

# Iraqi Criminal Recidivism Policy Reform

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## ABSTRACT

When a person commits one or more crimes, after s/he has been finally convicted for a previous crime is known as a recidivist. While many studies have been conducted focusing on the factors that contribute of recidivism attempting to reduce it, this research focuses on the criminal policy approach as a tool to desist criminal from reoffending. The first part of this research focuses on the concept of recidivism, types and legal provisions that governs recidivism with clarifying Iraqi penal code (IPC) and juvenile's welfare act (IJWA) adoption approach. The second part attempts to provide a reform of the Iraqi criminal recidivism policy by adopting temporary recidivism type instead of permanent in which empower self-rehabilitation concept of criminals.

**KEYWORDS:** Policy – Recidivism – Adults – Juveniles – Temporary – Self-Rehabilitation.

## 1. Introduction

Criminals reoffend crimes because of variety of reasons (Victor, Comartin, and Willis,2021). This behavior is known as recidivism when they reoffend after returning to the community. Recidivism is an important concept to measure how criminal policy and rehabilitation program desists offenders from committing crimes, thence, reintegrate them into the community safely. Worldwide, in response to reoffending crimes, approach of considering recidivism as an aggravating factor in which impose harsher punishment on criminals is adopted. This is due to the fact of that some suggest that longer sentence provides additional specific and general deterrence benefit (Dressler, 2012:50). On other hand, some others advocate for shorter sentences with the assumption that longer sentences will not reduce, but may increase, recidivism rates (Nagin, 2013). Between these two points of view, this paper explores that despite imposing harsher sentence provides additional deterrence benefits, the approach of criminal recidivism policy has role too in desisting criminals from reoffending. Of these approaches adopting temporary type of recidivism in which enable self-rehabilitation concept of criminals beside incarceration

deterrence to re-interrogate into the community safely.

### 1.1 Statement of the Problem

The problem of this research is that the Iraqi criminal recidivism policy approach for adults and juveniles is ineffective for desisting criminals from reoffending. Rather different criminal policy shall be adopted for both categories to have recidivism as important tool and measure for desistance.

### 1.2 Research Questions and Hypotheses

In this study, the following research question (RQs) and hypotheses are investigated:

- RQ: Have the Iraqi criminal codes adopted compatible recidivism criminal policy for adults and juveniles?
- Ha1. For adults the Iraqi criminal policy adopts recidivism as an aggravating factor but the type of recidivism shall be modified to temporary to empower criminals' self-rehabilitation concept.
- Ha2. For juveniles, the Iraqi criminal policy should adopt a temporary recidivism criminal policy- with conditions and restrictions- due to the fact of the high rate of crimes committed by juveniles.

### 1.3 Scope of the research

The scope of this research is to identify the concept of

recidivism and investigate the criminal recidivism policy of the Iraqi Penal Code No. 111 of 1969 (IPC) and the Iraqi Juvenile Welfare Act No. 76 of 1983 (IJWA).

#### **1.4 Purpose of the Research**

This study is chosen to examine the recidivism approach of the Iraqi criminal justice system and modify its policy and rules which provide desistance for criminals and to have them return to the community safely.

#### **1.5 Methodology of the Research**

In this research, we adopt descriptive-analytical methods to analyze the Iraqi Penal Code No. 111 of 1969 (IPC) and the Iraqi Juvenile Welfare Act No. 76 of 1983 (IJWA) codes.

#### **1.6 Research structure**

This research is divided into two chapters. The first chapter explores the concept of recidivism and its legal provisions and the second chapter deals with the criminal recidivism policy for adults and juveniles.

### **2. Chapter One: Concept of Recidivism**

Criminal justice policies adopt different criteria and approaches to establish the concept of recidivism. In this chapter, the definition and types of recidivism with the legal provisions that govern recidivism will be explained respectively.

