Compulsory Education Law No. 118 of 1976

Federal
Culture, Education and Higher Education

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Summary:
Education is an inherent human right, considered an applicable duty by Shari’a, enshrined in human rights and ensured by the provisional constitution of the Republic of Iraq in Article 27th. It is an instrumental tool for the rise and development of the nations, and the Arab nation has been in dire need of this tool to entrench national awareness among its people, to revive its rich heritage and renew and promote its culture, establish the foundations of academic and technical knowledge, and keep up with progress to attain comprehensive development and contribute to building humanity’s civilization.

Article 1
First – Primary education is free and compulsory for all children who complete six years of age at the start of the school year, or on the 31st of December of a given year.

Second – The State shall provide all resources necessary for this.

Third – The child’s guardian shall abide by enrolling the child in primary school upon completing the age provided for in the paragraph above and his commitment to continued school attendance, until the child completes the elementary phase or fifteen years of age.

For the purposes of this Law, the child’s guardian shall mean the child’s actual care-giver.

Article 2
First – The Ministry of Education is responsible for the primary education policy and for drafting plans to ensure it is compulsory, develop its technical aspects, and supervise education progress at the field level, all over the country in view of the set educational policy and in a complementary with the national development plans.
Second – The State’s departments and institutions, the public sector, and the popular and union organizations shall collaborate to attain compulsory education. They shall form the entities and organizations necessary for this, following the Ministry of Education’s instructions.

Article 3

The local administration shall provide the necessary financial and humanitarian resources for the implementation of the compulsory primary education plan according to the annual segments. These resources shall be made ready before the dates set out for implementation.

Article 4

The compulsory elementary education plan shall be funded from:

First – The general budget, by allocating sufficient funds to cover the administrative expenses of the local administration. The budget of the Ministry of Education shall be allocated all funds relevant to the technical aspects.

Second – The national development plan for covering the expenses, especially for school buildings and quality enhancement and renewal projects for the quality aspects.

Article 5

The Ministry shall develop, in cooperation with the local administration and the other stakeholders, a special plan for school buildings based on the compulsory education plan. The plan shall take into account providing school buildings according to educational, health and environmental models, standards and conditions, and their equitable distribution among population centres. The plan shall create the means to implement its programs sufficiently and promptly, in a manner that fulfils the objectives of this plan.

Article 6

The Ministry shall conduct research and studies relevant to compulsory education in order to identify and resolve field problems, increase the efficiency of education and adapt it to the needs of learners, society’s characteristics and demands of comprehensive development, and ensure the best employment of the available resources. To this end, it shall seek the assistance of Iraqi educational and psychological think tanks and universities.

Article 7

First – The education directorates shall, in cooperation with the competent entities and the contribution of educational committees in primary schools and popular and professional organizations, identify the children of a compulsory-education-age in the school year preceding the age of compulsory education, classified by the population centre to which they belong, and shall assign them to the schools closest to them.

Second – It shall announce the names of the children subject to compulsory education in the schools closest to them. The guardians shall be committed to visit those schools to register the children before the start of the summer vacation preceding their enrolment or during the summer vacation.

Third – The population census shall be used as the basis for assessing the segment of children subject to compulsory education and listing their names. The local administration may, in cooperation with the Central Statistics Organization and the Civil Status Affairs Directorate,
undertake a population censes for them and list their names at an appropriate time in among the timelines of the general population census.

Fourth – The school administration shall provide all registration requisites for students free of charge.

Fifth – The students covered by the provisions of this Law shall be exempt of revenue stamp fees.

**Article 8**

The elementary school administrations shall identify any cases of failure to enrol children according to their announced lists and any amendments made to them - additions or deletions. Action shall be taken to notify the guardians of the children and urge them to register the children, to continue their regular attendance, and to prevent them from dropping out. The administrations shall also notify both of the entities responsible for monitoring attendance, and the competent education directorate.

**Article 9**

This article was repealed in accordance with Article 1 of the First Amendment Law of the Compulsory Education Law No. 118/1976, No. 116, issued in 1987. It is replaced with the following text:

The Ministry of Education shall expand the opening of special education classes in the primary education phase in regular schools for slow learners, students with visual and hearing impairments, and other students who are not classified as students with disabilities, covered by the amended Social Welfare Law No. 126 of 1980, to ensure their education, care, guidance and capacity development to the required level.

