



HIDDEN TRUTH:

GENDER
BASED
VIOLENCE
AGAINST
MUSLIM
WOMEN

IN PUTTALAM AND
BATTICALOA

FOKUS

FOKUS WOMEN

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FOREWORD

Violence against Muslim women is rarely part of the discourse on gender-based violence in Sri Lanka. Consequently, it remains invisible and not addressed in a targeted manner. These women continue to suffer silently within the community. This study commissioned by FOKUS WOMEN in 2016 highlights findings of the most prevalent forms of gender-based violence faced by Muslim women and girls, specifically from the war affected Puttalam and Batticaloa districts. The findings are informed by primary data based on case studies of 15 affected women and key informant interviews with women volunteers who support affected women. Two focus group discussions were also conducted. These findings were supplemented with secondary information based on a literature review.

The women who spoke to us need redress from the legal system for the violence they have been subjected to. FOKUS WOMEN believes that it is important to document these incidents of violence against Muslim women in order to inform the current debate on reform of the Muslim personal law. FOKUS WOMEN thanks Hyshyama Hamin, Gender Consultant and Independent Researcher for undertaking to conduct and compile this study.

Shyamala Gomez
Country Director
FOKUS WOMEN

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Hyshyama Hamin would like to first thank the Muslim women who bravely and determinately choose to share their stories with us, difficult, as they were to tell, but with conviction that it will contribute to better understanding of the issues faced by them and other women in their communities. Their strength and courage is what shatters the silence and fuels this work.

She also thanks the women counselors, volunteers and activists working diligently in their respective communities, who have and continue to support, reach out and stand by affected women and their quest for a life of dignity and an end to the violence; and who despite all odds are at the frontlines of advocating for progressive change.

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INTRODUCTION

Gender-based violence (GBV) in Sri Lanka, as in many other countries around the world, occurs at all levels of family, community, society and State. The country gravely lacks national level data on GBV; however, information from service providers such as police and non-governmental organizations indicates significant prevalence of various forms of GBV against women and girls in multiple spaces/spheres – from private to public.

One issue that has emerged as highly prevalent in Sri Lanka is domestic violence. Despite absence of national level statistics on domestic violence, studies conducted by different organizations place the percentage of women who experience domestic violence from 40% to as high as 60%². Information gathered by humanitarian agencies and civil society organizations also shows that disaster situations, including violent conflict and post-war conditions, make women more vulnerable to various forms of GBV and to practices like forced marriage and child marriage. According to police statistics, rape (including statutory rape) cases reported to police increased 20%³ between periods 2010 – 2012 and 2012 – 2014. It is to be noted that this could also have been as a result of better awareness and more reporting.

While Sri Lanka has a legal framework to deal with GBV related offences, implementation is weak and there are significant delays within the judicial system. The Ministry of Women and Child Affairs (MWCA), as well as various NGOs, have different types of support services for GBV victim-survivors; however, the effectiveness of these services differ based on access, geographic areas as well as ethnicity and language abilities. Additionally, social dynamics and gender roles that are organized and encouraged within specific communities based on strong conservative ideologies based on religion and/or culture, also pose specific risks for women and girls from within these communities.

¹ Jayatilleke A.C., Poudel K. C., Yasuoka J., Jayatilleke A. U., and Jimba, M. (2010), Intimate partner violence in Sri Lanka, *BioScience Trends*. 2010; 4(3):90-95. International Research and Cooperation Association for Bio & Socio-Sciences Advancement (IRCA-BSSA), Tokyo, Japan

² S. Deraniyagala (1992). An Investigation into the Incidence and Causes of Domestic Violence in Colombo, Sri Lanka. *Women in Need (WIN)*, Sri Lanka.

³ Colombage, Dinouk (2014). Rapes surge in Sri Lanka amid weak laws. *Al Jazeera In-Depth* <http://www.aljazeera.com/indepth/features/2014/08/rapes-surge-sri-lanka-amid-weak-marital-laws-201481772359790802.html>

ABOUT THE STUDY

This study highlights findings of prevalent forms of gender-based violence faced by Muslim women and girls, specifically from communities in Puttalam and Batticaloa districts.

Methodology

The findings are informed by primary data collected through detailed and structured questionnaires of 22 affected women and six women volunteers who support affected women through women's groups. Three focus group discussions were also conducted with women volunteers and women who have experiences GBV themselves.

Districts selected for the study: Puttalam and Batticaloa

According to the 2012 National Census, Batticaloa and Puttalam districts are among the top five districts with the highest percentage of Sri Lankan Muslims, making up 25.5% and 20% of the population of the district respectively. Batticaloa is located in the Eastern Province and was directly affected by the civil war; parts of the district were under the administrative and military control of the Liberation Tamil Tigers of Eelam (LTTE). Kattankudy is a Divisional Secretariat (DS) Division in Batticaloa, which has a 100% Muslim population. The socio-cultural dynamics for Muslim women and girls in Kattankudy is unique, and based on stringent social norms and controls.

Puttalam is located in the North-Western Province and the district was the primary recipient of the influx of Muslim internally displaced persons (IDPs) from evictions that took place in the Northern Province in 1990 during the civil war. There are over 17,302 families⁴ in Puttalam district who live amidst Sinhalese, Tamil and other Muslim host communities.

Legal framework governing Sri Lankan Muslims

Muslims in Sri Lanka form one of the four major religious groups in the country and currently account for 9.66 per cent (1,967,523 million)⁵ of the total population of 20.3 million people. In addition to being from two different sects Sunni (in majority) and Shi'a, Sri Lankan Muslims are homogenous and comprise different minority communities based on ethnic origin including Sri Lanka Moors, Coastal Indian Moors, Malays, Bohras and Memons.

Sri Lankan Muslims like all other citizens are guaranteed equality and non-discrimination under the Sri Lankan Constitution of 1978 and are obliged as citizens to be governed by the laws of the country as applicable to all people. However, Sri Lanka has a plural/parallel legal system with regard to family law governing marriage and divorce. The Muslim Marriage and Divorce Act (MMDA) of 1951 governs all Muslims in Sri Lanka who marry another Muslim (including persons who convert to Islam). The MMDA sets out provisions pertaining to registration of marriage and divorces; the set up and procedural aspects of the

⁴ Human Rights Commission of Sri Lanka (2011)

⁵ Census of Population and Housing 2012 – Department of Census and Statistics <http://www.statistics.gov.lk/>

Quazi court system, including provisions for appointments; responsibilities of a Board of Quazis, as well as other related substantive⁶ and procedural provisions.

A separate Quazi (Muslim judge) court system was established under the MMDA to administer the Act. Courts were set up in various areas around the country depending on the density of the Muslim population. However this is not always the case. Currently there are 65 official courts set up around the country – with most Quazis having geographical jurisdiction, while a few have jurisdiction over a certain population demographic. For example, Puttalam district has three Quazis - one has jurisdiction over 15 DS divisions, another has jurisdiction over one DS division, and one Quazi position is specifically to cater for internally displaced persons (IDPs) within the district.

Gender-Based Violence faced by Muslim Women

While Muslim women too faced similar forms of GBV as women of other communities, there are specific forms of GBV as a result of discriminatory provisions in the MMDA, the practical implementation of the Act, as well as the type of conditions and environment the Quazi court system created at the community level, condones specific forms of GBV. Since the late 1980s there has been extensive documentation⁷ of the practical impacts of the MMDA, particularly by Muslim women's organizations as well as other writers and advocates. These concerns and challenges have gone beyond just procedural aspects of how the MMDA is implemented; rather, they have been highlighted as a significant cause for concern because they violate basic human rights and citizenship rights of Muslim women and girls.

For instance the Act legally allows child marriage as it fails to set the minimum age of marriage at 18 years. The lack of mandatory consent obtained from the bride, means that societal and state condoning of forced marriages is a major issue for Muslim women and girls.

In Sri Lanka statutory rape occurs when anyone has sexual intercourse with a girl below 16 years of age, with or without her consent.⁸ However this provision does not apply to married girls under the age of 16 and above the age of 12 years, if the committer is her husband. The Penal Code statutory rape provisions therefore do not extend to married Muslim girls between the ages of 12 and 16 years unless judicially separated.⁹ However, sexual relations with any girl under the age of 12, married or otherwise, amounts to a criminal offence. Therefore while under the MMDA the Quazi is empowered to permit the marriage of a girl below the age of 12, this poses serious discrepancy with the statutory rape provisions in the Penal Code.

MAIN FINDINGS: GBV in the Private and Public Spheres

This study explores the nature of violence and discrimination faced by Muslim women and girls in private and public sphere and spaces. For the purpose of this study, the private sphere is demarcated as intimate partner

⁶ Substantive laws are "the part of the law that creates, defines, and regulates the rights, duties, and powers of parties" and Procedural laws are "[t]he rules that prescribe the steps for having a right or duty judicially enforced, as opposed to the law that defines the specific rights or duties themselves." (Source: Black's Law Dictionary (7th ed., West 1999).

⁷ See C. Kodikara 1999, S. Marsoof, S. Goonesekere 2000, S. Begum 2015

⁸ Section 363 of the Sri Lankan Penal Code

⁹ In 1995 after extensive lobby by civil society organizations including women and child rights groups, the Penal Code (Section 363) was amended for statutory rape to mean sexual intercourse with any girl below the age of 12, with or without her consent "...unless the woman is his wife of who is over twelve years and not judicially separated from the man." Thereby applicable only to Muslim girls.

relationships and immediate family settings, while the public sphere and spaces includes the neighbourhood and community, religious community institutions such as mosques and Quazi courts.

A. PRIVATE SPHERE

1. Child and forced marriage:

A previous survey by FOKUS WOMEN on the Status of Muslim women heads of households in Puttalam indicated that 42% of those surveyed had married before the age of 18 years. Reasons attributed for this during the period of war included - insecurity caused by multiple displacements and the loss of social, educational and cultural structures. This in turn contributed to fear of sexual violence by security forces and other non-state actors and in general about safety and security of girls. Poverty too is a major contributing factor for parents to give girl children in marriage in order to lessen financial constraints on the family.

Source: FOKUS WOMEN 2014, Status of Muslim women heads of households in Puttalam.

Of the 22 women interviewed for this study, 11 were married before the age of 18 years, one as young as 15 years. From field level interviews conducted for this study, it was gathered that many Muslim women face varying degrees of coercion and force to enter into relationships and marriages.

Some case studies included girls as young as 15 years being pursued by older men for marriage, whereby parents are later compelled to give girls in marriage to avoid "rumours" and risk of further harassment and/or abuse to their daughters. It was noted from multiple case studies of early marriages, that the girl usually faces some form of harassment beforehand.

In a case narrated by an interviewee, her niece was 14 years old when she started getting harassed for marriage by a boy of 19 years. One day she was walking home from school when she was dragged away by this boy and with the help of his family, she was taken to another district and not allowed to come back to her family. Her family, not knowing how to get her back, gave in to their demands to get her married, so the girl was married by a local Quazi of the area against her wishes. Now at 16 years, she has a child and is still unable to be visited or be visited by her family. The girl's mother passed away during the ordeal.

While factors such as low income and lack of education and employment opportunities act as contributing factors to child marriage, often security concerns for young girls and perceived risk of pregnancy or rape also contributes to expediting the marriage process for girls.

In one particular case the 15 year old girl being pursued by a man of 22 years, led her to being forced into marriage after her mother pulled her out of school, stopping her from completing her Ordinary (O'Level) examinations. The girl was continually harassed and followed home from school by this man until her mother feared that he might "harm her" and decided instead to give her in marriage to him.

A pertinent finding from both Puttalam and Batticaloa districts, was that early marriage was especially common among girls just before the O'Level exams and between O-Level and Advanced level (A-Level) examinations. Only six of the 22 women interviewed had studies till their O'Levels, while 11 women had been taken out of school between grade 8 and 10.

"Parents should not compel girls to get married. The age of 16 – 18 is very critical for girls' education. I really wish that there was legally no option for girls to be given in marriage before 18 years. Education is very important for the lives of girls."

- Fatima

2. Domestic violence

In Sri Lanka there is little data to show the nature, extent and prevalence of domestic violence among Sri Lankan women in general, and Muslim women specifically. From the focus group discussions with affected women and women volunteers, domestic violence emerged as one of the most prevalent issues affecting Muslim women in family setting, with the perpetrators primarily being their husbands.

18 of the 22 women interviewed had faced some form domestic violence ranging from verbal abuse to physical violence. 14 women had faced physical violence ranging from occasional beating to severe and frequent physical and/or sexual abuse, including one case of attempted murder resulting in serious medical conditions. Two women also shared experiences of forced abortion through physical violence.

In one particular case, a woman who has regularly experienced domestic violence was doused in kerosene and set on fire by her husband. She got severe third-degree burns to her upper body and had to spend many months in hospital for medical treatment. Despite the attempted murder, her husband was released early from prison and she was compelled to remarry him following pressure from family and community.

Religious text misinterpreted to justify certain degree of domestic violence

In reference to domestic violence, religious scholars often cite a particular verse in the Quran alleging that 'light beating' of wives by husbands is allowed if there is fear that she has done something wrong to harm the marriage.

