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В настоящий том включены материалы исследований, посвященные применению уголовно-процессуального права, криминалистическому и судебно-медицинскому сопровождению уголовного процесса.

Адресован практическим работникам, преподавателям, студентам юридических специальностей, а также всем, кто интересуется проблемами уголовного процесса, криминалистики и судебно-медицинской экспертизы по уголовным делам.

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INSTANCES OF FAIR TRIAL IN JUVENILE CRIMINAL LAW: A BRIEF REVIEW OF IRANIAN LAW

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The Sensitivity attached to periods of childhood and adolescence development together with harmful consequences of handling juvenile cases under adult criminal proceedings have called for a special criminal law system to be developed by criminal justice authorities in order to achieve such goals as preventing labeling and recidivism and rehabilitation of delinquent children. In Iranian laws, these juvenile-specific fair trial provisions can be found in the right to special courts, to expedited and in camera trials, to an attorney, to be accompanied by a guardian or parent, and to a wide range of criminal measures. Drawing on a desk research, the present paper discusses major principles of juvenile criminal justice in light of international instruments and clarifies a number of relevant innovations in the Iranian Criminal Procedure

(ICP). The findings point to some innovations and development in the ICP in an attempt to align these rules with the international instruments on juvenile criminal justice.

Keywords: juvenile criminal justice, criminal procedure, international instruments, fair trial.

Introduction. A country's progress and development not only depends on its financial resources but also is intertwined with the human resources available in the society, and children and adolescents play a pivotal role in this area by forming a part of these human resources. To this end, any state has the right to use its human forces on the one hand and some obligations to meet on the other. These obligations include securing physical and psychological needs of these human resources in general and juveniles in particular. Ignoring these resources may bring about harmful consequences, which sometimes can be reversed only through huge spending. One such consequence is delinquency, especially among children and adolescents.

In addition, given the vulnerability of juveniles whether in society or within the criminal justice system, this group of society needs special attention in terms of age of criminal liability and other protective measures. Human right views on juveniles over the past decades have resulted in differential approaches taken by the criminal system to delinquent juveniles in comparison to offending adults, focusing on correction, education, and rehabilitation of delinquent juveniles as well as their characters and reputation when dealing with the crimes they have offended.

To preventing juvenile disobedience, legislators must incorporate international principles of the right of the child, including the principles of fair trials for young persons, into the development of rules and legislations concerning criminal procedures for juveniles. The emphasis on a differential procedure and principles of fair trial has reached a point that required establishment of new disciplines in graduate education in some countries including Iran.

The same ideas emerging in several countries, particularly the developed one, have resulted in development of a number of international instruments, which today serve as a frame of reference for legislations in different countries. One instrument of this kind is the Convention on the Rights of the Child (CRC) to which Iran is also a signatory – albeit with a vague reservation. The instruments passed in Riyadh, Beijing, and Havana are also among the important international instruments in this area which, together with international covenants, cover issues related to children and adolescents.

In addition to the international measures noted above, a number of states have also taken domestic measures that show the extent to which these states are influenced by the international instruments. The focus on the issue in Iran can be traced to initial legislations. The Islamic Penal Code (IPC) and the Iranian Criminal Procedure (ICP) of 2013 and 2015 are two major instances. The present paper takes an approach based on desk study to a discussion of fair trial principles with a brief review of Iranian criminal legislations intended to protect delinquent juve-

niles. We begin with an overview of the rules governing matters related to delinquent juveniles, *e.g.* youth-focused interpretation of law, diversion, and prohibiting stigmatization and labeling, followed by a description of how these principles have been reflected in the Iranian criminal law and the ICP.

1. General Principles Governing Juvenile Delinquency

1.1 Principle of Legality

According to this principle, the criminal justice system can criminalize and penalize a behavior by citizens if it has previously declared such behavior as criminal and determined the type and extent of legal reactions against that behavior in its legislation¹. Therefore, a human action, no matter how immoral and dangerous it is, will not be punishable unless it has been previously criminalized and assigned certain punishment². The CRC expressly requires observance of this principle. Article 40-2(a) states,

No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

The principle was generally incorporated in the Iranian criminal policy under Article 169, the Iranian Constitution and Article 2, the IPC. The article does not expressly provide for the right of the child in the Iranian law although the rights of a delinquent child, like other persons subject to the criminal law, are governed by the general rules of the principle of legality.

