



## Principles of Maximum Support for Groups Endangered of Victimization in the Iranian Legal System

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### **Abstract**

Groups endangered of victimization are more vulnerable than other people of the society in terms of physical and social characteristics. These groups fall into five main categories, including children, women, the elderly, the disabled, and minorities. This article seeks to lay the foundations of maximum support for these groups in the Iranian legal system. It seems that there is still no consistent view in the Iranian legal system of protecting specific victims. This dispersion is due to the lack of justification of criminal policymakers for the need for maximum, comprehensive and discriminatory support for these groups. The foundations presented in this article are based on the concepts of human rights, the globalization of rights and the rights of Islam, on the basis of which it is possible to form a discriminatory criminal policy in support of groups vulnerable to victimization.

**Keywords:** Positive Discrimination; Globalization of Rights; Endangered Groups; Iranian Legal System

### **Introduction**

An endangered group of victimization is a group that is vulnerable to a particular individual or social situation. In this introduction, the concept of endangered and then the groups that are the subject of this article are explained. The term endangered or vulnerable is used to describe the situation of people whose behavior, characteristics, and position indicate a situation in which they are more likely to be victimized. The Committee of Ministers of the Council of Europe has considered the endangerment in the sense of crime prevention that means having individual characteristics, and social, economic, cultural and demographic circumstances that make it possible for a person to engage in sustainable criminal behaviors. (Mahdavi, 1390: 76) It seems that this definition also exists about victimization, and with these characteristics, one is exposed to sustained victimization. The term endangerment has been used in criminology and legal literature on children and adolescents. The endangered child is neither delinquent nor criminal, but in his case the probability of one or both of them exists. Because on the one hand, the endangered child may be victimized in that environment and on the other hand he or she fears that such child may be delinquent in terms of the harmful effects on the person (LaSalle, 1388: 123) Some research indicates that victimization in child, especially in the context of physical or psychological abuse, is highly

correlated with subsequent deviant behavior of victimized. It also exposes the dependent personality of their children to specific victimization (Dallier, 2010: 996). However, the circle of social interventions for endangered individuals cannot be considered as exclusive to children and adolescents. Since, some other vulnerable people are also exposed to victimization due to exposure to unstable environments. Also, as stated in the definition of risk, the risk is the result of a multiplication and its consequences, and these two are the same as children in some other groups such as women, the elderly, the disabled and minorities. Therefore, they are also endangered of being victimized. Victimology focuses on groups including women, children, the disabled, the elderly, and minorities. This is due to the fact that the absolute statistics of the victimization of these people is high and the relative statistics of these individuals indicate the fact that the ratio of their number of victimization to their crime and the proportion of their victimization to other segments of society is worrying. Especially because of the high rate of specific crimes against these groups, such as physical and sexual abuse, are also another reason for the relative secrecy and confidentiality of crimes against these individuals. That is, crimes against them are less reported, such as a girl who, due to her father's domination, cannot report his abuse to public officials. Another reason for the specific studies and support for the victimization of these groups is their vulnerability based on their disability and their social and historical mustiness. This has led to support for these special groups in addition to special studies, world declarations, international documents, and social movements, especially since the mid-20th century. Nowadays, one of the most important points to consider when studying the risk factors and risky situations is the continuity and interaction of risk factors with each other. If there are two risk factors, the probability of adverse outcomes is up to two times higher, and with four risk factors, it is ten times more likely. In fact, the interaction of risk factors reinforces each other, and in this incremental situation, the likelihood of criminality or delinquency increases for those who face multiple risk factors. For vulnerable groups, this is very important because there is a significant proportion of these risk factors for these people. On the one hand, many people with disabilities, the elderly, and minorities are in poor and weak economic and social conditions. This situation will be much more confusing for vulnerable groups where several factors are involved. Consider the girl child, the elderly woman, the disabled minority, the elderly disabled woman, in which case the probability of being victimized is much higher. In the recent debate, the vulnerable groups are groups endangered of being victimized and vulnerable to socio-physical characteristics; these groups fall into five main categories, including children, women, the elderly, the disabled and minorities. In this article, the foundations of maximal support for at-risk groups are presented in the three main bases. Paragraph 1 describes the concept of human rights as positive discrimination and the equality law of opportunities. Then, in paragraph 2, the bases of maximum protection are presented in the light of the concept of universalization of the rights of these groups, and finally, in paragraph 3, with the expression of the concept of equality, the main basis of their support is explained in Islamic law.

