

WAGING WAR ON WOMEN'S BODIES:

GENDERED DIMENSIONS OF FREEDOM OF
RELIGION OR BELIEF (FORB)
IN SRI LANKA



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BY SHREEN SAROOR

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Shreen Abdul Saroor,

Author

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CONTEXT: GROWING ANTI MUSLIM SENTIMENTS

Islamophobia in Sri Lanka is a convenient tool borrowed and adapted to support and further existing anti-Muslim hatred. For Sinhala nationalists, ending the war with the LTTE shifted the focus to a different 'other' minority community. Drawing on growing anti-Muslim sentiment in the region (from India to Thailand to Myanmar), radical monks like Gnanasara propagated hate speech and incited riots against Muslims in 2014. These actions resonated with the Rajapaksa administration, which provided the perpetrators complete impunity. Following the Easter Sunday attacks in 2019 and the Rajapaksas' subsequent return to power, hate speech and violence against the Muslim community gained momentum. Proponents of this hate disseminate false propaganda about Muslim women's dress codes, perceived population growth, economic affluence, and congregational gatherings to justify keeping Muslims under check.

After the Easter attacks, the government banned women's face-veils under Emergency Regulations (ER) and spread racist campaigns on social media over Muslim women's dress code. As a result, the safety of Muslim women who chose to wear Islamic dress reduced. Even though the ER has been lifted, Muslim women continue to be harassed for wearing their chosen dress. As a result, many women opted to remove their face veils and head scarves to have mobility. On 29th May 2019, the Ministry of Public Administration issued a circular asking women government officers to wear only Sarees and prohibiting Muslim women officers from wearing Abaya or Nikab or even a Shalwar Kameez with shawls on their heads. Although this circular was withdrawn after many complaints to the Human Rights Commission, Muslim women officers continue to face difficulties, and some have resigned from their government jobs (discussed in detail below).

On June 2nd, 2020, by Gazette No. 2178/17, a Task Force for the Archaeological Heritage Management in the Eastern Province was established. The Taskforce has been measuring lands in Ampara under the pretext of preserving Buddhist heritage sites and stands on the verge of evicting around 300 Muslim families who have valid deeds for their lands. This pan-Sinhala, male-only Task Force includes not only archaeologists but also monks and military officials. Ampara is a Muslim-majority area, and the Task Force is intentionally undermining the multi-ethnic identity of the province with a possible attempt to take away Muslim and Tamil communities' lands and impinge on the 13th amendment to the Constitution of Sri Lanka.¹

¹ Input to the Report on Anti-Muslim Hatred and Discrimination by Alliance for Minorities (a collective of 08 Civil Society Organisations from North and East)

The pandemic also brought new forms of discrimination against the Muslim community. Articles were written in mainstream media depicting Muslims as Covid carriers and spreaders. One Judicial Medical Officer who heads a hospital that treats serious Covid-19 infected cases suggested Covid-19 dead bodies could be used as biological weapons if Muslims were given the option of burial.² Subsequently over 300 Covid and Covid suspected Janazas (corpses) of Muslims were forcibly cremated. Despite global outcry, the forced cremation policy was not fully lifted until March 2022.³

In the aftermath of the 2019 Easter Sunday attacks, the Prevention of Terrorism Act (PTA) was heavily abused against Muslims. Instead of reversing this trend, the current government is attempting to introduce an even more draconian Anti-Terrorism Act (ATA). The Muslim community is concerned that the ATA is framed against the backdrop of a supposed ISIS presence and the need to protect national security and sovereignty. Its provisions are so broad that the proposed law might allow for any Muslim or any member of a minority community who attempts to counter Islamophobia or hate-mongering to be labelled as a terrorist. This is not an idle fear – the abuse of the PTA and the ICCPR against some reform-minded Muslim community activists serves as a cautionary example.

Regrettably, vilification and hatemongering are also prevalent within the Muslim community. The increasing influence of Wahhabism has led to the condemnation, aggression, alienation, and social exclusion of individuals perceived to deviate from its principles. Furthermore, certain individuals are subjected to violent attacks from fellow Muslims, specifically those who promote Shafi school of thought. This troubling situation is exacerbated by the promotion of radical, backward, and intolerant practices by influential theological groups such as All Ceylon Jammiathul Ulema. Consequently, progressive reforms within the Muslim community, particularly the eradication of Female Genital Mutilation, the reformation of Madrasa education, and the amendment of the archaic and discriminatory Muslim Marriage and Divorce Act (MMDA) governing Muslim marital affairs, face substantial resistance. Muslim women's groups, for over four decades, have advocated for MMDA reform, aiming to uphold the fundamental rights of Muslim women and girls. Unfortunately, their efforts have met with increasing vilification from misogynistic clerics and community leaders who perceive their work as contravening Islamic principles. This challenging situation is further complicated by the escalating presence of Islamophobia, necessitating greater communal solidarity among Muslims.

2 The Leader, 'Small fear whether the dead bodies with the virus can be used as biological weapons - Dr. Channa Perera tells BBC' 16th April 2020, <https://english.theleader.lk/news/690-small-fear-whether-the-dead-bodies-with-the-virus-can-be-used-as-biological-weapons-dr-channa-perera-tells-bbc>

3 OHCHR, 'Sri Lanka: Compulsory cremation of COVID-19 bodies cannot continue, say UN experts', 25th January 2021, <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-compulsory-cremation-covid-19-bodies-cannot-continue-say-un>

FORB VIOLATIONS, GENDER AND INTERSECTIONALITY

After the end of the 26-year civil war in 2009, the Sri Lankan state has overtly and covertly fuelled religious extremism in every community as a strategy to avoid any form of accountability towards victim communities. In this way, successive governments keep criminals in positions of power to enable them to escape any form of prosecution. As with anything, religious extremism has a gender component, with women used as a tool to propagate hate.

Women's groups have expressed concerns regarding the growth of the 'Shiv Sena' movement in the East, advocating for Hindu women to exhibit greater devotion to God Siva while propagating anti-Muslim sentiments. Reports from women's groups indicate that similar trends of growing religiosity are observed within the Muslim community, manifesting in the exclusion of Muslim women from interactions with other religious communities, as well as the monitoring and control of their mobility and associations. Furthermore, the escalating attacks on the Christian community have placed strains on female pastors' participation in religious preaching and their visible involvement in community work. On another front, there is a noticeable trend of Sinhala women being drawn into dogmatic Buddhism as devoted followers, engaging in pilgrimages to newly established and often forcibly constructed Buddhist sites and temples, which are part of ongoing militarized colonization efforts in the North and East.

