

RESEARCH PROFILE No. 10  
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## **War against Women: A Feminist Response to Genocide in Gujarat**

### **The continuum of violence**

In February 2002, in the Indian state of Gujarat, a segment of the majority population, proclaiming Hindu religious and national identity, committed genocidal acts against the minority identified as Muslims, with active support from the ruling state government of Gujarat and the central government of India. Many women were subjected to rape and other forms of sexual torture and abuse. Among the many civil society organizations that responded to the massacre were women's organizations. Most contributed humanitarian help. Others also campaigned for justice, raising issues of women's human rights. I have chosen to consider the latter initiatives as part of the social movement I'm researching, viz. women's organized opposition to violence, war and militarism.

All the same, it's important to recognize a difference between communalist violence and 'armed conflict' or 'warfare'. In Kashmir and the North East states there are insurgencies against Indian authority by armed movements seeking autonomy or independence. In these locations the Indian Army is engaged in military action under the Armed Forces Special Powers Act. It is legitimate to call these situations of civil war. (I describe women's responses to these conflicts in Profile No.12.) The violence in Gujarat was not, in this sense, *war*. But that does not mean, as we shall see, that it was 'spontaneous', 'rioting'.

The events were, besides, not unrelated to the current geo-political and military positioning of the Indian state. The Hindutva movement that perpetrated the violence represented Indian Muslims as inspired by, or even agents of, the 'enemy' state of Pakistan. Uma Chakravarty told me how, especially in the light of the nuclear arms race between India and Pakistan, 'communalism, militarism and patriarchy fall into a common frame of reference for some of us – the discourses can't really be kept separate.' In addition, the massacre in Gujarat occurred in the 'post-9/11 era', in which Islam is characterized by the US and its allies as an instigator of worldwide terrorism. Both India's long enmity with Pakistan, and local relations between 'Hindus' and 'Muslims', had acquired a heightened significance within the context of the US 'war on terror'.

A second reason for considering women's 'rights' responses to the Gujarat pogrom within the framework of my research is that mass rape of women by men was a significant feature of *both* the Gujarat violence *and* the armed conflicts in Kashmir and the North East, as it had been in the violent Partition in 1947-48. India seemed interesting for purposes of my research, as a

country where women's opposition to war and militarism *necessarily* includes consciously addressing personal sexual violence against women as endemic in 'peace', 'communal violence' and 'war'. Nandita Shah told me that at the World Social Forum in Mumbai in 2004 Indian women organized a public meeting they titled 'War against Women, Women against War'. In India more than elsewhere I heard women say 'violence is a continuum'.

### **The Gujarat massacre of 2002**

The ethnic Partition of India, consequent to the end of British rule, was accompanied by extreme and protracted violence between Hindus, Sikhs and Muslims. A sustained enmity between the successor states of Pakistan and India resulted. Many Muslims remained in India, where they constitute a minority of 12 or 13%, relatively poor, marginalized and politically under-represented.

From the late 1980s, Muslims were increasingly threatened by a growing Hindu rightwing movement seeking political power.<sup>1</sup> Hinduism is in principle a loose combination of diverse beliefs and practices, and is not derived from authoritative texts. However an upper caste (Brahminical) and patriarchal Hindutva culture, embodying an aspiration to an ethnically pure Hindu nation, was spreading in the majority population. It was led by the *Sangh Parivar*, a movement that includes the *Rashtriya Swayamsevak Sangh* (RSS), an ideological institution of the Hindu right; the *Vishwa Hindu Parishad* (VHP), a Hindu religious order, with an outspoken youth wing, the *Bajrang Dal*; and the *Bharatiya Janata Party* (BJP) the political arm of the Hindutva movement.

Between September and November 1989 a wave of anti-Muslim violence inspired by the *Sangh Parivar* afflicted Northern India. On December 6, 1992, a mob of Hindu extremists, apparently with official sanction, demolished a 464-year old Muslim holy place, the Babri Masjid mosque, to recover what they claimed to be the site of an earlier Hindu temple at Ayodhya. This evoked widespread triumphalism in Hindu communities throughout India, while Muslim communities and organizations, and numerous human rights organisations, women's groups and progressive political parties, massively protested. Many died in the ensuing violence (Bose 1999).

In the elections of 1995 the Hindu nationalist BJP gained political control in Gujarat state. In 1998 this party won partial power at national level, and entered a coalition government.<sup>2</sup> Many Indian democrats already believed that Congress had betrayed the officially secular nature of the Indian state. Now remaining constraints on the Hindutva movement were removed.

After the demolition of the Babri Masjid, squads of Hindu activists had set about constructing a Ram temple at the Ayodhya site. In late February 2002, a train carrying many such *kar sevak* volunteers to Ayodhya had acted

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<sup>1</sup> Christian tribals and missionaries have also been consistently targeted by the Hindu right-wing organisations.

<sup>2</sup> The BJP was subsequently displaced at the national level in elections of 2004.

aggressively towards Muslims at stations along the way. On February 27, as the 'Sabarmati express' made its return journey, an incident occurred at Godhra, in Gujarat, in which one carriage of the train burned and 59 people died of asphyxiation. Despite the lack of clear evidence, and in the absence of proper investigation, the rumour quickly spread that this was an ethnically-motivated attack by Muslims. Influential politicians at both national and state level implied this to be the case – and even suggested the hidden hand of terrorists from Pakistan. Their statements appeared to predict and, worse, to legitimate violent reprisals against Indian Muslims (Varadarajan 2002).

