

Progressive decisions by Cabinet on substantive Muslim marriage law reform hailed

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Muslim Women's Research and Action Forum and Muslim Personal Law Reform Action Group welcome move

Muslim Women's Research and Action Forum and Muslim Personal Law Reform Action Group in a joint statement have welcomed the news that the Advisory Committee on Muslim Law Reforms has submitted its report on reform of the Muslim Marriage and Divorce Act (MMDA) to the Minister of Justice, M.U.M. Ali Sabry on 21 June.

"Transparency and a timeline of the reforms are currently of the utmost importance and urgently needed to protect against the reform process being hijacked and misdirected by detractors, which we note is already taking place," the statement said.

"We urge the Ministry of Justice to release the report with reform recommendations without delay and give, particularly those most affected, confidence in the reforms to come," it added.

The statement also said the following:

"On the Cabinet decisions on the four substantive MMDA issues:

"We endorse the decisions by the Cabinet of Ministers on key substantive issues relating to the MMDA: 1) raising the minimum age of marriage to 18 years without exceptions 2) requiring the consent and signature of the bride to formalise a marriage 3) allowing women Quazis and 4) abolishing polygamy. "We also remind those reportedly opposing these Cabinet decisions, on the basis that they were not inclusively decided, that the stances on the minimum age of marriage, consent of brides and women as Quazis were also deliberated and agreed by a majority of Muslim MPs in 2019.

"For over six decades and under various governments, multiple committees have discussed these reforms at several meetings. There was never 'consensus'; this fact has been used to derail reforms and deny justice for Muslim women and girls. Time and again, Muslim women, who have been most affected by discriminatory provisions under the MMDA, have been purposefully excluded from the male-led conversations about MMDA reform. Groups, such as the ACJU, were never inclusive of Muslim women, nor have they centred the contemporary struggles of Muslim women and girls in their approach to MMDA reforms.

"State responsibility therefore is a key component of the conversation on reform. These reforms have been part of long-standing calls for MMDA reform by Muslim women's groups and are directly based on lived realities and hardships within Muslim families. These decisions are indicative of consultative State responsibility at work. We wholeheartedly welcome these four decisions and

reiterate that these decisions will ensure that women are not discriminated against or excluded.

“On the Cabinet decision on the Quazi system:

“Lived experiences of Muslim women reveal serious problems with the Quazi system, with women being denied fair treatment and discriminated in a multitude of ways. We have consistently raised demands that Muslim women must have equal and fair access to justice. To this end we are concerned about the Cabinet decision to abolish the Quazi system without available information on what will replace it. We request urgent clarity from the Ministry of Justice on how the MMDA will be administered.

“We are fully aware that the current system in the District court has significant challenges relating to access and delays, and is not family-friendly. We understand that similar to the Quazi system, it also requires comprehensive reform. We firmly and wholeheartedly hold the position that any judicial system which administers the MMDA must be a better system than what Sri Lankan women, and families in general, currently access. This means it must have clear, equal and non-adversarial procedures, efficient case timelines, improved accessibility and affordability, especially for the low income families.

“Comprehensive MMDA reform is long overdue. The delay in implementing the legitimate processes for reform to take place means that Muslim women must continue to bear hardship, experience prejudice and discrimination. We will stand firm against narrow political interests and conservative short-sightedness in seeing this reform through. The time for equality and justice for Muslim women is now.”

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