ISSUE BRIEF

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BETWEEN WAITING AND ERASURE: THE HALF WIDOWS OF INDIAN ILLEGALLY OCCUPIED JAMMU & KASHMIR

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



Source: *Islamic Human Rights Commission.*

Introduction

The phenomenon of forced disappearances in Indian Illegally Occupied Jammu and Kashmir (IIOJK) since 1989 has resulted in a new social category – the half widow – a woman whose husband has disappeared without any legal declaration of death. The number of these women is estimated at about 1,500[1] but they live in a condition of legal and existential vacuum, with no widow status, inability to inherit or remarry without legal prosecution and being deprived of state benefits. This is the most lasting gender-based consequence of the conflict in IIOJK. This issue brief analyses the impacts of this crisis in a legal, economic, psychological and political domain; outlines the shortcomings of various policies and structures of impunity contributing to this crisis; and presents specific recommendations for international players, regional actors and civil society.

Background: Conflict, Disappearances, and Structural Impunity

The armed uprising in IIOJK which started in 1989 led to a protracted freedom movement characterized by mass scale arrests, cordon-and-search operations, and systematic extra-judicial

[1] Association of Parents of Disappeared Persons (APDP), Half Widow, Half Wife? Responding to Gendered Violence in Kashmir (Srinagar: APDP/JKCCS, 2011), 4.

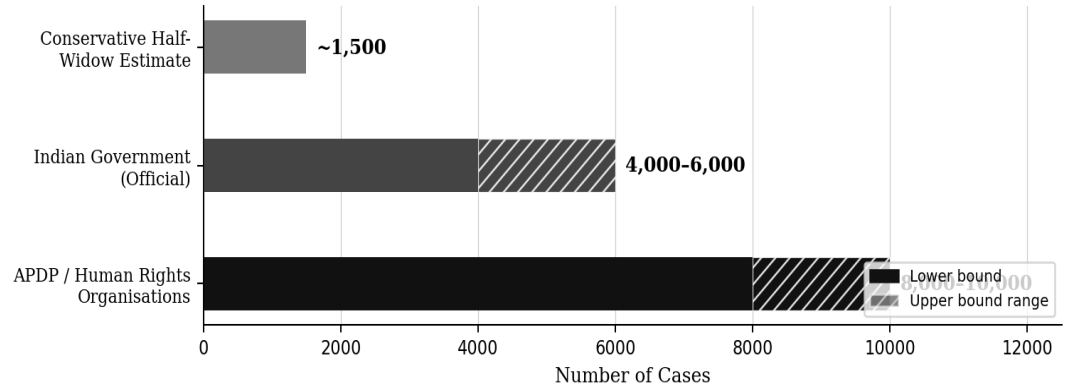
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actions. The Armed Forces Special Powers Act (AFSPA), which was implemented in 1990, granted law enforcement agencies almost complete exemption from legal action — giving them freedom to indulge in human rights abuses including detention without charges, and use of lethal force.[2] Enforced disappearances became a defining feature of the conflict.

Non-governmental organisations, mainly the Association of Parents of Disappeared Persons (APDP), have verified between 8,000 and 10,000 cases of enforced disappearance since 1989.[3] As per data officially disclosed in the Rajya Sabha of India, 7,151 persons were said to be missing in IIOJK in 2023 alone, of whom 4,190 could not be traced until the end of the year. The number of missing persons is on the rise, from 5,824 in 2020 to 6,486 in 2021 and 6,983 in 2023[4]. The Indian authorities admit only 4,000-6,000 "missing" individuals while denying the occurrence of enforced disappearances

This gap has implications beyond mere numbers; it indicates political disagreements about whether the disappearances organized by the state occurred. According to the United Nations, an enforced disappearance is when the government or its representatives arrest someone and deny any knowledge that they have been arrested.[5]

Figure 1: Estimated Enforced Disappearances in IIOJK (1989-Present)



Source: APDP (2011); Indian Ministry of Home Affairs; Herald/Dawn (2016).

Figure: Estimated Enforced Disappearances in IIOJK (1989–Present)

[2] Human Rights Watch, "India: Repeal Armed Forces Special Powers Act," August 12, 2008, https://www.hrw.org/news/2008/08/12/india-repeal-armed-forces-special-powers-act.

[3] Herald (Dawn), "Enforced Disappearances: The Plight of Kashmir's Half Widows," June 30, 2016, https://herald.dawn.com/news/1153456.

[4] "Silent Disappearances in Kashmir," *Daily Times*, March 2026, https://dailytimes.com.pk/1460974/silent-disappearances-in-kashmir/.

[5] OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in Indian-Administered Kashmir and Pakistan-Administered Kashmir (Geneva: United Nations, 2018), 5–6.