In the three days following the incident on the Sabarmati express, more than two thousand people were murdered in the state of Gujarat, overwhelmingly from among the Muslim community. Hundreds of thousands were driven from their homes, 113,000 finding refuge in relief camps. An estimated 38,000 million rupees-worth of Muslim property was destroyed, including 1150 hotels burned in Ahmedabad city alone, 1000 trucks burnt and 250 mosques destroyed (*Communalism Combat* 2002).

Since the BJP had come to power in Gujarat, seven years before the massacre, the political, administrative and judicial structures of the state had been penetrated by the Sangh Parivar. There had been public proclamations of Gujarat as a 'Hindu Rashtra' or Hindu nation. Slogans such as 'there are only two places where the Muslim belongs - in the graveyard or in Pakistan' were widely heard and officially tolerated. Education and the media had been 'saffronized'.

In the course of the pogrom, political leaders holding various positions in the Gujarat bureaucracy and ministries were actively involved in perpetuating the violence. They did nothing to control the police force, who actively contributed to the violence against Muslims. In an article 'When guardians betray', Teesta Setalvad documented many instances of the police leadership doing the bidding of the RSS and VHP, and described how they had packed the force with Hindutva supporters and penalized officers who defended Muslims (Setalvad 2002).

The Indian state must also be seen as complicit in the carnage, at times through active involvement, and at times by turning a deaf ear to pleas from the victimized community. The national administration was slow and ineffective in its interventions - for instance 72 hours lapsed from the outbreak of violence before the Army was sent in.

Although the massacre was widely represented as a 'backlash' to the incident on the Sabarmati express, there was evidence that it had been planned long before. The mobs carried lists of Muslim properties obtained from a survey conducted by the local authorities. Swords were widely used by the killers, and these, together with *trishuls* (iconic three-pointed spears) and other Hindutva paraphernalia, had clearly been assembled and distributed in advance. Cans of petrol and gas cylinders for torching properties and people were widely available. In short it was a well-planned pogrom, consciously

pursued by organisations of the Hindu right, with the connivance of state and central government.

### **The International Initiative for Justice in Gujarat**

The mainly Brahmin Hindutva ideologues had successfully co-opted Hindus of all castes, and many Sikhs, Jains and Buddhists, into their notional Hindu nation. It was Muslims they identified as 'other'. But many secular and moderate Hindus, and also some women and men from tribal, *dalit* ('untouchable') and other non-Moslem communities, were appalled by the upsurge of fascism (IIJG 2003). When the pogrom started, many Muslim NGOs provided relief and aid. Several organisations and individuals joined in the secular efforts to address the huge humanitarian challenges. These included human rights organisations, women's organisations and NGOs. Among them were the Mumbai-based feminist groups **Forum against the Oppression of Women** (henceforth Forum, or FAOW), and **Aawaaz-e-Niswaan** (AeN, Women's Voices), who mobilised womanpower, first to understand the nature of the violence in Gujarat, especially sexual violence, and also to take on tasks such as hiring trucks to transport clothes and medicines to the neighbouring state.

In addition to humanitarian responses, many investigations were launched by civil society and human rights organizations. One, published as early as April 16, was by a panel of six women sponsored by the Citizen's Initiative, Ahmedabad. They had carried out a five-day fact-finding mission to relief camps during March to learn the nature and extent of the crimes against women. They concluded that sexual violence had been 'grossly underreported' (Women's Panel 2002: 2). One of the authors of this report, the independent journalist Farah Naqvi, would go on to be part of the more detailed investigation described below.

In May 2002, FAOW and Aawaaz-e-Niswaan met with other women's groups to discuss next steps. They decided on an international initiative with a legal focus. The **International Initiative for Justice in Gujarat**, as they called it, was eventually mounted by a coalition comprising FAOW, AeN and Stree Sangam (of Mumbai); four Delhi-based women's organizations: Saheli, Jagori, Sama and Nirantar; the Citizens' Initiative (of Ahmedabad); the People's Union for Civil Liberties (PUCL); Shanti Abhiyan (of Baroda); the journal *Communalism Combat*; and the Organized Lesbian Alliance for Visibility and Action (OLAVA, Pune). Several women's organizations working in Muslim communities in the state of Gujarat were also involved but for reasons of safety preferred not to be publicly named.

The coalition decided on a three-fold strategy. They would bring to bear *feminist knowledge* about sexual violence in relation to reactionary nationalisms. They would take a *juridical approach*, relating the facts on the ground to legal statute, which would mean including lawyers in the panel. And they would *internationalize* the enquiry. By May 2002 it was clear that the Indian legal system was not going to deliver justice to the Gujarat victims. The

coalition's hope was that by invoking international law and bringing international pressure they might shame the Indian authorities into action.

