

RESOLUTION No. (800)

In the Name of the People,
The Revolutionary Command Council,

Pursuant to what has been decided by the National Assembly according to Article 53 of the Interim Constitution and Paragraph (Secondly) of Article 47 of the Law of National Assembly No. (55) of 1980 and in accordance with the provisions of para (A) of Article 42 of the Interim Constitution,

The Revolutionary Command Council have decided in their session held on 20/7/1983 to promulgate the following Law :-

LAW No. (76) OF 1983 JUVENILES WELFARE

PART ONE

Fundamental Principles

CHAPTER ONE

Objectives and Bases

Article 1

The Juveniles Welfare Law shall aim at restricting the phenomena of the juveniles delinquent through protecting the juveniles from delinquency as well as adopting him socially in the community of the socialist building stage.

Article 2

The Law shall rely upon for achieving its objectives the following bases:

Firstly - The early discovery of the juvenile being exposed to the delinquency for the purpose of treating him before having the state of delinquency.

Secondly - The responsibility of the guardian upon violating his duties towards the minor or juvenile in case of being exposed to delinquency.

Thirdly - Removing the paternal authority (patriarchy) in case the interest of the minor, juvenile and community is required so.

Firstly - The early discovery of the juvenile being according to scientific bases and from the humanitarian point of view.

Fifthly - The subsequent welfare for the juvenile as a mean of integration in the Community and preventing him from recidivism.

Sixthly - Participation of the mass organizations with the authorities concerned in laying down and following up of executing the general plan of the juvenile welfare.

CHAPTER TWO

Validity of the Law

Article 3

This Law shall be valid on the delinquent juvenile, minor and the juveniles exposed for delinquency, and on their guardians, in the meaning, defined below for the purpose of this Law:

Firstly - There shall be considered as a minor whoever does not complete the age of nine.

Secondly - There shall be considered as a juvenile whoever has completed the age of nine and did not attain the age of 18.

Thirdly - The juvenile shall be considered as youthful if he completes nine years of his age and does not attain the eighteen years of his age.

Fourthly - The juvenile shall be considered as youthful if he has completed the age of fifteen and did not attain the eighteen years of age.

Fifthly - The father, mother, or any person affiliated a minor or juvenile to him or being entrusted to bring up each of them by a decision from the Court.

Article 4

The age of the juvenile shall be fixed by an official document, and in case of not being existed or the fixed age therein is contradicting with the prime facie (apparent of the time being), then the court should refer him to medical examination to estimate his age by the scientific means.

Article 5

The provisions of this Law shall be applied on the juvenile who completes the eighteen years of age during the investigation.

PART TWO
Administrative Formations

CHAPTER ONE
Council of the Juveniles Welfare

Article 6

A Council named (Council of the Juvenile Welfare) shall be consisted of :

- Firstly - The Minister of Labour and Social Affairs as - Chairman.
- Secondly - A judge for the Juvenile Court to be nominated by the Minister of Justice as - member .
- Thirdly - The Director General for Department of the Juveniles Reform as - member.
- Fourthly - A representative for Ministry of Education from those having the experience and specialization to be nominated by the Minister of Education as - member.
- Fifthly - A representative for Ministry of Awqaf and Religious affairs to be nominated by Minister of Awaqaf and Religious Affairs as - member.
- Sixthly - A specialist physician to be nominated by Minister of Health as - member.
- Seventhly - A representative for Ministry of Interior to be nominated by Minister of Interior as - member.
- Eighthly - A representative for Department of Minors care as - member.
- Ninthly - A representative for the General Federation of Iraqi Youth to be nominated by the General Federation of Iraqi Youth as - member .
- Tenthly - A representative for the general Federation of Iraqi Women to be nominated by the general Federation of Iraqi Women as - member .
- Eleventhly - Two members from those having the experience and specialization to be chosen by Minister of Labour and Social Affairs for two years liable to renewal.

Article 7

- Firstly - The Council shall chose, in the beginning of each year, from among its members, a vice - Chairman.
- Secondly - The Council shall meet once at least every three months, and the Minister may invite same for meeting on necessity and it shall not convene unless by the attendance of majority of its members and the decisions shall be taken by the approval of the majority of the members present.
- Thirdly - Any one of the two members of the Council from those having the experience and specialization who are nominated by the Minister of Labour and Social Affairs in accordance with para (11) of Article (6) of this Law, shall be considered as resigned if he absented for attending the meeting of the Council two successive times without legitimate excuse.
- Fourthly - An official holding university certificate shall undertake the organization of the Council's works, as well as recording minutes of its sessions, summarizing the matters presented thereon, and following them.

Article 8

- Firstly - Council of the Juveniles welfare shall exercise the following competences :-
 - A. Discussing and adopting the annual policy concerning delinquency of the juveniles.
 - B. Adopting the plan of Juveniles Reforming Department and following up its execution.
 - C. Adopting of establishing the houses and reformatory schools pursuant to the proposal of Juveniles Reforming Department.
 - D. Laying down the recommendations to provide the social protection from phenomena of juveniles delinquency.

E. Adopting the systems of houses and reformatory schools before submitting them to Ministry of Labour and Social Affairs for legislating same.

Secondly - Decisions of the Council issued in the absence of Minister of Labour and Social Affairs shall not be implemented unless after being approved by him and the approval shall be considered valid unless being not objected within 15 days from the date of their registration in the Ministry's headquarters.

CHAPTER TWO

The Houses and School of Rehabilitation

Article 9

Department of Reforming the juveniles related to the State Organization for Social Reform in the Ministry of Labour and Social Affairs shall undertake to manage the houses and rehabilitation schools according to the regulations pertaining to it and the juveniles court has the right of supervision thereon.