Ayat (verse) 4:34 is as follows: "Men are the maintainers of women because Allah has made some of them to excel others and because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear desertion, admonish them, and leave them alone in their sleeping places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great." (Dawood)

Despite there being alternative and progressive interpretations of the verse and of the specific words used in the verse to denote 'beating', these are generally not considered or articulated by most religious scholars. Women's groups however have been active in discussing the alternative interpretations at awareness sessions for community women.

(Refer progressive interpretations of WISE Muslim Women's Shura Council on Ayat 4:34 [http://www.wisemuslimwomen.org/images/uploads/Jihad against Violence Digest\(color\).pdf](http://www.wisemuslimwomen.org/images/uploads/Jihad%20against%20Violence%20Digest(color).pdf))

"It is difficult to discuss issues like domestic violence in the Muslim community. Women also think it is allowed and it also stops Muslim women from going to the police." - Asma

Domestic violence and its link with the MMDA

Women volunteers mentioned that there are cases where husbands want to divorce their wives but do not want to get a *talaq* divorce (divorce initiated by the husband); they beat their wives in order to compel them to go to Quazi court for a *fasah* divorce (divorce initiated by wife). This is because some Quazis make the husband pay compensation (*mata'a*) in the event of a *talaq* divorce, which is not needed in a *fasah* divorce despite the wife having to prove the fault of husbands. Therefore to avoid paying compensation, some husbands resort to domestic violence.

In cases like these domestic violence is directly linked to unequal provisions of divorce for men and women under the MMDA. There is no procedural guidance for Quazis to refer domestic violence cases that come to Quazi courts and domestic violence is often disregarded and the couple has to undergo a process of mediation.

Some problematic approaches to dealing with domestic violence

From the focus group discussions it was gathered that Muslim women who face domestic violence first approach other family members and then seek redress within their communities, such as through local religious leaders, mosque committees, mosque federations or the local Quazi, before approaching the police or other non-Muslim organizations. Unless in extremely abusive situations requiring medical treatment, women are rarely referred to hospitals, to the police or to other legal support services by the Quazis or mosque committees.

Mosques in Puttalam and Batticaloa have a mosque committee overseeing the management of the mosque. Some mosques also have a 'Marriage Reconciliation Committee' consisting of an all-male panel of religious scholars and community men who try to 'reconcile' marital strife and problems. These reconciliation committees usually consist of religious Muslim men of the community chosen by the mosque trustee boards. Quazis of the respective areas send cases to the committees for reconciliation. Through the focus group discussion it was noted that these committees also try to mediate domestic violence cases often by counselling women to reconcile and return to their husbands.

Physical violence is a criminal offence under the Penal Code and the Prevention of Domestic Violence Act. No. 34 of 2005 (PDV Act) recognizes other forms of domestic violence such as emotional abuse and grants a civil remedy through the provision of protection orders. Quazis are not given any legal guidance to deal with cases of domestic violence.

3. Sexual abuse

The study revealed a few cases of sexual abuse both within marriage, as well as out of wedlock. According to focus group discussions, some women were of the opinion that pornography and explicit content available online is being accessed by young boys and men, which is also likely contributing towards an increase in incest, sexual harassment and abuse of children and young women. In the focus group discussions, incest also emerged as an occurrence and issue among families in Puttalam, especially in rural areas.

In a few cases interviewed, younger women between the ages of 17 – 25 noted that they faced stalking and harassment by their husband prior to a proposal of marriage. In one such instance, the harassment led to sexual abuse by the potential suitor.

In one particular case a young woman of 17 years was harassed and stalked by a man, who managed to convince her reluctant parents to give her in marriage to him. However, prior to the marriage, he sexually abused her and took explicit photos of her, which he shared with his friends.

After marriage, some women also mentioned that in addition to physical abuse, they also faced sexual violence in their marriages. Women are often told to comply with their husband's demands for sexual relations as a part of their duty of being "good Muslim woman". Two women interviewed mentioned that forced sexual relations led to serious health problems for women, including tearing of vaginal tissue in one case and severe rashes and infections in another.

Religious text misinterpreted to discount women's consent

Patriarchal and narrow interpretations of verses of the Quran and Hadith (teachings of the Prophet Muhammed) often contribute to the perception among many Muslim women and men that a Muslim wife should consent to sex any time or place that her husband desires. The specific Quranic verse, which is usually referred to reiterates obedience and subservience of women with regard to sexual relations, is Ayat 2 Verse 223 - *"Your wives are as a tilth unto you; so approach your tilth when or how ye will..."*

Similarly many Muslim women and girls are also taught of the hadith (practices of Propher Muhammed) cited by leading scholars. Conservative religious scholars have interpreted these verses and hadith to mean that women have to oblige their husbands when he wants to have sexual intercourse and must not refuse him. Alternative and progressive interpretations of the such verses and hadith that encourage mutual kindness, kind treatment of spouses and consent in marital relations are rarely considered and taught with the same vigor by religious scholars and teachers.

4. Psychological and emotional abuse

Many women face grave forms of psychological abuse as a result of other forms of violence and abuse such as harassment, forced marriage, polygamy, withdrawal of financial support and maintenance by husbands, unwarranted community involvement in marriage matters and grievances in Quazi courts. In nearly all the case narratives involving polygamy, women went through varying degrees of psychological trauma and hurt upon discovering their husband wanted to take or have taken other wives. Unfortunately, religious beliefs and community pressure often mean that many women resign to being in polygamous relationships due to perceived lack of options, for the sake of children, economic dependency and/or societal pressures.

Husbands failing to maintain their wives and children after having another wife or abandoning them also has major psychological implication for women who are often forced to then depend on other family members for financial support or are unable to get employment due to lack of skills and educational qualifications. Many women also stated that there were direct health implications such as depression, anxiety attacks and physical ailments as a result. In a few cases interviewed women mentioned severe

depression. Three women interviewed had attempted or thought about suicide as a result of the psychological impacts of their marital problems and the abuse they faced.

In one particular case a woman who is separated from her husband has been waiting five years for a decision from her husband on whether or not he wants to divorce her or to live with her, as well as his second wife in a polygamous relationship. She feels her life and that of her child is suspended from the lack of closure. She is very fearful of the consequences of divorce and societal ostracization as a 'single woman' and thus is willing to be in a polygamous relationship if her husband's maintains her family as well.

5. Economic abuse

According to some case narratives economic control/abuse including control of finances and spending and not financially maintaining wife and child/children because of abandonment or polygamous relationships was a common occurrence. In most of the cases where women pursue maintenance order through the Quazi, maintenance is often withheld by husbands, delayed for months to years at a time or completely stopped without repercussion.

B. PUBLIC SPHERE

1. Harassment and verbal abuse in the Quazi courts

Cases that end up in Quazi courts are usually matters of domestic strife between husband and wife, and not financially maintaining / non-maintenance of wife and children. Through the focus group discussions it was gathered that many women face harassment not only from their local Quazi but also from the jurors/adjudicators who sit in on many types of cases or assist the Quazi on court matters. This harassment includes primarily verbal and psychological abuse – e.g. shouting at women, asking them to be quiet and not speak up, scolding them, using bad language, arguing with them while they present their case and interrogating them on details of intimate relations. It also includes asking for bribes to proceed with their cases, not informing women of full procedure and time duration of cases, unnecessarily dragging on cases that can be resolved sooner and in other instances granting quick decisions without following procedure.

In one particular case in Batticaloa, a woman who was pursuing a maintenance case received a notice from the Quazi that she was divorced without any prior indication. In another case from the same district a woman who wanted a divorce was not given one for many years by the Quazi who kept delaying her case.

The way that the case procedures are handled by Quazis is also arbitrary, with financial implications for women. From the interviews it was noted that some Quazis took the side of the husband in cases of non-maintenance and they delayed sending cases to Magistrate Courts for enforcement orders. Some Quazis have also given orders for a reduced amount of maintenance and as well as *kaikuli* (lesser dowry than what was originally given by the bride's family) if the husband or his family requests a lesser payment, despite the amount being inadequate for women to support their children.

2. 'Hadd' - Unlawful punishment in cases of adultery / perceived adultery

In Puttalam district at least four mosques are involved in meting out flogging punishments for adultery also known as "hadd" punishments. A similar practice prevails in Batticaloa where mosques committees

were making people get hadd punishments. The MMDA of Sri Lanka does not have any provision outlining regulations or punishments relating to hadd crimes, and adultery is not considered a criminal offence under the criminal law.

According to women in the FGDs, a couple or individual (man or woman) who is suspected of committing adultery is often summoned to the mosque, and on a particular day thereafter he/she is given 100 lashes if unmarried and 110 lashes if married using a stick from the Palmyra tree or a cane. If the girl/woman is pregnant, she is asked to come after delivering the baby. According to volunteers – most often for women, the punishment is given by a woman, and this takes place in front of other women in the community who usually watch and count the number of lashes while it is being given.

A woman who faced hadd punishments mentioned that while the experience was more like “lightly hitting rather than beating”, she felt a lot of pain feel pain especially when done 100 times on the same bodily area. It was gathered during focus group discussions, that some mosque committees make a public announcement over the loudspeaker indicating which of the households or individuals of the area are suspected of “adulterous behaviour” (without mentioning exact names) and calling for the community to shun such these individuals or families.

In a particular case also described earlier where as a young girl she was sexually abused by a marriage suitor – the perpetrator had himself gone to the mosque committee to falsely accuse her of coercing him into having sexual relations. The mosque committee had then called both the perpetrator and the victim-survivor to inquire and had demanded they be given the *hadd* (flogging) punishment. The perpetrator had then told the mosque committee that he would marry the girl if he were spared from the punishment, to which the mosque committee had agreed. After this while he was getting the nikah (marriage) ceremony done in the mosque, the 17-year old girl had received the *hadd* punishment of 100 lashes in her home in front of 30 other community women.

There are major repercussions of such a denouncement on individuals and their families including social ostracisation and isolation whereby they are cut off from extended family networks and harassed by neighbours and other community members. According to focus group discussions, most people of the Muslim communities in Batticaloa and Puttalam consider hadd punishments allowed as part of the MMDA and many who obtain the punishment are made to believe that the it is an atonement for their ‘sins’. Hence there is little conversation or grievances being expressed outside the community with regard to hadd punishments.

3. ‘Honour’ based social controls

Social controls around women and girls’ mobility, decision making, behaviour and ‘morals’ emerged as a highly prevalent issue in both Puttalam and Batticaloa. Single women of marriageable age, as well as married or divorced women, find it difficult to venture anywhere alone without fear of rumours, questions and complaints to them or their families about their ‘suspicious’ behaviour.

The term “I can’t walk anywhere alone” was one that was heard consistently in many of the case narratives where women were separated from their husbands or had obtained a divorce. Younger women who are separated or divorced are often accompanied by their mothers or other female relatives wherever they go, in order to avoid negative rumours about them. Particularly in areas in Batticaloa, social policing and control of women’s mobility was particularly poignant and something that women face on a regular basis.

For instance, in a focus group discussion in Batticaloa it was noted that women of the area like to ride scooters, as it is convenient for them. However there are only five Muslim women in a particular town who do so. These women are harassed and abused online (especially on Facebook and blogs), their pictures are posted, personal details revealed and they face extreme online abuse primarily by men of the same town. For this reason, some women said that their own husbands and families while supportive of the idea discourage them from riding scooters.

Technology in the form of mobile phones and the internet, including social media forums like Facebook and blogs, are also being used to monitor, control and confine behaviour of women and girls, as well as, to mete out digital abuse and hate speech – sometimes of graphic, violent and sexual nature – with complete impunity. Women who are attacked online are also vulnerable to physical harassment and violence in public spaces and domestic violence homes. It often leads to restriction on mobility of women and girls and more challenges in accessing education institutions or employment.

Contributing factors to GBV

While violence against women in its many forms affects Sri Lankan women across demographics and geography, for Muslim women there is a strong and direct correlation between the private and the public, as what happens in the private realm most often seeps into the public. Matters that come before the Quazi courts, for example, are frequently related to the 'private' sphere. This includes strife between husband and wife, non-maintenance, and domestic violence that often leads to either party filing for divorce. However, the Quazi court system itself and the connections Quazis have with mosque committees and federations puts a lot of the issues faced between couples in the 'public' and community oriented domain. It is likely that many more actors than just the Quazi and jurors are involved in resolving Quazi court cases, and this often puts women's privacy, social standing and security at risk.

Support services not reaching Muslim women

Particularly with regard to domestic violence, case studies suggest that there are additional barriers and challenges preventing Muslim women from accessing support services and redress. The MMDA or procedures therein does not specify how cases of domestic violence and criminal offences are to be referred by Quazis.

There is also a perception that Muslim women should not seek state remedies, or approach non-Muslim organizations for support for domestic violence, because these are solutions that need to be sought "within the community". Therefore women subject to domestic violence are mostly sent for counselling to religious groups and mosque committees, and in some instances Muslim women's groups if there is one in the area. Many mosques in Puttalam and Batticaloa have 'Family Reconciliation Committees' where family disputes including domestic violence, abandonment, polygamy and charges of adultery etc. are heard and mediated. As a result, Muslim women are also less likely to access police services.

Language barriers also play a major role in preventing Tamil speaking Muslim women from going to the police. The fear that they will be looked down upon because they are Muslim, or harassed further by police because they are women, further contributes to limited interaction between affected women and police.

