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## **Campaign to Abolish Article 308 in the Penal Code**

**Najat: Stop impunity of perpetrators and protect survivors of sexual based violence (2014-2017)**

*Sisterhood is Global Institute- Jordan (SIGI)*

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

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



## **Overview**

### **Advocacy Issue**

Women’s right to equality and recognition as a person before the law (abolishing Article 308 of the Penal Code)

### **Human Rights–Based Focus Area<sup>1</sup>**

Protection – Accountability (UDHR – Article 7<sup>2</sup>)

### **Scope of Advocacy**

National

### **Advocacy Action Areas<sup>3</sup>**

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 case demonstrates:

- intervention
- restorative

### **Campaign Period**

1 August, 2014 – 31 August, 2017

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<sup>1</sup> 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.

<sup>2</sup> Universal Declaration of Human Rights (UDHR) Article 7 – All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

<sup>3</sup> 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.

## **Brief Summary**

This campaign underlines the long-term dedication Sisterhood is Global Institute-Jordan (SIGI) has had to address deep-rooted rights violations. SIGI has dedicated over twenty years to eradicating discriminatory laws against girls and women, and utilizes human rights foundations of Jordanian and international law. This national level campaign celebrates the success of the entire Jordanian women's movement to abolish Article 308 in the Penal Code which allowed a rapist to escape prosecution if he married his victim. In an additional triumph, decision-makers also abolished Article 98 that reduced charges in certain crimes involving the murder of women as well as a Personal Status Law to eliminate an exception that forced girls under the age of 18 to get married.

For Asma Khader, founder and president of SIGI, the journey began long before 1990, when late King Hussein formed a royal committee to draft the social contract. She was one of four women among a total of 60 people in that body. The women on the committee strongly advocated for text related to women's rights. The resulting National Charter was adopted in June 1991, and principle eight (8) enshrines one of their successful efforts, "**Jordanian men and women are equal under the law.**"<sup>4</sup> This principle served to reinforce Article 6(1) of Jordan's Constitution (1952)<sup>5</sup> which states: "**Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion.**"

When SIGI began its efforts, twenty-one laws were identified as discriminatory against women. In 2007 there were seventeen and in 2010 there were eleven laws to remedy. Article 308 of the Penal Code, one such egregious law, has allowed perpetrators of rape to escape prosecution and accountability for their crime if they marry the victim:

***"If a valid contract of marriage is made between the perpetrator of any of the offenses mentioned in this section, and the victim, the prosecution is suspended. If judgment was already passed, the implementation of the punishment upon the sentenced person is suspended."***

The implementation of Article 308 has resulted in the further violation of the rights of victims of sexual assault crimes. SIGI succeeded in contributing national research, the first of its kind, to understand the range of legal and social viewpoints on Article 308. The study gave voice to the victims and guidance for developing a national campaign that mobilized a coalition of over 100 local to national level civil society organizations. The study raised many questions regarding the rationale and assumptions behind the existence of Article 308. These included the presumption of stability of society and preservation of the reputation of the family and extended family; protection of the victims/survivors from sexual crimes; and the best interest of the child in the event of pregnancy resulting from such crimes. As a result, discussions were able to focus on the actual legal and legitimized cover of sexual crimes committed and being committed against women and girls.

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<sup>4</sup>Jordanian National Charter, Chapter 1, page 1. <http://www.kinghussein.gov.jo/charter-national.html>

<sup>5</sup>English translation of the Jordanian Constitution of 1952 and 2011 amendments [http://cco.gov.jo/Portals/0/constitution\\_en.pdf](http://cco.gov.jo/Portals/0/constitution_en.pdf) and Arabic: <https://jordankmportal.com/resources/constitution-and-laws-iri-arabic>

SIGI's study brought to the forefront three key points: 1) the undeniable on-going injustices perpetrated on the victims themselves in many legal, social, health and psychological respects; 2) the reality that the implementation of Article 308 is an excuse for early marriage; and 3) the consolidation of the culture of impunity for perpetrators. Courageous victims' gave powerful testimonies regarding the extent of the violation of their rights and empowered them to help others who were unable to come forward.

For example, regarding early marriage, despite the amendments to the Personal Status Law in 2002 which changed the legal age of marriage from 15 to 18 for both boys and girls, the law left room for exceptions if the judge deems it would benefit both spouses. During the course of this campaign to abolish Article 308, this vulnerable group was again at risk for proposed exceptions.

SIGI was able to leverage and underscore the recommendations to the Jordanian government from the 17th Session of the United Nations Universal Periodic Review (UPR) in October 2013. A number of the recommendations were specific to strengthening legislation to protect women and girls from forced or underage marriage; strengthening its penal code regarding rape, in particular by removing Article 308; and amending the Penal Code to address rape and other issues such as honor crimes. SIGI highlighted the State's clear responsibility for the protection of and accountability to all its citizens. This campaign provided an opportunity for Jordan to make significant advances in the protection of girls and women as well as providing leadership on this issue for other countries in the region.

## Achievements

SIGI's initial campaign, **Najat: Stop impunity of perpetrators and protect survivors of sexual based violence** (2014–2015), resulted in a ground breaking research study, "**Sexual Based Crimes Against Women – Article 308 of the Jordanian Penal Code as a Case Study**" which addressed the legal, social, psychological and health impacts on girls and women on the one hand, and the family and society on the other hand. This study provided the foundation for key recommendations including abolishing Article 308 and providing amendments to other articles in the Penal Code, Personal and Civil Status Laws and Public Health Law. By the end of 2015, the campaign to abolish Article 308 had succeeded in gaining wide spread support from a broad range of society. The Jordan Times reported that "Lawyers, journalists, activists, and Muslim and Christian scholars have repeatedly called for eliminating Article 308 and adopting better psychological and legal measures to protect victims of rape and molestation in Jordan."<sup>6</sup>

SIGI's advocacy was integral to advancing collective efforts, voices and national governmental and non-governmental actions, student initiatives at universities, and youth groups joining this national effort in condemning and calling for the abolition of Article 308. The (2016–2017) campaign actions specifically undertaken by SIGI and its coalition of partners were amplified by media coverage of works produced for the campaign, discussions, broadcasts, publications by female and male media figures, caricaturists, columnists, and a wide range of women and human rights entities. The momentum for change was further advanced in the 2016 speech by HRH Princess Basma Bint Talal, Head of the Jordanian National Commission for Women (JNCW), at the opening of the 16-day campaign to combat violence against women in November 2016.

The abolishment of Article 308 in the Penal Code marks a significant point of

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<sup>6</sup> Source: **Women activists call for cancelling controversial Penal Code article 'entirely'**, The Jordan Times, Rana Hussein, May 24, 2015, <http://www.jordantimes.com/news/local/women-activists-call-cancelling-controversial-penal-code-article-entirely%E2%80%99>

progress in removing laws that are discriminatory against girls and women. On 1 August 2017, Jordan's lower house voted to abolish Article 308 and end this egregious violation of the rights of women and girls. With an additional triumph, decision-makers also abolished Article 98 that reduced charges in certain crimes involving the murder of women. This is an important protection for girls and women victimized by rape and victimized again by honor crimes. These actions sent a strong message to society that there will not be any legal leniency in such crimes. These mark significant steps forward in the protection of victims and holding perpetrators of violence against girls and women accountable for their crimes.

## Key Lessons

**Maintain flexibility to seize opportunities:** This case highlights some specific turning points. In 2009, Jordan underwent its first review under The United Nations Periodic Review (UPR) where Jordan was called on to increase its efforts in the fight against honour crimes. In the second review under the UPR in 2013, an explicit recommendation was made by Canada to remove article 308. Subsequently, women's rights and civil rights organizations in Jordan took advantage of the opportunity and started pushing for Jordan to repeal Article 308 and related laws. Another significant opportunity arose when King Abdullah II established the Royal Committee for Reforming the Judiciary and Enhancing the Rule of Law in 2016. SIGI seized upon these opportunities to engage with Royal Committee members to present its position paper stressing the importance of abolishing Article 308 and other legal and legislative issues regarding women's rights. The position paper provided the committee members with a clear analysis and recommendations regarding Article 308. This built momentum for the push from civil society, the endorsement by the Royal Committee, the Cabinet, the Prime Minister Hani Al-Mulki, and finally parliamentarians voting to abolish Article 308.

**Coalitions demonstrate broad issue support to decision makers and help maintain vigilance:** Coalition members mobilized support at the local level within their own governorates demonstrating broad support for abolishing Article 308. The progress of the Royal Committee for Reforming the Judiciary and Enhancing the Rule of Law was closely monitored by SIGI and coalition members. The coalition made it possible to maintain on-going engagement with members of the upper and lower houses through the local governorate levels.

As momentum for abolishing Article 308 built, vigilance was required. In April 2016, when the draft Penal Code was proposed, SIGI and its coalition members immediately issued a statement in which they welcomed amendments to 308 in line with the position paper. And at the same time, they stated surprise and concern about a proposed clause related to victims aged 15 to 18. The coalition, in coordination with other organizations, stressed the position to fully abolish Article 308 including the demand for protection of the most vulnerable 15-18 age group. The position stressed that any 'consent' should be considered void. Such a proposed exception was a clear violation of child rights and would be against international human rights conventions. This served to remind legislators (MP's) that the UPR recommendations for Jordan included abolishing Article 308 in total, to which the Government of Jordan pledged to address. This vigilance and swift response from the coalition and other organizations resulted in the new draft version of the penal code being retracted from Parliament. The marshalling of collective forces conveyed a strong position and convinced decision makers to abolish Article 308.

*“Having heard firsthand the testimonies of these girls was so powerful, everyone in the room was crying, including the men.”*

**– a participant in a SIGI public event**

**Empowering and protecting victims:** Victims were actively engaged and provided courageous testimony to decision-makers. This recognition of the extent of the violation of their rights was both restorative and empowering, as they could use their experience to help others. Interviewing victims was most challenging within the research. Measures to guarantee ethical practices and confidentiality while balancing the possibility of offering referral advice when needed were defined. Involvement of victims of Article 308 significantly helped to provide the evidence and insights into shaping the advocacy campaign. Stories were documented to highlight how 308 was misused and manipulated to serve the perpetrators. Even as sharing experiences can empower victims, it is important to recognize that this also puts them in precarious situations. Media people were asking many times to talk to victims but SIGI kept the identities of victims confidential. For example, in 2015, during an event for the 16-day campaign to combat violence against women, a victim came to share her story regarding Article 308. In order to maintain her safety and anonymity she gave her testimony from behind a screen. It is essential for organizations to ensure the protection of victims and survivors who come forward to share their experiences.

**Public policy and societal change is possible:** SIGI has long recognized this lesson. They have dedicated over twenty years to eliminating discriminatory laws against girls and women. Public policy and societal change require long term goals, strategies and tactics. Although the process may be slow, SIGI has achieved significant successes. Influential leaders in the community provide critical support to move forward. SIGI solicited opinions from members of the judiciary, religious, and health institutions that were critical in producing the required knowledge to inform the policy proposals and the overall advocacy campaign. Some religious leaders and judges provided significant support to demystify some of the social beliefs that became evident through the research findings regarding Article 308. The abolishment of Article 308 in the Penal Code stands to prove that policy and societal shifts are possible.

The success of this campaign further reduces the number of discriminatory laws against women and girls and marks significant progress on SIGI’s journey of change.

## **Advocacy Action Areas**

### **Internal Capacity Building**

SIGI enhanced their internal capacity to carry out this campaign in the following ways:

- Engaged an advisory committee who served as experts from such diverse areas of law, religion, social, cultural, psychosocial, health and human rights; and specific gender and research consultants.
- Formed a media team to develop and select key messages based on the feedback from coalition members.