Piety, particularly in the post-war and post-Easter-attacks context in Sri Lanka, is visibly promoted through women's association and rituals. Notably, their bodies, clothing, and reproductive ability have assumed central importance in this growing religious identity politics. In the Eastern province, tensions between the Tamil and Muslim minority communities are exacerbated by accusations that Muslims are abducting young Tamil girls and marrying them. Such rumors further stigmatize and isolate couples who choose to date or marry across community lines. On 6th December 2021, the Chairperson of the One Country and One Law Taskforce, the convicted monk Gnanasara Thero who received a presidential pardon, stated during his visit to Batticaloa that he had heard credible complaints regarding Muslims and Christians converting Hindus.⁴

In every calamity women are affected disproportionately. Sri Lanka's ethnic and religious conflicts is no exception. In the post-war context, Tamil women were left to look for many family members who were disappeared by the state and militants, while returning to their homes that were mostly demolished in a

⁴ Newswire, "One Country, One Law' receives warm response from East - PMD (Video)", 6th December 2021, <https://www.newswire.lk/2021/12/06/one-country-one-law-receives-warm-response-from-east-pmd-video/>

heavily militarised environment and having to rebuild their communities with limited government support. Following the Easter Sunday attacks in 2019, Muslim women had to fight for their right to wear their religious dress, have safety in public spaces, public mobility, and freedom of association. They also became targets of the draconian PTA and to date many of them are trying to get their family members (mostly men) freed from state detention and surveillance.

Hindu women in Batticaloa confirm increased religiosity within their community since the Easter attacks, particularly in religious practices imposed on women. These practices, they believe, lack logical basis, and are attributed to RSS (Rashtriya Swayamsevak Sangh) influence. For example, various types of virathams or fasting requirements have been introduced for women, demanding significant sacrifices without clear benefits. With anti-Muslim sentiment on the rise, especially after the Islamic extremists' bombing of Zion church in Batticaloa, some religious men and institutions have sought to exert control over women's bodies and minds in both Muslim and Hindu communities, using religion as a tool to persuade women to conform to traditional gender roles, including the emphasis on maintaining their purity and reproductive system. These efforts only serve to incite religious hatred and division, pitting women against each other.

One prominent activist stated "many Saiva people have become more cautious and suspicious of their surroundings. Unfortunately, this has led to some negative behaviours, such as avoiding Muslim vendors due to rumours of sterilization drugs in food served at restaurants and talking behind their backs. Even at a school in Batticaloa during a parents-teacher meeting, some Saiva people responded negatively when a parent wearing an abaya arrived. These responses were made without much thought or consideration."

Women's rights activists from the Eastern province are expressing concern about such behavior, which they perceive as unwarranted and counterproductive. In their view, such practices only contribute to further division and mistrust between different communities, ultimately harming everyone involved. They firmly believe that promoting greater understanding and tolerance between different religious and ethnic groups, especially in times of crisis, is crucial.

This paper is also presented in the context where there has been a series of arrests in Sri Lanka over purported 'blasphemous remarks'. Comedian Natasha Edirisooriya and YouTuber Bruno Divakara were arrested within a week and remanded under section 3 of the International Covenant on Civil and Political Rights (ICCPR).⁵ Early this year, another social media influencer, Sepal Amarasinghe was arrested for the same reason. An Evangelical Christian preacher, Pastor Jerome Fernando, has drawn controversy over comments he made in his sermons and is currently absconding overseas, evading possible arrest.

All these individuals have one issue in common: they have been accused of inciting violence by insulting Buddhism. Sri Lanka has set a trend in abusing the ICCPR under the pretext of 'guarding Buddhism,' which is the religion of the majority of the country's population and is enshrined as the foremost religion in the constitution. The Minister for Buddhadasana, Religious, and Cultural Affairs, Vidura Wickremanayake, stated on 28th May 2023 that a new law will be introduced to promote religious harmony, requiring all religious institutions in Sri Lanka to register with the government. This measure aims to enable the government to track and monitor religious activities, and to intervene if necessary to prevent religious conflicts. He further emphasized that registering religious institutions would help the government gain a better understanding of the religious landscape of the country. On 30th May 2023, President Ranil Wickremasinghe established a special police unit to investigate and act immediately on groups that disrupt religious harmony. This unit will be responsible for responding to 'acts of sabotage' and preventing attempts that disturb religious harmony before they escalate and affect broader society. However, critics argue that these policies encourage religious and cultural policing, leading to heightened religious tension and pitting communities against each other.

Against this backdrop, this paper will analyse the gendered nature of religious violence and restrictions on the freedom of religion or belief, with a particular focus on the treatment of Muslim women.

⁵ Sri Lanka enacted the International Convention on Civil and Political Rights Act in 2007. ICCPR is one of the core conventions in the EU's preferential trade scheme (GSP+), and political observers argue Sri Lanka enacted the localized ICCPR Act to secure GSP+. While the language of the Act enshrines core civil and political rights, in practice section 3 of the localized ICCPR Act is used to arrest minorities and dissidents who are accused of harming majoritarian sentiments. Currently the government is using the ICCPR Act as a substitute for PTA. This is a result of a moratorium on the PTA which also came as a result of pressure asserted by the international community (mainly EU).

EFFECTS OF SRI LANKA'S EASTER BOMBINGS ON MUSLIM WOMEN

After the devastating 2019 Easter Sunday attacks, the government whipped up public sentiment against the Muslim community at large. This, despite the fact that Muslim community activists had for years warned authorities about the lead suicide bomber and themselves been victims of his hate speech. It was easier for the state to target the entire Muslim community than bring justice to the victims or explain its own security lapses. While these trends have been widely discussed,⁶ this paper focuses particularly on gendered aspects of religious discrimination by looking at a selected few case studies.

1. CIRCULAR ON THE DRESS OF MUSLIM WOMEN

In the immediate aftermath of the Easter Sunday attacks, the Ministry of Public Administration on 29th May 2019 issued a circular requiring female government officers to wear only Sarees,⁷ which is a traditional attire worn by majority of women in Sri Lanka, and prohibited Muslim women officers from wearing Abaya, Niqab, or even a Salwar Kameez with shawls on their heads. As many Muslim women consider this attire as religiously ordained, the circular was a clear violation of both gender equality and the freedom of religion.

Gender equality refers to the equal rights, opportunities, and treatment of all individuals regardless of their gender. The circular issued by the Ministry of Public Administration is in a violation of gender equality laws/standards/norms because it imposes a specific dress code and denies women the freedom of wearing an attire that resonates with their culture and religion. This not only restricts their freedom of expression but also constitutes religious, cultural and gender discrimination as the dress code disadvantages only Muslim women and does not affect women from other religions/cultures or Muslim men. Female government officers who were affected also shared that Muslim men preferred to stay away from advocating for a change to the policy or participating in discussions on dress codes with senior officers, fearing backlash and disciplinary action within state institutions.