Article 10

The houses and rehabilitation schools shall be consisted of :

Firstly - Observation House - It is a place prepared for detaining the juveniles by a decision from the court of the competent authority where he shall be examined there physically and mentally and studying his personality and conduct by office of personality study for the purpose of his trial (judicial proceeding).

Secondly - Rehabilitation school of the Children - One of the Reformatory schools prepared for sending the Child to above school for the period decided in the judgement in order to act of re-adopting him socially and providing means of his rehabilitation vocationally or educationally.

Thirdly - Youth Rehabilitation School - One of the reformatory schools prepared for

committing the youth into the school for the decided period of the judgement, for the purpose of re-adapting him socially and providing means of his rehabilitation vocationally or educationally.

Fourthly - School of the Adult Youths - One of the school prepared for committing those who completed the 18 years of the age from those being sent to the Youth Rehabilitation school or that one who completed the age of eighteen on the time of being sentenced to act for rehabilitating him vocationally or educationally and re-adapting him socially.

Fifthly - Juveniles Rehabilitation House - It is a place where the vagrant or deviated juvenile is sent therein by a decision from the juveniles' court until he completes the age of eighteen.

Article 11

The director general of the Juveniles Reform Department shall be headed by the active Councils (Boards) of the houses and Rehabilitation schools.

CHAPTER THREE

Office of the Personality Study

Article 12

Firstly - In every juvenile court there shall be formed an office for the personality study to be connected with the Juveniles' Court and shall be consisted of :

A. A specialist physician or practitioner of mental and nervous diseases or pediatrician on necessary.

B. A specialist of psychoanalytic or psychology.

C. A number of the social researchers.

Secondly - It is permissible to consolidate the Office with a number of the specialists in criminology or the other sciences having relation with the juvenile's affairs.

Thirdly - The Minister of Justice shall appoint members of the office and the physician shall be the director of it.

Article 13

Excluding from the provisions of para (Firstly) of Article (12) of this Law, it is permissible to constitute an office of personality study from among the non-devoted members of the physicians related to Ministry of Health by nomination from its Minister and the specialists related to Ministry of Education by nomination from its Minister or from the University by nomination from its President who shall undertake the work in the office in addition to their posts and shall be appointed by the Minister of Justice.

Article 14

Office of the Personality Study shall undertake to carry out the medical, psychological and social research examination by a request from the investigating court or juveniles' court or any competent authority as follows:

Firstly -

- A. Examining the juvenile physically, mentally and psychologically in order to diagnose the diseases he complains therefrom and showing his mental state, excitable maturity and the extent of his discretion to the nature of his act of law breaker, and determining the necessary treatment for him.
- B. Studying the social state of the juvenile, studying the environment where he lives and stating the extent of their relationship with the committed crime.

Secondly - Organizing of detailed report about the state of the juvenile physically, mentally, psychologically, socially and the reasons which urged him to commit the crime and the suggested measure for treating him.

Thirdly - Following up the examination of the juvenile in periodic phase every three months whenever it deems necessary until the terminating of the measure's period and acquainting the court on whatever changes happened to the state of the juvenile.

Article 15

Office of the Personality Study may seek the assistance of the competent scientific and health Organizations for the purpose of preparing the report stipulated in Article (14) of this Law.

PART THREE

The Protection

CHAPTER ONE

The Early Discovery

Article 16

The early discovery which is encountering the juvenile to delinquency is the mainstay of the social welfare protecting from the delinquency and shall be realized from extending the frame of participation and responsibilities of the peoples, vocational organizations and the managements of school in the field of psychological and social welfare which are preventing the juveniles from delinquency.

Article 17

Firstly - The Ministry of Health shall undertake to establish an office for the psych school and social services in a centre of each governorate within the formations of the school health which shall care on studying and curing the problematic juveniles or those being exposed to delinquency and sent to it by the managements of the schools or by any other authority.

Secondly - The office of the psych school service shall be consisted of, by a decision from the Minister of Health :

- A. A competent physician or a practitioner in mental and nervous diseases or pediatrician on necessary.
- B. A specialist of psychoanalytic or psychology.
- C. A number of the social researchers.

Article 18

Firstly - The office shall undertake to carry out the medical, psychological and social examination for the juvenile by a request from

the administration of the school in accordance with the following :-

- A. To examine the juvenile physically mentally and psychologically to diagnose the diseases that he complains and to state his mental case and his excitable maturity .
- B. To study the juvenile's state socially and environment that he lives therein and state the extent of their relationship with his problemt.

Secondly - The office shall organize detailed report for the physical, mental, psychical, and social state of the juvenile as well as reasons of his exposition to delinquency together with the proposals recommended by the office to the management of the school and any other authority to consider and take care of it.

Article 19

Firstly - The Office may call the legal guardian of the juvenile to be acquainted with the report prepared by it for his respect and to request for a cooperation there-with towards understanding the juvenile's problem and helping him in resolving same.

Secondly - If the legal guardian did not show any cooperation with the Office, or avoided to understand the problem of the juvenile or scrutinized of neglecting his duties, then, the Office should demand from the examining magistrate of the juveniles or the Public Prosecution to take the procedure against the tutor according to this Law.

Article 20

Firstly - In case the Office found that the state of the juvenile requires the following up it may seek the assistance of the supervision of conduct division (Probation office).

Secondly - Probation supervisor shall undertake to follow up the state of the juvenile for a period not exceeding six months and hence, has to submit through

that period monthly reports to the Office of psych and social school service containing whatever occurs of any changes of his conduct .