Environment of impunity created by MMDA and the separate Quazi court system

The implementation of the MMDA and the separate Quazi court system it created lacks oversight and monitoring by the State. This pseudo-legal system has managed to escape the purview of the State and public scrutiny over many years under the guise of 'cultural and religious rights' of Muslims. This has

internally created a niche of community-based policing of the lives of women and girls, particularly with regard to their family life. Furthermore it has not only restricted access of Muslim women and girls to support services outside their community, but also prevented them from seeking legal redress and remedies as citizens of Sri Lanka.

It has also altered the perception of the non-Muslim community and State with regard to what is accepted cultural practices of Muslims in Sri Lanka. Therefore issues faced by Muslim women from within the community are considered as a 'Muslim issue; rather than those amounting to discrimination against Sri Lankan women and human rights violations of Sri Lankan citizens'¹⁰.

In the fundamental rights chapter of the 1978 Constitution of Sri Lanka, Article 12(2) mandates equality and non-discrimination for all citizens through the provision – “No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such groups”.

However, the chapter also includes clause of Article 16(1), which states that – “All existing written and unwritten laws valid and operative notwithstanding any inconsistencies with the preceding provisions of the (Bill of Rights) Chapter”. This article offers protection to written laws like the MMDA, which existed prior to 1978 from being challenged in a court of law. Therefore should women, men or children face any violations to their fundamental rights under the provisions or administration of the MMDA they are unable to file fundamental rights cases.

Therefore despite the gamut of issues discussed arising with regard to the MMDA, Muslims are not constitutionally able to challenge the violations caused by the Act or its implementation, nor do they have the choice to opt out and marry under the General Marriage Registration Ordinance (GMRO) instead.

Social-controls and limitations in the name of 'honour'

Some of the issues that are often spoken about but not satisfactorily documented is the nature and extent to which women in minority Muslim community of Sri Lanka are controlled and regulated by their own community on certain matters.

Reasons for stringent communal policing and control based on the notion of 'protecting and safeguarding' women's morality, honour and reputation has different manifestations in contexts around the world. This can range from the policing and control of women's everyday decisions and conditions and forced marriage, to grave forms of violence such as honour killings. It was also however observed that for Muslim women the social controls were in-fact tied to marriage and safeguarding the marriageability of women and girls and thus has an intimate link to patrilineal family laws.

When laws allow for a girl/woman to be under the responsibility of the male members of her family/community to the extent of being unable to marry without a male guardian (even if the guardian is temporarily a stranger to her in the form of a male Quazi) then these laws inherently allow for the same society to police her actions, decisions and life.

¹⁰ Hamin.H, Isadeen, H (2016). Unequal Citizens: Muslim women's struggle for justice and equality in Sri Lanka. <https://mplreforms.com/unequal-citizens-study/>

Honour and morality and its link with marriage and marriageability

"Honour is generally seen as residing in the bodies of women. Frameworks of "honour" and its corollary, shame, operate to control, direct and regulate women's sexuality and freedom of movement by male members of a family. Women who fall in love, engage in non-marital relationships, seek a divorce or choose their own husbands are seen to transgress the boundaries of "appropriate" (that is, socially sanctioned) behaviour".

- Radika Coomaraswamy

'Honour': Crimes, Paradigms and Violence Against Women

Anti-Muslim sentiments further silence and contribute to issues faced by Muslim women

Muslims in Sri Lanka have experienced varying degrees of anti-Muslim sentiments, Islamophobia or direct discriminatory acts by non-Muslim individuals, institutions and/or groups.

This study did not come across cases of Muslim women who themselves experienced discrimination and harassment from outside the Muslim community, however cases that have emerged over the past few years in the mainstream media¹¹ demonstrate radical anti-Muslim sentiments and racist actions have gendered implications. In some instances they directly target Muslim women and girls.

The 2014 "Report of the Leader of the Opposition's Commission on the Prevention of Violence Against Women and The Girl Child" failed to adequately document the pressing discrimination and violations faced by Muslim women in Sri Lanka with regard to MMDA and the Quazi court system. It did, however highlight the nature of violence faced by Muslim women as a result of racist attitudes. Violence by extremist Buddhist groups like BBS, while targeting the Muslim community as a whole, have also specifically targeted Muslim women calling for a ban on the niqab (face veil) as well as harassment rendered towards Muslim women who wear Islamic clothing. The report also highlights that various individuals including school principals have taken up the initiative to further prohibit Muslim women's dress codes in schools and other institutions.

An indirect effect of Islamophobia is that issues affecting Muslim women and girls from within the community are often condoned, purposefully silenced or not given priority by community and religious leaders as well as Muslim academics, politicians and interlocutors, in light of actual or potential attacks against the Muslim community. From the focus group discussions it was noted that Muslim women activists and advocates working on MMDA reforms for instances face numerous barriers from within the community when issues relating to Quazi court system or discriminations faced by Muslim women are raised.

Therefore, not only does Islamophobia affect Muslim women directly from outside their communities, it also restricts what women can say or do with regard to issues within their communities. As a result, incidents of Islamophobia and anti-Muslim sentiments contribute towards restricting Muslim women from accessing support services and reaching out beyond the community for redress from issues because of the perception that they are perceived negatively, will be treated differently or will be ignored or insulted due to their faith.

¹¹ Colombo Telegraph (2016). SC Orders Colombo University To Appoint Racially Victimized Muslim Woman As Lecturer <https://www.colombotelegraph.com/index.php/sc-orders-colombo-university-to-appoint-racially-victimized-muslim-woman-as-lecturer/>

This in turn also contributes to further restricting Muslim women's access to education, employment, mobility and decision making in Sri Lanka.

Recommendations to address GBV faced by Muslim women in Sri Lanka

1. Legislative amendments and provisions

1. At the outset, the Sri Lankan government needs to ensure that the current constitutional reforms process incorporates the issues and concerns raised by Muslim women's organizations around the country during consultations by the Public Representations Committee on constitutional reform. Therefore the new Constitution must guarantee provisions within the current Constitution such as Article 16(1) of the fundamental rights chapter which grants impunity to laws such as MMDA if they violate fundamental rights – must be repealed from the new Constitution;
2. The Sri Lankan government must ensure that the minimum age of marriage should be removed from all personal laws and made one age for all. The National Child Protection Authority should take the lead in advocating that the minimum age of marriage of 18 years also applies to Muslim children;
3. Any and all reform processes of the MMDA must guarantee equality in marriage and divorce for Muslim women and address on-going grievances with regard to issues like polygamy and unequal grounds of divorce which are contributing factors to domestic violence;
4. Quazis and mosque committees must be issued circulars condemning hadd punishments and warned of criminal procedures in event that these are undertaken. Reporting of such punishments needs to be encouraged;
5. Quazis, mosque committees and local organizations must also be issued guidelines as to what type of cases of violence and abuse have to be mandatorily referred to police, legal aid, hospitals and/or other support services.

2. Establishing a monitoring system

1. There has to be a strong monitoring and reporting system established to monitor the work of the Quazi courts and to address grievances against these courts;
2. A strong grievance reporting process whereby issues faced by Muslim women and men in the Quazi courts needs to be established;
3. Monitoring needs to extend to mosque committees and other bodies to ensure that they are not dealing with cases of domestic violence and other forms of abuse;
4. Local community groups and particularly women's organizations must be encouraged to pursue legal redress such as under the Prevention of Domestic Violence Act (PDVA) as one of the main options for Muslim women in situations of domestic violence.

3. Strengthening support services for victim-survivors

1. Specifically with regard to addressing issues affecting Muslim women, there needs to be stronger encouragement for more women to seek help. Therefore it is vital that local women's organizations and groups are strengthened and equipped to provide legal advice, counselling, shelter and emergency support for women and girls;
2. Police stations receiving cases of Muslim women and girls must be given (via circulars, guidelines and training) strategies to address cases and complaints received by Muslim women. Necessary guidelines include appropriate response with regard to Quazi court matter, child marriage, domestic violence, community harassment, hadd punishments or other related cases. It must be ensured that police records all complaints that come to them in this regard even if a case file is not opened;
3. It must be ensured that all police desks are equipped with "women and child desks" and that affected women and girls have access to officers who know the language they speak and/or translation services;
4. Hospitals and medical facilities must be alerted and be given guidelines on the best way to deal with cases of child marriage and teenage pregnancies. Strong reporting and recording systems must be set up on the same.

4. Approaching "Muslim women's issues" as women's rights issues

1. Civil society organizations must view issues affecting Muslim women and girls as women's rights issues and address them through a human rights lens rather perceived cultural sensitivity;
2. Advocacy and lobbying efforts by civil society organizations for laws and policies that address violence against women and promote gender equality must also take into consideration specific issues that affect Muslim women in the context of their community dynamics and the MMDA;
3. State level agencies and ministries such as Ministry of Justice (and therein the Judicial Service Commission and Law Reforms Commission), Ministry of Women and Child Affairs (and therein the National Committee on Women, National Child Protection Authority, Women's Caucus etc.), and the Human Rights Commission needs to be made aware about the issues affecting Muslim women, including the impact of provisions within the MMDA and its implementation.

5. Ensuring that Sri Lanka adheres to international human rights conventions

One mechanism through which certain issues affecting Muslim women have been flagged, is with regard to reporting processes of international covenants and treaties. Sri Lanka is signatory to multiple international human rights instruments on and conventions targeted at ending gender inequality. Some of these instruments specifically address discrimination and injustices within the personal laws, including the MMDA.

However, despite multiple attempts made by women's rights organizations to get issues of discriminatory laws on the agenda, the response of the Sri Lankan government has been to put the responsibility of reforming such laws back to the respective communities.

Recent convention committees that raised related issues include the following:

a) Convention on the Elimination of All forms of Discrimination Against Women (CEDAW)

Sri Lanka is State party to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW). Under Article 2(f) of the CEDAW Convention, States are required to "Take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women."

Furthermore, the CEDAW Committee has stressed that governments "must address patriarchal traditions and attitudes and open family law and policy to the same scrutiny with regard to discrimination against women that is given to the 'public' aspects of individual and community life."

Concluding observations of the CEDAW committee at its forty-eighth session¹² on Sri Lanka, held in February 2011, brought forth the matter of discriminatory laws. The committee noted the following remarks:

16. While noting that there is an on-going reform of the Muslim Personal Law, the Committee is concerned about the persistence of discriminatory provisions in the law, including in the Penal Code, the Land Development Ordinance which gives preference to male heirs over females, the general personal laws, the Muslim Personal Law, the Kandyan Law and the Tesawalamai Law. The Committee is also concerned about the plurality of legal systems composed of the general, customary and religious laws and the lack of choice for women between the different legal systems. The Committee further reiterates its concern at the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution.

More recently the CEDAW Committee's **Pre Sessional Working Group** for the sixty-sixth session¹³ held in July 2016 noted the following comments based on reports submitted by State parties under Article 18 of the convention.

Equality in marriage and family relations

'The State party asserts that "there is adequate provision within the existing legal regime of Sri Lanka to accord statutory recognition to the right to equality and to recognize thereby the right of women not be discriminated on the grounds of gender" (para. 12). In light of this statement, and recalling the State party's obligations under the Convention and its commitment to achieve target 5.1 of the Sustainable Development Goal 5, please demonstrate to the Committee how these provisions are applied to ensure that women do not suffer adverse consequences from the application of: (a) the Muslim Personal Law regarding polygamy and early, child and forced marriage...'

¹² 'Concluding observations of the Committee on the Elimination of Discrimination against Women' - Committee on the Elimination of Discrimination against Women (CEDAW), Forty-eighth session 17 January – 4 February 2011 CEDAW/C/LKA/CO/7 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LKA/CO/7&Lang=En

¹³ 'List of issues in relation to the eighth periodic report of Sri Lanka' - Committee on the Elimination of Discrimination against Women (CEDAW), Sixty-sixth session. 29th July 2016 http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/CEDAW_C_LKA_Q_8_24182_E.docx

b) International Covenant on Economic, Social and Cultural Rights

Sri Lanka ratified the ICESCR in 1980. In 2010, the Committee on Economic, Social and Cultural Rights at the forty-fifth session,¹⁴ reminded Sri Lanka that statutory and personal laws discriminate against women and girls such as by allowing early marriage of girls as young as 12 years old, and thereby restricting their economic, social and cultural rights. Therefore repealing such laws "...is an immediate obligation of the States parties which cannot be conditioned to willingness of concerned communities to amend their laws".

¹⁴ 'Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant' - Economic and Social Council, Committee on Economic, Social and Cultural Rights, Forty-fifth session. Geneva, 1-19 November 2010 [E/C.12/LKA/CO/2-4](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/LKA/CO/2-4&Lang=En) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/LKA/CO/2-4&Lang=En

Madina's story

Domestic violence from early days of marriage

I was married when I was 17 years old and my (now former) husband was 19 years old at the time. My husband had a drinking problem and there were fights on and off during the early years of marriage. The violence got worse and he used to beat me, even when I was pregnant. I conceived my first child when I was 19, but I lost the baby. I lost another child nine days after she was born and yet another child 40 days after birth. I ended up having two sons who survived.