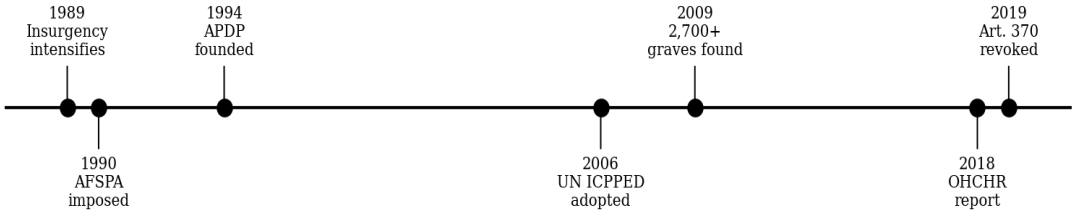
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Defining the Half Widow: A Crisis Without a Legal Category

The term 'half widow' captures the legal inconsistency that has never been resolved by Indian law. In accordance with Indian law, in order for a woman to be considered a widow, she must register the death certificate of her husband. She is not allowed to take benefits of her husband's estate, pension or insurance, or get married.[6] She remains in permanent legal suspension that neither she's fully wife nor fully widow.

Dardpora village located in the Kupwara district is recognized as the "Village of Half Widows". During military raids in the 1990s, numerous men from the village went missing; the women are still waiting to receive any information about them.[7] Unidentified graves numbering more than 2700 were found in northern Kashmir districts during the year 2009; most of them are yet to be examined. Follow-up studies have increased this number tremendously. The report focusing on the area of Rajouri and Poonch defined 3,844 more graves. The number of graves already confirmed is now over 6,000. There are 16 districts still left to be surveyed.[8]

Figure 3: Key Policy and Conflict Milestones — IIOJK Enforced Disappearances



Source: Compiled from APDP, OHCHR, and JKCCS documentation.

Figure: Key Policy and Conflict Milestones — IIOJK Enforced Disappearances

Dimensions of the Crisis

The plight of the half widow consists of five overlapping aspects. Legally, without a death certificate, the woman cannot rely on what the welfare system has to offer her — she cannot claim her husband's pension, inherit property, or get married. Economically, the unexpected absence of the chief breadwinner of the family leads to poverty. Research done by Paul D'Souza and Aman Trust shows

6 Paul D'Souza and Aman Trust, Vulnerabilities of Half Widows of Jammu and Kashmir (New Delhi: Aman Trust, 2016), 12.

7 JKCCS/APDP, Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-Administered Kashmir (Srinagar: JKCCS, 2009), 3.

8 Kashmir Campaign Global, "Enforced Disappearances," accessed October 28, 2026, https://kashmircampaign.com/articles/enforced-disappearances/.
https://kashmircampaign.com/articles/enforced-disappearances/

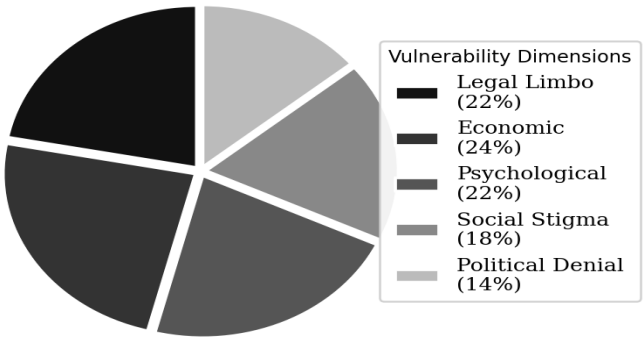
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that 92 percent of half-widows experience extreme vulnerability in social, economic, cultural, and health aspects.

Psychologically, the state of being a half widow represents what Pauline Boss calls *ambiguous loss,* which is grief that cannot be adequately processed as the person's fate is unknown.[9] Absence of body and absence of funeral leads to absence of closure. It is a case of structural ambiguity due to the state's intentional silence — a type of ongoing psychological torture. Studies show that most half-widows suffer from extreme anxiety, depression, dissociation, and PTSD.[10]

Socially, half-widows will get displaced from their marital homes. As a result, they move back to their families, which are usually economically weak and unable to provide the necessary support**.** Politically, After the abrogation of article 370 in August 2019, civil society faced more restrictions, including internet shutdowns, banning of gatherings, and increased monitoring. For organizations like APDP, this limited documentation and advocacy possibilities. Half-widows are isolated from institutional assistance and thus lost their remaining avenues of aid.

Figure 2: Dimensions of Vulnerability Faced by Half Widows of IIOJK



Source: D'Souza & Aman Trust (2016); Singh (2019). Proportions are indicative.

