
Prisoners' Rights to Rehabilitation Centers and Reform Upon Release

Edmaj (Prisoners and their Families Aftercare Center)

in Collaboration with

The Arab Center for Consultation and Training

Jordanian Civic Activists Toolkit II: Case Studies of Jordanian Advocacy Campaigns

Civil Society Capacity Building in Jordan
USAID Civic Initiatives Support Program
2013 – 2018



¹ Source: The information related to these four areas of rights are adapted from and found in Discover Human Rights: A Human Rights Approach to Social Justice Work, The Advocates for Human Rights (<http://bit.ly/1TmOp6v>). The New Tactics Method utilizes: safety and security; non-discrimination; participation; and protection-accountability. NOTE: The rights listed in these four "categories" may be placed in any area depending upon the context where the right is being violated. For example, Article 23: Right to join trade unions might be placed in "Safety and Security" rather than "Participation" where organizing or joining a union is dangerous.

² Universal Declaration of Human Rights (UDHR) Article 23 (1): Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. <http://www.un.org/en/universal-declaration-human-rights/>

³ The identification of the four action areas outlined in the Legacy Tool comes from the advocacy experience of Mr. Faisal Abu Sondos, former Executive Director of The Royal Conservation Society of Jordan (JREDS). Mr. Abu Sondos has been a New Tactics Method Trainer since 2010 and Lead Method Trainer since 2011. While using the New Tactics Strategic Effectiveness Method in his own organizations' advocacy efforts and coaching other civil society organizations in using the Method he identified these four action areas to assess progress. The benefits and drawbacks regarding the use of technology in each of these advocacy action areas needs examination in relation to the appropriateness for the intended target groups and goals of an advocacy campaign.

Overview

Advocacy Issue

The right of inmates from rehabilitation centers to work upon their release.

Human Rights-Based Focus Area¹

Safety and Security - (UDHR - Article 23²)

Scope of Advocacy

Local: Amman, Capital Governorate

Advocacy Action Areas³

A challenge for many civil society organizations is distinguishing between being busy with activities and implementing tactical actions that strategically advance an advocacy effort. In order to help organizations better assess how to expend precious resources, the Legacy Tool offers four action areas that are needed to conduct any advocacy campaign: internal capacity building, research, mobilization and engagement with decision makers. This case provides insights into all four action areas:

- internal capacity building
- research
- mobilization
- engagement with decision-makers

Tactical Aim

New Tactics in Human Rights has identified four primary human rights-based tactical aims: prevention, intervention, restorative and promotion. This advocacy for Prisoners' rights to rehabilitation centers and reform upon release demonstrates the following tactical aim:

- intervention

Campaign Period

May 15, 2017 - February 28, 2018

Brief Summary

This campaign marked the first time for the Prisoners and their Families Aftercare Center (Edmaj)⁴ to work on a rights-based issue rather than charity work. This is considered a paradigm shift in the life of Edmaj. This shift emerged as a result of the Edmaj's participation in the USAID Civic Initiatives Support Program (CIS) Advocacy Support Fund grant process. A primary component of the grant process included an advocacy training using the New Tactics in Human Rights Program's **Strategic Effectiveness Method** which facilitates the collective identification of locally-defined priorities. As a result, Edmaj launched the *Prisoners' Rights to Rehabilitation Centers and Reform Upon Release/Amman Governate* campaign.

The Article in the Penal Provisions Law on "Erasing Criminal Effects" prohibits released prisoners from their right to work. It prevents them from attaining a 'No Criminal Record' certificate for a period of up to six years if their charges were criminal; and up to three years if the charge was a misdemeanor. It is important to recognize that although from the start of the campaign, there were various advocacy efforts arising from defendants that succeeded in amending this article. The article was amended so that criminal sanctions are currently up to three years and misdemeanors are up to one year. However, this issue is still prominent and important due to the following reasons:

Denial of the right to work for released inmates

The inability of released prisoners to seek work results in the increased likelihood of repeat offense, extremism, and inclination of family members to commit crimes (crime inheritance). This is also a waste and disruption of productive human capital energies instead of containing and investing it for the betterment of the society and the country.

Diversion of government resources

Instead of utilizing government resources for other national priorities, recidivism increases the amount of government spending needed for repeat rehabilitation, and the building of new rehabilitation centers.

