

# **Barriers to Immigrant Defendants' Access to Justice during the Prosecution Phase in Iranian Criminal Justice System**

Mehrdad Rayejian Asli <sup>1</sup>

Fariba Allahyoorti Dehaghi <sup>2</sup>

## **Abstract**

Access to justice consists of equal enjoyment and fulfillment of all members of society, especially those potentially, deprived of rights e.g. vulnerable groups, from high quality legal services, access to judicial structures such as juries and the use of necessary mechanisms to achieve fair and just verdicts. The present article aims at addressing the status of immigrant defendants in Iranian criminal justice system in the light of the notion 'access to justice'. Results of the study indicate that immigrant defendants living in Iran, including Afghans, Pakistanis, Indians, Arabs and Tanzanians, experience significant obstacles in criminal process. One of the main causes is lack of laws and provisions, especially those assigned for immigrants in different stages of proceedings. Another reason is driven by Iranian criminal justice system. For example, high numbers of cases made administrative authorities out of enough time for clearing up the process, defendant's rights and decisions made about defendants. Another reason is related to the defendant according which illegal immigrants are not as confident as legal immigrants in criminal process. Consequently, eliminating current obstacles needs to take action in different aspects such as amending the related laws and provisions.

**Keywords:** access to justice, immigrant defendants, criminal justice system, prosecution, trial.

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<sup>1</sup> . Corresponding Author , Ph.D. in Criminal & Criminology; Assistant Professor of the Institute for Research & Development in the Humanities (SAMT). Email:(m.rayejian@samt.ac.ir - ORCID: 0000-0003-0693-1888)

<sup>2</sup> . MA in Criminal Law & Criminology, Tarbiat Modares University (TMU). Tehran, Iran. Email: fariba.alahyoorti@modares.ac.ir

## Introduction

Enjoying justly rights regardless of race, color of skin, and nationality is a highly crucial issue for all people, because injustice, inequity and distrust of criminal justice agencies and practitioners would have negative consequences, including disorder and disturbance for the society itself. In other words, unresolved legal issues often result in severe hardship to individuals and negative consequences to society at large (Rhode et al. 2018). According to Sherman's defiance theory, negative perceptions of criminal justice system may eventually lead to crime.<sup>1</sup> Hence, it has recently and very quickly become the major focus of attention of essentially all stakeholders in the legal community— governments, regulators, bar associations, and even researchers and educators.<sup>2</sup> It is not surprising that representatives from some Western criminal justice systems have become increasingly concerned with building strong relationships with newcomers and the members of various racial-ethnic minority groups.<sup>3</sup> Thus, when people perceive justice and equity, they are more willing to cooperate with administrators and avoid abnormal and criminal activities. Tyler (1990, 2005) showed those who found the justice system fair are "less likely to break the law than those who do not".<sup>4</sup>

Although there is no identical definition for access to justice, this concept has sometimes been defined. Access to justice can be construed as the ability of people, including people from disadvantaged groups, to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards, without legal, procedural, socio-economic or cultural obstacles.<sup>5</sup> Access to justice is widely understood as the ability of people to uphold their rights and seek redress for their grievances and is first and foremost concerned with the case of people who experience the greatest challenges in upholding their formal rights, who are usually the socially disadvantaged, and the legally vulnerable.<sup>6</sup> Another definition is the ability within a society to use courts and other legal institutions effectively to protect one's rights and pursue claims.<sup>7</sup>

Access to justice in criminal prosecution process is crucial for immigrants because a criminal case is grounded in this phase. In criminal stage, it is decided whether the case needs to be further processed or it must be removed from the criminal justice system. Thus, the prosecution phase is of utmost importance in any criminal case. As the prosecution stage has significant impacts on subsequent phases of criminal proceedings, more attention should be given to the rights of the accused. In other words, studying the current status of prosecution phase has great importance due to the fact that, firstly, it can prevent wrongful conviction of an innocent person and, secondly, prevent a criminal's excessive punishment. As a result, access to justice must become a topic of widespread conversation and concern.<sup>8</sup>

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<sup>1</sup> . Sherman, L. (1993). Defiance, deterrence and irrelevance: A theory of criminal sanction. *Journal of Research in Crime and Delinquency*, 30 (4), pp. 123.