After a few years of marriage, my husband stopped providing regularly for my sons and myself and was constantly beating my children and myself. One day we didn't have anything to eat at home, so I sent my older son to my brother's place to get a little money to buy food. My husband returned during this time and he asked where my son was, when I told him he got very angry and went to the road to search for him. He caught my son coming back home and started beating him mercilessly in the middle of the street.

When I tried to stop him, he started beating me instead and shoved gravel inside my mouth. My parents who lived nearby came and took my sons away to their house. There were neighbors watching, but no one tried to stop the beating. My husband was so angry that he grabbed me and took me to our house, there he beat me some more and took a can of kerosene and doused me with it. He then lit a match on me and fled. I started screaming and my mother came and splashed water over me, but I was already severely injured.

Surviving the incident

My family took me to hospital, where I was kept for 40 days recovering from very serious burns to my face, hands and upper body. My family had to sell some lands in order to pay for my treatment. It was a difficult and painful recovery.

We also filed a police case against my husband, who was found and arrested by the police shortly after. My husband's family visited me in the hospital and tried their best to reconcile matters, telling me that he has changed and has learnt his lesson and requesting me to drop the charges. There was a very good lady lawyer who handled my case, and my husband got a sentence of 15 years imprisonment.

I could not imagine life with him again and decided that I wanted a divorce. After I was released from the hospital, I applied for and got a fasah divorce from the Quazi court of my area. The process was fairly easy as I had strong evidence against my husband. I also applied for maintenance for my two children, however because he was in prison, his family agreed to pay only Rs 1000/- per month. But payment was not forthcoming, even after the case was transferred to the Magistrate court for enforcement. Whenever I went to ask the family for maintenance, they said that they have no money.

Reconciliation and remarriage

After six and a half years in prison my husband was released due to 'good conduct'. After his release he became a very religious man, constantly going to the mosque and doing religious activities. Then the pressure from his family to reconcile started again, and this time the community, Mosque Committee members and my own family tried to get me to remarry him. They kept telling me that he has changed and has learnt his lesson and would look after my children and I. There was a lot of pressure for many months, after which I agreed to get back with him. The Mosque Committee asked me to hand over my divorce document, and then did the *nikah* / marriage ceremony in the mosque. My brother signed as my 'wali' (guardian).

Six month after marriage, my husband started buying and selling drugs out of our house. I was worried for the security of my sons and myself. However, when I used to tell him to stop, the violence started again and he used to beat us. When I went to complain to the Quazi, the Quazi called for mediation. During mediation sessions he never used to let me speak as he kept interrupting me in order to stop me from talking. The Quazi once informed me that my husband would stop beating me, if I made sure that the children were not home when he came to the house. There were other people of the community who would come and watch the sessions for entertainment.

Earlier this year we had the last mediation session, and the Quazi made me sign a document consenting to divorce. Subsequently, I observed the three-month iddah (post-divorce) waiting period and during this time I found out that my husband had remarried. I went to the Quazi again asking him if he knew about the second marriage, but he said that he did not know and asked me to go find out at which mosque he had done so.

My former husband only gave me iddah maintenance, and does not support the children in any way. He has remarried and has another life free from all the damage he caused to my children and I.

Rihana's story

I completed my studies till grade 10 and was pulled out of school when I attained age. When I was 19 years old, my family received a proposal for marriage from a man who later became my husband. I initially refused to marry him because I felt something was abnormal about his mental capacity. He behaved in a very immature and childlike manner and I was not sure if he would be a good husband. However, as my younger brother who was 17 at the time was already betrothed by the local Mosque Committee to a girl of the same age, there was a lot of pressure for me to get married.

My parents and relatives were convinced that I should marry this man even though they knew of his intellectual disability. They tried to justify his behavior by suggesting that he was acting different because he was nervous and would begin to act 'normal' after marriage. Everyone knew that something was wrong, but didn't do anything about it or raise their concerns. I was therefore given in marriage against my will.

After getting married, my husband had trouble understanding how to be a husband and he acted very childish. He had to be told what to do and how to act around me, by his relatives. I never felt safe around him or his family. There were many times when other men in his family inappropriately approached me, but he did not realize or understand it. Whenever I complained to the rest of his family members about their behavior, I was often blamed.

Psychological and physical health related impacts

After a few years of marriage after I conceived my son and his family decided at the same time to send him to work in the Middle East. There was little contact between us, during this time.

My husband decided to return after five years of living away. Not knowing his father, my son had very high expectations about his return. I was so worried for my son and could not stop overthinking about what the consequences would be when my son found out about his father's condition. My worry led to serious depression, so much so that I was also unconscious for three days during a particularly bad period. When my husband returned, he did not show any love or care for our son, because he didn't know how to be a father and this left my son devastated. This had a big impact on the health of both my son and myself. I had

to get medical treatment once again and the doctors advised my family to ensure that my husband and I lived separately in order to avoid serious health problems.

I decided I could no longer live with my husband and went to the Quazi court to file for *fasah* divorce. In the meantime my husband's family went to their mosque and sent a complaint to the mosque in my area saying that I was divorcing my husband. The Mosque Committee called me for an inquiry and when I refused to go the first time they sent a message stating that I was disrespecting the mosque and compelled me to meet them.

When I went to the mosque, the Mosque Committee leader who was a former Quazi and eight other members of my husband family and friends, whom I didn't know were present. My husband's family said that if I wanted to divorce I had to give my husband the house, which my family gave me as *kaikuli* (dowry). There was a man talking on behalf of my husband, whom I had never seen or met before and he made false accusations against me. I informed them that I had already filed a case with the Quazi so I would wait until I got a decision from the Quazi to proceed. The period that this was happening I received many intimidating calls from my husband's family scolding me and threatening my family.

Biased behavior and attitude of Quazis

After I filed for divorce, the Mosque Committee in my husband's area sent a letter to the Quazi accusing me of cheating on my husband. In the meantime I also filed for child maintenance, which the Quazi initially ordered. However, after this order was made, my husband's family sent a letter to the Quazi, saying that my son was not my husband's child. Consequently, the Quazi's behavior turned very negative towards me and without a proper inquiry into the truth of the letter, the Quazi cancelled the child maintenance order served on my husband.

I demanded that a DNA test is done, however the Quazi took no heed. It was only after I said I would go to the Human Rights Commission that the Quazi got fearful and issued a maintenance order again. I have not received any maintenance money from my husband.

I am also keen to get a DNA test done because I have been made to feel extremely embarrassed and ashamed for no fault of my own. There are so many rumors being spread about me, so I want to put an end to the rumors and clear my name for the sake of myself and my son. My family has also been shamed in public as the Mosque Committee once announced over the loudspeaker after Friday prayers referring to my family - without stating any names - about how we had taken assets belonging to my husband and that we were disrespectful towards the mosque.

The entire Quazi court process was heavily biased against my child and me. The Quazi continues to drag my case and I still haven't received my divorce documents despite signing them. I have gone to the Quazi court four times after signing, but am always told to come back next time for one more hearing.

Zainab's story

I got married when I was 25 years old. The *nikah* ceremony was conducted in the mosque, which was attended by men from both families. As was the customary practice in the community, my family gave a *kaikuli* (dowry) of Rs 300,000/- and jewelry during the time of the marriage.

After marriage I lived with my husband's family. But when I got pregnant in the fourth year of marriage, my husband sent me to my parent's home for confinement and to prepare for the delivery of the baby. My

husband did not want me to come back to live with him in his home, so I continued living with my parents even after I had my baby. He only visited me occasionally to give money or groceries, but never to stay for a long period. My husband used to travel outstation regularly and it was only later that I found out he had been having an affair with a divorced woman from another district.

Polygamy without choice

Two months after I delivered my baby, my husband married for the second time, but I only got to know of the second marriage through neighbors many months later. My husband never told me that he was taking a second wife, and my opinion on the matter was never considered. When he married again he stopped visiting me.

After finding out about his second marriage, my father and I went to complain to the local Mosque Committee, requesting them to intervene in order to bring my husband back to me. A few weeks after the complaint, I received a letter from the local Mosque Committee stating that they had inquired into the matter. The letter stated that that my husband has chosen to be with his second wife and will be repaying the *kailuki* that my family had given him. The letter also suggested that I go to the Quazi court to pursue the matter further. I was not sure if the letter was a valid pronouncement of his intention to divorce me at the time, however he did not pursue a divorce at the Quazi court and neither did I.

I really wanted my husband to come back to me and even made up my mind that I would live in a polygamous marriage as Islam allows it. So due to this reason, I thought if my husband is able to maintain both families the same way, then I would not mind a polygamous marriage. My father however opposed this and felt that I was better off divorcing my husband.

Fatigue of pursuing maintenance cases in Quazi court

After my husband stopped visiting us, I also filed a maintenance order at the Quazi court for child and wife maintenance. I did not have a steady income and my elderly father was supporting me, so felt I needed to pursue maintenance for the sake of my child.

For the first three years after filing for maintenance, my husband paid a little money subsequently however he didn't pay anything for 2 years. I then filed an enforcement order for maintenance at the local Magistrate court, and an arrest warrant was issued if he failed to pay the arrears due for the 2 years. Recently, my husband paid additional money that was due, but has failed to pay the monthly maintenance he is required to pay.

The psychological and social consequences

I have been in and out of the Quazi courts since my daughter was 11 months and all I want at this point is some closure – either for my husband to pay the *kaikuli* amount and grant me divorce or for him to come back to me and maintain both families. However, he remains undecided. This fraught relationship with my husband and his indecisiveness on whether he wants both wives or a divorce, weighs heavily on my mind. For the past several years I am unable to make any concrete decisions for my child and myself. My extended family and community also snub me because my husband does not live with me, and I feel I will be further mistreated by them if I get a divorce.

In my opinion it is very difficult for a woman in my community to live a single life, as people think she needs a husband in order to have some status and feel protected in a society that gives a lot of value to married women. If I get a divorce, I cannot go through another marriage, therefore I really want my current marriage to work out. My child has limited interactions with her father, and this too makes me very worried and sad. My own father is very old and there needs to be someone who is responsible of my daughter.

I also believe it is my religious duty to be concerned for my husband's second wife. I feel sympathy towards her and their two children, as the marriage of the second wife too is unregistered and the children lack official documentation. I feel the second wife is more disadvantaged since there is no official paperwork to prove she is married or any documentation validating his paternity to her children.

Decision making often in the hands of the husband

I approached a Muslim women's organization for advice on reconciling with my husband or getting back the *kaikuli*. However the Quazi already told me that it would be difficult to obtain the *kaikuli* without a divorce, even though it is rightfully mine.

As of recent my husband has shown some interest in getting to know our daughter and living in with me as well as his second wife, instead of obtaining a divorce and repaying back the *kaikuli*. I think my husband has now realized his mistakes and I am hoping that he will make up his mind soon and choose to upkeep both families. All I want is some type of confirmation of this and I want him to sign an official agreement at the Quazi court stating that he is willing to live with and maintain both wives and families. Both families are left in limbo until he makes up his mind.

Fatima's story

I got married through a proposed marriage when I was 19 years old. My (now former) husband and I lived with my husband's family after marriage. From the early days of marriage my brother-in-law tried to misbehave with me and acted very strange around me. I was very uncomfortable when he was around and I told my husband several times about his behavior, but my husband didn't take any action.

Harassment by in-laws

One day, my brother-in-law came and tried to catch me from behind, I got very scared and I started beating him and ran outside. My husband also came to the house during that time. Immediately, my brother-in-law started accusing me of having a big mouth and lying. After that my brother-in-law and sister-in-law ganged up on me and sent me out of the house. My husband was afraid of his siblings so he avoided going home. He used to stay with me at my relatives place on and off. When I delivered out first baby, he only stayed with me for five days in the hospital after that he never came.

Months passed and I never heard from my husband. I received phone calls from strange men asking me who the father of my baby was and other such strange things. I also received a call from a woman who said she was going to marry my husband and asked various questions. Unknown people were calling me during this time and constantly harassed me.

Then out of the blue, I was summoned from the Quazi. The Quazi said that my husband had insisted that I come and live with him or he would divorce me. I said that I would not to live with him if he didn't want to take any action to stop his brother from harassing me. I also applied for maintenance during the time, but I did not get anything from my husband. The Quazi kept saying that if my husband comes to pay the amount he would let me know, but that never happened. My husband didn't file for *talaq*, therefore I applied for a *fasah* divorce. I got my *fasah* divorce only one and a half years since the first time I was summoned to the Quazi court. The process was very lengthy.

Pressure to get remarried

After obtaining a divorce, my sister and her family were living with me in the house I owned, and few months later a neighbor came with another proposal for me. I refused to speak about the proposal but then my sister's mother-in-law wanted me to leave the house because she thought I would 'disturb' my sister's marriage.

There was a lot of pressure from family and relatives to get married again so I finally agreed. He made me move to a remote area in Jaffna to a house that was isolated from other houses. My son remained in the care of my relatives. It is only after marriage that I got to know of my second husband's bad character.

Domestic violence and economic abuse

Before marriage I was told my husband was a divorced man and also was shown his divorce certificate but after 15 days of marriage a woman called me saying that she is my husband's second wife, which meant I was his third wife. My husband came back drunk that night and when I asked him he started beating me and threatening me saying that he would lock me up and come back only after 40 days to find my dead body. He would only hit me on my face and my mouth would be constantly bleeding. He also started using filthy and abusive language towards me.