### **Research**

The research study conducted by SIGI was the first of its kind in Jordan and provided crucial analysis for the campaign.

- **Legal:** content of Article 308 in the Penal Code, its applications and other relevant laws.

- **Gender:** Selected SIGI staff participated in technical gender related trainings on research, policy analysis and integration. SIGI staff were also part of intense working sessions on the research and had access to a Gender consultant for feedback on research question design and in the write up of the research. In addition, SIGI's gender focal point member participated in a community learning group that was held twice a week and acknowledged a key observation and learning: *"I started to observe and analyze the power and gender relations more. These sessions are always useful – they let me see things from a different perspective."*
- **Religion:** female and male specialists demonstrated that violence against women and girls, especially sexual violence represented by the crime itself, and subsequent violence of the marriage of the victim to the perpetrator, are the common factors rejected by heavenly revealed laws and society but yet imposed and protected by the law.
- **Victims:** victims voices, through case studies, made it possible to assess the impacts on rape victims who married their attackers due to Article 308 regarding the psychological, economic, social and children's rights aspects (secured vs. divorced vs. pregnancy).
- **Perpetrators:** as in many societies, cases of rape are underreported in Jordan, however, statistics of rape incidents were reviewed, from 2010-2013 by referring to Ministry of Justice departments (General Security, Family Protection, General Prosecution, and Criminal Court), yielding 159 cases where rapists avoided punishment by marrying their victims.
- **Society:** results of in-depth interviews and a survey regarding knowledge of Jordanian society to the law revealed that 46% of Jordanians supported a campaign to prevent victims of rape from marrying the perpetrator, and another 27% supported this kind of campaign to some extent – indicating a 73% level of support for such a campaign from Jordanians.

## Mobilization

- Built a coalition of over 100 organizations which worked collectively to provide the capacity to carry out the campaign. This included the selection of local delegates from all twelve governorates. These delegates were provided with training to represent the coalition's position and recommendations regarding Article 308.

Dialogues lead by local women's organizations that invited influential tribal and religious leaders in all 12-governorates provided a platform for SIGI to present the findings of the research study and the position paper outlining concrete recommendations. From those initial dialogues, a nationwide coalition was conceived and continued to grow to over 100 civil society organization members working to abolish 308.

SIGI acknowledges the great interest in and appreciation of the many efforts, voices and national governmental and non-governmental actions, and other campaigns that joined forces in condemning Article 308 and calling for its abolition. This mobilization marks a victory for the whole of Jordanian society.

## Engaging Decision Makers

- Formed a high level delegation, composed of influential people and local level coalition members, that was part of all meetings conducted with decision makers.

SIGI's coalition members contributed to the advocacy in key ways. They identified influential community members including tribal and religious leaders, that demonstrated local community support of the campaign. These delegations met with members of both upper and lower houses, and with members of the women's committee and legal committee to present the position to abolish Article 308. SIGI consistently reminded decision makers of the research findings regarding the impacts on victims; that the Article violated the principles regarding equality before the law, of criminal justice; and the responsibility of the State for the protection of victims of rape and accountability of perpetrators. In addition, SIGI leveraged the United Nations UPR recommendations by reminding decision makers that one such recommendation was to remove Article 308 from the country's penal code. Decision makers responded to the broad coalition's demands for protection and accountability by abolishing Article 308 and a number of other related discriminatory laws against girls and women.

## Organizational Impact of Advocacy

*Asma Khader, a leading women's rights activist and lawyer, said that her organisation, the Sisterhood is Global Institute, and other NGOs worked hard to "provide parliamentarians with the right information about victims of this article."*

*"We had counter-arguments to all the viewpoints put forth against repealing the provision within the parliament. We managed to reach many of the parliamentarians and worked with them over a long period of time to get to this point," Khader told Al Jazeera.*

*"The article is not based on a logical or legal rationale. It is not justified and it does not stand in line with our culture, knowledge and logical thinking," she added.*

Quoted from '**Historic day**' as Jordanian parliament repeals rape law: Provision that allows rapists to escape punishment if they marry their victims has been abolished by the parliament. Aljazeera, Zena Tahhan, 1 August 2017 <http://www.aljazeera.com/indepth/features/2017/08/day-jordanian-parliament-repeals-rape-law-170801103929836.html>

## Case Study Framework – New Tactics Strategic Effectiveness Method



The Method contains five important steps that assist you in developing the strategy and tactics for your campaign. The Method helps you recognize your areas of strength and challenge as you develop your strategic path for advocacy – your journey of change:

1. [Identify the Problem](#) from a human rights-based perspective
2. [Create a Vision](#) using a human rights-based approach
3. [Map the Terrain](#) by viewing your context through the lens of human relationships
4. [Explore Tactics](#) to more strategically select goals and prevention, intervention, restorative or promotion tactics to address human rights issues
5. [Take Action](#) to advance advocacy action areas of building internal capacity, research, mobilization and engagement with decision makers.

The application of the Method can further be examined within your own organization through a series of reflection questions provided after each step.

We will use SIGI's campaign to abolish Article 308 to demonstrate the [New Tactics in Human Rights Strategic Effectiveness Method](#) in practice. One of SIGI's board members participated in the 2010 USAID Civil Society Program's Master of Advocacy Fellowship which included a training for trainers in the New Tactics Method. SIGI utilized the New Tactics Strategic Effectiveness Method for this advocacy campaign.



## **Step 1 – Identify the Problem**

It is important to recognize that from the first step of identifying your problem, you are already engaging in strategy and tactics. This first step often begins with a broad definition of the problem. Then you work your way to a more tightly defined, human rights-based, and agreed-upon issue for action. This step is re-visited through on-going assessments and evaluation to better refine the problem to address the underlying sources. Using a human rights-based approach, you begin by asking, “What rights are being neglected, abused or denied in this situation?” This makes it possible for the community to move beyond what they feel is “needed.” This transforms the community’s relationship with those who want to empower the community as well as with those with the power to address the injustice. This step provides an essential foundation to **know yourself**, requiring everyone to think and respond differently.

At the most general level, SIGI identified that women are being harmed each day and treated unfairly, legally and socially. This prevents women from achieving full political participation and representation that is intricately connected to and impacted by women’s social, economic, sexual, reproductive and familial rights. This clearly represents a broad range of issues that require attention. SIGI first outlined a general statement of intention: **Reduce the number of discriminatory national laws and regulations that are against women and girls’ human rights.**

This statement has guided SIGI’s work for over 20 years. At the start of their efforts, SIGI had identified twenty-one laws as discriminatory against women. By 2007 this was reduced to seventeen. And by 2010 there were eleven laws yet to be remedied. This general statement provided a good starting point for problem identification for this campaign, and yet, the challenge remained to narrow the focus.

The timing of advocacy campaigns is important, and the 17th Session of the United Nations Universal Periodic Review (UPR) in October 2013 provided additional problem identification assistance. The UPR underscored specific recommendations to the Jordanian government to protect women and girls from forced or underage marriage and to strengthen its penal code regarding rape, in particular by removing Article 308. These recommendations clearly highlighted the State’s responsibility for the protection of women and girls and accountability of perpetrators.

SIGI’s initial statement: **Removal of Article 308 in the Penal Code (which allows a rapist to escape prosecution if he marries his victim) and amending the Personal Status Law to eliminate this exception to force girls under the age of 18 (and others affected by this law) to get married.**

The application of a human rights based approach provides an opportunity to examine national and international legal foundations to better understand the basic rights that are being violated (see Human Rights Based Focus Areas). As we

examine SIGI's initial statement, more clarity can be gained regarding how the specific law of Article 308 violates human rights. For example, **Girls and women are denied their right to equality and recognition as a person before the law and forced to marry due to Article 308 which allows a rapist to escape prosecution if he marries his victim.**

A reflection on this problem statement example provides clarity on the parameters of the advocacy campaign:

- “who” has the identified problem: **girls and women**
- “what specific rights” are being denied: Ensuring a human rights based approach focuses attention on the girls and women who are **denied their right to equality and recognition as a person before the law** due to Article 308. These are clear violations of Article 6 and 7 of the Universal Declaration of Human Rights (UDHR) (see Human Rights Focus Areas).
- “how” this group is being violated: The more specific statement underlines that girls and women are violated because they are **forced to marry and denied justice as the perpetrators of the crime escape prosecution due to Article 308**. Being forced to marry, including child marriage, is a violation of Article 16 of the UDHR.
- Three core principles of human rights are being violated in this case: equality, non-discrimination, and accountability of the State to protect all its citizens (see Human Rights Focus Areas). The State carries the primary responsibility to ensure the rule of law, including the removal of discriminatory laws and the equitable development and implementation of laws. It is this responsibility that focuses this advocacy effort on the area of **protection-accountability** (see the human rights-based focus areas).

## Advocacy Action Areas

During the initial problem identification phase, SIGI did an excellent job of gathering Sun Tzu's three sources of knowledge: know your self through the area of **internal capacity building**, and know your opponent, and know the terrain through the area of **research**.

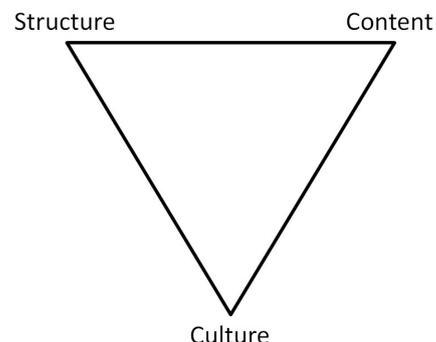
### Internal Capacity Building

SIGI assessed that additional expertise was required. An eight member advisory committee was formed of experts specializing in law, religion, social, cultural, psychosocial, health, and human rights. Based on their various areas of expertise and designated member roles, the committee reviewed and approved the data collection methodology, the research content, and provided guidance based on their respective specializations. The committee, in conjunction with a gender specialist and a primary researcher, made it possible for SIGI to expand their capacity beyond their usual areas of expertise.

### Research

Research at the problem identification phase is critical. The **Triangle Analysis**<sup>7</sup> can be very useful to guide research to pinpoint whether the problem lies with one, a combination or all three of the following areas:

- **Content:** the written laws, policies, and budget priorities or the absence of these.
- **Structure:** the state and non-state mechanisms for implementing a law or



<sup>7</sup> "Triangle Analysis" originates from Margaret Schuler in *Empowerment and the Law*, 1986. The text is adapted from Lisa VeneKlassen and Valerie Miller, *A New Weave of Power, People, and Politics: The Action Guide for Advocacy and Citizen Participation*, 2002.

policy and allocation of funds. Such structures include the police, courts, hospitals, credit unions, ministries, and health and social programs, etc.

- **Culture:** the values and behavior that shape how people deal with and understand issues, the “unwritten laws” of behavioral expectations. These values and behavior are influenced by such things as gender, class, custom, religion, ethnicity, and age.

SIGI conducted a ground breaking research study which provided significant information for understanding the potential positions of opponents based on the Jordanian context.

SIGI’s research touched on all three components of the **Triangle Analysis** – content, structure and culture. Based on the results of the research study, a position paper was developed that outlined the repercussions of Article 308 on the female victims and provided concrete recommendations of actions needed. The content, structure and culture components will be discussed in parallel with the human rights focus areas.

## Human Rights–Based Focus Area<sup>8</sup>

The human rights framework provides an essential operating guide based on recognized international principles and standards for advocacy efforts. When applying human rights for advocacy efforts, it can be helpful to view these rights and responsibilities through four focus areas: safety and security; non-discrimination; participation; and **protection–accountability**. The Universal Declaration of Human Rights (UDHR) provides the basis for subsequent international agreements.

