

In the Name of Allah, the Gracious, the Merciful

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In the Name of Allah, the Gracious, the Merciful

**The Child's Act, 2010**

**10/2/2010**

**Chapter I**

**Preliminary Provisions**

**Title**

1. This Act may be cited as the, "Child's Act, 2010".

**Repeal and saving**

2. The Child Act, 2004 shall, as from the coming into force of this Act be repealed; provided that all the regulations and orders made thereunder shall remain in force, until revoked, or amended in accordance with the provisions of this Act.

**Provisions of this Act**

3. The Provisions of this Act shall prevail over any provision in any other law, as may be inconsistency therewith, in construction of the child's interest, to the extent of removing such inconsistency.

**Interpretation**

4. In this Act, unless the context otherwise requires,:-

"Maintenance Family", means the substitute family, which is assigned with provision of spiritual, social, psychological, and health care of the Child, whose circumstances prevent his upbringing in his natural family;

"Military actions", mean the actions the nature of which requires joining a military body, or disciplined, or non-disciplined military forces;

"Child Traffic",	means any act, or transaction by which a Child is transferred, on the part of any person, or group of persons, to another person, or group of persons, for recompense, or any of the forms of consideration;
"Delinquent",	means every Child, who completes the age of twelve years, and does not attain eighteen years of his age, upon his commission of an act in contravention of the law;
"Remand Homes",	mean the homes, provided for in section 59;
"Instruction Homes",	mean the homes, provided for in section 71;
"Nurseries",	mean any appropriate place allocated for custody of Children, below the age of four, and subject to the supervision and control of a body having competence;
"Care Homes",	mean the homes provided for in section 26 ;
"Youth Homes",	mean the homes, provided for in section 72.
"Child",	means every person, whose age does not exceed eighteen years;
"Child Soldier",	means the Child, whose age does not exceed eighteen years, and who is appointed, admitted or forced to join

	any military, or para-military force, whether disciplined, or non-disciplined;
"Working Child",	means the Child, who practises work, and the range of his age is between fourteen and eighteen years;
"Vagrant Child",	means the Child, who is exposed to danger, by reason of his un-natural presence on the street, to the extent of endangering his moral, psychological, physical or instructional safety;
"Maintenance",	means any of the types of compensatory care, which aim at the sound upbringing of a Child;
"Council",	means the Childhood (Care) National Council, established under the Childhood (Care) National Council Act;
"Court",	means the Child's Court, provided for in section 62;
"Probation Officer",	means the Probation Officer specified by the Court to discharge the duties, provided for in section 82;
"Social Probation",	means the judicial measure, through which a delinquent Child is integrated in the society;
"Prosecution Attorneys	

Bureau",	means the Child's Prosecution Attorneys Bureau, provided for in section 60;
"Disabled",	means any Child, who is born or suffers such bodily, mental or sensory disability, as may partially, or totally affect him;
"Family and Child's Protection police ",	means the Police, concerning the protection of the Family and Child, provided for in section 54;
"Children Development Centres",	means the Children Development Centres established by the Ministry in accordance with the provisions section 22;
"Moral Justice",	means the justice which concentrate on rehabilitation and recommendation of the child exposed to delinquency in the society and deal with the victim as compensate hi o the society on the damage occurred thereto;
"Society committee",	mean the joint committees between the police and the quarter village or hood community;
Ministry",	means the Ministry responsible for the Child affairs;



"Minister", means the responsible Minister specified by the President of the Republic;

"Child exposed to delinquency", means the Child, who attains seven, and does not attain twelve years, and is found in such environment, as may endanger his moral, psychological, physical or instructional safety;

## **Chapter II**

### **General Principles**

- 5.(1) In application of the provisions of this Act, guidance shall be resorted to the principles and provisions, set out in the Interim Constitution to the Republic of the Sudan , 2005, the ratified international and protocols agreements the policies, decisions and directives, laid down by the Council .
- (2) Without affecting the generality of the foregoing, the following general principles and provisions shall be the fundamental rules for application of the provisions of this Act :-
- (a) the State shall be assigned with care and protection of Children, and strive to prepare the appropriate circumstances for the proper upbringing thereof, from all sides, within the framework of freedom, human dignity and spiritual and social values, and in a healthy environment;
  - (b) the sound upbringing of Children is a public responsibility; and the State shall respect the rights and duties of the parents and the family, by virtue of the religion and local custom;

- (c) the Child has the right of protection against all forms of unjust discrimination;
- (d) the protection of the Child and his interests shall have the priority in all the decisions, or measures, relating to Childhood, the family or environment, whatever may be the body, which issues, or exercises the same;
- (e) the State shall guarantee all the lawful rights of the Child, in particular his right to prove his affinity and his right to life and growth , the name, nationality, breast-feeding, custody, clothing and dwelling, and his right to education and care of his conditions, in accordance with the provisions of the law;
- (f) a Child, who is affiliated to an ethnic, religious or linguistic minority shall have the right to enjoy, with the rest individuals of the community, his culture or declaration of his religion and practice of its rites, or use of his language;
- (g) a Child born outside the framework of marriage shall have the right to registration in the Birth Registers, affiliated to whoever of his parents admits his affiliation and with any name, where his parents do not admit;
- (h) a Child shall have the right to change his name in the Birth Registers, where there is therein degrading thereto, insult of his dignity, or where the name is inconsistent with religious creeds;
- (i) a born Child shall have the right to extract a birth certificate thereto, in the form prepared therefor, and deliver the same to his folks, without fees;

