

# CRITICIZING AND INVESTIGATING NGOS IN IRANIAN CRIMINAL LAW

## CRITICAR E INVESTIGAR OGN NA LEI PENAL IRANIANA

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**Abstract:** NGOs can play an important role in criminal policy and assist official institutions in this regard. Nowadays, in many juridical systems around the world, NGOs can take steps at all stages from crime discovery to criminal prosecution and enjoy equal rights and responsibilities with the main parties to the lawsuit. Iran, also inspired by other countries, has taken steps in this regard, including Article 66 of the Criminal Procedure Code of 2013, which permitted NGOs to be present at the hearing. In criminal law politics, NGOs can play a role in criminalizing and changing the attitude of the people and the legislative body and in creating crime and social reaction. In the area of executive criminal policy, NGOs can also be effective in cases where compromise can be an objective example of a participatory criminal policy and can play an important role in crime prevention.

**Keywords:** NGO. Victim. Criminal Procedure. Criminal Policy.

**Resumo:** As ONGs podem desempenhar um papel importante na política criminal e auxiliar as instituições oficiais nesse aspecto. Hoje em dia, em muitos sistemas jurídicos em todo o mundo, as ONGs podem tomar medidas em todas as fases, desde a descoberta do crime até o processo criminal, e gozar de direitos e responsabilidades iguais com as principais partes no processo. O Irã, também inspirado por outros países, tomou medidas nesse sentido, incluindo o Artigo 66 do Código de Processo Penal de 2013, que permitiu que ONGs estivessem presentes na audiência. Na política penal, as ONGs podem desempenhar um papel na criminalização e na mudança de atitude das pessoas e do corpo legislativo e na criação de crime e reação social. Na área da política criminal executiva, as ONGs também podem ser eficazes nos casos em que o compromisso pode ser um exemplo objetivo de uma política criminal participativa e pode desempenhar um papel importante na prevenção do crime.

**Palavras-chave:** ONG. Vítima. Processo Penal. Política Criminal.

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## Introduction

NGO are one of the pillars of civil society. They represent the values of civil society, disseminate civil society issues appropriately within the institutional framework provided by the state, and are also groups that actually engage with the government (Moghimi, 2005: 9). Due to the limited resources and facilities of the formal criminal justice system institutions and the need for non-governmental organizations and NGOs to intervene in support of issues anticipated for those who are often out of the criminal justice system range; NGOs have played a prominent role in preventing and interfering in the criminal process until the enforcement of the sentences. In the participatory approach, civil society intervenes in response to these norm violations through its various roles in criminal policy. (Hosseini, 2002: 110-109) The main question raised in this study is what is NGO's role in Iranian criminal policy? In order to investigate and answer the aforementioned question, first, the role of NGOs in the criminal justice process has been examined, and then the role of them in crime prevention has been discussed.

## The role of the NGOs in the criminal justice system

Legislative criminal policy is a policy adopted by the legislature and expressed in the form of legal regulations (Rahmdel, 2007: 13). Legislative criminal policy in general is the perception of the legislator in the form of adoption various laws on criminal policy. In other words, when the legal texts of a criminal phenomenon are adopted by the legislator of each country, they actually represent the specific legal policy of the country in question (Malazamian, 2008: 9). Unfortunately, in the criminal policy of Iran, the role of the NGOs is very weak, while in legislative criminal policy, NGOs can play a role in criminalizing and changing the attitude of the people and the legislative body and in creating crime and social reaction. Through their influence and authority in their field of activity, the NGOs can point out legislative failures and deficiencies to the state and the legislature and enact law making that crystallize justice and equality in society. In this regard, a profound relationship will be established between NGOs and the legislature. NGO as an expert and relevant institution on a wide range of issues, including the protection of women and child victims and environmental issues, has been actively involved in the legislative process and their views should be considered in formulating laws. It is imperative that government agencies in the field of law, with ruling a regular law and the necessary guidelines, provide favorable conditions for the activities and strengthening of NGOs to enable greater development and enhancement of the capabilities of the political system.

