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TITLE

**VANI; A FORCED MARRIAGE TO
SETTLE DISPUTES**

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HUMAN RIGHTS CLINIQUE

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Summary

Women in Pakistan face a lot of discrimination. Pakistan being a male dominant society makes it hard for women to stand up and take initiatives. 400 years old tradition of Vani is still practiced in many parts of the country. Disputes like bloodshed, fornication, conflicts and other matters are settled through Vani. The dispute is settled by giving women or girls in marriage. Women in backward areas of Pakistan still suffer. Although government has banned the tradition more than a decade ago but has failed to get the desired results due to incompetence and poor law and order situation in the country. Many organizations are taking part to ensure a safe environment for women in Pakistan but conservative traditions, politically backed up Jirgas and socio economic factors make it hard to stop practice of Vani tradition. However, the bold step taken by Khan sisters in district of Punjab lit a light for many girls suffering in silence.

United Nations is also helping the women to end this violence by taking into loop national and international stakeholders. A joint effort of governmental and non-governmental organizations can play a vital role to end this heinous practice.

Introduction

Human rights are women's rights and violations of women's rights is violation of human rights. Pakistan is among those countries that have human right violations as a common practice. Among these violations one of the most heinous practice is Vani custom that aims to solve disputes by giving women in marriage where they are subjected to torture, humiliation and sometimes even death. These marriages take place without the consent of the women. Fate of women is decided by Jirga system, mostly having no record of registered marriages, hence snatching the right of women to almost every other right as they lose their individual identity and are subjected to brutal treatment. Although government has banned such practices but still it's happening in parts of the country. Some NGOs do take part in rehabilitation and legal processes to liberate women from shackles of mistreatment and injustice. But certain liabilities of socio economic system and more importantly the absence of law and order make it hard to eradicate it completely. International agencies tend to publish reports and raise awareness using different mediums. However, lack of commitment and other factors still lead to violation of women rights in parts of KPK, Punjab and Sindh.



Methodology

The information was gathered using both primary and secondary sources of data collection methods. The research is conducted through data collection by reading and analyzing sources and documents, translating articles, news and information sites, and analyzing previously done interviews of Vani victims in Pakistan. In the process of collecting data for this report, due to strict cultural and social norms and incidents of death threats, the victims were truly reluctant to come forward and put forth their views. Primary sources of information include analysis of interviews, international, local, and national human rights laws, official reports of regional and international organizations, United Nations' standard, multiple agencies and work of national and international NGOs' published data collection though various methods helped me to explore intensity of the issue and its deep roots into the prevalent system. In addition to primary sources of information, I also gathered information from secondary sources such as, journals, magazines, newspapers, documentaries, internet/websites etc.

Ethical considerations

The report aims to bring in consideration the oppressed part of the Pakistan's society in to mainstream of human rights and their protection. The research aimed to see the root causes of the human right violations and potential solutions for that purpose and not to increase sufferings and trauma of already oppressed and humiliated parts of system. For this purpose, I have considered complete confidentiality of the people helping me to get primary and secondary information. I was not able to get in direct contact of Vani victim but an eye witness, on assurance of anonymity, provided with an insight. To safeguard the security and safety of the **source**, I would be calling him **informant** in due parts of the report.

Background

Vani custom is practiced mostly in parts of Khyber Pakhtunkhwa (KPK), mainly considered as conservative province of Pakistan, parts of Punjab and Sindh province. Vani custom basically effects women in both long and short terms. Although in the urban areas of Pakistan, mostly women are participating in every field of life and working for the social and economic development of the society but at the same time, condition of women in rural areas is deplorable amidst heinous

anti women practices like forced marriages, acid attacks, mutilations, honor killings etc. This custom is practiced under different conditions like;

1. Vani in case of murder
2. Vani in case of rape/fornication
3. Vani in case of financial loss

If any of these crimes is done by male or males of one side and there is a fear of further bloodshed or conflict, Jirga (informal court that decides the matter with mutual consent of the parties) is called and the matter is decided by forced marriage of woman/women to end the dispute. Women as young as three-year-old are subjected to this heinous practice. Nobody considers the age or consent of the girl that is given in marriage to settle the dispute. These women, regardless of their will and desire are forced to live their life in a household, who already bear hatred and bias against them and their family. The main issue is that the voices of such women are muffled using social and cultural norms as an excuse.