- (j) there shall be guaranteed , for a Child, the right to express his opinions and desires with every freedom, and to actually take part in the special judicial, administrative, social or instructional procedure, in accordance with the age of the Child and degree of his maturity;
- (k) this Act ensures the protection of a male, or female Child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation;
- (l) a Child, who is alleged to have violated the Criminal Law, or is charged therewith, or the same is proved against him, shall have the right to be treated in such way, as may be compatible with upgrading his sense of his dignity and status; and he is innocent, until his conviction is proved; and his trial shall aim at his social entegration, and shall not criminally be responsible, unless he attains twelve years of his age, but shall lie subject to one of the care measures, in accordance with the provisions of this Act;
- (m) there shall lie upon shoulders of the parents the primary responsibility of instructing the Child; and the State shall endeavour to provide the appropriate assistance to the family;
- (n) development and care of Childhood is a religious, human, patriotic and national obligation; and the natural family consisting of both spouses is the nucleus of the society, and it is the first best environment for upbringing Children;

- (o) custody is a right of the Child; and the Child's right thereto shall not be enunciated, where his parents refuse his custody;
- (p) Child vagrancy shall be deemed to be inconsistent with the sound values of the society; and the State shall strive to prevent the reasons leading thereto and reform whatever may exist thereof.

### **Chapter III**

#### **Health Care**

#### **Application**

- 6. Where not expressly provided therefor in this Chapter, the provisions of the Public Health Act, 2008, and any other law concerning human health, made by the official bodies in the Sduan shall apply.

#### **Right of Child to breast-feeding**

- 7.(1) A Child has the right to breast-feeding, for the period of full two years, other than such particular cases , as may be specified by the physician .
- (2) The State shall grant a suckling working mother a maternity leave for such period, as may be specified by the laws and regulations of national civil service.

#### **Right of Child to immunization**

- 8.(1) A Child shall have the right to be immunized by serums and vaccines protecting from infectious diseases, at the competent health offices and health units, free of charge, as to such systems and dates, as the health authorities may specify, by a decision thereof; and shall set forth in the decision the diseases for protection against which immunization is made; provided that the State shall strive to provide immunization aids.

- (2) Child's immunization is a duty upon his parents, or the person under custody, or guardianship of whom the Child is placed.
- (3) A Child shall be immunized by protective serums by a person licensed to practise the profession.

### **Health card**

9. Every Child shall have a health card, the data of which shall be registered in a special register, at the competent health office, and there shall be delivered to the parent, or guardian of the Child, within one month, of the date of birth, as the laws and regulations of public health may specify.

### **Health card presented**

10. The health card shall be presented upon every medical examination of the Child, at the Childhood Care Centres, the health centres or otherwise, by which the health condition of a Child shall be proved; and there shall be registered therein the immunizations conducted to the Child and the dates thereof.

### **The card attached upon joining school**

11. The health card shall be attached among the papers of the Child joining school, at the pre-university education stages (as far as possible) for the purpose of registering the results of periodical medical examination of the Child, and such as may occur in his health condition of diseases or affections; provided that the same shall be kept in the school file.

### **Periodical medical examination procedure**

12. The health authorities, by a decision thereof, shall specify the procedure of periodical medical examination of school Children and the dates of conducting the same, in accordance with the laws and regulations organizing that.

**Addition of substances inconsistent with specifications  
to Child food prohibited**

- 13.(1) No coloured or preservative substances, nor food additives shall be added to the foods and preparations specified for nutrition of Children, unless they are identical to the conditions and specifications validated by the competent bodies.
- (2) No advertisement of the foods and preparations specified for nutrition of Children shall be made, save after their registration and obtaining a licence to circulate the same, from the competent bodies, in particular the mother milk substitutes.

**Child's right to primary health care**

14. A Child shall have the right to provision of such primary health care free of charge, at government hospitals and centres, as may specified by health authorities.

**Children protected against infectious diseases and provision  
of treatment of emergent cases**

15. A Child shall have the right to protection against infectious diseases, and provision of treatment in emergent cases, at the government hospitals and centres.

**Medical examination in case of marriage**

16. Those desirous of marriage shall be bound to submit themselves to examination, to prove their freedom of inherited or infectors diseases, in protection of the Child.

**Children suffering from mental or psychological diseases**

- 17.(1) A Child found in the street, and it transpires through inquiries his exposure to neglect, that he has no family and suffers from a mental, or psychological disease, shall be lodged with one of the specialized government hospitals.
- (2) The regulations shall specify the procedure that have to be followed and the bodies competent to lodge.

## **Sale of Tobacco and anesthetic substances to Children**

### **prohibited**

18. There shall be prohibited sale, or distribution of tobacco, rubber adhesive, alcohol and any anesthetic and other narcotic substances, to a Child, or allowing him to use the same, save for necessity and for a lawful purpose.

## **Chapter IV**

### **Social Care**

#### **Nurseries licensed**

- 19.(1) No person shall establish a Nursery, or change the site thereof, before obtaining a prior licence from the Ministry concerned.
- (2) The regulations, made under the provisions of this Act, shall organize Nurseries, and the procedure of licensing, specifications, control and supervision thereof;

#### **Objectives of Nurseries**

20. Nurseries aim at achievement of the following objects, to :-
- (a) socially care for Children, and develop their abilities and gifts;
  - (b) soundly prepare Children bodily, psychologically, culturally and morally, in such way, as may be compatible with the aims of the society and its religious values;
  - (c) disseminate awareness between families of Children, to upbringing them in a sound way;
  - (d) strengthen and develop the social ties between Nurseries and Children families.