<sup>2</sup> . Farrow, Trevor C. W. (2014). "What is Access to Justice?" *Osgoode Hall Law Journal*, 51 (3), p. 957.

<sup>3</sup> . Stenning, P. (2003). Policing the cultural kaleidoscope: Recent Canadian experience. *Police & Society*, 7, p. 21.

<sup>4</sup> . Wortley, S., & Tanner, J. (2008). Respect, friendship and racial injustice: Justifying gang membership in a Canadian city. In van Gemert, F., Peterson, D. and Lien, I. L. (Eds.), *Street gangs, migration and ethnicity*, p. 192.

<sup>5</sup> . Marchiori, T. A. (2015). Framework for Measuring Access to Justice Including Specific Challenges Facing Women. Report commissioned by UN Women realized in partnership with the Council of Europe.

<sup>6</sup> . World Justice Project (2019). Building a Business Case for Access to Justice. An OECD White Paper. OCED.

<sup>7</sup> . Garner, Bryan A. [ed.] (2009). *Black's Law Dictionary*. Ninth Edition. Tomson-West.

<sup>8</sup> Farrow, Trevor C, Op. cit.

Since people who are more vulnerable to social exclusion typically report more justice problems than other groups,<sup>1</sup> the present study aims to address immigrant access to justice in Iranian judicial system based upon a field research which has been done in 2016. The research method is descriptive-analytical based on correlational study which has been conducted in Isfahan city's judiciary courthouse. The statistical population of the study included 50 male immigrant defendants who had been present at Isfahan's prosecution offices from September 2015 to December 2016. It is made up of 50 of the defendants purposefully selected and included 26 defendants from Afghanistan, 8 from Pakistan, 6 from Tanzania, 3 from India and 7 from Arabian.

The data collection tool is a researcher-made questionnaire on access to justice indicators. Interview and observation were also used for data collection purposes. Demographic data shows that participants included 8% teenagers, 67% young and 25% middle-aged defendants. Regarding their educational status, 36% were illiterate defendants and 64% were defendants with a diploma, while none had a high level of education at university. Likewise, there are the results of 50 interviews, hearings and the study of 15 cases at Isfahan prosecution offices.

Based upon the mentioned method, contents of the present article consist of two main parts. The first part designates to a description of limitations and barriers for immigrant in their access to justice. Then, the second part analyzes the gathering data that have come out of the field research.

## **A. Description**

While access to justice is substantial for the enjoyment and the fulfillment of all human rights, several barriers prevent the special groups from access to justice on an equal basis with others.<sup>2</sup> According to this study, the following are among limitations and/or barriers for immigrant defendants' access to justice during the prosecution phase in Iranian criminal justice system.

### *I. Language and accent as barriers to access to justice*

Language and accent are regarded as barriers that immigrant defendants face in the criminal prosecution phase in Iran. In fact, a clear understanding of the charges immigrant defendants are subject to is the prerequisite to guarantee that their rights can be met. Apart from verbal communication, one of the most important challenges regarding language and accent barriers is the fact that, during any criminal investigation process, many documents including legal forms, court orders etc. are not available to non-Iranians in languages other than Persian. In other words, these documents are written in a language which cannot be easily understood by individual with low levels of education or low linguistic proficiency.

Interview results showed that only 12% of the interviewees had used a translator to help them during legal proceedings. They included defendants from Tanzania who had been completely unfamiliar with Persian. Translators had aided the defendants just in prosecution office. Prison staff declared that these people had used body language and gestures as the only medium through which they could inform the staff about their needs.

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<sup>1</sup> . Gurría, Angel (2016). Why Access to Justice? Leveraging the SDGs for inclusive growth: Delivering Access to Justice for All. OECD – Open Society Foundations.