1.2 Presumption of Innocence

Principle or presumption of innocence says that a citizen is considered innocent unless proven guilty by a competent court and through due process. Rooted in individual freedoms, the legal principle has been recognized by a number of international instruments including Article 14, the International Covenant on Civil and Political Rights³. Article 37, Iranian Constitution upholds the presumption of innocence, stating that no one is found guilty unless the guilt has been proved by a competent court. This particularly important principle in terms of human rights has been explicitly focused on by the drafter of the CRC in its Article 2(40) (b) which states that every child alleged as or accused of having infringed the penal law has at least the following guarantees:

- (i) To be presumed innocent until proven guilty according to law;

Although expressly pointed out by the CRC, the Iranian criminal law does not provide for a particular article on delinquent children who, in this regard, are subject to general principles regulating presumption of innocence.

1.3 Youth Focused Interpretation

¹ M. Ardebili, *Public Criminal Law*, vol. 1, 1st Ed., Mizan 2000: p. 126.

² P. Sanei, *Public Criminal Law*, vol. 2, 4th Ed., Ganj-e-Danesh 1992: p. 174.

³ B. Shamloo, *Presumption of Innocence of Modern Justice Systems in Criminal Science (a tribute to Dr. Mohammad Ashuri)*, vol. 1, SAMT 2004: p. 264.

Penal codes must be interpreted in a way that matches the intent and the narrow scope of any provision contained therein because a perspective that enables a judge to make a broad interpretation of laws to penalize cases that have not been explicitly covered by such laws will eventually punishes an act which is not directly punishable by law. The principle has been established based on libertarian thoughts to protect the rights of the defendant and therefore cannot be used against him or her.

A “narrow interpretation” for the purpose of this discussion does not imply a word by word reading; rather, it calls for a judge to based his or her ruling on the true intention and purpose of legislator in cases where a law turns out to have been erroneously developed and thus does not correctly reflect what has been intended by the legislator.¹ With regard to delinquent juveniles, international instruments have taken a youth-focused approach, i.e. one that favors the youth, and call for such an approach to be taken when interpreting laws and regulations concerning delinquent juveniles.² The provisions imply that a child’s rights and best interests must prevail over a response to a crime.

1.4 Non-discrimination Principle

As defined by international instruments, discrimination is “any distinction, exclusion, restriction or preference based on race, color, descent, language, belief, age, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”³.

A fundamental point noted by the CRC is the enjoyment of the rights prescribed for all children living within its jurisdiction, regardless of their color, race, religion, language, political opinions, nationality, ethnic or social origin, ownership, disability, birth states, and other conditions⁴. Given the requirement of observing this important principle in all rights, including the right to a fair trial for children, the UN has included a special discussion on this topic in its Standard Minimum Rules for the Administration of Juvenile Justice⁵. What can be inferred from these Rules is that they have been drafted in a way that makes them applicable to different legal systems while establishing a minimum standard for treatment of delinquent juveniles in any such system. The Iranian Constitution also pointed to this equality before law and enjoyment of individual rights without any discrimination. In Article 19, the Constitution emphasized enjoyment of equal rights, denying any privilege in this regard. According to this Article, age can be thought of as a factor that should not be used to create a privilege for adults compared to children. In addition, Article 20 stresses an equal protection by law of human,

¹ P. Sanei, *ibid.*, vol. 1, pp: 114-121

² Article (3), Riyadh Rules

³ A. Zeinali, *Globalization of Criminal Law*, Tehran, Mizan, p. 55.

⁴ Article (2), Convention on the Rights of the Child

⁵ Article 2(1), the Beijing Rules

political, economic, social, and other rights while observing Islamic rules. The proviso for observing Islamic rules here is a factor involved in enjoyment of rights. This makes the article completely open to interpretations as observing Islamic rules can be used as an excuse to subject a child to numerous forms of discrimination. A closer look at the IPC, as the most basic law of the criminal justice system of the Islamic Republic of Iran, indicates that the principles of non-discrimination and equality before criminal law have not been explicitly and accurately recognized as a general principle¹.