This advocacy campaign advanced the demand for the cancellation of the 'No criminal record' certificate in the entirety of the Penal Provision law. The requirement for this certificate is considered a second sanction, after the first, which is prison. In addition, it limits work opportunities for released inmates after the end of their sentence. The campaign conducted direct intervention with companies in the private sector in the Capital, Amman, which resulted in amendments to their own internal hiring regulations that had required the 'No criminal record' certificate. Three major companies in Amman agreed to serve as 'pilot models' for other companies.

In addition, Edmaj worked in collaboration with the National Aid Fund to continue support to families of prisoners. The practice had been to remove aid to families

⁴Prisoners and their Families Aftercare Center (Edmaj) is a civil society organization that aims to rehabilitate release inmates, properly reintegrate them into society, so that they can utilize their energies positively and productively. Therefore, society benefits from wasted capabilities, and so that they are not constituted as a permanent risk that threatens the stability of society in the future. The center seeks to provide and configure rewarding work opportunities for released inmates from prisons and taking care of their families and follow up on their social, psychological, and economic conditions while the heads of households are imprisoned.

upon the prisoner's immediate release from prison. Edmaj was able to work with the National Aid Fund to ensure the continuity of national aid for the families of released inmates until they find jobs.

Achievements

Edmaj made significant gains in achieving their campaign goal – Amend instructions related to 'No criminal record' certificate during 2017 (public and private sectors) in the Capital, Amman in order to ensure prisoners' rights to rehabilitation centers and reform upon release. Key successes of the campaign took place in the mobilization of the community and engaging decision-makers.

The ways in which Edmaj mobilized the community ensured an accurate understanding of the problem and the development of appropriate solutions that could be offered to decision-makers.

Private sector participation: Edmaj successfully engaged three private sector companies (Giant Industrial Group, Verona for Food Industries, Marsina Industrial Co.) to amend their requirements regarding the 'No criminal record' certificate in the hiring application.

Public sector participation: A significant achievement was attained with the assent of the National Aid Fund to continue to provide financial aid to the families of released inmates for the duration of one year after their release. This support included training or work for the prisoner or one of his family members to promote the value of work and self-reliance instead of removing aid upon their immediate release from prison.

A number of factors contributed to the success of this campaign. First, engaging those impacted by this issue (released inmates or their families) in every stage of the campaign. This enabled the team to identify the issue and the impact on these released inmates and their families. These details, shared by those most capable to describe these issues and the impacts, provided the in-depth understanding and grounding for developing appropriate solutions. The involvement of released prisoners and family members naturally contributed to their ownership of the case. Second, the strategic partnership that was formed between two civil society organizations (Emaj and the Arab Center for Consultation and Training) with capabilities that complement each other. Finally, the clarity of the message addressed to private sector companies that not every inmate is a criminal. This message addressed the negative stereotypes as well as fear and mistrust linked towards released inmates. As a result, this campaign was successful in moving forward initiatives in private sector institutes and government agencies, including the Ministry of Labor, Vocational Training Corporation, Amman Chamber of Industry, and the Jordan Chamber of Commerce.

Key Lessons

Advocacy Action Areas⁵

The Advocacy Action Areas in this campaign constitute challenges and lessons learned about the experience of Edmaj in the implementation of the Prisoners' Rights to Rehabilitation Centers and Reform Upon Release campaign.

Internal Capacity Building

Edmaj built their internal capacity through the USAID CIS sponsored advocacy

⁵ The identification of the four action areas outlined in the Legacy Tool comes from the advocacy experience of Mr. Faisal Abu Sondos, former Executive Director of The Royal Conservation Society of Jordan (JREDS). Mr. Abu Sondos has been a New Tactics Method Trainer since 2010 and Lead Method Trainer since 2011. While using the New Tactics Strategic Effectiveness Method in his own organizations' advocacy efforts and coaching other civil society organizations in using the Method he identified these four action areas to assess progress. The benefits and drawbacks regarding the use of technology in each of these advocacy action areas needs examination in relation to the appropriateness for the intended target groups and goals of an advocacy campaign.

training using the New Tactics in Human Rights **Strategic Effectiveness Method**. The five-step method begins with a collective process to identify a clear and focused problem statement. This foundational step is critical for any campaign (see Research). Edmaj identified the problem as: **Released inmates do not have the right to work due to their inability to attain the 'No criminal record' certificate for a period that could last up to six to three years.** (This article in the Penal Provision law was amended to three to one years).⁶ The **Strategic Effectiveness Method** provides a step-by-step process to develop a strategic path – or journey of change. This strategic path helps to also track and monitor progress (see Figure 1).

