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Protection of the criminal Procedure of Childhood

Esraa AbdulRazzaq Ibrahim Al-Gburi

College of Law and Political Science / Iraqi University

Email: israa.a.ibrahem@aliraqia.edu.iq

Assistant professor Abbas Hikmat Farman Al Darakzli

College of Law and Political Science / Iraqi University

Email: abbas.ferman@aliraqia.edu.iq

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Abstract

The criminal legal text related to the protection of the child are a guarantee of his rights, so the criminal legislator has given special protection to him by giving priority to his interests over the interest of the state, so the criminal procedural protection of the child can be defined as a set of directives and legal procedures decided by the legislator to ensure the best interest of the child through any action taken by the state on him, so we find that the criminal legislator singled it out with some characteristics when enacting, based on what was stated in the Convention on the Rights of the Child of 1989 as well as Constitution and ordinary legislation of the State.

Keywords

Child Child hood Procedural protection.

Introduction

When the legislator enacts a criminal text based on the balance between the interest of the State and the interest of the individual, but sometimes sees that there are interests worthy of protection, he gives priority to one interest over another, and since the child is considered an individual, but as a result of his poor awareness and young age, so the criminal legislator has given him special protection, in order to guarantee his rights, as most criminal legislation, including the Iraqi legislator, has tended to provide for criminal procedural protection for the child, based on this in terms of its basic sources. Therefore, through this study, we pose the following problem: What is the criminal procedural protection approved

by the criminal legislator to protect the child, whether he is a victim or a delinquent? Was child protection legislation sufficient and compatible with its sources? Therefore, we will illustrate this study through the following:

The first requirement: The concept of procedural protection of children

Since the legislator when enacting laws preserves the interests of the people, so the considered interest is the basis on which the criminal legislator relies in developing the criminal text, whether this criminal text is substantive or a procedural criminal text, and since procedural texts occupy a very important rank in the criminal law system, because they put substantive criminal texts into practice, and are the guarantee of the rights and freedoms of individuals, including the rights and freedoms of the child, in other words, it is the wheel that drives criminal justice, Therefore, it finds that the criminal legislator is paying the utmost attention to the subject of the interest considered in the procedural protection of children (1).

In order to clarify the concept of procedural protection of children, we will divide this requirement into two sections, in the first section we will explain the definition of procedural protection of children, and in the second section we will explain the characteristics of this protection, as follows:

Section One: Definition of procedural protection for children

The term criminal protection in the Law of Procedure differs from the term criminal protection in the criminal Law, as the former derives elements of protection from the rules of the Law of Procedure, and these rules revolve around the organization and competence of the judicial authorities, the detection of crime and ways to prove it, the arrest of the perpetrators, the investigation and trial of their perpetrators, so these rules are the ones that determine the right of the State to punish and fulfill this right under the rules of the Procedural Criminal Law (2) Therefore, the Law of Criminal Procedure is defined as "the rules that determine the procedures that must be followed from the moment of committing the crime until the perpetrators are punished", as these procedures include arrest, release, search and hearing witnesses, until the moment of referring the accused to the court, and then a statement of the trial procedures from the moment it was referred until the issuance of the judgment, and the methods of appealing the judgment and implementing the judgments (3).

When following most of the procedural laws, we do not find any precise and clear definition of procedural protection for children, but this does not mean that reference is made to this procedural protection, for example, Article 3 of the Iraqi Law of Criminal Procedure referred to this protection by initiating the criminal case based on a complaint from the victim or his legal representative (4).

Therefore, one of the requirements of research in the definition of procedural protection of childhood, the statement of the definition of the term criminal protection

(5), with the definition of the term best interests of the child, which has been defined by several jurisprudential attempts (6), defines criminal protection "as what the criminal law, both the criminal Law and the Law of Criminal Procedure, mandates of rules and procedures to protect various human rights, through the criminal ties decided in the event of a occurrence or violation thereof" (7) This term can be applied to the criminal protection of the child, where it can be said as (the legal system adopted by the criminal law in the preservation of the child, securing his safety and protecting him from any attack on his best interests) (8).

Through the foregoing, procedural protection of children can be defined, which is a set of legal directives and procedures established by the legislator to protect the best interest of the child during any action taken by the State against him.

