



Official Gazette of Iraq

Al-Waqai' Al-Iraqiyya

الوقائع العراقية

وهقايعى عىراقى

الجريدة الرسمية لجمهورية العراق

رؤژنامهى فهرمى كؤمارى عىراق



تصدر عن وزارة العدل

وهزارهتى داد دهرى دهكات

Legislation

No. 7

Legal Assistance Law

No. (7) of 2024

قانون المساعدة القانونية

Translated in

Ministry Of Justice

Iraqi Official Gazette Department

Translation Section

2025



Laws

In the name of the people

Presidency of the Republic

RESOLUTION NO. (7)

Based on what had been approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided in April, 2, 2024 to promulgating the following law:

NO. (7) OF 2024

LEGAL ASSISTANCE LAW



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SECTION ONE OBJECTIVES AND VALIDITY

ARTICLE 1

This law aims to:

- First: Providing legal assistance to those covered by its provisions by providing legal advice or representation before courts and administrative authorities.
- Second: Raising legal awareness by informing citizens of their constitutional and legal rights.
- Third: Supporting the rights of groups covered by the provisions of this law by enabling them to resort to the judiciary to obtain their rights and defend their interests.
- Fourth: Preparing a guide for legal and judicial aid that includes informing citizens of their constitutional and legal rights and spreading legal awareness.
- Fifth: Coordinating with national, regional and international bodies and non-governmental organizations to improve the quality and provision of legal assistance .



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ARTICLE 2

This law shall be applied to:

First: The following categories, without verifying their financial capacity, and who wish to benefit from legal assistance:

- a. Those covered by the Social Protection Law.
- b. Residents of nursing and orphanage homes.
- c. People with disabilities and special needs.
- d. Victims of war operations, military errors and terrorist operations.
- e. The martyr's spouse and minor children, and the student and unmarried girl shall be considered minors

Second: The following categories, if they do not have the financial ability to pay the legal expenses and wish to benefit from legal assistant:

- a. Victims of sexual crimes.
- b. Victims of human trafficking.
- c. Victims of electronic blackmail.
- d. Migrant and displaced.



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- b. Director of the Legal Aid Centre Member and Vice President
- c. A representative of the following entities, with a rank not less than that of Director:
Members
1. Supreme Judicial Council.
 2. General Secretariat of the Council of Ministers.
 3. Ministry of finance.
 4. Ministry of justice.
- d. A representative of the Bar Association Member
- e. A representative of non-governmental organizations nominated by the Department of Non-Governmental Organizations in the General Secretariat of the Council of Ministers
Member

Second: The Council may host anyone whose opinion it deems necessary, without having the right to vote.

Third: The Legal Aid Council shall appoint a rapporteur for the Council who is responsible for notifying the dates of the Council's sessions and its agenda, recording its minutes, writing its correspondence and notifying them to the relevant parties, and following up on the implementation of the Council's decisions.

Fourth: The Council shall meet at least once a month upon invitation from the Chairman of the Council or his Deputy.

Fifth: The Council's sessions shall held in the presence of two-thirds of the members, including the President or his deputy. Decisions shall be taken with the approval of the majority of the Council's members, When the votes are equal, the side with which the President voted prevails.



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Sixth:

- a. Non-employee members of the Council shall be granted a monthly reward of (250,000) two hundred and fifty thousand dinars.
- b. The amount of the reward stipulated in paragraph (a) of this Item may be modified by a decision of the Council of Ministers.

ARTICLE 5

First: The Council shall undertake the following tasks:

- a. Developing plans and programmes to ensure that legal aid is provided in a comprehensive, flexible, sustainable and effective manner.
- b. determining priorities in the field of free legal aid based on available financial resources.
- c. Planning and managing the legal aid system and monitoring its provision to those covered.
- d. Supervising and following up on securing the requirements for legal aid.
- e. Approval of mechanisms for raising awareness of constitutional and legal rights, procedures for enjoying them, and guarantees for exercising them.
- f. Approval of plans and development of personnel working in the field of providing legal services.
- g. Seeking the assistance of experienced and specialized people and keeping up with legal developments in related to providing legal assistance in accordance with the law.
- h. Approval of contracts with lawyers and determination of their fees.



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i. Proposal for the Centre's annual budget project.

j. Approval to receive grants, subsidies and donations in accordance with the law.

Second: The Council may delegate some of its powers to the Chairman of the Council.

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SECTION THIRD SUBJECT OF LEGAL ASSISTANCE

ARTICLE 6

First: Legal assistance shall include the following:

- a. Raising awareness of constitutional and legal rights, procedures for enjoying them, and guarantees for their exercise.
- b. Providing legal advice.
- c. Amicable settlement between the parties to the dispute.
- d. Writing petitions, regulations and requests
- e. Representation before courts and other authorities.

Second: As an exception to the provision of Item (First) of this Article, legal aid shall not include the following:

- a. Those convicted under the Anti-Terrorism Law No. (13) of 2005 or any law replacing it.
- b. Those convicted under the Narcotics and Psychotropic Substances Law No. (50) of 2017 or any law replacing it.
- c. Those convicted of one of the crimes of financial and administrative corruption.