## The role of NGOs in criminal justice policy

Criminal justice policy, in its literal sense, includes criminal policy, which is reflected in the decisions and procedures of the courts of justice (Lazerges, 2011: 134\_132). In fact, criminal justice policy is the outcome of legislative criminal policy in the course of judicial proceedings that judges perform and enforce during law enforcement. Of course, it may not necessarily be fully consistent with legislative criminal policy, as legislator's messages on criminal policy may be understood and accepted differently. One of the most important stages of criminal justice policy is the judicial process. First of all, it should be noted that the process of the proceeding is a broad concept of the process, which covers not only the hearings but the proceedings. According to Article 1 of the new criminal procedure code of 2013, "Criminal Procedure Code is a set of rules and regulations that are established to detect crime, prosecution, preliminary investigations, mediation, peace between the parties, how to handle voting, ways to protest votes, Defining the duties and powers of the judicial authorities and justice bailiffs, and protecting the rights of the accused, the victim and the community."

According to the above definition, the criminal justice process, in the broad sense, is the basis of the analysis and explanation the role of NGOs that includes all stages of the proceedings. Regardless of the distinction between the level and the stage of the proceedings, Article 66 of the Criminal Procedure Code, 2013, explicitly refers to NGO's participation in all stages of the proceedings. In this section, the role of NGO in the criminal process, which means all the stages of the process, is examined. NGO's involvement in the trial helps the victim of the

crime and the case on the one hand, and on the other hand, it helps the court because if these organizations have a great deal of information and expertise in their field of work, they can explain their expertise and expertise. And they will be difficult and specialized issues, so they play an important role in judicial analysis by providing reasons that can replace arguments put forward by litigants.

Through Declaring crimes and violations of citizens' rights and freedoms, NGO's assist and support both delinquent and victims, and play a role in preventing and reducing recurrent victimization. Lack of announcing victimization is the most important factor that causes recurrent victimization. Repeated victimization is more likely to occur in cases of domestic violence against the elderly and children, etc. Lack of notify the victimization not only results in repeated victimization but also delays the delinquent. On the other hand, the delinquent will be released without emendation, treatment and re-offending and will continue the crime repeatedly (Mirkhalili, 2012, p. 172\_171).

Interacting of NGOs and government agencies on the one hand will contribute greatly to social control and, on the other hand, to the discovery of crimes, to the collection of evidence, to the perpetrators, and to the desired outcome. Although the main responsibility for these matters is entrusted to a government entity, the participation of the NGO's is also mandated by law, and their participation in the process of observing the duties and powers of government agencies and working with them is a fruitful and worthwhile endeavor.

In discussing informal oversight of the judiciary and the executive, if we also consider a role for NGOs, we have stepped in the direction of achieving justice, as it is a framework for strengthening trust and interaction between the public and the judicial and executive bodies. The result will be a reduction in the number of black offenders, preventing human rights abuses, improving work quality of state apparatus, and so on, provided that in all these areas there is a clear and legal scope for intervention and participation of these NGOs.

## **Announcement of crime and complaints by NGOs**

One of the legal aspects of initiating prosecution is to declare a crime (Paragraph (b) of Article 64 of the Criminal Procedure Code of the year 2013). Until the enactment of the Criminal Procedure Code of the year 2013 was preceded by the possibility of a crime declaring by NGOs was in doubt. On the one hand Article 66 of the old Law on the Procedure of Criminal and Revolutionary Courts of Criminal Procedure, adopted in 1999, by declaring the need to see the perpetrator guilty, clearly meant natural persons, and on the other hand, if we were opposed to Article 67 of the same concept of law, we could have identified reports and letters that identify the reporters and authors as the basis for the prosecution. It appears that, pursuant to paragraph 2 of paragraph (d) of Article 3 of the Law on the Establishment of Public Courts and the Revolution of 1994, which had unconditionally considered declaring a crime to the interrogator legally permissible to initiate an investigation, it was only possible in case of declaring a crime from NGOs side in the form of unforgivable crimes, enough to start the chase.

It should be noted that, in our country, for ordinary citizens, crime reporting can in principle be regarded as a social and perhaps ethical duty and failure to observe it as an act of dereliction is not a crime and punishable, but in some cases because of position and official rank of some people (managers and employees of governmental and public organizations and agencies), there has been a legal obligation to declare a crime and in some cases non-compliance with this act has also been criminalized (Khaleghi, 2016, 120).

