

In the Name of Allah, the Gracious, the Merciful

The Child Act, 2010

Be it hereby approved by the National Assembly, and signed by the President of the Republic, in accordance with the provisions of Interim constitution of the Republic of the Sudan, 2005 , the following Act :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, "Child Act, 2010", and shall come into force, as of the date of signature.

Repeal and saving

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 The Child Act, 2004 shall be repealed; provided that all the regulations and orders made thereunder shall remain in force, until revoked, or amended in accordance with the provisions of this Act.

Scope of application and prevalence of provisions of the Act

3. The provisions of this Act shall prevail over any other provision in any other law, upon inconsistency thereof, 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 prevented 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 one person, or another group, 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 laws;

"Remand Homes", mean the homes, provided for in section 59;

"Instruction Homes",	mean the homes, provided for in section 68(d);
"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, who is not above the age of eighteen years;
"Child Soldier",	means the Child, who does attain eighteen years of age, 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 his age is between fourteen and eighteen years;
"Vagrant Child",	means the Child, who is exposed to delinquency, by reason of his un-natural presence in 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 Court, provided for in section 62;
"Social probation officer"	means the probation officer specified by the court to undertake the duties provided for in section 82;
"Social Probation",	means the judicial measure, through which a delinquent Child is accommodated in the society;
"Prosecution Attorneys Bureau",	means the Child Prosecution Attorneys Bureau, provided for in section 60;
"Having special needs",	means any Child, who by reason of a bodily, kinetic, mental, visual or auditive disability, that affects him wholly or partially;

Family and Child

Protection Unit",

means the Police Force, concerning the protection of the Family and Child, provided for in section 54;

" Children development

Center "

means the children development center established by the Ministry according to the provisions of section 22;

"Child exposed to

Delinquency "

means the child who attained seven but not reaches twelve years, who is found in an environment endanger his moral, psychological, physical or instructional safety;

" Moral justice "

means the justice which concentrates on the rehabilitation of vagrant child and re accomodate him in the society, and deal with the victim in a way aiming to compensate him or the society on the damage suffered thereby ;

" community committees"

means the joint committees between the police force and the community of the area or village;

Ministry", means the Ministry responsible for the Child affairs;

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

Chapter II

General Principles

- 5.(1) In application of the provisions of this Act, and interpretation of the words and phrases, set out therein, guidance shall be resorted to the principles and provisions, set out in the Interim Constitution, 2005, the ratified international agreements, the policies, decisions and directives, laid down by the Council .
- (2) Without affecting the generality of the provisions of sub-section (1), the following general principles 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, in 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 discrimination;
- (d) the protection of the Child and his best 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 accommodation, 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 group, 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 or any other name in case of their denial;

- (h) a Child shall have the right not to change his name in the Birth Registers, where there is degrading thereto, insult of his dignity, or where the name is in contradiction of religious creeds;
- (i) a born Child shall have the right to extract a birth certificate thereto, in the form prepared therefore, 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 Penal Code, 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 aims at his social re-accommodation, and shall not criminally be responsible, unless he attains twelve years of his age, but shall be

subject to one of the care measures, in accordance with the provisions of this Act;

- (m) there shall be 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 right thereto shall not be renounced, where his parents refuse his custody.
- (p) the child homelessness is deemed to be considered in violation of the sound values of the community, and the state shall endeavour to prevent the reasons lead thereto, and reform the exiting ones.

Chapter III
Health Care
Application

6. In cases not expressly provided therefore in this Chapter, the provisions of the Public Health Act, 2008, and any other law concerning human health shall apply.

Right of Child to breast-feeding

7. (1) A Child has the right to breast-feeding, for the period of two years, other than particular cases specified by the physician;
- (2) The State shall grant a suckling working mother a maternity leave for a period, to be specified by the laws and regulations of 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 the decision shall set forth the diseases for the protection against which immunization is made; provided that the State shall strive to provide immunization aids.

