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Information on The Democratic Socialist Republic of Sri Lanka for consideration by the Committee on the Elimination of Discrimination against Women during the Pre-Sessional Working Group for its 86th Session (27 February 2023 – 03 March 2023)

Introduction

1. We respectfully submit this letter to the Committee on the Elimination of Discrimination Against Women (“the Committee”) to complement its preparation of a List of Issues in relation to Sri Lanka’s review by the Committee.
2. **Women’s Action Network (WAN)** is a collection of seven women’s groups that works in the north and the east of Sri Lanka on promoting minority women’s rights.
3. **Equality Now** is an international human rights organisation with ECOSOC status working to achieve legal and systemic change that addresses violence and discrimination against women and girls around the world. Founded in 1992, Equality Now is a global organisation with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now’s work.
4. WAN and Equality Now suggest a number of issues to address the status of the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in Sri Lanka as part of the Committee’s upcoming review process. The issues and practices detailed in our submission highlight the State’s failure to uphold the rights of women and girls under Article 16 of CEDAW which addresses marriage and family life, in particular on laws discriminating against Muslim Women.

Equality in marriage and family relations (Art. 16) and child marriage

5. Sri Lanka has yet to tackle the discrimination that prevails within family laws which affects the rights of women while entering into marriage, her rights within the marriage and at the time of its dissolution. The violation of women’s rights under

these family laws have long term implications on the lives of women as it prevents them from being decision-makers in the family unit and affects their right to choice, consent and access to sexual and reproductive health, among others. The reform of laws related to marriage, specifically the Muslim Marriage and Divorce Act (MMDA), has been a longstanding demand of women's rights advocates in Sri Lanka.¹

6. The Marriage Registration Ordinance 1908 (Chapter 112) sets the minimum age of marriage at 18.² However, the General Marriage Registration Ordinance specifically states that it does not apply to Sri Lankan Muslims, creating a discriminatory situation where Muslim girls are not legally protected from child, early and forced marriage. For Muslims, the Muslim Marriage and Divorce Act does not set any minimum age of marriage. It also specifically provides that children under the age of 12 can be given in marriage with the consent of the Quazi (Muslim judges).³ According to international human rights norms, the minimum age of marriage should be 18, with no exceptions. This has also been a key demand⁴ of Muslim women's groups⁵ in the country.
7. The practice of child marriage specifically affects girls in certain communities. Research from 2017 demonstrated that child and early marriages were still taking place in the Muslim community, with Quazis noting that there were many instances of early marriages.⁶ The report also found that marriages arranged by guardians are occurring to girls between 14 and 17 years of age, in districts like Puttalam and Batticaloa.⁷ Muslim women's groups have raised concern that cases of child marriage increased during the pandemic and the recent economic crisis.⁸
8. Women human rights defenders in Sri Lanka, including ground level Muslim women activists, who advocate against the injustice faced by Muslim women and children due to the MMDA face harassment and attacks from religious and conservative groups. In December 2022, the Women's Action Network (a collective of seven women's rights groups) condemned misogynic conduct of Members of Parliament towards female MMDA reform committee members.⁹

¹ SRI LANKA OVERVIEW OF MUSLIM FAMILY LAWS & PRACTISES <https://www.musawah.org/wp-content/uploads/2019/03/SriLanka-Overview-Table-2022.pdf>

² Section 15, Marriage Registration Ordinance 1908

³ Section 23, Muslim Marriage and Divorce Act 1951. The qualification to become a Quazi is a Muslim male with good character.

⁴ Religious Leaders Cannot Be Trusted To Reform MMDA: Women's Action Network, Available on: <https://www.colombotelegraph.com/index.php/religious-leaders-cannot-be-trusted-to-reform-mmda-womens-action-network>, published on 23 March 2017 [Accessed 25 January 2022].

⁵ Muslim Personal Law Reform Action Group (MPLRAG), Available on: <https://www.mmdasrilanka.org/statement-no-more-delays-reform-mmda-now/>, published on 20 November 2022 [Accessed 25 January 2023].

⁶ Hyshyama Hamin & Hasanah Cegu Isadeen, *Unequal Citizens: Muslim Women's Struggle for Justice and Equality in Sri Lanka*, 2017, <https://www.mmdasrilanka.org/unequal-citizens-study/>

⁷ Ibid.

⁸ <https://www.mmdasrilanka.org/statement-no-more-delays-reform-mmda-now/>

⁹ WAN Condemns Misogynic Conduct Of Muslim MPs Towards Female MMDA Reform Committee Member

Suggested Questions to the State Party

We respectfully urge the Committee to raise with the Government of Sri Lanka the following questions:

- Please provide information on whether steps are being taken by the Government to set the minimum age of marriage to 18 years without exception for all, irrespective of their ethnicity, gender or religion. More specifically, when will the amendment to the Muslim Marriage and Divorce Act (MMDA) - which was approved by the Cabinet in 2019 and sets the minimum age of marriage for Muslims at 18 years in 2019 - be adopted.
- Please provide updated information on government level actions being taken to amend (i) the Muslim Marriage and Divorce Act (MMDA) of 1951 to address all areas of discrimination against women and girls and the (ii) General Marriage Registration Ordinance to ensure that Muslim couples have the free choice to opt out from the Muslim Personal Law, so as to be registered under the general marriage law.
- What actions are being taken by the government to protect Muslim women rights activists, who are at the forefront of the MMDA reform, from being attacked and humiliated by religious and conservative groups?