Article 21

Firstly - In every school, there shall be appointed a social researcher who shall be responsible for diagnosing the problematical juveniles in the school as well as working to settle their problems, and it is permissible on necessary one of the teaching staff members should undertake to do it.

Secondly - If the responsible person for the school could not settle problem of the juvenile, he should forward it then to the Office of psych and social services school.

Article 22

Firstly - The General Federation for Iraqi Women shall establish committees for family consultations concerning the matrimony relations, the body care and their problems.

Secondly - The General Federation for Iraqi Youths shall establish, with the cooperation of General Federation of Iraqi Women, committees to protect juveniles and shall undertake the following :-

- A. Participation in supervising over Juveniles welfare in the substitute's families in case of withholding the guardianship (curatorship) thereform.
- B. Assisting management of the school in diagnosing the problematical juveniles and treating them in accordance with the recommendations of the Office of the psych and social school services.
- C. To assist the authorities concerned in the success of observing the conduct and the subsequent care .
- D. To provide the family's atmosphere of the juveniles sent in the lodging establishments.

E. To Cooperate with the juveniles Police In diagnosing the problemeatical juveniles or of those the guardians who abuse treatment of the juveniles inside the family.

Article 23

Firstly - The juvenile's police shall undertake searching for the strayed minors, and those eescaped from their families and the niglected ones and the detection of the juveniles exposed for delinquency in places of attracting the juveniles such as coffee shops drinking and dancing places and cinemas in the delayed house of the night.

Secondly - The juveniles police must take the minor or the juveniles to his family's concerned on seeing him in the places being exposed for delinquency.

CHAPTER TWO

The Vagrancy and Deviation of Behavior

Article 24

Firstly - The minor or juvenile shall be deemed as vagrant if :

- A.** He is found as beggar in the public or pretended of inflicting with lesions or physical defect or used deceit as a mean to gain the simpathy of the People for the purpose of begging.
- B.** He practised as itimerant shoes black selling cigarettes or any other designation exposing him for deliquency and his age was less than 15.
- D.** He has not a specific residence or has taken the public places as a shelter for him.
- E.** He has not a legitimate way for living and has not guardian or educator.
- F.** In case he leaves the house of his guardian or the place where he was sent without a legitimate excuse.

Secondly - The minor shall be deemed as vagrant if he practises any vocation or work with other than heir relatives.

Article 25

The minor or juvenile is considered as deviating of behavior if :

Firstly - He carrys out works in the brothel places, or gambling or drinking liquors.

Secondly He meets homeless persons or those having bad conduct .

Thirdly - He disobeys the power of his legal guardian.

Article 26

If the minor or juvenile found in the cases prescribed in the two Article (24 and 25) of this Law, then the examining judge shall refer him to the Juveniles' Court which shall issue its final decision after receiving a report from the office of personality study according to the following :-

Firstly -

A. To deliver the minor or juvenile to his legal guardian (tutor) so as to carry out the implementation of whatever is decided by the court of the recommendations in the light oft he report of Personality Study's Office to secure his good education and conduct according to suitable financial warranty.

B. To deliver the minor or juvenile when he has not a curator or when he violates the undertaking provided for in Item (A) of Para (Firstly) of this Article to a close relative pursuant to his request to carry out the execution of whatever decided by the court from recommendations in the light of a report of the personality Study's Office in order to secure his good education and conduct according to a suitable financial promise.

C. The court may decide following up the execution of the promise stipulated in the two Item (A and B) of this Paragraph by the probation officer.

Secondly - If the legal guardian or the relative, violates promise conditions on which the juvenile or minor is accordingly delivered to him the court should decide the following:

A. Obliging the promisor to pay amount of the promise wholly or partly.

B. Sending the minor or juvenile into the State house allocated to each of them stipulated in the Law of Social Welfare or any other social house prepared for this purpose.

Thirdly - If the court could not deliver the minor or juvenile in accordance with the provisions of Para (Firstly) of this Article, the provisions of Item (B) of Para (Secondly) thereof shall be applied on him.

Fourthly - If the vagrant minor or juvenile is afflicted with retardation, then, the Juvenile's Court should decide to send him into one of the health or social institutes prepared for this purpose.

Article 27

Firstly - If it appears to the minor or juvenile who is sent according to the provisions of Article (26) of this Law a relative and asked for surrendering him, therefore the Juvenile's Court after considering the interest of the Juvenile may ask for surrendering him to secure his good education and conduct according to suitable financial promise. The Juvenile's Court may observe the implementation of the promise by probation officer or social researcher for a period it deems suitable.

Secondly - In case it does not appear a relative for the minor and juvenile and asked from a solvent person having a good reputation and conduct whose nationality and religion are the same of minor or juvenile, to hand him over for educating and reforming him, so, the Juvenile's Court may surrender the minor or juvenile to him, in order to secure his good education and conduct according to a suitable financial promise and the court should observe the execution of the promise through probation officer or social researcher for a period it deems suitable.

Article 28

The Juveniles Court according to a report submitted by the Director of the house in which the minor and juvenile is lodged therein, or by an application from the juvenile, his relative or the person entrusted for his education may reconsider the decision adopted by it in accordance with the provisions of Article (26) of this Law and it may have the right to amend it to be in conformity with the interest of the juvenile.

CHAPTER THREE

Legal Guardians Responsibility

Article 29

Firstly - Every legal guardian neglected the welfare of the minor or juvenile in which that negligence caused the vagrancy and the deviation of conduct to them, shall be punished with a fine not less than 100 Dinar.