6 Shreen Saroor and Mytili Bala, *Terrorising Minorities through Counterterrorism* (October 2022), in *Muslims in Post-War Sri Lanka*, <https://www.minormatters.org/storage/app/uploads/public/615/69b/d3b/61569bd3b3d59076872669.pdf>.

7 Colombo Telegraph, 'Ministry Of Public Administration To Stop Female Public Servants Wearing Abaya?', 31st May 2019, <https://www.colombotelegraph.com/index.php/ministry-of-public-administration-to-stop-female-public-servants-wearing-abaya/>

Freedom of religion is a fundamental human right that allows individuals to practice their religion without any interference from the state. The circular therefore prevented Muslim women from practising their religion or even expressing their religious identity openly.

2. ABUSE OF ANTI-TERROR LAW AND WOMEN

Sri Lanka has a long history of abusing the PTA to target Tamils, which was the primary tool of persecution during the civil war. However, after the war ended, the state shifted its target and has recently used the PTA to persecute the entire Muslim community, while failing to prosecute the actual perpetrators of the Easter bombings. Women, in particular, are victimized by the state's overreach, either as collateral damage of PTA arrests or as targets due to family ties with detained men. An article on the independent citizens journal Groundviews highlights that many detainees are poor men with dubious links to the suicide bombers, such as those who unwittingly attended training sessions, fixed a TV antenna in a suicide bomber's neighbourhood, or delivered food to some National Thawheeth Jamath sermons.⁸

The same article also highlights the harsh conditions imposed when suspending the detention order for some wrongfully detained men, which include monthly reporting to the counterterrorism and investigation division, obtaining prior written approval from the director of counter-terrorism for any travel abroad, and reporting to the officer-in-charge within 72 hours of notification. The vast majority of the recent PTA detainees have been locked up for over 34 months, longer than the 18 months allowed then under the PTA . The cost women pay is heavy in a patriarchal society when their breadwinners are detained by the state. The author argues that women bear the brunt of these mass arbitrary detentions, as they have to pick up the pieces when their breadwinners are detained. They are visited by security agencies and summoned to the police station, and some have reported selling household items, valuables, and land to survive. Detention of a loved one brings community censure, further isolating already marginalized women. Frequent visits of male intelligent officers and police have also led to social isolation of these women and their children. A few young women have complained of sexual harassment over the phone by investigating officers or persons in charge of their husband's case.

3. ANTI-MUSLIM VIOLENCE IN HASALAKA, CENTRAL PROVINCE

On 17th May 2019 Abdul Raheem Mazahina, a 47-year-old Muslim woman was arrested in Hasalaka because she wore a long dress made out of fabric with

⁸ Groundviews, 'The Tragic Lives of Women Victims of the PTA', 2nd September 2022, <https://groundviews.org/2022/02/09/the-tragic-lives-of-women-victims-of-the-pta/>

print of a ship's wheel. The arresting officers alleged the print resembled the Dharmachakra, a Buddhist religious symbol of a revolving cycle. Police surrounded her house and told her that Buddhist monks had made complaints that the print on her dress insulted Buddhism and that they had shared photographs of her dress with media outlets. Her picture with police surrounding and inspecting her dress went viral on social media.⁹ Mazahina's case is one amongst the many cases of Muslim women being policed and targeted for their attire. Oftentimes, these are poor women, and in Mazahina's case, she bought the dress that she could afford in the open market. She was charged and detained without bail under ICCPR Act, section 3 for inciting communal violence. This was a clear violation of her freedom of expression and bodily dignity. She was targeted in the context of increased Islamophobia after the Easter Sunday attacks.

During her 17 days in prison, Mazahina was repeatedly referred to as a "terrorist" by guards, despite having no apparent connection to the Easter bombings. Her treatment highlights the discriminatory attitudes that Muslims face in Sri Lanka, and the need for greater efforts to promote tolerance and understanding between different communities.¹⁰ The fact that she was subjected to such treatment also highlights the vulnerability of Muslim women under the criminal justice system.

From a gender perspective, Mazahina's treatment by police, posting of pictures in government news pages, and detention without bail are deeply troubling. The fact that she was forced to remove her headscarf and put on the dress while other officers took photographs of her, is a clear violation of her bodily dignity and privacy and highlights the need for greater awareness and sensitivity to the rights of women and religious minorities in Sri Lanka.¹¹

Mazahina's case also illustrates how gender norms and expectations intersect with religious identity in Sri Lanka. She was targeted because of the dress she was wearing, a garment that has traditionally been associated with femininity and modesty in Muslim cultures. During her detention, she was subjected to gender-based violence, including sexualised verbal abuse and humiliation by male Sinhala officers at site and in the police station. Her experience highlights the need to address the gendered dimensions of religious discrimination and to promote an intersectional approach that recognizes the multiple layers of discrimination faced by women belonging to religious minorities.

9 Twitter, Sri Lanka Tweet, 15th June 2019, <https://twitter.com/SriLankaTweet/status/1139753968395886593>

10 Aljazeera, 'Muslims 'targeted with arbitrary arrests' after Easter massacre', 16th June 2019, <https://www.aljazeera.com/features/2019/6/16/muslims-targeted-with-arbitrary-arrests-after-easter-massacre>

11 Aljazeera, 'Muslims 'targeted with arbitrary arrests' after Easter massacre', 16th June 2019, <https://www.aljazeera.com/features/2019/6/16/muslims-targeted-with-arbitrary-arrests-after-easter-massacre>

4. ANTI-MUSLIM VIOLENCE IN TRINCOMALEE

In April 2018, five female Muslim teachers who taught at a state-run Sri Shanmuga Hindu Ladies' College in Trincomalee were harassed and threatened for wearing Abaya, a long dress worn by Muslims currently. They made complaints to the Sri Lanka Human Rights Commission (SLHRC) in May 2018 and the Commission, after inquiry, found amongst others (HRC/TCO/27/18) that preventing teachers from wearing the Abaya while performing their duties is a violation of Articles 10, 12 (1), 12 (2) and 14 (e) and made recommendations accordingly.¹² Even though the SLHRC verdict was positive, as the resistance to wearing Abaya continued, four out of five Muslim teachers affected took transfers and moved away from Shanmuga Hindu Ladies' College since they could not wear the Abaya.