#### **Employer bound to establish a Nursery**

21. Every employer, who employs one hundred workers, and more shall establish a Nursery, in which there shall be satisfied the conditions and specifications, prescribed in the regulations made under the provisions of this Act.

### **objectives of Children Development Centres**

- 22.(1) The Ministry shall establish centres for Children development, which aim at the social, instructional and cultural upbringing of Children, through filling their leisure times by sound instructional means and styles.
- (2) Without prejudice to the generality of the provisions of the foregoing , Children Centres shall have the following objectives :-
- (a) social, instructional and culturally care for Children, through their leisure times and during holidays, and before the beginning of the school day and after its end;
  - (b) complete the message of the family and school in the Child care, and assist the working mother in protecting her Children, against bodily and psychological neglect, and protect them, against exposure to delinquency;
  - (c) prepare the chances for a Child to grow in an integrated way, from all the physical, mental and emotional sides, to acquire new skills and reach the greatest amount of development of his potential abilities;
  - (d) help the Child to increase his study achievements, and knowledge and cultural comprehension;
  - (e) strengthen the ties between the Child Development Centre and the Child family;
  - (f) supply the Child's family with knowledge and awareness about Child instruction, and the factors of his upbringing, in accordance with valid instructional styles.

### **Vagrancy**

23. Vagrancy of Children shall not be deemed an offence punishable by law.



### **Care measures for a vagrant Child**

24. The competent bodies, in case of finding a vagrant Child, shall hand him over to whoever satisfies the moral guarantees for his care, in accordance with the following arrangement :-

- (a) his parents, or one of them;
- (b) whoever has guardianship, or trusteeship thereon;
- (c) one of his family members, or relatives;
- (d) a maintenance family, which undertakes his care in accordance with the ordinances of Islamic Sharia, or the non-Muslem customs, as the case may be;
- (e) an official body competent to care for Children.

### **Substitute care**

25.(1) Substitute care shall be presented to Children, who suffer from difficult family circumstances, which hinder their upbringing , or restitution to their natural families, in accordance with the following arrangement :-

- (a) relatives of the mother, or father ;
- (b) Maintenance Families, in accordance with ordinances of Islamic Sharia, and adoption in accordance with the Non-Muslims Personal Status Act; provided that the regulations shall specify the safeguards and conditions organizing Maintenance Families, and the categories benefiting thereby;
- (c) Care Homes.

(2) The social care institutions such as the Zakat Fund, and otherwise of funds shall subsidize the Substitute Care Institutions and programmes.

(3) Upon selecting Substitute Care, due consideration shall be had to continuity of Child instruction, in accordance with his religious, ethnic, cultural and linguistic background, according to his beliefs.

### **Care Homes established**

26. The Ministry shall establish Care Homes for the Children, who are deprived of family care; and the regulations made under the provisions of this Act shall specify the tasks, functions and manner of organizing the same.

### **Instruction Homes**

27. The Ministry of Interior shall establish Instruction Homes for delinquent children, and the regulations shall specify the tasks, functions and manner of organizing them.

## **Chapter V**

### **Child Education**

#### **Child right to education**

- 28.(1) Every child shall have the right to general education.
- (2) The State shall provide the capabilities for availing the chances of the compulsory basic education, free of charge.
- (3) The State shall endeavour to provide education free of charge, at the government secondary schools, for orphans, the disabled, paupers and those of unknown parents.
- (4) The State shall endeavour to include, into the educational curricula, the following :-
- (a) religious instruction;
  - (b) national Instruction
  - (c) principles of Human Rights.

#### **Prohibited sanctions at Schools**

- 29.(1) No one of the following sanctions shall be inflicted on Children at schools :-
- (a) cruel penalties;
  - (b) reprimand by expressions, which degrade dignity;
  - (c) deprivation of attending the class, unless attendance of the student causes impediment to the progress of study;
  - (d) expulsion from the school during the progress of study .

- (2) The Ministry of General Education shall specify such sanctions, as may be appropriate, for whoever contravenes the provisions of subsection (1), under the regulations, to be made thereby in this respect.

### **Excellent Children rewarded**

30. Children at schools may be rewarded for academic excellence and cultural and artistic creation, as the regulations made by the Ministry of General Education may specify.

## **Chapter VI**

### **Child's Culture**

#### **Child cultural needs satisfied**

31. There shall be guaranteed for the Child the satisfaction of his cultural needs, such as letters, arts, knowledge and information, derived from his society, and widening his comprehension, by knowing the human heritage and modern scientific and technological advancement.

#### **Child's libraries**

- 32.(1) Libraries for the Child shall be attached to schools, at towns, quarters and villages.
- (2) The regulations, made by the Ministry of General Education shall specify the conditions and procedure of establishment of Child's libraries and organizing work thereat.

#### **Publication of some printed materials and literary works prohibited**

33. There shall be prohibited the publication, exhibition, circulation, photographing or possession of any printed materials, or artistic works visual or audio, concerning the Child, which address his lower desires, or embellish therefor the conduct inconsistent with values and traditions of the society, or by nature encourage him to be delinquent .

#### **Viewing shows organized**

- 34.(1) There shall categorically be prevented entry of Children into cinema houses, and viewing clubs and other places of entertainment , during the school day, and their entry shall be prevented save in company of their parents or whoever assumes their instruction .
- (2) The regulations shall specify organizing viewing of shows for Children at cinema houses, viewing clubs and public places; and the responsibility of managers and supervisors of such places, and holding such shows, and those responsible for entry of the public, and the sanctions inflicted on those contravening, from owners and those in charge of the houses.