Secondly The penalty with a fine not less than 200 Dinar and not to exceed 1000 Dinar should be, if this negligence of the juvenile has resulted the perpetration of misdemeanour or wilful felony.

Article 30

Every legal guardian induced the juvenile and minor into vagrancy or deviation of conduct shall be punished with imprisonment for a period not to exceed a year or with a fine not less than 100 dinar and not to exceed 500 dinar.

CHAPTER FOUR

Dispossessing of Guardianship

Article 31

The Juvenile's Court should decide dispossessing the guardianship on the minor or juvenile, if the legal guardian was convicted by an offence of the crimes derogating to honour, public morals or by one of the crimes stipulated in the Law of Combatting the Prostitution (Adultery) and the minor or the juvenile was the victim in all these crimes.

Article 32

The Juvenile Court, may pursuant to a request from one of the relatives of the minor, juvenile or Public Prosecution, decide the dispo- session of guardianship on the minor or juve- nile for a period decided by it on the following cases :

Firstly - In case a judgement passed against the legal guardian with a crime derogatory to honour or of public morals.

Secondly - In case the legal guardian has been convicted with a crime of assault on the minor or juvenile personally by wound, or by intense injury or wilful harm.

Thirdly - In case a judgement passed against the legal guardian in accordance with Article (20) of this Law.

Fourthly - In case a judgement passed against the legal guardian with an intentionally crime of a penalty restrictive of liberty for a period not less than three years.

Article 33

Should the Juvenile Court decided to abstract the guardianship from the minor or juvenile, therefore, it should notify the Court of Personal Status accordingly in order to take the required legal measures.

Article 34

Firstly - The Juvenile Court should before pass- ing a judgement of abstracting the guardian- ship ask from the Personality Study Office to make social research and midical and psych- ological examination for the minor or juve- nile in order to decide the extent of effecton of abstracting the guardianship from him and the suggested measure to be taken by the Court.

Secondly - The Juvenile Court may, after sight on the report of Personality Study Office decide one of the following :

A. Handing over the minor or juvenile to an another legal guardian, and in case of son existence of legal guardian, he should be handed over to one of his relative (akin).

B. Sending the minor or juvenile to one of the State Houses or to any social house prepared for this purpose.

Thirdly - The Juvenile Court may ask from the social researcher or probation supervisor to submit a report every month on state of minor or juvenile and the extent of affection of abstracting the guardianship from him and whatever of proposal to be taken of the measures that are realizing his welfare.

Article 35

The Juvenile Court may decide to detract the guardianship from the minor or juvenile if it deems that his interest requires so.

Article 36

Firstly - Detraction of the guardianship shall be done by obliging the guardian to care of the juvenile according to conditions defined by the Juvenile Court and observing its implementation by the probation supervisor or by social research for a period it recommends.

Secondly - If the Juvenile Court found that the legal guardian did not undertake of execution the welfare conditions, pur- suant to a report of the probation super- visor or social researcher or by a request from the public Prosecution, therefore it may have the right to decide absrtacting his guardianship.

Article 37

The Juvenile Court may have the right to decide of substituting the legal guardian or changing the measure that is taken thereby or amending or repealing same, if it will realize the interest of the society, minor or juvenile.

Article 38

The measures prepared for abstracting the guardianship shall be expired on completing the minor or juvenile the 18 years of age.

CHAPTER FIVE**Annexation****Article 39**

The spouses may have the right of submitting mutual request to Juevnile Court to add a minor who is orphans of the parents or unknown affiliation thereof. The Juvenile Court should, before issuing its judgement of Annexation, be ascertained that the applicants of the annexation are Iraqis and having a good behaviour, intelligent, safe of contagious diseases, are able to support and educate the mionr and the good intention should be fulfilled on them.

Article 40

The Juvenile's Court shall issue its judgement of the annexation as temporary and for an experiemental period of six months and it may be renewed for another six months. The Court shall send a social researcher during this period to the house of the spouses once a month at least for the sake of realizing their desire of adding the minor and to take care of him and they should submit the detailed report to the Court.

Article 41

If the spouses or one of them turned away of his (their) desire of adding the minor during the probation period or has been cleared to the Juvenile's Court that the minor's interest is not ascertained in that effect, it shall therefore, cancel its decision of annexation and hand over the minor to any social organization prepared for this purpose.

Article 42

In case the Juvenile's Court found, after elapsing the probation period that the minor's interest is ascertained by the perfect desire of the spouses in annexing him thereto, it shall then issue its decision by the annexation.

Article 43

Annexation of the minor shall abide the applicants of the annexation by the following :-
 Firstly - Disbursing on the minor until the female shall get married or work and the boy reaches the limit which his similars could be earned unless he is a pupil or

incapable of earning because defective-ness in his body or has a mental disease so in this case spending (disbursement) shall be continued on him until the student gets the preparatory certificate as a minimum or attaining the ages which qualifys him to get it and till the incapable person could get the earning.

Secondly - Recommending the minor with a share of a less inheritor provided that not to exceed one third of the legacy (bequest) which it should be obligatory and irrevocable.

Article 44

The confession with the unknown affinity (lineage) before the Juvenile's Court shall be done in accordance with the Personal Status Law.

Article 45

The minor of unknown affinity shall be considered as Iraqi Muslem unless it is not proved to the contrary.

Article 46

The Juvenile's Court should send a copy of its decision of the annexation or its decision of confession the affinity to the Directorate of Natimality and General Civil Status to be written down in its records.