Section Two: Characteristics of the rules of procedural protection established for children

Since the procedural rules are established to protect rights by resorting to the judiciary, so they are described as formal rules because they are not related to the origin of the right on the one hand (9), and on the other hand they oblige individuals to follow certain situations, if they want to enjoy judicial protection of the right, so the legislator legislated procedural texts for the protection of children, whether the child is a victim, or an injured or delinquent, as these rules have some characteristics that distinguish them from the rest of the texts concerned with procedural protection. Persons Adults, and the characteristics of these rules are as follows:

First: A peremptory legal rule associated with the penalty

Since the legal rule is the means by which the legislator expresses his will, by specifying the legal effects of determining what is considered a crime (10), it is considered an orderly rule, because it is developed by the legislator, and the status of the order in which it exists forces the addressees to all members of society without exception, individuals are obligated to the legal rule in the procedural protection of the child by obeying it and exposing them to punishment in case of violation, so it is a rule associated with a material sanction imposed by the competent public authorities to protect Child. In other words, it turns out that the procedural rules concerned with the procedural protection of children, are not just a recommendation, but a binding provision that everyone must abide by, and not expose the violator of this rule to the legal sanction associated with this provision, so individuals act in accordance with these rules on their own accord, convinced of the binding character of the law, and that the sanction associated with them is the one that would ensure their respect, as it is the means to force individuals to obey and respect the legal rules, otherwise these rules would be just Advice and guidance permissible, that is, they have the right to leave it if they want, so the deterrence came in the form of a penalty for violators.

Second: Takes into account the interests worthy of protection

Ordinary legislation, international conventions, as well as general directives, always use the term best interest in the protection of children, whether in terms of substantive protection of the child or procedural.

The principle of the best interest of the child was first raised in the 1959 Declaration of the Rights of the Child, which stated, "The child shall enjoy special protection and shall be granted, by legislation and other means, with the necessary opportunities and facilities to enable the normal and healthy physical, mental, moral, spiritual and social development in freedom and dignity. His supreme interest shall be the primary consideration in the enactment of laws to this end".¹¹

The meaning of the best interests of the child in the procedural protection of children "is the making of any decision that has an impact on a child or group of identified children or children in general, must include the decision-making process in an assessment of the potential impact (positive or negative) on the child or on the children concerned" (12), and through this, it is clear to us, that in the event that a decision is made, whether this decision is acts, actions or directives, it must be proven that it has been properly observed and in accordance with the best interests of the child.

Third: Reciprocal relationship with the Criminal Law

Since the rules of criminal law are divided into two parts: the first is the substantive legal rules, where these rules are concerned with criminalizing and punishing behavior, and the other section is the procedural legal rules, which are concerned with determining the procedures in initiating and investigating the case, trial procedures, as well as methods of appeal, the implementation of the judgments issued, and the competent authority for that, and this means that criminal acts are within the jurisdiction of the criminal Law, which imposes the penalty on them, and the penalty cannot be applied without the presence of formal procedural rules, where it is decided from During which the detection of the commission of the crime and the perpetrator who committed it, as the procedural texts are the means in the application of the criminal Law, they are not just formal rules that include the organization of the criminal case, its procedures and conduct, it is broader than that as it aims to achieve some of the principles protected by law, including the principles of human rights (including the rights of children), the rule of law, as well as the proper functioning of criminal justice, and the achievement and organization of the lives of individuals within society, under a good judiciary Impartial and independent, he works to apply the rules of law without departing from them.¹³

Therefore, the legislator in the criminal Law approves special provisions for punishment for any act that harms the rights of children, whether these acts harm the child's right to life, physical integrity, morals or freedom, or approves provisions that increase the punishment for some of the crimes stipulated in this law when

the victim is a child, as well as when approving respiratory texts Criminal responsibility in the event that the crime is committed by an undistinguished child, and protection here The child in this law is of a substantive nature and therefore procedural rules for the protection of childhood are established (14).