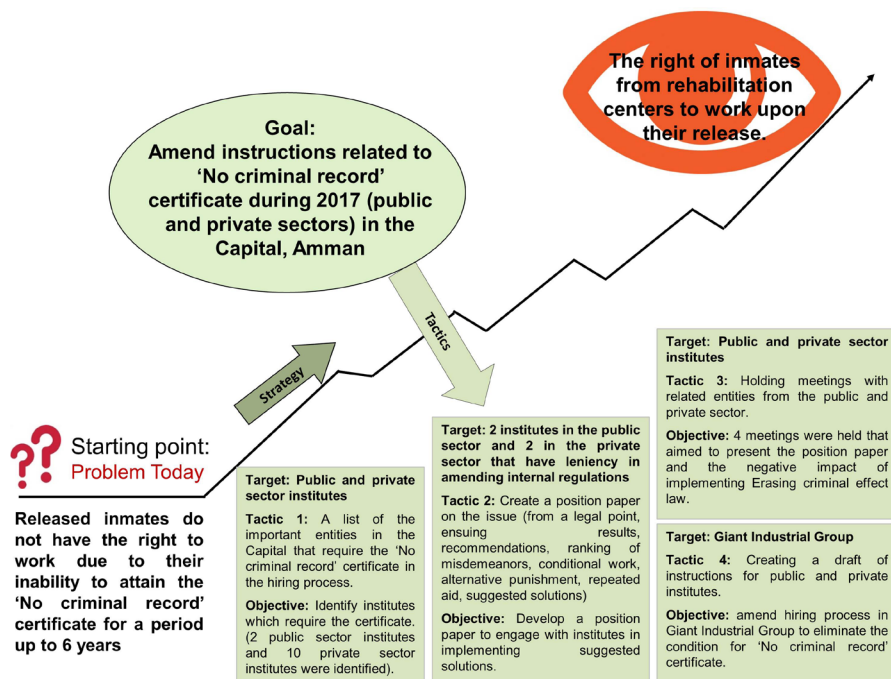


Figure 1: The strategic path developed by Emaj for their campaign.

Some of the lessons learned from the experience of Edmaj regarding the internal capacity building of their campaign, led the organization to adapt several procedures that were successful in producing positive results to the campaign. These adaptations were undertaken after analyzing the technical needs of the team. First, the inclusion of individuals in the campaign that have suffered because of the Article in the Penal Provisions Law on “Erasing Criminal Effects” that resulted in their inability to attain the ‘no criminal record’ certificate. Their presence and engagement helped reach the goal in an empowered and practical manner. Second, the establishment of the strategic partnership with the Arab Center for Consultation and Training, as the staff included experts in areas that were highly complementary to the implementation of the campaign. Third, the formation of a team that consisted of civil society organizations, government agencies, and the private sector, which ensured arriving to appropriate recommendations. The team’s directives were the main reason for the success of the campaign in achieving its goals. Four, the training gained by Edmaj and the Arab Center for Consultation and Training team on the concepts of advocacy, garnering support and the tools used, were beneficial for both organizations, not only in this advocacy campaign, but in any future human rights issue. Lastly, the use, when needed, of specialized experts in the planning of campaigns to guide the team.

Research

One of the important lessons regarding research is Edmaj’s conviction to devote sufficient time to diagnose the problem and analyze its different dimensions:

To analyze the issue, Edmaj and the Arab Center conducted a number of studies that contributed to building an important database, for this current campaign and for future complementary campaigns. One of the important studies is an analysis of twenty large companies in Amman. It found that all of them required the ‘no criminal record’ certificate as a condition for hiring. Therefore, these companies prevent inmates, who do not have this certificate, from working. After further analysis and field studies with these companies, it was also found that these companies assume that every prisoner is a criminal. As such, the

⁶ As a result of Edmaj and other organizations’ demands (prior to the start of the campaign), article 364 from the Penal Provision law was amended. It now allows inmates charged with a criminal sanction to request the ‘Erasing criminal effects’ clause after three years from the date of the implementation of criminal sanctions against him, and after one year for misdemeanor charges. Prior to the amendment, it was six years for those with criminal sanctions and three years for misdemeanor charges.

“The deeper we study the legislation and the economic impacts on prisoners and their families, we feel the greater need for the position paper to reflect this reality... therefore, we believe that the position paper should reflect this knowledge to determine our main demands.”

– Abdallah Al-Naser, President of Edmaj Association

‘no criminal record’ certificate cannot be dispensed as a condition for hiring. Furthermore, studies on the economic and social impacts were conducted. One related to the implications of maintaining the ‘no criminal record’ certificate as part of Jordanian legislation. And another on the resulting impacts from removing aid from inmates’ families upon their immediate release from prison.

