

## **The Charter on Women's Rights in Aceh: a Solution to Justice and Equality**

The discourse on women's rights and their involvement in traditionally male sectors of society is an ongoing and central issue of debate at both the national level and international level today. Issues related to a women's role, either as a subordinate or as a decision maker remain a public debate in Aceh in both a scholarly forum as well as in daily conversation.

Every community perceives the equality of men and women differently according to the socio-cultural background of the community. Women, for an example, are often perceived as having domestic roles within a household, such as cooking, washing, etc. Such a frame of mind that sets women subordinate to men is still common in the community in Aceh.

Even now, when human rights - especially those of women and children, are a central idea in discourse around the world, we can still hear discouraging news about women becoming the victims of trafficking, alienated from public spheres or even tortured and killed.

Such discrimination or misperception also affects the way of thinking of a handful of Acehnese. Nevertheless, along with the development of communication technology and improved access, especially in the aftermath of the conflict in Aceh, the issues on the roles and rights of women are increasingly being discussed. Women have begun to become more aware of their rights which have been neglected, and such awareness has led to protests towards injustice they have experienced. There are also many intensive efforts in establishing awareness for women rights by NGOs working in women empowerment. These will in turn also affect the frame of mind of men who have been overlooking women's issues.

The conflict has also resulted in an increasing number of women who have to struggled for their lives after they have lost their husbands. Single parenting has make women develop an independent and more courageous attitude towards their lives. Many women have had to struggle and make a new start after they have lost everything. In order to be able to survive in the public spheres against possible challenges, women will definitely need legal protection from any possible violence. More than that, they will also need an appropriate access to information about their rights.

According to the database in the Central Bureau of Statistic (*Badan Pusat Statistik/BPS*) of Nanggroe Aceh Darussalam, the population of Nanggroe Aceh Darussalam province in 2005

was 4,031,589, of which 2,005,763 were male and 2,025,826 were female. This statistic shows that women are bigger resources in quantity than men. Unfortunately, such resources are mostly unqualified and lacking awareness about their rights.

Before going into a further discussion on women rights in Aceh, it is worth taking a brief review of women's rights. Women's rights are the rights entitled to all women, either as a human being or women. Provisions regarding human rights are available in various legal systems, such as in Common Law or Continental Law. These legal systems cover various instruments as well as enforcement frameworks at the local, national or international levels. Such systems not only define the recognized rights but also how to guarantee and access these rights.

According to Secretary General of the Women Volunteer for Humanity (*Relawan Perempuan untuk Kemanusiaan/RpuK*) of Aceh, Khairani Arifin, S.H, whether it is recognized or not, there is a general lack of awareness of women's right in Aceh. This is despite many issues in post-tsunami Aceh - especially regarding inheritance rights, guardianship, and property being very much related to women.

According to Khairani there is only a small percentage of women in Aceh who are familiar with the law, and these are limited to women in urban areas such as female office workers and women activists. Most women in rural villages are lacking knowledge about law due to a lack of access to education and information.

A similar notion is also mentioned by Dr. Nurjanah Ismail, a teaching staff at the Faculty of Adab of the Ar-Raniry State Institute of Islam (*Institut Agama Islam Negeri/IAIN*), Banda Aceh. She said that women's lack of knowledge on law and education have hindered them in recognising their rights.

Discussion on women rights as part of the human rights is not a new issue. Most fundamental in ensuring that rights are fulfilled is the basic knowledge of these rights and how those rights are guaranteed. Such knowledge is accessible by various means, such as writings, intensive discussions or reviews of experience.

In policy making, there is a general lack of participation and involvement of the community, especially women. As a result, a policy is often said to be developed on behalf of the community while in fact its enforcement does not work for the interests of the community,

particularly women. Existing policies still put women in a marginalised position, in subordination to men. This can be seen in the national law, such as in the Criminal Code (*Kitab Undang-Undang Hukum Pidana/KUHP*), particularly in Article 351 on violence. The provision puts an emphasis on physical violence only but it does not define the minimum punishment for the violator; as a result, this has opened the opportunity for the offender to receive a petty punishment or even to be set free.

The Law No. 23 of year 2004 on the Elimination of Violence in Households has made new breakthroughs, particularly in providing greater protection to the victims of violence. However, this Law has not fully covered the interests of women victims as it obliges them to report the violence in order to have the case processed by the law. Such an obligation does not consider any possible threat or repression that the offender might impose on the victims to prevent them from reporting the case.

Among the regulations in Aceh, *Qanun* (Regional Regulation) No. 14 year 2003 on *Khalwat* (illicit relations between men and women) gives an example of a regulation that does not sufficiently aim at gender justice. This *Qanun* defines *khalwat* as the act of being alone, committed by a couple of *mukallaf* (legally competent persons) of different sexes or more who are not their *muhrim* (relative or kin whom one cannot marry) or who are not legally married. Due to this broad definition and provision on *khalwat*, it is easy to accuse people of committing *khalwat* even if they are only discussing family matters or conducting a task in a room of an office. Therefore, the *qanun* should be revised, and *khalwat* given a better definition.

Considering the many problems that women are facing continued Khairani, a number of women activists in Aceh have concluded the need for a charter of women rights in Aceh. Such a written document is expected to be referred to by policy makers to ensure respect and fulfilment of women's rights.

The formulation of the Charter of Women's Rights in Aceh is almost final. Khairani says that the Charter is not meant to provide more attention towards women groups because there are other vulnerable groups whose rights need to be respected and upheld, such as children, the poor, and so on. On the other hand, the Charter is meant to provide women with opportunities to play their role as one of the stakeholders in the development of Aceh as best as they can.

Khairani said further that even though women's rights are already stipulated within the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the

Convention has been ratified by Indonesia in 1984, the Charter should pay more appreciation towards the rights of women from a local perspective. The Charter will also be a written social contract for every stakeholder in Aceh to keep on upholding and respecting women's rights. The Charter is also expected to be referred to by the government in policy making so that future decision-making will be in favour of women and involve the participation of women as one of the stakeholders of the continuing development of Aceh. The Charter is expected to be launched and declared by the end of July 2008.