

# Sri Lanka: Child Marriages in Muslim Families in Batticaloa and Ampara

Tuesday 13 August 2024, by [CEGU Hasanah](#), [ISMAIL Nadia](#), [TEGAL Ermiza](#) (Date first published: 5 August 2024).

**Child marriages occur in all communities in Sri Lanka, and [teenage pregnancies are a concern nationwide](#). Unlike the approach towards this harmful practice in other communities, it is legitimised within Muslim communities by the State. Hence, there is a call from Muslim women's rights groups to raise the age of marriage for Muslim children to 18 without any exemption; as this is the legal minimum age to marry in the general law of Sri Lanka applicable to all other communities. This article [\[1\]](#) aims at sharing deeper insights into, and findings regarding the prevalence, characteristics, and narratives surrounding child marriages within Muslim families in the Batticaloa and Ampara districts of the Eastern Province of Sri Lanka, which have a significant Muslim population.**

Child marriage within the Muslim communities of Sri Lanka is legally protected by the Muslim Marriage and Divorce Act (MMDA) of 1951. The MMDA is a personal and family law for Sri Lanka's Muslims. The MMDA has several provisions that discriminate against women. Since 1986 Muslim women have been organising for, and advocating MMDA reform. [\[2\]](#) The MMDA as it currently stands permits underage marriage without stipulating any minimum age. For girls under the age of 12, the approval of a *Quazi* (judge) is required for the registration of a marriage. [\[3\]](#) Given that the *Quazi* is always male as specified in the law, and no academic or professional qualification is required apart from being "of good character and position and of suitable attainments" [\[4\]](#), there is no assurance that the best interest of the child will be fully and properly considered. Even the cursory protection of requiring a *Quazi*'s permission is not available to unregistered marriages, which are also permissible and deemed valid under the MMDA.

There is no official data on the number of children in marriages, not merely for Muslims but also for children of other communities in Sri Lanka. A right to information request was submitted to the Registrar General's Department in July 2023, seeking data on marriages registered under the Muslim Marriage and Divorce Act in Batticaloa and Ampara districts for the years 2019-2022. After initial redirection to the Department of Census and Statistics, appeals were made to the Designated Officer and the Right to Information (RTI) Commission due to the lack of response. A subsequent request to the Department of Census and Statistics also faced delays, with eventual receipt of information without bride age breakdown for the requested years. The purported reason for not providing the information requested was that the bio data information related to every marriage in the years 2019-2022 had not been received from the relevant Districts. Before the RTI Commission, the position was taken that the Registrar General's Department, coming under the purview of the Prime Minister, did not have data relating to ages of persons entering marriages under the MMDA for Batticaloa and Ampara. The abysmally poor maintenance of, and access to, national statistics on this issue draws attention to a serious failure by the State to monitor this harmful practice. Disaggregated child marriage data is crucial to understanding trends particularly during times of social hardship to enable State institutions to take appropriate measures. The last available data on child marriages in the Muslim community are for the years 2014 to 2016, which revealed a total of 5491 marriages in which the bride was under the age of 18. [\[5\]](#)

While there is no bar for underage marriages of Muslims, it has been observed that on behalf of the bride the age is sometimes falsified in the marriage register to reflect an age of 18 years. Due to these complexities of lived realities and its consequent impact on available data it is urgent to review available information and document experiences of organisations providing support to Muslim children and young women affected by child marriage to understand the situation.

In the last three years with the dire socio-economic conditions experienced by low-income Muslim families, there has been increasing anecdotal information relating to child marriages and related family issues such as restricted access to education, divorce, and domestic violence. It is imperative in the face of delays to reform the MMDA, to better understand the context and consequences of child marriage within the Muslim community.

## **Context**

From January to June 2023 the context relating to MMDA reforms was tense. In November 2022, certain Muslim civil society organisations had informed the Minister of Justice of their endorsement of several positive reforms. This included raising the minimum age of marriage to 18. [All Muslim Members of Parliament except for Rishard Bathiudeen endorsed this](#). In December 2022, Muslim MPs convened to discuss proposed draft legislation presented by the Minister of Justice, [6] expressing opposition to the abolishment of the *Quazi* system and the restriction of the right for Muslim men to enter polygamous marriages. Interestingly, there was no resistance to raising the age of marriage.

