SPECIAL RAPPORTEUR FOR ACEH
INDONESIAN NATIONAL COMMISSION ON VIOLENCE AGAINST WOMEN

A REPORT ON DOCUMENTATION
FINDINGS ON THE STATUS OF
WOMEN IDPS' HUMAN RIGHTS
IN ACEH

AS VICTIMS, ALSO SURVIVORS

**COLLECTION OF
WOMEN IDPS'
EXPERIENCES AND VOICES
OF VIOLENCE AND
DISCRIMINATION IN ACEH**

INDONESIAN NATIONAL COMMISSION ON
VIOLENCE AGAINST WOMEN
(KOMNAS PEREMPUAN)

FORWARD

Through an intense and participatory documentation process for almost a year, the Indonesian National Commission on Violence Against Women's Special Rapporteur for Aceh, Samsidar, has made a number of important findings regarding the life of women IDPs in Nanggroe Aceh Darussalam.[1] Since the founding of Komnas Perempuan[2] in 1998, Samsidar, an activist who struggles for Acehnese women's human rights, has been a national commissioner. In June 2005, she was officially appointed as Special Rapporteur for Aceh and given the task of making a comprehensive report on the status of women's human rights following the tsunami and years of armed conflict in Aceh.

The findings of the Special Rapporteur for Aceh relate to experiences of violence and discrimination, in accordance with the mandate of Komnas Perempuan. Although it may be said the picture she has obtained is filled with stories of failure (failure to prevent violence and discrimination), actually the overall process of documentation is a story about the strength of Acehnese women in facing life that is full of injustice. The documentation team that supported the Special Rapporteur for Aceh, the majority of whom were themselves IDPs, is evidence of this.

The intention of Komnas Perempuan to document the experiences of women related to violence and discrimination is not simply to draw up a list of problems that must be addressed by the Indonesian nation, but also to look for comprehensive and fundamental solutions along with breaking ground in fulfilling the rights of victims to truth, justice and reparations.

Through this documentation, Komnas Perempuan also hopes that the rest of Indonesia, and not just Aceh, can learn from the experience of Acehnese women so that such abuses are not repeated anywhere throughout our country and will not have to be faced in the future by coming generations.

Of course for this hope to become a reality, the prerequisite is that state institutions as well as society be willing to scrutinize this report and use it as a joint base from which to take effective, tangible steps.

Jakarta, 22 March 2006
Kamala Chandrakirana
Chair of Komnas Perempuan

[1] Nanggroe Aceh Darussalam or State of Aceh, Abode of Peace, is the official name for the Indonesian province of Aceh. In 2001 Indonesia granted Aceh special autonomy to manage its own internal affairs. Major aspects of the legislation included the right to Islamic law (Syari'ah), the return of natural resource revenues and the right to hold direct local elections.

[2] Komnas Perempuan is short for *Komisi Nasional Perempuan* (literally Komnas Perempuan) and is popularly known in Indonesia as the shortened reference for the Indonesian National Commission on Violence Against Women. This Indonesian abbreviation will be used throughout this English translation.

PREFACE

For me personally, the Special Rapporteur for Komnas Perempuan is such a heavy responsibility that I almost cried and refused the position. Added to this was the confusion I felt when I consciously reflected that this was a new mechanism that could set an effective precedent for the enforcement of women's human rights.

The main substance of the Special Rapporteur's mandate and range of tasks is to report findings on the status of women's human rights. In essence the work consists of *first*, a process to document and report the findings, and *second* to provide a space for and increase the capacity of victims/survivors which is an inherent part of the work of documentation itself. The hard work and persistent enthusiasm from day to day since September 2005, cultivated by the documentation team who, in turn, were supported by the communities of victims/survivors, are the spirit of the report I present.

Discrimination and violence against women are integral to the process of "reconstruction and rehabilitation" of Nanggroe Aceh Darussalam and, therefore, the historical record of that process. This is proven by the team's findings, namely 191 cases of violence, discrimination and forced eviction against women IDPs. These findings, documented between September 2005 and the end of February 2006, are only a small part of the experience of women IDPs. Many remain quiet and try to deeply bury their bitter experiences in the struggle to obtain their rights as IDPs because those experiences have hurt them, and they are afraid that the reconstruction and rehabilitation process will stop and they will be hurt again if their experiences and bitterness are documented.

Misogyny in the social-cultural structure allows those closest to IDP women to carry out violence and discrimination against them. Patriarchal culture that pervades the social structure undoubtedly informs the values and paradigm in providing aid to IDPs. Discrimination against women that takes advantage of stereotypes, such as stereotypes about widows, is used to justify the abuse of authority. Eviction in the name of development and because of aesthetics regarding showcase barracks targets women IDPs who had begun to be economically independent. Implementation of policies continues to sideline the reality that a widow is the head of household. Policies that are never reformed despite this reality are used as guidelines by those who should protect and guarantee women IDPs' open access to aid, and hence sustain opporutnities for discrimination through limiting or eliminating their access to aid.

It is precisely the home, supposedly so full of ideals and hopes, where wives, children and sisters become objects of violence. Women victims have few choices other than forced divorced, denial of their rights to divorce, abuse and forced marriage, including *blind chinese marriage* for those who wish to reknit the fabric of a household that has torn apart.

Exploitation of women's bodies takes the form of sexual violence that is dominant in domestic and public domains. Sexual exploitation is evident in prostitution performed by girls that is permitted because of overwhelming poverty and the experience of repression inherited from the period of armed conflict in that region. Many victims do not file reports, even more so when their experience has been extensive and they are scared. They also do not report because responses are so often negative and full of violence.

In the midst of this misery are a few police who are responsive to domestic violence. Is this a result of the recent (2004) Law on Protection from Domestic Violence? Hopefully this law

will be an entry point for the enforcement of justice, something that to date has been so rare, so that victims can secure their rights to truth, justice and reparations.

Amidst harsh challenges to restoring life, especially when confronted by doubt regarding survivors' experiences, the unceasing dedication of all those involved in this documentation and reporting is an expression of joint commitment to enforce the rights of victims, especially the human rights of internally displaced women in Aceh.

Lhokseumawe NAD, 20 March 2006

Samsidar

Special Rapporteur for Aceh

Executive Summary, Human Rights Report on Women IDPs in Aceh[*]

As Victims, Also Survivors

Komnas Perempuan Special Rapporteur for Aceh, 2006

Discrimination, forced eviction and violence cannot be separated from the experience of IDP women in Aceh. At least 191 cases of human rights violations towards IDP women have been documented, namely 38 cases of discrimination, 7 of forced eviction and 146 of violence. These violations are perpetrated against women who are also faced with negotiating the complexity of issues related to managing aid as well as a scarcity of aid that empowers women wholistically, particularly for women who have been displaced as a result of conflict. These human rights violations are evidence that women are being alienated in all the commotion created by the reconstruction and rehabilitation "factory" operating in Aceh.

Gender-based discrimination is one *modus operandi* of the abuse of authority (corruption) that uses patriarchy's most effective medium, namely the marital status of IDP women. Thus, widows/divorcees and unmarried girls who, de facto, are heads of households become the vulnerable group of IDP women victims of discrimination. This discrimination takes the form of neglect, differentiation and limitations on IDP women's rights to aid, well-being, economic empowerment and political rights (the involvement of women in decision-making) in the process of distribution and management of humanitarian aid.

Forced eviction perpetrated against IDP women has been carried out in the name of development and also due to "aesthetic considerations" regarding showcase barracks. Widows/divorcees have been the main target of forced eviction; they have been the means used to intimidate other IDPs to immediately move. Women IDPs who have made an effort to restore themselves through development of small stalls in their barracks were another target because their kiosks were thought to ruin the view and orderliness of the settlement. This happened during the run-up to the one year commemoration of the tsunami because the site was to be visited by high-ranking government officials, both domestic and foreign.

Sexual violence/attack comprises nearly 74% of all cases of violence towards IDP women in Aceh; 41% of which occur in the family. In the public domain, 41% of the perpetrators are not known by the victim. The most vulnerable group to sexual attack is young women aged between 18 and 28 years old (53%). Sexual attack takes the form of rape, sexual harassment including peeping, exploitation, forced abortion, and ostracism and ill-treatment based on the stigmatization of the sex and sexuality of IDP women. Sexual exploitation in the form of underage prostitution is an indication of poverty and the legacy of repression due to armed conflict in Aceh.

Peeping (70% of cases in the public domain) is not just an annoying act but an invasion of women's safe zone, an attack on their bodies and sexuality. Peeping relates to the lack of attention given to making camp/barrack facilities safe for women; where congested barracks/ tents are populated by people, many of whom are strangers to each other, where there is poor security of toilets and barracks/tents that cannot be locked and whose walls have holes, and where there is a minimum of light on roads and in buildings.

Even the family is not a safe place for IDP women. Such a short physical distance between the rooms of barracks/tents requires that the definition of perpetrator in cases of domestic/personal violence be broadened to include in-laws and distant relatives who live in the same IDP site. More than half of all cases of violence occur in the domestic domain, including violence perpetrated after women victims reported – or it became known - that the violence they have experienced is sexual. Half of domestic/personal violence cases are perpetrated by the husband in the form of neglect and extortion, including the seizure of cash allotments (*jadup*) and aid that rightfully belong to his wife and children.

[*] This report has been compiled based on findings of the Special Rapporteur and 20 women IDPs who gathered data with the help and support of five group leaders who worked from 19 September 2005-28 Febrary 2006 to monitor 59 IDP sites located in 15 cities and districts throughout Aceh.

The institution of marriage is often used as the means to limit the sovereignty of women IDPs through such practices as forced marriage, "blind Chinese" marriage, forced separation and refusal of women's rights to divorce. At the same time the practice of poligamy is often found in cases of domestic sexual violence (31%), 32% of which are cases where husband refuses to divorce his wife and another 52% are cases of forced separation. Forced marriage particularly targets girls, whereas the forced practice of "blind Chinese" marriage is suffered by young women trying to reconcile with their husbands after divorce resulting from the third *talak* (a Muslim divorce formula). All these practices of forced marriage and forced separation/divorce are methods used by men and communities to reinforce their domination of IDP women's bodies and sexuality that results in the destruction of women's integrity.

Impunity for perpetrators of violence and discrimination towards IDP women is related to repressive practices inherited from the period of armed conflict. Moreover, each act of sexual violence is considered to cause **disgrace not to the perpetrator but to the victim, her family and community**. Therefore, solutions negotiated through family and customary mechanisms often do not fulfill victims' rights to justice, but rather perpetuates impunity and gives birth to new violence. At the same time, women IDPs who struggle for their rights and the rights of their community are precisely the ones who become targets of violence to punish and silence them.

Consequently, the majority of IDP women who experience discrimination and/or violence do not report the incidents to authorities. They try to overcome their problems by strengthening their economic self-sufficiency, or by creating a space among themselves to share their experiences and struggles, and to give mutual support. This space has also been created through this documentation process.

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INTRODUCTION

A. Overview of the Indonesian National Commission on Violence Against Women

The Indonesian National Commission on Violence Against Women (Komnas Perempuan) is an independent state institution whose mandate is to create conditions conducive to the elimination of all forms of violence against women and the fulfillment of women's human rights.

Since its founding according to Presidential Decree No. 181 on 18 October 1998, Komnas Perempuan has tried to carry out its mandate by means of a holistic approach through its programs: (a) monitoring, (b) legislative and policy reform, (c) education and campaigns, (d) development of a recovery system for women victims of violence and (e) protection of groups vulnerable to violence and discrimination.

Because of its mandate to promote Indonesian women's human rights and eliminate all forms of violence against them, it is incumbent on Komnas Perempuan to be perceptive in handling various forms of violence and discrimination against women, always responsive to ways in which those forms develop. On the basis of these demands, Komnas Perempuan needed a more flexible mechanism that was capable of exploring and providing a comprehensive understanding of emergent issues as well as providing recommendations to handle them better. In February 2005, Komnas Perempuan explored the idea of Special Rapporteur and in June 2005 adopted this new mechanism into its structure with the appointment of its first Special Rapporteur, namely the Special Rapporteur for Aceh.

B. Special Rapporteur's Work Mechanism

> *The Special Rapporteur's mandate is to monitor violations of women's human rights that happen in a certain region or context and to receive reports from people regarding such, especially to seek information and provide deeper analysis of these violations, consisting of various forms of violence and discrimination against women.*

The Special Rapporteur is a mechanism chosen by Komnas Perempuan to carry out its mandate, and also to realize its commitment to fulfill women's human rights in general, including the rights of those affected by natural disasters as well as disasters caused by social-political turmoil. The position of Special Rapporteur was formed in response to the urgency of problems faced, especially after receiving input from various groups. The Special Rapporteur is appointed in a plenary session of Komnas Perempuan.

There are two kinds of Special Rapporteur based on the scope of the work, namely thematic and regional Special Rapporteurs. Both kinds work within a framework of women's human rights to specifically focus on problems, issues and/or phenomena of gender-based violence and discrimination.

Thematic Special Rapporteurs seek information across a broad geographic region to get a complete picture concerning the breadth of the problem, issue or phenomena of gender-based violence and discrimination. On the other hand, regional Special Rapporteurs work cross-sectorally to obtain a picture of various problems and issues of gender-based violence and discrimination experienced by women in a particular region.

Activities of the Special Rapporteur include observation and collection of data on violence and discrimination in the field, study of legal resources and other literature, provision of needed technical assistance to groups, suggestions regarding efforts to prevent and address acts of gender-based violence and discrimination, suggestions regarding recovery of women victims, development of a broader monitoring network while involving herself in campaign activities to eliminate the violence and/or discrimination that is the particular focus of her attention.

The Special Rapporteur is mandated to seek information and provide deeper analysis of problems, issues and phenomena regarding the status of women's human rights which include various forms of violence and discrimination against women. Hence the Special Rapporteur may contact various parties known to have information or an understanding of the issues, including local, national and international experts in order to sharpen her analysis.

To monitor problems, issues or phenomena about violations of women's human rights that happen in a certain region or thematic context and to receive reports from people regarding such are also part of the Special Rapporteur's mandate. Therefore, the Special Rapporteur may visit communities in order to scrutinize reports submitted by groups or individuals from those communities.

The Special Rapporteur has the authority to give a response to reports submitted by groups or individuals and, if needed, communicate those reports to various authorities, especially to state institutions, and to give suggestions about how to handle the problem that includes breaking the chain of impunity for perpterators of human rights violations and to demand reparations for the recovery of victims. Results of investigations, observations, and reports received and communicated to authorities are regularly reported in writing to the public as an integral part of the effort to create conditions conducive to the fulfillment of Indonesian women's human rights.

Groups or individuals may access the functions of the Special Rapporteur. There is no formal procedure for groups or individuals to submit reports to the Special Rapporteur. Nevertheless, the Special Rapporteur has developed guidelines for reporting in order to facilitate those who would like to report and to enable the Special Rapporteur to carefully examine reports received and to develop a strategy for follow-up.

C. Background to the Documentation on Human Rights Status of Women IDPs in Aceh

It is estimated that from March 2005 to March 2006, many Acehnese, especially women, are still IDPs. Furthermore, while this report was being discussed, in several places there were still IDPs as a result of armed conflict. Experience shows that discrimination and violence against women IDPs inevitably happens and is often forgotten, even in the process itself for responding to IDPs.

While exploring the mechanism of Special Rapporteur, Komnas Perempuan held a public consultation in Banda Aceh in March 2005 with women's organizations and organizations that work to advance the condition and position of women in Aceh. Objectives of this public consultation were:

- to introduce and explain the mechanism of Special Rapporteur
- for the Special Rapporteur to obtain a comprehensive understanding of violence against women in Nanggroe Aceh Darussalam and initiatives taken to address it

- to get input regarding the work and themes or issues that should be raised by the Special Rapporteur for Aceh.

The theme agreed upon in this public consultation was the Status of Women IDPs' Human Rights. There was a good reason for this choice because besides being a region of armed conflict that had left behind various problems, including internal displacement, the earthquake and tsunami had displaced hundreds of thousands of inhabitants of Nanggroe Aceh Darussalam, including women. Although the phase of emergency response has been declared finished, the breadth of the impact still needs time and a lot of resources to restore conditions in the region. It is estimated that from March 2005 to March 2006, many Acehnese, especially women, are still IDPs. Furthermore, while this report was being discussed, in several places there were still IDPs as a result of armed conflict. Experience shows that discrimination and violence against women IDPs inevitably happens and is often forgotten, even in the process itself for responding to IDPs.

D. Documentation Process

Besides monitoring and gathering information concerning facts about human rights violations of displaced women in Aceh through observation and investigation, the purpose of this documentation is also to increase the capacity of displaced women to understand their rights as victims/survivors to truth, justice and reparations. It is also to restore their trust in advocacy and engage them in a more participatory, systematic and ongoing strategy for the fulfillment of women IDPs' human rights.

Documentation of the status of women's human rights was a process of finding, verifying and gathering facts about an event in which the human rights of internally displaced women were violated. Another purpose of this documentation was the empowerment of women, especially displaced women, in reclaiming their rights as victims to truth, justice and reparations. Komnas Perempuan is commited to providing space and opportunities to increase documenters' knowledge and understanding of human rights, especially as it relates to violence and discrimination, along with developing women's expertise in documenting the status of women's human rights. This commitment is part of the effort to increase the capacity of victims and/or women human rights defenders.

Based on the above considerations, victims/survivors were part of the documentation team. The involvement of victims/survivors as documenters also restored the faith of victims' communities in stagnated efforts to expose violations of women's human rights. Distrust did not suddenly emerge, but resulted from broken promises and a history of impunity in the long journey of the people of Aceh who are tired of waiting for promises to be realized, both promises of livelihood assistance and accountabilty for human rights violations. Therefore, the empowerment and involvement of victims/survivors is a crucial part of developing a more participatory, systematic and ongoing advocacy strategy for the fulfillment of women IDPs' human rights.

This documentation process used the methods of structured observation and participatory investigation. Structured observation was understood by the team to mean efforts to monitor particular issues agreed upon as the focus of the documentation, namely specific conditions that influenced the daily lives of women IDPs. Investigation seeks the truth about an

incident that has occurred. The degree of documenters' participation was layered. At one level team members documented conditions of their own lives and those with whom they were intimate. At another level, documenters observed and investigated human rights issues faced by other women IDPs, both those who lived in the same IDP sites as they or who lived in other sites.

Structured observation and participatory investigation were carried out selectively based on initial information about incidents of violence or discrimination. After preparations to determine what to observe and investigate, the documenters undertook field observations. At this stage the documenters first explained the purpose of the observation and investigation to the informant/s, carefully observed the condition of the informant/s (victim/s and witness/es) before undertaking in-depth interviews. This included seeking additional information and verifying it with other knowledgeable/competent sources to support the accuracy of the information or to supplement it.

Documenters had to uphold and implement basic principles in the documentation process: respect the rights of the victim, never revictimize or blame the victim, never give personal opinions, and never confuse opinions with facts. These basic principles were based on the consideration that the information was owned by the victims and witnesses. The rights of the victims/witnesses were highly respected, including the rights of those unwilling to give an interview or those who were willing to explain their case, but unwilling for it to be documented.

This documentation was conducted by a documentation team consisting of data collectors/ documenters, team leaders, a core team and the Special Rapporteur. The documenters were grouped based on regional proximity and supported by a team leader for each group. The core team coordinated field activities and managed the data and, together with the Special Rapporteur, developed a program to expand the capacity of the entire documentation team, including the ability to analyze the findings.

The majority of informants were victims themselves (97.4%) and the rest were witnesses. In order to reduce distortion due to personal perceptions, opinions and biases, observation and investigation results were first studied and discussed within the regional teams. Further discussion was then held in meetings of the entire documentation team with the core team and Special Rapporteur. If there were questions about the information or it was incomplete, the documenter herself, or accompanied by her team leader or by a member of the core team, would need to return to the site for further observation, investigation and interviews or verification of facts with the victim/witness as well as with others who had needed information. With pressing or very complicated cases, the Special Rapporteur herself would be directly involved in verification of the case. In one case, a documenter even visited the victim and observed the location five times to investigate, hold interviews and verify the case.

This documentation process covered 15 districts/municipalities in Nanggroe Aceh Darussalam where there are IDPs, namely Sabang, Banda Aceh, Aceh Besar, Aceh Jaya, Aceh Barat, Nagan Raya, Aceh Barat Daya, Aceh Selatan, Simeulu, Singkil, Aceh Timur, Aceh Utara, Lhokseumawe, Bireun and Pidie.

After first covering their own IDP locations, the documenters then gathered information from other sites for a total of 59 locations that included barracks, tents, semi-permanent dwellings and buildings/shelters, while finding and investigating cases of discrimination and violence that occurred in these locations.

The detailed phases of the documentation process from preparation to the final report are as follows:

1. **Preparation Phase**

- Preparation of the draft of observation instruments
- Securing documenter candidates
- Preparation of a module to increase the capacity of the documentation process
- Securing consultants and a working team for the Aceh Working Group of Komnas Perempuan
- Familiarizing the documenter candidates with the purpose of the documentation
- Discussion of the documentation working mechanism with the documenter candidates
- Human Rights, Gender and Documentation Training I for the documenters
- Group discussion and improvement of documentation instruments
- Securing team leaders
- Human Rights, Gender and Documentation Training II
- Test documentation instruments
- Human Rights, Gender and Documentation Training III
- Group discussion and further improvement of documentation instruments
- Preparation of database

2. **Execution Phase**

- Observation and investigation, Stage I
- Compile findings
- Discussion of findings per regional team
- Discussion of findings together with the full team
- Observation and investigation, Stage II
- Further compilation of findings
- Discussion of new findings per regional team
- Discussion of new findings together with the full team
- Observation and investigation, Stage III
- Final compilaton of findings
- Final discussion of findings per regional team
- Final discussion of findings together with the full team

3. **Reporting Phase**

All the findings, discussed and analyzed together with the full documentation team, were recorded in a report to be discussed with the public. The public discussion took place in Banda Aceh on 27 March 2006 in which the Governor of Aceh, the Acehnese Parliament, the Board for Reconstruction and Rehabilitation, and the Acehnese Council of Muslim Clerics gave official responses to the report. The public, including the mass media, also made responses. The report, response of provincial authorities and results of the public discussion were then presented by the Special Rapporteur before a plenary meeting of Komnas Perempuan and then officially presented to national authorities and the public in Jakarta.

The final report, that includes proceedings of the entire process, will then be handed over to the President of Indonesia. The entire reporting process was used as a means both to present information and to capture tendencies of Acehnese and national government authorities in enforcing and fulfilling human rights for IDPs, especially women IDPs. The findings and lessons learned from this process can then be used as a reference by the government as well as by local, national and international NGOs to develop more comprehensive, gender-sensitive policies for handling internally displaced persons, in Aceh as well as in other regions of the Republic of Indonesia.

E. Women Who Worked as Documenters

Based on input during a public consultation in March 2005 that Komnas Perempuan held with women's organizations and organizations working with IDPs, the Special Rapporteur for Aceh had the idea for a working mechanism, namely formation of a documentation team. This team had the task of observing, investigating and gathering information on the status of women IDPs' human rights.

Twenty-one Acehnese women were chosen as documenters and five others were team leaders. All of them were IDPs and/or worked with IDPs. They came from 15 districts/municipalities in Aceh that were hit by the tsunami and/or armed conflict. They lived in tents, barracks, semi-permanent dwellings they built themselves often from salvaged materials, public facilities that were converted to temporary shelters and in the homes of family members. Their educational and social backgrounds varied - some had graduated only from grade school whereas others had graduated from a *pesantren* (Islamic school) or university. One member was still a schoolgirl, others were school dropouts, salaried school teachers, teachers receiving a stipend, housewives, university students who were paying their own school expenses, fisherfolk and local NGO activists.

In their limited situation as victims who were also survivors, these women were diligent in documenting discrimination and violence against women IDPs, working with enthusiasm and great concern for their fellow sisters. They rose up and took the initiative to recover remnants of their hope. Through documenting cases of discrimination and violence that befell women IDPs, they were determined to expose cases that they themselves, their sisters, friends and other women IDPs experienced. They worked with the hope that *the chain of discrimination and violence, and the pervasiveness of impunity would be understood, and that promises to protect women would be furthered by the public and the authorities and not again denied.*

FINDINGS

The data presented here are based on findings of the documentation team of the Special Rapporteur for Aceh. Totals and percentages are presented to facilitate reading of the case findings. Percentages are not calculated based on the total population of women IDPs or total population of women in Aceh, *but rather calculated based on the total number of cases documented, or based on sub-totals according to types of cases.*

An elaboration of the documentation findings is divided into two parts. The first part presents general findings about the cases. These findings include types of cases - discrimination, forced eviction and violence against women IDPs – characteristics of the victims and perpetrators, domains where the cases occurred, and the types of temporary dwellings where the victims lived. Acts of discrimination, forced eviction and violence experienced by women IDPs can only be fully understood when placed in the context of women IDPs' lives where facilities are inadequate and women's burdens are multiplied. This context is seen in a general picture of 59 IDP sites that were documented (see Appendix 1 for the names of these sites). Whereas most of the information about IDP sites is presented in this section on general findings, other information is presented when relevant to the specific findings.