#### **2.1 Definition of Recidivism**

Linguistically, the word recidivism came from a Latin word; *Re*, which means "back" and *Cadere*, which means "to fall" literary which means to "fall back". Generally, recidivism means a tendency to relapse into a previous condition or mode of behavior (Webster's Third New International Dictionary of the English Language, Unabridged, 1993:1895). Regarding the legal definition of recidivism, the Iraqi Penal Code No. 111 of 1969 (IPC) did not define recidivism, but the article 139-140 only it has set certain conditions for who is considered recidivist (Iraqi Penal Code,1969) Jurisprudentially, recidivism is being defined by criminologists as "repeated violation of social rules in which society is based upon". Recidivist, according to

criminologists, is whom violets social rules not legal rules, and previous judicial conviction is not required (Ramesses Behnam, 1970: 231) Criminologists have narrowed this concept of recidivism by adding judicial conviction as a pre-condition for the first crime in which was adopted by the third international conference of crime held in London (M., 1956). Yet, this concept of recidivism still does not require the subsequent violation to be violation of the legal rules. On the other hand, penologists have defined recidivism as "repeating crime after the punishment is implemented". Consequently, a previous conviction is not relevant unless it is implemented because the purpose of the penalty can only be achieved after its implementation. (Ahmad Habib Al-Sammak,1985:29). However, not implementing penalties does not imply that the criminal is not dangerous to society and implanting it does not mean all criminals will be rehabilitated (Connor, 2021:4). Due to such criticisms, penologists have narrowed the scope of their definition by requiring custodial penalties. Yet, it contradicts the new trend that concentrates on alternative penalties instead of custodial penalties, and it does not explain the suspended custodial penalties. Based on jurisprudences' definition and the conditions of the (IPC), recidivism can be defined as when a person commits one or more crimes, after s/he has been finally convicted for another crime. Hence, the legal definition takes a middle position between the concept of recidivism from the perspective of criminologists and penologists by making previous convictions as pre recondition for recidivism and not requiring implementation of the sentence.

It is worth noting that the recidivism concept sometimes might be mixed with a multiplicity of offenses. On the basis of the requirements, recidivism requires a previous conviction and then committing a new crime while the multiplicity of offenses occurs when an offender commits several offenses simultaneously or successively before being finally

convicted for one of them( (Iraqi Penal Code,1969:141-143; Ali Hussein Al-Khalaf,1954:72 ) In addition to that, the modern criminal law holds the view of that recidivist is more dangerous than who commits multiplicity of crimes because in the case of recidivism, unlike the case of multiplicity of crimes, although the criminal receives a warning from the judicial authority and s/he continues committing crimes. This indicates that the offender neither have been deterred nor rehabilitated (Ali Hussein Al-Khalaf, 1954:73) Regarding the punishment, legislations differ in dealing with both concepts. For a multiplicity of crimes, some legislations adopt consecutive sentences and others adopted concurrent sentences, while others have adopted mixed systems. The mixed system either makes concurrent sentence as general principle with multiplicity as an aggravating factor, or makes consecutive sentences a general principle and puts some restrictions on it (Ali Hussein Al-Khalaf,1954; Aḥmad Ḥabib Al-Sammak,1985). The latter is adopted by the Iraqi legislation in (Iraqi Penal Code,1969:141-143). On the other hand, recidivism is an aggravating factor and still is a matter of judicial discretionary power (Ahmed Ali Badawi, 2017: 803; Iraqi Penal Code 1969:141). Finally, despite the differences between recidivism and multiplicity of crimes, both might co-exists simultaneously. For instance, when a person commits a murder and be released from prison, then s/he commits several other crimes, both recidivism rules and multiplicity of offenses will be applied (Ali Hussein Al-Khalaf, 1954:74).

## **2.2 Types and Forms of Recidivism**

Recidivism has many types and forms. It is very valuable to be familiar with these types and forms because when the law requires certain types and forms to consider an offender recidivist, all its conditions shall be applied; or else, the perpetrator will not be considered recidivist and eventually is not considered as an aggravating factor even though s/he might be recidivist according to other types and forms.

Recidivism might be general or specific. General recidivism occurs when an offender commits another crime, regardless if it resembles the previous one or not (Fakhri Abdel-Razzaq, 2010;475). In the article 139-1 the (IPC) has stipulated this type when it considered a criminal recidivist if s/he commits a felony then s/he commits a felony or misdemeanor thereafter. Also, if a perpetrator commits a misdemeanor after that s/he commits a felony. While specific recidivism occurs when an offender commits another crime that resembles the previous one (Aḥmad Ḥabib Al-Sammak,1985:59). This resemblance might be in the form of exact criminal conduct, such as theft – theft, or it might be in the same categories of crimes such as – theft- fraud. The (IPC) in article 139-2 has adopted this type when it considered any sentenced person of misdemeanor and after that s/he commits misdemeanor thereafter as a recidivist. Moreover, recidivism might be permanent or temporary. Permanent recidivism occurs when the law requires reoffending the crime without restricting it in specific time i.e. no matter how long the offender commits second crime from his conviction or releasing from prison, s/he is considered recidivist (Abbas Al-Hasani,(1969-1970:331). This type is adopted by the (IPC). Meanwhile, Temporary recidivism happens when the law requires the second crime be committed after specific period either from the release or from the conviction (Abbas Al-Hasani,(1969-1970:331). This type of recidivism no longer exists in the (IPC); the Revolutionary Command Council Resolution No. 997 of 7/30/1978 stipulates that ((The Law of Rehabilitation No. (3) of 1967 is repealed... and no legal rules that contradicts this provisions of this decision is enforceable). In addition to the previous types, recidivism might be simple or repeated (Mustafa Abdel Mohsen, Hani Mustafa. 2012; 401-408). Simple recidivism occurs when a criminal recommits a crime after one previous conviction while repeated recidivism happens when a criminal recommits a

