian agencies and civil society) to take action in the areas of:

- Participation of women in peace processes
- Gender training in peacekeeping operations
- Protection of women and girls and respect for their rights
- Gender mainstreaming in the reporting and implementation systems of the United Nations relating to conflict, peace and security

UNSCR 1325 set up four pillars for women in situations of conflict and peace:

- Prevention
- Participation
- Protection
- Relief and Recovery

In addition to Resolution 1325, the UN Security Council subsequently adopted resolutions on women, peace and security. Taken together, the resolutions represent a critical framework for improving the situation of women in conflict-affected countries. Significant excerpts from the subsequent

resolutions:

**Resolution 1820 (2008)** was the first Security Council resolution (SCR) to recognise conflict-related sexual violence as a matter of international peace and security. It calls for armed actors to end the practice of using sexual violence against civilians to achieve political or military ends, and for all parties to conflict to counter impunity for sexual violence and provide effective protection for civilians.

**Resolution 1888 (2009)** strengthens the implementation of SCR 1820 through assigning leadership and establishing effective support mechanisms. It calls for the inclusion of the issue of sexual violence in peace negotiations, the development of approaches to address the effects of sexual violence, and improved monitoring and reporting on conflict trends and perpetrators.

**Resolution 1889 (2009)** addresses obstacles to women's participation in peace processes and peace building, as prescribed in SCR 1325. It calls for the strengthening of national and international responses to the needs of women and girls in conflict and post-conflict settings.

**Resolution 1960 (2010)** addresses states and non-state actors to make sure that they act according to existing international laws, which prohibit the use of sexual violence in conflict. It points out the importance of ending impunity and to increasingly prosecute those responsible for all types violent crimes.

**Resolution 2106 (2011)** draws attention to the importance of a comprehensive approach to transitional justice in armed conflict and post-conflict situations, encompassing the full range of judicial and non-judicial measures, as appropriate;

**Resolution 2122 (2013)** stresses the need for continued efforts to address obstacles in women's access to justice in conflict and post-conflict settings, including through gender responsive legal, judicial and security sector reform and other mechanisms.

*Source: <http://unscr.com/en/resolutions>.*

#### **Annexure 4: Written submission by NEN to CEDAW on the occasion of the General Discussion on Women in Conflict and Post-conflict Situations**

##### **Narrow Definition of Armed Conflict by Government of India: A Hurdle to Implementation of the Convention**

###### **Summary**

India has several ongoing and post-conflict areas within its territory. However, the Government of India (GoI) does not acknowledge these conflicts as armed conflicts and denies responsibility under UNSCR 1325. This situation is posing serious challenges in ensuring the Government's commitment to international obligations in conflict and post conflict situations with regard to women. The GoI terms conflict situations as 'disturbed areas, 'insurgency infested areas' etc. There is an urgent need for future

international resolutions and guidelines to expand the scope of the term *armed conflict* to include those situations that are termed differently by Governments in different parts of the world. This will enable diverse situations and contexts of conflicts to be encompassed in the general understanding of the term armed-conflict. An expanded understanding may be necessary for many State parties to fulfil their obligations in situations beyond the technical definition of armed conflict.

## Introduction

India has several situations of armed conflict within the country. However, Government of India (GoI) does not officially acknowledge the prevalence of any armed conflict within its territory.

The CEDAW Committee has in the past raised serious issues related to the situation of women living in conflict situation in India (2000 & 2007). It has particularly raised concerns about the operation of Armed Forces Special Powers Act (AFSPA)<sup>34</sup>, which is operational in North East Region of India<sup>35</sup> (NER) and the State of Jammu & Kashmir. In 2006<sup>36</sup>, as part of the pre-session questions, the Committee asked the GoI to ‘inform the Committee on how Security Council Resolution 1325 is being implemented in India and how gender perspectives are being mainstreamed in military operations in “disturbed areas” and conflict areas’. The following is the response from GOI.