PART FOUR**The Juveniles Judicature****CHAPTER ONE****Investigation****Article 47**

Firstly - The criminal lawsuit shall not be instituted against whoever in the time of committing the crime, has not been completed the age of nine.

Secondly - In case the minor committed an act punishable by Law, the Court should decide to surrender him to his curator to undertake the execution of whatever of recommendations decided by the Court to preserve his good conduct according to a guarantee supported

with a financial security not to be less than 200 dinars and not to exceed 500 dinars for a period not less than 2 years and not to exceed 5 years.

Article 48

The juvenile shall be surrendered, on arresting him to the Juvenile police in the places where there are juvenile police therein to undertake presenting him before the examining judge or Juvenile's Court.

Article 49

Firstly - The examining magistrate of the juveniles shall undertake the investigation - in the cases of juveniles, and in case of his non existence then the investigating magistrate or the investigator shall undertake that.

Secondly - It may be formed a juvenile investigation court by an order from the Minister of Justice in places where he appoints.

Article 50

Investigation may be carried out other than of facing the juvenile in the crimes derogating to honour and public morale provided that the investigation should be attended by whoever has the right of defence on him. The investigation court should notify the juvenile with the procedure taken on his right.

Article 51

Firstly - The examining magistrate on accusing a juvenile by felony, and the evidences were enough to commit him for a trial before the Juvenile's Court should send him to the Office of Personality Study.

Secondly - In case the juvenile is accused with a misdemeanor, the examining magistrate should send him to the Office of Personality Study if the evidences were enough to be committed to the Juvenile's Court and the circumstances of the case or state of the juveniles required so.

Article 52

Firstly - The juvenile should not be arrested in contraventions, he may be arrested in the felonies and misdemeanours for the

purpose of examining him and studying his personality or in case that he has no guarantor.

Secondly - The juvenile shall be arrested if he is accused with a felony its penalty is a capital punishment if the age of juvenile attained the fourteenth.

Thirdly - The arrest decision of the juvenile shall be enforced in the Observation House. As in the places where there is no observation House, therefore measures shall be taken to avoid mixing of the juvenile with the detainers who attained the legal age.

Article 53

If the juvenile is indicted with one of those attained the legal age by committing a crime then, the investigating magistrate should separate the lawsuit and commit each of them to the competent court.

CHAPTER TWO

The Trial

Article 54

The Juvenile's Court shall be held by Chairmanship of a judge of third class at least and two members from among the specialists of criminal sciences or other sciences having relationship with the juveniles affairs and they should have an experience not less than five years. The Court shall hear (try) in the felonies and decide in a cassation capacity on the decisions of the examining magistrate (judge) in accordance with the provisions of this Law.

Article 55

Nomination of the head and the two original and the reserve members of the Juvenile's Court shall be done with a notification issued by the Minister of Justice pursuant to a proposal from the head of Appellate Court.

Article 56

The Magistrate (judge) of the Juvenile's Court shall consider the felonies and cases of the vagrants and the deviators of bad habits and other cases stipulated in this Law.

Article 57

Magistrate of misdemeanours in the administrative unit where there is no juveniles court therein, shall hear the contraventions and misdemeanours punishable with imprisonment for a period not to exceed three years and the provisions of this Law shall be applied thereupon.

Article 58

Prosecution of the juvenile shall be carried out in camera by the attendance of his legal guardian or one of his relatives if any of which the court deems to attend of those concerned with the juveniles affairs.

Article 59

The Juvenile's Court may carry out the prosecution without facing the Juvenile in the crimes of derogating to honour or the public morals provided that he should attend the trial whoever has the right of defence on him and the Court should bring the juvenile for notifying him with the measure taken on his behalf.

Article 60

The Juvenile's Court may accept, for the defence on the juvenile his legal guardian, one of his relatives or any one of the representatives of social establishments without need of written agency taking into account the provisions of Article (144) of the Criminal Procedure Law.

Article 61

Firstly - Office of the Personality Study, should send whoever represents it to attend the hearing (trial) and following up its run in every lawsuit forwarded by a report therein.

Secondly - In case the representative of the Office found that the proposed measure in the report requires the amendment in the light of what is created from circumstances during the trial, he should present an amendment report after making consultation with Office of Personality Study.

Article 62

The Court of Juvenile shall pass its judgement in the lawsuit after observing circumstances of the juvenile in the light of a report of

the Office of Personality Study.

Article 63

Firstly - It is not permissible to announce the name of the juvenile his address or name of his school or his photo or any thing leads to know his identity.

Secondly - The Law violator for the provisions of Para (Firstly) of this Article shall be punished with imprisonment for a period not to exceed one year or with a fine not to exceed 500 dinars.

Article 64

The Juvenile's Court may give a permit to those concerned with the affairs of juveniles to view on the dossier of the lawsuit concerning the juvenile for the purpose of making the scientific research.

Article 65

The specialization of the Juvenile's Court shall be defined by the place where the crime is occurred or of which the state of vagrant and deviation is set up therein or in the place where the juvenile resides.

Article 66

Firstly - If it is cleared to the juvenile's court on considering the lawsuit, that one of the accused has completed 18 years of age in the time of committing the crime, therefore, it should stop the trial as for the accused who has attained the full age (majority) and notify the examining judge of referring him to the competent Court.

Secondly - If the court finds that the accused being referred to it has attained 18 years of age in the time of committing the crime, it should therefore, commit the lawsuit to the competent court.

Thirdly - The Juvenile's Court should send the juvenile, accused with misdemeanour, to the Office of Personality study if his condition or circumstances of the case requires so.