1.5 Diversion

The late 1960s witnessed an emergence of social reaction theories that criticized the performance of criminal justice systems, stressing unfavorable impacts and criminogenicity of these systems while emphasizing the rights of the victim (victim assistance). This led to wide-ranging discussions on diversion practices aiming at decriminalization².

Given the harmful consequence of a juvenile's involvement in criminal procedure, international instruments on the right of the child have set a number of guidelines for diversion as reflected in Article 11 of Beijing Rules: "Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority". Furthermore, Article 40(3)(b) of the CRC calls on State Parties to take whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

A closer look at these provisions shows that they have been developed in pursuit of non-judicial proceedings and preventing punishments that take away a child's freedom since the best interests of a delinquent child, the importance of his/her future, and the sensitiveness of this period of life requires the criminal justice system to minimize interventions by the criminal law. In addition, the Guidelines for Actions on Children in the Criminal Justice System recommends in Article 15 that a review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classical criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence³.

The requirement for diversion – to avoid labeling – starts early on in the legal proceedings for young persons and governs all investigations, prosecutions, and hearings. More specifically, a person stereotyped by others feels a social pressure which makes him change his perception of himself and his behavior in an attempt to fit into that stereotype⁴. This also applies to arrested criminals who are brought

¹ A. Zeinali, *Globalization of Criminal Law*, Tehran, Mizan, p. 79.

² R. Gassin, *Notes on Criminal Procedure*, translated by S. Emrahimi, *Legal Journal of the Judiciary*, Issues. 56 & 57, 2006, pp. 342-343.

³ Article 15, the *Guideline for Action on Children in Criminal Justice System*

⁴ A.H. Najafi Abrand Abadi, H. Hashem Beigi, *Encyclopedia of Criminology*, vol. 1, Tehran, Shahid Beheshti: 1998: p. 204.

before a court through due process, pleading guilty, and criminal convictions that officially label them as a criminal who is expected to act in a criminal way. In this sense, re-offending does not stem from a person's individuality but from the labeling process. According to the labeling theory, children and adolescents may violate laws for a variety of reasons. The discovery of a criminal behavior by school or law officers will result in attachment of a negative label which the child may carry throughout his life¹. This pushes young persons towards the thinking that now that the society considers them criminals, there is no point in avoiding crimes as expected by others. Therefore, it was suggested in a period of time that the term "thief" or other crime labels, when applied to children, should be replaced by the term "delinquent child", since the latter indicates that the child requires care and correction and his action does not represent a guilt or punishable default.² The instruments formulated by the UN have gone beyond this point to describe labeling children for any purpose as dangerous. These instruments acknowledge that one should understand how experts believe that labeling a young person by such titles as offender, natural born delinquent, or deviant often leads to a consistent pattern of undesirable behaviors among adolescents³. Thus, even a label like delinquent can result in unfavorable consequences with harms that sometimes may not be reversed even after actual correction. Studies on delinquent children revealed that labels such as criminal, offender, delinquent, and violator are more often used by families than by the criminal justice system. On the other hand, research suggests that youth delinquency mostly results not from labeling by families but from labeling and other people's perception of lawbreaking by a child. However, both groups of studies indicate a greater impact of labeling, whether by families or other people in the society, on growing delinquency when compared to the effect of approaches taken by the criminal justice systems.⁴ The next section discusses this perspective in the criminal procedures and establishments as reflected in international instruments and the Iranian criminal procedures.

1-5-1 Judicial structure and criminal procedure: a diversion-centered review.

1-5-2 Courts and judges.

Providing access to a competent and appropriate forum is a requirement of fair trial since appropriateness and competence of court with jurisdiction over the matter to be heard will increase precision and accuracy in dealing with criminal cases. Influenced by this approach, criminal policymakers have tried to establish measures of appropriateness to categorize courts that can deal with certain cases, offenders, and offenses by setting a number of criteria based on seriousness of crime, type, and age of offenders.

¹ L. Siegel, *Social Reaction Theory and Conflict*, translated by Mohammadpour, *Journal of Security*, 2000, pp. 56-57.

² L. Siegel & J. Senna, *Juvenile Delinquency*, West Publishing Company 1997: p. 18.

³ Article 5, Riyadh Rules.

⁴ B. vold, J. Bernard, & B. Snipes, *Theoretical Criminology*, Oxford University Press 1998: p. 222-223.

