

The Criminal Process Responses to Juveniles: with a Comparative Approach to the Iranian and Canada Legal Systems

*Shima Shafiee**
*Mehrdad Rayejian Asl***

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Abstract

Today, it is important how juvenile delinquents are treated in the criminal process. Children and adolescents, due to high vulnerability, need different criminal process compared to adults in order to minimize the adverse effects of this process. Also, Following the tenets of the criminological theories (such as Labelling theory), if criminal labels are imposed on children and adolescents, the society's view of that juveniles will be changed. This belief can lead them to commit other criminal acts or make it difficult for them to return to a normal life. Thus, the responses and process of imposing them must always be considered. In recent years, Iran and Canada have taken some important steps to prosecute the crimes of juveniles and reduce their presence in the criminal process. These penal systems, although in the stages of trial and post-trial, provides almost the same measures such as reducing the length of detention in the rehabilitation center, suspension of sentences, probation, supervision orders and non-registration of criminal record. However, in the pre-trial stage, Canada is more advanced because of providing Juvenile Police and Pre-Trial Measures.

Keywords: Juvenile Delinquents; Deviance; Criminal Process; Criminal Responses; Juvenile Criminal Procedure.

* Ph.D Student of Criminal Law and Criminology, Shahid Beheshti University, Tehran, Iran.(Corresponding Author). Email: f_shafiee@sbu.ac.ir

** Assistant Professor of Criminal Law & Criminology, Institute for Research and Development in the Humanities (SAMT), Tehran, Iran Email: m.rayejian@samt.ac.ir



Bibliography

A) Books and Articles

- Ardebili, M.A. *General Criminal Law*. Vol. 3, Third Edition, Tehran: Mizan Publishing, 2014. [In Persian]
- Anwari, M.R. "Criticism and Analysis of the Theory of Symbolic Interaction." *The Journal of Marifat*, No.167 (2012): 153-171. [In Persian]
- Hemmat, m, H.M Heidarpour, and Zh Bezi Tanha. "Mabani va Zaroorat haye E'mal e Jaygozin haye Habs dar Mored e Koodakan va Nojavanan (dar Parto e Negah e Tatbighi be Tajrobe ye Hoghoogh e Iran va Amrica." *The Journal of Private and criminal law research*, Issue.14, No.3 (2018): 78-114. [In Persian]
- Hoge, Robert D. "Introduction to the Canadian Juvenile Justice System". *Resource Material No.78*. 139 International Training Course Visiting Experts' Paper.
- Gholami, Hussein. "Criminal law as the last and the least resort." *The Journal of Criminal Law Research* 1, 2, No.2 (2013): 41-65. [In Persian]
- Kong, R. . Youth custody and community services in Canada, 2007/2008. *Juristat*, 29(2). (Cat. No. 85-002-X). Ottawa, ON: Statistics Canada (2009).
- Moazenzadegan, H.A., G.H Kushki, Mohammad Barani, and Hossein Yarahmadi. *The Journal of Research Police Sciences* 18, 3, No.72 (2016): 45-69 .[In Persian]
- Nadjafi.A, A.H, and H Hashembeyki. *Lexicon of Criminology*. Fifth Edition. Tehran: Ganj-e-danesh, 2018. [In Persian]
- Niazpour, A. Hassan. *Juvenile Penal Law*. First Edition. Tehran: Mizan Publishing, 2014. [In Persian]
- Nobahar, Rahim. "Asl e Karbord e Kamineye Hoghoogh e Keifari". *The Journal of Criminal Law Doctrines* 8, 1, No.1 (2011): 91-114. [In Persian]
- Rayejian Asli, Mehrdad. *Criminology: An Introduction and Overview*. Second Edition. Tehran: SAMT Publishing, 2019. [In Persian]
- Samuels, K. "Examining the Utility of Pre-Charge Youth Diversion Programs: A Canadian Context" Master of Art, University of Ontario, Institute of Technology, 2015.
- Shirani, Pouya, and Masoud Heidari. "Naghsh e Shekl Giri e Polic e Atfaal va Nojavanan Dar Pishgiri Az Jorm", *The Journal of Karagah (The Detective)* 10, No.39 (2017): 77-91. [In Persian]
- Tannenbaum, F. *Crime and Community*. Boston: Ginn and Company, 1938.

B) Websites

Justice for Children and Youth. "ELM and EJS." Last Visited: 2020/7/26.
<https://jfcy.org/en/rights/extrajudicial-measures-and-sanctions>.

Justice for Children and Youth. "Sentences" Last Visited: 2020/7/23.
<https://jfcy.org/en/rights/sentences>.

Justice for Children and Youth. "Youth Records." Last Visited: 2020/7/23.
<https://jfcy.org/en/rights/youth-records-and-other-data>.

Ministry of Children, Community and Social Services. "A Comparative Analysis of Youth Justice Approaches." Last Visited: 2020/7/24.
http://www.children.gov.on.ca/htdocs/English/professionals/oyap/roots/volume4/comparative_analysis.aspx

Olsen, Erin. "The Youth Criminal Justice Act." Last Visited: 2020/8/4.
<https://www.teachers.ab.ca/News%20Room/ata%20magazine/Volume%20085/Number%201/Articles/Pages/The%20Youth%20Criminal%20Justice%20Act%20A%20Brief%20Introduction.aspx>.

Youth diversion. "Extra Judicial Measures and Sanctions." Last Visited: 2020/8/4. <https://www.youthdiversion.org/index.cfm/programs/youth-justice-programs/ejm-ejs>.