### ***1. The Validity of Positive Discrimination***

The basic and accepted principle in the law is the equal protection of the people and the right of fair enjoyment for all. Discrimination of law is therefore abominable in support of the people. But the question is that whether this is fair to consider more privileges for some people while other people have been denied their basic rights for a variety of historical, cultural, and social reasons?

### *1-1 The Concept of Positive Discrimination*

According to the principle of equality, all human beings should be granted equal rights and privileges, and issues such as age, race, color, weakness and disability, gender, spiritual and religious beliefs, ethnic and cultural roots should not be regarded as a discriminatory basis for some human groups and separate them from others, and ultimately give less rights and privileges to other human groups. This basic principle of human rights has been upheld not only in the domestic law of most countries in the world, such as Iran, but even in most important international and regional human rights documents such as the 1948 Universal Declaration of Human Rights. Therefore, the principle of "non-discrimination" should be treated equally towards all citizens. But the basic point is that not only should vulnerable people be deprived of all human rights and privileges rather, in some cases, we should consider additional privileges and protections for them compared to other individuals in the community because of their particular situation. To get a better understanding of the subject, we give an example that whether it is right to put a person on the starting line to relieve him or her when he has stepped in chain and limping for many years to tell him, for entering this race, he is free just like everyone else. Then do they also feel that the act of putting them on the starting line has been fair?! For this reason, the beliefs of some scholars in this regard seem to be entirely correct and consistent with justice. According to these scholars, the "principle of equality" should not prevent greater protections for the most vulnerable. In other words, "equal treatment" with the vulnerable is not justified, but "equal treatment" is justified and acceptable. (Qari Sayyed Fatemi, 1393: 195) Positive discrimination means some form of discrimination against groups of society, who have been bullied because they do not have the same tools and skills as others to gain the rights and opportunities they want. Compensating for some of the social and economic structural inequalities that had previously been inflicted on ethnic minorities was one of the reasons for the institution to be flourished in America in the 1970<sup>th</sup> (Wuhl S, 2014: 43)

The departure from the Aristotelian notion of "equal treatment" in the modern sense and human rights as "the treatment of equality", paves the way for "positive discrimination" or "reverse discrimination", which is the new achievement of contemporary human rights in actions in addition to the support for the weaker sections of society. With this explanation, we can express about the concept of positive discrimination that positive discrimination refers to those policies and guidelines that have been used temporarily and specifically for a specific period, thereby compensate the legal differences arising from the specific conditions of a group such as color, race, gender, etc. with the aim of removing inequalities created in the past or present (Georgian Arendriani, 1390: 33). Therefore, special and discriminatory support for vulnerable people is a clear example of positive discrimination.

### *1-2 Right of Equal Opportunities*

In the 1980<sup>th</sup>, a fundamental evolution took place in the legal foundations for positive discrimination. In these years of an unexpected change, a pattern called "Right of Equal Opportunities" has emerged for these strata as a new idea. In 1981, the "International Society of People with Disabilities", which is one of the most important and foremost non-governmental groups of persons with disabilities in the international community, put forward an important doctrine, "Equality of Opportunity", at the Singapore World Forum. According to this concept, equality of opportunities means "a process whereby the general objects and systems of society such as physical places and environments, housing, transportation, educational and employment opportunities, as well as cultural and social life, including sports and leisure facilities, will be attributed to all people. This includes removing all barriers to full participation of people with disabilities in all fields. Therefore, we will be able to achieve a life with better quality and equal to others. "As the theory was put forward, the 1981 UN General Assembly proclaimed "Full and Equal Participation" as the "Year of the Disabled" and said that the goal was to recognize the highest right to full participation of people with disabilities in their communities. Also the