With regard to non-disclosure of child abuse, Article 6 of the Protection of Children and Adolescents act of 2002, the non-disclosure of crime as soon as observing child abuse from all persons and institutions responsible for the care and supervision of children has sentenced to punishment (Kusha, 2010: 11). Almost unchanged, Articles 66 and 67 of the Old Criminal Procedure Code of 1999 are repeated in Articles 65 and 67 of the Criminal Procedure Code of 2013, respectively. The only difference from this law in relation to the subject of the announcing crime with the previous law, is that explicitly to the NGOs, the institutional people whose statute which is about protecting children and adolescents, women, the mentally ill, the envi-

ronment, natural resources, cultural heritage, public health, and protecting civil rights in the Criminal Procedure Code of 2013 Article 66 of the Criminal Procedure Code gives the statutory authority to plead guilty to these crimes. Article 66 of the Criminal Procedure Code, dated 23 February 2014, before the amendment of 14 June 2015, was as follows: "NGOs whose statutes provide protection for children and adolescents, women, sick people and mentally or physically unable, the environment, natural resources, cultural heritage, public health and the protection of citizenship rights can report crimes in the above areas and participate at all stages of judicial process to provide a reason and to protest regarding to the decision of judicial authority." After amendment dated 14<sup>th</sup> June 2015, this article was amended as follows: NGO's can report crimes against children and adolescents, women, sick people and the mentally or physically disabled, the environment, natural resources, cultural heritage, public health and citizenship rights protection, and participate at all stages of judicial process which their statute is about above subjects." Following the amendment, the right to file a complaint and challenge the judgments of the judicial authorities was eliminated from the text, and now all NGO's can only report crimes against related to their activities to justice. Thus, NGO's even cannot complain about Offenses related to the subject of their activities to the judiciary.

Although many individuals may suffer and harm from a crime, but only the directly victimized, who is a person who has been harmed by the crime and the legislator intended to support him or her with criminalization of a permissible behavior or is considered as him or her deputy, may be as a "complaint" in the criminal process, request the prosecution of the accused. The indirect victim does not have such an option. Such a person is considered to be the declarer of the crime and has the conditions to do so (Khalighi, cited above, p. 29). This aspect is about private dignity for the sake of violating private rights or particular persons.

On the other hand, as defined in Article 8 of the Code of Criminal Procedure, 2013, crime can have a public reputation for violating divine limits and provisions or violate community rights and disturb public order. It is obvious that some crimes such as crimes against the environment, cultural heritage, natural resources or public health have been recognized as public in accordance with the penal laws of the country, and because their interest is the community, any person, whether real or legal, may declare a crime.

Therefore, Article 66 of the said law, by granting the right to declare a crime by the NGOs, actually did not confer new authority on them. Due to non-adoption of this law, according to the legal principles and articles, non-governmental legal entities not only could they declare a crime but the judiciary accepted that too, since in law, basically, it is about the "person" and his rights and duties and the person is both the real and the legal.

Given that in the face of crimes against women in many cases due to the culture of eastern society, regarding the preservation of women's honor and non-protest against incest and family violence, it seems justifiable that the legislator intended black crime reporting should include strategies to increase the reporting of such offenses, because addressing the public aspect of crime without the necessary mechanisms alone will not help prevent crime in specific areas, such as victimization of women. For example, one of the most important mechanisms for informing the prosecutor about committing crimes could be the complaint of the NGOs, as they are in many cases more sympathetic to the issue and often unaffected by the fear of cultural threats.

### **NGO as the guardian or representative of the victim involved in the proceedings**

A victim who views the criminal justice system as a shelter for realization of his or her rights and the restoration of his or her effects of victimization, if he or she concludes that the criminal justice system does not do so and may even be subject to repeated attacks as a result of the criminal process and he is involved in the judiciary and the police, and suffering caused by victimization getting exacerbated, preferring not to enter the criminal process. Therefore, there is a growing need for mechanisms to support victims in the criminal justice system.

Protecting the victims is a new approach in the field of criminal sciences, which with in-

jecting it into the body of criminal policy, can draw a model of a criminal justice system that, in addition to the orbit of the offender, also turns on the orbit of the victim. The Iranian legislator, in the Criminal Procedure Code of 2013, has also been affected by the findings of supportive victimology and has in many cases considered new rights for victims and contemplated new measures to safeguard the rights of victims. One of these new measures is to use the capacity and capacity of NGOs or non-governmental organizations in the criminal justice process to protect victims.

Articles 70 and 71 of the Criminal Procedure Code of 2013 aim to protect victims, especially those who are vulnerable due to physical or mental disabilities, proprietary measures and formalities are considered.