The second part of the report is a detailed discussion of issues that emerged from the findings. The specific findings begin with (a) the experience of discrimination experienced by women IDPs in the public as well as the state domain and (b) the experience of forced eviciton that follows a pattern similar to that used during the New Order period. Specific findings about (c) sexual violence, which is the main kind of violence found in the public domain and also occurs in the domestic domain, are followed by findings about (d) the vulnerability of women IDPs towards violence connected to the institution of marriage. Because problems in the domestic/personal domain are complicated, in this section we also have a sub-section on (e) issues of violence in the household that have not yet been discussed in sub-section (c) or (d). Finally, in the specific findings we focus on the status of women displaced as a consequence of the armed conflict. This focus is important because since the tsunami, it is as if displacement resulting from the conflict has been forgotten.

Learning from the long history of violence against women, we must not forget to give special attention to the pervasiveness of impunity for perpetrators of violence and discrimination against women IDPs. Therefore, the discussion of each of the above issues also elaborates problems faced in reporting cases as well as varied responses to the victims.

1. GENERAL FINDINGS:

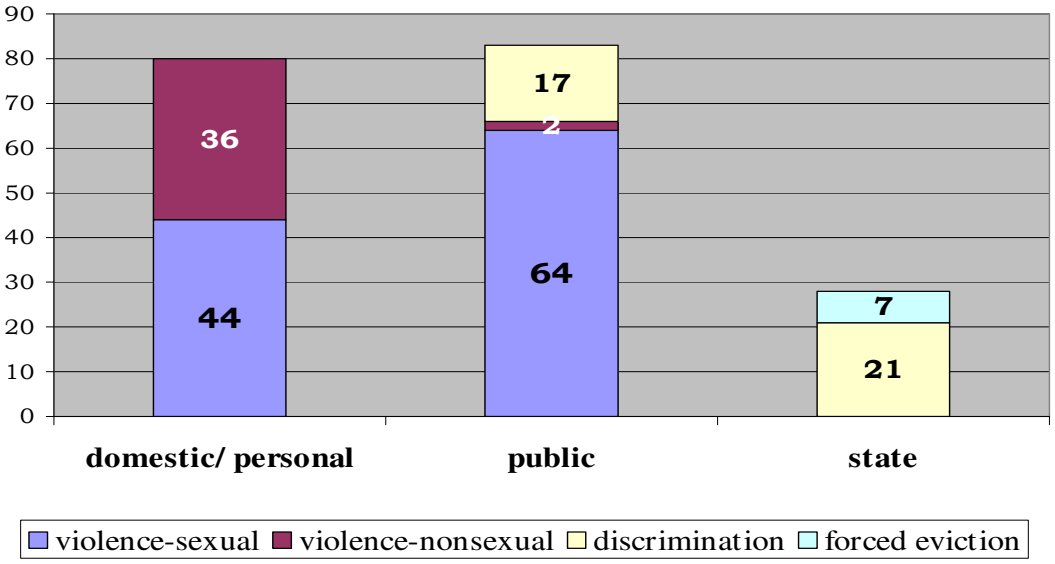
DISCRIMINATION, FORCED EVICTION & THE SPIRAL OF VIOLENCE AGAINST WOMEN IDPS

1. In all the commotion created by the wheels of reconstruction and rehabilitation – living stipends, temporary dwellings, tents and building materials along with food and clothing aid, efforts to restore the economy, and various other programs – the rights of women IDPs have been denied. Their rights are ignored and obstructed, they experience various forms of violence, some are even raped and forced to become sex workers. Acts of discrimination and violence are often perpetrated by those closest to women IDPs, by those who should protect them, namely by those who uphold the pillars of what is called "the household" along with those who are chosen or appointed as barrack coordinators or village heads. Women IDPs are also faced with forced eviction by a number of state officials. One forced eviction occurred just before the one-year commemoration of the tsunami because the IDP site in question was scheduled for visits by head of the Indonesian state and several other state leaders.

2. Documentation began on 19 October 2005 and continued until 28 Februari 2006. This documentation process found **191 cases** comprising 146 cases of violence, 38 cases of discrimination and 7 cases of forced eviction against IDP women (see Diagram 1). The total was nearly balanced with 44% of the cases occurring in public and 42% in domestic space; the remainder happened in the state domain. Of 146 acts of violence, **108 cases or 74% were cases of sexual violence** and comprised the form of violence most often found in the public domain (97%).

Diagram 1

Women IDPs' Experiences of Violence and Discrimination



3. For act discrimination and eviction, the total number of cases was calculated based on incidents, namely one incident that involved one or more perpetrators and caused one or more women IDPs to become a victim/s. If calculated according to the total number of victims, at least **136 women IDPs were found to be victims of discrimination and 103 were victims of forced eviction.** This is because one act of discrimination might

target anywhere from 7 to 62 women IDPs, and in each eviction case the victims ranged from 4 to 69 women IDPs.

4. For acts of violence, the total number of cases is also calculated based on incidents, namely one event that involves one perpetrator and causes one woman IDP to experience forms of violence such as physical, psychological, sexual and/or economic misery or suffering. In order to highlight the complexities that contribute to **spirals of violence against women**, such as the spiral described in Illustration 1, shifts in domain and in forms of violence are counted as separate cases. Thus, the incidents described in Illustration 1 were counted as five separate cases, one case for each expansion of the spiral. Although the incidents described in phases 2, 3 and 5 all occurred within the domestic domain, they were counted as three separate cases not only because the perpetrator in each phase is different, but also because the character of the violence in each was significantly different and so contributed differently to expansion of the spiral. Thus, the total number of cases of violence found by the team comes to 146, whereas the total number of victims is only 136. This indicates that some women IDPs faced more than one perpetrator who committed various forms of violence across all domains that intensified over time; this is what is meant by **a spiral of violence against women**.

Illustration 1

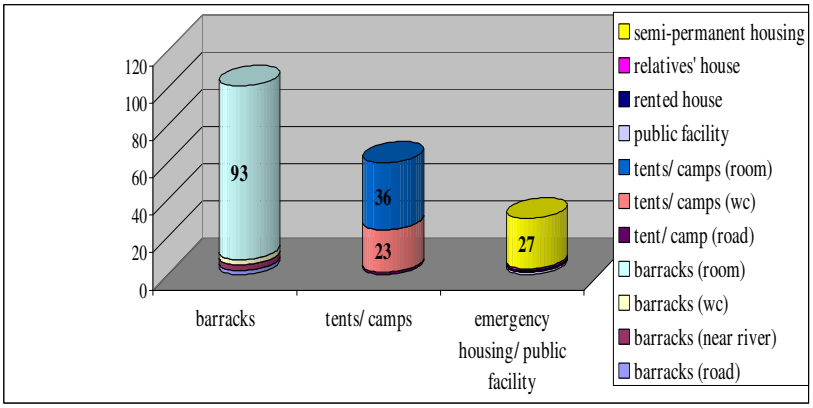
Spiral of Violence Against a Woman IDP

Spiral phase	*Domain/ Victim-perpetrator relation/ Form of violence*	*Incident of violence*
1	Public/ No relation between victim & perpetrator/physical, sexual and psychological	The victim was raped three separate times by the same perpetrator when the victim went to the forest near her IDP barracks to look for firewood. The victim was dragged to a quiet spot, her hands tied, her mouth gagged and then she was raped before she was finally released and went home. The third time this happened the victim was able to cry for help, but no one came. Because she was afraid, the victim never told anyone about what happened. After the first incident, a neighbor asked about blood on the seat of the victim's long blouse and the victim said her menstrual blood had leaked through. The victim became pregnant as a result of the rapes.
2	Domestic/victim's older brother/physical, psychological	When the victim's pregnancy became known, her family was very angry. Her older brother stomped on her thighs, slapped her cheeks and hit her legs and waist with a piece of wood.
3	Domestic/victim's mother/physical, sexual, psychological	The victim's mother pinched her cheek very hard, pushed strongly on her stomach, slammed her head against the wall and pinched her vagina.
4	State/village head & other village leaders/ psychological	The victim's pregnancy was then reported to the village head. The perpetrator was processed and made to pay a fine according to customary law in the amount of one goat, five bamboo containers of rice (approximately 10 kg), Rp 200.000,- (less than US$25) and had to marry the victim. The victim had no choice but to go along with this decision.
5	Domestic/husband as rapist/psychological, economic	The morning following the wedding, the perpetrator/husband left the victim's house and never returned. The victim gave birth and now must support the child by herself.

A. IDP Sites, Domains & Types of Cases

5. One hundred one cases of violence and discrimination (53%) were experienced by women living in barracks, 60 cases (31%) by those in tents and 30 cases (16%) happened in other IDP sites, namely 27 cases in semi-permanent houses, one in a building used for IDPs, one in a home where IDPs were staying and one in a rented house (Diagram 2). Barrack rooms are the most common sites for acts of violence while WCs and roads in barrack as well as tent settlements are locations where women are vulnerable to violence.

Diagram 2
Types of Temporary Shelters & Total Cases



6. In general, more information was obtained from barracks since the majority of documenters live there. The data also reflect the reality in the field about the concentration of IDPs based on type of shelter. This does not mean that discrimination and violence against women that occur in other kinds of dwellings such as tents, semi-permanent houses or buildings used to house IDPs are not as complex as the problems found in barracks. Nevertheless, it is appropriate to assume that a high concentration of IDPs in a site will increase the vulnerability of women, especially towards violence.

7. One finding in the documentation that supports this assumption is that in order to calculate the number of domestic violence cases, a broader meaning of household/family was needed. According to the Indonesian Law on the Elimination of Domestic Violence (UU PKDRT), Section 2, the household is defined as (a) husband, wife and children; (b) those who are related to the people in (a) through a blood relationship, marriage, adoption and guardianship and who live in the same house; and (c) people who regularly work in the house. In short, besides a nuclear family, the household includes all those who live in one house.

8. In IDP conditions, dwelling sites are crowded, especially in barracks where there is almost no physcial distance between families. A husband and wife often live in one barrack room and in the next room lives the husband's or wife's parents and siblings or in-laws. Walls made from triplex are not soundproof, so what happens in one family is easily known by those who live in the next room. Thus, it is not unusual for members of an extended family to get involved in a couple's problems and, in the process, also become perpetrators of violence and discrimination against women IDPs (Illustration 2).

Illustration 2

When Walls Have More Than Ears

Upon returning home to her barrack, H saw her husband talking to a woman who is not an IDP. The woman was then driven away by her husband [who is an ojek *- earns money by delivering people on his motorcycle]. When he got home, the husband asked his wife for money. H didn't want to give him money because he should have received some from the woman he just delivered. Because he was refused, the husband became angry. He began to curse H, chased her, ripped her blouse and slapped her in front of their barrack room. H's mother-in-law, who lives in the adjoining barrack room, came and joined in attacking H saying she was rude, "You are no longer pretty, but you just had to chase my son." Then she hit H's hand. The victim reacted with a reflex and slapped her mother-in-law. Because she could no longer handle the abuse, the victim asked to be divorced. Her husband complied by speaking the first* talak. *[*Talak *is an Islamic divorce formula which, traditionally, is considered legitimate even when it is only spoken.] H then took her child and moved to an empty room in another barrack in the same IDP compound. Two weeks later the husband came to make peace. H accepted him and her husband moved into her barrack room. H continued to have hard feelings towards her mother-in-law, but several months later the couple and their child moved back to their former barrack room next to H's mother-in-law.*

9. With a broader definition of the household, data on domestic violence presented in this report cover the nuclear family as well as parents of the couple and family members who live in the same IDP location.[3]

10. In the domestic/personal domain, all cases documented were cases of violence perpetrated by those who have a close relationship to the victim or are related by blood or through marriage. Forty-four cases of sexual violence comprise more than half (55%) of all cases of violence in the domestic/personal domain. Two cases in the domestic/personal domain were cases where a boyfriend broke his promise (of marriage) to the victim.

11. In the public domain, 97% were cases of sexual violence; only 2 of 66 cases were not cases of sexual violence. The first of these two cases was a case of extortion towards a couple who wanted to get married. As a result, the couple had to cancel their wedding. The other non-sexual case involved physical abuse by a male IDP when the victim, who was head of the barrack, asked the man to return aid, intended for someone else, that he had obtained without her knowledge. Besides cases of violence, in the public domain were also 17 cases of discrimination against women IDPs perpetrated by civic leaders, in particular by those who have authority to manage/coordinate aid for IDPs.

[1] The Indonesian version of this report at this point explains that acts of violence perpetrated by boyfriends are also categorized as acts that occurred in the domestic/personal domain because of the intimate relationship between victims and perpetrators. The reason this explanation is needed is because for Indonesian readers, couples who are not married do not have the same social or legal status as married couples so that acts of violence in such relationships are, therefore, not necessarily understood or accepted as acts of violence in the domestic domain.

12. In the state domain, more than half of the cases (21/38 or 55%) were acts of discrimination. Seven cases of forced eviction were found to occur in the state domain where the perpetrators were acting in their capacity as agents of the state.

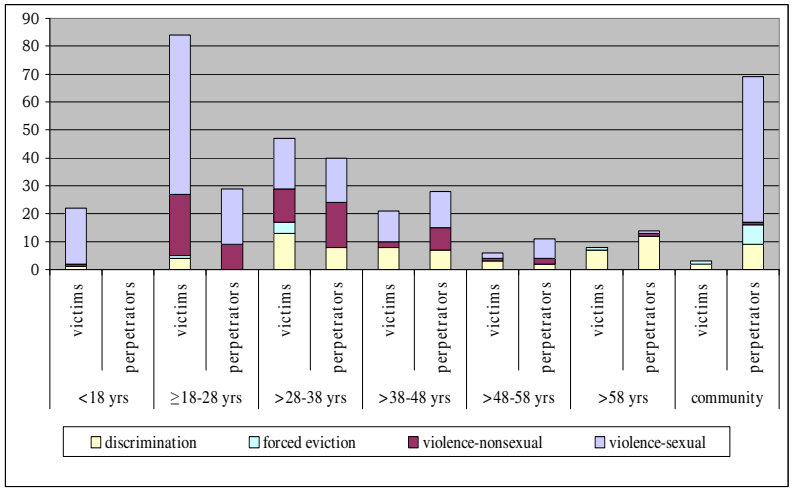
B. Victim And Perpetrator Characteristics

13. In terms of age (Diagram 3), it is known that girl IDPs were also victims of violence and discrimination. In accordance with the convention on the rights of the child (ratified by Indonesia in 1990), a child is anyone under the age of 18 years. In 22 cases of violence against female children, 20 (91%) were cases of sexual violence and 8 of those cases (36%) occurred in the family. The youngest victim of violence was 12 years old and the youngest victim of discrimination was 17 years old.

14. Most victims were women aged 18 to 28 years (84 cases) and in 57 of these cases (68%) women were victims of sexual violence. Also vulnerable to violence and discrimination were women aged 29 to 38 years (47 cases). The oldest victim in a case of violence was 52 years old, while forced eviction and discrimination often targeted older women aged 60 and above (8 cases); the oldest victim of discrimination was 70 years old. Also, in 3 cases of political discrimination, all women in these respective communities were affected so that it is irrelevant to mention the ages of the victims one by one.

Diagram 3

Ages of Victims and Perpetrators



15. As many as 69 cases were perpetrated by individuals whose identity and/or ages were unknown to the victim. In 52 of these cases (75%), the perpetrators committed sexual violence, including 4 perpetrators of rape and 35 of peeping. Besides that, five cases of sexual violence were perpetrated by communities together with religious/ cultural/civic leaders, and 9 cases of discrimination and 7 cases of forced eviction were perpetrated by state agents whom the victim could identify but whose ages were unknown.

16. No minors were found among perpetrators known to their victims. The majority of perpetrators – 32 perpetrators of violence and 8 perpetrators of discrimination – were aged 29 to 38 years old. 79% of perpetrators of violence in this age range were victims' husbands. The youngest perpetrator of violence, who was the victim's husband, was 19 years old. Three others were 20 years old; in one of these cases the husband's anger was triggered when his wife refused to massage his head. The oldest perpetrator was 65 years old, namely the mother of a victim who was beside herself with anger when she

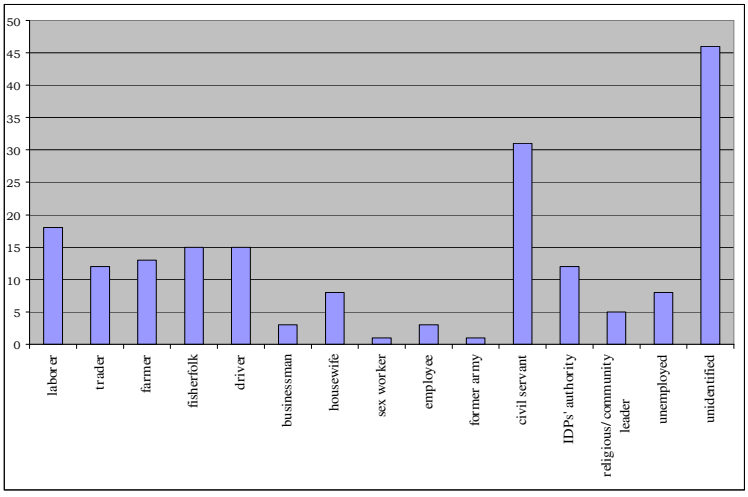
learned that her daughter was pregnant, regardless of the fact that the daughter's pregnancy was the result of rape (read Illustration 1).

17. Although the majority of perpetrators of acts of violence, forced eviction and discrimination were men, 10 perpetrators were women. Most of the women perpetrators were housewives (8 cases), one perpetrator was a group leader responsible for discrimination against at least 8 women in the group, and one was a sex worker who forced her younger sister (15 years old) to engage in prostitution.

18. The work background of those who committed violence, forced eviction and discrimination was varied (Diagram 4). In 31 cases the abuse was committed by civil servants, among others by village heads (19 cases) and by sub-district officials (5 cases). Eighteen perpetrators were laborers, including 10 who were *mocok-mocok* (day laorers). Besides laborers, 23 perpetrators worked as fisherfolk, 15 were drivers of public transport (on land or rivers), 13 were farmers, 12 were traders, including those who worked as *mugeh* (traveling salesmen), and 12 held positions of authority in IDP sites such as heads of barracks, heads of IDPs, group coordinators and heads of neighborhood clusters.

Diagram 4

Perpetrators by Work Category



C. General Conditions of Temporary Shelters

19. A complete understanding of acts of violence, discrimination and forced eviction experienced by women IDPs can only be obtained by placing these acts in the context of women IDPs' lives where women's burdens are multiplied. According to information we gathered from 59 IDP sites (see Appendix 1 for the names of these sites), the following illustrations indicate some of the problems faced by women IDPs in relation to their living conditions:

    a. Women IDPs' sense of security is always threatened. Barracks/tents that cannot be locked (20%), inadequate lighting (49%) and bathing/toilet facilities that make peeping easy (25%) are some of a long list of things that cause women to feel insecure. Furthermore, in 3 sites women experienced intimidation and in 6 locations it was reported that IDPs had to pay illegal fees/retribution.

b. Women also must always be wary of fires because their kitchens are joined to or located inside of barrack rooms/tents. This is because communal kitchens (seperated from dwellings) either don't exist (42%) or if they do exist are not used kitchens (nearly 75%). Besides being built without partitions to block wind and animals. Communal kitchens are often located at same distance from barracks/tents so that women are uncomfortable using them. This is because at the same time that women cook they must also care for their children and keep an eye on their rooms. Therefore, the majority of communal kitchens observed were used not for cooking but as a space for storage, to dry clothes, park motorcycles and to wash clothes/dishes.

c. The sexual division of labor – where the tasks of cooking, childcare and cleaning house fall to women – means that women are the ones most effected by tight living quarters. More than half of the shelters monitored (39/59 locations, 66%) were crowded; e.g., a 3 x 3 meter room must accommodate more than three people and a 4 x 5 meter room more than four people.

d. The sexual division of labor in the family is also seen in women's task to haul water. This is because women need more water, not only because of menstruation, but also because they have the responsibility to cook, to wash clothes and to bathe children. The fact is, sources of water are often far from dwellings (42%), water is available only occasionally (35%), the water source is not always clean (49%), and lots of stagnant puddles are found in the IDP sites (50%) all of which makes it difficult for women to carry out their work.

e. At the same time, living conditions in general were unhealthy; 80% of the locations monitored did not have closed trash receptacles and in 62% of the locations water in gutters did not flow smoothly. The condition of bathing/toilet facilities was even worse; in 68% of the locations these facilities gave off foul smells and one IDP site was flooded by waste when a septic tank overflowed during a heavy rain.

Healt & Reproductive Health Services for Women IDPs

- ✓ In 27 of 59 locations:
  No health services available for prgenant women/women who just gave birth
- ✓ In 36 of 59 locations:
  No family planning services
- ✓ In Aceh Jaya District:
  Free medicines are available at a public health clinic, but it is far from the barracks
- ✓ In Aceh Barat Daya & Aceh Utara Districts:
  Free medicines are limited. IDPs, especially widows, must go into debt to buy medicines at a pharmacy or small kiosk.

f. Health services for women IDPs is rare. In the sites that provided health services (not available in all locations), the services ran smoothly in the months immediately following the disaster in accordance with the period of emergency response. But once the subsequent period of reconstruction and rehabilitation began, many health and counseling services were terminated such as doctors/nurses/counselors who no longer visited IDP sites (found in 21 of 59 IDP sites, 36%) and no more access to free medicines.

SPECIFIC FINDINGS

A. Discrimination Against Women IDPs

Cases of discrimination against women IDPs that cover problems related to cash allotments, food, housing, economic rehabilitation and other aid reveal the thread that runs through all discrimination against women in a patriarchal culture. Neglect, exploitation and oppression of women that are the breath of patriarchy not only make women's vulnerability to various discriminatory acts more critical, they also join a system of corruption that manipulates humanitarian aid. This system of corruption in the end is used to perpetuate practices of discrimination against women IDPs.

A1. Women IDPs as Victims of Discrimination: Surviving and Becoming Part of Reconstruction and Rehabilitation in Aceh

20. In IDP locations, women's access to aid is usually determined by men who are members of the IDP Committee in tents, barracks, semi-permanent housing or public buildings that have been converted into temporary shelters. It is difficult for women to feel free to reveal facts or to protest about committee members who misappropriate aid or differentiate among recepients in the distribution of aid. Participation in determining specific needs that should be a part of aid packages and ways that aid should be distributed are simply illusions as far as women IDPs are concerned. Women are not even involved in discussions about the structure of housing they need, about the provision of bathing/toilet facitilities, about the provision and distribution of drinking water, or about kitchens where women are drowned in domestic tasks every day.

Table 1
% Women NOT Invited To Discuss

the use of the WC	85%
management of the kitchen	85%
water management	90%
trash/trash receptacle management	81%
aid that is needed	81%
housing that is needed	75%
security in the IDP site	78%
in community meetings	59%
in family meetings	25%

21. Women almost never are given space in which to speak and voice their opinions. When a woman voices her aspirations, men curl their lips and ask, "What do women know about anything?" If women protest or question the discrimination they experience, they are asked to be patient and to wait indefinitely. Some are even noted as troublemakers, their names placed at the end of the list to receive aid.

22. Discrimination against women IDPs takes three forms, namely (1) *neglect* that denies women IDPs access to their rights, (2) *obstruction* that makes it difficult for women to access their rights and (3) *differentiation* where women IDPs have access to aid, but some get less aid than men or than other women.

23. Of the **38** cases of discrimination, 136 women were victims. This number does not reflect the actual number of victims. Even in this report the number of victims would be much greater if all the women in two communities had been counted as individual victims rather than as two units of collective victims. In these two cases all women of the community experienced the same discrimination. In one of these communities, for example, there were 154 adult women and/or women heads of household. They all experienced discrimination when there was discussion and formation of a committee to choose the village head. The women were not invited to attend this meeting because they were supposedly represented by "the men in the family". Of course the

number of victims would increase even further if we noted the number of women who were not allowed to speak even when invited to meetings to discuss IDP issues; or the women who, when they spoke, were quickly dismissed by men who belittled them. Therefore, it is more appropriate to view the 38 cases put forward here as a mosaic regarding the complexity of problems and the impact of discrimination against women.

24. In terms of locations where acts of discrimination occurred, semi-permanent houses and barracks occupy the two top positions. That semi-permanent houses are a site of discrimination (58%) is related to the increasing number of IDPs who return to their original villages, but must live in semi-permanent housing they construct themselves.

25. Discrimination against women must be located within a context of management in relation to types and distribution of aid, something that in general is a problem. Take cash allotments as an example. Of 59 IDP sites, 88% reported that distribution of cash allotments was not regular and also 27% of the sites reported that allotments received were less than they should have been. In only one location had IDPs received allotments each month during the year they had been IDPs, 11 sites reported they had received allotments only five times and 17 other sites had received allotments only one to three times. All said they did not know precisely the schedule for distribution of these allotments. IDPs in another site received the allotment only once. Meanwhile, IDPs due to armed conflict have never received cash allotments or any other kind of "special aid" that has been given to IDPs as a result of the tsunami.