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- d. Commercial lawsuits.
- e. Tax-related lawsuits.
- f. The lawsuits that the Council of Ministers decides not to include, based on a proposal from the Council of Ministers, provided that the decision is published in the Official Gazette.



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SECTION FOUR CONTRACTING WITH LAWYERS

ARTICLE 7

First:

- a. Contracting with lawyers for the purpose of providing legal assistance to those covered by the provisions of this law shall be in coordination with the Bar Association.
- b. the controls for contracting with a lawyer and the amount of fees he receives in exchange for providing assistance and any other matters related to the relationship between the applicant for assistance, the center, the bar and the lawyer shall be regulated by instructions.
- c. Contracting with a lawyer for the purpose of providing legal assistance, with or without a fee, shall be exempted from the provisions that prevent a lawyer from combining the practice of the legal profession with work in government departments stipulated in the Advocacy Law No. (173) of 1965 or any law that replaces it.

Second: Contracting shall be with lawyers from those with experience and competence, and the Council may, in order to prove the competence and experience of the lawyer, assign the lawyer to submit copies of the judicial rulings and decisions issued in the lawsuits in which he/ she is assigned and linked to his/ her request or to the support of the courts before which he/ she pleads.



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Third: The Centre shall keep a register in which the names of the lawyers with whom the contract is made and the volunteer lawyers are recorded.

ARTICLE 8

The Legal Assistance Council may, when necessary, contract with a lawyer to represent it in a specific lawsuit or lawsuits in return for a fee.

ARTICLE 9

Contracting with a lawyer shall be for annual or monthly attorney fees regardless of the lawsuit he/ she is assigned to, or for fees for a specific lawsuit or lawsuits.



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SECTION FIVE VIOLATIONS

ARTICLE 10

Legal aid shall be cancelled at any stage of the lawsuits in one of the following cases:

First: If it is proven that the beneficiary who benefits from the service has resources due to beneficiary's lack of financial ability.

Second: If the beneficiary commits fraud or forgery in obtaining legal assistance.

ARTICLE 11

Any contractor or volunteer lawyer who refuses without an acceptable excuse to provide the legal assistance assigned to him/ her or neglects to perform this duty shall be punished in accordance with the disciplinary provisions stipulated in the Advocacy Law No. (173) of 1965 or any law replacing it.



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ARTICLE 12

- First: The legal assistance beneficiary, the court or the general prosecution shall inform the Legal Assistance Office or Centre of any violation committed by the lawyer responsible for providing the legal assistance service.
- Second: The Legal Assistance Office shall be responsible for conducting investigation in the violation committed by the lawyer responsible for providing the legal service. For this purpose, he/ she may request information from the concerned authorities and submit his/ her recommendation to the Council.
- Third: The lawyer's contract shall be terminated if it is proven that he/ she has a serious infringe in performing his/ her duty without prejudice to the Centre's right to compensation.

ARTICLE 13

- First: If it is proven that the legal assistance seeker has obtained the legal assistance based on the false information, the Legal Assistance Office shall cease it immediately if it is ongoing and refund the amounts paid without any right by a decision issued by the Legal Assistance Council, and the decision shall be appealable in accordance to the Law.
- Second: The provision of this Item (First) of this Article shall be applied to the expired assistance.
- Third: The amounts paid shall be refunded without any right in accordance to the Governmental Debt Collection Law No. (56) of 1977.



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Fourth: The Centre shall refrain from paying the fees of the legal assistance lawyer failing to provide it because of ill intention or submit it incompetently in some case or in case he/ she does not submit what supports that the case is decided or the legal assistance provision is continuing.



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SECTION SIX FINANCIAL PROVISIONS

ARTICLE 14

The lawyer may not take any return from the beneficiary for the legal assistance he/ she provides.

ARTICLE 15

The lawsuits and legal papers included by the provisions of this Law shall be exempt from the stamp duty.

ARTICLE 16

The Legal Assistance Centre shall be replaced with the beneficiary when the court rules in the favour of it regarding lawsuits costs, provided that these cost are not exceed the money paid.



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ARTICLE 17

The financial resources of the Centre shall be consisted of the following:

First: What is allocated to it in the federal general state budget.

Second: Subsidies, grants and donations in accordance with the Law

Third: The expenses awarded in favor of the legal assistance beneficiary.

ARTICLE 18

The Centre's accounts shall be subjected to the controlling and auditing of the Federal Financial Controlling Bureau. (This translation was suggested by us, as we find it more accurate to express the function of this Bureau. Their approved translation: Federal Audit Bureau. Translators).



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SECTION SEVEN FINAL PROVISIONS

ARTICLE 19

First: Regulations to facilitate the implementation of this Law shall be issued based on the proposal of the Legal Assistance Council and approval of the High Commission for Human Rights

Second: The formations of the Centre and their tasks in accordance with what is stipulated in this Law shall be determined by a bylaw issued by the Legal Assistance Centre.

ARTICLE 20

The member of the Parliament may refer the applications of the categories eligible for the legal assistance as they are included by the provisions of this Law and the Legal Assistance Centre shall consider their inclusion of the (legal) assistance.



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ARTICLE 21

This Law shall be entered into force as of the date of its publication in the Official Gazette.

Abdullatif Jamal Rasheed,

The President of the Republic