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### **Aftercare for juvenile delinquents in comparative Arab legislation**

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#### **Abstract**

This research deals with the subject of follow-up care to be provided to juvenile offenders to a negative measures of freedom after their release, important as security inside the guarantees in conflict with the law, and despite the fact that this type of care includes adult criminals who are released, but that juveniles them after the expiration of their sentence are more in need of such care for reasons of its small age and inexperience, poor awareness, research has explained this concept of care and its importance as well as is the position of the international agreements and legislation of juvenile , including the Arab countries.

#### **Keywords**

Aftercare, juvenile, delinquents, Arab legislation

#### **Introduction**

The aftercare program is the last of the correctional programs to which convicted adults and juveniles are subjected, as it is implemented by this program after the completion of the execution of the sentence or the measure depriving the freedom with the aim of helping the convict face the complex circumstances that surround the new stage in his life usually after his release and preventing his return. Therefore, this program represents a corrective treatment whose application is complementary to the successive stages of implementing the measures, and with which those responsible for their implementation should be specialists and perform their work in accordance with scientific and technical standards (1). If it can be said that care must be directed to prisons or correctional institutions since the beginning of the implementation of the penalty or measure, this means that the period of confinement in these institutions is a prelude to the release of the depositor and his exit to society, and it has been prepared in a way that qualifies him to live in

this society away from the influences that push him To return to the crime again, and then he must obtain care services for the period following his release, i.e. he receives aftercare services so that his care continues in a manner that ensures his adaptation to the conditions of the society from which he has been isolated for a period of time, which requires the provision of the requirements of that care. (2). And if the aftercare program does not concern juvenile delinquents alone, but rather includes convicted adults who complete the sentence of freedom depriving them of their liberty, then the juvenile whose sentence period ends is more in need of this care, for reasons related to his young age, lack of experience and poor awareness, This is confirmed by explicit texts in international conventions on juveniles. The care of juvenile delinquents, with its various manifestations, is of great importance in their reform, rehabilitation and reintegration into society, and in the various stages of the legal procedures that are taken against them. in which the juvenile was deposited, in addition to the role of this care and its endeavor to distance the juvenile from exposure to the factors that caused his delinquency, especially since numerous evaluation studies indicated that the care and rehabilitation programs in correctional institutions are often considered incomplete and incomplete, and that they must be followed up in a systematic manner. Organized, and this follow-up is what is called aftercare, as it aims to follow up the juvenile in his natural environment after his release from the correctional institution, and then it can be said that the main purpose of the aftercare for juveniles is to provide them with continuous assistance to reintegrate them into the normal life outside the correctional institution, With it, the treatment and reform of juveniles should be viewed as a continuous process that extends to the stage following their release from the said institution (3). In other words, the aftercare aims to provide assistance in dealing with post-release problems, so that the released person can integrate and adapt to society, and to protect the efforts made in the path of rehabilitation and discipline. (4) Because of the importance of the issue of aftercare for juvenile delinquents, we have made it the focus of our research, where we will address the subject in two demands, we devote the first to clarifying the concept of aftercare, its importance and the legal basis for it, while we devote the second requirement to explain the images of aftercare and the position of Arab legislation on it.

## **Literature review**

### **The concept of aftercare and its legal basis**

The concept of aftercare differs among sociologists from that of legal scholars. Regardless of this discrepancy, this principle or program is of great importance due to its implementation, which should be based on the law. To discuss these themes, we will divide this requirement into two branches. The concept of aftercare and its importance, and we discuss in the second the legal basis for the principle of aftercare.

## 1. The concept and importance of aftercare

### First: the concept of aftercare:

The modern philosophy of the penal system aims at reforming and correcting the offender and advancing the level of values and concepts that he carries. Or the correctional institution, which by itself is not sufficient to achieve the aforementioned goal, regardless of its value and degree, an integrated human system for the care of the prisoner or depositor after his release in order to maintain the degree of understanding, rehabilitation and reform he has reached as a result of the rehabilitation programs he underwent during his stay in the correctional institutions. This humanitarian system is to provide a helping hand to the depositor after he has spent the period of the measures or penalty imposed and released, so he is helped to overcome the various problems that may face his new journey outside the walls of the correctional or penal institution, and to overcome the difficulties he faces in the way of restoring his social status. It is known that many problems face the released person, including financial problems and others related to his loss of some rights and benefits, in addition to problems related to his family or not obtaining a job, and this is what is termed the crisis of release, and then it can be said that the responsibility of society does not stop at the exit of the depositor From the correctional institution, but it must continue after his release to help him integrate with society and return to an honorable and productive life. This responsibility of society and what it requires is what is called aftercare. (5) Subsequent care is the care that is provided to the convict after the period of confinement for which he was sentenced has expired, with the aim of helping him to take an appropriate and honorable position in society, so that he can find stability and end the state of anxiety that he encounters after leaving the correctional institution. (6) Aftercare has been defined by several definitions and from many points of view. The concept of aftercare for social service scholars is a therapeutic process for a deviant person that aims to re-adapt him to the social environment as a person who has lost his way and must be helped, while its concept among legal scholars is that it is an experimental process that monitors the deviant for a period of time. In his environment, he is under legal control to protect society from its danger. (7) Below are examples of the definitions received for aftercare, whether from the point of view of social service scholars or the law? Some sociologists have defined it as (a therapeutic process complementary to the institutional treatment of released juvenile delinquents, aimed at restoring the juvenile's ability to perceive his problems and bear his responsibility to confront them in his natural environment in order to achieve the best possible adaptation to this environment). (8) It was also known as (the complementary treatment for prison treatment and the practical means of guiding, guiding and assisting the released to meet his needs and help him settle in his life and integrate and adapt to his society).(9) It was also defined as (the final stage of the continuous social process that began since the juvenile entered the institution and successively during his stay in the accommodation