Article 67

In case the juvenile is accused of committing more than a crime being joined one chapter from

the Penal Code, he may be tried in one lawsuit and pass a judgement against him with the measure decided for each crime and order to execute the stronger measure noting else.

Article 68

In case the juvenile sentenced with more than of a measure depriving the freedom, the court may execute these measures either concurrently or consecutively.

Article 69

If the Juvenile's Court passed a judgement with more than one measure depriving the freedom by concurrently, then, execution of the measures shall be executed in the School of Rehabilitating the Boys unless, execution of the measure of lodging in the school of Rehabilitating the youth is exceeding the lodging in the school of Rehabilitating the Boys therefore lodging measure in the school of Rehabilitating the youth should be executed itself.

Article 70

Firstly - The Criminal lawsuit shall be expired by the elapse of 10 years in the felonies and 5 years in the misdemeanours.

Secondly - The measure shall be dropped if it is not be executed with the elapse of 15 years in the felonies and with the elapse of 3 years of the expiry period of the measure being sentenced in the other cases.

Article 71

Firstly - Without prejudice to the provision of para (Secondly) of Article 16 of the Law of Public Prosecution, the court shall send the lawsuit file which has been rendered its judgement therein a crime to the Court of Cassation within a period of 15 days from the date of its issuance for considering it in cassation according to the Law.

Secondly - The other judgements and decisions shall be appealed before the Cassation Court within 30 days beginning from the following date of its issuance.

PART 5 The Measures

Article 72

If the juvenile has committed a contravention therefore, he will be warned in the session not to repeat his illegal act or by handing him over to his legal guardian or one of his relatives to undertake the execution of whatever shall be recommended by the court from recommendations to secure his good education and conduct in accordance with a financial guarantee not to be less than 50 dinars and to exceed 200 dinars for a period not to be less than six months and to exceed a year or passing a judgement with fine on him.

Article 73

If the juvenile committed a misdemeanour he will be sentenced by the following measures instead of the penalty restrictive of liberty legally decided thereon.

Firstly - To hand him over to his legal guardian or any one of his relatives to undertake the execution of whatever decided by the court from recommendations to secure his good education and conduct in accordance with a financial guarantee not less than 200 dinars and not to exceed 500 dinars for a period not less than a year and not to exceed 3 years.

Secondly - To put him under conduct control according to the provisions of this Law.

Thirdly - To put him down in the School of Rehabilitating the Boys if he is a boy or put him down in the School of Rehabilitating the youth if he is a youth for a period not less than 6 months and not to exceed 3 years.

Fourthly - To pass a judgement on him with the fine stipulated in this Law.

Article 74

The Juvenile's Court may, when it passes a judgement of handing over the juvenile to a legal guardian or a relative decide putting him under the conduct control.

Article 75

Firstly - In case the juvenile convicted according to para (Firstly) of Article (71) of this Law with a felony or wilful misdemeanour because of the negligence of his legal guardian or his relative in the execution of what has been undertaken thereby, so the Juvenile's Court should pass a judgement against him by paying the sum of the guarantee partly or wholly.

Secondly - The undertaking of financial guarantee shall be dropped if the juvenile completed the 18 years of age.

Article 76

Firstly - In case the boy committed a felony, punishable by imprisonment for a life or with capital punishment so the Juvenile's Court should pass a judgement against him instead of the penalty that is legally decided by sending him to the school of Rehabilitating the Boys for a period of (5) years.

Article 77

Firstly - If the youth committed a felony (crime) punishable with imprisonment for life or with capital punishment, the Juveniles Court should render a judgement against him decided, by one of the following measures instead of the penalty being legally decided :

- A. Putting him down under conduct control according to the provisions of this Law.
- B. Putting him down into the School of Rehabilitating of Youth for a period not less than months and not exceeding 76 years .

Secondly - If the youth committed a crime punishable by imprisonment for life or capital punishment, then the Juvenile's Court should pass a judgement, instead of the penalty being legally decided to it, by sending him to the school of Rehabilitating the Youth

for a term not less than (5) years and not to exceed (15) years.

Article 78

The Juvenile's Court may pass a judgement against the boy with fine in a felony or misdemeanour, or by imprisonment if it is appeared from the report of the Personality study office or from facts of the case that it is better for the juvenile to pass a judgement on him with fine.

Article 79

Firstly - If the boy committed a crime and on passing a judgement against him became a youth he would be sentenced by one of the measures concerning the boy, and the Juvenile's Court should, on sentencing him with a measure restrictive of liberty decide to send him into school of Rehabilitating the Youths.

Secondly- If the juvenile committed a crime and in the time of passing a judgement against him attained the 18 years of age, he would be sentenced with one of the measures concerning the youth and boy in consequence of the time of committing the crime. The Juvenile's Court should, on sentencing him with a measure restrictive of liberty, decide to send him to the Adult youths school.

Article 80

If the juvenile completed the 18 years of old in the time of promulgating the judgement passed against him with a measure restrictive of liberty for a period not to exceed a year in a felony punishable by the temporary imprisonment, the Juvenile's Court may decide the stay of execution of this measure.

Article 81

In case the periods of commitment have been numerated, then, it is not possible to increase the total of whatever to be executed therefrom to 5 years in the School of Rehabilitating the Boys and 15 years in the School of Rehabilitating the Youths.

Article 82

Firstly - If the juvenile committed to the school of Rehabilitating the Boys completed 15 years of old he should be transferred to the School of Rehabilitating the Youths to complete a term of his adjudication.

Secondly - If the committed one in the school of Rehabilitating the Youth completed 18 years of old he should be transferred to the School of Rehabilitating the Adult Youth to complete a term of his sentence.