Working from a preliminary list of thirty, they assembled a panel of nine women with highly appropriate experience, including lawyers, writers, academics and campaigners from several different countries. The panellists were **Sunila Abeysekara**, Director of Inform, Colombo, Sri Lanka; **Rhonda Copelon**, Professor of Law, City University of New York and Director of the International Women's Human Rights Law Clinic; **Anissa Helie**, Director of the international activist organization Women Living Under Muslim Laws; **Gabriela Mischkowski**, historian and co-founder of Medica Mondiale, Germany; **Nira Yuval-Davis**, then Professor of Gender and Ethnic Studies at the University of Greenwich, UK; **Uma Chakaravarti**, feminist historian from Delhi University; **Vahida Nainar**, Researcher in Gender and International Law; Chairperson of Women's Initiatives for Gender Justice, the Netherlands; Board Member of the Urgent Action Fund, USA; co-founder, Women's Research and Action Group, Mumbai; **Farah Naqvi**, co-founder of Nirantar and an independent writer and consultant on issues of women, democracy and development, Delhi; and **Meera Velayudan**, formerly of the Institute for Environmental and Social Concerns, Coimbatore.

Although the panel was carefully selected to draw women from three continents, six countries<sup>3</sup> and a variety of cultures, they steered a careful course in conceptualizing this composition. In their report they acknowledged their individual positioning in relation to power but they took care not to label themselves according to 'identity'. They didn't collapse the group into political unanimity either. But they did stress a precisely defined common value. They wrote:

The feminists who form the IJG come from different locations, in terms of their race, class, ethnic origin, religion and other status; they are all women, located within the specific nexus of power in relation to their subject positions. Without an assumption of commonality of all positions on social and political issues, they stand together as a community of feminists from across the world who refuse violence and discrimination on the basis of race, religion and other identity-based differences and who believe in justice and human dignity for all (IJG 142).

FAOW, AeN and the other organizations set about obtaining funding by appealing to various organisations. They set about preparing a dossier of existing information about the pogrom, as the basis for an introductory session with the panellists when they arrived in Mumbai in December 2002. After this briefing, the panellists separated into three groups of three, each going out to gather testimonies from survivors in separate areas of Gujarat. They had contact with 41 organizations, meeting 181 women and 136 men, who spoke about incidents of violence occurring in 84 different urban areas

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<sup>3</sup> There was no panellist from Pakistan because to include one was felt to be too inflammatory to Indian public opinion; and none from Bangladesh because it was believed her safety in her own country would have been at risk.

and 66 villages in 7 districts of Gujarat (IJJG 2003:7). The panel visited many sites of violence and relief centres.

The organizations of the coalition, especially the Forum and Aawaaz-e-Niswaan, provided the considerable organizational support this entailed in Mumbai and in Gujarat, fielding bilingual note takers, transcribers and interpreters.<sup>4</sup> The drafting of the report was a collective process, each panellist taking responsibility for a section. Five panellists met six months later to do the editing. The book, *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat*, was eventually published on Human Rights Day, December 10, 2003 (IJJG 2003).

Vahida Nainar told me, two years later, how a feminist ethics had informed the process from start to finish.

It was such a comfortable network to be in! It was the first time I had experienced that. Whoever came was of the same mind: 'we want this to happen'. Everyone was investing in it equally, all committed. There was respect for each others' views, sensitivity to each others' thinking. There was good listening.

To me, what is most striking about the report is that, unlike any other 'commission of enquiry' you ever read, a feminist principle is there in the very conceptualization. The panellists are not anonymous, disembodied, official representatives of civil society. Rather, each takes space to say what the experience meant to her, as a woman, and the impact the stories of torture and murder had on her within the context of her own life.

### **What the enquiry found**

In general, the investigation by the IJJG bore out what was already known about the pogrom, that is the large number of deaths and widespread destruction of property. It found consistent evidence that the state authorities of Gujarat, deeply penetrated by the Hindutva movement, had foreseen, failed to prevent and ultimately sanctioned and exacerbated the violence against Muslims.

But the IJJG's particular contribution was to produce more detailed evidence than other reports had done of the extent to which communal violence was expressed as sexual violence against women. The introduction to the report stated that testimonies had revealed 'the specific targeting of women, as part of a conscious strategy to terrorise the Muslim population of Gujarat'. Sexual

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<sup>4</sup> Half a dozen women from the Delhi-based organizations were actively involved in the IJJG investigation, travelling frequently between Delhi, Mumbai and Gujarat. In March, shocked by the inaction and irresponsibility of the Indian government in face of the massacre, women in Delhi had organized a week-long picket of the Parliament building. Joined by men and women of various NGOs, they maintained a fast from 8 am to 8 pm for a week, lobbying members of parliament and informing passers-by.

violence had been used 'as an engine of the mobilisation of hatred and destruction' (IJJG 2003:11).

The scale and brutality of the sexual violence unleashed upon women was new, or felt as if it was new, to the panellists, who could not have been prepared for the testimonies they heard even though they were aware of the centrality of this method in the violence of 2002....the sheer magnitude of the trauma recounted by women even nine months after the violence was overwhelming (p.11).