However, anecdotal evidence from within communities in the Eastern Province revealed resistance to a minimum age of marriage being urged by local religious scholars. The All Ceylon Jammaiyathul Ulema (ACJU) was seen to give leadership to some of these community meetings. However, at national level meetings the ACJU endorsed raising the minimum age of marriage; and being represented on the Advisory Committee on Muslim Law Reforms appointed by the government in 2020 approved the fixing of a minimum age of eighteen years. In parallel in February 2023, [community religious leaders in Puttalam engaged in a public campaign against a local Muslim women's rights organisation](#) working with a large number of women and girls affected under the MMDA. This was a continuation of a culture of intimidation that women rights activists experience from time to time over MMDA reforms.

It is in this context that [in March 2023, the government announced that they would be forwarding legislation for reform of the MMDA for approval to the Cabinet of Ministers](#). To the best of the public's knowledge, the Cabinet is yet to approve these reforms. The report of the Advisory Committee on Muslim Law Reforms to the Minister of Justice was also made public on the Ministry website on February 28, 2023. It took nearly two years since the report had been submitted for it to be made public.

[In a letter dated June 8 2023](#), circulated in public in July 2023, Muslim Members of Parliament (MPs) took the position that an exception should be made to the minimum age of marriage and that persons of the ages of 16 and 17 years ought to be allowed to marry to "accommodate needy marriages" and because it is "a sensible and fair requirement which is justified scientifically". The response to this and other stances by the Muslim MPs drew condemnation. In August 2023, a group of [158 civil society and community leaders and individuals issued a statement condemning the position taken by a majority of Muslim MPs](#) on the Muslim Marriage and Divorce Act (MMDA).

The community conversations in relation to the amendments to the law to come were re-agitated by these events. Some local organisations addressed the issue of child marriage by promoting messages of securing children's education instead of resorting to child marriage as a solution to financial hardship. [7] At the same time, a few families had mentioned during the research interviews that

they intended to give their daughters in marriage soon, simply to avoid being restricted from doing so by any incoming new law.

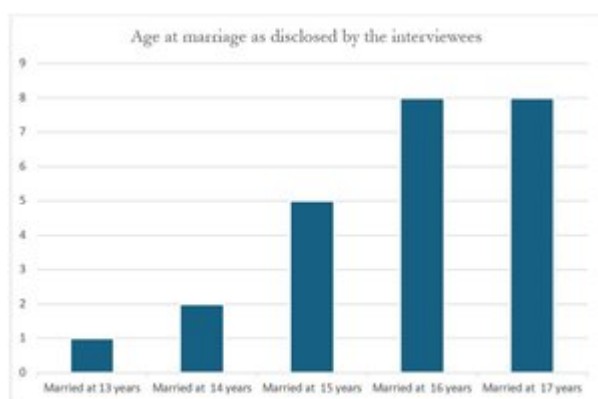
Muslim groups advocating for progressive reforms have been engaged with parliamentarians to secure forward movement of the legal process. There has also been awareness raising around the 2021 Committee Report to better comprehend the recommendations made. This study is also part of efforts to better understand and raise public awareness on the issue of child marriages. Some of the difficulties in securing case studies and having nuanced conversations about child marriage within the Muslim communities of Sri Lanka are very likely a result of the contentious political context.

It is useful to note that this conversation also takes place in the context of global concern of losing gains made towards addressing child marriage. [A UNICEF report published in May 2023](#) drew attention to the “[Slowing momentum toward eliminating child marriage most acute in sub-Saharan Africa, which is now over 200 years from ending child marriage; 1 in 4 young women still married before 18<sup>th</sup> birthday in South Asia despite progress](#)”. The UNICEF report further stated that the South Asian context is largely determined by the situation in India, and the report notes that while South Asia is on pace to eliminate child marriage in about 55 years, the region remains home to nearly half (45%) of the world’s child brides.

### Case Studies and Ground Realities

This article is based on interviews conducted with Muslim girls and young women who have experienced child marriage in the Batticaloa and Ampara districts, as well as with public health professionals in the Eastern Province. Between March and August 2023, a total of 24 case studies were compiled: 14 in Ampara and 10 in Batticaloa. Additionally, key informant inputs were gathered through conversations with the Medical Officers of Health (MOHs) in Eravur, Ottamavadi, and Vakarai, as well as with the Senior Public Health Nurses in Eravur and Ottamavadi. Insights were also obtained from organisations addressing child marriage issues and researchers who have studied the practice in Sri Lanka.