Mobilization

Emaj was able to address the negative stereotypes prevailing in the society which includes fear and mistrust linked towards released inmates. Through the efforts made by Emaj with public and private institutes, there were successful initiatives that included the Ministry of Labor, Vocational Training Corporation, Amman Chamber of Industry, and the Jordan Chamber of Commerce. Emaj also mobilized three civil society organizations, four media outlets, the National Centre for Human Rights, and a human rights law professor who was also a former parliamentarian to become involved in the campaign.

Some of the lessons learned from mobilization:

Media engagement: The importance of focusing on media programs, especially religious programs that have a higher audience. This made it possible for Emaj to address negative stereotypes and paint a new picture showcasing the reality of the impact of the “no criminal record” requirements on the lives of released inmates and their families. This highlighted the importance of designing a specific and studied media campaign which helped to achieve the campaign’s goals.

Creative engagement of youth/students: Emaj utilized the engagement of students through channeling graduation projects into sources of both theoretical knowledge and updating scientific research on this subject. This provided the involved entities with vital and needed information to overcome this issue. This engagement also contributed to presenting the issue to a wider audience.

Strategic partnerships: Emaj built partnerships with organizations that were committed to the goals of the campaign. These organizations provided the campaign with experience, expertise, and complementary technical capabilities, which in turn lead to the success and continuity of the work.

Engagement with Decision Makers

Decision makers, in this case, are represented in two sectors: Private – companies that require the ‘No criminal record’ certificate for hiring in their internal bylaws; and Public – government agencies, such as the National Aid Fund, involved in enforcing the instructions regarding inmates upon their release.

Private Sector

Communication and dialogue were conducted with twenty companies that require the ‘No criminal record’ certificate as a condition for hiring to discuss the possibility of eliminating this condition. The dialogue was done directly between team members and the companies. This dialogue process revealed the extent of the stereotype and common belief that every person that has gone to prison is a criminal and cannot be trusted. This big challenge led the team members to explore other means of persuasion. The team was ultimately successful in removing the ‘No criminal record’ certificate condition in three major companies in Amman, as well as, these companies coordinating with

Edmaj to hire released inmates through a list of names of job-seeking inmates.

Emaj learned that it was important not to assume that the companies had full knowledge of the dimensions of the issue from a legal aspect. Explaining the reality of the situation for released offenders, especially for misdemeanor charges, had the greatest impact in amending and creating change to motivate companies to be 'pilot models' for other companies. In addition, inmates' desire to work and maintaining good behavior to maintain the job is considered the main motivator for hiring.

Public Sector (Government)

Government agencies' direct involvement from the start of the campaign helped establish a close cooperative relationship with Edmaj. The participation from former inmates and some inmates' families in meetings with decision makers provided the opportunity to explain the issue in detail. Particularly, in the meetings with the National Aid Fund, inmate's families shared their sufferings and that they sometimes wished that the heads of households remained in prison rather than go through the financial suffering that has occurred upon their release due to the removal of aid. Families described their personal experiences with released inmates that are unable to find jobs or receive any kind of aftercare. These meetings had a huge impact in convincing the National Aid Fund to continue providing financial aid to released inmates and their families for one year after their release, for training or work either by the inmate or one of his family members. This serves to reinforce the value of work and self-reliance and guarantees financial income for a year. This is essential to decrease financial hardships on the inmate and his family. These hardships along with idle time and unemployment lead to significant problems like the return to crime or even suicide.

Organizational Impact of Advocacy

Perhaps the most important impact of this campaign on Edmaj is the transition of the organization from sponsorship and awareness work to a rights-based approach to their societal work. This was represented by systematic efforts that aimed at influencing decision makers to support this specific campaign which created change based on justice and equality. They will utilize this method in future campaigns and projects.

This campaign also helped build collaboration and trust with the related government agencies and the private sector companies. This trust helped Emaj in breaking stereotypes. One, related to the uncooperative negative role of government institutions and agencies for community initiatives. This was transformed into a role of cooperation. And the other stereotype, that all people released from prisons are criminals. This foundation of trust will assist Edmaj in any future advocacy they undertake on this issue.

"The campaign opened the eyes of local society on the injustices against released inmates and their families with the 'Erasing criminal effects law' and their incapability to obtain 'No criminal record' certificate for a specified time by law up to three years, as a main condition to attain a job opportunity which creates another obstacle on the released inmate and his family."

– **Abdallah Al-Naser**