Fathima Fahmida Rameez who remained, was continuously denied permission to work at the Shanmuga school because she wore the Abaya. Consequent to Fahmida filing a Writ Application and the matter being taken up in the Court of Appeal, on 13th February 2022, she received a letter of reinstatement from the Ministry of Education. Armed with the strength of the reinstatement letter, she returned to Shanmuga Hindu Ladies College to report back to work. However, protests were held against her, with some protestors claiming that wearing the Abaya destroyed Hindu culture. During her wait to assume duty, Fahmida was assaulted by a group of individuals who protested against her reporting back to duty while wearing the Abaya. In the ensuing melee, the media reported that the school principal was also injured, and a police case was filed, alleging that Fahmida had pushed the principal. In response, Fahmida made a counter complaint, alleging that she was assaulted by the principal. Subsequently, a private plaint was filed against the principal in the Magistrate court of Trincomalee. It is evident that certain elements, with an interest in fostering division among communities, ensured that fissures and tensions remained by provoking and sustaining the dispute around Shanmuga and the wearing of the Abaya for over four years (2018 – 2022). This issue was used as a focal point for tension between communities.

A recurring trend has been observed where women's attire has become central to most nationalist and religious discourses. A conversation on this topic with Hindu women in Trincomalee and Batticaloa shed light on another dimension of the dress code argument within the Hindu community, particularly regarding the reinforcement of piety and a more visible way of observing various Hindu religious gendered rituals.

Many protests related to the Shanmuga School dispute over Abaya-wearing teachers were organized by a pro-Hindu group called Ravana Senai which

12 HRCSL, <https://www.hrcsl.lk/wp-content/uploads/2021/06/4-HRC-TCO-27-18-HRCSL-REC-reg.pdf>

alleges that Abaya-wearing Muslim teachers were trying to convert the students to Islam.¹³ There were also allegations against the school principal early on, accusing her of instigating a dispute over the Muslim teachers' dress code by prohibiting Fathima Fahmida from wearing an Abaya and relegating her to the staffroom. This action prompted other Muslim teachers to wear abayas in solidarity.

The above incident is a violation of both gender equality and freedom of religion and expression. The Muslim teachers were simply adhering to their culture by wearing a garment that holds religious significance to them, especially considering the progression of Muslim women's dress code over the last two decades. Abaya, burka, face-veil, etc., have been regarded as a part of community honour and piety, and more recently, they have become identity symbols for many young Muslim women. These women use their attire as a means to resist anti-Muslim rhetoric and combat the Islamophobia faced by their community.

The Hindu protesters were trying to force the Muslim teachers to conform to saree which is the female teachers' dress code in the school and seen as part of Hindu religion and Tamil culture as well, thereby limiting their individual choice and right to express themselves. Additionally, the protest was an attack on the freedom of religion, which is a fundamental human right enshrined in the constitution. This was also reiterated by the SL HRC report (HRC/TCO/27/18) on the Shanmuga school dispute.

It was felt that even the lawyers were not helping to diffuse the situation initially, as both sides were unwilling to extend beyond their brief to explore ways and means to build an association, and instead, they gave in to associated populist thrusts without conceding any quarter. However, with the intervention of a well-meaning and competent senior lawyer appearing for the Shanmuga principal, who risked his popularity, he objectively advised his client to do the right thing by the multiple communities. This approach aimed to overcome populist demands and assertions that could only enhance divisions and instead emphasized the need to prioritize overall well-being, peace, and coexistence by continuously proposing a balanced compromise when these cases were taken up. Although initially reluctant, the lawyers appearing for Fahmida could not reasonably oppose or shove aside this approach. Furthermore, both women involved, the Shanmuga principal and Fahmida, who were being used as tools in these manoeuvres to exacerbate differences, consented to conclude the matter by respecting each other. This ultimately led to the resolution of these competing cases being settled on amicable terms.

¹³ Aljazeera, 'Hindu group protests against Muslim teachers wearing abaya', 14th July 2018, <https://www.aljazeera.com/features/2018/7/14/hindu-group-protests-against-muslim-teachers-wearing-abaya>

This settlement was not to the liking of forces that wanted the fire of hate to continue burning between the Tamil and Muslim communities. These forces from both communities continued to decry the lawyers on both sides, accusing them of compromising and/or betraying their respective communities' rights, when, in fact, it was a victory for both communities as it concluded the dispute in peace and dignity. Handling these emotionally charged cases with equanimity, sensitivity, and judiciousness, the learned magistrate's presence of mind to have the proceedings recorded in detail greatly contributed to calming competing extraneous interests and avoiding misinformation, ensuring an amicable resolution that deserves acknowledgment.

This school incident also led to tensions and discord between the Tamils and Muslims in the Eastern Province of Sri Lanka, especially among men, further highlighting the need to understand the gendered aspect of religious violence. Many Muslim men took to social media (Facebook) to wage a vituperative war against Tamil women's dress code (saree) and insult many Tamil teachers at the same school, labelling their dress as obscene and their religion as vulgar. These men went to the extent of deeming the Tamil teachers' saree-wearing bodies as cheap and Muslim women's abaya-wearing bodies as dignified. The sexual objectification of one teacher who was vocal and opposed to the Abaya was so obscene that some women's groups that wanted to support Muslim women had to rethink their strategy to avoid getting caught in the conflict initiated by men. Unfortunately, the Facebook victim teacher's efforts to counter and take action against these men were futile due to the insensitivity of police officers towards these gendered assaults.

This incident also reveals deep-seated ethnic tensions in Sri Lanka's Eastern province, which could lead to further violence and social unrest. It is crucial to address these issues and promote understanding and respect for diversity and different cultures and religions.