Thirdly - If the committed one in the school of Youth Adults completed 22 years of old he should be transferred to a division of Reforming the old to complete a term of his sentence.

Article 83

The fine shall be collected in accordance with the provisions of Law of Execution in case the sentenced refused to pay it.

Article 84

Firstly - The juvenile convicted with a measure restrictive of liberty or his legal guardian may submit an application to the Court of Juveniles to release him conditionally if he stayed two-thirds of the period of the measure in the place prepared for its execution provided not to be less than six months.

Secondly - Court of the Juveniles which is falling under its specialization where the juvenile stayed therein period right to decide the conditional release on him in the following cases :

A. If the juvenile behaved a good manner during his commitment period by a report from the social researcher who is responsible on him and with the confirmation of the member of Public Prosecution.

B. If he was expected to behave a good conduct after releasing him conditionally.

Article 85

Firstly - The Court of Juveniles may decide to put the juvenile who is released conditionally under probation supervision for a period not less than six months and to exceed a year or to impose on him specific conditions as residence in an appointed place or to carry out with the determined works.

Secondly - If the released violated the conditions mentioned in para (Firstly) of this Article, the court of juvenile may decide to abrogate the decision of the conditional release.

Article 86

Firstly - If the released was a boy, he should be handed over to his legal guardian or to his relative to secure his good education and conduct under appropriate financial guarantee.

Secondly - If the released was a boy and has no legal guardian or a relative and forfeiting the family welfare therefor he will be lodged to one of the establishments of Social Reform until he completes the 18 years of age.

PART SIX

Probation Control

Article 87

Probation Control is one of the remedy's measures that means of putting the juvenile in his natural environment among his family or in substitute family if his unqualified and this to be by the supervision of the probation controller in order to reform him .

Article 88

Firstly - Division of the probation control attached to the Ministry of Justice shall undertake the control of the juvenile and supervision over the works of the probation controllers in accordance with the provisions of this Law which shall be chaired by a director holding a Bachelor degree in Sociology, social ser-

vice or other sciences having relation with the affairs of juveniles and has an experience for not less than five years.

Secondly - Probation Controller shall be appointed from among those holding a Bachelor degree in Sociology or other sciences having relation with the juvenile's affairs or from among the graduates of technical institutes-social service branch - provided that for whoever is appointed as probation controller should have an experience for not less than three years.

Thirdly - In case of plurality of the probation Controller in the governorate, the director of the probation control section shall nominate one of them as first probation controller who shall undertake the supervision over the probation controllers and distributing the work among them.

Article 89

Firstly - The Juvenile's Court shall issue the decision of supervision for a period not less than six months and not exceeding three years.

Secondly - The Juvenile's Court may renew the period of Probation Control if the necessity of the juvenile requires so in accordance with the report of the probation controller provided that the provision of para (Firstly) of this Article should be taken into consideration.

Article 90

The Juvenile's Court, on putting the juvenile under probation control, should take the following into consideration :

Firstly - ~~The Seriousness~~ of the offence (crime) and the conduct of the juvenile together with his precedents and his social, health and psychical state.

Secondly - Informing the juvenile and his legal guardian that in case of his contravention the provisions and conditions of probation control or that he committed another wilful crime, he will be liable to abolish the decision of the control and to pass a judgement against him for the crime itself by one of the measures stipulated in this Law.

Thirdly - To take the written approval of the youth on issuing the decision by putting him down under probation control.

Article 91

Decision of the control should include binding the juvenile with the following conditions :

Firstly - He should behave with a good conduct.

Secondly - The probation control should be informed when he is transferred from his residence and he should take his approval on his transference to another work or school.

Thirdly - He should be in a permanent connection with the probation controller as well as he should be bound with his orders and directives .

Fourthly - Any other condition that the court of Juveniles deems appropriate to secure the success of the supervision.

Article 92

Firstly - The Juvenile's Court shall send the decision of supervision with the dossier of the lawsuit to the probation controller .

Secondly - The senior probation controller shall appoint the probation controller who shall undertake the execution of the supervision's decision.

Thirdly - If the juvenile who is put under probation control was from the females so the probation controller should be a female.

Article 93

The probation controller should prepare a detailed plan to treat the juvenile that should secure repeating his characterization socially during period of the supervision in accordance with the report of the Personality Study's Office.

Article 94

Firstly - The probation controller should visit the juvenile being put under supervision in his house as well as making contact with the administration of his school or his place of work once at least every 15 days to follow up the extent of his observance to the conditions being defined by the decision of the supervision as well as to support him to settle his problems and to endeavour to find a work to him on necessity.

Secondly - The probation controller should submit to the Juvenile's Court and member of the Public Prosecution a monthly report containing the state of the juvenile his conduct and the extent of the effect (influence) of the report of supervision on him and whatever the suggest of matters he deems that are giving the benefit to the juvenile.

Thirdly - Member of the Public Prosecution, after sight on the report of probation controller, may suggest on the juvenile's Court to change manner of the supervision or its conditions as to secure the interest of the juvenile and Community.

Article 95

Firstly - The legal guardian of the juvenile should make a cooperation with the probation controller to implement the decision of supervision that realizes the interest of the juvenile and to inform him for every change occurs on his conduct.

Secondly - If the legal guardian neglected to carry out the duties provided for in para (Firstly) of this Article or caused to hinder running of the supervision, then the Juvenile's Court should decide the judgement on him with a fine not less than 50 dinars and not exceeding 500 dinars.