center and continues his reign). (10) As for the Arab Organization for Social Defense, it defined it in its 1974 session as (a process that follows the released event in its natural environment and prepares it for its return to the outside world, as well as provides it with the most appropriate colors of economic, social, psychological and recreational security within their natural society). (11) It was also defined as (an educational, social, economic and civilized process aimed at the professional, social and economic rehabilitation of released prisoners so that they can live and practice a new life in which the previous environmental, social and economic conditions that prompted them to commit the criminal act are bypassed). (12) Finally, the Iraqi Juvenile Care Law defined it as "care for juveniles after the expiry of the period of his placement in the rehabilitation school in a way that ensures his integration into society and his non-return to delinquency." (13) In light of the previous definitions, aftercare is a social, therapeutic and preventive concept, which is different from the concept of behavior control or judicial testing that criminologists and law know. According to legal scholars, it is an optional process that monitors the offender for a period in his community and environment and puts him under legal supervision to protect society from his danger (14) Subsequent care began in the form of individual aid that was provided to those released from prisons, considering them to be miserable and needy, in response to the teachings of religion and considerations of pity and charity, not as a means of punitive treatment, as the punitive politics saw punishment as just a means of suffering that ends with its removal, the end of the sentence and the role of the state. This assistance was provided by individuals and charitable societies, and the state's role in this regard was limited to a small group of dangerous criminals who are subjected to control that restricts their freedom, and even this control was close to the meaning of punishment rather than the meaning of care (15) While the view of aftercare has changed in light of the modern punitive policy by changing the perception of the function of punishment, punishment of the offender is no longer an achievement of deterrence is the purpose of punishment, but rather the purposes of punishment have turned to reform, rehabilitation and preparation for an honorable life in society, and then aftercare was considered a kind of treatment Punitive measures aimed at completing rehabilitation efforts in the event that the period of imprisonment or detention was not sufficient to achieve the aforementioned purposes or help the released person to benefit from the rehabilitation achieved by the programs and methods of treatment within the correctional institutions . This preparation or preparation begins from the beginning of the punitive period and continues until after leaving the correctional institution (16) Subsequent care is achieved as a type or method of punitive treatment of released juveniles by means of the most important of which is social control by keeping the juvenile in his natural environment enjoying his freedom under skilled care and personal observation from the social observer, as well as the follow-up visit by the observer or social worker to the juvenile's family. To find out about changes in his circumstances and follow up on the treatment plan or modify it,

some services can also be provided to the juvenile's family. Where the aftercare provides the opportunity for the juvenile to support his family economically, realize his professional growth and enjoy the results of his work, and the presence of the observer next to the juvenile allows the latter to express his emotions and feel the other and get rid of psychological conflicts and then achieve psychological insurance for the juvenile, and also follows the social observer of the event from an academic point of view, he shall be provided with services that enable him to complete his education if the young woman so desires. (17) Thus, it becomes clear that aftercare is a process that aims to achieve the best possible coexistence of the event with its social environment, and its steps are governed according to an organized plan and an integrated scientific theorization of the process of assistance that is provided. In which the human element is an important good in its success, as the aftercare specialist is given the task of bringing the event to the maximum possible degree of adaptation, and the role of the aforementioned specialist's skill in achieving the desired goal is highlighted here. It is worth noting that the origin of the aftercare is that its scope should be comprehensive, extending to all released persons, thus supporting the efforts made during the implementation phase. The Second United Nations Conference on Crime Prevention and the Treatment of Offenders (London Conference) in 1960 decided this principle and came in its eighth recommendation. (Since aftercare is an integral part of the social rehabilitation process, it should be provided to all those released from prison, and it is the primary duty of the state in this regard to take care of organizing the aftercare departments and providing their services). (18) However, it is not necessary that all of the released persons need aftercare, as some of them enjoy family stability and have financial resources, or they are those who were released after implementing short-term measures or punishments, so they do not urgently need focused care, so they have the ability to make their way on their own. As for the others, who live in conditions unlike the conditions of the aforementioned category, they need intensive and programmed care. (19) As a result, it can be said that there are two types of aftercare, the first type is optional aftercare that is provided to those who request it from the released for final release after the expiry of their sentences and they are not forced to accept it, as if the released were the owner of a house, he is not forced to reside in the housing prepared by the aftercare institution This care may be provided upon release in the form of clothing, money, or shelter insurance. The second type is compulsory aftercare provided to the released person and he must accept it, so the one who is released and does not have a job must accept the work provided by the institution specialized in aftercare, and this type of care may take place before the expiry of the period of punishment or measure (20)