### **Advertisement of prohibited shows**

35. Managers of cinema houses, viewing clubs and similar public places shall advertise, on a conspicuous place, in both Arabic and English languages, and by all the available mass media the shows viewing of which is prohibited for Children.

## **Chapter VII**

### **Child Labour**

#### **Employment of Children organized**

- 36.(1) There shall be prohibited work of Children, who are under the age of fourteen years; and there shall be excluded work of Children in such grazing and , agricultural business as may not be dangerous, or harmful to health.
- (2) A child may join apprenticeship at industrial schools, and institutes and vocational education, and training centres, which are subject to the supervision of the State, where he attains fourteen years of age.
- (3) Where not expressly provided therefor in this Act, the provisions of the Labour Act, and the regulations made thereunder shall apply.

#### **Business leading to prejudice the Child prohibited**

37. There shall be prohibited employment of Children in dangerous business and industries, which by nature, or the action of

circumstances in which they are likely to injure Children's health, thereof safety or moral conduct thereof ; and the Minister of Labour and Public service and Development of Human Resources, or whoever he may authorize may specify such business or industries.<sup>1</sup>

### **Medical examination conducted**

- 38.(1) An employer shall conduct free medical examination for Children, before joining work; and at periodical terms, after employment, according to the nature of work and the Child's health circumstances.
- (2) The competent authority shall specify the accredited medical body which conduct medical examination and issue the required medical certificate.

### **Daily work hours**

- 39.(1) The daily work hours of a working Child shall not exceed seven hours, intercepted by one, or more, rest period, not less in total, than one hour, in such way, as the Child shall not work for more than four consecutive hours, and not remain at the place of work for such period, as may not exceed seven hours.
- (2) A working Child shall not work over time, or be employed on the weekly rest days, or official holidays, or at night between six p.m., and until eight a.m.

### **Leave**

40. A working Child shall be entitled to a paid leave in accordance with the laws and regulations organizing the same.

### **Benefiting by social services**

- 41.(1) A working Child may benefit by the workers social services, which are compatible with his age.

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<sup>1</sup> Act o. 40, 1974

- (2) The employer shall be bound to insure the working Child at the Social Insurance Fund; and present health and medical care, as to such way, as the bodies of competence may specify, and train him on manner of use of the means of safety and vocational health, and control application thereof, and his benefiting by such means .

### **Child training**

42. An employer upon assuming the working Child with work, shall place him under the supervision of a person, or persons from those possessed of experience in such work.

## **Chapter VIII**

### **Employment or Participation of Children in Military Actions Prohibited**

#### **Recruitment of Children**

- 43.(1) There shall be prohibited the recruitment, appointment or employment of Children in the armed forces, or in armed groups, or employment thereof to participate in war actions.
- (2) The military laws and regulations shall specify the appropriate measures to whoever contravenes the provisions of sub-section (1).

#### **Demobilization, rehabilitation and integration**

- 44.(1) The competent body of demobilization and integration shall guarantee the design such programmes, as may help in demobilization of Child soldiers, in co-ordination with the bodies concerned (military and security institutions and armed groups) and strive to integrate them socially and economically , and shall take special care of the demobilized Children in general and the disabled in particular, during their presence at demobilization centres.
- (2) The competent body shall rehabilitate the child, who is the victim of armed conflicts, psychologically and mentally; and integrate him socially and economically.

**Chapter IX**  
**Exploitation of Children in Prostitution,**  
**Pornographic Materials and Forced Labour**  
**Use of Children in prostitution and**  
**pornographic materials prohibited**

- 45.(1) There shall be deemed to have committed an offence whoever:-
- (a) kidnaps, traffics in, or transplants the organ, or organs of any Child ;
  - (b) rapes any Child;
  - (c) sexually harasses, or abuses any child;
  - (d) the produces, circulates, publishes, imports, exports, exhibits, sells or posses any pornographic materials, relating to the Child;
  - (e) employs any Child, for the purpose of sexual activities, for remuneration, or any of the forms of consideration.
  - (f) encourages, or Photograph by any means any Child practising actually, or by imitation, express sexual activities, or photographs the genetals of any Child for gratifying sexual desire.

**Employment of Children in forced labour prohibited**

- 46.(1) There shall be to have committed an offence whoever employs Children in traffic of slaverq, of all the forms thereof; and no Child shall be enslaved, or subjected to forced labour, or compelling him to perform work by force.
- (2) There shall be deemed to have committed an offence whoever smuggle or assist in smuggling any Child or Children across the borders, for the purpose of forced labour, traffic, forced employment, or violence of the forms thereof.

**Children's integration and rehabilitation**

- 47.(1)The Ministry shall take appropriate measures to achieve the physical and psychological rehabilitation, and social integration of the Child,

who is the victim of any of the forms of neglect, exploitation, abuse , torture, or any of the forms of harsh treatment, or severe, inhuman, or degrading penalty, or armed conflicts.

- (2) Integration and rehabilitation shall be conducted in such environment, as may consolidate the Child health, and self and dignity respect.