The panel heard first hand evidence of multiple instances, not only of rape and gang rape of women, but also of the insertion of iron rods and swords into the vagina, the cutting open of the belly of pregnant women to extract the foetus (p.112), cutting off of breasts and mutilation of genitals, and rapists declaring the intention of inseminating women with 'Hindu' offspring (p.40). Men in the mob were everywhere taunting and molesting women, seizing them and stripping them of their clothes. Even police officials were exposing their penises to terrorize Muslim women and humiliate Muslim men. In many cases these acts were done publicly and repeatedly in front of family members and children. 'There were many women bleeding, injured, naked. Many women had bite marks on their breasts...women were raped with wooden rods inserted into their vaginas', a witness said (p.127).

Quoting Tanika Sarkar the panel concluded 'the woman's body was a site of almost inexhaustible violence, with infinitely plural and innovative forms of torture' (p.34). But, worse, these acts were in many cases only 'the torturous prelude to killing, often by torching the raped woman alive or throwing her to a fire' (p.112). Women's bodies were in many cases deliberately rendered unrecognizable to make legal redress or retribution less likely. The fact that many raped women did not survive, added to the reluctance of surviving women to speak of their ordeal, made it impossible to establish numbers. But it is certain that many hundreds of Muslim women were subject to these crimes. What is more the panel found distressing evidence that women of the Hindutva movement participated actively in the violence, inciting rape and murder.

Because the IJJG study was made several months after the first outbreak of violence, it produced important evidence that the pogrom was ongoing in different but still frightening forms, and with less media attention. Muslims and dissenting Hindus still had reason to fear mob attacks, and victimization by the police. There was widespread trauma and mental illness, and there were adverse effects on women's reproductive health. There had been a retrenchment of Muslim culture in these threatening circumstances, with greater control imposed on women and girls in the name of 'protectiveness', while 'male community leaders were 'increasingly insisting that women should fit into their narrow definition of what a "good Muslim woman" should be' (p.87).

Those Muslims who were leading the recovery process, trying to help people shift from being 'victims' to being 'survivors', were being harassed or

imprisoned (p.91). That the climate of Hindutva hatred in Gujarat was no less ten months after the first murderous outbreak became clear when the BJP was returned with a substantial majority in the state election that December.

### **Individual and collective social actors of the IJG**

Someone whose experience, expertise and interests helped to shape the idea of the IJG was Vahida Nainar, a lawyer whose home is Mumbai. Twenty years ago Vahida had been active in Aawaaz-e-Niswaan, working on Muslim women's issues. In 1988 she was invited to join an exchange programme organized by Women Living Under Muslim Laws, an international women's NGO, then based in France. This involved her, together with Seema Kazi and Raziya Patel, also from India, in an international comparative study of the situation of Muslim women. Their findings on Indian Muslim women prompted the formation of a feminist project in Mumbai, the Women's Research and Action Group<sup>5</sup>.

For many years after this, Vahida would continue to be involved with WLUML, and, as a lawyer, with women's rights. On behalf of WLUML she became active in the Women's Caucus for Gender Justice, formed in 1997 to lobby for a gender perspective in the establishment of an International Criminal Court. She was present in Rome as a member of the Caucus' delegation during the period the ICC statute was being negotiated there. She eventually became Director of the Caucus, then based in New York. Today the organization is called the Women's Initiative for Gender Justice, and is located in the Hague. Vahida Nainar is chair of the board.

After the rioting associated with the destruction of the Babri Masjid (1992/3) there had been a national commission of enquiry. It had included a

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<sup>5</sup> **The Women's Research and Action Group**, formed by Vahida and other women in 1993, is mainly a research and outreach project working locally, in poor areas in and around Mumbai, through the formation of women's community groups (*mahila mandals*) on issues of empowerment and rights. While in Mumbai, introduced to the group by Vahida, I had an interesting meeting with some members at their office.

I learned that, at community level, WRAG work with groups of adolescent girls, and of deserted and divorced women. They also address gender issues with groups of young men. Many of the cases the *mahila mandals* deal with in the local community involve violence against women, including dowry deaths. WRAG monitor the many newspaper reports of unexplained domestic deaths of young married women, many of which, though recorded as accidents, are in fact suicides or murders.

But WRAG are also a campaigning organization with national scope. They hold workshops, do advocacy, and carry out and publish research on women's human rights, with a focus on marginal groups of women including indigenous (*adivasi*) women, and single women. Particularly relevant to the IJG, they have a campaign 'ICC-India', coordinated by Saumya Uma, one of WRAG's two co-directors. Its objective is to change the policy of the Indian government towards the International Criminal Court.

The women of WRAG do not normally choose to identify themselves by ethnicity or religion, but rather stress their shared secular values and fierce opposition to fundamentalism and communalism. However at my meeting with nine of the group at their office, I understood that five were of Muslim background, one of Christian, one of Parsi and two of Hindu background, and that this diversity is a valued feature of the group that has an important bearing on how they are seen and see themselves.



consideration of sexual violence against women. But the state had failed to act on its findings and the report had merely gathered dust. Meanwhile, India was one of the small minority of countries that, following the line of the USA, opposed the creation of an International Criminal Court.

When the Gujarat massacre happened, Vahida was convinced that justice would not be won if the campaign were limited to India. International pressure would be needed. She worked closely with FAOW and AeN in initiating it, and eventually became a panellist.