Second requirement: Procedural protection sources for children

The twentieth century witnessed global interest in the rights of the child as well as juveniles, through the signing of treaties and conventions in the protection of children, so many countries took the initiative to recognize in their legislation the procedural protection prescribed for children, so countries with their various agencies were keen to establish security and tranquility for the child and the prevention of crime in the event that it was issued or signed, based on legally defined procedures, from which it is not permissible to deviate, and this matter led the Iraqi legislator as well as comparative legislation to develop a legal framework for these procedures, Therefore, we will address in this requirement the sources of procedural protection by stating them in international legislation, the Constitution and legislation, as follows:

Section One: International legislation

The Convention on the Rights of the Child is one of the important conventions between the countries of the world, and the importance of this Convention lies in the fact that it is the most widespread document on the rights of the child in the world in terms of ratification, which was approved by all countries of the world except the United States of America and Somalia, so it is the first binding international legal document that was adopted specifically to protect the rights of children, because it was prepared to protect the rights of the child, so this Convention applies to all children without discrimination. Article III of the Convention on the Rights of the Child provides for procedural protection of the best interests of the child in all actions concerning children, whether carried out by public or private social welfare institutions, courts, administrative authorities or legislative bodies. It emphasized that States parties undertake to ensure to the child the protection and care necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other legally responsible individuals, and to this end States must take all legislative and administrative measures (15).

This Convention set out the procedural protection of children in conflict with the law, "delinquent child", by emphasizing that accused children shall not be subjected to cruel treatment or life imprisonment, as well as that they should not be placed with adults, and in the case of a child being sentenced to imprisonment it must be for the shortest possible period, with the right to maintain contact with

their families (16), and the Convention further affirmed access to legal aid "the status of a lawyer for him, for example" with a fair trial for him, with an emphasis on their re-affiliation. to society to become good members of their communities (17).

As for the procedural protection mechanism on which the Convention on the Rights of the Child has worked, it has worked to establish a body called the Committee on the Rights of the Child, which is one of the main bodies in child protection and consists of eighteen members, elected by the States parties to the Convention. enacted, and on all actions taken by the State to give effect to the rights set forth in the Convention, as well as on the progress made in the exercise of these rights, and after receipt of the report, the Committee invites the Government concerned to send a delegation to present the report and answer any questions raised by its members, and they may also comment on the information contained in the report, as well as any other information received from United Nations agencies and non-governmental organizations, and after consideration by the Committee of governmental and non-governmental organization reports, submitted to it and held at a session in Geneva to hold government officials accountable, which issues a set of concluding observations in the form of recommendations that States must make, in order to correct and improve areas, as well as if the Committee identifies gaps in the legislation in force or articles that it considers incompatible with the Convention, and if the Committee considers that the Convention is not properly respected, the Committee will check again whether these recommendations have been implemented next time (18) . As mentioned above, the best interest of the child is the criterion for its procedural protection, whether it concerns children in general or about children in conflict with the law, so States must always seek to harmonize their national legislation in accordance with the provisions of this Convention.

Section Two: Constitutions

Since procedural protection of the child is one of the basic rights granted to all children without discrimination, we can find the basis of this legal protection in constitutions, so the rules of ordinary laws have taken the constitution's approach to child protection procedures, as well as in the laws for the category of children, as well as within the Law of Criminal Procedure, and in the laws of juvenile care or reform, and in the event that these laws are out. On the content and provisions of the Constitution, these laws are unconstitutional.

When referring to the Iraqi Constitution of 2005, where it was stated in Article (29 / I / b), which stipulated (the State guarantees the protection of motherhood, childhood and old age, and takes care of young people and provides them with the appropriate conditions for the development of their talents and abilities), and here the constitutional legislator shows the legal protection of childhood in general, but in paragraph III of the same article, which stipulated (the

economic exploitation of children is prohibited in all its forms, and the State takes the measures to protect them), and it is clear in this paragraph that the constitutional legislator stipulated Procedural protection for the child victim, but did not specify its mechanisms and characteristics, and the fourth paragraph of this article (prevents all forms of violence and abuse in the family, school and society) (19), and it is clear in the paragraphs of Article / 29 of the Iraqi Constitution showed the interest and responsibility of the state to provide full care and assistance in the field of legal protection for him, but in Article 19 Third, which stated that "litigation is a protected and guaranteed right for all", as well as paragraph IV of the same article, affirmed, "the right of defense is sacred and guaranteed at all stages of investigation and trial", and here it is clear that the constitutional legislator has given the accused, whether an adult or a juvenile, guarantees for his procedural protection, but in the sixth paragraph of the same article in the Iraqi Constitution, it stated that "everyone has the right to be treated fairly in judicial and administrative procedures". In the seventh paragraph, it clarified "court sessions in public, unless the court decides to make them secret" (20), and thus the Iraqi constitutional legislator has confirmed that the trial sessions should originally be public, as the principle of publicity is one of the basic principles in criminal procedures, which is a necessary guarantee to satisfy the group's sense of fairness of the trial, but the court was allowed to decide in special cases to be confidential, and in the twelfth paragraph of the same article, it has indicated, the procedural rules that must be followed in a manner In general, whether the accused is (a juvenile or an adult), including the presence of detention, and the inadmissibility of detention or detention in places other than those designated for that, in accordance with the laws of prisons covered by health and social care and subject to the authorities of the state, as well as the Iraqi Constitution requires the presentation of investigative papers to the competent judge within a period not exceeding (twenty-four hours) from the date of arrest of the accused and may not be extended except once and for the same period, thus indicating in confirming the commitment of the Iraqi legislator to the principle of speed in investigating the accused And not to keep the sword of accusation hanging over him for a long time and to preserve the freedom and dignity of the individual. Through this, it is clear that the Iraqi constitutional legislator has established a solid constitutional and legal principle for the right of defence (i.e. the right of an adult or juvenile accused to defend himself), respect for this right and strengthening it with guarantees guaranteeing it, since procedural protection is prescribed for all, including adults and children.