### *Reply to Q.2*

*The contents of the Security Council Resolution 1325 have been circulated to relevant Ministries in the Government. There are no situations of ‘armed conflict’ within the territory of India, and hence the Security Council Resolution 1325 relating to Women in Armed Conflict is not applicable to India. The Indian Army has an excellent track record of protecting human rights, and is particularly sensitive to the rights of women and children, while carrying out its duties. With regard to the mainstreaming of gender perspectives in ‘disturbed areas’, the following actions are regularly undertaken ...*

The CEDAW Committee has been very proactive in placing accountability on the GoI in the context of communal violence in the state of Gujarat. This was done during the constructive dialogue as well as in requisitioning the GoI, ‘in conformity with article 18, paragraph 1(b), of the Convention, to submit a follow-up report in January 2008 for consideration by the Committee later in 2008’ due to insufficient information provided by the government during the constructive dialogue.

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<sup>34</sup> The Committee reiterates the concerns and recommendations in the concluding comments adopted in 2000 and urges the State party to proceed without delay with their implementation. The committee requests the State party to provide information on the step□ of violence against women by the military in disturbed areas and during detention or arrest is not impeded (CEDAW Concluding Comments: India 2007).

<sup>35</sup> NER, in this context, consists of seven states: Assam, Manipur, Tripura, Meghalaya, Nagaland, Arunachal Pradesh and Mizoram. [Q□ Do y□ eliminating Sikkim?]

<sup>36</sup> CE□ combined second and third periodic report of India.

The work of women's groups in India, particularly those working in conflict areas, has been boosted by the proactive role played by the CEDAW Committee. The Committee brought out issues of human rights violation of women suffered in different forms of armed conflicts within India. We are looking forward to further guidance of the Committee in this respect.

The stand of GoI with respect to armed conflict is one of the biggest hurdles that human rights organisations face in India. The government has consistently denied any armed conflict in the country and has not taken responsibility for addressing the fallout of various violent conflict situations within the country. Such positions of the government make it difficult for women's organisations and other human rights organisation to advance their work; very often these stands lead to harassment and branding of human rights defenders as anti-nationals. Those NGOs who work on implementation of CEDAW concluding observations related to conflict and UNSCR 1325+ are unable to make progress in their work given the government position on armed conflict. There are hardly any policies that comprehensively address the fallout of armed conflict on women.

India does not recognize that it has internal 'armed conflicts'. But she does recognize that there are 'disturbed areas'<sup>37</sup>, and 'insurgency infected areas'. The term armed conflict is seen by the GoI as an affront to the sovereign nature of the State due to factors such as closely linked histories of conflicts in South Asia and fragile relations with some of its neighbours.

### Nature of Conflicts in India and Geo-political realities in South Asia

The GoI does not use the term armed conflict, especially internationally, to refer to situations of armed conflict within the country. The root causes of these conflicts in India are extremely complex and are linked to the social political and cultural history of the South Asia region at large. The conflicts are of various nature: movements for greater autonomy, for self-determination or secession, ethnic identity based, communal (caste and religious conflicts) and ideological.<sup>38</sup> Most of these conflicts are inter-ethnic/community or vis-à-vis the State or a combination of both. According to estimates, almost one-sixth of India is undergoing some form of armed conflict and insurgency. Those areas include some states of North East Region, Jammu & Kashmir, tribal districts of states like Chhattisgarh, Jharkhand, Orissa, Andhra Pradesh and Bihar. Economic and or political marginalisation, exclusion of women from decision-making, violence and patriarchal gender norms are some of the common characteristics of these conflict situations.

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<sup>37</sup> As originally enacted, the power to declare an area to be a 'disturbed area' was conferred only upon the State Governments. By Act 7 of 1972, however, such a power was conferred concurrently upon the Central Government. The reason for conferring such a power upon the Central Government is stated in the 'Objects and Reasons' appended to the Bill, which reads thus:

The Armed Forces (Assam and Manipur) Special Powers Act, 1958 empowers only the Governors of the States and the Administrators of the Union Territories to declare areas in the concerned State of Union Territory as 'disturbed'. Keeping in view the duty of the Union under Article 355 of the Constitution, inter alia, to protect every State against internal disturbance, it is considered desirable that the Central government should also have power to declare areas as 'disturbed', to enable its armed forces to exercise the special powers.