### **Second, the importance of aftercare**

Aftercare is of great importance in the success of social rehabilitation and achieving the objectives of the modern punitive policy to ensure the protection of society from the risks that arise from the juvenile's return to crime, if we take into

account the many difficulties he faces after his release, which hinder him from continuing his integration into society, and as it clarifies We previously mentioned that these difficulties may be material, such as the lack of a source of income for the juvenile, and they may be psychological or moral difficulties represented in the juvenile's suffering from the social reaction towards him, that is, the contemptuous view that society views on him as a former prisoner.(21) Here lies the importance of the aftercare in terms of being a completion of the efforts of discipline and rehabilitation that had been made by the correctional institution, as well as it works to distance the juvenile from exposure to the spoiling factors that push him to delinquency again. The difficulties facing the released juvenile, which we said impede or make it difficult to integrate into society, are what justify the punitive role of aftercare. Those poor material conditions represent a "release crisis" (22), which imposes on the state to extend a helping hand to the juvenile to help him overcome this The stage, and if not, it exposes society to the danger of returning to the behavior of the criminal method in light of the harshness of these circumstances, which means, as a result, spoiling the efforts that had been made in the way of reforming and educating the juvenile. (23) The importance of aftercare is clear in many other aspects. If it represents a complementary treatment to the treatment and rehabilitation that took place in correctional institutions, and creates appropriate social conditions for the juvenile's reintegration into his natural environment, it also represents an important measure of social measures aimed at preventing the released juvenile from returning to Delinquency, by supporting his freedom and protecting him from the look of suspicion and suspicion that society has towards him, and it allows for the control of positive relations between the institutions in which the juvenile is deposited and the relevant persons who are concerned with the matter of the juvenile, so the results of the rehabilitation program to which he is subject are evaluated, in addition to that keeping Dignity of the human being, helping him to live a normal and normal life, and caring for the personality of the released person, leads those who have succeeded in restoring their human integration and adapting to society, leading them to help others to follow the same method. It should also be noted that the aftercare has security and social repercussions, as caring for the released juvenile contributes to preventing him from taking the path of crime, the commission of which leads to compromising the security of the community. a basic social requirement (24) In general, we can conclude that the importance of aftercare stems from the fact that if it is achieved in the required manner, it in turn works to achieve two goals, a preventive by avoiding the released event, the risks of returning to the path of crime, and another curative by helping the juvenile to overcome the crisis that may He is exposed to it upon his release, by providing him with a job opportunity and helping him to find a shelter, in addition to extending a helping hand to him in protecting him from mistrust and the negative view of society towards him and enhancing his self-confidence.(25) As a result of the importance occupied by aftercare, it has received the attention and attention of

international conferences that issued recommendations with which it can be said that this care has become a right for the released, and the society has the duty to prepare it for him.(26) The First United Nations Conference on Crime Prevention and the Treatment of Offenders, held in Geneva in 1955, issued a recommendation to adopt minimum rules for the treatment of offenders (prisoners) (27), whose rules (76-81) were devoted to the subject of aftercare and grouped under the title (Social Relations and Aftercare), as well as For other scattered rules, as in the rules (65, 64, 61) The same applies to the Second International Conference of the United Nations Commission to Combat Crime and the Treatment of Offenders, which was held in London in 1960. It emphasized the importance of aftercare and the necessity of counting it as a duty of the state. The conference devoted eight of its recommendations to the subject of aftercare, including Recommendation (7) which says (The purpose of post-release care is to work to reintegrate the offender into the life of a free society and to provide him with moral and material assistance. First, work must be done to meet his necessary needs, such as providing him with clothes, housing, means of transportation, his living needs, and giving him the necessary documents. get a suitable job.(

Also, recommendation (8), which was previously referred to, states that (since aftercare is considered an integral part of the social rehabilitation process, it should be provided to all those released from prisons, and it is the duty of the state in this regard to organize aftercare departments and provide their services (28) Finally, she refers to the Conference of Arab Social Affairs Experts held in Cairo in 1964, which indicated in its recommendations that attention should be paid since the beginning of the execution of the sentence to the future of the prisoner after his release, and the need for governmental and private bodies to provide the released with effective subsequent care (Darmayanti, Africa, & Mildawati, 2021; Habanabakize, 2020; Jermisittiparsert, 2021).(29)

## **2. Legal basis for aftercare**

The text on the principle of aftercare was included in several international agreements, general and others specific to juveniles. Those agreements drew attention to the principle of aftercare, stressing its importance as a guarantee that should be provided to convicts whose terms of punishment or measures depriving them of freedom have expired, and that this principle should be of interest in different countries, to work on creating the requirements for its implementation and success. Rule (64) of the Standard Minimum Rules for the Treatment of Prisoners stipulates that (the duty of society does not end with the release of the prisoner), and therefore there should be governmental or private bodies capable of providing the prisoner who has regained his freedom effective care, aimed at alleviating spontaneous hostile attitudes against him and allow him to rehabilitate him to return to his place in society.

It is noted in the foregoing text its recognition of the society's duty to extend a helping hand to the prisoner who is released, and the necessity of helping him to