United Nations in the Convention on the Rights of Disabled Persons 2006 while accepting the principle of non-discrimination (Article 5, paragraph 1), Article 4 (paragraph 4) has emphasized the application of the principle of "positive discrimination" or "reverse discrimination" to persons with disabilities: "Specific support measures designed to achieve practical equality should not be considered unjustified discrimination from the point of view of this Convention." As noted above, this issue is rooted in the rights of minorities and the disabled, but as will be mentioned later, the international documents referring to children, women and the elderly also recognize this right. It is worth noting, however, that policies aimed at positive discrimination and equality of opportunities are mainly shaped by welfare theory-based social policies and closely linked to social security programs in support of vulnerable groups. For example, in the Convention on the Rights of Persons with Disabilities and its Optional Protocol adopted by the UN General Assembly in December 2006 and in accordance with Article 4 thereof, Member States recognize that all persons are equal before the law and have the equal protection of the law without any discrimination. Member States should prohibit all discrimination on the basis of disability and ensure effective and equal legal protection against discrimination in all areas for persons with disabilities. In order to promote equality and non-discrimination, Member States should take all necessary measures to ensure reasonable fit. Certain measures necessary to promote or achieve the real equality of persons with disabilities under this Convention shall not be regarded as discrimination. Also with regard to women and children with disabilities, Article 6 of the Convention requires Member States to support women and girls with disabilities who are subject to multiple discrimination and to take appropriate measures to ensure the full enjoyment of human rights and fundamental freedoms and take all necessary measures to ensure the full development, advancement and empowerment of women, in order to ensure the full realization and full enjoyment of them regarding human rights and fundamental freedoms set forth in the present Convention. Article 7 requires Member States of the Convention to take all necessary measures to ensure that children with disabilities have the full enjoyment of all human rights and fundamental freedoms, in an equal manner with other children, in decisions related to the status of the child with a disability, they will consider the excellent benefit for children. In addition, the Members of Convention explicitly advocates for the right of free speech and the beliefs of children with disabilities to issues affecting their age and maturity on an equal basis with other children (Tavassoli Naini, 1397: 69). Also, in paragraph 4 of Article 23 of the United Nations Convention on the Rights of the Child enacted on 1989, the Rights of Children with Disabilities and Women with Disabilities have been supported in the Declaration of the Elimination of Violence against Women enacted on 1993. Also following the the adoption of the "Global Action Plan for the Disabled" by United Nations General Assembly in 1982 and at the end of the decade, a draft was enacted for people with disabilities as "the standard rules to create equal opportunities for people with disabilities". These rules carry a strong moral and political commitment on the part of governments to equality of opportunity for the disabled. Emphasizing that girls and boys, men and women with disabilities, have the same rights and duties as other citizens. Governments are called upon to remove barriers to equality (Nabati, 1392: 87). Double attention to people suffering from disability, such as women, children, the elderly and the minority with disabilities, are other requirements of these rules.

## ***2. Globalization of Support for Endangered Groups***

Globalization is an evolving social process. As governments and nations relate to one another, the interconnectedness of common interests, the formation of international concerns and threats, we have long witnessed the concept of globalization in the economic, political and cultural spheres. Criminal law is not out of the rule either. The penal systems approach each other and follow the same standards. One way to approach different penal systems is through international documents. These international documents reflect international norms accepted by most countries in the world. These norms have in turn

influenced internal systems. Either internal systems incorporate these documents and consider them as their domestic law, or it would be as guidance and advisory documents, and be considered as a source in legislative processes. The idea of supporting the victimized, known as support-centered criminology, has entered the international documents several decades ago, and has had a profound impact on the criminal policy of national systems. With the adoption of international documents for the protection of victims at the global and regional level and its impact on domestic legislation in support of victims, we can mention the globalization of the protection of vulnerable groups. Therefore, one of the foundations for maximizing the support for these groups is the globalization of their rights and their impact on national systems.

### *2-1 The Rights of Endangered Groups in General Documents*

The documents of human rights are recognized as the most important documents of globalization. These documents express the standards of human rights. But on the other hand, the spread of the concepts of criminology has also led to the formation of international documents in support of victims. Here are two important points.