26. Discrimination against women IDPs must also be seen within a context of scarcity of aid for women. Although only 8% of the 59 locations reported that there was never any special aid for women, as many as 17% said that aid received was in poor condition such as torn clothing or canned food that had expired, and 8 % complained about unequal distribution of aid. Findings also indicate misappropriation of IDP aid (25%), such as aid that never reached IDPs because it was sold.

27. Statements indicating abuse of authority are also based on victims' explanations that they did not receive aid, were obstructed in obtaining aid or that they received a different amount of aid than others even after (i) data of 12 IDPs were collected and their photos taken; (ii) one IDP had previously received a full portion of aid in a regular manner, but then no longer received aid; (iii) one did not receive aid because she was not present when it was distributed; and (iv) another did not receive aid because someone else had signed for her portion and received it although the victim did not know who this person was.

28. Abuse of authority is mentioned also because of the relationship between victim and perpetrator. All perpetrators of discrimination are those with authority either in their positions as state officials or because their authority has been granted by local society. In 38 cases, the majority of perpetrators were government officials at the village level (53%). Heads of income-generating groups were the second most common perpetrators (26%) followed by authorities in the IDP locations (11%) such as barracks coordinators, heads of IDPs and coordinators of cash allotment distribution.

Illustration 3

Treated Differently and Being Prevented from Accessing Aid

S, a widow, is 50 years old and has 10 children, all of whom she supports. S is an IDP as a result of the tsunami and lives in a tent in Trieng Gadeng Sub-district, Pidie District. Before the tsunami, S dried fish. Two months after the tsunami, all the women in her village (those living in barracks as well as in tents) who had previously earned their living by drying fish were approached by the head of the income-generating group. She told all members of this group that they were to receive aid in the form of capital from an international NGO. In February 2005 they were invited to go to the town of Sigli to be photographed. Strangely, they were never invited to discuss anything about this aid such as the amount of capital they would receive, when it was to be distributed and who would be first to receive the aid.

Evidently the aid was ancak *(racks for drying fish) and cash. Each person received 100* ancak *and Rp 300.000,- (about US$35). S and 30 other women (most of whom were widows) did not receive any aid. The group leader gave aid to those women whose husbands were rich and of the local social elite, even those who did not dry fish. S and her friends asked when they would get their share and the group leader always said later, there would be a second round. Because each day they continued to ask questions, finally in April 2005, some of S's friends received 15* ancak *each and about another 25, including S, received 4* ancak *and Rp 15.000,- (less than US$2.00). When S asked about the difference the group leader answered, "What do you need a lot for? You have only a little bit of land and this is a gift from the Minister of Marine Resources." In the end, S decided to accept the aid and continued to work hard on her own. At the time of this report, S has been able to buy as many as 40* ancak *with the money she has earned through her great effort.*

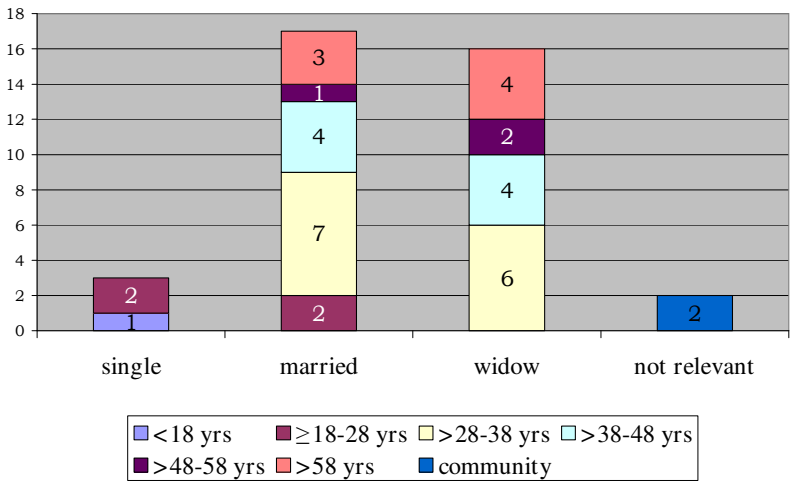
29. Methods for abusing authority found in these 38 cases included reducing the amount of aid women received and controlling both women's access to aid and their participation in decisions relating to it. This abuse of authority was not the only mechanism used in patterns of corruption. In the end, corruption itself on one hand caused discrimination against women and on the other used stereotypes of women and acts of discrimination to justify the abuse of authority.

30. Discrimination really demonstrates that the culture of patriarchy is inherent in social structures and practices. The voices and roles of women are often limited, ostracized and differentiated from those of men. For example, it is thought that married women can be represented by their husbands, widows can be represented by their sons or other male relatives, while girls can be represented by their fathers or brothers. This practice often ignores the fact that there are women heads of household – widows, wives who are the backbone of the family, and girls whose parents are unable to work or who have died.

31. This common practice of representing women is used as if it were policy. Although clearly contrary to reality, this "policy" is never reformed, but instead becomes guidelines for those who should protect and

Diagram 5

Ages and Marital Status of Women Victims of Discrimination



guarantee women's access
to aid, both during the period of emergency response as well as the period of reconstruction and rehabilitation. Furthermore, some used it as an opportunity for discrimination or to limit women IDPs' access to aid.

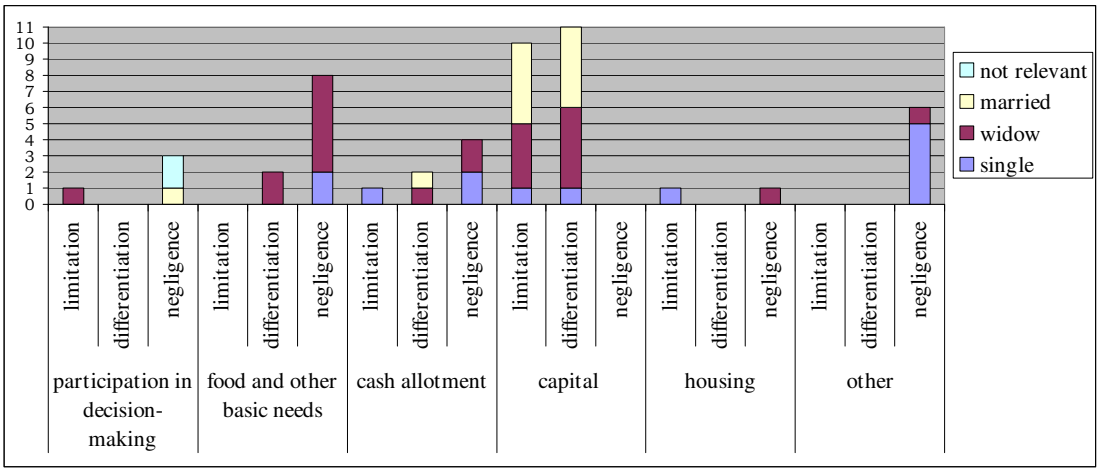
32. Diagram 5 shows the age range and the range of marital status of victims of discrimination. Those most vulnerable to acts of discrimination were women aged 29-38 years old (13 cases or 34%). The oldest victim was 70 years old, a widow who wove mats to make a living and who sought refuge in the home of a family member. Her photo and personal data were taken three times. The second time her data were taken was at the office of the sub-district head when she was there with other women IDPs who had gone to that office to ask about cash allotments they had not received. The third time she was ordered to have her data listed, this widow had to go to the office of the village head two times before her photograph was taken. To date, this widow has still not received any kind of aid – no rice, aid packets or cash allotments.

33. Five girls and young unmarried women (8%) were victims of discrimination. The youngest victim was 17 years old who, after her parents died in the tsunami disaster, lived with her older brother who already had a family. At this young age the girl had to become head of her own household. Nevertheless, she was not recognized to receive capital when it was distributed for generating income because the victim was considered part of her older brother's family with whom she stayed.

34. Victims were almost evenly divided between women IDPs who were widows (about 42%) and women who were married (about 45%). For widows, their position as head of household was not always recognized. In many instances, a widow was counted as a member of her son's family whether or not she stayed with that family. The discrimination that married women experienced was closely tied to local perceptions that women are represented by their husbands/heads of household.

35. A woman victim may experience more than one type of discrimination. That is why the data presented in Diagram 6, different than that in Diagram 5, show the total number of incidents of discrimination as the result of neglect, obstruction of rights or differentiation, that befell 38 victims as many as **50 times**.

Diagram 6



Practices of Discrimination and Victims' Marital Status

36. Women experienced discrimination in accessing aid such as packets distributed for Ramadhan-Lebaran (Islamic fasting month), basic household needs, health kits, rice, cash allotments, business capital and materials, kitchen supplies, and housing. The most frequent form of discrimination was neglect with a total of 22 incidents (46%), followed by 15 incidents of differentiation (31%) and the remaining 13 incidents were obstructions to aid. Regarding the cases of neglect, two were cases where the political rights of all women in two separate communities were neglected. Five women experienced discrimination by being treated differently from others, two of whom were also victims of neglected rights. Thirteen women faced obstructions in obtaining their rights to aid, 10 of whom then experienced differentiation in the amount of aid they received, as if they were being punished for having struggled for their rights to aid.

37. As seen in Diagram 6, discrimination against widows happened at every opportunity - distribution of basic household needs, cash allotments, business capital and houses. These experiences of discrimination cannot be separated from the reality that widows, because of their status, were almost never counted in the formulation of policies or in decision-making processes in society, as was experienced by S in Illustration 3.

38. The neglect and obstruction of women IDPs' voting rights is seen in 4 of 38 cases of discrimination. The reason for this discrimination is the perception of local authorities, both in IDP sites as well as at the village level, that **women do not have the ability** to make sound judgements in appointing the village head (1 case), are unable to formulate needs and manage aid for IDPs (2 cases), and are unable to organize themselves (1 case). These 4 cases are only a small portion of the problem - only the tip of the iceberg - of recognition and protection of women's political rights.

39. Furthermore, discrimination that begins by not inviting women to participate in discussions ends with practices that control women and totally degrade their integrity as humans who also possess aspirations and capacities (Illustration 4).

Women & Their Involvement in Decision-making

"Here they don't want to involve women [with the excuse] that they aren't needed." --- Pidie District

"...if women are included...it usually ruins things!" --- Muruy, Aceh Jaya District

"Women IDPs are considered ineffective, so are rarely included."--- Jalan Baru, Simeuleu District

"...They must all be men. In short, women are always second."--- Rantau Benuang, Aceh Selatan District

"Sometimes [women] are involved, but they are never given the opportunity to make decisions."--- Simpang Tiga, Pidie District

"Decisions are always made by the village head; don't single out women, even men are never [invited to discuss things]." --- Manggeng, Aceh Barat Daya District

Illustration 4

Women Who Farm, Men Who Control

Before they were IDPs, women in this place usually farmed in garden plots behind their houses to meet daily needs by producing such foods as kitchen spices, chilis, cucumbers and long beans. Living as IDPs with minimum income from their husbands, resulting from the dissapearance of their livlihoods, increased the need to farm. Because land available to farm in this IDP location was limited, joint land management was needed.

A farmers' group was formed; the only problem was that the meeting to form this group did not include the women who were expected to manage the land. This meeting was intended for the heads of household and, in keeping with custom in this area, heads of household were identical with men. The land in question remained one chunk of group land, but it was divided up to be worked individually. The heads of household then shared results of the meeting with their wives/the women in their families.

Because the women were always represented, warnings to group members considered unproductive were also conveyed through the representation mechanism. If one woman observed that a group member often did not attend to her garden plot, she would share her observation with the village head. The village head would then call the woman's husband or head of her household to discuss the problem. That husband or head of household, in turn, would pass along the scolding to his wife/woman in his house. If the problem were some larger issue related to land management, a group meeting would be called. Once again the men would attend to discuss farming problems that in actuality had to be confronted by the women.

A2. The Struggle of Women IDPs to Challenge Discrimination

40. The International Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) was ratified by Indonesia through law No. 7/1984. This clearly reflects the state's recognition of various forms of discrimination and the obligation to eliminate them. When the practice of discrimination is exposed, articulated and challenged it is only when women IDPs feel they have been treated unjustly and their rights have been limited and ignored. In practice, women who challenge discrimination have to face it again as well as intimidation and violence.

Illustration 5

Challenge Rights, Experience Repeated Discrimination

H, aged 26 years and an IDP in Pidie District as a result of the tsunami, is not yet married. She is a university student who pays her own tuition fees and lives with her mother who is a widow. In November 2005, IDPs in Trienggading Sub-district of Pidie District received cash allotments, but H and some other village members did not. When the village head was asked about it he answered (according to H), "...we no longer needed the allotment because we were only slightly effected by the tsunami and had houses. In fact, portions of our houses were hit by the tsunami and haven't yet been rebuilt." As of mid-November these people, mainly the women, refused to accept this unilateral decision. They decided to have a meeting with the vice district head. This group of women was organized by H and two other friends, all of whom were chosen as spokespersons for the group. The vice district head directed them to take their issue to the Social Services Bureau. There one staff person explained that funds for the cash allotments had already been released to the sub-district office and said, "...if the sub-district head approves, we [of the Social Services Bureau] will distribute more allotments, but only if there is enough money". H responded, "Sir, we villagers have suffered enough. Since the beginning of the tsunami until now there has been a lot of aid that we have a right to, but that we have not received. Yet we have never protested." H and the others then went to the sub-district office, but the sub-district head had already gone home and they were asked to return the next morning.

The next day when they returned to the office, their village head, also a civil servant who works in the sub-district office, was already there waiting for them. The village head was angry and said to H and her two friends, "...[you think you are] so smart, brave enough to rebel, ya?" and also verbally abused them. The village head also asked the names of H and her friends as well as how many individuals and households had not yet received cash allotments. Spontaneously H answered, "...that is precisely why we have come to report to the sub-district head." The village head became increasingly angry and said cynically, "...so you villagers think you are better than your leaders." H replied that sometimes that too was necessary. The village head then left, but another staff person in the office continued to be angry at H saying she was impolite. That same day, H met with the sub-district head and gave him data regarding those who had not yet received cash allotments.

Because she protested, H was threatened with the loss of housing assistance. According to information she received on 1 December 2005 from a building supervisor overseeing construction of new houses in this area, H's name had been struck from the list of those who needed housing assistance.

41. Five women IDPs who were victims of discrimination reported that they also experienced intimidation from perpetrators who tried to obstruct their efforts to struggle for their rights. The perpetrators threatened to beat not only these women, but also their children or other family members. There was also the threat that aid would be cut as seen in the experience of H in Illustration 5.

42. Because most perpetrators of discrimination are government officials and IDP authorities, it is not surprising that discrimination was reported in only 8 cases (12%; see Diagram 6). Fear about what would happen was the main reason cases of discrimination were not reported. One victim panicked when her older brother reported to the police about the discrimination she had experienced, but then *he* was detained by the local police for reporting the case.

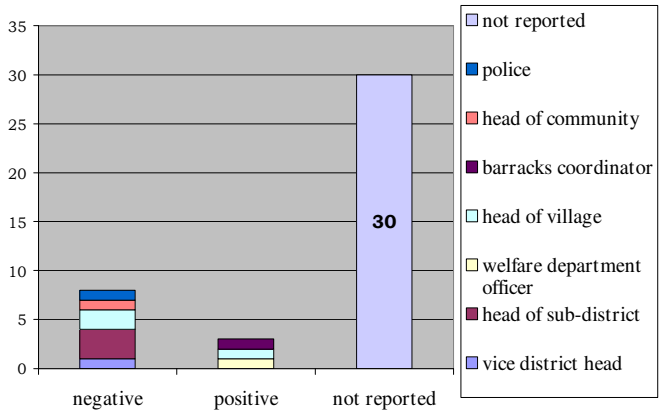
43. In the effort to struggle for their rights, victims might report their cases to more than one authority. Each official approached about the same case would not necessarily give the same response. This reality appears in Diagram 7 where 8 cases reported received 11 responses both positive and negative.

44. The most frequent responses were negative, whether it was refusal to handle the case or the report about the case was received, but then simply added to a big pile of filed complaints. Cases that received a positive response were mostly cases where acts of discrimination were perpetrated by community/IDP authorities and not government officials. The one exception was a case where the Social Services Bureau brought together the village head and 26 heads of household who came to complain about cash allotments they had not received.

45. Negative responses by officials to reports about discrimination support perpetrators who seek to ensure they will not be held accountable. This support along with threats to victims who file reports help perpetrators to obscure their abuse of power, and also to reinforce that power in the community. Of course this frightens people, especially victims, so that they remain quiet.

Diagram 7

Responses to Reports of Discrimination



46. Victims who are silenced give perpetrators the opportunity and support to continue practicing discrimination, and for their abuse of power to become normative in society. This increasingly establishes impunity for perpetrators of discrimination against women IDPs.

B. Forced Eviction: Targeting IDP Women and Destroying Their Power

Forced eviction is violence committed in the state domain. This is because the perpetrators are civil servants or state agents and because there are state policies that obligate them to implement eviction. Forced eviction in IDP sites is another layer of the problems that women IDPs must face.

47. As if women IDPs have not already suffered enough because of natural disaster and armed conflict, their condition is further weakened by forced eviction. This happened even when, slowly but surely, women as individuals and together with their families and IDP communities were making an effort to restore their lives. Women IDPs' efforts, as also experienced by women outside the IDP context, never count for anything. It is as if their efforts mean nothing to the restoration of this country; forced eviction in IDP locations occurred because of development policies, supposedly in the interests of society at large.

48. **Seven** cases of forced eviction were found in IDP locations that affected a number of victims, namely 110 households. There was forced eviction of (1) IDP dwellings and (2) women's small businesses. The reason for these forced evictions was not only becasue the locations were to be used for more strategic and productive activities such as development of a fish market and redevelopment of a football field, but also for aesthetic reasons.

Illustration 6

Pushed Aside in the Name of Development

N is a 30-year-old widow who cares for her own two children and two others who are children of a family member. Together with 23 other heads of household, N is an IDP as a result of the tsunami who comes from a village in Aceh Barat Daya District. Their IDP site is not far from their original village.

After living in tents for some time, these IDPs had still not received any houses. The sub-district government suggested they return to their home village. This suggestion was happily received, especially since they were fed up with living in tents. Under coordination by a woman, these IDPs worked together each Friday to clean up the tsunami rubble in their home village. By their own efforts, N and other residents built semi-permanent houses on the sites of their former houses.

On 11 December 2005, sub-district government officials returned to hold another meeting with these IDPs. This time they asked the IDPs to dismantle the semi-permanent houses they had built because a fish market was to be built in that location. The people objected to this, primarily because they did not know where they would have to move. The sub-district officials held to their position because funds to build a fish market in that location had to be used during the current fiscal year and also because they considered the land in that village to be state property even though actually the people themselves had once filled in a marsh there. The sub-district officials issued them with an ultimatum – immediately dismantle their houses voluntarily or they would be forcibly dismantled by the government.

On 21 December 2005, N's house was forcibly torn down by a contractor hired by the sub-district government. This contractor had N's belongings moved to a 4 x 4 m room in a building close by. It took two days to dismantle her house and the materials that N had purchased to build her semi-permanent house were taken by the contractor.

On 25 December 2005, members of the sub-district military command, in full uniform though not armed, ordered the people to dismantle their semi-permanent houses and then remained to supervise the dismantling. On 23 January 2006, sub-district military officials came with empty receipts that each head of household had to sign before receiving Rp 350.000,- (about US$40). N and her neighbors have now rebuilt semi-permanent houses be used for six months. on land rented by the government's Regional Development Board which is in the location they first settled after the tsunami. This land, however, can

49. Regarding eviction from living quarters, widows are particularly targeted for eviction as a tool to intimidate other members of their communities so they will move immediately. As seen in Illustration 6, eviction is a demonstration of how the state uses its power over civilians; if civilians refuse to leave their IDP dwellings peacefully, then the state does not hesitate to use force. To demonstrate this, widows are the easiest target, as in the case of N. As a widow, N could not resist eviction – she is unable to oppose the official and contractor who came to dismantle her semi-permanent house, or even negotiate about where to move.

50. If forced eviction does not target widows, it will still have a different impact on them. While families tried to dismantle their IDP dwellings and then salvage building materials from barracks and camp facitilies for use in rebuilding in a new place, widows living alone or with small children could not do much. They could only submit to their fate, especially if they did not know where they had to move. This condition is seen in an incident of forced eviction of IDPs who occupied a football field in one sub-district of Pidie District. Sub-district officials ordered the location to be vacated because the football field was to be rebuilt. When the IDPs refused to move, the sub-district officials brought in the military with transport trucks so that the IDPs would quickly dismantle their emergency shelters and tents. According to M, a widow IDP who had been living on that field, she was the last person to move. As men around her were dismantling their living quarters, M could not do anything. The

barracks where she lived were forcibly dismantled by sub-district officials and, according to M, the eviction made her feel "...sadder than at the time of the tsunami".

51. The involvement of military forces in eviction, as seen in the cases of M and N, repeats the repressive approach endured by the people of Aceh during the armed conflict in this region. For IDPs, the presence of security forces was a signal that the policy to evict them was very urgent and there was no longer space to discuss it. IDPs were immediately placed in a subordinate position without bargaining power. If the IDPs refused eviction they would have to deal with the military, and this evoked great fear among them.

52. While this was happening, at least seven IDP women and their families who all lived in the same IDP site in Banda Aceh were victims of forced eviction with the excuse that the kiosks they had built in front of their barracks were unsightly. There were many other victims of eviction at this site, but they were not documented. These women had struggled to become economically independent by building kiosks with revolving funds they had received from a local NGO that ran an economic empowerment program for women IDPs. This effort was an expression of their enthusiasm to restore their lives. However, for local authorities these efforts were too insignificant to deserve support, but rather the opposite, the kiosks were thought to disturb the orderliness of the IDP location (Illustration 7).

Illustration 7
Watch Out, VIPs Passing By!

X lives in a room in showcase barracks built in Banda Aceh for IDPs as a result of the tsunami. She is a housewife who has tried to support her family after her husband could no longer work as a result of the tsunami. With the capital they had, she began to sell vegetables to fellow IDPs. Apparently her barracks were scheduled for a visit by important national and international figures, including the Indonesian president, as part of ceremonies during the one year commemoration of the tsunami. With this visit as the excuse, on the morning of 11 December 2005, sub-district government officials came and pulled down awnings and a plastic tarp that X used as partitions in her kiosk. "This is not the place for kiosks. If you want to have a kiosk go over to the marketplace!" said one sub-district civil servant.

The next day, a sweeping was conducted throughout the entire IDP location. At this site, at least six women were victims of forced eviction. One of them, A, had borrowed capital to open a kiosk in order to help her husband who did not have a regular income. At the time she was evicted from her kiosk her husband was not present. Because she was afraid her goods would be ruined, A had to use some of her capital to hire a neighbor to help her dismantle her kiosk and move the goods from it.

53. Not one case of forced eviction, either eviction from a dwelling or from a kiosk, was reported to authorities because the IDPs really did not know to whom they should report since all acts of eviction were perpetrated by government agents, particularly those at the sub-disitrict level. Take, for example, the second incident in Illustration 7 - 12 officials were present, namely the sub-district head, commander of the sub-district military command and chief of police at the sub-district level, each of whom was accompanied by three members of their staff.

C. Sexual Violence: The Effort To Destroy Women IDPs' Integrity

In patriarchal society, respect for women is closely tied to sexual experience and behavior. This is why women's bodies and sexuality are endlessly targeted for violence, even when they already in a position as victims. This condition is also a daily experience for displaced women.

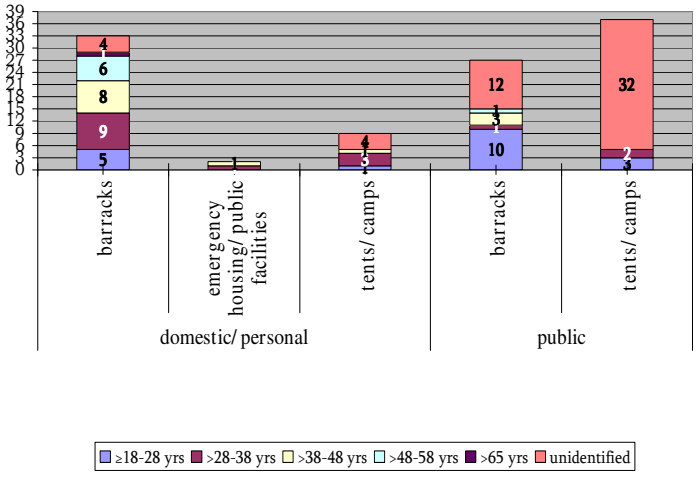
54. The Special Rapporteur for Aceh notes that since the beginning of February 2005 a discourse has quickly spread in Aceh that blames women for the tsunami disaster. This discourse has been supported by the argument that a majority of women corpses were discovered naked or wearing a minimum of clothes. A rumor spread that there had been a sex party with young women present on a beach in western Aceh the night before the tsunami. Consequently, a call to strengthen women's morality – if need be with force – continually reverberated.