This case provides a perfect example for illustrating how human rights are indivisible and interconnected. We will examine SIGI’s primary focus on the **protection–accountability** focus area. The benefits of focusing on this area do not diminish the importance of two other important focus areas at work in this case: non-discrimination, and safety and security. This case clearly points to the discrimination women face in the legal system and pointed directly to the mandate of treating women equally with men before the law. In addition, victims themselves provided powerful testimony regarding the importance of their right to be safe and secure from perpetrators in all areas of their life.

Everyone has a responsibility to protect human rights – in our homes, work places, community spaces, and country. At the same time, governments have specific obligations. Governments must comply with and be accountable for the legal norms and standards enshrined in human rights instruments. This requires our human rights to be protected by the rule of law. The assenting responses to the questions below help to clarify the selection of **protection–accountability** as the primary human rights–based focus area.

- Are there legal accountability obligations by those who have power that must be fulfilled? If so, at what levels (community, institutional, governorate, national, international)?

Yes, for example, Jordan is a signatory to the Convention on the Elimination of All Discrimination Against Women (CEDAW). The legal obligations are outlined in the Research – Content section.

- Does the violation deny the person, group or community their rights to protection, accountability and redress?

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<sup>8</sup> 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 four human rights–based focus areas include: 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.

Yes, for example, victims of rape are denied these rights when forced to marry perpetrators who are not then held accountable for their crime. These points are outlined in the Research – Structure and Research– Culture sections.

During the problem identification phase, research was SIGI's first priority in order to better understand the issue. The research engaged stakeholders at the local, national and international levels, including 70 face-to-face interviews (legal, legislative, victims and their families). As a result, SIGI's "**Sexual Based Crimes Against Women - Article 308 of the Jordanian Penal Code as a Case Study**"<sup>9</sup> documented the legal, social, psychological and health impacts, both positive and negative, on girls and women on the one hand, and the family and society on the other hand.

## Research – Content

The legal components of the research documented the human rights foundations. These clearly showed the ways in which Article 308 of the Penal Code, and related laws, violate the protection and accountability rights of girls and women based on the rule of law.

The human rights foundations at the national level are outlined in Jordan's Constitution (1952) and the Jordanian Charter adopted in June 1991:

1. Constitution, Article 6(1): "**Jordanians shall be equal before the law.** There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion";
2. Constitution, Article 7 (1): "**Personal freedom shall be guaranteed. (2) Every infringement on rights and public freedoms or the inviolability of the private life of Jordanians is a crime punishable by law of the Jordanian Constitution**"; and
3. Charter, Principle 8 explicitly articulated gender equality under the law: "**Jordanian men and women are equal under the law.**"<sup>10</sup>

International human rights foundations were strengthened when Jordan became a signatory of the Universal Periodic Review of Human Rights in 2013. This created an additional leverage point in the advocacy terrain. This offered an opportunity for SIGI to utilize both the national and international human rights foundations to call for accountability of the Jordanian government to strengthen legal protections and eliminate all discriminatory laws against women.

## Research – Structure

SIGI's research revealed a number of critical legal and policy implementation factors highlighting the protection-accountability aspects regarding Article 308.

### Numbers reveal injustices<sup>11</sup>

- **Rape cases, as in most countries, are greatly underreported.** Violence against women has remained a taboo subject due to societal and familial pressures. Many choose not to report the crime unless pregnancy is involved. This results in powerful cultural factors undermining the collection of data (see Research - Culture).
- **Only 20 to 25 percent of perpetrators of rape cases were prosecuted.** This figure is based on cases reported to the state-run family protection unit from 1998 to 2013 and highlights the lack of accountability when the victims

### International Foundations: Universal Declaration of Human Rights (UDHR)

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 16 (1 & 2): 1. Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. 2. Marriage shall be entered into only with the free and full consent of the intending spouses.

Convention on the Elimination of All Discrimination Against Women (CEDAW):

Article 2 (c, f,g) : States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Additional relevant CEDAW articles: 15 - equality before the law and 16 - equal rights to enter and choice in marriage; and the prohibition of child marriage.

Source: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>;  
Arabic CEDAW: <http://www.un.org/womenwatch/daw/cedaw/text/0360793A.pdf>

<sup>9</sup> Available from SIGI.

<sup>10</sup> Jordanian National Charter, Chapter 1, page 1, <http://www.kinghussein.gov.jo/charter-national.html>

<sup>11</sup> Source: These category identifications were highlighted in **Getting away with sexual abuse in Jordan**, by Areej Abuqadalrl, IRIN, AMMAN, 27 January 2014. <http://www.irinnews.org/report/99544/getting-away-sexual-abuse-jordan> and Arabic: [goo.gl/Q2qeGq](http://goo.gl/Q2qeGq)

actually did come forward to report the crime.

- **Some 159 rapists escaped punishment through marriage** (2010–2013). Even this number, however, has been challenged by women’s rights activists, social workers, and lawyers who say the incidents of such marriages are also underreported. People in these professions have come across cases that were unreported. In addition, the collection of statistics on such marriages by the government ceased after 2013.

#### **Denial or lack of services**

- **Abortion is prohibited in Jordan.** This is the case even for rape survivors or in cases of incest, unless the pregnancy could lead to the mother's death. As a result, pregnancy from rape creates an additional trauma and burden on victims.
- **Limited access to restorative services.** Victims of rape and sexual violence particularly lack psychosocial services, which are even more limited in rural areas. There are only two state-run shelters for women and children, one in Amman and one in Irbid. This makes it difficult for survivors to overcome the trauma. Amal Adli, a social worker at SIGI, highlighted that women continue to suffer for years as the trauma is not addressed at an early stage.

## **Research – Culture**

Through interviews with religious experts and a social survey, SIGI's research addressed social norms and perceptions rooted in Jordanian culture regarding Article 308.

#### **Article 308 has no roots in Islam**

**Punishment:** Religious scholars confirm that Islam does not endorse punishing the victim by forcing her to marry her rapist. From an Islamic Law perspective, there is no Islamic-legal precedent to forgive a man if he marries his victim. On the contrary, rapists should be strictly penalized to protect the society from such crimes.

**Consent:** Approval is the basis of marriage in Islam. Marriage in such circumstances does not meet the “valid and genuine” Islamic requirements. When women are married to their rapist, the victim and her family were forced into accepting this marriage. While the rapist uses the marriage to benefit, by escaping punishment for his crime.

#### **Societal expectations and attitudes**

The social survey was distributed to 850 individuals. The results indicated that the total number of male and female respondents was 771, with a response rate of 90.7%. This included 49.8% male and 50.2% female respondents, with 36 respondents with special needs representing 4.2% of the total survey.

**Social support to abolish Article 308.** The survey revealed that 48% had never heard of Article 308 or had never known of its existence. Nevertheless, 46% supported a campaign to prevent victims of rape from marrying the perpetrator, and another 27% supported this kind of campaign to some extent. **This indicated a 73% level of support for conducting the campaign.**

**Victim blaming remains a significant problem in Jordanian society.** Women and girls are still seen as “responsible” for preserving their family's honour. Any

sexual activity by girls and women – even if it is by force – is seen as shameful. It is this social norm that makes the practice of victims marrying perpetrators of the crime “acceptable” even though this is counter to religious mandates. Rather than mitigate sexual violence the practice serves to encourage more sexual violence against girls and women as it makes it easy for men to rape any girl/woman they like and force the marriage onto her and her family. The research provided clear links between the implementation of articles 308, 340 and 98 in the Penal Code and incidents of rape<sup>12</sup>.

## SIGI’s Recommendations Based on Research Results

SIGI issued a position paper outlining a number of recommendations requiring a holistic approach to Article 308, that included the need to address other related articles as well:

- Full cancellation of Article 308 of the Penal Code
- Public Health Law amendments: Article 12 to allow abortion
- Civic Status Law amendments: Articles 10 and 57 on kinship including DNA examination as proof of the father’s parenthood to document a child’s birth.

## Reflection for Your Organization:

### Step 1 – Identify the Problem

Utilizing these human rights-based focus areas for outreach and message development can help to mobilize different constituencies to participate in your advocacy campaign. Advocacy efforts do not necessarily take place within a set, linear time frame. Take time to reflect on the following:

### Know yourself

Explore the [human rights-based focus areas](#) to assist your own problem analysis and development of a human rights-based statement.

- How can your advocacy benefit from a rights-based problem statement?
- How can this example inform your exploration of the human rights advocacy focus areas?
- What kinds of research will help you to better understand your problem?
  - How can research help you to identify the differences in how various marginalized groups experience the problem (e.g., girls, women, people with disabilities, specific minority groups, youth, elderly, etc.)?
- What did you learn about yourself and your organization through the in-depth exploration of the identified problem?

### TIPS: Identifying your problem statement

- Check your statement to ensure it is human rights-based to provide others with an understanding of the right that is being violated, abused or denied.
  - What international human rights articles or conventions can you identify that are important for advocating on your issue?
- Provide a brief context as to why the problem exists by using the advocacy focus areas to discuss the unique aspects of your context.
  - How can you connect the right to daily life experience to offer a basis

<sup>12</sup> For more details about the research, please contact the Sisterhood is Global Institute.

for engagement of stakeholders and accountability from decision makers?

- How does your target group experience the problem? How do other marginalized groups experience the problem (e.g., girls, women, people with disabilities, specific minority groups, etc.)?
- What national laws or policies can you find that are important to know or for advocating on your issue?

## **Step 2 – Create a Vision**

It is essential to have a vision of what you want to accomplish. If you do not know where you want to go, it is difficult to get there and hard to know if you have arrived. Communicating a clear human rights-based vision can inspire and motivate others to join you. Your vision plays an integral part in the development of your strategy and tactics. A vision provides a compass for making decisions when advocacy conditions shift and change. You must **know yourself** and the future reality you want to create.

SIGI had more than one meeting with the working team using the New Tactics method to formulate the vision in a comprehensive way based on the problem statement: ***Girls and women are denied their right to equality and recognition as a person before the law and forced to marry due to Article 308 which allows a rapist to escape prosecution if he marries his victim.***

They then reviewed the discriminatory articles for women in general, and used Article 308 as a model to envision how the future could look for women without the problem.

SIGI's vision: ***A safe and secure environment for women with legal protection and equity before the law.***

This is an excellent example of the kind of vision that goes beyond one advocacy campaign. This vision can continue to guide and inspire SIGI's on-going advocacy efforts to eliminate all discriminatory laws against girls and women.

## **Reflection for Your Organization**

### **Step 2 – Create a Vision**

A vision can evolve over time. Take time to reflect on the following:

#### **Know yourself**

Discuss and develop your own vision statement.

- How can your vision statement be utilized for your advocacy (e.g., unifying your staff, outreach to allies, message development, engagement with stakeholders and decision-makers)?

#### **TIPS: Creating your vision statement**

- Check your vision statement to ensure it is human rights-based to unite others around the right you are seeking to be fulfilled.
- Frame your vision as a **positive statement** that addresses the identified problem.
- Make your vision statement **broad** enough to guide the current campaign and **provide direction** for your future advocacy efforts.



- Can others outside of your organization or network see themselves in your vision for the future?
- How have you involved and actively engaged those who are marginalized in creating the vision (e.g., girls, women, people with disabilities, specific minority groups, etc.)?
- Does your vision exclude others? If so, this is not a human rights-based vision.
- Review your vision on a regular basis to evaluate and **embrace broader visions** to guide greater gains.