Courts for delinquent juveniles are established to meet the requirements of identifying causes of delinquency, recognizing juvenile character, and adopting special methods for crime prevention and correction and rehabilitation of delinquent juveniles.

To this end, Article 40(4), CRC, requires that

States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law.

An innovation by the ICP in this respect can be seen in Article 298 according to which one or more juvenile courts should be established at each county as needed, and in cases where no such court has been established, juvenile cases will be dealt with by a public court but based on a procedure specifically designed for juveniles. In addition, Article 304 requires all offenses committed by persons under the age of eighteen be heard at such special courts.

A juvenile court judge or any other person with authorities and competence to preside over the hearing must be completely familiar with the right of the child, criminology, sociology, educational science, psychology, social circumstances, and economic and political conditions of his country, and must also win juvenile's trust by patiently examining how a juvenile's status does not match those defined under social measures, and identify the roots of offending and its seriousness by taking into account the social interests, the requirements for establishing order and safety to resolve family disputes, and means and measures required for correction or rehabilitation. According to Articles 6-1 and 6-3, Beijing Rules, given the varying needs of juveniles and the requirements for corrective measures, the judge must be a qualified person for making decisions and rulings in a way that safeguards the right of children and penalizes or otherwise deals with juvenile offenses by taking into account their characters. Another development in the ICP is related to this area. According to Article 409, ICP, a judge must have a minimum of five years of judicial service experience, in addition to meeting other criteria such as age, married status, participation in training courses, and preferably having children, to qualify for adjudication on these matters.

According to Article 298, a court must be held with a judge and a counselor present (albeit the counselor only serves an advisory function) and according to Article 410, the counselors for juvenile courts are selected from experts on educational science, psychology, criminology, social work, and academia member's familiar with psychological and educational matters related to young persons. The second note to this article provides that at least one female counselor must be present for female defendants.

1-5-3 Disciplinary structure, law enforcement, investigation, and prosecution.

This step, which involves detection of offense and prosecution, is carried out by the police and law enforcement agencies. The judicial police, responsible for detection of crime, immediately get involved once an offense is committed.

The police then take a number of actions to preserve the evidence and prevent the advantages of hiding for the defendant.¹ The important role of the police in dealing with offenses cannot be overemphasized since they are the first point of contact with juveniles who have broken the law. Special police units or officers for juveniles are the ones to decide on whether a young person should be released or referred to another authority². According to the Beijing Rules, “police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose”³. In fact, juvenile correction and rehabilitation starts at police department. Today, many countries deal with the juvenile petty offenses at their police departments without referral to courts. The first investigations and interrogations often take place at police department. Violence and maltreatment of a young person at the point of first contact will definitely leave lifetime impacts while a proper treatment will be helpful in socialization of a young person⁴.

The most important development in the past century was setting various criteria for juvenile offenders, particularly in the form of warnings and cautions by the police. Such warnings together with notifying a child offender’s family about the conditions of their child serve as an informal resolution method and a proper way of correction by taking into account the child’s best interest, which actually is a form of diversion and in principle includes a set of programs carried out outside the judiciary system in order to minimize contact to the judiciary and the potential consequence it may bring about.⁵ Another initiative by the new version of the ICP in connection to juvenile proceedings is the establishment of a special police unit for juveniles and directly dealing with the cases at courts in order to prevent children involvement in complex formalities. According to Article 31, ICP, in order to guarantee the good performance of tasks assigned to juvenile law enforcement units, a special police unit for juveniles will be established within the Iranian police. The scope of authorities and duties of this special unit will be defined in a bill formulated by the Head of the Judiciary. It should be noted about

¹ Article 12, Beijing Rules

² W.C. Kvaraceus, *Juvenile Delinquency: A Problem for the Modern World*, translated by J. Najafi Zand, 1st Ed., 1988: p. 10.

³ *Ibid*, Commentary.

⁴ To meet the requirements of a fair trial at this step, it is necessary to form a special police unit to

- (1) Change attitudes held by the police, court, and other judicial entities with respect to the effects of age and puberty on committing a crime or testifying about one;
- (2) Set the stage for dealing with issues related to gender, age, ethnicity, family status, and the environment where young people live;
- (3) Emphasize preventive measures;
- (4) Deal with the root causes (poverty, social exclusion, family disruption, *etc.*), and
- (5) Try to take corrective and reintegration measures to help a lawbreaking juvenile instead of punishing him or her.