regain his natural place in society by taking care of him and confronting the hostile situations he may be exposed to and the forgiveness he may face from some, and emphasizing that such care takes an official and institutional form. That there be bodies specialized in providing such care, whether they are state institutions or private bodies of civil society institutions. In addition to the text of rule (64) above, what is stipulated in rule (80) of the same rules, which states that (from the beginning of the execution of the sentence, the prisoner's future after his release shall be taken into consideration, and he shall encourage and help him to continue or establish relationships with persons or The bodies outside the prison are everything that serves the interests of his family and facilitates his rehabilitation. If the text of the two aforementioned rules was contained in a general agreement, which includes released prisoners of adults or juveniles, then the international agreements on juveniles also stipulate the principle of aftercare. Article 29 of the 1985 United Nations Model Rules for the Administration of Juvenile Justice, known as the (Beijing Rules), states that "Efforts shall be made to provide semi-institutional arrangements such as homes with partial freedom, educational homes, day training centers and other appropriate arrangements, which can be Juveniles help to return to a proper integration into society.(30) This rule stresses the need for various facilities and services aimed at meeting the different needs of released juveniles and those returning to the community, and the need to provide guidance and support as they represent a step towards a successful return to integration into society, and that the importance of post-custodial care in a correctional institution should not be underestimated. Therefore, the text stresses the need to create a network of semi-institutional arrangements. (31) As for the United Nations rules on the protection of juvenile offenders from their freedom of 1990, it referred to the principle of aftercare in two rules, in which it required the competent authorities in the state to ensure the provision of services that help the released juveniles to integrate with society again. Article (79) of the aforementioned rules stipulates that (all juveniles should benefit from arrangements aimed at helping them return to society, family life, education or employment after their release.(...As for Rule (80), it stipulates that (the competent authorities must provide or guarantee the provision of services aimed at helping juveniles to reintegrate into society or reduce prejudice against them. , and sufficient means of subsistence after his release in order to facilitate his successful reintegration into society, and representatives of the bodies providing these services should be consulted and their contact with detained juveniles should be made available to assist them in their return to society. In addition to the foregoing, what was stipulated in the Arab strategy for the prevention and reform of juveniles, which devotes a special section to aftercare, and stipulates that the national policy includes aftercare that is achieved through several means stipulated in the mentioned strategy? (32) The aforementioned international texts are considered a legal basis on which legislators in countries can rely in enacting legal provisions related to the principle of aftercare, especially in light of a provision in the text of those agreements to oblige or urge countries



affiliated to the agreements to include what is stated therein rules in its internal legislation, or to amend such legislation in accordance with what is stated in the agreement. (33)

### **Pictures of aftercare and the position of Arab legislation on it**

#### **3. Aftercare Pictures**

Comprehensiveness is the cornerstone of the philosophy of aftercare in correctional work, so that the same individual guilty event is not satisfied, and no focus is placed on any aspect of rebuilding the personality, such as the psychological, social, professional or moral aspect, as well as not neglecting any of the forms of the social environment at the expense of The other, meaning not focusing on the family and leaving work, for example, and not limiting it to the family and the work environment, but rather to the environment of the juvenile and his local community, where social relations arise and crystallize and affect the efforts of the released and the efforts of the competent social agencies to re-adapt him negatively and positively, and if this comprehensiveness It is the main pillar of the philosophy of aftercare, as the applications of this pillar are still limited, because of the high cost required by the aftercare program in terms of human and material, as it is a program that requires special and good preparation for its workers.(34) In light of the foregoing and the content of the aforementioned international rules, the aftercare program consists of several stages. The first of these stages is the preparation of the event in the stage prior to the end of the measure depriving freedom, so it is prepared and the preparation for its return to society and dealing with it in a normal and proper manner, either the stage The second relates to efforts exerted to facilitate his integration into society and influence so that this society accepts the limit in the matter of welcome and the promise of alienation from him or treating him as a person who is not safe from his side. Then we come to the third stage, which includes employing many means that help the juvenile to confront the factors and pressures that may return him to the path of delinquency. Among the most prominent of these means is enabling him to be empowered, dressed and work. (35) On this and from another angle, it can be said that the aftercare is divided into two main stages, a stage that precedes the release of the juvenile and a stage subsequent to this release. Based on this, we can summarize the images of aftercare for the released juvenile in two basic forms (36), each of which is achieved by several means, namely:

#### **First: Helping the juvenile to reintegrate into society**

This is done by preparing the juvenile before his release by linking his relationship with his family and urging them to embrace him again and take care of him financially and morally, while providing him with the necessary directions and instructions to face the new life, and helping him to make the right decisions, as well as providing a financial grant to support him in meeting his urgent needs, as well as securing what he needs. From clothing and basic living requirements until securing

a financial resource for him, by giving him an opportunity to work after examining his qualifications and preparations and their compliance with the conditions of the work he desires, and working to develop his skills in a way that facilitates his access to that job opportunity, while encouraging production and service institutions and others to employ the released juveniles, and those who have completed the rehabilitation and treatment period in correctional institutions. (37)

### **Second: Overcoming the obstacles that hinder the juvenile in building his social status**

This form of aftercare has many aspects, including those related to giving special care to those released who suffer from symptoms or diseases and need treatment, as illness can represent an obstacle between the juvenile and full rehabilitation. In addition, the process of preparing society to accept the released juvenile and not to isolate him socially, as the hostility of public opinion is one of the most prominent obstacles the released juvenile faces, and therefore he should not be insulted, belittled or treated with contempt. (38) This form of aftercare also expands the issue of ensuring that the juvenile obtains housing permanently or temporarily, especially those who have completed the deposit period and do not have a place to resort to upon their exit, which requires a decision to place the juvenile who has lost family care in one of the specialized state houses, in addition to the necessity Issuance of identity documents for those who do not possess them because of their importance in the life of any person, and to enable the juvenile to complete his life's journey, whether at the educational level, or to obtain a suitable job that requires the presence of these documents. (39) It is noted that the means by which the aftercare is achieved overlap with each other and compete in their importance, which reflects the necessity of their availability in order for the mentioned care to bear its fruits, in addition to that it reflects the complexity of the aftercare program, which needs to be available and the efforts of government institutions and civil organizations cooperate Within the framework of joint and highly coordinated work, to complete this program in a sound context and according to scientific and technical principles and standards. (40) Although the organization of aftercare takes different patterns, under some of these patterns, charitable societies volunteer to perform such care, so that the relationship between the state and these societies is an informal relationship, but the common pattern in contemporary legislation is that under which the performance and management of aftercare is entrusted. To a governmental body linked to the body to which the correctional institution belongs (41), based on the aftercare program that requires huge funds to implement its paragraphs that civil society institutions or private institutions are unable to provide, in addition to the difficulty that these institutions face in securing supervision and control, and if that does not prevent them From the participation of government agencies in the implementation of the aftercare mission. (42) It should be noted that the implementation of aftercare in its scientific sense requires the availability of a special apparatus to take care of