## Step 3 – Map the Terrain

It is critical to understand the social, cultural, political, and economic context in which advocacy takes place. Human rights-based advocacy is about changing people’s attitudes and behaviors as well as the policies and institutions that are formed and maintained by people. New Tactics in Human Rights has developed and adapted specific tools to help guide you through this process of identifying people, groups, organizations and institutions working for and against change in your situation. Whether your work is at the local, national or international level, [mapping the terrain](#) of relationships allows you to identify more opportunities for taking action. This step requires an exploration of all three sources of knowledge: **know yourself, know your opponent, and know the terrain.**

No matter what human rights issue we are seeking to address, decisions about the issue are always made by people. The more we can learn, understand and know about the people involved, the more successful we will be in addressing issues of concern to us and our community. As we examine this case, consider the ways in which you have worked to identify the people, organizations, institutions and relationships involved in your own organization's issues. The information you have gathered can be organized using the tactical map and spectrum of allies tools to enhance the exploration, identification of appropriate targets, and selecting of tactics (see Step 4 – Exploring Tactics).

As we examine SIGI’s campaign: **Najat: Stop impunity of perpetrators and protect survivors of sexual based violence** (2014–2017), we will explore how their research and stakeholder engagement can be illustrated by the tactical map and spectrum of allies tools. These tools can be used and applied at any point in your campaign to assist you in your strategic and tactical analysis. The tactical map and spectrum of allies graphics serve as illustrations based on SIGI’s use of the New Tactics method and confirmed through reports provided by SIGI.

### Using the Tactical Map Tool

This case study provides an opportunity to highlight how the terrain of SIGI’s advocacy campaign can be illustrated through the [tactical map tool](#) and how they used it to define their targets and tactics (see Step 4). To explore the determination of the central relationship, it is important to identify the human rights violation that best represents the problem identified: **Girls and women are denied their right to equality and recognition as a person before the law and forced to marry due to Article 308 which allows a rapist to escape prosecution if he marries his victim.**

Who is being violated? The victim of the rape – **rape victim** (girl/woman).

Who is the person violating the victim’s rights? The perpetrator of the rape – **perpetrator**.

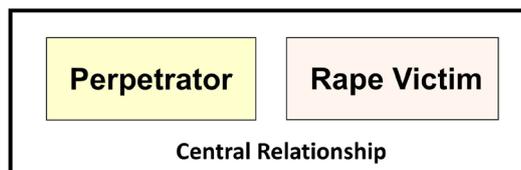


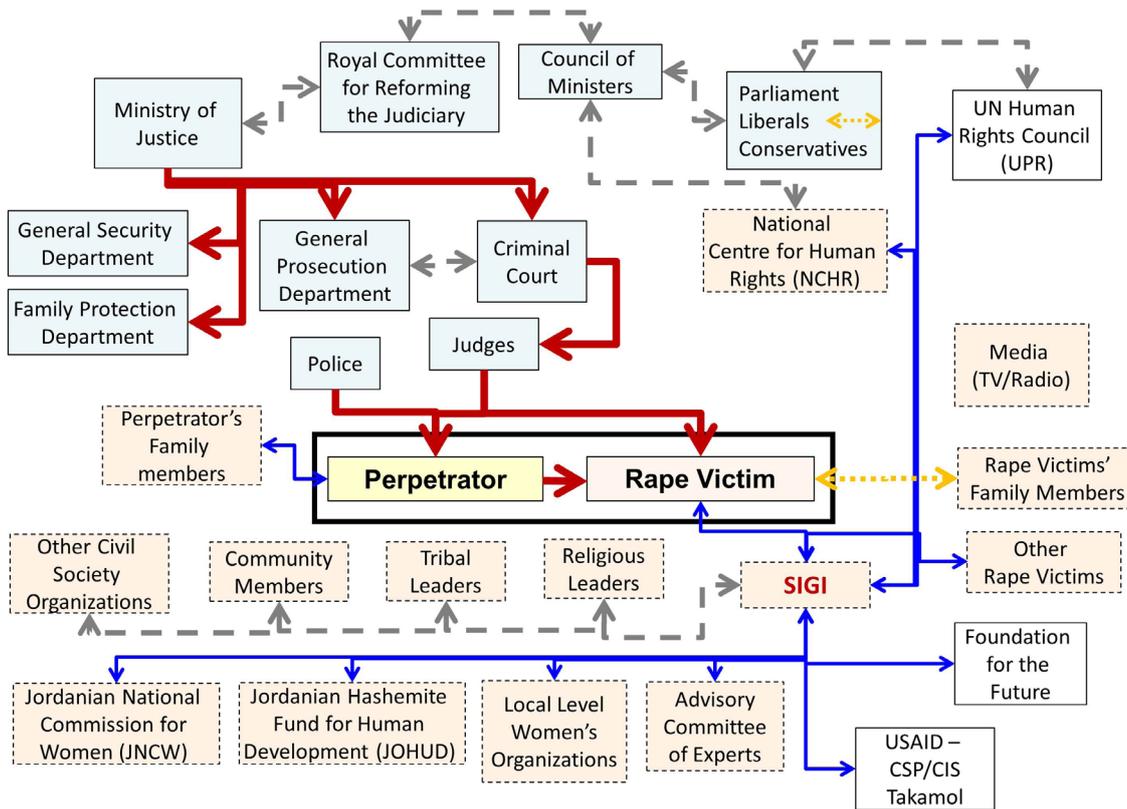
Figure above: An example of the central relationship of the Tactical Map tool.

Figure Below: The tactical map serves to provide a “birds-eye” view to illustrate the range of organizations engaged in an issue. It is important to note that there were more many more organizations involved in the process than are indicated on this tactical map. For example, SIGI’s coalition grew to over 100 organizations.

In most cases, you would want to identify a person by name who is suffering from the violation and interested to change the problem. However, in situations where a victim could be further endangered by being identified, it is not recommended to reveal their true name.

SIGI’s tactical map example provides the central relationship along with identified relationships at the local community level of the victim and the perpetrator up to the national and international level relationships. It is essential to include where your own organization is located on the map – SIGI is identified in RED. If you cannot put yourself or your own organization on the map, then reconsider your involvement in the issue.

Every person, group, association, institution,



**Relationship Line Key:**

Power relationship → Mutual benefit relationship ↔ Conflict Relationship ↔ Unclear / Research needed ↔

**Tactical map key:**

- Light orange box with dotted line = civil society entities (people, groups, organizations, etc.)
- Light blue with gray solid line = government bodies
- White box with gray solid line = funders and international entities
- Relationship lines:
  - Power relationship: One directional solid red arrow
  - Mutual benefit relationship: Bi-directional solid blue arrow
  - Conflict relationship: Bi-directional dotted yellow arrow
  - Relationship unclear / Research needed: Bi-directional dotted gray arrow

governmental body, etc., is a possible point for taking action. It is not possible, however, for an organization to focus on each and every point on the tactical map. Additional research is necessary at this stage to be strategic in your use of limited resources to select your points of action wisely.

**TIPS for using the tactical map**

Consider when finding the “central relationship”:

- Whose rights are being violated, abused, denied?
- Who is violating, abusing or denying another person’s right in this situation?
- Is this truly a face-to-face relationship?

NOTE: There is no face-to-face relationship between a person and an institution.

- Is there a face-to-face relationship in this problem that is being overlooked?

## Using the Spectrum of Allies Tool

The “[Spectrum of Allies](#)” tool heightens our awareness and understanding of the people, groups, or institutions that span the full range of possible engagement with our specific advocacy campaign. Those who we believe would support our efforts may actually have perspectives and goals that would counter or oppose our efforts. At the same time, those we initially think might be passive or active opponents may, in fact, support our rights-based advocacy efforts. A key point to remember is that individual people make up groups, associations and institutions.

Even when a particular group or institution takes a stance against us, there may still be individuals within the group or institution that will support our advocacy effort.

SIGI effectively used the spectrum of allies tool to identify potential allies and opponents. The tool was used to identify and mobilize local level civil society organizations as allies, who in turn engaged with decision makers in their local communities. By working with local partners, SIGI was able to determine where different people, groups, organizations and institutions were actually located on their spectrum of allies. SIGI was able to know who could be counted on to be active, as well as those not currently active but with potential to be engaged in the future. At the same time, they identified those in the neutral segment along with opponents who were both active and not active on the issue.

One important benefit of using the spectrum of allies tool, is it helped SIGI to recognize that some people they assumed to be active opponents were, in reality, in a different segment. Some were already allies. SIGI’s coalition members at the local level recommended the need to invite and work with religious leaders. The result was the creation of local delegations. These delegations comprised of a tribal leader, religious leader, and a media specialist who provided guidance on how to reach people in their local community. Recognizing these important relationships had significant impact.

On the other hand, there were those SIGI and coalition members assumed would be allies, however, they did not respond in that way. For example, there were other organizations also receiving funding to work on abolishing 308 Article. SIGI reached out to such organizations to coordinate the work. It was not always easy to build those collaborations. Some were not interested to work together. The spectrum tool assisted SIGI in considering ways to continue to engage and build allies. Such as hosting meetings to share SIGI’s campaign vision, the position paper offering concrete recommendations, and inviting others to their actions. They also attended actions hosted by other organizations. SIGI took the position that this campaign was not an “organizational cause” but a community and national issue that required collective effort.

### Internal Capacity Building

Looking beyond SIGI’s organizational staff members, the spectrum of allies assisted SIGI in identifying civil society organizations for building their coalition. These organizations are based throughout all of Jordan. It is not possible to represent all the organizations in a small graphic. These organizations are represented in the figure as “local level CSO’s and national level CSO’s”. In the initial 2014-2015 period, the coalition grew to 53 organizations, and during the 2016-2017 phase, it grew to over 100 members. They became supporters of SIGI’s work, essentially becoming ambassadors in the local community and expanding the capacity of SIGI to carry out the advocacy to abolish Article 308.

*We thought religious leaders, will be agents against us, however they supported our stand. And we were able to move others from opponents to neutrals, and later even to allies.*

*For local field work, this was the best tool [New Tactics method and especially the spectrum of allies] to reach different segments in the community...As far as the field community work, I think compared to other experiences, I believe we managed to reach the grassroots in the most influential way, and the best that we have ever done.*

**- Rana Abu Sondas**

## Mobilization

The coalition members contributed to the advocacy in key ways. For example, they identified the need to engage religious leaders and recommended ways to invite and work with them. This led to the creation of local delegations

comprising of a tribal leader, religious leader, and a media specialist in order to reach out to people and decision makers in the local community.

## Reflection for Your Organization

### Step 3 – Map the Terrain

Mapping the terrain provides information and insights for mobilizing allies and building coalitions. The tactical map and spectrum of allies tools provide critical support when exploring and [selecting tactics](#) to advance your advocacy effort. It is vital to any campaign to identify people, organizations and institutions that can provide on-going support and

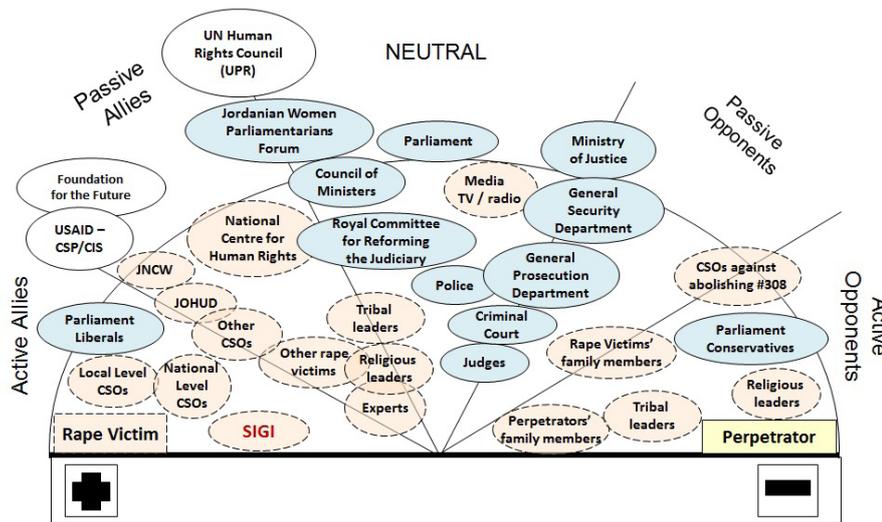


Figure Above: The "spectrum" is a tool to continually revise as you conduct research, analyze new information and carry out tactics to engage and move different targets towards the active ally segment of the spectrum. When considering specific victim cases, it is important to explore where members of a victim's own family may be positioned on the spectrum and to split family members into men and women in order to highlight potential different positions they may hold. There may be some members positioned as active allies, perhaps other women and supportive men in the family for example. While other members may be positioned as active opponents, perhaps both men and women hold the belief that a victim must carry the "honor" of the family to the point of marrying a man who raped her.

assistance for planning, outreach, and mobilization.