- (2) Child immunization shall be a duty upon his parents, or the person under custody, or guardianship of whom the Child is placed.
- (3) A Child may be immunized by protective serums by a person physician 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 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 units 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 Child parent, or his guardian shall present the health card among the papers of the Child joining school, at the pre-university education stages; provided that the physician shall register therein the results of the periodical medical examination of the Child, and such as may occur in his health condition of diseases or afflictions; provided that it shall be kept in the school file.

Periodical medical examination procedure

12. The health authority, 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 the 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 right to primary health care

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

Children protected from infectious diseases and provision

of treatment free of charge in emergent cases

15. A Child shall have the right to protection from 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 submit themselves to examination, to prove their freedom of infections and hereditary diseases, in protection of the Child.

Children afflicted with 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 volatile substances to Children
prohibited

18. There shall be prohibited sale, use or distribution of volatile substances, such as rubber adhesive and other narcotic substances, or alcohol to Children except in necessity and for legitimate cause.

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 objectives :-
- (a) social care of Children, and development of their abilities and gifts;
 - (b) bodily, psychological, cultural and moral sound preparation of Children, 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) strengthening and development of social ties between Nurseries and Children families.

Employer bound to establish a Nursery

21. Every employer, who employs one hundred working women, 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) There shall be established, by the Ministry, 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 subsection (1), Children Centres shall have the following objectives :-
- (a) social, instructional and cultural care, through their leisure times and during holidays, and before the beginning of the school day and after its end;
 - (b) complementing the message of the family and school in the Child care, and assisting the working mother in protecting her Children, against bodily

- and psychological neglect, and protecting them, against exposure to delinquency;
- (c) preparing the chances for a Child to grow in an integrated way, from all bodily, mental and emotional sides, to acquire new skills and reach the greatest amount of development of his potential abilities;
 - (d) helping the Child to increase his study achievements, and knowledge and cultural comprehension;
 - (e) strengthening the ties between the Child Development Centre and the Child family;
 - (f) supplying the Child 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, to be entrusted with his care according to the provisions of Islamic Sharia and the non-Muslim status law 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 other 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. There shall be established 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, and the disabled and those of unknown parents.
- (4) The State shall endeavour to include, into the educational curricula, the following :-
- (a) the spiritual and 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 are degrading dignity;
 - (c) deprivation of attending the class, unless attendance of the pupil causes impediment to the progress of study;
 - (d) expulsion from the school during the progress of study .
- (2) The Ministry of Instruction and General Education shall specify such sanctions, as may be appropriate, for whoever contravenes the provisions of sub-section (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 Instruction and General Education may specify.

Chapter VI

Child Culture

Child cultural needs satisfied

31. There shall be guaranteed for the Child the satisfaction of his cultural needs, such as literature, knowledge and information, and the same shall be connected to values of the society, in a framework of human heritage and the modern scientific and technological advancement.

Libraries established

- 32.(1) libraries for the Child, shall be attached to at towns, quarters and villages.
- (2)The regulations shall specify the conditions and procedure of establishment of Child 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 visual or audio artistic works, 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, during the school day, and their entry shall be prohibited save they are accompanied with their parents or guardians .
- (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 responsible for 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, 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. Notwithstanding the provisions of sub-section (1), the Minister may exclude work of Children in agricultural works, which are not dangerous, or harmful to health.

- (2) A Child may join apprenticeship at industrial schools, and vocational education, and training institutes and centres, which are subject to the supervision of the State, where he attains fourteen years of his age.
- (3) In cases not expressly provided therefor in this Act, the provisions of the Labour Act, and the regulations made thereunder shall apply.

Works unhealthy to Child prohibited

37. There shall be prohibited works by its nature or for the circumstances around may damage child health, safety or moral conduct and the Minister of Labour or any person authorized by him shall specify these business or industries.

Medical examination conducted

- 38.(1) An employer shall conduct medical examination to working Children free of fees before joining work, to verify the extent of suitability of their bodily and health fitness for the required work.
- (2) The competent authority shall specify the medical approved body to conduct medical examination and issuing the required medical certificate.