<sup>38</sup> Armed struggles based on the left political ideology, like those of the Maoists against the denial of justice and dignity to tribals and other marginalised people in some parts of the country.

All these conflict areas are highly militarised with presence of armed forces, government para military forces and armed insurgent groups. There is a steady increase in the number of armed groups in regions like the North East India. Disappearance of thousands of people and many cases of extra-judicial killings are reported from the North Eastern region and Jammu & Kashmir. These areas come under the draconian Armed Forces Special Powers Act, 1958 (AFSPA).<sup>39</sup> Under AFSPA the security personnel wield unbridled powers and enjoy impunity in their operations in such ‘disturbed’ areas mentioned above. They are allowed to shoot with impunity. The security forces operating under this Act have been responsible for various human rights violations including sexual violence against women over the years. Decades after the inception of AFSPA, violence in the North East Region and Jammu & Kashmir is increasing rather than decreasing.

CEDAW Committee and other treaty bodies have recommended a review of AFSPA in the past. Apart from CEDAW, the Concluding Comments of ICCPR and the Universal Periodic Report also reflect the international concern about the Act still being operational. In the interactive dialogue, Eighth session of the UN Human Rights Council, 2-20 June 2008: Review of India under the Universal Periodic Review, the Indian delegation highlighted the array of legislative and executive measures that exist in India for the effective implementation of safeguards to protect human rights. During the interactive dialogue, India stated that it would deal expeditiously with any violations by the armed forces. The Armed Forces Special Powers Act (AFSPA) continues to grant de facto impunity to members of the armed forces. Section 7 of the AFSPA specifies that ‘no prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act’. This is compounded by provisions in Sections 45 and 197 in the Code of Criminal Procedure, 1973, that stipulate that no member of the armed forces or the police can be prosecuted without the prior sanction of the Central and State Governments.<sup>40</sup>

Despite the government’s claim that ‘the Government has always granted permission for prosecution of members of the security forces if it appeared that the rights of individuals had been infringed’, such permission has not always been forthcoming. Security forces in India continue to be responsible for grave human rights abuses during counter-insurgency operations, such as in Jammu

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<sup>39</sup> To meet the situation arising in certain parts of India on account of the partition of the country in 1947, the Government of India issued four Ordinances viz., the Bengal Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947; the Assam Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947; the East Punjab and Delhi Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947; and the United Provinces Disturbed Areas (Special Powers of Armed Forces) Ordinance, 1947. These Ordinances were replaced by the Armed Forces (Special Powers) Act, 1948. The present Act was enacted by the Parliament in 1958 and it was known initially as Armed Forces (Assam and Manipur) Special Powers Act, 1958. The Act was preceded by an Ordinance called Armed Forces (Assam and Manipur) Special Powers Ordinance, 1958, promulgated by the President of India on 22 May 1958. The Act applied to the entire state of Assam and the Union Territory of Manipur. After the new states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland came into being, the Act was appropriately adapted to apply to these states.

<sup>40</sup> India: Eighth session of the UN Human Rights Council, 2-20 June 2008: Review of India under the Universal Periodic Review: Amnesty International’s reflections on the outcome at <http://www.amnesty.org/en/library/info/ASA20/012/2008/en>, accessed 7 July 2011.



& Kashmir, Assam and Manipur. Although the Justice Jeevan Reddy Committee set up by the Prime Minister of India to review the AFSPA in 2004 had recommended repeal of the same, the Act is still operational in the country.

Non-state actors have also been responsible for human rights violations and violence against women in the North East Region and Jammu & Kashmir. In the state of Chhattisgarh where the government is engaged in war against Maoist insurgents, the state has sponsored Salwa Judum cadres.<sup>41</sup> They are engaged in violation of human rights, killings, mass displacements and sexual violence on women. Salwa Judum became increasingly violent and a source of terror.<sup>42</sup> The government has also launched a similar strategy of arming civilians in the states of Manipur (in NER) and Jharkhand.