<sup>2</sup> . United Nations Human Rights (2020). International Principles and Guidelines on Access to Justice for Persons with Disabilities. United Nations. Human Rights. Special Procedures: Special Rapporteurs, Independent Experts & Working Groups.

A few number of defendants, using the translator acknowledge that, the prosecution does not ask for translators in case of defendants who have at least low proficiency in Persian. Nevertheless, 54% of defendants declared that, they cannot comprehend a judge’s comments or questions clearly. While a considerable number of immigrants such as Afghans have relative familiarity with Persian, they encounter difficulties to understand legal jargon and defend themselves when entering the criminal justice system.

Accent is another obstacle that blocks defendants’ understanding of judges’ speech. *Aboo-Moslem* from Iraq, a 29-year-old person who was accused of assault and battery, said that “I had not been familiar with investigator's Isfahani accent during examination, so I answered his question based on what I found out as a whole while I had not noticed the investigator's words”. Judicial authorities often find it difficult to communicate with these cases of defendants and ask the staff or the defendants’ relatives for help.

## *II. Lack of knowledge or information of laws and judicial procedures specifically in relation to legal rights*

One of the most important limitations on immigrant defendants’ access to justice is lack of knowledge or information of their legal rights and how they can use these rights during criminal process. According to the results of the study, only 6% of interviewees have knowledge or information of defendants’ rights, rules and judicial procedures in Iran and it is overall minimal. Others had no information or limited knowledge or information of these issues. *Manan* 35 years old from Afghanistan who was accused of drug dealing stated that “I am totally ignorant about future legal procedure in order to provide vindication and I have no idea what is going to happen in the future and subsequent trial.”

Low literacy level of most non-Iranian defendants besides their lack of knowledge or information of procedures in justice system of the target country are considered among major obstacles to access to justice. As most of immigrants in this research were jobless or laborer and thus, belonged to lower class that does not typically require high literacy levels, they mainly suffer from lack of knowledge or information. It is worth noting the researchers observed that immigrants’ low literacy level (36%) causes problems while attempting to fill in the usual forms in prosecution office and makes them ask the staff to help them for filling the forms such as presentence investigation report.

This could cause injustice against non-Iranians due to a variety of reasons such as linguistic and accentual differences between the defendant and the prosecution staff and, consequently, misconceptions between two parties. Table 1 shows that a large number of participants were illiterate or had low literacy levels. None had studied a subject academically. It is regarded as a potential threat to immigrants if they are exposed to legal issues.

**Table 1. Immigrant defendants’ literacy level**

Level of education	Number	Percentage
Illiterate	18	36

Primary school	8	16
Junior high school	12	24
High school diploma	12	24
University degree	0	0
Total	50	100

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### III. *Low economic status and the high cost of legal services*

Another fact is that, after entering the criminal justice system, some immigrants face difficulties due to their low economic status that become an obstacle for their accessibility of justice. One of the greatest difficulties is immigrants' deprivation of the right to have a lawyer with whom immigrant defendants usually do not share the same language. For instance, as the answer to the question 'why he had not consulted a defense lawyer?', *Khan* a 19-year-old laborer from Afghanistan who was accused of not meeting hygiene standards at workplace stated "How can I consult a defense lawyer when I have no idea how my family members are going to pay for their costs in a strange city while I am in detention?" *Ali* is another 41-year-old defendant from Pakistan who was accused of insult and scurrility added "My family members, who live in my native country, are counting the days so that the only family breadwinner receives his salary and sends them the money. How can I consult a defense lawyer?" Therefore, high cost of legal services in Iranian criminal justice system such as high cost of hiring or consulting a lawyer could be considered as a barrier which hinder immigrant defendants' attempt to access to justice.