Laws and rights of women in Pakistan

Women's rights in Pakistan are protected by every mean in the constitution however, the truth or the ground realities are far different from what is written in scared book of constitution. Women are given rights under the following laws:

1. Criminal Law
2. Civil Law
3. Family Law

No one under any condition is allowed to snatch or exploit the rights of women but still 12% of total marriages in Pakistan are the result of Vani custom.

The practice greatly violates the constitution of the country. Article 9 of the constitution of Pakistan assures that no person shall be deprived of life or liberty. This practice is also in contradiction to article of constitution that says every citizen has full right to enjoy the protection of law. Being a Muslim country, Shariya court also ensures and guarantees the rights of women in Islam.

In reality customs like Vani blatantly violates the constitution.

Women subjected to Vani custom

Women who have undergone the Vani custom are effected both mentally and physically. One can easily see how a woman would be treated that has been given to reconcile. A marriage that has taken place solely because a crime was done and to compensate for the crimes, this particular woman is given to aggrieved family. Now nobody sees that girl/woman as bride or least a human, they see her as a target to vent out for the hatred that they feel towards her family. A series of worst kind of behavior starts as she enters a household who is grieving the loss of a family member killed by her male family member.

Marriage that is an occasion of festivities and celebrations is anything but this during Vani custom. The trauma and the torture done by the family of in laws so as to punish for the crime she never did; is sometimes so unbearable that she may commit suicide or end up having psychological issues. Many a times these women are never allowed to meet their family members for the rest of their lifetime. They do not have any social life. No friend or family to connect with or to vent out with.



This leads to serious psychological issues that too remain untreated. The children born as a result of such marriages are considered lesser of a human hence giving rise to another human rights crisis. Such children are always subjected to humiliation and poor treatment. There is no one to whom such women can report in reality and get the help that they want and need. Every step that she dares to take makes her life even more miserable as claimed by my informant.

Section 5 of the article of the constitution says;

“Every marriage solemnized under Muslim Law shall be registered in accordance with the provision of this Ordinance.”

However, marriages like this are very less likely to be registered and there is no question of providing provisions let alone the rights of women.



Violation of human rights

According to one of Reuter's survey, Pakistan is ranked as the "sixth most dangerous and fourth worst in terms of economic resources and discrimination as well as the risks women face from cultural religious and traditional practices" in the world for women.

The violation of human rights in Pakistan is done at mass level. The proof is the recent reports of UN and American agencies showing their concerns over increasing incidents of such nature. Since we are focused about Vani custom so would only concentrate here but there is a major link between the general violation of human rights and the violation of rights of women through Vani.

One of the victims of Vani expressed her distress by saying:

"Vani is equal to a murder. If we were to marry those boys, it would be the same as killing us."

The first and foremost violation happens when a woman is forced to pay for the crime that she never committed. The aggrieved family looks at her nothing less than a punching box. Secondly the marriage is entirely unjustified and against the natural laws. One of my informant said that he happened to attend a Jirga that was taking place because a man killed his neighbor over dispute of turn of irrigation of crops. Both the Murderer and the victim's family claimed it was their turn, the argument heated up to the extent that one killed the other one with a metal rod. When a Jirga

was called to settle the matter it was decided that the daughter of the murderer to be given in marriage to the father of the murdered man as there was no other man in his family to take that girl in marriage. Girl who was only 7, was given in marriage to the person who was his father's age, that too without the consent of the girl. Now anyone having the least sense can assume what kind of life that girl could possibly have once married in the family of a person who was murdered by her father. This means she would never be allowed to go to school and have formal or informal education in any way. Being so young and naive she does not know her rights and the way she ought to react to the situation. She is so young and weak that it is kind of impossible for her to stand up for herself. Nevertheless, the alarming fact is no one in the whole system dares to speak up against the cruel decisions of Jirga System. It seems as if people have completely surrendered to this 400 year old tradition. It is not like one or two cases are seen a year, it is like getting to hear only this number of cases rest remain mostly unknown to masses.