the released juveniles, provided that this apparatus is assumed by social workers, psychologists, doctors, professionals and employment specialists, who cooperate among them to provide and achieve this care, thus allowing the juvenile to be re-adapted to society Overcoming obstacles, resolving problems that he may face, and following up from time to time until he is finally settled. (43)

#### **4. The position of Arab legislation on the principle of aftercare**

Aftercare has become a legal obligation, arising from an accurate and correct scientific view, as one of the elements of a correct and successful criminal policy, and in this description it is considered a complementary method to the methods of re-education, rehabilitation and reform, as well as re-adapting the released juvenile to his local environment and society as a whole (44). This notes that most countries of the world have taken care of the aftercare in their legislation and have given it special care, in terms of providing its requirements such as housing, work and financial grants, in order to achieve the purposes of punishment in reform, rehabilitation, re-evaluation of the released and their integration into society (45) However, it must be acknowledged that Arab legislation is still ambiguous and negligent about the principle of aftercare. No independent laws have legislated this principle, nor explicit texts addressing it except in a small drop from those legislation, where the aftercare is extracted through the measure of freedom to monitor (behavior control), and It can be extracted by replacing the correctional measures by placing the juvenile under the supervision of the social representative for a period determined by the juvenile judge. (46) Most of the Arab juvenile laws have been devoid of a text on the principle of aftercare, at a time when other Arab countries have dealt with this issue in the texts of legislation related to the organization of prisons and correctional institutions (47), although what the Iraqi legislator came with in the juvenile care law remains a distinct relationship regarding its treatment. For the principle of aftercare, as will be seen shortly. As for the juvenile laws in the Gulf Cooperation Council countries, they are devoid of texts dealing with the issue of aftercare, with the exception of the Omani law, whose article twenty-six states: measure, and overcome the difficulties that he may face in order to adapt to his new conditions, in order to ensure his protection from returning to delinquency. These measures are:

A- Increasing the family to create the family and social conditions for the juvenile.

B - Helping the juvenile to achieve positive interaction with those around him.

C- Helping the juvenile to create the appropriate opportunity to complete his training and find a source of income for him. (48)

Likewise, juvenile legislation in Jordan, Lebanon, Yemen, Syria, Morocco and Algeria was devoid of provisions regulating the issue of aftercare. In Tunisia, there have been texts dealing with the principle of aftercare in the internal system of the Reform Center for Juvenile Delinquents, where Chapter (19) of it states that

(aftercare aims to provide appropriate conditions for the integration of juveniles into the social fabric, linking the connection with the specific administrative structures with the education of juveniles or By training them professionally or employing them within the scope of the agreements concluded for this purpose between the Ministry of Interior and the concerned ministries. (49) In Egypt, the situation is not much different from the rest of the Arab countries in terms of the ambiguity and shortcomings that surround the provisions related to aftercare. The Egyptian legislator's plan, although based on recognizing the punitive role of aftercare, yet the features of this plan still need to be detailed, as the Ministry of Social Affairs defines The means of education and eradication of illiteracy necessary for each institution consistent with the objectives, circumstances and ages of the juveniles, and the institution works to take into account the necessary procedures in establishing classrooms there, and juveniles may be attached to external schools, provided that the institution bears the necessary expenses. (50) The Egyptian Prisons Organizing Law decided that the prison administration must notify the Ministry of Social Affairs of the names of the convicts before their release, with a sufficient period of no less than two months, so that during this period they can be socially rehabilitated and prepared for the external environment, with all the reasons for guidance and care necessary for them, as stated by the law. The aforementioned provision requires that the released person go through a transition period if the period of his stay in prison exceeds four years, and the internal regulation determines the duration of this period and the way the prisoner is treated during it, taking into account the gradual easing of restrictions or granting benefits. (51) As for the position of the Iraqi legislation on aftercare, the juvenile care law is unique from the rest of the Arab juvenile legislation by legislatively regulating the issue of aftercare, which expresses the sincere desire to rehabilitate juvenile depositors. (52) The Juvenile Care Law has given great care to this care and considered it one of the foundations for achieving its goals, so it came to explain its nature, objectives and requirements, necessitating the creation of a special section linked to the Juvenile Reform Department, to take care of the juvenile after the expiry of the period of his deposit. (53) The aforementioned law dealt with the subject of aftercare in Chapter Seven, Articles (99-107) of it, and divided that care into two phases. The first relates to the care and follow-up of the juvenile before he leaves the rehabilitation school, and the second concerns the care and follow-up of the juvenile after he leaves the said school and releases him. And we will deal with the aspects of aftercare in each of the two stages according to what is stated in the law in two separate paragraphs, and briefly.