crime after more than one previous convictions (Abdullah Suleiman, 2009; 114\_117). The Iraqi penal provisions have stipulated only simple type of recidivism. Finally, recidivism might be intentional or unintentional. Intentional recidivism is a type of recidivism that law requires both crimes, previous and subsequent, be intentional to consider an offender recidivist. On the other hand, unintentional recidivism happens when the law does not require both crimes or one of them be intentional. Hence, it might both crimes be negligence, or previous crime be negligence and subsequent be intentional or vis versa. The (IPC) only adopted unintentional recidivism.

To constitutes forms of recidivism, all types of recidivism might come with general or specific type solely or together. To grasp all these forms, we divided recidivism into two main categories; general and specific recidivism as shown in the following tables:

**Table One: forms of recidivism - General recidivism based-**

	Types of recidivism	Permanent	Temporary	Simple	Repeated	Intentional	Unintentional
General recidivism	Forms of recidivism	General permanent	General temporary	General permanent simple	General permanent repeated	General permanent simple intentional	General permanent simple unintentional
				General temporary simple	General temporary repeated	General temporary simple intentional	General temporary simple unintentional
						General permanent repeated intentional	General permanent repeated unintentional
						General temporary repeated intentional	General temporary repeated unintentional

**Table Two: forms of recidivism - specific recidivism based-**

	Types of Recidivism	Permanent	Temporary	Simple	Repeated	Intentional	Unintentional
Specific recidivism	Forms of Recidivism	Specific permanent	Specific temporary	Specific permanent simple	Specific permanent repeated	Specific permanent simple intentional	Specific permanent simple unintentional
				Specific temporary simple	Specific temporary repeated	Specific temporary simple intentional	Specific temporary simple unintentional
						Specific permanent repeated intentional	Specific permanent repeated unintentional
							Specific temporary repeated unintentional

**2.3 Legal Provisions of Recidivism**

Many legal provisions govern recidivism including requirements, legal consequences and prove of

recidivism; these three will be explain accordingly.

**2.3.1 Requirements of Recidivism**

Based on the provisions of the (IPC)to consider a perpetrator recidivist, there are three main requirements: -

**First: previous conviction**

To consider a criminal recidivist, before committing new crime law requires previous conviction and this conviction must meet four main conditions:

- a. Conviction must be final, according to the article 16-2 of the (IPC) final judgment is meant all judgments in respect of which all statutory aspects of an appeal have been exhausted or the time limits for an appeal have expired. Even if the parties explicitly or implicitly waive the right to appeal, still the conviction will not be final till the time limit is exhausted (Mustafa Abdel Mohsen, Hani Mustafa. 2012; 393).

Conviction shall impose felony or misdemeanor punishment stipulated in the article 25 and 26 of the (IPC). Infractions is excluded.

- b. The judgment of a foreign court is not relevant in the application of the provisions of this recidivism unless it is issued for offences of counterfeiting or forgery of Iraqi or foreign currency (IPC, 1969: 139-3).
- c. Conviction must not be expired based on public amnesty, punishment suspension or be rehabilitated. The judgment remains valid and produces its legal effects in the event of a special amnesty or obsolescence Also, the implementation, either fully or partly, of the judgment is not required; As in the case of the trial in absentia or escaping criminal in the prison (Muhammad Ali Al-Salem. 2011; Ali Hussein al-Khalaf, Sultan Abdul Qadir al-Shawi.2015:451).