It is undeniable that, if no access to a legal lawyer as an important representation of justice is granted, the vulnerable groups lose access to other pillars of justice such as the equality of arms and the balance between defendants' and victims' rights and deprived of reaching preferred outcomes. Lawyers are indispensable elements of criminal justice and they can neutralize any instance of inadequacy or injustice related to laws and procedures. Although economic status is an important factor which plays a crucial role in both Iranian and non-Iranian defendants' access to justice, lack of non-Iranians' knowledge or information of laws and procedures regarding their rights may significantly affect the amount to which they are provided with legal aid and advocacy. In this respect, table 2 summarizes immigrant defendants' salary per month.

**Table 2. Immigrant defendants' Salary on a monthly basis**

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Income	Number	Percentage
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No income	12	24
Up to \$430 <sup>1</sup>	28	56
Higher than \$430	10	20
Total	50	100

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- Categorization criterion was Iranians’ average monthly salary in 2016.

#### *IV. Low self-confidence of non-Iranians in Iranian criminal justice system*

Being an illegal foreigner is another issue which poses obstacles to immigrant defendants’ access to justice. In other words, this might put them through so much pressure and decrease their self-confidence. The idea of asking criminal justice system agencies to provide defendants with situations in which they can access their rights does not cross their minds. For instance, when *Mohammad*, accused of rape, was asked whether he has access to his file information, he said “firstly, I have never given this a thought. Secondly, I am afraid of speaking and getting deported. So, I prefer to be silent and wait for normal legal procedure.”

In this sense, being alien as non-Iranian makes them less self-confident through hearing process. Most importantly, the offense of illegal residence of non-Iranians adds to the problems that they face in a prosecution office. Approximately 40% of the interviewees have resided in Iran illegally. It can make these people do not dare to ask for their fundamental rights, and in cases when a decision is made against them, they easily give in. Thus, low self-confidence on immigrants’ side may render justice authorities ignorant of immigrants’ rights and may make immigrants subject to unjust conditions.

#### *V. Immigrant defendants’ distrust of Iranian criminal justice system*

Another problem that the interviewees were suffering from repeatedly is their lack of trust in Iranian criminal justice system. As a matter of fact, distrust makes immigrants less motivated to meet their justice-related needs. Distrust of taking a lawyer results partly from distrust of the criminal justice system. As an example, while asked about his desire to take a lawyer, *Jomae* a 40-year-old immigrant who was accused of drug preservation from Afghanistan answered “it does not matter whether we take a lawyer or not. We are immigrants and they will reach the verdict they want to.” *Iraj* another 35-year-old immigrant defendant added “in case of non-Iranians, the final verdict is already decided on. Things such as taking a lawyer do not affect the process.”

‘Appeal to detention order’ is another issue in which immigrant defendants do not seem to be interested in Iran, while this is a fundamental right of any citizen. *Salman* from Pakistan said “My brother was punished for burglary while the stolen good was robbed by an Iranian person and my brother had it as fiduciary. However the criminal justice system punished my brother in spite of his defense and did not hear Iranian man’s accusation.” A 23-year-old immigrant defendant from Afghanistan, accused of drug sale, was asked why he had not appealed to the

final verdict. He answered “I thought this is the routine way and I preferred not to pursue it anymore.”

It seems that in legal proceedings of the target country, some immigrant defendants take a neutral role and even go hand in hand with the criminal justice system of the target country to ignore their fundamental rights. Results of the study show that 80% of the interviewees did not attribute their distrust of the criminal justice system in Iran. Accordingly, they believed that, different perspectives on justice do not influence them. They also believed that their access to justice does not affect meeting their rights and freedom, the decisions made by Iranian justice authorities regarding immigrants and prosecution offices’ orders.

It can also be considered as a result of their experiences with the justice system of their home country. The mental image they have shaped in their mind, related to the police and other justice-related authorities is not a pleasant one. This makes them distrustful of realization of justice. *Mirveys* from Pakistan 27 years old who was asked for transporting illegal drug stated that “I was insulted in my own country when I had been living there, I have no doubt my defense is totally inefficacious.” *Gol-Agha*, a 47-year-old from Afghanistan who was accused of abuse of confidence stated that “I was arrested once in my own country, I remember when I was arrested, Afghan criminal justice system had disrespectful behavior toward me and punished me, thus, I am not expecting justice in Iran and I’m waiting for termination of trial to bear my sentence.”