Daily work hours

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

Leave

40. A working Child shall be entitled to a paid leave according to laws and regulations regulating the same.

Benefiting by social services

- 41.(1) A working Child may benefit by the workmen social services, which are compatible with his age.
- (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 manner, as the bodies of competence may specify, and train him on the manner of use of means of safety and vocational health, and control application thereof, and his benefiting by such means .

Child training

42. An employer shall not assign the working Child with work, placing him under the control 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 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 re-accommodation

- 44.(1) The competent body of demobilization and re-accommodation shall guarantee the design of special programmes for the demobilization of Child soldiers, and that in co-ordination with the bodies concerned (military, security institutions and the armed groups) for social and economical re-accommodation, and shall take a special care of the demobilized Child soldiers specially those having special needs, 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 re-accommodate 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. There shall be deemed committed an offence whoever:-
- (a) kidnapping of , traffic in and transfer any organ or organs of any child;
 - (b) rape of Children.
 - (c) sexual harassment or sexual abuse of Children .
 - (d) the production, circulation, publication, import, export, exhibition, sale or possession of pornographic materials, relating to the Child..
 - (e) employment of Children, for the purpose of sexual activities, for remuneration, or any of the forms of consideration.
 - (f) Photograph by any means any child exercises actually or by imitation express sexual activities, or photo genetals of a child for gratifying sexual lust.

Employment of Children in forced labour prohibited

46. (1) There shall be committed an offence whoever employ Children in traffic in slavery, 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) Whoever smuggle or assist in smuggling any child or children across borders for the purpose of forced labour, in traffic, compelling use, or use any form of violence .

Children re-accommodation and rehabilitation

- 47.(1)The Ministry shall take appropriate measures to achieve the physical and psychological rehabilitation, and social re-accommodation 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 punishment, or armed conflicts.
- (2) Such rehabilitation and re-accommodation shall be conducted in such environment, as may strengthen the Child health, and self and dignity respect.

Chapter X

Care of those Having Special Needs

Care and protection of a Child having a special need

- 48.(1) Subject to the National Disabled (Care and Rehabilitation) Act, 2009, or any law replacing it a Child having a special need 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 may impede his education, or prejudice his health or his bodily, mental, spiritual or social growth.
- (2) A Child having a special need shall have the right to rehabilitation, by rendering the social, psychological, medical and vocational services; and the facilitation means, which have to be provided therefore, without consideration, aiming at enabling him to overcome the effects arising out of his disability, 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.

Education for children having special need

- 49.(1) Children having special needs shall be re-accomodated in the different levels of education, depending on the extent of disability.
- (2). Developing and encouraging of training and vocational rehabilitation institutions for the children having special needs, and rehabilitate the existing centers.

- (3). There may be established schools and classes for teaching the children having special needs, as may be compatible with their abilities and readiness, as to such conditions and specifications as the Minister responsible of such education may specify.

Certificates granted

50. Every Child, from those having special needs, 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 qualified, in addition to any other data, as the Minister of Labour 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 having special needs, who has been rehabilitated, into a special register, upon notification from the body, which has rehabilitated him.

Employment of children having special needs

52. The Minister of Labour shall allocate jobs in the public sector for the children having special needs subject to the required scientific qualifications, and he shall encourage the public sector to employ them, subject to their qualifications.

Exemption from fees

53. The facilitation and assisting means, and means of transport, which are necessary for Children having special needs, shall be exempted from all types of custom fees , upon approval of the Minister of Finance and National Economy, upon recommendation of the Minister.

Chapter XI

Competent Justice and Judicial Organs

Family and Child Protection Unit

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

Functions of the Family and Child Protection Unit

- 55.(1) The Family and Child Protection Unit shall have competence to :-
- (a) conduct inquiries in the contraventions attributed to Children, in accordance with the provisions of this Act, or any other law;
 - (b) conduct inquiries in the contraventions and offences committed against children.

- (c) take such measures, as may ensure 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 and 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 aggrieved Children, upon what the inquiries and reasons for decision in the trial have reached;
- (f) conduct researches and statistics, by seeking the help of those specialized, 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, or whoever may deputize therefor, whoever may stand for him, his advocate or the social researcher from the Social and Psychological Service Office, referred thereto in section 57.