5. ANTI-MUSLIM VIOLENCE IN KURUNEGALA

On 25th May 2019, newspapers and websites, without providing any evidence accused Dr. Shafi, a Muslim physician, of sterilizing Sinhalese women.¹⁴ The police subsequently arrested and detained Dr. Shafi under the Prevention of Terrorism Act. A Nationalist Buddhist monk and politicians mounted a campaign of attacks against him in the media for alleged links to terrorists. Over 900 women were mobilised by an extremist Buddhist monk to strengthen the allegation against Dr. Shafi.¹⁵

¹⁴ Adaderana, 'Complaints against Dr Shafi exceeds 1,000', 18th June 2019, <https://www.adaderana.lk/news.php?nid=55820>

¹⁵ <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/17253/Buddhist-Monks-Spearhead-Nationalist-Movement-in-Sri-Lanka--> (10th July 2019)

There have been continuous hate campaigns against Muslims, accusing them of trying to control Sinhala women's fertility by claiming they sell food mixed with contraceptive pills. There have also been campaigns calling for a boycott of buying clothes from Muslim traders, alleging that the clothes comprise medicine that will make women barren. In the case of Dr. Shafi, his patients were mobilized and put in the media to validate these allegations. However, the accusations against him were not based on any evidence but rooted in the belief that Muslims were conspiring to reduce population levels of the majority Sinhalese community. This was another example of how women's bodies and their reproductive function were made central to a politicized professional conspiracy against a doctor, as part of broader national-level Islamophobia. There have been examples quoted by activists where, at the peak of anti-Muslim attacks in 2013 and 2014, there were calls from Sinhala nationalists, especially monks and a member of parliament, for their women to produce more children while trying to control Muslim women's reproductive cycles. Activists from the Eastern province pointed out that in the post-war context in Batticaloa, cash allowances and rations were introduced to families with more than five children to curtail the expansion of the Muslim population. These actions and notions amply demonstrate how women's reproductive organs become the battlefield for waging hatred against a community.

6. ANTI-MUSLIM VIOLENCE IN KARUWALAGASWEWA, PUTTALAM

Muslim women working at the Divisional Secretariat in Karuwalagaswewa faced discrimination and harassment due to the majority of the population in the area being Sinhalese. They took the 2019 Public Administration circular on dress code very seriously and imposed it forcefully on their Muslim staff.¹⁶

Moreover, non-Muslim staff protested against Muslim women wearing the Abaya and refused to wear the Saree until the Muslim women stopped wearing the Abaya, further reinforcing discrimination against Muslim women. This indicates that non-Muslim colleagues were not ready to respect the religious freedom and cultural identity of Muslim women, and they became part of the racial and gender discriminatory force.

The Muslim women were mistreated and subjected to daily searches, with their lunch boxes also checked, even though their non-Muslim colleagues and male Muslims, were not subjected to such treatment. They were also denied the right to pray or have a prayer room, which is a clear violation of their religious rights. This treatment is not only gender discriminatory but also inhumane, as it deprives them of basic human rights, such as the right to practice their religion

¹⁶ Colombo Telegraph, 'Ministry Of Public Administration To Stop Female Public Servants Wearing Abaya?', 31st May 2019, <https://www.colombotelegraph.com/index.php/ministry-of-public-administration-to-stop-female-public-servants-wearing-abaya/>

and the right to have their privacy respected.

When Shamila (real name withheld) complained to the Divisional Secretariat office about her mistreatment, instead of taking action to address the issue, the Divisional Secretary questioned the purpose of wearing an Abaya and accused her of being lazy to dress up, further perpetuating discrimination against her.

The lack of support from Muslim men at work, who asked the women to comply with their colleagues' demands and not get involved in the women's struggle, is also gendered. Men timidly use women for their own religious identity promotion while abandoning them and their struggles when there is damage to their image, livelihoods, and professional advancement. In this case, at least four Muslim women lost their government jobs due to the lack of support and solidarity from their male counterparts. It is the responsibility of the workplace to ensure a safe and equal environment for all employees, regardless of their gender or religion, which was violated in this case as well.

The Karuwalagaswewa Divisional Secretariat case is a clear example of religious and cultural intolerance. Non-Muslim colleagues were imposing their own cultural beliefs on Muslim women and were unwilling to make any compromises or show any respect for the beliefs and practices of their Muslim colleagues. The lack of support from Muslim men also highlights the need for solidarity and unity within marginalized communities to fight against discrimination and prejudice. The behavior of the Divisional Secretary is also concerning, as instead of addressing the issue, he was trying to lecture and brainwash Muslim women.

Furthermore, Shamila explains how there were three checkpoints she had to pass to get to the workplace: the DS Office, and at each one, she is required to show her national identity and prove her identity. This is in addition to the usual check-ins that are required in such situations. Shamila expresses her frustration at these added measures, saying that at some point, she got fed up with these atrocities and could not take it anymore.

This passage highlights the additional burdens placed on marginalized communities, especially Muslim women, who rarely get into government service in Sinhala majority areas. Due to this public administration circular, Muslim women who worked in Sinhala areas were either forced to quit their job or got transfers to Muslim areas or went for other private sector jobs. Besides these added security measures in the name of national security could keep the communities continuously polarized and further isolate Muslim women who are already facing discrimination and prejudice within their own community and at the hand of nationalists and extremists. The fact that Shamila had to switch jobs and move away from her workplace shows the cruelty imposed upon her through

these measures and an indication of the toll that such discriminatory practices can have on individuals. It also highlights the need for greater understanding and acceptance of diversity, as well as the need to create more inclusive and welcoming environments where everyone can feel valued and respected.

7. ANTI-MUSLIM VIOLENCE IN PUTTALAM TOWN

Following the 2019 government circular on dress code, on 19th June 2019, 16-year-old pregnant woman Fayyaza (pseudonym), was arrested in Puttalam for covering her face. She was subsequently imprisoned in Negombo for 24 days without bail.

The day before the couple's scheduled visit to the clinic, Fayyaza overheard people discussing how Muslim women were being arrested for covering their faces. The following day, as they were getting ready to leave for the clinic, she informed her husband about what she had heard and expressed hesitation about covering her face. However, her husband insisted that she does so, and despite her reservations, she complied with his request.

Recollecting the incident, Fayyaza remembered that upon arriving at the clinic, she was met by military personnel who asked her to remove her face covering. She complied and quickly stowed it away in her handbag, and surprisingly, her husband did not object to her doing so.

After leaving the clinic, she and her husband went to a photo studio to take photo to obtain her national identity card. Unfortunately, the studio was filled with smoke, which made it difficult for her to breathe and made her feel nauseous. In an attempt to alleviate her discomfort, she used her handkerchief to cover her nose. However, someone in the studio reported this to the police station, and before she could even complete the process of taking her photograph, police officers arrived, arrested her, and took her into custody.

The fact that her husband insisted on her covering her face, despite her reservations, highlights the issue of gender inequality and women's lack of agency in many societies. She was 16 years of age and pregnant, lacking autonomy over her body or dress. Women are often pressured or forced to comply with the wishes of their male counterparts, even when it conflicts with their own beliefs or desires or security. In this case, Fayyaza was essentially forced to sacrifice her own preference to appease her husband's wishes, and she was subsequently arrested and imprisoned for 24 days for doing so.

