COUNTERING HARMFUL PRACTICES IN ACEH PROVINCE, INDONESIA

Overview: This case study describes how advocacy efforts led by the Komnas Perempuan and Aisyiyah to stop harmful religious practices in Aceh province in Indonesia. This case study involves the Komnas Perempuan, the National Commission on Violence against Women, as well as Aisyiyah, a large faith-based women’s movement promoting women’s rights. The case study explores the context, objectives, strategies, successes, challenges, and opportunities for future advocacy work.

Summary: Komnas Perempuan and Aisyiyah have made significant strides in advancing women’s rights and gender justice in Aceh. Through strategic advocacy, inclusive collaboration with religious and other stakeholders, they have successfully challenged discriminatory regulations, halting and in some cases delaying the practice from taking place. Progress has also been seen through the popularisation of community norms that support women’s rights and gender justice. However, more advocacy is needed to address the full acceptance of women’s rights by outlawing harm causing practices e.g sexual and gender-based violence and violent punishments imposed on women subjectively.

PARTNERSHIPS BETWEEN FAITH ACTORS AND STATE ACTORS TO PROMOTE WOMEN’S RIGHTS

The Education Division in Komnas Perempuan—part of the National Commission on Violence against Women is promotes, protects and advances the realisation of women’s rights. Within the organization, the women and diversity division consists of an Islamic religious leader, a member of the Commission on Women and Diversity, a representative from the Minority Religious Cultural Affairs Division, and a staff member in the Women and Diversity Unit.

The division has been engaging in Aceh province together Aisyiyah—the women’s rights advocacy arm of Muhammadiyah—member of the Faith to Action Network. The Muhammadiyah network has an estimated reach to over 4 million members and branches in all regions of Indonesia. The Muhammadiyah-Aisyiyah interpretation of the Qur’an emphasizes that there is no difference in da’wah or outreach/proselytization activities with regard to gender. This progressive principle has long shaped the character of the movement as a whole. Aisyiyah stands on four pillars—education, health care, social welfare and economic affairs—and is officially committed to progressive Islam, cultural enlightenment and women’s empowerment.

In 2016, it founded the first university in the country managed by a women’s organization. Aisyiyah works locally, nationally and internationally. Right now, there are 23 international branches around the world, including in Malaysia, Turkey, Australia, America, Egypt, Saudi Arabia and others, underscoring the vital religious and public role of women in Indonesian and Muslim public life.

Aisyiyah has established more than

- 568 cooperatives
- 1029 household enterprises
- 87 general hospitals
- 106 clinics
- 105 maternity hospitals
- 20 community health care centers
- 16 pediatric hospitals
- 76 mother and child clinics
Aceh is a special autonomous region in Indonesia, created through a 2005 MOU between the national government and local authorities, after nearly two decades of conflict. Aceh is culturally and religiously different than the rest of Indonesia as it is ruled by a very conservative order of Islam.

Although the largely secular laws of Indonesia apply in Aceh, the provincial government passed additional regulations, some derived from Islamic criminal law. Offences under the provisions address, among other things, adultery, rape, sexual harassment, certain intimacies outside marriage, and certain homosexual acts. Punishments include caning, fines, and imprisonment. In 2016 Aceh processed 324 first instance court cases under Islamic criminal law and carried out at least 100 caning sentences.

Over time, the Aceh authorities have instituted several regulatory articles that disregard the rights of women who have been sexually harassed or raped. When a woman is afraid to testify to rape, she can be criminally charged with false reporting, regardless of the reasons for her fear. If punished, she is subject to 80 lashes by caning. Rape regulations also enable impunity for perpetrators. When evidence for rape is perceived as insufficient, the case can be settled within one day by the perpetrator simply taking an oath that he did not commit rape; he then walks free. Rape victims can be forced to marry the rapist. The Anti-Domestic Violence Law in Aceh does not grant victim rights to those who experience domestic sexual violence or rape within marriage.

Building on a decade of concern about Aceh, in 2019 the Komnas Perempuan team together with Aisyiyah launched a campaign to address women’s rights in Aceh, with a particular focus on sexual violence. Along with others, Aisyiyah members joined this effort and were actively involved in amending the Shariah law in Aceh to advance women’s rights. They conducted research on the experiences of women and their rights violations, in order to criticize the law and propose alternative approaches, including implementation of national law in Aceh.

Aisyiyah found that the Aceh government promotes laws oppressing women while ignoring corruption, conflict of interest, and other governance malpractices. The research also revealed the selective application of women controlling and oppressing aspects of Shariah law but not corruption or other moral violations. Also, Aisyiyah found that the family law under Shariah in Aceh is not only about sexual slavery, as in the bill on sexual crimes, but it also includes economic slavery. For example, women kindergarten teachers receive the equivalent of US$2-3 monthly.