55. In the midst of the commotion around this call, the documentation team found that nearly ¾ of the cases of violence suffered by women IDPs were cases of sexual violence (108/146 or 74%). Forty-four cases of sexual violence occurred in the domestic/personal domain and 64 cases in the public domain. These acts of violence are not that different from findings about sexual violence towards women who are not IDPs. Nevertheless, a more careful look at these 108 cases indicates the uniqueness of the experience of women IDPs in Aceh. This is related to IDP conditions and to the long history of armed conflict in Aceh.

56. Cases of sexual violence occurred most often in barracks (60/108 cases, 55%), with an almost equal number of these occurring in domestic and public domains (Diagram 8). A striking comparison is seen in tent locations where sexual violence in the public domain is four times greater than in the domestic domain. This correlates to the number of peeping cases that occurred three times more often in tent sites than in barrack locations.

Diagram 8

Perpetrators' Ages and Types of Dwellings in Cases of Sexual Violence Against Women IDPs



57. Perpetrators ranged from strangers to those who have an intimate relationship with the victim. The age pr perpetrators have been categorized as older than 28 years (19/108 cases, 18%), older than 28 years to 28 years (16 cases, 15%) and older than 38 years to 48 years (13 cases,12%). Nearly half of the perpetrators of sexual violence in the public domain (44 cases, 41%), were not known by the victim. Within the family, the reason a perpetrator's age was not known because the person came from a

generation when the year of birth was not noted, so that even were the perpetrator parent, the victim might not know the perpetrator's age (see Diagram8).

58. Comprising 53% of the victims, young women between the ages of 18 and 29 years were extremely vulnerable to sexual violence, not only in the domestic domain, but also in the public domain (57 cases). According to their marital status, both unmarried women (27 cases) and married women (24 cases) were vulnerable to sexual violence, and the rest (6 cases) were widows (Diagram 9).

59. More than half of the cases that befell women of this age group occurred in the public domain (38 of 57 cases, 66%). A similar condition was faced by widows whose vulnerability to violence increased threefold in the public domain (13 cases) compared to the domestic domain (4 cases). All sexual violence towards widows pointed to perceptions about the sexuality of women who have been married.

Diagram 9
Ages and Marital Status of Victims of Sexual Violence by Domain

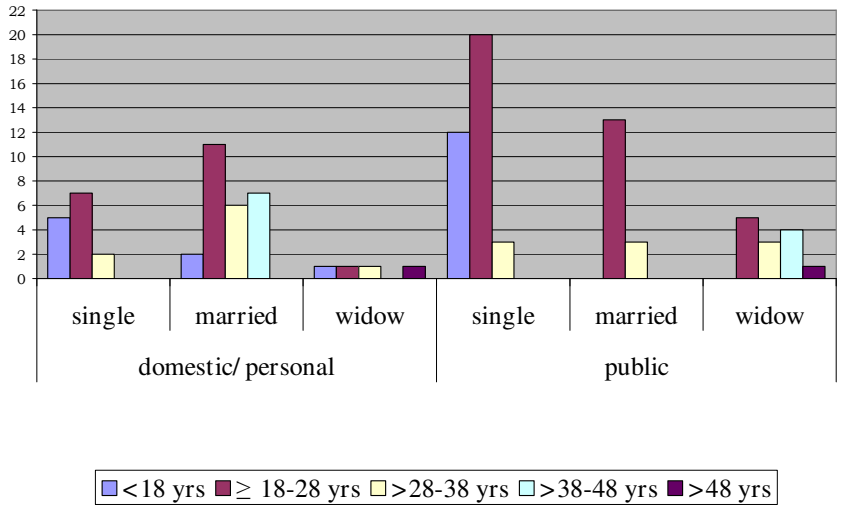


Illustration 8
Integrity Destroyed by a Father

Mar, the oldest of four siblings, is 18 years old, not yet married, no longer attends school and washes clothes to earn money. Several days after the tsunami, Mar and her younger siblings, together with their parents, returned to their village in Tanjung Kembang Sub-district, Pidie District to see what condition their house was in and to clean it up. After working there for one day, the mother decided to return to the IDP tent. Mar and three of her younger siblings stayed at the house with their father.

Several nights later, when everyone was asleep, Mar was raped by her father. Mar didn't have the courage to tell anyone about it. Two months later, Mar's mother noticed something different about Mar. The mother coaxed Mar to tell her what was wrong since she was concerned that Mar had a problem. Mar didn't want to divulge what had happened and simply said that she was afraid of her father. The mother then took Mar to a midwife. Mar was already two months pregnant. Only then did Mar confess that the perpetrator was her father. At first her mother didn't believe Mar and was angry, but Mar finally convinced her mother. Because they were afraid and ashamed, in May 2005, Mar's father and mother moved the entire family from their home village without telling anyone where they were moving.

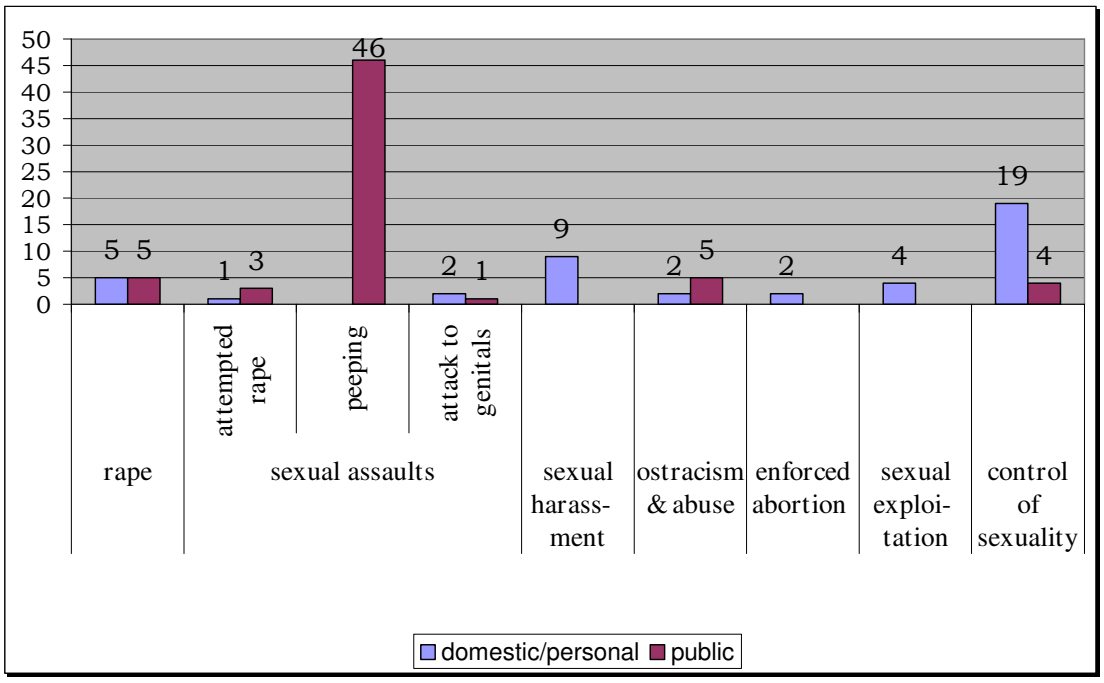
60. Girls are the next most frequent target of sexual violence comprising nearly one fifth of the victims (20 cases). The youngest victim was 12 years old and was very frightened because she was a victim of peeping in the WC of the tent site where she lived. Two other girls, one 13 and one 15 years old, were victims of rape while another 13-year-old girl was almost raped when she was using a toilet in an IDP site. The youngest victim of rape in the domestic/personal domain was 18 years old and raped by her father.

61. The most prominent aspect to emerge from findings regarding cases of sexual violence in the domestic domain is that the victim's position is greatly weakened when she is in a polygamous marriage. Perpetrators in 25 of the sexual violence cases were men who had committed polygamy, either through the institution of marriage (17 cases) or through extramarital affairs (8 cases).

62. In one of the eight cases of sexual violence in a context of polygamy, the perpetrator, a married man, was able to obain sexual services from a woman by promising to marry her. However, when she demanded that he follow through on his promise, the perpetrator fled and never returned, thus revealing the perpetrator's sexual exploitation of the victim.

Diagram 10

Domains and Types of Sexual Violence



63. Of the four cases of sexual exploitation, one was exploitation revealed by a broken promise, and the other three were cases of underage prostitution. These four cases, along with 23 cases of the control of women's sexuality (22 of them through the institution of marriage and one when a teacher forced a student to wear particular clothing), comprise 25% of all cases of sexual violence towards women IDPs.

64. As seen in Diagram 10 above, sexual assault is the form of sexual violence most often experienced by women IDPs (81 cases, 75%). Sexual assaults, both physical and

verbal, invade the body, sexuality and integrity of women (for an explanation see Table 2).

Table 2

Types of Sexual Assault Against Women IDPs

Type of Assault	Case Findings
Rape	**10 cases**, comprising: ▪ 1 case of gang rape of a 15-year-old girl by 7 perpetrators ▪ 2 cases of rape of girls; one 13 years old and one 15 years old by unknown perpetrators ▪ 1 case of incest by a father against his 18-year-old daughter ▪ 2 cases of rape of adult women by unknown perpetrators ▪ 4 cases of marital rape; the husband used the victim's economic dependency as a weapon so that the victim would comply
Attempted rape & other sexual assault	**4 cases** of attempted rape, including attempted rape of: ▪ a 13-year-old girl in a WC at a tent site for IDPs ▪ a 19-year-old woman by her male cousin ▪ a widow while she was alone in her tent **1 case** of sexual assault against a 15-year-old when the perpetrator grabbed her breasts from behind **2 cases** of physical ill treatment and abusing the victim's genitals when it was learned the victim had been raped **46 cases** of peeping - 25 cases when the victim was bathing or using toilet/bathing facilities and 21 cases when the victim was in a barracks room or tent
Sexual harassment by means of sexual slurs/exclaimation	**9 cases** of humiliation with sexual slurs/exclaimations, all of which occurred in the domestic/personal relations domain. The three sexual slurs/exclaimations most often used were related to: ○ women's genitals (”cunt!”) ○ stigma of widows (”I can't be satisfied!”- sexually, ed.) ○ stigma of women sex workers (”you're basically a whore!”)
Ostracism & ill treatment resulting from stigmatization based on a woman's sexuality	**7 cases,** other than stigmatization related to humiliation by means of sexual slurs/exclaimations mentioned above. These 7 cases consist of: ▪ 5 cases of stigmatization of a "loose woman", including 2 cases of physical abuse related to stigmatization of a commercial sex worker and 3 other cases related to stigmatization of women pregnant outside of marriage. One of the three victims stigmatized due to her pregnancy outside of marriage experienced great stress because she was repeatedly forced to have a pregnancy test although she was not pregnant. ▪ 2 cases of ostracism that ended in the victim's attempt to kill herself because she was accused of being a lesbian
Forced abortion	**2 cases** perpetrated by: ▪ *the victim's husband* who forced his wife to abort when she was four months pregnant saying he was not yet ready to have children ▪ *the victim's boyfriend* who forced his girlfriend to abort even though there was a plan to marry in order to cover up the disgrace

C1. Peeping:
Invasion of Women's Bodies and Sexuality

65. Minimal lighting and the absence of bathing/toilet facilities may have been part of daily life for women before they were IDPs. However, in their home villages women would not need to be especially wary. For example, when village women wash and bathe in an open space like at a river there are local norms that separate private spaces for men and women. Because everyone knows each other and there are social sanctions to punish anyone who breaks the norm, there are almost never any cases of peeping or spying on women.

66. It is difficult for women IDPs to feel safe and comfortable living in IDP locations where they are surrounded by strangers. In fact, their sense of comfort and security can be disturbed by something as simple as being spied on when they are engaged in private activities such as bathing, using the toilet, changing their clothes or lying down to rest in their rooms. For women, these intrusions are not just an annoyance. Women understand that peeping is driven by the perpetrator's fantasy and the sexual satisfaction that derives from peeping.

67. With the understanding that peeping is an invasion of women's safety zone - an assault on women's bodies and sexuality - it is, therefore, not an exaggeration for victims of peeping to feel not only embarrassed, but also threatened, frightened and/or on guard every time they want to use bathing/toilet facilities or even just want to be alone in their barracks/ tents.

68. There were 46 cases of peeping, 57% of the 81 sexual assault cases documented. These acts occurred when women IDPs were using bathing/toilet facilities or had to use the river for the same purpose due to an absence or shortage of bathing/toilet facilities at the IDP site. Peeping also occurred when women were in their barracks rooms/tents. The high number of peeping cases can be explained, in part, by poorly-constructed facilities with doors that could not be shut tightly or locked, as well as bathing/toilet facilities with low walls.

Security Problems at 59 IDP Sites

Women IDPs do not feel safe and comfortable:

- ✓ in their **barracks/tents** or even in a building used as emergency housing because:
  - lighting is inadequate (27%)
  - doors cannot be closed tightly/ cannot be locked (20%)

- ✓ using **bathing/toilet facilities** because:
  - they don't function (62%)
  - there are not separate facilities for men and women (97%)
  - they are located far from living quarters (29%)
  - the way to bathing/toilet facilities requires passing areas that feel threatening to women (27%)
  - the way to these facilities is dark (59%)
  - the facilities themselves are dark (54%)
  - the walls are low (12%)
  - the doors cannot be shut tightly (25%)

- ✓ when they use the **communal kitchen** because:
  - it is far from living quarters (22%)
  - the way to the communal kitchen requires passing areas that feel threatening to women (10%)
  - the way to the communal kitchen is dark (31%)
  - the communal kitchen itself is dark (29%)
  - there are problems with its construction, e.g., no doors or partitions (30%)

- ✓ **accessing clean water** because:
  - the source of water is far from living quarters (42%)
  - the way to the water source requires passing areas that feel threatening to women (20%)
  - the way to the water source is dark (42%)

69. Although there was only one documented case that related to poor lighting in the IDP site, this problem requires special attention. The case was one of attempted rape of a 13-year-old girl in a WC at a barracks site. The attempt failed because the girl's brother-in-law was looking for her. At first he had meant to scold her for being in the WC so long, but then he saw a man run from the WC. Because it was dark he did not see that there were actually two perpetrators, one of whom was hiding behind the WC door. It was only after the brother-in-law realized there were two perpetrators and the girl explained what had happened that he realized she had nearly been raped.

C2. Sexual Exploitation through Underage Prostitution:
A phenomenon of poverty and inheritance of repression from the armed conflict

70. Among the findings were three cases of underage prostitution by three students who were 15 years old. The three lived in the same barracks complex; one of the three was even a go-between for clients and friends her age (not the victims documented in the other two cases).

71. The girls were open about their activities, as if underage prostitution were not a phenomenon to be hidden in this location. This is supported by the finding that there were four other underaged women involved in the sex industry who were not IDPs, but lived in the village close to these barracks. There was also an indication that these underage sex workers were part of a broader prostitution network that covers districts in Aceh and also crosses provinces.

72. In these three cases it was found that the girls' involvement in prostitution resulted from dysfunctional families who were unable to protect the girls:
    - F's activities as a sex worker began to be detected after she moved into the barracks. She no longer attended school, was often seen making appointments with men and would show off her hickeys to her friends. When neighbors reported this behavior to her parents they asked them not to interfere. This attitude is in keeping with the way the family handled F's rape by her older brother when she was still young.

73. Family dysfunction becomes worse in IDP living conditions. Economic pressures make prostitution seem the way out of enduring suffering. Besides the story narrated in Illustration 9, the following case of Y also illustrates this condition:
    - Y became a sex worker because she could not stand to see her mother work in the barracks for a daily wage while her father spent time with his younger wife. Y was rarely seen in the barracks because her activities meant she was often gone for days. Y's parents were called in for a talk by the head of the barracks after he received a report about Y. However, after that there was no change, even until Y and her family left the barracks to return to their home village.

Illustration 9

Forced to be a Commercial Sex Worker for a Better Life

Z is 15 years old and a junior high school student. Along with a younger sister, Z lives in a barracks complex with her older sister who has been divorced two times. Z's older sister often invites Z and her younger sister to entertain the older sister's male friends who often come and sleep in their barracks room and don't leave until the next morning. Z was asked by her older sister to join in serving these friends, among whom were old retired officials. Z would always say, "...just do this for our life. Do you want to live like our parents who are poor and a mess?" Z was even threatened, "If you don't want to do this, then just get out of here." Z's older sister also often invites Z to serve regular clients outside of the barracks. She also permitted Z to be taken by several men to an isolated copra plantation. Z didn't have the power to refuse.

Z's neighbors aren't courageous enough to scold her because the clients who come have buzz haircuts [characteristic of soldiers and police], although they do not wear their uniforms. Even the barracks coodinator is only brave enough to scold Z and her older sister. Z is often alone and cries and feels afraid. She is disappointed with her life.

74. These barracks are located close to a copra plantation which makes an ideal spot for sexual transactions. Also, the long experience of armed conflict makes residents afraid to do anything, even just scold sex workers for having sexual transactions in the barracks. For example, in Illustration 9 the IDPs are afraid to say anything because the clients who come to the barracks look like soldiers (buzz haircuts, although not in uniform). The IDPs fear that if they try to stop these activities it will influence their permission to continue living in the barracks and their security there.

75. Extended trauma is also what causes people to place their hope in Syariat Islam law as practiced through raids by the *Wilayatul Hisbah*, the body of men appointed to monitor implementation of this law. Underage prostitution, that simultaneously destroys women's integrity and undermines the social order, is no longer seen as a criminal act, namely the sexual exploitation of children. Rather, it is turned into a moral issue in which the moral character of young Acehnese women is seen to deteriorate and, consequently, the complexities of the issue are erased. Because underage prostitution has been reduced to a moral issue, women are again targets to ensure social order.

C3. Responses to Sexual Violence Against Women IDPs: A long road to end impunity

76. Since each sexual assault is seen as a disgrace ***not for the perpetrator, but for the victim, her family and her community,*** solutions that are sought often do not satisfy the victim's sense of justice, but rather strengthen impunity and give birth to new violence.

77. **Impunity** begins when perpetrators are not punished for the acts of violence they commit, especially when a perpetrator is someone close to the victim as in the case of the father who raped his daughter. Rapes tend to be viewed as a "family disgrace" so that legal steps are not taken and families choose to move with their children who are the victims.

78. **Family mechanisms** to bury disgrace may effectively hide what happened, but they do not end the problem of violence against women. Six of nine families who knew of the violence responded emotionally and violently by going directly to the perpetrator

and threatening him, by threatening the victim to no longer have a relationship with the perpetrator, by blaming the victim, or even by punishing the victim. In one case of attempted rape, Q had to lock herself in a WC for eight hours and also withstand the pain caused by having her cheek slapped, her mouth tied with a sheet, her hair pulled and her body hit with a bed slat. The perpetrator, who was a cousin, did not feel at all guilty. This was not coincidence because Q was at least his third victim. His other two known victims were also family relatives. The two incidents before the attempted rape of Q had taught this perpetrator that he could act freely. Family members who learned of his attempted rape of Q were angry and there was even a fight, but the perpetrator's actions were never reported to authorities.

79. **Cultural mechansims/customary laws** used to resolve cases/acts of sexual violence give rise to new violence. Of four cases of rape in the public domain, in the two cases where perpetrators were caught, the perpetrators were asked to marry their victims as if that were the best solution for the victims. These two cases indicate that customary mechanisms are a joke in terms of getting a perpetrator to stop his violence. In these two cases the perpetrators abandoned their victims who alone had to raise the children they bore as a consequence of their rapes.

80. **A spiral of violence** results from impunity. One perpetrator of rape, who because of sanctions imposed by customary law had to marry this rape victim, abandoned her immediately after they married. He then married another woman whom he abused. This time, the victim took extreme measures to end her life by crashing the motorcycle she was driving into a pedicab. Although this case ended tragically, it did not end the spiral of violence because the perpetrator remains free (Illustration 16).

D. THE INSTITUTION OF MARRIAGE

From Forced Marriage to Nonconsensual *Talak* (Divorce) to the Practice of Blind Chinese Marriage

Normatively, both men and women have the same right to consciously and voluntarily marry or divorce. In reality, women's rights to marry, to preserve marriage or to divorce are privileges. Forced marriage and nonconsensual divorce are inherent aspects of life's burdens that must be borne by women IDPs.

81. Marriage is the only institution in Indonesian society that gives religious, cultural and social legitimacy to sexual relations between two different sexes. The institution of marriage is seen as the ideal medium through which men and women not only obtain "perfect happiness", but through which they also fulfill the responsibility to procreate. This philosophy is what makes the Muslim community view marriage as a sacred institution which, in order to be successful, must be built on faith and the couple's willingness, with each partner physically and mentally able to nurture a family. Therefore, if marriage causes suffering to the parties involved, the husband and wife have an equal right to dissolve the marriage. In the context of human rights enforcement in Indonesia, this right is guaranteed in the constitution, Article 28 B(1), and is stressed again in the Indonesian law to eliminate domestic violence, UU PKDRT No. 23/2004.
82. In this documentation we found 36 cases of violence related to the institution of marriage consisting of forced marriage and forced divorce. There were 4 cases of attempted forced marriage, 7 cases of forced marriage and 21 cases where a woman was forced to remain in an unwanted marriage – in 8 of these cases the husband refused to divorce his wife, and in 13 cases the husband and wife were separated, but not divorced. Besides this, we also found 2 cases of forced divorce and 2 cases of *blind chinese marriage*.

D1. Forms of Forced Marriage

D1A. Being Forced to Marry

83. The first model of forced marriage is the more common understanding of the term, namely when a woman is ordered to immediately marry a man, especially a man who has been chosen by the woman's parents/family. Seven cases of this form of forced marriage and four cases of attempted forced marriage were perpetrated by parents (9), relatives (1) and 1 by a child against her widowed mother.

84. Marriage is not always viewed as a right, especially for daughter, but as an obligation of parents, an expression of their responsibility to their children. The pressure to have a daughter marry as quickly as possible becomes stronger when marriage is seen as a way parents can reduce the number of dependents they must support. In Acehnese families, where children's obedience to parents is an important value, challenges that children may direct towards their parents are met by demanding obedience. This demand is exacted through threats, neglect and violence against children (Illustration 10).

Illustration 10
An "ungrateful child"

R, a high school student who is 16 years old, lives with her parents in a barracks complex in Ingin Jaya Sub-district, Aceh Besar District. One day her father asked if she wanted to marry the son of his relative. R rejected her father's request because she still wanted to go to school. R's father said that if she did not want to marry she would have to quit school anyway because he was no longer willing to pay her school fees. But R still refused. R's parents then stopped paying her school expenses and pocket money, so R moved to her grandmother's place.

A week later R returned home to see if her parents' attitude towards her was still harsh. In fact, her mother was angry with her, "[You are] a disobedient, ungrateful child. If we are no longer around who will protect you? Go ahead and do what you want, just don't come home again." R's sibling also treated her as an enemy and were angry with her for not being obedient to their parents. Each Sunday, R's parents order her to come and work at the family's kiosk located in front of the barracks from morning until late afternoon. Up to now, R no longer gets pocket money nor are her school needs met.

99. Besides being neglected by parents who feel their authority has been thwarted when their daughters refuse to marry, daughters may also be in debt, namely a fine twice the amount of the bride price paid by the man's family to the woman's family. This was experienced by two women IDPs, one whose attempted forced marriage was based on the "switch mat" tradition where a younger sister is expected to take the place of her older sister who has died, in this case who died in the tsunami, by marrying her sister's husband.

100. In four cases of attempted forced marriage and forced marriage the victems were 16-17 years old. It is worth noting that up to now the Indonesian regulation regarding minimum age for marriage is inconsistent. Although Indonesia has ratified the Convention on the Rights of the Child, it has not yet revised its marriage law, UU No. 1/1974, that states the minimum age for marriage is 16 years with the exception that girls younger than 16 may marry with the permission of their parents and the courts. The same standard age is found in the Compilation of Islamic Civic Law. Therefore, it is not happenstance if parents who force their daughters to wed do not feel they are breaking the law, what more if the local custom is to have children marry at a very young age.

101. Forced marriage makes women vulnerable to sexual violence by forcing them to have unwanted sexual relations. In the law to eliminate domestic violence, UU PKDRT, Article 8, domestic rape is acknowledged. Nevertheless, due to social values stressing that a wife must be obedient and serve her husband's needs, domestic rape is seldom mentioned by victims as a forced relation although they do complain of discomfort/unhappiness in sexual relations. Of the cases documented, it was found that two victims of forced marriage were beaten by their husbands after they married. Another who was forced to wed according to *kawin siri* (custom - not law) was abused by her husband and forced to abort.