The interviewed girls and young women in Ampara and Batticaloa were between the ages of 15 and 25. Among them, one was married at 13 years, two at 14 years, five at 15 years, eight at 16 years, and eight at 17 years. 18 of these were arranged marriages, with partners chosen by parents, family friends, and, in one case, an uncle. In two instances, the groom had expressed a desire to marry the girl, while the remaining six were love marriages. At the time of marriage, the grooms were aged between 18 and 33 years, with one 26-year-old having been previously married.



The case studies shed light on the intimate lives of young women who were given in marriage before they were 18 years of age. It was interesting to note that some spoke of family members who had opposed the marriage; this included an uncle, a younger brother, a paternal grandmother, the mother’s family members, and an estranged father. However, none of those opposing had any

significant influence over the decision of the child being married.

### ***Child marriage took place in impoverished families***

In all cases, families faced difficulties which caused them to choose to give their children in marriage. It was often a decision taken to relieve a financial burden on the family or to provide security for their child. The young women interviewed in Ampara district mostly had mothers employed as domestic workers, seamstresses, food vendors, factory workers, or migrant workers. Some had fathers who had passed away or had abandoned their families, while others had fathers working as daily wage earners or who were unemployed. In Batticaloa district, the fathers of most of the young women were employed: they were fishermen, daily wage earners, a three-wheeler driver, a businessman, and a tailor. Most of the mothers were homemakers, with some engaged in seamstress work or the handloom business.

### ***Child brides had poor educational achievement***

None of the young women in both Ampara and Batticaloa had completed their Ordinary Level (OL) examination. When they got married, most of the girls were studying for their OL and were in grade 10 at school. The lowest educational level was completion of grade six. Two girls were in *madrasas* (religious schools).

### ***High burden of housework***

The decision to give a child in marriage appeared to accept or normalise the fact that in the role of a wife, the child would be obedient to her husband and husband's family; that she would take on household chores; that she may not have decision making power about her sexual life and family planning; and that as a good wife she would bear her troubles and difficulties. There is a strong notion that the place or role of the Muslim woman is in homemaking and childrearing. It was clear that in all their experiences, all the household unpaid labour was shouldered by the young girl: cooking, cleaning the home, laundry, and taking care of husband, children, and in-laws. One young woman said it was a shock to have to do so much housework. A 15-year-old, married at 13 to a 20-year-old man in what she describes as a love marriage, said, "I was not expecting the familial responsibilities. I was given the responsibility to run the family"; while another 15-year-old, who is seven months pregnant, expressed, "When I was with my mother, I didn't have to do any household chores. But now, I have to manage household tasks, cook, and take care of my husband".

All these young women, whether they had a love or proposed marriage, whether divorced or currently in a marriage, uniformly mentioned the significant hardships associated with household work. A young girl, who entered a love marriage at the age of 14 and subsequently divorced within two years, stated:

I aspired to be a good wife, but soon realised the immense challenges of married life. I found myself burdened with household responsibilities for my in-laws—my mother-in-law and sisters-in-law. Managing the housework was extremely difficult. In my experience, marrying at a young age poses significant hardships; young girls sacrifice their education and endure bodily and mental harm. When I was in love and contemplating marriage, I was unaware of these consequences. However, now that I have firsthand experience, I am against child marriages.

Every single one of them spoke about the heavy burden of household chores and the responsibility of taking care of the husband and in-laws. A young woman said, "I did laundry, cooked, and did all the work for my mother-in-law, keeping the house and surroundings clean. After doing everything, my in-laws scolded me, saying I was not doing anything. I never expected that treatment, and I was not happy in the marriage. I regret getting married. They treated me like a servant". Another said, "When married at a younger age, all the responsibilities fall on you all of a sudden. It's very difficult to understand that life at a younger age".

The sentiments shared signal that love or romantic feelings do not necessarily prepare girls for the substantial responsibilities of marriage, which require various socio-emotional and cognitive skills. This underscores the importance of the State taking responsibility by setting a suitable minimum age for marriage for all children.

### ***No authority and little decision-making power***

None of the child brides received advice on what to expect from married life. With very little to no guidance on what to anticipate, and not having the physical maturity and mental experience of navigating a complex relationship, it is difficult to say that these children made informed decisions about marriage. None of the wives knew the income of their spouse. All wives were financially dependent on their husbands; and some after divorce returned to being dependent on their parents. One young woman said she felt rushed into marriage. Three had grand wedding celebrations while the rest spoke of simple ceremonies due to COVID19 pandemic lockdown. None of the young women were aware whether their marriages were formally registered. Eight young women recall signing a form given by the local mosque. Some of the characteristics of not knowing about the spouse's finances and being financially dependent are not unique to child marriages, nevertheless for a girl child the vulnerability is heightened by young age.