#### *2-1-1 General Documents of Human Rights*

First, we should refer to the 1948 Universal Declaration of Human Rights. The introduction and Article 2 of this Declaration, in addition to expressing the enjoyment of rights and freedoms set forth in the Declaration for all human beings without any distinction regarding the race, color, sex, language, religion, political opinion or any other opinion, also expanded the scope of the human viewpoint to vulnerable people. Article 25 of the Declaration explicitly states that human beings shall be met dignified living conditions in the event of unemployment, illness, disability, deprivation, old age and in all other cases where their livelihoods have been lost due to causes beyond their will. It is also important to have the right to work and choose a job freely and to enjoy fair and satisfactory conditions for work without discrimination mentioned in Article 23 and to have access to free and compulsory education due to Article 13. Referring to these materials in identifying the rights of persons with disabilities, the elderly, women, children and minorities, it is possible to criticize some experts for not referring to the elderly in Article 2 of the Declaration. (Cario R: 2006: 4) Other important documents of human rights include the International Covenant on Civil and Political Rights and the Economic, Social and Cultural Rights adopted by the 1966 General Assembly of the United Nations. Concerning the rights of vulnerable groups in the Covenants, at least the rights of minorities can be mentioned in Article 27 of the Covenant on Political Civil Rights, which stipulates the rights of the minorities and on the general interpretation of the Covenant Committee on the Rights of Minorities in its General Comment No. 18 and the Committee on Social and Cultural Economic Rights, Public comment No. 5, whose provisions on specific issues have been interpreted in terms of protecting the rights of persons with disabilities, are cited. For example, paragraphs 9 to 13 of Public Comment No. 5 have made recommendations on the Economic, Social and Cultural Committee on issues such as social security and income protection for people with disabilities and their families, family formation, support for women with disabilities, access right to the quality of an ideal life, the right to sexual and psychological care, the right to education and the right to participate in cultural and social life.

#### *2-1-2 General Documents Supporting Victims*

In addition to the above points, from the perspective of victimization at the universal level, the United Nations has addressed the prevention and protection of victims in numerous documents and conventions directly or indirectly, and the most important document concerning the victims is "the basic principles of justice for victims abused by power" in 1985. In the Declaration, accepted by the General Assembly on the recommendation of the Seventh Congress (on the Prevention and Correction of

Offenders) in November 1985, and presented by Resolution No. 34/40, contains 21 articles in support of the Victims, each of which provides a new horizon in supporting the victims in the worldwide arena (Raijiyan, 1390: 252), and its rules and principles have been reflected in several important international documents. Such as the United Nations Convention against Transnational Organized Crimes in 2000 (Article 25), the United Nations Convention against Corruption in 2003 (Article 32), the Rome Statute of the International Criminal Court in 1998 (Articles 68 and 75) and finally we should refer to the "Declaration of Fundamental Principles on the Use of Restorative Justice Programs in the Criminal Territory", whose origin is Article 27 of the Vienna Declaration on Crime and Justice, was issued at the end of the tenth congress of crime prevention and reform in Vienna in April 2000. The Declaration was enacted in 2002 by the United Nations Economic and Social Council in five sections and 23 articles. This document considers the definitions, the use of restorative justice programs, the implementation of restorative justice programs, and the continuous development of its programs. This document is designed to promote the rights of victims and specifically focuses on restorative justice and the provision of its enforcement facilities. (Gholami, 1395: 29) Highlights of this document, along with other international documents, focus on remediation and restoration of the effects of suffering and torment of the victims' psychological and emotional disorders even the members of their family after committing the crime, so restorative justice has been regarded as a restorative justice.

### *2-2 The Rights of Endangered Groups in Dedicated Documents*

International documents with the specific subject of endangered groups of worldwide victimization have also been enacted.

