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**CEDAW-Islam Framework in Integrating Gender Equality Perspectives into Legal
Reform**

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CEDAW–Islam Framework in Integrating Gender Equality Perspectives in Legal Reform in Aceh, Indonesia

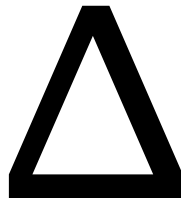
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Law Making Process in Aceh

- ▶ Aceh has special autonomy and based on Sharia
- ▶ The Helsinki Memorandum of Understanding (MOU) signed between the Government of Indonesia and the Free Aceh Movement on 15 August 2006 mandated the Law on Governing of Aceh (LOGA)
- ▶ The Law on Governing of Aceh (LOGA), No. 11/2006, provided opportunities for development of *qanun* based on its special authority.
- ▶ Aceh Qanun is a statutory regulation similar to provincial regional regulation stipulating the administering of government and life of Aceh community.

Triangle of Decision-making in Aceh

Executive



Legislative

Aceh Ulama Council

The process for Qanun development

- ▶ Based on Qanun No. 3/2007 ,Qanun on Making Qanun, the qanun making process can be done through two ways:
 - proposal from the executive; or
 - proposal from the legislative.
- ▶ The processes taken are similar with those at national level.
- ▶ Academic paper/transcript as the beginning step should include Islamic, Philosophical, Juridical and sociological aspects.

What are the principles of Qanun Making?

- | | |
|-----------------------------|--|
| a. Islam | i. Pluralism |
| b. Truth | j. Justice |
| c. Benefit | k. Non-discrimination |
| d. Protection of Rights | l. Equality before the law and governance |
| e. Humanity | m. Certainty of law |
| f. Nationality | n. Balance, compability, equality and harmonisation. |
| g. Family | |
| h. Acehnese characteristics | |

Public participation in Qanun making process

- ▶ Public participation is widely set forth in the Qanun No. 3/2007 (Qanun on Making Qanun)
- ▶ Articles 3 states that every steps within the qanun preparation and deliberation should guarantee participation of public.
- ▶ Public are entitled to provide inputs verbally or in written form with during to preparation and deliberation of qanuns.
- ▶ Public participation shall be done through workshop, seminar, meetings, public hearing, socialization of draft qanun and so on.

What we do in Aceh?

- ▶ Enhancing capacity through trainings on increasing gender perspective and Islam and improving capacity in legislation drafting.
- ▶ More understanding the problems undergone by society particularly women within the implementation of Sharia as well as improving understanding on gender justice and non discriminatory legal products.

Continue: What we do in Aceh?

- ▶ Establishing networks for legal advocacy, such as:
 1. *Jaringan perempuan untuk kebijakan* (JPUK) or Women Policy Network
 2. *Koalisi Kebijakan Publik* (KKP) or Coalition of Public Policies
 3. Parliament monitoring team at district/city levels

Continue: What we do in Aceh?

- ▶ Utilizing the widely opened opportunities for public participation so that civil society groups (including women groups) could involve in formulating the academic transcript and qanun (draft Qanun proposed by civil society), then offered as initiatives of executive or legislative.

Continue: What we do in Aceh?

- ▶ Building synergy with executive and legislative to be involved as member of the qanun formulating team, either proposed by executive or legislative and either serve as drafter or expert staff.

Continue: What we do in Aceh?

- ▶ Provide written and verbal inputs during the public hearing.
- ▶ Organize special audience/hearing
- ▶ Develop research on the convergence of CEDAW, Islamic Law, Acehese customary and positive laws.

What are the challenges?

- ▶ Understanding of gender among the policy makers (executive and legislative) is still low/limited, and hence the well drafted qanuns are changed in many times and as consequence the (gender) perspective is missing.

Continue: What are the challenges?

- ▶ Not all policy makers understand the procedures set in Qanun on Making Qanun (Qanun No. 3/2007).
- ▶ Public are not well informed on the deliberation schedule.
- ▶ The timeline for submission of inputs (set by the legislative) is very limited (7 days) after announcement is made.

Continue: What are the challenges?

- ▶ Non-direct forms of discrimination. Unclear law will provide opportunities to discriminate or lead to discrimination because present understanding of equality still does NOT include substantive equality.

What are the strategies?

- ▶ Lobbying from the first step of formulation (drafting of Qanun) by civil society to the policy maker and inclusion of the related stakeholders / parties within the drafting team.
- ▶ Set-up special team to perform monitoring of the deliberation processes.

Continue: What are the strategies?

- ▶ Putting the 'non removable' major and fundamental issues within the draft qanun into articles on general provisions and principles.
- ▶ Ensure draft Qanun are not bias, ambiguous or provide opportunities for inclusion of articles that leads to gender injustice or discrimination.

Continue: What are the strategies?

- ▶ Never give up in providing continuous critique and comment to draft qanun with different stakeholders, since with more learning/studies and point of views the more we figure out weaknesses and the solutions to overcome/complete those weaknesses at the same time.

Achievements

- ▶ Adoption of the 30% – temporary special measure, in Qanun for Local Political Parties and Qanun on the Execution of Election.
- ▶ Future opportunities through the Qanun on Women Empowerment and Protection of Women's Rights (listed in 2009 priority list).
- ▶ Women representatuon in the Aceh Ulama Council.
- ▶ Aceh Women Charter as a moral commitment, launched on 5 November 2008.
- ▶ Increase of support in advocacies from male activists for provision of gender equality in policies and laws.