⁵ M. Abachi, *Juvenile Criminal Rights in the UN Instruments*, Majd, 2nd Ed.

this special police unit that its authority in performing investigations does not cover all young people and is limited to people gaining fifteen to eighteen. Because pursuant to the first note to Article 285, ICP, initial investigations on people under 15 years of age are conducted directly at the court which is responsible for carrying out the duties assigned to law enforcement units. The interaction Principles of interactionist criminology may be cited to justify this differential approach adopted by the legislator in dealing with people under 15 and over 18. The view suggests a link between persistence in crime and the duration of offender's presence in the criminal justice system, indicating that the shorter is this duration, the lower will be the probability of development of a criminal identity and tendency towards persistence in offending.

2. Juvenile Criminal Procedure on Detention Pending Trial.

2-1 No detention pending trial

Preventive detention or detention order for defendant is the most important security measure that can be legally used by judges under certain conditions. Although the measure is necessary in dealing with a criminal matter, unnecessary application of this rule, particularly without observing relevant regulations, can seriously harm public interests and individual freedoms¹. Therefore, in case of preventive detention, juvenile courts and investigation boards should expedite the procedure as a priority in order to minimize the detention period. Those awaiting trial must enjoy all rights and guarantees provided for under the Standard Minimum Rules for the Treatment of Prisoners as approved by the UN.² One point noted in the instruments is the danger of "contamination" (acquisition of criminal skills from other inmates). To prevent unfavorable influence by adult inmates on detained juveniles, states should adopt other measures including using a separate section for juveniles in order to minimize this type of contamination as a result of juvenile-adult contact.³ In 1994, a group of observers in Jamaica found that children under 9 or 10 were in some cases detained under life-threatening conditions in violation of the Jamaican laws at police detention centers where adults accused with serious crimes were kept.⁴ Therefore, for juveniles awaiting trial, detention should be replaced to the extent possible by alternative measures such as close supervision, intensive care, or placement with a family or in an educational setting or home.

2-2 Personality Profiling.

"In all cases involving a minor offense, before the competent authority renders a final disposition prior to sentencing, the background and circumstances in which the juvenile is living or the conditions under which the offence has been committed shall be properly investigated so as to facilitate judicious adjudication of the case by

¹ M. Khazaei, *Criminal Procedure*, 1st Ed., Ganj-e-Danesh 1998: p. 43

² Article 37(b), Convention on the Rights of the Child and Article (13-1), Beijing Rules

³ Article 13 (and Commentary), Beijing Rules

⁴ Innocenti digest, *Juvenile Justice*, p. 9

the competent authority”¹. The founders of the positivist theory have emphasized the requirement for investigating social circumstances of offenders and those with dangerous states, arguing that lifestyles, family and social circumstances, and motives behind committing a crime must be carefully examined. Just like a treatment prescribed for a disease should match the type of that disease, all factors and motives involved in committing the crime as well as the offender’s talents, predispositions, tendencies, and intelligence must be well researched for the purpose of treatment or correction in order to achieve a punishment that matches the personality and the dangerous state of the offender². Another development in the new version of the ICP is linked to this area. Article 286 requires personality profiling of juveniles by a court or prosecutor office in crimes punishable with severe penalties like death penalty, life sentence, amputation, *etc.*

3. Instances of Fair Trial for Juveniles: Individual Rights.

3-1 Prohibition of Torture.

Confessions by offenders have long been regarded as a proof in criminal matter. Thus, different criminal procedure systems have taken different approaches as to how a confession is extracted. Inquisitorial systems legalized duress and torture of the accused for forced confession.³ However, the emergence of human rights theories and their inclusion in criminal law fundamentally changed the ways in which confessions were extracted. In line with the principles of human rights, criminal justice system authorities may not force confession out of a person or use torture for this purpose. Article 38, Iranian Constitution has pointed out this issue. Also, Article 37(a), CRC prohibited any form of torture to force confession out of a child or to access information on an offense. Although the relevant laws have not specifically prohibited this for juveniles, general provisions have been included in a number of codes including Articles 1 and 2, Act for Respecting Legitimate Freedoms and Protection of Citizens’ Rights of 2004.