According to Article 70 of the Criminal Procedure Code, first, if the offense is a crime that requires a complaint, and second, if the victim has been indicted, third, in the absence of a guardian or executor, or if they have no access to, or a crime committed by, fourth, installing a guardian during normal procedures will result in the loss of time and note the disadvantage to the victim, the prosecutor may appoint a person as a temporary guardian or pursue the criminal case himself. Now, the question arises whether given the role of non-governmental organizations in the criminal justice process, it can be entrusted to these organizations? The answer to this question is whether legal entities can be designated as guardians. It may be said that the trusteeship, the authority and the duties arising therefrom, are matters which depend on natural persons and that legal persons cannot attain this position, but it must be said, however, that there is no reason to believe that the guardianship of Coordinates with real persons, while most of the duties and responsibilities of the guardian are to oversee the management of the property against the one who gets guardian. It is therefore possible to entrust trusteeship to a legal entity such as forums and charities and nongovernmental organizations.

Another case is the formalities provided for in Article 71 of the Criminal Procedure Code of 2013, which is designed to protect victims. The major difference between this article and Article 70 of the said law is that Article 70 has reduced the scope of incarcerated persons and excludes unauthorized persons. On the other hand, unlike previous article, the child or the insane has a guardian or executor and they have not committed any crime. However, the executor or guardian will not take action on the complaint. In addition, in the case of a specific category of victims such as the disabled and the elderly who are not able to file a lawsuit, and in the case of insane and children, the prosecutor may file a lawsuit. Now the question arises whether or not NGOs can file a lawsuit in this regard? Taking into account the unity of the criterion of merit in Note 1 to Article 66 of the Criminal Procedure Code adopted in 2013, if children or insane have been found victim, there is the possibility of obtaining the consent of the guardian or executor. The victims mentioned in Article 71 are divided into two categories:

First, children and hostages who have a guardian or guardian, but their guardian or guardian does not object to the prosecution, and the prosecutor is therefore responsible for pursuing the prosecution. In this case, nongovernmental organizations can initiate litigation with the approval of the prosecutor (Koushki, 2013: 77).

Second, victims who are unable to file a lawsuit due to a physical disability can be sued by obtaining consent from the victims. It seems that the nature of the new role that the legislator has given the NGOs in participating in criminal proceedings is in support of the victims, predicting a new mechanism for an active and independent role in criminal proceedings, and not a mere representation that ends with succession the victim. In other words, it seems that such intervention of NGOs in the criminal justice process is an intervention as one of the core sides of the case, although the beginning and the starting point of this intervention, in order to respect the freedoms and respect for the privacy of individuals, Subject to the permission of the victim, it has been seen that this will certainly not prevent these organizations from being identified with the accused, the victim and the prosecutor as the fourth party in criminal proceedings.

## **NGOs Attendance at Public Hearings**

The presence of counselors or public prosecutors in juvenile courts is an expression of participatory criminal justice policy (Najafi Abrandabadi, 2012: 267).

NGOs presence and participation in the trial, to support and assist child and adolescent offenders, is of particular importance, which can be counted among the child support legislation. But the debate over the presence of NGO in the hearing sessions of child victims due to the lack of defining the specific role of these organizations in the hearings by the legislator raises the question what exactly is the role and director of NGO in the hearings? It seems necessary to draw on the experiences of international NGOs in this regard. On an international scale, the International Criminal Court today is a prominent example of the involvement of NGOs in the criminal justice process. The information that these agencies provide to the court can be effective in preparing and filing criminal cases, so that a historical review of the International Criminal Court shows that there is a close link between the formation of this court and the NGOs (Varvai, 2016: 22).

In the domestic courts also NGOs can act as an intermediary link between the witnesses and the victims. They can provide assistance to these individuals. These include the transfer of necessary information between the victim and the witness, or providing appropriate training to hold court hearings or assist in obtaining legal advice. Finally, they can assist victims throughout the hearing process by adopting appropriate measures, such as continuous follow-up of definitive case files, effective communication with the media and sensitizing public opinion, enforcing sentences and restoring damages (Koushki, 2013: 6).

In addition, the NGOs play an important role in protecting victims during the restorative process. These organizations, as community representatives, can participate in the program, while overseeing the affairs and monitoring of the terms and conditions governing the program, to support particularly victimized parties and the local community as a secondary crime. Occasionally, it may be necessary for the NGOs to attend this program, given the circumstances. Sometimes some victims need extra support due to their specific circumstances, such as children and adolescents who need more care and support due to their status and personality, which the NGO can do. And even if their families or relatives do not see or are unable to attend group meetings, these organizations can support the victims by participating in this program (Gholami, 2014: 132).