#### *VI. The effect of the large volume of prosecution cases on immigrants' access to justice*

Another obstacle in access to criminal justice system is the large volume of cases and the massive workload of judicial authorities. The gaps and current issues that immigrant defendants face in Iranian criminal justice system are not solely influenced by the fact that they are a minority group or the special role that justice authorities play. In other words, too much workload prevents judicial authorities from providing immigrants with adequate time and services and informing them of the current position and judicial services, they can request. For instance, while being prosecuted, *Mehraj* from India, 34-year-old immigrant defendant, was asked “you are accused of assault and battery. What defense do you have?” he said to questioner “I do not know what extensions are defined for this crime and what its consequences are if I accept my accusation.” The defendant is neither provided with any reasons of charge nor is he informed about his rights.

When prosecutors and investigators are asked to explain why they spent limited time on immigrants, they answered “we are asked to keep the number of cases, given to us in accordance with the number of cases legally settled. In such a situation, it becomes barely possible for the judicial staff to reach a mental state of mind through which they could guarantee high levels of justice and fairness.” This is by no means an excuse to ignore defendants’ rights — especially those vulnerable individuals who are unaware of their rights and need clarified judicial help — due to the high workload of the justice system, limitation of facilities and the low number of judicial authorities.

A non-Iranian defendant should be informed about current accessible judicial services, as well as they need to know their charge, its consequences and evidence of the charge so that they could be able to defend themselves by any documents in a fair, just, and reasonable manner.

There were even cases in a prosecution office in which judges’ workload and time limitations were so high that researchers were asked for cooperation in paperwork. In some occasions, the judge was so tired during the last working hours that his speech was affected. For

instance, a defendant was asked to refund his defalcation charges at 1:00 p.m. The defendant agreed. The judge asked “When are you going to refund your charges? When pigs fly?” It is undeniable that the high volume of prosecution cases may render judges unable to ensure that access to justice is granted in criminal cases. It needs to be guaranteed that the staff working in a prosecution office enjoys plenty of time to cover criminal cases. The large volume of case entries and the limited number of judges and the staff in the criminal justice system can adversely affect judicial authorities’ decisions regarding vulnerable groups, e.g. immigrants.

## **B. Analysis**

The aim of the study is to discuss results of investigations made by the questioner. Results include some variables such as language and accent in criminal process and distrust to the criminal justice system. Analyzing the variables based upon the study’s results could be summed up as follows:

### *I. Language*

Generally, one of the most considerable obstacles for immigrants in access to justice is language in criminal proceedings and also in communicating with other agencies of criminal justice system such as the personnel of prison system. It was clarified that , immigrants who were totally unfamiliar with Persian language are supported by translators, while accent of judges could become an obstacle for immigrants who were fluent in Persian language. In some research, the issue is confirmed<sup>1</sup> while criminal justice systems’ information needs to be accessible in terms of language and format that is suitable for different groups such as persons with disabilities, the illiterate, children, and available for those with limited knowledge.<sup>2</sup>

### *II. Financial costs*

This is another obstacle for immigrant defendants. In other words, financial costs such as hiring a lawyer is a main problem of access to criminal justice system.<sup>3</sup> In fact, having a lawyer is one of the main tools of access to justice that most of defendants were deprived of, and scholars have identified the importance of a right to counsel, particularly in protecting the rights of racial minorities, low-income individuals, women, and migrants.<sup>4</sup> In Iran’s legal system, it was cleared that lawyers were only assigned to defendants with sever punishments such as execution, regardless of the defendant’s nationality. With respect to immigrant defendants, insufficient information about criminal procedure laws of the destination country is another barrier which necessitates having a lawyer or consultant in criminal process. It should be recalled that the attorney is merely provided by the state for perpetrators with severe punishment, and there is no difference between Iranian and immigrant defendants in this regard, while in any particular situation access to lawyers may play a vital role to meaningful access to justice.<sup>5</sup> and

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<sup>1</sup> . Kuzma, Cindy (2014), *Sex, Lies, and Moral Panics*. AlterNet. Planned Parenthood Federation of America.