#### *2-2-1 Children*

These documents on children include the Universal Declaration of the Children Rights in 1959, the Charter of the International Labor Organization in 1919, the First Protocol accessioned to the United Nations Convention about the Fight against the Transnational Organized Crimes, entitled "the Prevention Protocol, Suppression and Punishment of Human Trafficking, in particular Women and Children" in 2000, Convention on the Rights of the Child in 1989, United Nations Rules for the Management and Applying the Criminal Justice of Child (Beijing Rules) 1985, United Nations Principles for the Prevention of Child Criminality (Riyadh Principles) 1990, and Declaration of Protection of Women and Children in Emergency Situations and the armed conflicts of 1974.

#### *2-2-2 Disabled*

Basic understanding of human rights for the disabled and their protection from the "1948 World Declaration of Human Rights" was began and in other international documents such as "the Standard Laws on Equalizing the Opportunities for People with Disabilities 1963", "the 1969 Declaration of the Progress and Development of Nations", "the 1971 Declaration of the Rights of the Mentally Retarded", and "the 1975 Declaration of Rights of the Disabled", "the 1981 World Convention on the Rights of the Child", "the 1989 Convention on the Rights of the Child" and "the 1993 Standard Rules for the Disabled" was continued. Following these efforts, the United Nations named the period between 1982 and 1993 "the World Decade of the Disabled" and the period between 1993 to 2002 as "the Decade of the Disabled in Asia and Oceania" and the years 2001 to 2010 as "the Decade of the Disabled in Africa". One of the most important UN resolutions is the "Global Action Plan for the Disabled adopted by the Thirty-seventh United Nations General Assembly in 1982", which has mentioned the development of the country and equality of their rights set in 201 effective criteria for preventing disability, rehabilitating and achieving the goals of "full participation" of persons with disabilities in social life, development of country and the

equality of their rights. But the most important document for the protection of persons with disabilities is the International Covenant on the Rights of Persons with Disabilities, which was adopted by the UN General Assembly in December 2006 and its accession document in March 2007. Following the ratification of the Covenant and its accession treaty, most countries, including the Islamic Republic of Iran, joined it. The Convention Ratification Law of the Rights of Persons with Disabilities consisting of a single Article in addition to the text of the Convention, including the introduction and 50 Articles, has been adopted by the Islamic Consultative Assembly on 9/9/2008.

### *2-2-3. Elderly*

In the case of the elderly, some global documents can be mentioned. The first are UN resolutions Nos. 2599 of 1969, 2842 of 1971 and 3137 of 1973; these three are all about the "Question of the elderly and the aged". Second are United Nations Resolutions Nos. 32/132 of 1977, 33/52 of 1978, 35/129 of 1980: All of these will provide recommendations on how to hold a world Assembly on Ageing (elderly) (in 1982) in preparation of the "International plan of Action on Ageing". And third, it is the most important United Nations Document on the Protection of the Elderly, which is the "1982 International Aging Action Plan" (Resolution 37/51). This document is actually the first international document on the elderly that indicates the formulation of policies and programs for the elderly. The main purpose of this document is to strengthen the capacity of governments and civil societies to effectively address the elderly population and to address their needs by providing the necessary health and safety facilities in the light of their mental and physical abilities. The program includes recommendations in areas such as research, data collection and analysis, training and education for the elderly, health and nutrition, protection of elder consumers, housing and the environment, family, social welfare, employment and revenue generation, providing opportunities for the elderly to realize the national development, and their economic and social security. And fourth is "United Nations Principles for the Elderly 1991" (Resolution 46/91). Nine years after the adoption of "the International Action Plan for the Elderly", the United Nations has adopted a document entitled "UN Principles for the Elderly" to implement the program. By formulating these principles, the United Nations has taken an important and significant step in protecting the elderly against various physical, psychological, financial, social and sexual abuses. These eighteen principles are divided into five branches, including independence, participation, care, piety and dignity of the elderly.