#### **First: Pre-release care**

The Juvenile Care Law assigned the task of treating and rehabilitating juveniles at this stage with the management of the rehabilitation school then entrusted this administration and the Aftercare Department with the task of caring for the juvenile before the expiry of the deposit period. Where the law requires the

administration of the rehabilitation school, and at least three months before the end of the period of deposition, to carry out certain procedures, which is to provide the aftercare department with the name of the juvenile whose deposit period will expire with a detailed report about him, and to place the juvenile in a special ward that provides him with greater freedom, and grant him An additional leave that paves the way for his exit to a new social life, with assigning him some additional work inside or outside the school, which would restore the juvenile's self-confidence. (54) Then the law clarified the role of the aftercare department and the duties entrusted to it, so the aforementioned department was obligated to contact the juvenile before leaving the rehabilitation school through a social researcher, in order to provide the juvenile with the necessary instructions to meet the requirements of the new life, and help him make correct decisions to find out the qualifications of the juvenile and their compliance with the conditions of work The one whose desire goes to his disrespect, in addition to securing the documents required for obtaining a job and getting to know the environment in which the juvenile wants to join after his release, to restore his relationship with it or heal the existing rift in his family relationship. on housing, whether temporary or permanent. (55) It appears in the light of the foregoing that the Juvenile Care Law ensured care for the deposited juvenile before his release and exit from the correctional institution, and entrusted the implementation of these tasks to the administration of the rehabilitation school that knows the circumstances of the juvenile in detail, to the Aftercare Department, which by law became specialized in juveniles starting from this (56)

### **Second: Post-judgment care**

The second stage of the aftercare stages according to the Iraqi Juvenile Care Law, is the care provided to the juvenile upon his release and after this release, as the law imposed on the Aftercare Department to perform many tasks at this time, as Article (102) of the aforementioned section permitted the provision of a financial grant Suitable for the juvenile to help him meet his urgent needs, or to change the environment in which he lived when he was delinquent, if it was a reason for that. The Aftercare Department must also work to secure a home for juveniles who have completed their period of confinement and do not have a place to go to immediately and for a period not exceeding three months. (58) Also, the same section must request the juvenile court to issue a decision to place the juvenile in one of the state's homes if it is proven that he has lost family care. (59) In addition, the Aftercare Department is obligated to request the aforementioned court to issue a decision to house the female deposited who has completed eighteen years of age in the young adult women's ward, if she lacks family care or fears for her life if she is handed over to her relatives, provided that she continues to be placed in the aforementioned ward. Until she reaches (22) years, or until a solution to her problem is found, either through marriage, finding a suitable

job for her, or handing her over to her family if she agrees to that. (60) The Aftercare Department also seeks to find work for the released juvenile, whether in public or private institutions or with employers. Article (106) gives the released juvenile priority in employment. In addition to the tasks of the aforementioned aftercare department, it organizes the study of juveniles who need to be returned to school, or who wish to continue their studies. (61) It is noted from the above the extent of attention paid by the Iraqi legislator to the principle of post-juvenile care, and despite some observations that can be recorded on the provisions he brought in this regard, he still has the advantage over the rest of the Arab juvenile legislation, by regulating this guarantee of guarantees for juvenile delinquents. Legislatively, at a time the aforementioned legislation was devoid of any mention of it.

### **Conclusions**

1. The aftercare program is one of the most important correctional programs that are applied to juvenile delinquents, and it is the last of those programs, as it is applied after the expiry of the penalty period or the measure depriving the freedom of the juvenile, and that this program complements the previous rehabilitation programs and completes the efforts of discipline that had been previously. The correctional institution has made efforts to rehabilitate the juvenile and integrate it into society. Hence, this program is one of the most important social measures aimed at preventing the return of the released juvenile to delinquency.
2. Many international conferences and conventions emphasized the necessity of paying attention to the aftercare system or program, and the importance of its role in reforming and educating juveniles and returning them to their natural environment as a beneficial and productive element.
3. The aftercare for the released juveniles is embodied and concentrated in two forms: helping the juvenile to reintegrate him into society, and overcoming the difficulties he encounters in building his social status.
4. One of the most important means by which aftercare is achieved is social monitoring and successive visits to the juvenile and his family, in addition to securing the psychological, economic and educational status of the juvenile.
5. The failure of the Arab countries to keep pace with other countries of the world in terms of attention to the issue of aftercare, as the provisions of aftercare are ambiguous, which is noted as soon as it has been scattered in many laws in some countries, or does not exist at all in other countries, and is excluded from This is our country, Iraq, which preceded the rest of the Arab countries by organizing the aftercare by legislation and with provisions that are considered superior, reflecting the sincere desire of the Iraqi legislator to pay attention to the category of juvenile delinquents.

### **Recommendations**

1. The necessity of regulating the principle of aftercare in legislation in the Arab countries whose legislations are devoid of special provisions for this principle.
2. Amending the provisions of the Iraqi Juvenile Care Law related to aftercare, by specifying the amount of the financial grant that is provided to the released juvenile and explaining the aspects of its disbursement. Being married or not, and in a manner that provides the basic requirements of living for him, such as clothing, food, housing and transportation, with the need to address the issue of organizing and studying the released juveniles in terms of returning them to the study seats for those who wish to do so, and assigning the aftercare department with this task.
3. Paying attention to education and religious education inside the correctional institutions to emphasize the morals and expanding the establishment of cultural and social clubs and others for social defense, as well as paying attention to education and vocational training inside the correctional institutions, and establishing guesthouses for the released who do not have a shelter to resort to and until the appropriate housing is arranged for them. All of this has effects in resisting the factors of delinquency and the motives for recidivism, and so that the aftercare leads to the desired results.