***The Forum Against the Oppression of Women*** is the oldest feminist group in Mumbai, with its origins in the movement against rape. In 1980, following a particularly notorious case involving the rape of a 14-year old *adivasi* girl, Mathura, in a police station in Maharashtra, women's groups sprang up all over India. A national convention on rape was held. At this period, because the left were sidelining this and other 'women's issues' as diversionary, women active in the trade unions, the student movement, the Communist Party of India (Marxist Leninist) and the 4<sup>th</sup> International were breaking away to create autonomous feminist organizations. As feminists they had a totally fresh analysis of rape, representing sexual violence as a relation of power, of patriarchy operating through state, communal, class, caste and gender structures. They challenged the inadequacies of the law, the regime of impunity that protected the police and the powerful, and the communal cultures of honour and shame that placed blame on the victim.

I had the opportunity of a meeting with twelve members of the Forum during my visit to Mumbai. They are an activist group of 20-25 women, mainly of Hindu background, strongly secular in their politics. Some of the founding members are still active today, now in their forties and fifties. Many women have at different moments been part of the Forum, and newer women coming in all the time have been the strength of the group. The group have chosen not to register as an NGO, preferring to be a pressure group, debating, discussing and intervening on a range of feminist issues. They are educated women with full-time jobs of various kinds, such as lecturer, engineer, architect, doctor. Some work in NGOs. They come from varied backgrounds, but common to all of them is their independence and autonomy in life, something that is reflected in the organisation's structure and activities as well.

They are an open group, with no office, no fulltime workers, no regular funding. As they helped me get this Profile into shape, they added a sentence about themselves:

Our desire to be accountable to our own commitment and thought process was the reason we maintained our autonomy from any political party or funding-related logistics. This has helped us take up without hesitation issues that deeply concern us - be it the question of sexual minorities' rights or demanding gender-just laws which would not be confined by religion, caste or sexual orientation.

Forum meet weekly to plan their activities, which include organizing campaigns, writing papers from time to time (currently one on sexuality) and organizing national women's movements conferences. Over the years they have worked on varied issues and have been instrumental in initiating many campaigns nationally. They have also been one of the main organisations in the Autonomous Women's Movements in India for the last twenty five years.

Believing in autonomy, Forum has always tried to create spaces within the women's movements for women from marginalised sections – be they tribal women, women from Muslim communities or women who identify queer. It is because of this that Forum has right from the beginning actively worked with groups like Aawaz-e-Niswaan.

In 1987 when Aawaaz-e-Niswaan was formed, Shehnaaz Sheikh was an important connection between the two groups. A Muslim woman, she had joined Forum who had supported her in her petition to the Supreme Court challenging Muslim personal law. Shehnaaz was also a member of Aawaaz-e-Niswaan. The group's membership was, and is still, mainly of Muslim background and its activism concerns the rights of Muslim women. When I met with 16 of them during my visit to Mumbai they they introduced the group as secular and politically autonomous, and it was clear that, like WRAG and Forum, they prefer not to stress cultural identity. They said 'we often have to spend fifteen minutes explaining we are a feminist organization, not a Muslim one.' Politically they have a lot in common with Forum, and welcomed the cooperation prompted by the Babri Masjid violence.

At the start, Aawaz were unfunded and unregistered, 'an informal space'. They used to meet in the homes of women members. 'When one husband complained, we would shift to another!' It was only in 1999 that they decided to register as an NGO, which would permit them to be able to rent office and meeting space. Today they have more than a thousand members, with 15 to 20 women attending the regular Saturday meetings and a wider circle participating in campaigns.

Aawaaz-e-Niswaan both provides a service and works on campaigns and advocacy. It is an 'intellectual space in which we can clarify our politics' and it organizes campaigns (for instance against dowry deaths and police violence) in a predominantly Muslim community that is very conservative, where many women wear the *burkah* and are in *pardah*.

The group unhesitatingly raises issues that no-one else in the community cares or dares to address. Child marriage, for instance. And marital rape. Mubina said, 'The notion that a man does not have the right to sex with his wife against her will has been part of our understanding. We are questioning a society in which a man's need is seen as a legitimate expression of manhood and he must have his way, while if a woman does the same she's a sinner.'

They campaign around the divorce laws, too. 'The status of divorced women in India is very bad', Naseem said. 'It's as though your life has ended. There is solidarity among us. As an organization we stand up for women.' AeN

support sex workers in their community. Akeela said 'We use the term sex worker rather than prostitute because we believe it's not for anyone else to decide what work is legitimate. It's a woman's choice. But there's always a possibility of violence for sex workers'.

Akeela said, 'Talking about sexuality is important for us. There are very strong patriarchal controls on sexuality. It is so personal. But in Aawaaz-e-Niswaan we see control of sexuality as bondage of the person, her mind and body. Our thoughts are under attack. We have to confront it as part of our feminism.'

Basically, Naseem said, 'We have an understanding of patriarchy. Speaking with women we're aware of its societal effects, women's secondary status, the way women are socialized.' As AeN members, Farhat explained, 'some of us have defied norms ourselves, so we support a woman's autonomy – her right to speak for herself, to get an education, earn a living, not observe what society decides for her'.