Section Three: Legislation

The legal structure of criminal procedural rules in national legislation is a legal basis for special laws. Therefore, the Law of Procedure establishes this content in the form of general principles concerned with childhood, and is therefore the

general reference to be referred to in any matter that is not regulated or contained in the laws concerning children or juveniles (21).

In the Iraqi Law of Criminal Procedure No. 23 of 1971, as amended, and the procedural protection it provides to juvenile delinquents in Chapter IV of this law, specifically in Chapter II, the procedural protection of juveniles is set out in articles (233-242), where these articles specify how to deal with the juvenile offender, and these articles guarantee that the criminal case does not move on a minor who has not reached the age of seven, and also stressed that the age of the juvenile at the time of the commission of the crime is determined by the competent court and authorized. In the event that the juvenile completes eighteen years of age after being referred to the juvenile court, this court proceeds to file the case (22), and this law indicated that it is a case of accusing a juvenile and an adult of committing a crime, the investigating judge disperses the case and refers each of them to the competent court (23), as for juvenile cases classified as misdemeanors and felonies, the court or the investigating judge must seek the assistance of official social and health service organizations, as well as experts and doctors, in order to investigate the case of the juvenile, including social ones. And health, mental, psychological and environmental through research on the reasons that led him to commit the crime (24), as well as for the arrest of the juvenile has shown not to arrest the accused juvenile when committing a violation, but may be arrested in misdemeanors and felonies for the purpose of examination and study of his personality or because of the lack of a sponsor for him, but if the felony is punishable by death and his age exceeds ten years, here his arrest is obligatory, When the decision to arrest the juvenile is implemented, it is in one of the observation homes (25), as for the juvenile trial, it has been indicated that it takes place in a secret session, and only members of the court and its employees are present, as well as those related to the call, relatives of the juvenile, lawyer and witnesses, as well as in the case of the presence of other defendants with him and employees of institutions concerned with juvenile affairs, and the court has the right to remove the juvenile after questioning him specifically in crimes against morals and must then attend him before it and understand what has been done when he is absent from Taking action, and when the court pronounces a penalty on the juvenile, it must pronounce it as a measure (26), but in the case of issuing a fine judgment on the juvenile, it must either be collected by the Enforcement Department in accordance with the Execution Law, or decide to seize it instead of the fine, and that is in correctional schools for the juvenile for a period of not less than six months and not more than one year (27), and Article / 240 confirmed However, any action, decision or judgment issued by the investigating judge or the court must be notified to the juvenile, as well as to one of his parents or those who have guardianship over him, and each of these has the right to exercise methods of appeal (28), but they are not entitled to appeal the ruling of handing over the juvenile to one of his parents or the person who raises him (29).

Conclusion

- 1- Neither ordinary criminal legislation nor even child legislation defines procedural protection for children.
- 2- The Convention on the Rights of the Child provides for strict protection of children, but criminal legislation does not fully take this into account in the provisions of its laws.
- 3- Despite the existence of ordinary legislation as well as laws on the category of juveniles, the Iraqi legislature did not provide for special protection for child victims, limiting itself only to the manner in which criminal proceedings were instituted by their representatives.