Family planning and the use of contraceptives were not commonplace in their experiences. Out of the 24 girls and young women interviewed, 18 had children from their marriages, with seven of them having two children each, including two mothers of twins who were married at the age of 16 (and both of whom are now divorced). The remaining nine child brides have one child each. The Medical Officers of Health who work in these communities spoke strongly about wanting to curb teenage pregnancies; and reflected on the pressure on child wives to have their first child. This pressure on having a child emphasises the pre-determined role as child-bearer and mother in the role of a wife. They also noted that there was high degree of suspicion of contraceptives particularly the IUD as there were misconceptions that it would have permanent effects. Many used 'the injection' (in reference to the hormone-based contraceptive 'Depo-Provera' that is administered by way of an injection), that was introduced to them by a doctor or midwife after the birth of the first child. There was a noticeable lack of access to information; and also lack of permission from the spouse to practice family planning prior to the first child.

These experiences highlight that these girls have little choice in decisions that affect their entire lives. The absence of informed decision-making for the girl child, coupled with decisions made on her behalf, has significantly impacted her education and places her in an economically disadvantaged position.

### **Violence in Child Marriages**

The experience of violence within marriage was a consistent narrative. The young women spoke of different experiences of violence including verbal, physical, emotional, and sexual abuse. The language used to describe the violence is broad and sometimes veiled. Limited or poor articulation of violence and its impact may also reflect an unfamiliarity with speaking of domestic violence, or embarrassment, or even a concern about speaking badly about another: their spouse or in-laws. The connection between mental health, intimate partner violence (IPV), and gender-based violence which is widely recognised was reflected in the lived realities of these children. While gender-based violence is a common experience cutting across age, ethnicity, religion and region in Sri Lanka; children must be treated as doubly vulnerable as they are likely to exercise less power in personal relationships; and the impacts of such violence shape their future lives and the lives of their children.

Seventeen out of the 24 interviewees reported experiencing physical and verbal abuse. A young bride who was married at the age of 16, shared, "The marriage was fine for a month. Then he began

to abuse me physically, beating me very often. He chased my mother from home. He beat me every single night. I left him as I couldn't bear it anymore. I went to my mother. Now I am living with my parents". Another said, "He stopped going for work. If I questioned him on something, he would physically abuse me. Once he broke my hand and teeth too".

A systematic review published in 2023 revealed that intimate partner violence (IPV) is linked to heightened rates of depression among adolescents and young women. [8] This is not unique to Muslim communities and is observable more broadly in survivors of sexual and gender-based violence in Sri Lanka.

In some cases, verbal and physical abuse was also perpetrated by the in-laws. A 17-year-old girl said, "His family tortured me, and when he was not there, his mother would beat me. I had to bear the household responsibilities alone. He would get drunk and beat me, and during sex, he would use me in ways I cannot bear to tell". This also suggests that the girl experienced deeply distressing or traumatic sexual acts at the hands of her partner. The child bride's reluctance to disclose further details signals that the abuse and the emotional pain associated with it may be severe.

One young woman said she was forced to sell her land and give the money to her husband. Having lost her financial security, she is now divorced and has returned to her family for support. These consequences are clear evidence that child marriage can lead to financial loss. The stated aims of alleviating financial burden or providing social protection is seriously challenged by such consequences.

In one case, the young woman mentioned that living with her husband made her "patient and tolerant". In her words, "He seemed kind at first but later became very suspicious, abusive, and temperamental. He resorted to physical violence, was a drug addict, used foul language, and destroyed things at home. Despite being pampered at my home, living with my husband taught me patience and tolerance". The husband's actions, including physical violence, substance abuse, verbal abuse, and property destruction, constitute forms of domestic violence. This girl learning "patience and tolerance" despite experiencing such abuse suggests a normalisation of violence within the relationship, which is harmful as it perpetuates a cycle of abuse.