Another serious impact of armed conflict is conflict-induced displacement which is taking place in the country. There are hundreds of thousands of people who are displaced by the ongoing violent conflicts in different parts of the country. There is no law that protects the rights of Internally Displaced Persons in conflict. Women in these situations face multiple discriminations. Women living in camps for prolonged periods, some times over decades, are particularly vulnerable to trafficking and unsafe migration. India does not have a policy on displacement and there are no programmes or policies devised specifically for those displaced due to armed conflicts.

In addition, there are various political, regional, caste, community and religious conflicts in India where the opposing sides use violence, especially sexual violence, against women. In 2002 India witnessed communal violence against Muslims in the state of Gujarat where members of the minority community were killed and women brutally raped and killed. The CEDAW Committee was especially constructive in asking for an extraordinary report from the Government of India during its reporting in 2007 and highlighting the state responsibility towards the victims of the violence and the long-term impact on their lives.

Women in India live largely under patriarchal norms that expect them to strictly adhere to gender roles assigned to them. They are seen as 'keepers' of the culture and honour of the community they represent. Women are expected to play a subordinate role keeping the 'interests' of community and family; they are treated less than equal. There is poor representation of women in important decision-making bodies like the Parliament, judiciary and other spheres in India. When it comes to women in conflict situations, these gender realities get deeply intertwined with the way conflicts are played out by different parties like the government, non-state actors and the community at large. Women are targets of violence and sexual assault in various conflict situations within India.

Although women have participated in peacemaking in different conflicts mentioned above,

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<sup>41</sup> Private militia of tribal people working with the government forces to fight the Maoists.

<sup>42</sup> This month (July 2011), the Supreme Court has declared as 'illegal and unconstitutional the deployment of tribal youths as Special Police Officers—either as 'Koya Commandos', Salwa Judum or any other force—in the fight against the Maoist insurgency' and ordered their immediate disarming.

they are rarely seen at the negotiation table and other formal spaces. Their roles are seen as incidental by negotiating parties including the government. Women also take part as combatants in North East India and in the Maoists insurgencies. However, their gendered and unequal roles are repeated even in the roles of combatants. Women are unequally treated during and after peace processes. Surrendered women combatants do not receive rehabilitation packages on par with men and they might face social stigma when they return to their community/society as an ex-combatant, which affect their ability to return to normal lives unlike their male counterparts.

Despite having several situations of armed conflict in the country, there are hardly any policies that comprehensively address the fallout of violent conflict on women in India. Policies and programmes are increasingly being formulated from a point of national security rather than from a human security perspective.

## Conclusion

India and many neighbouring countries go by a narrow definition of the term armed conflict and evade international obligations. Given this situation, it is crucial that any discussion, on expanding governments accountability on protecting women's human rights in conflict situations, needs to include realities of South Asia as illustrated by the case of India. Strategies need to be worked out to include ways of bringing those governments, who do not want to use the term armed conflict to refer to situations where there are ongoing conflicts, use of arms (by State and Non-State actors) and use of excessive State military power. Women are adversely affected due to the situation, and the State has an obligation to uphold and protect the human rights of people.

We strongly feel that there should be a way of bringing governments that are hiding behind definitions of 'armed conflict' to evade international accountability. Future Resolutions and General Recommendations should be more flexible in using the term armed conflict because strong states like India believe that their sovereignty can be questioned and international laws be used for 'purely domestic issues' and they do not invite intervention in 'internal security' matters. India's reluctance to implement and the official statement on SCR 1325 (as not applicable to India) is reflective of the above apprehension.

There is an urgent need for expanding the understanding of the term armed conflict in the context of women and State obligations. In this context, future guidelines and General Recommendations should broaden the context to include those situations some Governments call by other names, which are otherwise equivalent to 'armed conflict' situations. They should go beyond existing definitions and understanding of the term armed conflict to include diverse situations as we experience them in India.

The women's groups in India, particularly those of us who work in conflict affected areas like in the North Eastern region of India see great opportunity in using CEDAW as a mechanism to furthering women's rights, expanding benchmarks for women's rights and demanding fulfilment of State obligations.





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