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- 3- Nawras Abdul Amir Kazim, *The Role of the Federal Supreme Court in Monitoring the Constitutionality of Criminal Procedural Texts* n PhD Thesis n Faculty of Law – University of Tikrit, 2021, pp. 9-10.
- 4- See Article (3), paragraph a, of the Iraqi Law of Procedure, which stipulates: "It is not permissible to initiate a criminal case except on the basis of a complaint from the victim or his legal representative in the following crimes: 1- Marital adultery or polygamy contrary to the Personal Status Law. 2 – Defamation, insult, disclosure of secrets, false news, threats of verbal or light harm if the crime was not committed against a public service official during the performance of his duty or because of it. 3 – Theft, rape, breach of trust, fraud, or possession of the things obtained from them if the victim is the spouse of the offender or one of his ascendants or descendants and these things are not judicially or administratively seized or burdened with the right of another person. 4 – Destruction or sabotage of funds, except for state funds, if the crime is not accompanied by an aggravating circumstance. 5 – Violation of the sanctity of the property or entry or passage in cultivated land or prepared for planting or land with a crop or let animals enter it. 6 – Throwing stones or other objects on means of transport, houses, buildings, orchards or sheds. 7 – Other crimes that the law stipulates not to be moved except upon a complaint from the victim thereof.
- 5- Protection means "the dimensions of danger from human existence, or from anything that is the subject of protection" For more details see: Pascal's

- lecture, "President of the Hammurabi Organization for Human Rights", United Nations Conference on the Protection of Minorities, 52-26 November 2014. It is also defined as "a set of measures taken by the legislator, in order to preserve and defend something, prevent any assault on it and secure its safety" For more details see: Amina Halila Lee, Criminal Protection of the Child in International and National Legislation, *Journal of Legal Studies (Class C)*, Volume 07, Issue 02, Year 2021, pp. 382-383.
- 6- Among these attempts to define the best interests of the child, where we find some defined it as "choosing the best solutions and fixing situations for the child to enjoy them", and the other went on to define it "that the interest of the child receives priority and care at all times, whether normal or exceptional", and the other defined it "as the legal tool that allows achieving the child's well-being at the physical, psychological and social levels, and imposes the duty on public and private institutions in applying this standard and in investigating taking it into account when taking a decision on The child and that it ensures that the interest of the child is in the short and long term, as it should be the unit of measurement when there is competition between several interests" For more details see: Dr. Firas Karim Sheaan and Khudair Makhif Fares, The impact of the best interest criterion in determining the law applicable to the child's personal rights, *Al-Muhaqiq Al-Hilli Journal of Legal and Political Sciences*, Fourth Issue, Thirteenth Year, 2021, p. 1365.
 - 7- Ghufran Ahmed Abdul Hussein Al-Saray, Criminal and Non-Criminal Protection of Human Rights under Public International Law, Master's Thesis, Faculty of Law - Middle East University, 2020, p. 6. Quoted from: Dr. Hamad Abdel Hamid El-Desouky, *Substantive and Procedural Protection of Human Rights in the Pre-Trial Stage*, 1st Edition, Dar Al-Nahda Al-Arabiya, Cairo, 2007, p. 16.
 - 8- Amina Halila Lee, Criminal Protection of the Child in International and National Legislation, *Journal of Legal Studies (Class C)*, Volume 07, Issue 02, Year 2021, pp. 382-383.
 - 9- Substantive rules determine the statement of rights of persons, as they determine how they are created and terminated, so they are described as objective rules because of their relevance to the origin of the right.
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- 13- Nawras Abdul Amir Kazim, *The Role of the Federal Supreme Court in Monitoring the Constitutionality of Criminal Procedural Texts*, PhD thesis, Faculty of Law - Tikrit University, 2021, p. 6.
 - 14- Dr. Amina Al-Halilali, *op. cit.*, pp. 382-383.
 - 15- See Article 3 of the Convention on the Rights of the Child, which states: "The interest of the child shall be taken into account and placed in the first place in the various actions related to the child, whether these actions are issued by public or private social welfare institutions, administrative authorities, or even legislative bodies. The States participating in the Convention undertake that they will ensure the protection, care and well-being of the child, taking into account the rights and duties of his or her parents or guardians, by taking the necessary legislative and administrative measures. States participating in the Convention shall ensure that institutions and various facilities responsible for the protection of children comply with the standards of the Convention, in particular in the area of public health and safety."
 - 16- See Article 37 of the Convention on the Rights of the Child, which states: "Children accused of violating the law shall not be subject to death, torture, cruel treatment, life imprisonment or imprisonment with adults. Imprisonment must be the last choice and for the shortest possible time. "Children in prison have the right to legal assistance and to be able to keep in touch with their families."
 - 17- See Article 40 of the Convention on the Rights of the Child, which states: "A child who violates the law or is accused of doing so has the right to legal assistance (e.g. lawyer) and a fair trial. Multiple solutions should be available to help these children become good members of their communities. Prison should be the last option."
 - 18- Unicef, *Union Interparlementaire, Guide À L'usage des Parlementaires n° 7, La protection de l'enfant Guide à l'usage des parlementaires*, 2004, Pn. 13-14.
 - 19- See Article (29) of the 2005 Constitution of Iraq in force.
 - 20- See Article (19) of the 2005 Constitution of Iraq in force.
 - 21- Dr. Tamim Taher Ahmed Al-Jader, Nabil Saadoun Faisal, *previous source*, p. 87.
 - 22- See Article 233 of the Iraqi Law of Criminal Procedure No. 34 of 1971. Which stipulates: "(a) Criminal proceedings shall not be instituted against a minor who has not attained the age of seven. (b) The age of the juvenile at the time of the commission of the offence shall be the basis for the appointment of the court competent to try him. If the juvenile is completed during the investigation of eighteen years of age, he shall be referred to the Misdemeanours Court or the Criminal Court, but if he completes it after