In another case, a young woman who was 15 years old when given in marriage to a 26-year-old man said, "I have studied up to grade six, and then I stayed at home. My parents insisted I marry him because he had abused me. Actually, I was not aware that I was pregnant. I was clueless. It was the neighbours who found out, looking at my growing stomach, that I was pregnant. My parents, the nearby mosque, and neighbours supported the marriage as I got pregnant before the marriage". Under the general criminal law of the country, this qualifies as statutory rape, given that the girl was below the legal age of consent which is 16 years. The harm of social stigma of an unmarried pregnant child overshadowed notions of harm caused to the girl. It appears that the family in a bid to safeguard their honour, promptly married the girl to the perpetrator with the support of neighbours and nearby mosque.

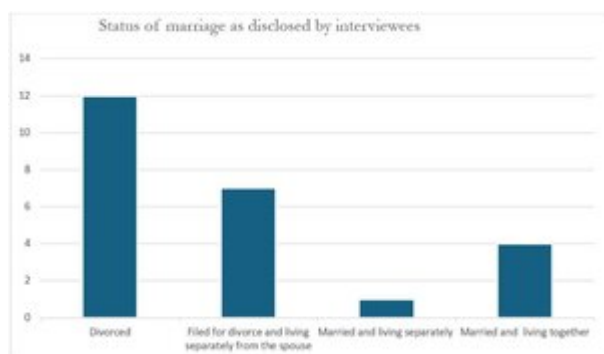
It is an alarming practice, which again may not be unique to the Muslim community. However, in the legal context of the MMDA, which allows underage marriages and the Penal Code exemption to the law on statutory rape legalising sexual intercourse by a husband with a Muslim girl child between the ages of 12-16 years, perpetrators of statutory rape, under the veneer of a Muslim marriage, are protected. These legal provisions and exemptions disproportionately discriminate against Muslim girl children. It is a situation that has long seen demands for law reform by Muslim women's rights activists to protect girls.

These child brides found themselves extremely vulnerable to violence, leading many to leave their

marriages. Sadly, the emotional and psychological impact of these harmful marriages on these young women is not spoken about and fails to draw urgent attention.

### Divorce and Separation

It is significant to note that most of these child marriages have resulted in divorce and separation.



Out of the 24 interviews, 12 young women said they were divorced, including both the young women who have twins. Moreover, seven young women have filed for divorce and were living separated from their spouses, one was married and living separately, and only four were married and still living together. These young women lodged complaints and pursued legal action to secure the relief and redress they needed. They would have borne the heavy emotional and psychological burden that most litigants face in legal processes, especially in instituting a *Fasah* [9] divorce case.

Out of the 12 divorces and seven pending divorce cases, only one was initiated by the husband (*Talaq*), while the remaining were all *Fasah* cases. Predominantly, the reasons cited for divorce were unbearable physical, sexual, and verbal abuse, as well as substance use and consequently, the lack of maintenance of the family. One young woman said, "He was 32 and I was 16 when we got married. I was isolated from my family and forced to live alone with his family. He had connections with numerous other women and was involved in drug use. Whenever I confronted him about it, he would respond with anger and aggression. Married life became unbearable. I made the decision to divorce him".

### Reflections of Child Brides

Except for one girl who married aged 13 in 2022, others who experienced child marriages expressed regret and strongly advised against child marriage. They shared their grievances and highlighted the negative consequences associated with child marriage.

All the young women spoke of the heavy burden of household chores and responsibilities in their reflections on child marriage. They spoke of doing laundry, cooking, serving mothers-in-law and maintaining households. They reflected on how the changes and expectations were very sudden, how it was difficult to understand at a young age and how they were treated badly and scolded when they





were not able to meet these heavy demands.

They spoke against getting married at a younger age, emphasising that being in a romantic relationship does not mean parents should rush them into marriage. "I regret getting married when I was still a girl. I think 23 years old would have been the right age for me to get married, but now I already have two children and am divorced", said one woman. Another girl, who was married at 15 to an 18-year-old and is currently filing for divorce stated, "Young girls cannot run a family or bear the responsibilities. It is very difficult. They are still girls and do not have any experience or knowledge in running a family. They are physically and mentally affected and pushed backward in society because of child marriages. There may be many reasons for child marriage, but in my case, it was family pressure".

These young women spoke about the physical and psychological impact of child marriage. One young woman said, "Girls must not be given in marriage at a younger age. They do not have the maturity and are not ready to take over responsibilities. I struggled a lot by having children at a younger age. I am affected physically".