Based on these findings, Aisyiyah raised awareness on all the oppressive women’s rights issues and contradictions through a coordinated local and national advocacy, drawing on Islamic research and women’s experiences relating to Shariah law, and encouraging government decision-makers to apply constructive recommendations to advance women’s rights in Aceh.
OBJECTIVE

The primary aim of the advocacy campaign was to amend Shariah law in Aceh, specifically the treatment of harassment cases, which were previously equated with adultery.

STRATEGIES AND ACTIONS

1. Engagement of religious leaders, academics, women’s organizations, and stakeholders from different districts in Aceh to gather information and raise awareness about sexual and gender-based violence and women’s rights.

2. Collaboration with the local parliament in Aceh to influence legislative changes promoting implementation of national laws on sexual crimes rather than Shariah law.

3. Working with Islamic boarding schools and the Ulama to draft standards for educational institutions to prevent and address sexual and gender-based violence (SGBV) and women’s rights issues.

4. Providing financial support and capacity-building to women’s organizations in Aceh.

SUCCESSES

1. Prevention of harm by postponing implementation of national law on sexual crimes in some districts in Aceh, reducing the application of Shariah law in harassment cases.

2. A national Attorney Guidance note addresses the rights of women and children in the criminal code.

3. A letter from the National Ministry of Home Affairs has advised the local Aceh government to obey national laws regarding sexual violence and child protection.

4. Engagement with Aceh religious leaders, academics and women organizations through the National Center for Peace has encouraged local ownership over local discussions about conflict to include consideration of sexual and gender based violence and women’s rights.

5. Involvement of women in peacebuilding in Aceh has increased their ability to influence decision-making on regulations addressing violence.

6. Drafting of standards for non-violent educational institutions, with stakeholders providing feedback and contributions, has increased understanding of the need to address SGBV in schools.

“Correct interpretation of Religious texts in this case Shariah laws played a crucial role in making the case for advancing women’s rights. The Komnas Perempuan team partnered with Aisyiyah members as well as other women organizations to leverage Islamic principles and engage religious leaders to advocate for a more inclusive and gender-just interpretation of Shariah law.”

Prof. Alimatul Qibtiyah
CHALLENGES

1. Significant challenges emerged during the advocacy period including resistance from local ministries in Aceh and attempts to introduce new discriminatory family laws that reflect conservative religious perspectives.

2. Majority of politicians support using the province’s special autonomy to preserve discriminatory laws justified by Shariah Law. Women human rights defenders have been threatened for raising their voices and campaigning against the harmful norms and laws.

LESSONS LEARNED

Local lessons learned in the Aceh advocacy intervention:

1. Engaging diverse stakeholders including religious leaders and women’s organizations to make a positive impact in legal/policy reforms requires evidence, building alliances and seeking support from diverse actors and agencies.

2. It is crucial when delivering an advocacy initiative to adapt the language and framing of discussions to resonate with the local religious and cultural context and bring out the contradictions, double standards and subjectivity of current measures.

3. It is important when advocating or policy change to leverage international protocols, treaties and conventions to strengthen advocacy efforts and highlight to authorities’ best practices globally.

KEY FACTORS FOR SUCCESS

1. Introducing “Islamic humanism” as a norm to indirectly support human rights discussions within the local context.

2. Collaboration with local parliament, religious leaders, academics, women’s organizations, and civil society for networking and capacity-building.

3. Engaging Islamic boarding schools, including Ulama and students, to raise awareness of women’s rights perspectives.

4. Building constructive dialogue on national and international level.

5. Muhammadiyah and Aisyiyah membership in Faith to Action Network enables the organization to gain greater visibility for its work internationally.

6. The membership also taps into the Faith to Action network for mutual solidarity and support, sharing knowledge about strategies and approaches to advance women’s rights in the face of harmful religious practices with peer organizations around the world.

FUTURE ADVOCACY WORK

Objectives

1. Challenge discriminatory regulations in Aceh and enforce national laws on sexual violence.

2. Ensure the protection and recovery of victims by promoting the implementation of national laws and international standards at the local level.

3. Negotiate with the Ministry of Home Affairs and other national institutions for policy changes.

Strategies

4. Sustained advocacy campaigns to change discriminatory regulations in Aceh and enforce national laws.

5. Support to women’s organizations, research institutions, and minority groups as they advance advocacy efforts to duty bearers.

6. Combat the introduction of a discriminatory family law that includes provisions such as forced marriage for rape victims.