- being referred to the Juvenile Court, this court shall proceed to consider the case.
- 23- See Article 235 of the Iraqi Law of Criminal Procedure No. 34 of 1971. Which stipulates: "Juvenile and Rasheed committed a crime, so the investigating judge must disperse the case and refer each of them to the competent court. (b) If it appears to the juvenile court that one of the defendants has completed eighteen years of age before the referral, it shall proceed with the consideration of the juvenile's case, disperse the case of the rational accused, and return his case papers to the investigating judge for referral to the competent court.
- 24- See Article 236 of the Iraqi Law of Criminal Procedure No. 34 of 1971. Which stipulates: "The investigating judges and the court hearing the juvenile's case may seek the assistance of official social and health service organizations and others, experts and doctors in misdemeanor and criminal cases to investigate the social, health, mental and psychological condition of the juvenile, the environment in which he grew up and the reasons that led him to commit the crime, taking into account the provisions contained in other laws that require the referral of the juvenile to certain bodies for the aforementioned purpose."
- 25- See Article 237 of the Iraqi Law of Criminal Procedure No. 34 of 1971. Which stipulates: "(a) A juvenile accused of an offense shall not be arrested and may be arrested for a misdemeanor or felony for the purpose of examining him and studying his personality, or because there is no guarantor for him before him, if he is accused of a felony punishable by death and he is over ten years old, then his arrest shall be obligatory. (b) The decision issued to detain the juvenile shall be implemented in one of the observation homes, and when they are unable to exist, the necessary measures shall be taken to prevent his mixing with detainees who have reached the age of majority.
- 26- See Article 238 of the Iraqi Law of Criminal Procedure No. 34 of 1971. It stipulates: "(a) The trial of the juvenile shall be held in a secret session attended only by members of the court, its employees or those involved in the case, relatives and defenders of the juvenile, witnesses, other defendants, employees of institutions carrying out social and health services, and representatives of associations concerned with juvenile affairs. (b) The court may remove the juvenile from trial after interrogating him for immoral crimes, provided that it shall then bring him before it and explain to him the procedures that took place in his absence. (c) The penalty imposed on a juvenile shall be called a measure."
- 27- See Article 239 of the Iraqi Law of Criminal Procedure No. 34 of 1971. Which stipulates: "When sentencing a juvenile to pay a fine, the court may decide to collect it through the Enforcement Department in accordance with the Execution Law or decide to detain him instead in the correctional school or place him in the school for delinquent boys, as the case may be, for a period

of not less than six months and not more than one year."

- 28- See Article 240 of the Iraqi Law of Criminal Procedure No. 34 of 1971. It stipulates: "Any action, decision or judgment required by law to be notified to the juvenile shall, as far as possible, be notified to one of his parents or to the person who has guardianship over himself, and any of them may refer to the competent authorities for all matters related to the investigation or trial of the crime attributed to the juvenile or the judgment or decision issued against him, or the appeal or execution thereof."
- 29- See Article 241 of the Iraqi Law of Criminal Procedure No. 34 of 1971. It stipulates: "Neither the juvenile nor any of those mentioned in Article 240 may appeal against the decision to hand over the juvenile to one of his parents or to the person who raises him."