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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.

[6 February 2019]

* Issued as received, in the language(s) of submission only.



Implementing Restorative Justice for Juvenile Offenders and the Victims

Violence and poverty are two sides of the same coin. In deprived marginalized neighbourhoods, where people do not have much to lose, violence is usually a major part of a person's life since childhood. These people who are themselves victims of structural violence such as lack of access to food, clothing, housing, and appropriate education are often victims of harassment in their families, which includes but is not limited to negligence, physical and mental harassment caused by the addiction of parents.

In such a violence-ridden and devoid of support environment, many children and young adults come to know cold weapons like a knife to defend themselves against physical and sexual harassment of peers or adults. In these areas, suitable training to control anger and avoid violence is often unavailable. As a result, using knives in fights taking place in deprived settlements is very common and in some cases it leads to murder. Lastly, the perpetrator is sentenced to death and executed regardless of the neighborhood, the social origin of the crime, and the past social harms that have occurred as a result of poverty and social inequalities. The use of new perspectives such as restorative justice could help to reduce the desire for personal retaliation in these cases.

Restorative justice encourages us not to take revenge on a teenager, not to take actions that places a victim against a teenager, and to do our best to resolve their differences, so that the teenager is not excluded or excommunicated from the society. In a restorative process, the delinquent teenager, receiving rehabilitating shame in the presence of the victim and other people injured in the crime, becomes aware of the evil impacts of his delinquency. This has by far a stronger preventive effect than a humiliating and accusing embarrassment that results from official punishment.

To promote such this approach, Imam Ali Popular Students Relief Society (IAPSRs) has established a Program called "Teflan-e-Moslem" since 2006 with concentration on children in deprived neighborhoods and teenage laborers and under-18 adolescents who have been convicted of murder. The aims include helping juveniles sentenced to Qisas (retaliation), trying to raise awareness in society concerning child delinquency, improving the judicial process regarding children cases and verdicts, promoting the message of "each forgiveness reduces violence in society", mediating, supporting and aiding the two families (the family of the convicted adolescent and the family of the victim), requesting forgiveness, following up post-release support for the crime-affected adolescents, defining social responsibility for them and improving laws regarding juvenile delinquency.

One of the most important issues is addressing the situation of juvenile offenders who are currently awaiting heavy sentences such as Qisas. In this regard, "Teflan-e-Moslem" program of Imam Ali Society has succeeded in saving a significant number of juvenile offenders (47 people) from death sentence by obtaining consent and forgiveness for them since 2006. From 2017 to 2018, 12 cases have been granted forgiveness and freedom. However, unfortunately, some cases have not been successful and Qisas was carried out for them. On June 27, 2018, Abolfazl Chazani was executed at the age of 19 after one and a half years of follow-up by IAPSRs social workers team and while his execution was postponed for four times. All those released individuals are supported by post-release services of the NGO, and based on their conditions, capacities and abilities, are committed to serve on various social and environmental part of community.

Mediation, which is one of the patterns of restorative justice, can exacerbate the damage if its obligations and considerations would be neglected. The practical experiences of the mediators in the NGO indicate that the family of the convicted adolescent should not imagine that the mediator is merely attempting to request forgiveness just in a bid to save the offender from Qisas. Rather they should consider the mediator as someone who commiserates about their suffering and advocates their rights and interests. The fact that the mediators of the NGO themselves are attached to voluntary activities in affected environments and neighborhoods, often reinforces this feeling among the families of the victims and creates the belief that the mediator understands their suffering and tries to alleviate it.

The mediators of the NGO, after some primary preparations, try to arrange for the families of victim and the convicted adolescent to face each other and talk. This will help them to relieve their anger and express their feelings and create a right image of the two sides of the story. In addition, it will clear the inhumane image of the murderer and antipathy towards the delinquent adolescent and his family.

After reconciliation, the restorative process proceeds, and while keeping in touch with the family of the victim and trying to alleviate their suffering and praising them for their peaceful behavior, some measures and assignments will be designed for the forgiven delinquent to reintegrate in society.

There are a number of mediation challenges for the NGOs in these cases. These challenges include but are not limited to failure to accept the official and customary role of the NGOs in this regard, lack of a mediation regulation in cases of Qisas, lack of efficient social worker positions in prisons and the Judiciary, arbitrary accepting and reviewing of Trial de novo of Article 91 of the Islamic Penal Code, lack of organizations to help these individuals return to society and provide post-release support, lack of a supportive framework to make sure about their living condition, livelihood and employment after release, irresponsible interference and attempts to obtain consent by paying high figures as peace money, pressure of the local communities resulted from social and cultural matters in some areas on the family of the victim to demand Qisas, denouncing forgiveness and peace money; failure of the family of the convicted adolescent to compensate for the harm and their incapability to approach to the family of the victim.

It could be argued that a conscious, informed and skillful intervention of the civil society to facilitate reconciliation in Qisas cases can be considered as a successful model that can repair and alleviate the damage to a certain extent by empathy and sympathy with the two families.

One of the most important approaches of Imam Ali Popular Students Relief Society to the issue of heavy sentences for adolescents is to reform laws and improve the process of dealing with adolescents in a bid for educating and reforming them to return to society. In addition, during these activities of the NGO in this regard, specialized research and investigation have been ongoing to determine the pathology of committing homicide by individuals under the age of 18 (factors, consequences, and regulatory gaps), which can be an effective step to improve the current process.

It is worth mentioning that in juvenile delinquency, preventing violence plays a crucial role in reducing crime and delinquency and completing the restorative process in the first steps. In this regard, Imam Ali Society has taken a major step by creating appropriate structures and platforms (Persian League and artistic-cultural activities). Unfortunately, many children and teenagers are left with no choice except violence, crime and deprivation despite their unique abilities and talents in sports and arts. This is only due to their geographical and social location. The Imam Ali Persian Cultural and Sports Club is an opportunity for children and teenagers to showcase their abilities and talents by gaining a new and constructive identity through sports and arts.

Restorative procedures and programs get all individuals affected by crimes to participate. It describes the impacts of crime on the victim or their families, and gets the juvenile offender to face the results of his delinquency and find out the reasons and factors affecting the committing of the crime.