102. Forced marriage also occurs in an effort to hide "family disgrace". This happens to, among others, victims of rape who become pregnant as a result of the violence that befell them. Pressure to marry also comes from social/religious leaders. Two rape victims who were forced to marry the perpetrator who raped them were, in the end, abandoned by the perpetrator after they were married.

D1B. Rejecting a Wife's Right to Divorce

89. The second model of forced marriage is refusal to grant divorce to a wife who demands her right to terminate marriage. In a household where there is fighting or violence, where the wife is often the one who suffers long-term violence, the wife may demand that her husband divorce her. Eight cases were noted where the husband refused to divorce his wife; in two of them the husbands threatened to murder their wives if they kept pestering them for a divorce. All perpetrators exhibited the same attitude: they came home only occasionally and when they did they were angry with their wives, treated them poorly and/or pressured them for money. In this model, marriage is truly a weapon the perpetrator uses to establish and reinforce his power over the woman's body and self.

Illustration 11
Torturing the Wife, but Not Wanting Divorce

W is 36 years old, has four children and lives in Nagan Raya District. She is the first wife of A who is 40 years old and the village head. As husband, A has sold their joint property (their fields and crops) to support his second wife and her children. Once, without a clear reason, the husband ordered W to leave the barracks. W didn't want to go, so A repeatedly kicked W, hit her in the chest and on her spine until she had wounds that bled and she fell down unconscious. When she regained consciousness, W ran, wanting to save herself, but her husband chased her and hit her on the shoulder seven times until she fell unconscious again. As of December 2005, A was still frequently slapping and hitting W in their barracks room. W was no longer willing to face this and so asked for a divorce, but A did not want to divorce her. He always took his children's cash allotments and aid from the barracks to give to his second wife. The perpetrator even threatened that if they ever divorced, W would never get even a penny from their joint possessions.

90. Illustration 11 shows that the reins of divorce are in the hands of the husband. Although according to law both the husband and wife have equal rights to divorce, in reality that is not the case. A wife cannot exercise her right to divorce as easily as her husband can. A husband has the power to divorce or neglect his wife whenever he wants, whether or not his wife agrees or disagrees with divorce.

D1C. *Talak* (Verbal Divorce)[4]: Reluctance for Legal Divorce, Unwilling to Reconcile

91. The third model of forced marriage is to put a woman in the stocks of institutional marriage and then deliberately leave her in a condition of *cerai gantung* (where her legal marital status is uncertain). We noted 13 cases of *cerai gantung* where the husband verbally divorced his wive, but then refused to arrange for a letter of divorce and neglected his wife, not giving her any certainty about her marital status.

[3] *Talak* is an Islamic divorce formula which, traditionally, is considered legitimate even when it is only spoken. For men, the *talak* is spoken three times. The first and second time it is spoken by men, reconciliation is possible through mutual consent. The third time it is spoken, divorce is considered final and reconciliation possible only through a certain process. For women, the first *talak* is equivalent to men's third *talak* and is referred to as such. According to the Indonesian Compilation on Islamic Civic Law, each *talak* and the reconciliation following it are considered legitimate when recognized by the Islamic High Court or an official of the Office for Religious Affairs.

92. The most common method of *cerai gantung* is when the husband verbally divorces his wife. Even if this happens when emotions run high, some Islamic clerics still consider the divorce legitimate. Therefore, this method of divorce is also considered legitimate in society. In fact, according to the Compilation of Islamic Civic Law, Article 8, divorce or breaking marital ties (other than due to death) can only happen when it is certified with a letter of divorce issued by the Religion/Islamic Law (Syar'iyah) Court, whether it be a decision for divorce, declared intent of divorce or a decision regarding conditions for divorce.

93. Although this practice is common and familiar to social leaders (village head and village clerics), when a wife is divorced in this way without a court decision (without a certificate), social leaders will still ask her for her divorce certificate after she and her husband have separated. When the wife cannot show the divorce certificate, she cannot be counted as head of household and her right to remarry is limited, even ignored.

94. Dualism in attitudes towards *cerai gantung* makes women very vulnerable to violence. On one hand, a woman who wants a legitimate divorce is still legally tied to marriage, even more so if a husband refuses to sign a divorce certificate or she is unable to find a witness, something required for her to obtain a divorce certificate without her husband present in court. Therefore, this woman is always threatened by the possibility that her "husband" may show up and abuse her.

95. On the other hand, if a wife does not want to be divorced, she is still considered divorced. Because there is no legal decision, the wife continues to wait, hoping her husband will eventually change. In the documentation, at least seven victims confessed they had not reported their cases, despite the fact their husbands had already been neglecting them for years, because they hoped for reconciliation.

Illustration 12
Divorced, but Wants to Reconcile

V, 28 years old with four children aged 7 years to 10 months, must sell drinks and snacks to support her family. V's husband has a long list of lovers: in June 2005 he was with another man's wife, in November 2005 he invited an 18-year-old to be his lover so that she reported it to V, and in December 2005 he began a relationship with a widow who had one child. When V learned of the last affair she asked her husband about it and he replied that he was going to marry the widow. The victim asked her husband to divorce her if he was going to marry again, but he refused to grant V's request.

That same month, V's husband asked her where she bought noodles. V answered, "At your lover's kiosk." The husband became angry and hit V on her forehead. V cried and asked for a divorce. Her husband was just quiet and left the victim. The next day they were friendly and the husband asked V for Rp 250.000,- (about US$30) to buy fish breeding stock. Because he promised to repay her, V gave him money, using capital intended for her kiosk. Apparently the husband gave this money to his lover.

On 13 January 2006, the victim again asked for a divorce because she could no longer stand her husband always having affairs. The husband then summarily divorced V verbally, but without a certificate or witness. V reported the divorce to the village cleric. Since that moment, the husband moved to his parents' house while V continued living in the barracks complex with her children. Although they are divorced, the victim still hopes that her husband will return to her and won't marry one of his lovers.

D2. Forced Divorce

96. In practice, men's privileged position vis-à-vis the divorce mechanism is used as a statement of his power over the body and integrity of his wife (see Table 3). Refusal to grant divorce is an explicit statement of the husband's ownership of his wife's body and control of her freedom in their marriage. *Cerai gantung*, on one hand, is the husband's effort to keep his wife in the shackles of marriage and, on the other, is a statement regarding the man's unilateral power to sever a marital relationship without caring about his wife's fate in which she drifts along waiting for the certainty of divorce.

Table 3
How Perpetrators Exercise their Privileged Position vis-à-vis Divorce

No	Means	Total Cases
1	Refusal to grant divorce	8
2	Forced divorce	3
3	Nonconsensual divorce/*cerai gantung*/ divorce certificate withheld	13
Total		24

97. The other extreme of men's show of power is forced divorce. One case was found in which a father forced his 17-year-old daughter to marry. Fifteen days after the marriage, the father forced his daughter to divorce.

98. A wife who does not want a divorce also experiences forced divorce when, just like that, her husband says, "I divorce you" (*talak*) or leaves a written statement in which he divorces his wife. We documented two cases in which the husband used this method. In one case, the husband did this a month and a half after marriage to his second wife, saying he wanted to reconcile with his first wife. He added that he had slept with the victim for only the first two days after they married, "…it doesn't matter if I divorce you because we haven't yet had sex" [because on their marriage night the

victim was menstruating]. As with the case elaborated in Illustration 12, a wife who has no desire to divorce is, on the contrary, summarily divorced by her husband.

Illustration 13
Abuse, apology, then verbal divorce

*D, 26 years old, has two children aged 7 and 4 years old. Her husband, K, is 27 years old and a day laborer with no definite job (*mocok-mocok*). D sells odds and ends in front of her barracks room to make a living for her family. She has never made an issue of the fact that since May 2005 K has no longer helped to support the family. Since the beginning of August 2005, K seldom went home and was once gone for three days in a row. K's excuse was, "...I was cleaning up our village. Who knows? There may be an NGO that wants to build new houses...I spent the night at my friend's house."*

At first D believed him, but by mid-August 2005, she could no longer live with her suspicion. She borrowed a motorcycle and with her two children went to the village. She was startled to see her husband with a young woman (R) at his friend's barrack. D tried to contain herself. She greeted R and asked about her relationship with the man to whom she'd been speaking. Apparently R and K had been engaged for a week already. When D told R that she was his legitimate wife and that they had two children, R was shocked and cried. Apparently K had told R he was still a bachelor. D comforted R so she would stop crying and then took R home. At R's house, D introduced herself to R's mother as K's wife. The mother was a widow with four children and their house was very simple. Crying, the mother hugged D and begged forgiveness, "...it has only been one week since I called together village leaders to arrange R and K's engagement. Now I will have to call them together again to cancel it. How embarrassed I am!"

At the end of August, K returned home and, without a word, went into the barracks room, took a sack of rice, put it on his motorcycle and prepared to leave. Seeing this, D took their second child and placed the child on the motorcycle saying, "This is your child, take him. We will divide them [the children], one each." Without paying heed to D, K revved up the motorcycle. D pulled on K's shirt with one hand and with the other kept holding the child, who was crying, on the motorcycle. Because D clung so tightly, K couldn't leave. He got off the motorcycle, took a brick that was scattered close by and hit D's right thigh with the brick. D tried to defend herself saying, "You must take responsibility for your child!" K became angrier. He slapped D, hit her on the head until it bled, then pushed her with all his strength until she fell down unconscious.

Seeing that D was bleeding and unconscious, K panicked and carried D inside the barracks room. Neighbors, who at first just watched, helped to treat D's head, but she just kept bleeding. K finally took D to the hospital. Because she had to have five stitches in her head and because of great blood loss, D had to be hospitalized for three days. Apparently a neighbor reported the incident to the police (in Bandaraya). The night of the incident, K was arrested by police officers while he was still at the hospital.

After one week, a police officer who was also a friend of K's went to D, "The police chief orders you to come to the office tomorrow at 10 o'clock; it's important." When D got to the police station, only K and his friend were there. The perpetrator, crying and kneeling at D's feet, said, "Honey, don't you love me? Please get me out of here. I promise I won't do anything like that ever again. I'm sorry." D forgave K and, in front of the police, K wrote a letter promising he would never again abuse D. After three days at home in the barracks, K suddenly disappeared leaving a letter for the village head. The letter signed by K, read, "I divorce you, 'D', with talak*, three times at once."*

D3. The Practice of *Blind Chinese Marriage*

99. The practice of *blind chinese marriage* is a combination of forced divorce and forced marriage. Should a couple wish to reconcile after the third *talak*, both the husband and wife must first marry another person. With the acceptance of polygamy, the husband may keep his new wife. However, the wife's new marriage must end with divorce. Marriage simply for the sake of divorce so that the wife can reconcile with her first husband is called *blind chinese marriage*. According to some Islamic clerics, the practice of *blind chinese marriage* is compulsory for Muslims who will be cursed if they hesitate, what more if they question the practice. If it is not practiced, the couple must still divorce, because if they reconcile prior to *blind chinese marriage* it means they have commited adultery – an act punishable by being stoned to death. Because Islamic clerics spread and plant this understanding, people are unable to refuse it and, therefore, accept it as tradition.

100. To perform *blind chinese marriage*, the woman must have enough funds to pay for her second marriage, including bride price and a "fee" for the man who is willing to perform conjugal relations and to promise he will divorce her immediately after that. After this divorce the woman must wait the required period of 100 days (*masa iddah*) before she can reconcile with her first husband.

101. An understanding and practice of *blind chinese marriage* is found in an IDP situation. We found two cases in which the women were forced to perform *blind chinese marriage*. In one case, the practice was reinforced by the victim's father who beat the victim harshly when he found her discussing the *blind chinese marriage* process with her (former) husband (see Illustration 14).

102. The tradition of *blind chinese marriage* places the women who must perform it in a position of vulnerability to acts of violence, among others:
    - forced sexual relations with the *blind chinese husband*
    - an unsafe sexual relation because the intercourse must be conducted without any kind of contraception. This means the woman involved is faced with the risk of:
        - ✓ sexually-transmitted disease
        - ✓ pregnancy
    - the risk that the new husband may not want to divorce the woman
    - a social stigma related to the woman's sexuality that may cause her first husband to no longer seek reconciliation once she has performed *blind chinese marriage*, even more so should the woman be pregnant with a child from her *blind chinese* husband.

103. The argument that *blind chinese marriage* is intended to prevent the institution of marriage from being denigrated - with everyone feeling it is so easy to enter and leave marriage - obviously needs to be reviewed. While the desire for reconciliation is obstructed, a second marriage must be performed. This second marriage is totally without a desire to form a happy family obedient to Islamic law (*sakinah*) and without a foundation of well-being full of love (*mawaddah wa rahmah*). There is only marriage in which a sexual relation has been forced. For the sex to be considered legitimate according to the law and religious norms, all prerequisites for marriage must be met – both the man and woman must read the consent to

marry in front of the religious authority (*ijab-kabul*), and there must be a bride price which is, in fact, prepared by the woman.

104. The terms and values inherent in the understanding and practice of *blind chinese marriage* are the realization of an ideology of submission of a woman's mind, body and sexuality within marriage, a dogma of absolute religious interpretation, and a racist ideology towards ethnic Chinese that is rampant in this country. Although it is evident that the understanding and practice of *blind chinese marriage* oppose the values and principles of marriage and the formation of a happy family obedient to Islamic law (*sakinah*) as instructed according both to religious teaching and laws of the state, the obligation to perform *blind chinese marriage* is justified on the basis that it is "divine law". This justification is so dominant and absolute that there is no space for dialogue to show how this practice is an insult to marriage and denigrates the body and sexuality of humans, especially of women. Because *blind chinese marriage* is obligatory it is, in fact, a deliberate attempt to degrade human dignity.

Illustration 14

Blind Chinese Marriage

C is 24 years old and has two children, although one of them died in the tsunami. C and her (former) husband have been married since 1998. One day at the end of July 2005 in a barracks room in Jaya Sub-district, Aceh Jaya District, C and her husband had a fight that ended with each of them wanting to divorce. That night, C's husband called together C's mother and father and divorced C with the third talak. *After this, C and her husband both regretted what had happened and wanted to reconcile. Unfortunately, according to three Islamic clerics with whom they consulted, C and her husband were no longer considered husband and wife, but considered legitimately divorced. If they wanted to reconcile they would need to perform* blind chinese marriage *before they could remarry.*

C's husband then married another woman and after only one month divorced her. As of January 2006, C and her former husband could not yet remarry because C had not yet performed blind chinese marriage. *According to the teachings of the local clerics, C not only had to marry a* blind chinese *husband, but together they had to have conjugal relations without using any contraception. If the* blind chinese *husband did not want to divorce C after this, C would have to remain married to him.*

Because C's desire to reconcile with her first husband was strong, in January 2006, with help from her (former) husband, C made preparations for a blind chinese marriage *in Banda Aceh. This marriage failed because C did not have three million rupiah to hire the* blind chinese *husband, nor did she have money for the bride price or to pay for the wedding.*

When she was again discussing the process of blind chinese marriage *with her (former) husband in a room at the barracks with the door open, C's father suddenly appeared. Without asking what was going on, C's father began to hit her with the buckle of his belt. He hit the victim on both sides of her back, the front of her right thigh, the back of her left thigh, both calves, the back of her neck and both arms. Members of the victim's family as well as neighbors in the barracks witnessed the beating. C's father beat her because he was ashamed to see his daughter talking to her (former) husband when they were not yet (again) legitimate husband and wife.*

As a result of the beating, C could not move for two days but remained lying in bed. The last time she met with a documenter at the end of February 2006, C said she had performed blind chinese marriage. *Fortunately, the* blind chinese *husband agreed to keep his promise to divorce her. C was observing the 100 day waiting period (*masa iddah*) and anxious to know whether or not she was pregnant.*

E. Domestic/Personal Violence: The Pillar Called the Household

"My house is my castle" is an expression that gives meaning to the house as a place for pouring out love and care. Based on findings from cases of domestic violence among IDPs, women as wives, sisters and daughters were victims of their protectors – husbands, fathers and brothers. This shows that values and views about the head of the household are those of domination and ownership, where those guided by the household head must be totally obedient. This patriarchal culture is deeply rooted in the family, the smallest social unit.

105. The home is a place where each person expect to receive love and support from those closest to her/him and, therefore, it should be the most comfortable and protected zone. The state via its marriage laws has ordained that the husband, as head of household, has responsibility as the breadwinner and protector of his family. In reality, it is in husband-wife or parent-child relations where values of ownership, domination and exploitation are found. These values are often embodied in forms of violence as evidence of the "protector's" power or to guarantee total submission. The household in IDP conditions is no exception.

Illustration 15
Abused in the Ties of Marriage

W, 17 years old, is a mother and housewife who lives in a barracks room in Aceh Besar District. One night W asked her husband for permission to visit her mother who lived not far from their barracks and W's husband permitted her to go. After about three hours at her mother's place, W returned to her barracks room but found it locked, meaning that her husband had the key. After waiting for some time in vain for her husband to come, W returned to her mother's place for awhile. Less than half an hour later W returned to the barracks at about 22.30. W found her husband in front of the barracks. Without asking her a thing, W's husband blew up. He slapped W on the cheek and kicked her in the stomach, although W was four months pregnant. W's husband said, "A wife may not leave her house at night."

This is not the first time W experienced violence. Before this, W's husband was often angry with her because she would question and refuse his requests to return change from the money he had given her for daily shopping. When he was angry, the husband would throw clothes and dishes within his reach, and would even tear W's clothes. He frequently asked W to abort her foetus; he said he was not ready to have a child and didn't have enough money to pay for the baby's birth. Because W was continually pressured and yelled at, one day, with heavy heart, she finally had an abortion. Although she suffers from great stress, W remains faithful, but is afraid of her husband.

106. Although in previous sections of this report various problems of sexual violence in the domestic domain and tied to the institution of marriage have already been presented, the complexity of the problems in the domestic domain prompts us to look especially at women's experience of domestic violence in greater depth. This is further supported by our understanding that for Acehnese women the family is the beginning and the end of their lives, the source of security and love. Domestic violence, even in its most subtle form, has deep meaning for the lives of women.

E1. Characteristics of Victims and Perpetrators of Domestic Violence

107. In the 80 cases of violence against women IDPs in the domestic/personal domain, most perpetrators were husbands (53 cases or 66%); fathers were the second most common perpetrator (9 cases, 11.3%); while mothers, siblings and relatives (including through marriage) held equal portions as perpetrators of violent acts (5 cases each, 6.3%; see Table 4). The presence of relatives as perpetrators, as already mentioned in paragraph 8 of the general findings, is closely related to the fact that, as a result of living in the same barracks room/tent or in the same IDP site, members of an extended family can easily interfere in the domestic problems of the victim and at the same time be perpetrators of violence.

108. Nine children were victims of domestic violence; two of whom were victims of violence perpetrated by their husbands. The youngest victims were 15 years old, namely three girls involved in underage prostitution who were neglected by their parents. The age group most vulnerable to violence was 18-28 years (39 cases, 49%), followed by 28-38 years (21 cases, 26%).

Table 4
Age of Victims and Victim-Perpetrator Relationship

Relationship of Perpetrator to Victim	**Age of Victim (years)**					
	< 18	≥ 18-28	> 28-38	> 38-48	> 48-58	**Total**
Husband	2	23	18	9	1	53
Father	5	4				9
Sibling	1	2	2			5
Child					1	1
Mother	1	3	1			5
Relative		5				5
Boyfriend		2				2
Total	9	39	21	9	2	80

E2. Forms and Acts of Domestic Violence

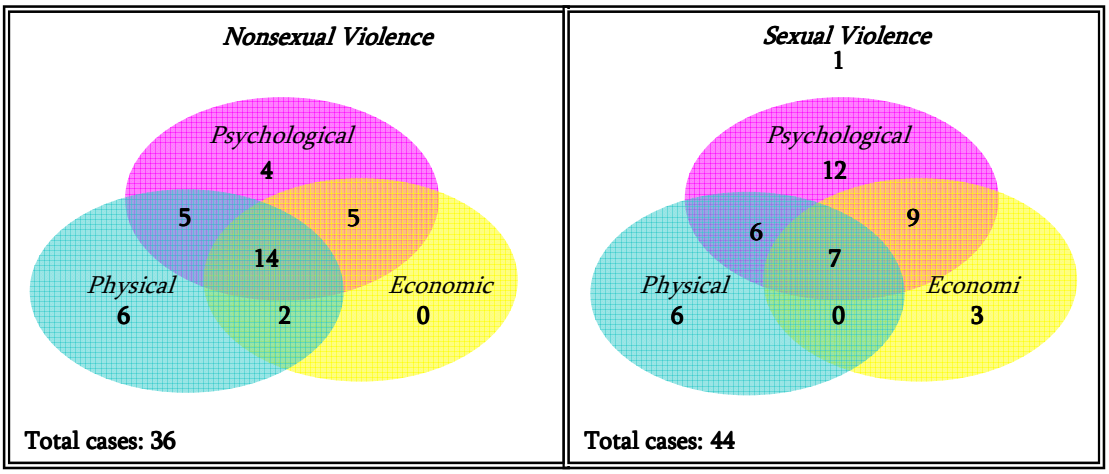
109. Of 80 cases of violence against women IDPs in the domestic/personal domain, 44 took the form of sexual violence. This form of violence was often present along with physical, psychological and/or economic violence (see Diagram 11). It is interesting to note that the character of domestic sexual violence, especially when perpetrated by a husband against his wife, is very complex and often subtle. Consequently, on one hand, several women had difficulty identifying the sexual violence they experienced, such as verbal sexual harassment and marital rape. Verbal sexual harassment or sexual slurs that particularly targeted women's sexuality and sexual organs, such as "whore" and "your mother's cunt", were intentionally used to make women feel worthless. Yet, victims often spoke about their experience of this kind of violence simply as "discomfort". Nevertheless, domestic sexual violence slowly but surely gnawed away at women's integrity and, sometimes, the victim tried to cope with it by taking extreme measures as seen in Illustration 16.

110. On the other hand, there were a few women who could speak of nothing else except the sexual violence they experienced. This does not mean other forms violence were

not present, but rather reflects that the sexual violence they experienced was so encompassing, persistent and inescapable that it overshadowed other forms of violence. For example, one case was found where a woman IDP was always forced by her husband to have intercourse in a certain position or at a time or place that she did not want; if the victim refused to have sex, her husband threatened to withhold money she needed for groceries. When this victim revealed her experience to the documenter, she continually talked about how she could no longer stand her husband's sexual violence and that she felt as if she were being raped. While the fact of marital rape in this case is evident, a deeper study of this victim's experience would show that actually she is in a condition like sexual slavery.

Diagram 11

Intersection of Forms of Domestic Violence Against Women IDPs



111. Forty cases of domestic/personal violence included economic violence such as economic neglect (11 cases) and cases in which the husband bullied his wife for money (5 cases). There were even four cases where, besides abandoning his family, the husband would always return to bully his wife for money and take the cash allotments and other IDP aid that had been distributed to his wife and children.

112. The findings show that physical violence – especially hitting, kicking and slapping – was present in more than half the cases of domestic violence, namely 46. These acts of violence were targeted at all parts of the woman's body (see Diagram 12). In six cases, the perpetrator pulled the victim's hair and pounded her head against the wall; in one of these six cases the perpetrator even shaved the front part of the victim's head with a razor because the victim refused to give him money.