- (2) Notwithstanding the provisions of sub-section (1), due regard, upon the impossibility of attendance of the Child guardian, whoever may deputize, or stand therefore, a delegate of the social care shall be attended .

Social service office

57. (1) There shall be established social service offices within the family and child protection unit, and shall comprise of appropriate number of social and psychological researches, whether they are from the state employees or volunteers.
- (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 recommendation of the appropriate measure, which the Office deems necessary 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 procedure and measures, which 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 Unit.
- (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 Unit, upon arrest of the Child, shall, as far as possible, forthwith notify both, or one of his parents, his guardians, or those, who exercise supervision over him.
- (4) There may not :-
- (a) detain or kept any child upon his precautionary detention, with adult persons;
 - (b) detain the child in the Remand Homes for a term exceeding seven days.

Remand Homes

- 59.(1) The Ministry of interior shall establish Remand Homes, in accordance with the international standards to the children who are waiting inquiry or trait .
- (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 replacing it a Prosecution Attorneys Bureau, to be known as the, "Child Prosecution Attorneys Bureau", and shall have competence to supervise the inquiries, conducted by the Family and Child Protection Unit.
- (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 Bureau 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 the 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 law replacing it the Child Prosecution Attorneys Bureau shall have the following functions, to :-
- (1) supervise inquiries in Children cases, and direct inquiry therein;
 - (2) supervise the progress of the criminal suit;
 - (3) address charge in the offences, committed against, or by Children;
 - (4) conduct prosecution before the Court.
- (2) The child Prosecution Attorney Bureau shall transfer the cases to any competent bodies, to take whatever it deems necessary of measurements and procedures.

Child Court established

- 62.(1) There shall be established, under the Judiciary Act, 1986, or any other law replacing it a court, to be known as the, "Child Court".
- (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 Child.

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 and Psychological Service Office or the Child next-of-kin, with respect to 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 Bureau, 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 Court shall apply the procedure, concerning trial, provided for in this Act; and in case 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 said Court deems there is an interest of the Child therein.
- (3) A child shall not be tried, save in the attendance of a person deputed by the Social and Psychological 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, as far as possible; 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, bodily, 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 the suit, pending the examination being made, and receipt of a report thereon.
- (8) Where a Child and adults jointly commit one act, his trial shall be separated; and the Child shall not be brought in the criminal trial of the adults. Where the same is not possible, a representative thereof shall be appointed to attend the trial sittings.

Visit to remand and instruction homes

66. The prosecution attorney and magistrate of child court shall visit remand homes, instruction homes and social care institutions within their jurisdiction continuously to see Children arrested or convicted and any of them may take appropriate directives.

Sentences transferred from Criminal Courts to the Child Court

- 67.(1) A Criminal Court, in case of conviction of a Child, shall not pass any sentence, or measures against the Child, and shall send the record to the Child Court, or any body, as it may deem fit, to decide as the same may deem appropriate in respect thereof.

- (2) The Child 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) There shall not be taken any criminal proceedings against the children exposed to delinquency .
- (2) The Family and Child Prosecution Unit, the child prosecution attorney Bureau, social care or community committees, shall take the following reform measures against the child exposed to delinquency, namely :-
- (a) moral influence or social justice or any other appropriate methods subject to the recommendation of competent social or psychological expert;
 - (b) deliver him to his parents or one of them, guardian or whoever may be entrusted with his care;
 - (c) deliver him to the charity committee taking care of children or any other charitable body .
- (3) A written permission from the child court shall be obtained in order to implementation the measures mentioned in sub-section (2).

Reform measures for a delinquent Child

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

- (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, to the 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 and socially rehabilitate him.

Loding at 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(1)(d).

Youth Homes

72. The competent Minister shall establish Youth Homes, to be allocated for the delinquent children who attain the age of eighteen and did not finish the term of reform measurement in the instruction home.

Power of the Court to stop measures

73. The Court, at any time, according to the condition of the delinquent Child, may exempt from measures, by a grounded decision, if it is proved the righteousness of the delinquent child.

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 any reform measure taken in regard of the delinquent child.