I couldn't tell anyone of the violence and abuse as no one was around for miles. I managed to somehow leave him and go back home, but then he came and took me again to another very remote location and house that was very old and unclean. I was there for many months, during which time my husband made sure I had no contact with my relatives. If anyone came to visit me he treats them very nicely, but when we were alone he used to be abusive. Once, the police came searching for him because he hadn't paid maintenance for the children of his first wife. My husband forced me to sell all my jewelry to pay the overdue amount and stop him from going to prison.

I conceived my second child and when the child began crawling my husband used to tie a rope on the child's leg and another to the window grill. That is how he wanted the baby to be when he was around. One night my husband tried to suffocate me while I was sleeping and another time he locked my child and me in a room for 48 hours without food or water. I finally decided enough was enough and I managed to come back to my village after escaping him.

I got in contact with a women's group and they supported me in filing a police case as well as divorce and maintenance. I finally managed to get a fasah divorce after much back and forth with the Quazi but I have yet not received any maintenance from my husband. There is no justice in sight for what has happened to my children and me and that abusive man remains free of any obligations.

Latifa's story

I got married at 19, to my (now former) husband who was 22 years old at the time. After we got married my husband went to work in the Middle East for many years. He would come every 3 – 4 years. After 25 years of marriage, I got to know from relatives that he had been having relationships with many Sri Lankan women while abroad.

Once when he was in Sri Lanka, I found a marriage registration form with his name and the name of the woman who was living next door to us. It turned out that he had been having an affair with her while abroad and they had come back to Sri Lanka, gone to Colombo to get their marriage registered with a

Muslim marriage registrar. I then asked my husband whether he had gotten married to our neighbor, and he responded telling me not to worry that he would look after me well. We had some fights, but in the end I accepted his decision because I didn't have much of a choice.

After three years my husband and his second wife started having problems while abroad and she returned to Sri Lanka after having a big fight with him. She got a *fasah* divorce from him from the Quazi court.

Quazi court and Mosque Committee hearings

When my third daughter was 13 years old, I decided that this marriage was not for me as I kept hearing about my husband having many affairs with other women. I didn't want to live with him anymore if he continued this behavior. Once when he came to Sri Lanka I told my husband that I wanted to go to the Quazi courts and he agreed. We went to the Quazi court a few times during which time the Quazi tried to reconcile us.

After two sessions with the Quazi, our case was transferred to the mosque federation, which has a committee with 5-6 men from the mosque who try to resolve family problems. The men sat in a panel and they questioned us about our marriage and the issues we were having. After that they gave a verdict stating that my husband and I had to reconcile and live together for three months and if our marriage didn't work out thereafter, then we could go back to the Quazi and get a divorce.

Failed reconciliation and unilateral divorce

Within the three months, my husband continued to fight with me and the physical violence got much worse. He used to kick me a lot. Even though our neighbors used to hear the beatings as the houses were so close, no one ever came to help me as they considered it a personal family matter.

One day he hit me so much that I fainted. Only my daughter was in the house and she had to run out of the house to get someone to help me. Before my daughter returned, my husband took all the valuables in the house and left. After a few days, I made a complaint in writing to the Quazi about my husband but I also wrote that I didn't want my husband to say '*talaq*' to me (pronounce divorce). I was still hoping that the Quazi would be able to talk some sense into him and make him change.

However after a few days, the Quazi called me and told me that my husband had come to the Quazi court and pronounced '*talaq*' and the divorce had been granted. He then told me that I could come and get the divorce paper after three months. I went to see the Quazi and asked him about child maintenance. The Quazi said that my husband had refused to agree to pay anything and made many excuses on his behalf.

The struggle with getting maintenance

I thought there was no point in pushing the matter any more as the Quazi was on my husband's side, however when I told my daughter she was very angry and said that she wanted the father to pay what was due for her maintenance. We went back to the Quazi court and the Quazi asked us to write a complaint and take it to the mosque federation committee. The committee called my former husband and I for an inquiry and at that meeting they told him to pay child maintenance for our daughter, but he refused. Later, they negotiated a lesser monthly payment of Rs 5000/-, which he continued to refuse and finally it was settled that he would pay Rs 3000/- as he said that it was all that he could afford. The federation then sent a letter to the Quazi court on the verdict. Unfortunately, I didn't have any say on the matter; I merely had to agree at the time.

My ex-husband however didn't pay for a single month. After five months I went back to the Quazi court and the case got referred to the Magistrate court last year for an enforcement order. My husband was remanded and released on bail after which he paid the due amount. He paid for six months after that on a regular

basis, but has not paid anything since September. I am really tired of pursuing for maintenance, but I am still struggling for the sake of my daughter, maybe it is now up to her to seek justice from her father.

Tasneem's story

I come from a family of six children, my father died when I was seven months old. My mother remarried and became the second wife of my stepfather shortly after. We lived together with my stepfather, his first wife and their family. I started odd jobs from when I was 13 years old and throughout my childhood I was constantly harassed and mistreated by my stepfather and his first wife. I used to face severe punishments from them for no reason.

I got married at 23 years of age and had really hoped that married life would be a better life for me. However three months after our marriage, my husband started using drugs and alcohol. I also became pregnant with my first baby. After this he started harassing and physically abusing me saying that I hadn't given him enough *kaikuli* (dowry). Nine months after I delivered my baby, I decided to go abroad due to financial difficulties. I left the baby in the care of my mother. I returned three years later, only to find out that my husband had remarried while I was away.

Polygamy without choice

After getting to know that I had come back, he abandoned the second wife and returned to me, however the abuse and harassment started soon after and he threatened to throw acid at me if I didn't listen to him. I went to the police to make a complaint, however the police reconciled us and told me that according to our religion, my husband could marry multiple wives and that I should be grateful that my husband only had two wives.

Despite promising to be better behaved, my husband continued to be abusive and I was keen on separating from him. Then the Mosque Committee intervened to stop the abuse, however my husband used to pretend he was a good religious man and made people believe he had changed. So each time we ended up 'reconciling' again. This continued to happen and over the years, as did his bad behavior. He would bring friends to our house and they would use drugs and alcohol and there were times I felt like he was trying to get me to be with his friends. However, soon after, he would accuse me of flirting with his friends. My children and I never had any privacy and didn't feel safe at home. I got depressed and wanted to commit suicide along with the children, but then I also realized if I did that then people would believe him instead of me.

I could not tolerate his behavior beyond a certain point and I used to threaten him saying that I would go to the Human Rights Commission and Quazi courts. Every time I go to get redress from some place, he would convince me that he would behave himself and so I never ended up filing a case against him.

Seeking solutions

After a few years, I got to know that in Jaffna there was a place that alcoholics can be treated through various methods and I decided to move there with the family. We settled in Jaffna and opened a hotel and he managed the hotel. For a while it was okay, but he started using drugs again. My husband used to have friends in the military and the officers used to come to the hotel to buy alcohol and I started fearing for my daughter's safety as she was a young girl by this time.

While there, I conceived another baby but my husband didn't want to keep the baby. So when I was two months pregnant he brought a man and woman from the local village who help women abort babies. I didn't want to abort my baby so I negotiated with the couple that I would pay them later if they lied to my husband that they had helped me. However, after a few months my husband got suspicious and brought the couple again to perform the abortion. I mentioned that I would go to the police and the couple got scared and left. After this I went to a safe house through a women's organization where I stayed for 15 days.

Subsequently, I once again reconciled and went back to my husband. He continued harassing me and accused me of being promiscuous while I was at the safe house. I returned to my village after this and filed a complaint at the nearest branch of the Human Rights Commission, who referred me to a Quazi court.

The case was with the Quazi court for over a year where there were multiple hearings, during which time when the Quazi asked a question, my husband would always answer and not let me speak. He blamed me for everything and the Quazi took his side. However, since my husband was interested in reconciling the Quazi and the Mosque Committee, who were involved in the mediation process, made him to promise that he will behave and settled the complaint amicably.

In search of a better life

In 2014, I went to the Middle East thinking that if the financial situation improves, my husband would change but he started harassing the children the same way he harassed me, particularly my eldest daughter. He started bringing friends home and they used to approach my daughter inappropriately. One day she had taken the knife to threaten a guy who had behaved suspiciously.

Abroad, I faced severe hardship at the house where I was working. I only got to sleep only for 3-4 hours a day and was working full time without any break. I was paid Rs 30,000/= although I was promised Rs 35,000/- to Rs 40,000/-. I had to escape from the house with the greatest difficulty risking my life with the assistance of some people and reached the Sri Lankan embassy. The Embassy told me I couldn't transfer to another house unless I had evidence of physical abuse. I managed to return after a year and lived separated from my husband for the past one-year. My children and I live in a rented house, while my husband lives in the house that was given to me, as *kaikuli* and that I rightfully own.

I came into contact with a Muslim women's organization, which helped me with filing for child maintenance in the Quazi court. My husband is refusing to leave the house and I have made a police complaint to get my house back, however the police said that they can only warn him and I have to file a case to evict him from the house. This will be my next step to get back what is rightfully mine.

Minha's story

I lost my father when I was very young and had to start doing odd jobs in order to support my family. When I was 17 years old, I was working in a vegetable shop and I started getting followed by a man. This man somehow got my mobile number from my friends and also started calling me and texting me constantly saying that he was interested in me. One day he followed me home and began stalking me outside my house. He then approached my mother and told her that he wanted to marry me. When my mother asked me about him, I said that I didn't know the nature of this man and we had to find out more information.

Harassment and sexual abuse

We then asked him to bring his family to talk to us if he was seriously interested in marriage, so he brought some relatives from the neighboring village to meet us. I said I needed some time to get to know him before marriage. However he started coming home when my mother was away and I was alone at home. I used to ask him to leave and come later.

One day when I was alone at home, this man came to the house and asked to be let inside. I was hesitant but he forced his way in. He asked for a cup of tea and I made it for him. He drank some of it and after some time he asked me to drink tea from his cup as well. I thought it was an odd request but I did as he said. I started feeling a bit dizzy afterwards and couldn't remember much of what happened. I feel like he had added something in the tea before giving it to me to drink it and I felt sleepy. When I woke up I found myself on the bed with this man and I was so shocked that I asked him to get out. I was too scared to tell anyone what had happened.

Involvement of Mosque Committee and lack of police action

After the incident, I got to know from a male cousin who knew some of this man's friends that he was going around and sharing inappropriate photos of me among his friends. My cousin had gotten worried and asked me what happened and I told him.

By this time however, somehow the local Mosque Committee had been told that we were having an affair and had 'committed a sin'. The Mosque Committee called both of us for an inquiry and asked if we had been together, I was only able to say 'Yes,' but couldn't explain the incident further due to many reasons. Everyone thought that I had willingly agreed to it because we had been discussing marriage.

The Mosque Committee then gave a verdict that this man and I had to be given the *hadd* (flogging) punishment of 100 lashes each. But he negotiated with them that he would marry me if they didn't give him the punishment. My family took me to the police station to file a complaint to stop the *hadd* punishment, but the police said that this is a community issue and there was nothing they could do about it.

Hadd punishment and forced nikah

A few days later, very early one morning, this man together with members of the Mosque Committee was doing the nikah ceremony in the mosque, at the same time that I was given the *hadd* punishment at home. Around 30 women came to my house and I was made to lie on the floor with my stomach facing downward. A woman used a stick from the *paly marah* tree and started hitting me on one side of my back. Although she was not hitting me very hard, it hurt a lot. The other women counted the number of lashes as they were given. All these events happened very suddenly.

After the nikah ceremony, this man came briefly to my house and then left. He then went to the Board of Quazi saying that he was forcibly given in marriage. Meanwhile I also filed a case in the Quazi court for wife maintenance and *mata'a* (compensation). When my file went to the Board of Quazi for inquiry, they sent it back saying it was too confusing. After a few months I got to know that I had been given a talaq divorce and paid the maintenance only for the *iddah* period (three month post-divorce maintenance). I have so far not received any compensation or any other maintenance despite multiple follow-ups with the Quazi and I am exhausted after trying so much.

I can't even imagine getting married again and going through similar trouble so I am trying to be an independent woman.

Shahidah's story

After I completed my Ordinary Level examinations, I wanted to study further in the commerce field. But my parents decided that an O'Level qualification was enough for me and that it was time for me to get married. My parents had previously had an informal agreement with my (now former) husband's family that I would get married after I had finished my exams. I did not know my husband before marriage. Our marriage got registered when I was 16 years old and my husband was 28.

Warning signs

During the time our marriage was being discussed, my family got a few anonymous calls telling us that my husband had had multiple girlfriends. I only spoke to him once before our marriage, and it was about the calls we had received. But he convinced me that it was untrue and that nothing was wrong.

Immediately after marriage, my husband started shaming me in front of family members and used to demean me and was also verbally abusive. My mother-in-law used to say that that is his nature and because the age gap between us was big we didn't have the same level of understanding.

I later got to know that my husband continued to have many women friends, and used to have affairs with some of them, including other married women, who frequented his bakery where he worked. I tried to speak to him and asked him to stop his inappropriate behavior, but he said that he would continue to do what he was doing and as his wife I would have to adjust to it.