### **Margins**

- (1) Look at Dr. Youssef Al-Yas: Laws of Juvenile Delinquents in the Cooperation Council Countries, Social and Labor Studies Series, issued by the Executive Office of the Ministers of Labor and Social Affairs of the Cooperation Council for the Arab States of the Gulf, 1st Edition, No. (86), 2014, p. Dr. Tamim Taher Al-Jader: Juvenile Care Law, House of General Cultural Affairs, Baghdad, 1, 1999, p. 283.
- (2) Yahya Hassan Darwish: Aftercare and its impact on reducing recidivism, research among several papers entitled (The Aftercare of the Released between Theory and Practice), the eighteenth scientific symposium research, the Arab Center for Security Studies and Training, Riyadh, 1, 1988, p. 15.
- (3) This is what was stated in the results of the European studies seminar for the exchange of a treatment plan for juvenile offenders, and the recommendation of the Advisory Committee on Children and Young Delinquents, that the process of transition from the institution to life in the local community should be in a gradual manner. For more details, see Dr. Ali Muhammad Jaafar: Protection Juveniles in conflict with the law and at risk of delinquency, University Foundation for Studies, Publishing and Distribution, Beirut, 1, 2004, pg. 426-427.
- (4) Dr. Ahmed Essam El-Din Malaji: Aftercare for those released from penal institutions, Arab Journal for Security Studies, Volume (3), Issue (5), 1987. In this regard, the Second United Nations International Conference on Crime

Prevention and the Treatment of Offenders, held in London 1960 The purposes of aftercare are to integrate the criminal into the group, provide him with material and moral assistance, work to meet his necessary needs, give him the necessary documents, take care of his morale and emotional needs, and help him to get a suitable job. Recommendation (7) is considered among the recommendations of the aforementioned conference.

- (5)Dr. Badr El-Din Ali: The Role of International Efforts and Prisoners' Care Associations in Developing Aftercare Programs, Research from among Several Researches Entitled (Towards an Arab Strategy for Reform Work), Arab Center for Security Studies and Training, Riyadh, 1993, p. 13 and beyond.
- (6)Dr. Fawzia Abdel Sattar: Criminal Treatment of Children, Dar Al-Nahda Al-Arabiya, 1999, p. 169.
- (7)Dr. Abdel-Fattah Othman Abdel-Samad: An Arab Model for Post-Juvenile Care, Arab Center for Security Studies and Training, Riyadh, 2nd Edition, 1988, p. 31.
- (8)The previous source, p. 31.
- (9)Yassin Al-Rifai: Aftercare for Graduates of Punitive and Curative Institutions, Criminal Journal and Guidance, No. (1), Volume (12), 1969, p. 95.
- (10) GIRARD.Gg ((Service de suite, post – cure)), Sauvegarde de L enfance , No , 1,2,3, 1961 , p.163" .
- (11)Dr. Abdel Fattah Othman: A previous source, p. 31.
- (12)Dr. Muhammad Safouh al-Akhras: Rehabilitation programs and the achievement of aftercare, research within several papers entitled (The Aftercare of the Released between Theory and Practice), the research of the Eighteenth Scientific Symposium, the Arab Center for Studies, Security and Training, Riyadh, i 1, 1988, p. 10.
- (13)Article (99) of the Iraqi Juvenile Care Law No. (76) of 1983.
- (14)Dr. Abdel-Fattah Othman: A previous source, pg. 30.
- (15)Dr. Ahmed Essam El-Din Meligy: A previous source, pg. 127.
- (16)Samira Hamel: Social Developments of the Prisoner, Master's Thesis submitted to the Faculty of Humanities and Social Sciences - Hadj Lakhdar University - Batna - Algeria - 2012, p. 79.
- (17)Dr. Abdel Fattah Othman: A previous source, p. 52 and beyond.
- (18)Dr. Mahmoud Najib Hosni: The Science of Punishment, without a publishing house, 1973, p. 628.
- (19)Dr. Abdul-Amir Hassan Junaih: Police release in Iraq, PhD thesis submitted to the College of Law and Politics - University of Baghdad, 1979, pp. 247-275.
- (20)Dr. Aydin Khaled Qader sees: Remedial measures for juvenile delinquents, a doctoral thesis submitted to the College of Law - University of Baghdad, 1992, pp. 253-254.
- (21)Dr. Abdul Amir Hassan Junaih: previous source, p. 272.
- (22)