Take time to reflect on the following:

### Know Yourself

Consider how you can use the New Tactics tools to more thoroughly "map the terrain" and understand your context related to the identified problem:

- Have both women and men participated in the process of mapping the terrain? If not, do the results of your tactical map reflect/include gender related aspects such as differences in relational contacts, power relations, and decision making?
- Who are your allies – those who support your position or efforts on an issue; and those who will **actively** work together with you?
- What kind of **mobilization** is needed to engage your network of people, groups, and organizations to better understand the problem you've identified within your context?

### Know your opponents / Know the Terrain

- Who are your opponents – those who do not support your position or efforts on an issue; and those who will actively work against you?
- Who do you need to mobilize in this phase of your advocacy to better understand the terrain (e.g., people with specific areas of expertise)?

### TIPS: Mapping your terrain

- Put PEOPLE at the center:
  - Whose right is being violated, abused or denied?

- Who is violating, abusing or denying another person's right in this situation?
- What kind of research is needed to help you determine:
  - Who else is involved, interested or invested in this issue?
  - Who carries responsibilities for addressing this issue?
  - Who are potential allies and opponents regarding this issue?



## **Step 4 – Explore Tactics**

Tactics are the actions you take to move toward your goal and advance your journey of change. Used well, tactics can build influence and change the terrain of human relationships. There are many tactics available to human rights advocates, and more are being developed every day! The more [tactics you study and learn](#), the more you can adapt tactic ideas to meet your needs and keep your opponent off balance. This step explores and compiles information from all three sources of knowledge: **know yourself, know your opponent, and know the terrain**. This step will highlight the following areas of strategic and tactical development:

- Human rights-based tactical aims
- Strategic goals for advancing your **journey of change**
- Advocacy Action Areas: internal capacity building, research, mobilization, and engaging with decision makers
- Technology: challenges and benefits

### **Human Rights–Based Tactical Aims**

Most organizations seeking to advance human rights can only accommodate one or two primary tactical aims within their institutional frameworks. This is due to the time they take to learn, the investment in staffing and the difficulties of raising funds, and the measurement of performance and effectiveness. Having a clear understanding of your tactical aim helps you to more effectively select the tactics to reach your goals in addressing your identified problem. New Tactics in Human Rights has identified four primary human rights-based tactical aims: **prevention, intervention, restorative, and promotion**.

Ask yourself – Is your primary aim to:

- **prevent** an imminent abuse from taking place now and in the future?
- **intervene** in situations of long standing denial or abuse of human rights for individuals and communities that are marginalized or excluded?
- **restore** and rebuild the lives of victims and communities after abuse – to help them heal, seek justice, reconciliation, or redress?
- **promote** human rights by building respectful and engaged communities or policies and institutions where human rights are understood, strengthened, and respected?

As we examine the journey of change in this case, study the goals and the tactics selected to move the advocacy forward. In addition, as we explore each action area and the tactics selected, consider how your own tactics support and interconnect to advance your own campaigns. This will assist you in being more strategic and tactically effective in your advocacy efforts.

## Developing the Journey of Change

Return to your problem statement for guidance when developing specific goals to assess progress on your journey of change. The in-depth research study undertaken by SIGI in the problem identification stage provided critical direction for developing a strategic path for action to address the identified problem. SIGI's identified problem statement: **Girls and women are denied their right to equality and recognition as a person before the law and forced to marry due to Article 308 which allows a rapist to escape prosecution if he marries his victim.**

Over the course of SIGI's advocacy campaign directed toward abolishing Article 308: *Najat: Stop impunity of perpetrators and protect survivors of sexual based violence (2014-2017)*, they identified a number of milestone goals to address the intention of the campaign to reduce the number of discriminatory laws and regulations against women and girls' human rights and leading toward their vision: **A safe and secure environment for women with legal protection and equity before the law.**

This provided guidance for developing SIGI's strategic direction by outlining the following milestone goals:

1. **Abolish Article 308:** Develop recommendations for decision makers on Article 308 based on research findings on impacts, including procedures and mechanisms at all levels including service delivery for victims (e.g., protection, financial compensation, and comprehensive rehabilitation)
2. **Amend other relevant Articles in the Public health Law and the Personal Status Law (DNA testing, abortion)**
3. **Enhance protection mechanisms for victims**

These goals provide an opportunity to reflect on the tactical aims for addressing the human rights violations outlined in SIGI's problem statement. Examining the **tactical aims** help to ensure that the targets and tactics selected to address the problem will reach the intended purpose. SIGI determined two critical tactical aims for their advocacy effort: **intervention** and **restorative**.

**Intervention:** Article 308 has undermined the responsibility of the state for the protection of victims and the accountability of perpetrators for their crime. The campaign sought to intervene in the long standing legal, economic, psychosocial, human rights discrimination and societal stigma of rape victims. SIGI's intervention ensured that the link was made between Article 308 to a number of other discriminatory articles in the Penal Code, as well as specific articles in the Personal Status and Public Health Laws.

**Restorative:** SIGI's third goal identified restorative responses for the protection of victims that could be recommended to decision makers. The courageous testimonies of rape victims subjected to marriage to their perpetrators due to Article 308 provided an important opportunity

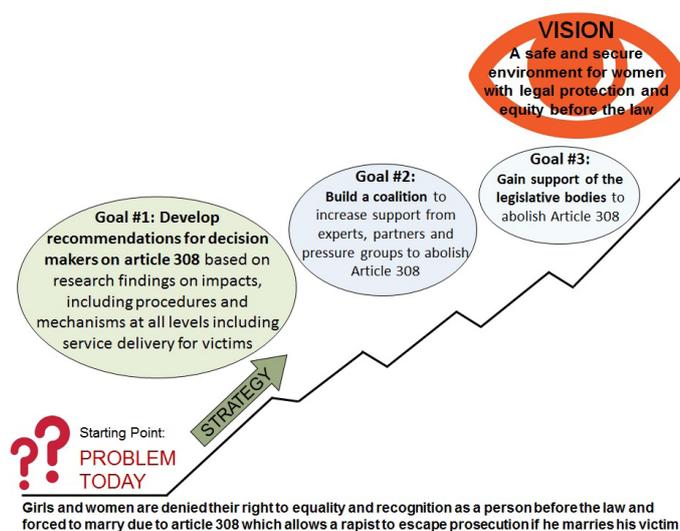


Figure: This journey of change visual provides an overview of SIGI's immediate and longer term goals.

gain insights for recommendations as well as to help victims restore their dignity, raise public awareness, and build support among stakeholders. It was particularly important for SIGI to highlight that the legal objectives for protection, justice and rehabilitation for victims cannot be achieved as espoused by proponents of Article 308. SIGI's recommendations went beyond abolishing Article 308, and seek to address the rehabilitation and financial compensation for victims.

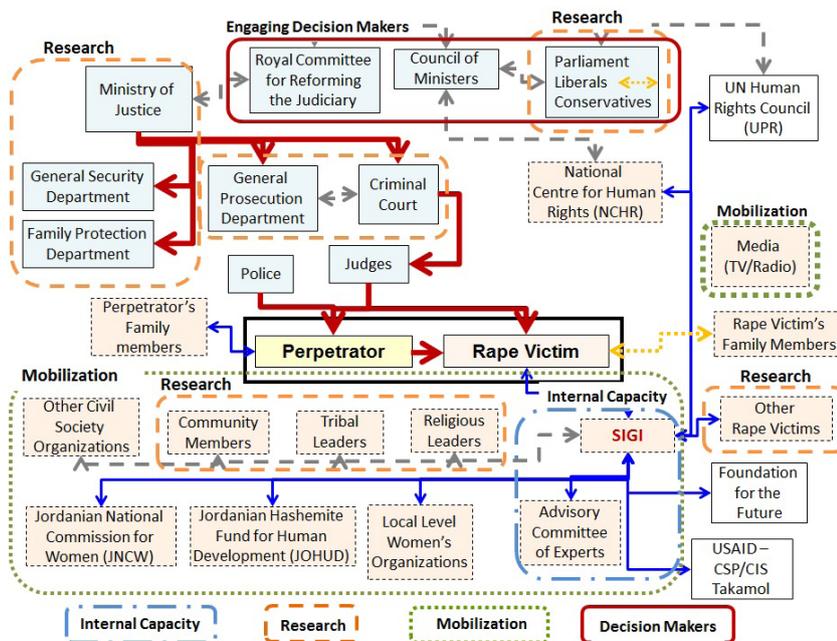
Figure below: This tactical map highlights the location of the tactical targets for each of the four action areas.

- Key Light orange circle with dashed line = civil society entities
- SIGI: Light orange circle with dashed line in Bold RED text
  - Light blue circle = Jordanian government entities
  - White circle = international related entities
  - Advocacy Action Areas:
    - Internal Capacity = light blue dotted and dashed line
    - Research = orange dashed line
    - Mobilization = green dotted line
    - Engaging Decision Makers = solid red line

## TIPS: Creating your “journey of change” Know yourself

- Consider how can you ensure participation of your target group in setting desired outcomes and results.
- Identify goals or milestones to create your “journey of change.” These goals need to be “SMART” – specific, measureable, achievable, relevant and time bound so you can monitor your progress, evaluate your successes, and know what remains to be done.
- Consider making specific goals that relate to each of the action areas: internal capacity building, research, mobilization and engagement with decision makers.

## Advocacy Action Areas



In carrying out advocacy, these action areas (internal capacity building, research, mobilization and engaging decision makers) provide guidance for developing your milestones. It is important to understand that each action area supports the others and helps you monitor your progress and evaluate both your shortcomings and successes (See Step 5). Developing goals for each action area can provide timing priorities to ensure different aspects of the campaign are working together.

The tactical map provides a way to visually identify the targets for each action area. The spectrum of allies highlights where these targets are positioned on the spectrum. The positions based from active allies to active opponents provide critical insights for tactic selection for

reaching and succeeding with the identified targets. The most effective tactics are interconnected and mutually support the advancement of other tactics. Consider how to engage your target groups and how your own tactics are interconnected in order to advance your own campaign. We will use the tactical map and spectrum of allies tool to illustrate the targets of the advocacy action

areas selected in this case. As we examine the action areas and the tactics selected, consider how your own tactics are interconnected in order to advance your own campaign.

Examine the tactical map and the spectrum of allies graphics to note where the targets and the advocacy action areas are located. On the tactical map, especially notice the power relationships in SIGI's map. These particularly refer to the protection-accountability mandate as they highlight the governmental bodies related to the implementation of Article 308.

On the spectrum of allies, notice the location of the targets. SIGI's **research**, during the initial phase of the first campaign, concentrated on the entities within the Ministry of Justice, victims themselves, and society at-large (represented as "community members, tribal leaders, religious leaders"). As they moved into the second campaign, their tactics focused on **mobilization**, targeting the active and passive allies segments of the spectrum. It is important to recognize that tactics work together to move your goals forward. As you examine the targets and tactics selected by SIGI, use the reflection questions to consider your own target and tactic selection.