## **Chapter X**

### **Care of Those Having Disability**

#### **Care and protection of a Child having a disability**

- 48.(1) Subject to the national Disabled Act, 2009 or any other law, as may substitute the same, a Child having a disability shall have the right to social, health and psychological care, aiming at training him to depend upon himself; and the State shall protect him against any work, as by nature may impede his education, or prejudice his health or his physical , mental, spiritual or social growth.
- (2) A Child having a special need shall have the right to rehabilitation, by rendering the social, psychological, medical , mental, educational and vocational services; and the compensatory devices, which have to be provided therefor, without consideration, with the aim of enabling him to overcome the effects arising out of his disability and within the limits to the amounts allocated for such purpose in the general budget of the State, as to such conditions, as the regulations may specify.

#### **Teaching the disabled**

- 49.(1) Disabled Children shall be integrated at the various stages of education according to the disability.
- (2) Promotion and encouragement of the institutions of training and vocational rehabilitation of the disable and rehabilitate the existing centres.
- (3) There may be established special schools, or classes for teaching disabled Children may be licensed, in such way, as may be



compatible with their abilities and readiness, as to such conditions and specifications, as the Minister responsible for Education may specify.

### **Certificates granted**

- (50) Every Child, from those of disability, who has been rehabilitated, shall be granted a certificate, wherein there shall be set forth the vocation, for the practice of which he has been rehabilitated, in addition to any other data, as the competent authority may deem the addition thereof necessary.

### **Registration at labour offices**

51. The labour office, which lies within the local limits of jurisdiction, shall register the name of the Child from those of disability who has been rehabilitated, into a special register, upon notification from the body, which has rehabilitated him.

### **Employment of disabled Children**

52. The Minister of Labour Public Service and Human Resources Development shall allocate posts in the public sector for disabled Children, in accordance with the required academic qualifications and encourage the private sector to employ the disabled Children according to their qualifications .<sup>2</sup>

### **Exemption from fees**

53. The compensatory and assisting devices, and means of transport, which are necessary for the pauper Children, from those of disability, shall be exempted from all customs duties, upon approval of the Minister of Finance and National Economy , upon recommendation of the Minister.

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<sup>2</sup> Act No, 40 /1974.

## Chapter XI

### Competent Justice and Judicial Organs

#### Family and Child Protection Police

54. There shall be established, under the provisions of the Sudan Police Act, 2008, or any other law, as may replace the same, Children police, to be known as the, "Family and Child Protection Police", and the regulations, made thereunder shall specify the budget and administrative system thereof.

#### Functions of the Family and Child Protection Police

- 55.(1) The Family and Child Protection Unit shall have competence to :-
- (a) conduct inquiries of the contraventions attributed to Children, in accordance with the provisions of this Act, or any other law;
  - (b) conduct inquiries of the contraventions and offences committed against Children;
  - (c) take such measures, as may secure guarding and protection of Children, against all forms of violation , and conduct inquiries, and submit the same to the Children Prosecution Attorneys Bureau;
  - (d) search for missing, kidnapped Children and escapees from their families, or instructional and charitable institutions, or any other institutions concerned with Children affairs, upon the information issued by such bodies;
  - (e) conduct the necessary co-ordination, with the bodies having competence, to present the social and psychological treatment , to victim and injured Children, upon what the inquiries and reasons for decision in the trial have reached;
  - (e) conduct researches and statistics, by seeking the help of those competent, on cases of delinquency and violations, in

respect of Children, and submit the same to the bodies of competence, together with the appropriate recommendation with respect thereto.

### **Inquiry with Children**

- 56.(1) Upon inquiry with any Child, there shall attend his guardian, whoever may deputize therefor, whoever may stand for him, his advocate or the social researcher from the Social Services Offices, referred thereto in section 57.
- (2) Notwithstanding the provisions of sub-section (1), , upon the impossibility of attendance of the Child guardian, whoever may deputize, or stand therefor, the competent social care delegate shall be present .

### **Social Service Offices**

- 57.(1) There shall be established social since offices at the Family and Child Protection Police composed, composed of a sufficient number of social and psychological researchers, whether from employees of the state or in the voluntary work field.
- (2) The Social Service Office shall have competence on the following, to :-
- (a) prepare the social and psychological file of the Child, preserve its secrecy; provided that it shall contain such information, as the regulations may specify.
  - (b) submit a recommendation of such appropriate measure, as the Office may deems fit to take, against a delinquent Child;
  - (c) prepare and submit reports about delinquent Children, and submit the same to the Prosecution Attorneys Bureau and the Court;

- (d) visit the Child at Remand Homes, Social Institutions and Instruction Homes;
- (e) take all such procedure and measures, as may help the delinquent Child;

### **Arrest and detention**

- 58.(1) No procedure of arrest, or detention shall be taken, against a Child, save after summoning the guardian, and no arrest warrant shall be executed, save by the Family and Child Protection Police .
- (2) The Prosecution Attorney, or Magistrate, who has issued the arrest warrant, shall write a record, wherein he shall show the reasons, which justify the same.
- (3) The Family and Child Protection Police , upon arrest of the delinquent Child, shall, forthwith notify both, or one of his parents, his guardians, or those, who exercise supervision over him.
- (4) There shall not :-
- (a) be kept any Child, upon his precautionary detention, with adult persons.
  - (b) exceed seven days the period of Child's remaining at the Remand Home.

### **Remand Homes**

- 59.(1) The Ministry of Interior shall establish , Remand Homes to be allocated to Children, who are waiting for inquiry, or trial;
- (2) Children, during the period of their remaining at Remand Homes, shall receive care and protection, and all types of legal, social, educational, vocational, psychological and medical aids, which are requisite therefor, subject to their gender, character and special circumstances.