Illustration 16

Fate of a Widow Who Remarried

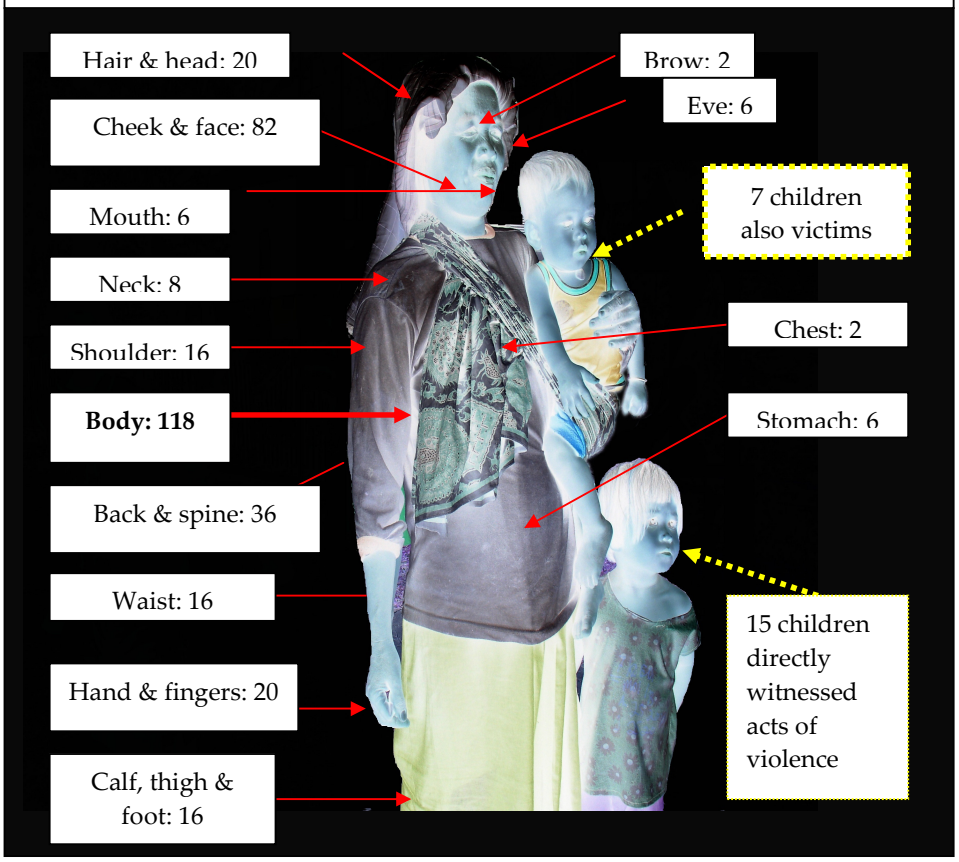
L lives in barracks in Aceh Besar District with her second husband. She has two children from her first husband who died some time ago; the first child is in the first grade of Junior High School, but the second child died in the tsunami. L runs a small kiosk, whereas her husband (second) is unemployed. Besides her husband and child, L must also support her mother. Beginning in February 2005, L's husband always returned to the barracks late at night, was often angry at the children and would kick the door. He didn't want to speak or even eat so that L began to suspect her husband was having an affair. About July, L waited up for her husband and asked him why he always came home in the middle of the night. During their argument, L's husband said that his sexual desire was not satisfied because he had married a widow. When she heard this, L asked to be divorced, but her husband didn't want to divorce her. Several days later, L again asked her husband why he always returned to the barracks so late; her husband became angry and slapped her face.

In October 2005, L invited a friend to go with her to visit her mother who lived in another IDP site. On the road to her mother's, L asked her friend who was driving the motorcycle if she could drive. According to the friend, who became the passenger, L drove the motorcycle at breakneck speed and intentionally crashed into a pedicab. Her left thigh was torn up, her head was bleeding, her cheek was bruised and swollen, and she had a wound on the left side of her neck below the ear. While she was still in the hospital, L spoke to her child and left the message that he was not to have any further relations with his father (the child's stepfather), among other reasons because as long as L was in the hospital her husband never visited her. After three days in the hospital, L died.

Diagram 12

Targets of Physical Violence

(part of body: total number of violent acts)



113. Often children were indirect victims of domestic violence directed towards women IDPs. Of seven child victims, two were unintentionally hit by their fathers at the time of the incident because the child was in the mother's lap or close to her. In Illustration 12, a child cried in fright when held down on his father's motorcycle by his mother while his parents argued. In another case, the victim chose to flee with her child because she could no longer stand her husband's abuse. After sitting on the side of the road late into the night and listening to her child cry, the victim regretfully returned to the barracks where her husband/the perpetrator lived. There were also two cases where the husbands did not want to divorce their wives legally, yet drove out their wives from the barracks; in one of these cases the husband even tried to quietly take back his child from his mother-in-law's house where his wife and child had moved.

114. If they were not victims, children often witnessed and sometimes joined in breaking up their parents' fights. In one case, a problem began to emerge in the family when the father, a truck driver, rarely came home. In her diary, the daughter wrote down all her parents arguments of which she was aware and about her feelings each time her father yelled at her mother. This diary was the main reference used by the documentation team in writing a chronological account of the acts of neglect and violence towards her mother.

Illustration 17

Child Saves Mother from Father's Abuse

The relationship of B, who is 32 years old and lives in a barracks site in Nagan Raya District, with her husband is full of violence. Since their first child was born about the year 2000, the husband's treatment of B has become increasingly abusive – he never wants to know the needs of the household and is increasingly absent. If he does come home, it is just to eat and then he leaves again. When he is home, B's husband forces her to give him as much money as he wants. If there is no money or B won't give it to him, he hits B and his children. Because she could no longer stand it and also because there was no money for the household, B went to Malaysia to find work.

B was gone for two years and when she returned she opened a small shop. A month later her husband showed up and B took him back. For one month B's husband treated her well, but then the pattern of abuse began again – B's husband would come home, ask for money, then leave again. If B didn't give her husband money he would hit her. Several months before the tsunami, B's husband asked for money, but she refused because she had caught him red-handed with another woman. The husband strangled B until the veins of her neck bulged and were taut and she couldn't shake her head. B withstood the pain and just stayed at home, quiet, because her husband had threatened her that if she complained to her parents/others he would not hesitate to kill B with a knife.

In April 2005, B's husband once again began to flirt with another woman, this time a widow who lived close to B's barracks. When B's husband asked her for money and was refused he became very angry. He quietly took a knife, grabbed B and placed the knife at her throat while "playing" his two feet on her [kicking her] eight times. Just as he was about to stick the knife into her neck, their first child came and pulled his father away. B's went limp and fainted.

115. As with the domestic violence they experience, the impact that must be endured by women IDP victims is often not singular, but multi-dimensional and overlapping. The most common impact resulting from the domestic violence they suffer is psychological (43.5%), followed by physical (21.5%), economic (15.3%) and sexual (15.1%). Besides these four types of impact, victims must also face a social impact that influences relations with and recognition by village officials and their communities.

116. For women who experience domestic violence and also violence in the public domain, medical aid to treat physical wounds is limited. Likewise with professionals to provide counseling. In 21/59 IDP sites monitored (36%), it was found that since the end of the emergency phase, health and counseling services also gradually ended – doctors/nurses/counselors no longer came to the IDP sites and aid for medicines also was no longer available. Furthermore, 34 sites (57.6%) reported there had never been any counseling services at all.

117. In other data concerning conditions of health services for women IDPs in 59 locations, we found two locations where wives were not allowed to use contraception or, if allowed, not free to choose the type of contraception they wanted without their husbands' permission. In one site in Aceh Timor District it was reported that several women secretly participated in a birth control program. If their husbands were to find out about this, these women would be vulnerable to their husbands' violence. In other words, this condition opens up opportunities for domestic violence.

E3. Responses to Domestic Violence:
Some Hope for Breaking Impunity

118. Of 80 cases of violence, 47 or nearly 59% were not reported. Of those who did not report, eleven victims were afraid to report, one victim admitted she was both afraid and ashamed, and three others were ashamed to report the violence they had experienced. There were also four victims who thought the violence they experienced was just normal, whereas seven others did not report because they hoped the perpetrators/husbands, would change.

119. Of the 33 cases that were reported, two were reported by neighbors, three by parents, especially the mother of the victim, one by an older male relative of the victim and the rest were reported by the victims themselves. These reports went to more than one authority and the responses given were varied. To facilitate viewing the responses, Table 5 shows those who received the reports and the type of response they gave.

Table 5
Responses to Cases of Domestic Violence

Party Who Received Report		*Response*		*Total*
		positive	*negative*	
Police		6	1	7
Sub-district head		1		1
Sub-district division head			2	2
Village officials	*Geuchik* (village head)	5	8	13
	Head of neighborhood	1		1
	Village secretary		1	1
Authorities at IDP site	Head of tent	1		1
	Barrack coordinator	2	1	3
Social leaders	Free Aceh Movement (GAM)		1	1
	Muslim cleric	1		1
Family		4	4	8
Total		21	18	39

120. More than half the reported cases were reported to the closest officials available, such as village officials, IDP authorities and religious leaders. 21/39 domestic violence cases (54%) were reported to these authorities. Their response to the reports was almost evenly divided between 10 positive and 11 negative responses. The *geuchik* or village head was the official most responsible for negative responses (8 of 18 negative responses) to reports received from the victim. Of these negative responses, three cases were summarily dismissed, one with the excuse that the victim had to report together with the perpetrator – her husband – who had been neglecting the victim for a long time. In another case, the victim was asked to show her certificate of divorce when she reported that her husband had abandoned his family, but always came back to the barracks to take the cash allotments they received. In three other cases, village officials, together with religious and civic leaders, supported families who arranged for marriage between rape victims and their perpetrators.

121. Victims also sought support by telling about their abuse to family members (14%). Noted as positive responses were families' attempts to reconcile husbands and wives who had separated after arguments, and also daughters and their parents who argued as the result of attempted forced marriage. Negative responses by families included families who ignored the reports they received or who were simply angry with the perpetrator without taking further action. This happened especially when the perpetrator was a member of the family, such as the cousin who attempted rape (paragraph 78 above).

122. Positvie responses in handling cases of domestic violence came from the police. Six out of seven or 86% of the domestic violence cases reported to police were handled positively. The local police were responsive in giving legal services to the victim, including detaining perpetrators of domestic violence and making them provide child support. All these responses are short-term; immediate and fundamental change in perpetrators' attitudes and behavior cannot be guaranteed. Nevertheless, positive responses by the police do much for restoring the faith of the victim's community in law enforcement.

F. Women IDPs as the Result of Armed Conflict: Survive and Rise Again

Following the signing of the peace accord (Helsinki MoU) between Indonesia and GAM (the Free Aceh Movement) in August 2005, the number of those who had been living in IDP sites due to the armed conflict was drastically reduced. Therefore, during this documentation process (19 October 2005 – 28 February 2006), the documentation team not only gathered information from women IDPs still living in IDP sites, but also from those who had returned to their home villages by asking them to recall their living conditions while displaced. It was very important to do this, not only because women IDPs as a result of the armed conflict are inseparable from the reality of displacement in Aceh, but also because there are many important lessons to be learned from their experience in order to better handle IDPs. Their experience is particularly relevant considering that the restoration of IDPs due to the tsunami will take a long time, even just to vacate the IDP sites. Besides that, the reconstruction and rehabilitation of Aceh will be only partial if their experience is simply ignored.

123. All IDPs are aware that to live as an IDP is to live in emergency, abnormal and limited conditions. Nevertheless, none of them hopes to live long under a tent, in small barracks rooms, in public buildings they have miraculously turned into living space, or in semi-permanent dwellings whose walls are nothing more than plastic tarps to protect them from attacks of wind. In reality, they have to live with these conditions a long time, not just a few days; some women have even been displaced as a result of the armed conflict for more than three years.

124. In general, it is as if IDPs as a result of the armed conflict are forgotten by the waves of aid provided for those displaced by the tsunami. Unless displaced by both the armed conflict and the tsunami, IDPs due to the armed conflict alone can only watch trucks filled with aid repeatedly pass by them. An IDP coordinator in Aceh Timur District who was courageous enough to write a letter to the local government to request aid for basic necessities and to improve semi-permanent housing in the area, was severely punished. The local sub-district head accused this coordinator of rebellion and reported him to security forces. The coordinator was detained for about 100 days. As part of the effort by Indonesia and GAM to implement the Helsinki MoU, this coordinator was released from detention. As a result of his detention, all plans in this location to request aid from outside organizations for IDPs due to the armed conflict became stagnant.

125. Before the signing of the MoU, there was almost no aid for IDPs due to the armed conflict. This was mainly because IDPs' access to areas beyond their sites of displacement was very limited. Firstly, most sites for those displaced by the armed conflict were difficult to reach and isolated. For example, G (Illustration 18) came from an area about 15 kilometers from the center of the sub-district, yet it took more than one and a half hours to reach it. The time increased significantly during the rainy season when the bumpy road was full of water and mud. Another example is an IDP site in Aceh Timur District. The main transport road that connected the IDPs living there with other villages and regions had several bridges built by the people themselves that could only be crossed with a motorcycle. Because few IDPs owned motorcycles and the cost of motorcycle transport (*ojek*) was so high, IDPs had to walk in order to get anywhere.

126. Secondly, as a region labeled "problematic", freedom to move in and out of sites for those displaced due to the armed conflict was very limited. To move in and out, a person had to obtain special permission from the security forces. In addition, that person had to report at each of the numerous security posts that she or he had to pass. For IDPs, this gave rise to exceptional fear. Furthermore, security forces that received reports often harshly frisked people, especially men. Nevertheless, in order to preserve her own life and that of her family, a woman IDP would often risk facing security forces when she needed to leave her IDP site to trade or to shop for basic necessities for her household.

127. Living conditions in IDP sites were difficult because there was hardly any aid and minimal facilities - such as bathing/toilet facilities, health services and educational facilities. Although these difficulties were also experienced by men and children, women especially carried an additional burden as a result of these conditions. For example, in one IDP location resulting from the armed conflict in Aceh Timor District, women IDPs had to walk three kilometres each day to reach the closest well in order to get water for their families. To fetch water is women's work because, "….it's impossible that Acehnese men would want to do housework. The ones who haul water, haul wood, all are women," said one woman IDP who lived in that location.

128. Besides the heavy addition of domestic tasks, women IDPs from the armed conflict also shouldered the burden as the family breadwinner. This burden dramatically increased because male IDPs were almost immobile due to the great suspicion of security forces who thought they were part of the armed group/GAM (see paragraph 126). This inescapable burden made women IDPs very vulnerable to violence. In Aceh Selatan District, a number of women IDPs expressed the great fear they had each time they returned to their home villages to care for their fields and harvest their crops. This was not just because armed contact might occur at any moment, but also if a woman returned late to her IDP site should would be mercilessly punished by security forces for having stayed out past the agreed upon time for her to return. A similar condition was experienced by women IDPs as a result of the armed conflict in other areas, such as the area pictured in Illustration 18.

Illustration 18

"Finally, We Can Go Home!"

G is one of more than 2500 people who were displaced as a result of the armed conflict in Aceh Timur District, about two months after the military emergency went into effect in Aceh in 2003. The largest displacement occurred in the midst of armed contact between Indonesian security forces and GAM [Free Aceh Movement] forces. Houses were burned and civilians beaten.

G lives in a semi-permanent house she built with her husband using the trunks of rubber trees as the main pillars to support the house, several boards stacked to make walls, palm leaves to thatch the roof and large colored plastic for the interior partitions. Many IDPs live in semi-permanent houses like this. Fortunately, most IDPs don't need to pay rent because the land they live on has been loaned to them by the local people. The semi-permanent houses that have been built are concentrated near the market and along the banks of the river. Muddy land is the main view around this IDP location. For bathing, washing and toilet needs, G and other IDPs depend on the river. For toilet needs, G usually uses bushes near the river.

According to G's memory, during their displacement for more than two years, the IDPs in her location have had almost no attention. A collective kitchen built by the district government lasted for only the first two months, and there was once distribution of tents by the Indonesian Red Cross, but there weren't enough for all the IDPs. Since then, they have received no other aid.

During their displacement, G and the other women IDPs were the backbone of their families. Coming from a village of transmigrants who worked on a rubber plantation, the main source of income for these IDPs comes from tapping rubber trees. For security reasons, during their displacement more than 70% of the rubber tappers were women: "...if men went alone to the [rubber] plantation, sometimes they didn't come home." During their displacement, women also experienced intimidation and abuse each time they went to tap rubber. "We could not take food...although our work was heavy...if we were found with food, we were ordered to finish eating it on the spot." This was because security forces suspected that there were GAM sympathizers among the displaced people who intended to give their food to GAM members who had run to the forest.

*G never dreamed of returning to her home village. This hope arose only after the signing of the MoU. IDPs began, little by little, to pack up their belongkings, tear down their semi-permanent dwellings and move back to their home village. G will move as soon as her semi-permanent house there is ready since her former house was totally burned. "*Alhamdulillah! *[Praise be to God!] What's important is that we can return to our village and work freely," said G full of enthusiasm.*

129. After the armed conflict was over and after years living in displacement, the majority of women IDPs and their families have now returned to their original villages. A few remain in IDP sites, primarily because in their original village they no longer have a place to live - their houses were burned or became dilapidated over the years. Widows especially have difficulty returning home because there is no one to help them pack up their belongings, no one to help them build semi-permanent houses in their home villages and also no relatives with whom they can live temporarily. It is even more difficult for them if they do not have land.

130. For instance, this condition is faced by T, a widow with two children. She and her children are forced to endure life in their IDP site in Aceh Selatan District, although this means they are the only family still living there. T does not have many choices; to return to her village would not only mean she would have no place to live, but also no work. T's husband did not leave her any land when he died after he was unintentionally shot during armed contact in their village. During her displacement, T earned money by washing clothes for several families who live in the city surrounding her IDP site – work that is not needed by those who live in her village. T herself would rather return home if she could. The stigma on widows, what more on young widows like T, means that T is always regarded with suspicion by those living around her IDP site. Gossip has begun to spread that T probably remains there because she has a secret relationship with a local man.

131. Those who have already returned to their original villages still face many problems, especially those resulting from the armed conflict. Take, for example, the lack of public facilities in the home villages of these IDPs. Schools, clinics and government buildings, if they were not burned, are now unusable because of decay; they were not attended to while the villagers were displaced. There is also long-term trauma the IDPs carry with them when they return to their villages. "Until now, my daughter cannot yet speak about the heaviness in her heart. She can only cry, [as she did] the first time [she] returned to the village and saw her father again," said a woman IDP who had returned to her home village in Aceh Selatan District.

132. Nevertheless, all these problems do not mean that women IDPs who have returned to their villages withdraw. These women are resolute as evidenced by their struggle to endure in the midst of limitations, threats and violence. They faced each limitation in their IDP site as a challenge to which they had to adapt creatively in order to make the space where they lived more habitable. They swallowed their tears, worked their fingers to the bone and risked their own lives to ensure the lives of their families. It was this steadfastness that became the main capital for rebuilding their lives in their home villages.

133. Independence was also capital that women IDPs from the armed conflict took home with them. Because men were immobile for security reasons, the struggle to live during displacement meant that women had to be self-reliant in supporting and managing the household. At the same time, women's social roles became more evident as they took the lead to ensure continuation of the community. Once the armed conflict was over, the process of normalization seemed to question women's independence. Because the armed conflict pervaded all aspects of life in Aceh, women's independence was often perceived as something temporary – something needed because of and only during the armed conflict.

134. Therefore, besides reconstruction of IDPs' home villages, support for women's independence should also be a priority for those who handle the rehabilitation of IDPs and are engaged in efforts to empower them. If there is now no special effort to support and strengthen women's independence, the unbalanced pattern of relations between men and women will re-emerge. In the other words, to ignore problems related to women's independence means to construct a brittle foundation in developing a New Aceh.

CONCLUSION AND RECOMMENDATIONS

A. Conclusion

Discrimination against women IDPs is inseparable from the abuse of power by local leaders. An effective medium of discrimination is women's marital status;

Sexual violence, such as sexual attacks, exploitation and sexual stigmatization that occur in the public as well as domestic domains, is the form of violence most experienced by women IDPs (74% of all cases of violence);

Perpetrators of violence and discrimination against women, in the household as well as the community, are those closest to the victim and so able to manipulate women's vulnerability;

The institution of marriage is often used as the means to limit the sovereignty of women IDPs;

The majority of women IDPs who experience discrimination and/or violence do not report it to authorities. Some women victims make an effort to survive the problem by strengthening their economic independence;

Women IDPs who struggle for their rights and the rights of their communities become the targets of violence as a means to punish and silence them;

Impunity in cases of violence and discrimination relates to a perpetual spiral of violence and the steady rise in total number of victims;

Impunity for perpetrators of violence and discrimination against women is connected to repressive practices inherited from the period of armed conflict;

Programs for handling IDPs, to date, ignore IDPs as a result of the conflict;

The consequence of not involving women in decision-making processes is that women become more vulnerable to violence and discrimination.

B. Recommendations

Target	Issue	Recommendations	
		Short-term	Long-term
Aceh Parliament, Level II (district level)	Abuse of power connected to practices of gender-based discrimination	Proactively monitor: a. handling of IDPs and b. discriminatory practices against women IDPs.	Create mechanisms to regularly oversee the handling of IDPs and practices of discrimination against women IDPs.
Aceh Parliament, Level I (provincial level)	Abuse of power connected to practices of gender-based discrimination	---	Create mechanisms to regularly oversee the handling of IDPs and practices of discrimination against women IDPs.
	Lack of women's participation	Ensure that all laws and provincial policies guarantee that life for women is free of threats and acts of discrimination and violence.	Develop a better mechanism to ensure the involvement of women's groups in drafting, implementing and supervising the implementation of provincial policies.
Parliament of Indonesia (national level)	Institution of marriage: practice of *blind chinese marriage*, customary marriages (without certificate), forced marriage and Islamic divorce (without certificate)	Ensure that the law on Acehnese autonomy guarantees Acehnese women's access to justice for problems of marriage, divorce and reconciliation up to the highest appellate court (the Supreme Court).	Ensure a faster, easier and less expensive process for women to access justice for problems of marriage, divorce and reconciliation up to the highest appellate court (the Supreme Court).
Governor – executive/ leaders of good governance	Abuse of power connected to practices of gender-based discrimination	Form a complaint network for cases of discrimination against women IDPs through the Bureau for Women's Empowerment and give special attention to women IDPs who are punished and silenced for their efforts to struggle for their rights and those of their communities.	In the framework of giving meaning to good governance in Aceh, create a mechanism for government accountability that gives priority to women victims of discrimination and violence.

Target	Issue	Recommendations	
		Short-term	Long-term
Governor – executive/ leaders of good governance	Sexual violence by perpetrators who have a close relationship with the victim	Empower local/civic leaders with knowledge of legal instruments for the protection of women victims of violence, including knowledge about the law to eliminate domestic violence.	---
	Lack of women's participation	Ensure that all laws and provincial policies guarantee that life for women is free of threats and acts of discrimination and violence.	Develop a better mechanism to ensure the involvement of women's groups in drafting, implementing and supervising the implementation of provincial policies.
District-level government	Sexual violence by perpetrators who have a close relationship with the victim	Support efforts by women's organizations and/or law enforcement officers in handling women victims of violence, including allocation of funds.	---
	Issues related to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Develop an effective approach to IDPs from the armed conflict who now live in their semi-permanent houses and give them special attention.	Develop a comprehensive, integrated approach in all reconstruction and rehabilitation efforts to restore IDPs from the tsunami, IDPs from the armed conflict, victims of the armed conflict and former combatants.
Agency for Reconstruc-tion and Rehabilita-tion (BRR)	Abuse of power connected to practices of gender-based discrimination	Integrate problems of discrimination/violence against women IDPs in monitoring instruments.	Integrate problems of discrimination/violence against women IDPs in handling IDPs (integrate these problems in the humanitarian charter for minimum standards for disaster response - SPHERE).

Target	Issue	Recommendations	
		Short-term	Long-term
Agency for Reconstruc-tion and Rehabilita-tion (BRR)	Issues related to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Develop an effective approach to IDPs from the armed conflict who now live in their semi-permanent houses and give them special attention.	Develop a comprehensive, integrated approach in all reconstruction and rehabilitation efforts to restore IDPs from the tsunami, IDPs from the armed conflict, victims of the armed conflict and former combatants.
	Lack of women's participation	Develop a cross-sectoral mechanism within the structure of the agency (BRR) to ensure integration of a gender perspective in reconstruction and rehabilitation programs so that they (a) become more effective and efficient for women IDPs and (b) prevent the continuation of patterns of discrimination against women IDPs.	---
Interna-tional non-government organiza-tions	Abuse of power connected to practices of gender-based discrimination	Integrate issues of discrimination/violence against women IDPs in monitoring instruments.	Integrate problems of discrimination/violence against women IDPs in handling IDPs (integrate these problems in the humanitarian charter for minimum standards for disaster response - SPHERE).
Interna-tional non-government organiza-tions	Issues related to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Develop an effective approach to IDPs as a result of the armed conflict who now live in their semi-permanent houses and give them special attention.	Develop a comprehensive, integrated approach in all reconstruction and rehabilitation efforts to restore IDPs from the tsunami, IDPs from the armed conflict, victims of the armed conflict and former combatants.

Target	Issue	Recommendations	
		Short-term	Long-term
International non-government organizations	Lack of women's involvement	Allocate a special budget to guarantee women IDPs' involvement in drafting, implementing and supervising the implementation of policies connected to Aceh's reconstruction and rehabilitation.	---
Department of Internal Affairs	Institution of marriage: practice of *blind chinese marriage*, customary marriages (without certificate), forced marriage and divorce (without certificate)	Ensure that the law on Acehnese autonomy Acehnese women guaranteed access to justice for problems of marriage, divorce and reconciliation to the highest appellate court (the Supreme Court).	---
Law enforcement officers	Sexual violence by perpetrators who have a close relationship with the victim	Implement the legislation to eliminate domestic violence in Nanggroe Aceh Darussalam.	Increase the capacity of local institutions in handling cases of violence, especially sexual violence, in accordance with current national laws.
Islamic Court in Aceh	Institution of marriage: practice of *blind chinese marriage*, customary marriages (without certificate), forced marriage and divorce (without certificate)	Proactively take a position on the practices of *blind chinese marriage* as well as divorce that happens without a judicial process/outside decisions of state law.	Ensure consistency in the implementation of Islamic civic law.