Figure: Dimensions of Vulnerability Faced by Half Widows of IIOJK

Policy Failures and the Architecture of Impunity

The main challenge on the way of justice is not the lack of laws but the fact that the legal system protects offenders from punishmint. In fact, since 1990, the AFSPA needs prior approval from the

[9] Pauline Boss, Ambiguous Loss: Learning to Live with Unresolved Grief (Cambridge: Harvard University Press, 1999), 6.

[10] Kislay Kumar Singh, "Half-Widows: Invisible Victims of the Enforced Disappearances and Their Status in Kashmir," Journal of Human Rights Practice 11, no. 3 (2019): 2.

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central authority for any security personal to be indicted in any case of the forced disappearance. No member of the Indian security forces has been convicted of a case of enforced disappearance in IIOJK.

The recent occurrences prove that cases of enforced disappearance have continued. In January 2025, the State Human Rights Commission (SHRC) instructed examination of 132 cases in Banhihal and 507 cases in Baramulla and Bandipora. In February 2025, two brothers in Kulgam district were discovered dead with injuries while the third remains missing. In March 2025, three people in Kathua district disappeared after attending a wedding, then their bodies were found in a canal.[11]

India has also turned down its approval of the UN International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) made in 2006.[12] The refusal places India in fewer countries that have not accepted legally binding international obligations as to some aspects of disappearance. Indeed, the 2018 report of the OHCHR refered to the lack of an independent investigation mechanism and demanded accountability measures that India rejected.[13]

In 1999, Amnesty International recorded the systematic denial of rights by discovering that the families of the vanished were treated with silence, misinformation, and institutional obstruction.[14] Amnesty International urged India in 2024 to halt the suppression of dissent in IIOJK, stating that the forthcoming assembly elections which were to take place there for the first time in ten years be conducted in accordance with actual rights protection—a demand which is still not addressed[15]. According to the Islamic Human Rights Commission, the presence of a reported number of between 400,000 and 750,000 Indian soldiers and paramilitary agents in IIOJK makes it possible for violations of human rights to continue without accountability.[16]

Policy Recommendations

The next set of recommendations is aimed toward the International community and civil society organizations with standing on the IIOJK issue.

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11 Muhammad Khan, “International Day of Disappearances: Kashmir Case,” *Pakistan Observer*, August 29, 2025, https://pakobserver.net/international-day-of-disappearances-kashmir-case/

12 UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, A/RES/61/177, December 20, 2006.

13 OHCHR, Report on the Situation of Human Rights in Kashmir (Geneva: United Nations, 2018), 12.

14 Amnesty International, India: If They Are Dead, Tell Us—Disappearances in Jammu and Kashmir (London: Amnesty International, 1999), 9.

15 Amnesty International, “India: Authorities Must End Repression of Dissent in Jammu and Kashmir,” Press Release, September 17, 2024, https://www.amnesty.org/en/latest/news/2024/09/india-authorities-must-end-repression-of-dissent-in-jammu-and-kashmir/.

16 IHRC, "Half Widows in Kashmir," Islamic Human Rights Commission, https://www.ihrc.org.uk/half-widows-in-kashmir/.

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1.The UN Human Rights Council Should Raise IIOJK Disappearances Under the Universal Periodic Review

India already comes under the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council and does not require consent from India to carry out the process. The member states should raise the issue of enforced disappearances and the issue of half-widows within the next round of UPR of India.

2. Establish Legal Recognition for Half Widows

A dedicated legal framework should acknowledge the status of half widows as a separate legal category and provide the right to inheritance, benefits and remarriage without the need for a death certificate if disappearance is sufficiently proven.

3. Mandate an Independent UN Commission of Inquiry

The UN Human Rights Council ought to set up an autonomous commission with unrestricted entry to state documentation, army records and more than 2,700 unidentified graves located across IIOJK. Identification based on DNA from the remains must be performed by an international team.

4. Pakistan Should Raise the Half Widow Crisis at the UN General Assembly and OIC Forums

Since Pakistan is known as a participant in both the legal and ethical facets of the Kashmir conflict, it is an appropriate country to present resolution and raise the issue of half-widows in the UNGA Third Committee and OIC. By mentioning this category of people by name in the multilateral arena, international attention is generated, and the diplomatic record is produced.

Conclusion

The half widows of IIOJK are not merely a minor presence in the Kashmir issue. They represent its most lasting and gender-specific effects. Women are trapped in uncertainty and silence, expecting a truth that the government has decided not to share with them. Their crisis is legal, economic, psychological, and political simultaneously. What is needed is for institutional impunity to be dismantled, as it has been responsible for creating the situation. Additionally, Pakistan, as a party with a legal and moral stake in the Kashmir issue, should make sure that the issue of half widows is raised at all international forums.

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