**Second: Reoffending Crime**

Offender after conviction must commit another crime, this crime must be independent from the first one. The criterion for this independency is reoffending

not to escape from the first punishment or its legal effects such as escaping from the prison. Even though this will be considering first crime for escape crime recidivism (Abboud Al-Sarraj,1992:421)

### **2.3.2 Legal Consequences of Recidivism**

Regarding to the legal consequences of recidivism almost all legislations agree on that recidivism is one of the aggravating factor but they vary in terms of if its considered obligatory for judge or matter of judicial discretion power to apply individualization punishment concept. The article 140 of the (IPC) consider it aggravating factor as matter of judicial discretion with some restrictions, in which stipulated " The court may, in the event of a further' offence as stipulated in the preceding Paragraph, impose a sentence greater than the maximum penalty prescribed by law provided that the increase in the penalty does not exceed half the maximum penalty. However, a term of imprisonment should not, under any circumstances, exceed 25 years and a period of detention should not exceed 10 years but First: If the penalty prescribed for the offence is imprisonment for a 'term of years without qualification, the court may impose a sentence of life imprisonment. Second: If the penalty prescribed for the offence is a fine the court may impose a period of detention.

Additionally, there are other legal effects such as not being allowed to be released on parole (Iraqi Criminal Procedure Code No. 23 of 1971: 331), and intentional recidivist is not covered by the public amnesty (General Amnesty Law in the Kurdistan Region - Iraq No. 4 of 2007:7).

### **2.3.3 Proof of Recidivism**

Finally, prove of recidivism is based on the criminal record by having criminal's fingerprint and other personal information by the department of criminal evidence (DCE). Mostafa. Kamel,1949:220; Iraqi Criminal Procedure Code No. 23 of 1971: 70). This department provides criminal record of the defendant to the court when the latter initiate investigation.

## **3. Chapter Two: Criminal Policy of Adults and Juveniles Recidivism**

Recidivism is one of the substantial challenges that faces criminal justice system because it negatively affects public safety, criminal rehabilitation and it has relevance to incarceration and other criminal justice costs. Despite reducing recidivism factors and having successful rehabilitation program, the effectiveness of criminal justice policy of recidivism is one of the most important approaches that desist criminals from reoffending (Johnson, n.d.). This chapter the focus will be on the Iraqi criminal policy of adults and juvenile's recidivism.

### **3.1 Criminal Recidivism Policy of Adults**

States all around the world, including the Iraqi criminal law, adopt different criminal justice policy to deal with recidivism concept. Even within one criminal policy in a specific state, legislators might adopt different types and forms of recidivism. The Iraqi Penal Code like most other laws stipulated recidivism as one of the aggravating factors. This is under the justification of that criminals whom reoffend are considered more dangerous than others and they shall be punished with harsher sentences. The (IPC) in the articles 139- 140 regulated recidivism and it adopted temporary types; It was based on the commission of a new crime before the expiry of the period prescribed for the legal rehabilitation of the criminal. However, the law of rehabilitation was abolished as mentioned previously. Thus, the temporary recidivism is no longer enforceable. Unfortunately, recommitting crimes is ongoing even with permanent type of recidivism. This implies that the recidivism provisions in the Iraqi legal system should be modified. Temporary type of recidivism shall be adopted to desist criminals from reoffending. Instead of making only harsher punishment as an approach to deter criminals, giving them hope with the opportunities of reintegrating into the society shall play role as well. This hope is achieved by adopting

temporary type of recidivism in which gives them positive mental health includes a sense of confidence and self-desist, self-rehabilitation. Also, criminals might violate the law and recommit crimes, but this reoffending might be because of other factors not necessarily because of their criminal intent to reoffend crimes (Anon, 2011). Hence, when a convicted criminal knows that if after some time of the implementation of sentence, they do not commit crimes then their conviction is no longer considered as previous conviction. On the other hand, opportunities for criminals is to provide convicted criminals the acquisition of new skills, employment and other reducing recidivism risk factors that help them to reintegrate safely into the society (Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders Criminal Justice Handbook Series, n.d,2012;Skustad, 2020) Noteworthy, temporary type of recidivism is not compatible for all types of crimes and criminals rather it shall be with conditions and restrictions. For felony which is punishable by death, life imprisonment or five to fifteen years of imprisonment, recidivism shall remain permanent because criminals whom commit felony are dangers to the society; We cannot risk to depend on self-rehabilitation of these types of criminals and put society under the threat of their criminal intentions and behaviors. For infractions which is punishable by detention for a period of between 24 hours and 3 months or a fine not exceeding 200000 IQD, recidivism shall not apply because infractions are petty crimes; Usually criminals whom commit them are not as dangerous as felony to the society. Finally, regarding to misdemeanors which is punishable by detention for a period of detention between three months to five years or a fine from 200000 IQD to 1000000 IQD, temporary recidivism shall apply because criminals whom commit misdemeanor are not as dangerous as whom commit felony to adopt permanent type of recidivism and their

