



Established 1984

කාන්තාව සහ මාධ්‍ය සාමූහිකය
பெண்கள் மற்றும் ஊடகக் கூட்டமைப்பு
Women and Media Collective

WMC Statement on the One Country One Law Task Force appointed by the President of Sri Lanka on 26.10.2021

The facts

The President of Sri Lanka Gotabaya Rajapaksa has appointed a Presidential Task Force for One Country, One Law comprising of 13 members. Invoking the Fundamental Rights chapter of the Constitution and International Law, his gazette says the purpose is to ensure the implementation and protection of fundamental rights where no citizen can be discriminated against in the eye of law on meted out special treatment on ground of nationality, religion, caste or any other grounds.

The Task Force is mandated –

1. To make a study of the implementation of the concept; One Country, One Law within Sri Lanka and prepare a draft Act for the said purpose,
2. To study the draft Acts and amendments that have already been prepared by the Ministry of Justice in relation to this subject and their appropriateness and if there are suitable amendments to submit proposal for the purpose and include them in such relevant draft as is deemed appropriate.

It is clear that the Task Force is appointed to circumvent the Ministry of Justice and override its functions. This is a disrespect to the rule of law, the proper functioning of the justice system and the law-making process. In fact, the Minister of Justice Hon. Ali Sabry had stated that he had not been consulted and was unaware of the appointment of the task force, and was unhappy with the decision. The fact that the President has disregarded his own Cabinet Ministers undermines any substantial progress that has been made so far.

Appointed as its chairperson is Ven. Galagodaaththe Gnanasara Thero, a Buddhist monk and a highly controversial figure in recent Sri Lankan political history who is known to openly incite racism against Muslim communities. We are alarmed at this blatant disregard of the inherent bias in the appointment of such a figure to a body that means to discuss discrimination based on nationality, religion and caste.

Of the thirteen committee members there is no representation of the Tamil ethnic minority. Given our history of an ethnic conflict and discrimination this is an disturbing fact. Moreover, it was reported that the task force's Muslim members were unaware that it would be headed by Ven. Gnanasara Thero or that he was going to be a member until the gazette was issued.

Moreover, it is disappointing that there are absolutely no women appointed to the Task Force. Especially at a forum where personal laws, laws that have direct impact on the lives

56/1, සරසවි මාවත, කාසල් වීදිය, කොළඹ 8, ශ්‍රී ලංකාව
சரசவி லேன், காசல் வீதி, கொழும்பு 8, இலங்கை.
Sarasavi Lane, Castle Street, Colombo 8, Sri Lanka

on women will be discussed, the lack of female representation clearly demonstrates the patriarchal impulses behind the formulation of the task force.

Unpacking the controversy

Women's groups in Sri Lanka, and especially Muslim women's groups, had been campaigning for reform of the Muslim Marriage and Divorce Act (MMDA) for decades. The reforms for equality before the law and international rights had been cited many times over. In fact, in the last few months there was progress in these efforts where an expert committee report had been submitted to the Ministry of Justice and the media had reported that the Ministry of Justice is preparing the necessary amendments required for Muslim marriages and divorce.

The appointment of this committee with its Chairperson in particular, is a slap in the face of these efforts. In 2014, Ven. Gnanasara Thero instigated mobs to attack Muslim houses and business establishments in Aluthgama town. He openly campaigned for the banning of the burqa in public on baseless security grounds and was a key figure in the agitation for the abolition of Halal certification for food products. All these contributed to the rise of a toxic Sinhala Buddhist sentiment: a wave upon which the Rajapaksa's regained power toppling good governance structures. Ven. Gnanasara was serving a prison sentence for contempt of court when he was pardoned by the current President.

The blatantly populist motivations of the establishment of the Task Force, trivialises the large struggle Muslim women and women's groups have been fighting for many years, and highjacks the reality that the call for change of regulations deeply personal to a particular community came from that community itself. As MP Amarasuriya highlights, "a serious attempt to bring these laws in line with these human rights obligations would require a genuinely representative and consultative process led by persons with the integrity and capacity to do so". The criteria for the selection of these members is questionable, as it is noted that two of its members are Attorneys at Law who have not even completed 10 years in the Bar.

What does this mean for the country?

The last few months have seen growing public dissatisfaction and protests against adhoc decisions over organic fertiliser, the KNDU bill, solutions for teacher salaries and the dropped charges against ex-navy chief over 11 killings. The President's own allies have spoken out against the power plant LNG deal with an American company. Have these now been overshadowed by the appointment of the Task Force or are they all symptoms of a failing state?

The ideology behind a Task Force headed by a Sinhala Buddhist extremist looking into personal laws, is also a revisiting of the recurring Gotabaya rhetoric of a conformist nation. It is a clear indication that the regime is resorting to what worked most effectively in the past for them to regain popularity i.e. invoking and inciting racism. This move will have far reaching ramifications on our current social fabric and thus it must not be allowed to continue.

We therefore call on the President to recall the Gazette notification No. 2251/30 and dissolve this Task Force. We urge the government to reinstate democratic and representative processes to law making.