In fact, these organizations can provide a complete model of social support for victims by conducting free counseling, emotional and psychological support as well as attending hearings.

## **The role of the NGOs in participatory criminal policy**

It's been a long time that a new trend of criminal policy is formed based on increasingly and more active participation of the pillars of civil society in criminal policy implementation, namely participatory criminal policy. This criminal policy strategy reflects the participation of the public and non-governmental and non-official institutions in both crime prevention and response to crimes and social deviation, and its important purpose is to ensure the right to community security by cleverly combining prevention and response, and social resilience of the criminals. In fact, supplying security as a result of combating with criminally phenomenon is itself a major goal that is achieved through public participation. In other words, a participatory criminal policy, means a criminal policy with the participation of civil society which within its framework other levers and institutions are involved along with the police and the judiciary, to organize responding to the criminally phenomenon. This partnership guarantees the validation of the regulated plan of the legislature and the executive in the field of criminal policy, or the participation of people in dealing with the criminally phenomenon.

NGOs are concrete example of the realization a participatory criminal policy because identifying crimes and social harms and trying to prevent crime and rehabilitation of offenders and socially disadvantaged are the most important responsibility of NGOs in return of community.

The important aim of participatory criminal policy is to guarantee the right to social security by cleverly combining the prevention and response of punishment and the social acceptability of criminals. In fact, supplying security as a result of combating criminally phenomena is itself a major goal that is achieved through public participation, and since prevention and security are two indivisible categories, therefore participatory criminal policy seeks to provide these two steps with the people themselves (Lazerges, p. 129).

### **The role of the NGOs in executive criminal policy (conciliation)**

Executive criminal policy is a policy adopted by the executive branch and its members, including the police, to enforce a statutory criminal policy and to prevent or spread crime in the community (Rahmdel, 2002: 17). NGOs most important role in executive criminal policy is compromise. In principle, mediation between offender and victim is related to light, unintentional, financial crimes, and especially where there is a family, neighborhood or even friendly relationship between them, it is a benefit for both the victim and the community. Therefore mediation may be used as a way to eliminate or reduce hostility between the victim and the offender. This way will be done by meeting them to end their disagreements. In Iranian law, Article 82 of the Criminal Procedure Code of 2013 can be cited. The article states: "In the six, seven, and eighth level of punishable offenses, which the punishment is suspend able, judicial authority may order providing the defendant with a maximum of two months' time to obtain a suitable plaintiff's education or compensation for the crime with defendant's request and victim's agreement or a private claimant. The Deputy Judge may also refer the matter to the Dispute Settlement Council or to a person or institution for mediation to reach a settlement between the parties. The mediation period is not more than three months. The time limit provided for in this Article may be extended only once and to such extent as the case may be, if the plaintiff has passed and the subject of the offenses has been passed, the prosecution shall be terminated. In other cases, if the plaintiff expires or is compensated for damages or arranges for payment to be made and the defendant lacks a record of effective criminal conviction, the court may, after obtaining the defendant's consent, suspended prosecute him for six months to two years. In this case, the judicial authority shall instruct the accused in compliance with the provisions of Article 81 of this Law, as the case may be, to comply with certain orders of the said Article. Also, if the defendant fails to comply with the obligations agreed upon by the defendant without a reasonable excuse at the request of the plaintiff or the private claimant, the suspension of the prosecution shall be canceled and the prosecution shall continue. According to this article, it has an important role to play in criminal mediation by real and legal persons. Criminal mediation can be said to have been crystallized in Article 82. In the first part of the article, which provided for the defendant's deadline to obtain the plaintiff's consent, without specifying a mediator, such as a government agency, as well as the right of supervision for the judicial authority, the statutory and community-based mediation provided is non-governmental. In this type of criminal mediation, the dispute is entrusted to the grassroots and community institutions, and the dispute raises from within the community. Again, there will be a refund. The legitimacy of community criminal mediation, inspired by the reactive participatory criminal policy that, after the crime, people are involved in, and entrusted with the resolution of the dispute. If this is successful, the criminal case will be suspended, otherwise it will be processed in the traditional penal system. Section 2 of Article 82 of the Code of Criminal Procedure provides: "The judicial authority may refer the matter to the Dispute Settlement Council or any person or agency for mediation by mutual agreement." It can be said that mediation is a kind of state-society that resolves disputes in society, but in the process, the judiciary also has the right to monitor, approve, and make appropriate decisions after the conciliation has been completed, as required by law.

