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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Imam Ali's Popular Students Relief Society, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Juvenile Delinquency and Restorative Justice

Where the conditions of society make people resort to violent solutions over minor issues, it would be very simplistic to consider an individual person as the main cause of a crime. Under these circumstances, Restorative Justice could be the best way to involve society in making up for what society itself has been one of the causes. In cases where murder is committed by a person under the age of 18, the burden of social responsibility is heavier, and applying Restorative Justice seems to be required even more.

Restorative Justice shows us not to take revenge on the juvenile offender, not to do anything that makes the plaintiff, or the victim face the adolescent, and to do as much as possible to settle the disputes so that the juvenile offender is not excluded from society. In a restorative process, the adolescent who breaks the laws becomes aware of the consequences of the crime in the presence of the victim and other people affected by the crime. This way he will experience a receptive shame which is more effective than the humiliating shame afflicted due to accusation and serving a formal sentence.

The primary punishment for the crime of premeditated murder in the Islamic Penal Code of Iran (Islamic Republic of) is death, which can be reduced to imprisonment or payment of blood money with the consent of the victim's family. This legal prescription for the application of Restorative Justice in the case of premeditated murder has created an opportunity for actors in this field to play a role as mediators, but unfortunately in many cases, obtaining the consent of the parents is subjected to payment of the blood money and the injury itself remains unhealed. In addition, in many cases, due to improper mediation and failure to heal the pain, the payment of blood money, even several times the actual amount, would not satisfy the family of the victim hence would not release the convict from the death penalty. Therefore, the use of restorative justice approaches in this area seems to be necessary.

On the other hand, imposing the burden of execution or forgiveness on the family of the victim causes additional harm and responsibility for them, which will entail various serious consequences for both the family of the victim and the family of the convict. Restorative Justice could prevent these secondary injuries.

Teflan Muslim project by Imam Ali's Popular Student Relief Society (IAPSRs) was launched in 2006 to help juvenile offenders sentenced to death. This project seeks to draw public attention to the issue of juvenile delinquency, to improve judicial proceedings in these cases, and to send the message that "every forgiveness reduces violence in society as a whole". It provides support to the two affected families (the delinquent's and the victim's family) and offers post-sentence support for young juvenile offenders.

Efforts to improve the laws governing juvenile offenders are another feature of this project.

The main goal of this project is to address the situation of juvenile offender who are now awaiting heavy sentences such as the death penalty in prisons. For this purpose, since 2006, IAPSRs, has succeeded in saving 50 young people from the death penalty by obtaining the victim's family's forgiveness. From 2017 to 2021, 15 cases have resulted in forgiveness by the victim's family and the release of the convict. Those released with the support of the IAPSRs are now living a healthy life and still receiving the support of IAPSRs. The restorative process after release includes the obligation to attend the Iranian Houses of the IAPSRs to carry out social activities after release, continuing education, educating children who have dropped out of school, planting, and other social activities, which are only the basic steps to compensate for the offensive act of murder and the wrong that has been done, in a post-forgiveness restorative process.

The main feature of this project is the very clear and definite statement of mediation in reality. Mediation which is one of the models of Restorative Justice, has requirements that should be considered ignoring which could result in aggravated harms. Practical experiences of mediation at IAPSRs show that the victim's family should not feel that the mediator acted merely to obtain consent and forgiveness to release the offender from death penalty, but to see the mediator as a partner in their suffering and a defender of their rights and interests. IAPSRs mediators have mostly been raised in deprived neighborhoods and this often reinforces this feeling among the victim's family and creates the belief that the mediator understands their suffering and intends to reduce it.

As mentioned, some challenges of mediating in cases of murder committed by juveniles under 18 years of age include irresponsible mediation and trying to obtain consent by paying high figures, pressure on the victim's family to retaliate and denounce forgiveness and acceptance of the blood money, the ignorance of the offender's family to compensate for the loss and their inability to approach the victim's family.

Also in this process, we sometimes witness the pressure of the judicial system on the victim's family to "either forgive or execute!" and this causes serious challenges during the restorative and mediation process. According to the experience of the IAPSRS mediators, the mediation process in a case may take several years, hence this process requires patience and cooperation of the main institutions in the judicial system to provide the appropriate requirements and time to seek forgiveness and peace between the two families to achieve the desired result.

Therefore, it could be concluded that conscious and expert involvement of the civil society to make compromises in retaliation cases is a successful model that could sympathize with the parties and reduce the suffering of both parties, and heal the wounds to some extent.

It should be noted that during last year, the cases that have been referred to IAPSRS are still being followed up by our social workers.

In one of these cases, the death sentence of a juvenile offender named S. S., who was imprisoned in Kermanshah for murder at the age of 15, was unfortunately carried out in 2021 after about ten years, despite the constant pursuit by the social workers of IAPSRS.

Based on the 15-year experience of the IAPSRS, there are several problems in dealing with the issue of juvenile delinquency, especially committing murder by offenders under 18 years of age; Non-acceptance of the formal and customary role of non-governmental organizations (NGOs) in this area, non-extension of mediation regulations in cases of the death penalty, lack of efficient social workers in prisons and judiciary, lack of unity in court orders with regard to acceptance of requests of retrial according to Article 91 of the Islamic Penal Code, lack of institutions to help return these people to society and care after release, lack of a support structure for living conditions and employment after release of these people are just some examples.

One of the most important approaches of the IAPSRS to dealing with the issue of severe punishments for adolescents is to request to reform the laws and improve the process of dealing with these adolescents in order to educate and train them to return to society. Also, during the 15 years of activity of the IAPSRS in this area, specialized research have been carried out on the pathology of committing murder by persons under 18 years of age (causes, consequences, and the lack of laws), which can be a step in modifying the existing process.

It should be noted that in the case of juvenile delinquency, prevention of violence plays a very important role in reducing crime and delinquency. For this purpose, IAPSRS has taken a fundamental step in this area by creating appropriate structures and contexts (forming Persian Sport League, cultural and art activities, skills training).

Unfortunately, there are many children and adolescents who, despite all their abilities and talents in the field of sports and art, find no other choice but violence, crime, and deprivation due to their geographical and social position. Persian Cultural and Sports Club is an opportunity for children and adolescents to show their abilities and talents by gaining a new and constructive identity through sports, art, and skills.

Therefore, it could be said that restorative procedures and programs involve all those affected by the crime, explain the effects of the crime to the young delinquent or those related to him, and make them face the consequences and understand the reasons and factors affecting the commission of the crime.

Also, restorative justice in these cases could play an effective role in recreating the identity of young people away from society and creating a safe environment for their growth and development. As a result, we have clearly taken a step towards creating a better future for us and our society.