crimes is not as petty as infraction crimes to exclude it (Iraqi fines Law amendment act No.6 2008).Thence, if a criminal commits a misdemeanor and relapses five years from the time of ending implementation of sentence, s/he did not commit any other felony or a misdemeanor then the crime s/he committed will be sealed for recidivism. But if s/he committed a felony or a misdemeanor during five years of ending implementation of punishment, then his criminal record will be provided to criminal courts to use its discretionary power to consider it an aggravating factor. In the case of committing a felony after a misdemeanor, the permeant felony rule is applied. This time limitation approach is based on the most studies have repeatedly found that the vast majority of those who recidivate do so within the first few years following their releases (Klinge, 2019:784; (Klinge, 2013:1029). Thus, criminals whom are dangerous, they will reoffend during the time limit and recidivism rule as aggravating factors is applied while whom are predicted or on edge to recommit crime, the self-rehabilitation concept shall desist them from committing another crime. Eventually, with criminals knowing that their criminal record will be sealed, it empowers predicted criminals of reoffending to rectitude and be righteous person instead of being recidivists (Bar, 1916;341).

### 3.2 Criminal Recidivism Policy of Juveniles

Age is one of the criteria that criminal justice policy relies on to determine the criminal responsibility of the offenders. A child, to a certain point of age, is not held responsible for crimes because they do not have, presumably, sufficient intellectual and moral development to distinguish between right and wrong acts; Eventually they lack the capacity of *Mens Rea* in which has become a mantra of the criminal law (Dressler, 2012:117) Because of the variety of cultures, societal norms, histories, economies, and climates, religions, there are much controversy about what should be the most appropriate age of criminal

responsibility. Hence, it is hard to establish an accepted standard of minimum criminal responsibility age globally (Article 40(3) of the CRC). The Iraqi Juvenile Welfare Act No. 76 of 1983 (IJWA) states that children whom have not completed the age of Nine and the age of Eleven-modified- in Kurdistan region are not criminally responsible. (IJWA:3 ; KRG Law No. 14 of 2001:2 ). Thus, whoever completed the previous ages is criminally responsible. Nonetheless, juvenile over the minimum age of criminal responsibility should not be subject to adult-oriented punishment because the presumption of lucks of *Mens Rea* diminishes as the age increases and it does not end instantaneously (Zimring,2000 :271-89). Rather they shall be punished with different and lighter punishment in which gets harsher by the diminishing of the presumption- lucks of *Mens Rea*. The (IJWA) has adopted this tendency in article (1) when it classified juveniles into two categories; a young minor aged (9-15) and a grown minor aged (16-18). This age categorization is essential because it imposes stricter sentence on grown minors than young minor which is compatible with the principle of *Mens Rea* increases when a child grows. Even though the (IJWA) did not address the juvenile recidivism, according to the Iraqi Criminal Procedure Code No. 23 of 1971(ICPC) the juvenile is excused from giving fingerprints for the investigation (ICPL,1971:242-B). Also, the (IPC) states that the provisions relating to reoffending do not apply to juveniles (IPC, 1969:78). Thus, whoever has completed the minimum age of criminal responsibility is excluded from the criminal record. The Juvenile Court in Duhok has asserted this in the case No. 11 / T / 2001 on April 4, 2001 when states that " upon examination and deliberation it was found that the referral decision is illegal in which is not allowed to have criminal record for juvenile during investigation and be linked to the referral decision...". Adherent to the concept of diminishing the presumption of lucks of *Mens Rea* when a child growth not only there should