A girl who was married at the age of 15 to a 33-year-old man who was already divorced shared her experience, "I was in my OL class when I was married off. My father was strong in arranging the marriage. It was a proposal. My marriage felt like hell. I felt like I was in hell. Household responsibilities were very high, and my education stopped after the marriage. Only my husband was interested in sex, and I was not. I am back with my family. Child marriage is very difficult. It's wrong. It should be banned. As I got divorced at a younger age, the society treats me like a bad woman. Life is very difficult for me now, only because of that marriage and divorce. My life is devastated".

All the divorced and separated young women regretted being dependent on their parents and wished they could have continued their education. "I wish I was allowed to continue my studies without being given in marriage", said a young woman who continues to be married.

These young women are examples of girls given in marriage in the name of protection; and the many ways in which it fails to ensure their safety. Instead, it disrupts their education, renders them caregivers to their own children, and adds various burdens to their lives. Moreover, they are labelled as divorcees, and are stigmatised and treated differently by their own society.

## Behind the Idealised and Euphoric Societal Representation of Marriage



The general social perception of the event of marriage is one of a happy celebration, an ideal to be achieved, and a gateway to a life of well-being and happiness. This notion extends to child marriages. In the instances of these young women, nearly all recalled and conveyed a sense of happiness upon entering marriage, except for one. Nevertheless, each one also shared their experience of how their expectations quickly changed. A common grievance emerged. It was a life of burdensome household responsibilities they had to shoulder. The transition from child to unpaid care worker was their reality. Additionally, their narratives of enduring violence and sexual abuse convert lives of hardship into lives of torment. These young women spoke of woeful regrets about their marriages.

These insights raise more questions. What truly excites the girl child about marriage? Is it the allure of new dresses, the rituals of *mehendi*, the prospect of being the centre of attention, and perceptions of independence? What do such childhood experiences mean in the adult lives of these young women? Is there space to articulate personal experiences of torment in marriage in the context of societal idealisation of marriage? Do young women with similar experiences later perpetuate child marriage; and if so, what conditions make this possible?

The legitimacy of marriage is socially valuable in these Muslim communities. This legitimacy is extended to teenage pregnancies within a marriage. It is momentarily reassuring to see this legitimacy translated to protection and support from families, to the children of these teenagers. The legitimacy lent to a positive practice in these cases where families accepted their children who were either compelled to leave their marriages or were abandoned after marriage. Some of the young women were worried that they were a burden to their parents. A feeling of a lack of options is also noted in their comments.

A child marriage survivor's statement highlighted the complex and profound consequences of child marriage.

It was a proposal, and my mother had to go abroad, so I was given in marriage for my protection. He was married before, and I lived with my in-laws. I was treated very badly. I regret getting married. I lived with so much pain in my heart. My life completely changed after that, and I lived only for about two months in that life. What happened to me should never happen to anyone. Marriage should take place only at an appropriate age. Family situations and difficulties are reasons for a child to be married, but there is nothing positive about them. Young girls are mentally traumatised.

## Conclusion

The legal reform work on child marriage within Muslim communities is made doubly difficult by the fact that the State of [Sri Lanka pays little attention to child marriage at the national level](#). Child marriage is perceived as a 'solution' to poverty, teenage romantic relationships, and teenage pregnancies. Based on limited data, when comparing the percentage of child marriages to the population size of each community, it becomes evident that [child marriages among Muslims are higher](#). The legal protection for child marriages within the Muslim community facilitates the increased rates. However, it's crucial to recognise that eradicating child marriages requires more than just legal reforms; raising awareness about the harmful impact on children, improving social protection, and addressing inequality is equally essential.

The apprehensions observed around speaking to survivors and the self-censorship, signal an extremely challenging socio-cultural context for young women to speak about such issues and also [for organisations working on this issue to share information publicly](#). Building a culture of general concern in the country about child marriages, particularly in a context that is exhibiting increasing push factors, is critical. When speaking of child marriage, those affected speak of their experiences as if it is the norm. It is recognised that being the subject of the issue and contending

with the socio-political pressures of gender stereotyping and Islamophobic political sentiments is extremely challenging and makes it near impossible for those affected to reject or speak against the practice of child marriage. It is important that campaigns to address child marriage are clear and strive to ensure that survivors are not alienated in the messaging.