3-2 Right to Family Contact.

Lack of knowledge on family conditions and particularly the problems faced by a child can cause numerous troubles for those closely related to that child. For this reason, international human rights instruments have emphasized the requirement of notifying the defendant’s family about the conditions and making it possible for the defendant to contact and visit his or her family. The right has also been emphasized by the drafters of the CRC in Article 37(c). In this respect, an accused child may contact his family to inform them of his conditions after an arrest. In addition, delinquent juveniles are allowed to visit their families. Unfortunately despite the great importance of this right, Iranian laws have largely ignored this right of the child. Given the special circumstances experienced by children and their psychological need for their family’s emotional supports and visits, the Iranian legislators should have recognized this right for children.

¹ Article 16-1, Beijing Rules

² T. Danesh, *ibid*, pp. 141-142.

³ M. Ashuri, Criminal Procedure Code, vol. 1, 1st Ed., SAMT 1996: p. 29.

3-3 Right to Counsel.

The right to counsel (*i.e.* a lawyer) has been provided for in many international instruments on criminal procedures. The right to counsel means that a defendant has a right to have the presence and assistance of an attorney in all steps of a criminal process. In this way, an attorney, with specialized knowledge on legal issues, can help a defendant in properly defending himself.¹ The right to counsel has been noted in the second and third parts of Article 40(2)(b), CRC as the right to legal assistance, including those provided by an attorney. As a significant development, Article 415, ICP requires presence of an attorney in crimes falling under the jurisdiction of provincial authorities or crimes punishable by a fine over one-fifth of a complete *diya* (blood money) as well as those subject to discretionary sentence (*ta'zir*) of the sixth or higher degree.

3-4 Adversarial Nature of Procedure.

Equality of arms for defendant, victims, and prosecutors is a major right to which a defendant is entitled. The principle of equality of arms states that a defendant should be entitled to a set of rights equal to those enjoyed by other parties to a criminal process. Defendant's right to cross-examine the witnesses is a major instance of this principle. Based on this principle, a defendant may question a witness or those having information and review their statements at any step of a criminal process. The right to equality of arms has been noted in the fourth part of Article 40(2)(b), CRC. It has also been recognized by the ICP and included in the general provisions of criminal procedure code.

3-5 Right to Appeal.

The right to appeal on a judgment or a decision and having a multistage criminal procedure are among the measures that guarantee a fair trial since a defendant may, pursuant to this right, appeal on a judgment or a decision made by a court and obtain another chance to present their cases, evidence, and defense. Right to appeal plays an important role in preventing authoritarian judgments. Article 445, ICP states that any decision made by juvenile courts in any case is open to appeal. Therefore, the provision seems to be in line with the CRC.

Conclusion. As a generation that is expected to make the future of a country, children needs special attention from legislators, particularly those involved in making criminal justice policies. Adopting a criminal policy specifically devised for this vulnerable group of the society is a major issue that requires greater attention by states. A closer look at different periods of the history of criminal justice reveals different reactions by societies to delinquent juveniles. Developments in penal policies and justice systems in the light of different global views and approaches adopted by most states shifted the focus away from punitive measures, punishments, inflexible procedures, and strict treatments of violations and offenses committed by children towards correction and re-socialization. Globalization of this view gradually

¹ A. Niazpour, Defendants' Right to Counsel in Criminal Process: an Instance of Citizenship Rights, Legal Journal of the Judiciary, Issue. 58, p. 15.

compelled the United Nations to develop a generalized set of legal rules and measures adopted by all states incorporated into a uniform model for protecting and treating delinquent children. The Declaration on the Right of the Child, the Convention on the Rights of the Child, and Beijing Rules are examples of such attempts that recognize different fundamental rights of the child and establish a right to special trial and a treatment based on the particular status and conditions of children, leading to greater levels of re-socialization of a child accused of an offense or violation of criminal law in order to help him or her play a constructive role in the society. With respect to the Iranian Criminal Procedure, it can be noted that while the newly amended version indicates a number of deep and broad developments, it still needs to identify, with greater precision, a number of ways for incorporating more differential approaches into the principles and organizations involved in the criminal procedure.

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