We have seen in near past so many cases violating the basic human rights through this custom. One of the most pathetic of its nature was reported in 2008 in which a feud started because of a dead dog and killed 19 people including 5 women. The dispute ended by giving 5 girls in Vani aged between 3 and 10.

In another incident in 2012 thirteen girls were forced into such marriage to settle a dispute. All these thirteen girls were ranged from age 4 to 16. In 2011 an eleven year old girl was forcibly married to eighty five year-old man under Vani.

The most striking fact is that the political leaders sometime participate in Jirgas and call them a just system and rule in favor of Jirga system, making it extremely difficult for under privileged and poverty stricken people to stand up against it.

Girls aged this young are only supposed to be worried about their studies not about family disputes and their future.

Marrying a girl so young is violation of her basic rights. She is supposed to be in school learning and studying. Marrying her off at such tender age that too without her consent is again a grave violation of human rights.

Under the standards of international law, these marriages are considered both forced and early marriages. UNICEF estimates that one in five girls are married before the age of 18 while UNFPA states that number stands as one in three in Pakistan.

Compensation marriages are clear violations of fundamental rights under the constitution, penal laws of the country, as well as those of international human rights laws.

Role of governmental and non-governmental organizations

The oldest and simplest justification for any government system is as protector; protecting citizens from violence.

So the foremost duty of a government is to provide all of its citizen's protection against violence. A more expansive concept of government as provider is the social welfare state: government can cushion the inability of citizens to provide for themselves, particularly in the vulnerable conditions of youth, old age, sickness, disability and unemployment due to economic forces beyond their control. The vulnerable condition of youth here could be applied to the girls subjugated to forced marriages in case of Vani.

The Supreme Court of Pakistan served suo motu notices in 2012 to help reduce and stop the custom, but in one way or another this keep on happening at various places in Pakistan.

Many NGOs work to ensure safety of women like

Ansar Barni Trust

Edhi

Aashiyana

And other organizations are working for the rights of women actively. In one such incidence where these organizations became mouthpiece for oppressed women. Three girls from district of Punjab were to be given in marriage through Vani, the situation was changed when these girls denied to surrender to this heinous act and stood up for themselves. At that time the government of Pakistan granted protection to the girls and saved them from marrying in a household that wanted to punish them for the crime they never committed.

The project **Drivers of Change** is run by UN Trust Fund grantee **Shirkat Gah**, a women’s rights non-governmental organization in Pakistan. **Shirkat Gah** has recruited almost 600 women and men to support its violence prevention efforts in four rural districts of Pakistan •– Hyderabad (Sindh province), Jafarabad (Balochistan), Swat (Khyber Pakhtunkhwa) and Vehari (Punjab).

UN Women has taken an initiative that they will work with and support national and local stakeholders to ensure:

1. Laws, policies and strategies are adopted and implemented to prevent and respond to violence against women and girls by any means
2. Evidence strategies and initiatives for safe and empowering public spaces for women and girls are adopted and implemented so as to make them more comfortable.