Her lengthy imprisonment while being fully pregnant without bail is a clear manifestation of how laws are abused for a long time in this country against

minorities and how they are used to negatively impact woman's rights, due process and a fair trial. The fact that she was detained for such a long period of time without any evidence of wrongdoing suggests that she was unfairly targeted. It also shows how bias or merciless the system is to keep a minor who was fully pregnant without any valid charges but only for covering her face with a handkerchief. When the author met her in her house she pointed to her son and said he was born few days after her release and while on bail and that the trauma they underwent is reflected in his behaviour. She thanked the women lawyers and the Muslim Women Development Trust that constantly worked on her case and got her case dismissed. She also told us her husband married another woman after the arrival of her son and she now lives in the same house with her.

This incident underscores the need for greater respect for religious freedom and gender equality in Sri Lanka, and for the government to address the systemic discrimination faced by Muslim women and children, in particular.

8. ANTI-MUSLIM VIOLENCE IN PUTTALAM HOSPITALS

Local Women's Organizations have received credible complaints that Muslim female patients have been treated harshly and have been denied the right to cover their heads, which is a religious requirement for many of them. Furthermore, Muslim women have been reprimanded by hospital staff for wearing a hijab or headscarf, which is not only disrespectful but also violates their human rights. Immediately after the Easter attack, many of the hijab and abaya wearing women were stripped of their headscarf on alleged security grounds. Women complained that they avoided going to hospital and took medicine from private doctors or used old prescriptions to buy medications. Pregnant ladies complained that they were not allowed to wear shawls across the chest and sometime the nurses took it away by force before the doctor's visit their beds. One young mother narrated a story of how she was treated cruelly in the labour room when she pushed the nurse who was holding her legs tight. The nurse pinched her thigh and asked her, "Why do you Muslim women want to have children one after the other if you cannot cope with the pain?" New mothers attending monthly clinics to meet with midwives are not permitted to wear the clothing they feel most comfortable in. If they choose to wear Abayas, they are reprimanded and told to remove them. The midwives justify this by claiming they need easy access to conduct check-ups, but this was not a requirement prior to the Easter attacks.

It is important to recognize that some hospitals have policies that restrict the clothing of patients, including head coverings, for hygiene reasons. While it is crucial to maintain high standards of hygiene in hospitals, these policies should

not be discriminatory towards any particular religious or cultural group. This also indicates the level of racism ingrained in government structures and how passively even the health system can punish persons for being associated with a faith.

9. ANTI-MUSLIM VIOLENCE IN PUTTALAM SCHOOLS

In the Puttalam district, some parents have shared distressing experiences of their children being denied the opportunity to sit for their Advanced Level (AL) examinations or enter schools in Sinhala or Tamil areas while wearing hijab and jeans, which has caused them mental anguish. School policies on the matter varied, with some authorities allowing hijab on the condition that the ears must be revealed.

The reasoning behind not allowing any sort of covering inside the examination hall was allegedly to prevent cheating, given the high stakes of the Advanced level examinations, which have significant impacts on students' futures and careers. Prior to the Easter attacks, head and leg coverings were generally accepted, but afterwards, they were condemned, and children were subjected to constant checks. This discrimination based on religious dress is unacceptable and must be addressed to ensure equal opportunities for all students. Rishna, a student, told us that she was asked to remove her Hijab on the first day of her AL exam. She felt incredibly embarrassed by the way she was humiliated in public by the exam hall staff. As a result, she chose not to sit for the remaining papers.

10. ANTI-MUSLIM VIOLENCE IN PUTTALAM - CHECKPOINTS

It is deeply concerning to hear about the discriminatory treatment that working women from Puttalam have faced while using public transport at checkpoints. The fact that Army personnel have specifically targeted Muslim women and subjected them to humiliating treatment is unacceptable and violates their basic human rights.

The psychological impact of such treatment on these women cannot be overstated. Being singled out and humiliated in front of others based on their religion can cause significant psychological distress and trauma, leading to long-term negative effects on their mental health and well-being. A young lawyer who was traveling from Colombo to Mannar in June 2019 was stopped at the Chettikulam Military base checkpoint and it took some time for her to remove her headscarf. A military woman took a pair of scissors to cut her hijab off. She believes that the hijabs of other women have been cut, but she was spared due to having her Bar Association card.

The specific targeting and humiliation of Muslim women in front of non-Muslims is particularly alarming and insulting to the dignity of Muslim women's bodies. The tearing off their clothes / hijab in the name of security by military officers violates fundamental human rights. However, the violation of women's bodily integrity is common and mostly accepted as routine in the north, occurring at military checkpoints and even in prisons and detention camps when women visit their relatives, who undergo the same degrading treatment. This behaviour not only violates the basic human rights of women belonging to minority religions and ethnicity but also promotes a culture of intolerance and division in society.

11. ANTI-MUSLIM VIOLENCE IN BANKS IN PUTTALAM

Banks in Puttalam continue to discriminate against Muslim women wearing the Abaya, even four years after the Easter attacks. Unfortunately, many Muslim women in the community do not have access to education and career opportunities due to social and cultural barriers. As a result, they are often not as literate as their male counterparts, and this exacerbates the issue of not having access to banks. The situation is even worse for those who do have the necessary knowledge level but are denied access to banks due to their attire.

This form of discrimination against Muslim women is unacceptable, and it reinforces patriarchy and further their dependency on men. They are being marginalized by both their families and the state simply because of their gender and religious beliefs. This intersectional discrimination based on gender, race, and ethnicity must be strongly criminalized and addressed immediately to ensure that all individuals are treated equally and with dignity.

12. ANTI-MUSLIM VIOLENCE IN AKURANA, KANDY

The Officer-in-Charge of Akurana Police and the Assistant Superintendent of Police for Kandy recently visited the Akurana Mosque to share information about a potential threat during the upcoming Eid festival, which was scheduled to take place on April 21st or 22nd, 2023. The police requested that the mosque take appropriate security measures. The police also assured to provide security support.

Upon receiving this information, the mosque officials shared it with the community, urging everyone to pass it along through their respective WhatsApp groups and other gatherings where Muslim women are present. They particularly emphasized the need for Muslim women to be cautious during this time, as they may face more scrutiny from both religious leaders and law enforcement officials.

As a safety measure, the mosque officials advised Muslim women not to wear full abayas/face coverings or visit the mosque during Ramadan or Eid, since attackers could potentially disguise themselves in such attire. The police further cautioned that these attackers could be anyone, making it difficult to identify them. The officials stated that the police and mosque officials were working together to ensure the safety of the community during the upcoming Eid festival and requested for the cooperation of everyone, especially Muslim women, who were urged to remain vigilant and take necessary precautions to prevent any potential harm.