Target	Issue	Recommendations	
		Short-term	Long-term
Council of Muslim Clerics	Institution of marriage: practice of *blind chinese marriage*, customary marriages (without certificate), forced marriage and divorce (without certificate)	Proactively take a position on the practices of *blind chinese marriage* as well as divorce that happens without a judicial process/outside decisions of state law.	Ensure consistency in the implementation of Islamic civic law.
	Issues related to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Support civic and religious leaders' understanding about rights of the victim to truth, justice and reparations, including prevention of revictimization in the form of ostracism, arbitrary punishment by society and being expelled from the community.	---
Academics	Institution of marriage: practice of *blind chinese marriage*, customary marriages (without certificate), forced marriage and divorce (without certificate)	Conduct further research about how the institution of marriage is used as a means to limit women's sovereignty.	---
Anti-corruption organiza-tions	Abuse of power connected to practices of gender-based discrimination	Develop an understanding about the abuse of power that targets women IDPs.	Integrate the methods of discrimination/violence against women IDPs in practices of corruption that need to be monitored.

Target	Issue	Recommendations	
		Short-term	Long-term
Non-government / people's organizations	Connected to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Support civic and religious leaders' understanding about rights of the victim to truth, justice and reparations, including prevention of revictimization in the form of ostracism, arbitrary punishment by society and being expelled from the community.	---
Organizations with economic empowerment programs	Issues related to women IDPs' efforts to strengthen their economic independence as a way to overcome violence and discrimination	Give special attention to women victims of violence in programs of economic empowerment.	---
Women's organizations	Abuse of power connected to practices of gender-based discrimination	Continue and strengthen initiatives to accompany women IDPs who are victims of violence and discriminaton.	Strengthen organizational capacity to document cases of violence and discrimination against women.

RESPONSE OF THE ACEHNESE AUTHORITIES AND THE PUBLIC IN ACEH
TO THE REPORT ON THE STATUS OF HUMAN RIGHTS OF WOMEN IDPS IN ACEH

Komnas Perempuan's Special Rapporteur for Aceh
Banda Aceh, 27 March 2006

The Special Rapporteur of the National Commission on Violence Against Women held a Public Dialogue on 27 March 2006 in Banda Aceh to get input on her report of findings about the status of women IDPs' human rights in Aceh. The Special Rapporteur officially requested responses from the Nanggroe Aceh Darussalam (NAD) authorities, in this case the Governor of Aceh and representatives from the Acehnese Provincial Parliament, the Acehnese Council of Muslim Clerics and the Agency for the Reconstruction and Rehabilitation of Aceh-Nias. The dialogue was attended by more than 100 representatives from the Acehnese government, the UN, academic institutions, national and international organizations that work in Aceh, local non-government organizations, and the mass media as well as survivors and their families.

From this dialogue, the Special Rapporteur hoped for an official response from authorities and input from the public to enrich analysis of the findings. Besides that, she hoped to capture tendencies of the public paradigm and Acehnese authorities regarding the status of Acehnese women IDPs' human rights, especially in regard to discimination, violence and forced eviction. She also sought to find out what efforts and policies were to be implemented in the future to manage internally displaced persons in a more comprehensive and gender-sensitive manner. Based on the responses of Acehnese authorities and the aspirations expressed by participants, the Special Rapporteur is convinced that the authorities and the public of Aceh have received this report and support follow-up to it.

Below is a portion of the responses obtained in the Public Dialogue. To facilitate reading, the official response of each Acehnese government authority includes in one section both his presentation as well as his response to questions received from participants. The final section consists of transcripts of participants' responses.

A. Response by the Executive Authority of NAD

The written response of the Governor of NAD was read by Drs**.** H. Saidan Nafi, SH., MHum as the Governor's Assistant of NAD autonomy. In his written response, the Governor of NAD:

a. extended his appreciation and thanks to Komnas Perempuan for its hard work in gathering data on discrimination and violence;

b. extended an invitation to seek solutions, especially for those who had been affected by the armed conflict and the tsunami. Therefore, the Governor suggested:
    1. Concerning acts of violence that occur in or outside the barracks:
        - itensify efforts to disseminate information about Islamic law (syariat Islam) among the people of Aceh
        - disseminate information about various laws and regulations including, among others, the law on child protecion , the law to eliminate domestic violence, provincial regulations regarding Islamic law and regulations concerning pre-

marital intimacy, gambling and drunkenness along with various other regulations.
- increase people's formal and non-formal education.

2. Concerning the situation in the barracks:
   - the government and the public need to seriously, simultaneously and with synergy strengthen their cooperation to help improve government efforts to minimize problems.

c. hopes that the District Heads and Mayors will give greater attention to IDPs in the barracks and make the greatest effort possible so that IDPs in tents are immediately moved to barracks and from barracks then moved immediately into houses.

d. hopes for more serious attention from the Agency for Islamic Law, the Provincial Department of Religion, leaders of Islamic boarding schools, Social Services Department, Education Department, Health Department, the Bureau for Women's Empowerment and various other government agencies so they give guidance according to their respective fields and coordinate with other elements of society.

In the dialogue, the Governor's Assistant said, in short, that this was an important discussion because Aceh had just come out of an armed conflict and also a natural disaster that had made women and children victims. He also stressed that the information presented by the Special Rapporteur was the social reality of Aceh and that cooperation among units of the government, society and also the family needed to be increased.

B. Response of the Council of Muslim Clerics (MPU) of the Province of NAD

This response was given orally by the Head of the MPU, Prof. Muslim Ibrahim**.** He focused on problems around the institution of marriage, especially concerning the practice of *blind chinese marriage*. According to the Head of MPU:

a. In general, the cases presented were undeniable, what more since all of them happened in barracks [and, more generally, in IDP sites] where conditions were abnormal.

b. The problems mentioned could be resolved if men and women worked together. According to the Muslim view, men are neither better nor worse, greater nor smaller, than women and vice versa.

c. According to Acehnese custom, during the period of a couple's engagement, the man's family brings a sign (e.g., ~ 6.5 to 10 grams of gold) to tie the families together and as proof symbolizing that the engagement has been realized. The engagement is still at the stage of exploration. Should something happen and one of the two parties wants to cancel the engagement, the one who breaks the engagement must then pay the other party twice the value of the engagement offering initially given. This applies to both the man and the woman. Therefore, the debt resulting from a broken engagement, as in the case of refusing an attempted forced marriage, does not affect only the woman.

d. Concerning *blind chinese marriage*:
   1. God hates divorce, but that is better than a husband and wife tied to a relationship full of violence.

2. At the time of the Prophet, the three expressions for divorce in the divorce formula did not come at one time. The interpretation that the three divorce expressions could come at once developed during the period of Umar Bin Khatab's leadership. So that the three expressions of divorce were not taken lightly, the regulation of intermediary marriage was introduced and came to be known as *blind chinese marriage*.
3. The term and practice of *blind chinese marriage* in Southeast Asia was first presented in a passage from the kitab Jawi [a history of old Javanese kingdoms]; a Muslim man spoke the divorce formula to his wife three times, then regretted it and wanted to reconcile. The man then married his lovely wife to a Chinese man, a recent convert to Islam who was poor and blind, with the hope that when this blind chinese husband, who had been paid, was asked to divorce his wife he would be willing to do so. Apparently, he did not want to divorce the wife. In the Dutch courts, the blind chinese husband won the case. In Arab, the term for this blind chinese practice is *muhalil*.
4. In attending to matters of divorce/marriage, the Acehnese Council of Muslim Clerics still uses the Compilation of Islamic Civic Law. In practice, there are still clerics who do not consult with officials of the Islamic court concerning these matters. With good intentions, namely to prevent adultery, clerics permit marriage outside the state's judicial system.
5. The Council of Islamic Clerics has issued a ruling stating that **the practice of *blind chinese marriage* is not legitimate**. In the Compilation of Islamic Civic Law there is no explicit regulation that prohibits *blind chinese marriage*; there are only procedures for divorce and marriage. The prohibition regarding *blind chinese marriage* is more because that marriage can be treated as if it were a game, for it may last only one day.

e. To distinguish between Acehnese custom and Islamic law is like trying to distinguish between an object and its characteristics; people often confuse religion with cultural customs. For example, the way a woman is discouraged from asking a man to marry her with the proverb, "Don't be like a well looking for a pail". Actually, in Islam, it is not always the man who must propose. The Prophet was once proposed to by Khadijah.

f. The act of marrying the victim of rape to the perpetrator is not in accordance with the application of comprehensive Islamic law. According to Islam, there are heavy sanctions for rape. For a married man to rape a virgin, the punishment is death.

g. Concerning guardians of Islamic Law (the Wilayatul Hisbah or WH), according to Acehnese provincial regulations, the WH have the right to reprimand, remind and supervise as well as to stop actions that are prohibited. In carrying out their task, the WH may ask the police to arrest people.

h. There is still a lack of synergy between the Council of Muslim Clerics whose role is to formulate Islamic regulations and the Unit for Implementing Islamic Law whose job is to inform the public about those regulations. As a result, if there is a complaint about the application of Islamic Law, I ask that both institutions be informed as input for improvement.

C. Response of the Acehnese Legislative Authority

The response by the Acehnese Parliament was presented by Dr. T. Hanafiah, a member of Parliament's Commission B. According to this Commission member:

a. The Special Rapporteur's report also needs to give information about the educational status of the victims, their work and religion. Particularly concerning education, this information is to ascertain the extent of victims' knowledge about their rights, both universal as well as their rights as Muslim women.

b. Findings of the Special Rapporteur are in line with results of his observation of vulnerable groups, namely widows, mother and children, in 68 barracks compounds in Banda Aceh and Aceh Besar. On one hand the concentration of IDPs in one location facilitates the distributrion of aid, such as shelter, clothing and food, during an *emergency response*. On the other hand, this condition increases women's vulnerability to violence.

c. Solutions to address these cases include, among others: (1) women must know their rights, and here the role of women's organizations, especially Islamic women's organizations, is particularly needed; (b) disseminate information about the Law on the Elimination of Domestic Violence because it explains provisions for protection from various kinds of violence as well as the rights of the victim to protection and reparations; (c) as quickly as possible, move IDPs into definitive housing to reduce the risk of violence. This move can have a direct impact on reducing incidents of domestic violence because in barracks, husbands often force their will onto their wives to fulfill their biological needs, and (d) try to create a climate that makes protection of IDP women who have not yet been moved possible.

d. In their monitoring capacity, parliamentary commissions often discuss the problem of violence against women. The Acehnese Parliament has already pushed the central government to provide greater protection to children and women.

e. Concerning human rights violations, the government has undertaken several actions that are being implemented. There is now the Implementation Agency for the Reintegration of Aceh to give aid to victims of the armed conflict. The Parliament also notes how slow the government administration has been in handling this issue and carrying out a census, including how slow it has been in distributing compensation for the rise in oil prices to those effected by the armed conflict.

D. Response of the Agency for Reconstruction and Rehabilitation of Aceh-Nias

The response of this organization, that holds a key position in management of IDPs in Aceh, was presented by Dr. Fuad Mardhatila**,** the Agency's Deputy for Religion and Culture. He began his response by saying:

a. The Agency receives the report as one of many research products concerning IDPs. There are several questions regarding the report, namely:
   - Why was the research conducted only in barracks when we know that violence against women occurs everywhere?
   - Why didn't this research question culture that is full of violence, especially since the results of this research makes us realize that the backdrop to violence is **a culture in which violence is inherent**. The tsunami was the momentum for introspection about what has been happening all along.

- What about the validity of the data? Were allowances made for a level of dishonesty from respondents who were inclined to defend themselves? How far did the research answer this tendency so that we know the **reliability** regarding the information?
- Is this research able to get to the root of the problem, precisely since we know that not only the tsunami disaster, but also the armed conflict in Aceh, caused such complex, cross-disciplinary problems? To reveal facts about violence against women without knowing why it has emerged or without digging to the root of the problem is only stating facts without giving any solutions. What is needed in Aceh right now is a joint concept from various groups in efforts at gender mainstreaming, the enforcement of women's rights, and respect for humanitarian values and democracy.

b. The Agency for Reconstruction and Rehabilitation calls on women's organizations when reponding to violence against women not to take a position of high resistance. The women's movement should respond to violence against women rationally - not emotionally – with methodical steps. At this point in time, the level of resistance from the women's movement is very high; it is as if it is trapped in a centralistic, authoritatiran system and has not yet had training to develop solidarity in dealing with various issues.

c. The Agency for Reconstruction and Rehabilitation accepts all criticisms, although the Agency is not the only one to produce results, rather results will depend on the participation and goodwill of all parties. Up to now, the Agency has made several efforts in its management of IDPs, such as the following:
    1. The Agency has conducted a number of research projects to be used as a reference in formulating policies and programs, in answering how social problems, including those of women, can be faced and answered in stages.
    2. The Agency has adopted a program concept from the Bureau for Women's Empowerment in Jakarta, although so far there has been little input from women stakeholders. Among other aspects, this program includes:
        - training for sewing and cooking which, although often belittled by women's organizations, are skills appropriate to barrack conditions; better than [women IDPs] being bored;
        - a women and children's friendly village program;
        - gender mainstreaming;
        - an integrated service center for the empowerment of women across sectors (P2TP2). The Agency is now designing the building. A curriculum and content of the services will be jointly developed through a needs assessment so that this service center meets the needs [of women].
    3. The Agency has appointed a gender advisor from Iran. With her background working with Muslim communities, hopefully there are lessons [that can bridge] negative views of clerics and others concerning feminism.
    4. The Agency is making an effort to accomodate women's participation. Up to now the Agency continues to formulate [how to most effectively accomodate women's participation] and opens recruitment [to women].

E. Response from the Public (dialogue participants):

- The report presented by the Special Rapporteur is not research, but an investigation. The findings are solid. Many investigations have been implemented in Aceh, but unfortunately the results rarely got any response. Up to now, issues related to aid for

victims of the armed conflict, said to be 1 trillion rupiah [~US$ 111 million], are still problematic. This year for victims of the conflict we have allocated funds through the Agency for the Reintegration of Aceh. We hope that each investigation, in marathon fashion, will be followed-up/responded to by the provincial government, the Agency for Reconstruction and Rehabilitation and also the central government. (***Ridwan-Agency for Provincial Development/Bappeda)***

- We greatly value Komnas Perempuan for its findings. Those of us from the organization GERAK [movement] and DERAP [marching] monitor corruption in six districts of Nanggroe Aceh Darussalam. In one case, 111 billion rupiah [~US$12.5 million] were misappropriated in the management of Aceh's reconstruction and rehabilitation. In this misappropriation of funds, most victims were women. We have the identity of the perpetrators, the only thing that remains is the goodwill of the provincial government and the people of Aceh to prosecute the corruptors. For Komnas Perempuan, we also want to help with data; we also have a lot of photographs. Some of our data are about the marginalization of women and the lack of development facilities in Pango where women must walk 60 kilometers to reach health facilities; there is no proper road or public transport; there is no access to health services; and where women who are sick often live on the street. Also, there are many 12-year-old girls who are married. Provincial government, don't just make promises and plans, do something! (***Sri Wahyuni Siregar-GERAK***).

- What has the Council of Muslim Clerics done about the practice of *blind chinese marriage*? Although you say it does not exist in Islamic law, what happens [in society] is what should not happen. In regulations, the practice of marriage in the form of contract marriage is certainly not justified. The Compilation of Islamic Civic Law itself does not explicitly support or prohibit the practice of *blind chinese marriage*. Is it possible for the Council of Muslim Clerices to issue instructions to regulate this practice? In Acehnese society, it is as if cultural customs are the same as Islamic law so that the two are often confused...Many customary practices are wrong and they are implemented because of that confusion. Therefore, the Council of Muslim Clerics needs to conduct education about Islamic law so that the people really understand it. The Governor needs to evaluate the dissemination of information about provincial Islamic regulations and the Indonesian law for the elimination of domestic violence. I think the conditions of barracks are not the one and only cause of violence against women, because if we draw that conclusion then, as Mr. Hanafiah from Parliament said, efforts will only be made to build houses with the assumption that then there will be no more violence against women. What should happen is that every development effort be conducted with a gender perspective. Especially for the Agency for Reconstruction and Rehabilitation, each time there is a discussion of findings from monitoring by various groups, the Agency's response is always like this. What has the Agency for Rehabilitiation and Reconstruction done in responding to various findings? Have the findings been adopted as an umbrella for changing policies in the Agency? With their authority, the Agency for Rehabilitiation and Reconstruction and the Parliament should guarantee the fulfillment of women's human rights. (***Azriana-legal practitioner)***

- Regarding IDPs who still live in tents, you say you want to take care of them immediately. In the City of Meulaboh, there are IDPs in tents who have no clear place to relocate or even temporary housing. The Governor also came a month ago and said that it [housing] will be immediately taken care of by June, but is that likely? Just consider the many obstacles still in the field. In Arongan Sub-district [Arongan Lambalek Sub-district, Aceh Barat District], not even one house has been built by either the Agency for Rehabilitiation and Reconstruction or any other organization. To the Council of Muslim Clerics, if violence is definitely incompatible with Islamic religion, why are there not concrete actions from the clerics, especially in Aceh Barat, including the synergetic implementation of Islamic Law. We want concrete solutions from the government concerning the report presented by the Special Rapporteur of Komnas Perempuan. (***Dasni Husein-woman activist***)

- For Mr. Hanafiah from Parliament which has a monitoring role: What has Parliament done about various acts of violence against women? In relation to the Indonesian law to eliminate domestic violence, what is the position of Komnas Perempuan in efforts to overcome the impacts of existing problems, e.g., the practice of impunity? (***Kurniawan S.- World Vision Internationl advocacy advisor***)

- Previously in society there was no conflict that made women suffer. Probably because of customary mechanisms, young people used to pay more respect to their elders. In the legal draft regarding Acehnese autonomy, it is mentioned that the institution of customary practices is to be revived. Women can probably find justice through this mechanism. We have yet to see whether a woman will be appointed as community leader so that even violence will subside. Violence against women also comes from women themselves. Women have tricks that harm other women. Women grant their husbands permission to engage in polygamy and this prompts violence towards other women. A woman who wants to marry a married man is ruining herself, so there is the perception that a woman may not want her husband to have two wives, but she is willing to be the second wife. (***Zaini-Mercy Corps***)

- To the Head of the Council of Muslim Clerics: Some are of the opinion that the application of Muslim Law in Aceh, and also the proposed Indonesian law against pornography and pornoaction, discredit the rights of women. Is it really so? To the Special Rapporteur: What are the difficulties and obstacles faced in struggling for the rights of women in the context of existing laws?* (***Syaiful-university-based Center for Women's Studies/PSW Unsyiah***)

- A suggestion for the Governor: Information about existing provincial Islamic regulations have not been disseminated among the lowest levels of society...a lot of people, including those who have already been sentenced for violating those regulations, don't even know there are such regulations and sanctions for violating them. As a judge in the Islamic Court, one part of my conscience wonders how I can bring judgement to bear on those who don't know, but as an enforcer of the law I must impose the regulations that exist. For the Special Rapporteur: In this report is a recommendation to guarantee women's access to justice for marriage, reconciliation, divorce and inheritance to the highest appellate court (Supreme Court). But there have been women who cannot marry because they must wait so long for their cases to be settled; if it is appealed the wait is even longer. They wait while their husbands marry someone else and waste their joint inheritance. This could be a backlash to women. Could you please explain what were

your considerations in making the suggestion that women be able to access courts to the appellate level in these cases?**(***Roshmawardahani-Islamic court/Mahkamah Syariyah***)

- The findings of Komnas Perempuan are very good. What happens in IDP locations is a reflection of women IDPs' experiences regardless of a woman's social status or level of education, but that can effect any woman. Another problem is **customary marriage** that gives no legal protection at all to a woman. Although it is recognized by religion, because it has not been listed legally, there is no protection [for the woman]. Through this forum, we ask the Council of Muslim Clerics to help. In disseminating information about the Indonesian law to eliminate domestic violence, it would be best if we also include this problem. For example, we can mention a case of customary marriage in which the husband reported that his wife stole their inheritance, denying that they were ever married. Doesn't Islamic law mandate the protection of women from violence? (***Marlianita-legal practitioner***)

- I want to express appreciation for this effort by Komnas Perempuan to open the eyes of humanitarian workers to the fact there are so many cases of violence against women that happen in the barracks; working one year in 16 barracks, I have never received such a report. I want to learn how to reveal this. I am very surprised there are so many kinds of violence against women. The lessons learned are the efforts that can probably be implemented...for example, implementation of the law on the elimination of domestic violence takes a long time...In fact there are easier things [that can be done], namely improving quality [of aid]. This could be a joint recommendation – that we pursue not just quantity, but also quality. For the Agency on Reconstruction and Rehabilitation: There need to be standards for the distribution of aid. I respect what the government has already done, also in terms of disseminating information...but monitoring is still needed. Has the dissemination of information already been well implemented to the lowest levels and had a real impact for the people? I am very hopeful that the government will give more detailed and strategic solutions for handling these problems and also outline what NGOs can do to help with things the government is unable to do. (***Siti Maryam-Church World Service***)

- To Komnas Perempuan: Thank you for the report and findings; these facts are undeniable. To the Council of Muslim Clerics: There are a lot of unpleasing banners flying about these days [that uses language degrading to women in urging implementation of Islamic law]. What is your comment about this, sir? Is there, perhaps, a censorship division in the Council of Muslim Clerics to regulate banners? We have obtained the revised Islamic regulations; has information about these already been disseminated? (***Yani-Acehnese women's NGO/Flower Aceh***)

- This report is very solid. Basically, when violence against women occurs, how can we deny it? If we don't like an act of violence, we must say so and report it. If we don't want it to happen, then it won't happen. It all comes back to us...to our efforts to guarantee women's fundamental rights. If a woman feels harassed, she can tell her family. If there's no response, she can tell those around her. Don't hesitate, but resolve it straightaway. If it has to go to court, that doesn't matter. Don't feel *hana male* – there is no reason to feel ashamed. (***Baliyani-a local NGO/ Yayasan PUGAR***)

Addition

(Below are responses of the Special Rapporteur to some of the questions raised by participants. These responses were not given during the forum because time for discussion was limited.)

* Existing laws do not adequately protect women. For example, Indonesian criminal law; in the regulation on evidence for crimes of sexual violence, particularly rape, the woman is very vulnerable to revictimization. Besides the substance of laws, the problem of law enforcement is also an obstacle in struggling for women's rights. Implementation of the Law for the Elimination of Domestic Violence, for example, is still very weak because many law enforcers do not yet understand it. Then there is also the aspect of culture that makes legal officials often unconsciously join in blaming the victim.

** The assurance that women have guaranteed access to justice needs to be a priority. If there are a lot of obstacles in implementing justice – a lengthy, circuitous and expensive legal process – then improving legal procedures is what is needed, not cutting off women's access to justice.

NOTE BY KOMNAS PEREMPUAN
ON FINDINGS OF THE SPECIAL RAPPORTEUR FOR ACEH
Jakarta, 21 April 2006

This note is a first for Komnas Perempuan. Therefore, we begin with a discussion on the "Special Rapporteur" mechanism that has also just been implemented by Komnas Perempuan for the first time.

Special Rapporteur as a Monitoring Mechanism

The mechanism of "Special Rapporteur" was initiated when Komnas Perempuan was faced by demands to increase its capacity in capturing new tendencies and the perpetuation of old patterns in the increasingly complex problems of violence against women, gender-based systematic discrimination and the violation of women's human rights in Indonesia. We are very aware that in this historical era of regional autonomy, to open regional branches of Komnas Perempuan is not an appropriate choice. Besides demanding excessive financial resources, Komnas Perempuan felt that the concept itself for a "branch office" broke with principles of democracy in regional autonomy and contradicted the history of Komnas Perempuan itself that was founded as a result of people's demands for state accountability. We then sought inspiration from foreign countries and discovered a mechanism with which Komnas Perempuan was familiar and that was effective in bridging facts in society with policymakers, namely the mechanism of "Special Rapporteur" that is connected to the UN High Commission for Human Rights.

As in the UN, Komnas Perempuan's Special Rapporteur mechanism was created to report on the status of women's human rights in certain regions of Indonesia that need special attention, or that relate to special issues or themes that demand new understanding (for example, the connection of violence against women and natural resource conflicts). Komnas Perempuan's Special Rapporteurs will be appointed in accordance with needs, for the period of one year, from activist communities or experts considered to have competence in regard to the respective region or theme that is their assigned duty.

Samsidar is Komnas Perempuan's first Special Rapporteur and was appointed in July 2005 from among Komnas Perempuan's own commissioners to document the status of Acehnese women's human right in the aftermath the tsunami. As the first Special Rapporteur, Komnas Perempuan felt it was necessary to appoint someone who really understood the framework and approach of Komnas Perempuan in struggling for women's human rights.

Through this note, we express thanks to Samsidar for her hard work, not only in creating an exceptional documentation process concerning the human rights of women in Aceh, but also in joining in the development of a new mechanism for Komnas Perempuan in particular and for Indonesia in general. We are also proud to witness the empowerment of women IDPs who not only became skilled documenters, but also became women human rights defenders.