<sup>2</sup> . United Nations Office on Drugs and Crime (2020). *Ensuring Access to Justice in the Context of COVID-19*. Guidance Note. UNODP and UNODP.

<sup>3</sup> . Shapland, Joanna, Willmore, Jon, Duff, Peter (1985). *Victims in the criminal justice system*, Aldershot: Gower.

<sup>4</sup> . Columbia Law School Human Rights Clinic (2013). *Access to Justice: Ensuring Meaningful Access to Council in Civil Cases: Response to the Fourth Periodic Report of the United States to the United Nations Human Rights Committee*. UNHRN Joint Submission.

<sup>5</sup> . Civil Justice Council (2011). *Access to Justice for Litigants in Person (or self-represented litigants)*. A Report and Series of Recommendations to the Lord Chancellor and to the Lord Chief Justice. Royal Courts of Justice. Strand, London.



without legal counsel, defendants may not know if decisions are fair, and if innocent they may not be able to prove this due to the lack of proper guidance.

### *III. Distrust in Criminal Justice System*

Distrust in criminal justice system is another obstacle for immigrant defendants' access to justice. On the one hand, it could be driven by previous experience of the defendant with regard to justice administrators in destination country. On the other hand, the findings confirm that negative attitudes of immigrants toward criminal justice system may be driven by experiences in their own countries.<sup>1</sup> This obstacle may have an impact on efficacy or inefficacy of using different tools of access to justice and achieving fair results. Other studies<sup>2</sup> also showed that some immigrants had negative attitudes toward the criminal justice system of destination country. However, some studies<sup>3</sup> illustrated that immigrants have more positive attitudes toward justice system than local citizens.

### *IV. Self-Confidence of Legal and Illegal Status of the Immigrant in Criminal Procedure*

It was observed that, legal immigrants are more confident than illegal immigrants in criminal procedure and can dare to ask about their rights and freedoms. In other words, defendants might lose their confidence in different phases of criminal process because of some conditions such as illegal residence. Therefore, limited access to justice is not merely due to problems related to Iranian criminal justice system.

### *V. Weakness of Criminal Justice System*

Another barrier to immigrant defendants' access to justice is weakness in Iranian justice system, including high numbers of criminal cases at prosecution offices and duties of judges and personnel mainly need to perform. Although this obstacle has an effect on both Iranian and immigrant defendants, it may have a major impact on immigrants' access to a fair and a sound result in general, because under studied group needs sufficient time that criminal justice system and practitioners should devote to them. This is due to the fact that they are suffering from lack or shortage of information about their rights and provisions and procedures governing them. In another study<sup>4</sup> it is approved that, time and energy that criminal justice agencies put are seen as important factors in access to justice by immigrants.

### *VI. Discrimination against Immigrants in Using Services*

Another finding is that only Tanzanian immigrants, who were totally unfamiliar with Persian language, used a few non-governmental organizations' help, including phone card for calling their families, living in other countries in order to inform them about their detention, while immigrants who were familiar with Persian language did not use such services. However, other

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<sup>1</sup> . Correia, M. (2010). Determinants of attitudes toward police of Latino immigrants and non-immigrants. *Journal of criminal justice*, 38, p. 99.

<sup>2</sup> . Martell, E. C. (2002). Voices from immigrant youth: Perceptions of their involvement with the Canadian justice system. A qualitative study. *Masters Abstracts International*, 41(2).

<sup>3</sup> . Davis, R. C., & Miller, J. (2002). Immigration and integration: Perceptions of community policing among members of six ethnic communities in central Queens, New York City. *International Review of Victimology*, 9, p. 93.

<sup>4</sup> . Stenning, P., Op. Cit.

research<sup>1</sup> demonstrate that immigrants who were unfamiliar with destination countries' language could not use non-governmental organization's support and aid.