### **Children Prosecution Attorneys Bureau established**

- 60.(1) There shall be established, under the provisions of the Criminal Procedure Act, 1991, and the Ministry of Justice ( Organization) Act, 1983, or any other law as may replace the same a Prosecution Attorneys Bureau, to be known as the, "Child Prosecution Attorneys Bureau", having competence to supervise the inquiries conducted by the Family Protection Police.
- (2) The Prosecution Attorneys Bureau shall give due regard to the good treatment of Children in the inquiries, which it supervises .
- (3) The Prosecution Attorneys shall be subject to specialized courses in the field of Sociology, Psychology, the laws and international agreements concerning Children, before the assignment of any one of them with any tasks, relating to Children.
- (4) The Prosecution Attorneys Bureau may seek the help of experts on Psychology and Sociology , to assist in any inquiries , as may be conducted thereby, whether the experts belong to official, or voluntary bodies.
- (5) Inquiry of delinquent Children, or victims cases shall be conducted by the Child Prosecution Attorneys Bureau.

### **Functions of the Child Prosecution Attorneys Bureau**

- 61.(1) Subject to the provisions of the Criminal Procedure Act, 1991, and the Ministry of Justice ( Organization) Act, 1983, or any other law, as replace the same, the Child Prosecution Attorneys Bureau shall have the following functions, to :-
- (a) supervise inquiries of Children cases, and direct inquiry therein;
  - (b) supervise the progress of the criminal suit;
  - (c) address charge in the offences, committed against, or by Children;

- (d) conduct prosecution before Children Courts.
- (2) The Child's Prosecution Attorneys Bureau may transfer cases to any competent body, as it may deem fit to take such measures and procedure, as the body may deem fit.

### **Child Court established**

- 62.(1) There shall be established, under the Judiciary Act, 1986, or any other law, as may replace the same, a court, to be known as the, "Child Court", to assume trial of children.
- (2) The Child Court Magistrate shall be subject to specialized courses, in the field of Sociology, Instruction, Psychology and the styles of dealing with Children, and the laws and international agreements concerning the Children.

### **Functions of the Child Court**

63. In addition to any other functions, provided therefor in this Act, the Child Court shall be competent to consider:-
- (a) the cases submitted, before it on part of the Prosecution Attorneys Bureau, the Social Service Office or the Child next-of-kin, in respect of Children, who are victims of violations;
  - (b) the cases transferred thereto, by other courts, against delinquent Children;
  - (c) transfer outside the judicial system.

### **Precautionary remand of a Child**

64. A Child may precautionally be remanded, by an order of the Child Prosecution Attorneys, or the Child Court Magistrate, at a Remand Home, where the circumstances of the Child, or the nature of the punishable act require the same.

### **Trial procedure**

- 65.(1) The Child's Court shall apply the procedure, concerning trial, provided for in this Act; and in case of non-provision for any procedural matter before it, the Child Court shall follow the UN Minimum Rules on Juvenile Courts, and Peking Rules, by which a circular is issued by the Chief Justice.
- (2) Notwithstanding the provisions of this Act, with respect to the procedure, which have to be followed by the Court, the procedure may take such form , as may not be followed in the ordinary trial procedure; and the Court may likewise convene at any appropriate place, or time, where the Court deems there is an interest of the Child therein.
- (3) A Child shall not be tried, save in the attendance of a deputy of the Social Service Office, and endeavor, as far as possible, to secure the attendance of his guardian, or whoever may stand therefor.
- (4) Trial of a Child shall not be conducted, save in the attendance of an advocate, or pleader therefor; and the Court may allow the attendance of any other person, as a friend.
- (5) The Court may exempt a delinquent Child, or the witness, from attending the trial by himself, where it deems that his interest requires the same.
- (6) Every procedure, which the law demands its service on a Child shall, as far as possible, be served on his parent, or guardian, whoever may be entrusted with care thereof, or his advocate; and those shall have the right to contest, by all the available legal ways, the judgement passed against the Child.
- (7) Where the Court deems that the health, physical mental or psychological condition of the Child requires his examination, before determining the suit, it shall transfer him to the competent official

medical bodies, together with staying progress of the suit, pending the examination being made, and receipt of a report thereon.

- (8) Where Children and adults jointly commit one act, their trial shall be separated; and the Child shall not be brought for the criminal trial. Where the same is not possible, a representative thereof shall be appointed to attend the trial sittings.

### **Visit of Remand and Instruction Homes**

66. Each of the Prosecution Attorney and Magistrate of the Child Court, as the case may be shall protect Children, and visit Remand Homes, Instruction homes and Social Care Institutions, lying within the local limits of their jurisdiction continuously, to be acquainted with the position of detained, or sentenced Children; and any one of them may issue such directives, as he may deem fit.

### **Sentences transferred from Criminal Courts to the Child Court**

- 67.(1) A Criminal Court, in case of conviction, shall not pass any sentence, or measures against the Child, and shall send the record to the competent Child's Court, or any body, as it may deem fit, to decide as the same may deem appropriate in respect thereof.
- (2) The Child's Court, to which the copy of the trial record is transferred, in pursuance of the provisions of sub-section (1), may order conducting any inquiries, or social researches, and summon the Child, before it, to consider taking such measures, as may be appropriate in respect thereof.