Deciding to initiate divorce and the difficulties faced

His behavior and treatment towards me continue to get worse and I decided I could not tolerate it anymore. I went to see the Quazi and filed for *fasah* divorce. I was then called in to the Quazi and asked to explain my problems. I found it so difficult to speak in front of the Quazi because he was a religious figure and I felt scared and uncomfortable. It was difficult to discuss all the issues with him also because he is a man.

Three weeks after that visit to the Quazi court, both parties were asked to come for a hearing. This time I took a written complaint and my husband had also brought a written complaint. In the complaint, he said that there was no intimacy between us and that I hadn't been taught by my parents on how to be a good wife. He also wrote that I didn't know how to cook or do other duties. I couldn't tell the Quazi that my husband used to be sexually forceful and wanted to be intimate even when I was on my periods. It was very difficult for me sometimes to cope with his demands especially after I started developing health problems related to this.

In the next meeting the Quazi blamed my parents, saying that they should not have given me in marriage to my husband as the age gap between us was too wide. The Quazi wanted us to reconcile and so did my husband, but I refused as I wanted to be divorced. During this time, my husband started spreading bad rumors about me.

I did not file for maintenance because my husband's family said that if I filed for it then they would keep dragging the case, and I really wanted the divorce proceedings to be over soon. Only after a third failed attempt at reconciliation, a *talaq* divorce was granted to me and I was given *iddah* (post-divorce waiting period) maintenance.

Barriers to education for young married/divorced women

When the Quazi court case was ongoing I went back to my old school to ask if I could join the Advanced Level class as I really wanted to pursue my education, but I was not given permission to rejoin school as I

was already married. I was told that they don't let married girls sit in the same classroom as others, but will only allow to apply for the examination through the school. I am currently doing my A'Levels privately.

There are so many girls who drop out right after O'Level examinations. As soon as the A'Level class starts there are around 50 girls in a batch, but by the time of exams there are only around 10 girls remaining. Marriage should not be compulsory and parents should not compel girls to get married. The age of 16 – 18 is very critical for girl's education. I really wish that law against giving a girl in marriage before the age of 18. Education is very important for the lives of girls. Only when we get a full education, will we understand the world.

Hafsa's story

When I was two years old, my mother had handed me over to my father saying that she didn't want to look after me and left him. My grandmother brought me up on her own after my grandfather passed away.

When I was 15 years old, I got a proposal from my husband's family. My husband was 27 years old at the time and had been a police officer, but he had resigned and joined a bank as a security guard. He lived with my grandmother and me, but one week after marriage, he said that he didn't want my grandmother in the house. So she left to live with other relatives.

The start of the abuse

My husband started becoming verbally abusive and began insulting me for every little thing. When he was home he would tell me to do everything from putting toothpaste on his brush to bringing him soap when he had a bath. He started accusing me that I smelt differently as if I had been around other men. He was also physically very violent and would hit me with the bar that we kept across the door. Once he beat me so badly that I fainted. I was unconscious for a long time, so he had to call my grandmother for help. He told them that I had fainted watching a horror film on TV.

They took me to the hospital and in confidence the doctor asked me if my husband had hit me and I told him about the incident. The doctor said later that he would file a case and the police would come shortly. My mother-in-law then came to the hospital and started scolding me that I should learn to adjust to marriage and should not make it an issue. She convinced me to ask the doctor to not file a case and stopped any further action.

I went to live with my grandmother for 20 days after being discharged and the night I returned home, my husband hit me again saying that I looked different and accused me of having an affair with the doctor from the hospital. I went to live with my grandmother again as I couldn't tolerate his behavior but after a few days he apologized and I returned home.

My husband had never called me by my name – he always calls me '*maladi*' – a childless woman or '*sorinaai*' – a skinless dog.

The easy option of unilateral divorce

One day, my father-in-law came and together with my husband, they took all the valuables from the house including the TV, kitchen equipment and his clothes. I begged my husband not to leave.

My husband later filed for *talaq* divorce and I was summoned to the Quazi court. I tried to explain to the Quazi my side of the story, but the Quazi scolded me very badly and blamed me for everything. Although, I told the Quazi that I did not want a divorce, the Quazi said that my husband had made up his mind, but if within the next three months my husband agreed to reconcile that we could get back together.

I also filed for wife maintenance and the Quazi ordered my husband to pay Rs 5000/- per month but he said that he would only pay me after he got the *seetu* (savings money) in three years. The Quazi agreed to this and said he couldn't do anything further.

The lack of agency to decide a future

I recently received a text message from my husband with a greeting and I thought that he wanted to reconcile with me. I asked the Quazi what it would mean if my husband was texting me and he said that it would depend on the intentions of my husband.

I received a voice message from my husband a few days later and it was full of vulgar words accusing me of being a prostitute. He said that if I had any intentions of getting back with him, I would have to come and apologize to each of his family members and they would slap me with slippers, but I would have to tolerate it. Subsequently, his family also started spreading rumors about me.

This whole situation had made me question my life. I have no body except my old grandmother and I cannot imagine getting married again and facing the same situation with a different man. Sometimes I felt that even if I get beaten it is better to be with my current husband. I want to study further, but I don't know what or how to go about doing so. I don't know what tomorrow will hold for me.

Yasmin's story

My husband and I were both 18 years old when we got married. I moved to his house after marriage. For one year our marriage was a happy one but for the next 11 years I really struggled with many difficulties. My husband started drinking and was also violent towards me. He used to break furniture and throw everything around the house when he got upset. I didn't want to tell anyone what was going on, as that would bring disrepute to the family, so I tolerated it for many years.

Financial barriers and challenges

After I had three children, I went to the Middle East. There, I was in a house for six months and in that place I never had anything to eat. Some of my relatives were in the same country abroad so I informed them and they took me out of the place. I worked in another location for 1.5 years and then I came back to Sri Lanka.

I had borrowed a lot of money on behalf of my husband because he wanted it for various reasons. While I was abroad I was sending money to my husband to repay loans that we had taken but he had not done so. When I confronted my husband about it, it led a lot of fighting that I had to leave and go to my parents place. In the meantime, my husband and his family started spreading rumors that I was having affairs with other men.

My brothers and family members intervened and reconciled us, but my husband also started using drugs. We have accumulated about one million rupees in debt. Few months ago I decided to go abroad again and got Rs 150,000/- from the agent, which I gave to my husband. But then my husband went to the Divisional

Secretariat Office and said that he objected to me going abroad and for the past three months I have been unable to leave the country because of this.

Seeking redress from harassment

I finally decided that I had suffered enough and I don't want to be a slave to my husband anymore. I separated from my husband and am now living with my relatives. I also filed for a *fasah* divorce. When my husband got the summons from the Quazi for the first hearing, he came to the house smashed furniture, threw all the food and asked me to come live with him, but I refused. My husband is continually harassing me. He said that he is going to make the divorce process very difficult for me.

I have gone to the police many times over the last three months, at least 10 times per month. At the police station they made a joke that there needs to be a special police station just for me because I have gone so many times. The women police officers are Tamil speaking so it has been easy to communicate with them. At the beginning they were getting my husband to sign documents that he would no longer harass me, instead of filing any police case. Although, I try to go and explain the issue alone they end up calling him and getting his opinion or perspective. But after the last visit the police filed an entry.

Security and freedom

Wherever I am I want to be safe with the children, but my husband is not letting us live in peace. His family members are also not at all supportive and continue to accuse me of adultery. My husband earns really well, but everything goes for alcohol and drugs and nothing for the children. He gets people to spy on me and my movements and actions. I feel like I am constantly being watched. My husband has also made a complaint to the Mosque Committee stating that I am refusing to live with him, so three members from the mosque came home to make an inquiry. I told them that they didn't do anything about a man who never prayed or went to the mosque and how dare they ask me to get back with him now.

I just want a *fasah* divorce in order to be able to leave my children in a proper boarding school or with other relatives and go abroad to find a solution for my financial problems.

There is no dignity or honor in what is happening to us women. I have been keeping everything to myself, thinking that my husband will change and that I will be able to manage. I have not been letting others know that I have undergone problems for 11 years of married life and this has been my biggest regret. I should have been open from the very beginning and sought support much sooner.

Farah's story

I got married when I was 16 years old, through an arranged marriage. My (now former) husband was 19 years old at the time and working in a clothing store. I did not see or meet my husband before the wedding although my family knew my husband's family.

My husband came to live with me, my father and younger sister. After about six months of marriage my husband started obsessing that I would leave him. When we heard of stories of other couples that were having problems, he would think the same thing would happen to us too. He started arguing with me and would also beat me up. He didn't want me talking to anyone, even my own family. He also stopped me from speaking with my father and helping my father wash his clothes or any other tasks in the house. My husband would only want me to speak with him and no one else. However, to the others, even those whom

he restricted me from speaking to, he would be very kind and nice. So it seemed like I was the bad person. It came to a point when my husband didn't want my father to live in the same house, so my father took my younger sister and went to live with our relatives.

My husband would get very upset with me even for little things and go to his mother's place for days and weeks, but either his family or my family would always reconcile us. In six years of married life we must have separated and got back to together six or seven times. When I didn't conceive during the first two years of marriage, my husband considered getting a second wife. I got to know because I would get calls from unknown women inquiring about my husband. Once, his family members even asked me for a letter saying that I consented to his second marriage. However, when a serious proposition was being considered I rejected it immediately.

When I got pregnant with the first child, my husband left the house and didn't come back for a few months. I filed for maintenance from the Quazi court and the Quazi issued Rs 7000/- per month, which he paid a couple of months. However, after I got the baby, our families reconciled us and we got back together.

Health impacts of the harassment and abuse

After delivering my first baby the physical violence also reduced, but my husband would constantly scold me and he would complain to his mother about me not serving tea or giving lunch at the time he wants. I was constantly being told to keep quiet, to be obedient and not talk back to my husband.

My husband and his family believe in inflicting charms (a form of spells), so when I was pregnant with my second child he had brought some potion and mixed it with milk and gave it to me to drink. I started getting stomach pain soon after and wanted to go to the doctor, but I later got to know from a relative of his that my husband had inflicted a charm on me. When I confronted my husband, he didn't deny it and instead said it was because I 'had a big mouth' and it was to 'quieten' me.

I was so depressed at one stage of my marriage that I wanted to commit suicide and drank kerosene. However I was taken to hospital to get treatment and our families once again reconciled us.

After our daughter was born, I continued to get body pain, had problems with my monthly periods and became ill. My family found out that my husband continued to mix things in my meals and 'charm' me. They became quiet worried that some harm would come to me and it would damage my health so my family members met with my husband's family to discuss the matter. At the discussion there were a lot arguments and blaming between the families and after that my husband and I separated for two months without any contact. I went to the Quazi court to file for child maintenance and there I got to know that my husband had come earlier to file for a *talaq* divorce.

Additional barriers and unnecessary procedures at the Quazi court

We were summoned for the first meeting with the Quazi who attempted to reconcile us. There was no opportunity for me to speak to the Quazi at the time as I was told to keep quiet. One of my male relatives who had come with me told the Quazi that he thought something was mentally wrong with my husband. The

Quazi then asked both my husband and I to get a mental assessment and come back to him with a medical certificate after which he would decide on the divorce.

It was however determined that my husband would pay child maintenance for both the children and he has paid for only one out of three months so far.

It has been such a difficult unstable marriage and I have decided firmly that I want a divorce. Since my husband has already filed for *talaq*, I am waiting for him to do the medical examination and for the Quazi to take action. If I get a *talaq* divorce I do not want to ask for *matah* (alimony) because my husband keeps accusing me of living with him for his money, so I don't want to hear any such accusations.

After the divorce I want to go to work at a garment factory and earn for my children and myself. I want to be free from the troubles of this marriage.

Rabia's story

As soon as I finished my Ordinary Level examination, I was given in marriage to the first marriage proposal that came for me. My husband was a police officer. After the wedding, he and I lived in a separate house on rent.

I got pregnant two months after we were married and when I told him that I was with child, he started fighting with me saying that he did not want a baby. He said that we did not need to have children.

Physical abuse during pregnancy

My husband started becoming very angry towards me, but the first time he used violence was the night I lost the baby. That night when I was sleeping, he pushed me off the bed and beat me so much that I started bleeding and lost consciousness. I woke up at the hospital and was told that I had lost the baby. My husband told the doctor and my family that I had fallen from the bed.

After sometime I conceived again and this time I was so worried he would be abusive that I hid the fact from my husband for as long as possible. I however got morning sickness and he found out about the pregnancy. He wanted the baby to be aborted and took me to a doctor, who said that an abortion could not be done. My husband then left our home and went to live in his mother's house. As he refused to come back home, I too went to live with him there, but it was very difficult as he had many other brothers and there was no privacy.

My father decided to talk to the Officer-In-Charge (OIC) at my husband's duty station about the situation and my husband agreed to amend his ways after the OIC advised him. However, he only continued to severely beat me up thereafter. I was already 8 months pregnant at this time. My father then ended up talking to the Deputy Inspector General (DIG) and my husband lost his job. However, he got it back with the help of an influential politician of the area.

Cycle of separation and reconciliation

I separated from my husband, as I feared for my baby's life. I got no support whatsoever from my husband thereafter and he didn't even come to see the baby after I delivered. I was so angry and hurt, that even if he had come I wouldn't have let him near the baby. The worst issue was that my husband did not want his name

on the birth certificate. My father had to speak to the Divisional and District Secretariats and finally managed to get my husband's name on the birth certificate of our child.