When developing your spectrum of allies, you may find that a certain institution is located in a different segment from the individuals who work within the institution. For example, "parliament" is represented on the spectrum in three different segments: Parliament – neutral (those who have not taken a position); Parliament – Liberals (active allies); and Parliament – Conservatives (active opponents). Tribal and religious leaders are also represented in different segments. This is one reason why research is so critical at each stage of your advocacy effort. Be sure to talk with as many individuals within an institution as possible to reach those who are interested, willing and able to assist you. SIGI discovered that some organizations they thought would be active allies for their efforts, were instead passive allies working on the issue from their own perspective. This meant that SIGI needed to have an awareness of the efforts of these other organizations to ensure their own efforts could be enhanced, rather than undermined, by others' actions.

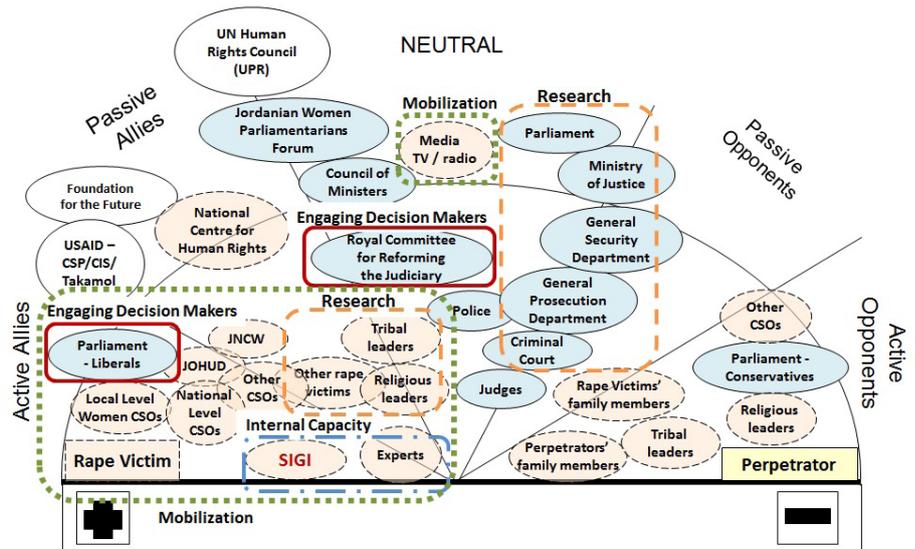


Figure above: This spectrum highlights the location of the tactical targets for each of the four action areas. Note the concentration of targets focused in the "Active Allies, Passive Allies and Neutral" segments.

**Spectrum of Allies Key with Advocacy Action Areas**

- Light orange circle with dashed line = civil society entities
- SIGI: Light orange circle with dashed line in Bold RED text
- Light blue circle = Jordanian government entities
- White circle = international related entities
- Advocacy Action Areas:
  - Internal Capacity = light blue dot and dash line
  - Research = orange dashed line
  - Mobilization = green dotted line
  - Engaging Decision Makers = solid red line



We need the [New Tactics] method, knowledge and tools. The good thing is that it is flexible to be adopted to the situation.

– Rana Abu Sondos, project manager, SIGI

## **Step 5 – Take Action**

Without taking action, nothing about the problem you've identified will change. The Strategic Effectiveness Method provides opportunities at each step to take action, monitor, and evaluate your progress. The process helps you to acknowledge successes and learn lessons from the very first step of your advocacy effort. The Method returns you to Step One so you can assess your knowledge – **know yourself, know your opponent** and **know the terrain** – and evaluate how your advocacy actions have impacted your identified problem. Take time to determine what has changed and what requires further effort.

As we examine the actual implementation and outcomes of this campaign, reflect on how your organization documents and acknowledges your achievements – internally to your organization staff and network members, but also externally to highlight your progress on your journey of change.

The campaign made notable achievements regarding the goals they set out to achieve. The results are summarized below according to:

- Each **action area** (internal capacity building, research, mobilization, and engagement with decision makers)
- **Target** groups and constituencies
- **Tactics** selected and their **objectives** to achieve the first milestone on the journey of change
- **Outcomes** that highlight and acknowledge the small to large achievements.

SIGI's first advocacy campaign goal to "**abolish Article 308**" significantly moved forward during the **Najat: Stop impunity of perpetrators and protect survivors of sexual based violence** period from 2014 – 2015 based on the research findings on impacts, including procedures and mechanisms at all levels including service delivery for victims (e.g., protection, financial compensation, and comprehensive rehabilitation). Once the in-depth research and the position paper were completed, these served as the foundations of the next campaign period (2016–2017) which required the engagement of civil society organizations at the grass roots level to build stakeholder support including the decision-making level. The essential interconnection and coordination of these two levels contributed greatly to the overall success of the campaign through tactics that:

- **Built a coalition of stakeholders to advocate for the implementation of recommendations** to address the violation of rape victims' rights due to Article 308
- **Gained support from decision makers to abolish Article 308** to end this discriminatory law that violates women and girls' human rights

In addition, SIGI made progress on their second goal to **amend other relevant Articles in the Public health Law and the Personal Status Law** and positioned them for future action on their third goal to **enhance protection mechanisms for victims**.

## Advocacy Action Areas

### Internal Capacity Building

**Target:** SIGI staff

**Tactic:** Create an advisory committee of experts and consultants

**Objectives:** To enhance the capacity of SIGI staff in order to ensure that perspectives related to Article 308 would include impacts on girls and women from diverse areas of expertise – law, religion, culture, health, mental health (psychosocial) and human rights.

**Outcomes:** SIGI identified the need to expand a range of areas of expertise in order to carry out this advocacy effort. In order to help them build that expertise, they engaged experts with specialized knowledge related to Article 308. These areas of related impact included: law, religion, culture, health, mental health (psychosocial), and human rights. SIGI also complemented their own areas of expertise through contracting gender, research and media consultants. Both the advisory committee of experts and consultants provided alternative ways in which SIGI addressed its need for additional skills and capacities. (see Research)

An eight member advisory committee served a number of roles including: 1) the review and approval of the data collection methodology; 2) analyzing the research content; and 3) contributing to the position paper recommendations based on each person's area of specialization. Gender, research and media consultants were engaged to train SIGI's staff and community advocates to understand the issue and speak with a united voice. SIGI staff, advisory committee members, coalition members, consultants and influential leaders were represented in high level delegations to decision makers (See Engagement with Decision Makers).

## Internal Capacity Reflection

### Know yourself

- Consider how can you ensure participation of your target group in setting outcomes and results. Have women and men in your target group participated in setting the outcomes and results? Do the desired outcomes and results reflect/include gender related aspects such as addressing roles, power relations, access to resources and decision making?
- Consider the internal capacity of your organization for carrying out advocacy, what current support mechanisms are in place?
- For specific advocacy campaigns, discuss the kinds of structures that could be of most benefit for carrying out the campaign. What additional supports are required? How can you enhance your capacities?
- How might technology be used to support and build your internal capacity? What challenges might you face when using technology tools?
- As you explore tactics for building “internal capacity”, don't forget that

active and passive allies can be mobilized to support and enhance your own organization's capacity. What allies can you engage and rely upon for leadership and implementation roles?

### **Know the terrain/Know your opponent**

- How might technology be used to build external support?
- What challenges might you face regarding opponents or your context when using technology tools?

## **Research**

**Target:** Experts (e.g., lawyers, religion scholars, medical and mental health professionals, journalists)

**Tactic:** *Engage experts to research the impacts of Article 308 and related amendments*

**Objectives:** To gain understanding, analysis and expertise regarding the impacts of Article 308 and related articles and laws in the following areas:

- Legal content and structural application of Article 308 and related articles and laws provided the basis for recommendations to eliminate such discriminatory laws.
- Victim testimonies from girls and women forced to marry their perpetrators along with research from medical and mental health professionals brought to light profound injustices and violations of the rights of girls and women (see Mobilization).
- Scholars provided the religious basis for recommendations to eliminate such discriminatory laws.
- Social analysis gained through the lens of gender disaggregated data based on victim testimonies and a social survey provided significant insights into the attitudes and perceptions of the Jordanian public (see Mobilization).

**Outcomes:** SIGI succeeded in producing a position paper that provided foundational information and recommendations. This paper was utilized by SIGI staff, experts, coalition and other civil society members, media, governmental bodies and parliamentarism to unify on the position to abolish Article 308 and related amendments. The recommendations also served to identify key points for critical interventions that halted the approval of legislative amendments, such as the proposed exception regarding girls under age 18. The courageous victim testimonies revealed the depth of discrimination faced by girls and women. Rather than accountability of perpetrators for their crimes, the victims themselves faced further stigmatization and blame. Coalition members effectively utilized this information to influence public attitudes at the community level through media, religious leaders and decision makers. Bringing to light these profound injustices and violations changed public and decision maker attitudes in order to advocate for Article 308 to be abolished (see Mobilization).

### **Development of analysis and recommendations**

SIGI spent considerable time and resources on the advocacy action area of research in order to develop their analysis and recommendations. The research incorporated many different viewpoints on the penal code, and specifically

focused on Article 308 in order to develop a position paper outlining recommendations for decision makers.

A good example of engaging experts is the gender related technical support SIGI received. More intensive support was provided during the problem identification phase to focus on the research design, implementation, and analysis. When focusing on Article 308, it was critical that the research account for the differences in attitudes, perception and treatment of men and women based on the qualitative and quantitative results. Integrating a gender perspective ensured the final disaggregation of information. This helped SIGI understand who are the supporters and opponents to Article 308 in the society. By gender sensitizing the research and undertaking policy analysis, SIGI's research team also sought to analyze how Article 308 may also impact men. A member of the research team noted: "We have done research before but this approach has helped enhance the data collection process. I always saw gender as complicated chemistry but this made it applicable and more relevant".

In addition, the legal research identified concrete recommendations to abolish Article 308 and amend a number of related laws in the Penal Codes. Medical and mental health professionals helped to highlight data collection issues and impacts on victims of rape regarding related articles in the Personal Status and the Public Health laws.

### Impact on the lives of girls and women

The interviews conducted with victims of Article 308 revealed the profound and on-going injustices suffered by girls and women forced to marry. A number of victims courageously shared their testimonies under pseudonyms. These were prepared as Victims Stories in order to inform the public and decision makers to the injustices. A social survey provided critical information on the attitudes and perceptions of Jordanians on the issue of rape. This information was utilized for message development to build community awareness through civil society organization meetings, through media outlets including TV, radio and social media, and other mobilization actions (see Mobilization).

## Research Reflection

### Know yourself

- What forms of research do you need to better understand your identified problem?
  - Rights-based information: What tactics would help you gain more knowledge of the human right that is being violated or obstructed? Consider how gender, age or disabilities might factor into the problem and your research tactics.
  - Technical information: What tactics would help you gain more knowledge of how structures and procedures are implemented? Consider how gender, age or disabilities might factor into the implementation of procedures and regulations.
  - Legislative information: What tactics would help you gain more



Figure Above: This journey of change visual provides the SIGI's immediate goal and one strategic target and tactic for moving the goal forward.

knowledge of the laws and policies? Consider how gender, age or disabilities might factor into the development of laws and policies.

- Social information: What tactics would help you gain more knowledge of the cultural and social structures or barriers? Consider how gender differences, such as roles between men and women, power relations, access to resources and decision making might factor into the forms of research you choose.

### Know the terrain

- Consider how you can use the New Tactics tools :
  - Use the “tactical map” tool to identify people, organizations and institutions that have special expertise regarding your identified issue
  - Use the “spectrum of allies” tool to discuss appropriate tactics for engaging experts based on their position as allies, neutrals or opponents
- How can research be used to build awareness and to mobilize allies?
- How might technology help or hinder your research efforts?
  - What kinds of technology would benefit your research?
  - What kinds of technology are useful in compiling information on your issue?
  - What kinds of technology are useful for analyzing results?
  - How are marginalized groups excluded from access or use of technology (e.g., women, people with disabilities, etc.)