Article 96

The female probation controller may seek the assistance of People's Council or the family consultations committees related to the general Federation of Iraqi Women in the district where the juvenile lives or the Office of Personality Study to secure the good running of the supervision.

Article 97

Firstly - Probation Control shall be expired by ending its period prescribed in the Resolution. The Juvenile's Court may decide finishing the probation control after the elapse of six months from the date of promulgating the Resolution pursuant to a report from the probation control in view of the improvement of the juvenile's conduct and where their is no need for the supervision.

Secondly - If the Juvenile's Court refused a report of probation controller on ending the supervision therefore, there will not permitted to submit another report of ending the supervision unless after passing three months from the date of refusal.

Thirdly - The Court of Juvenile may calculate period of supervision being accomplished upon retry the case.

Article 98

Firstly - If the juvenile contravenes the conditions of supervision so the Juvenile's Court which issued the decision may impose a fine on him not less than 50 dinars and not exceeding 100 dinars or

it may decide abolishing the supervision and pass a judgement on him of lodging in accordance with the provisions of this Law.

Secondly - In case the juvenile sentenced on wilful misdemeanour committed during coming into force of the supervision and the judgement acquired the final stage, then the Juvenile's Court that issued the decision of the supervision may have the right to cancel it and changing same by the measure of lodging according to the provisions of this Law.

Thirdly - If the juvenile who is put down under probation control run away, the juvenile's Court shall issue a writ to arrest him. If it is impossible to arrest him or his legal guardian could not bring him in person, so, the Juvenile's Court may decide closing the lawsuit for which the supervision decision is issued temporarily until arresting him with due consideration to the provisions of Para (Secondly) of Article (70) of this Law.

Fourthly - It is impermissible to issue the decision by putting the juvenile into probation control for more than two times.

PART SEVEN

The Subsequent Care

Article 99

The subsequent welfare shall mean to care of the juvenile after the end of his lodging period in the rehabilitating school as to secure his merging with the society and to return to the delinquency.

Article 100

Firstly -

A. Division of the subsequent welfare attached to Office of Reforming the Juveniles in the State Organization for Social Reform shall undertake to take

care of the juvenile after the end of his lodging period in the Reformatory schools which shall be headed by a director holding the Bachelor Degree in Sociology or the Social Service or the other sciences having relation with the juveniles affairs and should have an experience not less than five years.

B. Director of the subsequent welfare shall undertake the supervision over works of the social researchers related to him and the houses annexed therewith .

Secondly - A social researcher shall carry out the subsequent welfare and it may be permissible to seek the assistance of the mass organization on dire necessity.

Article 101

The administration of the school of rehabilitation should take the following measures before the end of lodging period with a term not less than three months : -

Firstly - Providing the division of the subsequent welfare with the name of the juvenile whose lodging period shall be expired together with the detailed report on him.

Secondly - Putting down the juvenile into a special wing that it gives him the best way possible of freedom.

Thirdly - Granting the juvenile an additional house leave that puts him in order to come out to the new social life.

Fourthly - Entrusting the juvenile with some additional works inside or outside the school that lead him to regain his self confidence.

Article 102

Division of the subsequent care shall undertake to contact with the juvenile before his going out of Rehabilitating school by a way of a social researcher in order to :-

Firstly - Be provided by the necessary guidances and helping him in taking the correct decisions .

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Secondly - Coming to standstill on his qualifications and preparednesses and the extent of its application to the work conditions that he wishes to work therein.

Thirdly - Help him to secure the documents that are necessary for getting a work.

Fourthly - Be acquainted with the environment which he wants to be joined therewith after going out from the rehabilitating school to restore his relationship with it or to set right his family relations.

Fifthly - Rendering the assistances that are securing to obtain a house to him temporarily or permanently.

Article 103

Division of the subsequent care may render an appropriate financial grant to the juvenile for helping him for :

Firstly - Paying his urgent needs.

Secondly - Changing the environment where he was lived in on his delinquency if it was a reason to that effect.

Article 104

Division of the subsequent care should act to secure a house for juveniles habitation who had been ended period of their lodging and they have not a house for them to live in the time being for a period not to exceed 3 months.

Article 105

If it is proved that the juvenile who lost the family care therefore, division of the subsequent care should apply to the Court of Juveniles to issue a decision for sending him to any of the State houses.

Article 106

The juvenile who has ended a period of commitment, shall have the priority in the working bureaue on the employment.

Article 107

The subsequent division may seek the assistance in achieving its aims to supervise the probation or Juvenile's police, family consulta-

tive committees or the Local committees of the General Federation of Iraqi Youth on necessary.

PART EIGHT

Final Provisions

Article 108

The provisions of Penal Code and the Criminal Procedures Law shall be applied on where their is no text mentioned in this Law to be in harmony and the nature of the bases and objectives of the Law of Juveniles welfare.

Article 109

The Ministry of Health shall undertake to provide a side for mentally retarded or mentally disturbed in the mental and nervosity Hospital for lodging the mentally retarded juvenile in accordance with the provisions of Para (Firstly) of Article (10) of this Law.

Article 110

Ministry of Labour and Social Affairs shall establish a school of mature youth stipulated in Para (Firstly) of Article (10) of this Law.

Article 111

Regulation and instructions may be issued to facilitate the execution of the provisions of this Law.

Article 112

The Juveniles Law No. 64 of 1972 shall be repealed and the Regulations and instructions issued accordingly shall remain in force until issuing regulations of this Law.

Article 113

This Law shall come into force after the elapse of six months from the date of its publication in the Official Gazette.

Saddam Hussain

Chairman of the

Revolutionary Command Council

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