Special Rapporteur for Aceh and the Focus on Women IDPs

In accordance with Komnas Perempuan's general approach, our first step in implementing this new mechanism was to hold a consultation with women's organizations in Aceh to obtain input concerning how the mechanism should work as well as the focus for the report by the Special Rapporteur for Aceh. On 30 March 2005, 65 individuals representing 42

Acehnese organizations active in the enforcement of women's human rights gathered in Banda Aceh to discuss Komnas Perempuan's new mechanism. Considering that this meeting was held three months after the tsunami disaster, almost everyone stressed the importance of the Special Rapporteur for Aceh to focus on the rights of women IDPs.

Komnas Perempuan also ensured that in the middle of all the activities responding to the impact of the tsunami, we did not forget those who still lived as IDPs as a result of the armed conflict. Therefore, the documentation implemented by the Special Rapporteur for Aceh covered IDPs as a result of natural disaster – the tsunami and earthquake – as well as a result of human disaster, namely the armed conflict.

In the documentation process, the Special Rapporteur for Aceh involved women IDPs themselves as the logical consequence of Komnas Perempuan's principle, namely that empowerment is inseparable from the work of monitoring, that the first and most important documenters are not those who sit far away in Jakarta, but precisely those who live in the communities themselves. But who knew the people who had the greatest potential to be good and reliable documenters? It would be impossible to obtain such knowledge except through organizations and organizers who actually worked in the communities. For Komnas Perempuan, the involvement of organizations from the local women's movement was an absolute prerequisite.

Of course the choice to use this approach had consequences throughout process. The IDPs had neither skills nor experience needed for the documentation process. The Special Rapporteur for Aceh, together with her team, allocated substantial time and energy to develop the capacity of the women IDPs who were committed to conducting this documentation process. Strengthening their capacity was accomplished first in terms of perspective (human rights and gender), and then in terms of skills to use and develop monitoring instruments. This was accomplished in an integrated manner at each step throughout the documentation process.

This kind of approach meant that informants for the experiences of violence, discrimination and human rights violations that were documented came from the circles closest to the victims, including victims themselves; that the "data" presented in the report came from the voices of women who had long been silent. Therefore, the first and ultimate foundation of the entire process was the development of mutual trust, both among the women documenters and the Special Rapporteur as well as among IDPs and the documenters.

Important Findings

Komnas Perempuan notes four main findings from the Special Rapporteur for Aceh that demand our attention.

1. In the midst of tremendous resources for the reconstruction and rehabilitation process of Aceh, the practice of **gender-based discrimination** is still **inherent in the life of women IDPs** in Aceh.

   Related to this are the following facts:

   a. the practice of discrimination against women IDPs generally happens in a context of **abuse of power** by local authorities (village officials, leaders of economic empowerment groups, barracks/IDP coordinators) in relation to distribution of humanitarian aid;

b. **stereotypes of women** based on their social status, such as stereotypes about widows and young women, are used as **justification** for the abuse of power, including corruption;
c. forms of discrimination include neglect and limiting women IDPs' **right to speak** in making important decisions in their communities.

In fact, Indonesian Law No. 7/1984 obligates the state to guarantee the elimination of all forms of discrimination against women and the Humanitarian Charter for Minimum Standards in giving a response to disasters identifies women as one of the vulnerable groups that must receive special attention.

2. That **the physical conditions of temporary shelters –** especially in relation to lighting at night, the distance between barracks and toilet facilities, and the possibility that doors cannot be locked **– make women IDPs vulnerable to violence.**

   Related to this are the following facts:

   a. the form of violence most often experienced by women IDPs is **sexual violence**, including rape and peeping that is considered an invasion into women's integrity and body, and most of this occurs in **barracks and tents**;
   b. more than half the cases of violence experienced by women IDPs were cases of **domestic violence** and the main perpetrator was the husband who, besides committing physical and sexual violence, also neglected and bullied his wife for money, even taking the cash allotments of aid that his wife and children received;
   c. women victims preferred to remain silent about the violence they experienced and some sought a way out through economic empowerment for themselves and the children whom they support.

   In fact, Indonesian Law No. 23/2004 on the Elimination of Domestic Violence states that domestic violence, such as rape and various other forms of sexual attack, is a criminal act.

3. Increasingly coercive practices of marriage, divorce and reconciliation in communities rebuilding after so many deaths and disappearances as a result of the armed conflict and natural disasters give rise to new vulnerability for young women.

   In fact, the Indonesian Marriage Law and Compilation of Islamic Civic Law, along with Indonesia's ratification of the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) guarantee protection for women in the institution of marriage.

4. **The legacy of the armed conflict** is still seen in the pattern of handling IDPs after the tsunami with the use of military forces in efforts at forced eviction and in practices of underage prostitution, along with neglect of IDPs who were victims of the armed conflict.

   In fact, the human rights principles that have already been adopted into our national legal system apply to all, without exception.

As a pattern, the experience of discrimination and violence experienced by women IDPs in Aceh is not that different from the experience of women IDPs five years ago on the eastern end of Indonesia, namely in IDP sites for East Timorese in West Timor. This means that the findings of Komnas Perempuan's Special Rapporteur for Aceh have relevance beyond the province of Nanggroe Aceh Darussalam itself and need to become a national reference to review our understanding of the general problem of displacement in Indonesia.

The problem of state accountability

In accordance with the 1945 Constitution, Amendment IV and the entire range of human rights laws, including ratification of the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, along with the International Convention to Eliminate All Forms of Discrimination Against Women, the government of Indonesia has a substantial obligation to protect its citizens and to fully guarantee basic rights.

Findings of the Special Rapporteur for Aceh indicate that the majority of women IDPs who were victims of discrimination and violence did not report the abuse they experienced to officials. This was because they were afraid of the impact if they filed a report. This means great demands are placed on the state, society and humanitarian organizations that handle IDP problems to take special steps able to disclose abuses hidden below the surface and to build victims' confidence that their reports will be handled seriously.

Thus, the focus of attention and instruments in the process of reconstruction and rehabilitation of Aceh is not only limited to physical construction, but also **includes patterns of social relations** that develop in the lives of IDPs in general. The state, as the one responsible for fulfilling human rights, needs to ensure that the scope of this work functions well and effectively, and does not result in a process of revictimization which often happens.

The few women IDPs brave enough to report the abuses they experience are frequently targeted for discrimination and violence as a result of their reporting. This in itself is an abuse that demands special attention because it involves the effort to silence and limit the right of the victim to speak, something that, in turn, is a violation of civilians' civil-political rights. The state has a special obligation to **guarantee the fulfillment of citizens' and victims' rights to ask for accountability [of perpetrators] and restoration of rights that have been violated.**

Especially in cases of domestic violence, the response of officials to reports by victims and their communities is more varied. The police and village officials are the two parties that most often receive requests for help. **Responses by the police are far better than those by village officials.** Police responded positively to 6 of the 7 cases reported to them, whereas village officials responded negatively to 8 of 13 cases they received. Appreciation needs to be given to the police of Nanggroe Aceh Darussalam who have exercised their capacity in handling cases of domestic violence in accordance with existing law. This capacity needs to be continually increased and widened in its application. At the same time, the provincial government of Nanggroe Aceh Darussalam needs to give special to increasing officials' understanding, from the provincial to the village level, about state accountability for the problems of domestic violence and women's human rights in general.

The responses of Acehnese authorities, including the Governor, Parliament and the Council of Muslim Clerics, were in general appreciative of the findings of Komnas Perempuan's Special Rapporteur for Aceh and presented steps for follow-up in handling problems raised by the report.

A singular note is that at the dialogue concerning the Special Rapporteur's findings held on 27 March 2006 in Banda Aceh, the representative for the Agency for Reconstruction and Rehabilitation, the agency responsible for the entire reconstruction of Aceh, questioned the honesty of IDPs who had been informants for Komnas Perempuan's Special Rapporteur.

Recommendations

Komnas Perempuan again stresses the importance of a number of the Special Rapporteur's recommendations, namely it urges:

An increase in the **monitoring function** at the district and provincial levels of Parliament concerning the entire process of handling IDPs in Nanggroe Aceh Darussalam – by scrutinizing patterns of social relations that develop and cause

1. women to become targets of discrimination and violence – as the embodiment of the state's responsibility to enforce human rights;

2. That administrators of the government in Aceh and of the process of reconstruction and rehabilitation create a **complaint mechanism** for women IDPs who become victims of discrimination and violence to increase the effectiveness in addressing violations of their human rights;

3. Oganizations that work with IDPs in reconstruction and rehabilitation efforts to integrate the problems of discrimination and violence against women into their **monitoring instruments**;

4. All parties to give attention to **women IDPs as a result of the armed conflict** and to give special support to women victims of violence and discrimination who make an effort to **empower themselves economically**;

5. Law enforcers and the Council of Muslim Clerics in Nanggroe Aceh Darussalam to take concrete steps to guarantee **women's rights to justice,** including in the institution of marriage and in the process of carrying out marriage, divorce and reconciliation.

Further, Komnas Perempuan urges that, at the national level:

1. The Coordinating Minister for People's Welfare take the initiative and lead a process of review of the national policy for handling IDPs to guarantee the fulfillment of IDPs' human rights, including the rights of women IDPs;

2. The Indonesian Parliament to give special attention to human rights violations experienced by IDPs in Aceh in particular and in Indonesia in general;

3. The Supreme Court to make a breakthrough with a special policy to increase the capacity of the Islamic Court at the provincial and national levels in order to guarantee access to justice for women victims of discrimination and violence in the institution of marriage, including in the process of carrying out marriage, divorce and reconciliation;

4. The Agency for Reconstruction and Rehabilitation to give evidence of its seriousness in responding to acts of discrimination and violence against women that happens in the process of reconstruction and rehabilitation of Nanggroe Aceh Darussalam, and base its work on a concept of housing that is safe for women;

5. All parties involved in the anti-corruption movement, the state as well as civil society, to immediately scrutinize the methods of abuse of power that use stereotypes of women to conduct corruption, and to integrate this problem into instruments to monitor corruption.

RESPONSE OF NATIONAL AUTHORITIES AND THE PUBLIC IN JAKARTA
TO THE REPORT ON THE STATUS OF HUMAN RIGHTS OF WOMEN IDPS IN ACEH

Komnas Perempuan's Special Rapporteur for Aceh
Jakarta, 21 April 2006

The official report of Komnas Perempuan pertaining to findings on cases of discrimination, forced eviction and violence experienced by women IDPs in 59 IDP sites in 15 Acehnese cities/districts was presented before Kuntoro Mangkusubroto (Director of the Agency for Reconstruction and Rehabilitation in Aceh-Nias), Panda Nababan (a member of Commission III/Commission on Human Rights, Parliament of the Republic of Indonesia, representative from the legislative authority), Chazali H. Situmorang (Director General of Social Aid, Social Services Department, representing the Coordinating Minister for People's Welfare and representing the executive authority for the handling of IDPs) and 136 active participants who are decision-makers in government institutions, international and national NGOs, and academic institutions. Twenty-three members from the printed and electronic mass media also attended to cover this event.

Questions put to these three official state authorities by Komnas Perempuan, documenters and active participants sought (a) to obtain firm commitments from them and (b) their initiatives for better handling of IDPs that uphold human rights as recommended by Komnas Perempuan in line with its findings about the status of human rights of women IDPs in Aceh.

Having carefully followed all statements of state officials, especially by those from the Social Services Department and the Agency for Reconstruction and Rehabilitation, Komnas Perempuan can only conclude that the process for handling reconstruction and rehabilitation in Aceh is at a critical point and that a human rights approach has been ignored. Some statements denied state responsibility to enforce the human rights of IDPs, including to guarantee the rule of law and for making structural efforts that acknowledge and protect women from threats and acts of discrimination and violence.

For the executive authority represented by the Social Services Department, the Komnas Perempuan findings are inseparable from the experience of women IDPs throughout Indonesia. Since 2001, the Department of Social Services has noted that in conditions of displacement, children, women and the elderly are groups vulnerable to discrimination and violence. This condition is closely tied to Indonesian culture that still marginalizes women. Furthermore, the government has many limitations in handling IDPs, such as lack of commitment to protect women, minimal efforts to fulfill psychological or spiritual needs of IDPs, and poor control of programs for IDPs.

The Social Services Department said these findings were important input for monitoring and strengthening its work with IDPs. Therefore, this Department will present these findings in a meeting of the Parliament's special committee on IDPs whose duty is to

monitor the implementation of reconstruction in Aceh. Besides that, the Social Services Department will conduct a speical meeting to discuss technical ways to follow-up on the findings. In this discussion, the Social Services Department will invite participation by other relevant authorities such as the police and the Health Department as well as the Department of General Works which coordinates the building of faciltities. This is because the Social Service Department's scope of work is more focused on emergency response aid and the fulfillment of basic food needs for IDPs.

Komnas Perempuan welcomes the Social Service Department's desire to discuss the findings further in a meeting of the Parliament's special committee on IDPs or within the department itself. Nevertheless, Komnas Perempuan regrets that the Social Services Department, as representing the Coordinating Minister for People's Welfare, did not offer any policy breakthroughs at the national level for better handling of IDPs by using a human rights approach. In fact, prior to this launching, Komnas Perempuan met with the Deputy for the Coordinating Minister for People's Welfare to explain its intention and its expectations regarding the kind of response to be presented by national authorities at this launching.

Further, Komnas Perempuan notes that there was no statement of commitment from the Agency for Reconstruction and Rehabilitation of Aceh-Nias in handling IDPs in a way that upholds human rights, especially for women. As the authority for implementing reconstruction and rehabilitation in Aceh following the tsunami, the Director of the Agency said, among other things:

- The problem of discrimination and violence against displaced women *is not the task* of this Agency. The work of the Agency for Rehabilitiaton and Reconstruction is not in the context of IDPs per se, but the reconstruction and rehabilitation of all destroyed areas before displaced persons return to a normal life. The Agency's target is to have no more IDPs in Aceh within the next two years.
- Besides that, the problem of displaced women is merely a problem of location. Women who are not displaced face almost the same problems, for example, the problem of water. The gendered division of labor means that women must carry the burdens related to limited water whose source is far away [from where they live]. This is not only a problem experienced by displaced women in Aceh, but by other women as well, like those living in Wonogiri [in Java].
- Therefore, the solution to this problem must be broadened so that we are not focused just on the situation in IDP sites. The solution must also target women's basic problems, namely isolation, backwardness, injustice and marginalization. Changes in these conditions will only happen if women become agents of change.
- The Agency for Reconstruction and Rehabilitation has already had adequate discussion of women's problems during the period of rehabilitation-reconstruction. This is reflected in the team of advisors who have made certain that women are involved in programs for economic empowerment, education, training and also by building meeting spaces for women (*balai inong*).
- Because the Agency does not deal directly with problems of discrimination, sexual violence and domestic violence, expectations for follow-up to this documentation need to be developed as specific programs that can then be submitted to the Agency for implementation.

In short, for Komnas Perempuan's Special Rapporteur for Aceh, the Director of the Agency for Reconstruction and Rehabilitation simplified the issues of discrimination and violence against women IDPs by failing to notice how they are different from women's problems in general. In fact, the unique conditions found in displacement locations make women more vulnerable to threats and acts of discrimination and violence. These conditions are inseparable from approaches for handling IDPs, including those adopted by the Agency for Reconstruction and Rehabilitation. By overlooking the experience of displaced women in its entirety, the process of reconstruction and rehabilitation will only repeat the pattern of discrimination against women that has been happening all along.

The Chair of Komnas Perempuan underlines the flippancy of state authorities as something important to note. Nevertheless, the struggle to demand state responsibility and to look for solutions to human rights violations, such as discrimination and violence experienced by Indonesian women, especially women IDPs in Aceh, will not stop because of their flippancy.

A point of light in the search for a solution came, among others, from the response by the member of Commission III/Commission on Human Rights of Parliament. Understanding that the IDP problem is a national problem and that the findings on discrimination, forced eviction and violence against women IDPs in Aceh are human rights violations and, therefore, are violations of the Indonesian constitution that recognizes and protects these rights, this member of Parliament welcomed the findings and offered to discuss them more seriously in a meeting of Parliament's Commission on Human Rights. This discussion must take place in the Commission on Human Rights and not Commission VIII [the commission that deals with the welfare of women, children and others] because the issues exposed by these findings are not merely women's problems, but rather relate to the serious issue of law enforcement and human rights in Indonesia. The discussion will be directed at follow-up efforts appropriate to legislative bodies – drafting, budgeting and monitoring of legislation – as well as urge others to make concerted efforts to handle the problems. Komnas Perempuan welcomes this response and will follow-up on the offer from the member of Parliament, Commission on Human Rights, to further discuss the report in a commission meeting.

Furthermore, Komnas Perempuan received much support from active participants. For instance, a man from the Supreme Court said he would help to ensure Acehnese women's access to justice in matters of marriage, divorce and reconciliation. Support also came from the media. One member said she was willing to help monitor the process of handling IDPs that upholds human rights. Also from among NGOs were those willing to follow-up on the findings by making them an initial basis for formation of a concept to better handle IDPs.

Lampiran 1

59 IDP Sites that were Documented

No.	Name of Displacement Location	Village	District	Kind of Temporary Shelter
1	Lapang 1-A Tents	Lapang	Aceh Barat	Tents
2	Lapang 1-B Tents	Lapang	Aceh Barat	Tents
3	Paya Penaga Barracks	Paya Penaga	Aceh Barat	Barracks
4	Buddhist Tzu Chi Tents	Kampung Belakang	Aceh Barat	Tents
5	Ujung Serangga Camp 1	Padang Baru	Aceh Barat Daya	Semi-permanent Housing
6	Kedai Manggeng Village Displacement Camp	Kedai Manggeng	Aceh Barat Daya	Tents
7	Pulau Kayu (former houses made habitable by an international NGO)	Pulau Kayu	Aceh Barat Daya	Semi-permanent Housing
8	Payathieng Barracks	Payathieng	Aceh Besar	Barracks
9	Siron Barracks	Siron	Aceh Besar	Barracks
10	Walubi Barracks	Mata ie	Aceh Besar	Barracks
11	Lampoh Beurami Barracks	Lamhasan	Aceh Besar	Barracks
12	Lampageu Barracks	Lampageu	Aceh Besar	Barracks
13	Geurah Barracks	Geurah	Aceh Besar	Barracks
14	Bada Barracks	Desa Bada	Aceh Besar	Barracks
15	Alue Naga Displacement Barracks	Neuhen	Aceh Besar	Barracks
16	Meuruy Barracks, Block 1	Bak Paoh	Aceh Jaya	Barracks
17	Meuruy Barracks, Block 2	Bak Paoh	Aceh Jaya	Barracks
18	Meuruy Barracks, Block 3	Bak Paoh	Aceh Jaya	Barracks
19	Meuruy Barracks, Block 4	Bak Paoh	Aceh Jaya	Barracks
20	Meuruy Barracks, Block 6	Bak Paoh	Aceh Jaya	Barracks
21	Meuruy Barracks, Block 7	Bak Paoh	Aceh Jaya	Barracks
22	Rantau Binuang IDP Tents	Rantau Binuang	Aceh Selatan	Tents
23	Pasar Harian Bertingkat	Pulo Sarok	Aceh Singkil	Tents
24	Dataran Pea Puntung	Takal Pasir	Aceh Singkil	Semi-permanent Housing
25	Kilangan Village	Kilangan	Aceh Singkil	Semi-permanent Housing
26	Teluk Ambun Village Barracks	Teluk Ambun	Aceh Singkil	Barracks
27	Lampoh Rayeuk Barracks	Lampoh Rayeuk	Aceh Timur	Barracks
28	AIM 4 Displacement Camp	Seuneubok Bayeun	Aceh Timur	Tents
29	Tanah Pasir 3 Barracks, Lapang	Kuala Cangkoi	Aceh Utara	Barracks
30	Samudera I Barracks, Geudong	Beringin	Aceh Utara	Barracks
31	Tanjung Pineung Village Displacement Camp	Tanjung Pineung	Aceh Utara	Tents
32	Lampaseh Aceh Barracks	Lampaseh Aceh	Banda Aceh	Barracks
33	Matang Bangka	Blang Me	Bireuen	Barracks
34	Cure Tunong Block	Cot Bate Glungku	Bireuen	Barracks
35	Ulee Kareung Barracks	Cot Bate Glungku	Bireuen	Barracks
36	Lhong Raya 1 Barracks, Harapan Bangsa Stadium	Lhong Raya	Banda Aceh City	Barracks

37	Lhong Raya 5 Barracks, Harapan Bangsa Stadium	Lhong Raya	Banda Aceh City	Barracks
38	SMA 2 [Sr. High 2] Camp	Kota Bawah Timur Keluruhan	Sabang City	Converted school building
39	Pria Laot Camp No. 4	Batee Shok Kelurahan	Sabang City	Semi-permanent Housing
40	SD No 3 [Grade School No. 3]	Kota Bawah Timur	Sabang City	Converted school building
41	Mata ie	Kelurahan Balohan	Sabang City	Tents
42	Blang Cut Barracks	Blang Cut	Lhokseumawe	Barracks
43	Punteut LP [Jail] Barracks	Ulee Blang Mane	Lhokseumawe	Barracks
44	Padang Panyang Village Displacement	Padang Panyang	Nagan Raya	Barracks
45	Mon Geudong Barracks	Mon Geudong	Lhokseumawe City	Barracks
46	Blang Gapu Barracks	Sukon	Pidie	Barracks
47	Blang Karing Barracks	Arusan	Pidie	Barracks
48	Damar Barracks	Sagoe	Pidie	Barracks
49	Dayatuha (Geuteng Barat)	Geuteng Barat	Pidie	Barracks
50	Geunteng Timu	Geunteng Timu	Pidie	Semi-permanent Housing
51	Teunkluet Barracks	Dusun Tanoh Anoe	Pidie	Barracks
52	Keude Panteraja	Desa Keude Panteraja	Pidie	Tents
53	Simpang Tiga Barracks	Tgk Cik di Pante Simpang Tiga	Pidie	Barracks
54	Meue Barracks at the football field	Sagoe	Pidie	Barracks
55	Sagoe Barracks at the football field	Sagoe	Pidie	Barracks
56	Lampoh Kawat Displacement Camp	Lampoh Kawat Neighborhood	Pidie	Semi-permanent Housing
57	Krueng Raya Village Camp	Krueng Raya Village	Sabang	Semi-permanent Housing
58	SMK [Vocational High School]	Cotbaku Village	Sabang	Converted school building
59	Jalan Baru Displacement Camp	Jalan Baru	Simeulue	Tents

POINTS OF RESPONSE BY THE GOVERNOR OF NANGGROE ACEH DARUSSALAM PROVINCE TO THE REPORT OF FINDINGS AND DOCUMENTATION ON STATUS OF WOMEN IDPS' HUMAN RIGHTS IN ACEH 27 MARCH 2006

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1. Thank you for your hard work in gathering data about violence and discrimination that occurred in Aceh from August 2005 to February 2006.

2. After reading this report, we realize there are still many problems that need to be resolved, particularly concerning the lives of those who have been affected by the conflict and the tsunami.

3. Concerning acts of violence that happen both in and outside the barracks, we believe that we need to pay attention to several things as a solution:
   1) Intensify public education about Islamic Law
   2) Disseminate several existing regulations, including provincial Islamic regulations (*Qanun*), among others:
      a. Indonesian Law No. 23, Year 2002 about protection of children.
      b. Indonesian Law No. 23, Year 2004 about elimination of domestic violence.
      c. Provincial Regulation No. 5, Year 2000 about implementation of Islamic Law.
      d. Provincial Islamic regulations about pre-marital intimacy, gambling and drunkenness as well as several other regulations.
   3) Increase the level of education, both formal and non-formal, for the people.

4. Concerning the situation and condition of life for those in the barracks, we acknowledge the need for serious attention from all parties, both from the government and from society, simultaneously and with synergy, to help improve living conditions in these places. The government has attempted to minimize problems in the barracks concerning the continuation of people there, although this is not yet maximal because of various limitations. Therefore, we need to work together to supplement each others' inadequacies that happen in the midst of society.

5. In connection to this, at this opportunity [I would like to say] we expect the District Heads and Mayors to give more attention to the lives of those in the barracks and to perform efforts as maximal as possible so that those living in tents can be moved immediately to barracks as well as to those living in barracks by speeding up the construction of housing for those who need it.

We also hope for more serious attention from the Unit for Implementing Islamic Law, the Regional Office of the Department of Religion, leaders of Islamic boarding

schools, the Department of Social Services, the Department of Education, the Department of Health, and the Bureau of Women's Empowerment in the Province of Nanggroe Aceh Darussalam as well as other authorities in their attempts to provide guidance in accordance with their respective areas of work and to develop cooperation with other elements in society.

6. Finally, once again we express our appreciation and thanks to the Komnas Perempuan that has tried to address problems happening in society, particularly concerning life in IDP barracks.

Acting Governor of Nanggroe Aceh Darussalam Province

Dr. Ir. Mustafa Abubakar, M.Si

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