### Know your opponent

- How can research be used to counter opposition from opponents?
- How can research be used to develop recommendations for action to engage decision-makers?
- How will decision-makers (allies and opponents) react to the results of your research?
- What considerations do you need to make regarding the method or technology you’ve selected?

## Mobilization

**Target:** Civil society organizations, particularly women’s organizations at the local level

**Tactic:** **Building a coalition of organizations** to raise awareness, mobilize the public and engage decision makers

**Objectives:** To unite organizations to raise awareness, build support and leverage their voices with tribal and religious leaders, mobilize the public and engage decision makers to abolish Article 308 and other harmful amendments.

**Outcomes:** At the grassroots level, SIGI initially facilitated dialogues with various local women’s organizations, influential tribal and religious leaders, and other civil society organizations in all 12-governorates. These dialogues focused on

*“The abolishing of Article 308 is an important victory for the women’s movement in Jordan,” said Wafa Saed Bani Mustafa, a lawyer and Member of the Parliament (MP), currently serving as head of the Women’s Caucus and Chairperson of the Coalition of Women MPs to Combat Violence against Women. “My engagement began in 2013, when I started advocating for the abolishment of this article, along with a group of other parliamentarians while serving in Jordan’s 17th Parliament. I started this action because of my strong belief in the need to eliminate all forms of discrimination against women in our national laws, as I believe that Jordanian women are citizens with equal rights and duties.*

More than 200 activists and representatives of the civil society attended the discussion in the Parliament on 2 August and circulated an online petition, which gathered 5,000 signatures in one day from the public, in support of this legislative reform.

Source: **Jordanian Parliament abolishes law that allowed rapists to avoid prosecution by marrying their victims**, UN Women, Friday, August 4, 2017 <http://www.unwomen.org/en/news/stories/2017/8/news-jordanian-parliament-abolishes-law-that-allowed-rapists-to-avoid-prosecution>

the results of the research study and the position paper recommendations to advocate for the abolishment of Article 308. The birth of a nationwide coalition emerged and steadily advanced with over 50 organizations during 2014-2015 and rose to over 100 civil society organization members during the 2016-2017 period of the campaign.

It is important to recognize that [coalition building](#) does not happen overnight. Coalitions take time, significant effort and on-going maintenance. SIGI facilitated meetings, shared their research, position paper, and vision with organizations at the local to national levels. They specifically identified women's organizations who they identified as potential active and passive allies. In addition to inviting organizations to their own mobilization efforts, they attended the activities of other organizations to foster collaboration. Coalition members mobilized support at the local level within their own governorates.

It is important to remember that citizens are the ultimate decision makers. SIGI worked through CSO to CSO dialogues within the coalition. It was primarily these partners who engaged mukhtars, religious figures, other women and community activists. These community dialogues provided the platforms to understand each other, gain and share ideas for solutions, validate recommendations, and advocate for those recommendations. This public support was then channeled into community actions during the **16 Days of Activism against Gender-Based Violence** (2015 and 2016) and during the parliamentary elections period in 2016. This momentum continued with the recognition of the Jordanian Coalition to Abolish Article 308 that reached over 100 members.

**Empowerment of local level civil society organizations:** SIGI acknowledges that coalition members were the key. One of the best tools to reach different segments in the community was the empowerment of local level civil society organizations that joined the coalition. Members of the coalition took on leadership and implementation responsibilities in local communities. SIGI provided training to coalition members to build their understanding and ability to speak with a unified voice on the issue. Coalition members conducted public discussions and meetings with other community organizations, influential leaders, and decision makers at the local level. Coalition members engaged Muslim and Christian scholars, lawyers, journalists, and other activists to repeatedly call for eliminating Article 308. Prominent community members stressed the need to adopt better psychological and legal measures to protect victims of rape and molestation in Jordan.

Previously, decision makers would say to SIGI, "this is your demand as an organization but not the peoples' demands ." This attitude of decision makers changed with the expansion and mobilization of coalition members who were always present and involved in meetings with decision makers. This demonstrated local level support and commitment for the campaign and provided significant benefits including:

- local and national level leverage by ensuring that diverse perspectives were represented when pressing for women's right to recognition as a person and to be treated equally before the law
- a media team was guided by research and community feedback to present unified messages and promoted to the media to ensure public understanding of the issue and recommendations

- building support among local level religious and other influential leaders, as well as general public support through community awareness of the issue
- validation of public support to demand that decision makers intervene in the discriminatory law.

**Coordination with non-coalition members.** Not all organizations working to abolish Article 308 were part of SIGI’s coalition. For example, a number of organizations had received funding support to work on abolishing Article 308. While SIGI saw this as a positive opportunity, coordination of efforts to maximize results was not easily achieved. In June 2016, for example, a coordination meeting took place among SIGI and two other organizations working on abolishing Article 308 of the penal code – Jordanian National Commission for Women (JNCW – a semi-governmental organization) and the Jordanian Hashemite Fund for Human Development (JOHUD) initiated and headed by HRH Princess Basma Bint Talal). All parties unanimously agreed that without a full review of the entire penal code from rights based approach/gender lens, women rights issues will be “about negotiating with the government” rather than “changing the discourse” of women rights as a whole. For example, the organizations agreed that if Article 308 was abolished but Article 340 regarding “Honor Crimes” remained, little will have been done to advance women’s rights. Important information exchange took place to advance the overall advocacy efforts:

1. JOHUD shared questions that had emerged from governorate-level consultation sessions with youth which resulted in SIGI providing technical input on the answers and adding these to SIGI’s Q&A sheet on 308.
2. SIGI and JNCW shared their respective position papers on the penal code amendments to consolidate responses.
3. JNCW nominated people to join SIGI’s high profile delegation to decision makers (e.g., mukhtars, religious figures, women activists, and others within the governorates) to join those nominated by SIGI’s coalition members to engage them during and after the 2016 Parliamentary elections period.

The benefits of coalitions and collaborative efforts far outweigh their challenges. It was important for SIGI to understand the differences and challenges of organizations based on their locations. For example, although the JOHUD Headquarters was not originally a member of SIGI’s coalition, they worked together on raising awareness to advance the advocacy campaign. At the same time, JOHUD community development centers –Irbid and Mafraq– were part of the coalition early on. The role of these centers was in implementing many community awareness raising workshops at the local level while SIGI’s role focused on dealing with decision makers. Funders themselves can play an important role in facilitating convening processes. USAID-CIS provided convening space and support for such meetings.

**Magnifying victims’ voices:** SIGI’s coalition members provided the platform to magnify victims’ voices by issuing multi-source statements highlighting the discrimination and consequences of Article 308. These yielded tremendous benefits and results with coalition members drawing media attention and mobilizing the broader Jordanian community to understand the need to abolish Article 308. For example, the Jordanian Hashemite Fund for Development (JOHUD), a coalition member, hosted a two hour session with representatives from societies and associations in Jerash. Before starting the discussion, a

*Silence blanketed the press conference room, when two young girls, both victims of Article 308, shared their own stories.*

**“He raped me, I became pregnant and when my son was born, he was taken away from me,”** – whispered Nadia (pseudonym).

*Nadia who married [not to her perpetrator] is battling to get her son back and asked SIGI for help. The second victim, Laila (pseudonym) who was raped by her employer, also became pregnant and when she finally had the courage to tell her family after hiding the rape and pregnancy for a while, stated:*

**“I was afraid of getting killed.”**

*“Having heard firsthand the testimonies of these girls was so powerful, everyone in the room was crying including the men.”*

**– Participant**

number of short sketches were acted out by youth volunteers each reflecting a message that highlights how the article victimizes the girl, protects the perpetrator, and how society sometimes is quick to blame the girl when such incidents occur. These sketches were based on actual victim experiences and served to introduce the discussion on SIGI's research and the collective position to abolish Article 308 with organizations.

**Timing events to maximize coalition efforts:** The Jordanian parliamentary elections period in 2016 provided an opportunity for coalition members to nominate mukhtars, religious figures, women activists and others to engage them in outreach to candidates. SIGI met with these nominees to talk about the organization's position on 308 and their important role in advocating for the rights of women and girls. These influential figures joined coalition members to reach out to candidates to gain an understanding on their stand on Article 308. This made it possible for SIGI to assess who they could engage with once parliament was in session in November 2016.

SIGI particularly utilized the timing of a significant annual event – the **16 Days of Activism against Gender-Based Violence** – to shed light on their campaign in both 2015 & 2016 . The 16 days of Activism begins on 25 November with the International Day for the Elimination of Violence against Women and concludes on 10 December, International Human Rights Day. Timing of advocacy events that coincide with significant dates, especially when these dates draw attention to your issue, can make it possible to engage highly influential people. For example, during the launch of the 2016 campaign, [in] December, HRH Princess Basma Bint Talal urged the local media to raise the level of debate on the controversial Article 308, saying “it is the role of the media to build a unified stand against it and to raise the level of debate to make it a public opinion issue.”<sup>13</sup>

SIGI maximized such events to carry the momentum forward. For example, SIGI used the momentum to engage with decision makers such MP Wafaa Beni Mustapha to coordinate a series of meetings with the legal and women committees in Parliament. This provided an opportunity to also engage with re-elected officials who had voiced previous support on the issue to advance abolishing Article 308.

Consider how to build on the momentum of special events even before those events take place. It is important to recognize that the conclusion of a special event doesn't mean the end of the advocacy campaign, unless you have achieved your goals.

**Target:** Media (TV, Radio and social media platforms)

**Tactic: Promotion of key research findings and recommendation to abolish Article 308**

**Objective:** To amplify unified messages to gain public and decision maker support

**Outcomes:** Research information was utilized to publish a series of press releases and to conduct press conferences highlighting key recommendations, including the call to abolish Article 308. SIGI identified specific journalists who could provide gender sensitive reporting on the discrimination suffered by rape victims. When considering outreach to media, determine specific contacts and information to promote. For example, SIGI's research findings and **victims**

Excerpt from the Jordan Times article:

**“We received an inquiry from a citizen about Islam’s position regarding the murder of women in so-called honor crimes and we issued a fatwa in that regard,”**

said the Mufti at the Iftaa Department and Director of the Public Relations and Cooperation Hassan Abu Arqoub. The cleric told The Jordan Times that the inquiry coincided with Jordan’s marking of the 16 Days of Activism against Gender-Based Violence in Jordan and

**“this was a good timing I believe because we are talking here about the right of life.”**

The fatwa, according to Abu Arqoub stipulates that it is strictly against Sharia for anyone to kill his female relative claiming family honor.

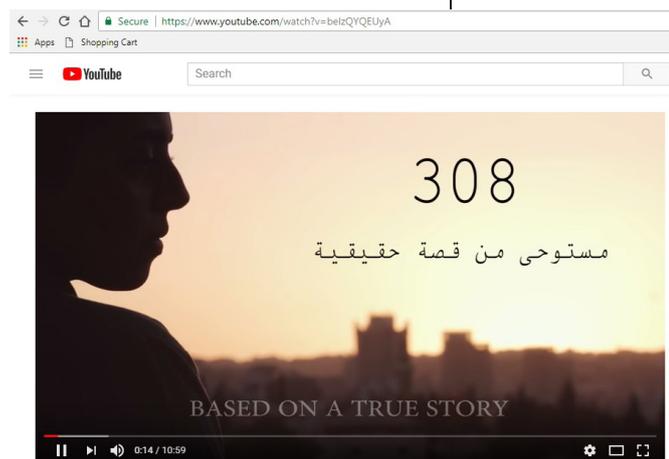
Full article: Honour crimes anti-Islamic – fatwa, The Jordan Times, by Rana Hussein, Dec 01,2016 <http://www.jordantimes.com/news/local/honour-crimes-anti-islamic-%E2%80%94-fatwa>

<sup>13</sup> Source: Cabinet approves amended Penal Code scrapping Article 308, The Jordan Times, Apr 23, 2017 <http://www.jordantimes.com/news/local/cabinet-approves-amended-penal-code-scrapping-article-308>

**stories** provided unified messages to abolish Article 308 for a variety of media outlets including TV, radio and social media, as well as invitations to attend and report on other mobilization actions. SIGI also formed a media team to develop and select key messages based on the feedback from coalition members.