### VII. *Illiteracy of Immigrants*

One of the major barriers to accessibility in the criminal justice system is the vast amount of legal knowledge required to adequately defend a case<sup>2</sup>, while some immigrants believed that their illiteracy is a problem in having legal knowledge and proceedings which might obstruct their access to justice. This factor is the same for both immigrants and Iranian citizens, and as criminal justice agencies write their investigation, inquiry and other legal forms, they may misunderstand immigrants' words because of different languages. In other studies<sup>3</sup> lack of literacy is introduced as an obstacle to have access to justice.

Table 3 shows the percentage of the listed barriers in access to justice in Iranian justice system based on the findings of the present study.

**Table 3. Barriers in accessing justice in Iranian criminal justice system**

Barriers	Percentage
Language and accent	54%
Low income	80%
distrust in the criminal justice system	80%
Low literacy level	36%
Unfamiliarity with laws and procedures in criminal justice system	94%
Low linguistic fluency to comprehend the questions of judicial authorities	52%
Low self-confidence	76%

<sup>1</sup> . Abu-Ras, W. (2003). Barriers to Services for Arab Immigrant Battered Women in a Detroit Suburb. *Journal of Social Work Research and Evaluation*, 4 (1), p. 49.

<sup>2</sup> . Chase, A. (2019), Neutralizing Access to Justice: Criminal Defendants' Access to Justice in a Net Neutrality Information World, 84 *MO. L. REV.*

<sup>3</sup> . Erez, E., and Hartley, C. (2003). Battered immigrant women and the legal system: A therapeutic jurisprudence Perspective. *Western criminology review*, 4 (2), p. 155.

## Conclusion

Iran as a developing country needs to take vulnerable groups such as immigrants more seriously in order to promote and upgrade its criminal justice system. This issue must be assessed and concerned, because access to justice is associated with economic growth and investment as well as equity and social justice. In fact, effective access to justice is a precondition to, an enabler of and a guarantee for the full enjoyment of all other rights and fundamental freedoms.<sup>1</sup> Thus, it is expected that the government does recognize and enforce special provisions to protect immigrant defendants in criminal procedure.

In order to realize justice, main attention needs to be paid on reforming the justice system's shortcomings, particularly high number of cases and low number of justice practitioners, shortage of knowledge of justice practitioners about importance of vulnerable groups' access to justice and their problems. This is due to the fact that even if criminal justice agencies handle immigrant accusation similar to Iranian people and do not discriminate between Iranian and immigrant defendants, it is highly remote to meet justice because of different conditions of immigrants. For instance, when judges are informed by immigrant defendants' exclusion and obstacles, they are more likely to make more flexible decisions. They could, for example, prevent defendants from escaping, due to intermediacy of their relatives in destination country. Furthermore, judges could accept cash bail bond or some other alternatives rather than introducing a bailman or real estate in order to avoid temporary detainment of defendant.

Clearly, if these main problems are not coped with, supporting them with lawyers, translators or helping those with non-governmental organizations are not enough to access to justice. It is undeniable that following recommendations should be made in addition to informing defendants about their primitive rights in criminal process and meeting these rights:

- Laws concerning immigrant defendants' rights can be passed with guaranteed enforcement.
- Immigrants could be provided with legal training packages in immigrants' languages right after they enter a prosecution office.
- Immigrants could also be provided with legal training videos regarding access to justice which are designed especially for those individuals with low literacy levels.
- Involving NGOs in order to use their financial and non-financial assistance, especially their role as negotiators between immigrant defendants and the authorities in a prosecution office to ensure accurate informing of the authorities about defendants' issues during preliminary stages of prosecution.
- Giving more attention to the role of media in informing immigrants of their rights and eliminating the issue of prejudice toward immigrants both in the public and among the judicial authorities.

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<sup>1</sup> . Beqiraj, J. McNamara, L. and Wicks, V. (2017). Access to justice for persons with disabilities: From international principles to practice. International Bar Association: The Global Voice of the Legal Profession.

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