Forum and Aawaaz-e-Niswaan have worked together on various issues at different times. In 1992/3, during the riots that followed the Babri Masjid incident, there was violence by Hindutva extremists in Mumbai, as elsewhere. The Muslim areas were under curfew. The women of the Forum were at this moment driven seriously to confront the fact of their (mainly) Hindu background and in fact used the mobility that being Hindu provided them to reach out to different parts of the city.

Forum and Aawaaz have combined their strengths and skills to work together. Forum women have the advantage of English education and skills of communicating, while Aawaaz have stronger links to the grassroots, and particular insight into problems of the Muslim community. Sabah said

Aawaz has learned a lot from Forum, but at the same time there have been instances when we have had to sit and explain things. The radical politics of Forum enriches our understanding and fieldwork. We have a lot of love and respect for them. Whenever we've needed help they've been there for us. Even though they have no funding, they sometimes contribute money from their own pockets. They've always ensured we didn't die. It's a real commitment they have.

The partnership between the two organizations became specially important during the events in Gujarat in 2002. The trust between them was the sturdy bridge that carried the IJG project.

### **Gujarat, rape and the continuum of violence**

So, one reason for my special interest in the IJG is the way it clarifies the 'continuum of violence'. The events in Gujarat in 2002, and the response of some feminist organizations to them, enabled me to see more clearly a logical connection, an unbroken series of linked meanings, furnished by the gender relation and its implication in all other relations of power, between the various

kinds of circumstance we think of as 'peace', 'militarization', 'political armed conflict', 'ethnic strife', 'intra-state war' and 'international war'.

In so-called *peacetime* for instance we could cite not only the widespread practice of rape, but also persistent instances of sexually-motivated murder of individual women by individual men. Such crimes occur in societies, such as those of Western Europe today, where marital rape and battering in domestic relationships is endemic and the social prevalence of abuse has given rise to movements of 'women against violence against women'. Another 'peacetime' example, the subject of a campaign addressed to the Mexican government by women worldwide, could be the incidence of hundreds of unexplained (and unpunished) killings of women, whose bodies often show signs of rape, torture and mutilation, in and around the cities of Juarez and Ciudad Chihuahua.

In conditions of heavy *militarization* (as in regions where US military bases or peacekeeping forces are stationed) intensified prostitution is widely reported, often accompanied by trafficking of women and sexual slavery (see forthcoming Research Profile No.13). And women supporting women survivors of violence report that, where men are armed, the violence is often more extreme.

Colombia (see Research Profile No.7) is a country where *political armed conflict* between leftwing guerrilla forces, rightwing paramilitary groups and the armed forces of the state also involves not only the killing of male combatants but the rape of women deemed to be associated with an enemy side in the conflict.

What about *ethnicized violence*? The sexual abuse of women as an assertion of control by dominant males is often routine in circumstances of ethnic supremacy or actual slavery (as in the southern states of the USA in the 17<sup>th</sup> and 18<sup>th</sup> centuries). In Gujarat in 2002 we've seen rape used not merely as a mechanism of domination but of destruction of one community by another.

The ethnicized conflicts in Bosnia and Rwanda in the nineteen-nineties, unlike Gujarat 2002, were designated '*intra-state wars*'. Mass rape was an intrinsic part of genocidal strategies in these wars. In the case of India today (forthcoming Research Profile No.12), rapes have been frequent in the war of the Indian state against insurgents in Kashmir and the North East. And we know that in *international wars* the rape of women of the conquered side is often seen as the spoils of victory for men of the winning side (in World War II the case of rapes during the Soviet seizure of Berlin is often cited).

Certainly the women's projects I've described here, which address the rights of women in the violent patriarchal cultures that are an everyday reality in Mumbai, don't see this work as separate in any way from their work in response to the 'exceptional' situation of the genocide in Gujarat – work which ranged from humanitarian help to victims in the neighbouring region, a challenge at local and national level to the state's failure to prevent genocide and an appeal to international laws framed to deal with circumstances of war.

## Choice of strategies

The other reason for my interest in the IJG in the context of my research is because of the conscious choice of strategies and the clarity with which they were defined and eventually articulated in the report. All three of the main strategies derived from theory evolved in two sites of feminist practice: first the practice of grassroots work among women in India (by the women's organizations involved); and second the practice of monitoring and lobbying on women's human rights in relation to criminal law at the international level (by some of the panellists).

### 1. *Using legal discourse*

The first strategic choice was to use *legal argument*. We've seen how often the women's movement in India has been fired by the legal system's failure to deliver justice to women in rape, divorce and custody, dowry death and other cases.

In response to Gujarat victims' demands for justice the Indian government had set up an Enquiry by the National Human Rights Commission. However, the women had little confidence in this, since a similar enquiry into the anti-Sikh violence of 1984 had failed to report, and the report of another Commission following the post-Babri Masjid riots in 1992/3 had not been acted on. Besides the Commissioner in the present case had already made public statements that revealed his bias (IJG 2003: 93-4).

Under the Indian legal system, most of the atrocities committed in the Gujarat pogrom of 2002 would be tried in the Gujarat courts. However, not only were the local law enforcement officers, the police, doing the will of the Hindutva extremists, the Gujarat judiciary too was 'saffronized'. The BJP government had appointed public prosecutors who were members or sympathizers of the Sangh Parivar (ibid: p.52). There are sections of the Indian Penal Code under which crimes committed in Gujarat could be dealt with. But the women planning the IJG could see that not only were the courts failing to deliver judgments against perpetrators, but in very few cases were the public prosecutors framing cases, even in clear instances of mass murder (p.95).