### *2-2-4 Women*

For women some of the most important points of these documents include the International Agreement on the Abolition of the Sale of Women and Children 1921; The International Agreement on the Prevention of the Publishing and Selling of Opposite Magazines 1923; International Agreement on the Prevention and Sale of Adult Women 1933; Amended Protocol of Agreements related to the Prohibition of Prostitution and Prevention of Publication of Porn Magazines 1969; Declaration on the Elimination of All Forms of Discrimination against Women 1967; Convention on the Elimination of All Forms of Discrimination against Women 1979<sup>1</sup>; Declaration on the Elimination of Violence Against Women 1993 and the Protocol to Prevent, Suppress and Punish the Human Trafficking especially Women and Children

<sup>1</sup> In December 2001, the Government of the Islamic Republic of Iran ratified the accession to the "Convention on the Elimination of All forms of Discrimination against Women" by stipulating some conditions. The text of the Cabinet Decree is: The accession of the Islamic Republic of Iran to the Convention of eliminating all forms of discrimination against women is subject to the following conditions enacted by the Government of the Islamic Republic of Iran:

(A) The Islamic Republic of Iran considers the provisions of the said Convention to be applicable in cases which do not conflict with the sacred law of Islam;

(B) The Islamic Republic of Iran does not consider itself bound by Article 21 of this Convention to settle disputes, arbitration or referral to the International Court of Justice.

2000, also the United Nations in numerous documents, such as the 1993 Declaration on the Elimination of Violence against Women (e.g. Articles 1, 2, 3), the Convention on the Elimination of All Forms of Discrimination against Women in 1979 (such as Article 1, Section "H", paragraph 1, Article 11, or sections "B", "T" Paragraph 2 of Article 11, Article 14), Declaration of Protection of Women and Children in Emergencies and Armed Conflicts of 1974 (especially Articles 4, 5 and 6), Declaration of Elimination of Discrimination against Women 1967 (such as Articles 1, 9 (paragraph 5)) Article 10 (paragraph 2) has emphasized the protection of women's rights against physical violence.

The United Nations has also adopted a "1962 Convention on the Satisfaction with Marriage, Minimum Age for Marriage and its Registration" (Annex to Resolution 1763). United Nations in the 1956 Supplementary Slavery Convention, Article C, paragraph 1 (Employment of Girls and Women with paying money and without their satisfaction and also the Issue of Inheritance after the Death of a Husband) and Documents such as the International Agreement on the Prevention of Purchase and Sale of Adult Women 1933, The Agreement on the Abolition of Human Trafficking and the Use of Prostitution of Others 1949. And in the Statute of the International Criminal Court of Rome 1998, it explicitly seeks adequate and proper protection of women's rights.

### *2-2-5 Minorities*

The United Nations has emphasized in numerous documents and resolutions the acceptance and respect for the particular rights and privileges of the various religious, ethnic and racial minorities by the member states. Examples of such international documents include Resolution No. 47/135 adopted in 1992 under the "Declaration of the International Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities", Resolution No. 1964 in 1963, entitled "United Nations Declaration on the Elimination of All Forms of Racial Discrimination", Resolution No. 2106 in 1965, entitled "International Convention on the Elimination of All Forms of Racial Discrimination", which has been in force since 1969, and was ratified by the National Assembly and the Iranian Senate in 1978 and is considered to be Iranian domestic law. Resolution No. 36/55 in 1981, Resolution No. 40/144 in 1985, In all these documents, the United Nations has emphasized the need for non-discrimination on the basis of race, color, ethnic origin and so on, and considers the discriminations on these grounds as a crime against human dignity. "The 1973 International Convention on the Suppression and Punishment of Apartheid" enacted in 1973 can also be added to this list. It is worth noting that this convention, including an introduction and nineteen articles after Iran's accession to it, was ratified by the Islamic Consultative Assembly in 1985. The United Nations General Assembly in Resolution 50/136 of 1995 designated the years between 1993 and 2003 as the "Third Decade to combat Racism and Racial Discrimination." In all of these documents, protecting endangered groups has been considered as one of the fundamental rights to preserve the human dignity, and in this regard the human rights to the vulnerable groups can be reminded.