With the intervention of the public in the criminal process, the status of the prosecutor is removed from the investigation and becomes more of an accusation, since the prosecution is no longer required to submit all crimes to the court for its prosecution and verdict. Rather, by increasing the powers of prosecutors, not to the detriment of the prosecution, but to the

enforcement of the criminal prosecution, powers that have been purely in the past. In some cases, the crimes themselves are attributed to prosecutors. The prosecutor mediates between the accused and the victim, or through mediation, seeks to halt the prosecution's case that it is a sign of the divergence of the pre-trial phase from the cruel and ineffective rules of the audit system. (Ashouri, 2007: 363- 345)

It should not be overlooked, that perhaps with more reflection on the text of Article 82, it seems that although there has been talk of mediation and some time has been devoted to addressing it and resolving hostility, but in fact at the top of this article is more of a delay in criminal prosecution. In fact, it seems that this article has sometimes not been very important on the path to private law in judicial system of Islamic Republic of Iran. Considering a legal and effective position for persons without a judicial degree or as a member of the judicial and justice organizations in mediation and reconciliation between the plaintiff and his or her complainant is a crucial and important step in the participation of reputable institutions and persons in dealing with crimes investigation. The legislator also stated in Article 81 of the Criminal Procedure Code of 2013 after stating the conditions for the suspension of the prosecution: "The judicial authority shall order the accused to comply with some of the following orders, as the case may be. Refusing to work in a particular occupation - Refusing to move to a specific place - Performing work at specified times or hours in public interest institutions - Attending educational, cultural and vocational classes or meetings, etc." That means the legislator has also brought the issue of social institutions to the discussion of how to reform the accused through social constructive activities.

As it is understood from this article and other articles of the Criminal Procedure Code of 2013, it is in fact the community and the social and public institutions that participate in reforming or even punishing the offender and thus play the important role in the implementation of punishment.

As a result, the legislator also assists in the implementation of punishment by obtaining specific terms and conditions from these institutions (Ali Shie Ali, 2015, p. 305).

### **The role of NGOs in crime prevention**

In this discussion, it has been tried to investigate the role of NGOs in preventing crime in the field of environmental and child crime.

### **The role of NGOs in the prevention of environmental crime**

Because the environmental crisis is a social issue. Social activity and environmental performance have a strong and direct relationship with people's participation in social activity, enhancing their environmental information and enhancing the effects of their social activity when problems are resolved or quality of life is improved, observe and increase the scope of these activities (Lahsaezadeh; Mohammadi Nia, 2008: 29-56). NGOs can have a variety of functions that can include the production and management of knowledge, the use of knowledge to empower and hold people accountable, the ideas to strengthen laws and policies, and the provision of networks of actors in various fields of economic, social, political, legal, natural and education sciences cited. (Same source, p. 99) NGOs are better able to identify the real needs and shortcomings of the area due to their local field expertise and to easily adapt to the logical conditions and situations in which they are located. Providing solutions and intellectual assistance to governmental and international organizations promoting environmental culture, training, preparing public opinion for the practical adoption of environmental protection strategies, and undertaking environmental work and the power to achieve public participation are as the functions of environmental NGOs (Mokhtar Nia et al., Formerly) Some of characteristic of environmental NGOs are as follows: tendency for independence, formation of popular forces, distinct organizational structure, including a group of individuals and not an individual, lack of material and economic motivation, being non-governmental, being lawful and move towards real needs and aspirations of the people. (Hosseini, Seyyed Mohammad, 2002: 114-104).



## **The role of the NGOs in preventing crimes against children**

According to Article 33 of the 1989 Convention on the Rights of the Child, the measures and protections envisaged for childhood addiction can be divided into three types of educational and social protection, legal and administrative protection and preventive protection. Educational support is the most important preventive measure against children. Preventive support uses both non-criminal prevention and criminal prevention. Non-criminal support includes measures that precede the child's addiction phase. Criminal measures are also concerned with the stage of child addiction and how the law deals with it, rehabilitation, emendation and rearing of the child, which are measures to prevent the recurrence of child offenses (Beigi, 2005: 127-135). One of the most important crimes against children is drug abuse and trafficking. People's organizations can work to provide such preventive support to quitting drug addiction of addicted children and adolescent.