As to sexual offences, while everyone was hearing numerous accounts of rape, relatively few complaints were filed with the police, and fewer still were reaching the courts. Besides, the existing laws for prosecution of rape were inadequate – and there was a failure to use effectively even those which existed (p.97-99). Since there was no protection of witnesses against harassment and threat, the prosecution found it difficult to persuade people to give evidence against perpetrators, and in particular women victims of rape could not risk speaking out.

Meanwhile, the Supreme Court in Delhi, with few exceptions, was proving inert - failing to use its powers to intervene, for instance to call for retrials or to move trials to places where the victims would have more chance of justice (p.102-3). As to the government, it was widely felt that not only the BJP and other rightwing parties during their periods in power, but even Congress, had reneged on the constitutional commitment to a secular state. In recent years, besides, the state had accrued many illiberal laws, such as the Armed Forces Special Powers Act, the Prevention of Terrorism Act, the Public Safety Act and the Disturbed Areas Act. And, as we saw, it had refused to acknowledge the jurisdiction of the International Criminal Court.

### *Taking the international route*

The women's lack of confidence in the national state structures to deliver justice led to the second strategy of the IJG: *internationalizing the issue*. How could external pressure be brought on the Indian state to shift it from its stance of mere concern (giving aid to the victims) to one of responsibility and accountability (reparation, compensation, rehabilitation)? How could impunity for rape be ended when many of the raped women had also been killed, when witnesses were intimidated into silence, and when the law had provisions for compensation for death but not for rape? The women saw there was in fact no law in the Indian Penal Code that could fully capture the gravity of the crime that had taken place in Gujarat, and the political biases in the system were going to inhibit the application of what laws there were.

FAOW initiated a discussion about what could be done internationally, and invited Vahida, who was now back in Mumbai. In that meeting Vahida spoke, among other things, about the 'tribunal' women had mounted to put pressure on the Japanese government to acknowledge its sexual enslavement of women in the second world war. She talked about the campaign for an International Criminal Court. Together they discussed the validity of understanding the Gujarat violence as an on-going project to destroy a people and their culture: as *genocide* (p.105). In such a case, the relevant international instrument would be the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Indian government had ratified this in 1959 but had failed subsequently to pass the legislation necessary to give it effect.

The women setting up the IJG therefore decided to frame their work in terms of genocide, a 'crime against humanity'. Under international law, in cases of genocide where the state in question does not take legal action there is a (universal) obligation on the international community to do so – as it did in setting up the International Criminal Tribunals for Yugoslavia and Rwanda. Eventually, among the recommendations of their report were that the international community should declare a genocidal alert with regard to Gujarat, and if necessary call for the extradition of those chargeable with crimes against humanity. And they added: 'the use of sexual violence as a strategy needs to be specially addressed by the international community' because of the 'sensitivity of sexual violence which by its very nature will go completely unnoticed and unpunished unless it has a special focus and it is

specifically condemned as a strategy'. It called on the Indian government to accede to the Rome Statute founding the ICC, and invite and facilitate a UN mission of enquiry.

### *Deploying feminist theory*

Those of the human rights and democracy movement in India who pronounced on the Gujarat pogrom recognized the Hindutva movement as an extreme and fascist expression of nationalism. But it was only women, and specifically those of the IJG, that identified the sexual violence that characterized the pogrom as *intrinsic* to this form of nationalism.

They were able to do this because of the practical understanding of the patriarchal societies (Christian, Jewish, Hindu, Muslim) many of them live and work in, and because of the theoretical work done by feminists in the last twenty years. One member of the panel was Nira Yuval-Davis, whose writing on gender in relation to nationalism is internationally known (Yuval-Davis 1997). Anissa Helie was coordinator of Women Living under Muslim Laws, which approaches its practical work in a profoundly analytical way. She and Nira had both been members of Women Against Fundamentalisms, in the context of which a sophisticated analysis had been made of the gender factor in fundamentalist interpretations of all religions (Women against Fundamentalisms, 1990-1996).

So the team came to the evidence from Gujarat already armed with an understanding of nationalist ideology as involving an explicit set of gender relations. They understood that the assertion of manhood would necessarily be central to Hindutva discourse and militant masculinity the cornerstone of the pure Hindu state it envisaged. It was no surprise for instance that bangles (bracelets worn by women) had been circulated in mockery to Hindu men in areas where they were not rising to the movement's expectations by raping and killing Muslims.

They understood that a genocidal nationalist project would inevitably focus on the sexual abuse of enemy women, both because the woman's body is represented in such discourse as the repository of a community's honour, and because women are seen as biological reproducers of the community. For these reasons rape, impregnation and murder of women are all effective ways of disrupting normal familial reproduction and thus destroying enemy society.