SIGI developed **infographics** to highlight the findings from the study which were disseminated in local newspapers and distributed in all activities carried out by SIGI and the members of the coalition. Material produced for raising awareness and advocacy purposes were all reviewed, and to the extent possible, sensitized from a gender perspective. For example, infographs, video and messages were all fine-tuned to reflect the findings of the research. On occasions, public messages were intentionally revised to attain the permission from respective authorities to use them in street banners and posters. SIGI also published a series of press releases and conducted press conferences to call for Article 308 to be abolished.

Radio spots were broadcast on several local radio stations to depict stories of perpetrators who had escaped jail sentences by marrying the women and girls they had raped, allowing them to hide behind Article 308. Two short campaign videos were produced: the first features a story of a girl who was harassed and



wrongfully accused of being raped by her neighbor. Societal labeling and her family's view to "cover up" the incident forces her to marry the perpetrator (<https://www.youtube.com/watch?v=belzQYQEUyA>); and the second features a series of short interviews with medical examiners, a clinical psychologist, a Islamic thinker and scholar, a gynecologist and activist in reproductive rights, and a criminal and juvenile lawyer (<https://www.youtube.com/watch?v=vSInP6V6LE&feature=share>). These videos were posted on YouTube and SIGI's facebook page. SIGI organized a panel discussion following a public showing and invited prominent figures that included media representatives to express their views. The panel was made up of Senator Mai Abu Samen, MP Wafaa Beni Mustapha, former MP and journalist Jamil Nimri, JTV presenter Fakher Abanda, and Editor in Chief of Al Ghad Joumana Ghuneimat. Media representatives stated

that the role of the media is to shed light on Article 308 and its negative impact especially on the victim.

## Mobilization Reflection

### Know yourself

- What mobilization efforts will be required to achieve your "journey of change" goals?
- What special considerations might marginalized groups need in order to be mobilized (e.g., women, people with disabilities, etc.)
- What capacity do you have for such efforts?
- How might you gain additional capacity?

### Know the terrain

- Use the [tactical map tool](#) to discuss:
  - What people, organizations and institutions are involved in your issue that may need to be mobilized?

- What additional research do we need to conduct to have a better understanding of those involved or impacted (e.g., women, people with disabilities, other marginalized groups, etc.)
- What additional research do we need to conduct to have a better understanding of those who carry responsibilities regarding the issue?
- Use the “[spectrum of allies](#)” tool to consider appropriate tactics for those identified in each segment. For example:
  - Active allies – what tactics will engage your allies to become even more active in working with you toward the goal?
  - Passive allies – what tactics will increase the interest and willingness of these allies to move to the “active ally” position?
- [Selecting tactics](#): Do the tactic choices reflect/include any gender related aspects such as difference in roles between men and women, power relations, access to resources and decision making?
- What opportunities for leadership and implementation can you share with allies to enhance your own organization’s capacities and advance your advocacy campaign? How are you ensuring the representation of your target group (e.g., women, people with disabilities, marginalized groups) in the leadership and implementation processes?
- How might technology help or hinder your mobilization efforts?
  - What is the purpose of using technology (communication for coordination, outreach for awareness raising, outreach for mobilizing action, etc.)?
  - Who does not have the ability to access or use the technology you are considering?
  - How can you reach those who do not use technology?

## Know your opponent

- How will opponents react to the forms of mobilization you have selected?

## Engaging Decision Makers

**Target:** Parliamentarians

**Tactic:** *Engaging decision makers* to introduce recommended amendments within parliament

**Objective:** To abolish Article 308 and related laws through legislative action

**Outcomes:** SIGI worked with coalition members to conduct formal dialogues with decision makers in positions of power who were interested and could be persuaded to carry forward the proposed recommendations within the structure and procedures of parliament. At the decision-making level, SIGI met with influential figures, decision makers, members of both upper and lower houses explaining the position to abolish Article 308. For example, MP Wafaa Beni Mustapha, an outspoken advocate for women rights, introduced opportunities for SIGI and its coalition members to engage with members of the legal and women committees at parliament to educate them on 308.

*"I think that changing the legislation is a vital part of changing society. Now that 308 has been abolished, we should wait and see how society will react. More importantly, the law to give reduced charges to crimes involving the murder of women [Article 98] has also been abolished, and this is a strong message to society that there will not be any legal leniency in such crimes. There will be no legal cover for perpetrators. The message we're sending to society is a correct one, that builds on the issue of equality - that equality is the right of the whole society. If they [rapists] are not punished, they will do it again. We have managed to protect women and now it is the job of the state to protect and support these women, to provide care and empowerment for them and to work on accepting them into society as victims and survivors and not as being guilty."*

**– Wafa Bani Mustafa, Jordanian MP who introduced the initial legislation to abolish Article 308 in 2013**

Source: Zena Tahhan, Meet the woman who pushed to repeal Jordan's rape law, Al Jazeera English, 4 August 2017 <http://www.aljazeera.com/indepth/features/2017/08/meet-woman-pushed-repeal-jordan-rape-law-170803111944315.html>

This campaign provides an excellent opportunity to reflect on “Know the Terrain” in order to take advantage of shifts and changes. Such a shift was evident in October 2016 with the King’s establishment of the Royal Committee for Reforming the Judiciary and Enhancing the Rule of Law. This presented SIGI with a good opportunity to engage the Committee and present their position paper stressing the importance of abolishing Article 308 along with other legislative issues related to women’s rights. Following the Committee’s initial review of the penal code, it became clear that a shift was happening. SIGI’s position paper, provided to the Committee members, was utilized to recommend that Article 308 be abolished. The Government endorsed a new version of the Penal Code which did include amendments cancelling the clause in Article 308 that allows sexual predators to escape punishment if they marry their victims. This showed very positive movement. SIGI and its coalition members issued a statement in which they welcomed such an amendment to 308. However, at the same time a new amendment was inserted regarding victims aged 15 to 18 that would render this especially vulnerable age group to continued abuse. One leverage point SIGI was able to use was to remind decision makers that the United Nation’s UPR recommendations for Jordan included the total removal Article 308 from the country’s penal code, and the proposed amendment would be in direct violation of the Convention on the Rights of the Child. As a result of the swift response from SIGI and its coalition members, as well as other organizations that shared the same position resulted in the proposed version of the penal code being retracted from Parliament.

While the Cabinet had announced the decision to abolish Article 308 from the penal code, the final decision remained in the hands of the Parliament (both Senate and MPs). To this end SIGI continued to meet with influential MPs and Senators that would encourage abolishing 308. In order to demonstrate to parliamentarians the support coming from the broad range of civil society, SIGI organized high profile delegations to advocate with government bodies and Parliament members to abolish Article 308. One such delegation took place in January 2017 with representatives of the Jordanian Coalition to Abolish Article 308 coming from each governorate. The delegation met with MPs Khaled Ramadan, Wafa Beni Mustafa, Safaa Momani, Nabeel Ghishan and Mustafa Khasawneh, the head of the legal committee. MPs Khaled Ramadan, Wafa Beni Mustafa, Nabeel Ghishan, and Safaa Momani verbally acknowledged their support to abolishing 308. As a result, additional delegations were organized to meet with the Jordanian Women Parliamentarian Forum and a number of committees, such as the Senate Women Committee, and parliamentarians from the Women and Child Committee and Freedom Committee.

## **Engaging Decision Makers Reflection**

These action areas provide excellent opportunities for engaging decision makers and acknowledging achievements reached along your journey of change. It is important to note that technology may help enhance your efforts in each area. Further, consider how technology can support your preparation for engaging decision makers to advance your advocacy efforts in each of the action areas that have been outlined:

### **Know yourself**

- **Internal capacity building:**
  - Determine who within your organization or network are required to engage with decision makers (community members impacted by the problem, experts, influential allies, etc).

- What forms of technology can enhance your internal support, communication and organizing structures to carry out your advocacy?

- **Mobilization:**

- How will the tactics selected leverage your allies to reach decision makers?
- Determine who within your organization, network and stakeholders are required for developing recommendations or demands for action for decision makers (e.g., women, people with disabilities, other marginalized groups, experts, etc.)?
- How can technology enhance your outreach to your allies, other community members and decision makers?

## **Know your opponent**

- **Research:**

- How can research prepare you for engaging with decision makers who may oppose your position or recommendations?
- What forms of technology can aid your research to determine the process for decisions; and who are the decision makers for your issue?

- **Engagement with decision makers:**

- What forms of technology can help prepare you or help deliver recommendations to decision makers?

## **Know the terrain**

- **Mobilization:**

- Who will need to be involved or represented when presenting your recommendations or demands to decision makers?

- **Engagement with decision makers:**

- What challenges do you face in your context when developing and delivering recommendations to decision makers?
- How can you engage different target groups in decision making processes (e.g., women, people with disabilities, other marginalized groups, experts, etc.)?
- What processes or procedures do you need to consider when engaging decision makers?
- What preparations do you need to make to ensure that your recommendations or demands are clearly presented?
- What considerations are needed to ensure the best results?

## **Monitoring, Evaluation and Future Advocacy**

The overall results of the advocacy are provided in the outcomes highlighted above. This case highlights how crucial it is to **monitor and evaluate** throughout each step of the advocacy process. This allows you to be flexible; take advantage of timing opportunities; make changes when new information is gained, or

when the context becomes more or less favorable for taking certain actions. The crucial vigilance of SIGI and its coalition succeeded in defeating the attempted insertion of harmful amendments to Article 308. SIGI's continual monitoring and evaluation of the campaign's progress were critical for success.

## **Return to Step 1: Identify the Problem & Step 2: Create a Vision**

SIGI first outlined this general statement of intention: ***Reduce the number of discriminatory national laws and regulations that are against women and girls' human rights.*** There are still more such laws and regulations for SIGI to address, but it is important to take time to celebrate the small and large successes. SIGI has achieved a great success on the journey of change toward its vision for ***a safe and secure environment for women with legal protection and equity before the law.***

## **Action Plan Reflection**

### **Know yourself**

Consider the status of your advocacy campaign:

- What has changed about the problem due to your campaign? What has changed for stakeholders? How have marginalized groups been engaged, empowered, participated in leadership and decision making? Are there any differences in the level of engagement of men and women?
- What specific milestones in the action areas of your internal capacity building, research, mobilization and engagement with decision makers have you achieved?
- How did you acknowledge and celebrate these successes?
- What are your next milestone priorities?

### **Know the terrain**

- What aspects of the problem have not been addressed by your campaign?
- Are the next milestones on your journey of change still relevant based on the current context?
- How can you engage your allies in determining the priorities for the next milestone on your journey of change? How can women and other marginalized groups be more engaged, empowered, and participate in future leadership and decision making?
- What has changed about your understanding of the problem and context for taking action?
- What is required in the current context to move toward your vision?

### **Know your opponents**

- How have opponents responded to the changes or impacts on the problem?
- How can you anticipate or monitor indications that your opponents may be preparing to launch a response?
- What preparations can you make for responding to any potential actions from opponents?