be distinction between young minor and grown minor for punishment but also the purpose of recidivism. This is because unlike what was happening in the past many juveniles are reported to be involved in criminal activities which is caused by various factors. According to the latest research conducted in Duhok University/ Collage of Humanities department, from 2011-2020, (656) juveniles-most of them above 15 years- have committed crimes in Duhok provision. Moreover, adopting recidivism is in conformance with the purpose of the article (2-5) of the (IJWA) which aims to desist juveniles from recidivism. In addition to that, adopting recidivism rules on juveniles will desist them from recommitting crimes. This is drives from the concept of that beside the punishment and overcoming factors, temporary recidivism shall take rules in desisting criminals from reoffending. Therefore, recidivism concept shall apply on juveniles with some restrictions. Young minors aged between (9 in Iraq and 11 in Kurdistan region - 15) shall not be subject to recidivism rules because, unlike grown minors, their *Mens Rea* still is not to the point to distinct between good and bad behaviors. Grown minors aged between (15- 18) shall be subject to the recidivism such as article 17 of Egyptian Child Law No. 12 of 1996, amended by Law No. 126 of 2008, article 50 of the Lebanese Juvenile Law and most of the laws of the United States of America. If grown minors committed infractions, they should not be subject to recidivism. likewise, for misdemeanor for first conviction only. However, if grown minors committed felony and punished by more than six months according to (IJWA), then s/he commits another felony or a misdemeanor punishable by not less than six months (article 73-3 of IJWA), the recidivism rules shall be applied. This reoffending must be within three years of the implementation of sentence based on the previous researches that the vast majority of criminals reoffend during few years after their release. Finally, for adult and juvenile's recidivism if the punishment is

expired because of public amnesty or obsolescence the time limitation of recidivism should be doubled. This is because in these two cases criminals have not implanted their full sentences to rehabilitate and they shall be subject to longer time limit to complete the deterrence of rehabilitation. In terms of criminal record, for adults the criminal record will be sealed if the recidivism time limit passes without committing new crime by criminals while for juveniles the criminal record will be expunged.

#### 4. Conclusion

##### 4.1 Findings

- **First:** The Iraqi criminal law did not define recidivism but it has set certain conditions for whom are considered recidivist. Jurists have defined recidivism in different points of view. According to these points of view and the conditions of legal rules of recidivism, recidivism may be defined as "when a person commits one or more crimes, after s/he has been finally convicted for another crime".
- **Second:** Recidivism differs from multiplicity of offences by that recidivism requires previous conviction then committing new crime while multiplicity of offences requires committing several offences without being finally convicted for one of them.
- **Third:** Recidivism has many types including general-specific, permanent-temporary, simple-repeated and intentional-unintentional. All these types or some of them might come together to constitute forms of recidivism.
- **Four:** The (IPC) has adopted permanent type and juveniles have been excluded from criminal record.
- **Five:** The (IPC) like most other criminal laws considered recidivism as an aggravating factor-with matter of judicial discretion power to judge.
- **Six:** Prove of Recidivism' is based on based on taking criminal's fingerprint and other personal

information by (DCE).

##### 4.2 Recommendations:

- **First:** Temporary type of recidivism shall be adopted for adults to desist them from reoffending. During five years and this time if a convicted person of misdemeanor did not commit any felony or misdemeanor then his criminal record shall be sealed for recidivism. If the punishment is expired because of public amnesty or obsolescence the time limitation of recidivism should be doubled.
- **Second:** Recidivism rules shall apply on juveniles with some restrictions. Grown minors aged between (15- 18) shall be subject to the recidivism. If grown minors committed felony and punished by more than six months according to (IJWA), then s/he commits another felony or a misdemeanor punishable by not less than six months (article 73-3 of IJWA), the recidivism rules shall be applied. This reoffending must be within three years of the implementation of sentence. If the punishment is expired because of public amnesty or obsolescence the time limitation of recidivism should be doubled.
- **Third:** Modifying article 78 of the (IPC) to that the recidivism rules are applied on juveniles according to the (IJWA).
- **Four:** Modifying article 242-B of the (ICPL) to that fingerprint of grown minors according to the (IJWA) provisions of recidivism shall be taken.

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### 5.5 Legislations and Codes

1. Iraqi Penal Code No. 111 of 1969 (IPC)
2. Iraqi Criminal Procedure Code No. 23 of 1971(ICPC)
3. Iraqi Juvenile Welfare Act No. 76 of 1983 (IJWA)
4. Iraqi fines Law amendment act No. (6) 2008.
5. Juvenile delinquency in Lebanon law N0.422 2002
6. Egyptian Child Law No. 12 of 1996, amended by Law No. 126 of 2008.
7. Revolutionary Command Council Resolution No. 997 of 7/30/1978. 35. 3 Law No. 14 of 2001 of the Law Determining the Age of Criminal Responsibility in the Kurdistan Region of Iraq.