Most importantly, the feminist analysis the IJG brought to the genocide was able to deal with an argument that was often used to undermine women's case against men as rapists: viz. that some women of the Hindutva movement were also perpetrators of violence, supporting their men, urging them to greater violence, egging them on to rape and assisting in the burning of bodies. In the analysis of the IJG it's a feature of nationalist ideology that 'good' women are variously (and even contradictorily) represented as vulnerable and passive; as strong and aggressive in defence of family and nation; and even as powerful – for instance in the image of the 'motherland' (in this case Mother India, *Matrubhumi*). Female participation in nationalist

violence doesn't mean the violence is ungendered. It is evidence of the *manner* in which it's gendered.

Also valuable was that, using this understanding of patriarchy, the feminists were able to defend Muslim women, and make a critique of Hindutva, without thereby falling into the trap of validating the subordination of women in the Muslim community. For Hindu nationalism and Muslim fundamentalism are both patriarchal structures, both deny women autonomy and subordinate their interests to those of men and of the community. This perception became important as the effects of the violence on the Muslim community became clearer: the increasing restrictions imposed on women. As the Colombian women say '*Ni guerra que nos mate, ni paz que nos oprima*'. 'No to a war that kills us; no to a peace that oppresses us.'

### **Contacts:**

During my four-day visit to Mumbai in December 2004 I had the opportunity to have meetings and conduct interviews with three groups of women, those of the ***Forum Against the Oppression of Women, Aawaaz-e-Niswan*** and the ***Women's Research and Action Group***. I had contact before coming to Mumbai with Sandhya Gokhale of FAOW and Sabah Khan of Aawaaz-e-Niswaan, who kindly arranged these meetings for me. Vahida Nainar invited me to stay in her home and this gave me a welcome opportunity for several long conversations about her past work with Women Living Under Muslim Laws, her experience of the Women's Initiative for Gender Justice in New York and the Hague, as well as about her involvement in the International Initiative for Justice in Gujarat. Vahida also told me about WRAG and enabled my meeting with them. My very warm thanks to her and to all the women who welcomed me to Mumbai and gave me such a wealth of information.

This profile was returned in draft to Vahida and the three organizations, through, respectively, Sandhya Gokhale, Sabah Khan and Suamya Uma. I received back a lot of suggestions for improving it. When we had a version with which everyone felt comfortable, it was agreed I might put it on my website so that it could be available to other interested women. With

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**Publications referred to in the text, and other useful references:**

Bacchetta, Paola (1996) 'Hindu nationalist women as ideologues' in Jayawardena, Kumari and De Alwis, Malathi (eds) *Embodied Violence: Communalising Women's Sexuality in South Asia*. London and New Jersey: Zed Books p.126-167.

Bose, Sumantra (1999) "'Hindu nationalism" and the crisis of the Indian State: a theoretical perspective', in Bose and Jalal (eds) *Nationalism, Democracy and Development: State and Politics in India*. Oxford, New York, New Delhi: Oxford University Press. Pp.104-164.

International Initiative for Justice in Gujerat (2003) *Threatened Existence: A Feminist Analysis of the Genocide in Gujarat*. Mumbai: Forum Against Oppression of Women.

Jalal, Ayesha (1999) 'Exploding communalism: the politics of Muslim identity in South Asia' in Bose and Jalal (eds) *Nationalism, Democracy and Development: State and Politics in India*. Oxford, New York, New Delhi: Oxford University Press.

Jayawardena, Kumari and De Alwis, Malathi (1996) 'Introduction' in Jayawardena, Kumari and De Alwis, Malathi (eds) *Embodied Violence: Communalising Women's Sexuality in South Asia*. London and New Jersey: Zed Books. Pp.ix-xxiv

Kannabiran, Kalpana (1996) 'Rape and the construction of communal identity' in Jayawardena, Kumari and De Alwis, Malathi (eds) *Embodied Violence: Communalising Women's Sexuality in South Asia*. London and New Jersey: Zed Books. P. 32-41

Nainar, Vahida and Saumya, Uma (2003) *Combating Impunity: A compilation of articles on the International Criminal Court and its relevance to India*. Mumbai: Women's Research and Action Group.

Teesta Setalvad (2002) 'When guardians betray: the role of police' in Varadarajan (ed) *Gujarat: The Making of a Tragedy*. New Delhi: Penguin Books. Pp.177-211

Varadarajan, Siddharth (ed) (2002) *Gujarat: The Making of a Tragedy*. New Delhi: Penguin Books.

Women Against Fundamentalisms (1990-1996) *WAF Journal* Nos.1-8.

Women's Panel (2002) *The Survivors Speak: How has the Gujarat Massacre affected Minority Women?* (Syeda Hameed, Ruth Manorama, Malini Ghose, Sheba George, Farah Naqvi and Mari Thekaekara.) Sponsored by Citizens Initiative, Ahmedabad. April 16.

Yuval-Davis, Nira (1997) *Gender and Nation*. Cambridge: Polity Press.

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This document is one of a series of local and regional profiles that will appear on this website in coming months. They are interim products a two-year research project *Women Opposing War: Organization and Strategy in the International Movement of Women against Violence and Militarism*, being carried out by the author from her base in the Department of Sociology, City University, London, during 2004/5, with the support of several charitable trusts. The profile is not intended for publication in its present form. I would be grateful if you would not quote it in published work without first seeking my agreement.

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