Appeal

75.(1) The sentences and orders passed by the Child Court shall be subject to appeal before the Court of Appeal.

(2) The Child parents, his guardian, whoever may be entrusted with 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 Child 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 recommendation and the appropriate treatment thereof, and the body having competence on such treatment.
- (2) The Child Court shall pass the appropriate decision, in accordance with the recommendation of the 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 Child 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 limited to the lowest 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 persistence, and there is no other appropriate measure;
- (d) the sentence of whipping is not inflicted on the Child;
- (e) death sentence is not inflicted on the Child;
- (f) that the Child interest is the purpose of the measures, to be inflicted thereon.

Follow-up the execution of sentences

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

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

Secrecy of sittings

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

Transfer outside the judicial system

80. The Court may transfer the suit of the delinquent Child, to be treated by a social association, or institution, 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 the Child Court , such court shall assure 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) Notwithstanding any other rules, relating to burning cases papers, Children cases papers shall be burnt forthwith attainment thereby of the age of eighteen years.
- (4) Notwithstanding the provisions of any rules concerning the extermination of the papers of cases, the papers of the children cases shall be exterminated forthwith attainment the age of eighteen.

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, to :-

- (a) inquire into the conditions, pertaining to the delinquent Child, who is placed under Social Probation, and the condition of his family, the reasons of his delinquency and the ways of treatment thereof;
- (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 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 about the extent of enhancement of the delinquent Child placed under Social Probation;
- (g) visit Remand Homes, to know 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 the juvenile, 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 development and Probation work.

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 and 46, at all the stages of the judicial proceedings ; in particular the following :-

- (a) recognition of weakness of the victim Children, and adapt the proceedings, to render them recognize their special needs, including their special needs, as witnesses;
- (b) informing the victim Children of their rights, role, the progress of proceedings and the timing thereof and determination of their cases;
- (c) allowing the showing of 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) provision of the appropriate legal and social aid services to the victim Children, throughout the progress of the legal proceedings;

- (e) protection of privacy and identity of the victim Children, and taking the necessary measures, to avoid publication of such information, as can lead to recognize such victim Children;
 - (f) guaranteeing the protection of the victim Children, their families and witnesses, who testify to their benefit, against exposure to terrorism and revenge;
 - (g) avoidance of 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

Information 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, medical care or education, while he is able to provide the same , shall inform that to the nearest official authority.
- (2) The competent authority, which has been informed of the matter, under the provisions of sub-section (1), may summon the person, against whom the information 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 the provisions of sub-section (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 which the matter has been submitted may :-
- (a) issue any order, as it may issue under the provisions of this Act, or any other law;

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

Means of informing violations

- 85.(1) There shall be established a hot telephone line, or any other means of communication, to receive information, suits and complaints of any violation to any of the Child rights, set out in this Act, provided that the official authorities which receive the information shall be certain of the informant and his address.
- (2) The police shall establish a centre of receiving information , and co-ordination with the competent bodies, to intervene.
- (3) If it appears that there is a false information, the informant shall be tried under the criminal law .

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 , racetracks and instruments used.
- (b) sections 18, with imprisonment , for a term, not less than three months, or with fine, or with both;

- (c) sections 33, with imprisonment, for a term, not less than six month, or with fine, or with both;
- (d) sections 34, 35, and 36, and 37 with imprisonment, for a term, not less than one month, or with fine, or with both.
- (e) sections 45(a), with death penalty or for the term not exceeding twenty years and with fine;
- (f) section 45(b) with death penalty or with imprisonment for a term of twenty years and with fine;
- (g) section 45(c)(d)(e)(f)and section 46(1) with imprisonment for a term not exceeding fifteen years and with fine;
- (h) section 46(2) with imprisonment for a term not exceeding twenty years and with fine;
- (i) section 45 and 46 in addition to the imprisonment and the fine, ceasure and confiscation of property such as the materials used in the commission of the offence facilitates there in, and closing the premises used in the commission of the crime, and the court may allocate part of the fine to compensate the aggrieved persons

Power to make regulations, rules and orders

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