### **Care measures for Children exposed to delinquency**

- 68.(1) No criminal proceedings shall be taken against Children exposed to delinquency.
- (2) The Family and Children Protection Police, Child's Prosecution attorney Bureau, Social Care or Society Committees shall take the



following care measures against the Children exposed to delinquency :-

- (a) abstract influence, moral justice or any appropriate style, as may be recommended by the competent social or the psychological expert;
  - (b) delivery to both his parents or one of them, the Sharia guardian or wherever may undertake care therefor ;
  - (c) delivery to a charitable society for fostering Children or to any other charitable body.
- (3) To carry out the measures, referred thereto in subsection (2) , rewritten permission shall be obtained from the Child's Court.

#### **Reform measures for a delinquent Child**

69.(1) The Court may pass any of the following reform measures, against the delinquent Child :-

- (a) reprimand and warning;
  - (b) placement under Social Probation, in his social environment;
  - (c) binding by performing service to the society, or joining appropriate vocational, cultural, sports or social training courses;
  - (d) lodging at Instruction Homes.
- (2) The Court may inflict such reform measures, for such term, as it may deem necessary and appropriate.

#### **Child age to be considered upon inflicting measures**

70. The Court shall have due regard to the age of the delinquent Child, appropriateness of the sentenced measure and the term thereof, for reform of the juvenile Child and socially rehabilitation thereof.

### **Instruction Homes**

71. the Minister of Interior shall establish Instruction Homes, for keeping the Children sentenced to reform measures, under judicial sentences, in accordance with the provisions of section 69(d).

### **Youth Homes**

72. The Minister of Interior shall establish Youth Homes, to be allocated for delinquent Children, who have attained the age of eighteen, and have not complete the term of the reform measure, at Instruction Homes.

### **Power of the Court to stay measures**

73. The Court, at any time, according to the condition of the delinquent Child, may stay the taken measures, where the righteousness of the Child and the needlessness of following it up is proved.

### **Reports of the Instruction Home**

- 74.(1) The Director of the Instruction Home shall present, to the Court, a report every three months, wherein he sets forth the condition of the delinquent Child, together with recommending in respect thereof.
- (2) The Court, upon recommendation of the Instruction Home, or any specialized body, may amend, or quash the reform measures taken thereby in respect of the delinquent Child.

### **Appeal**

- 75.(1) The sentences and orders passed by the Children Court shall be subject to appeal before the Court of Appeal.
- (2) The Child parents, his guardian, whoever may undertake his care or his advocate shall have the right to contest, by all the available legal ways, the sentence passed against the Child interest.

### **Procedure in case of a victim Child**

- 76.(1) Where it transpires, to the Court, in any proceedings before it, or before any other court, that the Child has been exposed, or may be

exposed to danger, or any harmful influence, it may assign any specialized body, with the study of his case, and prepare the appropriate recommendation and treatment thereof, and specify the body having competence on such treatment.

- (2) The Court shall pass the appropriate decision, in accordance with the recommendation of the specialized body, referred thereto in sub-section (1).
- (3) A Criminal Court, or any other court, before which a suit is submitted, which reveals the occurrence of an offence against a Child, shall write a record thereof, and submit the same to the Children Court.

### **Principles of passing sentences**

77. The Court , upon passing sentences, shall give due regard to the following principles :-
  - (a) that the measure is appropriate to the circumstances and needs of the Child, and the act he has committed;
  - (b) it does not inflict restrictions upon the personal freedom of the Child, save after sufficient study; provided that such restrictions shall be restricted to the minimum possible limit;
  - (c) that the Child is not deprived of personal freedom, save where it is proved that he has committed an act involving the use of violence, or recidivism, and there is no other appropriate measure;
  - (d) death sentence is not inflicted on the Child;
  - (e) that the Child interest is the purpose of the measures, to be inflicted thereon.

### **Execution of sentences followed-up**

78.(1) The Court shall supervise execution of the sentences passed thereby.

(2) The Social Probation service officer shall prepare, to the Court, a periodical and monthly report on the promotion of the Child conduct; and the Court, in the light of the reports submitted thereto, by the Social Service Office, may amend the measures taken on the part thereof, whenever the same is necessary.

### **Privacy of sittings**

79. The privacy right of the Child shall be respected, during the trial procedure, to avoid any injury, as may affect him; and no information, relating to his appearance before any court, shall be published, save by permission thereof.

### **Transfer outside the judicial system**

80. The Court may transfer the suit of the delinquent Child, to be treated by any social, or institutional body, as may be specified by the Court, without recourse to his trial before it; provided that it shall set forth, in the transfer decision, the standards and conditions, which have to apply to the said treatment.

### **Records**

81.(1) Records of Children cases shall be kept in full secrecy, and they shall not be perused, save by permission of the Court.

(2) Where a Child is brought for trial, before any Children's Court, such court shall ascertain joining the papers of previous trials (if any), before other courts, for the purpose of benefiting thereby in knowing the background and circumstances of the Child.

(3) Children's records shall not be used in the proceedings to be taken against the same Child, after his attainment of the age of eighteen years.

- (4) Notwithstanding any other rules, pertaining to destruction of cases papers, the Child's cases papers shall be burnt forthwith attainment thereby of the age of eighteen years.