It has also launched a set of framework in graphic form as follows;



Challenges for protection of human rights

There is a very complex socio economic system prevalent in Pakistan. There are several factors that contribute to violation of human rights in Pakistan. Even though the supreme court of Pakistan has made it unlawful to practice Vani but still it is happening in parts of the country. Firstly, the absolute lawlessness in the country, the judicial system is corrupted to the core. The proverb stands fit and tall here that might is right. If someone dares to stand up and vocalize for his rights, the powerful feudal lords that are the power house of Jirga system, would not allow the law and order department to help the victim in getting any sort of justice, because they always see them as above law. Many articles have been written and documentaries and dramas are shot to highlight the issue but due to a weak system of justice, such measures are unable to cause the ripples that could bring an actual change. Probably the current situation of the country might help in understanding the lawlessness and anarchy as a result. Even the former prime minister is caught up by the crooked and biased law enforcement agencies.

Secondly Jirga System is a major hindrance in protection of human rights. Surprisingly my research showed that a parallel justice system is prevailing in regions where there are cases of Vani happening more often. This parallel system of justice does not allow fair trials that give women a chance to come forward and speak up on their own behalf. Jirga system strictly follows a specific set of rules and regulations that does not take women as humans rather a commodity. A similar case happened in Mianwali, a district of Punjab where girls as young as 6 and 5 were given in marriage to settle a 50-year-old dispute

Thirdly poverty and socio economic system of the country makes it near to impossible for women to stand up for themselves. Women in rural areas are greatly dependent upon men for their sustainability and provision. Men take advantage of this liability of women according to **informant**. Women are living in a male dominant society where women are no more than an aide to help in daily chores and serve them in every way possible. NGOs working for rights of women like WRI help to educate, counsel, provide shelter and rehabilitation services and legal assistance against victims of violence.

A major part of the country lives below the line of poverty. The data and statistics shows that Vani is vastly practiced in areas where there is low literacy rate and poverty. Instead of going to courts and perusing the legal framework of actions they prefer to settle the disputes using Jirga system. Nobody wants to spend the money to prove innocence or crime so to make it easy or least make it look easy for both parties Jirga is called. Things could be handled at a faster pace and in a manner that suits both parties according to their traditions.

Finally feudal system still prevalent in the country makes it hard to eradicate this social crime and humanitarian crisis. To keep power to themselves, the feudal lords arrange and preside the Jirgas. Apparently making it look a big favor done for the local people. Usually the decisions done are influenced in great many ways, making a humanitarian crisis even worse.

Recommendations

Government of Pakistan must ban Jirga system completely. There should be zero tolerance policy in this regard. Nobody should be above law.

UN's commission for human rights should take stern actions against the culprits. All the facilitators for this heinous act must be punished severely. Non-governmental organizations must not see themselves as in competition rather show cooperation and facilitations to report and recover such oppressed women. A systematic system starting from union councils must be set up that ensures every marriage to be registered. This would at least push the culprits at back foot and would make them reluctant to arrange such marriages.

Even the faintest voice of violence must be heard and sorted at the earliest. Justice delayed is justice denied so a quick justice would serve a purpose for the offenders.

International organizations must put a pressure on Pakistan in this regard and put conditions on financial assistance with a positive feedback in elimination of this calloused practice. Since we have seen that after criminalization of Vani, there has been some progress. For example, in 2005, three sisters who were teenagers, refused to be exchanged in Vani to save their paternal uncle who had committed murder was sentenced to death by a Jirga. A complaint was filed by these sisters in the Supreme Court where they availed justice by escaping the marriage.



It could further be prevented by taking these measures.

1. **Norms or standards:** International human rights standards, in the form of international treaties and other legal instruments, which set out the minimum standards that each State

should aim for in terms of human rights protection and bound that country to follow it by every mean.

2. **Monitoring and reporting:** the impartial gathering of verifiable information to assess the situation on the ground, ascertain whether the minimum standards are being met or measure progress in realizing human rights for all regardless of gender or creed
3. **Technical cooperation:** designing solutions to address the issues and concerns identified through human rights monitoring and put in place measures to ensure that human rights are respected, protected and fulfilled without any discrimination at any level.

Hopefully these measures could ensue to save the life of women living a life they do not deserve at all.

Endnote

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