

The right to get divorce (or the absence of it) in Sri Lanka and Philippines

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Under the Convention on the Elimination of all Forms of Discrimination against Women, states have the obligation to ensure, “on a basis of equality of men and women, the same rights and responsibilities during marriage and at its dissolution.”

But in the predominantly Catholic Philippines divorce remains prohibited. Besides Vatican City, it is one of the remaining countries that denies divorce to the majority of its citizens. Muslims, which represent 6% of the country’s roughly 110 million people, are allowed to get divorced.

For Filipinos who want to exit from a union, there are two options: either legal separation or legal annulment.

“Repeated physical violence or grossly abusive conduct” is one of the grounds for legal separation. But the marriage bond is not severed in legal separation.

Annulment, on the other hand, is a civil procedure in which a judge declares the marital union between a husband and wife no longer valid. But proceedings are costly and can be very lengthy, making it nearly impossible for the nation’s poorest and most vulnerable citizens to get out of a bad marriage.

Several policy makers have regularly filed bills to legalize divorce, only to see them

languish in Congress. Divorce bills have little chance of passing into a law without the support of the country’s leaders.

Such a ban is tortuously inhumane for couples, especially for women trapped in abusive and dysfunctional marriages. Oftentimes, they are the ones left with the responsibility of taking care of the children.

The culture of patriarchy and misogyny still plays out in the Philippine society. The court system is onerous for women, too.

In Sri Lanka, most women following major religions can make independent decisions. But conservatives cause women unnecessary stress with various criteria they must fulfill when seeking a divorce.

Moreover, abortion is illegal in Sri Lanka. This is an issue as a whole that must be discussed, but this badly impacts on women making an independent decision regarding divorce.

Hundreds of underage Muslims girls are forcibly married by their parents or guardians at yearly stages of their life. Currently, a historic opportunity for reforming the Muslim Marriage and Divorce Act of Sri Lanka (MMDA) has presented itself. But once again, it is mired in counter-productive politics.

At this unprecedented time, Muslim women are compelled to battle two obstacles. One is the conservative Muslim male community leaders who refuse to reform the Muslim family law and on the other side, the intolerant, insincere call for the repeal of the MMDA from racist individuals.

According to the Office of the High Commissioner for Human Rights, the Article 16 of CEDAW sent a message that the UN "approved of divorce on the same footing as marriage." In the end, divorce was treated as an issue of non-discrimination rather than as a basic human right.