**Role of the Social Probation Officer in case of  
placing a Child under Social Probation**

82. The Social Probation Officer shall discharge the following duties, namely to :-
- (a) inquire into the conditions, pertaining to the delinquent Child, who is placed under Probation, and the condition of his family, the reasons of his delinquency and the methods of treatment thereof and submit a report on the same to the court;
  - (b) set forth the conduct of such delinquent Child in the file concerning him, during the period of Probation, and strive to obtain written certificates, from all the bodies concerned, setting forth his performance and conduct;
  - (c) supervise the delinquent Child, during performing the work entrusted thereto, under the measure issued to him by the Court;
  - (d) notify the competent Court of the non-obedience, by the delinquent Child, who is placed under Social Probation, of the Probation order;
  - (e) be responsible for keeping the Probation records;
  - (f) present a monthly report, on the form prepared for this purpose on the extent of enhancement of the delinquent Child placed under Probation;
  - (g) visit Remand Homes, to be acquainted with the delinquent Children;
  - (h) contact the Police Authorities to expedite cases of the delinquent Children;

- (i) notify the Social Probation Officer, in the area to which the delinquent Child, who is placed under Probation travels, to follow-up the Probation of such delinquent Child, and supply him with a report thereon, and in case of final departure of such juvenile, the Social Probation Officer shall transfer the file concerning him , to the Social Probation Officer in the area, to which he has moved, for follow-up of his Probation, in accordance with the provisions of this section;
- (j) submit an annual report, to the Court , on the extent of the Probation promotion and business thereof.

### **Victim Children rights**

83.(1) The Justice Organs shall guarantee the protection of the rights and interests of the Children, who are victims of the practices, prohibited under the provisions of sections 43, 45, 46, at all the stages of the judicial proceedings ; in particular the following, to:-

- (a) recognize weakness of the victim Children, and adapt the proceedings, in order to render them recognize their special needs, including their special needs, as witnesses;
- (b) inform the victim Children of their rights, role, the progress of proceedings and the timing thereof and determination of their cases;
- (c) allow showing the opinions of victim Children, their needs and the occupations thereof, and consider the same during the suits, which affect their personal interests, in such way, as may be compatible with the procedural rules of the law;
- (d) provide the appropriate legal and social aid services to the victim Children, throughout the progress of the legal proceedings;

- (e) protect the privacy and identity of the victim Children, and take such measures As may be necessary, to avoid publication of such information, as can lead to recognize such victim Children;
  - (f) guarantee in appropriate cases the protection of the safety of victim Children, their families and witnesses, who testify to their benefit, against exposure to terrorism and revenge;
  - (g) avoid unjustified delay in determining the cases, and execution of the orders and decisions, which grant compensation to victim Children.
- (2) The Justice Organs shall guarantee to all Children, who are the victims of the offences, provided for in sections 45 and 46 , availing the appropriate procedure to obtain, without discrimination, compensation for the injuries they have suffered, by the persons legally responsible for such offences.

## **Chapter XII**

### **General and Final Provisions**

#### **Report of violation of the right of care**

- 84.(1) Any person, who has reasonable cause to believe that there is violation of the rights of any Child, or that any one of the Child parents, his guardian, or whoever may be entrusted with his care, refuses, or neglects supplying the Child with adequate food, clothing, health care or education, while he is able to provide the same , shall advise him on the duty he is bound thereby ; and where he insists on non-response, he shall report the same to the nearest official authority.
- (2) The competent body to whom the matter has been reported, , under sub-section (1), may summon the person, against whom the report

is made, and verify the matter therewith; and the competent body may order such , as it may deem achieving the Child interest.

(3) Where the person, to whom any order has been issued , under subsection (2), refuses executing such order, the competent body may submit the matter to the nearest Family and Child Protection Unit, together with such recommendations, as it may deem fit, to treat the situation, and the body, to whom the matter has been submitted may :-

(a) issue any order, as it may issue under this Act, or any other law;

(b) where the person, to whom the order has been issued, is one of the Child's parents, the competent body in addition to the order it has issued under paragraph (a), may require such parent to sign an undertaking to provide the needs of the Child, according to his need therefor .

### **Means of reporting violations**

85.(1) There shall be established, under this Act, a hot telephone line, or any other means of communication, to receive information's, suits and complaints of any violation to any of the Child rights, set out in this Act, on condition that the informed official bodies shall verify the informant person and his address.

(2) The Police shall establish a centre for receiving informations , and co-ordination with the competent bodies, to intervene.

(3) Where it transpires that the information is false the informant shall be tried according to the Criminal Act.



## **Penalties**

86.(1) There shall be punished whoever contravenes the provisions of :-

- (a) section 13, with imprisonment, for a term, not less than six months , or with fine , or with both, and in all cases there shall be confiscated foods stuffs, receptacles and used instruments.
- (b) section 18, with imprisonment , for a term, not less than three months, or with fine, or with both;
- (c) section 33, with imprisonment, for term of six months, or with fine, or with both;
- (d) sections 34, 35, 36 and 37, with imprisonment, for a term, not less than one month, or with fine, or with both.
- (e) section 45(a), with death or with imprisonment, for the term, not less than twenty years together with fine ;
- (f) section 45(b) with death, or imprisonment for a term of twenty years, together with fine;
- (g) sections 45(c) , (d) and (c) and 46(1), with imprisonment, for a term, not exceeding fifteen y years and with fine;
- (h) sections 46(2), with imprisonment , not exceeding twenty years and with fine ;
- (i) sections 45 and 46 , in addition to imprisonment and fine, seizures and confiscation of the property such as the materials which are used to commit the offence or facilitate the commission thereof and close the premises which are used in the commission of such offences, and the Court may allocate part of the fine to the aggrieved persons, as compensation.

**Power to make regulations and rules**

87. The Council may make such regulations, and rules, as may be necessary, for implementation of the provisions of this Act.