The cautionary advice given to Muslim women to refrain from wearing full abayas/face covering or visiting the mosque during Ramadan or Eid raises concerns about religious freedom. It implies that Muslim women's attire and ability to practice their faith could be restricted or curtailed due to fear of violence. This situation can lead to the marginalization and exclusion of Muslim women in their own religious community, which goes against the principles of religious freedom and equality.

Secondly, the emphasis on the need for Muslim women to be cautious during the Eid festival suggests that they face greater security risks than men. This gendered aspect highlights the fact that Muslim women often bear the brunt of Islamophobia and hate crimes, which can restrict their freedom to practice their faith without fear. This further reinforces the need for gender-sensitive approaches in addressing security concerns and ensuring that Muslim women's rights are protected.

Thirdly, the cooperation between the police and mosque officials to ensure the safety of the community during the Eid festival is an encouraging step towards promoting freedom of religion. However, it is essential to ensure that such security measures do not infringe upon the rights of individuals to practice their religion and express their identity freely.

13. THE ATTIRE OF THE JUDGES AND ATTORNEYS-AT-LAW

On 30th March 2023, a Gazette Extraordinary notification No. 2325/44, was issued that amended the rules related to Attire of Judges and Attorneys-at-Law. The new rule, which replaces the previous dress code specification, restricts the attire of female attorneys to a saree and jacket in white, black, off-white, grey, or mauve; black trousers with a white blouse and black coat and shoes; or a black skirt with a white blouse and black coat and shoes. This new court attire rule no longer permits female judges and attorneys to wear black gowns or frocks below the knee length. This sudden change in dress code affects Muslim women lawyers wearing their long gown (usually labelled as Abaya). A women's

group already received complaints from Muslim women lawyers who have been instructed by their seniors that they should not wear the Abaya but a saree or long blouse and pants. Some young women lawyers mentioned that they are comfortable with wearing a saree and long blouses with a high neck, covering their full bodies. They were specifically concerned about their hijab and felt relieved that they could wear it according to the terms of this Gazette.

However, this Gazette if implemented strictly, may not only violate Muslim women's freedom of religion or belief, but also their right to practice their profession freely by preventing them from engaging in court work without workplace restrictions.

Many interviewees speculated that the new rule may affect Muslim female judges and lawyers who are already wearing the Abaya. The court attire rules prior to this Gazette allowed female judges and attorneys to wear an Abaya that fell under the long gown category. However, the removal of the long gown from the new Gazette is perceived to disallow its usage, potentially placing Muslim female judges and attorneys at a disadvantage in the workplace. This change could also lead to other forms of workplace harassment within court premises for women. It is crucial to ensure that any dress codes or attire rules uphold the principles of non-discrimination and gender equality while maintaining the necessary decorum. In this instance, the new rules might seem to discriminate against specific groups of women, particularly within the judicial sector. This could potentially infringe upon constitutional rights (Articles 12 and 10) and potentially discourage women from seeking justice when their fundamental rights are violated.

14. CONTROVERSY OVER MMDA REFORM

Gendered violence infringing the freedom of religion or belief is not new. This trend has long affected Sri Lankan Muslim women even through legal channels. The Muslim Marriage and Divorce Act (MMDA) adapted from a 1770 Batavian code of law on marriage has provisions which are gender discriminatory and even go against Sri Lanka's CEDAW obligations. The call for reforms began in 1954, and yet, more than half a century later, the MMDA has not been reformed.

The Muslim Marriage and Divorce Act (MMDA) was enacted by the parliament of Sri Lanka in 1951 codifying many customs that were prevalent among Muslims. This law is administered not through a regular court system but through a post manned by an individual termed 'Quazi'. Soon after this law began to be implemented, it was increasingly felt on the one hand that Muslim women and girl children were being marginalised, discriminated, disadvantaged, and oppressed. On the other hand, men were taking undue advantage to legitimize certain actions behind their spouses' backs, such as abandoning and ill-treating

their spouses and avoiding registering marriages. This enabled them to enter into more than four polygamous marriages without any conditions, evade paying maintenance for children, engage in child marriage and forced marriages, leading to teenage pregnancy as well as restrict women from becoming Quazi judges, registrars, or jurors.¹⁷

According to the MMDA, anyone under the age of 12 years can be given in marriage with the consent of the Quazis. This means that, technically, the minimum age of marriage for Muslim girls is zero in Sri Lanka. Against this backdrop, Muslim women have been advocating for reforms to the MMDA since the 1980s.

Acknowledging the need to reform, the government since 1970 have set up six different committees to look into the issue and propose reforms. Based on these committees' findings and women's groups and victims' persuasion, the current Justice Minister Wijeyadasa Rajapakse has finalized a reform paper with the vital amendments. These amendments include setting the minimum age of marriage at 18, mandatory marriage registration, requiring women's consent and signature on the marriage certificate, ensuring equal divorce terms for men and women, abolishing polygamy, and upgrading the Quazi system to a conciliator within the district court system. All of these reforms align with the longstanding demands of Muslim women over the decades.

The continued oppression of Muslim women through an unreformed MMDA and Quazi system is a manifestation of the entrenched patriarchy and male chauvinism in the Muslim community. Currently, 18 Muslim male members of the parliament with the help of the misogynistic Muslim male leadership of the All Ceylon Jammithul Ulema are determined to thwart the proposed reform to the MMDA. This continued refusal to treat women as equals as decreed by Islam emanates from cultural and not religious sources, and from their own insecurity of women becoming empowered.

Muslim women victimised by the gender-discriminatory provisions of the MMDA and Muslim women calling for its reforms have been harassed and even ostracized by the community for a long time. In the recent past, many ground level and online activists have come under serious attacks for engaging with the government's reform process. Juwairiya Mohideen, the founder of the Muslim Women Development Trust of Puttalam, has encountered numerous threats and intimidation from the community, particularly from local politicians and men associated with the Puttalam Grand Mosque. On 10 January 2023, the town mosque in Puttalam made an announcement after the evening prayer about the group of women who went to meet the Justice Minister on 14th November

¹⁷ Sunday Observer, Ameer Faiz, 'MMDA: Who is blocking reform of this discriminatory law?', 12th August 2018, <https://www.sundayobserver.lk/2018/08/18/issues/mmda-who-blocking-reform-discriminatory-law>

2022 over tabling the MMDA reform papers in parliament. They condemned this as an act against Islam and further noted that it was led by foreign forces or NGOs. On January 13, 2023, following the Friday prayers, the mosque mobilized men to stage a public protest. During this protest, activists advocating for Muslim women's rights were discredited, with posters and social media campaigns targeting Ms. Mohideen and her organization. The mosques in Puttalam initiated a signature campaign aimed at presenting it to the Justice Minister in opposition to the appeal by Muslim women's rights activists.