[Child marriage is a serious issue that affects families, communities, and the State](#). Therefore, the responsibility to act also falls on families, communities, and the State. The role of families, communities, and healthcare professionals in shaping the discourse on child marriage is crucial; and the engagement efforts of community organisations are essential in combatting this practice. Closely linked to child marriage are teenage romantic feelings and relationships, as well as parental concerns about potential relationships. It's crucial to support children by providing them with information and skills to navigate their feelings and decisions responsibly, and parents must be supported to help have these conversations with their children.

The lived experiences of these young women repeatedly highlight the need for comprehensive sexual and reproductive awareness. [10] Child marriage survivors interviewed experienced feelings of insecurity and uncertainty, heavy pressure to have children, little or no awareness of sexual and reproductive health and rights, disrupted access to education, low competencies to engage in livelihoods, and were inadequately equipped to financially support their children. [These survivors were highly vulnerable to severe financial challenges if their husbands are unable or unwilling to provide support](#), which could be due to death of husbands, polygamy, divorce, or abandonment. Amendments urgently demanded to the Muslim Marriage and Divorce Act seek to address the current cumbersome enforcement mechanism for maintenance claims and the experiences of claims being held hostage or delayed by the local *Quazi*.

The responsibility of the State is central in addressing child marriage in Sri Lanka. Failing to monitor the situation, and failing to recognise that [COVID19 related economic hardship](#) and [the impact of the ongoing economic crisis has created conditions for this harmful practice to increase](#), are serious failures of the State's obligations in terms of the Constitution and Sri Lanka's obligations under international human rights treaties especially the Child Rights Convention. The State has a two-fold responsibility: firstly, to offer support and services to children and young women impacted by child marriage, enabling them to forge secure futures for themselves and their children; secondly, [to take prompt action to prevent this harmful practice](#). Reforming the MMDA without delay and ensuring that Muslim girls enjoy their equal rights under the constitution and are legally protected is crucial in achieving this prevention.

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## Footnotes

- [1] Research was supported by the Family Planning Association of Sri Lanka (2023).
- [2] MWRAF. (2014). Women Claiming Rights and Spaces – Activism to Reform Muslim Personal Law in Sri Lanka. Muslim Women’s Research and Action Forum: Colombo.
- [3] Muslim Marriage and Divorce Act (MMDA) of 1951, Sec-23. Available at <https://www.lawnet.gov.lk/marriage-and-divorce-muslim-4/>
- [4] Muslim Marriage and Divorce Act (MMDA) of 1951, Sec-12. Available at <https://www.lawnet.gov.lk/marriage-and-divorce-muslim-4/>
- [5] Based on reports from the Registrar General’s Department to the Committee appointed to consider Amendments to the Muslim Marriage and Divorce Act (MMDA) appointed by the Ministry of Justice in 2009.
- [6] Minister of Justice Dr. Wijeyadasa Rajapakshe was overseeing the development of an amendment Bill to the Muslim Marriages and Divorce Act of 1951. [Editors’ Note: he resigned on July 29 to contest for the presidential election on September 21]. The draft amendment Bill was a product of the deliberations and report of the Committee on Muslim Law Reforms convened by then Minister of Justice Ali Sabry in Dec 2020. While the report of the committee was submitted in June of 2021, a Bill had been under development between the Ministry of Justice and the Legal Draftsman’s Department since.
- [7] For example, the International Women’s Day event by Islamic Women’s Association for Research and Empowerment (IWARE) in Kattankudy in March 2023 focused on the issue of marriage, and particularly early marriage.
- [8] Spencer, Cory N., et. al. (2023). “Health effects associated with exposure to intimate partner violence against women and childhood sexual abuse: a burden of proof study”. Nature Medicine, Vol. 29 (12): 3243-3258 (2023). Available at <https://www.nature.com/articles/s41591-023-02629-5>
- [9] Fasah is a form of divorce recognised in Islamic law whereby the wife initiates divorce. It is procedurally more onerous than a Talaq divorce, initiated by the husband, as it requires giving socially acceptable reasons for wanting a divorce, going through a mediation process whereby families and the Quazi attempt to reconcile the couple and ensuring that at least two witnesses support the wife’s application for divorce. The Fasah divorce order is also appealable by the husband unlike the Talaq divorce order which cannot be appealed.
- [10] UNFPA. (2012). Extent, Trends and Determinants of Teenage Pregnancies in Three Districts of Sri Lanka. United Nations Population Fund: Colombo. Available at <https://srilanka.unfpa.org/sites/default/files/pub-pdf/UNFPATeenagePregnancyBook.pdf>