I filed for child maintenance at the Quazi court and with a lot of difficulty got Rs 20,000/- from my husband. My husband and I temporarily reconciled for four months before he left me again and the reconciliation and separation continued to happen for a few years until the last time he left me and didn't return for many months. He has left close to 80-90 times in the short span of our marriage.

No paternal responsibility

During the last lengthy separation, I once again filed for child maintenance and the Quazi issued an order however my husband didn't pay for four months. I got an enforcement order from the Magistrate Court, after which he paid for three months and the rest of the amount is still overdue, including ongoing maintenance.

My child has been having some health problems and once required surgery at a hospital. Because it was a risky procedure, the hospital wanted the consent of both parents but my husband refused to give permission. We somehow managed to get the surgery done without his consent, but managing that situation was very difficult for me, as I was very worried about my child.

My husband has become money-hungry and I got to know that he has been thinking of taking a second wife in order to get more kaikuli (dowry) from another woman's family.

Eight months ago I decided that I have had enough of this marriage and filed for a fasah divorce. I am not willing to reconcile again as continue to face the abuse. We had two hearings in the past eight months and the last one is due soon. Although the Quazi tries to constantly, reconcile us, I cannot go back to him. My child has seen me get beaten with a belt and shoes and that cannot continue anymore.

Maimunah's story

Coerced into marriage

Before we got married and while I was still schooling, my husband used to follow me around before and after school and bother me a lot. He kept saying that he wanted to marry me and I used to get very annoyed at him. One day he followed me home and met my mother and asked her if he could marry me. Initially I said that I wanted to study, and asked him to leave me alone, but he was pestering my mother a lot as well. My mother told him that I was just a child and I did not know how to cook for a family, but that did not dissuade him. Finally, my mother agreed to me marrying him, but we asked him to give me time to study. However, he kept coming home at inappropriate times when I was home alone. My mother was worried that I would be harassed further and decided that it was best that I was given in marriage.

After marriage he started fighting with me for minor matters. He was unemployed and didn't take any effort to find a job so it was financially very difficult for us. He then started beating me with any object that was around and was very violent. He also asked for all my jewelry and I had to give it to him. When I conceived, my husband was very suspicious that the child was not his own.

Community actors further complicate problems

One day, the Mosque Committee came to my house and said that my husband had been having an affair with my sister and she was pregnant as well. My sister had been having stomach problems and my aunts

had taken her to the pharmacist where they found out that she was pregnant. Even before they came home, the pharmacist had informed the Mosque Committee who then came to my house. They asked me to come for an inquiry at the mosque.

The first time I refused to go and then I got a warning letter from them saying that if my mother and I didn't attend the next inquiry I would have to make a payment of Rs 20,000/- and that we would be shunned from the community. This was because my husband had accused me as well as my mother of being 'bad women'. Then my mother sent them a letter in response saying that if they harassed us we would go to the Human Rights Commission and they stopped harassing us. However many rumors began spreading in the community and it was a very difficult time for us.

Undue delay by Quazi

I decided that there was no way this marriage would work out and I went to the Quazi to file for fasah divorce. When my husband got to know of this he spread another rumor saying that I wanted to live with him, but it was my mother who was stopping me. However, I told the Quazi that I would rather kill myself than live with him again. I filed for fasah six months ago, but the case is still pending. During the first hearing the maintenance amount was determined however nothing has materialize since. Before the second hearing the Quazi called me and told me that I did not have to bring any witnesses for the next hearing, but when I went to the hearing he scolded me for not bringing witnesses and postponed the hearing to another date. He is really old and has a bad memory.

At the third hearing Quazi said that my husband had not brought the *iddah* (post-divorce period) maintenance and hence the hearing got postponed once again. My husband has been unable to even pay the child maintenance for many months, as he is not in a financial position to afford it. Whenever I ask the Quazi about it, he says that he will follow-up but then tells me that my husband has not brought the money and to wait patiently.

Humble aspirations

I wish I had finished school. If I had not married I would have been educated and had a chance at a good job. The schools wont accept anymore as I am married and there are no private Ordinary level classes in my area

I am sad and hurt that my sister was involved with my husband, but now I need to think of my daughter and my other siblings. I would like to get a small loan to start some employment but I don't have any means of doing so. My mother gets a little money (Rs 1000-2000/-) every few months from Samurdhi and we are unaware of how much she is entailed to, but that has not been not enough. I don't dream big. All I want, is to be free from this difficult marriage and be able to work from home and look after my family.

Khadijah's story

When I was 17 years old, I got married to my father's brother's son who was 19 years old and lived next door. His mother was out of the country at the time and was very upset about the marriage. The day after the wedding, she came back and took her son away saying that my family hadn't given enough *kaikuli* (dowry) to them. She fought a lot with my family. My (now former) husband returned after 21 days and was with me for three months, however he abandoned me after I became pregnant with our first child.

I went abroad to work as a migrant worker when my daughter was eight months old, leaving her in the care of my parents. After my return four years later, my husband and I decided our marriage was not working and went to the Quazi court to get a divorce. My husband gave me a talaq divorce. I did not ask him for any child maintenance, as I was financially stable.

Second marriage

Subsequent to the divorce, I went abroad again for work and was away for 10 years, but I used come on holidays. After my return, I remarried my second husband and we settled down.

My second husband already had a first wife and three children. I knew this when I got married and didn't mind it at the time as she was working abroad and their relationship was strained. There had been no contact between them for nearly nine years and he didn't know where she was. He used to bring his children to our home and they got along well with me. I cared for his children for two years.

After some time, his first wife returned and things were amicable between the two families at first. However, it started changing when my husband started going back to her more often. She was also financially well off and he began living in Colombo with her and their children most of the time. He used to visit me for a few days on and off and when he visited he brought food, clothing and toys for the children. But he was mostly with his first wife, I felt like it was because of the money she had.

I was very unhappy about this arrangement and I confronted him saying that I wanted him to stay with me and leave his other wife. At this time, I was pregnant with our third child. He said he could have a polygamous relationship according to Islam and that I would have to accept it. As for me, I was not content and I wanted him to stay only with me. I married him only because he didn't have any contact with his other wife for nine years and I thought their marriage was over. People around us advised me to accept the situation and agree to be in a polygamous marriage.

Strained relationship leading to physical violence

One day, when my husband was with me, his first wife came to my house and fought with me. She was beat me up severely but my husband but didn't intervene. After she stopped hitting me, both of them left.

He didn't contact me for 25 days, after which I received a call saying that the brothers of the first wife have beaten up my husband and that he was lying on the roadside. They said they have asked their sister to leave him. I went in search of him and found him at his mother's house.

When I asked why he wants her despite her behavior, he started being physically violent towards me. He treated me like a cow, pulling my hair and hitting me. He didn't even consider the fact that I was pregnant at the time. I returned home but my stomach was hurting after the struggle and I had to see the doctor due to the pain. Following a scan, the doctor delivered the baby prematurely at seven months. He never came to see the baby and we didn't have any contact thereafter.

Quazi court process

When my third child was two years old I approached the Quazi court to obtain child maintenance for my children. The Quazi ordered my husband to pay child maintenance and for eight month he consistently paid the required sum. However, he stopped paying subsequently and the outstanding amount stands at Rs 270,000/- as he has not been paying for the last three and a half years.

My husband does not respond to any Quazi court summons and despite multiple complaints, no action has been taken by the Quazi to get him to pay. When I ask the Quazi for the status of the funds, he usually tells me that he has sent a letter and that my husband doesn't respond and there is nothing he can do. I approached a woman's organization and finally through their support managed to get the case referred to the Magistrate court for an enforcement order. The first hearing is due soon.

The courage to move ahead

I have married twice and I feel men treat us like slaves after we become their wives. I feel I no longer want my husband's money or assistance, as I am so sick and tired of expecting him to support his children. I am not too well and need to undergo surgery for some ailments, but I really want to look after my own children myself.

I have my own business and my own house and don't need any man to support or care for me or my daughters. I have the confidence to travel alone even at night. I can survive on my own and I will.

Afrah's story

I was only one year old when my father abandoned my family so my mother had to go abroad to earn an income in order to support the family. My relatives brought me up for much of my childhood. When my mother came back for good, she built a house and arranged a marriage for me when I was 22 years old.

Domestic violence from early days of marriage

The first year of my marriage was good, but later on my (now former) husband started becoming very violent towards me and suspicious of every little thing I do. This went on for many years, by which time we also had children. My husband used to work in Jaffna, but didn't provide for the family. It was my mother who supported my children and myself. But every time my husband came home, I used to be beaten up on a daily basis. He used to also bring over a lot of male friends at odd times in the night. I began hearing that he was having affairs with many other women and when I asked him about these rumors he used to harass the children to tell him who their father was. At one point he even accused me and fought with me for getting birth control based on a rumor he had heard.

Psychological impacts leading to self-harm

One day during Eid, he fought with me very badly that I could not tolerate it anymore, so I put kerosene and burnt myself. I was admitted to hospital for about three months. After this I filed for fasah divorce at the Quazi court. The divorce was granted after a single hearing and there was no attempt at mediation. Quazi ordered my husband to pay Rs 15,000/- per month for maintenance of 5 children, however he does not pay regularly. Once my husband's relative scolded me at the Quazi court saying that I was unfairly taking money – and since then no payments have been made.

I feel the divorce I got was a victory for me. I cannot describe the kind of torture that my marriage put me through. I know many other women who are facing similar situations and my advice to them is that they have to learn to save their money and should not depend on husbands to support them. Women have to plan their lives as independent human beings.

Jasmin's story

I got married when I was 26 years old, through a marriage proposal. My husband's family said he did not need any *kaikuli* (dowry) from my family. After marriage, my husband and I stayed with his relatives. After two months of marriage, he started becoming very violent, suspicious and controlling. He used to beat me and sometimes I used to faint from the beatings. Even after I became pregnant, the beating didn't stop.

My husband was working in the Middle East before marriage, but his family didn't allow him to go back after he got married. I later got to know that he has had a relationship with another woman while abroad and my husband's family was not in favour of it. However, when this other lady came on a vacation, my husband started to communicate with her frequently. When I asked him about it, he used to tell me to mind my own business.

Abandonment and polygamy

Four months after I delivered my baby, my husband said that he didn't want to live with me anymore and that he wanted a divorce. Suddenly, his family also took his side and forced my child and I out of the house. My parents went to the reconciliation board of the mosque federation to take up this issue, but they referred us to the Quazi court, because my husband did not want to reconcile.

We took the case to the Quazi and he summoned my husband and I for the first hearing. At the hearing my husband said that he had already married the other woman who came back from the Middle East. In subsequent hearings when the Quazi asked him why he married me, if he was already involved with another woman – my husband said that it was to fulfill his parent's wish. He said he did not want to live with me anymore and wanted only his second wife.

Challenges faced in the Quazi court

My family and I told the Quazi that we would like to get back the sum of money as well as jewelry we had given as dowry. However, my husband's response was that he has already spent that money for the wedding and thus could not pay back anything.

While the hearings were ongoing the Quazi allows the men to talk to him both at the court and separately. I know my husband has spoken to the Quazi before hearings, so at the third hearing the Quazi started shouting at me and asked me to shut up. He told me to only listen to what is being said and do what is asked. My husband used to come with many relatives from his side. The Quazi court was an open hall and the public also gets to listen to what is being said so I was never at ease. My father is an ailing 90-year-old man and he used to get scolded too and is asked to remain silent.

Unilateral divorce and procedure not followed by Quazi

The Quazi dragged on the case for eight months, during which time my husband had filed a talaq case that I was unaware of. One day I went to a case hearing and was told that that day I was to be given talaq. I told

the Quazi that I was having my periods, and under Islamic law a woman cannot be divorced if she is on her periods. To which the Quazi said it didn't matter, that my husband has come to give talaq and it was final.

After the divorce I filed for child maintenance and the Quazi ordered my husband to pay, but he only paid maintenance for six months. After this my ex-husband did not pay child maintenance on a regular basis. There was also a change in the Quazi and a temporary Quazi came in for a few months. One time the temporary Quazi took Rs 10,000/- that was given for child maintenance by forging my signature. He handed over the money to me only after I found out about the misappropriation.

It was only recently that I got in touch with a women's group that is helping women in situations like mine. I am hoping that they will help me resolve this case and find a solution to this continuing problem of getting regular child maintenance. Unfortunately, even after obtaining a divorce our problems do not end.

Zainab's story

When I was 17 and still schooling, there were some construction workers in the house in front of mine. One of the men started harassing me and kept trying to have a conversation with me, telling me that he would somehow marry me. I never told my mother as she would get worried. This continued to happen for many months and one day this man came home to speak with me about marrying me. When my mother asked me I told her that I really wanted to study. My mother didn't give the man a positive response, so instead he spoke to one of my uncle whom he also knew.

One day when I came back from school there were a number of people who had come to my house with a formal marriage proposal from his family. I was so angry that I shouted at my mother saying that I wanted to study, but I was quieted by my grandmother. Eventually my family agreed to the marriage if I was allowed to complete my ordinary level examinations.