### **3. The Rights of Endangered Groups in Islamic Law**

In order to know Islam's approach to the rights of vulnerable groups, it is appropriate to first refer to the Hilf al-Fudul treaty<sup>2</sup> in Islamic history. In response to the oppressed call of a strange man over Mount Abu Qubays because of the oppression of 'As ibn Wa'il in Mecca in non-extradition of the money of the oppressed man, this treaty was enacted. The Prophet of Islam (PBUH) and a group of noblemen

<sup>2</sup> A 7th-century alliance created by the Islamic prophet [Muhammad](#) and various [Meccans](#) to establish justice for all through collective action, even for those who had no connections to the powerful.



agreed that "there must be no oppression on any stranger or non-stranger, and the oppressor should pay the right of the oppressed one!" And following this treaty, they went to 'As ibn Wa'il and took away the right of the oppressed man from the Wa'il and gave him to the man (Sobhani, 1391: 152).

In Islam, the most important basis for protecting the groups vulnerable to victimization is the right to have equal rights.

In Islam, "Equality" means the full enjoyment of humans from their common rights. On the day of *Hajj Al-Wada'*<sup>3</sup>, the Prophet of Islam (PBUH) said to the Muslims in the famous mosque in the land of Minā: "The believers are brothers, their blood is the same. They are like one hand against enemies and they all have equal social rights. That is, their basic natural rights are equal to each other; they have the same right to benefit from creation, they have the right to work, they have the right to participate in the race of life, they all have the right to nominate themselves for any post, from social positions to legitimate education, everyone has the right to manifest their scientific and practical talents. Of course, this equality in basic natural rights gradually puts them in a disadvantage in terms of acquired rights, meaning everyone has the right to work and participate in a life race, but by participating in this race, everyone is not in the same position. Some are more talented, some less talented, some are more productive, and some will be less efficient than others. Accordingly, their acquired rights are inequitable, and if their acquired rights are to be treated as equal to their original and natural rights, it would be an act of oppression. But at the same time, what is the task of those who are not equal in this race to earn their rights and benefits? Whereas the first principle, and ultimately the ultimate relation between all human beings and this world, is the right of all human beings to benefit the blessings of the universe, now that some are unable to compete or have fallen behind for some reason beyond their will, this should be said that their first right is in place. In fact, the real equality is to make it possible for everyone to compete in this race (Motahhari, 1392: 249). Accordingly, it is first and foremost the duty of all human beings to protect these vulnerable people. Second, true equality is required to provide equal opportunity to vulnerable groups to compete in this race. This equal opportunity is realized by considering a special support for this group.

## **Conclusion**

Today, new supportive approaches are centered on specific victims. In this article, the basics of maximum support for groups endangered of being victimized in Iran's legal system have been theorized.

There are a few basic pillars. First, special and discriminatory support for vulnerable people is a clear example of positive discrimination. In particular, a model called "Right of Equal Opportunities" was introduced for these strata as a new idea. As stated, this issue is rooted in the rights of minorities and the disabled, but this right has also been recognized for children, women and the elderly. On the basis of equality of opportunity, it was presented as one of the new theoretical foundations for protecting endangered groups. Secondly, in the light of international and regional documents and its impact on the domestic laws of other countries, the globalization of these rights should be mentioned. Third, the study groups make up a significant portion of a country's population. The findings of the statistical research of victimization showed that among different spectrum of society, women, children, disabled, elderly and minorities are relatively more exposed to victimization. However, these statistics are not absolute and are interpreted with constraints such as victimization of these spectra relative to their crime and relative to other groups of society. But whatever the outcome of these studies, however, there is a need for maximum support for these groups. Fourthly, in religious thought, the necessity of observing the rights of these people on the basis of the rational principles of human natural rights in the enjoyment of divine blessings

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<sup>3</sup> Farewell Pilgrimage.

and the observing the equality of opportunity for individuals on the one hand and the transmissible principles arising from the practical course of Prophet Muhammad (PBUH) have been emphasized. These principles justify the need for a comprehensive and precise plan to differential support for groups vulnerable to victimization. In the Iranian legal system, there is no consistent view for protecting the particular victims, but only in some cases, partially and sporadically, are instances of special protection.

This dispersion seems to be due to the lack of justification of criminal policymakers for the need of maximum, comprehensive and discriminatory support for these groups. So laying the foundations for this maximum support is the first step necessary to take other steps.

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