Since the use of Juvenile offenders under criminal responsibility in law enforcement for not being prosecuted and arrested are notable by drug traffickers, the 1988 UN Convention prohibits the victimization or use of children in the field of drugs known as the causes of crime escalation along with crime occurring in an educational institution or in close proximity to them or other places where students go for educational, sports and social activities. The most supportive measures by NGOs to curb drug trafficking by children, is focusing on at risk children. By identifying and separating at-risk children, an effective step can be taken to prevent children from engaging in drug dealing. In Iran, measures have also been taken by the Relief Committee in cooperation with education ministry. Including the establishment of dormitories to accommodate such children as the fathers of traffickers or addicts or prisoners for any other reason.

As NGOs usually have covered centers, they can play an important role in supporting these children. The importance of this issue comes when we know that these centers are mainly located in areas with the highest crime rates, especially drug crime. Thus, it can be said that these organizations try to keep children and adolescents out of the reach of traffickers by infiltrating the local communities where such crimes are taking place. As we said, families with trafficked persons, children and young people are more likely to be abused in drug crimes. Perhaps the best solution in these cases is to disenfranchise such families, which are the most popular option for child care.

NGOs which are created to protect children are certainly active in the prevention of sexual crimes against children. While identifying the victimized children, these NGOs should first try to keep them away from the criminal environment. The next step should be to use specialist consultants to improve the mood and forget about what happened. In addition, one of the functions of NGOs is the role of these organizations in preventing child abuse in cyberspace. Perhaps the most important way to go about this is to teach children and young people how to use computers. Basically, these criminals are also looking for such devils to deceive them to accomplish their goals. Therefore, the child must be educated to be aware of the evil intentions of these criminals. These organizations also teach how to use computers in the form of training and entertainment classes (Kar, 2003: 42-43). NGOs should be active in these areas and try to get the child involved in these forums to address these issues while addressing them. Certainly counseling departments active in many of these organizations can provide effective and useful counseling to children who have been abused to improve their mental and even physical condition.

## **Conclusions and Suggestions**

The results of the research indicate that the role of NGOs in Iranian criminal policy is not broad. Concerning the executive criminal policy of NGOs pursuant to Articles 81 and 82 and other articles of the Criminal Procedure Code of 2013, have an important role in such matters as reconciliation and participation in reform, education or even punishment of the offender.

The most important role is in criminal justice policy. The use of mediation has been one of the ways to reduce litigation and reduce the workload of judicial authorities, which in turn

is very beneficial, as NGOs can play an important role in this regard.

In discussing informal oversight of the judiciary and the executive system, we have stepped in the direction of achieving justice, if we also play a role for NGOs, as it is a framework for strengthening trust and interaction between the public and the judiciary and the executive system. The result will be a reduction in the number of black offenders, preventing human rights abuses, improving the quality of government, and so on, provided that in all these areas there is a clear and legal scope for intervention and participation. In Iranian criminal law, NGOs major involvement in the proceedings is limited to Article 66 of the Code of Criminal Procedure, which is limited to declaring a crime and participating in a public hearing. Predicting the right to present evidence and objections to the judgments of the courts would minimize their motivation to intervene. Because the purpose of the provision is to support and not to achieve by merely declaring a crime and attending hearings. Rather, the principle is that the hearings are litigious, and therefore in many cases there is no ban on individuals on attending meetings. It should be noted that NGOs subjected in Article 66 of the Code of Criminal Procedure are faced with significant barriers to participation in the criminal process. There are no legal, cultural and social boundaries needed in the country for NGOs to participate in the criminal process. They can play their role when they find their place in society when both the legal and cultural contexts are governed by law and order to grow. The grounds for enforcing the laws concerning the NGOs remained only theoretically sound and had not been foreseen until almost before the enactment of the Code of Criminal Procedure in the criminal process. In our country, there is a low interaction between the formation of institutions and NGOs and process of system activity. Cultural and social bedding is one of the requirements for the expansion of these civic institutions. In addition, NGOs can play an important role in prevention, especially in the areas of child and environmental, women, addiction crimes and more. In today's complex world, effective and legitimate governance must do control and social monitor in partnership with the local community and NGOs.

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