



## The New Aceh Charter on Women's Rights

If we study the history of Aceh, we can see that it is characterized by the powerful role which women have played. During the first kingdom of Samudra Pasai in the 15<sup>th</sup> century, women had a very significant role. Governance and power were not only in the hands of men, but also women. The Nahrasih Queen was the first sultan who ruled the Samudra Pasai Kingdom. Nahrasih succeeded her father, Sultan Zainal Abidin in 1408. Nahrasih rose to power after she gained the respect of the whole community and the royal family, who agreed to hand over the power of the state to a woman. Under Nahrasih's leadership, the tradition of having a woman as a head of government began in Aceh.

Another powerful women from Aceh's past is Keumalahayati who was appointed by Sultan Alaidin Riayatsyah (1589 -1604) as the head of the navy. Keumalahayati was given this post due to her courage and good leadership skills; she was also the daughter of an experienced fisherman. During her time, there were many courageous men who joined the army however Sultan Riayatsyah trusted the responsibility of ensuring the security of the sea of Aceh to Keumalahayati.

In addition, the Sultan also appointed a woman named Po Cut Limpah to be the Head of the Intelligence. Po Cut Limpah was a brilliant woman who was able to understand the sharp and dangerous political dynamics of her time.

The above examples show how women have played significant roles in Aceh. Those historical records indicate that gender has never been a problem in the culture of Aceh. The appointment of Sultanah Safiatuddin, the daughter of Iskandar Muda – to lead Aceh after the demise of Iskandar Thani, her husband further indicated that women have never been marginalized.

However, Acehnese women today have to face many challenges in their struggle for their position in the public sphere. Discrimination and a wrong perception of the position of women have had a negative impact on how women are viewed in Aceh.

The Women's Committee for the Revival of Aceh (*Komite Perempuan Aceh Bangkit/KPAB*) has played a formative role in recovering the confidence of Acehnese women. The Committee not only challenges women to compete with men but also sends a moral message of the importance of women's rights which they recently declared in Banda Aceh on 11 November 2008.



The moral struggle emerges because Acehese women seem to be marginalised in the modern world. In the political arena, for instance, there are only 4 women out of 69 members of the legislative body in Aceh. In the Government Working Unit of Aceh (*Satuan Kerja Pemerintahan Aceh/SKPA*) at echelon II level, there is only one woman out of the 42 existing positions and this is as the Head of Bureau for women's and children's protection.

The involvement of Acehese women as decision makers post-tsunami has also been rather insignificant. The Rehabilitation and Reconstruction Agency (*Badan Rehabilitasi dan Rekonstruksi/BRR*) has optimized the participation of women where their involvement in education, health and economy has been very minor. These scenarios have contributed to the establishment of the Charter of the Rights of Women in Aceh which strives to encourage women to struggle to perform and be equal with men.

Aceh is also issuing a *Qanun* (regional regulation) on women's rights; which is binding from a legal perspective while the charter is the agreement among woman in moral terms to ensure that their rights are equally recognized with men's.

"The provisions of the *Qanun* are binding while the charter only complements and perhaps strengthens the *Qanun*," said Nurjanah Ismail, one of the drafters of the Charter of the Rights of women in Aceh.

The formulation of the content of the charter was not easy, taking at least one year for Aceh female activists to complete the content. Since the first draft was finalized in January 2008, the draft had been revised three times.

It was initially planned that the official name of the charter be in Acehese, namely the *Piagam Hak-Hak Ureung Inong*. However, since it suggested a limited meaning, the charter was finally named in Indonesian as the *Piagam Hak-Hak Perempuan di Aceh*. The title shows that the charter does not only cover Acehese women but other women as well who live in Aceh.

In the preamble, the Charter appeals for the right to equality:

*"We the signatories of the Charter of the Rights of Women in Aceh, believe that the equitable treatment of women is in accordance with the fundamental principles of Islam - justice, consensus, equality, tolerance, piety and peace – so that violation of these values constitutes a violation of the values of Islam, which brought peace and blessings into the world."*



It is followed by an appeal to all components in Aceh to take heed of the position of women in all sectors, as following:

*“It is time for Aceh to respond to the complex problems facing women through policies and regulations – particularly through legal products that promote justice – designed to encourage protection, development, recognition and the fulfillment by the State of the rights of women so as to provide the foundation for the development and empowerment of a just and equitable society.”*

The above statement is an open criticism made concerning the treatment of women in Aceh in recent years. There is clear evidence that the law is not in favour of women. The *Qanun* on the Aceh election clearly shows a lack of commitment to give opportunities to women in politics. The *Qanun* only asks political parties to pay attention to having women constitute 30% of the candidates of the legislative body. The words “paying attention” only refers to a request - not an obligation, and does not lead to any sanctions to those political parties who ignore the provision.

The next provision of the charter provides a demand for respect of the rights of women. The women in Aceh demand that their rights are respected as equal to those of men in terms of the right to life, right to worship, right to security, right to peace, rights in the family, the right to give opinions and so on.

Chapter I article (1) mentions: *“Women in Aceh have the right to life, and to live their lives based on the same rights as are enjoyed by men”*

In relation to the right to freedom, article 3 provides the following:

*“Women in Aceh shall have the right to freedom from discrimination, intimidation, and violence.”*

Meanwhile, article 4 governs the role of women in peace, as following:

*“Women in Aceh shall have the right to participate in peace-building endeavors from the community level up to the state (national) level.”*

The position of women as decision makers is conveyed in article 5 on the Rights of Fair, Equal and Non-Discriminating Treatment. Paragraph (1) of the article stipulates:

*“Women in Aceh shall have the right to fair, equal and non-discriminatory treatment vis-à-vis men so as to afford them the same opportunities, chances, recognition and respect as men...”*



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Meanwhile paragraph (2) stipulates the following: *“Women in Aceh in particular circumstances shall have the right to be acknowledged as the head of the family and to be accorded all of the rights that arise as a result of such recognition.”*

The Charter on Women Rights in Aceh comprises of a total of 18 articles which generally stipulate women’s demand for equal treatment with men. There is nothing extraordinary with the charter. However it establishes the fact that women in Aceh can be leaders as well, be it in the household or in political parties.

The Charter has at least established the awareness of women in Aceh that they should not feel inferior to men. The spirit of the Acehnese woman should now make sure that it’s principles do not remain mere words written on a document but will bring about real positive change.