Curtailing further education

I sat for my O'levels and didn't pass one subject. My teacher came home to ask my mother to make me do the exam again as I was a bright student. However, since my family had already given their word about my marriage after O'Levels, I ended up getting married when I was 17.

None of my family members were aware of my (now former) husband's drinking habit. It was only after a few months of marriage when we moved to his home that I found out he comes home drunk every night. When I was five months pregnant, my husband left to go and work in Jaffna but after some months he stopped sending money, didn't come home for visits and stopped answering phone calls. We found out that he was having an affair with another woman in a different district.

Abandonment and challenges in accessing justice

My husband came to see me 40 days after I delivered my baby, but thereafter never visited me. I was advised by others to go to the Quazi court for reconciliation. One day there was no one to go with me and I had no money to take a trishaw, so out of desperation I walked for two hours to the courts. I met the Quazi and told him that I didn't want to give up on my husband so I asked the Quazi to try and make him come back to me. I got summons from the Quazi after a few weeks and I went again, my husband was also there asking for forgiveness and so we reconciled.

However, he kept insisting that he wanted to go back to Jaffna but he didn't want to take our child and me with him. He started fighting with me and becoming physically violent. Once when I was carrying the baby, he pulled the baby away and she cracked her head on a table and we had to take her to the hospital. I found out after a few days that my husband had planned to file for talaq divorce from me at the Quazi court. When I was summoned for a hearing, my husband told me privately that he doesn't want to be with me, however to the Quazi told me that he had said that he wants both me and another woman as his wives.

I told the Quazi I only want to be with my husband if he leaves the other woman that he is having an affair with, but the Quazi said that my husband didn't need my approval and by law he could go and get married to whoever he wants. The Quazi asked me to walk away from the marriage if I didn't want to be a part of what my husband wanted. He gave us six months to try and work it out and only after a year I was divorced through *talaq* divorce.

My former husband was asked to pay compensation of Rs 100,000/- and child maintenance but so far I have only received a small sum of that amount. I managed to get an enforcement order to the overdue maintenance from the Magistrate Court and the police issued a warrant for my ex-husband's arrest, however the police gave me the warrant and asked me to find my husband. Usually in such instances, women are asked to find out where their husbands are hiding, and are also told organize transport for two police officers to go and arrest them.

Social and health-related challenges

In my short married life I have faced multiple health problems and was even hospitalised for one month. I know so many women who are beaten up by their husband even when they are pregnant.

It is difficult being a young single woman in my community. Travelling alone is a big challenge for us. I am constantly being harassed on the street and there is even one man in the village that threatens to harm me if I don't marry him.

I am very sad that I got married young and I wish I had completed my O'Levels and A'Levels and had a better chance with employment. Other women should not undergo what I underwent; we all need to strive for better lives for our sisters and ourselves. Women have to think carefully before marrying and must only marry the right men after getting to know them. I am glad that I finally managed to get support through a women's group who is helping me with my case and have been giving me appropriate advice and options. Men really don't understand our problems

Rizla's story

I was given in marriage the day after I turned 17. It was an arranged marriage and came via a proposal to my family. Although we never met before marriage, my husband was keen on talking to me beforehand and used to call me.

However, whenever I used to call him, he used to sound rude and angry, as if he did not like to marry me. I told him many times that we did not have to get married if he did not want to.

Marriage as a cover up

After we got married, from the very first day my husband did not show any interest towards me. Even when we were together, he used to constantly text and talk on the phone. He also used to go out a lot during nights and come back only the next morning. Whenever he was in the house, he was on his phone texting someone for hours.

His behavior was very suspicious, as he rarely spoke to me when he was with me. So one day I checked his phone to see who he was texting so much. I found extremely vulgar and explicit text messages and photo exchanges between him and another woman. When I asked him, he promised me that he would not do it anymore, but his behavior did not change.

After a week, when he still continued to behave this way, I decided that I needed to find out what was happening. I got to know that he was texting other women and the messages were so explicit that even my family was convinced he was not a good man, when I told them.

Subsequently, my family called my husband's family and decided that we cannot continue as a couple if he behaved this way and that they needed to talk to him regarding his behavior. But they didn't do anything, instead my husband accused me of having an affair with another man. During this time we also got to know from others in the community that he has had many affairs with other women, especially married women and time. His parents had known about his behavior and thought that he would change after marriage.

Fortunately my family has been very supportive throughout this ordeal. My father helped me go to the Quazi and file for *fasah* divorce only two weeks after I was married. I hope to be free from him soon.

I feel like I wasted so many months of my life for nothing. I am hoping to study further and do an course in Information Technology. I am also very interested in working on social issues to help other young women in my community.

Asma's story

I lost both my parents at a young age. When I was 15 years old I went to work in the Middle East by faking my age, in order to earn an income to support my siblings. I came back after one and a half years and sat for my Ordinary Level examinations and started studying for my Advanced Levels. However, I had to start working again so I could not complete it.

When I was 22 years old, family pressure for me to get married increased, however because I lived abroad I was considered a 'bad woman' and I did not get many proposals. Finally I got a proposal from my (now former) husband's family and few months later we got married. My family gave Rs 300,000/- as *kaikuli* (dowry).

Physical violence from early days of marriage

From the very start of our marriage my husband was violent and abusive and would be constantly be suspicious of everything. When we walked on the streets, he would come home and hit me because he said other men used to stare at me. Once he hit me so badly across my head that I had to go to the hospital, but I told the doctor that I fell down. We lived close to his family members, but no one ever intervened to stop the beatings although everyone around knew it was happening.

He was very abusive even when I was pregnant and I lost the first baby in the ninth month of pregnancy. After losing my baby and being mentally affected by it, I did not want any intimacy with my husband, but he used to be forceful on me and I conceived again.

In 2004 I delivered my first child, but on and off during my pregnancy my husband used to leave me and go to live elsewhere. Five months after the baby was born, the tsunami came and the house we were living in was heavily damaged. I got some funds from an NGO to rebuild the house. My husband was not with me during this time.

Arbitrary and discriminatory action by the Quazi

When my husband did not return for many months, I went to the Quazi to file for child maintenance for our child and to ask my husband to return the *kaikuli* (dowry) we had given as well. When I went to see the Quazi, I got to know that my husband had married a second wife and was settled elsewhere. I had no clue of it until then.

Subsequently, I decided I did not want to be in a polygamous and abusive marriage and went back to the Quazi court to file for *fasah* divorce. However the Quazi kept insisting that if I wanted a divorce I had to wait for my husband to file a *talaq* divorce. I went ahead and filed for a *fasah* divorce anyway and we had one hearing at which the *kaikuli* and maintenance amount was decided.

My husband said he couldn't afford to give me back the full *kaikuli* amount, as he had to support another family, and agreed to pay only Rs 100,000/- as *kaikuli* and the overdue child maintenance. The Quazi also agreed to this and there was nothing I could do. He ordered my husband to pay a mere sum of Rs 1500/- per month as child maintenance.

While I was waiting to hear back from the Quazi about the next hearing, I got a notice saying that a *talaq* divorce has been granted. I was so surprised because I thought we were still discussing the *fasah* divorce that I filed. I wanted to go and fight in the Quazi court and ask the Quazi why he allowed it, but I had a

small child and there was no one to go with me at the time. Besides I was already divorced now and had to observe an *iddah* (post-divorce waiting) period. The Quazi was always on my husband's side.

Working with other affected women

In the past few years I have been involved with other local women's groups and am trying to support other women in situations similar to mine. It is difficult to discuss issues like domestic violence in the Muslim community. We are taught that our religion allows a man to 'lightly beat' his wife in order to rectify the mistakes she makes, but many men take this literally. They keep saying that it is Islamic law and do not understand the harm it does to women. Women also think that it is allowed and this stops Muslim women from going to the police when they are subject to domestic abuse.

Haleema's story

I got married when I was 22 and have been married for the past 19 years. When my daughter was three years old my husband used to get her to scratch and massage his legs. It became a habit and he got the other two children to also do the same. The children had to do this until their father fell asleep. Sometimes he used to wake them up from sleep in order to get them to do something for him. If they refused to do so he would beat them.

Harassment and domestic violence

My children were very scared of their father and have only known him to be angry and strict. I used to get beaten up a lot for trying to save them or stop him from harassing them. He was also verbally abusive towards my children and I. This has been continuing for years and my eldest daughter is 18 years old.

A few weeks ago, when she came back tired after work, my husband asked her to come and massage his legs. She told him that she is very tired and for him to wait till the younger brother got home. Then my husband took a big door pole and hit her very badly on her legs. I tried to stop him from hitting her further, but he only got more violent towards me and the children. He started smashing all the furniture and chairs. The children were in utmost shock and I decided that I could not tolerate this anymore. I then left with my three children to my mother's house the next morning. The children are so scared to go back to the father.

Perceived barriers to accessing police services

I would like to file a police case regarding the incident, but my daughter is a young girl and I don't want to take her to the police station. I also do not want the community talking about her in a negative way saying that she is the girl who filed a case against her own father.

Recently, I found out about a woman's organization and I am seeking help to find ways to get my husband to change his behavior. My husband is living in the house that my parents gave me as *kaikuli* (dowry) when I got married. I still feel like my husband can change and I would like my children to have a real father who will care for them and someone who they are not scared of.

I don't feel that divorce is the right thing for me. My dilemma is that the income I bring is not sufficient and at least my husband supports the family a little bit. I can not let him go scot free because I am unable to provide for my children on my own. Moreover, if I permanently move out with the children then I may not be able to get my house back. I am in a dilemma.

Hanifa's story

I got married when I was 16 and after marriage I went to live in my husband's house. Early stage of our marriage was fairly smooth and my husband was kind to me. After 7 years of marriage however, I got to know that my husband was having an affair with my younger sister. When my husband knew that I found out he told me that he wanted to 'keep' both of us.

Police intervention

I told my parents about this and they filed a police case against my husband. The police called him and my sister for an inquiry. However, I was not called for it. The police then asked them to live together in my husband's house as my sister was adamant that she wanted to live with him. My husband also bribed the police to get his way.

However, my parents pursued another case to get my sister back and then the police asked her to go and live with my parents. When she moved out, I went to live with my husband along with my son.

Domestic abuse

Subsequently however, my husband started becoming very violent towards me. He used to physically beat me and forced me to sleep with him. I conceived my second child, but my husband denied that the baby was his. After 21 days of delivering my daughter, he ran away with my sister. However, whenever he ever he fought with my sister he would forcibly come to where I was living. He was always physically violence and would force himself on me.

Children separated from mother

I filed for maintenance at the Quazi court, but we were not divorced. The Quazi made me get a letter from the Mosque Committee before he accepted my application for maintenance. I did not know this to be the procedure. The Mosque Committee refused to give me a letter so I went back to the Quazi and filed for maintenance once again and finally got an order from the Quazi.

When my older child was in Grade 5, my husband took my child away from me when I was not around. I used to work some days in Colombo and after some months he took my daughter away as well. Despite multiple attempts I could not get my children back for many years. I didn't get child maintenance after he took my children and I think that was his plan all along. One day my daughter came to my house and refused to go back to her father when my husband came to pick her up. My husband shouted and screamed at my daughter accusing both of us with bad words.

Lack of proper information given and procedure followed

Five years ago, I was summoned to the Quazi court and my husband was also there. The Quazi told him that he cannot live with both women and asked if he had brought the money.

The Quazi then told me to take the money and sign a document without telling me what exactly I was signing. I had unknowingly signed the divorce paper, as at the time I did not even know that my husband had filed for talaq divorce. After three months I got a notice to come and collect my divorce paper and it was only then that I found out that my husband had divorced me.

When I went to the Quazi court and asked the Quazi how this had happened, the Quazi said that my husband could not live with both my sister and me so he decided to pick one woman.

I feel like everyone was on my husband's side, from the police to the Mosque Committee to the Quazi. I feel helpless with the Quazi court system. Men will always support men. How can we women seek justice without a proper system in place and with one that constantly goes against us?

Zulfi's story

My father passed away when I was young and my mother went abroad to work. When I was 18, I got a proposal from a man in the neighborhood. Thinking that marriage would give me security my mother agreed to give me in marriage.

I moved to my husband's house after marriage. His mother had been living abroad for many years and only my father-in-law was in the house when my husband would go to work. I used to be very uncomfortable around him, so upon my request my husband and I started living in my mother's house.

After a few years, my husband's mother returned and began causing many problems by asking for dowry. She said that they did not take kaikuli (dowry) at the time of marriage and wanted the house that my mother was living in to be written to my husband. My mother and I disagreed with this. My husband and I separated because of the many disagreements that arose between our families regarding kaikuli.

Polygamy and divorce

My husband's parents sent him to work abroad and forbid him from having any contact with me. They eventually arranged a second a marriage for him. When I found out about this, I went to the Quazi court to file for fasah divorce, however when my husband was summoned he told the Quazi that he wanted both wives. The Quazi told him that he couldn't afford to keep both wives with his salary. However instead of a fasah divorce, which I had requested, the Quazi gave a talaq divorce.

During the hearings the Quazi would never let me speak. Whenever I say something he would say, "You women always talk to much" and would stop me from speaking further. He felt that if women say their stories at the Quazi court then there would be more problems between the husband and wife, so he always silenced us. However, I am glad that i at least got a divorce from my husband and child maintenance for my child, there are others who are still waiting.