**Article 10**

First – Compulsory education in the elementary stage shall be applied across the country at the start of the school year 1978 – 1979. This shall be announced in a statement by the Minister of Education and published in the Official Gazette, as well as by the main media outlets at least six months prior to this time. This shall mean that the guardians of children must fulfil their duties as provided for hereunder.

Second – The Ministry of Education shall organize, in cooperation with the Ministry of Media and the relevant popular and trade organizations, an awareness campaign after the publishing of the statement to apply compulsory elementary education.

**Article 11**

The Minister of Education may announce in a statement to be published in the Official Gazette and the main media outlets the application of compulsory elementary education in certain areas to be assigned altogether or consecutively in some governorates. These will be selected according to objective standards for the purposes of organization and to address and overcome problems, at a time or times preceding the application of compulsory education throughout the country. The statement must be published three months before the application date.

**Article 12:**

One week after the start of the academic year without enrolling in school the child included in the provisions of this Law, the school administration and faculty shall summon, in cooperation with
professional and trade organizations, the child’s guardian to persuade him to enrol the child in school and educate him on the duties and repercussions of this.

**Article 13**

First – The guardian (actual care-giver) looking after the child shall be punished with a fine of no more than one hundred dinars and no less than one dinar and/or imprisonment of no more than one month and no less than one week, in the event of a violation of any of the provisions of this Law.

Second – The punishment shall be imprisonment only in the event of a recurring violation of the provisions of this Law.

Third – The punishment may be absolutely suspended if the governor finds that the circumstances of the accused necessitate such violation, after a guarantee (bailout) is submitted to this effect.

**Article 14**

The following cases shall be exempted from the punishment provided for in Article 13:

First – A child with a disability preventing him from receiving an education in an ordinary school, when no special education for his case is available in a place nearby.

Second – An illness preventing the child from receiving an education in an ordinary school, or in a private school, supported by testimony from a medical committee.

**Article 15**

The Ministry of Education shall cooperate with the Ministry of Labour and Social Affairs to guarantee the enforcement of the legislative provisions on the prohibition of employing juveniles before turning fifteen years of age, and to subject the violators to the punishment provided for in the Labour Law.

**Article 16**

The Minister of Justice may, at the proposal of the Minister of Education, delegate to the heads of administrative units the powers of penal governors to enforce the provisions of this Law.

**Article 17**

Bylaws and instructions may be issued to facilitate the enforcement of the provisions of this Law.

**Article 18**

This Law shall be published in the Official Gazette, and its provisions shall be enforced by the Ministers.

Ahmad Hasan Al Baker
Chairman of the Revolutionary Command Council
Rationale

Education is an inherent human right, considered an applicable duty by Shari’a, enshrined in human rights and ensured by the provisional constitution of the Republic of Iraq in Article 27th. It is an instrumental tool for the rise and development of the nations, and the Arab nation has been in dire need of this tool to entrench national awareness among its people, to revive its rich heritage and renew and promote its culture, establish the foundations of academic and technical knowledge, and keep up with progress to attain comprehensive development and contribute to building humanity’s civilization.

Elementary education is the minimum that cannot be overlooked to establish that inherent right. It embodies the rational content of the principle of equal opportunity in childhood, which is of utmost importance as the foundation of the growth and development of the personality and the upbringing of the citizen as an effective member in the family, a productive element in society, and a good citizen in a nation fighting for its unity and progression. Building a modern army capable of benefitting from technical advancement for national defence can only be through an educated generation that realizes its responsibilities in the face of imperialistic and Zionist challenges.

Education supports the social development of women – especially in the rural areas; it disrupts and overcomes the main tributary of illiteracy, and curtails batches of illiterate populations. Many of our children have been denied this minimum level of education throughout many generations, in spite of the remarkable progress made in this area over the past few years. This seems clear especially among females in the rural areas, and necessitates working to ensure commitment to elementary education, where the State provides its resources and the citizens are committed to avail their children – male and female, of such an opportunity; thus, associating the rights with the duties in this area.

Education is a national mission and plays a role in social, economic, cultural and political transformations. It expedites the development process to create a socialist society, attain our democracy, and establish the right of all citizens to benefit from equal opportunities. This Law abides by the political report of the Eighth Country Conference of the Arab Socialist Baath Party, which reads “immediately initiating a compulsory education plan for the elementary level and paving the way for its implementation in the next five years across the country, to be followed by applying compulsory education in the intermediate level (lower high school), as part of a gradual and escalating plan.

For these reasons, this Law was promulgated.