



## **Analysis of the Draft *Qanun* on Women Empowerment and Protection in Aceh**

The Charter of the Rights of Women in Aceh was declared on 11 November 2008. Although morally binding only, the Charter is expected to drive women in Aceh to be more courageous in the public sphere. The Governor of Aceh Province, Irwandi Yusuf, maintained that women should not only demand equality of opportunity; they should also make the best of the opportunities which are available to them.

Following the declaration of the Charter, in the near future the Aceh Parliament (DPR Aceh) will enact the *Qanun* (Regional Regulation) on Women's Empowerment and Protection. With this, Faizal Amin, the Head of the Special Committee (*Pansus*) of the Aceh Parliament together with 13 members of the parliament involved in the deliberation of the *Qanun* held a meeting with the National Commission for Women (*Komnas Perempuan*) on 5 November 2008 in Jakarta. They were welcomed by the Commissioners of the Commission, Sjamsiah Ahmad, Sjamsiah Ahmad, Husein Muhammad and Azriana as well as a representative of the executive board.

The visit of the Aceh Parliament to the National Commission for Women was part of a series of DPRA trips to obtain support and input on the draft *Qanun*.

The draft *Qanun* contains provisions on protection of the rights of women that have not been fully enjoyed by women in Aceh, such as the right to education, health, employment, economy, social and cultural rights, political rights, and legal rights. The draft *Qanun* also governs the role of the community in ensuring the respect and fulfillment of these rights. There are also provisions on the mandatory role of the State (of Aceh) in providing funds for the realisation of the rights.

Nanggroe Aceh Darussalam is the first province in Indonesia that will have a regional regulation governing the protection and empowerment of women. Komnas Perempuan hopes that the *Qanun* will inspire other regions because it puts a legal emphasis on equality. "The 'equality' here does not mean equality in all but the equal treatment to men and women in areas where they should be treated equal and different treatment to men and women in areas where they should be treated differently," said Azriani.

On this Azriani gave an example of how men and women should have equal opportunities in employment; however, since women have different biological organs, they have to bear different consequences. For instance, women's



ability to menstruate and give birth to children should allow them different treatment such as provision of menstruation leave, maternity leave and so on.

More importantly, the *Qanun* is in line with the prevailing *Syar'iat* (Islamic law) that upholds universal principles of human rights such as belief, life, respect to one's body and property.

The draft *Qanun* also refers to the Law (*Undang-Undang*) No.7 year 1984 on the Ratification of the International Convention on the Elimination of All Forms of Discrimination against Women. Article 2 of the *Qanun* strictly says that empowerment and protection of women in Aceh shall be carried out based on the principles of *Syar'iat* and the culture of Aceh, respect to human rights, gender justice and equality, transparency and accountability, non-discrimination and victim protection. The article clearly says that women in Aceh shall not be treated differently from men. This is confirmed by the elucidation that says that women's empowerment should aim at developing and improving the quality of women's life and intellect to allow them to have an equal platform with men to actively take part in all areas of life. Women's protection shall also aim at preventing, eliminating and providing protection to women from all kinds of threat, violence, women trafficking, pornography, exploitation, and discrimination.

To prevent different interpretation on the meaning of "equality", a number of articles in the draft *Qanun* put emphasis on the obligation of the District/City Government in Aceh to improve the quality of life and intellect of women and to provide equal opportunity in accessing education, health services, and legal, economic, political and socio-cultural protection.

What is more interesting is the provision in Article 7 of the Law, which states: *(1) The provincial government and the district/city governments shall evaluate the educational curriculum in Aceh to ensure that it accommodates the egalitarian principle, including local contents on the history of Aceh which is characterised by the strong and active role of women; (2) The provincial government and the district/city governments shall review cultural practices that discriminate against women.*

Egalitarian principle here refers to the doctrine or viewpoint that believes that all human are created equal. This very egalitarian viewpoint has been the foundation of the of the Aceh tradition throughout its history. "The egalitarian principle has developed in Aceh since long ago; it opens up a space for many Acehnese women to perform like their past leaders," said Suraiya Kamaruzzaman, a women activist in Aceh. Unfortunately, said Suraiya further, this egalitarian value has been. "Now it is the time for Aceh to return back to this egalitarian principle," said Suraiya. To bring back this sense of, the *Qanun*



requires all households/parents and other elements of the community to raise awareness on gender equality and justice to children and members of the family.

The government of Aceh will also provide funding support for women, which will be allocated in the Aceh provincial budget and district budgets at a minimum of 10% of the total budget. This budget allocation will become the priority of the provincial/district offices that source their funding from the national budget (APBN) or regional budget (APBD).

When the draft *Qanun* is enacted, the opportunity of women in Aceh to come to the front line will be opened. Chapter IV of the *Qanun* clearly stipulates that women in Aceh shall be treated equally with men in accessing education up to the highest level, in accessing trainings and job trainings to improve their skills, in having access to good health services and in having their rights to full and non-discriminative information on health respected.

Article 14 of the draft *Qanun* strictly says that: *(1) Women shall be provided with equal employment opportunities with men in government as well as private institutions. (2) Women shall have the right to have strategic job positions in government as well as private institutions. (3) Women's jobs shall be in conformity with the Islamic law and shall not violate their nature as women.*

Government institutions, agencies or bodies at the provincial down to the village level shall accommodate women in an equal manner with that of men. Government regulations on employment shall not treat women with discrimination. Women in Aceh have the right to access funds for economic empowerment provided by the government as well non-government institutions for work capital as well as privileges in accessing economic facilities for business activities.

Women in Aceh shall have the right to have jobs in all levels of management of political parties. In terms of *adat*, Article 19 stipulates that women in Aceh shall have an equal position and role with men in all *adat* institutions and in socio-cultural activities in the community. Further the draft *Qanun* regulates that women in Aceh shall have a social security old-age pension.

While the *Qanun* aims at providing better guarantees for equality, it also governs women's obligations. Chapter V of the *Qanun* mentions what are required of women in Aceh, for example to carry out Islamic law fully (*kaffah*) and wife to carry out their role and function in line with the Islamic law. To

prevent women from becoming the victim of trafficking, the *Qanun* also regulates steps to prevent this.

If all is well, the draft *Qanun* will be passed in December 2008 because the Special Committee is currently still deliberating on some contents for revision. The *Qanun* is expected to become the legal basis for women in Aceh to be its future leaders.