- Max Grunhut , Penal, Veform , Oxford, England, 1948, p.321.
- (23)See Dr. Mahmoud Najib Hosni: previous source, pg. 612.
- (24)See Dr. Aydin Khaled Qader: Previous Source, p. 255 and beyond.
- (25)Each of the
- L enfance , indaplee , Paris, 1976, p.129. LANG.J.
- Dr. Mahmoud Najib Hosni, previous source, pg. 614.
- (26)See both Dr. Abdul-Amir Hassan Junaih: previous source, pg. 279 and beyond, and Dr. Aiden Khaled Qader: previous source, pg. 257 and beyond.
- (27)The United Nations adopted these rules at its first conference on the prevention of crime and the treatment of criminals held in Geneva in 1955, and the Economic Council approved them in its resolutions 663 C (D-24) on 7/31/1957 and 2076 (D-62) on May 13/ 1977.
- (28)Dr. Ahmed Essam El Din Meligy: A previous source, p. 129.
- (29)Dr. Mahmoud Najib Hosni: previous source, pg. 618.
- (30)Paragraph (2) of Rule (28) also considers the same rules which stipulate that an appropriate authority shall assist juveniles who have been released from a correctional institution on conditional release, and shall supervise them and provide them with full support by the local community, as this is considered Kind of aftercare.
- (31)See the comment on Rule (29) of the Beijing Rules.
- (32)For more details, see Dr. Baraa Munther Latif: Criminal Policy in the Juvenile Care Law, Dar Al-Hamid for Publishing and Distribution, Amman, 2009, p. 227.
- (33)Considers Rule 7 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.
- (34)Farouk Abdul Rahman Murad: Aftercare for the released between theory and practice, previous source, p. 10.
- (35)Dr. Youssef Al-Yas: a previous source, p. 280.
- (36)Dr. Mahmoud Najib Hosni: previous source, pg. 624, and Dr. Tamim Taher Al-Jader, previous source, p. 284.
- (37)See Article (102) of the Iraqi Juvenile Care Law.
- (38)See Dr. Jamal Ibrahim Al-Haidari: The Modern Science of Punishment, Baghdad, 2009, pp. 239-240, and Dr. Mahmoud Najib Hosni, The Science of Punishment, previous source, pg. 627.
- (39)See Articles (104-105) of the Iraqi Juvenile Care Law, and Dr. Tamim Taher Al-Jader, previous source, 284.
- (40)Dr. Youssef Al-Yas, a previous source, pp. 280-281.
- (41)Dr. Aidan Khaled Qader, previous source, pg. 262.
- (42)Previous source, p. 262-263 , and Dr. Abdul Amir Hassan Junaih, previous source, p. 278, and Rule (81/3) are considered among the Standard Minimum Rules for the Treatment of Prisoners.
- (43)Yahya Hassan Darwish: A previous source, p. 16.
- (44)Dr. Wathbeh Daoud Al-Saadi: Analysis of the Juvenile Care Law from the Applied

- Angle, Al-Haqqi Journal, Preparation (1-4), 1984. p. 85.
- (45)Dr. Hatem Muhammad Salih: Evaluation of Guests and Depositors, Journal of Baghdad College of Economic Sciences University, No. 21, 2009, p. 144.
- (46)Dr. Ali Muhammad Jaafar: A previous source, pg. 427.
- (47)Dr. Baraa Munther Abdel Latif: A previous source, p. 228.
- (48)Dr. Youssef Al-Yas: a previous source, p. 281, but it is worth mentioning the provisions dealing with the principle of aftercare in the regulations for social observation houses, the boys' care institution, and the role of social guidance in Saudi Arabia, with some shy references to this principle in the Prisons Organizing Law Qatari No. (3) of 1995.
- (49)Dr. Baraa Munther Abdel Latif: previous source, p. 232, and see chapters (16 and 30) of the internal system of the Tunisian Juvenile Delinquent Correction Center issued by Order No. (2432) on 12/11/1995.
- (50)Dr. Ahmed bin Abdullah al-Kuwari: Juvenile Rights in Juvenile Court, Arab House of Science Publishers, Beirut, 1, 2011, p. 106, and see Article (2) of Ministerial Resolution No. (114) for the year 1976 in Egypt.
- (51)See Articles (64 and 18) of the Egyptian Prison Organization Law No. 396 of 1956, and Dr. Mahmoud Naguib Hosni, The Science of Punishment, previous source, p. 631 et seq.
- (52)Dr. Baraa Munther Abdul Latif: previous source, p. 228.
- (53)Dr. Aidan Khaled Qader, previous source, pg. 278.
- (54)Consider Article (101) of the Juvenile Care Law.
- (55)The law also required the Aftercare Department to extract identity documents for depositors who do not own them and those who lack family care, and it was imposed on all state homes and rehabilitation schools to inform the Aftercare Department of the names of depositors immediately upon their deposit and those who do not have identity documents for the purpose of extracting them during the deposit period. And if the aforementioned department is unable to extract the appropriate identification documents, based on a request from the Juvenile Reform Department in this regard, paragraphs (a, b) of item (third) of Article (105) of the Juvenile Welfare Law shall be considered.
- (56)Dr. Aidan Khaled Qader, a previous source, pg. 281.
- (57)The system of rehabilitation schools has dealt with the subject in a succinct manner and in a manner that does not achieve the objectives envisaged by the Juvenile Care Law. For more details, see Awwad Hussein Yassin: Explanation of the Juvenile Care Law, Dar Al-Jeel Al-Arabi, Mosul, 1, 2012, p. 236. Dr. Aidan Khaled Qader, previous source, pp. 282-283.
- (58)Article (104) of the Juvenile Care Law.
- (59)Article (105/first) of the Juvenile Care Law.
- (60)Article (105/second) of the Juvenile Care Law.
- (61)The Juvenile Care Law did not impose on the aftercare department the duty to follow up studies and organize family relations for juveniles, although it is

at the core of the principle of aftercare. pp. 285-286, and Dr. Baraa Munther Abdel Latif: A previous source, p. 240.

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