Additionally, Facebook posts and memes were circulating, indirectly condemning foreign forces involved in the MMDA reform efforts. In other areas, some of the victims who attended the Justice Minister's meeting were threatened, with at least a couple of them needing to temporarily relocate from their homes due to fears of physical attacks.

A defamatory video was posted on social media on 15th November 2022, which was aimed at defaming several activists advocating for MMDA reforms. This was created by individuals within the Muslim community. Among those targeted was Nabeela Iqbal, the founder of Sisterhood Initiative. As her work and organization were primarily based on social media, this defamatory video had a significant personal and professional impact on her. Similar to Iqbal, numerous Muslim women's rights activists have endured harassment from within the Muslim community for many years. Muslim women who fight for the rights of their fellow Muslim women find themselves in a challenging position, facing criticism both from external racists and internal misogynists. Ms. Iqbal also recounted how her efforts related to issues such as forced marriages, MMDA reforms, and women's rights led to constant questioning of her religious beliefs and accusations of not being a proper Muslim. Interestingly, these same individuals would approach her to advocate for the Muslim community's rights violations committed by the state or other groups.

The Muslim community in Sri Lanka maintains a notable presence on online platforms and social media, which they actively engage with. Nonetheless, there have been worrisome cases of hate speech and harassment directed at Muslim women activists across different regions of Sri Lanka. These women, who boldly voice their opinions and participate in activism, have encountered online assaults from within their own community.

One prominent case involved Ms. Bisliya Bhutto, a female politician (local authority), who faced criticism and condemnation from online users within the Muslim community for her involvement in women's activism. She was accused of going against the fundamental principles of Islam. Moreover, numerous other incidents of similar nature have occurred where women were harassed online for simply displaying their faces on social media or actively participating in social

activities. In the recent past, many women's rights activists have observed Muslim men at educational institutions, especially schools and universities, wanting the faces of Muslim women on public posters/banners/books to be either blurred or erased. Addressing these issues necessitates a transformative shift in the mindset of young men within the Muslim community, enabling them to embrace freedom of expression and gender equality. These right activists argue that it is crucial to encourage girls/women to actively engage in online conversations and participate in various forms of online activism. By promoting and safeguarding the right to belief and practice, it is possible to foster an inclusive and respectful online environment for all within the Muslim community.

Conversations regarding MMDA reforms even on social media result in Muslim women getting trolled and attacked by the community. In May 2023, Shamla Naleer posted a photo of her signing her nikkah (marriage) certificate¹⁸ on Twitter.¹⁹ While there were many congratulatory messages, there were also many that attacked her and even wished that her marriage ends in divorce.

¹⁸ Under MMDA 1951 a woman cannot sign her marriage certificate. She must be given in by her guardian (Wali) to the bridegroom thus there is no place for the bride to sign in the Muslim marriage certificate.

¹⁹ Twitter, Batapola Antenna, 23rd May 2023, <https://twitter.com/97shamster/status/1661037121774448640?s=20>

CONCLUSION AND RECOMMENDATIONS

Many women's rights activists and victims interviewed for this research share the perspective that men within their community are employing religion to coerce women into conforming to traditional gender roles. This includes upholding purity and reproductive norms while fuelling religious animosity and division, pitting women against each other, and thereby exacerbating their vulnerability. These trends are counterproductive and detrimental to society. Instead, they advocate for a more inclusive and rational approach to religious practice, one that values individual freedom, respects diversity, and, importantly, fosters coexistence and tolerance.

The criticisms against Muslim women's rights activists are often misplaced and come from a point of wanting to discredit or pressure women into abandoning the struggle for women's rights. However, women's issues persist daily, even amid pandemics, economic crises, or political turmoil. Frequently, it is these very Muslim women's rights activists who also rally for community causes. Yet, these sacrifices often go unnoticed by their own community, and these activists can be both embraced as Muslims or dismissed as Muslims based on the whims and fancies of the community or prevalent circumstances.

The cases discussed above underscore the intersection of gender and religion in shaping safety and other essential freedoms, including mobility, association, assembly, and protection from cruel and degrading treatment. These stories emphasize the need for inclusive and gender-sensitive approaches to ensure the protection and promotion of the rights and freedoms of all individuals, including Muslim women. State actions or deliberate inaction enable these violations of fundamental rights to flourish. Accordingly, we offer the following recommendations.

- **TO THE GOVERNMENT OF SRI LANKA:**

1. CEDAW obligations must be strictly enforced, with oversight by a national body of the CEDAW.
2. Policy level dialogues must be inclusive, with participation of women's rights activists, grassroots organizations, women at the forefront of being discriminated, female political leaders, political leaders and religious leaders.
3. Policy level changes must be implemented promptly to promote women's equality.
4. Legislation must be drafted in a manner that accounts for and minimizes the

possibility of discriminatory treatment. Gender-based impacts of proposed laws must be taken into special account.

5. The PTA must be repealed, and discriminatory use of the PTA and ICCPR Act to persecute minorities must be halted. Arrests and bail determinations must proceed with gender sensitivity.
6. Ensure that hospitals, schools, courts, banks, and other establishments do not discriminate against Muslim women on the basis of their garments or attire.
7. Fight disinformation and prosecute hate speech (more specifically gendered hate speech) that incites violence against minority communities.
8. The MMDA must be reformed immediately in par with the fundamental rights chapter of the constitution to ensure that Muslim women are treated equal to other Sri Lankan women under the law and Muslim children are protected from child marriage, teen pregnancy and forced marriages.
9. The government should immediately remove the clause barring two Sri Lankan Muslims from getting married under the General Marriage and Registration Ordinance.
10. All customary and religious practices that violate women and girls' full realisation of fundamental rights be immediately brought to a halt, with female genital mutilation criminalized. Access to justice for Muslim women and girls must not be side-lined by isolating their cases from the regular court system.

• **TO THE INTERNATIONAL COMMUNITY:**

1. Push back against the rising trend of Islamophobia and reject the government's cynical use of the Easter Sunday attacks to promote unwarranted counter-terrorism frameworks that will further persecute minority communities. Demand repeal of the PTA, reject the proposed ATA, and condemn the use of the ICCPR Act of 2007 to persecute minority communities.
2. At the same time, recognize that fighting Islamophobia does not mean abdication of women's rights. Recognize and support the demands of Muslim women's rights activists who have been fighting for over 40 years to reform the MMDA.
3. Call on the government of Sri Lanka to respect and enforce its obligations under CEDAW and other human rights instruments.

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