



📅 Date: 06 December 2021
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06.12.2021

Hon. Mahinda Rajapaksa M.P.,
Prime Minister and Minister of Buddhasasana, Religious and Cultural Affairs
Colombo,
Sri Lanka

Your Excellency,

GRAVE CONCERNS ABOUT THE PROCESS IN WHICH SO-CALLED REFORMS ARE FORCED ON THE MINORITY MUSLIM COMMUNITY IN SRI LANKA AND ESTABLISHMENT OF TASK FORCE ON ONE COUNTRY ONE LAW

Council of Sri Lankan Muslim Organisations (COSMOS UK), an umbrella organization of 26 Sri Lankan Muslim organizations based in the UK write to Your Excellency to express our grave concern about the process in which so-called reforms to the Muslim Marriage and Divorce Act (MMDA) and Establishment of One Country One Law Task Force are being made.

We fully understand and appreciate that all personal laws in Sri Lanka including the MMDA need to be reformed to keep up with Sri Lanka's international obligations towards human rights. It is also understood that there have been gaps in the MMDA that have to be addressed as a matter of priority. The Sri Lankan Muslim community too widely agrees that the MMDA has to be reformed. Even the conservative religious leaders have expressed their support to reforming the MMDA. However, we have serious concerns with regard to how the current amendments are being undertaken, as it significantly flawed in three areas, namely: lack of transparency, lack of consultation and lack of basis.

Although news media reports appear from time to time that a certain report has been submitted to the cabinet or that a cabinet decision has been made, so far the general public, and particularly the Muslim community has been kept in the dark as to the contents of the proposed amendment. The only information shared with the public is in the form of ad-hoc statements made by government officials to the media or in public webinars. While such secrecy and lack of transparency are contrary to the principles of good governance, it is highly regrettable that an amendment concerning a minority community is being handled in this way.



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The process also seriously lacks consultation with the community. The Constitution of Sri Lanka guarantees freedom of belief and practice to all citizens of the country. To that effect it also guarantees to the minorities, the preservation of laws that govern their civil and personal affairs, the MMDA being one such law. Any changes to personal laws targeting a particular community have to be thoroughly discussed and deliberated, with and within the said community. Since 2019, the Muslim community has come under severe pressure and their legitimate civic space has been severely curtailed. Muslim political leaders, human rights lawyers, activists, religious leaders, writers and numerous other prominent figures have been arrested and detained for long periods, mostly without charges, while hundreds of civil society leaders have been questioned by law enforcement authorities. Added to this, are the restrictions imposed due to the COVID pandemic. In such a restricted environment, we point out that no meaningful consultations have been held with the concerned community on the proposed amendments, nor has the community been given meaningful opportunity to discuss the reforms internally. As such, we regret that the process of reform is flawed as it is lacking the basic principle of consultation.

Thirdly, as we understand from various statements by officials, the proposed amendments lack a proper scientific basis, and are arbitrary in nature. As you are well aware, several committees were appointed by the Government of Sri Lanka in the past several decades to propose reforms to the MMDA. These committees had proposed various amendments and reforms, taking into consideration the situation and requirements at the time they conducted their deliberations. The latest, and most elaborate effort in this regard was the Committee headed by Hon. Justice Saleem Marsoof, which presented its report and recommendations to the Government in 2017. The report contained a set of main recommendations and a set of alternative recommendations submitted as an annex by certain members of the Committee. The Committee's report comes as a result of nine years of intensive deliberations and research by the leaned committee members. Unfortunately, we learn that the proposed amendments are not based on any of the recommendations of the appointed committees, rather they have been put together in an ad-hoc manner without any meaningful study or research, giving no heed to the adverse consequences they may cause.

Now we understand a Task Force on One Country One Law has been setup to propose changes on Personal Laws of Sri Lanka and to produce a report with recommendations to Ministry of Justice soon. We too have grave concerns in addition to already highlighted above on this Task Force. Many civil organisations, Political leaders and community leaders have shown their concerns and credibility of such task force in achieving the ultimate objective in Sri Lanka. We too at COSMOS UK strongly oppose this Task Force creation which lack any credible leadership or subject experts to recommend any changes on this very sensitive matter.



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As such we earnestly urge Your Excellency to reconsider this so-called reform process and engage in a genuine and democratic process that can ensure a sustainable change in the law in a manner that is transparent, consultative and diligent, and that acceptable to the concerned community and to the rest of the democratic world. A reform process forced upon a minority community without due process can only serve to marginalize that community and add to the ethnic and religious disharmony that Sri Lanka has suffered for decades. Such an approach will neither serve the purpose of human rights, social transformation or democracy. We hope that the Government will not present an ill-conceived set of amendments to the Parliament and rush through its passage. Muslim community particularly already engaged in MMDA reform process under Justice Saleem Marsoof committee and we kindly request to consider these recommendations if required and implement it rather any other ad-hoc suggestions or recommendations on this grave subject matter.

Thanking you

M Shakeer Nawas

President – COSMOS UK

Copy to

Hon. Prof. G. L. Peiris M.P., Minister of Foreign Affairs

Hon. Ali Sabry M.P., Minister of Justice

Hon. Mahinda Yapa Abeywardena M.P., Speaker of Parliament

H E Saroja Sirisena – High Commissioner of Sri Lanka to the United Kingdom